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# LEGAL SERVICES PROGRAM OF THE OFFICE OF ECONOMIC OPPORTUNITY

DOCUMENTS

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THE UNIVERSITY  
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## HEARINGS

BEFORE THE

SUBCOMMITTEE ON  
EMPLOYMENT, MANPOWER, AND POVERTY

OF THE

COMMITTEE ON  
LABOR AND PUBLIC WELFARE

UNITED STATES SENATE

NINETY-FIRST CONGRESS

SECOND SESSION

ON

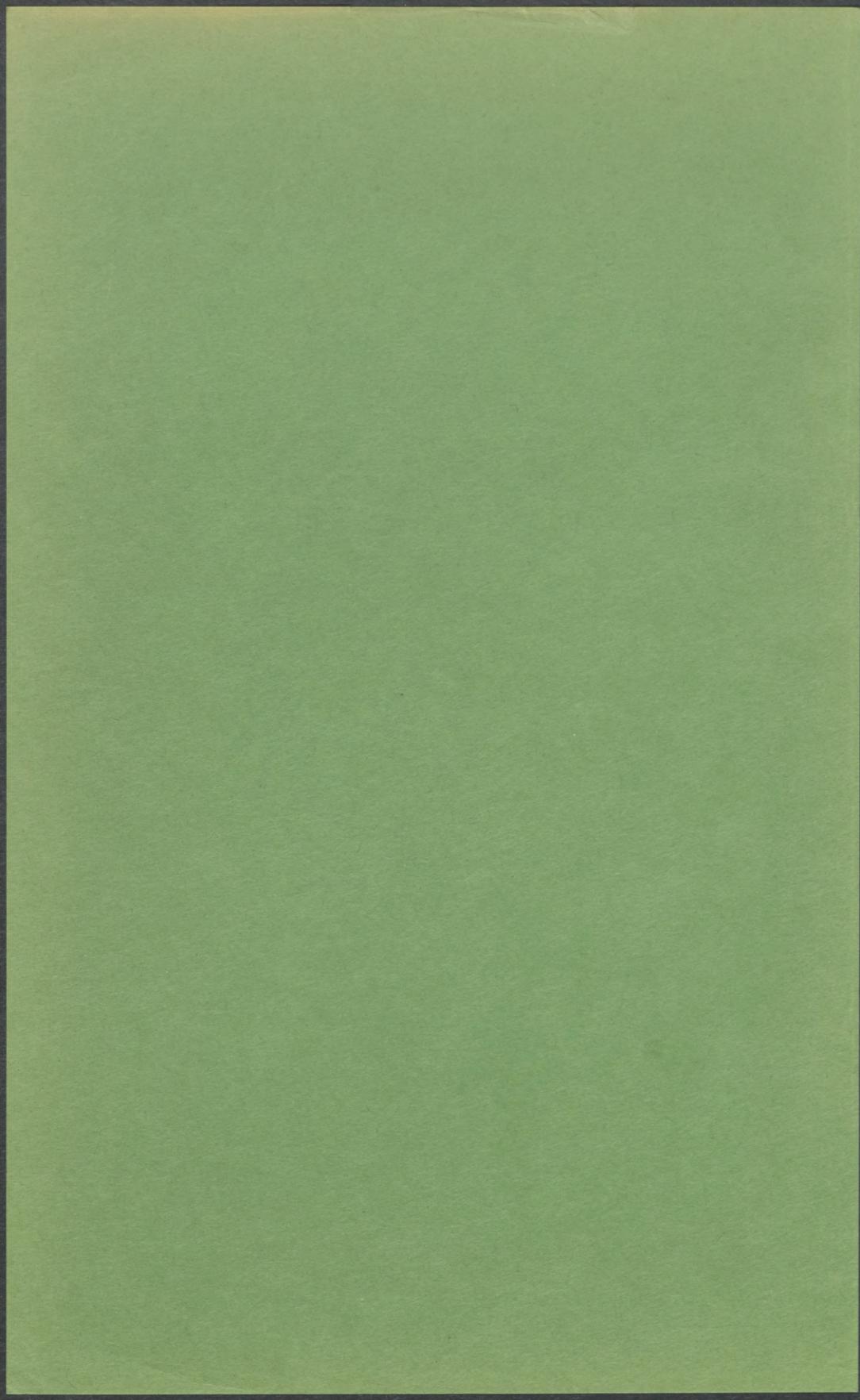
LEGAL SERVICES PROGRAM OF THE OFFICE OF  
ECONOMIC OPPORTUNITY

OCTOBER 7 AND 9, 1970

Printed for the use of the Committee on Labor and Public Welfare

PART 2





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U.S. GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1971

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# CONTENTS

## CHRONOLOGICAL LIST OF WITNESSES

WEDNESDAY, OCTOBER 7, 1970

Rumsfeld, Donald, Director, Office of Economic Opportunity; accompanied by Terry F. Lenzner, Director, Legal Services-----	Page 111
Javits, Hon. Jacob K., a U.S. Senator from the State of New York-----	120
Cummiskey, John W., Grand Rapids, Mich., representing the American Bar Association; Donald Stocks, Washington, D.C., executive director, National Bar Foundation; and Dean E. Clinton Bamberger, Washington, D.C., Catholic University Law School, representing National Legal Aid and Defenders Association; comprising a panel-----	140

FRIDAY, OCTOBER 9, 1970

Reynoso, Cruz, San Francisco, Calif., director of California rural legal assistance program, representing Mexican-American Bar Association--	183
Dugan, David H., director, Camden, N.J., Legal Services Corp., representing Poverty Lawyers for Effective Advocacy (PLEA)-----	190
Cook, Willie, Neighborhood Legal Services, Washington, D.C., representing Reginald Heber Smith caucus-----	200
Spangenberg, Robert L., director, Boston (Mass.) legal assistance project, representing Project Advisery Group (PAG)-----	203
Moore, George W., Brooklyn, N.Y., representing OEO Legal Services National Clients Council, accompanied by John J. McGonagle, Esq., Urban Law Institute, and Edgar S. Cahn, Esq., Citizens Advocate Center-----	218
Hannum, Mrs. Edwin, Member, Committee on Human Resources, League of Women Voters' National Board-----	225

### STATEMENTS

Cook, Willie, Neighborhood Legal Services, Washington, D.C., representing Reginald Heber Smith caucus-----	200
Cummiskey, John W., Grand Rapids, Mich., representing the American Bar Association; Donald Stocks, Washington, D.C., executive director, National Bar Foundation; and Dean E. Clinton Bamberger, Washington, D.C., Catholic University Law School, representing National Legal Aid and Defenders Association; comprising a panel-----	140
Prepared statement-----	165
Dugan, David H., director, Camden, N.J., Legal Services Corp., representing Poverty Lawyers for Effective Advocacy (PLEA)-----	190
Prepared statement-----	192
Hannum, Mrs. Erwin, member, Committee on Human Resources, League of Women Voters' National Board-----	225
Prepared statement-----	227
Javits, Hon. Jacob K., a U.S. Senator from the State of New York-----	120
Jones, Frank N., upon removal as Deputy Associate Director of the Office of Legal Services of the Office of Economic Opportunity-----	367
League of Women Voters of the United States, Washington, D.C.-----	282
Lenzner, Terry F., upon removal as Director of Legal Services, Office of Economic Opportunity-----	363
McKenzie, Taylor, M.D., president, Dinebeina Nahiilna Agaditahe, a legal service program for the Navaho, Window Rock, Ariz.-----	233
Moore, George W., Brooklyn, N.Y., representing OEO Legal Services National Clients Council, accompanied by John J. McGonagle, Esq., Urban Law Institute, and Edgar S. Cahn, Esq., Citizens Advocate Center-----	218

IV

	Page
National Conference of Black Lawyers, New York, N.Y.-----	289
National Staff of the Office of Legal Services, OEO, and the OEO Legal Services Regional Directors, regarding the dismissal of Terry F. Lenzner and Frank N. Jones-----	376
National Tenants Organization, Inc., Washington, D.C.-----	277
Neier, Aryeh, executive director, American Civil Liberties Union-----	293
Reynoso, Cruz, San Francisco, Calif., director of California rural legal assistance program, representing Mexican-American Bar Association-----	183
Prepared statement-----	186
Robb, John D., chairman, ABA Standing Committee on Legal Aid and Indigent Defendants-----	238
Rumsfeld, Donald, Director, Office of Economic Opportunity; accompanied by Terry F. Lenzner, Director, Legal Services-----	111
Spangenberg, Robert L., director, Boston (Mass.) legal assistance project, representing Project Advisory Group (PAG)-----	203

ADDITIONAL INFORMATION

Articles, publications, etc.:	
". . . And Saving Legal Services," from the New York Times, October 6, 1970-----	126
Director of Office of Economic Opportunity, recommendations to Donald Rumsfeld appoints Terry F. Lenzner to be Director of Legal Services program-----	249
"I.R.S. To Restudy Tax-Exempt Units," by Eileen Shanahan, from the New York Times, October 9, 1970-----	170
Legal Services Office of the Office of Economic Opportunity Information-----	177
-----	336
Communications to:	
Cranston, Hon. Alan, a U.S. Senator from the State of California, from Wesley L. Hjernevik, Deputy Director, Office of Economic Opportunity, November 16, 1970, with enclosure-----	128
Hjernevik, Wesley, Deputy Director of Office of Economic Opportunity from Frank Carlucci, Assistant Director for Operations, Office of Economic Opportunity, June 8, 1970-----	145
Lenzner, Terry, Director of Legal Services, from Wesley L. Hjernevik, Deputy Director, Office of Economic Opportunity, Executive Office of the President, Washington, D.C., August 12, 1970-----	180
Rumsfeld, Donald, Office of Economic Opportunity, Executive Office of the President, Washington, D.C., from:	
Bell, Edward F., president, National Bar Association, October 13, 1970-----	154
Joiner, Charles W., president, State Bar of Michigan, September 24, 1970, with enclosure-----	162
Shriver, Hon. Sargent, Director, Office of Economic Opportunity, Executive Office of the President, Washington, D.C., from Jacob D. Fuchsberg, president, Roscoe Pound, American Trial Lawyers Foundation, Boston, Mass., November 20, 1967-----	141
Yarborough, Hon. Ralph, a U.S. Senator from the State of Texas, from Donald Rumsfeld, Director, Office of Economic Opportunity, Executive Office of the President, Washington, D.C., November 20, 1970--	139
Resolution:	
Executive Committee of the National Legal Aid and Defenders Association, September 23, 1970-----	147

APPENDIX

Articles, letters, editorials, resolutions, and other pertinent material submitted for the record-----	238-567
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# LEGAL SERVICES PROGRAM OF THE OFFICE OF ECONOMIC OPPORTUNITY

WEDNESDAY, OCTOBER 7, 1970

U.S. SENATE,  
SUBCOMMITTEE ON EMPLOYMENT, MANPOWER  
AND POVERTY OF THE COMMITTEE  
ON LABOR AND PUBLIC WELFARE,  
*Washington, D.C.*

The subcommittee met at 10 a.m., pursuant to notice, in room 1224, New Senate Office Building, Senator Walter F. Mondale, presiding pro tempore.

Present: Senators Mondale, Cranston, and Javits.

Committee Staff present: William R. Bechtel, professional staff member; Richard Johnson, counsel; John K. Scales, minority counsel.

Senator MONDALE. The committee will come to order.

The Senate Subcommittee on Employment, Manpower, and Poverty, charged with the responsibility of reviewing programs under the Economic Opportunity Act, is holding these hearings to review the administrative structure of the Legal Services program and to explore alternatives presently being considered by OEO. We plan to hear testimony from OEO, from representatives of the private bar, from Legal Services attorneys, and from clients being served by the program to determine whether effective legal representation is being delivered in a manner consistent with the OEO statutory mandate, the Professional Canons of Ethics, and the best interests of the poor.

In addition to the 2 days of hearings presently planned, it is our intention to hold subsequent hearings in order to continue to explore what we consider to be a matter of paramount concern.

In preparation for these hearings, the subcommittee circulated a questionnaire to over 280 legal service programs across the country to obtain data on the operation of their programs. The responses to these questionnaires, which will be made a part of this hearing record, indicate that legal services attorneys are increasingly alarmed at recent threats to their professional independence and integrity as lawyers.

The necessity for an effective, and therefore independent, legal services program has been uniformly recognized. The statutory language of the act makes this clear, as does previous testimony of the directors of OEO and members of the private bars. Most recently, President Nixon reiterated this sentiment when he announced the strengthening of the Legal Services program and its elevation to a position reporting directly to the Director of OEO. On August 11, 1969, the President said:

The Office of Legal Services will also be strengthened and elevated so that it reports directly to the Director. It will take on central responsibility for programs which help provide advocates for the poor in their dealings with social

institutions. The sluggishness of many institutions—at all levels of society—in responding to the needs of individual citizens is one of the central problems of our times. Disadvantaged persons in particular must be assisted so that they fully understand the lawful means of making their needs known and having those needs met. This goal will be better served by a separate Legal Services Program, one which can test new approaches to this important challenge.

During the 5 years of its existence, the legal services program has been both controversial and extremely effective. One measure of its effectiveness is the confidence developing in the poverty communities across the country that quality legal representation is available to individuals who previously were excluded from the judicial system. This developing confidence and trust is based on a belief that they—just like more affluent citizens—have attorneys who are accountable in their professional conduct only to them, to the bar, and to the courts, and not to outside political pressures. This feeling of being able to participate meaningfully in the system has further implications. As all of the recent commissions on violence and unrest point out, confidence in the efficacy of the system is the basis for any strategy of public order.

It is primarily because legal services has not betrayed this confidence of its clients in the past that it has come under so much attack from those segments of society disgruntled at old laws being changed and the rights of previously unrepresented individuals being upheld. Stories of the pressures being exerted to prevent refunding of specific projects have been amply reported in the hearings of this subcommittee in previous years.

To a large extent, the individual programs and legal services as a whole have been able to withstand these pressures because of their independence—independence from local political control, and the independence to represent their clients in a manner consistent with the highest standards of the legal profession, and without compromising the canons of ethics and the attorney-client relationship.

The history of the legal services program has been marked by attempts to limit its independence and integrity. Just recently, Congress rejected an effort to weaken the program. Yet several plans being experimented with by OEO could accomplish administratively what Congress refused to accept. These "State plans" could turn over control of the legal service program to Governors and to their staffs. Such an arrangement presents inherent conflicts of interest for legal services programs; it also threatens the independence of a program created to meet the needs of the poor and to be their trusted advocate within the legislative and judicial branches of State and Federal Government.

Ultimately, we must decide whether we shall continue to have available, legal advocates for the poor who will continue to effectively redress their grievances through lawful channels—or whether we shall, under the guise of administrative efficiency, destroy the integrity and independence of legal services, once again closing the legal system to the poor.

I think you know, Mr. Director, and I think my view is shared by many members of this committee and of the Senate, that perhaps the most effective poverty program, dollar for dollar, is the OEO legal services program. It has probably caused more hope and trust in the system and more basic legal reform per dollar than has any other program.

There is no program, in my opinion, which has excited the establishment as much. The American Bar Association—hardly an organization committed to anarchy—has performed magnificently in the defense of this program, not only at the national level but particularly with local programs that have been in trouble. The Association of American Law Schools and the private bar have also vigorously defended this program. I have been terribly impressed by the way that this program has been able to excite the gifted young attorney. I have heard story after story about recruiting attorneys for the Legal Services program. They are able to cream the class. They are able to beat the best law firms in the country because these young people believe that legal services is an honest program that will permit them to assert on behalf of the poor, the same rights that they could have asserted if the poor had been rich.

It is that opportunity to be a part of social reform—of legal reform within the system on an honest basis—which I think is the most exciting aspect of this program. It is an opportunity which some of us very much hope will not be diminished in any respect.

In that spirit, we are most delighted to have you here with us this morning.

**STATEMENT OF DONALD RUMSFELD, DIRECTOR, OFFICE OF ECONOMIC OPPORTUNITY; ACCOMPANIED BY TERRY F. LENZNER, DIRECTOR, LEGAL SERVICES**

Mr. RUMSFELD. Thank you, Senator Mondale. It is a pleasure to appear before the committee.

I discovered in recent weeks that there is a good deal of misunderstanding and, unfortunately, misinformation surrounding the subject. I hope that this hearing will provide at least some opportunity for a better understanding of the matter.

I join you in praising the American Bar Association and the NLADA, and other professional organizations for their vigorous support and encouragement of this program over the years. I fully agree we have among the attorneys throughout the country a truly outstanding group of talented professionals who are performing a great service for the poor of this country as well as for the country as a whole.

Unfortunately, I don't have a copy of your opening statement, Senator, but you did say some things that I would say as Director of the agency are inaccurate and I might begin by addressing those.

You indicated that in OEO there is some proposal or plan to turn over legal services to Governors and their staffs and you mentioned State plans, and, I hope I am quoting accurately, that would accomplish what in effect other efforts attempted and failed to do. That is just not true.

Senator MONDALE. You have the floor.

Mr. RUMSFELD. There is periodic reference to an Oklahoma plan which does not involve the legal services program and there are, to my knowledge, no plans, or even any proposals, in the agency that would turn legal services over to Governors and mayors.

I would think if such plans surfaced that my reaction would be very similar to what it was last year when it was proposed in the

U.S. Senate. I indicated then, as I believe now, that it was not a desirable approach from the standpoint of the poor.

Senator MONDALE. You opposed and will oppose transferring Legal Services over to States, placed under their control?

Mr. RUMSFELD. Beyond that, there isn't any proposal to do it.

Senator MONDALE. I think that is a stronger answer, if I may say so, than the one you gave to Senator Nelson. I am glad to hear what you just said.

Mr. RUMSFELD. When I became Director, the Legal Services program was organizationally a part of the Community Action program. In my judgment, it was understaffed in headquarters and in the regions.

When Mr. Lenzner, who is here with me, became Director, his judgment was that the management systems were either inadequate or nonexistent.

The basic information that he felt he needed to manage the program did not exist in a usable form and there was clearly insufficient manpower to institute the necessary management controls.

At that time, I made a decision to temporarily centralize the operations of Legal Services in Washington for the period of time necessary to develop the required management procedures. At that time, it was my intent that when the reorganization process was complete and when the program was in order, it would again be handled in a way similar to other operational programs.

Since that time, management of Legal Services has improved. The program has established a grants management procedure and now has in place its first uniform, systematic evaluation plan. We have increased staff—both at headquarters and in the regions.

We are now reviewing how the program may best be managed. The period of consolidation and reorganization begun last July is complete. The question that remains is what arrangement will provide the best management of the program from the standpoint of the poor.

Under the present arrangement, responsibility for funding decisions, evaluations, monitoring, technical assistance, program policy and the like is lodged in the headquarters legal services office. It may well be desirable to move responsibility for one or more of those activities to the agency's Federal regional directors who are charged with the principal responsibility for the operational programs in their regions and who, one would hope, would have more information about local situations than Federal officials located in Washington. The question we are addressing is how best to involve these Federal regional directors in the management of headquarters-funded operational programs.

We have made no final decisions on how this should be accomplished or the precise nature of the new management structure that will be instituted. We are studying the question. The agency is addressing this issue in a series of meetings with both regional and headquarters staff. Also, a subcommittee of the Legal Services National Advisory Committee is studying the issue.

The confusion about this subject was highlighted during a meeting I had not long ago. During the course of our discussion, I discovered that one young man was convinced that so-called regionalization of legal services meant turning the program over to regional commissions, like the Appalachian Regional Commission. Obviously, this is not

the case. Another was convinced, inaccurately, that it meant turning the program over to State Governors and their State regional planning districts. Another erroneously thought it would place legal services control with mayors. I have found similar confusion with other groups as well.

Consequently, I welcome the opportunity to meet with this committee and comment on this subject. Once there is a common understanding of what is being considered, the fears expressed should prove to be unfounded.

In the first place, in my judgment, none can legitimately question the support of the administration, nor of this Agency, for an effective legal services program.

Senator MONDALE. I think at this point one of the finest aspects of your administration has been the courage you have shown supporting the legal services program. That is why we are worried here.

Mr. RUMSFELD. I would like to underline it with a few statistics. The new obligational authority has gone from \$46 to \$61 million. The caseload has gone from 610,000 up to an estimated 1.2 million in 1971. The cost per case has been going down since 1969 from \$75 down to \$59.

Senator MONDALE. You say the current year's budget will be \$61 million?

Mr. RUMSFELD. We don't know, of course, but we still don't have our appropriations from the U.S. Senate.

Senator MONDALE. We tried once.

Mr. RUMSFELD. At some point we hope the Senate will pass our appropriations and then we will be able to make some decisions. The Appropriations Committee has not passed it.

Senator MONDALE. How much do you program for next year?

Mr. RUMSFELD. Next year being fiscal 1972?

That is in the very beginning of processing.

Senator MONDALE. Do you estimate a continued level of funding there?

Mr. RUMSFELD. I would not even want to speculate on it. It is in the very early stages. It is interesting to note that as the number of poor people has gone down and as the number of cases for the program has gone up, we find that an estimate can be made that in 1969 the legal services program was reaching something like 14 percent of the estimated universe of need. Today, in fiscal year 1971, it will be reaching an estimated 28 percent of the universe of need which is twice the fiscal year 1969 impact. I think this is important to appreciate in terms of where we are and where we have been.

Senator MONDALE. Let me just interrupt once again. At that point I applaud your efforts; and, as you know, some of us up here in the Senate have been fighting very hard to increase the authorization and then to increase the appropriations and to keep its independence. We want to avoid its delegation so that from a standpoint of funding it continues to grow and from the standpoint of independence it continues to attract the best young attorneys and bring the kinds of lawsuits that are the most important. To this point, I have nothing but the kindest words for your performance and have said so and I am glad to say so this morning.

Mr. RUMSFELD. Thank you.

One of my first actions, little over a month after I became Director, was to establish Legal Services as a separate office within the agency, with an Associate Director reporting to me. As I stated at that time:

The legal services program has come to symbolize much of the mission of this agency; justice for effective advocacy on behalf of the poor and orderly institutional change within the framework of the legal system.

In August 1969, the President issued a message on the Office of Economic Opportunity in which he paid tribute to legal services, assigning it "central responsibility for programs which help provide advocates for the poor in their dealings with social institutions."

The President said:

The sluggishness of many institutions—at all levels of society, in responding to the needs of individual citizens is one of the central problems of our time. Disadvantaged persons in particular must be assisted so that they fully understand the lawful means of making their needs known and having those needs met. This goal will be better served by a separate legal services program, one which can test new approaches to this important challenge.

When one talks of regionalization of legal services, or of decentralization, it is not a matter of weakening or diminishing its influence, or changing policy, but rather improved ways of administering the program, so it may be even more successful.

This committee is familiar with the Agency's reorganization plan which was put into effect in August of last year. That reorganization was instituted for the purpose of improving the agency's management capability. I can say now, a year later, that the Office of Economic Opportunity is managing its resources in a more efficient manner and that we are more effectively delivering the programs to the poor.

A principal element in the reorganization was the establishment of the Office of Operations which administers the Agency's field activities through 10 Federal regional directors who report to the Assistant Director for Operations. This office was created for three reasons:

- (1) To provide for a separation of the activities involved in operational programs as distinct from those involved in developmental, research, or demonstration programs;
- (2) To insure that greater support is provided to community action agencies and other local organizations; and
- (3) To insure more effective management for the new 10-region structure—which was required for all offices.

The Office of Operations consolidated in one office the activities of the field-related operational activities.

One of the problems faced by Government today is how to manage resources in a way that maximizes their impact and avoids burgeoning bureaucracy.

The Office of Economic Opportunity has 10 regional directors to direct the activities of the Federal regional offices. We have made continuing and intensive efforts to involve these regional directors in the formulation and implementation of agency policy. This has improved our capacity to manage the resources available. What we have achieved is an integrated management operation in which the 10 Federal regional offices, through the Office of Operations, can more efficiently carry out the policies of the agency. This process, whether one calls it "decentralization" or "regionalization," is in some in-

stances a useful way of managing a large operational system of government.

I should also say a word about the notion of "independence" as it applies to legal services. There is a distinction to be drawn between, on the one hand, the freedom of legal services attorneys to exercise their professional judgment in representing clients and, on the other hand, the manner in which the programs activities are managed by Federal employees, whether located in the Washington headquarters offices or in the Federal regional offices.

There is no question but that legal services programs exercise their professional responsibilities as lawyers, subject, of course, to the restraints imposed by Federal statute, Federal regulations, policies established by the boards of directors of the local programs and the canons of ethics. However, this has no relationship to questions involving the management structure used by the Agency in administering the program.

By statute, the Director of OEO bears the responsibility for formulating and carrying out the policies under which the program will operate. He should, in my judgment, carry out those responsibilities utilizing management structure which judgment will best serve the poor.

I can assure the committee that the structure selected for managing legal services will be one designed to continue the program as an effective one on behalf of the poor and that it will insure the program's continued operation in a manner consistent with the highest traditions of the legal profession.

I would guess that some questions and answers might further clarify this matter.

To conclude, I must say it has been amazing to me to see the undercurrent of question that has developed on this issue. It is distressing, and I very much value this chance to discuss it with you in an open forum as I have discussed it in the National Advisory Committee to the legal services programs and other groups that have been interested.

Senator MONDALE. I think that is right, and the concern is expressed by very responsible sources such as the American Bar Association. In my State, the State bar association passed a resolution objecting to regionalization, and there has been an almost unanimous objection by your own attorneys at the local level. So it is necessary that we have this discussion to find out precisely what you are planning to do, and what those plans involve in terms of the future of the legal services program.

Mr. RUMSFELD. What amazes me is how people could pass resolutions or express unanimous opposition to something unless they are able to reasonably precisely indicate what it is they are opposed to. The way I look at this question is that there are certain things that you need to do with respect to managing a program. There are personnel decisions. There are evaluation responsibilities, policy issuances, and fund allocations. There is the signing and/or concurrence of grant packages. There is the monitoring process. There is the appeal process.

Some of those are better done in the Washington office. Some may very well be better done in the regional office. Most of the resolutions I

have seen opposing whatever it is that might eventually be done have not specified in any way which things they think ought to be where. In any event, the policy direction of the program will be in Washington and the policy issuance will be in Washington.

Senator MONDALE. Will there be no change over the present structure?

Mr. RUMSFELD. In my testimony I indicated the question of where these things should be performed is what we are addressing.

Senator MONDALE. In what way would you change it?

Mr. RUMSFELD. One possibility is to have the monitoring and the signoff of the grant take place at the regional level as it does with some of our other operating programs.

Senator MONDALE. Would this be under the regional director rather than as is now the case—under the regional OEO legal services program office? In other words, you would shift the signoff from what now goes to the national OEO legal services office, to the OEO regional director who, in most cases, is not a lawyer? Would that be accurate?

Mr. RUMSFELD. I cannot answer your question because we have not decided what is the desirable—

Senator MONDALE. You are considering that?

Mr. RUMSFELD. There is no question about it.

Senator MONDALE. That is what people are afraid of.

Mr. RUMSFELD. The cold, hard fact of the matter is that I appoint the Director of Legal Services and the regional directors. They are all Federal civil servants. They are individuals who one would think would follow policies that are set down by the agencies and the statute. That is the intent. The policy control of the program would, in any event, stay in Washington with me and the legal services office in Washington. In other words, any time there is a tough problem it ends up on my desk whether it is signed off at the regional office or the headquarters program office.

So, basically, they will end up on the Director's desk as they normally do.

Senator MONDALE. Right now, the line of authority is from the local office to the national legal services office and then to you?

Mr. RUMSFELD. Not quite, because the regional legal services director is also involved in the process.

Senator MONDALE. But he is an attorney under the direction of the national legal services office?

Mr. RUMSFELD. That is right.

Senator MONDALE. What you are thinking about is to turn that control over to the OEO regional director. How many of those regional directors are attorneys?

Mr. RUMSFELD. I think two or three. Of course I am not an attorney, and I am managing the program, so if there is a flaw in a person who is not an attorney being involved in anything that is connected with attorneys in the case of this program, or health in connection with something involving doctors, then, obviously, the Congress should have put in the statute that it had to be a person who is an attorney and a doctor.

Senator MONDALE. You say seven of the 10 are not lawyers?

Mr. RUMSFELD. That is right, and the National Director is not an attorney, so one would think I would be polluting whatever the head-

quarters legal services program do if that is some sort of a problem.

Senator MONDALE. So you are considering changing the present system which goes directly from a lawyer at the local level, to a lawyer at the regional level, to a lawyer who is the National Director—

Mr. RUMSFELD. To me.

Senator MONDALE. To you ultimately, but from a daily management standpoint it is lawyers who are running this program.

You will recall that that decision to separate lawyers from control of the CAP organizations, was first made by you, and it was endorsed by the Congress. But regionalization would place the lawyers back under the direction of OEO regional directors. Now, what authority will those regional directors have over the legal services program at the local level under this proposal? What kind of authority do you plan to give?

Mr. RUMSFELD. The regional directors, the regional legal services director, and Director of the national legal services program all have a responsibility to carry out the policy of the legal services program as established by me and by the legal services office and by the statute.

The question of a person getting involved in changing the policy or going around the policy is something that is always a danger. That is why in any system such as this there is the normal appeal process.

Senator MONDALE. Didn't the GAO criticize the old regionalization scheme in a report in 1967, and haven't various bar groups criticized the very program that you are contemplating reinstating?

Mr. RUMSFELD. Since we have not completed the process of what to institute, I would question whether anyone has criticized it.

Senator MONDALE. Let's just be practical here, Mr. Rumsfeld. You are planning to turn the OEO legal services back to regional control. You just said you are considering it. You might not do it.

Mr. RUMSFELD. That is different from planning to do it.

Senator MONDALE. The reason for this hearing is not to have a semantic waltz. We want to analyze this proposal and it is not an answer to say "we have not decided whether to do it or not." We want to analyze whether that is the proper and best way to proceed.

Mr. RUMSFELD. Your question was haven't people criticized what I am planning to do and my answer is since we have not decided what to do I don't know whether they have or not.

Senator MONDALE. Let me try again, Mr. Rumsfeld. You said earlier you were considering placing these OEO legal services programs under regional control?

Mr. RUMSFELD. No; what I said was there are about eight items that in most Federal programs someone has to do and that we are considering which ones might be better done from the standpoint of the poor and the program at the regional level as opposed to the Federal level.

I have said that one of those things clearly does not belong out there and that is the policy direction of the program. Whether or not monitoring or one of the other eight things that I mentioned might fit out there are the questions we are addressing.

Senator MONDALE. In the GAO report of 1967, they were very critical, were they not, of the previous system under which the regional offices had authority to oversee legal services?

Mr. RUMSFELD. If you have the report, then I would assume that is correct.

Senator MONDALE. You are unaware of the report?

Mr. RUMSFELD. I am aware of the report, but I don't remember the exact language. If that is the way they phrased it, then fine.

Senator MONDALE. In considering reinstating the program that they criticize, might it not be wise to look at their criticisms—before you do something?

Mr. RUMSFELD. You can be sure that the people who are in the process of considering this and making recommendations to me are considering not only their criticisms, but the concerns of the bar and the concerns of program offices and others.

There are other places that these various responsibilities can be performed. One is the Director of the OEO, one is the legal services office in headquarters. Another is the regional director, another the regional legal services person. Between those four locations, with the possible exception of evaluation, which I think requires somewhat of a separation from the program responsibility, all of the functions are performed and have been over the life of the program.

Senator MONDALE. Do you see any problem in turning these programs over to regional management by nonattorneys? I grant that you are not an attorney, but you must be aware of the fact that the American Bar Association, many State bars, and practically all of the local groups have expressed opposition to the notion that these local legal services programs should report to a layman at the regional level. They feel there is a potential violation of the canon of ethics since a lawyer should be responsible to his clients, not to an outsider.

They feel that political judgments will be imposed on their legal judgment at the regional level. They feel that the regional director will be more subject to political pressures and, thus, be trying to restrain the local attorneys from bringing the lawsuits which they think should be brought, and will in other ways interfere with the traditional relationship of lawyer and client.

It seems to me that the touchstone of the legal services program thus far has been that the lawyer has been able to bring the same lawsuits on behalf of the poor that he could bring on behalf of the rich. If you place this authority in the hands of a nonlawyer at the regional level, you place one more person in the middle of that lawyer-client relationship. You put it in the hands of a man who has other considerations that he has to deal with.

I think in some regions it is pretty clear that you will be placing it in the hands of a person who is very conservative and who will respond to the conservative influences as he sees them. Thus, for example, programs like the Florida migrant legal services program or the California rural legal services program—some of the most controversial and at the same time some of the most successful programs in the country—will be subject to the restrictions of a regional office often under very conservative management, operating under the normal bureaucratic instincts to take it easy and be cautious.

I wonder whether that could not seriously undermine the effectiveness and the independence of this legal services program. Would you respond to that?

MR. RUMSFELD. I will. I think this gets right to the heart of the question that I have to address in terms of making a judgment as to where these various necessary functions should be performed. Let me say, Senator, that the very fact that there are those concerns on the part of some members of the bar and some program offices is a very real problem in and of itself.

So I agree completely and it does concern me and that is why we are wrestling with it. I think the way to begin to answer is to say if I thought what you described would happen, I would not make the decision that would lead to that.

As far as the problem of a nonlawyer out in the region being involved in some aspects of the legal services program, I don't think on reflection that members of the bar would find that as offensive as it would sound at first blush.

Not only am I not a member of the bar, but some of Mr. Lenzner's staff are not members of the bar. We are talking about a national policy where the region would participate in the operation of that policy. We are not talking about the regional director making legal judgments or changing those policies.

As far as the nature of the OEO leadership in the region versus the nature of the leadership in OEO headquarters, I would think there have been no differences. They are all people who were either appointed by me or there when I came in.

I don't think what you say about more conservative or more bureaucratic management at the regional level versus the headquarters' level is necessarily true. Certainly to the extent it was reflected that way, one would think if I issued a policy, I would want it implemented and I would take steps to see that people performed properly.

The last part of it is you say South Florida Migrant Legal or CRLA might not be funded if it were handled by a regional director. I think the answer to that is those are the tough ones and those are the ones that end up on the director's desk regardless of where the grant is being monitored, and so forth.

So I don't think the decisions on those would be any different at all.

SENATOR MONDALE. Let's take the question of subdividing this responsibility into ten regions. Right now the American Bar Association and other organizations have tried very hard to monitor the independence of the legal services program and I think you share my appreciation for their efforts.

Now, if you turn that all over to 10 regions, how on earth are they going to police it and polish it up? Doesn't it just multiply an already difficult job times ten?

MR. RUMSFELD. I would think not. The policy aspects of the program are basically what you are referring to. If the policy approach of the program emanates from Washington and is administered from Washington and people in the field are held accountable for following that policy direction, I don't see that that aspect of it is any different at all.

If, however, some operational or the mechanical processing of grants, for example, or some of those aspects of the programs are conducted in the region, they should not be conducted in a way in a region which violates in any way what is being put out in Washington.

We presently do that with respect to community action agencies and with respect to the emergency food and medical program and the

family planning program. We have a program office in Washington that sets the policy and we have a management system out in the 10 regions that one would hope could provide the grantees in the program with better service, faster service, consistent with the very policy that emanates from Washington.

Senator MONDALE. Do you know of any legal services lawyers who have asked for this or any poor people who have asked for this regionalization?

Mr. RUMSFELD. I would not think it is the kind of thing people would ask for or ask against because if the policy is the same, the question is how can it be run better from their standpoint?

Senator MONDALE. When you say we are going to improve the program to help the poor, one would think the poor were asking for this change. In fact, the poor and their lawyers are very much against it because they are afraid of the very things I have discussed.

Mr. RUMSFELD. I think the fear is real in terms of people having that fear. I think in view of the validity of what I have said, it is not there.

Senator MONDALE. Senator Javits?

Senator JAVITS. This is a matter of deep concern to all of us and your statement emphasizes that, and I like your statement where you say "that the legal services program has come to symbolize much of the mission of this agency."

#### STATEMENT OF HON. JACOB K. JAVITS, A U.S. SENATOR FROM THE STATE OF NEW YORK

Mr. Chairman, I consider the legal services program to be the most essential priority element of the war against poverty—in both the symbolic and in an actual sense. As was said so well by John D. Robb, chairman of American Bar Association's Committee on Legal and Indigent Defendants, in testimony before this subcommittee on November 14, 1969:

I think this is terribly important. I cannot really get across to the committee our sense of urgency about the need for expansion of legal services to try to repair the divisions that are taking place in our society. We know from documented reports by various presidential commissions and by hearings that you yourselves have participated in that the poor by and large have little confidence in our society, in its structure, in its institution, in lawyers, in the law, in the court system and as a result, when their own rights are not honored it is not too surprising I think that they riot in the streets and that there is violence on our campuses.

We cannot maintain the necessary confidence in the program and therefore in our system of justice if there is the slightest doubt on the part of the poor as to the freedom of the legal services attorney to represent fully his client's interest without interference from those who have little sympathy with the problems of the poor. As Mr. Robb indicated, the poor need a peaceful forum in their position that can be set forth and:

Where nobody can interfere with that lawyers sole obligation to represent his client, not a local city, not a local unsympathetic mayor who may not believe in their cause and not an unsympathetic chief executive of a State Government.

It was to preserve the integrity of the legal services program that a number of us fought against the amendment introduced last year by Senator Murphy, the ranking minority member of this subcommittee.

Accordingly, I think that there is a very heavy burden on the administration to inform this committee in the greatest detail of any changes that it contemplates in the way that the legal services program is operated. I shall personally oppose any action which in any direct or subtle way could result in an erosion of the legal services program, and indeed any action—although it may not have such a predictable result—which the poor or those in the legal services program could regard as a diminution of the ability of the program to serve as a true advocate of the poor.

I am a lawyer, for years very actively practicing, and I still do some practicing to the extent it is permissible under the law and the ethics. I am worried about this and that is why I came this morning. I am worried about it for the following reasons, to which I wish you would address yourself.

The first reason is that this program cannot succeed without the participation of an enormous number of volunteer lawyers, legal aid societies, bar associations and others. Mechanization—obviously mechanization is most likely to throw those lawyers off the job. If you depended solely upon paid lawyers, the program would not be nearly as good and you could not afford it considering the size it ought to attain.

Now why do you feel this regionalization will be more rather than less likely to attract and hold volunteer lawyer services?

Mr. RUMSFELD. I agree with you volunteer lawyer services are an important part of the program. I cannot see that the question of possible movement of some of the functions I have mentioned from Washington to Federal regional employees would affect either positively or negatively in any way the utilization of volunteer lawyers.

Senator JAVITS. Will you give the regional director, who may not be a lawyer, the power to install or terminate any legal services program?

Mr. RUMSFELD. First of all, the regional director, as well as the national director of Legal Services, the men who are appointed by me, will follow the policy that the agency has established and which the statute sets forth. The question of a disagreement between a national program office like Community Action or Legal Services or Health Affairs and a regional director's decision is a normal matter for appeal to me, just as it is today where those responsibilities are divided and it ends up on my desk with me making the decision.

So neither today nor if some sort of plan went into effect would either one of them be able to actually implement a final decision that the other disagreed with.

Senator JAVITS. Am I correct that the 10 districts that you wish to put into effect are strictly for the Legal Services program, that the director will be the regional director of the Legal Services program and that it is not a general regional director for the antipoverty program?

Mr. RUMSFELD. That is incorrect. The Federal Government has asked all human resource agencies to locate their Federal regional offices in the same cities and have the same boundary lines for these 10 regions. OEO is one of those human resource agencies.

We have regional directors out there and we have VISTA and Legal Services and other program officers out there now. The question is not whether all authority should move from Washington to the regions, which in effect was the case when I came in, but rather what aspects of the management responsibilities as opposed to policy issuances should or should not be moved to the regions and if so, in what way?

That is the question we are addressing.

Senator JAVITS. Will this regional director who has charge of the Legal Services program also have charge of the VISTA program.

Mr. RUMSFELD. The same man in the regional office—

Senator JAVITS. That is not answering my question.

Mr. RUMSFELD. That same person, the regional director, is the OEO senior person in the region in charge of the operational program and has the responsibility for administering it in a way that is consistent with the policy in Washington.

Senator JAVITS. You have really answered it.

Now I would like to pursue that as follows: If that is the case, would not the Legal Services structure within a given region depend upon the priorities and the trading which the individual regional director may have to do?

For example, we denied Senator Murphy's amendment—I am delighted we did—to give an absolute veto power to the Governor on Legal Services and we did that because of our great solicitude for this whole program. Now suppose a regional director trades off some other program, whether it is VISTA where there is a veto and he could be vetoed—or a health and medical services and food program—against the legal services program.

The man may be acting in the utmost good faith; I am not challenging him. His judgment could be better than mine, but don't we have to take that into account if we want to say, Mr. Rumsfeld, that under no circumstances do we want a legal services program discontinued except if you order it? Wouldn't this change that situation?

Mr. RUMSFELD. Not at all.

First of all, there would be no change whatsoever with respect to the veto question. With respect to trades, that kind of comes back to an issue that we discussed a little bit earlier in subtle ways how it might be done differently at the regional level. I would answer it this way: I personally at this moment can't see that there would be any difference whatsoever as to how it would be done at a regional level as compared to Washington.

Obviously the 10 regional directors, for example, have far less extensive political background than I, to be perfectly candid. I can't believe that it would be handled differently. But if it were, you can be sure that the legal services program office in Washington would, as happens with other program offices in Washington, very quickly bring it to my attention and my desk. In that case the same person would be involved in deciding that type of question just as happens today with other programs.

In other words, there would be no way they could make a final decision out there which had opposition.

Senator JAVITS. May I say to you the discussion we are having is not unusual in business. The very same struggle occurs when the House counsel's authority has to be decided. Is he responsible to the business management, to wit, the executive vice president in charge of personnel, or another executive vice president or is he responsible to the General Counsel, who is generally an outside counsel.

Many companies have solved it in different ways. As an alternative, have you explored and rejected the idea of an administrative officer for all legal services like the administrative officer of a court dealing both with efficiency, their probity, the calendars, the selectivity of cases, the guidelines in which they operate, and so forth.

Have you considered that analogy as possible for the poverty program?

Mr. RUMSFELD. Let me respond this way, Senator.

Under the statute, the legal services program is one of a number of community action programs that the statute gives very clear indication should be interrelated one with another. I have gone pretty far in separating at least at the Washington level the legal services program, because of the emphasis I felt was due it and its maturity and the importance of it.

I have considered what your question raised. I have not rejected it. Obviously, I have gone about as far as I can go under the statute without having someone else in the Congress, if not in this committee, possibly some other committee, calling me up and asking me if I am not violating the idea of community action.

My feeling is it would require participation by the Congress through legislative changes if it were deemed desirable by the administration or the Congress to just draw the conclusion that we have arrived at a new point in the history of the legal services program and that it might be desirable to separate it in some statutory way and provide it with the kind of independence that would enable it to do something that people feel it might not be able to do today.

I think that is a question that the Congress and the administration have to consider.

Senator JAVITS. Next year we are going to rewrite this law. I have just made a speech on the floor about it. Would you give us your recommendations, whatever we may all do about this reorganization, as to how we should treat the legal services program in the new legislation?

I join with the people who have spoken about it and consider it one of the key items of emancipation for the poor. That is the one thing they could not afford. When I was a kid on the Lower East Side, you could even go to a clinic and get some kind of a dentist, not necessarily too good, or a doctor if you waited enough hours, if you waited a long enough time. But a lawyer was absolutely out of the question. That was really in the outer reaches. So I think what we are dealing with is critical. Would you be kind enough to give us that?

Also, if you do put this in effect, will you have advisory committees of lawyers so that the top members of the bar and younger people together would have a look in on what your regional director is doing about legal services?

Mr. RUMSFELD. The advisory committee system in the agency, which is extensive both with respect to the awards for grantees and the agency as a whole, would obviously continue to interest itself in these questions.

Senator JAVITS. That is quite a general answer. Would you have specifically advisory committees for legal services to your regional directors so that in every region there will be a committee charged with advising him on how the legal services program is going and what can be done about it?

Mr. RUMSFELD. It is an interesting possibility. It is something we would certainly consider. We do not now have them. Some regional directors have advisory committees for other purposes. It is certainly something worth considering and I appreciate the suggestion.

Senator JAVITS. It might be sort of a compensating payback for your putting in this reorganization. If you would be good enough to consider that, let us know what you think of the idea.

Finally, Mr. Chairman, just a question about money. What amount have you requested for the legal services program for fiscal 1971?

Mr. RUMSFELD. \$61 million is the Presidential budget request.

Senator JAVITS. Is this an increase over last year?

Mr. RUMSFELD. Yes, sir, the dollar request in 1969 was \$46 million and was appropriated. In 1970, \$53 or \$58 million was the request, and \$61 million is the request in 1971, which has not been passed by the Senate yet.

Senator JAVITS. I understand, but that is what the administration has budgeted for. If you get this money, are you going to dip into these funds for technical assistance or training, or will you provide for technical assistance and training out of the general funds?

Mr. RUMSFELD. In fiscal 1971?

Senator JAVITS. In fiscal 1971, which we are facing now.

Mr. RUMSFELD. I don't have the answer to that question.

Senator JAVITS. I don't want to rush you into an answer. However, your \$61 million could mean less than last year's \$58 million if it is going to be raided for technical assistance and training, which as I understand it heretofore was paid out of general funds. Would you be kind enough to inform us as to your plans?

Mr. RUMSFELD. What we do in this situation where the fiscal year is 3 or 4 months gone and the appropriation is not passed, we sort of put things on hold, wait until the appropriation dollar figure passes, see what the earmarks are and then sit down and then conform to the statutory earmarks and then make the necessary adjustments between programs as best we are able.

We will do that probably within a 3- or 4-week period following the final appropriation by the Congress.

Senator JAVITS. We need two assurances: First, whatever we appropriate, you will use the full amount for legal services; and, two, that you are not going to tax these funds with training and technical assistance.

Whatever is your decision, at least we wish to be apprised of it. Then if we don't like it, we can howl.

Senator MONDALE. Senator Cranston.

Senator CRANSTON. I want to ask you several questions.

One of the greatest problems facing us in our country today obviously lies in the assaults that are being made on policemen, which is a great national difficulty that we face. There is another aspect of that problem that would fall more in the bailiwick of the legal services program.

I would like to pose a hypothetical situation, which is a realistic one, and see what you think would be appropriate under the circumstances.

Assume that a man alleges that he has been assaulted by a policeman and he asks a legal services attorney what can be done about it. The attorney looks into the matter and determines there is substance to the complaint and files a civil suit against the policeman and the city on the man's behalf. Let's assume, further, the mayor of the city complains to the regional director of OFO about the case being brought by legal services.

The question is what should be done in a case such as that by the Washington office, by the regional office and by the local office? It is a very sensitive situation obviously, so how do you feel such a situation should be dealt with?

Mr. RUMSFELD. I would ask Mr. Lenzner to correct me if I say anything incorrect, but it is my understanding that that same fact pattern is occurring today and certainly nothing we are considering with respect to regionalization or decentralization would have any bearing on it.

To the extent it is a civil suit, or criminal suit, such lawyers can be involved. Whether or not they are involved frequently falls, first, on the attorney who is interviewing the plaintiff.

In the second instance, it falls on the local director of the legal services program and the board and on how they have established their priorities. The fact that a mayor or Governor or Senator or a Cabinet secretary is involved in one way through discussion of that particular thing does not alter the basic policy of the program.

We review the grants and the grantees on the basis of their overall priorities and the job they are doing. With the exception of statutory Federal regulations prohibiting a particular kind of suit, we don't get into the question in any real way of an individual suit.

Mr. LENZNER. That is accurate.

Senator CRANSTON. Your answer is that there would be no policy against becoming involved in such actions where investigation indicated that perhaps there was a valid basis for a citizen's complaint, is that correct?

Mr. RUMSFELD. There might be a decision not to do it on the part of a local board or executive director or a local attorney as they assess their caseload and the various opportunities they have to impact on the problems of the poor, but there is no national or regional prohibition against any single civil suit that I know of.

Mr. LENZNER. Except for fee-generated cases.

Senator CRANSTON. Is that policy maintained no matter how politically delicate the case may be?

Mr. RUMSFELD. We have had some problems which are giving me a great deal of distress, which are quite different from the fact pattern you have described which we are worried about, and that is where the local board of directors or the local executive director or the local at-

torney gets involved in representing a person who is voluntarily poor as opposed to a person who is poor without any assistance from himself, if you will.

I think there is a good deal of question about the desirability of the limited resources variable in the legal services program going for the defense or legal service of an individual who is poor voluntarily.

Senator CRANSTON. What is your definition of someone who is poor voluntarily?

Mr. RUMSFELD. We have a guideline that has existed in the agency. It appears to me that it is not being conformed with and may not be as precise as we want. We have competent attorneys who are addressing the question of how they can make judgments as to what is involuntary and what is voluntary.

If it were a simple question, we would have done it immediately, but it is not so they are wrestling with it. We will circulate to you whatever eventuates on the problem, because it is a very difficult problem.

Senator CRANSTON. To return to the issue of politically sensitive cases: there are many civil suits that may not be approved by the majority of the electorate, but I gather from your answer to my previous question that there are no rules or suggestions laid down by the national or regional office that would indicate that the individual attorney should steer away from such cases if they present a valid legal situation where somebody needs help.

Senator JAVITS. If the Senator would yield for a moment, I would like to put in an editorial from the New York Times of October 6.

Senator MONDALE. This will appear at the testimony, without objection.

(The information subsequently supplied follows:)

[From the New York Times, Oct. 6, 1970]

. . . AND SAVING LEGAL SERVICES

One of Washington's most successful endeavors in helping the man in the street—the Office of Economic Opportunity's legal services for poor clients—is being harassed on two fronts: administrative and financial. The comparatively new notion in American jurisprudence that equal justice must be practically applied to the indigent will suffer a setback unless O.E.O.'s 2,000 lawyers in 850 offices around the country are allowed to continue in their dedicated work.

If proposed administrative changes are put into effect, the legal services program will be placed under regional offices and lumped together with other unrelated projects. The attorneys could find themselves caught in a political crossfire. Right now legal services reports to its own regional offices, which are run by attorneys and advised by local bar associations, rather than by laymen and politically designated supervisors.

What budgetary restrictions mean for legal services can be illustrated by New York City's twenty-six neighborhood offices, employing 150 lawyers. Community Action Legal Services (CALS), the city's coordinating office for the O.E.O. program, has been informed that in the new budget year, it is not to plan on more than \$4.3 million, this year's allocation. But simply to keep up the offices on the present level of personnel and clients would cost another \$500,000. Instead of growing, legal services will not even be able to stand in place—and lawyers will have to be dismissed in this city. Seven of New York City's storefront law shops including the civil appeals bureau are marked for closing this month—unless the Federal Government reverses its parsimony on aiding the legally poor.

It would be unconscionable to reduce the effectiveness of legal representation for those who need it most, nationally and locally; who, for the first time, are able to assert their rights in the courts.

Mr. RUMSFELD. The answer is that generally before a grant is made to a local grantee, a discussion takes place with the board of directors as to what kind of cases they will or won't take. The normal pattern according to Mr. Lenzner's recollection is that the criminal and fee-generating are the two types that are prohibited, and that they steer away from, plus the thing that I mentioned, which we are addressing now, and that is how we can draw a more precise line between the voluntary and the involuntary poor person, which frankly bothers me.

Senator CRANSTON. Are you opposed to any restriction on legal services of attorneys that would simply relate to the popularity or unpopularity of a given sort of case?

Mr. RUMSFELD. No, I would think the standard would not be the popularity or unpopularity of the case. First of all, it should be the statute and canons of ethics and the fee-generating aspects and then the only questions are the kinds I am addressing on the voluntary or involuntary—how can the limited amount of dollars have the greatest impact on the poor?

I would imagine and, in fact, I know those are the kinds of questions that are addressed by the legal services program office in reviewing requests for new dollars.

Senator CRANSTON. I would like to ask you, how many VISTA lawyers are presently assigned to legal services programs?

Mr. RUMSFELD. Mr. Lenzner does not have a specific figure at the moment. It has dropped substantially since the changes with respect to draft exemptions in VISTA and the number of lawyers has gone down. It is clearly less than it was prior to, say, 6 months ago.

Senator CRANSTON. Could you give me a rough estimate of the decrease in the number of VISTA attorneys?

Mr. LENZNER. About a year ago there were some 300 VISTA lawyers and this new entering VISTA class had 30 lawyers in it.

Senator CRANSTON. What are the projected figures for fiscal 1971?

Mr. LENZNER. Approximately 60 total.

Senator CRANSTON. Could you give us the exact figures for the last 2 years, the current year, and your projection for the future?

(The information subsequently supplied follows:)

OFFICE OF ECONOMIC  
**OPPORTUNITY**

EXECUTIVE OFFICE OF THE PRESIDENT  
 WASHINGTON, D. C. 20506

NOV 16 1970

Honorable Alan Cranston  
 United States Senate  
 Washington, D. C. 20510

Dear Senator Cranston:

This is in response to two questions which you raised during the October 7 hearing on the Legal Services Program which was conducted by the Subcommittee on Employment, Manpower and Poverty. You were interested in VISTA lawyers, and the agency's definition of voluntary and involuntary poor.

For most of the past year, starting in October of 1969, there were 500 lawyers in VISTA. As of August 28, the date of the last computer print-out, there were 343 lawyers on 108 projects. By the end of this calendar year, 80 lawyer-Volunteers will remain. Forty-three are assigned to special law school programs with New York University and George Washington University. It appears likely that the number of lawyers in VISTA this year will be about one-fifth of last year's strength.

A comparison of the volume of the applications received from lawyers in 1969 to 1970 can perhaps be used as an indication of the decrease. Out of the 1101 applications received in 1969, 451 Volunteers entered the program. Thus far in 1970, 334 applications have been received and out of these, 50 have entered training programs. It is not known at present the exact number who will enter VISTA service upon completion of training.

We are aware that this decline is due in part to our revised draft deferment policy, so attempts are currently being made to redevelop the program for lawyers so as to bring more lawyers into VISTA. This year's goal is to provide 200 to 250 lawyers to projects throughout the country by fall of 1971.

Enclosed is OEO instruction 6004-2 entitled "Limitation on Benefits to those Voluntarily Poor."

If I can be of further assistance, please let me know.

Sincerely,

**WESLEY L. HJORNEVIK**

Wesley Hjernevik  
 Deputy Director

**OFFICE OF ECONOMIC  
OPPORTUNITY**

EXECUTIVE OFFICE OF THE PRESIDENT  
WASHINGTON, D. C. 20503



OEO Instruction	6004-2
Subject	Date
LIMITATION ON BENEFITS TO THOSE VOLUNTARILY POOR	March 22, 1969
	Office of Primary Responsibility
	C 'P 'PE
Supersedes	Distribution
	M, N, S(LI)
	Transmitted by
	CAP Announcement 69-1

REFERENCES: OEO Instruction 6004-1, "Revised OEO  
Income Poverty Guidelines."

OEO Guidance 6128-1, "Guidelines for  
OEO Healthright Programs."

Guidelines for OEO Legal Services Program

APPLICABILITY: All agencies receiving funds under Titles  
I-D, II, and III-B of the Economic  
Opportunity Act for programs administered  
by OEO in which income criteria are used  
as admission standards (with the exception  
of Head Start and Upward Bound programs)

POLICY

Section 611 of the Economic Opportunity Act provides as  
follows:

The Director shall take such action as may be  
necessary to assure that, in determining a  
person's eligibility for benefits under this  
Act on account of his poverty, such person will  
not be deemed to meet the poverty criteria if  
his lack of income results from his refusal,  
without good cause, to seek or accept employment  
commensurate with his health, age, education  
and ability.

Under this section, an individual should not be treated as meeting poverty criteria for project benefits if he is fully capable of supporting himself but deliberately chooses not to do so. For example, a person having the education and training to earn an income substantially above the poverty line should not be considered eligible under the poverty criteria if, without good cause, he chooses not to work.

On the other hand, an individual should not be excluded from project benefits if his lack of motivation is the result of a background of poverty. Section 201 of the Economic Opportunity Act explicitly recognizes that one goal of community action is to strengthen motivation among low-income people.

Determinations regarding an individual's eligibility for project benefits under this section should be made as part of the existing screening process for these programs. Special screening procedures should not be created. In making determinations, grantee and delegate agencies must be sure that a needy person is not disqualified because of failure to seek or accept employment in situations where:

- (1) Age or ill health, mental or physical, interferes with his ability to accept employment.
- (2) Family obligations, especially the care of small children, interfere with his ability to accept employment.
- (3) Transportation is not available to the job in question, or travel time or cost to and from work is unreasonable.
- (4) Acceptance of the employment in question would subject him in the work situation to discrimination on account of race, color, creed, sex, or national origin.
- (5) The employment which was available would not have given him an income above the poverty line. Since he would, in any event, remain in the target population, he should be considered eligible for anti-poverty programs. Appropriate consideration should be given to such factors as the regularity or intermittence of the employment over time, and to seasonal patterns in employment in determining whether the job would result in a family income above the poverty line.
- (6) The length of the work week or other conditions of employment are unreasonable.

*Theodore M. Berry*  
Theodore M. Berry  
Director  
Community Action Program

Senator CRANSTON. What are you going to do to make up for the loss of personnel through the new draft policy?

Mr. RUMSFELD. It is my understanding from the data they have on the incoming VISTA group that the greatest impact of the change in the draft policy was with respect to lawyers. The VISTA organization recognized that this was coming and that it would change the mix, both male and female, in VISTA to some extent.

Senator CRANSTON. It depends on what happens to the Women's Lib amendment, of course.

Mr. RUMSFELD. They will then shape their recruiting efforts to try to see that the kinds of VISTA volunteers that local projects want and need that their recruiting effort is aimed in a more aggressive way to get those individuals. I guess that is the answer to your question.

They are shaping that recruiting effort to meet the mix that is needed by the local projects.

Senator CRANSTON. If you are losing so many attorneys, which means a curtailment of the legal services, what do you propose? Should we help you get more money to hire more people, or how should we do it?

It looks like a restriction on your ability to function seems to be looming.

Mr. RUMSFELD. It does seem to look like that. I should like to emphasize the legal services caseload has gone from 610,000 in 1969 to an estimated 1.2 million cases in 1971. As far as the dollar effort per poor person, it has gone from just about 60-percent increase since 1969 and in terms of the universe of need because the number of poor has been going down. The figure doubled from 14 percent to 28 percent coverage.

So I think one of the reasons is the programs are more efficient and are handling more cases at less cost per case. So in this program there has been nothing in the way of a disastrous downturn.

Senator CRANSTON. I do wonder how you can handle that volume with a reduction in staff.

Mr. RUMSFELD. The mix was sufficiently varied that in terms of actually handling caseload, I don't know what the figure was for VISTA lawyers.

Mr. LENZNER. We might be able to supply that.

Mr. RUMSFELD. There were a good many VISTA lawyers who were not serving as a normal legal services lawyer handling day-to-day cases.

Mr. LENZNER. I think we can say without a substantial increase in funds, we will have to and are going to anyway try to build into our training program some ideas for the programs around the country to routinize some of the major areas of law that are involved.

We also just recently had a conference on how to use paralegal professionals. We will get that information out to the field and what they can utilize in the way of paraprofessionals.

Senator CRANSTON. In your testimony you say the question that remains is what management arrangement will provide the best management of the program from the standpoint of the poor?

Have you heard in any meaningful way from poor people or their alleged spokesmen about this and what they think is appropriate?

Mr. RUMSFELD. We have heard from people who thought that the word regionalization meant we were turning the programs over to the Appalachian regional commissions or Governors or mayors and they were concerned; yes. We have not heard from anybody who has precisely addressed the question of what might be done insofar as we really have not put forward a semifinal question.

There was a good deal of concern by members of the bar, who serve on the national advisory committee of the Legal Services program, and they were very much concerned with what they heard and they are forming a subcommittee which is addressing this question. They have not made their report to me. That is one of the things we are waiting for.

At that point I will have that available to me as well as a variety of comments from Legal Services offices around the country. But my guess is most of the things that have been said thus far are not very much on the mark of what was thought of or what will be done. It has been useful to notice there is that kind of concern and I am glad to have the counsel.

Senator CRANSTON. How do you really propose to find out what they feel is best and what is best from their standpoint?

Mr. RUMSFELD. We have gone through an agency process where we dealt with the Legal Services people in the region and the headquarters people throughout in an attempt to look at our various operational programs, and asked the questions where some of the functions they perform might be better performed.

Another aspect is the advice of the bar and the advisory committees. Another aspect is the kind of comments we would get at that point where we decided what we felt we wanted to do. It would obviously be circulated in such a way that people would have a chance to comment.

To the extent that people can make a valid case that a certain course of action with respect to the management arrangement would harm the poor, I would say I would not do it in a way to harm the legal services being delivered to the poor.

Senator CRANSTON. I notice at the Friday session we have scheduled five witnesses who would seem to represent the viewpoint of the poor people and the lawyers representing them. Possibly we can determine from their remarks, and perhaps you can also, just how well the Legal Services program is serving them and their views on regionalization.

Mr. RUMSFELD. I will look forward to reading the transcript on that. I would hope from their standpoint and from the standpoint of the questions, the reasons why things would help or hurt the poor should be asked. If people come up with good information or something that has not been considered previously, I would value it very much.

Senator CRANSTON. If you can suggest some questions you would like to have posed, it would be helpful. If you could perhaps supply us with those questions, we will try to cover such areas.

It is my understanding that in the past you have considered making the Legal Services a completely independent entity apart from OEO. Have you discussed that with the administration or others, and if so, what kind of reception are you getting?

Mr. RUMSFELD. A year ago in my monumental ignorance of the whole subject, I allowed I had a sense or notion that something along that line at least ought to be explored. When I testified before the Ashe Commission and when I discussed it with representatives of the bar and, indeed, when I discussed it with members of your committee, I said I hoped people who have knowledge of that subject would explore the possibilities.

I have also discussed this with Mr. Lenzner. I have no conclusion as to how it should be done. I do have individuals who at my request and some on their own are exploring it.

The problem, then, is to see what is produced and to see what the advantages may or may not be from the standpoint of the poor and then, if I agree, to make some sort of recommendation to the President and the administration—I have not reached that step. Obviously by January I will have to go one way or the other when new legislation will be introduced for the extension of the act.

Senator CRANSTON. At the present time you are reserving judgment?

Mr. RUMSFELD. Yes, sir. We do have people addressing the question to see if it would have some advantage from the standpoint of the program for the poor.

Senator CRANSTON. I am very interested in that concept. Without any precise conclusions of my own, I think we might better preserve the viability and integrity of a nonpartisan legal service of this type if it were totally independent. I would be delighted to work with you as you shape your thoughts and as I shape mine I will communicate with you on them.

In your statement on page 6, the last paragraph, you say there is a distinction to be drawn between, on the one hand, the freedom of legal services and attorneys exercising their professional judgment in representing clients and, on the other hand, the manner in which the program activities are managed by Federal employees, whether located in the Washington headquarters offices or in the Federal regional offices.

Are you suggesting there the lawyers' independence is compromised in any way because they are paid by the Government?

Mr. RUMSFELD. My recollection, when I wrote that, was I was trying to point out that you can have a program which involves the legal profession or the health profession, and the program within it contains the needs for certain activities to be undertaken, some of which have a professional aspect and some of which do not.

To take an extreme example, who audits the books for a health program should not be dictated necessarily by any question of professional ethics. I think it is perfectly proper for the General Accounting Office to interest themselves in auditing, to the extent they want to, the books of a federally funded program.

Conversely, questions that involve professional ethics or policy, to some extent even priorities, obviously should have a heavy input from the people in the profession involved. So I think there is a difference.

There are other examples I could use. In the appeal process it ends up with me and I am not a lawyer. If that is bad, then the Congress erred in not requiring that the head of OEO be a lawyer, for example, although since we don't require that Supreme Court Justices be lawyers in the Constitution, my guess is maybe the Congress did not err.

Senator CRANSTON. I don't think the Congress erred in that respect. Does a legal services attorney go into court in any different posture in terms of serving and representing his client than any other lawyer representing a client whether he is court appointed or privately retained?

Mr. RUMSFELD. Since you posed it as a legal question, possibly I should have Mr. Lenzner answer it.

Mr. LENZNER. We interpret the statute to mean that the Congress intended the program to operate to provide lawyers for the poor just as people who can afford them get them, so the answer to the question is no, there should not be any difference at all, except the statute also prohibits from taking criminal cases beyond the indictment stage.

The lawyer should be able to represent the client regardless of the nature of the case or the nature of the defendant and to the highest court that is available to him if he feels that is appropriate.

Senator CRANSTON. Mr. Rumsfeld, does that conform to your own understanding?

Mr. RUMSFELD. With the exception that I indicated in my statement there are the statutes and the canon of ethics, and there are certain regulations with respect to the expenditure of Federal funds. There is inevitably guidance and restrictions imposed by the directors of these programs, but those are the only constraints that exist on these particular activities, with one exception which is not a legal restraint but a political one, and that is that the funds for this program come not from the client, but from the Congress.

Senator CRANSTON. What effect does that have on his posture as an attorney representing that client?

Mr. RUMSFELD. One would hope it would have none in terms of the fact that you say they should function, as Mr. Lenzner described, within those four constraints, but one of those four constraints is the statute and the statute comes from the Congress. That is why in my statement I included that, because that is just a fact.

Senator CRANSTON. I don't know what constraint there is in the statute on his ability to perform, other than this criminal case restriction.

Mr. RUMSFELD. The other constraint is the agency is funded from year to year and generally late. To the extent there are not funds for Legal Services lawyers or for other programs because of a decision by the Congress one way or the other, then there is no legal service for the poor. That is the constraint I mentioned in terms of the act. That comes back to your earlier question about is it desirable or are there arrangements that could be developed that might be desirable that could in some way reduce that constraint to the extent it is a constraint.

Senator CRANSTON. We should certainly explore that in depth.

I have one other question, which in effect is a budget question. The material submitted to the Appropriations Committee on this general matter said in relation to the Legal Services program that almost 1,850 full-time attorneys plus 350 Reginald Heber Smith fellows are working in an array of projects in 49 States, the District of Columbia, and Puerto Rico and the Virgin Islands.

Are the VISTA lawyers included in that 1,850 figure?

Mr. RUMSFELD. No; they are not.

Senator CRANSTON. That is all. Thank you very much.

Senator MONDALE. I have been trying to grapple with your concern that this country, the Congress, the American Bar Association, the New York Times, OEO Legal Services around the country, the National Bar Foundation, the National Legal Aid and Defenders Association, National Clients Council, and so on are getting concerned about nothing at all. Why would we have this hearing, why would these professional organizations be expressing such concern? Why would there be so many lawyers out in the field deeply concerned? Why would the poor—through the National Clients Council—want to come in and testify if there is nothing to be afraid of?

Well, perhaps it is to be found in the fact that the program is working very well now, and we are very suspicious as to why there are any changes needed. We are aware of the fact that this remarkable organization has brought an awful lot of important lawsuits that have stepped on some very big toes. Consequently, for a long time, people have been trying to figure out some way of getting their hands on the program and of civilizing it.

The thought that the poor could actually come in and bring a lawsuit was deeply offensive to some people. For example, under this program, lawyers brought one lawsuit challenging the man-in-the-house rule under welfare regulations. This led to a fundamental change in the Nation's welfare laws. It was more than just a divorce suit.

They have brought and won a lawsuit on welfare residency requirements. They have won a lawsuit to force California not to cut its medicaid program.

A suit was brought with respect to the use of DDT. They have brought a lawsuit affecting migrants and access to labor camps; they have brought lawsuits affecting the key border-commuter problem—trying to stop the importation of Mexican farmworkers to break strikes.

The result has been a tremendous effort by local bar associations, local commercial interests, some Governors and mayors to emasculate the program so that these kinds of lawsuits, with such profound implications in this country, will no longer be brought on behalf of the poor. But I submit that it is those very lawsuits that give the program its chief claim to integrity, that are offering some hope that the system might work to those who doubt it. And it is this kind of lawsuit that attracts the ablest young lawyers in the country to this program.

These are bright people. They are the brightest the American law schools can produce and they will smell a rat awfully fast. If this is a program where a gifted young lawyer has to go through a regional office, through a nonlawyer who they know is very close to the local political forces, and compete with funds on a political basis at the regional level, they will begin to wonder at least whether the whole purpose for being a part of this program has not been destroyed.

They are going to deeply regret serving under a nonprofessional. I can tell you as a lawyer that that is not a modest consideration. They are going to be concerned about the violations of the canons of ethics.

What happened if you went to a rich man and said, "You can bring any lawsuit you want that you can clear through the regional office of some organization." They would never stand for it.

If we are going to have a program for the poor, it ought to be a program that permits these lawyers to bring the lawsuits that the poor most need brought, and not what some regional bureaucratic character—who probably has his political career tied up with some local politician—feels to be the best type of lawsuit.

So we ask why the change, why the change. The American Bar Association doesn't want it, the attorneys in the program don't want it, the poor don't want it, the Congress doesn't want it and has not asked for it, the New York Times—I don't think they are too influential with this administration, but they don't want it.

Who wants it? Who is pushing for this thing?

Mr. RUMSFELD. Senator, that is an excellent statement and it is certainly a very good question. I quite concede there is a good deal of suspicion. I think what you have said is an accurate representation. I suppose part of the answer is I have not done a sufficiently successful job of communicating or selling whatever it is we eventually decide to do, in part because we do not have a precise formulation that we are ready to circulate for comment.

I would go on to say, though, the word picture you have just presented is inaccurate. There is no change contemplated that would effect any difference—

Senator MONDALE. We know how to handle your answers. We just press the buzzer.

Mr. RUMSFELD. As I was saying, there is no change contemplated that would affect the operations of the canons of ethics or the decision of local boards or governors. There is no way in the world a regional director would exert control over cases any more than Mr. Lenzner or I would exert because of the policy direction from the national office.

You say they are bureaucratic characters. I happen to know there are some able people out there. If anyone is a bureaucratic character, I am and I am in charge of the program.

Let me go on to say there has been opposition and suspicion about me as director. There has been opposition and concern about Terry as Director of Legal Services. There has been opposition and concern about practically every change we have made in that agency.

Frankly most institutions have a great reluctance to change ever. It is warm and good and comfortable the way things are. There is also no question but that there is a great group of people in this country in the program, people who helped start it, people in the bar who feel a very fatherly protective interest over it. That is one of the great strengths of this program and I recognize the important contribution these people have made.

But the fact is some of them seem to have difficulty believing that anyone else could care about their baby or that anyone else could even exist who somewhere in the deep recesses of its mind wants to do it in.

I don't want to do it in. As a result sometimes when you raise the budget for legal services, you see people looking quizzically at you and asking what are you really trying to do?

Do you really want to hurt it? I may smell like a rat as your analogy suggests but I would suggest our record is one of an elephant, not a rodent.

Senator MONDALE. Permit me to say that up to this point—as I said earlier—your record has been very good. The national control policy is yours.

Mr. RUMSFELD. Then have faith in us.

Senator MONDALE. We have commended you, and everyone, including the bar association, thinks it is working very well.

I know no one who wants change, so why the change?

Mr. RUMSFELD. I am not satisfied that the legal services program or any other program our organization is running is operating to my satisfaction.

There was a long way to go when I took over that agency in terms of its management. I frankly think we still have a way to go.

If I can find ways to improve the management in a way that helps the services being delivered to the poor, I am going to do it. If people can tell me reasons why what I am proposing to do is going to hurt the poor I won't do it and it is just that simple.

Senator MONDALE. That is encouraging. After you conclude your testimony, we will hear from many who are against regionalization.

Mr. RUMSFELD. Make them be specific about what they are against and why and how it is going to affect the poor.

Senator MONDALE. Can you name one group in the country that favors regionalization?

Mr. RUMSFELD. I have not even gotten the final recommendation from my own staff as to how and if it should be done.

Senator MONDALE. Is your answer that you know of no one who favors regionalization?

Mr. RUMSFELD. With the possible exception of Rumsfeld who believes that he should as director of the agency review the places that various functions are being performed with respect to all of our programs and see that the management responsibility for the operation of the various program is located in the place that we can provide the best assistance and delivery of services to the poor.

If I come out with a decision that one or more of these functions can be better handled in a way different from the way they are being handled, then I would be the exception to your statement.

It is not the kind of thing that local organizations can very knowledgeably pass resolutions about unless and until they have something specific that they can address.

If they have addressed with any specificity I have not seen it. I am waiting for the advisory subcommittee to come in with their report. As I understand it, they are meeting in El Paso with our regional directors this week, and one would think they would come up with something quite substantive.

Senator CRANSTON. Does this mean you are the only one who favors regionalization at the present time?

Mr. RUMSFELD. I understand there are letters favoring it from different people.

Senator CRANSTON. Are you the only one in the administration presently favoring regionalization?

Mr. RUMSFELD. I have not conducted a poll.

Senator CRANSTON. I am talking about those at the higher level of policy decisions.

Mr. RUMSFELD. No one is urging me at the higher levels, wherever that is, to regionalize.

In other words, I am getting no pressure to do it or not to do it.

Senator CRANSTON. And staff people are not doing it?

Mr. RUMSFELD. No.

Senator MONDALE. Senator Yarborough wanted to know what has been the difficulty of getting the legal rural aid program going in south Texas. Are you in a position to answer that?

Mr. RUMSFELD. I am not but I will be glad to supply an answer for the records.

(The information subsequently supplied, follows:

**OFFICE OF ECONOMIC  
OPPORTUNITY**EXECUTIVE OFFICE OF THE PRESIDENT  
WASHINGTON, D.C. 20506

Honorable Ralph Yarborough  
United States Senate  
Washington, D. C. 20510

Dear Mr. Chairman:

During the October 7 hearing on the Legal Services Program, Senator Walter F. Mondale relayed your question concerning the status of the Texas Rural Legal Services Program.

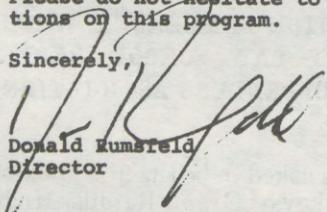
The Texas Rural Legal Assistance program was funded June 1, 1969, for \$175,444. The grantee is the Texas Trial Lawyers Association, Westgate Building, Austin, Texas. At the time the grant was made, substantial work remained to be done in organizing the Board of Directors. The Board, now organized, consists of 30 members, of whom 17 are attorneys. The Board President is Gary Hurwultz, Esq., of McAllen, Texas.

In September, 1970, the Board hired Halbert Steele, Esq. as Executive Director. Mr. Steele, who will begin work on November 11, 1970, is bi-lingual, a graduate of the University of Texas College of Law, and a member of the Texas Bar Association.

The new director is in the process of selecting a staff of eight attorneys who will serve poor persons residing in the Rio Grande Valley from a central office in Edinburg, Texas and branch offices situated in Alice, Texas and Rio Grande City, Texas. The bulk of the population served will consist largely of Mexican and Mexican-American migrant and seasonal farm workers.

Please do not hesitate to contact me if you have further questions on this program.

Sincerely,



Donald Kumsfeld  
Director

Senator MONDALE. I have been very concerned about rumors that title III, concerning the migrant seasonable farmworkers program, is going to be regionalized. I wrote you a letter on that and received a response, not an answer.

Would you tell us what your present plans are concerning the migrant program?

Mr. RUMSFELD. Practically everything I have said with the exception of the professional uniqueness of legal services would apply to the migrants, would apply to the Indian programs, would apply to the other headquarters operations programs.

There are some problems of a different nature but every bit as difficult with respect to both Indians and migrants and there are with respect to legal services. As a result we have not come down with a formulation as to how they should be handled if indeed they should be handled differently than they are currently being handled.

Senator MONDALE. I think the only reason these programs have survived is because the programs are directly funded from Washington.

I cannot tell you how strongly I hope you will not regionalize migrant programs or the legal services program. Thank you, very much, Mr. Rumsfeld.

Our next witness is Mr. John Cummiskey of Grand Rapids, Mich., representing the American Bar Association. There will be a panel including Mr. Donald Stocks of Washington, D.C., executive director of the National Bar Association; and Dean E. Clinton Bamberger of the Catholic University Law School, representing the National Legal Aid and Defenders Association.

It is now quarter of 12. We have your joint statement. Perhaps each of you could put the full statement in as though read and then perhaps in whatever order you want, each of you can make a brief statement as to the position of your organization on regionalization.

You may proceed.

**STATEMENT OF JOHN W. CUMMISKEY, GRAND RAPIDS, MICH., REPRESENTING THE AMERICAN BAR ASSOCIATION; DONALD STOCKS, WASHINGTON, D.C., EXECUTIVE DIRECTOR, NATIONAL BAR FOUNDATION; AND DEAN E. CLINTON BAMBERGER, WASHINGTON, D.C., CATHOLIC UNIVERSITY LAW SCHOOL, REPRESENTING NATIONAL LEGAL AID AND DEFENDERS ASSOCIATION; COMPRISING A PANEL**

Mr. CUMMISKEY. Thank you. I have been asked to be the first spokesman for our group. I am John W. Commiskey of Grand Rapids, Mich. I am in private practice.

I have on my right Dean E. Clinton Bamberger, Jr., dean of the Catholic University Law School, representing the National Legal Aid and Defender Association of which he is a director.

On my left is Donald M. Stocks, the executive director of the National Bar Foundation representing the National Bar Association. We have submitted a joint statement, Senator.

You have already aptly brought out the fundamental policy of the program as our associations see it, that is to provide for people with-

out means to hire a private practicing attorney of the same kind, quality and professional competence as the more fortunate members of our community are able to obtain through the payment of fees to a private practitioner.

This, of course, demands the absolute independence of the lawyer to represent his client. I was very much interested and very much encouraged by Mr. Rumsfeld's statement that he was going to await the results of the meeting of the National Advisory Committee, which was established in 1965. The National Advisory Committee has had an opportunity to review this proposal.

However, I must say that his statement that he was a little bit "amazed" at the almost instant response and reaction to the suggestion of my regionalization is really somewhat surprising to us.

I would like to read a short excerpt from a report filed on November 20, 1967. The same type of a proposal had been made by OEO. I will just read two sentences from the report of the National Advisory Committee. I am quoting from a letter prepared by the chairman of a subcommittee of the National Advisory Committee, Jacob D. Fuchsberg, who was then president of the American Trial Lawyers Association. The report reads as follows:

Therefore, as you note, it has been with great dismay and concern that we have witnessed a movement toward regionalization and lay domination of the legal services program.

Further on then in this report:

The aim is that the ultimate responsibility for the funding and refunding of legal services projects is to remain with legal services, so that the power of the purse would not loom as a weapon to frustrate the independence of its lawyers in the exercise of their professional judgment as to how to render the highest possible quality of legal services to the poor.

We would like an opportunity to put this report of 1967 into the record.

Senator MONDALE. Without objection, it will appear at the conclusion of your remarks.

(The information referred to follows:)

ROSCOE POUND—AMERICAN TRIAL LAWYERS FOUNDATION,  
Boston, Mass., November 20, 1967.

HON. SARGENT SHRIVER,  
Director Office of Economic Opportunity,  
Executive Office of the President, Washington, D.C.

DEAR MR. SHRIVER: It is my pleasure to write to you on behalf of the National Advisory Committee of the Legal Services Program.

As you above all know, the Legal Services Program was established in order to make our national and constitutional creed of "equal justice under the law" a reality for poor people.

As a practical matter, that could only be accomplished by providing trained counsel to enforce people's rights. Therefore, it required implementation by the bar of our country, who, in the last analysis, had to do the job.

The Legal Services Program was a vehicle through which the lawyers of America could respond to meet that felt need.

In undertaking to do so, they were conscious that, if providing counsel were to be meaningful, such counsel must exercise the same high standards of integrity, the independence, dedication and skill in their advocacy of the causes of the poor as was required of them for all other clients. They had to fully reflect the unique professional disciplines that had been developed and are enforced by the organized bar and by our courts as a *sine qua non* of justice under our adversary system.

The maintenance of such standards was of prime importance even beyond the Program. For to lower them under the O.E.O. banner would also have

threatened the quality of our legal establishment as it affected all other areas of our society.

For such inviolable professional and public policy reasons, under the leadership of the American Bar Association, and with the active participation of the National Bar Association, the National Legal Aid and Defender's Association and the American Trial Lawyers Association, as well as numerous state and local bar associations, the lawyers of America necessarily joined their offer for full cooperation with the Program with an undertaking of continued responsibility with regard to the standards and guide lines by which it would operate.

The fulfillment of those undertakings by the organized bar has been, we believe, in large measure responsible for the successful way for which the Program has moved ahead to date. This would have been impossible without support from diverse elements of the bar around the country, who, despite considerable fear that the Program would threaten intrusion by the Federal government into the private practice of the law, have been rallied to play their part by firm promises that the aforementioned principles would be respected.

Among other things, this has required and continues to require, that the Program be conducted under the general supervision and control of lawyers, steeped as they are in the ethical imperatives involved in performing the lawyer's fundamental functions within our legal structure. For effectiveness in seeing that assurances of such controls are carried out, and in order that the confidence of the Bar be maintained and extended, our experience has reinforced our belief that it is essential that their administrative control within O.E.O. be centralized in Washington, procedure being often capable of affecting, even stifling, substance.

Therefore, as you know, it has been with great dismay and concern that we have witnessed a movement towards regionalization and lay domination of the Legal Services Program.

We are not offering general criticisms of plans for the operational restructuring of other agencies of the O.E.O., of C.A.P., or otherwise, and whether emanating from the McKinsey report or not. Whatever the utility of such plans in other areas, they would be particularly inappropriate to the special needs of the Legal Services Program, since inherent in the goals of such a program is the strictest professional quality, integrity and independence in furnishing its services.

If, therefore, the Program should be controlled by laymen, if the regional legal service director were to be no more than a technician who might be consulted periodically by lay officials but would not have a determining voice in the establishment or operation of community facilities, if the direct lines of communication between the regional legal service director and the local bar leaders, on one side, and the Legal Services Director in Washington, on the other, were to be impaired; and if the local lay heads, and not the legal services lawyer, were to be decisive voices in establishing and directing local legal service facilities, we think the whole program would be in serious jeopardy.

This is also because the control of lawyers or of portions of the Legal Services Program by laymen at regional and other intermediate administrative levels within O.E.O. plainly would not only threaten the foregoing professional quality and independence of the Program as a whole. It necessarily would have similar adverse effects upon individual Legal Services projects and their lawyers at the local operating level. These considerations would appear to reinforce the importance of there being the least possible amount of lay intervention, and that only at the highest administrative levels, where some ultimate authority must, of necessity, be exercised.

Indeed, the need for the independence of the local projects and its lawyers is not new to the Program itself. It has been spelled out in the guide lines from the very start. What now appears not to have been fully appreciated was the extent to which an O.E.O. generalized administrative structure, no matter how well-intentioned, could impinge upon it. It has taken operational experience to demonstrate how and why the overall program has not been operating fully in the manner originally contemplated by all of us in these vital respects.

We realize that the validity of these observations are not unappreciated by you, as Director of the Office of Economic Opportunity, and by your colleagues, and we are pleased that, when we brought existing problems in this area to your and their attention, you took remedial and preventive measures to treat with them, as witness the memorandum from Mr. Berry on October 12, 1967, following upon the decision not to implement the McKinsey report as to Legal Services.

We applaud that as an important first step. However, we are confident that you will agree with us that, in and of itself, it would be only a first step, and that it needs to be followed through.

Treating with basic matters on an *ad hoc* day-to-day basis can be such a frustrating, demoralizing and time-consuming diversion for staff and advisers, seriously detracting from concentration on constructive activity, that we believe it essential that the following operational set of principles be adopted as a continuing guide to more clearly govern the relationship of Legal Services within the O.E.O. We strongly recommend and urge their adoption:

#### *Administrative*

The Director of Legal Services should have the power to disapprove any individual program, thus centering in him ultimate responsibility for compliance with legal guide lines and standards and ethics. His staff, including both headquarters and regional personnel should be responsible exclusively to him and he should exercise exclusive appropriate authority in its selection, continuance and performance.

The Regional Legal Services Directors should in effect, act and speak for the national Director of Legal Services, and, as such, should have primary responsibility for all phases of the Legal Services Program of O.E.O. in their regions, subject to supervision and control by the national Director of Legal Services. This should include responsibility for dealing and negotiating with bar associations and lawyers, and in the development, review and monitoring of programs as they are established. To carry out these functions, the Legal Services Regional Directors, should have control over their own staffs and office management, subject to supervision and control by the national Director of Legal Services. This should include hiring, firing, promotion, etc.

#### *Co-ordination*

Though vested with the foregoing necessary degree of autonomy, it is contemplated that operations of the Regional Legal Services offices would be coordinated with regional C.A.P., except that this is to be on a consultative basis. To that end, the concurrent (with the national Director of Legal Services) approval of new local legal programs should be sought from C.A.P. or C.A.A. as appropriate, and information should be exchanged with it whenever reasonably useful. However, if there is substantial disagreement by regional C.A.P. with the operation of any existing or proposed local legal services program, the disagreement should be taken up through and by the office of the National Director of C.A.P. with the office of the National Director of Legal Services, so that the disagreement may be resolved and authority exercised through channels emanating from the office of the national Legal Services Director.

In appropriate cases direct funding by Legal Services should be possible. However, if for any reason, C.A.P. regional concurrent approval is not obtained, the application for funding should include such things as a description of the efforts made to obtain the local CAA's approval of the program, a description of the response to such efforts on the part of the local CAA, full explanation of why the applicant believes it is necessary to secure direct funding from Legal Services without approval of CAA and a description of the proposed procedures for voluntary coordination with the CAA in the event that Legal Services determines to fund the proposal.

To the extent that C.A.P. regional directives are not inconsistent with the principles heretofore outlined and to the extent that they do not invade matters relating strictly to the functioning of the Legal Services program. The Legal Services Program, at regional and national levels, would be expected to adhere to them, both as a matter of practice and in the interest of uniformity.

#### *Financial:*

Funds should be earmarked for the Legal Services Program on an annual or other logical budgetary basis, the annual amount to be fixed, to the extent practical, after consultation between the Director of O.E.O., the Director of the Community Action Program and such others as they may designate, and the Director of Legal Services and a subcommittee of the National Advisory Committee, after presentation of supporting data.

Budgetary allotments for local legal services programs should come out of such earmarked funds. Where funds are not requested or not used for a designated local program, they should have a priority for use by the Legal Services Program. Along with local contributions and such other line item appropriations as may be

come available, as in the past, they could then be used for existing legal programs or ones to be initiated by Legal Services, or for such programs for which direct funding may be appropriate.

The aim is that the ultimate responsibility for the funding and refunding of Legal Services projects is to remain with Legal Services, so that the power of the purse would not loom as a weapon to frustrate the independence of its lawyers in the exercise of their professional judgment as to how to render the highest possible quality of legal services to the poor.

It is our view that the most sound and workable situation would be to make the Legal Services Program into a separate Dept. of Legal Services within the O.E.O. Such status would be co-equal with that, for instance, of the C.A.P., from an administrative standpoint, with the Legal Services Director being responsible directly to the Director of the O.E.O.

However, in a desire to cooperate with the C.A.P., in its efforts to coordinate community action, once the problem of existing or potential lay domination has been removed at the local and regional levels by the adoption of the foregoing recommendations, we believe it might be feasible to continue the Legal Services Program as part of the C.A.P. national administration so long as fundamental professional values are not destroyed. The centralized location and nature of such an arrangement at top levels, where it also would be convenient for the National Advisory Committee of the Legal Services Program, acting for the organized bar, to make known its views on important policy matters, conceivably might work out satisfactorily in actual practice. If it did not, subsequent organizational changes at the national level, to provide complete autonomy and independence for the Legal Services Program could be made without impairing the centrally controlled regional and Local Services Services arrangements and without disturbing the basic functioning of the Legal Services Program or of C.A.P., in their respective spheres, in the field.

We have not attempted here to detail changes in memoranda, job descriptions or other existing guide line material, which may have to be made to conform with the spirit and intent of these recommendations. In the perspective of the mutual good will and desire for a viable and ever-more successful Legal Services Program, we foresee no insurmountable difficulties in a review and adjustment of them by all those involved. In working those out, priority, naturally, should be given to the greater urgency of some recommendations over others. For instance, the basic autonomy of the legal services organizations with respect to the C.A.P., at local, regional and national levels, is more pressing than the degree of centralization within the Legal Services Program itself.

Because of the preliminary discussions that the National Advisory Committee had already had in this area with yourself, Mr. Harding and Mr. Berry, as well as your correspondence on this subject with Mr. Gossett, we know you are acquainted with some of the circumstances that have led to the conclusions on which the above recommendations are based. Therefore, rather than burden you further with them in this letter, we would appreciate an early meeting by representatives of the Board with you and such members of your staff as you deem appropriate, at your convenience.

At that time, we can clarify those recommendations, answer any inquiries you may have, or, above all, accelerate the disposition of this matter to the end that we may all get on with the job ahead.

Respectfully yours,

JACOB D. FUCHSBERG,  
*President.*

Mr. CUMMISKEY. This was not a new problem in 1967. At the very initiation of the program, when there were consultations between representatives of the bar groups and the then Director of OEO, certain commitments were made to the legal profession as to the independence of this program. It is not a partisan program. It does not make any difference to the lawyer whether he sues the Governor of California or the mayor of Chicago. Beyond this we are not so naive so as not to understand that the power of the purse is also the power of control.

We were not aware until sometime this summer that, once again, there was a proposal to regionalize Legal Services. We were delighted

with Mr. Rumsfeld's forthright statement of July 14, 1969, in which he announced the establishment of Legal Services as a separate division of the agency. We had hoped at that point that the question of the professional independence and integrity of this program had been settled and that challenges to its independence were interred forever.

We have a memorandum, which is public information, from Mr. Frank Carlucci, Director of Operations at OEO, addressed to Mr. Wesley Hjernevik, the Deputy Director of OEO, dated June 8, 1970.

It reads this way :

If decentralization of legal services is to take place in fiscal 1971 as previously decided, it is imperative that we begin to plan an orderly transfer to the regional offices immediately.

Now what were they proposing?

All legal services staff assigned to regions be administratively responsible to the Regional Director.

Senator MONDALE. Are you reading from the memorandum?

Mr. CUMMISKEY. I am reading from the memorandum which I would also like to put into the record.

The chief of each Regional Legal Services Division be jointly selected by the Director of Legal Services headquarters and the Regional Director concerned.

This gives the regional director a veto over who it will be.

All other legal services staff be selected by the Regional Director in consultation with the Legal Services Division Chief.

Again the veto.

The Regional Director be involved in determinations of the Legal Services dollar allocation to his region. I think last, and perhaps most important Mr. Chairman, the Regional Directors be given authority to concur in all grants including special conditions and dollar amounts in his region.

(The information referred to follows:)

JUNE 8, 1970.

From : Frank Carlucci.  
Re : Decentralization of Legal Services.  
To : Wes Hjernevik.  
Thru : Terry Lenzner.

If decentralization of Legal Services is to take place in FY '71, as previously decided, it is imperative that we begin to plan an orderly transfer to the Regional Offices immediately. Planning will call for agreements between the Legal Services Division and the Office of Operations. For example, we believe that minimum effective decentralization requires that :

1. All Legal Services staff assigned to regions be administratively responsible to the Regional Director where assigned.

2. The Chief of each Regional Legal Services Division be jointly selected by the Director of Legal Services Headquarters and the Regional Director concerned.

3. All other legal services staff be selected by the Regional Director in consultation with the Legal Services Division Chief.

4. The Regional Director be involved in determination of the Legal Services dollar allocation to his region.

5. The Regional Directors be given authority to concur in all grants including special conditions and dollar amounts made in his region.

Mr. Lenzner will probably have no trouble with the foregoing logical minimum requirements. However, to answer any questions and to proceed in harmony, I or my representatives are willing to meet with Legal Services Division personnel for the purpose of reaching agreements necessary for decentralization.

FRANK CARLUCCI,  
Assistant Director for Operations.

Mr. CUMMINSKY. We agree that this is regionalization. That puts the hiring power in the hands of the regional director and it also gives him the power of the purse.

Let me make a couple of comments about special conditions. There is, for example, in the Great Lakes region, which happens to be familiar to me and to you, I am sure, a proposal that every legal services program be taxed from 5 to 8 percent of the funds granted by the National Director to reimburse local community action agencies. Incidentally, regional directors of OEO are the same people as the old CAP directors.

So we would be compensating the local community action agencies by paying a tribute to them for services which they supposedly render to the legal services program. Now it is very interesting to note that we can go directly to Mr. Rumsfeld—even though he is not a lawyer—because the responsibility is there, that the program is an emphasis program, and that the entire effort of the bar is centralized in the National Advisory Committee.

There is a program in my own little city of Grand Rapids, Mich., not a very big program, yet it took 9 months to refund. Why? Because first, the regional director and later the local CAP people insisted we pay a 5 percent fee to the local community action agency for services which they do not perform.

Second, the local community action agency insisted on a condition that we agree not to move out of the neighborhood centers in spite of the recommendation by an evaluation group that it was desirable to separate the legal services offices physically, keeping them in the neighborhoods, but physically separating from the neighborhood centers.

I hope you can understand what not knowing from month to month whether you will have any money and what strings may be attached to the program does to the morale of lawyers trying to serve poor people.

A return to that type of program is that which we most fear. There will be many examples put before you. We would hope the record will be kept open until such time as the National Advisory Committee has made its report to Mr. Rumsfeld and at which time we would like the privilege to introduce those findings into the hearing.

Senator MONDALE. Without objection, we will do that.

Mr. CUMMISKEY. At this point I would like to turn to Dean Bamberger for his comments.

Mr. BAMBERGER. I am here representing the National Legal Aid Defender Association.

We have circulated a questionnaire to all of the legal services programs in the country. I would like permission to supply that information. The questionnaire ask questions directly related to regionalization and how additional control in the hands of the regional offices and in the community action agencies will affect the program. We have not yet received responses to all of those questionnaires. I would appreciate the opportunity to make that information a part of the record when it is complete.

Senator MONDALE. Without objection, you may do so.

Mr. BAMBERGER. The National Executive Committee of the National Legal Aid and Defender Association met and passed a resolution expressing its very strong opposition. That resolution I will also supply to the committee for the record.

(The information referred to follows:)

RESOLUTION ADOPTED BY THE EXECUTIVE COMMITTEE  
OF THE NATIONAL LEGAL AID AND DEFENDER ASSOCIATION 9/23/70

WHEREAS, the stated goal of this National Administration, as expressed by President Nixon and the Director of the Office of Economic Opportunity, the Honorable Donald Rumsfeld, is to strengthen the Legal Services Program to carry out its Congressional mandate of furthering the cause of justice among persons living in poverty; and

WHEREAS, the creation and administration of the Legal Services Program involves issues and problems uniquely the concern and responsibility of the legal profession including:

"the preservation of proper lawyer-client relationships, confidentiality of communications between lawyer and client, the exercise of independent judgments by lawyers, complete fidelity to the client's cause, rendering of a full range of adequate legal services, insistence upon the use of properly qualified lawyers and legal personnel and observance of all standards of the legal profession governing such services."

H.Rep. #866, 90th Cong., 1st Sess. (1967)

WHEREAS, measures taken by this Administration during the past year to achieve this goal by the establishment of the Office of Legal Services as a separate division within OEO, the appointment of an Associate Director for Legal Services reporting directly to the Director of OEO, and the support of the Legal Services Program as a national program of critical importance have furthered the achievement by the Legal Services Program of a high level of professional excellence and independence from interference; and

WHEREAS, the proposed plan for "regionalizing" the Office of Legal Services by transferring power over the Legal Services Program to the regional Directors of the Office of Economic Opportunity poses a severe threat to the independence and the professional excellence of the Legal Services Program by subjecting vital administrative and fiscal control and funding and refunding decisions to increased pressures which could restrict the activities of Legal Services lawyers on behalf of their clients; and

WHEREAS, the proposed regionalization plan will not in our professional judgment strengthen or improve the effectiveness of the Legal Services Program; and

WHEREAS, the proposed regionalization plan creates an organizational framework that threatens, rather than assures, the maintenance of a relationship between Legal Services lawyers and their clients consistent with the best standards of the legal profession as required by the authorizing legislation and Code of Professional Responsibility.

WHEREAS, the result of "regionalization" will be to promote sectional and other special interests at the expense of the poor and to deprive the program of the flexibility necessary to anticipate and meet the legitimate demands of the poor.

NOW, THEREFORE, BE IT RESOLVED THAT, this Association hereby urges the Honorable Donald Rumsfeld, Director of the Office of Economic Opportunity not to jeopardize the strength, the professional quality and the freedom from interference of the Legal Services Program by implementing a regionalization plan that would transfer power from the Office of Legal Services to the Regional Directors of the Office of Economic Opportunity.

BE IT FURTHER RESOLVED THAT, the Director of the Office of Economic Opportunity is urged to reject not only proposals for regionalization, but any similar proposals that would make the Legal Services Program vulnerable to politicization and to influences which seek to diminish the vitality or independence of the program.

AND, BE IT FURTHER RESOLVED THAT this Association firmly supports the heretofore expressed Administration goal of a strengthened and adequately financed Legal Services Program and stands ready to assist in any manner feasible in advising upon administrative structures for the Legal Services Program that do strengthen and improve the Legal Services Program to further the cause of justice among persons living in poverty.

Mr. BAMBERGER. That resolution was not the product of any fantasy or rumor. A number of the members of the Executive Committee are also members of the National Advisory Committee of the Legal Services program. At a meeting of that committee on September 11, we spent the better part of the day in discussions with Mr. Carlucci, the director for operations, Mr. Hjernevik the Deputy Director of the agency, and Mr. Rumsfeld, the Director of the agency.

It was very clear to us from these conversations that not only were those people supportive of decentralization and distribution of control over the Legal Services program to the regional offices, but that, in fact, the decision had been made.

Mr. Cummiskey has referred to the memorandum of June 8, 1970, which says decentralization "as previously decided." That refers to a memorandum dated February 27. We do not have a copy of that.

I am also a member of the subcommittee of the National Advisory Committee. The chairman of the subcommittee, Mrs. Jean Cahn has addressed a letter to the Office of Economic Opportunity asking for all of the staff memorandums referring to decentralization so that we know what their plans are and what decisions have been made.

We have not received a response to that yet. If we are dealing with fantasy or rumor, as the Director suggests, it is only because we have not obtained all of the information we need. I hope we can get those memorandums before we meet in El Paso with the several regional directors.

I would emphasize again the problem that Mr. Cummiskey refers to with respect to the community action agencies asking for money off the top of legal services grants. That has occurred not only in the Great Lakes region but throughout the country. I notice, for instance, that in Boston, the regional office and the community action agency have insisted that the Boston legal services program give 8 percent of its grant.

I point that out as an example of two things. One, the kind of problem that can arise when funding control is regionalized. I am not worried about policy control—you give me the funds and anybody else can write the policy.

The funding control in the regional office really amounts to diversion of the congressional intent. In Boston, for instance, 8 percent of the money for legal services is taken off the top for some administrative services that no one, to my satisfaction, has yet been able to document.

Senator MONDALE. Is that being done now?

Mr. BAMBERGER. Yes.

Senator MONDALE. Where does it go, to the local CAP?

Mr. BAMBERGER. It goes to the local CAP.

Senator MONDALE. Does the local CAP provide services to the local lawyers?

Mr. BAMBERGER. They claim they provide services. We are informed they do not and that the legal services program would be well served without whatever services the CAP's attempting to perform or that the services certainly are not worth the money they are taking.

Senator MONDALE. What I don't understand then is this: When we acted here on the poverty bill, we did it in the context of the then existing national directive of Mr. Rumsfeld for a national legal services program run by the national director and the local LSP's. We even went so far as to prohibit any delegation of LSP because we did

not want to get it into conflict with another agency—and it never occurred to us that they were going to undo the present program.

Indeed, the President's statement talked about elevating the program. So it never occurred to us; and there is no doubt in my mind that had regionalization been an active proposal or even a suspicion at the time, we would have prohibited regionalization at the same time. Consistent with the position of the American Bar and others it is clear we want independent attorneys free to bring the lawsuits that have to be brought.

In light of that congressional record and history and it is not clear how they are able to divert funds from the legal services program.

Mr. BAMBERGER. I don't understand that either and that is why I bring it to your attention.

Senator MONDALE. I will ask the staff to check that out. It is a separate line item in the budget. We insisted on that.

Mr. BAMBERGER. According to this memorandum there is another memorandum dated February 27, 1970, by which the decision was made to decentralize. That to me seems contrary to both the expressions of the President, the expressions of the Director and the expressions of the Congress.

Perhaps it would help the committee if I recited some history. I lived through a period of regionalization. I was the director of the legal services program in 1965 and 1966. When I came to the program the regional office of OEO were first created and regional directors were appointed.

I had three principle impediments to the initiation and operation of the legal services program. They came from local bar associations, from regional offices of OEO and local community action agencies, and from local public bodies—mayors, departments of welfare, other public agencies—that dealt with the poor and did not feel comfortable about the threat of lawyers now dealing with them on behalf of the poor.

I don't recite those in any type of priority or order. I think they were perfectly natural as a consequence of the legal services program.

As you said Senator Mondale, this is a program which in an adversary system for the first time provides advocates for a group of people who, if we reflect upon it, we would conclude that their lives and their welfare are bound up with local regulations, regulations of public bodies, local laws and with local governmental agencies.

Senator MONDALE. I think the most aggravating thing for the poor is the absence of any power. Here is a program that gives the poor a choice for bringing various kinds of lawsuits. I see regionalization as an effort to circumscribe and limit that choice again. It is precisely the thing I think will turn off the gifted young lawyers we want and will destroy the promise of the program and make it another white trick.

Mr. BAMBERGER. Let me tick off the problems I had in a different era. When I lived under regionalization, the legal services program had not yet brought these kinds of lawsuits you are talking about. They had not sued the Secretary of Labor to prohibit the importation of braceros and they had not sued public welfare agencies all around the country. The oxen had not yet been gored but they were perceptive enough to see the possibility of being gored. The local bars represented

many of the commercial interests and some public agencies which saw that the orderly administration of their parental programs were going to be disrupted by the presence of an effective advocate on the side of the recipients.

The local bars came along with the program because people like John Cummiskey representing the ABA, John Robb representing the ABA, and Orison Marden representing the NLADA, giants of the bar in this country, would go out to Grand Rapids, Mich., and talk to those lawyers, or go to Dallas, Tex., and talk to those lawyers.

One of the things they could say with absolute honesty was:

We have discussed this with the Director, Sargent Shriver. He has agreed that this is a professional program, that the lawyers will be independent, and that the policy of the program will be controlled by lawyers. He has made a pact with us, the leaders of the organized bar in this country, that that is how he will operate.

The local bars said:

We have to listen to somebody like John Cummiskey. He knows what he is talking about. He is meeting with the National Advisory Committee. If Bamberger does not behave himself, if he turns out to be some kind of a traitor to the legal profession, Cummiskey will cut him down in no time at all.

The local public body—let me tell of an example here. In Chicago there is a strong public leader as mayor of that city. The community action agency director and the staff were friends of his and to some extent dependent upon him for their positions in that agency. That is going to happen. That is part of the political system.

When the Chicago Legal Aid Society, a long established legal aid society sponsored by and really controlled by the Chicago Bar Association, sought a grant from OEO to expand their operation so it could begin to serve the poor people in Chicago, the Community Action agency and the regional office of OEO had a joint sign off power with me. I had to sign the grant and the Regional Director had to sign the grant before it went to the desk of the Director. The grant came back to me with a special condition which said you can have this money to expand the legal aid operation but those lawyers won't represent anybody against the city of Chicago.

That was an easy issue for me to face because it flew right into the face of the canons of the ethics about the independence of the lawyer and his fidelity to the client. I could rally the support of the American Bar Association, the Chicago Bar Association, and the Chicago Legal Aid Society.

It was changed and then said that the lawyers could represent clients against the city of Chicago—but the lawyers will be in one neighborhood office to handle all of the cases against the city of Chicago.

We bucked that again with the support of the ABA and the Chicago Bar. Out of that came a program which does effectively represent the poor whether their claim is against the Chicago welfare agency or the urban renewal agency or whatever it may be.

Senator MONDALE. Mr. Cummiskey will probably remember the problem we had with the Navaho Legal Services Program—DNA—where the tribe wanted to take control of the legal services problem.

We had a big fight on the Senate floor. I said the tribe is city hall on the Navajo Reservation. If you want the poor to be able to bring

a lawsuit against people affecting their interests, they have to be free to challenge city hall.

The amendment to give control of this program to the Navajo Tribe was finally withdrawn; but once again, the real thrust of that effort was to deprive the poor Navajo an opportunity to bring a suit against the Government. Practically 99 percent of a Navajo's life is affected by Government action. The American Bar Association performed magnificently in defense of DNA's independence.

Mr. CUMMISKEY. Most of the problems of the poor people today are reflected in some sort of court action against a city welfare agency action or some form of government intervention. Those people feel that the legal services lawyer is their lawyer. To destroy this personal confidence and hinder the opportunity to represent those people is to destroy the whole program.

Mr. BAMBERGER. The only thing that saved us in those days was, despite the fact that there was this joint sign off, the legal services administrators in the regional offices were selected by me and they reported to me. The budget control of the Legal Services program, the funding control, was in the Washington office.

I dealt from Washington with those who were proposing a program and with those who were opposing it. I was not as susceptible to the kinds of pressures that you cited here, Senator Mondale, which will occur when you have a local man making these kinds of decisions about a program which, if it is going to be effective, is bound to disrupt his life and the functioning of his agency.

I just say again for the National Legal Aid and Defender, which represents a long history of support for the legal aid movement and represents many leaders of the private bar in this country, as well as many of the attorneys who are actually working in Legal Services programs, that we feel that the law suits that you have discussed—law suits that really do more than just obtain a divorce for someone who is poor or compromise a \$50 consumer claim for him, but law suits which make the system work for him—are just not going to happen when the ox being gored also decides what kind of program it is going to be and what kind of money it is going to get.

Senator MONDALE. Thank you very much.

Mr. CUMMISKEY. There is a footnote that might be appropriate at this moment. On the situation in Chicago when the last refunding for the legal services program occurred, the CAP people refused to eliminate the special conditions, as loose as they were, and insisted that they be retained, not permitting the generality of adequate representation in suits against agencies of the city.

As a result of that and after a long period of time, that program was directly funded from Washington without any special conditions or inhibitions on the rights of the attorneys to represent their clients. While this question of direct funding was being fought out at the national level, the regional director in Chicago, unbeknownst to the National Director of Legal Services was negotiating with the Chicago CCUO, the CAP organization, for a compromise, which would put back some of the restrictions on the Legal Services program. This has all changed within the last 6 months.

Mr. BAMBERGER. May I add a request? I would appreciate any help you could give the subcommittee of the National Advisory Commit-

tee to get all of these memos from OEO. We are going to El Paso to meet with the regional directors. The Director of OEO has properly asked us to tell him what it is we don't like. Our trouble is finding out what it is he wants to do. It is documented within that agency. We have a memo which refers to another memo and we have reasonable grounds to believe that there are some other memos that have been issued since then.

You have more power than I do to get them.

Senator MONDALE. I am sometimes impressed with how little we have. I will talk to Senator Nelson about a possible letter along that line, which I think would be helpful.

Donald Stocks.

Mr. STOCKS. I represent the National Bar Association which is particularly composed primarily of black lawyers. We have a particular interest in the Legal Services program; we realize that the number of black lawyers is quite small, that the number of black people who are poor is quite large, and we are well aware that many of the poor blacks in America would never receive any legal services if it weren't for the OEO programs.

While many of the black lawyers have had, and still have, serious concerns about the potential of the Legal Services program, they do realize it is meeting many of the legal needs of the poor.

Just last Saturday in Atlanta, Ga., the executive committee of the National Bar Association unanimously endorsed a letter sent by Judge Edward Bell, president of the National Bar Association, to Mr. Rumsfeld expressing the NBA's support of the Legal Services program and opposing any plans for regionalization. It was also unanimously agreed by that committee that their action should be conveyed to the OEO regional directors at their October 9 meeting in El Paso, Tex. by Mr. Revis Ortique, a member of the committee.

Senator MONDALE. Could we have a copy of that read?

Mr. STOCKS. Yes, sir.

Senator MONDALE. It will be included at this point.

(The information referred to follows:)

NATIONAL BAR ASSOCIATION,  
October 13, 1970.

MR. DONALD RUMSFELD,  
*Office of Economic Opportunity,  
Executive Office of the President,  
Washington, D.C.*

DEAR MR. RUMSFELD: I am writing to you directly in my capacity as President of the National Bar Association. I understand that there is a proposal currently being circulated in OEO which would effectively destroy the independence of the Legal Services Program. I am referring to your recommendation that the Legal Services Program be placed under the various Regional Directors who are essentially lay people, i.e. nonlawyers.

The NBA had thought this type of proposal permanently buried. I say this in the light of commitments made at the inception of the Program; the points made when a similar proposal was attempted through the McKinsey Report; and particularly in the light of your own forthright statement of July 14, 1969 followed by your personal vigorous fight, with us, against the Murphy amendment. Needless to say, we are now a bit astonished.

If the people we are trying to serve—the poor, mainly minority groups, many of whom are black people, are to have confidence in the law, they must know that the Legal Services lawyer is "their" lawyer. They must know that he is free from any interference and bound by his professional integrity to represent the client, and the client alone.

Any proposal which in any way would subject the lawyer to interference with his responsibility to his client is totally unacceptable. This is true whether it is by a Murphy-type amendment, or by administrative action. This is true whether it is by direct interference in dictating what cases a lawyer may take and what he must reject, or by the more subtle and indirect method of control of the purse strings by non-professionals.

So long as the client is eligible and has a justiciable controversy, as determined by his lawyer, he is entitled to full and vigorous representation of the highest caliber. To do less would demonstrate to the poor person that the commitments made to provide him with effective legal representation without fear or favor are a fraud; that he is not in fact being given that representation by the legal profession which the more affluent can receive; and further that, indeed, he is a second class citizen.

I urge you not only to reject any proposals which would erode the independence of LSP, but to reaffirm your commitment to that independence and to the professional integrity of the program without whom the poor client will again be told that the rule of law is not for him.

Very truly yours,

EDWARD F. BELL, *President.*

Mr. Stocks. We join with the American Bar Association and the National Legal Aid and Defender Association in going against regionalization. Black people well know the power of fiscal control. We have been subject to the control of the administrators for some time and we know what management control means. This control that Mr. Rumsfeld has not yet defined has a potential, realized in some instances, as you have already heard, and threatening in others.

For example, regionalizing can lead to the regional director of OEO unevenly allocating funds between an individual program in one city and an individual program in another. We are concerned that Mr. Rumsfeld's plan would permit the regional director through management and fiscal control to drastically affect services.

I would like to disagree with Mr. Rumsfeld's statement which says:

There is a distinction to be drawn between on the one hand the freedom of the legal services attorneys to exercise their professional judgment in representing clients and on the other hand the manner in which program activities are managed by Federal employes where located in Washington headquarters offices or regional offices.

There is a distinction, but if the regional offices are given the control and management of program activities, that can, in fact, affect the freedom of the legal services attorney to exercise his best professional judgment.

The most likely area in which regional directors can have maximum impact on a local legal services attorney is in the refunding process. There are a significant number of programs operating, and, based on the budget figures we have heard here this morning, it is not likely that a great many more are going to start anew. But, in the refunding of an existing program, giving the existing regional directors of OEO the authority to allocate dollars can affect the number of lawyers for the program. It can affect the number of people involved in that program; it can affect the number of offices and where those offices are located.

Although this proposed regionalization is management by definition, it is, in fact, an interference with the professional activities of that program. This is not something that the three of us here representing the National Bar Association, the American Bar Association, and the National Legal Aid and Defenders Association have suddenly realized.

I, like Mr. Bamberger, have also been through regionalization. As a matter of fact, I was one of those Regional Directors who, as Mr. Bamberger mentioned earlier, stayed in touch with him when he was the National Director of OEO Legal Services. The only thing I did not appreciate was that he did not realize the difference between east coast time and west coast time. Sometimes that contact occurred at 2 in the morning.

By giving this proposed power to the regional directors, we are giving them the potential to control dollars. Our experience has shown that delegating this power to lay administrators often results in lawyers being restricted in terms of their staff, both professional and clerical, and, in effect, they could not continue to be aggressive advocates of the poor.

In one city because of the continuing concern of the national office of Legal Services and direct contact by that office with the regional office, we were able—in spite of the opposition of one of the largest bar associations in the country—to develop a fine Legal Services program for that city.

It took over 9 months of negotiations, and it was only because of the direct relationship between the regional office and the national office of Legal Services that we were able to overcome the efforts of the bar association to create a program which actually would not have been an effective advocate for the poor.

In one of the other cities, it took approximately 2 years for us to overcome the influence of the regional director of the community action program. We had to compact the Legal Services program from 10, totally ineffective, phone-oriented one-man offices scattered throughout the city to a much more professional machine enabling lawyers to increase their budget, develop four- and five-man offices, consolidate their activities, and take care of the cases of the local poor people.

These are some examples of our experience under a limited kind of regionalization. We are quite fearful and quite suspicious, as Mr. Rumsfeld indicated, that we may find ourselves not only going backward to that point but even beyond that.

We are opposed to the Regional Directors of OEO having the power to create and fund legal services programs that do not meet the standards of the National Legal Services office.

Here again we have had experiences in which Regional Directors have attempted to fund new programs without clearing them through the National Office of Legal Services. Some of these experiences occurred in the region familiar to Mr. Cummiskey.

The national bar has supported Legal Services and we would like to continue to support it, but we are not in favor of a program controlled by 10 Regional Directors rather than by lawyers under the direction of the national legal services program.

We are suspicious, and we hope that the committee will continue its inquiries so that our suspicions may be alleviated.

Senator MONDALE. The three of you are attorneys; each of you represents an important professional organization within the American Bar Association, the National Bar Association, and the National Legal Aid and Defender Association; can any of you think of any

reasons why the present system is not adequate and would require regionalization?

The basic weaknesses of the argument for regionalization is that I can't think of any reason to do it.

That is why I am pretty paranoid—in light of the history we have had of repeated attempts to destroy the legal services program.

Mr. CUMMISKEY. Based on our prior experience, and I am sure ample documentation will be forthcoming, some of what you might call horror stories, when attempts like this have been made before, based on that experience, based on the original commitments, based on Mr. Rumsfeld's announcement which set up legal services as an independent division, we felt that we had attained the status in this program which the bar has consistently sought.

Senator MONDALE. If I might interrupt, in your opinion has the legal services program operated better since we have had this national program brought about through Mr. Rumsfeld's directive?

Mr. CUMMISKEY. Unquestionably.

Senator MONDALE. So at this point the LSP program is working better than it has ever before.

Mr. CUMMISKEY. That is right and that is because of the independence of the national policy in being directly relayed from the lawyer who is the National Director of Legal Services to the lawyer who is regional director of Legal Services to the local project director who is a lawyer in the individual projects. It speeds up our processes; we get our refundings faster.

We are in a better position to resolve disagreements that come up when we are challenged over a specific type of case that is taken up.

I would like to point out, with reference to the canons of ethics, that statements indicating that boards of directors can make decisions in individual cases are totally inaccurate.

That is specifically prohibited. The lawyers who are in the program are the ones who make the decisions as to whether or not they have a good case, a bad case, what kind of advice to give the client, what kind of appeals to take.

Certainly the case dollar level eligibility is something for which each local community sets a slightly different level. That is understandable and that has always been part of the policy.

Beyond that, the rendering of legal services is by the lawyer, not subject to the control by any outside influence.

Senator MONDALE. I would ask any of you to respond to this question. What do you think the reaction would be on the part of the young, brightest attorneys who are either in the program or will join the program, to a regionalization effort along the lines which that memorandum suggests—under the control of a lay regional director?

What do you think would be the effect upon these young attorneys in terms of keeping them—recruiting them, the more gifted—and what would be the effect on the credibility of this program to the clients being served?

Mr. CUMMISKEY. Our Dow Jones Index will slide to zero. There would be no way of attracting people to this program. There would be no way of keeping those we had. The minute they become faced with this kind of problem which takes them away from serving their clients we would lose them.

Senator MONDALE. I was State attorney general of Minnesota for 5 years. I often found attorneys who would rather work under the attorney general because of his professional leadership, rather than in one of the departments even though the salary was far more favorable under the lay leaders—because they wanted to work within their own profession and with someone who understood the law and its potential.

I don't think a layman understands what it means to put a lawyer under a lay director, even if such a person had the best of motives

Mr. CUMMISKEY. There is one aspect that is disturbing to us. We feel we have developed a feeling of confidence among poor people that they will get a professionally independent lawyer who is competent, who is their lawyer.

I feel there is nothing in this proposal which will do anything but tend to destroy the belief of the poor people that their lawyer is independent and is not subject to someone who is saying no, you can't handle that case or, yes, you may handle this case. The minute we lose that credibility, we are not only losing it for the program but we are losing it for the entire system of law.

Senator MONDALE. That is well stated.

Do either of the other witnesses care to respond to these questions I have asked?

Mr. BAMBERGER. On your question about attracting the bright young lawyers, it may take a while for that attraction to fall off. I think it will fall off because of the kinds of work the programs do. I can think of two examples in major cities in this country where there was strong lay control over a legal aid society—lay control which was representative of many of the interests who were on the other side of the quarrels. As I think you know, Senator, there have been two instances where United Funds withdrew support from legal aid societies because the legal aid societies were engaging in publicly controversial causes and also were making life unhappy for some of the strong supporters of the United Fund.

I think that is an apt analogy to what you said before—when you put the control of the program into the hands of those same people who are responsible for the conduct of public agencies and political agencies in any city that you are going to get the same dampening effects and quashing effects on the legal services program.

What attracts the bright young man into the legal services program is not that he is going to sit down and handle 100 divorce cases a year but that then he is really going to be able to do something about the way this system works, that he is going to be able to do something about food or welfare or some schools.

He is going to be a lawyer, he is going to be an advocate and if you diminish that role—you know, when we started the OEO program we kind of began with an assault on traditional aid. We talked about little old ladies in sneakers who were the legal aid lawyers.

That is what you will get out of the OEO program if you introduce a measure of control by the people who are going to be most susceptible to the advocacy of the lawyers.

Mr. STOCKS. Senator, a number of the younger lawyers coming out and going back into the program are black law graduates. They are particularly sensitive to the freedom necessary to represent their clients in the manner that they best see fit.

Senator Cranston mentioned a police brutality suit and I believe one instance of that arose in his State of California and I do know that in that instance many of the black lawyers practicing in that particular area were not great advocates of the legal services program. However, when they saw that the legal services program was going to take on the kinds of issues so crucial to the black community their respect and their opinion of the legal services program changed considerably.

If the programs are going to be subject to political control of any kind, then once again I am afraid my organization is going to say "I told you so." Their support is going to diminish and the young black lawyers are going to lose interest in this. Then we are back to where we started—a lack of respect for the legal system as opposed to the street system.

Senator CRANSTON. Mr. Cumiskey, you spoke of some problems in the Great Lakes area in terms of interference from other agencies and so on.

Since we will be legislating on this general matter next year, I would be interested in your position in regard to the wisdom or non-wisdom of establishing a legal service program as an independent agency.

Mr. CUMMISKEY. I think the American Bar Association has taken its position, and I think you will note this from the memorandum attached to our statement which is undated but which in fact was presented to Secretary Finch and Secretary Romney in February of 1969. In it we say:

Ultimately, both ABA and NLADA would hope that an independent agency, foundation or quasi-public corporation could be established which would permanently gather together all the existing and planned civil and criminal programs for providing and improving legal representation of the poor.

That is our position.

Senator CRANSTON. Then Dean Bamberger, do you have any comment on that point?

Mr. BAMBERGER. No; that is a very difficult question, Senator. I know that committees of the ABA and NLADA are continuing to look at that. I hope we will have something to suggest to the Congress when you are considering that legislation.

If this program of control by the regional directors is ever implemented then to save the program we may have to get out of OEO. I would then worry about the vulnerability of the legal services program if it were sitting out there by itself. I have a dream of a Department of Justice into which legal services would fit, but that requires a lot of major restructuring.

Senator CRANSTON. Mr. Stocks, do you have any comment on that?

Mr. STOCKS. I would have to concur with the dean on that point. I, too, would be somewhat reluctant to see the legal services program set out by itself. We have had sufficient problems getting appropriations from OEO. I suspect having a legal services program not connected with anything else might make it even more difficult to get the kind of support that may be necessary.

I am certain that the national bar, along with the American bar, will have recommendations when the hearings begin.

Mr. CUMMISKEY. If I may conclude. We think this proposal, which is specific enough in our minds, is an attempt to do by administrative action that which the Congress refused to do when it turned down the Murphy amendment.

Our opposition to any proposal of this type would apply whether it is an attempt to decentralize within the OEO or whether it is an attempt to impose nonprofessional control of any sort, by anybody, over that program.

Senator MONDALE. Is there any doubt in your mind—considering the role which the American Bar Association and NLADA have had in preserving the LSP program that regionalization would enormously impair your support of this program?

Mr. CUMMISKEY. There is no question about that.

Senator MONDALE. The whole idea is to get this program out of Washington so there can be no congressional defense of the program and no meaningful protection by national professional associations.

These decisions will be made, anonymously, out in the skunk works, and nobody will be able to figure out what is happening; and I am pretty sure that the poor will not be able to bring the tough lawsuits that are the key to this whole program.

In my opinion, it is interesting over the years the way we have reacted to overwhelming social problems—disadvantage and the rest. We have passed laws betting that the poor will never have a lawyer to enforce it.

Now we come along and we have a legal services program and some of these issues—like welfare eligibility, border commuter problems—some of these outrageous illegal acts are being challenged.

So we say we passed this law or we have this constitutional provision—but we never expected it to be enforced. Now that it is being enforced, we will take the lawyers away from the poor for being uppity—and we will turn the program over to some regional official—and that is the last you will see of it.

I really cannot fully express my concern about this, because I believe—as the Kerner Commission pointed out—that we have real and legitimate problems of credibility about this system of ours. It has been the legal services program more than any other that has helped give some hope that the system will respond—that the laws are the same for everyone.

I have been impressed—during the 4 or 5 years that I have been on most of the human problem subcommittees—with how those young lawyers bringing these lawsuits seem so able to express the problems and to explain them as good lawyers are trained to do.

If that exciting and creative new element in American society is snuffed out, I really think it would be one of the most tragic things to happen in this country for a long time.

Here we have a program that has the support of the American Bar Association, a very conservative organization, but one which believes in justice. When have we ever had a program working this well for this modest amount of money—which has gained the respect of the conservative community, as well as the poor and the disadvantaged?

I suggest there has never been a program that has worked so well, for so little money, and in so many important ways, to bring about justice, fairness, and credibility in American society.

In light of this exciting performance, why this proposal all of a sudden to regionalize it?

I suspect, based upon what you said, that there is a plan—at least if you can believe Carlucci, it has been decided. That is what the memo says.

I have talked to all kinds of local legal services attorneys. They say, if you regionalize this program, it is dead.

Mr. BAMBERGER. May I go back to the first part of your statement regarding how it will affect the operation of our groups. We can give our constituencies assurance now that we do have an effective input to the policy of the legal services program because we sit on the national advisory committee and because we know there is a Terry Lenzner, the director of the program, in whom we have the greatest confidence and to whom the legal services staff people and the regions report.

I think Senator Cranston suggested to the director that he might consider the possibility of 10 national advisory committees. I don't think that will ever work. It would dilute our effectiveness. I don't think we can muster the kind of leadership from our organizations to man that many committees. We may just find ourselves operating at cross purposes.

We are effective now because John Cummiskey can tell the board of directors of the ABA, I can tell the executive committee of the NLADA, and Donald Stocks can tell the board of directors of the National Bar Association, that we meet regularly with the man who makes the decisions, Terry Lenzner, and he is the man to whom the people out in the region report.

If we have to run around the country and meet once a month with 10 different directors to give assurance, then I am not sure that we are going to have the support of our constituencies.

Senator CRANSTON. That was Senator Javits' question.

Senator MONDALE. The standard strategy is to destroy the program at the local level.

Mr. BAMBERGER. That is another way to get the plaintiff and the defendant to settle things.

Senator MONDALE. Suppose you said to a president of a company that we will give you an advisory board to determine what suits you can bring—broadly based.

Mr. BAMBERGER. Regionalize the department.

Senator MONDALE. Let me say I much appreciate the work of your association.

Mr. BAMBERGER. May we also give you for the committee, when it is written, a report of the subcommittee of the national advisory committee and also the action of the national advisory committee which will meet to consider the report of the subcommittee. I would think the committee would like to have both the record the action of the subcommittee and the national advisory committee.

Senator MONDALE. By all means and I want to put in the resolution of the Minnesota State Bar Association.

Mr. CUMMISKEY. I also have a letter from the State Bar of Michigan which I should like to have included in the record.

Senator MONDALE. We will be pleased to include it.

(The information referred to follows:)

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FIRST VICE-PRESIDENT  
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# STATE BAR OF MICHIGAN



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SHELDON L. HOCHMAN  
ASSISTANT EXECUTIVE DIRECTOR FOR PROGRAM

September 24, 1970

THE EXECUTIVE  
COMMITTEE:

THE 8 OFFICERS  
AND

LAWRENCE B. LINDNER  
LANSING

OTIS H. SMITH  
DETROIT

Mr. Donald Rumsfeld  
Office of Economic Opportunity  
Executive Office of the President  
1200 19th Street  
Washington, D. C. 20506

Dear Mr. Rumsfeld:

The State Bar of Michigan, an integrated Bar Association with 11,500 members, has been in the forefront in supporting the ABA-NLADA-NBA recommendations concerning legal services for the indigent. Currently, there exist 14 programs in our state; and, subject to availability of funds, plans are in process to expand the program to cover our entire state.

Our Association was enthusiastic over your recognition of the essential requirements of independence and professional integrity of the Legal Services Program as shown by your statement of July 14, 1969.

Now, however, we understand that at lower echelons in your organization proposals are being advanced which would subordinate the program to Regional Directors, under the title of "Regionalization". This would be an attempt to return to a thoroughly discredited system briefly sponsored during the prior administration which brought forth the following statement by the ABA-NLDA:

"Should an independent office in the Executive Branch not be feasible at this time and if an OEO type of agency is to be continued, the existing program could remain within that structure provided it becomes administratively independent from the existing Community Action Program. Either plan would result in more effective assistance to the poor, continued close cooperation with the organized bar, and a more efficient organization...."

## COMMISSIONERS

STEPHEN C. BRANSDORFER GRAND RAPIDS	WILLIAM H. GULVER SALAMANCA	JAMES C. DANER MT. CLEMENS	KENNETH D. DOYLE RECHER	JOSEPH L. HARDIS, JR. BIRMINGHAM	JOHN FEIKENS DETROIT	CHARLES F. LATIMER HUBERSON	WILLIAM J. MCBREARTY DETROIT
HENRY L. MAEDEL SABINUS	WILLIAM D. REAMON GRAND RAPIDS	ROBERT REESE DETROIT	CHARLES R. RUTHERFORD DETROIT	CARL H. SMITH, JR. SAY SITY	MARSHALL E. SMITH PONTIAC	LOUIS B. TRAYLIK FLINT	ROBERT D. ULRICH ANN ARBOR

Mr. Donald Rumsfeld  
 September 24, 1970  
 Page Two

"Experience with the LSP has demonstrated that preservation of the attorney-client relationship in local programs (particularly the independence of the lawyer to advise his client without interference from anyone) requires a corresponding independence at all levels of administration within the agency. Most of the difficulties encountered in the program to date have stemmed from OEO's failure to grant the national and local LSP the requisite freedom. Attempted domination of lawyers by community action agencies and officials at various governmental levels has interfered significantly with the effectiveness of the program,  
 ..."

(Memorandum re: OEO Legal Services Program, February, 1969; emphasis added).

In our opinion the proposals being considered will, if adopted by you, do, by administrative action, that which you, and we, so vigorously opposed together when the Murphy amendment was being considered - destroy the independence and professional integrity of the program.

The depth of feeling of this Bar Association is reflected in the attached Resolution adopted by us on September 22, 1970.

We urge you to reaffirm and strengthen the independence of Legal Services.

Very truly yours,

Charles W. Joiner  
 President

CWJ:bjs

Enclosure:  
 Resolution of Board of Commissioners

## RESOLUTION OF THE STATE BAR OF MICHIGAN

WHEREAS, the Commissioners of the State Bar of Michigan have been informed that the Office of Economic Opportunity is considering the regionalization of legal services which would eliminate its independent status and would threaten the professional integrity of the program by making it subject to the control of non-professional officials,

AND WHEREAS, the professional integrity of legal services requires independence at the national, regional and local levels,

NOW THEREFORE, BE IT RESOLVED that the State Bar of Michigan does hereby place itself on record as being unalterably opposed to such regionalization of legal services by the Office of Economic Opportunity, and urges the Honorable Donald Rumsfeld, Director of the Office of Economic Opportunity, and the Honorable Terry F. Lenzner, National Director of Legal Services, to preserve the independence and professional integrity of the program by maintaining legal services as a separate division pursuant to the Director's statement of July 14, 1969.

Adopted by the Board of Commissioners,  
State Bar of Michigan  
September 22, 1970

Senator MONDALE. Again, thank you, gentlemen.

(The prepared statement of Messrs. John Cummiskey, Donald Stocks, and Dean E. Clinton Bamberger follows:)

PREPARED STATEMENT OF MESSRS. JOHN W. CUMMISKEY, GRAND RAPIDS, MICHIGAN, REPRESENTING THE AMERICAN BAR ASSOCIATION; DONALD STOCKS, WASHINGTON, D.C., EXECUTIVE DIRECTOR, NATIONAL BAR FOUNDATION; AND DEAN E. CLINTON BAMBERGER, WASHINGTON, D.C., CATHOLIC UNIVERSITY LAW SCHOOL, REPRESENTING NATIONAL LEGAL AID AND DEFENDERS ASSOCIATION

Mr. Chairman and Members of the Subcommittee:

It is always a pleasure to appear before this Subcommittee to discuss the interests and concerns of our Association in the Legal Services Program of the Office of Economic Opportunity.

This marks the sixth joint appearance of our group before this Subcommittee. The continuing interest of the Subcommittee in the Legal Services Program bears a very close relationship to the significant growth and strength which the Program has enjoyed since the leaders of the organized bar, the Department of Justice, and the Office of Economic Opportunity co-sponsored the National Conference on Law and Poverty in June of 1965.

It is our understanding that this hearing has been convened to consider the effect on the Legal Services Program of the so-called "regionalization plan" which is currently being studied in the Office of Economic Opportunity. Representatives of each of our organizations serve on the National Advisory Committee to the Legal Services Program, which since 1965, has counseled the Director of the Agency and the Legal Services Director, on matters of policy affecting the Program. At a meeting of the NAC on September 11, 1970, we were informed by Director Rumsfeld and other representatives of the Agency that the question of administrative reorganization of the Agency, and specifically of the Legal Services Program, was under active consideration.

The Director indicated that prior to his making a final decision on regionalization of the Legal Services Program, he would consider the views of the National Advisory Committee. To the end of developing these views, a Subcommittee of the NAC was established and is currently conducting an investigation of regionalization and its effect on the Legal Services Program. Without intending to prejudice the efforts of the Subcommittee or predict the contents of its report, we feel it might be helpful to review with you the concerns of the profession with any administrative reorganization which would change the existing lines of communication and authority governing the operation of the Legal Services Program.

When the support of the organized bar for the Legal Services Program was secured in 1965, unequivocal assurances were given to the Associations represented here today that the Legal Services Program would be developed, implemented and managed by lawyers. A threat to this professional independence developed in 1967 when the Agency sought to implement a report of McKinsey & Co. management specialists, which sought many of the same ends which appear to be involved in the current regionalization study. At that time, a subcommittee of the NAC under the chairmanship of Jacob D. Fuchsberg, a past-President of the American Trial Lawyers Association, produced a report which raised the professional concerns with lay administration of Legal Services Programs by regional community action program directors. For the information of the Subcommittee, a copy of the report of the NAC to Sargeant Shriver will be furnished for the record.

In 1967, as now appears to be the case, OEO management officials indicated that the implementation of the McKinsey report was solely a matter of administrative concern to the Agency and that it had as its goal improvement in the administrative functioning of the Agency. According to these officials, implementation would not adversely affect the professional quality of the Legal Services Program. We argued then, as we argue now, that the proposed administrative reorganization would have substantive impact on the professionalism of the Program.

As this Subcommittee knows, the recommendations of the McKinsey report were not officially implemented with respect to the Legal Services Program. However, relationships between the Community Action Program and Legal Serv-

ices continued to threaten the independence of lawyers in providing professional representation to the poor. In February of 1969, leaders of the organized bar met with Secretary Finch of the Department of Health, Education and Welfare and Chairman of the Cabinet Committee on Urban Affairs and Secretary Romney of the Department of Housing and Urban Development, a member of the Cabinet Committee, to express concerns with the management of the Legal Services Program and the incursions on the professional independence of program lawyers. On July 14, 1969, OEO Director Rumsfeld coupled the announcement of his appointment of Terry Lenzner as Director of the Legal Services Program with a pronouncement that the Program was being elevated to the status of a separate division of the Agency reporting directly to him. The recognition by Director Rumsfeld of the points raised so vigorously and continuously by the legal profession was welcomed. It was concluded that attempts to derogate from the effectiveness of Legal Services had been permanently interred. Obviously, the indirect information given to the organized bar that return to a discredited format was under consideration produced an instant reaction against any attempt to reverse Director Rumsfeld's decision. (Attached hereto are copies of a memorandum submitted to Secretaries Finch and Romney at the meeting in February 1969 and the statement of Director Rumsfeld on the Legal Services Program dated July 14, 1969).

Regionalization would have substantive impact on the Program and would interfere in the Lawyer-Client Relationship.

Contrary to the position of OEO officials that regionalization will result in more efficient management and administration of the overall OEO program, the proposed plan, if applied in Legal Services, would have substantive impact on the professional independence of the attorney and would interfere in the lawyer-client relationship.

Prior to the establishment of the Program as a separate division, experience with divided responsibility in the regions between Community Action staff and Legal Services staff demonstrated that much friction developed between the two. Such decisions as those concerning funding, allocation of staff, staff salaries, and utilization of clerical support were inordinately delayed and much of the productive time of the lawyers in the regional offices was occupied in attempting to explain decisions on professional aspects of the Legal Services Programs to the Community Action staff. Similar controversies required substantial time on the part of neighborhood lawyers in local legal services programs, particularly the chief attorney's time, which thereby was diverted from the primary function of rendering services to clients. Frustrating delays in obtaining relatively simple decisions demoralized many lawyers in the program causing them to question whether or not the program would continue during the next year and often resulted in interruptions in meeting payrolls. Incalculable damage resulted to the professionalism of the program as a result.

Lay domination of lawyers at the regional level by Community Action officials earlier in OEO history quickly began to filter down to the programs at a local level. Community Action administrators in the localities, observing this relationship in the region, began to assert improper claims of authority upon the operations of legal services agencies resulting in tremendous time demands on the part of local lawyers to resist such encroachment, to maintain their professional independence, and, indeed often to prevent interference with the attorney-client relationship, including the handling of specific cases.

#### UNIQUENESS OF THE LEGAL SERVICES PROGRAM REQUIRES INDEPENDENT ADMINISTRATION

It has been argued that the Legal Services Program is no different from other OEO programs and that there is, therefore, no justification for exempting it from the regionalization proposal. This is patently untrue. No other OEO program has the unique combination of attributes possessed by the Legal Services Program. These include:

- (a) The imperative ethical and professional standards governing the rendering of legal services;
- (b) The controversial nature of the program, including particularly the concerted local and national efforts to prevent the vigorous assertion of the rights of the poor;
- (c) The remarkable success in attracting some of the best qualified and dedicated young members of the profession;

(d) The strong support of and close supervision by the legal profession of this national emphasis program resulting in uniform guidelines and the highest degree of professional integrity in service of the poor.

The uniqueness of the Legal Services Program has been expressly recognized by the Congress. The report of the Home Education and Labor Committee on S. 2388, the Economic Opportunities Amendments Act of 1967, provided in part:

"The Legal Services program is governed by national guidelines which were developed by OEO, with the assistance of lawyers on the National Advisory Committee and the legal profession generally, to meet the unique professional problems involved in rendering these services. These problems include: ethics, including the preservation of proper lawyer-client relationships, confidentiality of communications between lawyer and client, the exercise of independent judgments by lawyers, complete fidelity to the client's cause, rendering of a full range of adequate legal services, insistence upon the use of properly qualified lawyers and legal personnel and observance of all standards of the legal profession governing such services. Within OEO, primary responsibility for the direction and administration of the Legal Services program has been lodged in the Legal Services Director and the lawyers on his professional staff. This has included primary authority respecting the initiation, supervision, evaluation funding and refunding of individual local projects. The approval of the Legal Services Director has been required before any such individual project is funded or refunded. These aspects of the overall program have been largely responsible for its success, for its close adherence to professional guidelines and standards and for the unprecedented vigor with which it has been supported by the legal profession. The committee expects the continuance of these features of the program's administration." (Pp. 24-25. H. Rept. No. 866, 90th Cong., 1st Sess.)

There could be no clearer expression of Congressional intent than this mandate.

A review of the hearings on OEO authorization legislation conducted by this Subcommittee and the House Education and Labor Committee as well as Section 223(a) (3) of the Economic Opportunity Act, quoted below, will clearly show that the Congress was responding directly to the expressed concerns of the organized bar regarding encroachments upon the original commitments to professional management and direction of the program.

#### INDEPENDENCE OF THE LAWYER

The independence of the lawyer to represent his client without interference is a prime incident of the lawyer-client relationship. Without it, no client can be assured that he will receive the lawyer's best effort and the precious rights of the poor, minority groups and of others having unpopular causes will go undefended. The principle is enshrined in the adversary system which lies at the heart of our system of justice. It is designed to protect the rights of clients, not to satisfy the vanity of lawyers. It is required by:

(1) Section 222(a) (3) of the Economic Opportunity Act, as amended, stating that "projects involving legal advice and representation shall be carried on in a way that assures maintenance of a lawyer-client relationship consistent with the best standards of the legal profession;"

(2) The Code of Professional Responsibility of the American Bar Association—see EC 5-1, 5-21, 5-22, 5-24, 7-1. The Code protects the client not only against "compromising influences and loyalties", "desires of third persons", and other influences upon his own lawyer, but against all outside interference, including even that exercised by well-meaning board members in a legal services program (EC 5-24); a lawyer is enjoined to "constantly guard against erosion of his professional freedom". (Pertinent excerpts from the Code of Professional Responsibility are attached hereto.)

(3) The need to retain the confidence of clients; clients are quick to sense where their lawyer's loyalty lies and whether he concerns himself solely with the client's best interest; attempts to persuade the disadvantaged to use the system and to help themselves through legal means will be destroyed if the client loses confidence in the true independence of his lawyer to give his all.

These ethical and professional standards cannot be properly implemented by laymen. As indicated previously, the structure in the regions will quickly determine the pattern at the local level where the vital services are rendered. Erosion of these standards will preclude lawyers from rendering services to the poor in local programs where these standards are no longer maintained. The

denuding of the Legal Service Program of its professional qualities would result in a consequent loss of some of the brightest young lawyers working for clients in legal services agencies. No self-respecting lawyer will continue to work in a program where he is subordinate to laymen in professional matters. Headquarters and regional legal services staff were greatly demoralized by the difficulties created through divided responsibility both nationally and regionally under the prior administration. Transfer of administration primarily to Regional Directors would be intolerable to these lawyers.

The regionalization proposal would cost the Legal Services Program the enthusiasm and close supervision of the organized bar at best. At worst, it would result in the withdrawal of support for the program by the bar. Such loss of support would seriously cripple the program and dilute the quality of services available to the poor.

There is no better way to conclude this presentation than with the following excerpt from a resolution adopted by the Board of Governors of the American Bar Association on October 18, 1969:

"Whereas such power contravenes the American Bar Association's commitment to secure full and effective legal services to the poor by providing every person in our society with access to the independent professional services of a lawyer of integrity and competence; and

"Whereas enlarging the scope and effectiveness of the power to veto legal services program is highly undesirable because experience has shown that the power to veto may be used to circumscribe the freedom of legal service attorneys in representing their clients to address issues of governmental action or omission affecting the rights of their clients, and to discourage actions which are politically unpopular or adverse to the views of the majority; and

"Whereas such limitations impair the ability of legal services programs to respond properly to the needs of the poor and constitute oppressive interference with the freedom of the lawyer and the citizen; Now, therefore, be it

"Resolved, That the American Bar Association reaffirms its position that the Legal Services Program should operate with full assurance of independence of lawyers within the program and only to render services to individual clients but also in cases which might involve action against governmental agencies seeking significant institutional changes . . ."

(The information referred to follows:)

#### MEMORANDUM RE: OEO LEGAL SERVICES PROGRAM

##### (a) *Recommendations*

The American Bar Association and the National Legal Aid and Defender Association recommend that the federally-funded National Legal Services Program be continued. Ultimately, both ABA and NLADA would hope that an independent agency, foundation or quasi-public corporation could be established which would permanently gather together all the existing and planned civil and criminal programs for providing and improving legal representation of the poor. In the interim, the National Legal Services Program might become a coordinating agency within the Executive Office of the President to mesh together the various existing and projecting Legal Services Programs sponsored by the Federal Government. It could also provide some of the staffing for one or more of these programs during this period. Should an independent office in the Executive Branch not be feasible at this time and if an OEO type of agency is to be continued, the existing program could remain within that structure provided it becomes administratively independent from the existing Community Action Program. Either plan would result in more effective assistance to the poor, continued close cooperation with the organized bar, and a more efficient organization which would reduce administrative costs and centralize authority for the government's sponsorship of legal assistance to the poor.

An independent status for the program such as that suggested above is preferable to affiliation with HEW, Justice or HUD for a number of reasons including the obvious one—conflicts of interest.

##### (b) *Reasons for Recommendations*

The National Legal Services Program, presently operating within OEO, is rated by the organized bar as a highly successful way to bring good quality lawyers' services to the poor. We have reached this conclusion after a careful study of the program. Equal justice under law should remain a high priority objective of the Federal Government. The present program should be continued in a fully professional and lawyer-directed manner with close supervision by, and com-

munication with, the organized bar. Experience with the LSP has demonstrated that preservation of the attorney-client relationship in local programs (particularly the independence of the lawyer to advise his client without interference from anyone) requires a corresponding independence at all levels of administration within the agency. Most of the difficulties encountered in the program to date have stemmed from OEO's failure to grant the national and local LSP the requisite freedom. Attempted domination of lawyers by Community Action Agencies and officials at various governmental levels has interfered significantly with the effectiveness of the program, demoralized many of the bright young attorneys attracted to the program, delayed the making of crucial decisions and impeded the necessary growth of LSP.

HEW has recently established a Legal Services Program similar to OEO's. HUD has also made provision for support of legal services within its Model Cities Program. The Department of Commerce is proposing to make funds available for legal advice to small businesses under its SBA Program. Despite great progress made recently in expanding the availability of Legal Services to the poor, a very large unmet need remains. Accordingly, these additional federally funded programs constitute a welcome addition to the Legal Aid family. However, the proliferation of such programs threaten unnecessary duplication and a greatly increased difficulty in overall supervision by both the Federal Government and the organized bar. Such supervision is vital to insure high quality service to clients, including the observance of proper professional standards.

Neither Justice nor HEW, which appear to be the most logical existing structures for the National LSP, meet the objectives alluded to above. Both have sizable problems with conflicts of interest since local programs now handle numerous cases against governmental agencies which either receive support or representation from HEW or Justice. The existing administrative problems which presently exist within OEO would be encountered within both Justice and HEW. HUD suffers from the same disabilities. Additionally, it is oriented to urban matters. LSP is equally concerned with the rural poor.

**OFFICE OF ECONOMIC  
OPPORTUNITY**

PUBLIC AFFAIRS

WASHINGTON, D.C. 20508

Telephone: 296-2980

FOR IMMEDIATE RELEASE:

July 14, 1969

STATEMENT BY DONALD RUMSFELD ON LEGAL SERVICES PROGRAM

Today, I am appointing Mr. Terry F. Lenzner to be the Director of the Legal Services Program of the Office of Economic Opportunity. I am also elevating that program to the status of a separate division within the Agency.

The Legal Services Program has come to symbolize much of the mission of this Agency: justice for the poor, effective advocacy on behalf of the poor, and orderly institutional change within the framework of the legal system. Just as this Agency, by Congressional mandate, represents the concerns and needs of the poor within government, so also this program is to provide the poor with representation and advocacy before all institutions and at all levels of government.

Tradition requires that lawyers be advocates -- for the poor and rich alike. It is my desire to see the Legal Services Program express the concern, advocacy, and commitment necessary to assure equal justice for the needy.

Terry Lenzner is an attorney for whom I have the highest respect. At 29, he has had a remarkable range of experience -- a trial attorney of the Civil Rights Division of the Justice Department, Assistant United States Attorney in the organized crime section in the Southern District of New York, private practice, Special Assistant to the Chairman of the Board of Education of the City of New York. I have worked closely and personally with him on a daily basis since assuming this position, and I have confidence in his judgment, his ability and his commitment.

I am coupling the appointment of Terry Lenzner as Director of the Legal Services Program with a series of organizational and policy commitments which are designed to insure the effectiveness of the program.

The legal profession generally and every segment of the organized Bar including the American Bar Association, the National Bar Association, the National Legal Aid and Defender Association, and the American Trial Lawyers Association, have formally endorsed this program. They have supported it vigorously from its inception. Through representation on the National Advisory Committee for Legal Services, they have played a policy role in insuring that it provided effective and vigorous representation for the poor.

The National Advisory Committee will be convened regularly for advice and for its continuing support in mobilizing the assistance of the private sector.

The poor must have effective legal representation -- the kind of advocacy on which our legal system rests -- if they are to have faith that justice is truly equal and that it can be achieved within the existing system of law. We cannot restrict lawyers from giving their clients that representation which the highest standards of the profession require without encouraging those denied to seek change outside the legal system.

I have directed that the new Director interest himself immediately in establishing effective evaluation procedures for the more than 200 neighborhood Legal Services offices throughout the country. Improvement in the management of this program is essential. It requires defining the objectives and goals more clearly to the Legal Services project directors and instructing them on the methodology of engaging in activities directed toward economic development and law reform.

With the support of the Congress it is my intention to provide the Legal Services Program with the staff and resources necessary to insure an effective program. This means more than simply processing applications for refunding. It requires monitoring the effectiveness of existing programs, developing new programs, reducing or restructuring ineffective programs and developing new approaches to making equal justice under law a reality.

The mission is to bring justice to the poor -- for poverty can be a product of injustice.

Justice through advocacy, opportunity through elimination of the barriers imposed by injustice, and orderly change within the legal system are the mission of the Legal Services Program.

I have every confidence that Mr. Lenzner, the staff and the National Advisory Committee will work with increased effectiveness to bring those ideas closer to reality.

Excerpts from Code of Professional Responsibility  
of the American Bar Association<sup>1</sup>

Canon 5

A Lawyer Should Exercise  
Independent Professional  
Judgment on Behalf of a Client

- Ethical Consideration 5-1      The professional judgment of a lawyer should be exercised, within the bounds of the law, solely for the benefit of his client and free of compromising influences and loyalties. Neither his personal interests, the interests of other clients, nor the desires of third persons should be permitted to dilute his loyalty to his client.
- Ethical Consideration 5-21      The obligation of a lawyer to exercise professional judgment solely on behalf of his client requires that he disregard the desires of others that might impair his free judgment. The desires of a third person will seldom adversely affect a lawyer unless that person is in a position to exert strong economic, political, or social pressures upon the lawyer. These influences are often subtle, and a lawyer must be alert to their existence. A lawyer subjected to outside pressures should make full disclosure of them to his client and if he or his client believes that the effectiveness of his representation has been or will be impaired thereby, the lawyer should take proper steps to withdraw from representation of his client.
- Ethical Consideration 5-22      Economic, political, or social pressures by third persons are less likely to impinge upon the independent judgment of a lawyer in a matter in which he is compensated directly by his client and his professional work is exclusively with his client. On the other hand, if a lawyer is compensated from a source other than his client, he may feel a sense of responsibility to someone other than his client.

<sup>1</sup>Adopted by the House of Delegates of the American Bar Association on August 12, 1969 to become effective for Association members on January 1, 1970

## Ethical Consideration 5-24

To assist a lawyer in preserving his professional independence, a number of courses are available to him. For example, a lawyer should not practice with or in the form of a professional legal corporation even though the corporate form is permitted by law, if any director, officer, or stockholder of it is a non-lawyer. Although a lawyer may be employed by a business corporation with non-lawyers serving as directors or officers, and they necessarily have the right to make decisions of business policy, a lawyer must decline to accept direction of his professional judgment from any layman. Various types of legal aid offices are administered by boards of directors composed of lawyers and laymen. A lawyer should not accept employment from such an organization unless the board sets only broad policies and there is no interference in the relationship of the lawyer and the individual client he serves. Where a lawyer is employed by an organization, a written agreement that defines the relationship between him and the organization and provides for his independence is desirable since it may serve to prevent misunderstanding as to their respective roles. Although other innovations in the means of supplying legal counsel may develop, the responsibility of the lawyer to maintain his professional independence remains constant, and the legal profession must insure that changing circumstances do not result in loss of the professional independence of the lawyer.

Canon 7

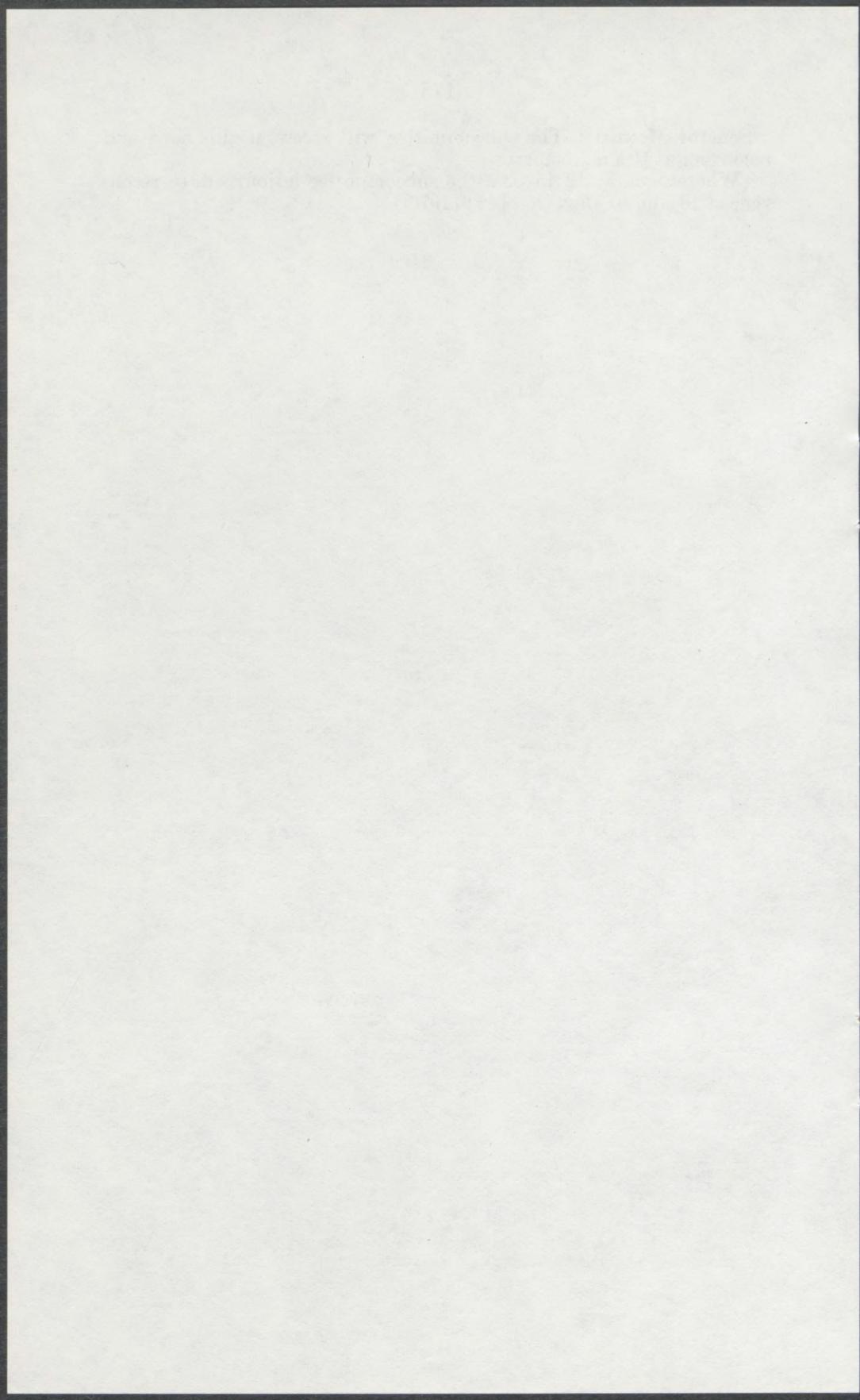
A Lawyer Should Represent a Client  
Zealously Within the Bounds  
of the Law

## Ethical Consideration 7-1

The duty of a lawyer, both to his client and to the legal system, is to represent his client zealously within the bounds of the law, which includes Disciplinary Rules and enforceable professional regulations. The professional responsibility of a lawyer derives from his membership in a profession which has the duty of assisting members of the public to secure and protect available legal rights and benefits. In our government of laws and not of men, each member of our society is entitled to have his conduct judged and regulated in accordance with the law; to seek any lawful objective through legally permissible means; and to present for adjudication any lawful claim, issue, or defense.

Senator MONDALE. The subcommittee will recess at this time and reconvene at 10 a.m. tomorrow.

(Whereupon, at 12:45 p.m. the subcommittee adjourned, to reconvene at 10 a.m. Friday, October 9, 1970.)



## LEGAL SERVICES PROGRAM OF THE OFFICE OF ECONOMIC OPPORTUNITY

FRIDAY, OCTOBER 9, 1970

U.S. SENATE,  
SUBCOMMITTEE ON EMPLOYMENT,  
MANPOWER AND POVERTY,  
OF THE COMMITTEE ON LABOR AND PUBLIC WELFARE,  
*Washington, D.C.*

The subcommittee met at 10 a.m., pursuant to recess, in room 4232, New Senate Office Building, Senator Walter F. Mondale presiding pro tempore.

Present: Senators Mondale and Cranston.

Committee staff members present: William R. Bechtel, professional staff member; John K. Scales, minority counsel.

Senator MONDALE. The subcommittee will come to order.

Before we begin the hearings I would like to make a few comments.

First is with respect to a different but relevant matter. I refer to a story appearing in *The New York Times* this morning by Eileen Shanahan entitled "IRS to Restudy Tax-Exempt Units." According to this story, the Internal Revenue Service is considering the revocation of the tax exempt status of organizations engaging in litigation against private parties such as those filing suits against corporations for pollution.

I would ask that the story be included at this point in the record.

(The newspaper article referred to follows):

[From the *New York Times*, Oct. 9, 1970]

### I.R.S. TO RESTUDY TAX-EXEMPT UNITS

THOSE ENGAGING IN LITIGATION COULD LOSE EXEMPTIONS

(By Eileen Shanahan)

WASHINGTON, Oct. 8.—The Internal Revenue Service is planning to reconsider and possibly revoke the tax-exempt status of certain organizations that engage in litigation against private parties, such as those currently filing suits against corporations allegedly polluting the air and water.

An announcement is expected shortly, possibly tomorrow, to the effect that the agency is suspending the issuance of new rulings granting tax exemption to such organizations and is planning to study whether some existing exemptions ought to be revoked.

The announcement appears certain to arouse criticism from those who will feel that the action is aimed at stopping law-suits against private business interests that the Nixon Administration does not want to see attacked.

Officials who are working on the issue say, however, that there are always two sides to the questions involved in such lawsuits and that they question the propriety of the Government's supporting only one of those sides through special tax treatment. An example of the two sides in such cases would be a suit against the construction of a new power plant when the area it would serve is experiencing or approaching a shortage of electric power.

Internal Revenue's study of this area of tax exemption will be aimed at the establishment of guidelines defining which types of litigation may be pursued without loss of tax exemption and which may not.

Officials said that, while they are not prejudging the issues, they did not expect their study to result in revocation of tax exemption for old-line organizations that have customarily engaged in litigation against private parties.

Examples of these old-line organizations are the American Civil Liberties Union, the N.A.A.C.P. Legal Defense and Educational Fund, Inc., and various legal aid societies.

An example of an organization that could be affected is the Center for the Study of Responsive Law, guided by Ralph Nader, which does much of the legal work in consumer protection cases.

#### CHARITY GUIDELINE

One high official said that a distinction he believed the forthcoming guidelines might make would involve whether the persons on whose behalf the suits were filed were "traditional objects of charity." He said that all the cases of recent decades involving the rights of blacks would probably fall under this heading.

The legal question that Internal Revenue would be examining in its review would be what types of litigation could properly be designated as charitable, educational or religious or otherwise are activities that are tax-exempt under the law.

An organization that has tax exempt status of the kind that is at issue in the I.R.S. study does not pay tax on any income. More important, however, is the other benefit that tax-exempt status confers. That contributions to an exempt organization may be deducted on the tax returns of the donors.

In the announcement that Internal Revenue will make, it will warn donors to litigating organizations that are currently tax-exempt that their donations may not, henceforth, be deductible.

Internal Revenue will also state, however, that it plans to complete its review within 60 days, so as not to prolong the period of uncertainty, during which contributions to the organizations under question will surely diminish.

Senator MONDALE. In addition, I received this telegram from Maynard J. Toll, president of the National Legal Aid and Defender Association saying:

Persistent rumors have come to me that Treasury Department proposes to issue a ruling revoking income tax exempt status of nonprofit legal service organizations characterized as public interest law firm. National Legal Aid and Defender Association is deeply concerned by possible direct and indirect effect such ruling may have on its several hundred members rendering civil and criminal legal services to poor people. I hope your committee can forthwith look into this matter in view of most severe damage that might be done.

Those stories, if correct, are most disturbing. It shows once again that wherever the poor, wherever public interests that would not otherwise be represented are represented in lawsuits, an effort will be made to deny the tax exempt status necessary to those efforts. In Lake Superior, for example, the steel companies have always had lawyers. Lake Superior has found itself unable to hire a lawyer, but unfortunately, there are some people with tax exempt status who can speak up for the lake in court.

This would be a very serious thing, and if they go beyond that and extend it to civil rights cases, it would produce the anomaly that the public bodies now resisting desegregation schools with public funds who are resisting, would have public moneys, and the lawyers trying to enforce the law of the land could not even have tax exempt status; and to boot, the Internal Revenue Service is granting tax exempt status to segregation academies in the South to provide a way of escape. That is a very serious development and I would think that the staff

ought to prepare a letter from us to the Internal Revenue Service maybe have Mr. Thrower for hearings.

(Editor's Note: The subcommittee subsequently held public hearings on this question on November 16 and 17, 1970.)

Before we hear from the distinguished panel of Legal Services attorneys we have before us today, and also from some of those who represent the people benefiting from Legal Services, I want to comment briefly on Wednesday's hearing.

Whether the administrative structure of the OEO Legal Services program is to be drastically changed is a very serious and profound question for this country, for this Congress and for this committee. The Legal Services program has been one of the most remarkably effective programs for the poor of any developed by OEO. It has permitted the use of the system, through the due process use of the court, effective representation of the poor in legal proceedings throughout this country.

The proposed regionalization is not supported by anyone other than this administration that we know of; it is not supported by the American Bar Association, by the Federal Bar Association, by the NLADA—no one that I know of except those that want to hamper the program want to regionalize it. Regionalization would place it under the control of lay leadership, it would be effectively beyond the reach of the Congress and it would be beyond effective reach of the bar associations and the rest which have protected it. Therefore, regionalization strikes at the heart of an effective legal program for the poor of this country.

On Wednesday the Director of OEO testified that in effect he was amazed that this committee was concerned at this point because no decision had been made. As he said: " \* \* \* we have not decided what to do \* \* \* " "we do not have a precise formulation that we are ready to circulate for comment." "I have not even gotten the final recommendation from my own staff as to how and if it should be done."

Since that time the committee has obtained a memorandum dated August 12 from the Deputy Director of OEO which declares that the decision had already been made and more than that the decision was very specific. It said:

1. Legal Services operating programs are to be redelegated from the Director of Legal Services to Carlucci to Regional Directors.

2. Regional Legal Services staffs in the regions are to be responsible to the Regional Directors. The Chief of Legal Services in the Regions will be jointly selected by the Director of Legal Services and the Regional Director. The balance of the regional staff will be selected by the Legal Services chief with the concurrence of the Regional Director.

3. The policies and procedures for the administration of Legal Services programs will be established by the Office of Legal Services and issued under the Director's signature and be binding upon the Office of Operations. Disagreements will be resolved by the Director or Deputy Director.

4. There will be full and open communication between the Office of Legal Services and the Regional Legal Services staff. However, any direction regarding delegated activities will follow the command channel through the Office of Operations. Disagreements will be resolved by the Director or Deputy Director.

5. Determination of Regional Legal Services allocations will be made by the Office of Legal Services and concurred in by the Office of Operations. Disagreements will be resolved by the Deputy Director.

The Director of OEO could certainly have been more specific with this committee if he had disclosed the existence of this memorandum. He might also disclose the existence of the June 8 memorandum from

Mr. Carlucci. Had the committee been informed of the memorandum which had already been issued with regard to regionalization, it might have had a more relevant discussion with the Director about these intended beneficiaries. Instead, we were quite unable to engage in such discussion because the Director repeatedly took the position that no decisions had been made.

After the November elections I think the committee should recall Mr. Rumsfeld and question him again.

I know of no issue that is more important than the right of the poor to be heard in due process court proceedings. We say to the poor, "Believe in the system, it will work as fairly for you as it does for everyone." This is why such conservative organizations as the American Bar Association strongly support such a legal program. They know that you are not a full citizen in American life if you cannot have your rights asserted in courts by good lawyers who are independent enough to serve your interests.

So if we dismantle this program, we will continue to tell the poor, "Believe in the system, it is going to work for you but we are not going to let you have lawyers because they cause trouble and they bring the wrong kinds of lawsuits."

This is a restriction that no other American would permit and it is going to create frustrations; it is going to create a further credibility gap; it is going to further destroy the affection of the poor for this country, and that is a tragedy for all of us. I hope that the Director will seriously reconsider the seriousness of the step that he has apparently decided to take.

Senator Cranston.

Senator CRANSTON. Mr. Chairman, It is difficult to reconcile the information contained in this document with the testimony of Mr. Rumsfeld. He testified before this subcommittee just 2 days ago. At that time, I participated with you in questioning him about plans for regionalization. He was quite explicit in his statements to us that the matter was wide open, that there had been no decision, and that he had no tendency toward regionalization up to the point of his testimony.

Mr. Chairman, would you please identify that document from which you read? Who is the writer and to whom it is addressed?

Senator MONDALE. This was a document dated August 12, 1970. Subject: Regionalization of Legal Services. To the Director of Legal Services from Mr. Hjernevik. He says, among other things, "Let there be no misunderstanding of intent."

Probably I should put the whole statement in the record at this point.

(The information referred to follows) :

[CONFIDENTIAL]

OFFICE OF ECONOMIC OPPORTUNITY,  
EXECUTIVE OFFICE OF THE PRESIDENT,  
Washington, D.C., August 12, 1970.

Attention of: D/D.

Subject: Regionalization of Legal Services.

To: Terry Lenzner, LS.

After careful review of your document on regionalization of Legal Services, I have come to some tentative conclusions. First, let me say that both the Director and I have been clear in our understanding that we intended to "regionalize"

Legal Services as soon as the regions were staffed up and operating to your and our satisfaction. It was our hope that this could occur by July 1, 1970. So let there be no misunderstanding of intent.

What remains is what is meant by regionalization in Legal Services case. What I mean goes a little further than Carlucci's memo of June 8, 1970:

I. Legal Services operating programs are to be redelegated from you to Carlucci to Regional Directors.

II. Regional Legal Services staffs in the regions are to be responsible to the Regional Directors. The Chief of Legal Services in the Regions will be jointly selected by you and the Regional Director. The balance of the regional staff will be selected by the Legal Services chief with the concurrence of the Regional Director.

III. The policies and procedures for the administration of Legal Services programs will be established by the Office of Legal Services and issued under the Director's signature and be binding upon the Office of Operations and the Regional Directors.

IV. There will be full and open communication between the Office of Legal Services and the Regional Legal Services staff. However, any direction regarding delegated activities will follow the command channel through the Office of Operations. Disagreements will be resolved by the Director or Deputy Director.

V. Determination of Regional Legal Services allocations will be made by the Office of Legal Services and concurred in by the Office of Operations. Disagreements will be resolved by the Deputy Director.

I still have not received the memo you promised on the state of readiness region by region. I would be willing to stagger the effective date of the above based on that input.

WESLEY L. HJORNEVIK,  
*Deputy Director.*

cc: Mr. Rumsfeld  
Mr. Carlucci

Senator CRANSTON. In the second paragraph the document states the issue: "What remains is what is meant by regionalization," and then proceeds to spell it out in detail.

Senator MONDALE. There is one point there. This puts it under the control of the regional director for all practical purposes.

Senator CRANSTON. He also says, "Let me say that both the Director and I have been clear in our understanding that we intended to 'regionalize' legal services."

I recognize that it is too late to have Mr. Rumsfeld back for a hearing just now, but I think that after Congress' recess that we should have a hearing and see if he can in any way explain this.

Senator MONDALE. How does the committee operate? How do we do our job if we cannot tell what is going on? It seems to me we need an understanding with the Director of OEO about what the relationship is between Congress and his office.

Senator CRANSTON. Fortunately, with such information as this, we can tell what is going on.

Senator MONDALE. That is right. Let's take the legal services program. I have worked with the Director since he came in, I have been publicly commendatory toward his work, I have supported him when they tried to turn it over to State control. I was among those who led the fight to support the Director's position to protect the program.

The American Bar Association, many Members of Congress, all of us joined together to support the Director of OEO for an independent, strong legal services program. Now without consulting any of us who supported him, he is changing the whole terms of the program and I think he is destroying the promise of the program. In addition to that, he won't tell us what he is doing.

Our witnesses this morning consist of several directors of legal service programs and the first four will be a panel of Cruz Reynoso, director of the California Rural Legal Assistance Program and also representing the Mexican-American Bar Association; David H. Dugan, director, Camden Legal Services Corp., representing Poverty Lawyers for Effective Advocacy; Robert L. Spangenberg, director, Boston legal assistance program, representing the project Advisory Group; and Willie Cook, Neighborhood Legal Services, representing the Reginald Heber Smith Caucus, Washington, D.C.

Would you please come up to the witness stand.

Senator CRANSTON. Mr. Chairman, I would like to say a few words about one of the witnesses who is a friend of mine from California. I know that all of the witnesses are eminently qualified by their backgrounds to be very helpful to us this morning. However, I am limiting my personal comments to Cruz Reynoso because I am particularly and personally aware of his background and his accomplishments and the broad gauge background that he brings to this very important hearing.

Cruz Reynoso is a gentleman singularly well qualified to tell the committee how it really is with legal services in the field.

Cruz Reynoso is one of those people who works day in and day out, quietly with great dedication and force, to try to give those beset by poverty a fair shake—a decent opportunity to lift themselves out of the cycle of dependence and economic, educational and employment insecurity.

I believe that the Legal Services Program, along with Headstart, has been the most productive of all war on poverty programs—productive in terms of really providing the poor with the vital tools they need if they are to help themselves rather than simply to be helped by others.

California rural legal assistance has truly become a legend in its own time, representing the best of an overall fine nationwide program. It has done its job so effectively, helped so many people and gained so many supporters that, despite enormous political opposition within the present California State administration it has continued to be funded. And that is exactly how it should and must be and how it must remain.

That is, in essence, what these hearings are really about—a program which offers the poor and their interests the very best tradition of legal advocacy and representation in civil matters with no strings attached but the canons of judicial ethics—which apply to all attorneys. When such a program represents its poverly clients with integrity and dedication, it inevitably produces political opposition from those whose stake is to preserve the status quo.

What we are trying to find out in these hearings is what would hapen to legal services programs, such as CRLA, under the regionalization that our hearings Wednesday seem to indicate will very likely be implemented unless we are able to change this present direction.

As I told Mr. Rumsfeld on Wednesday, I hope he will review the transcript of today's hearing to hear what the poor and their advocates and lawyers believe and feel about the regionalization concept. For my part, I will stand firmly with Chairman Nelson and Chairman pro tem Mondale in fighting any move to weaken this vital program's effectiveness in helping the poor. We in the Congress will not sit still

for any "back door" Murphy amendments, an approach rejected by the Congress last year.

Cruz, I welcome you and I congratulate you as director of CRLA on its singular success, best judged on the basis of who are your detractors as well as your supporters. I look forward to your testimony.

Mr. REYNOSO. Thank you, Senator. We appreciate that.

Senator MONDALE. You are an old hand here. Just go ahead as you wish.

**STATEMENT OF CRUZ REYNOSO, SAN FRANCISCO, CALIF., DIRECTOR OF CALIFORNIA RURAL LEGAL ASSISTANCE PROGRAM REPRESENTING MEXICAN-AMERICAN BAR ASSOCIATION**

Mr. REYNOSO. Well, thank you very much.

Gentlemen, I will begin the panel discussion. I did prepare just a short 3½-page statement.

I want to thank you, of course, for inviting me. I would like to indicate that before coming I was asked by the newly organized Mexican-American Bar Association of California and I was asked also by a grouping of the two western—that is, western and north-western—legal services programs directors, 55 in number, to speak for them and to speak unanimously for them in opposition to regionalization because I think all of us here on the panel agree with what Senator Mondale and Senator Cranston have said. We believe, and I believe, that if regionalization takes place that through hearings like this the Director of OEO will be persuaded to have the regionalization not take place; but if it does take place, I really think that it means disaster for legal services programs.

I think that the legal services program has really been an experiment of making the legal system and democracy itself work effectively for all of us, including the poor, the minorities, the Americans—many of whom I represent, and the disenfranchised and to have our clients have the kind of representation that they really deserve.

We have been dedicated to the proposition that the poor are entitled to the top and best legal services. That means that we will represent them in controversial cases. As a matter of fact, any change that comes about comes about because there has been a challenge to an existing group and the way it operates, be it a Government group, be it a big company, be it growers, what have you, and whenever that is challenged of course there are natural outcries.

I have listed in my statement just a few incidents where there have been those outcries and have indicated that we in CRLA have really become sort of experts in the field of outcries by entrenched interests when we have been defending the program.

I mentioned the program when we successfully attacked the imported Mexican workers, braceros, and Senator Murphy particularly objected tremendously—not on the basis that our clients were not right in law but on the basis that the agricultural employers wanted the braceros.

I mentioned the Supreme Court of California case of Medi-Cal who at the last moment had been denied an operation on his back and the Supreme Court of California agreed that we were right in representing that client, and yet the Governor said, "No, you cannot do it."

I object to lawyers defending their clients in this manner. I recall at that time in Sacramento of there being a cartoon that showed a lawyer and a poor person knocking on the Governor's door and the Governor saying, "Don't go to court, riot." And I am afraid that that is really the message that comes to poor people when they cannot have legal representation.

I cite also the recent case that I am proud of, the *Castro* decision where we were representing a Spanish-speaking citizen and persuaded the Supreme Court of California, and they did not need persuasion, that you cannot take away a person's right to vote if he can be informed simply because he does not speak English. We had a terrible battle with a gentleman with whom Senator Cranston is acquainted, a registrar of voters in Imperial County, who even after that decision refused to register those voters until we threatened legal action against them.

Senator MONDALE. Was that a supreme court decision?

Mr. REYNOSO. A California Supreme Court decision; yes, sir.

Each of these individuals has protested and these protests have been invariably briefed in the Governor's office, the OEO office, and I understand they have 34 professionals in that office—this is the state OEO office—who sort of keep tabs of OEO programs in the State and that in turn has reached the regional director.

What we always have to worry about, gentlemen, is really this. Can those who oppose the lawsuits that we bring mount political pressure to the extent that they will put us out of business? We have succeeded thus far in preventing that because Senator Cranston has indicated the wide support we have had. The really essential ingredient to that has been a strong legal services program directed from here in Washington. You break down the independence that we have had.

You cannot expect when you are dealing with powerful local interests to have local political leaders always support legal services programs and independently legal services programs. You have got to have sort of a national outlook to really support this type of program. Let me give you a smaller example.

When we have gone into a district, as we did in Madera County, and brought an action against that school district because it had permitted youngsters below the legal age to work in the agricultural fields and had insisted that youngsters of welfare families go out in the agricultural fields to work, to break a strike. We brought an action against that school board and we could not really expect to gain support from either the board of supervisors or from the educational board in that county. We needed support from those who supported us statewide and nationwide to say that that is not right, what happened in that county, and I am afraid we need that kind of support in California.

So I have discussed regionalization not only with the directors as I have mentioned but with some of our clients. The opinion is unanimous. It is amazing. They feel as I do that to allow local political pressure to control what cases we file and don't file, how we file those cases, whom we file on behalf of—or put it differently, whom we sue and whom we don't sue—really will bring the destruction of Legal Services.

We simply will go back to what the Governor of California mentioned the Saturday before last that perhaps we ought to be doing

and that is perhaps just representing, as Senator Murphy said, that poor fellow and not bring any actions that really make it different for poor people and bring no actions to challenge any governmental or other politically powerful entities that are operating outside the law.

I submit that poor people are entitled to top legal representation, they are entitled when they go to court to be protected by a lawyer who will live up to the kind of ethics and will say: If my client has a grievance we will try to file it with the courts. I beseech this committee, as I know it does not need beseeching, to do anything it can to oppose the regionalization to take place.

(The prepared statement of Mr. Reynoso follows:)

Joint Statement of

MEXICAN-AMERICAN BAR ASSOCIATION OF CALIFORNIA

ASSOCIATION OF LEGAL SERVICES DIRECTORS -  
WESTERN AND NORTHWESTERN REGIONS

CALIFORNIA RURAL LEGAL ASSISTANCE

by

CRUZ REYNOSO, DIRECTOR, CRLA

before

The Subcommittee on Employment, Manpower and  
Poverty Committee on Labor and Public Welfare  
UNITED STATES SENATE

October 9, 1970

Mr. Chairman and Members of the Subcommittee:

Thank you for inviting me to testify regarding the proposed regionalization of the Legal Services Program. I am anxious to share with you our experiences as legal services lawyers which have led the organizations I represent to the conclusion that the proposed plan would mean the destruction of high-quality legal services for the poor.

In addition to representing California Rural Legal Assistance, I have been asked to speak in opposition to the proposed plan by the Mexican-American Bar Association of California and by the 55 directors of Legal Services Programs in the Western and Northwestern regions of the Office of Economic Opportunity.

Why is it, this Committee might ask itself, that the directors of Legal Services Programs, the Mexican-American lawyers, and CRLA, which has been designated as one of the best Legal Services programs in the country, unanimously oppose the plan?

The Legal Services Program has been an experiment in making the legal system and democracy itself work effectively for all of us including the poor, the minorities, and the disenfranchised. Our clients have had the type of representation that has given them a small measure of hope that the system, at times, can work. Every legal victory for the poor has been through an "important" case. Each of such cases, by its nature, has been controversial. Each such case has challenged the way some officials, some employers, some landowners, or some other politically powerful groups have done business. Each such controversy has invariably led to raw political pressure to quiet the lawyers who serve the poor.

Those whom I represent today speak with a great deal of authority. Certainly, we in CRLA can be considered "experts" in the field of attempted political pressure.

-- Three years ago when we successfully defended the rights of farmworker clients against competition by braceros (contracted Mexican farm workers), who were permitted into this country in violation of law, Senator George Murphy brought tremendous pressure to bear against the program.

-- When we successfully defended the rights of Medi-Cal recipients to basic medical needs, the Governor in California demanded that our program be terminated.

-- When we have brought actions against agricultural employers to enforce laws providing for drinking water and field sanitation for their workers, those employers used their political "clout" to bring pressure to bear against CRLA.

-- When the Supreme Court of California recently ruled that our citizens who were literate in Spanish, mostly Mexican-American, could not be disenfranchised by the California Constitution, the County Registrar of Voters in Imperial County protested the activities on the part of our lawyers.

Each protest has reached the Governor's office and the state Office of Economic Opportunity. Those pressures have, in turn, been directed at the Office of Economic Opportunity Regional Directors. Regional Directors, regrettably, are subject to local political pressures. An outcry from a Governor, even if unfounded, is naturally viewed with consternation.

We have resisted those political pressures. A vital ingredient in our successful resistance has been the strong support for our clients and our programs from the National Office of Legal Services.

The reality is that the proposed regionalization is merely a sophisticated attempt to do administratively what Senator Murphy failed to do last year. It gives control to the local political powers. The effect, however, is even more drastic, for each detail of representation of the poor will be reviewed in terms of its controversy and its political connotations.

These continuing efforts to weaken Legal Services Programs are seen by the poor as an attack upon their rights to independent legal representation. Mexican-Americans and other minorities have found in legal services attorneys a resource, at long last, whereby the many grievances can reach the courts. Congress has held out the hope that the poor have access to the courts--to destroy that hope is to do immeasurable harm to this country.

All our people, poor as well as rich, black and brown as well as white, young as well as old, will have justice under our legal system only if they can get to our courts and only if they can get to the courts with a lawyer by their side, free to act on their behalf no matter how controversial the case and no matter what the political consequences might be. For the poor, regionalization of legal services means justice promised, justice denied.

Senator MONDALE. Thank you, Mr. Reynoso.

I think we will hear from all of you and then we will have questions.

Next is Mr. David Dugan, director, Camden Legal Services Corp., representing Poverty Lawyers for Effective Advocacy, which is called PLEA.

**STATEMENT OF DAVID H. DUGAN, DIRECTOR, CAMDEN, N.J., LEGAL SERVICES CORP., REPRESENTING POVERTY LAWYERS FOR EFFECTIVE ADVOCACY (PLEA)**

Mr. DUGAN. PLEA was formed last summer in the midst of great apprehension about what might be happening to the legal services program. Since last summer PLEA has kept itself very well informed about many of the local problems. Certainly there are problems that never reached the glorious spotlight of California legal assistance. There are many, many individuals who suffer as a result of the aggressive representation that they afforded their clients.

Senator MONDALE. Your organization represents the poverty lawyers in this country. How many members do you claim?

Mr. DUGAN. Actually at this point we claim close to 700 members out of close to 2,000.

Senator MONDALE. Is yours the only organization which purports to speak for the poverty lawyers?

Mr. DUGAN. For the rank and file poverty lawyers, yes.

Senator MONDALE. For nonmanagement?

Mr. DUGAN. Sort of. I am management myself. I am a project director.

Senator MONDALE. You represent those lawyers?

Mr. DUGAN. Right.

I would like to direct the Senator's attention to page 6 of the statement that I furnished. On page 6 there is a chart that several of us have put together which I think quite vividly shows what will be the results of this regionalization plan.

I have listed the items that I think are most critical, what the current lines of responsibility are and what they would be under the regionalization.

First is the area of hiring and firing regional legal services directors. Currently that responsibility is vested in the Director of Legal Services in Washington. Under regionalization the authority would be in the hands of regional OEO directors with concurrence on the part of the Director of Legal Services.

Second, and much more critical I think, is the chain of command under regionalization. Currently this chain of command runs from the Regional Legal Services Director to the Director of Legal Services in Washington to the Director of the Office of Economic Opportunity. It is a direct, clear line of responsibility. Under regionalization, the Regional Services Director would be responsible to the Regional Director of OEO who in turn will be responsible to the Director of Operations and then to the Director of the Office of Economic Opportunity. The Director of Legal Services in Washington is excluded from that chain of command.

The third item is grant sign off and special conditions. This means the authority to actually sign the grants to the local legal services

program and to impose special conditions on their operation. Currently that authority is vested in the Director of Legal Services by delegation from the Director of OEO. Under regionalization the Director of Legal Services would have some influence but there would be a requirement of concurrence on the part of regional directors.

Let me illustrate the area of special conditions because I think this is really a tough area. It is very conceivable that special conditions might be imposed by Regional Directors, for example, limiting the number of suits or the kinds of suits which can be brought against Government agencies or limiting the representation of militant groups in the community.

Right now the new appellate division of the New York State Supreme Court has imposed a requirement on all legal services programs that they furnish annual reports stating specifically what groups they have represented in the past year, what the purposes of those groups have been and what the objectives were that they, the legal services programs, were seeking in representing those groups.

Senator MONDALE. Who is requiring that?

Mr. DUGAN. The appellate division of New York State.

Senator MONDALE. What right have they to ask that?

Mr. DUGAN. Well, it is being challenged, I understand, by a lawsuit.

Senator MONDALE. Have they asked the big law firms of the State to supply similar information?

Mr. DUGAN. Not to my knowledge. This does apply, though, not only to legal services programs; it also applies to others like the NAACP, Legal Defense Fund and other such organizations in New York.

Senator MONDALE. The kind that bring those kinds of lawsuits.

Mr. DUGAN. That is what I mean by the kind of special grant conditions that could clearly be imposed where you don't have strong authority in the national legal services director.

The only other item I would like to mention on this list is the last one, national emphasis programs. Under this heading I am including the Reginald Heber Smith fellowship program, the National Training Center, the backup centers in such areas as housing, welfare, et cetera. Currently the responsibilities for those things rest in the national director of legal services where they should be. There is just no indication under this set of documents that has been put together who will have that kind of responsibility under regionalization.

Senator MONDALE. What your charge does not show is that the funding would be determined at the regional level, too.

Mr. DUGAN. Yes.

Senator MONDALE. Which means that regional directors will have the power of the purse which will permit them to take money away from a program to influence its direction.

Mr. DUGAN. Yes. I am finished.

Senator MONDALE. We will include your full statement as though read.

(The prepared statement of Mr. Dugan follows):

STATEMENT SUBMITTED TO SENATE  
SUBCOMMITTEE ON EMPLOYMENT,  
MANPOWER AND POVERTY

by

David H. Dugan, III, Chairman  
Poverty Lawyers for Effective Advocacy  
c/o Camden Regional Legal Services  
647 Viola Street  
Camden, New Jersey, 08104

Poverty Lawyers for Effective Advocacy (PLEA) is an organization of more than 600 lawyers working full time on behalf of the poor, largely through OEO funded Legal Services projects. Since its formation in the summer of 1969, PLEA has sought repeatedly to protect local Legal Services attorneys from political interference resulting from their vigorous representation of poor people.

PLEA lawyers, as well as many other Legal Services attorneys, have strong feelings about the needs for change in our society. We are not content to obtain superficial, band-aid solutions for our clients. Nor are we willing to accept delays and inaction by government bureaucrats who have been frustrating the poor for so long. We believe the poor are entitled to justice and a substantial voice in this country. They must be represented with the most effective legal weapons we can muster, even if it means that we render the Legal Services program politically vulnerable.

Suppose, for example, some tenants in a privately-owned, low income apartment complex come to us and complain that the landlord

has just raised the rents substantially, that he has failed to make basic repairs even after repeated demands by tenants, that he often fails to return security deposits when tenants move out although the tenants have not caused any damage, and that he occasionally locks tenants out or shuts off their heat and electricity when they fail to pay their rent on time. We could simply respond by telling the tenants who have brought in the complaints that we cannot do anything for the tenants as a whole but that we would be happy to assist any individuals who might like to sue for a lost security deposit or for being illegally locked out. But that would be no real solution at all. The landlord is in a superior economic position - there is a housing shortage and he has the power to keep on oppressing his tenants with impunity. The only appropriate remedies are those which involve power. Therefore, our response is to call a meeting of the tenants, inform them of their rights and perhaps help organize a rent strike. When the landlord attempts to evict the leaders of the tenant organization, we put together a massive defense, using all the equitable defenses available as well as demanding a jury trial. In short, the landlord finds himself in an expensive but fully legitimate fight.

Or suppose a farmer suddenly fires his migrant worker team because he has found another team that is willing to work for less money or has had more experience in harvesting his particular crop.

Deprived of both their housing and their jobs, the workers come to us for assistance. We could simply try to negotiate with the farmer to permit the workers to stay on his farm a few days longer while we try to find them another job. But that would not get at the basic problem that farmers feel they can hire and fire their workers at will. Therefore, our response is to hurry into court and get a temporary restraining order preventing the farmer from evicting the workers and hiring others to harvest the crop. We also try to find the other crew of workers and convince them not to cooperate with the farmer. Then we make communication with officials in Puerto Rico, from which the workers have come, and insist that the Commonwealth should insist upon standard contract protections for all Puerto Ricans who migrate to the East Coast during the farming seasons.

Again suppose several angry urban Blacks come complaining about excessive force used by police in making the arrest of one of their friends. After fruitless attempts to get the police chief to take disciplinary action, we cannot simply let the matter drop. The Black community has the right to a hearing; the police must be made to give an accounting, in public, with respect to the incident. Thus, we file a damage suit in federal court and provide the community with a forum for their grievance.

Or, finally, suppose ghetto residents are constantly claiming that the city officials are using urban renewal to systematically remove poor people beyond the city limits. There is no easy solution to that problem; it requires digging into HUD regulations,

studying the city's workable program, surveying the city's available housing resources, etc., and then demanding and, if necessary, bringing suit to enforce the rights of the poor people involved. Such rights would include citizen participation in the planning process, provision for relocation housing and the creation of jobs for minority residents in the actual construction process.

I have given you four examples, all quite typical, of the kind of aggressive representation which we in Legal Services have committed ourselves to perform. I need not spend much time suggesting that such activity generates repercussions. Legal Services lawyers are responsible first to their project directors. Project directors are responsible to their projects' boards of trustees. Projects depend upon funding from local United Funds, from state governments, from bar associations and from the Federal Government. Projects cannot well function without some degree of cooperation from the local courts and private attorneys. All of these individuals, groups and institutions represent potential political pressure points for landlords, farmers, police chiefs and mayors who wish to retaliate against Legal Services attorneys who may have forced them to the wall.

Indeed, there has been a great deal of such retaliation during the past year. Staff attorneys in such places as DeLand, Florida and Havre, Montana have been fired by their directors because their activities were too aggressive to suit local politicians. Project directors in such places as Albuquerque, New Mexico and Saginaw, Michigan were fired

by their boards for the same reason. Governors in such states as Missouri and Florida attempted to veto the refunding of Legal Services programs in their states. Grants from local United Funds have been terminated in several communities as a result of pressures from major fund givers. And a great many disgruntled state and local politicians have appealed to members of their Congressional delegations to approach OEO Director Rumsfeld in hopes that he would intervene and stop poverty lawyers from fostering "oppressive" litigation.

This is the real world in which we poverty lawyers function. Thus far, fortunately, most of the political battles fought at local as well as national levels have been won, and poverty lawyers in the field are still relatively free of intimidating pressures. A great deal of credit should be given to the Director of Legal Services, Terry Lenzner, and his dedicated staff, who have persistently fought for the integrity of the program. The time has come, however, when it appears that the Administration has had enough. Mr. Rumsfeld has decided that he would like to rid OEO of what he has called "the most troublesome agency in the Federal Government". By vesting in his Regional Directors major authority over Legal Services, at the expense of the Director of Legal Services, he will be able to divert away much of the political fire he is now having to endure. More importantly, however, he will be able to satisfy critics of the

program by thus giving them a golden opportunity to tear the program to shreds. We view Mr. Rumsfeld's "regionalization" plan as a clear act of bad faith. For the sake of the poor, he must be stopped.

According to Mr. Rumsfeld, at the present time his plan is neither fully developed nor final. However, its basic elements are fairly well established, as indicated in Mr. Carlucci's memorandum to Mr. Hjernevik, dated June 8, 1970, a copy of which was made available to members of the National Advisory Committee of Legal Services in September. The following chart illustrates the basic changes in responsibility which would occur if the plan is implemented:

ITEM	RESPONSIBILITY NOW	UNDER REGIONALIZATION
Hiring and firing of Regional Legal Services Directors (RLSD)	Director of Legal Services (DLS)	Regional Director (RD) with concurrence of DLS
Chain of command	RLSD to DLS to Director of OEO (DOEO)	RLSD to RD to Director of Operations (DO) to DOEO (DLS excluded)
Grant sign off and special conditions	DLS (by delegation from DOEO)	Concurrence of RD in decision of DLS
Program development and termination	DLS	DO or RD
"Policy" and procedures	DLS	DLS (without power to implement)
National emphasis programs (Reggies, national training center, back-up centers, technical assistance and evaluation)	DLS	?

Without question, the plan will completely undermine the authority of the Director of Legal Services. National constituents of the program, such as the American Bar Association, the National Legal Aid and Defender Association, the Legal Services Clients Council, and organizations concerned with particular poverty areas such as welfare, consumer problems and the needs of senior citizens, will find their influence greatly reduced. The more aggressive local programs will begin finding that their grants are being reduced and restrictive special conditions are being imposed. We are not worried about our jobs; we can always find employment elsewhere. The victims of this destructive plan are the poor.

Although Mr. Rumsfeld argues that the plan will improve the administration of the program, his argument is only a cloak to hide the real reasons, which are political. He should be forced to admit what he is really trying to do. Therefore, I recommend that he be required to answer the following questions in clear detail:

1. What defects in the present administration of the Legal Services program need to be corrected?
2. How will regionalization, in a manner depicted in the above chart, serve to correct those defects?
3. In what ways will the interests of the poor be advanced?
4. What will become of the national emphasis programs, such as

the Reginald Heber Smith Fellowship program, the national training center, the various back-up centers (housing, welfare, etc.), and the technical assistance and evaluation programs, under this plan?

5. What individuals, groups and organizations have indicated to you that they support this plan?

6. When are you going to be making a final decision concerning regionalization?

October 9, 1970

Senator MONDALE. Is it your testimony that your organization is solidly opposed to regionalization and that in your opinion, it will seriously interfere with the effectiveness of the program?

Mr. DUGAN. Absolutely.

Senator MONDALE. There is no question about that?

Mr. DUGAN. No.

Senator MONDALE. So would it be fair for us to conclude that most attorneys working with legal service programs very much oppose and fear this proposed regionalization?

Mr. DUGAN. Yes.

Senator MONDALE. Is there a significant minority that favor it in your opinion?

Mr. DUGAN. Not to my knowledge. I don't know of anyone that does. There are many people that don't have a full understanding of it, it is something that is very difficult to educate people about.

Senator MONDALE. We cannot understand the reason for this proposal. The American Bar Association, the National Bar Association, the N.L.A.D.A. and now the Association of Poverty Lawyers—all of them like the present system. Who wants it changed?

Mr. DUGAN. I don't know. That is one of the questions I have indicated on page 7 and page 8. I think it should be put to Mr. Rumsfeld and require him to answer.

Senator MONDALE. I did.

Our next witness is Mr. Willie Cook, Neighborhood Legal Services, Washington, D.C.

**STATEMENT OF WILLIE COOK, NEIGHBORHOOD LEGAL SERVICES,  
WASHINGTON, D.C., REPRESENTING REGINALD HEBER SMITH  
CAUCUS**

Mr. COOK. Thank you, Senator Mondale.

I would like to take a sort of different approach to regionalization. Let me say at the outset that I view the move as basically antiblack and I think it is a racist move. This is the latest of a series calculated acts of oppression of black people by the Nixon administration. Many poor black people throughout this country have begun to view the legal services program as an ally in challenging the premediated violence that is visited upon them by Government, business and economic interests, and the judicial system.

Legal services attorneys have become vigorous advocates for the rights of the poor but seemingly the Nixon administration through Mr. Donald Rumsfeld has decided that America is not really serious or even concerned about the rights of the poor. Regionalization would destroy any effective response of attorneys to the aspiration of black people because the attorneys offer control of the legal services programs to local political hacks.

Of course Mr. Rumsfeld seeks to assure us that the integrity of the program will remain intact but this kind of rhetoric infuriates me. I view legal regionalization as a response to those interests in this country who want to keep my people in their place. A regional director will be a political appointee who will be subject to intense pressure and control from local political and business interests and in many, many instances these same interests are most responsible for the oppression of poor people.

It is inconceivable to me that the legal services program under what is called the new federalism would be anything more than a source of unstrained relations. Black people are tired, they are sick and tired of games being run on them by politicians. We are told that the way to deal with legitimate grievances is through the judicial system. But as an attorney on a day-to-day basis dealing with poor people's problems regularly I don't even respect that system as a means of dealing with the legitimate grievance of the black people.

I think even the judicial system is rotten and infested and it needs to be straightened out. If Mr. Rumsfeld has his way, it will be more difficult for us to use even that judicial system.

It seems that every effort that is made to relieve the misery of black people in this country is very often met with resistance. Instead of dealing with the real problems that grip this country, our leaders treat us to travel in circles, running around the country talking about radical liberals.

The poverty program has held up hope to a lot of people who have been brutalized by insensitive, shortsighted individuals. It would be a cruel hoax to destroy one of the most effective aspects of the poverty programs under the guise of regionalization. This new brainstorm of a so-called friend of the poor ought to be stopped forthwith.

We as legal services attorneys have too many restrictions at present. It seems to me that more energy ought to be expended on improving the services that poor people receive rather than effecting further restrictive structures. I oppose the plan to regionalize the service and I will never accept any curtailment of my vigorous representation of my clients even if it means I must leave the program.

I also would like to state that I am speaking on behalf of one of the programs that was mentioned earlier, the Reginald Heber Smith fellowship program which is a national program that is funded directly by OEO. In this particular fellowship program we have roughly about 250 young lawyers coming out of law school, most of whom are recent law school graduates who are given special training in the areas of poverty law and are then sent to various legal services programs throughout the country.

Senator MONDALE. Where is this located?

Mr. COOK. The Reginald Heber Smith program?

Senator MONDALE. Yes.

Mr. COOK. Howard University is the original grantee of the Reginald Heber Smith program and its function is to inject new blood on a national level to local legal services programs. I think the regionalization effort would effectively fight that kind of movement.

I am chairman of the black and brown caucus of the Reginald Heber Smith Fellows and we all concur unanimously that we want this regionalization effort stopped and we think it should be stopped immediately.

Senator MONDALE. So that you have a caucus of black and brown attorneys as a part of this program?

Mr. COOK. Yes; we do.

Senator MONDALE. And you unanimously oppose to regionalization?

Mr. COOK. Absolutely.

Senator MONDALE. Do you know of anybody in your caucus who favors it?

Mr. COOK. Who favors this?

Senator MONDALE. Yes.

Mr. COOK. Not a single member of my caucus favors regionalization. As a matter of fact, I heard you say that Mr. Rumsfeld evidently was the only one but I think one of the things we need to keep in mind is that Mr. Rumsfeld does not operate in a vacuum. Mr. Rumsfeld is a direct appointee of President Nixon. I think in addition to looking into the effort to regionalize on the part of Mr. Rumsfeld I think he tried to make out the case that this is simply another administrative move to make legal services perhaps more efficient but in reality it is much more than that.

I could cite many examples of problems of people in our caucus we have had. For instance, we had Mr. John Brighton, who is an attorney and also in the Reginald Heber Smith program assigned to the North Mississippi rural program in Oxford, Miss. It seems that John has been much too vigorous in his representation of black people in rural Mississippi, especially in desegregation suits. What has happened is that he is now being charged by the State officials in Mississippi with unauthorized practice of law. Now he is a member of the Connecticut Bar, he is also a member of the Federal District Court in that region and also licensed to practice before the U.S. Court of Appeals in that region, but yet he is being continuously harassed by local Mississippi politicians who don't want to see him effective.

Now my question is, if this particular program in Mississippi were turned over to the local politicians in Mississippi, where would John Brighton be today? It just so happens that the people on the national level and also those people who run the Reginald Heber Smith program have been very, very vigorous in their support of John Brighton and his right to very vigorously advocate for the poor people in Mississippi.

I think what regionalization will mean, it will be that for instance, I think the Mississippi bar has asked to take over the function of running the legal services program in Mississippi in the northern region and that is the most ridiculous kind of offer I have ever heard in my life. How in the world can any person in Mississippi, especially any poor black person in Mississippi, be represented in any kind of vigorous way by the Mississippi Bar Association in Mississippi? I ask you to consider the implication of that nonsense. I think just as the national office turned down politically that offer on the part of the bar association in Mississippi, I think this committee should do everything in its power to see to it that this monstrosity is stopped in its tracks and that we look into it very carefully. Let us not be swayed by the very smooth and suave manner of Mr. Rumsfeld because he is trying trying to trick you as he did the other day. I am not fooled by him, poor black people are not fooled by him, black and brown attorneys are not fooled by him, and we want it opposed.

Senator MONDALE. Thank you very much, Mr. Cook, for your most effective presentation.

Mr. COOK. Thank you, Senator Mondale.

Senator MONDALE. Mr. Robert Spangenberg, director of Boston Legal Assistance program, representing Project Advisory Group.

**STATEMENT OF ROBERT L. SPANGENBERG, DIRECTOR, BOSTON  
(MASS.) LEGAL ASSISTANCE PROJECT, REPRESENTING PROJECT  
ADVISORY GROUP (PAG)**

Mr. SPANGENBERG. I suppose you are now going to hear from management's side.

Senator MONDALE. Are you management?

Mr. SPANGENBERG. Apparently. I am chairman of the Project Advisory Group which consists of 30 project directors from all over the country in legal services representing large urban programs, small programs, rural, Indian, migrant programs, with representation from each of the OEO regions.

This group was formed approximately 3 years ago by Earl Johnson, who was then the National Director of Legal Services to provide input from the field into decisions that were to be made by the National Office of Legal Services. Also I was one of the original 12 consultants to the legal services program hired back in March of 1965, in the early days of the program, prior to the time that the national office had a fulltime staff. It was our role at that time to provide technical assistance to community action agencies and Bar Associations in order to put legal services programs together.

I mention this only to bring up a particular point which I think is pertinent and that is that we did in fact have regionalization of one form back in 1965. In fact, from 1965 to some time in 1969, when the President and Mr. Rumsfeld announced the independence of legal services and appointed Mr. Lenzner as an associate director of OEO. So in fact prior to that time we did have regionalization.

Now, not nearly to the extent that has been suggested in the memorandum this morning that had been read into the record. But let me tell you my understanding of that regionalization and then give you some very specific examples of what happened then that I think would be further aggravated today.

First of all, under the old system, the signoff authority for grants was in the regional director, with some concurrence in the national office, but the regional director really controlled the signoff of grants. Secondly, the National Director of Legal Services was responsible to the director of the community action agency division which at that time was Mr. Berry of OEO, and not in a direct line to Mr. Rumsfeld as under the new independence.

Furthermore, the regional legal services staff was hired by the regional director, not by the National Director of Legal Services, and they were responsible to the regional director and not to the National Director of Legal Services. So some of the things that have been suggested in this memo this morning in fact existed prior to the independence.

Now let me tell you a few of the things that happened under this old system. First of all, which I think is very shocking, some of the local community action agencies were able to convince the regional directors to siphon off the top of legal services programs, overhead costs for community action agencies. Now this, despite the fact that Congress had earmarked money for legal services.

The community action agency in Boston took 6 percent of the Federal dollars off the legal services grant for so-called central ad-

ministration. In the legal services program in Washington, 8 percent of the grant was taken off. Something in excess of \$80,000 of Federal funds was taken away from the legal services program and turned over to the community action agency.

Now this is a pattern that has existed in a good many programs around the country. It was one which was endorsed by regional directors at that time and they were CAP-oriented. My fear is, there has been talk about the possibility of taking a 5 percent cut off the top of all legal services programs across the country. This would occur if we turn the program back into the hands of regional directors. This is the first thing they are going to grab hold of.

Now secondly, in those days there was an enormous delay in legal services grant processing. When it had to go up through the line to the regional director for their signature, there was great delay of processing in salary increases and for certain kinds of special conditions, budget flexibility, so on and so forth. Weeks and months would go by, legal services programs went 6 or 7 months in some instances without funds, simply because of the delay in grant processing.

Now we were told at that time that the problem was that the regional officers just had too many grants to process. My understanding of OEO is that many of the programs are now in the hands of regional directors.

If we throw control of legal services on top, we are going to get back into the same old story of delay, refusal of regional directors to approve budgetary flexibility, and so on.

Third, I have recollection of regional directors in particular offices refusing to process legal services grants, refusing to sign off on new programs that have been developed and approved by the National offices because of political pressure that was exerted upon them. They absolutely refused to sign off and create new legal services programs.

Furthermore, in situations where evaluations had taken place and the judgement of the independent evaluators was that the particular legal services program was not providing effective representation, was not following the guidelines of legal services and should be terminated. Certain regional directors refused to terminate legal services programs that were not performing in accordance with the guidelines.

I suggest to you that if legal services is put into the hands of regional directors, the integrity of the program may mean very little. New grants may not be processed. Refundings may not be processed. Termination of programs may not take place because these decisions will not be in the hands of lawyers in the national legal offices staff, but in the hands of the regional directors.

Now, finally, in terms of programmatic decisions relating to that, there were instances before under the old regionalization where regional directors refused to follow the lead of the legal services program. Let me give you just one example.

You may be aware of the problem in Chicago in relation to the legal services program out there. Because of the insistence of the mayor of Chicago and other community action officials, it became necessary for the legal services program to operate out of multi-service centers that were in the hands of the community action

agency. There were instances where lawyers were housed on the balconies of gymnasiums in some high schools in Chicago. The facilities were incredible, there was no privacy. Furthermore, elements of the community had no confidence whatsoever in the local community action agency.

For over 3 years the office of legal services attempted to deal with that problem, attempted to provide the direct funding in Chicago so it could gain its independence, but in each instance they were turned back by the regional director in that particular region. It is those kinds of programmatic decisions that I fear in addition to the other things that I have described to you.

Now my fear is that all of this will come back to us again in far greater number when the independence is taken away, that which was promised to us by President Nixon and Mr. Rumsfeld a year ago.

Let me say in conclusion that the project advisory group, which is this group of project directors throughout the country—and I think we clearly represent the majority view of legal services—is unalterably opposed to regionalization and in fact at a recent meeting in Washington adopted a resolution in the support of that which was submitted to Mr. Rumsfeld. This was some 3 to 4 weeks ago. We have not received a reply from him, but it is certainly on record in his office that the project advisory group is unanimously opposed to regionalization.

I can say I know of no project director in the country who has indicated to me that he is anything other than opposed to this regionalization, nor have I heard any lawyer in legal services—and many of them have talked to me—who is favorably disposed toward regionalization.

Senator MONDALE. Can you speculate as to why they want it?

Mr. SPANGENBERG. I think that they really want to destroy the program, they want to do away with the politically sensitive suits. They don't want any political heat from the Congress or from local public officials. What they want us to do is to go back to the old days of legal aid when all we were doing was providing some help for poor people in getting a divorce and maybe a few other non-controversial matters, but they don't want suits, they want the heat taken off politically.

Senator MONDALE. Does that not mean then that we have now a system of Government of men—by which if you are wealthy enough, you can bring the law suits that you wish to bring to assert your interests? At least you can bring the law suits and have your day in court, but if you are poor you can only bring the law suits that the rich want you to bring, and the others that they find painful or harmful or dangerous to their interests they can prohibit simply by limiting the capacity of the lawyer for the poor to bring the law suit. Is that correct?

Mr. SPANGENBERG. That is absolutely correct.

Senator MONDALE. Then when you say to the poor that the system works for them, that it works fairly, it works fully, you should get out of the streets, use due process—What do you tell them? What do you tell the poor?

Mr. COOK. Well, I don't tell people that first of all they can even hope for a great deal through the judicial system as it presently exists.

I just would like to point out in the District of Columbia where I am practicing they have a very strange situation here where first of all the people in the District have absolutely no control over their lives as it is, but I notice that the court reorganization bill has passed Congress. One of the little noted provisions of that court reorganization bill effectively cut off our appellate routes from the District of Columbia Court of Appeals to the U.S. Court of Appeals.

Well, if you look at that from the outside it looks like a good move because what it does is it gives District of Columbia its independent court structure, sort of a parallel to State structure, and it sort of upgrades the State court system in the District of Columbia. But the problem is that the lawyers in our program, where we have had success in the legal services program in the District of Columbia it has been in the U.S. Court of Appeals, and where we have fell on our faces more often has been in the District of Columbia Court of Appeals. But the people here in terms of having anything to say about who the judges will be, this stuff is rammed down our throats. We are told, for instance, that we have a very comprehensive judicial scheme for dealing with private landlords as far as, say, for instance housing code violations, but you take an agency like the National Capital Housing Authority which is the public housing authority in this city, and also a Federal agency, it takes the position that it is not subject to the housing code as are private landlords.

Now what is going to happen under reorganization when we continue to advocate very vigorously against agencies like the National Capital Housing? Are we to be told that we should lay low, that we should press these people too hard because they are the Government?

I think people will understand for themselves what they have to do after regionalization goes through.

Let me just say I don't even think under the present system that there is a great deal for poor people to be smiling about or to be hoping for, and under regionalization I think it would decrease at that level of expectation.

Senator MONDALE. When we passed the extended OEO Act, we dealt with the legal services program. We were not concerned about regionalization because the administration had just declared we were going to have a national program.

The President in his message said he was going to elevate it. We commended the administration for doing what the American Bar Association wanted and what they thought was the right thing to do from an ethical standpoint—from the standpoint of effective representation of the poor. But in other ways we did try to protect against the problems which minimize the program's effectiveness—all of which reflected a philosophy which is inconsistent with regionalization.

For example, we prohibited—this is my amendment—the delegation of OEO to another agency because as we said, we were concerned that the legal services attorneys be free to represent their clients in actions against Government agencies. And that by retaining legal services in OEO, possible conflicts of interest problems and other constraints are held at a minimum.

In other words, we wanted them to be free to represent their clients as are the lawyers for others.

In addition to that, we set forth legal services as a separate line item for budgeting authority because we wanted the sort of thing you are talking about—we wanted the lawyers to be free to represent their clients without constraints from the CAP's. We wanted cooperation, but we wanted the program to be free from the sort of thing you are talking about.

Of course, what regionalization does is in effect to place the legal services program back under the control of the very people who are not attorneys and who are not in many cases sympathetic to the problems which attorneys have in bringing lawsuits of this kind—let alone the problems of political interference and the rest.

So I think this is inconsistent with OEO's own declaration, and it is inconsistent with the spirit of this law. There is no question that if it ever occurred to us that they were thinking of regionalizing this program, we would have prohibited it. At least, no one on the majority of the committee wants that. If we can beat the Murphy amendment, there would be no one that would fight for regionalization of this program that I know of.

Senator CRANSTON. Mr. Chairman, I would like to say one thing about that situation. This relates to the testimony we had and the information contained in the memorandum that you introduced this morning. I would have reservations at the present time about our confirming any nominees for OEO positions until we have an understanding of our relationship with Mr. Rumsfeld and OEO. I think we should discuss this matter with them.

Senator MONDALE. I agree because I frankly don't know how we can conduct our business until we know whether we are going to get full candor from the OEO and I don't know of any other way of doing it except to hold up their nominees until we have an understanding about our relationship.

Senator CRANSTON. I make this suggestion in reference to any pending or future nominees, but I wish to make it clear that it is not in relationship to the qualifications or lack of qualifications of any nominee.

Senator MONDALE. This is the committee that handles OEO. We have had a good working relationship with that agency and suddenly we find this kind of performance. I don't know how we can respond to this unless we have an understanding that we are going to hear the full facts about the problems that we are trying to deal with. I don't know of any other way of doing it except holding up these nominees until we do have an understanding.

Mr. REYNOSO. I would like to add a word that those of us who are in the business of representing the poor through OEO legal services practically by osmosis start hearing things out of Washington and out of the region as to what is happening. I would regrettably say that what has happened in this last month or the last few days does not really come as a great surprise to me. We were very optimistic when this administration took office with strong pronouncements from Mr. Rumsfeld and the President in support of the concept that the poor ought to have access to the courts.

Sometime thereafter we heard rumors that the Justice Department is compiling lists of legal services programs and the cases they had brought against Government agencies. Then the Attorney General

was quoted in a magazine or a newspaper, I forget which, expressing concern that these legal services programs were bringing actions against the Government.

Finally, we start hearing that there is some concern in OEO and certainly we have immediately heard from the Governor's office, and so on.

I fear that I concur with Mr. Spangenberg's remark of a minute ago that what is happening is a conscious decision not just by Mr. Rumsfeld but by others high in this administration apparently that OEO legal services and the problems they have encouraged interest in are just too hot to handle politically and that perhaps we better start laying off and not worry so much about the poor having access to the courts and start protecting the interests of those who have been subject to attack by the poor for their legal services attorneys.

I regret to even have to share this sort of feeling to this committee and I cannot say that I have got two dozen documents to back this up, but from a hundred little things that are happening I am afraid that that is our feeling. Whereas, we used to be optimistic at CRLA, and as you have heard today, as they have proved that such a necessary part of the way we do business in a democracy, and that now I view that whole concept and that service of programs as in real danger in terms of continuing to exist as independent bodies.

Senator MONDALE. I think you are accurate there.

Just one point: At the hearings on November 14 with Mr. Rumsfeld, on page 22 he said: "I think it is a very undesirable thing to permit someone in control, any one, frankly, the kind of activity that legal services programs attorneys are involved in."

This is the kind of record we were left with and we expected a clear, unquestioned philosophy of independence and of national direction in the legal services program.

This issue was never raised at all, and had it been I am sure it would have been dealt with. Indeed, the only thing that was at issue was the Murphy amendment and there we worked with the administration to head off State control over OEO programs.

Senator CRANSTON?

Senator CRANSTON. Yes.

Mr. REYNOSO, how long have you been with CRLA and in the legal services program?

Mr. REYNOSO. I have been involved with CRLA, really, since 1965 and 1966 when I was working with Jim Lorenz to establish CRLA and I was originally on the board of directors. Then Jim Lorenz resigned to come work here in Washington and I joined CRLA in a staff position in September 1968, so about 2 years now in a staff position.

Senator CRANSTON. Mr. Lorenz was here last year and gave some very helpful testimony. How long has he been with CRLA?

Mr. REYNOSO. Since 1966, when the program first began. He was its first director and I am its second director.

Senator CRANSTON. Then both of you have been with CRLA since the program began?

Mr. REYNOSO. That is correct, Senator.

Senator CRANSTON. Has Mr. Rumsfeld, or any other top official of OEO, ever discussed the regionalization plan with you or Mr. Lorenz—has he asked you for the field's view on the subject?

Mr. REYNOSO. Not at all.

Senator CRANSTON. According to Mr. Rumsfeld's testimony on Wednesday, and subject to whatever revisions we have to make based on these memos, he would appear to have been the only person actively pushing the question of regionalization.

Do you know who else supports it?

Mr. REYNOSO. No, I don't. However, I have heard that some of our regional directors themselves support it and I have the suspicion, as I indicated a minute ago, that unfortunately I don't think it is an isolated Rumsfeld doctrine, so to speak. I think that this is only one in a series of activities that have in the last year been cutting down on the accessibility of the poor to the courts, to protest and so on, and I view it in that light and view it very seriously.

Senator CRANSTON. Why would some of the regional directors be pushing it?

Mr. REYNOSO. I would imagine that some regional directors for example, many in the South would simply want to be able to be more responsive to the political pressures that they get from those areas.

Incidentally, psychologically, I should think, if a regional director would say "I am sorry, that is not my baby, talk to Washington," get them off the hook. I imagine that that is the sort of concern that those regional directors would have and would want to get along with the local political heads.

Senator CRANSTON. I suppose there would also be a natural tendency for regional directors to want more authority in their own hands, subject to whatever accommodations they would make locally and politically.

Mr. REYNOSO. Yes.

Senator CRANSTON. What other reasons motivate others who favor regionalization?

Mr. REYNOSO. I think that the other reasons really go to the basic structure of the legal services programs. I think there are many folk near or around Mr. Rumsfeld who have become concerned with the aggressive representation of the poor against Federal agencies like the Department of Agriculture, against State agencies and so on, and to have regionalization is, I believe, one step in cutting down that sort of activity on the part of the poor people who need the legal services programs and I am afraid that is the sort of thrust that we have here.

Senator CRANSTON. When you use the words aggressive you are talking about serving your client's interests to the best of your ability?

Mr. REYNOSO. What I mean by aggressive is that a lawyer will operate by the canon of ethics. It is his duty to represent his client and that is the kind of representation we have tried to give our clients.

Senator CRANSTON. What is your budget for fiscal year 1971, and for the previous 2 years?

Mr. REYNOSO. We actually go on a calendar year. We have about \$1.6 million this year and we have been told that it is going to be exactly the same dollar figure next year because there are no more funds in the legal services programs. I should point out that really means a cutting down of the services that we render to the poor because with inflation we will have to be cutting some positions, but that is what we understand might happen next year.

Senator CRANSTON. What was your budget in the preceding 2 years?

Mr. REYNOSO. In the preceding 2 years it was approximately \$1.5 million.

Senator CRANSTON. How many full-time and part-time lawyers does this \$1.6 million budget support?

Mr. REYNOSO. We have approximately 40 lawyers.

Senator CRANSTON. You have 40 lawyers on the CRLA staff?

Mr. REYNOSO. Yes, sir. About 20 lay applicants whom we call community workers and the rest are administrative and secretarial staff.

Senator CRANSTON. On Wednesday we learned from Mr. Rumsfeld that, on a nationwide basis, VISTA lawyers working in Legal Services programs right now are down to just about 10 percent of their number of 1 year ago. This represents a loss of about 270 lawyers in this work. When I asked Mr. Rumsfeld how he planned to compensate for a loss of that magnitude in terms of handling cases, he didn't provide any real answer. What is the situation with respect to VISTA lawyers working in your program in California?

Mr. REYNOSO. First I must say that when you don't have VISTA lawyers or you don't have the Reginald Heber Smith programs or you don't have money to hire lawyers in a program like ours, the reality is that nobody is going to make up for that. As a matter of fact, I have heard figures mentioned, anything from, that we represent the poor and served perhaps no more than 20 percent; and I have heard figures up to 20 percent of the needs of the poor in this country. It is not true that the poor are having their needs served, there simply are not enough of us. So I think there simply will be no replacement. However, there is an interesting detail on VISTA and CRLA. We have never had VISTA's in CRLA. While we would be a very logical program to have VISTA's because it is an effort to get those VISTA lawyers out of the rural areas, the Governor as I understand it has had an absolute veto over VISTA so the VISTA officials have never attempted to put VISTA's in our program for fear that that program would be vetoed by the Governor.

As I say today despite attempts on our part, we could have had VISTA's in our program.

Senator CRANSTON. Has there been a significant drop in the number of VISTA lawyers working in California?

Mr. REYNOSO. Yes.

Senator CRANSTON. Another matter that I discussed with Mr. Rumsfeld when he was here the day before yesterday was an alternative possibility in regard to the organization of Legal Services. The alternative to regionalization would be the possibility of setting up the Legal Services program as an independent entity, perhaps a public corporation, outside the basic Government structure and hence less subject to political pressures.

What would be your view on that as a thought to explore?

Mr. REYNOSO. Well, I have two reactions and I would like to share them both with you.

One is that I see us being apparently in one continuing battle after another in terms of keeping the independence of Legal Services programs. If therefore we could set up something akin to the National Science Foundation which would be the National Legal Foundation where it is funded by Congress but has somewhat of an independent

board that can live up to the principles of Canon 15 and the Legal Services lawyers representing their clients without political intervention, I think that would be a very good thing.

The only qualm I had, and I really deferred to your judgment on this, is whether or not there would be any problems in funding a clearly identifiable group known as the National Legal Foundation that was funding lawyers that do create problems for Government and other private agencies that are not living up to the law.

So my reaction would be it would be a good thing to create that sort of independence. Whether or not there would be political problems in funding I really don't have a judgment at this point.

Senator CRANSTON. Do any of the other members of the panel have any comment on whether the Legal Services program should be set up as an independent entity?

Mr. DUGAN. I would agree with that same assessment. I think the major problem would be funding. You say it would be outside the influence of political pressures. Of course, if it is totally dependent on Government for funding, there would be those pressures but I think the major advantage would be it would be a separate organization, not the kind of chain of command relationship to the people in the Executive Office of the President and for that reason I think it would be very favorable.

Mr. SPANGENBERG. I would like to add just a word on the funding situation. My understanding is that if we get the amount proposed which is something like 58.5 million that that will not even cover the cost of the program for the previous fiscal year. What that will mean, I am told, is that there will be a 2 percent cutback pretty much across the board in the entire Legal Services program.

What that mean practically is that lawyers will have to leave the program, that the numbers of clients that we are presently representing will be cut down. We are not even talking about a cost of living of 5 or 6 percent increase, which is absolutely essential given the present budgets for lawyers and legal services programs. Fifty-eight and one-half or 59, as I understand it, would be a disaster.

There is one other point that has not been mentioned. It is my understanding that 58.5 also includes technical assistance money, which in the previous fiscal year came from another source, so that is added back in for the first time to that 58.5 which is really disaster for the program.

Senator CRANSTON. Mr. Reynoso, earlier in your testimony you made a broad estimate that anywhere from 2 to 20 percent of those people who need legal services actually get them. I would guess that the figure is 10 percent or less, and that even that figure is rapidly diminishing.

It seems that all of our efforts are very limited: manpower training programs reach only about 10 percent of those who need them; only about 10 percent of those who ought to get into Headstart are reached by that program; and only about 10 percent of those who need family planning services get them.

Mr. REYNOSO. It sounds like a good guess.

Senator CRANSTON. I would like to ask any one of you if you could offer any comments on what your clients, the migrants and farm workers or other poor people, are saying about the program, and how

they seem to view the services you are offering them. What is their feeling about the legal services program at the present time?

Mr. COOK. I think a good many people, since the legal services program has started, 2 years ago, a good many poor people take the position that at least now there is some slight opportunity, some slight chance of dealing with those forces that have brutalized them for years and years and years.

I think as I said before the legal services attorney represents to many people the only hope that he has to fight vested interests in a particular community. I think to hamper that kind of relationship in any way, whether you call it regionalization or whatever you call it, I think would be, as I said before, a cruel hoax on the poor.

What we are doing here with legal services is we are raising the hopes of poor people. We have raised the hopes of a lot of poor people by leading them to believe that if they would only channel their grievances, their complaints, through established systems, then something can be done, but at the same time, when one becomes too vigorous in advocating those particular problems that poor people have, all of a sudden the Government or whoever is interested in it decides that something has to be done, and that is the story of the lives of poor people, especially the story of the lives of black people.

As soon as anything effective is instituted which might be a relief in a minuscule way of the misery that black people suffer, somebody else comes up with an obstacle.

I think people are getting pretty sick and tired of the hope and the promises which go on for a year or 2, and after the television cameras stop swirling, then the support is lifted from those programs.

Mr. DUGAN. We have used words like vigorous and aggressive advocacy, and I think this kind of sounds like nasty business. I would like to give a couple of illustrations of what kind of activity I think this is.

For example, some people may come into our office and complain about the way in which police arrested some of their friends in the community, alleging that the police used excessive force.

Now in Camden where I am from this has happened, and there is no mechanism by which people in the community can get a grievance considered by the officials in the city. They have no place to turn for a fair hearing on their grievance.

After we attempted to get the city to conduct an investigation into this particular incident and the city refused to do so, we filed a Federal court damage action seeking damages against the police officers involved.

This was a very valid and legitimate way in which to give the community people a forum, a place in which to hear their grievance disposed of where the police had to give a public accounting for what had taken place.

Now this is, I suppose, aggressive representation, and it is the kind of thing that turns people off. The bar association in Camden voted to disassociate from our program because of that litigation, but it seems to me that where community people have this kind of a grievance, effective representation means that they must have a right to a lawsuit.

The second illustration would be a highway that was planned by the city through a portion of low income residential neighborhoods. The city did not make any provision for relocating the families that would be cleared out to make room for this road. The families came to us. The only way to effectively represent them was to seek an injunction, which we got.

The court has still kept that injunction in effect. As a result, the city officials went to their Congressmen, he came to Mr. Rumsfeld, and an investigation was made of our program. Fortunately, we were cleared through the investigation, but the pressure was there.

Here again there is only one way to deal with that kind of grievance, and that is through a lawsuit, which was made. This is aggressive in the sense that we are talking about, but it is the only legitimate way and the only valid way to represent the poor.

Mr. REYNOSO. In addition to there being some slight hope that maybe the legal system can respond, I have noted one other feeling, if you will, on the part of our clients, and that is sort of a feeling of pride that, by golly, at long last we have got some of our lawyers that can fight back when we feel that we are being aggrieved.

I remember talking to some of the poor people in Modesto when our office there filed an action against the school board on the school lunch program, it just simply was being maladministered so the poor people were not getting the lunches they were supposed to.

I met with some of the people, and it was sort of a delayed feeling that, win or lose, somebody is there fighting for us.

I think that is a very important feeling for all of us to have. You know, I said at the end of my statement that really if we now start cutting back on that little thing that we are doing, it will really be justice promised and justice denied.

It really seems to me like a bare minimum that we ought to try to do to make our system work a little bit better.

Senator CRANSTON. What that pressure really seems to amount to is an effort to deprive people who cannot afford legal services of the legal services that others buy and thus to deny them their equal rights under the law and within our system of justice.

Mr. REYNOSO. In your prepared testimony you referred very briefly to a few examples of pressure. First you say: "Three years ago when we successfully defended the rights of farmworker clients against competition by braceros (contracted Mexican farmworkers) who were permitted into this country in violation of law, Senator George Murphy brought tremendous pressure to bear against the program."

Would you explain in detail that specific situation? What happened?

Mr. REYNOSO. In that case the Senator, together with interested growers, talked to the Labor Department people who, interestingly enough, at that time were Democratic. Nonetheless, that led, for example, to a phone call to Jim Lorenz who was then the director indicating to him, just before the lawsuit was brought incidentally because there were negotiations and so on, that if the lawsuit was brought he—that person calling—had no doubt that CRLA would not be refunded the next year.

Senator CRANSTON. Who did that call come from?

Mr. REYNOSO. I am sorry, I hate to say. I know the person and he is

not really that bad of a guy; he is sort of a good guy, but he felt compelled to make that comment, so I hate to even say who it was.

In addition to that, we received then from the regional office calls and discussions pertaining to the concern of the Governor's office with that lawsuit.

It is not the first time that we had met with regional people to go over some of the lawsuits that we have brought.

Interestingly enough, very often the officials understood the basis for lawsuits and why they were brought and how we were protecting our clients. But very often their concern was what can we say to answer the charges, though ill-founded, by the Governor's office, by Senator Murphy, and so on.

I have heard one lawyer refer, incidentally, to that incident as one of the high points of CRLA that really took CRLA in one direction when our lawyers got together and said we understand that CRLA may go down and file this lawsuit and the vote was taken and everybody said that is fine.

That is the sort of pressure that comes to bear. It is informal and it is something that says you better watch out, Buddy, or we will get you next time around.

Senator CRANSTON. It seems to me that what is jeopardized in these political pressure situations, unless you stand up against it, is the integrity of the lawyer-client relationship. If the pressures work, you have an attorney who does not represent his client to the best of his ability.

Mr. REYNOSO. And you have an attorney that is in a terrible quandary of asking himself, "Do I do what is right for this client that is in my office now even if it jeopardizes the program and therefore we might not be able to represent other people?"

So it is doubly bad. Not only does it bring pressure to bear, but it puts that attorney in a quandary of saying, "Is my client's rights more important than even other poor people?"

We have said as lawyers it is our duty to protect that client, and it is. But I am just confessing that they are not easy problems to answer when you are there making those decisions.

Senator CRANSTON. In another example in your testimony you say, "When we successfully defended the rights of Medi-Cal recipients to basic medical needs, the Governor of California demanded that our program be terminated."

What happened then?

Mr. REYNOSO. What happened there was that we went to court again, you know; and I would like to again indicate my support for what my colleague mentioned a minute ago, that he has talked about vigorous representation, but it is really lawyers doing their job, it happens to be doing a job for poor people.

What happened there was that a gentleman called the Modesto office. He was in the hospital ready to be operated on, and the doctor said: "Gee, I am sorry, we cannot operate. The program has just been cut, and even though you need the operation, we can't operate."

He called our lawyer. Our lawyer thought surely there was a misunderstanding, and he called the officials, and so on, and found it was true, that this man was waiting to be operated on and at the last minute the doctor comes and says, "We cannot operate on you."

Our lawyer checked into it and found that the California administration had just cut back Medi-Cal, and he checked into it and surprisingly found that those cuts were in violation of the money that had been passed by the California Legislature. So he went into court in Sacramento and appeared in the State court and brought his reversal of those cuts. They simply were illegal.

You know, sometimes we really say we are law and order guys, we want everybody to obey the law, not just poor people.

Even Governors ought to obey the law.

So we went to court. There was an immediate appeal to the Supreme Court of California, and again they agreed that the Governor had violated the law with those cuts.

The Governor finally announced and had several press conferences where he said that this was the type of activity on the part of lawyers for the poor that could not be tolerated because, among other matters, they were throwing California into fiscal chaos, there was a tremendous fiscal problem. He said in the Medi-Cal it is going to be \$200 million under that year, et cetera, et cetera.

Ironically, at the end of the year there was a surplus in the California Medi-Cal money, but that is the sort of pressure that comes to bear.

Senator CRANSTON. It seems to me you should not win so many cases; if you didn't do so well in court, you would not have these protests.

Mr. REYNOSO. It is true. If we failed all the time, we would not be controversial.

Senator CRANSTON. In your prepared statement you said:

When we have brought actions against agricultural employers to enforce laws providing for drinking water and field sanitation for their workers, those employers used their political "clout" to bring pressure to bear against CRLA.

Would you give us an example?

Mr. REYNOSO. What happened there was that a few years back, again the State legislature passed a series of fine laws to protect farmworkers and field conditions, really very simple laws, that you have fresh drinking water, that you have water to wash your hands, that you have bathrooms in the fields, and so on. That is all they said.

We did a survey in Marysville, Calif., about a year after the laws were passed and found that 98 percent of the agricultural employers were in violation of one law or another of those five laws.

So then we started to get very active in trying to enforce those laws. We filed administrative protests with the agricultural officer in the county and with the State, and so on, principally through the Farm Bureau and through Allen Grant, and I think still the current president of the Agricultural Employers talked to the Governor's office, talked to the local officials who protested sometimes to the local bars, but more often to the State administration, and then it got to the OEO office of the Governor, and then they, in turn, would talk to us and including the charge that we were harassing the employers because we brought a series of actions up and down the State because the violations were so gross.

One consequence, for example, was that the Governor last year insisted that there be a condition in our grant that we not bring any harassing actions, to which we readily agreed and indicated that we had never brought, in our opinion, harassing actions.

Senator MONDALE. Who is the regional director of OEO in your region?

Mr. REYNOSO. In San Francisco the regional director is a gentleman by the name of Roger Betts. He has been there for about a little bit over a year. He happens to be an attorney, and incidentally our relationships with him have been pretty good. I must say that my concern is still more to what happens when he leaves and somebody else comes in and to the structure that permits this type of pressure to be brought to bear.

Senator CRANSTON. Could you give us any figures on your won-lost record in regard to the cases which you have brought against Government agencies?

Mr. REYNOSO. Our very rough figures are that we have won about 85 percent of those actions.

Senator CRANSTON. That is a very good record.

Your final example in your testimony was:

When the Supreme Court of California recently ruled that our citizens who were literate in Spanish, mostly Mexican-American, could not be disenfranchised by the California Constitution, the County Registrar of Voters in Imperial County protested the activities on the part of our lawyers.

What did he do; what action did he seek? To whom did he protest?

Mr. REYNOSO. Again he wrote to the Governor saying that that was an example of the type of terrible federally funded programs that should not exist.

I spent many years in Imperial County, so he knows me, and he mentioned in the letter that the sort of idiocy of that type of funding was demonstrated by the fact that I was director of that program and that he could not understand how we would allege that the California constitution was unconstitutional, and he would refuse to enforce that ruling by the California State Supreme Court that that law violated the U.S. Constitution, yet he wrote these letters and so on.

In that case he was not as successful in bringing pressure to bear. We never had the type of conference and so on that I have discussed earlier there and this creates the little quandary that we were talking about earlier. Some pressures have not been brought to bear because those who would normally bring them have known that we have had this type of strong support out of the legal services program director and that a local protest—and that is why we included here the county registrar of voters—would become a statewide and far more important protest.

If he would think that he could really get to us, he would. Sometimes the mere presence of strong support, I think, has discouraged some of our detractors from putting that type of pressure on us.

Senator CRANSTON. It would seem then, that the "law-and-order" Governor of California is presently refusing to obey the law in regard to welfare in California.

Please tell us what happened? Did he finally obey the constitution?

Mr. REYNOSO. No; he has continued to disobey that Federal law.

He has indicated that the court must be wrong in its interpretation of the law. Further, I must say that sometimes we of the legal services program suffer from this.

The Governor stated the Saturday before last he was told if every action we have filed in CRLA were successful in the welfare field,

it would cost the State \$3 billion. It happens that we of CRLA have not been that active in the welfare field. I think that he has confused us with the San Francisco neighborhood legal assistance program who are doing a very good program along those lines.

Essentially it is a great incongruity to me when a Governor of the largest State in this country can say that people ought to obey the law, but when the law applies to him, he won't obey it.

The poor people are not fooled; they see that.

They say, "How can we get busted when we disobey the law, but somehow when the Governor does it, it is OK?"

You know, we are trying to tell the poor people that, "At least sometimes when we represent you, that ain't necessarily so."

Senator CRANSTON. What recourse do you now have in this situation in Imperial County?

Mr. REYNOSO. In Imperial County as a matter of fact there we had indicated to the registrar that in bringing an action against him, if he continued to refuse to register—we sort of hand-carried, that is, one of our lawyers accompanied a Spanish-speaking citizen to the courthouse and there was a sort of confrontation.

The county registrar instructed his deputy to register that person. So we don't have the situation now when we can proceed to a lawsuit.

What we are concerned about is that he is not really implementing that decision by the Supreme Court, and a lot of qualified citizens are still waiting, discouraged, to register, but in that confrontation where he saw and apparently had good advice from the county counsel, he backed down.

Senator CRANSTON. Do any of the other members of the panel have any examples of Government officials refusing to obey the law even when they have lost a case and their position as to what the law is has been overruled?

Mr. SPANGENBERG. One of the biggest problems, Senator, when you get a court decision relating to regulatory agencies is the policing of the new law, the policing of the new administration of the new regulations. This is something that is constantly involved, particularly with the welfare area.

We may go to the Federal court. We have a new decision from the district court or the circuit court and as a consequence of this decision the welfare department may well put out a new regulation.

The problem is that for some reason or another it does not always find its way down the line to the local officials and the local people administering that particular office, so that in many instances the people that are supposed to be affected by this change are not, and unfortunately many times lawyers are not aware of this.

There are many reasons why that does not happen, but it certainly is a problem for us.

Senator CRANSTON. Thank you all very, very much.

Mr. Chairman, you and I were discussing earlier the reservations that I have and that you share in regard to approving any nominations for any appointments in OEO until relationships are clarified with OEO. I want to say that this applies to any pending nomination as well as any future nomination. I also want to emphasize that I do not mean to imply any views on the qualifications of any of the nominees.

Senator MONDALE. That is the way I understood it.

We are going to do our job concerning OEO. We have to find out what the basis of our relationship is.

Senator CRANSTON. I want to apologize to the witnesses who have not yet testified for the fact that I must leave at this time for another duty. I appreciate your appearance and will read the record.

Senator MONDALE. Mr. Moore, you may proceed.

**STATEMENT OF GEORGE W. MOORE, BROOKLYN, N.Y., REPRESENTING OEO LEGAL SERVICES NATIONAL CLIENTS COUNCIL, ACCOMPANIED BY JOHN J. MCGONAGLE, ESQ., URBAN LAW INSTITUTE, AND EDGAR S. CAHN, ESQ., CITIZENS ADVOCATE CENTER**

Mr. MOORE. We thank you for this opportunity.

I am accompanied by our counsel, John McGonagle, from the Urban Law Institute, and special counsel, Mr. Edgar S. Cahn, from the Citizens Advocate Center.

The Clients Council is here to present the position of the poor. We have authority to do that based on, first, our recognition by OEO. We are a funded organization, funded as of this October 1.

Secondly, we are representatives of the poor who are served by the OEO legal services program.

The organization was formed on a national scale through State, regional, and national meetings so that our board of directors now numbering 18 represents all the regions of the United States.

Unequivocally the National Clients Council objects to regionalization.

First, we object to it because we were not consulted. The whole thrust of the OEO program, or the main thrust, is that those who are recipients of a service must participate at a policymaking level as to how that service is to be administered. We were not consulted.

Under regionalization, lawyers will be unable to vigorously and aggressively defend the poor and bring about changes in the law. We the poor are not satisfied with any emergency-room law service program where you handle landlord-tenant cases, some consumer action cases, and some garnishment cases.

We are not interested in a service that is limited to that emergency-type of help.

We want a broad service that will bring about changes in the law so that we, the poor, of America, representing all groups and races will have a better opportunity to realize first class American citizenship.

Under regionalization we know that earmarked funds will be diverted. There have been situations in the past where funds are left at the end of the year and there is always an argument over who is to utilize those funds because there are not enough funds. So naturally a fight occurs.

It will be more difficult, if not impossible, for the national standards, policies and procedures to be enforced under regionalization. The regional director will be able to circumvent or otherwise ignore those policies or certainly water them down so that they will be ineffective.

And it is our sincere fear that this program will not attract the young, committed, aggressive lawyers if these lawyers know that

they are going to be supervised by people who have other concerns and responsibilities and loyalties.

Whether this regionalization is limited to personnel, fiscal matters, evaluation, or other aspects, we want no part of it. We say that emphatically.

However, despite the fact that OEO staff says that it has not made a decision on regionalization, you have already been presented with evidence that a decision has been made. Memos have been given to you. But also there have been other starts on regionalization through the use of the state employment opportunities office on evaluations from the States; through the use of the Government and private sector staff.

If I may, I would like to ask Dr. Cahn: "Would you elaborate on that?"

DR. CAHN. I don't think the regionalization question can be approached outside of the context of what amounts to administrative implementation of the Quie-Green amendments. This is being done by an extraordinary expansion of what is called the "State and local government staff" throughout OEO so that you have between five and 10 persons in each regional office of OEO devoted supposedly to State and regional government and intergovernmental cooperation. These people are headed by John Flecherman, in the Washington office who is, incidentally, the person who negotiated the agreement for the St. Louis legal services program which violated the Canons of Ethics. These violations were so serious that the bar had to object to the program, did not pass upon it when it was repudiated and taken back. The Governor finally vetoed it and his veto had to be overruled.

So we are dealing not just with a question of who is the director of each region—I want to make that clear. We are dealing with the fact in each region there will be five or 10 staff people, a division under Mr. Terry Lenzner at present, so that we will have that same process going on within the structure of OEO.

The counterpart of it will be the State SEOO offices.

Agreements are now going forward, technical assistance contracts are being let and there is an agreement that all programs going on within a State will be jointly planned and there will be a pre-review censorship process by the States.

This is already going into effect sufficiently so that, when Mr. Lenzner was down in Louisiana talking with people there about the possibility of an effective legal service program in Louisiana, Governor McKeithen felt it appropriate to send a telegram to OEO and Mr. Carlucci. The Governor said to wait until he had cleared all of this with the State Economic Opportunity Office, the counterpart of the staff in the regional offices who were working effectively to create plans for the Quie-Green amendments nationwide.

MR. MOORE. The committee has heard of examples of lawsuits against various Government agencies. For example, in Milwaukee, the school system was refusing to give free lunches to children who were recipients of public assistance because if given, that would be a double grant. Can you imagine such an interpretation? Only the legal service program was able to bring a suit with the result that a restraining order was obtained.

In New York City, the Department of Welfare is refusing to replace lost or stolen cash except on an unusual basis. What are these families to do? We know that money does get lost; we certainly know that it does get stolen. A hearing is scheduled this month in a suit brought by the Legal Services program against the Department of Social Services in New York.

Another example we don't need to talk about is California. That has been discussed here this morning; however, we have a copy of a newspaper article with the headline, "Conservative at the Helm of Antipoverty Unit," which points out that a Louis K. Uhler has been appointed as an administrator and he was in the John Birch Society.

Dr. CAHN. He is of the State SEOO in California.

Mr. MOORE. What can we expect in terms of performance here?

However, the Clients Council wishes to point out that as long as this goes on in California, we really are not safe in any of the other States. You know about the actions that have been taken in Chicago where, under great regional influence it was agreed that no suits would be brought against any city agency in Chicago, and it took an outside group of lawyers to bring a suit against the Chicago Housing Authority. This is something that should have been done by our Legal Services program. However, another program brought the suit against the Chicago Housing Authority which it had been flagrant in its practice of bias. That suit was won.

We feel that under regionalization these things will reoccur, that the local and the State offices will exert their influence to protect the special interests and not the poor.

I would raise this question: If regionalization is a program that Congress does not want, the staff attorneys do not want, the organized bar does not want, the clients emphatically do not want, why does OEO want it?

Why have they gone about it in this secret and questionable manner?

Again, gentlemen, I say to you the National Clients Council opposes regionalization because we feel it is the serious threat to our realization of becoming firstclass citizens in these our United States.

I thank you.

I am extremely sorry that our chairman, Mrs. Maryellen Hamilton, could not be here to make this presentation. However, she is at a meeting in El Paso, Tex., dealing with the problem.

(The prepared testimony of George W. Moore, Brooklyn, N.Y., representing OEO Legal Services National Clients Council, follows:)

Mr. MOORE. Mr. Chairman and members of the subcommittee, my name is George W. Moore. I am here today representing the National Clients Council on behalf of Mrs. Maryellen Hamilton, chairman of the council, who has been detained in El Paso for a day or so with Mr. Rumsfeld, Mr. Hjernevik, Mr. Carlucci, and the 10 regional directors of OEO for a friendly chat. With me is Mr. McGonagle of the Urban Law Institute, which serves as counsel to the National Clients Council. The Urban Law Institute has also requested that Dr. Cahn, director of the Citizens Advocate Center, be present with me today as special counsel because of his intimate knowledge of the legal service program's origins and development over the past 5 years.

I think if I had to limit my testimony to one sentence, I would simply say this: The poor, the clients of the legal services program,

don't want it regionalized. In fact, they feel much stronger than that; they oppose regionalization with a unanimity and intensity that is difficult to put into words. They are upset; they are scared; and they are angry about the proposed regionalization—whatever form it takes, and however you label it.

Who am I to say this? I am the secretary of the National Clients Council—the official body which OEO itself recognized as the voice of the poor who benefit from legal service programs. The National Clients Council grew out of a recognition of the need for clients to have a say in policy matters and from a feeling that those who actually received the services possessed a unique kind of knowledge about whether the program was actually working for them. This concept—of a clients council—took root across the Nation. The end result is our present structure, a democratically elected national board representing a client served by legal services in all 10 OEO regions.

Our right to speak out about this program, and about the performance of lawyers in it, has now been recognized, not only by OEO but by the National Legal Aid and Defender Association (NLADA) which helped us when we were just getting started. We were also officially recognized by the American Bar Association's standing Committee on Legal Aid. I speak for this organization—and the organization speaks for the clients. We are elected from the representatives of the poor on the board of directors of legal service programs from across the Nation. We were selected, first on a State basis, then on a regional basis.

Our job, our reason for existing, is to make sure that this program stays honest; to make sure it delivers justice to the poor. It has been doing that, and it has been doing it better than ever over the past year. I know it; the Clients Council knows it; the poor know it. Even the TV people seem to recognize it. We live with the program; we are part of evaluation teams; we investigate it; we monitor it; we attend meetings of the National Advisory Committee.

The National Clients Council has a regular spot on the agenda of the National Advisory Committee, thereby assuring that the client community can make its feelings known, on its terms, at the highest policymaking levels. This year the Council was funded by OEO on an experimental basis to institutionalize these activities. During the past year we have aided in the substantial overhaul of various legal service projects; we have contributed personnel to aid in crucial evaluations; we have led the fight at OEO to make the backup research centers responsive to the national client community and to increase their effectiveness in serving individual legal service programs.

So we know the program we are talking about inside out, from policy to administration to achievements. We watch it like a hawk. And so we know what regionalization means, all the various things it can mean. We know it will gut the program. We do not say this from sheer guesswork, ignorance or fear of change. We are the last people to say that the program is perfect, that all of the poor are now treated justly.

But despite Mr. Rumsfeld's observations of the other day, we are quite capable of understanding the differences between the various aspects of management, between policymaking and funding, between fiscal projections and evaluations, and all those other operational

phases which might be affected by a decentralization plan. We have discussed them thoroughly. The representatives of all of the 10 regions of the clients council have been personally polled and all are opposed to decentralization along any of the lines which have been discussed in OEO memoranda or meetings.

This brings me to another point. It is strange indeed that the staff of OEO has seen fit to develop this plan in such secrecy. Last month we listened to Mr. Hjernevik, the Deputy Director of OEO, tell the National Advisory Committee and the National Clients Council that there were no plans for regionalization and he knew of no memoranda dealing with the subject. That was in the morning. That afternoon we also heard Mr. Carlucci earnestly protest that no discussions were going forward and that no meetings were planned on the subject.

That same afternoon Mr. Carlucci arranged for the National Advisory Committee to see a copy of a memorandum on decentralization, dated June 8, and referring to a memorandum of February 27 which indicated that the decision had already been made to regionalize. Subsequently, we learned that within a matter of days, all regional directors were to submit final position papers on regionalization and were to meet on September 30 to discuss those position papers.

Now we understand, from the newspapers, that there is in existence and floating around a memorandum of Mr. Hjernevik dated August 12 which sets forth in even greater detail a plan for regionalization which Mr. Rumsfeld has denied even existed. We understand that this subcommittee has been subjected to something of the same treatment. We begin to wonder whether these gentlemen are capable of dealing forthrightly or telling the whole truth about this extremely important subject.

We need to deal in candor, in honesty and good faith. It is these qualities that enabled the legal services program to win the backing and the respect of the poor and minority groups. The program has won a measure of trust. We clients did not start out believing blindly that the law was our friend, that the courts would do justice, and that lawyers were fighters for equal justice for the poor. In fact, we started by fearing the law as the enemy; fearing lawyers and the courts as part of a system which repossessed our furniture, evicted us, garnished our salaries and sent our children to reform schools.

This program has won the trust, a precarious trust but a growing trust, among minority groups. What makes this even more amazing is that the legal profession is over 98 percent white. And we hardly need tell you that racism in this country has bred extreme distrust and hostility. Yet, the clients have come to trust this program because the lawyers in its fight for us; the program staff fights to protect its integrity; and the organized bar fights to insure that the highest standards of professional conduct are maintained.

We know, at least so far, that the attorney in this program, owes his full loyalty to his client and only to his client—not to some politician. And the client community has a solid basis for believing that regionalization will change all this. If the poor lose faith in this program, in the possibility of equal justice through law, then all of us know the alternatives that remain.

The clients have seen attempts at regionalization before. We know that a national policy can be announced and be circumvented admini-

stratively at the regional level. We know it is the regional legal service director who goes in to protect a program against political pressure, who insures that a program is not subjected to some kind of "tax" by the community action program, who makes sure that no condition is attached to a grant which prevents a lawyer from representing a particular client or taking on a controversial case without first getting political clearance.

If that regional legal service director is accountable to a regional director who must try to make peace with the very mayors and Governors the clients may have to sue, the legal services program will suffer. More importantly, clients will have far less voice in determining what the services will be and far less assurance that they will receive vigorous and effective advocacy.

We know that you can harass a program to death by persistently monitoring it or by endlessly evaluating it. You can harm it by giving only certain kinds of technical assistance or no technical assistance at all. You can destroy a program by creating a decentralized appeals procedure which allows a program to die while the appeal slowly moves from level to level. The lawyers in the field are left in limbo, not knowing what their fate will be or where their next paycheck will come from.

We are concerned about how to protect the program from these kinds of conflicting tugs—economic, political, professional—which water down the quality and the vigor of the advocacy the poor receive. The mere discussion of regionalization, the general belief that a decision has been made secretly which will be put into effect as soon as the furor dies down has already hurt program after program.

I can tell you personally of one lawyer, an administrator of a legal services program, who is seeking employment elsewhere because he feels that the integrity of the program has already been seriously damaged by this regionalization battle. The reason I know is because one of the places he has inquired about employment was with the National Clients Council as a lawyer and a coordinator. This is because he wants to work in a situation where his professional integrity will not be subjected to the kind of questions and pressures which have already been felt in many programs.

Clients know, because they live with the program and rely on it for equal justice, this debate has already done considerable harm: It has alarmed the client community; it has demoralized their lawyers; it has sapped the energies of the staff and the administrators of the program. And we find ourselves saying: Before legal services was made a separate office, this program was substantially hamstrung by dual control, a step toward regionalization. A sound structure was created and it is working.

Does OEO want to change the program because it is working too well? We clients are not afraid of change. We favored the earlier reorganization. But when the lawyers, the bar and we, the clients—everyone who lives with the program—oppose regionalization and say the present structure is working well, then the only conclusion one can draw is that the purpose of the change is to destroy or undermine the legal services program because it is working too well.

This is not fanciful. We know that this program draws heat. Officials do not like being sued. In Milwaukee, the program sued the

board of education because it refused to give free school lunches to children of families on welfare, saying that those families had already received public assistance, and free lunches would be double subsidy. The board was taken to court and lost. I do not imagine they liked that.

The police chief in Philadelphia did not like being sued by the legal services program there for brutality—we know that, because he went on radio and asked people not to give to the community chest to support legal services because it had sued the police. It was observed that police practices altered noticeably after the lawsuit.

We clients know what Governor Reagan and Senator Murphy think of the legal services program. And, when we fear regionalization, it is in part because former top officials in Governor Reagan's administration are now holding top positions in the San Francisco regional office of OEO. So long as the decisions on the program are made from Washington, the program can be insulated and protected. We can act as watchdogs, and we do.

The National Advisory Committee can watchdog the program. And they do. But if the decisionmaking is dispersed among 10 regions, it is 10 times more difficult to protect the overall program and individual projects. It is then impossible to prevent political pressure from destroying the program. This is what happened under dual control previously. And Dr. Cahn, who is with me, can give you details on that; dual control, a step toward regionalization—in terms of fiscal control, personnel appointments, monitoring, and evaluation—had devastating effects, not only on the legal services staff of OEO but also on the ability of our lawyers to perform in the field.

I know for a fact that because of the new organization, certain community action organizations in New York and in Massachusetts had better working relationships with legal services because they stopped fighting over money and power and got down to the issue of how to help the poor. So, in several situations, community action agencies have, for the first time, been able to play a major role in helping to strengthen legal services programs where they are weak.

But that did not happen before because the CAP's were too busy trying to "tax" the programs for overhead or force lawyers to pay the rent for neighborhood service centers or control the controversy generated by the legal services program by controlling the cases taken. Now, with the present structure, they are able to work together constructively. So, the clients ask, what is the main reason for the great, frantic, secret push for regionalization?

In some cities, like Chicago or Grand Rapids, conflicts still arise because the regional directors and the CAP's still are trying to control the policies or lay their hands on the money of legal services programs—money which you, the Congress, earmarked for legal services. And in those situations where the new structure has not been respected by regional directors, the situation has gotten worse instead of better, and conflict and hostility have intensified. That is not what I call mobilizing a communitywide fight against poverty.

We have now a program that is working. We have a structure that Mr. Rumsfeld himself created to do away with the grave problems caused by the old "regionalization" which took place during 1967-69. The recent reorganization made a major contribution toward strengthening and upgrading the program—and we applaud Mr. Rumsfeld

for this. But we cannot understand why, in the light of such a strikingly successful reorganization, which is only a year and one-half old, there should be so much effort to change it and so much secrecy and just plain deceit about what is being done.

I am here on behalf of the National Clients Council to tell you that the clients of legal services, the poor, do not want the change sought by OEO. They are not as naive or unsophisticated about administration and operations as some may think. I say to you if we, the clients, are against it, if the bar is against it, if the legal service attorneys are against it, the burden of proof must be on those who would change the program to show that they are not out to wreck it. For the first time, equal justice is becoming ours by right. We do not want to return to a system where justice is given to us as a dole.

Senator MONDALE. Thank you very much, Mr. Moore, for your most useful presentation and for presenting the viewpoint of clients who are using these attorneys around the country. It is most helpful to us.

We have one more witness, and it is now noon.

Thank you very much.

Our next witness is Mrs. Erwin Hannum, representing the League of Women Voters of the United States.

Mrs. Hannum, we are pleased to have you with us here this morning.

**STATEMENT OF MRS. ERWIN HANNUM, MEMBER, COMMITTEE ON HUMAN RESOURCES, LEAGUE OF WOMEN VOTERS' NATIONAL BOARD**

Mrs. HANNUM. Thank you, Mr. Chairman.

I am Mrs. Erwin Hannum, a member of the Human Resources Committee of the League of Women Voters' National Board.

We appreciate this opportunity to state the League position in opposition to moving the legal services program out to regions, and away from a strong and vigorous national leadership and administration.

I am speaking today to represent the League members over this Nation because they have a working knowledge of the benefits of the legal services program. League members have been striving hard in recent years to help gain and secure equality of opportunity in education, employment, and housing. We know that decisions resulting from cases initiated in legal services programs have advanced the cause of equal opportunity in such areas as welfare, tenant, and consumer rights.

The league has witnessed social change and a resurgence of hope among poor people and the Nation's young people as a direct result of the legal services program. Working as we do in a political framework, the League is aware of the actual and potential political impact of rising self-confidence among people with newly found legal protections. We view this development as an asset to the Nation's well-being.

The League is concerned that the transfer of legal services administration to regional offices would be so disruptive as to undermine the confidence poor people are just beginning to have that this Nation may mean what it says when it talks of equal justice under law.

We have been pleased with the new emphasis and status of the legal services program since reorganization last July and see no reason for changing the administrative direction. The League fears that such a

change would weaken the program by a lack of firm direction under regionalism, and would make the program vulnerable to political pressures that can move in on regional offices to effectively undermine controversial programs.

The Nation cannot risk any more now which might slow the momentum building slowly for acceptance of change within the legal system. The League fears that regionalization may appear, to those who benefit the most, to be an effort to wreck the legal services program. Such doubts can lead to increased frustrations out of which violence is easily engendered.

These reasons I have summarized for the committee explain the League of Women Voters' opposition to a change for regional administration over the legal services program.

We are filing a more complete statement.

Again, on behalf of the League, let me say we appreciate the committee's interest in the best possible legal services for American citizens.

Senator MONDALE. Thank you very much, Mrs. Hannum, for your statement.

May I express my appreciation to the League for their characteristic leadership on these terribly important issues.

Now it is interesting that a lot of people are being called radicals, radical liberals, these days. What is radical about wanting poor folks to have a decent chance to assert their legal interests before the courts of this country?

Mrs. HANNUM. We feel that equality of opportunity is basic to our American system.

Senator MONDALE. Thank you very much, Mrs. Hannum. We will take your full statement and include it at this point in the record.

(The prepared statement of Mrs. Hannum follows:)

STATEMENT TO THE SUBCOMMITTEE ON EMPLOYMENT, MANPOWER AND POVERTY OF  
THE SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE

ON

THE LEGAL SERVICES PROGRAM OF THE OFFICE OF ECONOMIC OPPORTUNITY

FRIDAY, OCTOBER 9, 1970

BY

MRS. ERWIN HANNUM, MEMBER NATIONAL LEAGUE BOARD COMMITTEE ON HUMAN RESOURCES

I am Mrs. Erwin Hannum, a member of the Human Resources Committee of the League of Women Voters' national Board, speaking on behalf of League members in 50 states, the District of Columbia, Puerto Rico and the Virgin Islands. The League appreciates this Committee's special hearings on the Legal Services Program of the Office of Economic Opportunity, as well as the opportunity to state our views briefly and to file a statement for hearing record.

It is our understanding that National OEO Director Donald Rumsfeld is considering whether or not to transfer administration of the Legal Services Program to regional offices of the OEO. And I am appearing here today to state for the League our firm opposition to moving Legal Services out from under a strong and vigorous administration at the federal level.

The League opposes transfer of the Legal Services Program to regional offices because we believe that kind of change now would be disruptive to the extent of undermining the confidence poor people are just beginning to have that this nation may mean what it says when it talks of equal justice under law. We believe administration at the regional level would weaken rather than strengthen the program. We think any move away from strong national direction now is untimely and unnecessary.

LEAGUE OF WOMEN VOTERS-US  
1730 M Street, N. W.  
Washington, D. C. 20036

League support for the OEO Legal Services Program since its inception has been enthusiastic and dedicated for several reasons. Establishment of such a service was an absolutely necessary element in the national efforts to bring poor people into the main stream of this nation. In fact, the purposes of the Legal Services Program are closely related to League goals and activities.

During the past few years, League members in over 1250 communities have studied the extent and nature of poverty and discrimination. Members have worked hard at every level of government in support of legislative programs and administrative practices directed toward establishing equality of opportunity in education, employment and housing.

Experience has shown members - in their comfortable circumstances - what many people - in less comfortable circumstances - have known for years: that new programs and just laws are necessary; but that when people lack the means to assert their own rights under law, these same individuals can be by-passed or even victimized by the very laws intended to serve them.

In connection with League work, members have seen for themselves changes in social and legal systems resulting from cases initiated by Legal Services lawyers. We think it is of interest to this Senate Committee to know that League goals and work are directly affected by such legal decisions as those which strike down the welfare man-in-the-house rule; which deal with surplus food distribution and medical aid for indigents; which protect against summary eviction and unfair consumer codes; and which establish new tenant rights. The League does not speak to you in a theoretical vacuum. We know the Legal Services Program has advanced the cause of equal opportunity.

Working as the League does in a political framework, we are aware, also, of the actual and potential political impact of rising self-confidence and self-assertiveness of people with newly found legal protections. We are quite aware that Legal Services Programs, in coordination with other recent national programs designed to alleviate poverty, have changed some political constituencies.

dramatically. These factors reinforce the League position that a strong Legal Services Program is important to change within the legal framework existing in our nation, and that, conversely, to weaken Legal Services might mean an increase in frustrations conducive to violence.

League concern now is that regionally oriented administration would subject the Legal Services Program to a deadening kind of regional-versus-national decision-making process, and that the Program would be vulnerable to disruptive political forces that can move in on regional offices so effectively from all sides when a program is controversial. The specific protections which were written into the authorizing legislation provided reasonable assurance that it could operate independently of undue political pressure, and that its administration and operation would conform to the highest standards of lawyer-client relationships. A regionally oriented administration for Legal Services seems contradictory to the enhancement of those kinds of professional standards so essential to this particular OEO program.

To the League, present discussion of expanded regional control over OEO Legal Services -- or any part of its administration -- seems to pose a threat to the program similar to that proposed by Senator George Murphy in 1969, which the League opposed vigorously. We include a sampling of statements from Leagues at that time because they are pertinent to the current issue.

*"This is not the time to cut or weaken in any way provisions and services designed to improve the economic status of our under privileged".*

*"League members have learned that the indigent poor of our society need help with many civil problems, such as tenant-landlord relationships, wage garnishments for unpaid debts, and excessive credit terms".*

*"We believe that government funds should be used to bring lawsuits against governmental agencies on behalf of the poor. Our government is supposed to be designed to serve the needs of all our citizens, and this should include the*

right of our poor citizens to hire legal representatives to assure equal justice for them".

"Our Local Legal Aid office has gained the confidence of many of our disadvantaged as well as of our community at large because of effective action undertaken on behalf of those who have no other recourse".

There is another factor the League considers important to the issue before this Committee. The entire Economic Opportunity Program will be up for review by the 92nd Congress. Can not a decision of such major consequence as reorganization be delayed for full consideration next year? In his reorganization message on OEO, August 11, 1969, President Nixon did not speak of regionalization of Legal Services. Instead, he said:

"The Office of Legal Services will also be strengthened and elevated so that it reports directly to the director. It will take on central responsibility for programs which help provide advocates for the poor in their dealings with social institutions. The sluggishness of many institutions--at all levels of society - in responding to the needs of individual citizens is one of the central problems of our time. Disadvantaged persons in particular must be assisted so that they fully understand the lawful means of making their needs known and having those needs met. This goal will be better serviced by a separate Legal Services Program, one which can test new approaches to this important challenge".

Even though the new set-up, ie, new administration has had only slightly more than one year to prove itself, the Legal Services Program has been very successful. To overhaul it now seems untimely, unnecessary and disruptive.

In conclusion, the League would like to remind the Committee of what President Nixon said in his Poverty Message in January 1969:

"... one of the primary goals of this administration is to expand our knowledge of how best to make real progress against those social ills that have so stubbornly defied solution". Clearly, the problem of justice for

low income people is one of the major social ills that has defied solution. Why? Mostly because, until recent years, there has been no national legislative commitment to finding solutions. For years, numbers of dedicated people in private organizations have been working to alleviate injustices against the poor; but through Legal Services Programs under OEO, the nation committed public resources to help meet the needs people have for legal assistance. During the

past two years, increasing funds and personnel and a strengthened administration have resulted in genuine successes which prove the problem of justice for the poor needs not and does not defy solution. The League knows the program can and does work, that it can alleviate some of the frustrations and everyday practical hardships that close in on thousands of people in the United States. We know that, as the Legal Services Program has renewed the spirits of many disadvantaged citizens, it has at the same time awakened a new interest among young people in the legal profession. It has opened new avenues to genuine service to people and to the nation as a whole.

Firm administration, high purpose and commitment at the national level, undiffused by regional interferences, are necessary to sustain the momentum gained to date by the Legal Services Program of the Office of Economic Opportunity. And that is why the League of Women Voters opposes any efforts which could dilute the effectiveness or the credibility of the Legal Services Program.

\*\*\*\*\*

Senator MONDALE. We stand in recess until the call of the Chair.

Pardon me. One further thing. I deeply regret that Dr. Taylor McKenzie, a member of the Board of the DNA-Navaho Legal Services Program is here today and that, unfortunately, our time is not going to permit him to testify as I wished he could. I have no choice; I had to be downtown 10 minutes ago. I would ask that Dr. McKenzie submit his statement for the record and we would include it as though read at this point.

(The statement of Dr. McKenzie follows:)

## LAW OFFICES OF

## DINEBEIINA NAHIILNA BE AGADITAHE

DNA - A LEGAL SERVICES PROGRAM

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DEPUTY DIRECTOR  
THEODORE R. MITCHELL  
ATTORNEY

October 14, 1970

Honorable Walter F. Mondale  
Chairman, Senate Subcommittee  
Washington, D.C.

Dear Senator Mondale:

REGIONALIZATION

The Dinebeiina Nahiilna Be Agaditahe, Inc., (DNA) Legal Services Program serves 127,000 Navajo people and other eligible clients in the three states (Arizona, New Mexico and Utah) encompassed by the Navajo Reservation.

Since almost its inception in April, 1966, D.N.A. has been involved in a series of struggles, first with the Board of Directors of the Office of Navajo Economic Opportunity (O.N.E.O.), the local C.A.P. agency, and then the Advisory Committee of the Navajo Tribe, over the funding, direction, and control of the legal services program. As a member, and now president of the D.N.A. Board of Directors, I have witnessed and participated in these events, and therefore I would like to share with the Senate Subcommittee my thoughts on what is being termed "regionalization" of legal services, particularly Indian legal services programs, such as, D.N.A.

Although we have not been consulted concerning the proposed "regionalization" plan, I will speculate on several of the

possible forms such a plan might take, and the effects each would have on the vitality and integrity of the D.N.A. program. First, the Indian legal services will be lost in the shuffle of regionalization.

Second, the shifting of administrative responsibility from the national office of O.E.O. Legal Services to regional directors would be an abrupt change in the administration of the funds for D.N.A. and other Indian legal services programs. Because from the beginning of O.E.O., Indian programs have been solely the direct responsibility of the Washington Office. I believe that there is strong legal authority and wisdom behind such an arrangement, since the United States Government has undertaken by treaty and legislative enactments to assume direct responsibility which is honored by other federal agencies to meet the needs and aspirations of Indian communities. To place any decisions regarding funding, conduct, or monitoring of Indian legal services programs in the hands of regional offices would inevitably compromise those programs because of the unfamiliarity of the regional offices with such programs, and the probability that areas in the region with stronger political constituencies than Indian tribes (who because of illiteracy and cultural differences are disenfranchised) would squeeze out Indian programs in the press for funds. The regional directors are politically appointed and naturally are politically oriented.

An equally disastrous approach to "regionalization" from the point of view of the Board of Directors of D.N.A. would be

the allocation of funds for legal services to the Office of Navajo Economic Opportunity, or any other agency of the Navajo Tribe. The Board of Directors of O.N.E.O. and the Navajo Tribe in 1969 refused to sign D.N.A.'s grant application. In 1967 O.N.E.O. cut off D.N.A. funds without notice and as a result, D.N.A. was given direct funding for 1969-70. D.N.A.'s recent request for renewal of that funding for 1970-71 has been met with a three-month grant, an obvious sign that a plan to either terminate or restructure the funding of D.N.A. in some manner will soon be implemented.

Any such change in D.N.A.'s direct funding, whether it be "regionalization" through the O.E.O. regional office, the Navajo Tribal Government, or the Office of Navajo Economic Opportunity would be to administratively undo what the D.N.A. Board of Directors have fought over the past three years to preserve, namely the integrity of a legal services program which is responsive to the needs of its client community, and accountable to a board of directors, a majority of whom are Navajos, and who are elected by the Navajo communities. The continued direct funding of D.N.A. is supported by a petition of 43 tribal councilmen, a majority of the 76 member legislative body governing the Navajo Tribe, and by resolutions from 97 of the 101 chapters representing local Navajo communities.

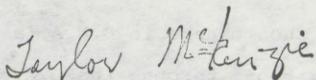
We ask your thoughtful consideration of this extremely urgent matter, since the decisions to be made over the next month and a half on the question of D.N.A.'s refunding have implications

for the much larger problem of "regionalization," portending the shape it may take for Indian legal services programs, and perhaps all legal services programs.

Additionally, and to my people more importantly, the issue at stake is whether the Navajo people will be permitted to continue to have a legal services program which independently and vigorously asserts their rights, or whether another form of second-class citizenship will be imposed on them.

I thank you.

Sincerely,

A handwritten signature in cursive script that reads "Taylor McKenzie". The signature is written in dark ink and is positioned above the typed name.

Taylor McKenzie, M.D.  
President  
D.N.A. Board of Directors

Senator MONDALE. At this point I order printed all statements of those who could not attend the hearings and other pertinent material submitted for the record as an appendix to this hearing record.

Senator MONDALE. Thank you very much.

We stand in recess until the call of the Chair.

(Whereupon, at 12:02 p.m., the subcommittee recessed, subject to the call of the Chair.)



## APPENDIX

### STATEMENT OF JOHN D. ROBB, CHAIRMAN, ABA STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

My name is John D. Robb. I am engaged in the private practice of law in Albuquerque, New Mexico and, since August of 1966, have served as Chairman of the American Bar Association's Standing Committee on Legal Aid and Indigent Defendants.

It is a pleasure to again represent the ABA before this Subcommittee. As you know, I am appearing in response to the Subcommittee's request that the Association participate in the continuation of hearings begun on October 7, 1970 on the OEO Legal Services Program. I deeply regret that I was unable to appear at the earlier hearings. The Association was well represented at the October 7 hearing by John W. Cumiskey, Esquire, a member of the Board of Governors of the Association and my predecessor as Chairman of the Standing Committee.

At the October hearings, the Subcommittee conducted an inquiry into the proposed regionalization plan then under active consideration by the OEO. This plan--if implemented--would have resulted in the transfer of substantial authority over the Legal Services Program to the ten Regional Directors of the OEO and threatened serious problems of professional concern. As you also know, the ABA and the organized bar in general, strongly opposed the regionalization plan.

Since those hearings, Director Rumsfeld on November 15 announced that a decision had been made by the Agency not to regionalize the Legal Services Program. In announcing his decision, the Director

stated that "particular attention was given to the views submitted last month in a letter from Edward L. Wright, President of the American Bar Association." (A copy of President Wright's letter is attached hereto for the information of the Subcommittee). The Director further stated, "the ABA has been an active and articulate supporter of Legal Services since the Program was initiated five years ago. The Association and its members have been important participants in this unique effort to provide high caliber legal assistance for the poor".

I wish to reflect publicly, as President Wright has already stated privately to Mr. Rumsfeld, the Association's deep appreciation for the Agency's decision not to regionalize Legal Services and for the recognition of the important role which the Association has played in supporting the Program.

Director Rumsfeld coupled his announcement regarding the decision on regionalization with the issuance of "Procedures for Administering the Legal Services Program in the Regional Offices" which took effect upon issuance.

In a memorandum transmitting the new guidelines to the Agency Senior Staff and Regional Directors, the Director--after explaining his rejection of the "regionalization approach"--explained that the functions and purposes of the new guidelines were to provide better coordination between the Regional Legal Services Director and the Regional Director and his staff.

The National Advisory Committee on the Legal Services Program, upon which I serve, has studied this problem since the inception of the Program and has made recommendations to the Directors of the Agency beginning with Sargent Shriver. The National Advisory Committee (NAC) recommendations, I might add, had previously been received and reviewed by the Agency in a cooperative spirit based upon the recognition of the NAC's historical role as the legal profession's voice in the establishment of policy in the operation of the Legal Services Program.

The most recent recommendations of the NAC on relationships between the Legal Services Program and the Office of Operations were presented to Director Rumsfeld at the November 6, 1970 meeting of the Committee. These recommendations--a copy of which is attached--were a direct response to the "regionalization plan" being considered by the Agency. These recommendations were offered in a sincere and serious attempt to improve coordination and communication between Legal Services and the Office of Operations at the national and regional level while at the same time preserving and protecting the professional aspects of the Legal Services Program operation. While not presented as formalized procedures, the NAC recommendations certainly provided a "game plan," if you will, pursuant to which such procedures could have been easily developed. We reaffirm our support of these recommendations.

A comparison of the "Procedures" issued by the Agency with the "Recommendations" of the NAC will quickly explain the deep sense of shock and disappointment which I and many others interested in the Legal

Services Program experienced when we learned of the Director's action. With the possible exception of not implementing the regionalization proposal as such, the procedures are inconsistent with, and often directly contrary to, these recommendations--especially the central concept of the administrative independence of the Legal Services Program at all levels within the Agency. I feel it was terribly unfortunate that these procedures were developed and released without any consultation with the NAC or the Program managers.

It was with some measure of relief that we learned on December 7 that the Director of Operations had informed the Regional Directors in a memorandum dated December 4 of the suspension of the "Procedures" for an estimated period of two weeks. It is our hope that the "Procedures" will be rescinded, that reconsideration will be given to the NAC recommendations as the basis for any future action and that the National Advisory Committee will promptly be convened to consult with the Director regarding the content and implementation of procedures or guidelines to attain the mutually shared goal of the most effective Legal Services effort possible within the Agency structure.

In turning to my reactions to the "Procedures", I wish to make clear that my comments do not reflect the views of the NAC. No member of the Committee is authorized to speak on its behalf or interpret the position of the full Committee on an issue.

My general reaction to the "Procedures" is that they reflect a maze of over-formalized bureaucratic checking, cross-checking, appeals,

and counter appeals which could be used to effectively frustrate the rendition of professional legal services to the poor. My experience with the operations of the Legal Services Program leads me to the conclusion that, at best, the procedures reflect little--if any--improvement over the intolerable situation which formerly existed when the Program was under the Community Action Program, and, at worst, could be interpreted as a regression from the CAP situation.

Without detailing each of the specific objections which I have to the "Procedures", since those more expert than I in the bureaucratic operations of the Program will be appearing or otherwise presenting views, I would like to highlight the following major concerns:

1. Transfer of functions would frustrate effective monitoring of the Legal Services Program

Although the "general policy" as stated in Paragraph No. 1 places the control of overall policies and national priorities in the Headquarters office of Legal Services, the remainder of the document raises serious doubts regarding the actual exercise of the policy-making function. Many important functions are transferred to regional offices where the interplay between the Regional Legal Services Director, "field representatives" of the CAA, and regional directors threatens to obfuscate and frustrate the policy-making function of the Headquarters Office. Uneven enforcement of the central professional standards and policies will almost surely follow; and the organized bar cannot continue to provide the close supervision over ten widely

separated regional offices that the bar and the Congress have come to expect with respect to a centralized program.

2. Procedures would impair Legal Services Director's authority and permit administrative obstruction of the Program

As I read the "Procedures", opportunities for comment or concurrence must be extended to non-legal services personnel in the Regional Office in each of the following instances: matters affecting the Regional Legal Services Director and other "personnel action"; the development of operating plans for legal services in a region; grantee plans and priorities; evaluation; determining grantee eligibility; devising a strategy for legal services in the context of a Community Action Agency; prereview of a Legal Services Program; issuance of a letter of understanding to a project prior to funding; the funding, refunding or amendment request for any project grant; and the actual signing-off on grants. In at least four of the above instances, the Regional Director upon disagreement with the Regional Legal Services Director may institute appeal procedures which escalate the issue in dispute to the National Director of the Legal Services Program and the Director of Operations whereupon if agreement is not reached, the Director of Operations may appeal to the Director or Deputy Director of the Agency. This in effect places the administration of the Legal Services Program in the hands of the OEO Director or Deputy Director and removes it from the control of lawyers in the Office of Legal Services. The Associate Director for the Legal Services Program should make the final decision concerning the foregoing disputes.

Certainly a more compact procedure can be designed wherein the views of non-legal services persons can be properly injected into the Legal Services overall strategy or funding procedures. The confusion of roles and functions which result from the issued procedures would effectively frustrate the policy-making function ostensibly left with Legal Services Headquarters.

It must also be noted that the power given to Regional Directors in several instances is, in fact, a veto power over decisions of Regional Legal Services Directors difficult to distinguish from the authority vested in Regional Directors under "regionalization".

Finally, the power of the funding would appear to determine the true seat of policy. Under the Procedures, considerable power over funding appears to lie with the Regional Director and the Office of Operations. This raises perhaps my most serious reservation concerning the Procedures.

### 3. Lack of ultimate authority over Personnel

Paragraph No. 3 of the "Procedures" makes it clear that the Legal Services Director does not have the ultimate authority to hire and fire regional legal services personnel including the Regional Legal Services Director. This provision must result in a confusion of loyalties that would be disastrous to the effective functioning of the National Legal Services Program. While opportunity should be afforded to the Regional Director to comment upon those with whom he must work, the ultimate authority to hire and fire must be placed in the hands of the Legal Services Director.

4. Relationships between Regional Director and Regional Legal Services Director regarding administrative support

The administrative support of the Legal Services personnel in the regional office should be supplied by the Associate Director of the Office of Legal Services. In no other way can the administrative independence of the Legal Services Program be maintained. Historically, many of the serious conflicts between the Legal Services Program and the Community Action Program either had a genesis or displayed symptoms in disputes over administrative services.

The concerns outlined above represent my most serious reservations with the "Procedures" issued by the Director. The problems which would result from implementation are serious problems threatening the integrity and professionalism of the Program--not mere administration details. The apparent divided authority over essential decisions would seem to guarantee a heightening of the tensions which have threatened the Program since 1965 and undermine the confidence of program lawyers, the bar, and--most important--the clients who are the recipients of the service. We earnestly request the assistance of this Subcommittee in effecting a <sup>re-cision</sup> ~~version~~ of the "Procedures" now in effect.

Apart from the "Procedures", we have a second major concern relating to the role of the National Advisory Committee. This "contractual" Committee was originally established by agreement between OEO and the organized bar to insure the professionalism of the Program and to be the voice of the Organized Bar and other interested groups and agencies. Its membership and changes therein have

been agreed upon by OEO and the organized bar. It was a part of the quid pro quo for the ABA endorsement of the Legal Services Program. All proposed policies and procedures affecting the Program were to be submitted to it for recommendations. It has performed its role faithfully. The Director of the Office of Legal Services has, from the inception, served as its Chairman. However, OEO in recent months has failed to permit its effective functioning. It first failed to convene the Committee until the regionalization proposal was virtually an accomplished fact. Then OEO failed to consult it regarding the "coordination procedures" and other important personnel changes vitally affecting the Program. It is highly significant that these procedures not only ignored the Committee's recommendations, but made no references to same. OEO has still failed to convene the Committee to consider any of the important matters affecting the Program which have occurred within the last few weeks. Furthermore, I understand that the Director of OEO has unilaterally designated as the new Committee Chairman, a person outside the NAC and the Legal Services Program. I suggest that the Subcommittee call on OEO to publicly reaffirm the historic role of the NAC. In addition, the Subcommittee should consider legislation to assure such a continued role for the Committee. I acknowledge that OEO did request the Association to comment upon the "Procedures" after they had become effective. ABA is prepared to do this through the National Advisory Committee.

On our part, we pledge to renew our efforts to cooperate with the Agency in the same spirit which resulted in the historic partnership between the Organized Bar, the Administration, and the Congress, and has made the Legal Services Program one of our proudest and most successful achievements.

##

RECOMMENDATIONS TO DIRECTOR OF  
OFFICE OF ECONOMIC OPPORTUNITY  
APPROVED BY NATIONAL ADVISORY COMMITTEE  
ON LEGAL SERVICES PROGRAM

November 6, 1970

The professional integrity of the Legal Services Program being seriously threatened by an imminent plan to vest effective operational control of the Program in the hands of Regional OEO Directors, the National Advisory Committee makes the following recommendations to the Director of OEO:

1. That regionalization not be implemented with respect to the Legal Services Program.
2. That the President and the Director of OEO be commended for their forthright action in the summer of 1969 in establishing the Legal Services Program as a separate division within OEO and in elevating its Director to the status of an Associate Director of OEO for Legal Services.
3. That the Legal Services Program must remain administratively independent of the Office of Operations at all levels of Administration. That the letter and spirit of the Director's July 14, 1969 Memorandum must continue to form the basis for the Program's structure within OEO; and that said memorandum be implemented by specific directives of the of the Director of OEO as follows:

- (a) The Legal Services Program retain exclusive control over the selection and supervision of the lawyers and other personnel in the Program in the regional offices as well as headquarters;
- (b) The Legal Services Program have exclusive control over the administration of the Program, and the enforcement of its professional standards including, but not limited to, grant making and modifications thereof, funding and refunding, monitoring, evaluation, technical training and assistance, and research and development.
- (c) The Legal Services Program operational level, headquarters and regional staff positions and administrative support remain at least at the same level as that prevailing in August, 1970.
- (d) The Regional Directors be afforded the opportunity to offer comments and suggestions on non-legal issues promptly to the Regional Legal Services Director on grant packages prior to transmittal to the Director of Legal Services and to attach such written comments as they desire to the grant package, and, in addition, be afforded the opportunity to suggest qualified personnel and comment promptly upon prospective personnel for the Legal Services Program in the regional offices and

headquarters; and that the Legal Services Program on both the Regional and the headquarters level keep the Regional Directors and the Office of Operations headquarters regularly advised of all policies, major administrative decisions, and grants in timely fashion so as to insure opportunity for prior input wherever feasible by the Office of Operations headquarters and the Regional Directors.

(e) In the event of any conflict within OEO between overall policies of OEO and the professional standards of the Program, especially responsibility to the clients, the latter shall govern, and the primary obligation of the lawyers in the Legal Services Program be to insure faithful compliance with said standards.

4. That the Director of OEO reaffirm the Agency's prior commitments to the organized bar concerning the professional integrity and independence of the Program and the continued role of the National Advisory Committee as the primary body charged with formulating policy guidelines and overseeing their implementation.

5. In order to enable the National Advisory Committee to fulfill these functions, the Committee shall be convened by its Chairman for regular meetings at least quarterly and for

special meetings upon the request of not less than five members thereof. The Associate Director of OEO for Legal Services shall submit reports concerning operations to the National Advisory Committee at each meeting and as often as necessary between meetings to inform the Committee of all major developments affecting the Program, and the Committee shall be empowered to employ sufficient staff at OEO expense to perform its function adequately.

6. The National Advisory Committee hereby commends Director Terry Lenzner and Legal Services staff for programmatic and administrative improvements which have taken place during the past year and for their success in maintaining and, indeed, increasing the high regard which the Legal Services Program has already won in the eyes of the Bar, the lawyers in the Program, and the client population.

More particularly, the National Advisory Committee views Terry Lenzner's continuation as Director of Legal Services as a matter of utmost importance to the Program, both because of the outstanding job he has done and because any change in the directorship of the Program at this juncture would seriously impair the Program. Accordingly, the National Advisory Committee recommends most emphatically that Terry Lenzner remain in his present position.

## AMERICAN BAR ASSOCIATION

OFFICE OF THE PRESIDENT  
EDWARD L. WRIGHT  
AMERICAN BAR CENTER  
CHICAGO, ILLINOIS 60637  
TELEPHONE (312) 493-0533

October 16, 1970

AIR MAIL

The Honorable Donald Rumsfeld  
Office of Economic Opportunity  
1200 - 19th Street, N. W.  
Washington, D. C. 20506

Dear Mr. Rumsfeld:

Re: Legal Services Program of the Office of Economic Opportunity

You will recall that I wrote to you on October 3, expressing my concerns regarding the proposal for administrative reorganization of the Legal Services Program currently under consideration by the Agency.

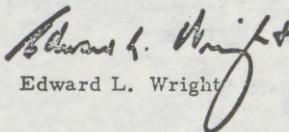
The proposed reorganization plan was extensively discussed by the Board of Governors of the American Bar Association at its Fall Meeting in Chicago on October 15 and 16. The Board has authorized me to inform you of the Association's reiteration of the recommendations made in the February, 1969 memorandum to then Secretary Finch and to Secretary Romney, especially the following: "Should an independent office in the Executive Branch not be feasible at this time, and if an OEO type of agency is to be continued, the existing program could remain within that structure, provided it becomes administratively independent from the existing Community Action Program."

Independence of the Legal Services Program from the Community Action Program and its establishment as a National Emphasis program with policy and responsibility firmly established at the national level have been sought since the inception of the program. Representatives of the organized bar have continually championed the need for such independence before Congress and program administrators and at the highest level of this and the previous Administration. A regression from the Program's status which you established in your historical announcement of July 14, 1969, in our opinion, would be unwise, unwarranted, and unacceptable to the legal profession which greeted that announcement as the culmination of five years of unswerving effort on a matter of immense professional and public concern.

This Association is well represented on the Subcommittee of the National Advisory Committee, which is currently considering the reorganization proposal in cooperation with you and other officials of the Agency. Preliminary reports from those conducting this study have led the Board of Governors to conclude that the concerns which have been expressed by members of the bar and by members of Congress are justified.

On behalf of the American Bar Association and its Board of Governors, I urge you to reaffirm the independent status of the Legal Services Program at all levels of administration within the agency.

Sincerely,

A handwritten signature in dark ink, appearing to read "Edward L. Wright", written in a cursive style.

Edward L. Wright

ELW:lb

## MONROE COUNTY BAR LEGAL ASSISTANCE CORP.

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DEC 9 1970OFFICE OF  
SENATOR GAYLORD NELSON

December 7, 1970

Honorable Gaylord Nelson  
United States Senate  
Washington, D.C. 20510

Dear Senator Nelson:

Because of your interest in and commitment to the Legal Services Program, I am enclosing a copy of a letter I sent to my Congressmen, Senator Javits, and Representatives Frank Horton and Barber B. Conable, Jr.

On behalf of all of the poor and disadvantaged in the United States who have yet to savor the full meaning of the words "freedom", "justice" and "equal opportunity", I ask you to use all of your personal influence to prevent the Administration and Mr. Rumsfeld from destroying the integrity of the Legal Services Program. I also ask you to attempt to reverse the Administration decision to cut back the Reginald Heber Smith Community Lawyer Fellowship Program by about one-third in July of 1971.

Yours very truly,

  
Steven L. Brown
SLB/cjb  
Enc.

## MONROE COUNTY BAR LEGAL ASSISTANCE CORP.

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JOAN DE R. O'BYRNE  
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BRANCH OFFICE  
 628 Clinton Avenue North  
 Rochester, New York 14605  
 232-5400

December 7, 1970

Honorable Jacob K. Javits  
 United States Senate  
 Washington, D.C. 20510

Dear Senator Javits:

I am an attorney working with the Monroe County Bar Legal Assistance Corporation in Rochester, New York under the sponsorship of the Reginald Heber Smith Community Lawyer Fellowship Program. I began working with the Monroe County Bar Legal Assistance Corporation in August, 1970, and since that time I have been extremely impressed with the performance of the corporation in fighting the legal battles of many of the poor people of Rochester. Since my employment I have become more and more committed to the concept of a nationwide legal services program under federal sponsorship.

I am writing this letter as an expression of my concern about the future of the national Legal Services Program and the Reginald Heber Smith Community Lawyer Fellowship Program. My concern, of course, has been aroused by a recent series of administrative decisions and incidents which have emanated from Mr. Rumsfeld's office. We of Legal Services all know that the Legal Services Program has been subjected to numerous threats and attacks during the last several years. Fortunately, the influence of the American Bar Association, Congressional friends and supporters of legal services, and other persons and organizations too numerous to cite have so far managed to protect the integrity of the Legal Services Program and to expand its services even during periods of severe attack.

Unfortunately, it seems that the forces arrayed against the Legal Services Program have been bolstered since Mr. Rumsfeld took over management of the Office of Economic Opportunity. Although Mr. Rumsfeld has given lip service to supporting an effective Legal Services Program, many of his actions in the past several months indicate a desire on his part to emasculate the legal services programs under his jurisdiction. The firing of Terry Lenzner and Frank Jones, the director and deputy director of the Office of Legal Services, is the latest in a series of acts which indicate

Hon. Jacob K. Javits - 2

December 7, 1970

Mr. Rumsfeld's true intentions toward the Legal Services Program. The fact that the reputations of Mr. Lenzner and Mr. Jones are held in extremely high regard by virtually all persons and organizations who support an active and effective Legal Services Program, indicates their firings were the result of political considerations. The fact is, they were fired because they opposed vigorously any move that would tend to dilute or lessen the effectiveness of the Legal Services Program. It is to their credit that they opposed a policy which demanded the political clearance of all new staff attorneys employed by the Office of Legal Services. It is to their credit that they actively and vigorously opposed the Rumsfeld decision to severely curtail the Reginald Heber Smith Community Lawyer Fellowship Program in July of 1971. It is to their credit that they actively and vigorously opposed Rumsfeld's attempt to regionalize the administration of the Legal Services Program. In short, it is to their credit that they opposed all recent attempts by the Administration to play politics with the poor by putting a stranglehold on the most successful of the many War on Poverty programs.

As a Reginald Heber Smith Fellow and a legal services attorney committed to the philosophy that the poor deserve nothing less than the right to have their attorneys advocate the rights of the poor in an unrestricted and unhampered manner, I ask your assistance and support on behalf of the poor in resisting the Administration's efforts to cripple the Legal Services Program. In addition, I am asking you to use your influence to prevent the cutback in the Reginald Heber Smith Community Lawyer Fellowship Program scheduled for July of 1971. The "Reggie" program has been the main source for providing the legal services offices throughout the country with young, dedicated and aggressive attorneys seeking to champion the rights of the poor. With the nationwide Legal Services Program now reaching the stage of development where it has the ability and experience to successfully define and protect the rights of a significant number of the poverty stricken people in the United States, the plan to reduce the Reginald Heber Smith Program by approximately one-third stands as an extremely cynical and dishonest Administration decision. The planned cutback of the "Reggie" program would not only forestall attempts to moderately expand legal services programs to provide legal services for the large proportion of the nation's poor not presently served by a legal services program; such cutback could not help but have a stifling effect on future attempts to deliver legal services to the poor at their present level.

There is a grotesque irony about the Administration's efforts to stifle and cripple the Legal Services Program. We now have in

Hon. Jacob K. Javits - 3

December 7, 1970

office an Administration which takes advantage of every suitable opportunity to villify those members of our younger generation and radical reform groups who espouse the need for a radical or revolutionary restructuring of our society. During the campaign preceding the November, 1970 election, representatives of the Administration, including the President himself, spoke constantly of the need for law and order in this country and for the need to have change result from the workings of our traditional political institutions and decision-making processes. Against the backdrop of the Administration's espousal of the philosophy that meaningful change and reform can result from our traditional institutions and decision-making processes, we now see the Administration pushing a policy intended to severely restrict and hamper the continuance of an effective Legal Services Program - a program which by definition is committed to change and reform solely through the use of the very traditional and legitimate channel of courtroom litigation.

It is ironic and saddening that the Administration apparently feels that the aggressive and unhampered advocacy by legal services attorneys of the rights of the poor in the nation's courts and legislative bodies presents a threat to our government and society which must be curtailed. The fact that more and more poor persons and indigents have recently been on the winning side in lawsuits against federal, state and local governmental bodies and agencies does not justify insulating such bodies and agencies from legal attack. Rather, the fact that so many poor people are becoming successful litigants against governmental bodies and agencies impressively argues that legal services lawyers and their clients must continue to be able to challenge any governmental body or agency to assure that government activity now and in the future remains or becomes even-handed, just and responsive to the needs of the people.

If the poor and their lawyers are denied the right to have free and open access to all the courts of the United States for the furtherance and protection of their constitutional rights, how can it be said that the Administration is sincere, when it pleads with the young, the poor and the blacks to try to effectuate change and reform through peaceful and traditional means? If the poor, the blacks and the disadvantaged are denied free and open access to our courts for the purpose of guaranteeing and establishing their rights, it is wishful thinking to believe or expect that such persons would not turn to unconventional and/or violent methods of protest and action to bring about what they consider to be a just and fair social order.

Hon. Jacob K. Javits - 4

December 7, 1970

In closing, I ask you to use all your influence to support the efforts of legal services lawyers in trying to make the words "justice", "freedom" and "equal opportunity" ring with a little less hollowness in the ears of the poor and disadvantaged. Please oppose all Administration attempts to shackle the Legal Services Program.

Yours truly,

  
Steven L. Brown

SLB/dab



**FAMILY SERVICE  
ASSOCIATION OF  
NASSAU COUNTY**

286 Old Country Rd., Mineola, N. Y. 11501  
516 747-5210

RECEIVED

DEC 19 1970

OFFICE OF  
SENATOR GAYLORD NELSON

SALVATORE AMBROSINO, Ed.D.  
Executive Director

December 10, 1970

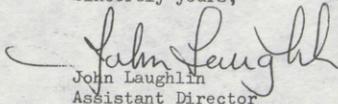
Honorable Gaylord Nelson, Chairman  
Senate Subcommittee on Employment, Manpower and Poverty  
Senate Office Building  
Washington, D. C. 20510

Dear Senator Nelson:

I am writing to let you and other members of your Subcommittee know how disturbed I am about the recent moves to reduce the effectiveness of OEO Legal Services through regionalizing the program and subjecting its initiative to the aloof whims of regional directors.

In Nassau County, Law Services has been a most effective and admirable representative of the poor whose rights have been repeatedly violated by those very agencies (Department of Social Services, e.g.) set up to help. If your Committee decides to restrict this program by curtailing its activities and circumscribing its authority, you do the poor minorities of all ages and all ethnic backgrounds a profound disservice. I implore you to weigh this matter, in light of its long range implication, with considerable forbearance and sound judgment.

Sincerely yours,

  
John Laughlin  
Assistant Director

JL:aw

STATEMENT OF MARYELLEN HAMILTON  
PRESIDENT AND CHAIRMAN

of the

EXECUTIVE BOARD OF THE NATIONAL CLIENTS COUNCIL, OEO

Before the Senate Subcommittee  
on  
Employment, Manpower and Poverty

Mr. Chairman and Members of the Subcommittee:

My name is Maryellen Hamilton. I am here today representing the National Clients Council as President and Chairman of the Executive Board. Joining with me on this statement are Mr. Cornelius Hill of Fort Wayne, Indiana who serves as First Vice President of the National Clients Council, Mr. George Moore, of Brooklyn, New York, the Council's Secretary, and Mrs. Mildred Garland, a member of our National Board of Directors from Dallas, Texas. In preparing this statement, we have been aided by Mr. Carlton Fellers of the Urban Law Institute, which serves as counsel to the National Clients Council. The Urban Law Institute in turn, utilized the services of Dr. Edgar S. Cahn, Director of the Citizens Advocate Center, as special counsel, because of his intimate knowledge of the legal services program's origin and development over the past five years.

This is not the first time that the National Clients Council has appeared before this subcommittee to give testimony on legal services. George W. Moore, the Council's Secretary, was here on October 9, 1970 to testify against regionalization of legal services. And, I promise you, the director of OEO, and director of OEO's Legal Services Programs that this will not be the last time, if we, the clients, feel that this program is threatened to the point of losing its effectiveness in giving adequate legal services to the poor.

In a recent statement Mr. Donald Rumsfeld, ex-Director of OEO, said of the National Clients Council, "What kind of monster have we created?" Well, let me tell you about this monster, how it was created and what it has done to be considered as such. The National Clients Council is an OEO funded project designed to provide the clients of OEO Legal Services projects with a mechanism through which they can express themselves at the national, regional and local levels. The National Clients Council grew out of a recognition of the need for clients to have a say in policy matters and from a feeling that those who actually received the services

possessed a unique kind of Knowledge about whether the program was actually working for them. We are the consumers of legal services, to put it another way, and we have an interest in the product and a right to say something about its quality.

Since our origin at the 1968 National Legal Aid and Defenders Association Conference in Puerto Rico, we, as representatives of 600,000 poor people, have been officially recognized by the organized bar which included the American Bar Association standing Committee on Legal Aid, the National Bar Association, the National Legal Aid and Defenders Association (NLADA) among others. We are elected from the representatives of the poor on the Board of Directors of legal services programs from across the nation. We were elected first on the local level, state level, on the regional level, and then to the national level. Our job, our purpose is to act as a liaison between the poverty community and the lawyers working in legal aid and legal services; to make sure that this program stays honest and to make sure it delivers Justice to the poor. The NCC would seek to unearth those problems which local legal aid services programs have in their relationship to their client community. (SEE ATTACHED TELEGRAMS FROM YOUNGSTOWN, OHIO.)

It has been doing just that, especially over the past year. I know it, the Clients Council knows it, and the poor know it. And just because we have fought for the rights of the poor to receive adequate legal services; because after our battles to get this program at the level where it is now capable of rendering this type service; because we believe that we now have a workable program and will readily wage battle to protect it, we are considered monsters.

Most recently we are gravely concerned over the internal strife within National OEO and the damaging effects it is having on Legal Services everywhere. I have received many calls from poor clients saying that something must be done to stop this bitter fighting and disruption. I went over to OEO and found the staff of Legal Services very demoralized--here in Washington and in the regional offices as well. We are going to lose some fine young talent because of this disruption, and the poor will be the one who are finally hurt the most.

We are concerned because we have been denied the right of accurate knowledge as to how administrative changes and policy revisions will affect the future of

the Legal Services Program. This was true with both the so-called regionalization proposal and the decentralization procedures announced November 14 which have now been withdrawn. In a recent reply to a letter sent by the National Clients Council to Mr. Rumsfeld, Mr. Hjernevik, deputy to Mr. Rumsfeld stated that the OEO would not initiate any changes which would affect legal services without consulting with the Clients Council. We feel that the changes announced recently affect materially the legal services program and we were not consulted either time.

We are especially concerned over the firing of Terry Lenzner, as director of Legal Services and the firing of his deputy, Frank Jones. We feel that our concern is well-founded because it was Terry Lenzner, as director, who first recognized the need for client representation and participation in policy-making decisions affecting legal services program. He was aware that such a program for the benefit of clients without client input could never fulfill its purposes, and, along with the National Advisory Committee, the ABA and NLADA, he fought vigorously to provide us with the vehicle to voice our opinions. For this, he has won our most sincere respect and admiration. But our concern goes far deeper than this. Terry and his staff believed in the legal services program. They

believed in its integrity, its independence free from any political harassment and they fought for those programs which would strengthen it and opposed unsparingly those programs which would weaken its effectiveness. If Terry had ever strayed from his belief his own staff plus the Clients Council would have fought him; but he did not. We weep for we know we have lost a gallant warrior in Mr. Lenzner. But we do not weep for the legal services program because we know that we, the clients, more than anyone else must maintain strength in order to save it from the same demise.

We are now more than ever concerned about the direction in which the program under its new administration is headed. Will it continue along the path that has proven to be so effective over the past year and the one which shows promise of becoming an even more effective program or will its priorities be revamped to the extent that it becomes another meaningless "sham". We don't want any changes which will mean that we have regional legal services directors who have no power--they would be worthless. No decisions could be made by them. Every time we needed to see someone, the decision would be on someone else's desk--a tactic we have experienced in the past. It is like the welfare system--you have to go fishing in the bureaucracy to find out where your rights are. We have read the now-withdrawn procedures

and tried to understand them. They look as if they were designed to confuse the public about who has the responsibility to make decisions--in the regions and in Washington. The effect of that on us as the client community will be negative and we don't want it, plain and simple, we don't want it.

In a recent meeting with the newly appointed Acting Director of Legal Services, Mr. Arthur Reid, we questioned his position on the direction of the legal services program under his leadership. After assuring us of his deepest interest in legal services programs and of his intention to independently carry out policy making decisions, contrary to Mr. Rumsfeld's statement shortly after Mr. Reid's appointment, (Rumsfeld's news release stated that Reid would have do decision-making power on important policies) Reid voiced no objections to the new November 14, 1970 guidelines calling for the decentralization of the legal services programs. Because of this and other statements made by Mr. Reid at his meeting, we have severe reservations about his sincerity over an effective legal services program. To us decentralization has the smell of regionalization and we have already fought a battle against this move.

No matter what title is used, be it the Murphy Amendment, regionalization or decentralization, we have in the past and will continue to fight any administrative

move to "gut" our program. We were aware of the adverse affects the affects the Murphy Amendment would have on legal services programs. We clients knew what Governor Reagan and Senator Murphy thought of the legal services program. And, when we feared regionalization, it was in part because former top officials in Governor Reagan's administration are now holding top positions in the San Francisco regional office of OEO. We knew what effects regionalization would have on legal services. We knew that if decision making was dispersed among ten regions that it would be ten times more difficult to protect the overall program and individual projects. We were aware that the politicians would hamper the role of poverty lawyers, taking away his dedication, robbing him of his professional integrity by subjecting him to the pressures of this bureaucratic system.

To us, the attempted decentralization plan had the very same effects as the now disposed of regionalization plan. We know, because we live with the program and rely on it for equal justice. We do not want it changed now that it is working so well. We clients are not afraid of change. We favored an earlier reorganization. But when individual poverty lawyers, the organized bar and we, the clients--everyone who lives with the program--oppose

regionalization, decentralization, or whatever you want to call it and say the structure which existed before Terry left is working well, then the only conclusion one can draw is that the purpose of the change is to destroy or undermine the legal services program because it is working too well. It is certain that changes in the legal services programs will be felt in the community where the poor have learned to use the courts for legal justice. These changes can in fact result in causing these people to see in the street for the justice they know will be denied them through the process of the legal system.

Maybe I can sum all of this up by saying that the National Clients Council was created to improve the quality of local legal services program, but we have been spending most of our time lately just trying to save legal services programs. We don't think that is what we were supposed to be doing, but our stake in this program is a life and death matter for many of our people. To us the practical effect of decentralization is the same as regionalization--both plans fail to make us any better off as far as we can tell: both set up needless layers of officials checking and counterchecking each other;

both bring politics in the back door on local legal services applications; both make a sham of the lawyer administration of this program. They look the same, smell the same, do the same thing to us which is bad, and as far as we can see they are both worthless proposals.

When I said that we have been trying to save legal services programs, I had in mind a number of administrative actions or decisions which cause us deep concern. I think the best way to bring up these problems is to be specific about them--

First, we feel that the proposed plan to cut the Reginald Heber Smith Community Law Fellowship Program is another move to curtail the effectiveness of legal services by cutting off an important supply of new young talent in that program. There is no quicker way to kill a program than to kill its recruiting effort. This program which has recently recruited one hundred Black, Chicano, Puerto Rican, Indian and other minority group lawyers, has now been threatened by a 40% cutback in funding at a time when there has been increased interest by and recruitment among minority group lawyers in legal service careers. We, the clients, feel that we need more minority group lawyers and we are strongly opposed to cutting the period of service of the Reggies from

two years to one year. We had our reservations concerning its being cut from a three year to a two year period but we now feel that we must voice strong opposition to any move that would further curtail the effectiveness of this program.

Second, we are concerned about the possible loss of many good attorneys from the Washington staff of Legal Services. Every day we hear of someone who is thinking of leaving because of all the turmoil and we have to do everything to talk these people out of quitting. One person who has been vital to the development of new ideas and innovations for Legal Services has been Mickey Kantor, Head of the Research and Demonstration Division. Research and Demonstration money has been the cutting edge of innovations within the development of the legal services programs. In fact, the National Clients Council is funded by the Research and Demonstration Division and we hold that this is money well invested in improving service to the client community. Mickey Kantor is vital to the legal services program. He has our confidence and keeping him there is something the client community feels is very important and necessary. If

he is lost to the program, it will be a big loss to the client community, the Legal Services staff, and the lawyers in the field.

Third, the evaluations which are being conducted "in-depth" are in fact axe-jobs on those lucky programs selected for study. I know this because the NCC assists in the evaluations and we are in a position to know what is being attempted.

After a strong push for our participation in evaluations, it was finally accepted as desirable by Terry Lenzner, that the best persons capable of assisting in evaluations were the consumers of legal services, the clients. As a result of our insistence, the normal evaluation team consists of one program analyst from the contractor, one lawyer and one client representative. The program analyst evaluates para-professionls and the administrative operation of the program and the lawyer, the legal staff and legal community. The client representative evaluates the client community. What makes the client's input into the evaluation so important is the fact that the ultimate consumer tells what the program is doing for him. As you can see, we have seen first hand how effective this program is in the community and this is why we say that we know the results perhaps better than anyone else.

But we are disturbed about the effects of evaluation as we have found that the contractor when in disagreement with the findings of the client representative, often omits the client's findings and recommendations in its final report. At the conclusion of several evaluations, the client representative has recommended that a task force be sent to do extensive evaluations of these programs. However, the contractor, completely overlooking the recommendations of the clients, recommended that the programs be shut down completely. We feel that this is grossly unfair to many programs, since it is apparent that minor changes in personnel and/or administration would render it a more effective tool in rendering service to the poor.

Another problem in regards to the way evaluations are handled is that they are being released to the press by officials in Washington, which is not authorized by OEO regulations. We have already decided that after the present fight is over, that we'll attack the present system of evaluation and intend if necessary to ask this committee to investigate what we rightfully believe are unfair practices. This is true in Minnesota, Michigan, and in Youngstown, Cincinnati, and Dayton, Ohio.

Fourth, I wonder why the General Counsel's Office at OEO is screening all Legal Services correspondence at this time, as well as sending out telegrams to local legal services boards telling them to change the composition of their Boards, as they did in Ventura, California. Neither the screening of correspondence or instructions to local boards is authorized.

Fifth, we are equally concerned about OEO's position on a number of so-called controversial legal services programs. I am speaking specifically of the New Orleans and Youngstown, Ohio programs. I can speak personally of the New Orleans situation because this is my home. I know New Orleans and I know of the benefits that the program has given to the poor for their belief in justice for all. I know, the clients of New Orleans know, the Mayor and citizens of New Orleans know, that had not legal services lawyers taken the position they assumed, a blood bath would have occurred in our streets. "Criminal representation", cried politicians; "not following prescribed guidelines", hollered those who would suppress the poor. But we, the clients, feel that in light of the results, these champions of justice should be congratulated rather than crucified. We feel that their actions were justifiable, within reason and within prescribed guidelines dealing with criminal representation. We are inclined to believe that this move to strangle

New Orleans Legal Aid is due not to the stated charges but because the program was too effective and aggressive in obtaining justice for the poor.

The situation is not much better in Youngstown, Ohio where that program, assuming the role of lay and professional legal advocates of justice for the poor, is now faced with funding problems by regional CAP administrators. This threatened curtailment of funding is wholly unjustifiable and unacceptable by us, the clients, we see it as a move by local politicians to stall the effectiveness of yet another strong and active legal services program. I could go on pointing out so-called controversial programs like the Dallas Legal Aid, both the California and Colorado Rural Legal Assistance Program, the Western Center on Law and Poverty which are all being subjected to local political and bureaucratic pressures.

Sixth, we are fearful that we, the National Clients Council, along with other OEO funded projects such as the Urban Law Institute will be denied future funding due to our outspoken positions in trying to obtain and maintain an effective legal service program. Our main concern for the Urban Law Institute is because

it has been the only institution across the nation that has made itself directly accountable to the client community as well as to the legal profession. If other programs would attempt to make themselves more available to the client community, as has the Urban Law Institute, then they would have a much better foothold in breaking the traditional pattern of allowing the bureaucracy to strangle efforts to help the poor. We are concerned that Mr. Carlucci and/or his staff may in fact seek to destroy these "monsters" who oppose decisions and directives which are getting the present workable and effective service. We feel that Legal Services has been the one governmentally funded program that has actually achieved its intended purpose and we feel that we were and are instrumental in its development. Maybe we are monsters, we do arouse those who have denied the rights of poor across this nation and maybe we do fight those who would do disservice to our legal service programs. If we do so qualify, we are proud to be monsters in name of justice for all.



NATIONAL  
TENANTS  
ORGANIZATION  
INCORPORATED

425 Thirteenth Street, N.W.,

Washington, D. C. 20004

• (202) 347-3358

December 11, 1970

A STATEMENT OF THE NATIONAL TENANTS ORGANIZATION

Mr. Chairman, the National Tenants Organization is pleased to have been asked to comment on the current status of the OEO Legal Services Program.

The National Tenants Organization, is an affiliate of 207 organizations representing several hundred thousand low-income tenants throughout the United States. We are the clients the legal services attorneys serve. Our organization, which is now only a year and a half old, has been in the forefront of the massive reforms in landlord-tenant relations that have occurred with dramatic rapidity in rent times. The progress that we have been able to make in alleviating the exploitation of poor tenants has been, to a large extent, due to the support of aggressive, young lawyers employed by the OEO Legal Services Program. These lawyers have brought affirmative law suits against slum landlords for damages, have defended tenants from improper evictions, have assisted and advised local organizations in planning and negotiating fair and just settlements to serious problems in public housing, and in general, have been able advocates for the tenants' rights movement. From Philadelphia to New Orleans, from St. Louis to San Francisco, legal services attorneys have provided essential assistance for tenants in rent strikes, on the picket lines, in the courtrooms, and at the negotiating tables. The vast reforms that the tenant organizations have made in altering the current dominance of landlord has, of course, brought retaliation from the private interest under attack. These retaliations have finally brought results. The freedom for legal services attorneys to challenge the established order is about to end. The firing of Terry Lenzer and Frank Jones by Donald Rumsfield, former Director of the OEO Program and now Special Advisor to the White House, is in obvious political attempt to suppress and stop the needed reforms to give poor people

an equal opportunity in this land. We, the poor, are being told, in clear and sharp tones, that the courtrooms are not available to us, if we desire to bring change to the system, or if we try to get a piece of the action.

The National Tenants Organization and its individual affiliated chapters vigorously protest the firing of Terry Lenzer and Frank Jones, vigorously protest the reduction in the Reginald Heber Smith Fellowship Program, vigorously protest the continued attempt to decentralize the legal services program, and vigorously protest the debilitating threats to outstanding local programs such as the New Orleans Legal Assistance Program, the Dallas Legal Services Program, and the Western Center on Law and Poverty in Los Angeles. These actions are attempts by the OEO bureaucracy to alter the congressional purpose in providing free legal services to the poor, in all cases, not just those that are politically acceptable. These changes which are not authorized by Congress must be stopped, if poor people are ever to be expected to seek redress of their grievances in the courts rather than in the streets.

We still believe in the system. We have confidence that Congress will move promptly to provide the necessary legislative protections to assure that no administration may impose its particular political views on the Legal Services Program and thereby impair the ability of the poor to be heard in the courts, in the Executive offices, in the Administrative offices, and in the Legislative branch. However, the legislative process will take time. Our immediate concern, is with the ability of the legal services program to survive the coming months. The threats to suspend the funding to the programs in New Orleans, Dallas, and Los Angeles are devastating. Those programs currently are being diverted from their primary mission of serving the poor, to ones of struggling, along with the client groups they represent, to preserve their very life. It is our view that these programs will not be suspended because of the huge outcry from the poor that would surely follow such an action. Rather, the OEO Administration will merely delay and postpone the annual refunding of such programs, knowing full well that the failure to meet payroll and to pay bills will have the desired effect on the lawyers in such programs. The crucial and difficult issue that this Committee and the Congress must face is how to assure the proper administration of the OEO legal services program under the current administration during the period of time it takes

to adopt the necessary legislative reforms to place the legal services program beyond the hands of the politicians. Thank you.

--- FOR IMMEDIATE RELEASE ---

Statement by Jacob D. Fuchsberg (Member of the National Advisory Committee of the Legal Services Program of the Office of Economic Opportunity; former President of the American Trial Lawyers Association) made to United States Senate Subcommittee on Employment, Manpower and Poverty, Senator Gaylord Nelson, Chairman:

The Legal Services Program has, by almost universal admission, been one of the most effective of all anti-poverty measures in the country. It has been particularly significant because it has provided a peaceful and lawful channel for the expression and remedy of grievances as an antidote to riot, force and violence.

For this Program to have been successful and effective, it has required the delivery of legal representation to the poor on a level of professional skill and independence that measures up to that obtainable by people with resources to hire their own lawyers. This could not be achieved without the active cooperation of the major bar associations of the country, including the American Bar Association, the American Trial Lawyers Association and the National Bar Association.

It has been a matter of great concern to these organizations and others dedicated to maintaining the integrity of the Legal Services Program that it not run into the danger of domination by lay administrative personnel concerned with other anti-poverty operations. This would undermine the attorney-client relationship which it was felt the Legal Services Program had to have between its 2,000 lawyers and the poor and underprivileged in our country to bring about courageous and independent representation.

Accordingly, the recent "coordination" procedures announced by Hon. Donald Rumsfeld, as Director of the Office of Economic Opportunity, caused great consternation because it was viewed by nearly all members of the National Advisory Committee and of the major bar associations as a retreat from the principles necessary for assuring the Program's integrity. This "coordination" would have turned over elements of control or participatory control to lay regional directors of OEO and have undermined the direct-line responsibility of Legal Services personnel to the National Legal Services Director in Washington.

It is our understanding that this problem was going to receive the attention of your Committee. However, the issuance of the current announcement from OEO that the controversial new administrative coordination policies have now been rescinded and that the Legal

Services Program will continue to run on a centralized basis without the fragmentation of regionalization is a heartening sign that makes my expected appearance before your Committee unnecessary. It is a measure which is approved not only by myself as a member of the National Advisory Committee , but in my role as liaison representative of the 25,000 trial lawyers who make up the membership of the American Trial Lawyers Association and, as such, are the largest group of advocates concerned with litigated matters in the United States.

We further trust that this step by the OEO administration will help resolve what was a disturbing controversy and permit the Program to continue its growth and successes in an orderly and uninterrupted manner.

The American Trial Lawyers Association thanks your Committee for its alertness and continued interest.

League of Women Voters of the United States  
1730 M Street, N.W.  
Washington, D.C. 20036

December 16, 1970

STATEMENT ON THE LEGAL SERVICES PROGRAM AND THE GUIDELINES PROPOSED IN NOVEMBER  
BEFORE THE  
SUBCOMMITTEE ON EMPLOYMENT, MANPOWER AND POVERTY  
OF THE  
SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE  
WEDNESDAY, DECEMBER 16, 1970  
BY  
MRS. BRUCE B. BENSON, PRESIDENT  
LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

Mr. Chairman and members of the Subcommittee:

I appreciate the opportunity to appear before you today, because the League of Women Voters fears the Legal Services Program is gravely threatened again. The League believes an efficient, vigorous Legal Services program for the poor is absolutely essential and that strong national direction must be maintained to protect the integrity and true purpose of the program.

Only two months ago we expressed to this Subcommittee League opposition to a proposed regionalization of the Office of Economic Opportunity Legal Services Program. We think "decentralization" poses the same kinds of threats to Legal Services as regionalization. We believed then, and we believe now, that to interject regional interferences between the people to be served and the national Legal Services office would substantially lessen the impact of the program on the lives of the poor; that it would disrupt the program so extensively that poor people would lose confidence in their chances of achieving rights peaceably through legal channels; and that political pressures at a regional level would create intolerable interference with the high professional standards essential to Legal Services. The League knows that local and regional pressures lessened the impact of Legal Services in the early years. And we have seen the dramatic and significant strides forward the program has made under a committed national office exerting firm control.

I am aware that acting Legal Services Director Arthur J. Reid has temporarily suspended implementation of the guidelines issued on November 14 by former OEO Director Donald Rumsfeld. The League hopes this hearing will bring about permanent withdrawal of the guidelines. According to the press, OEO Director designate Frank Carlucci said on December 11: "The Legal Services program has my full confidence and it will move forward as it has been doing." Withdrawing the guidelines as proposed would seem a necessary first step toward Mr. Carlucci's goal.

League apprehension, however, grows out of more than the new "guidelines" - or "procedures", however tentative or permanent those may be. Actions on several fronts seem to reveal the possibility of a many-pronged attack against a realistically effective Legal Services, for example:

- The temporary withdrawal by the Internal Revenue Service of approval of applications for tax deductible status to public interest law firms;
- Recent action by the Senate Finance Committee to prohibit use of federal Legal Services funds for court suits involving welfare and Social Security laws or policies;
- The firing of the Director and Deputy Director of Legal Services, which, coming when it did, represented a symbolic dilution of national commitment to the program; and
- Current discussion and studies as to where Legal Services Programs should be established - a debate which could divert attention from the real issue of the need to continue legal aid. For those unable to have access to the legal system otherwise.

Those four specific developments, coupled with the discussions of regionalization and decentralization have alerted League members to the necessity for us to make our position clear before the legislative authorization process begins in the 92nd Congress. This Subcommittee has provided significant and indispensable leadership to the Legal Services Program and we want you to know you can expect League support for an effective program in the coming year.

Now, as to "Regionalization", "Centralization" or "Headquarters/Regional Decentralization" (as OEO Director Rumsfeld terms the November set of procedures), the League's over-riding interest is not in terminology. Our interest lies, rather, in being sure that administrative procedures provide the vehicle for smooth and effective operation of programs adopted by the Congress for the people.

In the case of Legal Services, the immediate purpose of the program is to provide professional legal counsel, guidance and court action -- in civil cases -- on a local scene, where the poor people need it, when they need it to relieve unjust actions against them -- all to be provided under strict ethical requirements of the legal profession. The larger purpose is to help reverse unjust laws, regulations and practices which serve to trap people in inhuman or unfair conditions.

Our question is:

Do the new guidelines help move forward those goals?

League members have had long experience in their communities with efforts to attain equal voting rights and educational opportunity. They are acutely aware that legislative intent can be frustrated totally by administrative practices and policies. League members do not want this to happen in the Legal Services Program.

We have read the statement issued by Director Rumsfeld with his November 14th .

memorandum, making public the new procedures for "Headquarters/Regional Decentralization". We have reviewed the procedures and the analysis of these made by the Citizens Advocate Center at the request of the Legal Services National Advisory Council.

Mr. Rumsfeld said: "In rejecting the 'regionalization' approach, I wish...to emphasize that I am rejecting only the recommendation to shift operational control of the program from the office of Legal Services to the Regional Directors. While program control will be retained by Legal Services staff, such control will increasingly shift from the headquarters to the regional level, i.e., from the national office of Legal Services to the Regional Legal Services Divisions. This decentralization of control will proceed on a region-by-region basis as the respective regional Legal Services Divisions demonstrate the capacity to exercise such authority."

Who will determine when Regional Legal Services officers have the capacity to exercise this authority? What qualifications will they have to meet?

The report by the Citizens Advocate Center indicates in main that: "The new procedures achieve administratively the precise results which make the proposed regionalization so objectionable"; that they go beyond regionalization in "destroying the administrative independence of the Legal Services Program;" that they repudiate recommendations set forth by the National Advisory Council as essential to professional integrity of the program; and that they were developed without consultation with the Director of Legal Services.

These serious charges made by the Citizens Advocate Center, and our own reading of the procedural requirements, lead the League to the conclusion that if the proposed requirements were implemented they would handicap the Legal Services Program severely in the following respects.

- The pace-setting functions of the National Legal Services office would be seriously impaired by a tangled bureaucratic line of command at the regional and national levels.
  
- Regional Legal Service Division Directors would have their authority and responsibility undermined by excessive personnel and program development review requirements granted to Regional OEO Directors.
  
- In parts of the procedural guidelines, Regional Legal Services Directors seem to be granted substantive responsibilities and powers. These powers, however, seem to be eroded by the "Checkpoint Procedures" stated in Section 6 of the Guidelines, which can be best described as "Catch 22" for Legal Services. Regional Legal Services Directors would be held responsible for the effectiveness of Legal Services in their regions; but they would be so hamstrung, at so many points, that pinpointing responsibility for delays and vetoes over programs would be difficult, if not impossible.
  
- That thwarting of leadership would come about because Regional Legal Services Directors would be denied a reasonable final say in the development of regional Legal Services plans; in the funding of programs; in the nature of specific local Legal Services grants; and in the selection of personnel to staff the program. If there is disagreement on any of the above-stated matters, Regional Offices of Economic Opportunity Directors would have to request national OEO Office intervention to resolve differences. It seems unlikely that any person really dedicated to the goals of Legal Services would accept the Regional Office Directorship of the Program.

We set ourselves in this nation to the challenge of ameliorating poverty and injustices, of reversing welfare dependency, and of helping citizens assert their full rights. This is a commitment to overturning years of unjust practices against people disadvantaged because of race or income. The League realizes that there would be no significant opposition to Legal Services Programs -- in or out of the Office of Economic Opportunity -- except for the fact that correcting injustices for an individual here and there often results in correcting the same injustices for groups of poor people. This action involves change - economic, social and political change.

If this kind of commitment to change no longer exists at the national level, those in charge should say so forthrightly. This nation cannot afford to have its right hand indicating support for programs to secure lawful change, while the left hand initiates administrative requirements which in fact destroy the chance for genuine progress.

Even if administrative procedures are worked out so as to reinforce the effective kinds of Legal Services of the past year and a half, there are other threats to be faced. As I mentioned earlier in this statement, the Senate Finance Committee has reported a Social Security-Welfare measure which prohibits use of federal Legal Services funds in suits against welfare and Social Security laws and regulations. We endorse former OEO Director Rumsfeld's pointed criticism of the Committee action, in which he said: "The Committee's unusual action could seriously inhibit the opportunity of the poor to ask the courts to rule on possible inequities, administrative errors, or unconstitutional provisions in the law". The League expressed its firm opposition to the committee action too and hopes the Senate will defeat the proposal.

The League of Women Voters wants this Committee to know that League members in small and large communities over the nation have had meaningful contacts with Legal Services Programs and the people they serve. We are prepared to continue our support for an effective and significant program in the Congress and on the administrative front.

The League knows of this Subcommittee's dedication to that same goal, and we look forward to working with you in the 92nd Congress.

**NATIONAL CONFERENCE OF BLACK LAWYERS**

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DONALD McCULLUM,  
Oakland, Calif.

FOR IMMEDIATE RELEASE:

DECEMBER 7, 1970

NATIONAL CONFERENCE OF BLACK LAWYERS CONDEMNS OEO  
LEGAL SERVICES FIRINGS

Upon investigation of the facts and circumstances surrounding the firings of O.E.O. Legal Service Director Terry Lenzner and Deputy Director Frank Jones, the National Conference of Black Lawyers (NCBL) finds no legitimate justification for their dismissal. Rather, from the record it appears that the termination of Lenzner and Jones was a base, politically motivated act aimed at preventing OEO Legal Services from effectively carrying out its mission of providing vigorous legal representation for the nation's poor. NCBL condemns these firings for the shadow they attempt to cast upon two outstanding attorneys whose record of dedication and accomplishment is above reproach, and for being a vicious assault upon the vulnerable impoverished millions who look to Legal Services for protection.

These firings are but the latest in a long series of actions taken by the Office of Economic Opportunity under the leadership of Director Donald Rumsfeld which weaken and

undermine legal services for the poor. As a national organization of men and women of the black bar, we are deeply concerned with the way in which OEO seems content to play politics with the lives and liberties of the poor. We condemn:

- (a) attempts to make legal representation of the poor a matter of local politics, whether this be done under the rubric of "regionalization" or "decentralization";
- (b) the Rumsfeld requirement of "political clearance" before an attorney can be hired by a Legal Services program;
- (c) the withholding of available funds from Legal Services Programs such as the Reginald Heber Smith Community Lawyer Fellowship Program, and other related actions calculated to diminish the effectiveness of Legal Services Programs;
- (d) the termination or threatened termination of programs which raise the ire of the politically powerful due to the zeal and effectiveness displayed by the programs' lawyers as advocates for the poor.

Further, we view with dismay the apparent attempt by Mr. Rumsfeld in announcing the Lenzner-Jones firings to lead the public to believe that the dismissals were approved by the American Bar Association or its President. If indeed this was the OEO Director's intention, we believe such action is unworthy of a high public official. We are pleased that the

Mr. Edward L. Wright, President of the ABA has made it clear that the ABA has not--anymore than any other bar group-- approved the firings.

As an association of black lawyers, we are especially disturbed by the impact of Mr. Rumsfeld's actions upon the black bar, and by extension the black community. At a time when the law schools and the bar are beginning to remove some of the historic barriers to blacks becoming attorneys,-- this administration has embarked upon a course that closes the door of professional opportunity to the black lawyer.

Time after time black lawyers who have been offered jobs by the Legal Services program have been rejected by the Nixon administration because of their inability to meet certain political tests unrelated to their ability and experience. Efforts by Lenzner and Jones to expand recruitment of the best minority group lawyers through the Reginald Heber Smith (Reggie) program have run into obstacles from Mr. Rumsfeld's office. Present plans call for a cutback of new Reggie fellows by some 30% and a reduction through non-renewals of present Reggies by some 60%. We regard such treatment of young black law graduates and young black lawyers as an attack upon the black bar, the black community, and, in a

sense, upon the entire community because of the abuse of public trust it represents.

NCBL joins the lawyers from throughout the nation in support of our fellow attorneys Terry Lenzner and Frank Jones. We commend Terry Lenzner and Frank Jones for their untiring devotion to make legal services serve the poor, and their fearless opposition to those who would have it do otherwise. We call for their immediate reinstatement in their former positions and for the implementation forthwith of a governmental policy of protection of the legal rights of the indigent which will be free from political interference and compromise.

Statement of Aryeh Neier  
Executive Director,  
American Civil Liberties Union

before the

Subcommittee on Employment, Manpower and Poverty  
Committee on Labor and Public Welfare  
U.S. Senate

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My name is Aryeh Neier. I am Executive Director of the American Civil Liberties Union. I appear here today on behalf of the ACLU.

The American Civil Liberties Union is opposed to changes in the administration of the legal services program which would politicize legal services or increase the susceptibility of the program to political pressure. We regard "regionalization" as merely a euphemism for politicization.

The existing structure of OEO Legal Services has been all too susceptible to political pressure. Such programs as South Florida Migrant Legal Services, North Mississippi Rural Legal Services, St. Louis Legal Aid, the DNA Navajo Reservation Program, California Rural Legal Assistance, The Western Center for Law and Poverty, the Dallas Legal Services program, the New Orleans Legal Assistance Corporation, the programs in Alexandria and Baton Rouge, Louisiana have all experienced sharp political threats and pressures because of their aggressive representation of the interests of their clients. Most disgraceful of all, the Mississippi Republican Party has apparently been able to completely block any funding of Hinds County Community Legal Services in Jackson, Mississippi. To date, no federal funds have gone into any legal services program in Jackson or any portion of South Mississippi, one of the poorest sections of the nation and, therefore, an ideal target for the legal services program.

"Regionalization" would vest control of the legal services program in regional OEO directors whose appointments are subject to local political considerations. Inevitably, the regional directors may be expected to be more responsive to local political pressures than the national legal services office.

At stake here is the integrity of the attorney-client relationship. An attorney's ethical duties to his client are grossly compromised if the attorney must keep a weather eye on the impact of his efforts on behalf of his client on the sensibilities of local political leaders.

By definition, legal action involves controversy. If there were no controversy, there would be no need for lawyers to represent clients. Yet somehow, the attack on the independence of legal services attorneys appears to have arisen because they have become involved in controversies. As apologists for those who would restrict the independence of the legal services program, the columnists Evans and Novak have recently written:

"If any program as naturally provocative as legal services for the poor is to survive in Richard Nixon's Washington, it must be kept in check by a cool-headed politician, fending off uncompromising idealists."

It is important to note here that the idealism that this school of thought believes must be held in check involves nothing more than fidelity to the canons of legal ethics. The canons require that a lawyer should act "solely for the benefit of his client and free of compromising influences and loyalties." The canons caution lawyers to be alert to economic, political or social pressures upon them and direct that a lawyer should refuse to work for any organization providing legal assistance unless "there is no interference in the relationship of the lawyer and the individual client he serves." Furthermore, the canons state unequivocally that "the duty of a lawyer, both to his client and to the legal system is to represent his client zealously within the bounds of the law."

The legislation establishing the legal services program explicitly recognized the danger that political pressures might interfere with the proper administration of the program. Therefore, the legislation affirmed that "projects involving legal advice and representation shall be carried on in a way that assures maintenance of a lawyer-client relationship consistent with the best standards of the legal profession."

The political pressure that many of the legal services offices have experienced because of their representation of "controversial" clients in "controversial" cases is itself an attack on the integrity of the legal profession. The Office of Economic Opportunity should be moving to resist those pressures to make clear to the lawyers in the legal services offices and the clients they represent that poor people will have lawyers as zealously devoted to their interests as fee paying clients. Instead, by proposing structural changes that increase the susceptibility of the legal services offices to political pressures, the OEO is serving notice on attorneys and their clients to avoid controversy. But if there is not to be controversy, why have a legal services program?

In a time of social change, citizens are constantly urged by the courts, the Congress, and the President to seek redress in the courts rather than in the streets. The United States Supreme Court has made clear that the right to litigate to bring about change, or merely to

assert existing rights, are rights protected by the First Amendment. See NAACP v. Button, 371 U.S. 415 (1963). Brotherhood of Railroad Trainmen v. Virginia State Bar, 377 U.S. 1 (1964), United Mine Workers v. Illinois State Bar, 389 U.S. 217 (1967). Changes in the governance of the legal services program which would increase the susceptibility of the program to political pressures interfere with the exercise of First Amendment freedoms by poor people by denying the poor attorneys able to represent their clients zealously within the bounds of the law.

It is important to note that the proposal for regionalization of OEO Legal Services is but one of several recent attacks on the right to litigate. This committee is familiar with the recent threat by the Internal Revenue Service to the tax-deductibility of public interest law firms. In addition, in several states, restrictive court rules have been adopted severely restricting the services of public and private organizations furnishing legal services. There has also been a recent increase in the use by judges of the contempt power to punish vigorous advocacy by attorneys of the rights of their clients. We believe that it is extremely important to resist these attempts to circumscribe the freedom of attorneys to represent zealously, within the law, the interests of their clients. This committee should be able to play an important role in that regard.

The American Civil Liberties Union is not prepared, at this time to support a particular proposal for assuring the independence of the legal services program. A number of suggestions have been put forth and, as support for one or another proposal crystallizes, we will make our views known. We do believe that this issue deserves the urgent attention of this committee. We further believe that the proposal for regionalization is aimed at undermining the independence of legal services and is, therefore an attack upon the integrity of those services. We oppose regionalization and we call upon you to seek ways of enhancing the independence of the legal services program.

AN ANALYSIS OF THE PROCEDURES IMPLEMENTING DIRECTOR RUMSFELD'S DECISION  
TO SHIFT FROM REGIONALIZATION TO DECENTRALIZATION OF THE OEO LEGAL  
SERVICES PROGRAM

(Report prepared by Citizen's Advocate Center)

On Sunday, November 15, 1970, Donald Rumsfeld, Director of the Office of Economic Opportunity announced that the OEO Legal Services Program would not be regionalized. Simultaneously, OEO promulgated six single space pages of detailed procedures purporting to implement that decision.

The announcement to discard regionalization was no victory. What replaced it was far more devastating; as Pyrrhus is reported to have remarked: "Another such victory and we are undone."

The Citizens Advocate Center was requested to prepare an analysis of these procedures by individual members of the National Advisory Committee to the OEO Legal Services Program because the National Advisory Committee has no staff to perform such functions. Members of the National Advisory Committee requesting this analysis include John Commiskey (Member, Board of Governors, ABA), Honorable Edward Bell (President, National Bar Association), Jacob Fuchsberg (past president, American Trial Lawyers Association), Revius Ortique (Vice President, National Legal Aid and Defender Association), Jean Camper Cahn (Chairman, Subcommittee on Regionalization of the National Advisory Committee) and Mary Ellen Hamilton (President, National Clients Council).

Careful scrutiny of these procedures and the manner in which they were promulgated compels the Citizens Advocate Center to reach the following conclusions:

I. The new procedures achieve administratively the precise results which made the proposed regionalization so objectionable and indeed, go considerably beyond the proposed regionalization in destroying the administrative independence of the Legal Services Program.

II. The new procedures represent a repudiation of recommendations adopted by the National Advisory Committee and the National Clients Council on November 6 which set forth the administrative features deemed essential to protect the professional integrity of the Legal Services Program;

III. The new procedures were developed and promulgated in such a manner as to by-pass entirely, both the Legal Services staff of OEO and the National Advisory Committee (which is the agency's official internal vehicle for consultation with the organized bar).

The foregoing conclusions were arrived at only after intensive analysis of the new OEO procedures. They were not reached lightly, precisely because they fly in the face of the public impression generated by Director Rumsfeld's announcement which appeared to end a period of grave peril for the Legal Services Program. In fact, the new procedures strip the Legal Services Program of virtually all administrative and professional insulation despite the OEO's official statement that "particular attention was given to the views submitted last month in a letter from Edward L. Wright, president of the American Bar Association."

THE NEW PROCEDURES ACHIEVE ADMINISTRATIVELY THE PRECISE RESULTS WHICH  
MADE THE PROPOSED REGIONALIZATION SO OBJECTIONABLE AND INDEED, GO  
CONSIDERABLY BEYOND THE PROPOSED REGIONALIZATION IN DESTROYING THE  
ADMINISTRATIVE INDEPENDENCE OF THE LEGAL SERVICES PROGRAM

Rumsfeld in his November 14th memorandum made it clear that his public rejection of regionalization was extremely limited by conscious intent;

In rejecting the "regionalization" approach, I wish, therefore, to emphasize that I am rejecting only the recommendation to shift operational control of the program from the Office of Legal Services to the Regional Directors. While program control will be retained by Legal Services *staff*, such control will increasingly shift from the Headquarters to the Regional level, i.e., from the National Office of Legal Services to the Regional Legal Services Divisions. This decentralization of control will proceed on a Region-by-Region basis as the respective Regional Legal Services Division demonstrate the capacity to exercise such authority.

\* \* \* \* \*

However, I also wish to emphasize that whether or not an individual Regional Legal Services Division has been delegated operational program authority in the

Headquarters/Regional decentralization process, the Regional Legal Services Division *must* follow an explicitly set of procedures setting out a meaningful and continuing process of coordination between the Regional Legal Services Director and the Regional Director and his staff. These procedures will insure the Regional Director and his staff full opportunity to participate in the grant review and approval process for Legal Services Programs at every major stage in that process.

Under the procedures issued, there is no need to delegate authority to the Regional Directors. They have the substantive power to intervene, to block, to monitor, to coerce acquiescence, and to precipitate an appeal directly to Carlucci and Hjernevik merely by registering a dissent on any issue.

The new instructions thus radically alter the existing decision making structure in several ways:

1. The Regional Director's sign off is no longer ministerial; it can be withheld for substantive reasons—and appeals or the threat of appeals at all the preliminary checkpoint stages can effectively obviate the need ever to withhold final sign off. By that time, all issues can have been resolved on a low visibility level.

2. Lenzner can no longer withdraw the concurrent signoff power delegated to the Regional Directors if he disagrees with them. Previously, the Regional Director could be compelled to sign off or have his concurrent power withdrawn by Lenzner unilaterally. Now that the Regional Director has the right to appeal to Carlucci when he withholds his final sign off, Lenzner can no longer assert sole jurisdiction where the Regional Director refuses to sign.

3. Lenzner no longer has the sole power to decide to delegate sign off power to his Regional Legal Service Directors. He thus loses an important element of line command which is the power to grant or withhold sign off power to the Regional Legal Service Directors. Under the new procedures, the decision to decentralize is made by Lenzner *and* Rumsfeld based upon a determination of whether the Regional Legal Service Director has "demonstrated the capacity to exercise such authority." Should Rumsfeld decide that decentralization to a given Regional Legal Service Director is in order, Lenzner's refusal to do so would take on the appearance of a vote of "no confidence" in his own staff—thus creating a powerful incentive for dissension between Lenzner and his Regional Staff. And an ambitious Regional Legal Service Director could generate pressure through the Regional Director to get Rumsfeld to rule him "capable." Accordingly, there are powerful incentives for the Regional Legal Service Director to accede to the wishes of the Regional Director as a prerequisite of gaining Rumsfeld's agreement to decentralize. Equally disturbing, Lenzner cannot withdraw such a delegation once made to his Regional Legal Service Director. The reasons for withdrawing such authority might be, e.g., trying to oversee the actions of a weak Legal Services Director who was making decisions at variance with national policy.

4. Under the new procedures, Lenzner no longer has any power to monitor programs on a day-to-day basis, whether that program be in Volusia County, Florida or Grand Rapids, Michigan, or the Navajo Reservation, or Chicago, Illinois. The instructions make clear that all day to day monitoring, funding, planning is to be done in the regions. Prior to November 15th, if CRLA, DNA or Florida migrant faced unusual problems, Lenzner and his headquarters staff were available and had the power necessary to do the trouble shooting so often required by aggressive legal service program. Lenzner and his headquarters staff must now rely on such information as his Regional Legal Service Director can garner. But Lenzner cannot act in person. Equally, Lenzner no longer has power to protect a Regional Legal Service Director who is being subjected to intolerable pressures within a particular Regional Office when the only way of assuring full communication and notice to Headquarters may be to withdraw signoff power to insure that Headquarters is aware of the problem. In the light of past experience with censorship of correspondence from Regional Legal Service Directors to grantees—and even to Headquarters, the ability to withdraw certain powers may be crucial to guarantee a flow of information.

The November 15 procedures substitute for delegation to the Regional Directors far more extensive authority to intervene in, scrutinize, control, and dominate the Legal Services Program by four steps:

1. decentralization to Regional Legal Service Staff.
2. extensive "checkpoint procedures" which provide not only the power but the affirmative obligation on the part of non-Legal Services staff to question,

challenge, obstruct, and harass those charged with administration of the Legal Services Program and which, by proliferating checkpoints, have levied upon Regional Legal Service personnel responsibility for preparing all grant papers under a far more onerous and cumbersome procedure. \*

3. proliferation of "appealable conflicts" invites ready circumvention of any theoretical control exercised by the Legal Service Director. The procedures vest power in the Regional Directors or their staff to November 15th challenge and overturn four classes of decisions: appointment of Legal Services staff, approval of the Regional Legal Services Operational Plan, approval of any Letter of Understanding to any Legal Services grantee explaining the terms and conditions of the grant, and final sign off releasing the funds for the grant. Power to make those four decisions is in fact power to run the Legal Services Program.

4. elimination of any formal role for the National Advisory Committee to redress the balance of power, to police the program and to protect its professional integrity.

The net result of these four steps is either to emasculate the program or to throw the Legal Services Program into a continuous pitched battle with the remainder of the agency at every level and regarding every program. Regionalization, the subcommittee of the NAC concluded, posed in imminent threat to the program, increasing the likelihood of political interference with the attorney client relationship, and rendering the Legal Services Staff impotent to protect the program's professional integrity.

## II

*The new procedures represent a repudiation of the recommendations adopted by the National Advisory Committee and the National Clients Council on November 6 which set forth the administrative features deemed essential to protect the professional integrity of the Legal Services Program.*

The following discussion juxtaposes the NAC's principle recommendations with the procedures.

### NAC RECOMMENDATION I

"The Legal Services Program must remain administratively independent of the Office of Operations at all levels of administration." Exclusive control is to be vested in the Legal Services Office over such matters as grantmaking (and modification), monitoring, evaluation, technical assistance, selection and supervision of staff.

#### *November 15 Procedures*

The new procedures insert the Office of Operations (and the Regional Directors who report to that Office) into every phase of administration and decision making of legal services and proliferate innumerable steps in decision making where involvement of the Office of Operations is made obligatory: (See generally 6. Checkpoint procedures, pp. 3-6)

a. Right to observe all actions and meetings of legal services staff, review, comment and make recommendations (p. 3)

b. right to be involved in development of regional operating plan which is expanded to require substantive strategies and policies as well as fiscal projections (p. 3 - #5 & 6a)

c. right to intervene in determination to terminate a grantee or direct fund the grantee (p. 4, #6b)

d. right to provide that local CAA's formulate initial plans and priorities and then to shift burden to Regional Legal Service Director to "agreed upon strategy for Legal Service Program in context of CAA program" (p. 4, #6c)

e. right to be present and participate in all "prereview", a stage which does not now formally exist in Legal Services (p. 4, #6d)

f. right to suggest content of "letter of understanding" to local legal service program prior to drafting, to review draft, to object to draft, & to block draft even if approved by Legal Service Director (p. 5, #6e)

g. right to review, comment upon and make recommendations on funding, re-funding and even, requests for amendment of grants, already made (p. 5. 6f)

h. right of final sign off on any legal service grant, and right to refuse final sign off even if all preceding steps followed (p. 6, #6g)

\*The procedure for drafting a letter of understanding to a Legal Service Grantee involving predrafting consultation, post drafting consultation, dual review challenges in headquarters, and appeals procedures provides the most extensive illustration. #6e, p. 5).

i. right to participate in all evaluations (subject to professional and ethical considerations) (p. 6, #6g)

There is no guarantee that staffing and administrative support levels are to be maintained. However, that responsibility for payroll and travel is to be shifted to Legal Services which presumably will require increased administrative staff to maintain time sheets, and process travel orders within the Legal Services Program. (#4, p. 2)

In addition, Regional Directors are given the right not only to interview and comment on proposed staff appointments in legal services—but also, to nominate candidates for regional legal services positions *and to secure the appointment of their nominee, by appealing, over the Director of Legal Services to Deputy Director Hjernevik or Director Rumsfeld.*\* (#3, p. 2)

#### NAC RECOMMENDATION II.

The professional integrity of the Legal Services program must be maintained; "in the event of any conflict within OEO between over-all policies of OEO and the professional standards of the program, especially responsibility to the clients, the latter shall govern and the primary obligation of the lawyers in the Legal Services Program shall be to insure faithful compliance with such standards.

#### November 15 Procedure

In the event of any conflict between the Legal Service Program goals and other OEO goals and policies, express provision is made for appeal by the Regional Director or his staff at every critical phase of the decision making or policy formulating process, first to Frank Carlucci, Director of Operations, and then to Deputy Director Hjernevik or Director Rumsfeld.

Thus, there is direct appeal regarding:

Selection of Regional Legal Services Director (#3, p.2)

Development of Regional operating plan including program priorities, and program changes (#5 & #6a, pp. 3-4)

Letter of Understanding to Legal Service Grantee (#6e, p. 5)

Signing of Grants (#6g, p.6)

Those controlling the appeal process are Carlucci, Hjernevik and Rumsfeld. Under the circumstances, the threat to "escalate" at the lowest level may be enough to force a low visibility compromise on major policy matters. There is no procedure for the formal introduction and presentation of overriding professional considerations, no provision for their articulation, and no provision with respect to the standards to be applied or the weight to be given matters of professional concern by the final arbiters: Carlucci, Hjernevik and Rumsfeld, none of whom are lawyers.

Moreover, a Memorandum of November 14, 1970 from Director Rumsfeld to all Senior Staff and Regional Directors reveals that the case for an all embracing coordinating process is predicated upon an improper construction of the OEO statute. In that memorandum, Rumsfeld expressly rejects "total separation" for Legal Services from all other community action programs. His reason for rejecting this extreme position expresses his own understanding of OEO's overriding mandate:

"It has also been argued that in order to preserve the professional independence and integrity of Legal Services, it is necessary for the Legal Services Program to be totally separate from other community action programs. I reject this proposition as both *programmatically unsound* and *completely inconsistent* with OEO's basic legislative mandate to focus all available resources, through its community action programs, on the overall antipoverty goal."

The memorandum accordingly construes the statute as stating that when Section 222 is used to fund legal service programs, such funds can only be used to fund programs which meet all of the following three conditions:

(A) involve activities which can be incorporated into or be closely coordinated with community action programs,

(B) involve significant new combinations of resources or new and innovative approaches, or

(C) are structured in a way that will . . . most fully and effectively promote the purposes of this title."

\*This conclusion is based on the reading that a refusal by Lenzner to appoint the Regional Directors candidate is not merely the rejection of a nomination but constitutes "personnel actions affecting the Regional Legal Service Director" and thus can be appealed over Lenzner to Carlucci who in turn has the exclusive right to appeal to Deputy Director Hjernevik or Director Rumsfeld for final resolution.

Actually the Act requires that legal service programs meet the conditions of either A or B or C. Equally symptomatic of their misreading are the words omitted from the statutory quote. The full text of (C) reads programs that "are structured in a way that will, *within the limits of the type of assistance or activities contemplated*, most fully and effectively promote the purposes of this title."

The November 14 memorandum omits the underlined words. Yet, the NAC's recommendation is posited on the assumption that the constitutionally distinctive nature of legal services and the preservation of the professional integrity of the program require a unique structural status for the Legal Services Program. The statute goes on to say that such programs shall be coordinated "*wherever feasible*" with community action programs. Feasibility depends upon the nature of the program. And the "feasibility" of coordination under the statute is limited by the provision that "Projects involving legal advice and representation shall be carried on in a way that assures maintenance of a lawyer-client relationship consistent with the best standards of the legal profession." The organized bar has made it abundantly clear, time and again, that the professional integrity of a local program depends upon the administrative independence vested in the Legal Services Division of OEO.

The emphasis on coordination, founded on an erroneous construction of the statute does not bode well for cases appealed to Deputy Director Hjørnevik. Moreover, when the Director of Operations appeals for any significant conflict with Legal Services for final resolution to Deputy Director Hjørnevik the absence of *any* statement of standards and procedures strongly suggests that professional and ethical considerations will not be given automatic preference over "coordination" as recommended by the NAC.\* In fact, there is no guarantee that Lenzner will be permitted "oral or written arguments" or even given notice.

#### NAC RECOMMENDATION III

*The National Advisory Committee, as the official vehicle within OEO for consultation with the organized bar and for preservation of the program's professional integrity must continue to function as the primary body charged with formulating policy guidelines and overseeing their implementation.*

#### November 15 Procedure

The NAC did not formulate these policy guidelines and the language of the November 15th procedure makes clear that they are to have no role in overseeing its implementation.

There is *no* mention of any role whatsoever for the National Advisory Committee either to formulate policies or to oversee their implementation. The total absence of any mention of the role of the NAC stands out, because of the exhaustive detail with regard to all decision making procedures, and also because there is express provision for Legal Service strategy to be formulated on the regional level with involvement (and, for all purposes, domination) by the Regional Director and the Office of Operations. National policy guidelines as formulated and policed in the past by the National Advisory Committee are to be replaced by an entirely different procedure which at no point provides for an appeal to the NAC, or for the NAC to intervene in an appeal to Deputy Director Hjørnevik or Director Rumsfeld—even where matters of grave professional standards and responsibilities are involved.

#### NAC RECOMMENDATION IV

*Director Terry Lenzner's continuance as the Director of Legal Services with the upgraded status established by the July 14, 1969 reorganization is viewed as essential to maintaining the program's integrity, momentum and public confidence—both because of the excellence of performance by Lenzner and his staff and because of the importance of continuity of leadership at this particular juncture in the history of the Legal Services Program.*

\*The automatic preference, in fact, runs against Legal Service Programs under the November 15 procedures:

Thus, for instance, 6c (p. 4) provides that

"When a CAA with a Legal Services Program submits its . . ." CA Plans and Priorities," to the Regional Office, the field representative shall discuss it with the Regional Legal Services Director to determine an agreement upon strategy for Legal Services in the context of that CAA's program."

*November 15 Procedure*

For all practical purposes, Lenzner becomes only the titular head of the Legal Services Program. He has been replaced by Carlucci, Hjernevik and Rumsfeld. Lenzner is permitted to "make a decision" *only* in those instances where nobody in the Regional Offices, nobody in the Division of State and Local Government, and nobody in the Office of Operations disagrees with him. If any person with any substantial degree of power takes issue with Lenzner, the decision ceases to be Lenzner's to make. Virtually every issue can be escalated from any level over and around Lenzner to Carlucci, Hjernevik and Rumsfeld. And invoking that mechanism will not be necessary in most cases; its mere availability as a way of circumventing the policies of the Legal Services Director will suffice to force early capitulation except in the most extreme of cases.

Ironically one key place where *no appeal* can be taken to Hjernevik or Rumsfeld is where the Regional Legal Services Director is dissatisfied over the quality of administrative support, xeroxing, phones, secretarial help, grant processing, office space, facilities, and equipment he is receiving from the Regional Director. Then, the matter ends in a potential stalemate because such "differences" are to be worked out between Lenzner and Carlucci with no provision for appeal and final resolution. (#4, pp. 2-3).

## NAC RECOMMENDATION V

*Within the limits giving exclusive control and administrative independence to the Legal Services Program, adequate provision must and can be made to enable the Regional Directors to have timely opportunity to comment upon programs and policies, to nominate candidates for position on the Legal Services staff, and to be kept regularly informed on the operation of the Legal Services Programs within their regions.*

*November 15 procedure*

While the procedures always talk in terms of authority vested in the Legal Services staff, in fact, the real power lies with the Regional Directors, the Office of Operations, Deputy Director Hjernevik and Director Rumsfeld. The omission of the NAC from any role in the procedure eliminates the principal source of countervailing power which a relatively small and controversial program has always had to rely on within a two billion dollar agency. Under the November 15th procedure, the NAC recommendation has been stood on its head: it is now the Legal Services staff who have the right to comment, to nominate candidates for staff positions and to obtain information. But they exercise those "rights" subject to direct observation, minute surveillance, omnipresent administrative controls and vulnerability, at every point, to prompt overruling by the Regional Director, the Office of Operations, Deputy Director Hjernevik and Director Rumsfeld.

## III.

*The new procedures were developed and promulgated in such a manner as to bypass entirely both the Legal Services staff of OEO and the National Advisory Committee (which is the agency's official internal vehicle for consultation with the organized bar.)*

The announcement made by Director Rumsfeld on November 15th coupled with the simultaneous release of "detailed procedures for implementing this decentralization/coordination process" deviated from understandings shared by the bar, the Clients' Council, the Legal Services staff of OEO and certain Committees of Congress regarding the steps which would precede any final decision.

First, a solemn commitment was made and relied upon by the National Advisory Committee that no decision would be made until the Subcommittee on Regionalization had submitted its report. Following that submission, which has yet to be made, it was understood that the NAC would have the opportunity to discuss the report and its implications with Director Rumsfeld. Understanding that this would be the procedure followed was expressed most explicitly in the letter of October 13, 1970 from ABA President Edward Wright—

"As you know, a Subcommittee of the National Advisory Committee has been established and charged with undertaking a full investigation of the reorganization proposal and its effect on the Legal Services Program and preparing a report for the Advisory Committee . . .

I have every confidence that the report of the Subcommittee will be of constructive assistance to you in considering this important question, and hope that we will have an opportunity to meet with you at the time the report is formally submitted by the National Advisory Committee."

At the NAC meeting of October 6, 1970, express request was made by Earl Johnson, a member of the National Advisory Committee to have the opportunity to present "oral argument" once the report was completed. Mr. Rumsfeld acceded to the request.

Shifting the label of the proposed reorganization from regionalization to decentralization and coordination in no way diminishes the magnitude of the change—or alters the underlying commitment, made on July 14th, 1969, to consult in advance with the National Advisory Committee on all major policy changes.

Moreover, it is clear from the scope and depth of the Subcommittee's report, (a draft of which was in the hands of Director Rumsfeld and nearly a score of senior OEO officials) that the Committee's concern went to the most fundamental issues of the relation between administrative structure and program integrity and thus, was of far broader import than a simple topical report limited to one particular organizational proposal.

Thus, regionalization, per se, was not the concern of the National Advisory Committee. Any organizational change with major policy implications, such as that made on November 15, would have merited the most thorough and candid exploration with the NAC prior to final decision.

Those who drew these procedures were no newcomers to bureaucratic infighting. The procedures themselves are intricately drawn, appearing to maintain line control in the Legal Services staff over the Legal Services Program on the one hand—while simultaneously establishing a complex process of intervention, which totally belies the impression that the Legal Services Program stature, independence and integrity were no longer seriously jeopardized nor the power of its staff to protect the program seriously eroded.

Finally, it must be observed that these procedures were drawn without the involvement, consultation or formal approval of the Director of Legal Services himself. Yet, they constitute a radical change in the legal structure of the agency and have the effect of rescinding by implication those delegation and re-delegation orders of major significance.

## APPENDIX

- I. PROCEDURES FOR ADMINISTERING THE LEGAL SERVICES PROGRAM IN THE REGIONAL OFFICES
- II. PRESS RELEASE, NOVEMBER 15, 1970 OEO DECIDES NOT TO REGIONALIZE LEGAL SERVICES PROGRAM
- III. MEMORANDUM: ADMINISTRATION OF THE LEGAL SERVICES PROGRAM FROM: DONALD RUMSFELD TO: SENIOR STAFF, REGIONAL DIRECTORS, NOVEMBER 14, 1970

### I

#### PROCEDURE FOR ADMINISTERING THE LEGAL SERVICES PROGRAM IN THE REGIONAL OFFICES

##### 1. General Policy

The OEO Headquarters Office of Legal Services shall determine overall policies and national priorities for the Legal Services program, shall review and approve Regional operating plans, and, pending decentralization of such authority, shall review and approve operational program grants prior to final signature in the Regional Offices. However, authority for the day-to-day review, funding and monitoring of grantee operations shall reside in the Regional Offices.

Within the Regional Offices, the Regional Director shall provide administrative support to the Regional Legal Services Director and shall, at every phase of the grant review and approval process, have full opportunity to review, comment upon, and make recommendations concerning Legal Services programs. However, the Regional Legal Services Director shall, other than in the provisions of administrative services, be independent of the Regional Director's supervision and shall have full authority for the administration of the Legal Services program in the Regional Office. The Regional Director shall sign all Regional Legal Services grants, but only in accordance with the recommendations of the Regional Legal Services Director, subject to the provisions of Section 6 below.

## *2. Headquarters/Regional Office Relationships*

Subject to OEO policy making procedures, the Associate Director of OEO for Legal Services (hereinafter referred to as the Director of Legal Services) shall be responsible for the development and dissemination of national policies, guidance, program priorities and program guidelines for the Legal Services program. He shall retain full authority for Legal Services research, demonstration, and training and technical assistance grants and contracts, and for the evaluation of all Legal Services programs. Until such time as grant approval authority is decentralized to the Regional Legal Services Director, the Director of Legal Services shall also approve all operational Legal Services grants, following review and recommendation by the Regional Legal Services Director, prior to sign-off by the Regional Director.

It is the objective of the Director of OEO to eventually decentralize to the Regional Legal Services Directors the authority to approve operational Legal Services grants. Such decentralization shall proceed on a Region-by-Region basis. When the Director of OEO and the Director of Legal Services shall determine that a Regional Legal Services Director has demonstrated the capacity to exercise such authority, the Director of Legal Services shall delegate to that Regional Legal Services Director the authority to approve operational Legal Services grants.

The Regional Legal Services Director shall for all purposes other than the provision of administrative support services report directly to the Director of Legal Services, in approximately the same manner in which the Regional Director reports directly to the Assistant Director of OEO for Operations (hereinafter referred to as the Director of Operations). The Regional Legal Services Director shall be responsible for developing a Regional operating plan for Legal Services, for reviewing and recommending to the Director of Legal Services approval of (or, where he has been delegated such authority, for himself approving) all Regional Legal Services grant applications, and for monitoring all Regional Legal Services program operations.

## *3. Selection of the Regional Legal Services Director*

The Director of Legal Services shall be responsible for selecting and approving all personnel actions concerning the Regional Legal Services Director. However, the Regional Director shall have full opportunity prior to any such selection to recommend candidates for the position and to interview and comment on the nominees of the Director of Legal Services. The Regional Director shall also have the opportunity to review and comment on all personnel actions affecting the Regional Legal Services Director. Should the Regional Director object to a selection or personnel action approved by the Director of Legal Services, he shall notify both the Director of Legal Services and the Director of Operations. The Director of Operations shall have the right to have the issue determined by the Director and Deputy Director of OEO if he and the Director of Legal Services are unable to reach agreement.

## *4. Regional Director/Regional Legal Services Director Relationships*

The Regional Legal Services Director shall not be part of the Regional Director's staff, except in the provision of administrative support services. The Regional Legal Services Director shall have full freedom, subject to the provisions of Section 6 below, to communicate directly with the Director of Legal Services. The Regional Legal Services Director shall hire and supervise his own professional and clerical staff without the prior approval or concurrence of the Regional Director, and shall have full responsibility for administering the Legal Services program in the Region. In all respects other than the provision of administrative support services his supervisor shall be the Director of Legal Services, not the Regional Director.

The Regional Director shall provide all administrative support services other than payroll and travel to the Regional Legal Services Director, including personnel, space and equipment, grant processing, mail, printing and reproduction, and other management services. The Regional Legal Services Director shall provide for his own payroll and travel services consistent with the procedures now followed by the Regional Auditors. The Regional Legal Services Director shall submit requests for all other administrative services to the Regional Director.

Should the Regional Legal Services Director be dissatisfied with the provision of such services and be unable to reach an acceptable resolution with the Regional Director, he shall have the right to bring the matter directly to the Di-

rector of Legal Services. The Director of Legal Services and the Director of Operations shall then work out an appropriate resolution of the matter.

#### 5. *Legal Services Operating Plans*

Every fiscal year, in accordance with instructions to be issued by the Director of Legal Services, the Regional Legal Services Director shall prepare and submit to the Director of Legal Services an operating plan for all Legal Services programs in the Region. Such plan shall be reviewed by the Regional Director in accordance with Section 6 below. It shall include, at a minimum, and overall strategy for the Legal Services program in the Region; the Regional Legal Services program priorities; a listing of all Legal Services programs to be funded in the Region during the fiscal year together with project costs (Federal, non-Federal, and total) and the projected funding dates; a summary for each project of progress to date and of significant dollar increases, decreases, or program changes; and the time and manner in which each project shall be evaluated. Upon approval of such Regional operating plans by the Director of Legal Services, the Regional Legal Services Director shall administer the program in accordance with the plan.

#### 6. *Checkpoint Procedures*

Although the Regional Legal Services Director shall have full authority, subject to the provisions of Sections 2 and 5 above, over all aspects of the Regional Legal Services program, the Regional Director and his staff shall have full opportunity to observe, review, comment, and make recommendations on such programs.

a. *Regional operating plans.*—The Regional Legal Services Director shall give the Regional Director and his staff the opportunity, prior to the preparation of the annual Regional Legal Services operating plan, to make recommendations concerning the content of that plan. In developing the strategy and plan for each Legal Services project, the Regional Legal Services Director shall work closely with the field representative serving that grantee. Upon completing the plan, the Regional Legal Services Director shall submit it to the Regional Director for comment and recommendations. When such comments and recommendations are not incorporated into the plan to the satisfaction of the Regional Director, the Regional Legal Services Director shall submit copies of the Regional Director's comments and recommendations, together with copies of the plan, to both the Director of Legal Services and the Director of Operations.

The Director of Legal Services and the Director of Operations shall attempt to resolve the differences between the Regional Director and the Regional Legal Services Director. Although the Director of Legal Services shall have final authority to approve the plan, the Director of Operations shall have the right to bring any unresolved issues to the Director or Deputy Director of OEO before the plan is approved. The Regional Legal Services Director shall submit to the Regional Director a copy of the final plan as approved by the Director of Legal Services.

b. *Determination of Grantee Eligibility.*—Where a CAA with a Legal Services program fails to meet grantee eligibility requirements and an adverse action is being considered, the field representative should so inform the Regional Legal Services Director, who should be given full opportunity to comment and make recommendations prior to the determination of appropriate action. The Regional Legal Services Director should follow the same procedure with regard to the Regional Director and his staff when an adverse action is contemplated against a Legal Services grantee.

c. *Grantee Plans and Priorities.*—When a CAA with a Legal Services program submits its CAP Form 81, "CAA Plans and Priorities," to the Regional Office, the field representative shall discuss it with the Regional Legal Services Director to determine an agreed upon strategy for Legal Services in the context of that CAA's program.

d. *Prereview.*—In arranging the prereview for a CAA with a Legal Services program, the Regional Legal Services Director and the field representative for the CAA should make every effort to schedule joint action, so that the Legal Services program can be reviewed as an integral part of the CAA's overall program. In any event, the Regional Legal Services Director shall give the field representative adequate advance notice of the preview of all Legal Service grants, including direct-funded limited purpose grants in communities where there is a CAA, and shall invite the field representative to participate in the prereview. The field representative shall provide similar opportunities to the Regional Legal Services

Director to participate in prereviews of non-Legal Services programs of CAAs with Legal Services grants or in communities where a limited purpose Legal Service grant is funded.

e. *Letter of Understanding.*—A separate Letter of Understanding shall be prepared for all Legal Services grants, whether to CAAs or LPAs. Such Letters of Understanding shall be prepared and signed by the Regional Legal Services Director, following approval (if the Regional Legal Services Director has not been delegated grant approval authority) by the Director of Legal Services. Prior to preparing such Letters the Regional Legal Services Director shall give the Regional Director the opportunity to make recommendations as to its contents. Following the preparation of the Letter of Understanding, the Regional Legal Services Director shall submit it to the Regional Director for review and comment.

Where he has not been delegated grant approval authority, the Regional Legal Services Director shall submit the Letter to the Director of Legal Services for approval, together with any of the Regional Director's comments and recommendations which have not been incorporated into the Letter, with a copy to the Director of Operations. Where he has been delegated grant approval authority, the Regional Legal Services Director shall submit the Letter to the Director of Legal Services for approval only if the Regional Director comments and recommendations have not been incorporated into the Letter. Where the Regional Director's concerns have not been met, the Director of Legal Services and the Director of Operations shall attempt to resolve the differences, with the Director of Operations having the right to have the issue resolved by the Director and Deputy Director of OEO if his views are not accepted by the Director of Legal Services. The Regional Legal Services Director shall submit to the grantee and the Regional Director the Letter of Understanding as approved (if required) by the Director of Legal Services.

f. *Funding Request.*—The Regional Legal Services Director shall provide the field representative for review and comment a copy of any funding, refunding, or amendment request for any Legal Services grant upon its receipt in the Regional Office. The field representative shall have every opportunity to comment and make recommendations on any such funding request. The Regional Legal Services Director shall be responsible for preparing any grant documents for a Legal Services program account to be funded as part of a combined CAA grant action for two or more program accounts, and for providing the field representative the necessary dollar figures for the CAP 14. The Regional Legal Services Director shall be responsible for preparing the entire grant package for a limited purpose Legal Services grant action or for a CAA grant action involving only the Legal Services program account. However, even where the Regional Legal Services Director prepares the entire grant package for a CAA he should closely coordinate it with the field representative to insure accuracy of the grant documents.

g. *Signing of Grants.*—Where he has not been delegated grant approval authority, the Regional Legal Services Director will first submit to the Director of Legal Services for approval the Legal Services funding request together with his recommendations and copies of any grant documents as needed. The Regional Legal Services Director shall submit the grant, as approved (if required) by the Director of Legal Services, to the Regional Director for signature.

Provided the procedures outlined above have been complied with, the Regional Director shall have the authority to sign all Legal Services grants, whether to LPAs or CAAs, whether the grant action is only for Legal Services or for additional program accounts as well. However, the authority of the Regional Director to sign all Legal Services grants does not constitute authority to change or veto the grant as approved by the Director of Legal Services or (where he has been delegated such authority) by the Regional Legal Services Director.

Where the Regional Director does not concur in the grant as recommended, he shall attempt to resolve the issue with the Regional Legal Services Director. If this fails, the Regional Legal Services Director shall send a copy of the grant package, together with the Regional Director's comments and recommendations, to the Director of Legal Services, with copies going to the Director of Operations. The Director of Legal Services and the Director of Operations shall attempt to resolve the differences, with the Director of Operations having the right to bring any unresolved issues to the Director and Deputy Director of OEO. The grant package as finally approved and modified by the Director of Legal Services or the Director/Deputy Director of OEO shall then be returned to the Regional Office where it shall be signed by the Regional Director.

h. *Evaluations.* The Regional Legal Services Director shall notify the Regional

Director in advance of all scheduled evaluations of Legal Services programs. The Regional Director shall have the opportunity to send members of his staff to participate in such evaluations, subject to the limitations imposed by professional, ethical, and lawyer/client confidentiality considerations.

## II

(PRESS RELEASE ISSUED BY OEO)

### OEO DECIDES NOT TO REGIONALIZE LEGAL SERVICES PROGRAM

Donald Rumsfeld, Director of the Office of Economic Opportunity, announced today that the OEO Legal Services Program will not be regionalized.

"A decision has been made," he said, "to develop closer coordination between Legal Services and other Agency programs, but administrative responsibility for the program will remain in the Washington headquarters Office of Legal Services."

The OEO has been exploring the possibility of "regionalizing" the legal aid program as part of an effort to achieve more effective coordination of its programs.

Rumsfeld noted that in making his decision, particular attention was given to the views submitted last month in a letter from Edward L. Wright, President of the American Bar Association.

Rumsfeld stated, "The American Bar Association has been an active and articulate supporter of Legal Services since the program was initiated over five years ago. The Association and its members have been important participants in this unique effort to provide high calibre legal assistance for the poor."

Since Rumsfeld became Director of OEO in 1969, funding for the Legal Services Program has increased from \$46 million to \$61 million in the President's budget request for Fiscal Year 1971, while the case load doubled from 610,000 to an estimated 1,200,000 this year. At the same time the cost of handling a case dropped from \$75 in 1969 to \$51 this year.

Some 2,000 attorneys work out of 850 neighborhood offices in 265 communities. They handle civil cases concerning housing, employment problems, consumer affairs, domestic relations, welfare matters, juvenile programs and police community-relations.

Rumsfeld said that the full support of the Bar was crucial for the continued success of the Legal Services Program. He added that in making his decision not to regionalize the program, he had received helpful suggestions from members of both political parties.

At the same time, he reaffirmed his determination to achieve better coordination of OEO programs dealing with poverty.

Although such coordination was the intent of proposals to regionalize the Legal Services Program, Rumsfeld said this objective can also be brought about by a better structured grant review process.

This procedure, which is being instituted immediately, provides an opportunity for Regional Directors to comment on Legal Services grants at several key stages in the process.

Rumsfeld praised the talent and dedication of OEO's Regional Directors. "All have a deep and abiding commitment to the Legal Services Program, and to the integrity of the relationships between lawyers and their clients," he said.

Rumsfeld added, "It is important to the poor and desirable from the standpoint of good management to ensure that the Legal Services Program has the benefit of regular access to the experience and insights of the Regional Directors and their staffs."

Rumsfeld said that the Economic Opportunity Act encourages this kind of coordination and cooperation among programs. He stated, "My decision is intended to accomplish two equally desirable goals: maintenance of the highest possible quality of legal assistance to the poor with the full cooperation of the Bar, and assurance of an effective working partnership between Legal Services and other programs serving the poor both at the local level and within the Agency."

OFFICE OF ECONOMIC OPPORTUNITY,  
EXECUTIVE OFFICE OF THE PRESIDENT.  
*Washington, D.C., November 14, 1970.*

Subject: Administration of the Legal Services Program.

To: Senior staff regional directors.

After studying the issues and considering a variety of recommendations, I have decided not to regionalize the Legal Services program. In announcing this

decision, however, I wish to disassociate myself completely from two positions frequently advanced in recent weeks by many critics of regionalization.

It has been argued, for example, that in regionalizing the Legal Services program, OEO would be turning over program control to Regional Directors who were unsympathetic to the program or to the interests of the poor, and who were primarily motivated by political considerations.

Let there be no doubt about OEO's Regional Directors. They are talented and professionally qualified men, dedicated to serving the poor. All have a deep and abiding commitment to the Legal Services program, and to protecting its integrity and independence. The Regional Directors have frequently been the staunchest defenders of Legal Services where that program has come under fire.

It has also been argued that in order to preserve the professional independence and integrity of Legal Services, it is necessary for the Legal Services program to be totally separate from other community action programs. I reject this proposition as both programmatically unsound and completely inconsistent with OEO's basic legislative mandate to focus all available resources, through its community action programs, on the overall antipoverty goal.

Section 222 of the Economic Opportunity Act, which establishes the authority for Legal Services programs, states that this authority shall be used only with respect to programs which "(A) involve activities which can be incorporated into or be closely coordinated with community action programs, (B) involve significant new combinations of resources or new and innovative approaches, or (C) are structured in a way that will . . . most fully and effectively promote the purposes of this title." Section 222 further states that in providing assistance for national emphasis programs (including Legal Services) the Director "shall do so in a manner that will encourage, wherever feasible, the inclusion of the assisted projects in community action programs, with a view to minimizing possible duplication and promoting efficiencies in the use of common facilities and services, better assisting persons or families having a variety of needs, and otherwise securing from the funds committed the greatest possible impact . . ."

While I am not regionalizing Legal Services, I am instituting immediately new administrative procedures which will serve my initial dual objective of (1) implementing the intent of the EOA regarding coordination between Legal Services and other Community Action Programs and (2) furthering the decentralization of authority *within* the Legal Services program, while at the same time preserving the professional and programmatic integrity of the program.

In rejecting the "regionalization" approach, I wish, therefore, to emphasize that I am rejecting only the recommendation to shift operational control of the program from the Office of Legal Services to the Regional Directors. While program control will be retained by Legal Services *staff*, such control will increasingly shift from the Headquarters to Regional level, i.e., from the national Office of Legal Services to the Regional Legal Services Divisions. This decentralization of control will proceed on a Region-by-Region basis as the respective Regional Legal Services Divisions demonstrate the capacity to exercise such authority. Throughout this process of decentralization, the Regional Legal Services Divisions, while located physically in the Regional Offices and receiving day-to-day office services from the Regional Directors, will remain administratively and programmatically independent of the Regional Directors' supervision.

However, I also wish to emphasize that whether or not an individual Regional Legal Services Division has been delegated operational program authority in the Headquarters/Regional decentralization process, the Regional Legal Services Divisions must follow an explicit set of procedures setting out a meaningful and continuing process of coordination between the Regional Legal Services Director and the Regional Director and his staff. These procedures will insure the Regional Director and his staff full opportunity to participate in the grant review and approval process for Legal Services programs at every major stage in that process. These procedures will insure a more effective working partnership between the Office of Operations and the Office of Legal Services at the Washington level and between the Field Operations and Legal Services Divisions at the OEO Regional level. Significantly, these procedures will also insure a more effective partnership between the CAA and the Legal Service delegate agency at the local level in a comprehensive local strategy to mobilize the community's resources and constructively change its institutional practices for the betterment of the poor.

**Juvenile Division**

CIRCUIT COURT - CITY OF ST. LOUIS  
920 NORTH VANDEVENTER  
SAINT LOUIS, MISSOURI 63108

AREA CODE 314  
535-9725

THEODORE McMILLIAN  
Judge

WILLIAM A. GEARY, JR.  
Commissioner

FRANCIS L. KANE  
Referee

WILLIE D. MAY  
Hearing Officer

LOUIS W. MCHARDY  
Director of Court Services

NOV 11 1970

November 9, 1970

The Honorable Gaylord Nelson, Chairman  
Subcommittee on Employment,  
Manpower and Poverty  
United States Senate  
Washington, D. C.

Dear Senator Nelson:

Thank you for your thoughtful invitation for my comments regarding OEO's plan to regionalize the Legal Services Program. I have given the plan careful consideration and am compelled to conclude that I am very strongly opposed to regionalization.

As a black man who grew up in the City of St. Louis and now as the Judge of the Juvenile Court here, I know from first-hand experience the distrust and fear that poor people and black people feel toward the law. But now the Legal Services Program, both here in St. Louis (where every day I observe the representation provided by the Juvenile Defense Unit of the St. Louis Legal Aid Society) and in communities across the nation, are rendering a vigorous, high quality of legal service to such oppressed people, many of whom are learning for the first time in their lives that our legal system really can do justice.

Therefore, I would be skeptical of any proposed major change in policy toward Legal Services which might risk undermining its effectiveness. To invoke the old sports axiom, "don't break up a winning team". This is particularly true in view of the fact that no good reasons have been offered for regionalization of Legal Services. How will it improve the delivery of services to the poor? How will it cause those services to be of higher quality?

In short, how will such a change help my people? No one has answered these questions and, from my study of regionalization, it is doubtful that OEO can provide positive answers.

The only advantage that OEO seems to claim for regionalization is that it will "bring Government to the people". That somehow supposes that the typical citizen, particularly poor people, will be able to influence the operations of Legal Services through the Regional Director of OEO. In my view regionalization will have exactly the opposite effect. It will make Legal Services responsive, not to the needs of poor people, but to the pressures of the public officials, state and municipal governments and local agencies within each region.

One of the great strengths of Legal Services has been its ability to confront the injustices perpetrated by state and local government and their representatives --- we should do nothing to make Legal Services vulnerable to such officialdom. Attacks upon Legal Services by state and local politicians, whose agencies have been sued by poor people represented by Legal Services programs, have been common yet all such efforts have been resisted successfully by the Administration in Washington. A Regional Director, who is a local political appointee (and usually a non-lawyer), would be much less likely to resist.

Moreover, Legal Services in Washington, as presently constituted, has already demonstrated its desire to be responsive to the needs of its client community by establishing the National Client Council. Mrs. Mary Louise Butler, a representative of the poor in St. Louis, has been active in the NCC.

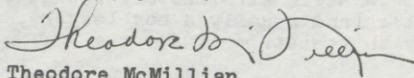
There are other reasons why, in my judgement, regionalization would be a grave mistake: (1) the national Legal Services office in Washington, which has played such an important role in making the LSP as effective as it is today, would obviously be eroded by the change; (2) the threat to the independence of Legal Services programs, which is so necessary to any lawyer, would undoubtedly prevent the LSP from attracting the able young lawyers who are now drawn to it; (3) despite obvious differences from one locality to another, the legal problems of poverty are very often ones common

to all large urban areas -- it makes good sense to maintain a strong central office in Washington responsible for the setting and implementation of policy and the evaluation of programs on a nationwide basis -- regionalization would only fragment and thereby seriously weaken those functions; and (4) a form of regionalization existed for years but was fraught with problems (including withholding of funds by community action agencies in order to enforce their ideas as to how Legal Services programs should operate) and was abandoned -- it is pointless to repeat a bad experience.

In closing, let me note that I am the President of the Human Development Corporation, the CAA for St. Louis. In that capacity I remain aware of the views of the indigent people of St. Louis and believe that they would join me in urging the Congress of the United States and the Administration to oppose regionalization and do whatever is necessary to enable the Legal Services' Program to retain the independence it enjoys today and so vitally needs.

Thank you for giving me this opportunity to express my views.

Sincerely yours,



Theodore McMillian  
Presiding Judge

/mh

[From the New Rochelle (N.Y.) Standard Star, Dec. 3, 1970]

STRIKE IN PRINCIPAL HELD—LEGAL AID ATTORNEYS FEAR  
“POLITICIZATION” OF SERVICES

A one-day “strike in principal” was held yesterday by all Legal Aid attorneys in the county, in conjunction with attorneys under the Office of Economic Opportunity throughout the nation.

The attorneys worked as usual but are donating their salaries for the day to a “slush fund” to work for the reinstatement of Terry F. Lenzner, former director of legal services for OEO and his assistant, Frank Jones. Both men were fired last week by Donald Rumsfeld, OEO director.

Michael Dale, a graduate law student working under Sigmund Geronimo in the New Rochelle Legal Aid office, explained that the attorneys are “seriously concerned” over OEO plans to “regionalize” legal services. This would lead to “politicization” of legal services and make it difficult for attorneys representing the poor to bring actions against political entities or municipalities, Mr. Dale explained.

He referred to a recent case in Port Chester where Legal Aid attorneys were criticized for bringing action against the village and the school board in behalf of poor people. “Our charter specifically says we can do this,” said Mr. Dale. “We have sued governmental agencies in the past and we hope to continue to do so when people who cannot afford to pay for legal services need our help.”

He said there are only 1,900 OEO-supported attorneys in the nation, and only about a dozen in Westchester County.

“It’s little enough,” said Mr. Dale. “If they don’t allow us to do what needs to be done, the poor will have almost no legal representation at all. We are informing all our clients and client groups such as the Welfare Rights Organizations of our action” he added.

There are plans for a march to Washington next week to protest the Lenzner and Jones firings, Mr. Dale said.

The Legal Aid assistant pointed out that all the attorneys and law students in the organization have been offered jobs at higher salaries than they are making and “we are certainly not in this for the money. We do believe the poor are entitled to expert legal services in a democracy,” he stated.

*Roy Leopold Singer*  
ATTORNEY AT LAW  
15 ROCKWIN ROAD  
ROCKVILLE CENTRE, N. Y. 11570  
  
(516) 228-1119

December 4, 1970

Senator Gaylord Nelson  
U. S. Senate Office Building  
Washington, D. C.

RE: O.E.O. LEGAL SERVICES

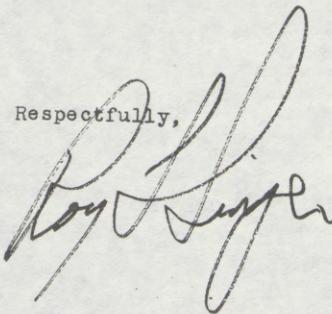
Dear Senator Nelson:

I understand that your subcommittee will be holding hearings next week on the future of the Legal Services Program of the Office of Economic Opportunity especially in light of the recent firings of Messrs. Lenzer and Jones and the controversy regarding the politicization of the program.

Enclosed you will find a carbon copy of my letter to my Congressman containing my views on the above-described developments. Perhaps you will find same of use to you in preparation for your hearings.

Thank you for your consideration.

Respectfully,



rls:df

Enclosure

*Roy Leopold Singer*  
 ATTORNEY AT LAW  
 15 ROCKWIN ROAD  
 ROCKVILLE CENTRE, N. Y. 11570  
 —  
 (516) 223-1119

December 4, 1970

Hon. Allard K. Lowenstein  
 163 Lindell Boulevard  
 Long Beach, New York 11561

RE: O.E.O. LEGAL SERVICES

Dear Congressman Lowenstein:

I am sure that you are performing more significant deeds as a lame duck in D. C. than just "quacking" etc. The undersigned hopes that you will remain an active antibody for decency in the body politic of this nation.

I specifically write to urge you to use your good offices with O.E.O. Director Rumsfeld and other responsible officials to try to avoid a scuttling of O.E.O.'s Legal Services Program through the "politicization" of the beneficial aspects of the attorney - client relationship in the guise of "regionalization" of ultimate authority in the program. I do not know Messrs. Lenzner and Jones personally but the implication of their firings is clear: the peer can have lawyers as long as their lawyers "kow-tow" to the local political establishment.

Mr. Rumsfeld is asking every Legal Services attorney to violate the ethics of his profession i.e. place the client's interests in a subordinate position to the interests of the actual or potential adversary. The legal system won't work at all for the poor unless local politicians are stepped on through litigation or the utilization of other traditional and non-traditional legal techniques.

If local politicians hold the ultimate policy-making authority in the Legal Services programs around the country then thousands of committed attorneys might just as well pack up their talent, courage and idealism and go elsewhere. For one would be compelled to shake upon his own hypocrisy if he told the peer to value law and order and believe the rhetoric of freedom in the light of an inability to secure effective access to the legal process.

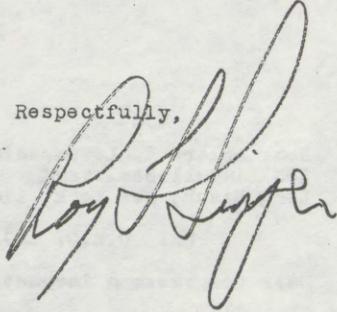
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Y

The undersigned is a former Legal Services attorney and grateful for the experience. These that follow should not be cheated - and the poor should not be abandoned to the vicissitudes of partisan politics.

C  
O  
P  
Y

rls:df

Respectfully,



CAMBRIDGE LEGAL SERVICES, INC.  
12 HOWARD STREET  
CAMBRIDGE, MASSACHUSETTS 02139

AREA CODE 617  
TELEPHONE 888-1180 - 1181

STAFF:

RONALD L. CHENEY, DIRECTOR  
SARAH M. RANEY, STAFF ATTORNEY  
JOHN L. MASON, JR., STAFF ATTORNEY  
WESLEY J. MARGHALL, JR., STAFF ATTORNEY  
JOHN S. ROADHOUSE, STAFF ATTORNEY

December 3, 1970

The Honorable Gaylord Nelson  
Room 404  
Old Senate Office Building  
Washington, D. C. 20570

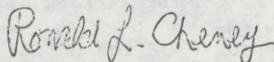
Dear Senator Nelson:

The entire staff of Cambridge Legal Services stands unalterably opposed to the firing of Terry Lenzner and Frank Jones. The news of their firing on Friday, November 20, 1970 and the long telegram of rationalization or justification for the firing filled us with dismay. Again Legal Services is under attack for having been effective in representing those who are poor or those to whom legal representation is not otherwise available. Those incidents cited as grounds for the firing of Lenzner and Jones impress us as just the types of situations to which legal services can make an effective and substantial contribution by bringing controversy and change within a less violent and volatile framework.

Unless this administration and the Director of OEO clearly indicate by acts and deeds that they support efforts of legal services however controversial or unpopular, there will be continued erosion of the effectiveness of legal services which can only lead to greater frustrations of the poor and increased violence and disorder.

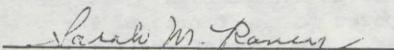
We urge you to listen to the legal services attorneys in the field and understand and appreciate the unanimous support that exists there for Lenzner and Jones and what they and legal services have been trying to accomplish. This latest attack against the integrity and independence of the legal services program will only undermine the dedication and commitment of people working in the program. We demand that you rescind your order and rehire Lenzner and Jones; that the effort to decentralize Legal Services be stopped immediately and that you give to the Committee for Legal Services, authority to restore to legal services, independence and protection from political influence.

Yours very truly,

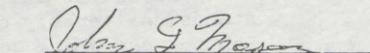


Ronald L. Cheney, Esq.

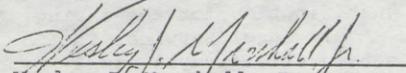
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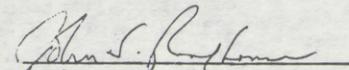
Sarah M. Raney, Esq.



John L. Mason, Esq.



Wesley J. Marshall, Jr., Esq.



John S. Roadhouse, Esq.

TEXT OF TELEGRAM TO DONALD RUMSFELD, DIRECTOR, OFFICE OF ECONOMIC  
 OPPORTUNITY FROM NEW HAVEN LEGAL ASSISTANCE ASSOCIATION, INC.,  
 NEW HAVEN, CONNECTICUT

DEC 7 1970

OFFICE OF  
 ECONOMIC OPPORTUNITY

As legal services lawyers serving in the New Haven community, we are extremely concerned by the issues raised in the dismissal on Friday, November 20, of Terry Lenzner and Frank Jones, Director and Deputy Director of the Legal Services Program. The ability, integrity, and dedication of these men have provided great strength to legal services lawyers, a strength needed if legal services lawyers are to continue to represent fully the interests of their clients, both individuals and groups, regardless of the nature of the case or the parties involved. We believe that the reasons given for their dismissal are not adequate and, based on the evidence presented, without merit.

We view with alarm the increasing degree to which legal services is becoming affected by political forces opposed to the interests of the poor. The requirement of "political clearance" for all attorneys seeking positions in the Office of Legal Services, the new regionalization procedures under the guise of "decentralization/coordination," and the drastic reduction in funding of the Reginald Heber Smith Community Lawyer Program are but three examples, if true, of threats to the independence and effectiveness of legal services.

We support Poverty Lawyers for Effective Advocacy, the Project Advisory Group, the Reginald Heber Smith program, and the National Clients' Council in demanding justification for these changes in the Legal Services Program. We request that a full and complete explanation be given for the dismissal of Lenzner and Jones, that a meeting of the National Advisory Committee be convened immediately to deal with these issues, that the new "decentralization/coordination" procedures issued November 14th be rescinded or modified immediately to obviate the dangers of political interference and regionalization, that the Reginald Heber Smith program be restored to full funding for 1971-72, that annual funding for Legal Services be increased to at least \$90,000,000 in order to provide the scope and quality of service that poor communities require, and that an extensive examination be made of the growing politicalization of the Office of Economic Opportunity and the office of the Director.

Shortly after you became Director of OEO you stated that

"the poor must have effective legal representation - the kind of advocacy on which our legal system rests - if they are to have faith that justice is truly equal and that it can be achieved within the existing system of law. We cannot restrict lawyers from giving their clients that representation which the highest standards of the profession require without encouraging those denied to seek change outside the legal system...The mission is to bring justice to the poor - for

TELEGRAM TO DONALD RUMSFELD

poverty can be product of injustice."

Your actions do not appear consistent with your words and we need your assurance that the integrity and adequate funding of legal services will be one of your highest priorities. We cannot bring justice to the poor if the promise of effective legal representation is forgotten amid political pressures and expedient actions in the Legal Services Program.

Stuart D. Bear  
 Michael Bearnse  
 Francis Carling  
 William H. Clendenen, Jr.  
 Frank B. Cochran  
 Thomas Corradino  
 Stephen F. Darley  
 Francis X. Dineen  
 Edward J. Dolan  
 Joanne S. Faulkner  
 Steven P. Floman  
 Margaret Freeston  
 Howard I. Gemeiner  
 Barry B. Johnson  
 Clarence Jones, Reginald Heber Smith  
 Fellow  
 Gerald Kahn, *Reginald Heber Smith Fellow*  
 Kenneth R. Kreiling  
 Stephen W. Leermakers  
 David M. Lesser  
 Barbara Milstein  
 George Richardson  
 Jonathan Silbert  
 Allen Sims  
 Jonathan Waxman  
 John R. Williams  
 Thomas N. Wies  
 Frederick W. Danforth, Jr.

cc : Senator Thomas J. Dodd  
 Senator Gaylord Nelson  
 Senator Abraham A. Ribicoff  
 Congressman Emilio Q. Daddario  
 Congressman Robert Steele  
 Congressman Robert N. Giaimo  
 Congressman John S. Monagan  
 Senator Walter Mondale  
 Congressman Thomas J. Meskill  
 Congressman-elect Stewart  
 McKinney  
 Congressman-elect William  
 Cotter  
 Congressman-elect Ella T.  
 Grasso  
 Congressman Lowell Weicker, Jr.  
 Mr. Edward Wright, President, American  
 Bar Association

Burr C. Hollister  
20 Wendell Street - Apt. 4D  
Hempstead, New York 11550

December 3, 1970

Hon. Gaylord Nelson  
U. S. Senate Office Building  
Washington, D. C.

My dear Senator Nelson:

O.E.O. Director Donald Rumsfeld's recent decentralization/coordination regulations and firing of top legal services officials poses a grave threat to the National Legal Services Program, and most important, to the ultimate objective of equal justice for the poor. As a legal services attorney, a Reginald Heber Smith fellow, and a member of the Nassau County Bar Association, I strongly protest these intrusions into, and erosions of, the attorney-client relationship. The bureaucratic check points established by Rumsfeld are masked means for dispersing second rate justice to the poor.

The enclosed press release expressed my feeling and those of other Nassau County citizens in more detail. I can only say further that Rumsfeld's actions, unless rescinded or reversed by legislation, will surely secure the rapid demise of Legal Services as an effective tool in the combatting poverty and its effects upon millions of indigent Americans.

I urgently ask that you and the subcommittee on Employment, Manpower and Poverty thoroughly investigate Rumsfeld's actions and take affirmative steps by way of recommendations and/or legislation to secure:

1. The Reinstatement of Lenzner and Jones;
2. The Rescission of O.E.O. Decentralization Regulations; and
3. O.E.O. Regulations or Economic Opportunity Act Amendments specifically providing for the

independence of the Legal Services Program, perhaps as a separate agency.

The crisis is real. The threat is imminent. For the sake of insuring a just society in America, and of bringing poor people into the legal system to resolve their grievances, these goals must be accomplished immediately and permanently.

Sincerely,

*Burr C. Hollister*

Burr C. Hollister  
Staff Attorney

BCH:djd  
encl.

cc: Senator Ralph Yarborough  
Senator Jennings Randolph  
Senator Harrison Williams, Jr.  
Senator Claiborne Pell  
Senator Edward Kennedy  
Senator George Murphy  
Senator Walter F. Mondale  
Senator Thomas Eagleton  
Senator Alan Cranston  
Senator Harold Hughes  
Senator Jacob Javits  
Senator Winston Prouty  
Senator Peter Dominick  
Senator Richard Schweiker  
Senator William Saxbe  
Senator Ralph Smith

Donald Rumsfeld

PRESS RELEASE

PRESS RELEASE

DECEMBER 2, 1970

FOR IMMEDIATE RELEASE

POVERTY LAWYERS, COMMUNITY GROUPS  
DENOUNCE LEGAL SERVICES DEMISE.

ATTORNEYS FOR THE NASSAU COUNTY LAW SERVICES COMMITTEE, INC., AND REPRESENTATIVES OF SEVERAL NASSAU COUNTY ORGANIZATIONS TODAY DENOUNCED RECENT ACTIONS BY NATIONAL O.E.O. (OFFICE OF ECONOMIC OPPORTUNITY) DIRECTOR DONALD RUMSFELD AS "CALCULATED ATTEMPTS TO UNDERMINE AND DESTROY THE INDEPENDENCE AND INTEGRITY OF LEGAL SERVICES' LAWYERS ACROSS THE COUNTRY." TWO SPECIFIC EVENTS ARE THE FOCUS OF THE PROTEST: THE IMPLEMENTATION OF O.E.O. REGULATIONS WHICH TRANSFER CONTROL OVER LEGAL SERVICES PROGRAMS TO REGIONAL OFFICIALS SUBJECT TO LOCAL POLITICAL PRESSURES, AND THE FIRING BY RUMSFELD OF NATIONAL LEGAL SERVICES DIRECTOR TERRY LENZNER AND HIS DEPUTY DIRECTOR FRANK JONES, BOTH OF WHOM STRONGLY OPPOSED POLITICIZING OF LEGAL SERVICES. [THE NATIONAL LEGAL SERVICES PROGRAM INCLUDES 2,000 LAWYERS IN 850 NEIGHBORHOOD OFFICES AND HANDLES AN ESTIMATED 1,200,000 CASES PER YEAR. IN NASSAU COUNTY THE PROGRAM OPERATES FIVE OFFICES IN WESTBURY, GLEN COVE, HEMPSTEAD, FREEPORT AND LONG BEACH.]

THE PRESENT CONTROVERSY STEMS FROM A LONG STANDING DISPUTE OVER MEANS OF CONTROL OF THE CONTROVERSIAL LEGAL SERVICES PROGRAM. DURING THE PAST FIVE YEARS, O.E.O. POVERTY LAWYERS HAVE REPRESENTED POOR CLIENTS ACROSS THE COUNTRY, OFTEN AGGRESSIVELY

OPPOSING POLITICALLY POWERFUL AGENCIES AND INSTITUTIONS. LAST YEAR, SENATOR MURPHY'S (R. CAL.) AMENDMENT IN CONGRESS, WHICH WOULD HAVE SUBJECTED LEGAL SERVICES PROGRAM TO A FINAL GUBERNATORIAL VETO IN EVERY STATE, WAS DEFEATED IN THE HOUSE. THIS YEAR, RUMSFELD UNDER PRESSURE FROM CONSERVATIVE POLITICIANS ATTEMPTED TO IMPLEMENT ADMINISTRATIVE REFORM CALLED "REGIONALIZATION". THIS WAS VEHEMENTLY OPPOSED BY LAWYERS NATIONWIDE, THE NATIONAL ADVISORY COUNCIL [A GROUP OF PROMINENT ATTORNEYS NAMED TO INSURE MAINTENANCE OF HIGH STANDARDS IN LEGAL SERVICES], THE NATIONAL LEGAL AID AND DEFENDER ASSOCIATION AND THE AMERICAN BAR ASSOCIATION. THIS REFORM WOULD HAVE WITHDRAWN FROM THE NATIONAL OFFICE OF LEGAL SERVICES EFFECTIVE CONTROL OF PROGRAMS AND PLACED IT IN REGIONAL O.E.O. DIRECTORS WHO ARE POLITICAL APPOINTEES AND NON-LAWYERS. SUCH "REGIONALIZATION" WAS VIEWED BY OPPONENTS AS A THREAT TO POVERTY LAWYERS' INDEPENDENCE - AN ATTEMPT TO THWART CONTROVERSIAL, AGGRESSIVE REPRESENTATION OF CLIENTS AGAINST POLITICALLY POWERFUL ADVERSARIES. BECAUSE OF OPPOSITION TO THE PLAN FROM GROUPS LIKE THE ABA, RUMSFELD ANNOUNCED ON NOVEMBER 15 THAT HE WOULD NOT "REGIONALIZE" LEGAL SERVICES.

INSTEAD, HOWEVER, RUMSFELD ISSUED SOMEWHAT COMPLEX "DECENTRALIZATION/COORDINATION" REGULATIONS WHICH HAVE THE VERY SAME EFFECT AS THE SUPPOSEDLY REJECTED "REGIONALIZATION". THESE RULES VEST IN REGIONAL O.E.O. DIRECTORS VETO POWERS OVER INDIVIDUAL PROGRAMS, THEIR FUNDING, THEIR OPERATIONAL REQUESTS, AND REGIONAL LEGAL SERVICES OPERATIONAL PLANS. THIS VETO - IF OPPOSED BY THE NATIONAL LEGAL SERVICES DIRECTOR - CAN ONLY BE

OVERRIDDEN BY NATIONAL OFFICE OF ECONOMIC OPPORTUNITY OFFICIALS THE DIRECTOR OF OPERATIONS, THE DEPUTY O.E.O. DIRECTOR OR RUMSFELD HIMSELF, ALL OF WHOM ARE NON-LAWYERS, AND BY PAST PERFORMANCE, HAVE SHOWN A WILLINGNESS WHEN POLITICAL INTERESTS OBJECTED TO CURTAIL AGGRESSIVE LAWYER'S EFFORTS BY THREAT OF DEFUNDING. IN EFFECT, THE SUPERVISORY POWER OVER PROGRAMS WAS TAKEN OUT OF LENZNER'S HANDS AND PLACED IN REGIONAL OFFICES WHOSE DECISIONS ARE UNLIKELY TO BE REVERSED BY RUMSFELD'S OFFICE.

SINCE THE DEFEAT OF THE MURPHY AMENDMENT IN 1969, LENZNER AND JONES OPPOSED EFFORTS BY RUMSFELD TO ACCOMMODATE LOCAL POLITICAL INTERESTS WHO OBJECTED TO LEGAL SERVICES LAWSUITS. IN NOVEMBER 1970, RUMSFELD SOUGHT TO DEFUND NEW ORLEANS, DALLAS AND LOS ANGELES, PROGRAMS THAT WERE ENGAGED IN CONTROVERSIAL LITIGATION. LENZNER INVESTIGATED EACH PROGRAM THOROUGHLY AND REFUSED TO DEFUND ON THE GROUNDS THAT THE CLIENTS INVOLVED WERE IN FACT POOR, AND HENCE ELIGIBLE, AND THE REPRESENTATION GIVEN WAS IN NO WAY UNPROFESSIONAL OR UNETHICAL. ON NOVEMBER 20, 1970, HE WAS FIRED.

"RUMSFELD'S DECENTRALIZATION/COORDINATION PLAN IS A COMPLETE FRAUD", SAYS BURR C. HOLLISTER, ORGANIZER OF A NASSAU COUNTY COALITION SUPPORTING THE PRESERVED INDEPENDENCE OF POVERTY LAWYERS. "IT MERELY ATTACHES A DIFFERENT LABEL FOR WHAT IS IN EFFECT REGIONALIZATION AND THE SUBJUGATION OF POVERTY LAWYERS TO LOCAL AND STATE POLITICAL INTERESTS. PEOPLE WILL NOT

BE FOOLED BY ADMINISTRATIVE REGULATION WHERE THE RESULT IS TO EMASCULATE LEGAL REPRESENTATION OF THE PPOR. WHEN A PERSON HAS A LEGAL PROBLEM, BE HE POOR OR RICH, POLITICIANS AND NONLAWYERS HAVE NO BUSINESS INTERFERING IN THE RELATIONSHIP OF ATTORNEY AND CLIENT."

DEAN MALACHY T. MC MAHON OF HOFSTRA LAW SCHOOL, IN A SIGNED STATEMENT, HAS SAID:

"THE LEGAL SERVICES PROGRAM OF THE OFFICE OF ECONOMIC OPPORTUNITY HAS RIGHTLY BEEN CALLED ONE OF THE MOST VITAL AND SUCCESSFUL DOMESTIC PROGRAMS IN THE UNITED STATES TODAY. RECENT ACTIONS TAKEN BY THE DIRECTOR OF THE OFFICE OF ECONOMIC OPPORTUNITY, HOWEVER, HAVE SHAKEN OUR CONFIDENCE IN THE COMMITMENT OF THAT AGENCY TO THE PROVISION OF EFFECTIVE LEGAL REPRESENTATION TO THE POOR. IF OUR SYSTEM OF JUSTICE IS TO SUCCEED IN PROVIDING THE POOR A MEANINGFUL ALTERNATIVE FOR THE REDRESS OF GRIEVANCES, LEGAL SERVICES LAWYERS MUST BE FREE TO REPRESENT THEIR CLIENTS REGARDLESS OF THE POLITICAL OR ECONOMIC POWER OF THOSE THEY OPPOSE. WE DEPLORE ANY ACTION WHICH THREATENS THE INTEGRITY, INDEPENDENCE AND VIGOR OF THE LEGAL SERVICES PROGRAM."

LEONARD S. CLARK, EXECUTIVE DIRECTOR OF NASSAU COUNTY LAW SERVICES COMMITTEE, INC., SAID:

"I AM GREATLY TROUBLED AND ALARMED BY THIS EFFORT TO PLACE FUNDING AND POLICY MAKING POWER OVER LEGAL SERVICES PROGRAMS WITH REGIONAL O.E.O. DIRECTORS.

THIS EXTENSION OF POWER TO NON-LAWYERS THREATENS THE INTEGRITY OF THE LAWYER-CLIENT RELATIONSHIP AND TENDS TO DIMINISH THE EFFECTIVENESS OF LEGAL SERVICES TO THE POOR. IT OPENS THE DOOR TO POLITICAL CONSIDERATIONS IN DETERMINING WHICH LEGAL BATTLES TO FIGHT AND CREATES A SUBSTANTIAL BARRIER TO AGGRESSIVE REPRESENTATION OF THE RIGHTS OF THE POOR IN THOSE AREAS DEEMED CONTROVERSIAL."

CARL JAY NATHANSON, ASSOCIATE DIRECTOR OF NASSAU COUNTY LAW SERVICES COMMITTEE, INC. EXPRESSED SERIOUS CONCERN THAT THE PLAN TO DECENTRALIZE LEGAL SERVICES AND GIVE THE SUPERVISORY POWER TO NON-LAWYERS OUTSIDE THE PROGRAM, COMING AS IT DOES ON THE HEELS OF INADEQUATE FUNDING OF PROGRAMS WILL SERVE TO DISCOURAGE MANY YOUNG ATTORNEYS FROM ENTERING THE FIELD OF POVERTY LAW DEPRIVING THE POOR OF THE EFFECTIVE ADVOCACY SO ESSENTIAL FOR EQUAL JUSTICE."

CLIENTS AFFECTED BY THE O.E.O. CHANGES AND THEIR REPRESENTATIVE ORGANIZATION, HAVE SIMILARLY EXPRESSED OPPOSITION. HUGH WILSON, FIELD DIRECTOR OF THE NASSAU WELFARE TENANTS COORDINATING COMMITTEE, SAYS, "THE NIXON ADMINISTRATION'S SO-CALLED NEW FEDERALISM - AS ILLUSTRATED IN THE RECENT LEGAL SERVICES REGULATIONS, IS A BLATANT ATTEMPT TO MEDDLE WITH ENFORCEMENT OF THE RIGHTS OF THE POOR. BY PLACING VETO POWERS IN THE REGIONAL OFFICES THAT ARE FAR MORE SUSCEPTIBLE TO POLITICAL INFLUENCE, THE ADMINISTRATION IS USING BUREAUCRATIC PROCEDURES TO MASK SECOND RATE JUSTICE FOR THE POOR. IF POVERTY LAWYERS ARE

PREVENTED FROM SETTling CLIENT'S PROBLEMS IN THE COURTS, THE ONLY FORUM REMAINING TO THE POOR IS THE STREETS."

MARY STERLING, COORDINATOR OF THE SIXTEEN WELFARE FAMILIES LIVING AT MITCHEL GARDENS, STATED:

"IF OUR LAWYERS CAN BE STOPPED BY POLITICIANS OR GOVERNMENT PEOPLE, WHAT RIGHTS DO WE HAVE? WHEN WE FIGHT FOR HOUSING MANY POLITICIANS WON'T AGREE. WE WON'T STAND FOR THOSE POLITICIANS BLOCKING OUR LEGAL RIGHTS."

SEVERAL EFFORTS, BOTH NATIONWIDE AND IN NASSAU COUNTY, ARE BEING MADE TO REVERSE RUMSFELD'S ACTION. CONGRESSIONAL HEARINGS ON THE ENTIRE LEGAL SERVICES CONTROVERSY ARE SCHEDULED FOR DECEMBER 9 or 11 BEFORE SENATORY GAYLORD NELSON'S (D. WIS.) SUBCOMMITTEE ON EMPLOYMENT, MANPOWER AND POVERTY. HOLLISTER STATED THAT HE IS INITIATING AN APPEAL TO ALL CONCERNED CITIZENS OF NASSAU COUNTY TO WRITE LETTERS TO NELSON'S SUBCOMMITTEE EXPRESSING OPPOSITION TO THE FIRING OF LENZNER AND JONES, AND DEMANDING THE PRESERVATION OF INDEPENDENT ATTORNEYS REPRESENTATION OF THE POOR." ALREADY, REPRESENTATIVES OF WELFARE TENANTS COORDINATING COMMITTEE, LONG ISLAND COUNCIL OF CHURCHES AND THE NASSAU COUNTY ECONOMIC OPPORTUNITY COMMISSION HAVE PLEDGED THEIR SUPPORT IN THIS LETTER WRITING CAMPAIGN. O.E.O. LAWYERS HAVE ORGANIZED A "DAY OF PROTEST" FOR MONDAY, DECEMBER 7, 1970, WHEN HUNDREDS OF POVERTY LAWYERS NATIONWIDE WILL USE A VACATION DAY TO GO TO WASHINGTON AND SPEAK WITH MEMBERS OF CONGRESS ABOUT THE PERCEIVED THREAT TO LEGAL SERVICES.

THE LEGAL AID SOCIETY OF WESTCHESTER COUNTY  
56 GRAND STREET  
WHITE PLAINS, NEW YORK 10601  
(914) RO. 1-9200

December 3, 1970

Senator Gaylord Nelson  
Senate Office Building  
Washington, D.C.

Dear Senator Nelson:

Attached is a letter which I have just sent to Mr. Rumsfeld on behalf of the Legal Aid Society of Westchester County.

I wanted you to have a copy so you would be aware of this organization's thinking concerning the current discussions of O.E.O.'s program for legal services for the poor.

Sincerely yours,



W. C. Doud  
President

WCD:vjd  
Attachment

THE LEGAL AID SOCIETY OF WESTCHESTER COUNTY  
56 GRAND STREET  
WHITE PLAINS, NEW YORK 10601  
(914) RO. 1-9200

December 2, 1970

Hon. Donald Rumsfeld, Director  
Office of Economic Opportunity  
1200 19th Street, N.W.  
Washington, D. C. 20506

Dear Mr. Rumsfeld:

As president of the Legal Aid Society of Westchester County, I have followed with interest and concern the information contained in newspaper and magazine articles which deal with the Office of Economic Opportunity, with regard to the Legal Services Program.

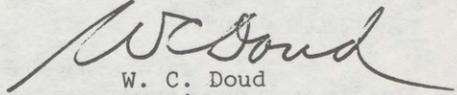
My purpose in writing to you is to emphasize the important role the Legal Services Program plays in Westchester County and, I believe, in other parts of the country as well. I assure you that without it, we would be at a loss to handle the many problems confronting the underprivileged in today's society. In my judgment, this program is one of the primary reasons for the reduced level of violence in our black communities in the past several years.

One of the keys to the continued success of the program is preservation of independence from political pressures of any type.

It is clear that in order to effectively represent poor clients' grievances, suits must be brought against governmental agencies and administrations. The high caliber of attorneys that are currently attracted to legal assistance work can only be retained if they can operate with reasonable independence.

It is extremely important that the men you select to head the various facets of this program are fully qualified and motivated to further this work. In this regard, I sincerely hope that your appointees will be removed from the political spectrum, and you will seek the advice and council of the American Bar Association for qualified candidates, as well as on administrative procedural changes which you may plan to institute.

Very truly yours,



W. C. Doud  
President

WCD:vjd

# American Civil Liberties Union Of Tennessee

P. O. Box 91 • Knoxville, Tenn. 37901 • (615) 524-1787

December 5, 1970

The Honorable Walter Mondale  
Subcommittee on Labor and Poverty  
United States Senate  
Washington, D. C.

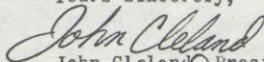
Dear Senator Mondale:

The Executive Committee of the Board of our organization has asked me to express our concern for the preservation of a strong, meaningful legal services program. Although our knowledge of the specific problem areas in the program is limited to those political attacks which have appeared in the press, the effect and perhaps the intent seems to be to vitiate the entire program through attacking specific problems, and generalizing from them to discredit the whole program.

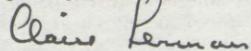
It is our hope that the problems intrinsic to any innovative social program can be dealt with reasonably and constructively. Surely, those many groups with a long history of interest in the legal rights of the poor, The American Bar Association, The American Civil Liberties Union, and the resources of the law schools and other non-political groups, should be consulted if changes in the program are necessary.

Providing legal counsel to the poor is essential to the attempt to peacefully resolve the social problems engendered by poverty and injustice. It must be recognized that the Legal Services Program cannot be sharply restricted in scope or support without exacerbating the very problems which created it. We hope that a way may be found to insulate this program from political attack; and that your committee's hearings will lead to a strengthening of the legal services program.

Yours sincerely,



John Cleland, President



Claire Lerman, Secretary

[From the New York Times Sept. 1970]

LAWYERS GROUPS FIGHTING PROPOSED PLAN TO DECENTRALIZE LEGAL AID TO POOR

(By Jacob Rosenthal)

WASHINGTON, Sept. 21—Representatives of leading lawyers' organization have started a fight against a proposed regionalization of the Federal program of legal services for the poor.

The plan, they say, will emasculate and even destroy the Legal Services program, which has sustained frequent political attack.

These fears were contested today by Donald Rumsfeld, director of the Office of Economic Opportunity.

"There's no substance to the argument that we have in mind anything that would harm legal services," he said.

In any event, he said, the reorganization plan remains tentative, and "nothing has come to my desk."

Mr. Rumsfeld's public calm is in contrast to a reportedly intense four-month private controversy over the reorganization plan. The plan developed by two senior poverty agency officials, calls for a shifting of authority for hiring, funding and policy direction from the National Legal Services director to O.E.O.'s 10 regional directors.

OPPOSITION VOICED

"This would politicize the program," said John W. Cummiskey, a representative of the American Bar Association on the Legal Services' Advisory Board. "It would destroy the program."

"When a difficult case comes up, like suing Governor Reagan, there's a tremendous amount of political pressure. A regional director can't resist it the way an attorney can. And when a legal program has to start giving in to political pressure, you might just as well junk the whole program."

A Legal Services case in 1967 forced Gov. Ronald Reagan of California to restore a \$16-million state Medicare cut.

The \$60-million Legal Services program is staffed by 2,000 lawyers in 850 offices across the country. They represent the poor both in cases affecting individuals and in those testing wide legal principles affecting the poor.

"The principle we're fighting for is that the poor should have justice just as equal as those who can pay." Maynard J. Toll, another member of the advisory committee, said.

Regional O.E.O. officials, he said, are more likely to depart from that principle than lawyers insulated from political pressures.

Mr. Toll, a Los Angeles lawyer, is president of the National Legal Aid and Defender Association, whose members represent 1.5 million poor people.

'A QUIET STEAMROLLER'

When members of the 31-member advisory committee heard rumors of the proposed regionalization plan, they arranged for a meeting with Mr. Rumsfeld earlier this month. He promised not to make a final decision until the committee had studied the plan and reported its views to him.

"He was very polite," said another committee member, who asked not to be identified, "but it was clear to me that the committee had upset O.E.O.'s timetable for a quiet steamroller."

A memorandum dated June 8 was shown to the committee, he said, describing the regionalization plan "as previously decided."

Government and private lawyers familiar with the Legal Services Program say that the memorandum touched off an extensive internal debate. Terry F. Lenzner, director of Legal Services, is reported to have threatened to resign if the program was carried out.

Mr. Lenzner would not discuss any aspect of the subject.

"My name has been used in print enough on this," he said.

Mr. Rumsfeld said that the proposed reorganization "wouldn't do a thing to threaten the independence of the program."

"This is simply a matter of management," he said. "We can organize it either through Legal Services offices or through our 10 regional offices. Those are Federal offices, too. The chain is exactly the same."

"And let's say that a flap does occur. Well, the tough decisions are going to get thrown in my lap either way."

The advisory committee is at work on a private report to Mr. Rumsfeld, and several national lawyers' groups are preparing statements of public opposition to the regionalization plan.

Members of the committee said they were surprised by the development of the plan because it appeared to reverse a policy of centralizing legal services expressed by the President in August of 1969.

At the meeting with Mr. Rumsfeld, Mr. Toll said, O.E.O. officials said that centralization was only temporary and that re-regionalization had always been contemplated.

"That was a great shock to us," Mr. Toll said.

Other committee members expressed puzzlement at the timing of the regionalization plan.

"Why would they want to reorganize so close to the time of the Ash Council report?" one said.

He was referring to the President's Council on Executive Reorganization, which is understood to be considering a transfer of the Legal Services program out of O.E.O. possibly to independent status.

Mr. Cummsky criticized the proposal for another reason.

"If this should go through, it would do by indirection what Congress last year refused to do by legislation," he said.

Last winter, private lawyers' groups successfully joined with the O.E.O. to defeat a Congressional effort to give a veto power over Legal Services programs to the Governors.

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[From the Sun-Bulletin, Binghamton, N.Y., Sep. 29, 1970]

#### LEGAL SERVICES FOR THE POOR

One of the most useful elements of the anti-poverty program has been the provision of legal services to poor people. While almost everyone agrees that a poor person accused of a crime should have proper legal representation in court, it has taken a bit longer to realize that poor people have legal problems that do not necessarily involve the criminal courts. Until recently, only in places where there were legal aid societies or committees could some form of professional help be obtained by welfare recipients or low-income people.

This was changed with the establishment of federally financed legal services for the poor, which has become an important element of the anti-poverty mosaic under the Office of Economic Opportunity. This \$60 million legal services program is staffed by 2,000 lawyers in 850 offices across the country. They represent the poor both in cases affecting individuals and in those testing wide legal principles affecting the poor.

This program is now under attack by the Nixon administration, which wants to cut it back, just as it wants to cut back other crucial services for poor people.

In the effort to reduce the effectiveness of this program, there is much talk in Washington about eliminating the service to individuals and concentrating primarily on test cases that would establish broad legal principles. These test cases are no doubt important, and have become increasingly useful in establishing the ground rules affecting relationships between big government and little Americans.

But any curtailment of legal services to individuals would be a discriminatory act against poor people, who have as much right as anyone else to use the machinery of civil law in straightening out their lives.

Moreover, such curtailment can harm the community. For example, one of the frequent reasons why a woman and her children may be receiving Aid to Dependent Children is that the husband and father has deserted the family. Only legal services for the poor will help such a woman get a proper divorce, remarry, and arrange for her new husband to adopt her children and thereby take formal responsibility for them. When this happens, an adult and several children may thereby be removed from the welfare rolls and restored to a self-respecting place in the community; and another small but valuable contribution has been made to a healthy society. To destroy a service of this sort makes no sense.

Neither does the proposal, apparently being considered in Washington, to consolidate legal services for the poor and regionalize them.

Locally, there are legal assistance offices in Binghamton and Elmira. If these two offices were to be consolidated, as Washington is reported to be considering,

it would mean that a person in Deposit, at the furthest edge of Broome County, would have to travel to Elmira for assistance in a matter having to do with family law, while a person in Horseheads, in western Chemung County, would have to travel to Binghamton to obtain counsel on some non-family matter.

The whole thing is a further example of the current inclination in Washington to torpedo worthwhile programs for the weakest people among us, while continuing to protect the strong and wealthy.

D. B.

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[From the Washington Post, Washington, D.C., Oct. 8, 1970]

RUMSFELD DENIES DECISION TO SHIFT OEO LEGAL AID

(By John P. MacKenzie)

Director Donald Rumsfeld denied yesterday that his Office of Economic Opportunity has decided to decentralize the popular legal services program and "emasculate" it by putting it under the care of 10 regional officers.

Rumsfeld told the Senate Poverty Subcommittee he is actively considering the regionalization idea but has been "amazed" by reports that he had reached a decision.

He was followed by witnesses for the American Bar Association, the National Bar Association and the National Legal Aid and Defender Association. They said the decision had been made and it would wreck the five-year-old program of federal aid to localities trying to help the poor obtain adequate legal counsel.

Sen. Walter F. Mondale (D-Minn.) accused Rumsfeld of taking the subcommittee on a "semantic waltz." He said the proposed shift would put politically sensitive non-lawyer regional directors in charge of legal aid, endangering the independence of local lawyers who have won smashing legal victories on behalf of poor people.

"I do not want to do it in," said Rumsfeld of the program. He said he must decide what transfers of authority would best help the poor.

After yesterday's opening hearing, an OEO memorandum circulated on Capitol Hill that was expected to fuel the debate over whether the agency had reached a final decision on decentralization. The memorandum dated Aug. 12 and written by Deputy Director Wesley L. Hjernevik to Legal Services chief Terry F. Lenzner, said OEO's two top officers "intended to regionalize" and there should be "no misunderstanding" about it.

A bar spokesman, Dean E. Clinton Bamberger of Catholic University, told the subcommittee that letting regional directors handle budgets would be all the transfer needed to kill the program.

Bamberger, OEO legal services chief in 1965 and 1966, said that only with massive help from the organized bar was he able to overcome a Chicago regional director's ruling that no funds would go to that city's program unless there was a promise not to sue the city.

Witnesses said they were unsure about contrasting proposals circulating in Washington for making the program independent.

One idea is to spin off legal service to some sort of corporate status in the course of dismantling most of the rest of OEO. The lawyers said legal service might become even more vulnerable to conservative attack if left to fend for itself in congressional funding fights.

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[From the New York Times, New York, N.Y., Oct. 8, 1970]

ANTIPOVERTY, CHIEF DEFENDS DISPUTED PLAN TO REORGANIZE LEGAL SERVICES TO POOR

WASHINGTON, Oct. 7—The head of the Federal antipoverty agency vigorously defended today a proposed reorganization, which critics say would badly damage the national program of legal services for the poor.

"I don't want to do it in," Donald Rumsfeld, director of the Office of Economic Opportunity, told a Senate poverty subcommittee. "Have some faith in us."

Mr. Rumsfeld said that the reorganization was being considered only to improve management of the legal services program. In any event, he said, he has not yet approved the plan.

Witnesses from leading bar organizations disputed Mr. Rumsfeld's view. Experience demonstrates, they said, that a reorganization such as the one proposed will affect the freedom of lawyers in the program to represent the poor properly.

#### DECENTRALIZATION PLAN

The proposed reorganization would decentralize many of the national director's powers in the legal services program, allotting them to the 10 regional O.E.O. directors. The program employs 2,000 lawyers in 850 offices across the country.

The reorganization, three witnesses said in a joint statement, "would result in the withdrawal of support for the program by the bar."

"Such loss of support would seriously cripple the program and dilute the quality of service available to the poor," they said.

The witnesses spoke for the American Bar Association, the National Legal Aid and Defender Association and the predominantly black National Bar Association.

"It is not a matter of weakening or diminishing [the] influence of legal services or diminishing its influence, or changing policy." Mr. Rumsfeld said, "but rather of improving ways of administering the program, so it may be even more successful."

Senator Walter F. Mondale, Democrat of Minnesota, chairman of the hearing, suggested that bright young lawyers now attracted to the program would be deterred by the change in organization.

"They're going to smell a rat awfully fast," he said.

"It may smell like a rat," Mr. Rumsfeld said, "but the record of the program so far resembles an elephant, not a rodent. Have some faith in us."

"Then why change it?" asked Senator Mondale.

"Because we want to try to improve it further," Mr. Rumsfeld responded. "If people can tell me that this is going to harm the poor, I won't do it."

After the hearing, Congressional sources, who asked anonymity, give reporters copies of internal O.E.O. memorandums that appeared to challenge Mr. Rumsfeld's assertion that he has not yet approved the reorganization plan.

The papers indicated that Mr. Rumsfeld decided in favor of the plan some time ago. Questioned about these memorandums, Mr. Rumsfeld said tonight that he had intended to regionalize the legal services program ever since he centralized it in July, 1969, for administrative purposes.

"The day we brought it in, it was assumed it would go back out," he said.

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[From the Times, Kansas City, Mo., Oct. 7, 1970]

#### VOICE OPPOSITION TO LEGAL AID SHIFT

Opposition to proposed regionalization of federal legal services to the poor was expressed here yesterday to a senior poverty agency official by community leaders.

The reorganization, bringing offices such as the Legal Aid and Defender Society of Greater Kansas City under regional administrators of the Office of Economic Opportunity, would place the agency in a vulnerable position to political pressure, representatives of East and West Side groups argued.

Frank Carlucci, assistant director for operations of OEO, Washington, defended the proposal, indicating it was part of President Nixon's policy of bringing government to the people. Carlucci cited the overriding earlier this year of veto attempts by Gov. Warren E. Hearnes of Missouri as an example of OEO resistance to political pressure.

The decision to override Hearnes was made by Donald Rumsfeld, the OEO director, Carlucci said, and all major issues would be decided there, not by regional directors. Hearnes had vetoed antipoverty grants for Kansas City and St. Louis in an effort to force restrictions on Legal Aid society lawyers in the two cities.

"It would be very difficult for us to file a suit on city or state governments because politically applied pressure could be brought to bear," said Daniel Rojas of the West Side community council. "We feel the Legal Aid society would have its hands tied in terms of law reform."

Lawrence Beeler, West Side Parents committee, said the reorganization would eliminate the legal service's direct line to Washington. He said the shift would bring nonlawyers into policy control.

Also speaking at the close of a seminar by the U.S. Conference of Mayors at the Hotel Muehlebach was Bernard Powell, black youth leader, who said legal services apparently were stronger here than in other cities and were gaining community confidence, but could be in danger of decline through bureaucratic control.

Carlucci rebutted the objections, saying legal services had been under regional directors without conflict for four years until the centralization a year ago. He said the directors would make administrative decisions, not legal ones.

"Your fears are groundless," Carlucci said. "There is no attempt being made to weaken the program. I'll give you a guarantee."

Carlucci's position was supported by Samuel J. Cornelius, OEO director here for a 4-state region, who said any major policy decisions would be forwarded to Rumsfeld.

Carlucci emphasized the plan was tentative and would be debated tomorrow and Friday in El Paso, Tex., where a meeting of regional directors would hear from the National Legal Services advisory board. Other objections are being heard from representatives of the American Bar association. Sen. Gaylord Nelson (D-Wis.), chairman of a Senate poverty subcommittee, is to hold hearings this week in Washington to seek an OEO explanation for the step.

The legal services program has withstood many political attacks, including last year's Murphy amendment that would have given control to state governors. Another reorganization possibility yet to be heard is from the President's Council on Executive Reorganization, which reportedly is considering creation of independent status for legal services outside OEO.

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[From the New York Times, New York, N.Y., Oct. 6, 1970]

#### ... AND SAVING LEGAL SERVICES

One of Washington's most successful endeavors in helping the man in the street—the Office of Economic Opportunity's legal services for poor clients—is being harassed on two fronts: administrative and financial. The comparatively new notion in American jurisprudence that equal justice must be practically applied to the indigent will suffer a setback unless O.E.O.'s 2,000 lawyers in 850 offices around the country are allowed to continue in their dedicated work.

If proposed administrative changes are put into effect, the legal services program will be placed under regional offices and lumped together with other unrelated projects. The attorneys could find themselves caught in a political crossfire. Right now legal services reports to its own regional offices, which are run by attorneys and advised by local bar associations, rather than by laymen and politically designated supervisors.

What budgetary restrictions mean for legal services can be illustrated by New York City's twenty-six neighborhood offices, employing 150 lawyers. Community Action Legal Services (CALs), the city's coordinating office for the O.E.O. program, has been informed that in the new budget year, it is not to plan on more than \$4.3 million, this year's allocation. But simply to keep up the offices on the present level of personnel and clients would cost another \$500,000. Instead of growing, legal services will not even be able to stand in place—and lawyers will have to be dismissed in this city. Seven of New York City's storefront law shops including the civil appeals bureau are marked for closing this month—unless the Federal Government reverses its parsimony on aiding the legally poor.

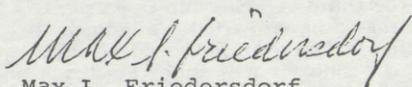
It would be unconscionable to reduce the effectiveness of legal representation for those who need it most, nationally and locally; who, for the first time, are able to assert their rights in the courts.

November 23, 1970

This information concerning the Legal Services Office of the Office of Economic Opportunity will be of interest to you.

In the event you have questions or desire additional information, please let us know.

Sincerely,

A handwritten signature in cursive script, reading "Max L. Friedersdorf".

Max L. Friedersdorf  
Acting Associate Director for  
Congressional Relations

LEGAL SERVICES

In the 18 months since Donald Rumsfeld became Director of the Office of Economic Opportunity, Legal Services has been raised in stature, defended against attack, and increased in effectiveness as a program serving the poor.

1. The stature of Legal Services has been enhanced:
  - The Office of Legal Services was raised to the status of an independent office with an Associate Director reporting directly to the Director of O.E.O.
  - Rumsfeld's first appointment to O.E.O.'s senior staff was Terry Lenzner as Director of the Office of Legal Services.
  - The Director and Associate Director of Legal Services were named as members of the Planning Review Committee.
  - The size of the Legal Services staff at headquarters and in the region has doubled and Regional Legal Services has for the first time been put under the management control of Headquarters Legal Services.
  - The budget for the Office of Legal Services has increased 33% from \$46 million in FY69 to \$61 million requested in FY71.
  - The Office of Special Counsel to Legal Services was created to provide analysis of national legislative and administrative issues.
2. The Legal Services program has been protected against attack.
  - In successfully opposing the Murphy Amendment which would have given Governors an absolute veto over legal services programs Rumsfeld personally talked to over 200 Congressmen.

- Rumsfeld overrode vetos of legal services programs in St. Louis and Kansas City, Missouri.
  - Rumsfeld has never sustained a veto of a legal services program.
  - Three of Rumsfeld's five veto overrides have been in defense of Legal Services.
  - Legal Services most controversial programs -- California's Rural Legal Services, South Florida Migrant Legal Services, D.N.A. (Navajo Legal Services), and North Mississippi Legal Services -- have been refunded at higher levels.
  - Despite local opposition, Rumsfeld approved a plan to remove the Chicago Legal Aid Bureau from the Community Action Agency in order to increase the effectiveness of the Legal Aid program.
3. The effectiveness of Legal Services as an agency to help the poor has increased.
- The number of legal services lawyers has increased from 1800 in FY69 to nearly 2000 today.
  - The case load of Legal Services lawyers has doubled from 610,000 in FY69 to a projected 1.2 million in FY71.
  - The average cost per case has declined from \$75 in FY69 to \$51 in FY71, a 32% increase.
  - The percentage of the universe of need served has doubled from 14% in FY69 to 28% in FY71.

OEO ANNOUNCES CHANGES IN LEGAL SERVICES DIRECTORS

OEO Director Donald Rumsfeld today removed Terry Lenzner and Frank Jones, the Director and Deputy Director of the Legal Services Program. Rumsfeld also announced that Arthur Reid was assuming the position as acting director of the Legal Services Program.

Rumsfeld said, "it has become evident that Mr. Lenzner and Mr. Jones are either unwilling or unable to administer the program in a manner consistent with the policies and mission of the Office of Economic Opportunity. Under the circumstances, I have no alternative but to replace them with individuals who will effectively administer the program".

"I regret that circumstances required this decision," Rumsfeld concluded.

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RUMSFELD NAMES ACTING DIRECTOR FOR LEGAL SERVICES

Arthur J. Reid, Jr., Deputy General Counsel of the Office of Economic Opportunity, has been appointed Acting Associate Director for Legal Services in the Office of Economic Opportunity.

Mr. Reid, 41, has been Deputy General Counsel at OEO since May 12, 1970. He was in private business in Cincinnati until his appointment. He served on the Cincinnati City Council from February to December, 1969. He was an Assistant Attorney General for the State of Ohio for three years, and was appointed to that position in December, 1966. He served in that same capacity from October, 1963 through August of 1966.

He has served as Assistant City Solicitor for Cincinnati, and as an Associate Counsel in the Law Department of the Western and Southern Insurance Company.

Mr. Reid was a member of the Board of Directors of the Cincinnati Community Action Commission. Other community associations include service as a member of the Board of Directors of the Cincinnati School Foundation, Xavier University Athletic Board, Archdiocesan Board of Education, and Executive Board of the Cincinnati Area American Red Cross. He is a life-long member of the NAACP.

A member of several bar and professional associations, Mr. Reid was graduated from Xavier University, Cincinnati, and from the University of Cincinnati College of Law. He was married in 1955 to Dr. Clarice D. Wills, Director of Pediatrics at the Jewish Hospital in Cincinnati. They are the parents of four children.

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OEO Director Donald Rumsfeld announced Friday that he has asked the American Bar Association to give its views on new guidelines for administering the anti-poverty agency's Legal Services program.

Rumsfeld said he met Thursday with ABA president Edward L. Wright, who assured him that the ABA would report back as soon as it had time to complete its study and receive comments on it from interested committees of the Association.

The new guidelines were made public November 15 at the same time that Rumsfeld announced he was withdrawing a proposal for "regionalization" of the Legal Services program. The proposal for regionalization had been strongly opposed by the ABA. In announcing his decision against regionalization, Rumsfeld said he had given "particular attention" to views submitted to him in a letter from Mr. Wright. Following his meeting with Rumsfeld Thursday, Wright said he was impressed with Mr. Rumsfeld's determination and commitment to strengthen the program and expressed the gratitude of the organized Bar for the great forward strides which the program had taken since Rumsfeld had assumed the leadership of the agency.

Wright pledged the continuing commitment of the Association to the joint effort of the Federal government and the organized Bar to expand the availability of Legal Services to the poor.

Rumsfeld said he asked the ABA in its study of the new guidelines to consider recommendations for improvements which could increase the effectiveness of the program. The new procedures, according to Rumsfeld, are designed to develop closer coordination between Legal Services and other agency programs.

HISTORICAL DATA: OFFICE OF LEGAL SERVICES

	1967	1968	1969	1970	1971*	Percent Change 1969-1971
New Obligational Authority (NOA) - Millions	\$29	\$38	\$46	\$53	\$61	+ 33%
Caseload	300,000	475,000	610,000	900,000	1,200,000	+ 97% <sup>1</sup>
Average Cost per Case	\$97	\$80	\$75	\$59	\$51	- 32% <sup>2</sup>
Poverty Population (Millions)	28.5	27.8	25.4	24.3	24.3	-4.3%
Legal Services (NOA) Dollars per Poor Person	\$1.01	\$1.36	\$1.81	\$2.18	\$2.51	+ 39%
Universe of Need (Millions)	5	4.9	4.5	4.3	4.3	- 4.4%
Percent Universe of Need Served	6%	10%	14%	21%	28%	+100

\*Based on FY 1971 President's request budget.

Between FY '69 and FY '71

- Funding increased 33% from \$46m to \$61m.
- Caseload doubled 610,000 to 1.2 million.
- Cost per case decreased 32% from \$75 to \$51.
- The Universe of Need covered doubled from 14% to 28%.

EXECUTIVE OFFICE OF THE PRESIDENT  
WASHINGTON, D.C. 20506

OFFICE OF ECONOMIC  
**OPPORTUNITY**

NOV 24 1970 ✓

Honorable Gaylord Nelson  
United States Senate  
Washington, D. C. 20510

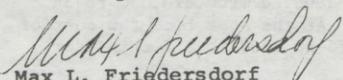
Dear Mr. Chairman:

Because of your recently expressed interest in the Legal Services Program of this Agency and the reported considerations concerning "regionalization" of that program, I am enclosing copies of a press release and a memorandum concerning the subject.

You will note that a decision has been made not to regionalize the Legal Services Program but that procedures will be implemented which will develop closer coordination between Legal Services and other Community Action Programs.

Your interest in this matter is appreciated. If I or my staff can be of further assistance, please feel free to call on us at any time.

Sincerely,



Max L. Friedersdorf  
Acting Associate Director for  
Congressional Relations

Enclosures

from  
the  
Office  
of  
Economic  
Opportunity



FOR RELEASE: SUNDAY AM PAPERS, November 15, 1970

OEO DECIDES NOT TO REGIONALIZE LEGAL SERVICES PROGRAM

Donald Rumsfeld, Director of the Office of Economic Opportunity, announced today that the OEO Legal Services Program will not be regionalized.

"A decision has been made," he said, "to develop closer coordination between Legal Services and other Agency programs, but administrative responsibility for the program will remain in the Washington headquarters Office of Legal Services."

The OEO has been exploring the possibility of "regionalizing" the legal aid program as part of an effort to achieve more effective coordination of its programs.

Rumsfeld noted that in making his decision, particular attention was given to the views submitted last month in a letter from Edward L. Wright, President of the American Bar Association.

Rumsfeld stated, "The American Bar Association has been an active and articulate supporter of Legal Services since the program was initiated over five years ago. The Association and its members have been important participants in this unique effort to provide high calibre legal assistance for the poor."

Since Rumsfeld became Director of OEO in 1969, funding for the Legal Services Program has increased from \$46 million to \$61 million in the President's budget request for Fiscal Year 1971, while the case load doubled from 610,000 to an estimated 1,200,000 this year. At the same time the cost of handling a case dropped from \$75 in 1969 to \$51 this year.

Some 2,000 attorneys work out of 850 neighborhood offices in 265 communities. They handle civil cases concerning housing, employment problems, consumer affairs, domestic relations, welfare matters, juvenile programs and police community-relations.

Rumsfeld said that the full support of the Bar was crucial for the continued success of the Legal Services Program. He added that in making his decision not to regionalize the program, he had received helpful suggestions from members of congress.

At the same time, he reaffirmed his determination to achieve better coordination of OEO programs dealing with poverty.

Although such coordination was the intent of proposals to regionalize the Legal Services Program, Rumsfeld said this objective can also be brought about by a better structured grant review process.

This procedure, which is being instituted immediately, provides an opportunity for Regional Directors to comment on Legal Services grants at several key stages in the process.

Rumsfeld praised the talent and dedication of OEO's Regional Directors. "All have a deep and abiding commitment to the Legal Services Program, and to the integrity of the relationships between lawyers and their clients," he said.

Rumsfeld added, "It is important to the poor and desirable from the standpoint of good management to ensure that the Legal Services Program has the benefit of regular access to the experience and insights of the Regional Directors and their staffs."

Rumsfeld said that the Economic Opportunity Act encourages this kind of coordination and cooperation among programs. He stated, "My decision is intended to accomplish two equally desirable goals: maintenance of the highest possible quality of legal assistance to the poor with the full cooperation of the Bar, and assurance of an effective working partnership between Legal Services and other programs serving the poor both at the local level and within the Agency."

**OFFICE OF ECONOMIC  
OPPORTUNITY**EXECUTIVE OFFICE OF THE PRESIDENT  
WASHINGTON, D.C. 20506*Date:* November 14, 1970*Reply to*  
*Attn. of:* D*Subject:* Administration of the Legal Services Program*To:* SENIOR STAFF  
REGIONAL DIRECTORS

After studying the issues and considering a variety of recommendations, I have decided not to regionalize the Legal Services program. In announcing this decision, however, I wish to disassociate myself completely from two positions frequently advanced in recent weeks by many critics of regionalization.

It has been argued, for example, that in regionalizing the Legal Services program, OEO would be turning over program control to Regional Directors who were unsympathetic to the program or to the interests of the poor, and who were primarily motivated by political considerations

Let there be no doubt about OEO's Regional Directors. They are talented and professionally qualified men, dedicated to serving the poor. All have a deep and abiding commitment to the Legal Services program, and to protecting its integrity and independence. The Regional Directors have frequently been the staunchest defenders of Legal Services where that program has come under fire.

It has also been argued that in order to preserve the professional independence and integrity of Legal Services, it is necessary for the Legal Services program to be totally separate from other community action programs. I reject this proposition as both programmatically unsound and completely inconsistent with OEO's basic legislative mandate to focus all available resources, through its community action programs, on the overall antipoverty goal.

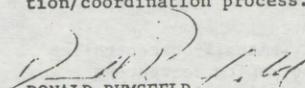
Section 222 of the Economic Opportunity Act, which establishes the authority for Legal Services programs, states that this authority shall be used only with respect to programs which "(A) involve activities which can be incorporated into or be closely coordinated with community action programs, (B) involve significant new combinations of resources or new and innovative approaches, or (C) are structured in a way that will...most fully and effectively promote the purposes of this title." Section 222 further states that in providing assistance for national emphasis programs (including Legal Services) the Director "shall do so in a manner that will encourage, wherever feasible, the inclusion of the assisted projects in community action programs, with a view to minimizing possible duplication and promoting efficiencies in the use of common facilities and services, better assisting persons or families having a variety of needs, and otherwise securing from the funds committed the greatest possible impact..."

While I am not regionalizing Legal Services, I am instituting immediately new administrative procedures which will serve my initial dual objective of (1) implementing the intent of the EOA regarding coordination between Legal Services and other Community Action Programs and (2) furthering the decentralization of authority within the Legal Services program, while at the same time preserving the professional and programmatic integrity of the program.

In rejecting the "regionalization" approach, I wish, therefore, to emphasize that I am rejecting only the recommendation to shift operational control of the program from the Office of Legal Services to the Regional Directors. While program control will be retained by Legal Services staff, such control will increasingly shift from the Headquarters to Regional level, i.e., from the national Office of Legal Services to the Regional Legal Services Divisions. This decentralization of control will proceed on a Region-by-Region basis as the respective Regional Legal Services Divisions demonstrate the capacity to exercise such authority. Throughout this process of decentralization, the Regional Legal Services Divisions, while located physically in the Regional Offices and receiving day-to-day office services from the Regional Directors, will remain administratively and programmatically independent of the Regional Directors' supervision.

However, I also wish to emphasize that whether or not an individual Regional Legal Services Division has been delegated operational program authority in the Headquarters/Regional decentralization process, the Regional Legal Services Divisions must follow an explicit set of procedures setting out a meaningful and continuing process of coordination between the Regional Legal Services Director and the Regional Director and his staff. These procedures will insure the Regional Director and his staff full opportunity to participate in the grant review and approval process for Legal Services programs at every major stage in that process. These procedures will insure a more effective working partnership between the Office of Operations and the Office of Legal Services at the Washington level and between the Field Operations and Legal Services Divisions at the OEO Regional level. Significantly, these procedures will also insure a more effective partnership between the CAA and the Legal Service delegate agency at the local level in a comprehensive local strategy to mobilize the community's resources and constructively change its institutional practices for the betterment of the poor.

Attached are the detailed procedures for implementing this decentralization/coordination process.

  
DONALD RUMSFELD  
DIRECTOR

PROCEDURES FOR ADMINISTERING THE  
LEGAL SERVICES PROGRAM IN THE REGIONAL OFFICES

1. General Policy

The OEO Headquarters Office of Legal Services shall determine overall policies and national priorities for the Legal Services program, shall review and approve Regional operating plans, and, pending decentralization of such authority, shall review and approve operational program grants prior to final signature in the Regional Offices. However, authority for the day-to-day review, funding and monitoring of grantee operations shall reside in the Regional Offices.

Within the Regional Offices, the Regional Director shall provide administrative support to the Regional Legal Services Director and shall, at every phase of the grant review and approval process, have full opportunity to review, comment upon, and make recommendations concerning Legal Services programs. However, the Regional Legal Services Director shall, other than in the provision of administrative services, be independent of the Regional Director's supervision and shall have full authority for the administration of the Legal Services program in the Regional Office. The Regional Director shall sign all Regional Legal Services grants, but only in accordance with the approval of the Regional Legal Services Director, subject to the provisions of Section 6 below.

2. Headquarters/Regional Office Relationships

Subject to OEO policy making procedures, the Associate Director of OEO for Legal Services (hereinafter referred to as the Director of Legal Services) shall be responsible for the development and dissemination of national policies, guidance, program priorities and program guidelines for the Legal Services program. He shall retain full authority for Legal Services research, demonstration, and training and technical assistance grants and contracts, and for the evaluation of all Legal Services programs. Until such time as grant approval authority is decentralized to the Regional Legal Services Director, the Director of Legal Services shall also approve all operational Legal Services grants, following review and recommendation by the Regional Legal Services Director, prior to sign-off by the Regional Director.

It is the objective of the Director of OEO to eventually decentralize to the Regional Legal Services Directors the authority to approve operational Legal Services grants. Such decentralization shall proceed on a Region-by-Region basis. When the Director of OEO and the Director of Legal Services shall determine that a Regional Legal Services Director has demonstrated the capacity to exercise such authority, the Director of Legal Services shall delegate to that Regional Legal Services Director the authority to approve operational Legal Services grants.

The Regional Legal Services Director shall for all purposes other than the provision of administrative support, services report directly to the Director of Legal Services, in approximately the same manner in which the Regional Director reports directly to the Assistant Director of OEO for Operations (hereinafter referred to as the Director of Operations). The Regional Legal Services Director shall be responsible for developing a Regional operating plan for Legal Services, for reviewing and recommending to the Director of Legal Services approval of (or, where he has been delegated such authority, for himself approving) all Regional Legal Services grant applications, and for monitoring all Regional Legal Services program operations.

3. Selection of the Regional Legal Services Director

The Director of Legal Services shall be responsible for selecting and approving all personnel actions concerning the Regional Legal Services Director. However, the Regional Director shall have full opportunity prior to any such selection to recommend candidates for the position and to interview and comment on the nominees of the Director of Legal Services. The Regional Director shall also have the opportunity to review and comment on all personnel actions affecting the Regional Legal Services Director. Should the Regional Director object to a selection or personnel action approved by the Director of Legal Services, he shall notify both the Director of Legal Services and the Director of Operations. The Director of Operations shall have the right to have the issue determined by the Director and Deputy Director of OEO if he and the Director of Legal Services are unable to reach agreement.

4. Regional Director/Regional Legal Services Director Relationships

The Regional Legal Services Director shall not be part of the Regional Director's staff, except in the provision of administrative support services. The Regional Legal Services Director shall have full freedom, subject to the provisions of Section 6 below, to communicate directly with the Director of Legal Services. The Regional Legal Services Director shall hire and supervise his own professional and clerical staff without the prior approval or concurrence of the Regional Director, and shall have full responsibility for administering the Legal Services program in the Region. In all respects other than the provision of administrative support services his supervisor shall be the Director of Legal Services, not the Regional Director.

The Regional Director shall provide all administrative support services other than payroll and travel to the Regional Legal Services Director, including personnel, space and equipment, grant processing, mail, printing and reproduction, and other management services. The Regional Legal Services Director shall provide for his own payroll and travel services consistent with the procedures now followed by the Regional Auditors. The Regional Legal Services Director shall submit requests for all other administrative services to the Regional Director.

Should the Regional Legal Services Director be dissatisfied with the provision of such services and be unable to reach an acceptable resolution with the Regional Director, he shall have the right to bring the matter directly to the Director of Legal Services. The Director of Legal Services and the Director of Operations shall then work out an appropriate resolution of the matter.

5. Legal Services Operating Plans

Every fiscal year, in accordance with instructions to be issued by the Director of Legal Services, the Regional Legal Services Director shall prepare and submit to the Director of Legal Services an operating plan for all Legal Services programs in the Region. Such plan shall be reviewed by the Regional Director in accordance with Section 6 below. It shall include, at a minimum, an overall strategy for the Legal Services program in the Region; the Regional Legal Services program priorities; a listing of all Legal Services programs to be funded in the Region during the fiscal year together with project costs (Federal, non-Federal, and total) and the projected funding dates; a summary for each project of progress to date and of significant dollar increases, decreases, or program changes; and the time and manner in which each project shall be evaluated. Upon approval of such Regional operating plans by the Director of Legal Services, the Regional Legal Services Director shall administer the program in accordance with the plan.

6. Checkpoint Procedures

Although the Regional Legal Services Director shall have full authority, subject to the provisions of Sections 2 and 5 above, over all aspects of the Regional Legal Services program, the Regional Director and his staff shall have full opportunity to observe, review, comment, and make recommendations on such programs.

- a. Regional operating plans. The Regional Legal Services Director shall give the Regional Director and his staff the opportunity, prior to the preparation of the annual Regional Legal Services operating plan, to make recommendations concerning the content of that plan. In developing the strategy and plan for each Legal Services project, the Regional Legal Services Director shall work closely with the field representative serving that grantee. Upon completing the plan, the Regional Legal Services Director shall submit it to the Regional Director for comment and recommendations. When such comments and recommendations are not incorporated into the plan to the satisfaction of the Regional Director, the Regional Legal Services Director shall submit copies of the Regional Director's comments and recommendations, together with copies of the plan, to both the Director of Legal Services and the Director of Operations.

The Director of Legal Services and the Director of Operations shall attempt to resolve the differences between the Regional Director and the Regional Legal Services Director. Although the Director of Legal Services shall have final authority to approve the plan, the Director of Operations shall have the right to bring any unresolved issues to the Director or Deputy Director or OEO before the plan is approved. The Regional Legal Services Director shall submit to the Regional Director a copy of the final plan as approved by the Director of Legal Services.

- b. Determination of Grantee Eligibility. Where a CAA with a Legal Services program fails to meet grantee eligibility requirements and an adverse action is being considered, the field representative should so inform the Regional Legal Services Director, who should be given full opportunity to comment and make recommendations prior to the determination of appropriate action. The Regional Legal Services Director should follow the same procedure with regard to the Regional Director and his staff when an adverse action is contemplated against a Legal Services grantee.
- c. Grantee Plans and Priorities. When a CAA with a Legal Services program submits its CAP Form 81, "CAA Plans and Priorities," to the Regional Office, the field representative shall discuss it with the Regional Legal Services Director to determine an agreed upon strategy for Legal Services in the context of that CAA's program.
- d. Prereview. In arranging the prereview for a CAA with a Legal Services program, the Regional Legal Services Director and the field representative for the CAA should make every effort to schedule joint action, so that the Legal Services program can be reviewed as an integral part of the CAA's overall program. In any event, the Regional Legal Services Director shall give the field representative adequate advance notice of the prereview of all Legal Service grants, including direct-funded limited purpose grants in communities where there is a CAA, and shall invite the field representative to participate in the prereview. The field representative shall provide similar opportunities to the Regional Legal Services Director to participate in prereviews of non-Legal Services programs of CAAs with Legal Services grants or in communities where a limited purpose Legal Service grant is funded.

- e. Letter of Understanding. A separate Letter of Understanding shall be prepared for all Legal Services grants, whether to CAAs or LPAs. Such Letters of Understanding shall be prepared and signed by the Regional Legal Services Director, following approval (if the Regional Legal Services Director has not been delegated grant approval authority) by the Director of Legal Services. Prior to preparing such Letters the Regional Legal Services Director shall give the Regional Director the opportunity to make recommendations as to its contents. Following the preparation of the Letter of Understanding, the Regional Legal Services Director shall submit it to the Regional Director for review and comment.

Where he has not been delegated grant approval authority, the Regional Legal Services Director shall submit the Letter to the Director of Legal Services for approval, together with any of the Regional Director's comments and recommendations which have not been incorporated into the Letter, with a copy to the Director of Operations. Where he has been delegated grant approval authority, the Regional Legal Services Director shall submit the Letter to the Director of Legal Services for approval only if the Regional Director's comments and recommendations have not been incorporated into the Letter. Where the Regional Director's concerns have not been met, the Director of Legal Services and the Director of Operations shall attempt to resolve the differences, with the Director of Operations having the right to have the issue resolved by the Director and Deputy Director of OEO if his views are not accepted by the Director of Legal Services. The Regional Legal Services Director shall submit to the grantee and the Regional Director the Letter of Understanding as approved (if required) by the Director of Legal Services.

- f. Funding Request. The Regional Legal Services Director shall provide the field representative for review and comment a copy of any funding, refunding, or amendment request for any Legal Services grant upon its receipt in the Regional Office. The field representative shall have every opportunity to comment and make recommendations on any such funding request. The Regional Legal Services Director shall be responsible for preparing any grant documents for a Legal Services program account to be funded as part of a combined CAA grant action for two or more program accounts, and for providing the field representative the necessary dollar figures for the CAP 14. The Regional Legal Services Director shall be responsible for preparing the entire grant package for a limited purpose Legal Services grant action or for a CAA grant action involving only the Legal Services program account. However, even where the Regional Legal Services Director prepares the entire grant package for a CAA he should closely coordinate it with the field representative to insure accuracy of the grant documents.

- g. Signing of Grants. Where he has not been delegated grant approval authority, the Regional Legal Services Director will first submit to the Director of Legal Services for approval the Legal Services funding request together with his recommendations and copies of any grant documents as needed. The Regional Legal Services Director shall submit the grant, as approved (if required) by the Director of Legal Services, to the Regional Director for signature.

Provided the procedures outlined above have been complied with, the Regional Director shall have the authority to sign all Legal Services grants, whether to LPAs or CAAs, whether the grant action is only for Legal Services or for additional program accounts as well. However, the authority of the Regional Director to sign all Legal Services grants does not constitute authority to change or veto the grant as approved by the Director of Legal Services or (where he has been delegated such authority) by the Regional Legal Services Director.

Where the Regional Director does not concur in the grant as recommended, he shall attempt to resolve the issue with the Regional Legal Services Director. If this fails, the Regional Legal Services Director shall send a copy of the grant package, together with the Regional Director's comments and recommendations, to the Director of Legal Services, with copies going to the Director of Operations. The Director of Legal Services and the Director of Operations shall attempt to resolve the differences, with the Director of Operations having the right to bring any unresolved issues to the Director and Deputy Director of OEO. The grant package as finally approved and modified by the Director of Legal Services or the Director/Deputy Director of OEO shall then be returned to the Regional Office where it shall be signed by the Regional Director.

- h. Evaluations. The Regional Legal Services Director shall notify the Regional Director in advance of all scheduled evaluations of Legal Services programs. The Regional Director shall have the opportunity to send members of his staff to participate in such evaluations, subject to the limitations imposed by professional, ethical, and lawyer/client confidentiality considerations.

[From the New York Times, New York, N.Y., Nov. 22, 1970]

BAR GROUPS SCORE OUSTERS BY O.E.O.

SENATE UNIT PLANS HEARINGS ON LEGAL AIDE'S DISMISSAL

(By Jack Rosenthal)

WASHINGTON, November 21.—The abrupt dismissal of the heads of the Federal poverty law program aroused a storm of criticism today from national legal groups and prompted the scheduling of Senate hearings.

Officials of legal organizations assailed the Nixon Administration, charging it with sacrificing the needs of the poor to political interests.

Similar views were expressed today by Terry F. Lenzner and Frank N. Jones, who were removed last night from the jobs as director and deputy director of the legal services program. The program is an arm of the Office of Economic Opportunity, the antipoverty agency.

The two men were relieved, immediately, by Donald Rumsfeld, director of O.E.O. and a cabinet-level adviser to the President. He said they were either unwilling or unable to carry out his policies.

Mr. Lenzner said that despite Presidential statements to the contrary, the Administration has proceeded to serve the ends of politics rather than the needs of the poor whenever the two have come into conflict.

Mr. Lenzner cited a series of specific instances in which, he said, political outcries to the White House succeeded in blocking efforts to provide legal assistance to the poor.

He named the Mississippi Republican party, Gov. Ronald Reagan of California, Senator George Murphy of California, and others, as being involved.

There has been political interference even in hiring, he said. Each lawyer hired has had to have political clearance, and "most of the black lawyers we offered jobs were rejected by the White House."

He and Mr. Jones spoke at a news conference in a hotel meeting room, paid for with \$85 collected by their colleagues in the legal services program.

The young lawyers applauded Mr. Lenzner at length, and they cheered when Mr. Jones said that Mr. Rumsfeld's White House role conflicted with his anti-poverty position and called on him to resign.

Meanwhile, the Senate Poverty Subcommittee of the Senate Labor Committee indicated it would conduct prompt hearings. One lawyer's group is assessing further action. Mr. Rumsfeld said today he planned a news conference on the subject next week.

A related dispute arose today over whether Mr. Rumsfeld had properly represented the position of the American Bar Association.

Jerome J. Shestack, a Philadelphia lawyer who is an A.B.A. official and a member of the Legal Service Advisory Committee, said today that Mr. Rumsfeld's action was "highly duplicitous" and a serious blow to the integrity of the program.

JOINT STATEMENT

"He has met on many occasions with the advisory committee and never indicated any dissatisfaction with Mr. Lenzner. Mr. Rumsfeld deserves the condemnation of the organized bar," Mr. Shestack said.

John W. Douglas, president of the National Legal Aid and Defenders Association, praised Mr. Lenzner for fighting "against continuing efforts to cripple it by frontal assaults or to smother it with red tape."

Other lawyers' groups criticized the dismissals for the effect on the morale of the program and said the action was the harshest attack on the program since it was established five years ago.

Mr. Rumsfeld said today, however, that such statements did not represent the views of the organized bar. In support of his assertion, he cited a joint statement of the bar association and antipoverty agency in which Edward L. Wright, A.B.A. president, offered his support for the Administration's legal services effort.

This statement was issued after announcements of the Lenzner and Jones dismissals, Mr. Rumsfeld said, thus indicating the bar's continuing support.

Mr. Wright could not be reached for comment, but John Tracey, the bar association's representative, said today that "Mr. Wright cleared that statement before I informed him of the firings."

The dismissals came two weeks after the advisory committee to Mr. Rumsfeld on legal services strenuously urged him to retain Mr. Lenzner as director of the program.

The committee is composed of representatives of a number of public and private lawyers' organizations. In unanimous resolution on Nov. 6 it said "any change in the directorship at this juncture would seriously jeopardize the program."

The timing of the dismissals stirred new talk that Mr. Rumsfeld was soon to give up his antipoverty post and become a full-time advisor to the President. The dismissals coincided with the disclosure that Daniel Patrick Moynihan, Counselor to the President, would become United States delegate to the United Nations.

Mr. Rumsfeld acknowledged today that he was aware of such talk, but said, "It has been my practice never to talk about personnel changes."

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[From the Philadelphia Inquirer, Philadelphia, Pa., Nov. 25, 1970]

#### WASHINGTON DATELINE—Bar Denies Indorsing Firing of OEO Aides

The president of the American Bar Association accused the Office of Economic Opportunity of creating a false impression that the firing of two top legal service officials carried ABA indorsement.

ABA president Edward L. Wright said his organization did not support or indorse the sudden dismissal last week of OEO legal service chief Terry Lenzner and his deputy, Frank N. Jones.

However, Wright added, their dismissal was OEO Director Donald Rumsfeld's decision as administrator of a Federal agency. Wright said he did not challenge Rumsfeld's right to discharge employes.

The relationship of Wright and the ABA has been the subject of widespread speculation since Wright met privately with Rumsfeld last Thursday, the day before the dismissals. A joint statement by Wright and Rumsfeld supporting legal services was issued by the OEO simultaneously with the announcement of the firings.

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[From the New York Times, New York, N.Y., Nov. 25, 1970]

#### PRESIDENT OF BAR REBUKES RUMSFELD

##### DENIES BACKING DISMISSALS OF TOP O.E.O. LAWYERS

WASHINGTON, Nov. 24—The president of the American Bar Association rebuked Donald Rumsfeld, head of the Federal antipoverty program, today for suggesting that the dismissals of two top poverty law officials were endorsed by the A.B.A.

Edward L. Wright said any impression that he knew about the dismissals in advance, or that the bar association endorsed them was unfortunate and untrue.

Mr. Rumsfeld on Friday relieved Terry F. Lenzner as head of the legal services program of the Office of Economic Opportunity and Frank N. Jones as his deputy.

His action came a day after Mr. Wright had met with him at Mr. Rumsfeld's invitation.

##### CONCURRENT RELEASES

"It was unfortunate," Mr. Wright said today, "that the O.E.O. chose to enclose a press release on my Thursday meeting with Mr. Rumsfeld with the release announcing the dismissals. Since the releases were issued concurrently, an impression was created that I had knowledge of the dismissals. This is untrue."

Mr. Rumsfeld himself, speaking to the press Saturday suggested that the organized bar did not oppose the dismissals. In support of that view, he read aloud the press release on the meeting with Mr. Wright.

Mr. Wright, a Little Rock Ark., lawyer, issued his statement today through the Washington office of the bar association, the leading national lawyers' body with 150,000 members.

He said his associates had informed him of their high regard for Mr. Lenzner and Mr. Jones. He said that the bar association did not support or endorse their dismissals but that he did not challenge Mr. Rumsfeld's authority to make them.

## NEW CRITICISM

The dismissals have generated a continuing controversy. Today, the League of Women Voters criticized the actions as showing a "cynical disregard" for equal justice the justice for the poor.

In a letter to President Nixon, Lucy Wilson Benson, the league's head said, "We fervently hope that you are prepared with some plan to restore confidence to those who are struggling within the framework of the law to bring about sorely needed reform."

Some 15 members of an organization called Poverty Lawyers for Effective Advocacy met with Mr. Rumsfeld today to protest the firings. Their organization comprises about 700 lawyers, many of them working in the legal services program.

Neither they nor Mr. Rumsfeld would discuss the half-hour meeting afterward, but the lawyers announced a news conference for tomorrow under the heading, "Lawyers Mobilize Nationwide Against Rumsfeld."

That label echoed a view expressed by Mr. Jones last weekend, that Mr. Rumsfeld should serve simultaneously as a political adviser to the President and as head of the antipoverty program.

Mr. Rumsfeld said Mr. Lenzner and Mr. Jones were either unwilling or unable to carry out his policies. They and their supporters have retorted that their dismissals were renewed evidence that the Administration was willing to sacrifice the interests of the poor to politics.

The dismissals followed weeks of argument over a proposed reorganization of the legal services program. This would have shifted control from Mr. Lenzner to regional antipoverty officials who are not lawyers. Mr. Rumsfeld eventually decided not to carry out the plan but shortly afterward, he issued new administrative rules that supporters of the legal service program said were just as damaging.

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[From the Washington Post, Washington, D.C., Nov. 23, 1970]

#### ABA SAYS IT DOES NOT ENDORSE FIRING OF TWO OEO LEGAL AIDES

By John P. MacKenzie

The American Bar Association took special steps yesterday to make clear that the firing of two top legal services officials of the Office of Economic Opportunity did not carry ABA endorsement.

ABA president Edward L. Wright said in Little Rock, Ark., that he has no opinion—either favorable or unfavorable—about the sudden dismissal of legal services chief Terry Lenzner and his deputy; Frank N. Jones.

Wright's position on the controversy had been the subject of widespread speculation because of his private meeting with OEO director Donald Rumsfeld on Thursday, the day before the dismissals, and a joint statement by Wright and Rumsfeld issued simultaneously with an OEO announcement of the firings.

Rumsfeld and other OEO officials cited the joint statement, which pledged continued ABA-OEO cooperation on legal help for the poor, as evidence that prominent lawyers protesting the dismissals did not speak for the organized bar.

The legal services program, which finances poverty law projects that cost more than \$60 million in 265 communities, has had strong support from the ABA leadership since 1965 despite rumblings from some local bar groups about lawsuits against local government units or established business practices.

Wright said in a telephone interview last night that the ABA's Washington office was preparing a statement clarifying his position.

"I realize," said Wright, "that since the releases were coupled physically, certain persons got the impression that I had known about" the firings beforehand. "None of that is so." He added:

"I recognize that Mr. Rumsfeld has the power and right to name and discharge his employees. My people—the people who deal extensively with legal aid matters—tell me that Mr. Lenzner has been a conscientious and capable administrator, but I have no opinion on the matter."

Wright said he intended to call Rumsfeld in Washington first thing today to make sure everything is clear.

Rumsfeld said late Friday that he couldn't recall whether he and Wright discussed Lenzner and Jones. But OEO officials, after conferring, recalled Saturday that neither Lenzner and Jones nor complaints about alleged insubordination were discussed.

Rumsfeld met for an hour yesterday with John W. Douglas, president of the National Legal Aid and Defender Association, who called for the reinstatement of Lenzner and Jones. Rumsfeld said that was "out of the question," Douglas said.

[From the New York Times, New York, N.Y., Nov. 23, 1970]

#### A BLOW TO LEGAL SERVICES

Former Attorney General Ramsey Clark made a prescient remark a few days ago at a meeting of public-interest and corporation lawyers seeking new ways to help unrepresented poor clients. "I envy you young people," he said. "If you've got the guts, it's going to be an awfully exciting time."

It will take more guts than ever because a signal has just gone out from Washington that to be too eager in the advocacy of the rights of the indigent may incur official displeasure. Donald Rumsfeld, director of the Office of Economic Opportunity, a close political ally of President Nixon and Attorney General Mitchell, has fired the two top-ranking young lawyers directing the Federally-funded legal services program. Terry F. Lenzner and Frank Jones, director and deputy director, have been dismissed for not accepting the O.E.O.'s new plan to decentralize legal services and give the real power of supervision to regional directors, most of whom are not attorneys.

The legal services program—1,900 attorneys in 900 neighborhood offices in 265 communities—handles civil cases in such fields as housing, consumer affairs, welfare, domestic relations and juvenile programs. The O.E.O. lawyers have won decisions affecting the rights of Indians, migratory workers and the aged, and they have done so despite efforts by the Governors of California, Florida and several other states to block lawsuits.

The American Bar Association, hardly the voice of radicalism, actually has been a powerful supporter of the legal services program as presently constituted. It is on record against taking the program out of the control of lawyers and turning it over, under Mr. Rumsfeld's new reorganization, to decentralized—and politicized—leadership. Cutbacks by the Administration in the budget of legal services for the new fiscal year already imperil the program. Hundreds of attorneys may be dropped in 1971; in New York City, several storefront operations will have to be shut down for lack of Federal funding.

The dismissals of the dedicated legal services directors in Washington, combined with regionalization and a reduction in services, add up to an unmistakable message. Law school students as well as young new attorneys at a turning point in their careers will be discouraged from embarking on public service law if programs can easily be jeopardized by political shifts in Washington and by pressure at the local level. It will indeed take guts to overcome the lack of dollars and the excess of politics, but in any surrender, the losers will be the unrepresented poor.

[From the Star, Kansas City, Mo., Dec. 7, 1970]

#### POOR NEED LEGAL HELP MOST OF ALL

The fringes in Washington of the top poverty program lawyers are unsettling. Terry F. Lenzner has been dismissed and so has Frank N. Jones, his deputy. Their successors may be as vigorous and devoted in the pursuit of the legal interests of the poor, but the departure of Lenzner and Jones is the sort of thing that shakes up people. One reason is that the whole concept of first-class legal aid for the poor is new. It really is being tried in this country for the first time.

Since the late 18th century the United States has carefully built a body of law based on the English legal structure that was developed over a thousand years. The substance has been altered from time to time by the practical considerations of the needs of a developing nation. The Supreme court has been an instrument of flexibility, along with the variety of conditions that have arisen in the states as the frontier advanced. Sometimes the system has seemed to bog down in corrupting politics and personal ambitions. Sometimes the courts have made turns of 180 degrees and reversed the firm opinion of another generation. The ability to change has been a secret of the survival of American justice.

Yet all along the legal recourse and standing of the poor have been an unhappy weakness of the system. It is much better now than it was a century ago and it

is much improved today over the very near past. The real fuss over the poverty-program lawyers came when property rights seemed to be threatened or, even more so, the traditional political structure of states, counties and cities.

It cannot now be said that the firings in Washington signal an end to legal aid to the poor or even a setback. As the conservative party, the Republicans should hold dear the body of precedent that is the law and the concept that everybody is equal before it. Unless that is so, those who are deprived have no recourse but to seek their answers outside the law. In this century that means the streets.

JOSEPH A. MATERA  
EXECUTIVE DIRECTOR  
CHARLES H. DORSEY, JR.  
DEPUTY DIRECTOR  
IRWIN BROWN  
CHIEF ATTORNEY

LAW REFORM UNIT  
LEGAL SERVICES PROGRAM

620 AISQUITH STREET  
BALTIMORE, MARYLAND 21202

TELEPHONE: 675-5990

November 27, 1970

Dear Sir:

You probably are aware that within the last few weeks there has been some conflict within the Office of Economic Opportunity in regard to the Legal Services Program. The truth is that OEO director, Donald Rumsfeld has set in motion a chain of events which will seriously hamper the effectiveness of the Legal Aid offices in this area, and indeed, all over the country.

With total disregard for the opinion of Capitol Hill, the ABA, the citizens advocate Center of Washington, PLEA, the Reginald Heber Smith Program, PAG, and numerous other respected sources. Mr. Rumsfeld has persisted in his efforts to destroy the professional independence of the Legal Services programs, the results of which will decentralize control and make the various programs vulnerable to local non-lawyer and political pressure.

Mr. Rumsfeld's actions are totally oblivious to the originally expressed purposes and objectives of the Legal Services programs, which were to provide effective advocacy for the poor.

Last year the ABA was successful in defeating a proposed amendment which would have permitted governors to veto legal service programs in their states. Therefore, Rumsfeld presented a plan to regionalize, and thereby decentralize control of the Legal Services programs. Due to opposition from the ABA, Capitol Hill and others, Rumsfeld, allegedly, decided against implementation of the plan. However, he immediately issued a ten-page directive, giving new powers to regional offices and in effect, accomplishing the same results of the decentralization plan.

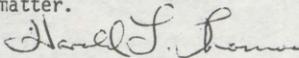
Opposition to the plan had been based on the premise that such a plan would place the control of the programs in the hands of non-lawyers, and subject the program to local political pressures.

In administering the coup de grace, on Friday, November 20, 1970, Mr. Rumsfeld fired the director of the Legal Services Program, Terry Lenzner and his deputy, Frank Jones. Lenzner and Jones were known to have invoked the wrath of Rumsfeld in the past, by indicating a willingness to implement the programs consistent with the purpose for which they were designed.

A less well known fact is that prior to the issuing of the new directive curtailing the power of the central director and firing of Jones and Lenzner, Mr. Rumsfeld had, without explanation, held up salaries of "Reggies" (Reginald Heber Smith Community Lawyer Fellows) and has expressed his intention to substantially reduce the number of "Reggies" and to cut their salaries. For the first time, the "Reggie" program is based at a minority institution (Howard University) and has employed and placed more black and brown "Reggies" in their own communities than ever before.

It is imperative that something be done to curb this obvious arbitrary abuse of discretion and deviation from the intendment of the Legal Services programs. Any assistance you can render on our behalf will be appreciated.

Enclosed are the enlightening statements of Terry Lenzner and Frank Jones and other clippings and materials which provide additional background on this matter.

  
Harold L. Thomas  
Reginald Smith Fellow-1970

HLT/bn  
enclosures

This letter is also signed by:

1. Curtis L. Decker, Senior Attorney  
Law Reform Unit
2. James W. Harris Reginald Smith Fellow - 1970  
Law Reform Unit
3. Clark de Schweinitz VISTA lawyer
4. John Raphael Reginald Heber Smith Fellow 1969-71  
Law Reform Unit  
Law Reform Unit
5. Martin V. Soffer VISTA lawyer
6. S L Kabot VISTA lawyer
7. William C. Atack VISTA Lawyer
8. David A. Stosel Staff lawyer
9. Robert R. Wagoner Staff attorney
10. James L. Foster Reginald Heber Smith Fellow
11. Charles Weinstein Legal Aid East
12. Michael Berman Vista Lawyer

Harold M. Hersch - Staff Attorney  
 Gerald Haberman - Staff Attorney  
 Michael Zablacki - Staff Attorney  
 Harry P. Buckingham III - Staff Attorney  
 William E. Moore - Staff Attorney  
 Lawrence B. Cochran - Staff Attorney  
 John C. Eklman - Legal Aid Southwest

Michael M. Decker

Bretina Wesson Condon

Andrea M. Alvarado

Gregory J. Fink

STATEMENT OF TERRY F. LENZNER UPON HIS REMOVAL AS DIRECTOR  
OF LEGAL SERVICES, OFFICE OF ECONOMIC OPPORTUNITY -11/21/70

My deputy Frank Jones and I were fired yesterday because we sought to run the Legal Services program in a way that would guarantee the right of the poor to effective representation. When I was appointed 14 months ago, the President of the United States told the people of this country that effective advocacy for the poor was what this program was all about. Since then the Administration has proceeded to serve the ends of politics rather than the needs of the poor whenever the two have come into conflict. Since then the Administration has proved increasingly unwilling and unable to support this program.

We believe that poverty lawyers must provide the best advocacy possible-advocacy that is uninhibited by political considerations, advocacy that is unconstrained by fear of antagonizing powerful interests. We believe that the poor deserve lawyers who protect their rights with the same vigor and concern that is expended by private lawyers on behalf of corporations and the well-to-do.

The Administration apparently believes in bargain basement justice for the poor, justice tempered by the desire not to step on the toes of anyone who can afford to contribute to a political campaign.

This is no academic problem, no mere philosophical controversy. Every day our lawyers fight evictions that leave the poor with their belongings in the streets, withdrawals of welfare grants or food stamps that leave them hungry, merchandising frauds that deprive the poor of the little they have. Our poverty lawyers' goal is to solve these controversies in the courts, peacefully

and lawfully. Their energy is directed to disarming anger and outrage and replacing it with reason and orderly procedure. Just this week, for example, our lawyers helped HUD rewrite public housing leases and thus reduce future conflict between government landlords and tenants.

If our lawyers got the backing they needed in funds, benefits for the poor would be multiplied a hundred-fold. If our lawyers could be confident that their efforts to improve the living conditions of the poor would be defended and not sabotaged by this Administration, their impact could be immeasurably greater.

Unfortunately, when push came to shove this past year in the administration of this program, the poor got shoved:

-We opposed the Administration's regionalization plan because it would have subjected every one of our 265 local grants to political review. They could have been vetoed by individuals who owed their jobs to friendships with the very state and local officials our lawyers would have to sue. The Administration appeared to capitulate. In reality, those political individuals were granted the same power to say "no, you may not have access to a lawyer," under the label of "decentralization." And the poor were ignored.

-We tried to provide lawyers to help poor people in Jackson, Mississippi. But the Mississippi Republican Party cried out to the White House, and the Administration decided that it had already done too much for Mississippi. And the poor were ignored.

-We sought to expand our recruitment of minority-group lawyers and others among the finest graduates of our law schools

through our Reginald Heber Smith program at Howard University. But the Administration, by withholding available funds, has continually frustrated this. And the poor were ignored.

-We wanted to open a law firm in Washington with a handful of lawyers to represent poor people before Federal agencies as 15,000-plus lawyers already do for those who can pay. Every major legal organization, as well as the Chief Justice, concurred with our concept. But the Administration was afraid to expose their regulations to such scrutiny. The project is dead. And the poor lost again.

-We would have liked to continue strong independent advocacy for hundreds of thousands of Indians of the Navajo nation. The program is not going to be refunded if politicians from Arizona have their way, which is likely. And the poor will be ignored.

-We have attempted to hire the best young lawyers for our office. But the White House prefers patronage to policy and every one of our lawyers has had to have political clearance. Most of the Black lawyer we offered jobs, they rejected. And the poor were ignored.

While we deplore these many instances in which effective advocacy has yielded to political expedience, we deeply regret having to leave the program because of its magnificent potential for helping those in need. Our removal can serve a constructive purpose if it focusses public attention on the program's importance and on the necessity of delivering it from cynical, political bondage.

We are not certain what precise institutional format can best assure the integrity of the program and free the director and his 2,000 lawyers from the tyranny of pressures that have nothing

to do with justice. That is up to the Congress to explore. But we do know that Congress is not likely to consider the issue as urgent unless every responsible lawyer in practice or government service, every person who is unable to pay for legal services, and every citizen who is concerned with the plight of the poor informs his Senator or Congressman of the need to save legal services. We hope that these recent events will shock lawyers and laymen, rich and poor and middle-class. We hope that they will realize that a program that should seek to aid all Americans by channeling discontent within the law has been subordinated to the Administration's greater concern for retaining political power than for helping people.

STATEMENT OF FRANK N. JONES UPON HIS REMOVAL AS DEPUTY ASSOCIATE  
DIRECTOR OF THE OFFICE OF LEGAL SERVICES OF THE OFFICE OF ECONOMIC OP-  
PORTUNITY, EFFECTIVE DECEMBER 4, 1970

I came to the Headquarters Office of Legal Services after four years of working in the ghetto neighborhood, in which I grew up, on the South and West side of Chicago. I left my neighborhood office reluctantly. I left because clients and poverty lawyers across this country asked me to come here and represent their interest. You see, they were afraid of the new decision makers who had assumed power in the Office of Economic Opportunity. They were afraid that the Legal Services Program—the cutting edge for institutional change in this country—this most important vehicle through which the poor and the Blacks and the Browns in this country are increasingly enfranchised—would be emasculated by this Administration; that the accomplishments of the past five years would be repudiated and that the truly vigorous programs such as CRLA, DNA on the Navajo Reservation, Boston Legal Assistance, North Mississippi Rural, New Orleans Legal Assistance, the Western Center on Law and Poverty—to name but a few—would be terminated to appease the politicians, the bigots and the rascists.

From my experiences in the past eleven months in OEO, I can truthfully say that what we feared the most has come to pass. The Office of Economic Opportunity, and particularly the Legal Services Program, is now effectively being run by Southern bigots and right wing politicians across the country. The Office of Legal Services is one more installment on the commitment that this Administration has made to those forces.

The poor and the minorities are expendable, irrelevant to this Administration because they are without political power. There is a cruel cynicism pervading the Agency wherein the conditions under which the poor are forced to live are exploited by rhetoric for political gain. The fact of the matter is that the people who run this Agency and this country don't know anything about the poor, and don't care to know.

It is ironic that the afternoon of the day on which I was fired I made a presentation about the Legal Services Program to the National Advisory Committee of OEO on State and Local Governments, the Chairman of which is Governor Linwood Holton of Virginia. The Governor stated that the members of that Committee were politicians who depended upon votes to stay in office, and that he could not sell the Legal Services Program to his constituents. These are the views to which this Administration subscribes.

There is something dishonest, immoral, and possibly illegal about pretending his position and resources as Director of OEO to further his own political and to be concerned about the poor as Mr. Rumsfeld does on the one hand, and using the careers of politicians whose interests are diametrically opposed to those of the poor. Mr. Rumsfeld's role of political strategist for this Administration inherently conflicts with that of the Director of the Office of Economic Opportunity. I call upon him to resign his directorship immediately.

Mr. Rumsfeld state sthat Mr. Lenzner and I were unwilling to administer the Office of Legal Services in accordance with Agency policy. On that point, he is absolutely correct. We were unwilling to forego sound programmatic substantive concerns, elementary fairness and due process in order to further his personal political career. We were unwilling to close good programs on the wild and unsubstantiated allegations of reactionary politicians.

Mr. Rumsfeld graciously gave me the opportunity of resigning. He did not seem to understand that I could not abdicate my responsibility to my employers. He does not understand that I, like the thousands of dedicated poverty lawyers in this country, do not work for him—and that in reality he could not fire me—because I work for the people. I work for the oppressed Blacks and Browns in this country.

I call upon the President of the American Bar Association to support the Legal Services Program with the same vigor, honesty, and forthrightness exhibited by his predecessors. Without this vital support, the Program in its present form will fall prey to those forces that have been attempting to destroy it from its inception.

Finally, I want to deliver a message to poverty lawyers in our 270 programs, and our national and Regional staffs. Now, more than ever before, you must strengthen your resolve. You must be firm in your opposition to the destruction of this vital program, and above all, you must stay one the job. That is the only way that you can hope to make a difference.

To the poor, I *say demand* that this program be continued. Insist that its effectiveness be maintained and that the politicians keep their hands off.

RESOLUTION PASSED AT THE 48TH NLADA CONVENTION, SAN ANTONIO, TEX.,  
NOVEMBER 13, 1970

RESOLUTION ON THE SURVIVAL OF THE REGINALD HEBER SMITH COMMUNITY LAWYER  
FELLOWSHIP PROGRAM (HEREINAFTER, REGGIE)

Whereas, the Reggie Program has successfully trained more than 600 attorneys during the past four years, for the poor community of this nation served by O.E.O. Legal Services, and

Whereas, these attorneys have been and are among the most effective lawyers working on behalf of the poor in this country, and

Whereas, the Reggie Program this year for the first time, placed more than 100 blacks, Chicano and Puerto Rican lawyers in the field and currently maintains a program for 470 attorneys in legal services, and

Whereas, the Reggie Program next year can and must place twice as many blacks and three times as many Chicanos in the field as well as an increasing number from other minority groups, because 90% of the client community being served are members of racial and ethnic minority groups which increasingly and properly are demanding representation by lawyers, with similar racial and ethnic backgrounds to their own, and

Whereas, the Reggie Program anticipates more than twice as many applications for positions, and

Whereas, Donald Rumsfeld, director of O.E.O. has disregarded the past and present success of this program and seeks to limit the total number of first and second year Reggies to 325 for fiscal 1971-72 and to reduce the salary schedule for those lawyers at a time when minority group attorneys are being attracted through this program in considerable numbers for the first time, and

Whereas, the effect of these actions by Mr. Rumsfeld will be to close the doors of legal services to ethnic and racial minority group lawyers which are so vital-ly needed at this time,

Whereas, the effect of Director Rumsfeld's action is threatened curtailment of the program during the first year when it is being operated and maintained by poverty program lawyers from predominantly minority backgrounds at Howard University, thus discriminating against minority lawyers and their clients,

Whereas, Rumsfeld has acted in all vital particulars concerning the Reggie Program in a manner contrary to the recommendations of O.E.O. Legal Services, Now therefore be it resolved:

1. The NLADA opposes the curtailment of the Reggie Program at a time when more black and brown lawyers are being attracted to legal services than ever before.

2. The NLADA supports a program of not less than 500 first and second year Reggies for fiscal 1971-72.

3. NLADA shall apprise the legal profession, the client community and Congress of the administrative decisions being made by Donald Rumsfeld, as director of O.E.O., which will result in potential curtailment of the Reggie Program.

MAKE A COPY -  
PLEASE SHOOT



SCHOOL OF LAW

HOWARD UNIVERSITY  
WASHINGTON, D. C. 20001

FOUNDED BY GENERAL O. O. HOWARD

REGINALD HERBER SMITH  
*Community Lawyer Fellowship Program*  
1343 H STREET, N.W.  
WASHINGTON, D. C. 20005

November 4, 1970

Dear Reggie:

This is to provide you with information which is critical to your status as a Reggie and to the continued existence of the Reggie Program.

As you know, over the past few months, a great power struggle has been occurring within OEO between Mr. Rumsfeld, Director of the Office of Economic Opportunity and Terry Lenzner, Director of Legal Services. The primary issue involved has been "regionalization". Regionalization would, in effect, dispose of the authority presently held by the national office of legal services. It contemplates that all authority presently held in that office, on grants etc., would be delegated to ten (10) regional offices, there to be administered and directed, in some instances by non-lawyers. In any event, regionalization would enable local and regional politicians to have greater control over legal services projects within their respective regions. It goes without saying that such a result would be extremely detrimental to those projects which have been involved to any extent in politically controversial matters.

Needless, to say, any contemplated deemphasis of a nationally oriented legal services program must, out of necessity, encompass a severe cut-back or complete defunding of the most effective and controversial program presently funded by legal services, the Reggie Program. Sometime ago, OEO set out on a campaign of harassment and unconscionable conduct which has as its sole purpose, the eventual destruction of the Reggie Program.

In June of this year, representatives of the legal services branch of OEO advised the staff of the Reggie Program that due to fiscal difficulties, they would have to split the grant intended for Reggie salaries and training into two separate grants. We and the Comptroller of Howard University were clearly assured that the first grant would be forthcoming well before the end of July, and the second before the end

of August. The first grant was intended to cover the first quarterly installment on all Reggie salaries, (approximately 250 1970-71 Reggies, and approximately 180 renewals) and the cost of training and materials for the 1970-71 Reggie Class. As expected, the first grant did not come when promised, but it did arrive in time for most Reggies to avoid a delay in receiving their salaries.

The second grant was known by everyone involved to be more critical in nature. Based on OEO's commitment to us, we entered into approximately 440 contracts with 440 Reggies assigned to 110 separate projects. (In addition, we are parties to approximately 40 additional contracts funded by the University of Pennsylvania, the administrator of last years Reggie Program). The contracts between the Reggie Program, Howard University and the 110 projects involved, call for the payment of the second quarterly installment before November 1, 1970. As of this date, we have not yet received the funds relating to this grant. In fact, the circumstances surrounding its processing at OEO are questionable to say the least.

We have been advised, by a reliable source within OEO, that Terry Lenzner, Director of Legal Services, signed the grant in question over two months ago. During the past two months, we have repeatedly telephoned OEO and inquired about the status of the grant, impressing them each time with the urgency of the matter. On each occasion we were given some vague response as to its status, but never anything definite. Less than two weeks ago, we were advised that Mr. Rumsfeld and members of his staff had decided to hold up this grant. The alleged reasons for the delay had no merit whatever. The welfare and integrity of this Program and of Howard University were unjustifiably compromised at the whim of some insensitive and senseless bureaucrats. The fact that we had 440 contracts outstanding, calling for an installment to be paid prior to November 1, 1970 was determined to be of no consequence. The fact that many Reggies across the country may be forced to go without salary was discarded as unimportant. These are the kinds of decisions that are being made at OEO, and these are the kinds of handicaps placed on us in an effort to reduce the morale and effectiveness of the Reggie Program.

On October 26, 1970, we were advised that Mr. Rumsfeld had agreed to release the grant. At a meeting at OEO on October 28, we were apprised of certain conditions placed on its release. First, the grant would be \$160,000 less than the amount originally committed. Second, there would be a "reclarification" of the conditions under which a Reggie could be terminated.

Needless to say, to place additional conditions on a subsequent grant, which did not exist at the time of the initial grant, when both were clearly intended for the same purpose and only separated for budgetary convenience, is not only unconscionable but invalid. What is more reprehensible however, is the fact that the "reclarification" of the conditions relating to termination of Reggies was motivated by circumstances surrounding the activities of a particular Reggie, who has committed the unpardonable sin of representing members of the Black Panther Party. (I might add that the representation in question is still at the prior to arraignment stage.)

Under the circumstances involved, we had no choice but to accede to the conditions. As a practical matter, they made little difference, but as a matter of principle, they are just another indication of the kind of harassment that the Reggie Program is being subjected to. As previously said, the funds in question are still not in our possession, but we have again been assured that they will be released in time for us to get the funds to your projects prior to November 15th.

As for the condition relating to termination, it does no more than amplify the condition already existing, that a Reggie's employment status cannot be changed without 30 days notice to the Reggie in question and to the Reggie Program. Some individuals at OEO and some project directors were happily under the impression that their hands were tied in that regard.

Another recent development at OEO is that we were advised that no more than 150 of the better than 470 Reggies presently under contract will be renewed. We have not yet been advised as to who will select those to be renewed, nor have we been advised as to how that selection will be made.

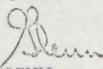
In addition, although we have been advised to begin recruiting for the 1971-72 Reggie class, no commitment has been made as to the size of the new class. As a matter of fact, we are aware that we cannot be certain that there will be a Reggie class at all. This is particularly interesting in the light of projected figures indicating twice as many Blacks graduating this coming June; three times as many Chicanos graduating this coming June; *VISTA* expecting only about 20% of the participants its had in previous years; and the increasing numbers of sensitive, committed white applicants we anticipate being available. In addition, the demand for Reggies is greater than ever, and individual project budgets will be reduced and thus preclude them from absorbing old Reggies and hiring new staff.

Along with everything else, yesterday we were advised that OEO is going to "evaluate" the Reggie Program. As you know, an evaluating team can conclude whatever it wants to. The important question is always "Who wants the evaluation, and for what purpose?" When we find that out we'll let you know. All we know now is that the evaluation will probably occur sometime between now and January 1st. One aspect of the evaluation will be to inquire about the "competence and effectiveness" of Reggies in the field; so be prepared!

By this time, you're probably wondering what you can do to eliminate some of this crap. As a start you can speak out strong and loud against regionalization and any reduction in the size of the Reggie Program, if feasible contact the Congressman for your district. Second, you can organize your clients around those same issues and advise them to express directly to Mr. Rumsfeld their sentiments on the matter. Third, you can make the staff of the project in which you are assigned stand up and be counted on these issues also. Last, and most important, you can continue to represent your clients, in the aggressive, uncompromising way that exemplifies what the Reggie Program has come to stand for. If they're out to get us, let's give them hell in the process.

We will report any further developments to you as they occur. In the meanwhile,

Right On!

  
GLENN

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# Legal, Peaceful, and Responsible Way

by Donald Rumsfeld

*A ceremonial gavel marking the fifth anniversary of the OEO Legal Services Program was presented to Donald Rumsfeld, director of the Office of Economic Opportunity, by Edward L. Wright, president-elect of the American Bar Association, at the St. Louis luncheon. Also speaking at the luncheon was Senator Edward M. Kennedy. His speech can be found in the Congressional Record for August 27, 1970, p. S14389.*

*The following is a summary of Rumsfeld's remarks:*

I accept this honor in the spirit in which it is given by the ABA Standing Committee on Legal Aid and Indigent Defendants and by the National Legal Aid and Defender Association.

We feel that the Office of Economic Opportunity Legal Services Program is making an important contribution in providing the poor with access to the system of justice, and we join you in recognizing both the fiftieth anniversary of the ABA entry into the legal aid field and the fifth anniversary of the ABA endorsement of the OEO Legal Services Program.

I salute the perception, the courage, and the compassion that has motivated your continued efforts over the past half century. We owe a deep debt of gratitude to the American Bar Association for their help in the struggle to bring to birth the Legal Services Program in the Office of Economic Opportunity. You of the ABA and the NLADA have been the most outspoken and persistent advocates for the program. From your endorsement of the Legal Services Program some five years ago, you have championed this cause and helped fight the battles, and for this we are grateful.

Quantitatively the Legal Services Program includes some 850 Legal Services

Offices in 49 states, with a budget of \$58 million, financing approximately 1,900 legal services lawyers handling a case load of approximately 900,000 cases per year. They work in cities, on Indian reservations, in migrant camps and rural areas, providing legal advice, assisting in education on legal rights, providing day-to-day representation, and in some instances winning cases that have a national effect by virtue of their applicability to groups of the poor.

Interestingly, this program is much more. From this unusual group of outstanding men and women, young and old, of all races will come important leadership for the nation in the decade ahead. There is no doubt in my mind but that from the dedication, the experience, the intellectual capacity, and the raw drive of the lawyers in this program, will come not only important service to the poor but also will come future presidents of the ABA and the NLADA, future members of Congress, of the courts, directors of the Legal Services Program, and the Office of Economic Opportunity, and conceivably even a future President

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*Rumsfeld is director of the Office of Economic Opportunity.*

of the United States. This is truly a most unique collection of talent.

Each legal services attorney sees daily how systems must be renewed and tended to if they are to become and remain responsive to the needs and rights of all citizens. We see the ideas and drive for reform in the important effort to improve the operation of the process of American justice, and of the executive branch, institutions at the federal, state, and local levels. In an increasingly complicated society, there must be a means for achieving the incremental changes that are so necessary.

In past years, we have been successful in expanding the Legal Services Program, in increasing the budget and the number of lawyers, in improving the management and evaluation of systems, and in working with the Congress to see that the program is not weakened. This has been accomplished through work of many—

- through the efforts of men in political parties and in both Houses of Congress.

- through assistance in successive national Administrations, and certainly—

- through the successful leadership in both the ABA and the NLADA.

Why is the program important? Why is it worth so much to the society in the decade of the 1970's? Why is it necessary, despite the attacks—and indeed there are attacks, I know—to defend it and to preserve the vitality of this still young institution?

Is it irritating to be sued by a legal services lawyer who is funded by the taxpayers of the United States—for a governor, a secretary of agriculture, a mayor, a farmer, or any individual? The answer is yes, it is irritating: Ask any man who has served in these positions. Ask me—even I am not immune. Yes, the director of the agency that provides the funds for the legal services program has been sued, so I know.

But when one stops and reflects, it is

not an adverse decision the legal services lawyer renders. Rather, he provides the necessary access to the system of justice that should be available to all. In that sense, a lawsuit is not only acceptable and tolerable. It is desirable.

But beyond that—beyond the importance of a single suit—won or lost—and the benefit to an individual, or even a group of individuals, there is something more. There is a signal being sent out across the land that is of national importance.

That signal is clear. It says to all the people—use the system. And it says it at a time when some are saying, "Tear it down." It says the system of justice is available at a time when a few contend it is not. It says that justice under law is available to all regardless of race or economic circumstance, when some allege it is only for the privileged few. It says—despite the bigness and impersonal nature of the government systems—they can be made to work better for more people.

The signal is being sent out by some 1,900 lawyers across the United States of America. It says "no" to violence, to destruction, to anarchy. It says "no" to despair.

It is being said by a young lawyer helping on an Indian reservation today. He says it, not with words but with action. It is being said by a rural legal services lawyer helping a migrant. He says it, not with rhetoric but by example, by being there.

Just as problems in society are not solved by excessive rhetoric, they are not solved by pretending that they do not exist. In either case, the pressure will build, unless released by solutions. The daily solutions provided by legal services lawyers are relieving pressures in as legal, as peaceful, as responsible a way as is known to our society.

In expressing my thanks to you all, let me simply say that it is a tribute to the American people that the Office of Economic Opportunity Legal Services Pro-

gram was started, that the American Bar Association and the NLADA have so vigorously supported it, and that the Congress and the taxpayers have funded and sustained it.

It says something about the funda-

mental good sense of the American people and about their basic human decency.

I thank you for the honor you do the Legal Services Program.

STATEMENT ADOPTED UNANIMOUSLY BY THE NATIONAL STAFF  
OF THE OFFICE OF LEGAL SERVICES, OEO AND THE OEO  
LEGAL SERVICES REGIONAL DIRECTORS, REGARDING THE  
DISMISSAL OF TERRY F. LENZNER AND FRANK N. JONES

The staff of the National Office of Legal Services and all of the ten Legal Services Regional Directors are shocked by the dismissal of its Director, Terry Lenzner and Frank Jones. We find the reasons given for their dismissal totally unfounded; they should be immediately reinstated. We, more than anyone else, are ~~aware~~ aware of their dedication and the excellence of the work they were doing in administering the Legal Services Program for the maximum benefit of the poor against all efforts to destroy the integrity and independence of the Program.

This has been the most effective program in the country due to the vigorous efforts of the more than 2,000 Legal Services lawyers who have worked for their clients even when their cause has been unpopular. Reaction to outside pressures described by Mr. Lenzner and Mr. Jones at their press conference on November 21 remain the single greatest danger facing the Program.

The independence and integrity of Legal Services lawyers must continue. This was the fundamental principle for which Mr. Lenzner and Mr. Jones fought and it is on this same principle that we dedicate our service and support for the poor and the lawyers who serve them.

We are going to watch closely the performance of OEO to determine whether we can any longer serve the Program in the best interests of the poor.

**United States Senate**

COMMITTEE ON  
LABOR AND PUBLIC WELFARE  
WASHINGTON, D.C. 20510

December 4, 1970

Mr. Donald Rumsfeld  
Director  
Office of Economic Opportunity  
1200 19th Street, N. W.  
Washington, D. C. 20506

Dear Mr. Rumsfeld:

The Senate Subcommittee on Employment, Manpower, and Poverty invites you to testify at 10 a. m. on Tuesday, December 15, on the OEO Legal Services program. As you will recall, this Subcommittee held public hearings on October 7 and 9 to discuss proposals to "regionalize" the Legal Services program. The issue was left unresolved at the conclusion of those hearings. In the meantime, you have announced a decision on this issue and the National Advisory Committee on Legal Services has issued a report on the subject. We would like your testimony on the manner in which you have undertaken to resolve the regionalization question.

Sincerely yours,

GAYLORD NELSON  
Chairman  
Senate Subcommittee on  
Employment, Manpower & Poverty

GN:bcw

OFFICE OF ECONOMIC  
**OPPORTUNITY**

December 9, 1970

Honorable Gaylord Nelson, Chairman  
 Senate Subcommittee on Employment,  
 Manpower and Poverty  
 Senate Office Building  
 Washington, D. C. 20510

Dear Mr. Chairman:

I have received your letter concerning your plan to have the Senate Subcommittee on Employment, Manpower and Poverty hold a hearing on December 15, 1970, on the Legal Services Program.

I regret that I will not be able to appear on December 15; however, I would be happy to appear on Friday, December 18, at a time convenient to the Committee.

In view of the nature of the last hearing, which was held by your Subcommittee on this subject on October 7 and October 9, it would be helpful to me if you could be more specific as to the purpose of the hearing and the subjects to be discussed. It is my desire to see that the proper preparatory work is undertaken prior to the hearing so that we may be in a position to respond fully to questions that might be raised and so that I will be in a position to invite other members of the staff to be present who may have personal knowledge of matters which might be of interest.

Your letter indicates that the only question to be raised is "the manner in which you have undertaken to resolve the regionalization question." Is that correct? I raise this question because your letter of invitation to me appears to be in conflict with a press release issued by your office on December 7, 1970.

EXECUTIVE OFFICE OF THE PRESIDENT  
 WASHINGTON, D.C. 20506

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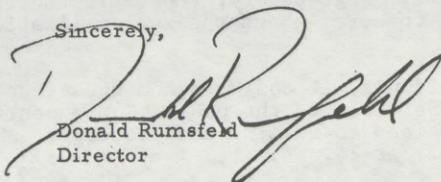
OFFICE OF  
 SENATOR GAYLORD NELSON

Honorable Gaylord Nelson  
Senate Office Building  
Washington, D. C. 20510

I would appreciate receiving some indication of what you mean by the phrase "the manner in which you have undertaken to resolve the regionalization question." It is unclear to me whether by that you mean the process that was used during the deliberations on that subject, or the specific question as to the desirability or the lack of desirability of one management arrangement versus another.

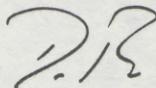
Are there specific events, statements, or memoranda on which you would like elaboration by the Agency? If so, please advise me so that we will be in a position to respond fully and promptly at that time.

Sincerely,



Donald Rumsfeld  
Director

- Please let me know if Dec. 18 is not  
convenient to you and we can try to  
work out a mutually acceptable date.



NEWS  
from  
the  
Office  
of  
Economic  
Opportunity



OEO WILL PROPOSE NEW LEGAL SERVICES LEGISLATION

On November 14, 1970, the Office of Economic Opportunity decided against "regionalizing" the Legal Services Program and issued a procedure designed to facilitate coordination and communication between Legal Services staff and the staffs of other offices in the Agency. Regrettably, those procedures have not ended the concerns about the regionalization question.

If the concern continues, it could weaken the effective delivery of Legal Services to the poor. Consequently, this Agency has decided to rescind the procedures which were issued on November 14.

The Agency will propose new legislation in the next session of Congress. It is our intention to raise the subject of Legal Services in that context and to seek a reasoned discussion among interested parties on the manner in which that program can best be structured to serve the needs of the poor. In the meantime, Legal Services will continue to be a centralized program administered by the Director of the Office of Economic Opportunity through the Director of Legal Services.

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Senate Subcommittee on Employment, Manpower and Poverty  
Senator Gaylord Nelson of Wisconsin, Chairman  
William R. Bechtel, Staff Director  
359 Senate Office Building  
Washington, D. C. 20510 (202) 225-3968

December 14, 1970

FOR IMMEDIATE RELEASE

WASHINGTON, D. C. -- Senate committee hearings on the embattled OEO Legal Services program were postponed Monday after OEO Director Donald Rumsfeld rescinded guidelines he had issued which had provoked nationwide protests.

Rumsfeld had been involved in a sharp dispute over whether the program of legal services to the poor should be "regionalized" -- brought under the control of 10 OEO regional directors appointed by Rumsfeld, most of whom are not lawyers.

After the organized bar, Legal Services lawyers, and several Senators sharply opposed "regionalizing" the program, Rumsfeld announced on Nov. 14 he would not do so. However, he released a new set of guidelines which some backers of Legal Services branded "back door regionalization." Rumsfeld also fired the Legal Services director, Terry Lenzner, who had fought against regionalization.

The Senate subcommittee on Employment, Manpower and Poverty, headed by Senator Gaylord Nelson of Wisconsin, then announced hearings for Dec. 15 and 16. Rumsfeld was reluctant to testify. Last week, Frank Carlucci was appointed OEO director to succeed Rumsfeld.

On Monday, OEO announced that it "has decided to rescind the procedures which were issued on Nov. 14," Pending action on new legislation, OEO said, "Legal Services will continue to be a centralized program administered by the director of OEO through the director of Legal Services."

The subcommittee then announced that the hearings would be postponed until early in the next session of Congress. Statements by the bar and other witnesses intended for this week's hearings will be printed as a part of the record of the Oct. 7 and 9 hearings.

"Differences involving Legal Services have not been resolved," a subcommittee spokesman said. "OEO still seems to believe the program should be brought under the authority of regional directors, while the organized bar and Legal Services lawyers strongly disagree. There also is a serious issue involving the status of the National Advisory committee on Legal Services. Senators on the subcommittee wish to resolve these issues at the earliest possible opportunity."

[From the Washington (D.C.) Post, Dec. 12, 1970]

#### OEO SUSPENDS CONTROVERSIAL RULES ON LEGAL AID PENDING 'CLARIFICATION'

The Office of Economic Opportunity has quietly suspended the guidelines for control of its legal services program. The guidelines, which were criticized as weakening the program, stirred a bitter fight last month that was climaxed by dismissal of two top legal services officers.

Acting legal services director Arthur Reid has acknowledged that he told regional OEO directors a week ago not to implement the controversial regulations pending "clarification" from Washington, but he had made no announcement to the public or his staff here.

The guidelines were issued Nov. 14 with a press release and copies of correspondence from OEO Director Donald Rumsfeld announcing that he was rejecting plans to scatter authority over legal services to 10 regional directors.

Critics complained that the guidelines were designed to weaken legal services by subjecting the program to political control and would accomplish the same objectives as the "regionalization" plan hotly contested by the organized bar.

Rumsfeld, who is leaving OEO to become a presidential counselor, later fired Terry Lenzner and Frank N. Jones, his two top legal services aides, touching off complaints from OEO staff members and expressions of concern from the American Bar Association.

It was learned that the suspension of the guidelines may be of short duration, perhaps only two weeks. John W. Douglas, president of the National Legal Aid and Defender Association, hailed the move as "an encouraging step which NLADA has been urging for some time. We trust that the suspension will lead to permanent changes restoring proper authority to the legal services program."

## MFY LEGAL SERVICES, INC.

95 DELANCEY STREET, NEW YORK, N. Y. 10002 • 533-8310

MARTIE LOUIS THOMPSON, Esq.  
Director

NANCY E. LeBLANC, Esq.  
Associate Director

KALMAN ROTHBAUM  
Executive Administrator

PATRICK J. LEACH  
Managing Attorney

Staff Attorneys:

DALE SPRINGER

VIRGINIA SCHULER

MARY JOE FRUG

December 1, 1970 SENATOR GAYLORD NELSON

The Honorable Gaylord Nelson  
Senate Office Building  
Washington, D.C.

My Dear Senator Nelson:

As an attorney who has represented the poor for three years, I am offended by the summary dismissals of two dedicated leaders of the legal services program, Terry Lenzner and Frank Jones, and disheartened at what this patently political action portends for the future of this program. Such an obvious assault upon the integrity of legal services is persuasive evidence that the present administration does not approve of independent counsel for those unable to pay for such services.

The firing of Lenzner and Jones is only the most recent attempt to politicize legal services. Such action under the guise of administrative prerogative, coupled with the efforts to "regionalize" the program and the rank requirement of political clearance before hiring personnel plainly demonstrate that lawyers for the poor, are not to be independent advocates. If this trend is not halted decisively, further respect for our system of government by law will be lost and, with it, the heart of "equal protection of the law."

Accordingly, the writer urgently requests that you use your full power and position to reverse this policy of this administration. Your support on several matters, it is submitted, will greatly advance this end:

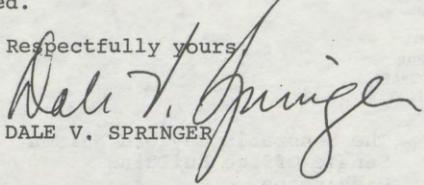
1. The immediate reinstatement of Terry Lenzner and Frank Jones;
2. Guaranteed funding of all threatened programs;

3. Removal of Donald Rumsfeld as OEO head for his hostility and insensitivity to the poor and his involvement in political machinations to the detriment of the poor; and, most importantly,

4. The establishment of an independent legal services corporation, the funding, personnel and activities of which will be freed from political pressures.

Your considerable assistance is vitally needed and will be greatly appreciated.

Respectfully yours

  
DALE V. SPRINGER

DVS:cs

ROBERT M. REYNOLDS  
Director

(206) FU 3-4804

CHARLES E. WAGG, JR.  
Assistant Director

## PIERCE COUNTY LEGAL ASSISTANCE FOUNDATION

1501 South M Street  
TACOMA, WASHINGTON 98405

November 27, 1970

The Honorable Gaylor Nelson  
Chairman  
Senate Subcommittee on Employment,  
Manpower & Poverty  
United States Senate  
Washington, D. C. 20510

Dear Mr. Nelson:

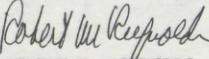
Enclosed please find a copy of a Resolution passed by the Board of Trustees of this organization. This is in amplification of the letter which I previously sent to you in connection with the controversy on regionalization. I understand that as of November 12, 1970, regionalization has been abandoned by the Office of Economic Opportunity. The Resolution of my board of trustees, however, is somewhat broader than that, being an emphatic objection to any device having a tendency to subject this organization to political pressures. In this connection, and for your information, I would like to make two points.

Firstly, this program receives most of its operating funds from the Office of Economic Opportunity, an agency of the federal government and for that reason not immune from political pressure. The effect, however, of having it funded at the federal level is to leave it relatively free of local political pressure. If the legal services programs are to do the job which they were set up to do, to wit, to give those unable to afford effective counsel legal representation, it seems to me imperative that a policy of avoiding directions to individual programs and to individual legal services attorneys be adopted and implemented on a conscious basis.

Secondly, it would certainly be a breach of legal ethics for myself, or any other attorney, representing a client to succumb to this kind of pressure. I am not familiar with the bar associations of all the states, but I believe that I can safely speak for the Washington State Bar Association. In this state an attorney who did so would, and in my opinion should, be disbarred.

I request that this letter be placed in your files in  
amplification of my prior letter.

Very truly yours,

  
ROBERT M. REYNOLDS  
Director

RMR/gds

Enclosure

R E S O L U T I O NPierce County Legal Assistance Foundation  
Board of Trustees

The Board of Trustees of the Pierce County Legal Assistance Foundation being advised that plans are presently being considered to reorganize the OEO funded legal services program to place the various legal services programs directly under regional OEO headquarters; and being further advised that additional plans are being considered which would place legal services programs under the Governors of the various states; and

Whereas, the Board is convinced that legal services programs must remain immune from all local, state and national political pressure, whether direct or indirect, to assure that the relationships between the attorneys involved in such programs and their clients, individually and collectively, remain inviolate, and their activities in behalf of their clients individually and their clientele as a whole remain unfettered and unaffected by extrinsic pressure, direct or indirect, from any source whatsoever other than said clientele; now, therefore,

BE IT RESOLVED that the legal services programs be maintained, governed and supervised separately from other OEO services, and separately from the influence of regional, state or local political agencies or other agencies subject to political influence from said agencies; and

FURTHER RESOLVED that to that end this Board objects to any change of the existing structure or the adoption of any organizational devices having the effect of subjecting them to such political influence; and

FINALLY RESOLVED that copies of this resolution be sent to the Honorable Gaylord Nelson, Chairman of the Senate Subcommittee on Employment, Manpower and Poverty; Donald Rumsfeld, Director of the Office of Economic Opportunity; the State Bar Association Committee on Legal Aid; Terry Lenzner, National Director of the Legal Services Program; Senator Warren G. Magnuson; Senator Henry M. Jackson; and Representative Floyd V. Hicks.

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DALE L. CARLISLE, President

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FRANKLIN D. BURGESS, Secretary

## LEGAL SERVICES PROGRAM

CARTER, ELLIOTT, GREENUP, LEWIS, MORGAN, ROWAN COUNTIES  
NORTHEAST KENTUCKY AREA DEVELOPMENT COUNCIL, INC.  
COMMUNITY ACTION AGENCY

Courthouse  
Greenup, Kentucky 41144

November 24, 1970

Senator Gaylord Nelson  
Senate Office Bldg.  
Washington, D. C.

Dear Senator Nelson:

I wish to protest the firing of Terry Lenzner and Frank Jones of OEO's Legal Services. In my opinion, this action - obviously at the direction of the President - removing the outstanding leadership of Legal Services is a clear indication that the Administration means to relegate Legal Services to a meaningless role in the war on poverty.

I realize that a new director will be appointed who will be under great pressure to conform - that is, make no political waves - or follow Lenzner and Jones.

As the director of a small program (three attorneys) I've had experience with the monetary cutbacks which have recently hit us very hard. We've dealt with that form of hand-slapping, and we'll deal with this as well.

I trust that your committee will reach the conclusion that Legal Services is a benefit to our society, and that the leadership of Messrs. Lenzner and Jones will be dearly missed.

Very truly yours,

*Stanley C. Nickell*

Stanley C. Nickell  
Executive Director

SCN/gd

cc: Terry Lenzner  
Frank Jones

## WESTERN CENTER ON LAW AND POVERTY

1700 WEST 8TH STREET • LOS ANGELES, CALIF. 90017

TELEPHONE (213) 483-1401

## BRANCH OFFICES

UNIVERSITY OF  
SOUTHERN CALIF.  
Law Center  
University Park  
Los Angeles, Calif. 90007  
(213) 746-8863

November 25, 1970

U.C.L.A.  
School of Law  
405 Hilgard Avenue  
Los Angeles, Calif. 90024  
(213) 825-1707

Senator Gaylord Nelson  
United States Senate  
Senate Office Building  
Washington, D. C.

Dear Senator Nelson:

I am writing you on a matter of grave significance to the future of OEO Legal Services and its continued ability to provide high quality legal assistance to our country's poor citizens. I refer specifically to Donald Rumsfeld's firing last Friday of the Director of Legal Services, Terry Lenzner, and his deputy, Frank Jones.

As you are no doubt aware, one of the reasons given to the press for the firing of these two men, who have consistently stood for vigorous legal representation for the poor in the face of sometimes overwhelming political pressures, was their alleged insubordination regarding the carrying out of certain directives concerning three local programs, one of which is the Western Center on Law and Poverty in Los Angeles.

Because of this charge, and in order to provide you with as much background information as possible, I am enclosing for your study a copy of a telegram sent by Terry Lenzner under severe pressure from Director Rumsfeld, dated October 22, 1970, setting forth the alleged violations pertaining to Western Center, and a copy of the reply sent on October 26, 1970, by the chairman of our Board of Directors, Martin Levine. I believe that both of these documents are self-explanatory

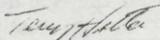
LOYOLA UNIVERSITY  
School of Law  
1440 West 9th Street  
Los Angeles, Calif. 90015  
(213) 776-4870

and will answer any questions you may have concerning charges that Western Center has failed to comply with the terms of its grant from OEO. Should you wish further documentation, I will be happy to supply you with a complete packet of information concerning the two cases in question, Alderete and McCullough.

It is my conviction that the firing of Mr. Lenzner and Mr. Jones constitutes a serious threat to the poor people of this country, and that it is contrary to the stated goal of this Administration to offer a means of peaceful change under the law for those who have suffered wrongs and violations of their Constitutionally-guaranteed rights.

I share your feeling that we must channel grievances through our courts and not the streets and want to urge you personally to do everything in your power to seek the immediate reinstatement of both Mr. Lenzner and Mr. Jones, and to assure the fact that in the future both they and the lawyers under their jurisdiction will be free from political interference, and able to continue to abide by the high professional standards of the Canons of Ethics of the American Bar Association which charge them with providing the best legal assistance possible to their clients.

Sincerely,



Terry J. Hatter, Jr.  
Director

TJH/j

Enc.

From: Terry F. Lenzner, Director, Office of Legal Services, OEO Washington, D.C.

To: Mr. Martin Levine, Esquire, Chairman, Board of Directors, Western Center on Law and Poverty, 1709 West Eighth St., Los Angeles, Calif.

To: Mr. Carl M. Franklin, Vice President for Financial Affairs, University of Southern California, University Park, Los Angeles, Calif.

We have been informed that your program, operating under OEO grant CG-7180, has represented individuals who are financially ineligible for services under the center's eligibility standards and the Economic Opportunity Act. We are setting out in this wire the steps the board of directors must take if the program is to continue to qualify for financial assistance from the Office of Economic Opportunity.

We have been advised that attorneys Segura, Gordon, Aubry, Bolen, and Jackson are representing the following individuals in two civil suits in the United States District Court in Los Angeles: Angel Alderete, Jim Bawek, Gale Duke Butler, Richard Cawley, Lillian Jones, Ivory Jones, Douglas Leroy, Fred Mills, Earl Smith, James Wiley, William Rogers, and Lloyd McCullough. The clients in question are or were employed by the California department of the youth authority and the suits involve their complaints that they were improperly disciplined by the department of the youth authority following a demonstration in which they participated. Mr. Bruce Kirschenbaum of my staff has discussed this litigation by telephone with Mr. Ralph Segura, Mr. Stanley Levy, and Mr. Terry Hatter of the western center. All three have acknowledged that the plaintiffs in the two suits have incomes in the \$10,000 to \$15,000 range, thereby clearly disqualifying them for service.

It appears that some of the center personnel contend that the plaintiffs qualified for services on the basis of complying with a provision of the center's present eligibility criteria that they claim allows representation after an applicant's case has been turned down by at least three private attorneys. However, the information we have received from Mr. Segura indicates that the provision in question was not complied with, since the referrals to the private attorneys were not made by center attorneys and since the center director did not make the eligibility determination. Consequently, even if the center's eligibility criteria are construed to permit such representation, a conclusion we reject, the procedure established for doing so was not complied with.

In any event, it is our view that the center may not represent other than low-income persons. There can be no question that this conclusion is required by the Economic Opportunity Act and by the legal services guidelines. The provision of free legal services to those whose incomes place them in the middle- or upper-income brackets is clearly in violation of the purposes and goals of the Economic Opportunity Act.

The purpose of this letter is to outline the response that is required of the board of directors of the center to deal with this matter. The following steps must be taken following receipt of this telegram.

Within 20 days, the cases in question must immediately be referred to private counsel, or, if that is not possible, permission must be requested of the court to withdraw from the cases on the ground that the attorneys are not authorized to provide representation to these clients.

Within 30 days and subject to office of economic opportunity approval, the board of directors must adopt new financial eligibility standards which clearly stipulate that legal services may only be provided to those low-income persons and groups who cannot afford private counsel. These standards must establish specific income levels as a basis for eligibility.

3. Within 30 days a thorough review must be conducted of all cases currently being handled by center attorneys to identify any cases where the clients being represented by the center are other than low-income persons or groups financially eligible for services under the present eligibility standards. Any such cases must immediately be referred to private counsel, or, if that is not possible, permission must be requested of the court to withdraw from the cases on the basis set out in point (1).

A report must be submitted to me at the end of the thirty-day period evidencing full compliance with these requirements. The report shall describe the disposition of the two cases in question, the adoption of new eligibility standards (and shall include a copy of the new standards), the results of the review of current cases, and the steps taken to refer or withdraw from any cases where ineligible clients are being represented.

In the event that full compliance with these requirements has not occurred within the thirty-day period, it will be necessary for us to consider suspension or termination of OEO grant CG-7180. I am sure that you can understand the necessity for prompt and effective action to eliminate any improper activities of the center if it is to continue to provide service to the poor.

WESTERN CENTER ON LAW AND POVERTY,  
*Los Angeles, Calif., October 26, 1970.*

TERRY F. LENZNER,  
*Director, Office of Legal Services,  
Office of Economic Opportunity, Washington, D.C.:*

This preliminary response to your telegram of October 22, 1970, is based on an initial review of the matter by the staff with me in advance of a meeting of our full Board.

I. First, your telegram states an inflexible standard of eligibility based solely on income rather than whether the client could afford to pay the lawyers fee in the case.

Our review indicates that this standard is not contained in the Economic Opportunity Act and is contrary to the OEO legal services guidelines, contrary to the standards of the National Legal Aid and Defender Association, and contrary to the eligibility criteria which you have approved for our program in 1969 and 1970.

A. The OEO guidelines reject a standard based solely on income. They provide that income is only one of several factors including "estimate of the cost of the legal services needed." They state "no standard should be inflexible," "the test should be whether the client can obtain representation", "if the fee is not sufficient to attract a private lawyer, the client may be eligible for the assistance of the OEO-funded program."

B. The NLADA standards and Practices for Civil Legal Aid has similar provisions. Standard 5 states that income is only one of several factors in determining eligibility, along with "availability of a private lawyer to handle the matter." It provides a test of whether the applicant is "financially able to retain an attorney for the services needed." The first comment specifically provides:

Legal aid organizations should adopt and apply standards that do not allow representation to be provided where the applicant can in fact retain counsel. Such standards should recognize, however, that this involves a relative judgment as to whether, under the circumstances of each case, the client has sufficient funds to hire a lawyer to perform the services needed. Standards which allow determinations of financial eligibility solely on the basis of specific income levels or the possession of specific assets, i.e. automobile, home, etc, should be eliminated.

Thus your telegram puts forward a major, important contraction in the availability of legal services to the poor.

C. The Western Center eligibility criteria were adopted by the Board of Directors and approved by OEO in 1969 and resubmitted and reapproved by OEO as part of our refunding in May 1970.

The eligibility criteria provide that income is only one of several criteria including "rejection of attempted referrals to private attorneys in the community." Paragraph 2D. The basic test is "inability to pay a reasonable attorney fee." Paragraph 2A. "Where three attorneys have indicated that they will not take the case, the case may be accepted by the Center with the approval of the Director." Paragraph 4.

II. Second, I am informed by our staff that substantial efforts were made to obtain private counsel for this case, but that no lawyer could be found whose fee the clients could afford. Over a dozen attorneys were contacted. We are continuing to try to obtain private counsel, but until there is a lawyer, or lawyers, whose fee(s) the clients can afford, our staff interprets the law to be that the clients are eligible for legal services.

III. Third, there appear to be factual inaccuracies in your telegram. Our staff informs me that attempted reference was made through the Lawyers Reference Service in compliance with the rules of that Service. In addition, other private attorneys and volunteer attorneys were contacted. Also, prior approval of the Executive Director was obtained before the case was filed. Thus it appears that the eligibility procedures were complied with. Further, it appears that not all of the individual clients are financially situated within the figures outlined by you in your telegram.

IV. Fourth, it appears that the issues involved in this case are important to the poverty community. Our clients are Youth Authority employees who were leading a campaign against racial discrimination in the Youth Authority which victimized many poor youths who are wards of the Authority. Because of their campaign, these employees were disciplined by the Youth Authority. Our representation seeks redress for the employees to protect their ability to campaign for the rights of the impoverished black and brown youths who are among the wards of the Authority.

V. Fifth, our staff is continuing our review of all our cases, which your office knew to be already in progress. Our Board will also reconsider our eligibility criteria. We will take guidance from the OEO Legal Services guidelines and the NLADA standards in redrafting such criteria.

Our staff is preparing full and complete documentation on this matter as we understand that your office has had only telephone reports to date. Our Board of Directors is taking up the entire question at once and will give it the closest attention. We will give your office a complete response well within the deadlines set by your telegram.

Your telegram's mention of suspension of our entire program appears most inappropriate and out of proportion for a matter involving only one pair of cases out of a large caseload.

Samuel Palmer, chairman of the Los Angeles County Bar Association's special committee on legal services, vice chairman of its committee on lawyers reference panels, and its representative for Western Center matters, has offered to come to Washington to discuss this matter with you more fully if you so wish.

MARTIN LEVINE,  
*Chairman, Board of Directors,  
Western Center on Law and Poverty.*

Reviewed and approved by :

CARL M. FRANKLIN,  
*Vice President, Financial Affairs.*

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[From the Los Angeles (Calif.) Times, Nov. 24, 1970]

#### FIRING OF TWO ANTIPOVERTY LAWYERS HIT

(By Harry Bernstein)

Nearly 250 lawyers from antipoverty agencies around the country joined in Los Angeles Monday in an attack on the Nixon Administration's handling of the Office of Economic Opportunity's legal programs.

The newest crisis in the OEO stemmed from the dismissal Friday of Terry Lenzner, director of the OEO's legal services, and his deputy, Frank Jones.

Hearings on the ousters are expected to start Monday in Washington before a Senate poverty subcommittee.

Support for the two fired legal chiefs came here at a meeting of about 250 OEO attorneys who said they represent "an overwhelming percentage of the nation's legal services clients and programs."

In a wire to OEO Director Donald Rumsfeld, the attorneys meeting at the Ambassador here said they were "outraged by the apparently arbitrary and unsatisfactorily explained firing of Lenzner and Jones."

#### NO FAST RESPONSE

The lawyers challenged Rumsfeld to fly here from Washington to defend his action before they adjourn the session Wednesday. There was no immediate response from Rumsfeld.

The legal aid attorneys, along with other groups attending the session here, accused Rumsfeld and the Nixon Administration of injecting politics and racism into programs which cost the government \$59 million a year to run 850 legal service offices around the country.

Jones, a Negro, attended the meeting here, charging that Rumsfeld "does not believe in equal justice for the poor."

The lawyers at the session sponsored by the Western Center on Law and Poverty demanded the Lenzner and Jones be reinstated because they have "vigorously worked within the legal system to provide legal representation for that 20% of this nation's citizens who cannot afford the fees customarily charged by members of the private bar."

While Rumsfeld's critics here charged that the two legal chiefs were fired because of politics and a "shift to southern bigots and right-wing politicians," Rumsfeld and his aides said the dismissals were necessary because of alleged insubordination of the two men.

One key case involved in the dismissals stemmed from the Los Angeles-based *Western Center on Law and Poverty*, which was accused of improperly providing legal services to clients who were not poor by OEO standards.

#### FAIL TO TAKE ACTION

Rumsfeld said the two ousted officials failed to take action against the Western Center even though they knew the Western Center clients in one case had enough money to buy their own legal help.

The Western Center board of directors' chairman, Martin Levine, offered documents Monday to dispute the charge, basing the defense on whether the clients involved could really afford the legal help they sought rather than on whether the clients were in the poverty income bracket.

The case stemmed from a series of incidents involving Negroes and Mexican-American employers of the California Youth Authority who said they were unfairly disciplined for their action following a demonstration of black and brown parolees.

All efforts to get private lawyers to take their case failed, Western Center officials said, and only then did the Western Center agree to take on the case.

#### CLIENTS NOT "POOR"

It is true that the clients were not "poor," as strictly defined by OEO guidelines, Western Center officials said, but they said the guidelines also reject a standard based solely on income, and the test also includes a question of whether a client can get private legal help.

"The clients were being censured for public statements and protests of conditions alleged to exist within the California Youth Authority, and in particular the racist attitudes and practices there . . ." the Western Center documents charged, adding:

"Without our assistance, legal action could not have been taken on the clients' behalf due to the high costs and time involved."

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#### TELEGRAMS

MILWAUKEE, WIS., *November 25, 1970.*

SENATOR GAYLORD NELSON,  
*Senate Office Building,*  
*Washington, D.C.*

We are opposing the action that was taken against attorney Terry Linser and attorney Frank Jones. We feel that this action proves to the poor people you are trying to stop the assistance rendered by the legal services for the poor.

ABERTINE WARREN,  
*Milwaukee Legal Services Board Member.*

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MILWAUKEE, WIS., *November 30, 1970.*

SENATOR GAYLOR NELSON,  
*Senate Office Building,*  
*Washington, D.C.*

I strongly urge you to oppose the blatantly political firing of Terry Lenzner at OEO.

Attorney TRUMAN A. MORRISON, III.

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ALBANY, N.Y., *November 24, 1970.*

HON. GAYLORD NELSON,  
*Chairman, Subcommittee on Employment, Manpower, and Poverty, U.S. Senate,*  
*Washington, D.C.*

As legal services project directors in New York State, deeply concerned with the future of the OEO legal services program, we wish to apprise you of our

misgivings concerning recent administrative actions which we believe raise serious questions about OEO's commitment to a viable legal services program.

Terry Lenzner and Frank Jones, former Director and Deputy Director, were strong and capable advocates for an innovative program. Accordingly, they earned our complete support and cooperation. We regard their recent dismissal as a serious blow to the integrity and independence of the entire OEO legal services program.

We further view with alarm administrative efforts to place funding and other policymaking powers, over legal services projects, in the hands of OEO regional directors and OEO Director of Operations in Washington. Such a development, whether called regionalization, decentralization, or coordination, would undermine the authority of the Director of Legal Services and dilute his ability to administer the program. Our responsibility for effective representation of clients would be seriously compromised in any case which might locally be viewed as controversial. Inevitably such a policy would exert a chilling effect on our professional role as attorneys for the poor.

We are also concerned about reports of inflexible Federal requirements for political clearance as a major consideration in appointments to the legal services staff. We submit that the agency's unique role must preclude narrow political partisanship. A restrictive personnel policy which emphasizes political acceptability at the expense of professional excellence tends to discourage capable non-partisan applicants, generates mediocrity in staff appointments, and will erode the quality of the program, to the detriment of our clients.

(Albany) Lawrence F. Klepper, executive director, Legal Aid Society of Albany, Inc.; (Albion) Henry Steinglass, Executive Director, Orleans Legal Aid Bureau; (Buffalo) Salvatore A. Balacchino, Administrator, Legal Aid Bureau of Buffalo; (Elmira) Vernon Bonsignore, Director, Chemung County Neighborhood Legal Services; (Jamestown) Terry Duro, director, Chautauqua County Legal Services; (Mineola) Leonard Clark, director, Nassau County Law Services Committee; (Monticello) Nathan G. Hand, director, Sullivan County Legal Services Corp.; (New City) Anne Glickman, chief attorney, Legal Aid Society of Rockland County; (New York City) John Dewitt Gregory, chief counsel, Community Action for Legal Services; (Niagara Falls) William Loncto, Jr., executive director, Niagara Falls Legal Aid Society; (Poughkeepsie) Martin Marcus, director, Dutchess County Legal Services Bureau; (Rochester) Joan O'Byrne, executive director, Monroe County Bar Legal Assistance Corp.; (Syracuse) Minna Buck, acting director, Onondaga Neighborhood Legal Services; (Utica) Frederic Baldwin, director, Legal Aid Society of Oneida County; (White Plains) Sidney Spector, executive director, Westchester Legal Services.

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CHICAGO, ILL., November 25, 1970.

SENATOR GAYLORD NELSON,  
Senate Office Building,  
Washington, D.C.

Employees of OEO Great Lakes region, Local 2816 AFGFE, express deep concern over summary termination of Terry Lenzner, Director, Office Legal Services, and Frank Jones, Deputy Director. This action raises serious doubts about OEO's commitment to independent advocacy type programs for the poor, and about OEO's attitude toward employees who work hard for OEO's goals and resist attempts to politicize programs. We urge matter be investigated, that Messrs Lenzner and Jones be reinstated, and that further action be taken to insure full control of legal services program by lawyers and clients.

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES LODGE 2816.

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Fort Wayne, Ind., November 23, 1970.

SENATOR NELSON,  
Senate Office Building,  
Washington, D.C.

The purpose of this telegram is to express my disappointment and disagreement with your recent firing of Terry Lenzner and Frank Jones. I feel the rea-

sons you gave are completely inadequate and express a desire to undermine and terminate the effectiveness of legal service for the poor. In replacing these two men I feel you should get a competence clearance from the National Clients Council, plea Regional LSP Director, National Advisory Council and poor client in general, ABA and NBA, and LSP attorneys instead of a political clearance from the president.

IVAN E. BODENSTEIN,  
*Director, Fort Wayne Legal Service Program.*

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DETROIT, MICH., *November 23, 1970.*

Senator GAYLORD NELSON,  
*Senate Office Building,  
Washington, D.C.:*

The Michigan State Clients Council protest the discharge of Terry Lenzner, Director of Legal Services program and his Deputy Director, Frank Jones. It is felt by this citizens group, State and locally, that these are truly fine gentlemen who are concerned about the welfare of the poor.

N. M. BUSSEY,  
*State Chairman, Member of the Great Lakes Board and Clients Council,  
Member of the National Clients Council.*

---

AKRON, OHIO, *November 25, 1970.*

Senator GAYLORD NELSON,  
*Senate Office Building,  
Washington, D.C.:*

Strongly protest firing of Terry Lenzner and Frank Jones from OEO Legal Services positions. The poor must have competent aggressive spokesmen in highest governmental posts. Dismissal of Lenzner and Jones can only alienate the poor and contribute to the further polarization of and division between Americans and lead to further unrest. Respectfully urge reconsideration of this critical matter.

JOHN R. GULDIN,  
*General Counsel, Summit County Legal Aid Society.*

---

LOS ANGELES, CALIF., *November 24, 1970.*

Senator GAYLORD NELSON,  
*Senate Office Building,  
Washington, D.C.:*

Urge you immediately seek reinstatement Lenzner, Jones, roll back regionalization, protection Legal Services independence.

DON B. KATES, Jr.,  
*Magic Springs, Road, Gilroy, Calif.*

---

YOUNGSTOWN, OHIO, *November 24, 1970.*

Hon. GAYLORD NELSON,  
*U.S. Senate,  
Washington, D.C.:*

The Mahoning County Legal Assistance wishes to list as protest to the firing of Terry F. Lenzner and Frank Jones as Director and Deputy Director of Legal Service Program.

CHARLES E. CARTER,  
*Chief Counsel.*

---

COLUMBUS, OHIO, *November 24, 1970.*

SENATOR GAYLORD NELSON,  
*Senate Office Building,  
Washington, D.C.:*

In behalf of the entire staff of this agency, I wish to register a protest against the summary dismissal of Terry Lenzner and Frank Jones. Both have clearly

revealed their support of dynamic and independent legal services program to defend the rights of the Nation's poor through established judicial channels. If their position conflicts with your policies, then your policies should be changed. Otherwise, OEO can be only run through Nixon administration.

ROY F. MARTIN,

*Director, Legal Aid and Defenders Society of Columbus.*

---

NEWARK, OHIO, *November 24, 1970.*

GAYLORD NELSON,  
*Senate Office Building, Washington, D.C.:*

Our program is opposed to the firing of Terry Lenzner and Frank Jones.  
LICKING COUNTY LEGAL AID SOCIETY.

---

DES MOINES, IOWA, *November 24, 1970.*

SENATOR GAYLORD NELSON,  
*Senate Office Building,  
Washington, D.C.:*

As a project director with 4 years' director's experience with Office of Economic Opportunity legal services programs, I believe a serious mistake has been made by our termination of Terry Lenzner and Frank Jones. It is almost impossible for me to believe that Mr. Lenzner and Mr. Jones have not been administering the legal services program consistent with the policies and mission as prescribed by the Congress of the United States to anyone in the field. The legal services program has never had better administration than that provided by Mr. Lenzner.

I cannot believe Lenzner's termination was not a direct result of his activities in opposition to the planned regionalization of OEO legal services. I can only assume regionalization is now inevitable regardless of what it is called. It will mean the destruction of the legal services program as an effective tool free from political interference. I urge you to reconsider the termination of Lenzner and the regionalization of the legal services program.

ROBERT C. OBERBILLIG,

*Director, Legal Aid Society of Polk County.*

---

TOLEDO, OHIO, *November 24, 1970.*

SENATOR NELSON,  
*Senate Office Building,  
Washington, D.C.:*

The following telegram has been sent to Donald Rumsfeld: Your actions firing Terry Lenzner and Frank Jones are ill-considered and a disservice to the poor. Those concerned with the due process rights of others should judiciously guard the due process of their subordinates. Such a peremptory action can only bring discredit upon the program which owes its success in great measure to the individuals who were fired.

STAFF AND BOARD OF DIRECTORS,  
*Of Advocates for Basic Legal Equality.*

---

ASHTABULA, OHIO, *November 24, 1970.*

SENATOR GAYLORD NELSON,  
*Senate Office Building,  
Washington, D.C.:*

Please be informed that this agency protests the recent firing of Terry Lenzner and Frank Jones. Protest is based on apparent planned invasion of the autonomy, integrity and effective means of legal aid as planned and put in operation in cooperation with our local bar association. Please reconsider your actions.

Sincerely,

GEORGE LIVIOLA, JR.,  
*Director, Ashtabula County Legal Aid Corp.*

## MILWAUKEE LEGAL SERVICES, INC.

Director  
Robert G. Munro  
Deputy Director  
Harriet Tonskemper  
Appellate Director  
Robert D. Repasky

136 West Wells Street - Suite 400  
Milwaukee, Wisconsin 53203

271-9222

SOUTH OFFICE  
1322 South 16th Street  
671-6940

NORTH OFFICE  
2218 North 3rd Street  
372-7400

November 23, 1970

Senator Gaylord Nelson  
Senate Subcommittee on Employment,  
Manpower and Poverty  
United States Senate  
Washington, D. C. 20510

Dear Senator Nelson:

The recent discharge of Terry Lenzner and Frank Jones from their respective positions with the Legal Services Program caused immense concern on my part and, I am sure, on the part of all legal services attorneys nationwide.

Although I personally felt these two men labored in a less-than-sympathetic atmosphere, I believed them to be doing the best job possible. Their expressed concern for the legal rights of poor was more than matched by their actions before the public in general and the Congress.

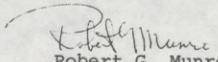
I appreciate an agency director's need to retain the right to hire and fire, and to direct his program, but I find it particularly reprehensible to cloak the reasons for dismissal as Rumsfeld reportedly did.

This dismissal and what I expect to be a purely political appointment of the new director are clear indications of current philosophy, i.e., the silencing of all dissent, however legal it may be.

Having been a part of the O.E.O. Legal Services Program since its inception (in Minneapolis and now Milwaukee) I confess that I feel the demise of the program sums in view unless action is taken. The 1900 attorneys will not suffer, but what of the clients?

My staff and I appreciate your committee's efforts in behalf of our clients and once again ask your continued assistance.

Very truly yours,

  
Robert G. Munro

RGM:mvg

cc: Senator Walter F. Mondale

Thomas W. Godfrey  
President, Board of Directors

COUNCIL FOR THE LEGAL RIGHTS FOR THE POOR  
195 WOODBINE ST. CRANSTON , R.I.  
NOVEMBER 23, 1970

Gaylord Nelson  
U.S. Senator  
Chairman of Sub-Committee  
Employment, Manpower and Poverty  
Room 359, Old Senate Building  
Washington, D.C.

Dear Sir,

I would like to make a request on behalf of the members of our council to appear before the sub-committee in the forth-coming hearings involving the National Legal Services Program and its proposed decentralization to ten regional areas.

We have been very active in the Rhode Island program since its inception in 1966 and strongly support the independent legal judgement of the program as it is now structured. We have several classic cases to discuss in which the poor have secured justice that might not have been successful had a veto power been employed.

Effective legal services to the poor is the best weapon that our council has found to help win the war on poverty. Any revision of the concept as it is now practiced would be an infringement upon the neighborhood attorney who must guaranty equal justice to the poor under the law.

We have made this request through the office of U.S. Senator Claiborne Pell from Rhode Island.

Please inform us if our request can be granted and if so when such an appearance can be made.

Very truly yours,

COUNCIL FOR THE LEGAL RIGHTS FOR THE POOR

  
CHARLES F. LANIGAN CHAIRMAN

Atlanta, Ga.,  
November 24, 1970

Mr. Joseph W. Mullen, Jr., Chairman ABA/YLS;  
Senator Walter F. Mondale;  
Senator Gaylord Nelson;  
The Members of the Committee and Associate and Advisory,  
Extension of Legal Services to the Poor Committee, ABA/YLS;  
Mr. Edward Wright, President, American Bar Association;  
Mr. John Robb, Chairman, Standing Committee on Legal Aid, ABA;  
Hon. Arthur Reid, Acting Director of Legal Services, OEO;

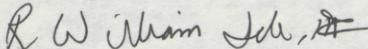
Gentlemen:

The following telegram was sent today to Hon. Donald Rumsfeld, Director Office of Economic Opportunity, 1200 19th Street, Washington, D. C. 20506:

SEVERAL WEEKS AGO OUR COMMITTEE, REPRESENTING YOUNG LAWYERS FROM THROUGHOUT THE COUNTRY, RESOLVED THAT PROPOSED REGIONALIZATION OF OEO LEGAL SERVICES PROGRAM PRESENTED A SERIOUS THREAT TO THE DOLLAR EFFICIENCY AND EFFECTIVENESS OF THE LEGAL SERVICES EFFORT. THE COMMITTEE VIEWS RECENT DEVELOPMENTS AS A STEP TOWARD ACCOMPLISHING INDIRECTLY THE SAME PLAN OF REGIONALIZATION, WHICH PLAN OEO HAD PROCLAIMED AS ABANDONED. OUR CONCERN FOR THE FUTURE OF LEGAL SERVICES IS HEIGHTENED BY THE REPORTED DISMISSAL OF MESSRS. LENZNER AND JONES WITHOUT CONSULTATION WITH THE LEADERS OF THE ORGANIZED BAR. THE ORGANIZED BAR MUST BE INVOLVED WITH THESE SERIOUS MATTERS. AN EXPLANATION OF THIS UNILATERAL ACTION IS DUE THE ORGANIZED BAR.

(signed) R. WILLIAM IDE, III, CHAIRMAN  
ABA/YLS COMMITTEE ON EXTENSION  
OF LEGAL SERVICES TO THE POOR.

Sincerely,

  
R. William Ide, III

RWI:og

LEGAL AID SERVICE  
 MULTNOMAH BAR ASSOCIATION  
 MAIN OFFICE  
 402 SENATOR BUILDING

732 S.W. THIRD AVENUE - 224-4089 - PORTLAND, OREGON 97204

CHARLES J. MERTEN  
 DIRECTOR

November 24, 1970

TO: ALL MEDIA

FROM: CHARLES J. MERTEN, DIRECTOR  
 MULTNOMAH COUNTY LEGAL AID SERVICE

Yesterday I received a telegram from Mr. Donald Rumsfeld, Director of OEO, setting forth his reasons for firing Terry Lenzner and Frank Jones, the two top officers of the National OEO Legal Services Office. The only reason stated for this severe action was that the two "were either unwilling or unable to effectively carry out OEO policy". No evidence supporting this conclusion was offered and, to my knowledge, no facts justifying this action, if any exist, have been made public.

Mr. Rumsfeld's position does not conform to the facts known to the staff of this program. OEO has communicated no change in its basic policy to this program or, to my knowledge any other legal services program, in the last year. That basic policy is to provide legal service to the poor which is as good as any paying client can receive. Mr. Lenzner and Mr. Jones, in the unanimous opinion of the 22 lawyers associated with the Portland program, have done an outstanding job in implementing this policy. They have expanded the availability of legal service to the poor, upgraded several programs, initiated effective innovative projects; and, most importantly, preserved the integrity of the attorney-client relationship established between OEO lawyers and their clients from political attacks made upon it by the ill-fated Murphy Amendment and, most recently by the Administration's attempt to grant authority over the program to political appointees, most of whom were non-lawyers--a move strongly condemned by the American Bar Association.

The lawyers in this program are gravely concerned about the meaning of Mr. Rumsfeld's action in firing Lenzner and Jones and, by resolution, have today unanimously urged him to reinstate the two men, to reaffirm OEO's commitment to the integrity of the attorney-client relationship, and to restate OEO's belief in the concept of law and order for all, including legal justice for the poor.

**P L E A****POVERTY LAWYERS FOR EFFECTIVE ADVOCACY**

November 24, 1970

**DIRECTORS & OFFICERS**

Theodore E. Mitchell, Chairman  
D.N.A., P. O. Box 306  
Window Rock, Arizona 86515.

Carolyn S. Jones, 1st Vice Chairman  
Legal Aid Society of Alameda Co.  
1330 Chestnut St., Oakland, Calif.

Peter D. Coppelman, 2nd Vice Chairman  
California Rural Legal Assistance  
22 Martin St., Calif 95020

Ed J. Polk, Secretary  
Dallas Legal Services Project  
301 N. Market St., Dallas, Texas

David H. Dugan III, Treas., Member, Sec.  
Camden Regional Legal Services  
647 Viola St., Camden, N. J.

Henry A. Freedman  
Center on Social Welfare Policy and Law  
Columbia University  
401 W. 117th St., New York, New York

Don B. Kates, Jr.  
California Rural Legal Assistance  
22 Martin St., Glend, California

James Dolan  
Boston Legal Assistance Project  
393 Dorchester St., S. Boston, Mass.

Thomas A. Goldsmith  
Volusia County Legal Services  
1209 W. New York Ave., Deland, Fla.

Sheldon H. Roodman  
Community Legal Counsel  
116 S. Michigan Ave., Chicago, Ill.

Peter d'Enrico  
D.N.A., P. O. Box 967  
Shiprock, New Mexico 87420

Arthur A. Benson, III  
The Legal Aid and Defender Society  
of Greater Kansas City  
2920 E. 31st St., Kansas City, Mo.

James E. Rode  
Legal Aid Society of Metropolitan Denver  
1378 Delaware St., Denver, Colorado

John M. Clough  
Legal Aid Service, 402 Senator Building  
732 S.W. Third Ave., Portland, Oregon

TO: All Media

FROM: John H. Clough  
as Representative of the Tenth Region  
Board of Directors, P.L.E.A.

The recent firing of Terry Lenzner and Frank Jones, Director and Deputy Director of Legal Services, by Donald Rumsfeld, Director of the Office of Economic Opportunity, is a graphic example that an effective program for the poor must buckle under when judged on the scale of political expediency. This singularly destructive act of Rumsfeld cuts far deeper than the mere firing of two employees, for now the whole program is in jeopardy.

It should be remembered that in 1966 OEO was a birth-child from the rubble of Watts and other riot-torn cities. The primary purpose of OEO and particularly Legal Services was to give the poor a working viable alternative to seeking redress of their grievances in the streets. The National Advisory Commission on Civil Disorders (Kerner Commission) in 1966 noted that there was a growing cynicism on the part of the poor that governmental agencies and officials had any desire or effectiveness in providing an opportunity to work within the system and gaining solutions to their problems. Out of this background came Legal Services, one of the real hopes of the poor to seek assistance from an organization that was willing to pick up their fights to the end. In order to maintain any credibility with their clients, it is mandatory that Legal Services maintain the independence of counsel and the attorney-client relationship free from any political interference. To this end, Legal Services attorneys have been in a constant struggle to ward off political attacks, and have, until now, been successful.

The real struggle began when Senator Murphy of California introduced his amendment to the OEO Authorization Bill in the Fall of 1969 which sought

to place the control of Legal Services in the hands of the governors of various states. This would have meant the termination of Legal Services Projects in many states. Fortunately, this fight was won in the House when the counterpart (the Quie-Green Amendment) was resoundingly defeated. When the OEO Authorization Bill came out of the committee in the House, it was reported with the caveat that no political control was to be placed on Legal Services.

Following that came the hints from Rumsfeld's office at "regionalization" of Legal Services. The basic thrust of "regionalization" is that the Regional OEO Director would have control over the Regional Legal Services Directors. Essentially it was the Murphy and Quie-Green Amendments by administrative fiat, subverting the intent of Congress as shown in the House debates and committee reports. The "regionalization" struggle reached its peak when Senators Mondale and Nelson held hearings on the subject before the Senate Subcommittee on Employment, Manpower and Poverty in October, 1970. At those hearings Rumsfeld stated that "we have not decided what to do" and that he had "not even gotten the final recommendation from (his) own staff as to how and if it should be done." At the hearings, copies of memoranda were produced dating back to April, 1970, from members of Rumsfeld's staff detailing how "regionalization" was to operate and treating it as a final decision with all but the minor details to be resolved. These memos clearly indicated that they were sent with the full knowledge and approval of Rumsfeld.

Senator Mondale rescheduled more hearings on the subject to be held in November. Rumsfeld then released to the press a statement on November 14, 1970, that he had abandoned "regionalization". That same day he instituted new "procedures" in OEO which provided for the Regional OEO Directors to have a veto power over the Regional Legal Services Directors. This is merely "regionalization" without the label.

These have been the highlights. There were other struggles to save the integrity of local programs, preserve the funding of controversial ones like California Rural Legal Assistance, D.N.A. (Navajo Indian Reservation Program), and the project in Jackson, Mississippi; constant harassment and surveillance of the programs in New Orleans, Dallas, and the Western Center on Law and Poverty in Los Angeles; and the furor surrounding the Oklahoma Plan. Over the past year harassment of individual projects manifested itself by the OEO staff delaying refunding of controversial projects for months; and of the central and regional staffs by the refusal of political clearance for Legal Services positions. Also, the Reginald Heber Smith Fellowship Program, which was designed to encourage black and brown attorneys in the practice of poverty law, has been cut nearly in half in funding for the next fiscal year; this being a direct affront to the blacks and browns. At the end of Lenzner's tenure, official responses of Legal Services were being drafted by the staff of OEO.

Rumsfeld was left with but one alternative to obtain his way to political control over Legal Services--remove Lenzner. The stage was calculated and set and the elections were over. Shortly prior to Rumsfeld's summary dismissal of Lenzner and Jones, Rumsfeld met with Ed Wright, President of the American Bar Association. Without informing him of his intention to fire Lenzner and Jones, Rumsfeld obtained a general statement of support for the Legal Services Program under Rumsfeld. With that statement in hand, he then announced the dismissal of Lenzner and Jones and in the same breath released Ed Wright's statement, misleading the press and the public into thinking that his actions had the A.B.A.'s support, thereby attempting to "mousetrap" the A.B.A. Ed Wright has since repudiated any thought that the firing of Lenzner and Jones had his prior knowledge and support.

Lenzner's replacement is Arthur Reid, a 41 year old attorney with no prior Legal Services experience or involvement. The program, it is now feared, will be totally subservient to Rumsfeld's dictatorship.

On November 23, 1970, the entire National Staff of Legal Services and the ten Regional Directors released a joint statement that they were "shocked by the dismissal" and that the "reasons were totally unfounded". It continued that they would be "against all efforts to destroy the integrity and independence of the program". They concluded with the statement that "We are going to watch closely the performance of CEO to determine whether we can any longer serve the program in the best interest of the poor."

Rumsfeld has previously indicated to the Board of Directors of P.L.E.A. that he does not have the best interests of the poor in mind. Through his statements then and through his actions since in his attempts to throttle the effectiveness of the Legal Services Program, he has demonstrated that he is utilizing his office for his own political gain at the expense of the poor. He has, in short, been the Judas goat to the cause of the poor. There is something morally wrong, if not illegal, about his duplicitous course of activity that at the very least, demands his resignation.

The Board of Directors of P.L.E.A. unanimously applauds Lenzner and Jones for the excellent job that they have done as leaders of the Legal Services Program. They have the respect of us all.

P.L.E.A., the national bar association for legal services attorneys, has made the following demands of Rumsfeld:

1. The immediate reinstatement of Lenzner and Jones.

2. The immediate abrogation of the November 14, 1970, procedures implementing "regionalization".

3. The end to political interference with Legal Services, including termination of the practice of requiring political clearance for National and Regional Staff positions.

4. The total refunding of the Reginald Heber Smith Fellowship Program.

5. That a national committee be established to insure the accountability and honesty of OEO to the poor, to protect individual funding of programs, and to protect Legal Services' future as regards legislation.

P.L.E.A. has demanded of Arthur Reid:

1. The immediate funding of the Legal Services Project in Jackson, Mississippi, California Rural Legal Assistance, D.N.A., and the grant for the Elderly Poor to the National Council of Senior Citizens.

2. The immediate ending of all threats of suspension or budget cuts against New Orleans Legal Assistance Project, Dallas Legal Services, and the Western Center on Law and Poverty in Los Angeles.

If the foregoing will not be accomplished immediately, then P.L.E.A. demands the resignation of Donald Rumsfeld forthwith.

It is anticipated that Rumsfeld will soon announce the funding of C.R.L.A. and D.N.A. as a specious offer of good faith. However, Rumsfeld has clearly shown that he cannot be believed or trusted. Therefore, only time and future actions will tell what direction the program will take.

P.L.E.A. also asks that people who feel as we do, that the programs for the poor should not be tampered with in such a cavalier manner, register their displeasure by writing to their delegation in Washington, D.C.

Legal Services attorneys across the country are also closely watching the performance of OEO to determine whether they too can any longer serve the program in the best interest of the poor. We shall soon know what the stand of this administration is on this issue of law and order.

COMMUNITY LEGAL ASSISTANCE OFFICE  
235 BROADWAY  
CAMBRIDGE, MASSACHUSETTS 02139  
TELEPHONE 492-5520  
(AREA CODE 617)

RECEIVED  
NOV 28 1970  
OFFICE OF  
GAYLORD NELSON

DIRECTOR  
A. VAN C. LANGKTON

CHIEF ATTORNEY  
JOHN C. CRATSLEY

STAFF ATTORNEYS  
MARK E. BUDNITZ  
WALLACE W. SHERWOOD  
LOUISE G. GANS

November 24, 1970

OUR FILE NUMBER

Mr. Donald Rumsfeld, Director  
Office of Economic Opportunity  
Washington, D.C.

Dear Mr. Rumsfeld:

The attorneys and staff of the Community Legal Assistance Office wish to register their strong objection to the firing of Terry Lenzner and Frank Jones. As front-line legal service lawyers and personnel, we know that the independence and integrity of the legal services program are essential to its continued success. These two men gave us great confidence that these values were being preserved. The ability of Mr. Lenzner and Mr. Jones to exercise independent judgment and leadership at the national level were important factors in the successes of legal services programs and in their insulation from political attack. We note that Mr. Lenzner and Mr. Jones have asserted that they were fired because they were effective. We urge you to refute this charge by assuring that their successors are men who will act as vigorously and independently as they did and by establishing administrative procedures which will assure that they can work effectively.

Sincerely,

*John C. Cratsley*  
John C. Cratsley  
Mark Budnitz  
Ellen Davis  
Norma L. Binkley  
Ann M. Young  
Jeanne Petterson  
Mary H. Warner

*John M. Fromm*  
John M. Fromm  
John Kowitz  
Richard D. Ellenberg  
Ann T. Brice  
Louise G. Gans

November 23, 1970

The Honorable Gaylord Nelson  
 United States Senator  
 Senate Office Building  
 Washington, D. C.

RECEIVED

NOV 26 1970

OFFICE OF  
 SENATOR GAYLORD NELSON

Dear Sir:

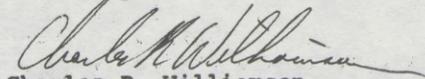
I have served as a VISTA Attorney in the Multnomah County Legal Aid Service in Portland, Oregon, for the past year. My work has involved the drafting of legislation in the consumer protection and tenants' rights areas, test cases in state and federal court, and general intake of clients.

I have found the leadership provided by Terry Lenzner as Director of the OEO Legal Services Program to be outstanding. I am therefore firmly convinced that his firing represents the culmination of efforts by the Nixon Administration to curtail effective legal representation of the poor. It is a thinly veiled threat to all attorneys remaining in the legal services program that aggressive and quality advocacy will be discouraged.

Only through the continuation of a viable legal services program can the protest and discontent of the underprivileged be channeled into constructive and creative action within the system. The elimination or diminution of the effectiveness of this program will surely result in senseless and destructive acts of protest; the poor will have been left with no legal alternative.

I strongly urge you to join with the American Bar Association and the thousands of poverty lawyers and non-poverty lawyers around the country in registering your strong disapproval of the firing of Mr. Lenzner.

Sincerely,



Charles R. Williamson  
 VISTA Attorney

517 N.E. Killingsworth  
 Portland, Oregon 97211



NATIONAL  
TENANTS  
ORGANIZATION  
INCORPORATED

425 Thirteenth Street, N.W., Suite 54B, Washington, D. C. 20004 • (202) 347-3358

T E L E G R A M

Donald Rumsfeld, Director  
Office of Economic Opportunity  
1200 19th Street, N.W.  
Washington, D. C. 20506

The National Tenants Organization, an affiliation of over 200 local groups representing several hundred thousand poor tenants across the country, vehemently protests the firing of Terry Lezner and Frank Jones and urges their reinstatement.

The poor tenants of the United States need lawyers and legal programs that are responsive to their needs, even when this means supporting politically controversial law suits and clients. Lezner and Jones were such men and therefore they must be reinstated.

The National Tenants Organization  
425 13th Street, N.W.  
Washington, D.C.

C O P Y

C O P Y

C O P Y

WALTER F. TAUBER, M.D., F.A.C.O.G.  
OBSTETRICS AND GYNECOLOGY

180 MAPLE STREET  
SPRINGFIELD, MASS. 01105

6 STONY HILL ROAD  
INDIAN ORCHARD, MASS. 01051

TELEPHONE (418) 782-9226

November 23, 1970

Senator Gaylord Nelson  
Senate Office Building  
Washington, D.C.

Subject: Legal Services for the Poor.

RECEIVED

NOV 25 1970

OFFICE OF  
SENATOR GAYLORD NELSON

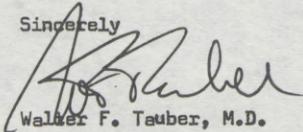
Dear Seantor Nelson:

The advice to the young, to the poor, to minorities from many sides is to work within the system for changes that they feel are needed for a better America. In recent years, legal service projects for the poor have provided an avenue within this system for change.

The firing of top level personnel in OEO for working for the continued viability of this program and the announced plans to decrease the litigation power of OEO affiliated legal projects, does not promise either justice or peace for the future.

As a member of the Board of Directors of the Springfield OEO sponsored law office, I am well aware that court action is not always the answer to injustice, but its availability makes negotiations more fruitful. As a member of Neighborhood Legal Services, as a voter and as a taxpayer I urge you to exert your influence for the continued effectiveness of OEO law offices by preserving their freedom of action, parallel to the options available to any private law firm.

Sincerely



Walter F. Tauber, M.D.

P.S. To keep the records straight in the words of the New York Times I am un-young, un-poor, and un-black.

**COPY**

FROM THE STATLER HILTON, WASHINGTON

COPY FOR

FOR INFORMATION, CALL  
ROBERT HALE, 202/333-2020OR  
301/946-11503

FOR IMMEDIATE RELEASE:

NOV 26 1970

OFFICE OF  
SENATOR GAYLORD HILSON

THE FOLLOWING RESOLUTION WAS ADOPTED TODAY BY A GROUP OF MUNICIPAL

HOUSING CODE ADMINISTRATORS, CITY ATTORNEYS, HOUSING COURT JUDGES,  
CEO ATTORNEYS, AND HOUSING CONSULTANTS, MEETING AT A NATIONAL INSTITUTE  
ON HOUSING CODE ENFORCEMENT:

WE ARE GRAVELY CONCERNED OVER THE FUTURE OF CEO LEGAL SERVICES. WE BELIEVE THAT HOUSING CODE ENFORCEMENT HAS BEEN IMMEASURABLY STRENGTHENED BY THE EXISTENCE OF VIGOROUS, INDEPENDENT REPRESENTATION OF THE POOR, AS CARRIED OUT BY LEGAL SERVICES PROGRAMS ACROSS THE COUNTRY.

THE DISMISSAL OF THE LEGAL SERVICES DIRECTOR TERRY LENZNER AND DEPUTY DIRECTOR FRANK JONES HAS GIVEN RISE TO CHARGES THAT THE LEGAL SERVICES PROGRAM IS UNDER ATTACK FROM THE ADMINISTRATION. WE HOPE THIS IS NOT TRUE. WE CALL ON THE ADMINISTRATION TO REPUDIATE THIS CHARGE, AND TO AFFIRM ITS INTENTION TO CONTINUE TO OPERATE A LEGAL SERVICES PROGRAM INDEPENDENT OF NON-PROFESSIONAL CONSIDERATIONS.

11-21-70

## THE LEGAL AID SOCIETY OF ROANOKE VALLEY

702 SHENANDOAH AVENUE, N. W.

P. O. BOX 479

ROANOKE, VIRGINIA 24003

## STAFF ATTORNEYS

CHARLES L. APPERSON  
RALPH W. BUXTON  
CHARLES W. GRIFFIN  
WILLIAM B. LISSNER  
A. BLANTON MASSEY

TELEPHONE  
AREA CODE 703  
344-2088

November 24, 1970

KURT BERGGREN  
GENERAL COUNSEL

## SMITH FELLOWS

DAVID G. KARRO  
JOHN M. LEVY  
GERALD G. POINDEXTER

The President  
The White House  
Washington, D. C. 20002

Dear Mr. President:

We the undersigned Legal Services attorneys of the Roanoke Valley Legal Aid Society wish to express disapproval of the firing of Terry F. Lenzner and Frank N. Jones as Director and Deputy Director of the OEO Legal Services Office. It is our feeling that the leadership of these two men has been a critical ingredient in the efforts to bring equal justice under the law to the poor of this country. We are particularly fearful of what this action portends for the future of the Legal Services Program. We are very much concerned that the present Administration may attempt to destroy the Legal Services Program, which we feel is probably the most effective federal program for the poor of this country.

We hope that our fears are imaginary, but these dismissals seem to indicate that it is the policy of the present Administration to weaken and perhaps even eliminate effective legal representation for the poor. The present law and order emphasis can have no real meaning unless the poor are afforded equal access to the courts and to the legal remedies which the non-poor have.

We respectfully request that the Administration dispel our fears, remove the Legal Services Program from the political arena, and revitalize the program with increased

funding and with the appointment of a professionally competent Director and Deputy Director, who are sympathetic to the needs of the poor and who are free from political machinations.

Respectfully,

Charles L. Apperson  
Charles L. Apperson

Kurt Berggren  
Kurt Berggren

Ralph W. Buxton  
Ralph W. Buxton

Charles W. Griffin  
Charles W. Griffin

David G. Karro (KB)  
David G. Karro

John M. Levy  
John M. Levy

William B. Lissner  
William B. Lissner

A. Blanton Massey  
A. Blanton Massey

Gerald G. Poindexter  
Gerald G. Poindexter

KB/dhg

cc: Harry F. Byrd, Jr.  
United States Senate  
Washington, D. C. 20510

John W. Douglas, President  
National Legal Aid and  
Defender Association  
American Bar Center  
1155 East 60th Street  
Chicago, Illinois 60637

Governor Linwood Holton  
State Capitol Building  
Richmond, Virginia 23219

Walter F. Mondale  
Chairman, Subcommittee on Poverty  
Senate Office Building  
Washington, D. C. 20510

cc: Richard G. Poff  
Congress of the United States  
House of Representatives  
Washington, D. C. 20515

Donald Rumsfeld  
Director, OEO  
1200 Nineteenth Street, N. W.  
Washington, D. C. 20506

John S. Shannon, President  
Legal Aid Society of Roanoke Valley  
Norfolk & Western Railway  
General Office Building  
c/o Law Department  
Roanoke, Virginia 24011

William B. Spong, Jr.  
United States Senate  
Washington, D. C. 20510

Edward L. Wright, President  
American Bar Association  
Little Rock, Arkansas

November 23, 1970

308 Professional Bldg.  
10 Peterboro  
Detroit, Michigan 48201Chairman  
Senate Poverty Subcommittee  
Senate Labor Committee  
Washington, D.C.

Dear Sir:

I am writing this letter as a secretary for a legal services, and you may thus, dismiss it for its lack of real insight into the legal problems of OEO legal services. But if not, I would like to voice my feeling about the recent changes in the legal services administration.

Admittedly, I don't fully understand the politics or reasons for the changes, but I have come to understand in small part the goals of the legal services for which I work.

Our program has sued such institutions as the Board of Education, the Department of Social Services, the Department of Public Health and the County Sheriff's office. To the casual observer these actions would seem radical indeed. But there is an underlying pattern to these suits that does not intend to undermine these operations nor even attack them in any real sense. Instead, all of these suits had one aim whether openly stated or not, merely to get people in official positions to do their job. We sued the Board of Education with the intent of getting them to implement school lunch programs in schools that needed them most, Title I schools. We sued the Department of Social Services on numerous occasions to get them to conform to the federal regulations. We sued the Department of Public Health to get them to implement inspections where they had failed to do so. We sued the Sheriff's office to get them to conform to the bail-bond statute. Legal services, at least the one with which I am most familiar is engaged in the task of persuading those in governmental positions to alleviate some social problems and to do their job.

These are not revolutionary actions, nor are they radical. They are, if you will, a form of checks and balances in our rather large and overwhelming governmental system.

If there is one, single impression of law gained from my experience with the legal services it is that law is people. All the courts, governmental, administrative, law enforcing and social agencies operated and sustained by people may and have at some time lacked the effectiveness and efficiency they would like to have. The legal services is the only check the poor and politically powerless people have to assure that those in governmental agencies are doing their appointed job.

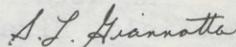
The attorneys in my office are not wide-eyed idealists who charge on their white stallions to aid the oppressed masses. They are as radical as the Constitution of the United States to which they turn in almost every legal action. A Congressman once said, "I spend most of my time talking people into doing things they should do without being talked into doing." There is a strong analogy here.

I would like to urge the gentlemen on the Subcommittee (though I am hardly in a position to urge anyone) so I ask that whatever route legal services takes, due to the new administration, that it doesn't hamper or hinder the aim or modus operandi of the present legal services programs.

But, if restructuring is necessary, at least consider the people who depend on legal services and consider the affect the change will have on the aim of legal services. Let us not deceive poor people into thinking they have an effective means of redress, if they do not.

Thank you for your kind attention,

Sincerely,



Susan L. Giannotta  
Secretary  
Michigan Legal Services

P.S. This letter in no way should be construed to be the voice of management. If it is offensive, only one head should roll.

November 24, 1970

TO: Senator Jacob Javits  
Senator Walter Mondale  
Congressman Ogden R. Reid  
Edward Wright, Esq.  
President  
American Bar Assn.  
Senator Gaylord Nelson  
Gentlemen:

The attached telegram was sent to Mr. Donald Rumsfield, Director of O.E.O. on November 24, 1970 in response to the firing of the Director of Legal Services and his Deputy.

MR. DONALD RUMSFIELD  
 DIRECTOR  
 O.E.O.  
 1200 19th St.  
 WASHINGTON, D. C.

VIA WESTERN UNION

NOVEMBER 24, 1970

WE, THE UNDERSIGNED LEGAL SERVICE ATTORNEYS IN  
 WESTCHESTER COUNTY, NEW YORK STATE, ASK THAT YOU

1. REINSTATE TERRY LENZNER AND FRANK JONES
2. CALL A MEETING OF THE NATIONAL ADVISORY COUNCIL  
 IMMEDIATELY
3. RESCIND THE NEW DECENTRALIZATION PLAN IMMEDIATELY
4. RESTORE THE REGGIE PROGRAM TO A FULL COMPLEMENT
5. ELIMINATE POLITICAL CONSIDERATIONS IN THE HIRING  
 OF NATIONAL AND REGIONAL STAFF

(Signed)

Dennis Barrett  
 Charles Brennan  
 Bernard Clyne  
 Michael Dale  
 Peter Evans  
 Sigmund Geronimo  
 Fred Greene

John Hand  
 Ed Leavy  
 Andrew Levy  
 Norman Lichtenstein  
 John Nolan  
 Al Perlman  
 Martin Schwartz

Antone Singesen

Chairman  
Senate Poverty Subcommittee  
of the Senate Labor Committee  
US Senate  
Washington, DC

22 November 1970

Dear Mr. Chairman:

By necessity, this must be something of a form letter. However, I trust that you will consider my remarks.

In today's paper, it is reported that Donald Rumsfeld has dismissed Terry Lenzner and Frank N. Jones, the director and deputy director of the legal services program. New York Times, 22 Nov. 1970 at 46.

Mr. Rumsfeld's action is just the latest of a series of political incursions directed against legal services by the Nixon administration. And it seems to me that few members of the Congress have spoken against the gradual destruction of this program.

During the past two years, I have worked with thirty other law students as a volunteer in one of the local offices of the Boston Legal Assistance Project. I have come to recognize the extent to which justice is equated with money in this society. Without legal services, the poor and the lower middle class are left without legal representation or with representation by marginal and slum lawyers.

Is this nation now going to disclaim its fundamental ideal, that of the rule of law? Without legal services, the poor and the lower middle class cannot share in the rule of law. The height of hypocrisy is to reserve justice to those who are fortunate enough to afford counsel.

Yet, what are you members of Congress doing to protect and strengthen legal services? True, you prevented a racist from sitting on the Supreme Court, but the poor need representation in the district courts of this Commonwealth and other states. You have defeated the Murphy amendment, yet you have allowed 330 staff positions to be cut from legal services through the dismantling of the Reginald Heber Smith fellowship program. You have not protested political interference with local legal services programs- New Bedford is but one example of such interference. You have not sought to expand legal services through larger appropriations. The Boston project, for example, does not have the staff to reach 10 per cent of the poor and lower middle class who need counsel in Boston.

Will you speak against the President's destruction of legal services? Or will you allow the program to become victim of cynicism, political accommodation, and empty rhetoric? When he entered office twenty-two months ago, the President acclaimed legal services; now he has abandoned the program for political expediency. What chauvinism, demagoguery, and chicanery....

*E. J. Dailey*  
EDWARD J. DAILEY  
Lakeside Avenue  
Wrentham, Massachusetts  
02093

## cc:

Hon Edward W. Brooke  
Hon Margaret Heckler  
Hon Edward M. Kennedy  
Hon Richard M. Nixon  
Hon Thomas P. O'Neil

[From the Washington (D.C.) Star, Dec. 10, 1970]

## RUMSFELD CONTRADICTS NIXON PLEDGE

(Column by Milton Viorst)

They call it "Reggie"—the Reginald Heber Smith Community Lawyer Fellowship Program—and it takes the country's best law graduates, subjects them to an intensive four-week course in poverty law and sends them out to give representation to the poor.

Administered under the aegis of the Office of Economic Opportunity, Reggie is designed, on the one hand, to attract bright young lawyers into poverty law and, on the other, to give intelligent, aggressive legal assistance to poor people.

In the past year, almost half the "Reggies" have been blacks or Mexican-Americans. They have been the elite of the OEO's Legal Services program. So splendid is Reggie's reputation that this year 75 percent of all black and 90 percent of all chicano law graduates applied to join it.

By common agreement, it's been one of the most successful and useful programs in the entire war on poverty.

But Reggie's administrators have just learned from Donald Rumsfeld, the OEO director, that their program will be slashed by a third this year. It's only \$2 million—which is about what the Vietnam war currently costs per hour. But the cut means there will be 325 Reggies in the field, instead of the 470 that are working now.

The cutback is the latest in Rumsfeld's campaign to cripple Legal Services—and perhaps the entire Office of Economic Opportunity. It seems clear that the war on poverty is winding down at a faster rate than the war in Vietnam.

In presiding over the disintegration of OEO, Rumsfeld is something of a mystery. At times, he has seemed genuinely committed to its objectives. Just last week, for example, he angrily denounced the Senate Finance Committee for imposing intolerable restrictions on Legal Services lawyers.

But Rumsfeld is unusually ambitious and, having worked his way into the President's confidence, he is no Wally Hickel, disposed to take risks. Nixon never liked the poverty program. Rumsfeld doubtlessly is taking his cue for sabotaging OEO from the President himself.

For months, the White House has been troubled by the complaints from governors, business executives, welfare administrators and other representatives of vested interests that the OEO's poverty lawyers, in behalf of their poor clients, are costing them money and embarrassment.

The solution Rumsfeld designed was to take direction of these lawyers away from Terry Lenzner, head of Legal Services in Washington, and put them under the OEO's regional directors, political appointees who understand Nixon's conservative "game plan."

But Lenzner turned out to be a lot tougher than Rumsfeld had anticipated when he hired him. A former Harvard football player, Lenzner fought back tirelessly and well.

Unexpectedly, his principal ally was America's stodgy legal establishment, led by the American Bar Association.

To its credit, the bar association has consistently argued that the poor must be encouraged to look to the legal system for social justice, and that lawyers should be given the incentive to use the law to help them.

Serving on Lenzner's advisory board were ABA President Edward Wright, ABA President elect Leon Jaworski and ABA Immediate Past President Bernard Segal.

"Legal confrontation," said one study produced for the advisory board, "is at the center of the American system of jurisprudence, and to deprive legal services programs of independence . . . is an intolerable precondition on the availability of justice to the poor."

Nonetheless, on Nov. 20, Rumsfeld fired Lenzner and, while disclaiming any intention of putting the regionalization plan into effect, instituted new procedures which produced precisely the same results.

Then he went to work on the Reggie program. Since it is run by blacks, through the facilities of the Howard University Law School, and serves a clientele that is 90 percent non-white, to gut it so harshly looks unmistakably racist.

But if racism was not the decisive factor, then pure politics is—for in the last election 90 percent of black voters went Democratic.

Once upon a time, Nixon said that his deeds would prove he was neither anti-black nor anti-poor. In Rumsfeld's assault on OEO, the President's deeds are even more damning than his words.



SCHOOL OF LAW

**HOWARD UNIVERSITY**  
WASHINGTON, D. C. 20001

FOUNDED BY GENERAL O. O. HOWARD

REGINALD HEBER SMITH  
*Community Lawyer Fellowship Program*  
1343 H STREET, N.W.  
WASHINGTON, D. C. 20005

November 16, 1970

The Honorable Gaylord Nelson  
United States Senate  
Washington, D. C. 20510

Dear Senator Nelson:

Having exhibited in the past that the future of Legal Services Programs such as the Reginald Heber Smith Community Lawyer Fellowship Program, and the welfare of Howard University, are matters of great concern to you, I am enclosing for your information a copy of a resolution relating to both.

This resolution was passed on November 13, 1970 by the assembly of the National Legal Aid and Defenders Association at the 48th Annual Convention in San Antonio, Texas. The resolution was endorsed by numerous organizations at the convention and is indicative of the serious concern members of the legal profession have for the future of the Reggie Program.

The resolution speaks for itself, but we would be both pleased and anxious to provide you with any additional information that you may require. It is our sincere belief that the proposed reduction in the size of the Reggie Program is just one element in a calculated plan to significantly reduce the effectiveness of legal services and to directly affect the rights of poor people throughout this country. Any efforts that you may make in this behalf would be sincerely appreciated.

Very truly yours,

A handwritten signature in cursive script that reads "Glenn E. Carr".

GLENN E. CARR  
Director

Enclosure

## RESOLUTION PASSED AT THE 48TH ANNUAL NLADA CONVENTION

SAN ANTONIO, TEXAS

NOVEMBER 13, 1970 #9

RESOLUTION ON THE SURVIVAL OF THE REGINALD HEBER  
SMITH COMMUNITY LAWYER FELLOWSHIP PROGRAM  
(HEREINAFTER, REGGIE)

WHEREAS, the Reggie Program has successfully trained more than 600 attorneys during the past four years, for the poor community of this nation served by O.E.O. Legal Services, and

WHEREAS, these attorneys have been and are among the most effective lawyers working on behalf of the poor in this country, and

WHEREAS, the Reggie Program this year for the first time, placed more than 100 blacks, Chicano and Puerto Rican lawyers in the field and currently maintains a program for 470 attorneys in legal services, and

WHEREAS, the Reggie Program next year can and must place twice as many blacks and three times as many Chicanos in the field as well as an increasing number from other minority groups, because 90% of the client community being served are members of racial and ethnic minority groups which increasingly and properly are demanding representation by lawyers, with similar racial and ethnic backgrounds to their own, and

WHEREAS, the Reggie Program anticipates more than twice as many applications for positions, and

WHEREAS, Donald Rumsfeld, director of O.E.O. has disregarded the past and present success of this program and seeks to limit the total number of first and second year Reggies to 325 for fiscal 1971-72 and to reduce the salary schedule for those lawyers at a time when minority group attorneys are being attracted through this program in considerable numbers for the first time, and

WHEREAS, the effect of these actions by Mr. Rumsfeld will be to close the doors of legal services to ethnic and racial minority group lawyers which are so vitally needed at this time,

WHEREAS, the effect of Director Rumsfeld's action is threatened curtailment of the program during the first year when it is being operated and maintained by poverty program lawyers from predominantly minority backgrounds at Howard University, thus discriminating against minority lawyers and their clients,

WHEREAS, Rumsfeld has acted in all vital particulars concerning the Reggie Program in a manner contrary to the recommendations of O.E.O. Legal Services,

NOW THEREFORE BE IT RESOLVED:

1. The NLADA opposes the curtailment of the Reggie Program at a time when more black and brown lawyers are being attracted to legal services than ever before.
2. The NLADA supports a program of not less than 500 first and second year Reggies for fiscal 1971-72.
3. NLADA shall apprise the legal profession, the client community and Congress of the administrative decisions being made by Donald Rumsfeld, as director of O.E.O., which will result in potential curtailment of the Reggie Program.

Submitted by  
Legal Services Program of  
Albuquerque, New Mexico  
Dallas, Texas

## ECONOMIC OPPORTUNITY LEGAL SERVICES PROGRAM, INC.

JOHN E. SMITH, ESQ.  
PRESIDENT  
HOWARD W. DIXON, ESQ.  
EXECUTIVE DIRECTOR

395 N.W. 1ST STREET  
MIAMI, FLORIDA 33128  
SUITE 202  
TELEPHONE 379-0822  
(AREA CODE 305)



December 7, 1970

Senator Gaylord Nelson  
U. S. Senator  
Senate Office Building  
Washington, D. C.

Dear Senator Nelson:

Re: Resolution against recent actions  
of Office of Economic Opportunity

In behalf of the Board of Directors of the Economic Opportunity Legal Services Program, Inc., I herewith send you a copy of a Resolution this day executed by our Board of Directors.

I know from reports that you have been very concerned in the operation of Legal Services by OEO.

We here in Miami have been very concerned because we have a program providing legal services to 7,000 annually while at the same time undertaking a large number of law reform issues. Because of these law reform issues, we are concerned that OEO's action is, at best, an attempt to make it more difficult for Legal Services everywhere to operate. We hope that your office can make some meaningful change in the operation of OEO.

Sincerely yours,

*Leo Adderly*  
LEO ADDERLY  
President

LA:gs

Enclosure

R E S O L U T I O N

The Board of Directors of Economic Opportunity Legal Services Program, Inc., passed the following resolution.

WHEREAS, the Office of Economic Opportunity has undertaken the regionalization of Legal Services, thereby subjecting Legal Services attorneys to non-lawyer control, and,

WHEREAS, such regionalization will create administrative nightmares, by reason of the failure of OEO to establish a line of authority within the professional requirements of the Canon of Ethics and the organized Bar, and,

WHEREAS, this so-called "regionalization" will be a coercive and intimidating force requiring individual projects and lawyers to undertake "safe" and "non-controversial" representation, for fear of offending political non-lawyer appointees in the regional offices, it is therefore Resolved:

1. That the Office of Economic Opportunity retract its proposal for the new so-called type of regionalization.
2. That the powers previously provided to the Office of Legal Services be restored in full.
3. That Terry Lenzner and Frank Jones be rehired in the same capacity and with the same authority as previously provided them.
4. That in the alternative, the Office of Economic Opportunity give its blessing and support to the concept that Legal Services be funded as a separate agency by the Congress of the United States.

DATED at Miami, Florida this 7<sup>th</sup> day of December, 1970.

ECONOMIC OPPORTUNITY LEGAL  
SERVICES PROGRAM, INC.

BY *Bo White*  
PRESIDENT

*Margaret Rosen*  
SECRETARY

RHODE ISLAND LEGAL SERVICES, INC.  
56 PINE STREET  
PROVIDENCE, RHODE ISLAND 02903

TELEPHONE (401) 274-2652

November 16, 1970

RECEIVED

DIRECTOR-COUNSEL  
JOHN J. DONAHUE

NOV 18 1970

OFFICE OF  
SENATOR GAYLORD NELSON

Honorable Gaylord Nelson  
United States Senator  
State of Wisconsin  
United States Senate Building  
Washington, D. C. 20510

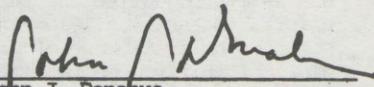
Dear Senator Nelson

Enclosed are copies of resolutions of various organizations in Rhode Island opposing the proposed plan of "regionalization" of Legal Services Programs. These organizations have asked that I forward a copy of their resolution to you for your information.

- 1) Diocesan Human Relations Commission, Diocese of Providence
- 2) Rhode Island Community Action Program Directors Association
- 3) Board of Directors of Rhode Island Legal Services

Enclosed also is a copy of an editorial from the Providence Evening Bulletin dated October 2, 1970, "Lawyers for the Poor."

Very truly yours,

  
John J. Donahue

JJD:ja  
Encls.

## HUMAN RELATIONS COMMISSION

## DIOCESE OF PROVIDENCE

19 Davis Street  
Providence, Rhode Island

November 9, 1970

RESOLUTION

RESOLVED: "That the Human Relations Commission for the Diocese of Providence expresses its opposition to the proposed plan of the Office of Economic Opportunity to "regionalize" the Legal Services Program of that office. It is the view of the Board that the "regionalization" plan, which would place authority and control over local Legal Services Programs in Regional Directors of OEO, would not be consistent with the present goal of Legal Services Programs to provide vigorous legal representation for low-income persons. We wish to urge the continuance of the current OEO policy, which makes local Legal Services Programs directly responsible for providing effective legal representation to the poor to the National Director of Legal Services. The present plan has worked well and should be continued, chiefly because it permits no interference with the professional lawyer-client relationship. Any change in the present policy, such as is contemplated in the "regionalization" plan could adversely affect the best interests of low-income clients of legal services programs by permitting restrictions, other than legal considerations, to be placed on legal services lawyers in their representation of poor persons.

The Human Relations Commission for the Diocese of Providence has as its objective the furtherance and coordination of efforts to assist all low-income and minority groups in the Roman Catholic Diocese of Providence. The Commission consists of thirty members, lay and religious, representing a broad cross section of leadership among the business, professional, religious, minority and low-income groups in the State of Rhode Island."

November 9, 1970

R E S O L U T I O N

The Rhode Island Community Action Director's Association, consisting of the Directors of each of the eight Community Action Agencies in Rhode Island, passed the following Resolution at their monthly meeting on November 9, 1970:

RESOLVED: "Independence is necessary to the functioning of any effective OEO funded Legal Services Program. OEO's recent proposal to decentralize the administration of Legal Services by transferring control of the Program in each area to the OEO Regional Director in that area is a step towards the destruction of the independence of Legal Services.

Legal Services, in its attempt to secure the rights of the poor must, on occasion, take action which inconveniences and angers state and local officials. It is the feeling of this organization that the CEO Regional Director is much less able to stand up to such political pressure than a National Director of Legal Services.

Since we recognize the value of an aggressive un-intimidated Legal Services Program, we hereby request that you abandon any attempt to regionalize Legal Services."

RHODE ISLAND LEGAL SERVICES, INC.  
56 PINE STREET  
PROVIDENCE, RHODE ISLAND 02903  
TELEPHONE (401) 274-2652

DIRECTOR-COUNSEL  
JOHN J. DONAHUE

November 5, 1970

RESOLUTION

RESOLVED: "That the Board of Directors of Rhode Island Legal Services expresses its opposition to the proposed plan of the Office of Economic Opportunity to "regionalize" the Legal Services Program of that office. It is the view of the Board that the "regionalization" plan, which would place authority and control over local Legal Services Programs in Regional Directors of OEO, would not be consistent with the present goal of Legal Services Programs to provide vigorous legal representation for low-income persons. We wish to urge the continuance of the current OEO policy, which makes local Legal Services Programs directly responsible for providing effective legal representation to the poor to the National Director of Legal Services. The present plan has worked well and should be continued, chiefly because it permits no interference with the professional lawyer-client relationship. Any change in the present policy, such as is contemplated in the "regionalization" plan could adversely affect the best interests of low-income clients of legal services programs by permitting restrictions, other than legal considerations, to be placed on legal services lawyers in their representation of poor persons.

The Board of Rhode Island Legal Services desires to point out that its present composition of 29 persons consists of 15 lawyers and 14 non-lawyers, one third of the latter being low-income persons. This Resolution, therefore, is the expressed view of a body almost 50% of which is represented by laymen."

[From the Providence Evening Bulletin—Oct. 2, 1970]

## LAWYERS FOR THE POOR

The first reaction to proposed decentralization of the antipoverty program's Legal Services may be that it is an esoteric fine point—a technicality.

While that may be, it is also much more than that. It is a fine point that could emasculate a program of major importance to the poor. Presently, direction resides in the Washington headquarters of the Office of Economic Opportunity (OEO). The plan under consideration by Donald Rumsfeld, OEO director and a man of growing influence with the President, is to shift authority for hiring, funding and policy direction of the Legal Services to the 10 regional directors.

The 31-member Legal Services Advisory Board is firmly opposed. One member, a representative of the American Bar Association, said it would "politicize" and eventually destroy the program. "When a difficult case comes up, like suing Governor (Ronald) Reagan (of California), there's a tremendous amount of political pressure. A regional director can't resist it the way an attorney can. And when a legal program has to start giving into political pressure, you might just as well junk the whole program."

The basic philosophy of Legal Services is to provide the poor with the legal weapons and ammunition to fight City Hall, so to speak, as the more affluent members of society are equipped to do. Politicians know and fear this. Historically, the poor have been virtually devoid of political power or the ability through the courts to wrest changes in their own behalf.

"The principle that we're fighting for," said another member of the advisory committee, "is that the poor should have justice just as equal as those who can pay."

That is why when Congress last year attempted to give the governors of the 50 states veto power over Legal Services, lawyers were adamant in their disapproval and the effort died. The same kind of situation exists in the pending decentralization. By making regional directors simultaneously responsible for the program but vulnerable to political pressure, officialdom would have the veto power well within its grasp.

Mr. Rumsfeld naturally disputes this reasoning. If he and the administration are sincere in their desire to help the poor, they will give the lawyers' opposition all the consideration it deserves. The Legal Services is far too effective an instrument to be cast aside, a victim of political cynicism at its worst.

LEGAL AID SOCIETY  
OF THE PIMA COUNTY BAR ASSOCIATION  
*Tucson, Ariz.*

RESOLUTION

I, J. Emery Barker, do hereby certify that I am the duly elected and presently acting President of the Legal Aid Society of the Pima County Bar Association, an Arizona non-profit corporation; that the following is a true and complete copy of a resolution duly adopted by the Board of Directors of the corporation at a regular meeting, held in Tucson, Arizona, on November 9, 1970, and that it has not been revoked or modified in any manner:

"Whereas, the Legal Aid Society of the Pima County Bar Association has received information and advice from various sources that the Office of Economic Opportunity has under consideration and proposes to inaugurate a change in the organization of the structural operations of the Office of Legal Services with the purpose of transferring authority over legal service programs throughout the United States from the Office of Legal Services to the Office of Economic Opportunity (CAP) Directors; and

"Whereas, the proposed plan is known and described as the 'regionalization plan' and is diametrically in opposition to the previous statements made by the President of the United States and the Director of the Office of Economic Opportunity both of whom expressly indicated their complete support of an independent legal services program for the poor with national goals and emphasis; and

"Whereas, the Legal Aid Society of the Pima County Bar Association firmly believes that the confidence of the client constituency of the legal services program is the foundation for effective legal services and that neither the client constituency nor the legal services programs, nationwide, including this program, have been consulted concerning nor actually favor such a regionalization plan: Now, therefore, be it

*"Resolved*, That the Legal Aid Society of the Pima County Bar Association in its regular meeting assembled hereby expressly states its complete opposition to any plan, program or administrative reorganization which tends to lessen the independence of legal services, or which transfers direct or indirect authority over legal services programs to any persons who are not primarily concerned with legal services, or which subjects legal services programs to the vagaries of any national or local, political, administrative or other pressures; and be it further

*"Resolved*, That this Society expressly opposes the proposed OEO 'Re-Regionalization' design which proposes to transfer effective authority and responsibility from the legal services staff to the OEO Regional (CAP) Directors, all of which design is in direct contravention of the purposes of the legal services program as passed by the Congress and approved by the President of the United States."

Unanimously adopted at Tucson, Arizona, this 9th days of November, 1970.

J. EMERY BARKER,  
President, Board of Directors.

## LEGAL AID OFFICE OF SAVANNAH, INC.

Room 100 (Ground Floor) Realty Building  
SAVANNAH, GEORGIA 31401

RECEIVED

November 3, 1970

NOV 5 1970

PHONE 233-0187

FRANK B. ZEIGLER  
GENERAL COUNSEL  
MYRON SEIDLITZ  
ASST. GEN. COUNSELOFFICE OF  
SENATOR GAYLORD NELSON

Honorable Gaylord Nelson, Chairman  
Sub-Committee on Employment, Manpower & Poverty  
United States Senate  
Washington, D. C., 20515

Dear Senator Nelson:

I am enclosing a Resolution passed by the Board of Directors of the Savannah Legal Aid Office, Inc. at their meeting held October 28, 1970 concerning the move to regionalize legal service offices.

It is requested that your committee give consideration to the resolution of Savannah Legal Aid Office, Inc. in your future deliberations on this matter.

Sincerely,

LEGAL AID OFFICE OF SAVANNAH, INC.

*Frank B. Zeigler*  
Frank B. Zeigler,  
General Counsel

FBZ:ds

Enclosure:

Member of:  
National Legal Aid and Defender Association  
United Community Services of Savannah



Affiliated with:  
Savannah Bar Association  
Economic Opportunity Authority

R E S O L U T I O N

WHEREAS, the Board of Directors of Savannah Legal Aid Office, Inc. have received reports that there is a movement towards "regionalization" of legal service offices by a decentralization process, whereby the OEO Regional Director will be given considerable authority over legal service programs, thereby reducing the National Legal Service Office to basically an advisory capacity, and,

WHEREAS, the Board of Directors of the Savannah Legal Aid Office, Inc. are apprehensive that such action may lead to political decisions in the Legal Services Program, since Regional OEO Directors are more likely to be subjected to political pressure than the National Legal Service Office and could lead to the undermining of the independence of legal service lawyers.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Legal Aid Office of Savannah, Inc. are opposed to the regionalization of legal service offices and believe that such action would be detrimental to the legal services program.

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to Honorable Gaylord Nelson, Chairman of the Senate Subcommittee on Employment, Manpower & Poverty and to other parties deemed appropriate by the General Counsel of Savannah Legal Aid Office, Inc.

-----

The undersigned does hereby certify that the foregoing Resolution was duly passed by unanimous vote of the members present at the regular meeting of the Board of Directors of the Legal Aid Office of Savannah, Inc., held October 28, 1970 and that a quorum was present.

This 2 day of November, 1970.

LEGAL AID OFFICE OF SAVANNAH, INC.

By: Mr. J. Ernest Lawler  
Secretary

SENATOR  
WALTER F. MONDALE  
Nov 5 8 20 AM '70

LEGAL AID OFFICE OF SAVANNAH, INC.

Room 100 (Ground Floor) Realty Building  
SAVANNAH, GEORGIA 31401

November 3, 1970

PHONE 233-0187

FRANK B. ZEIGLER  
GENERAL COUNSEL  
MYRON SEIDLITZ  
ASST. GEN. COUNSEL

Honorable Walter Mondale  
Sub-Committee on Employment, Manpower & Poverty  
United States Senate  
Washington, D. C., 20151

Dear Senator Mondale:

At a regular meeting of the Savannah Legal Aid Office, Inc. held October 28, 1970, a Resolution was passed by the Board of Directors opposing the regionalization of legal service offices.

A copy of the resolution of our Board is enclosed. It is requested that the Committee give due consideration to the resolution of our Board in your deliberations into this matter.

Sincerely,

LEGAL AID OFFICE OF SAVANNAH, INC.

*Frank B. Zeigler*  
Frank B. Zeigler,  
General Counsel

FBZ:ds

Enclosure:

Member of:  
National Legal Aid and Defender Association  
United Community Services of Savannah



Affiliated with:  
Savannah Bar Association  
Economic Opportunity Authority

R E S O L U T I O N

WHEREAS, the Board of Directors of Savannah Legal Aid Office, Inc. have received reports that there is a movement towards "regionalization" of legal service offices by a decentralization process, whereby the OEO Regional Director will be given considerable authority over legal service programs, thereby reducing the National Legal Service Office to basically an advisory capacity, and,

WHEREAS, the Board of Directors of the Savannah Legal Aid Office, Inc. are apprehensive that such action may lead to political decisions in the Legal Services Program, since Regional OEO Directors are more likely to be subjected to political pressure than the National Legal Service Office and could lead to the undermining of the independence of legal service lawyers.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Legal Aid Office of Savannah, Inc. are opposed to the regionalization of legal service offices and believe that such action would be detrimental to the legal services program.

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-----

The undersigned does hereby certify that the foregoing Resolution was duly passed by unanimous vote of the members present at the regular meeting of the Board of Directors of the Legal Aid Office of Savannah, Inc., held October 28, 1970 and that a quorum was present.

This 2 day of November, 1970.

LEGAL AID OFFICE OF SAVANNAH, INC.

By: Marjorie L. Spencer  
Secretary

## LEGAL SERVICE CENTERS

OF VENTURA COUNTY

(Legal Aid Association)

631 COOPER ROAD - OXNARD, CALIFORNIA 93030  
TELEPHONES (805) 483-2417, 642-5777

October 15, 1970

PLEASE REPLY TO:  
P.O. BOX 259, OXNARD, CALIFORNIA 93030

RECEIVED

OCT 17 1970

OFFICE OF  
SENATOR GAYLORD NELSONThe Honorable Gaylord Nelson  
United States Senate  
Washington, D.C. 20510

My Dear Senator Nelson:

The Board of Directors of the Legal Aid Association of Ventura County at its monthly meeting on October 6, 1970, discussed the possibility that authority for the Legal Service Program may be shifted from the National Legal Service Director to the ten Regional Directors of OEO.

Six of our eight board members were present and the enclosed resolution opposing any plans for transferring power over the legal service programs to OEO regional directors was adopted by a vote of four to two.

Those voting for:

Joe D. Hadden	Miss May Davis
Mrs. Patricia Brown	Mrs. Clara Campos

Those voting against:

Michael F. Perrett	Frederick W. Kosmo
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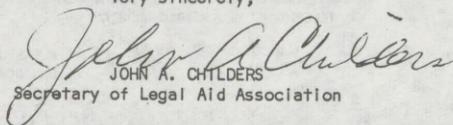
The Ventura County Clients Council, an organization of low income persons acting as a liaison between the poor community and the Legal Service Program, unanimously adopted the attached resolution at its membership meeting on October 8, 1970.

The four lawyers employed by this program named below also unanimously endorse this resolution:

John A. Childers	Executive Director
David P. Schwartz	Assistant Director
Russell W. Wayman	Staff Attorney
Tom E. Malley	Staff Attorney

This information is furnished to guide you as to the feelings of those who would be most affected by any such contemplated action by the Office of Economic Opportunity.

Very sincerely,

  
JOHN A. CHILDRERS  
Secretary of Legal Aid Association

LEGAL AID ASSOCIATION OF  
VENTURA COUNTY  
RESOLUTION OF BOARD OF DIRECTORS  
PASSED ON OCTOBER 6, 1970

WHEREAS the OEO is considering a regionalization of the Federal Program of legal services for the poor, which calls for a shifting of authority for hiring, funding and policy direction from the National Legal Services Director to OEO's 10 (ten) regional directors, and

WHEREAS this Board is of the opinion that such a plan would politicize the legal service program resulting in a threat to:

- (a) the integrity of the attorney - client relationship
- (b) the independence of the bar from political interference
- (c) compliance with the Canons of Professional Ethics, and

WHEREAS no evidence has been stated that such a plan would result in better legal services to the poor, and

WHEREAS such a plan is contrary to positions previously taken by the administration that Legal Services is a national emphasis program in which major policy directions and influence must come from the national level and

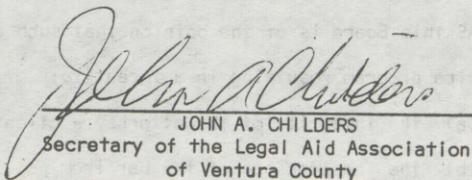
WHEREAS, the network of legal research, back-up support, information and training programs to be effective should be national in scope and administration, and

WHEREAS any proposed plan to turn the legal service program over to local political interests would be damaging to the morale of poor clients served by the legal service program and to members of minority groups and thus cripple the ability of the legal service program to respond to the needs of the poor

community.

NOW THEREFORE BE IT RESOLVED:

1. That this Board oppose any plans for transferring power over the legal service program to the regional directors of the Office of Economic Opportunity for the reasons stated in the recitals hereto;
2. That notice of the action of this Board be transmitted to the Director of OEO, to the U.S. Senators from California, to the members of Congress from the County of Ventura and to the Ventura County Board of Supervisors.

  
JOHN A. CHILDERS  
Secretary of the Legal Aid Association  
of Ventura County

LEGAL AID SOCIETY OF ALBUQUERQUE  
1015 Tijeras, N.W.  
Albuquerque, New Mexico 87101

•  
Phone 243-5649

October 15, 1970

RECEIVED

Mr. Donald Rumsfeld, Director  
Office of Economic Opportunity  
1200 19th St., N. W.  
Washington, D. C. 20506

OCT 19 1970

OFFICE OF  
SENATOR GAYLORD NELSON

Dear Sir:

Enclosed and hereby brought to your attention find copy of a resolution adopted by the Board of Directors of the Legal Aid Society of Albuquerque, Inc. at a duly constituted Board meeting held Thursday, October 8, 1970.

Yours, etc.

S/ William G. Fitzpatrick  
General Counsel

WGF/gv

Enc. 1

cc: President Richard Nixon  
U. S. Senator Gaylord Nelson ✓  
U. S. Senator Walter Mondale

[The following is a true copy of the text of a Resolution adopted by the unanimous vote of the Board of Directors of the Legal Aid Society of Albuquerque, Inc. at a duly called meeting held on October 8, 1970]

WHEREAS it has come to the attention of the Board of Directors of the Legal Aid Society of Albuquerque, Inc. (LAS) that Donald Rumsfeld, Director of the Office of Economic Opportunity (OEO) has indicated an intention to "regionalize" the OEO Legal Services Program; and

WHEREAS this Board is irrevocably committed to continue the LAS program as an effective, ongoing legal services operation; and

WHEREAS it appears that the "Rumsfeld Regionalization Plan" would, among other things, involve the transfer of the funding power and total administrative control of local legal services programs from the office of the National Director of OEO Legal Services Programs to the several Regional OEO Directors; and

WHEREAS this Board is firmly convinced that all Legal Services Programs should remain under the direction of lawyers with particular sensitivity, awareness and concern for the legal problems of poor people; and

WHEREAS this Board believes that the present structure of the National Legal Services Program provides such direction and that it would be disastrous to turn over the direction and control of Legal Services Programs to OEO Regional Directors; and

WHEREAS it might be that one of the consequences of implementation of the so-called "Rumsfeld Regionalization Plan" would result in the loss of Mr. Terry Lenzner as National Director of the OEO Legal Services Program; and

WHEREAS this Board of Directors is convinced that the OEO National Legal Services Office under the direction of Terry Lenzner has, although adequate funds have never been made available to it, been performing effectively; and

WHEREAS this Board believes that to de-centralize or regionalize the OEO Legal Services Program would emasculate and sap the vitality of all facets of the OEO Legal Services Program; and

WHEREAS it appears that the independence and effectiveness of the LAS operation would surely be threatened if the "Rumsfeld Regionalization Plan" were implemented;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Legal Aid Society of Albuquerque, Inc. do, and it hereby does, voice its unalterable opposition to implementation of the so-called "Rumsfeld Regionalization Plan" (and to any other similar plan providing for regionalization or de-centralization of the OEO Legal Services Program).

BE IT FURTHER RESOLVED that this Board do, and it hereby does, demand that the OEO and its Director, Mr. Donald Rumsfeld, forthwith cease and desist from taking any action whatsoever calculated to establish or implement regionalization or de-centralization of the OEO Legal Services Program.

BE IT FURTHER RESOLVED that a copy of this Resolution be served upon Mr. Donald Rumsfeld, President Richard Nixon, U. S. Senator Gaylord Nelson and U. S. Senator Walter Mondale.

SENATOR WALTER F. MONDALE  
 SENATE BAR ASSOCIATION OF SAN FRANCISCO  
 SUITE 528 MILLS BUILDING • 220 MONTGOMERY STREET  
 SAN FRANCISCO, CALIFORNIA 94104  
 (415) 392-4461

CHARLES P. SCULLY  
*President*  
 ROBERT D. RAVEN  
*President*  
 WILLIAM L. FERDON  
*Treasurer*  
 CHARLES H. CLIFFORD  
*Secretary*  
 Immediate Past President  
 FREDRICK H. HAWKINS



BOARD OF DIRECTORS  
*Elected Members*  
 ALBERT R. ABRAMSON  
 JAMES B. FRANKEL  
 JOHN A. GORFINDEL  
 MAX GUTHERREZ, JR.  
 RICHARD C. HAM  
 ROBERT NICCO  
 RICHARD H. PETERSON  
 CHARLES B. RENFREW  
 RENEE RUBIN  
 ROBERT A. SELIGSON  
 GRAYDON S. STARING  
 MICHAEL TRAYNOR  
*Ex-Officio Members*  
 BARRISTERS' CLUB  
 PRESIDENT  
 VICE PRESIDENT  
 SECRETARY  
 TREASURER

October 9, 1970

Hon. Walter F. Mondale  
 Senator  
 Senate Office Building  
 Washington D. C.

Dear Senator Mondale:

Please be advised that at the regular meeting of the Board of Directors today the enclosed resolution was adopted unanimously opposing the regionalization of the legal services program of the Office of Economic Opportunity.

We believe that any such step would be most undesirable and strongly urge the rejection of the idea.

Very truly yours,

Charles P. Scully  
 President

CPS:cos  
 Enclosure

THE BAR ASSOCIATION OF SAN FRANCISCO

WHEREAS, The Bar Association of San Francisco, as a representative group of lawyers, is interested in and concerned about the proper administration of the Office of Economic Opportunity Legal Services program; and

WHEREAS, the Directors of this Association desire that such program remain professionally administered and free, insofar as possible, from the constraints of political influence; and

WHEREAS, the Directors of this Association have become aware of an administrative proposal which would "regionalize" the administration of the Legal Services program, in the same manner as would have been accomplished by a legislative proposal defeated in Congress last year;

NOW, THEREFORE, BE IT RESOLVED that the Directors of The Bar Association of San Francisco express their opposition to the proposed regionalization of the Legal Services program of the Office of Economic Opportunity;

FURTHER RESOLVED that copies of these resolutions be forwarded to Mr. Donald Rumsfeld, Director of the Office of Economic Opportunity, and to Senator Walter F. Mondale of Minnesota;

FURTHER RESOLVED that the officers of this Association be and they are hereby authorized to give such further publicity to these resolutions as they may deem necessary or appropriate.

SEATTLE, WASH.

Senator GAYLORD NELSON,  
*Senate Office Building, Washington, D.C.:*

## RESOLUTION BY SEATTLE-KING COUNTY LEGAL AID BUREAU OF TRUSTEES

Whereas the National Director of the Office of Economic Opportunity has under consideration the possibility that administrative control of the Office of Legal Services, and projects funded by that office, transferred from the national staff of the Office of Legal Services to the regional offices of the Office of Economic Opportunity (this shift being commonly known as "regionalization"); and

Whereas the success of the legal services program has been generated in part by the continuous support of the American Bar Association, on a national level, and the Seattle-King County Bar Association, in this locale; and

Whereas this proposed transfer of administrative control will result in non-lawyers being in charge of the Office of Legal Services; and

Whereas the Office of Legal Services presently funds many nationally oriented and operating programs, among them being the several national backup centers and the Reginald Heber Smith fellowship program; and

Whereas the Congress of the United States and the Office of Economic Opportunity have recognized that national standards and emphases are necessary for the effective implementation of the objectives and goals of the legal services program, the latest expression of this being the establishment of the Office of Legal Services as an independent office within the Office of Economic Opportunity by the present Director of that agency; and

Whereas it is the opinion of this body that regionalization may endanger the continued support of the legal services program by the organized bar, destroy national standards and emphases, make ineffective presently existing national programs, and endanger the very existence of this successful program: therefore be it

*Resolved*, That the Board of Trustees of the Seattle-King County Legal Aid Bureau, Inc., condemns the proposed regionalization of legal services and urges the Congress of the United States and the Director of the Office of Economic Opportunity to take such steps as are necessary to insure that administrative control of the legal services program remain in the hands of members of the legal profession and that national administration be retained in order to insure the independence of project attorneys and the retention of national standards and programing.

GREGORY R. DALLAIRE.



SCHOOL OF LAW  
OFFICE OF THE DEAN

THE CATHOLIC  
UNIVERSITY  
OF AMERICA  
WASHINGTON D.C. 20017

202 529-6000

SENATOR  
WALTER F. MONDALE  
OCT 10 11 05 AM '70

October 7, 1970

Honorable Walter F. Mondale  
United States Senate  
443 Old Senate Office Building  
Washington, D. C. 20510

Re: Proposed Regionalization of the Legal  
Services Program of the Office of Economic  
Opportunity

Dear Senator:

Enclosed herewith is a copy of the resolution adopted by the Executive Committee of the National Legal Aid and Defender Association at its most recent meeting on September 23, 1970. You will recall that I mentioned this at the testimony before you on October 7 and agreed to supply a copy of the resolution for the record.

Thank you very much for hearing the views of the National Legal Aid and Defender Association in opposition to the proposed regionalization. I hope you understand how strongly we are opposed to this real threat to the strength and integrity of the Legal Services Program. If NLADA can supply any additional information for consideration by the Senate, please tell me.

Sincerely,

E. Clinton Bamberger Jr.  
Dean

ECBJr:mpb  
Enclosure

WHEREAS, the stated goal of this National Administration, as expressed by President Nixon and the Director of the Office of Economic Opportunity, the Honorable Donald Rumsfeld, is to strengthen the Legal Services Program to carry out its Congressional mandate of furthering the cause of justice among persons living in poverty; and

WHEREAS, the creation and administration of the Legal Services Program involves issues and problems uniquely the concern and responsibility of the legal profession including:

"the preservation of proper lawyer-client relationships, confidentiality of communications between lawyer and client, the exercise of independent judgments by lawyers, complete fidelity to the client's cause, rendering of a full range of adequate legal services, insistence upon the use of properly qualified lawyers and legal personnel and observance of all standards of the legal profession governing such services."

H.Rep. #866, 90th Cong., 1st Sess. (1967)

WHEREAS, measures taken by this Administration during the past year to achieve this goal by the establishment of the Office of Legal Services as a separate division within OEO, the appointment of an Associate Director for Legal Services reporting directly to the Director of OEO, and the support of the Legal Services Program as a national program of critical importance have furthered the achievement by the Legal Services Program of a high level of professional excellence and independence from interference; and

WHEREAS, the proposed plan for "regionalizing" the Office of Legal Services by transferring power over the Legal Services Program to the regional Directors of the Office of Economic Opportunity poses a severe threat to the independence and the professional excellence of the Legal Services Program by subjecting vital administrative and fiscal control and funding and refunding decisions to increased pressures which could restrict the activities of Legal Services lawyers on behalf of their clients; and

WHEREAS, the proposed regionalization plan will not in our professional judgment strengthen or improve the effectiveness of the Legal Services Program; and

WHEREAS, the proposed regionalization plan creates an organizational framework that threatens, rather than assures, the maintenance of a relationship between Legal Services lawyers and their clients consistent with the best standards of the legal profession as required by the authorizing legislation and Code of Professional Responsibility.

WHEREAS, the result of "regionalization" will be to promote sectional and other special interests at the expense of the poor and to deprive the program of the flexibility necessary to anticipate and meet the legitimate demands of the poor.

NOW, THEREFORE, BE IT RESOLVED THAT, this Association hereby urges the Honorable Donald Rumsfeld, Director of the Office of Economic Opportunity not to jeopardize the strength, the professional quality and the freedom from interference of the Legal Services Program by implementing a regionalization plan that would transfer power from the Office of Legal Services to the Regional Directors of the Office of Economic Opportunity.

BE IT FURTHER RESOLVED THAT, the Director of the Office of Economic Opportunity is urged to reject not only proposals for regionalization, but any similar proposals that would make the Legal Services Program vulnerable to politicization and to influences which seek to diminish the vitality or independence of the program.

AND, BE IT FURTHER RESOLVED THAT this Association firmly supports the heretofore expressed Administration goal of a strengthened and adequately financed Legal Services Program and stands ready to assist in any manner feasible in advising upon administrative structures for the Legal Services Program that do strengthen and improve the Legal Services Program to further the cause of justice among persons living in poverty.

MINNESOTA STATE BAR ASSOCIATION,  
Minneapolis, Minn., September 30, 1970.

To President Richard M. Nixon, Senator Walter Mondale, Senator Eugene McCarthy, Representative Albert H. Quie, Representative Ancher Nelsen, Representative Clark MacGregor, Representative Joseph E. Karth, Representative Donald M. Fraser, Representative John M. Zwach, Representative Odin Langen, Representative John A. Blatnik, Mr. Donald Rumsfeld, Director of the Office of Economic Opportunity, Mr. Terry Lenzner, Director of the Legal Services Section, OEO, and Mr. William McClaskey, Chief, Legal Services Section, OEO.

GENTLEMEN: The Board of Governors of the Minnesota State Bar Association, continuously appreciative of the work of the Office of Economic Opportunity Legal Services Programs, and constantly vigilant lest the effectiveness of these programs be destroyed by any infringement on the attorney-client relationship, passed the enclosed four Resolutions in the course of their September 25, 1970 meeting.

The Board then directed that the Resolutions be forwarded to you for your valued assistance in making them effective.

Sincerely,

JOHN W. PADDEN, *President.*

OEO: RE-REGIONALIZATION OF LEGAL SERVICES

Whereas, the Minnesota State Bar Association has previously passed a resolution advocating direct funding and administration of Legal Services projects, and

Whereas it is now understood that the Office of Economic Opportunity is contemplating an administrative move, commonly known as re-regionalization, to place funding control in the various regions, thereby removing such control from the national office of the Legal Services section of the Office of Economic Opportunity and

Whereas such re-regionalization is inconsistent with prior public policy statements of President Richard M. Nixon and Donald Rumsfeld, Director of the Office of Economic Opportunity, and

WHEREAS, such a move would be inconsistent with the aforementioned resolution and the aforementioned statements, and

Whereas, such a move could well lead to violations of the attorney-client privilege,

Now, therefore, be it hereby resolved:

(1) The Minnesota State Bar Association does hereby place itself on record as being unalterably opposed to the re-regionalization of the Legal Services section of the Office of Economic Opportunity.

(2) Further, a copy of this resolution shall be sent to President Richard M. Nixon; the Minnesota Congressional Delegation; Donald Rumsfeld, Director of the Office of Economic Opportunity; and Terry F. Lenzner, Director of the Legal Services Section of the Office of Economic Opportunity and William McClaskey, Chief, Legal Services Section, Office of Economic Opportunity.

HOWARD I. ROSENBERG  
GENERAL COUNSEL  
WILLIAM H. WARD, JR.  
SECRETARY  
AND  
DEPUTY GENERAL COUNSEL

*Legal Aid Society of Metropolitan Denver*

SUITE 601  
1375 DELAWARE STREET • UNITED FUND BUILDING  
DENVER, COLORADO 80204  
TELEPHONE: 623-8251

RECEIVED

OCT 17 1970

OFFICE OF  
SENATOR GAYLORD NELSON

NEIGHBORHOOD  
LAW SERVICES OFFICES  
EAST DENVER  
2130 DOWNING STREET  
TELEPHONE 222-1808  
NORTH DENVER  
2243 W. 92ND AVE.  
TELEPHONE 433-8771  
SOUTH WEST VALLEY  
825 FEDERAL BLVD.  
TELEPHONE 292-6295

RESOLUTION OF THE BOARD OF DIRECTORS

OF THE LEGAL AID SOCIETY OF METROPOLITAN DENVER

TO

MR. DONALD RUMSFELD, DIRECTOR, O.E.O.

It has come to the attention of the Board of Directors of the Legal Aid Society of Metropolitan Denver that Mr. Rumsfeld, the Director of O.E.O., is proposing a plan of "decentralization of legal services." This plan will make Legal Services regional chiefs and Legal Services regional staff administratively responsible to O.E.O. regional directors, and

WHEREAS, this plan will enable regional O.E.O. directors to determine amounts of regional legal services grants and to have authority to set legal services grant conditions,

NOW, THEREFORE, it is the expression of the Board that:

1. The placing of the responsibility of legal services programs in the hands of O.E.O. Regional Directors will affect the independence and the freedom of the legal services programs to achieve the goals and priorities intended by Congress in the legislation authorizing legal services programs.
2. The decentralization plan will change the concept of legal services as a "national emphasis" program, with the necessary responsibility,

leadership and philosophical goals being asserted by the national Legal Services Director.

3. Before any proposed precipitous action is considered, we urge you to counsel with the American Bar Association, the National Legal Aid and Defender Association, Poverty Lawyers for Effective Advocacy and the Project Advisory Group regarding the opposition these knowledgeable and concerned organizations have expressed over this plan.

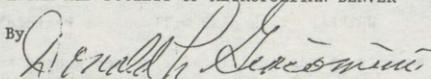
4. Any planned action by O.E.O. which will affect, hinder and limit the independence of legal services programs to provide equal justice to the poor must be abandoned. The integrity of the lawyer-client relationship and of the Legal Services program itself would be seriously jeopardized by any control and supervision imposed upon Legal Services Programs by non-lawyer administrative structures and personnel.

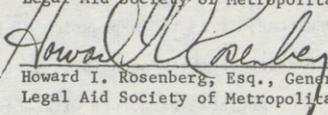
September 23, 1970.

Respectfully,

THE BOARD OF DIRECTORS OF THE  
LEGAL AID SOCIETY OF METROPOLITAN DENVER

By

  
Donald L. Giacomini, Esq., President  
Legal Aid Society of Metropolitan Denver

  
Howard I. Rosenberg, Esq., General Counsel  
Legal Aid Society of Metropolitan Denver

cc:

Terry F. Lenzner, Esq.  
Samuel Martinez, Regional Director, O.E.O.  
Senator Gaylord Nelson

RESOLUTION  
OF  
ANCHORAGE BAR ASSOCIATION

WHEREAS, the legal services program in Alaska has proved to be a major source of constructive poverty law reform, and

WHEREAS, a high quality level of assistance in civil cases for persons unable to afford private legal aid has been provided by legal services in Alaska, and

WHEREAS, adequate and comprehensive legal services to the poor demands an independence and integrity to pursue legitimate goals of clients, and

WHEREAS, the professionalism of the program and its staff can best be evaluated and judged by lawyers, who are committed to the sanctity of the attorney-client privilege and the canons of ethics, and

WHEREAS, the Anchorage Bar Association is informed that OEO intends to place all legal services programs under the direct control of ten lay regional administrators,

NOW, THEREFORE, BE IT RESOLVED, that the Anchorage Bar Association vigorously opposes such a transfer of control of legal services programs to lay administrators on a regional basis, and urges Messrs. Rumsfeld and Lenzner, and the Congress of the United States, to veto or disprove any such transfer.

  
\_\_\_\_\_  
President  
Anchorage Bar Association

Dated Sept. 14, 1970

RESOLUTION  
OF  
JUNEAU BAR ASSOCIATION

WHEREAS, the legal services program in Alaska has proved to be a major source of constructive poverty law reform, and

WHEREAS, a high quality level of assistance in civil cases for persons unable to afford private legal aid has been provided by legal services in Alaska, and

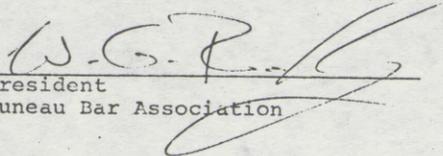
WHEREAS, adequate and comprehensive legal services to the poor demands an independence and integrity to pursue legitimate goals of clients, and

WHEREAS, the professionalism of the program and its staff can best be evaluated and judged by lawyers, who are committed to the sanctity of the attorney-client privilege and the canons of ethics, and

WHEREAS, the Juneau Bar Association is informed that OEO intends to place all legal services programs under the direct control of ten lay regional administrators,

NOW, THEREFORE, BE IT RESOLVED, that the Juneau Bar Association vigorously opposes such a transfer of control of legal services programs to lay administrators on a regional basis, and urges Messrs. Rumsfeld and Lenzner, and the Congress of the United States, to veto or disprove any such transfer.

agut 28, 1970

  
President  
Juneau Bar Association

RESOLUTION  
OF  
SITKA BAR ASSOCIATION

WHEREAS, the legal services program in Alaska has proved to be a major source of constructive poverty law reform, and

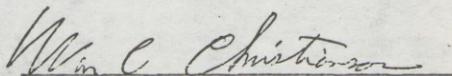
WHEREAS, a high quality level of assistance in civil cases for persons unable to afford private legal aid has been provided by legal services in Alaska, and

WHEREAS, adequate and comprehensive legal services to the poor demands an independence and integrity to pursue legitimate goals of clients, and

WHEREAS, the professionalism of the program and its staff can best be evaluated and judged by lawyers, who are committed to the sanctity of the attorney-client privilege and the canons of ethics, and

WHEREAS, the Sitka Bar Association is informed that OEO intends to place all legal services programs under the direct control of ten lay regional administrators,

NOW, THEREFORE, BE IT RESOLVED, that the Sitka Bar Association vigorously opposes such a transfer of control of legal services programs to lay administrators on a regional basis, and urges Messrs. Rumsfeld and Lenzner, and the Congress of the United States, to veto or disprove any such transfer.

  
\_\_\_\_\_  
President  
Sitka Bar Association

RESOLUTION  
OF  
KETCHIKAN BAR ASSOCIATION

WHEREAS, the legal services program in Alaska has proved to be a major source of constructive poverty law reform, and

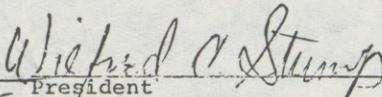
WHEREAS, a high quality level of assistance in civil cases for persons unable to afford private legal aid has been provided by legal services in Alaska, and

WHEREAS, adequate and comprehensive legal services to the poor demands an independence and integrity to pursue legitimate goals of clients, and

WHEREAS, the professionalism of the program and its staff can best be evaluated and judged by lawyers, who are committed to the sanctity of the attorney-client privilege and the canons of ethics, and

WHEREAS, the Ketchikan Bar Association is informed that OEO intends to place all legal services programs under the direct control of ten lay regional administrators,

NOW, THEREFORE, BE IT RESOLVED, that the Ketchikan Bar Association vigorously opposes such a transfer of control of legal services programs to lay administrators on a regional basis, and urges Messrs. Rumsfeld and Lenzner, and the Congress of the United States, to veto or disprove any such transfer.

  
Vice-President  
Ketchikan Bar Association

LEGAL SERVICES  
FOR CAPE COD AND ISLANDS, INC.

139 WINTER STREET  
HYANNIS, MASSACHUSETTS 02601

TELEPHONE 775-7020  
(AREA CODE 617)

EXECUTIVE DIRECTOR  
ROBERT E. TERRY, Esq.

ATTORNEYS  
DONALD H. BARNES, Esq.  
STEVEN H. GRINDLE, Esq.  
MICHAEL A. DUNNING, Esq.

December 14, 1970

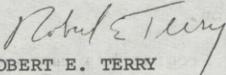
Mr. Bechtel  
Senate Sub-Committee On  
Manpower and Labor  
Washington, D. C.

Dear Mr. Bechtel:

Enclosed please find a short fact sheet on the recent experience of this program. I cite this situation as an example of what the possible consequences would be of the proposed decentralization effort of the current administration. It is this type of political response which would have a devastating impact upon the integrity and independence of the Legal Services Program.

I remain,

Very truly yours,

  
ROBERT E. TERRY  
Executive Director

RET:mfm

Enc.

TO: THE COMMITTEE TO SAVE LEGAL SERVICES

FROM: LEGAL SERVICES FOR CAPE COD AND ISLANDS, INC.

On Tuesday, December 8, 1970 Legal Services for Cape Cod and Islands was advised by the Regional Legal Services Office that Mr. Jose' Torro an inspector from the Office of Economic Opportunity Office of Inspection would be in the area in response to Congressional complaints about the program. Mr. Torro was unwilling in accordance with OEO procedures to divulge the nature of the inquiry or the parties involved in the complaint. Mr. Torro interrogated clients, welfare social workers, and members of the community for a period of three days. On Thursday, December 10, 1970 Mr. Torro met with Robert E. Terry, Esq., Director of Legal Services for Cape Cod and Islands and made the following report:

Congressional complaints were received by the Office of Inspection on the following matters (the Congressional source or sources were not revealed):

1. Legal Services would not provide representation to clients who were welfare recipients unless they agreed to join the local welfare rights organizations.
2. Legal Services provided less than adequate representation to welfare recipients who chose to disassociate themselves from the membership of local welfare rights organizations.
3. Members of the staff of the Legal Services Program were abrasive when dealing with local welfare officials.

Mr. Torro indicated that he would file a written report upon his return to Washington and he wished to advise me that after exhausted efforts he could find no basis for the complaints listed above. I respectfully submit that there is no basis in fact for such accusations and that it was unnecessary to conduct such an investigation.

During the past twelve months this Legal Services Program has represented clients in approximately 125 individual welfare appeal hearings. Decisions have been favorable to our clients in approximately nine out of every ten cases. Three Federal District Court suits have been filed against the Barnstable Welfare Service Office and the Massachusetts Department of Public Welfare. These suits have challenged state regulations and procedure with regard to prior hearings, fair hearings, and recipients access to case records.

A Superior Court suit has been filed under the Administrative Procedure Act in the form of a petition for writ of review. Three Superior Court mandamus actions were filed against the Department of Public Welfare in an effort to require a timely appeal hearing in accordance with federal and state regulations. Two additional mandamus actions were filed in Superior Court to require a timely determination of eligibility.

In addition, the staff of Legal Services has served as house counsel to various low-income groups. Seven such low-income groups would be classified as welfare rights organizations. House counsel functions has included sessions on welfare regulations, tenants' rights, discrimination in housing and employment, and school administration. Legal Services Program has provided welfare rights organizations with updated copies of welfare department regulations and conducted day-long sessions on a monthly basis to discuss new regulations and interpret current regulations.

Articulate and knowledgeable welfare rights groups have been a constant source of irritation to local, regional, and state welfare officials. This "irritation" is a direct result of a continuing effort on the part of local welfare rights groups to require welfare officials to comply with existing welfare department regulations. This, coupled with the fact that Legal Services Attorneys have been able to provide clients with access to the administrative process and judicial review whenever necessary has created the present hostile atmosphere.

As a result, in March of 1970 a group of 13 welfare service office directors and two regional administrators met in secret session with the Barnstable County Commissioners, (the local political entity who designates the local anti-poverty agency) and lodged specific complaints against the Legal Services Program which were directly related to welfare advocacy and the representation of welfare rights organizations. A special committee of the Legal Services Board of Directors met with the County Commissioners in May of 1970 to describe the nature of the Legal Services Program and to answer any and all charges lodged against the program by welfare department representatives. The County Commissioners were unable to cite to the committee any individual cases of unethical or improper conduct on the part of staff attorneys associated with the program. No further action was taken by the County Commissioners.

In August of 1970 the Legal Services Program underwent a periodic evaluation from the National Legal Services Office. The evaluators included Mr. Terry Lenzner, Mr. Mickey Kantor, and Mr. Daniel Bradley. During the course of the evaluation a meeting was arranged for the evaluators with several welfare service office directors and the associate regional administrator for the Department of Public Welfare. Once again, this group was highly critical of the Legal Services Program but was unable to cite any instances of misconduct or failure to provide representation to clients.

I cite this situation as an example of what the possible consequences would be of the proposed decentralization effort of the current administration. It is this type of political response which would have a devastating impact upon the integrity and independence of the Legal Services Program.

Jose L. Martinez  
506 Carlisle S.E.  
Albuquerque, New Mexico

December 12, 1970

The Honorable  
Gaylord A. Nelson  
U. S. Senator  
New Senate Office Building  
Washington, D. C.

RE: Hearings before Subcommittee on  
Employment, Manpower and Poverty

Dear Senator Nelson:

I am writing you with regard to the Reginald Heber-Smith Community Lawyer Fellowship Program.

As you know the "Reggie" Program is presently administered through Howard University, it is OEO funded and presently provides Fellowships for 471 attorneys in poor communities throughout the nation. Present plans provide that the program will be cut back to 325. While this cut-back can be viewed as part of the Nixon Administrations general attack on legal services, this specific cut-back will have special impact on minority group poor.

The Reggie Program represents the one program that aggressively recruits and trains Black, Chicano, Indian and Asian attorneys for the poor and returns them to work in their own communities. The general OEO Legal Services Program employs about 1800 attorneys of whom only about 5% are minority group members. On the other hand within the Reggie Program of 471 attorneys, 150 or so are minority group members. The Reggie Program represents the most aggressive and effective

program for the representation of the poor.

The issue is not jobs for attorneys in a Federally funded program, since jobs for attorneys are readily available in government and in the private sector generally, but effective legal representation for poor Blacks, Chicanos and Indians. In general this proposed cut back is part of the Nixon Administration's general attack on OEO Legal Services, but if the attack succeeds here it will have special impact on minority group poor.

With specific emphasis on the Chicano, or Mexican-American, community it is interesting to note that of 20 (nationally) Chicano law graduates this past year (1970-71) 16 are now Reggie Fellows, and all 20 applied. Thus we are speaking of a committment of almost all our peoples new attorneys to the project. Also from speaking to Mr. Antonio Quintero, Chairman of La Raza National Law Students Association (LRNLSA) an organization representing about 95% Chicano law students and from my own personal observations, of about 60 Chicano law students graduating from law schools nationally, about 45 to 50 have expressed a firm interest and committment to the program. A cut in the program will mean many of them will not be able to return to their communities to work for the poor.

A cut in the Reggie Program will be disasterous for the poor in New Mexico. Of 16 attorneys presently employed by the Albuquerque Legal Aid Society 8 are Reggies. The only four minority Reggies (myself included) were all recruited out-of-state. The only practicing Black attorney in New Mexico, Mr. Robert Jones, is a Reggie. Mr. Art Lucero of the Santa Fe Model Cities Legal Aid project is a Reggie. The Sandoval County Program as yet has no Reggies but a cut will effectively mean it will be all but precluded from obtaining the services of one. The same applies to the current proposals to establish a state wide rural legal services

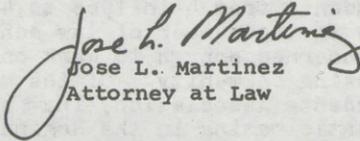
project in New Mexico and a legal services project for Rio Arriba and Taos counties. (Attached is an article from the local Press on this issue.)

The racist implications of a cut-back in the project are clear. I myself work in the north valley in Albuquerque, 90% of my clients are Chicano and it is they and not I who will bear the brunt of the cut. The same applies to most if not all other communities being served by Reggies.

Therefore, I respectfully request that you and your subcommittee take appropriate steps to prevent this from coming about. I solicit your assistance and support for the Reginald Heber-Smith Program.

Thank you.

Sincerely,

  
Jose L. Martinez  
Attorney at Law

JLM:lgr

LA RAZA NATIONAL LAW STUDENTS ASSOCIATION, INC.  
21 Hillside Court, Berkeley  
California 94704

December 11, 1970

Senator Gaylor Nelson  
New Senate Office Building  
Washington, D. C. 20510

Dear Senator Nelson,

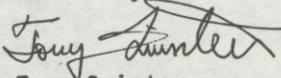
As Chairman of La Raza National Law Students Association, Inc. I represent a membership of over 600 law students from the Spanish-Speaking community. Our organization has chapters at 33 law schools in 14 states and was formed last year.

Due to the recruitment of minority students by law schools recently, (such as the Martin Luther King Scholarship Program at U. C. Berkeley which has increased the number of Mexican American law students from 4 in 1968 to 45 this year), there is a great increase in the number of law school graduates who are qualified and concerned enough to work on the legal problems of the Spanish-Speaking community. Of the membership of La Raza National Law Students Association, Inc. approximately 70% is interested in participating in the Reginald Heber Smith Fellowship Program.

The members of La Raza National Law Students Association, Inc. are greatly alarmed at the possibility that the Reginald Heber Smith Fellowship Program Budget might be decreased. Such an irresponsible act at this time would certainly have racially discriminatory results and would undoubtedly create even greater problems.

We believe this is a problem that you must act upon immediately. We request that you help by acting for an expanded Reginald Heber Smith Fellowship Program Budget which will allow for the needed 500 positions.

Sincerely,



Tony Quintero  
Chairman  
La Raza National  
Law Students Association, Inc.

## ECONOMIC OPPORTUNITY LEGAL SERVICES PROGRAM, INC.

JOHN E. SMITH, ESQ.  
PRESIDENT  
HOWARD W. DIXON, ESQ.  
EXECUTIVE DIRECTOR

395 N.W. 1ST STREET  
MIAMI, FLORIDA 33128  
SUITE 202  
TELEPHONE 379-0822  
(AREA CODE 305)



December 11, 1970

Senator Gaylord Nelson  
United States Senate  
State Office Building  
Washington, D. C.

Dear Senator:

I know you are planning to hold hearings on the OEO Legal Services Program this coming week. I also recall that our President sent you the resolution passed by our Board of Directors this past week.

I now enclose an editorial from Miami's leading black newspaper with respect to the decentralization issue raised by the Office of Economic Opportunity. This newspaper has been in the forefront in the fight for black civil rights and improving the black community. Again, it is fighting for what it deems is right.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Howard W. Dixon".

HOWARD W. DIXON  
Executive Director

HWD:gs

Enclosure

4 THE MIAMI TIMES, Friday, December 11, 1970



6530 NW 15th Ave., Miami, Fla. 33147 - Phone: 691-0421

H. E. SIGISMUND REEVES, Editor and Publisher  
GARTH C. REEVES, Managing Editor

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The NEGRO PRESS believes that America can best lead the world from racial and national antagonism when it accords to every man regardless of his race, creed or color his human and legal rights. Hating no man, fearing no man--the Negro Press strives to help every man in the firm belief that all men are hurt as long as anyone is held back:

### Keep Legal Service Control Local

A new attack has been launched against a branch of the War on Poverty — Legal Services. The attack surprisingly enough comes from within the agency (OEO) under the guise of administrative efficiency. It was done so quietly and subtly as to go unnoticed by most of the general public. The purpose, however is obvious - to control Legal Services from the national to the local levels.

The first step in this process was for the Director of OEO to recommend that control of local Legal Services Programs be transferred from local Boards of Directors to the Regional Directors of OEO. This plan, if implemented, would strip the poor, who must be represented on local Boards, of any say in the direction of the program. It would also subject Legal Services attorneys to non-lawyer political control. Further, it would be a coercive and intimidating force requiring individual programs and lawyers to take only "safe" and "non-controversial" cases.

The second step in this process was for the Director of OEO to fire the National Director and National Assistant Director of Legal Services on the thin excuse that he had lost confidence that they could effectively carry out his orders. Actually, they were dismissed because they openly opposed regionalization and had defended the program under political pressure.

In every day language, this purge of top personnel and attempted reorganization of the program means that political pressure from Legal Services opponents is being applied because they feel that Legal Services has been too successful in representing the poor.

In fact, Legal Services is the only real viable force the poor has in our political system at the present time.

LEGAL AID SOCIETY OF ALBUQUERQUE  
1015 Tijeras, N.W.  
Albuquerque, New Mexico 87101

•  
Phone 243-5649

December 10, 1970

Senate Subcommittee on Employment, Manpower & Poverty  
Senator Gaylord Nelson, Chairman  
359 Senate Office Building  
Washington, D.C. 20510

Gentlemen:

We deplore the recent attempts of the Nixon Administration to stifle and harass the Legal Services Program. OEO Director Donald Rumsfeld's unwarranted firing of Legal Services Director Terry Lenzner and his Deputy, Frank Jones, his duplicity in implementing a plan of "Decentralization" immediately after announcing that he would not destroy Legal Services through "Regionalization;" and his announced intention to cut back the Reginald Heber Smith Fellowship Program all demonstrate that Mr. Rumsfeld and the Nixon Administration are willing to sacrifice the interests of the poor on the altar of political expediency. We protest these recent actions generally because they threaten the integrity and independence of aggressive legal services programs around the country. More particularly, we protest these actions on behalf of the poor people of New Mexico who presently have access to legal services programs which are dedicated to their interests, and their interests alone.

Because the Legal Aid Society of Albuquerque (LAS) is aggressive in its protection of the interests of the poor of Bernalillo County, it has been and will remain under constant fire from reactionary political forces within this community. LAS, therefore, needs the firm support of a strong and independent National Legal Services Office such as existed under the leadership of Lenzner and Jones. Mr. Rumsfeld's new "Decentralization" plan poses an imminent threat to LAS by in-

creasing the likelihood of political interference with the program, and rendering the National Legal Services Office impotent to protect the program's integrity.

Furthermore, LAS now enjoys the services of 8 Reginald Heber Smith Fellows, 3 of whom are minority lawyers and native New Mexicans. The addition of 8 Smith Fellows to LAS has allowed the program to double its staff of lawyers. The drastic cutback of the Smith Fellowship Program now being engineered by Mr. Rumsfeld would, therefore, result in a reduction in LAS staff which would necessitate a reduction in vital services now being rendered the poor of the Albuquerque-Bernalillo County area. In addition, the Smith Fellowship Program is now providing minority lawyers to serve the minority poor and Rumsfeld's cutback of the program will severely hamper the important placement of Black and Brown lawyers to serve their Black and Brown brothers in the ghettos and barrios of the land.

The Sandoval County, New Mexico Legal Services Program is also gravely threatened by Mr. Rumsfeld's political machinations. The Sandoval County program is extremely small but is staffed by dedicated young men committed to serving their clients. They, too, need the support of a strong National Legal Services staff, and the Rumsfeld "Decentralization" plan guarantees that such support will be lacking. Furthermore, although the Sandoval County program has no Smith Fellows at present, Rumsfeld's planned emasculation of the Smith Fellowship Program assures that Sandoval County will forever be foreclosed from obtaining Smith Fellows.

Also, a new Legal Aid program under the auspices of Model Cities has recently been established for the poor of Santa Fe County, New Mexico. That program presently has the services of an extremely competent Smith Fellow, born and raised

in Santa Fe, and more Smith Fellows are warranted. Under Mr. Rumsfeld's policies restricting Legal Services, further aid to that fine new program will not be provided.

Finally, there are now many native New Mexican law students about to graduate from law school who wish to return to provide much needed legal services to the poor in their home communities. Mr. Rumsfeld's actions will necessarily deprive our state of their much-needed resources.

We therefore, strongly urge that Congress take the necessary steps to assure that the autonomy and integrity of the Legal Services Program be restored and forever guaranteed against politically motivated harassment and impingement. For the message should by now be clear: If Congress does not act, the Nixon Administration shall surely complete its planned destruction of this program.

Respectfully submitted:

LEGAL AID SOCIETY OF ALBUQUERQUE

BY *William G. Fitzpatrick*  
 William G. Fitzpatrick  
 General Counsel

*Bernard P. Metzger*  
 Bernard P. Metzger  
 President

cc: Sen. Joseph M. Montoya  
 Senate Office Building  
 Washington, D.C.

DECEMBER 10, 1970.

Memorandum.

To : Arthur Reid, OLS Acting Director, Washington, D.C.  
 From : Thomas J. Mack, Regional Legal Services Director.  
 Subject : November 14 regionalization guideline.

The legal effect of the November 14 guidelines is to give the Regional OEO directors a veto over every aspect of the legal services operation. That this is so will undoubtedly be well documented by someone else. This memo will only attempt to explain how the guidelines would result in administrative chaos if implemented.

OEO has traditionally had difficulty in establishing efficient decision-making procedures which result in funds being released to a grantee on time. One reason is that there is not enough manpower to accomplish things both properly and in a timely fashion. In its commitment to doing things right, OEO has been forced to live with delays until sufficient information could be gathered on which to make an intelligent decision.

The chief reason for these delays, which exist both in the region and in Washington, is lack of manpower. Field representatives and division chiefs readily admit they do not now monitor the performance of CAA's because they are swamped by the work involved in funding and in handling crises.

The new guidelines require these field representatives and division chiefs to take on more work when they cannot even perform all of their present functions. The Regional OEO Director relies on field representatives and division chiefs for information before making any decisions involving CAA's. He would not be able to exercise his new authority over Legal Services programs under the new guidelines without relying heavily upon the same field representatives and district chiefs.

So in reality we are not talking about a quick conference and an agreed decision between the Legal Services Division chief and the Regional OEO director. We are talking about a system for resolving disagreements between the Legal Services Division and other divisions within OEO. The new guidelines give the other divisions heavy input into Legal Services decisions. (Curiously, they do not give legal services the same input into CAA divisions).

Before November 14, 1970, there were disagreements between Legal Services and other divisions. But there was a quick method for resolving them: If the complaint was about legal services, the Legal Services Division would listen to the field representative or district chief or Regional OEO director and then decide. If the complaint was from the Legal Services Division regarding a CAA to the district chief or Regional OEO director, the chief or Regional Director would listen and then decide. This system worked because it is swift and the proper people have the proper authority to make a final decision. San Francisco OEO was never consulted on changing this system. The majority of senior staff are opposed to the changes.

Contrast this system to the new one. If a field representative and I disagree over a provision in a letter of understanding, only Mr. Rumsfeld can make a final decision. The reply to this is that if Legal Services and the Regional OEO Director agree, then it's decided. In other words we must operate on a consensus arrangement. Check any management manual and you will find that consensus operations lead to administrative chaos.

The new guidelines create a situation where a field representative can go to his district chief and the district chief can go to the Regional OEO Director on legal services matters. This system creates the following overlays of delay on an already undermanned system:

*Delay No. 1.*—Before November 14, decision making was simple. I would listen to a field representative's comments and then decide. Under the new system I listen but cannot decide. Now, if I disagree, the matter escalates to the district operations chief. To avoid the whole escalation process I would try to work it out at the field representative level, thereby causing a delay in order to avoid the further delays inherent in escalation.

*Delay No. 2.*—Before November 14, I would listen to the district chief on a legal services problem and decide. I would make suggestions regarding his operation, he would listen, and he would decide. We cooperated because we knew where the authority lay.

Now, on a legal services matter the district chief realizes he can escalate a disagreement to the Regional Director. So to avoid the delay of escalation, I would try to work the matter out with the district chief, thereby causing a delay. We don't agree and the matter is escalated anyway.

*Delay No. 3.*—The Regional Director is not in town. This is a very real problem. The Regional Director must and does travel frequently. Rather than argue with his deputy (who has a different view of legal services than the Legal Services Division) I wait for the Regional Director to get back.

*Delay No. 4.*—I'm not in town. Again, a large, real problem. Before November 14, there were a number of matters that called for an agreement between Rodger Betts and myself. Consistently, delays resulted from our not being in the office at the same time. This situation is increased a hundred fold by the new regionalization.

*Delay No. 5.*—Rodger Betts and I disagree but are both aware of the large delays involved in escalating anything to Washington. So we delay, attempting to work it out. Neither of us have the power to make a decision regarding some provision in a letter of understanding. We can't agree and it escalates.

*Delay No. 6.*—The matters must now be briefed. Since the issue is going to Washington, each side must prepare his position. Since there is disagreement, the preparation must be thorough and extensive. Time consuming memorandum work must be done since the Washington parties will be new to the issue. (As an example of the relays involved, study the decision process and the memos involved on the continuing issue of regionalization.)

After the memos are sent off, both sides must go through a series of phone calls to their respective Washington divisions to assure that our positions are understood and properly defended.

*Delay No. 7.*—Operations and OLS disagree but realize the delays involved in escalating the matter to Mr. Rumsfeld's office; so they spend time trying to work it out. No agreement is reached so the matter goes to the Director's office.

*Delay No. 8.*—Someone in the OEO Director's office must be thoroughly briefed by both sides, taking up the time of three different offices.

*Delay No. 9.*—The issue must compete with and wait upon a thousand other important issues that only the OEO Director can decide.

The above delays are not speculation. We have had a good deal of experience already on the delays involved in matters requiring joint agreement. A delegate agency contract for the Los Angeles Legal Services Programs and EYOA is an important issue right now. It takes both Betts and my agreement before it can be imposed on all parties in Los Angeles. The matter hasn't even reached Rodger because Mack Hall, the Los Angeles district chief, and I haven't found time to get together on it. I can't go directly to Rodger because he is not about to make an important move in Los Angeles without heavy input from and reliance on Mack Hall and his field representatives.

Carl Shaw, Chief of PBE, and I worked on a financing system whereby CAA's would get Legal Services COB's in return for a set sum of Regional OEO money being given to the Legal Services Division at the beginning of the fiscal year. Again, both sides had to agree. People who were in basic agreement and who work well and hard together had only to work out the details. Yet it took three months before Rodger Betts and I could sign a memorandum of agreement as to the funds.

In another example, Marin County Legal Services is funded partly by OLS money and partly by SF-OEO versatile funds. A disagreement arose over the question whether SF-OEO would again pick up its \$35,000 share or whether OLS would take on the whole burden. The difficulties of setting up a meeting of the proper people on this issue have delayed a resolution for months. Mr. Casillas, the Regional Deputy Director, saw fit to call the new OLS Acting Director, Arthur Reid, on this issue although Mr. Reid has many more important matters to deal with. Yet it was his feeling that going over my head on this would resolve the issue. This is a precursor of the type of situation that would exist on a hundred different issues under the new guidelines.

In short, there are already serious delays on those few issues which by their nature call for agreement between other divisions and the Legal Services Division. If the November 14 guidelines prevail, this situation will exist on *all* issues. It is nonsense to think that everyone can reach an agreement on any substantial number of issues. The real authority has been taken from OLS and retained in Mr. Rumsfeld's office. Nothing has gone out to the regions except a mandate to agree on everything.

There are any number of past issues where there was intense disagreement at the time. Yet there was a swift decision-making procedure. Rodger Betts and the district chiefs didn't need my agreement on CAA activities and I didn't need theirs on Legal Services activities. We listened to each other and then decisions were made.

There were disagreements over the amount of Legal Services money to be paid to CAA's for "administrative services" to Legal Services programs; as to whether the CAA or the Legal Services program was to do the Legal Services program bookkeeping in certain cases; as to whether the Legal Services program director could be paid more than the CAP director; as to whether potential personnel savings in the Legal Services program could be used to refurbish a neighborhood legal services office or were to be forced into a substantial COB for the CAA; as to whether or not a CAA can indefinitely hold up a CAP Form 25B waiver request from the delegate agency LSP; as to whether or not a legal services attorney can get more than a 5% salary increase if the respective CAA and county employees are limited to 5%; as to whether or not a lousy legal services program should be closed; as to whether or not separate neighborhood legal services advisory committees or existing CAA councils were to be used; as to whether or not CAA priorities must be the priorities of the legal services program board; as to whether or not legal services money can be shifted from a California CAA district and spent in Arizona (a district chief always prefers a poor legal services program to none at all in his jurisdiction whereas the Legal Services Division would prefer to spend the money elsewhere on quality programs); as to whether legal services offices are to be located in a CAA service center; as to the format of Congressional replies; as to whether a CAA or the legal services program is to control the activities of a community aide paid by legal services; as to whether or not funds are to be released on a quarterly basis to a particular legal services program; as to whether or not a PYE deficit created by a legal services program is to be covered by the CAA and reimbursed to the CAA in the next PY; as to whether or not grant conditions drawn up by the Legal Services Division have been adequately complied with; as to how the poor representatives on the local LSP board are to be selected; etc., etc., etc.

In short, the new guidelines require consensus before action at all levels below Mr. Rumsfeld's office. No one can seriously maintain that this increases efficiency.

Neither Mr. Betts nor I can make a final decision as to Legal Services. Neither Mr. Carlucci nor Mr. Reid can make a final decision. No one can seriously maintain that this gives greater authority to the region.

Legal Services no longer has any final authority over even the smallest decisions. So the claim that the integrity of the Legal Services Program has been left untouched is specious. From my perspective, it is obvious what happened. An attempt was made to turn authority over to the Regional OEO Directors. It ran into opposition and the November 14 guidelines were a clumsy attempt to carry out the original intent while opposing the critics.

The result is that the Regional OEO Directors did not really get their authority (unless the Legal Services Division caves in under the pressure of delay) and the critics did not get what they (we) wanted. And the goal of administrative efficiency was lost in the battle with administrative chaos coming out of the result.

I feel that the new leadership of OLS must take a stand on this issue. It is extremely important to the Regional OLS Directors, to LSP Project Directors and to all of the organizations related to legal services.

There is a large constituency opposed to the change. There are very few people in favor of it (check with field representatives and division chief).

If things must be decentralized, it should be done within OLS, from the director of OLS to the regional directors. If greater cooperation between Legal Services and other OEO divisions is required, then the right of comment only (within a short period of time) should be incorporated. However, authority to make decisions stick should be left to OLS and not retained by the OEO director's office.

The present guidelines are an "invitation to all divisions to quarrel over every issue." Their only effect is delay. I, for one, do not intend to cave in on matters I feel are important to LSPs. If these matters must be fought up to Mr. Rumsfeld's office, then they will be.

The Legal Services Division here has a cumulation of 18 years legal services experience employed as of this writing. It has a high (though endangered) morale, works long hours (the names of its employees appear more frequently in the late sign-out book and the week-end sign-in book than any other division.) and has the respect of both its programs and the other OEO divisions here. We know we cannot perform well or even adequately under the new system, which would cause a loss of morale, of willingness to work extra hours, and most important, of the ability to do our part in maintaining the phenomenal success of Legal Services.

WE  
CAN  
HELPCommunity  
Action for  
Legal  
Services, Inc.PODEMOS  
AYUDARLO335 Broadway New York, New York 10013 (212) 966-6600  
Willis L. M. Reese, Chairman John DeWitt Gregory, Counsel

December 9, 1970

Senate Subcommittee on Employment,  
Manpower and Poverty  
Senator Gaylord Nelson of Wisconsin, Chairman  
359 Senate Office Building  
Washington, D.C. 20510

The Honorable Gaylord Nelson:

Community Action for Legal Services (CALS) provides free legal assistance to the poor people of New York and is the largest legal service program in the United States.

OEO Director Donald Rumsfeld's recent dismissal of Terry Lenzner and Frank Jones coupled with his "back door" regionalization of the Legal Services Program signaled an escalation in the current administration's efforts to undermine the independence and effective advocacy of our poverty lawyers. Although the New York City legal service program is not as immediately threatened as others, New York has important long term interests which are at stake. We cannot be sure that local political leaders will always be as tolerant of aggressive lawyering for the poor as they have been. The precedent which will be set by local politicians "taming" poverty law programs in other areas of the country may in itself help make CALS a political issue, and bring pressure on New York's local officials to tame CALS. Further, and of immediate concern to us is the possible termination of the Reginald Heber Smith program and the cut back in funds available for Legal Services Programs which has necessitated the closing of one of our offices.

These acts seriously hamper our ability to provide adequate legal representation to the poor in New York City. Therefore, we respectfully request an opportunity to testify on December 16th regarding OEO Director Donald Rumsfeld's administration of the Legal Services Program.

Very truly yours,

*John D. Gregory*  
John D. Gregory

JDG:ac



## LEGAL AID SOCIETY OF POLK COUNTY

PHONE 515-282-8375 • 507 SHOPS BLDG., 8TH AND WALNUT • DES MOINES, IOWA 50309

December 9, 1970

RECEIVED

DEC 11 1970

Honorable Gaylord Nelson, OFFICE OF  
Senate Office Building, SENATOR GAYLORD NELSON  
Washington, D. C.

Dear Senator Nelson:

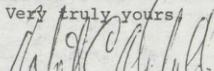
Please find enclosed a copy of two editorials that have appeared in the Des Moines papers in regard to Legal Services.

The editorial "Rural Poor Need Legal Help" is based on a study that is reported in 56 Iowa Law Review at page 100 and published in October of 1970.

I might point out that we in this Region receive very little Legal Services money in comparison to other areas of the United States. The most significant reason has been the lack of applications being submitted by lawyers in this State and Region because of their reluctance to admit a severe problem exists concerning the availability of legal services. Last Saturday afternoon I was a panelist before a state meeting of the Jaycees here in Des Moines. One of the members pointed out there were many middle-class people in Iowa who were going without legal help for the same reason the poor were. Mr. Lawrence Carstensen, the recently-appointed ombudsman for the State of Iowa, was also at this meeting and brought to our attention that in the short period of time his office has been open to the public, they have received continuous requests for legal assistance from all over the State of Iowa. He also acknowledged, having just recently moved from Clinton, Iowa, that community needs a Legal Services Program.

The Legal Services Program needs your support to guarantee it independence as well as increased appropriations for expansion.

Very truly yours,

  
Robert C. Oberbillig

m  
Enclosures

To Fill the Commitment—"Equal Justice Under Law"



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Thomas J. Clarke  
Managing Attorney

[From the Des Moines (Iowa) Tribune, Dec. 4, 1970]

#### LEGAL AID FOR POOR THREATENED

The effectiveness of the Office of Economic Opportunity's legal services program will be at stake when Congress acts shortly on appropriations for the program. At issue is the extent to which legal aid will be subject to political pressure from governors and other state and local officials.

The legal aid program, with 850 offices and more than 2,000 lawyers, has been one of the most successful of the OEO operations. But its suits against government agencies and practices have stepped on political toes and spurred efforts to curb its activities. California Gov. Ronald Reagan is openly hostile to the program and succeeded last year in getting the U.S. Senate to vote to subject OEO legal services projects to veto by state governors. The measure was blocked in the House when the American Bar Association and other groups condemned it.

Earlier this year OEO Director Donald Rumsfeld proposed that the program be "regionalized" by placing it under control of OEO's 10 regional directors. Under the present system each local program is accountable to a local board, which is responsible to regional legal services offices, the national legal services director and a National Advisory Committee.

The regional services offices are run by lawyers, and the national legal services director is a lawyer. The National Advisory Committee is composed exclusively of lawyers. Of the 10 OEO regional directors, only two are attorneys. The regional directors have jurisdiction over all OEO community action programs. They are political appointees who are beholden in many cases to the governors and other politicians in their regions.

Rumsfeld's plan to put legal aid under control of the 10 regional directors led to well-grounded fears that legal aid would become subject to political control and influence. The American Bar Association, National Legal Aid and Defenders Association, League of Women Voters and other groups denounced the plan. The Senate responded in October by writing a restriction into the OEO appropriation bill against "regionalization."

Last month Rumsfeld came up with another plan which he called "decentralization." Critics contend it will have the same effect as "regionalization" and is merely a device to go around the language in the Senate bill. The recent firing of OEO Legal Services Director Terry Lenzner is believed to be based in part on his opposition to Rumsfeld's decentralization plan.

An effort is expected to be made in Congress to thwart the latest plan and to nail down the principle that legal aid should be insulated from politics and free from interference by maintaining the present chain of command.

OEO legal aid has been successful because it has been innovative, aggressive and free from political manipulation. Congress has an obligation to maintain the integrity of legal aid by rejecting any device that threatens to make a political football out of an attorney's relationship with his client.

[From the Des Moines Register, Dec. 5, 1970]

#### RURAL POOR NEED LEGAL HELP

Rural Iowans have difficulty getting adequate medical care because of a shortage of physicians. There is no shortage of lawyers, but the rural Iowan who is poor also has a hard time getting legal help. A study reported in the current Iowa Law Review concludes that "a substantial number" of Iowans in rural areas need but are now receiving assistance from lawyers.

The conclusion is based on a study of the extent of rural poverty, the nature of problems confronting the poor and a survey of welfare officials. More than three-fourths of rural county welfare directors said a definite need for organized legal aid programs existed in their counties. They estimated on the average that nearly a fourth of the residents of their counties could not afford the full cost of legal services.

Few rural counties have an organized means of providing legal help for the poor in non-criminal cases. Attorneys give free help in some cases and cut their fees in others, but this is on a hit-or-miss basis. If a person with legal problems is unaware of the availability of service, or is embarrassed to ask for help, he goes without.

The existence of organized legal aid services in Des Moines, Dubuque, Iowa City, Waterloo and Cedar Rapids has demonstrated the great reservoir of need for help with legal problems among the urban poor. The need for assistance may be greater among the rural poor, because of the high incidence of land ownership and the legal issues this generates. Poverty is as much a rural as urban problem in Iowa. Nearly half of all Aid to Dependent Children payments in Iowa are in counties with less than 65,000 population, and most Old Age Assistance recipients are in rural areas.

The Iowa State Bar Association has recognized the need and has endorsed a plan to establish a state director of legal aid and four regional directors to work with each county bar association to formulate legal aid programs. The state bar plan is presently hung up awaiting federal approval and financing.

The Iowa Law Review study underscores the need for action. If federal support is not forthcoming, the state bar should not hesitate to seek a state appropriation.

JOHN C. CULVER  
20 District, Iowa

COMMITTEES:  
FOREIGN AFFAIRS  
GOVERNMENT OPERATIONS

Congress of the United States  
House of Representatives  
Washington, D.C. 20515

December 7, 1970

The Honorable Gaylord Nelson  
Chairman, Subcommittee on Employment,  
Manpower and Poverty  
Committee on Labor and Public Welfare  
Room 359 O.S.O.B.

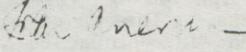
Dear Mr. Chairman:

I am writing with regard to the hearings your Subcommittee will be conducting on December 15 and 16 concerning regionalization of the Organization of Economic Opportunity.

I would very much appreciate your including the enclosed copy of a letter which I received from Mr. Robert C. Oberbillig, Director of the Legal Aid Society of Polk County in the hearings record.

I very much appreciate your assistance on this matter.

Sincerely,

  
JOHN C. CULVER  
MEMBER OF CONGRESS

JCC:a

LEGAL AID SOCIETY OF POLK COUNTY,  
*Des Moines, Iowa, December 3, 1970.*

HON. JOHN CULVER,  
*House Office Building, Washington, D.C.*

DEAR REPRESENTATIVE CULVER: This letter is a followup on the copy of a telegram you should have received on November 23, 1970 in regard to the Legal Services Program. The original telegram was addressed to Donald Rumsfeld, but I now have been told that several persons who were to receive copies of the telegram found the telegram addressed directly to them and were understandably confused by its message.

For some time now Mr. Rumsfeld has attempted to introduce politics into the operation of the Legal Services Program by changing its emphasis and operation. He has called this activity "decentralization", "regionalization" and now more recently, "new procedures designed to develop closer coordination between Legal Services and other agency programs." All of this means one thing and that is the Legal Services Program will be delegated to the various Regional Directors who for the most part are nonlawyers, political appointees who have been suggested to the position by local political figures, and who will subject the operation of the Legal Services Program to the same type of conduct the Community Action Program suffers under at the present time.

In 1967 Congress expressed its intent by declaring the Legal Services Program should be a national emphasis program operated independently at all levels of administration within OEO by the Directors of the Legal Services Program and that the national guidelines should be developed with the assistance of lawyers on the National Advisory Committee. In addition, Congress has written consistently into the law the requirement that lawyers in representing the poor must do so on the same basis as any private attorney is obligated to perform his duties.

Because of these national policies Legal Services Programs have been able to attract and retain competent attorneys. I have been proud to be a part of the Program for the last four years. Within the last couple of years I have seen the respect for the Program grow in the organized Bar and the communities in which I have administered and served. More recently one of my staff attorneys in Waterloo having entered private law practice was elected as a Republican to the Iowa Legislature. Another staff attorney is now with the FBI and still another staff attorney lost his life in Viet Nam as a combat pilot in the United States Marines Corps. We are able to get men of this caliber, and continue to do so because the Program has been free of politics.

I urge you to investigate the real cause behind the termination of Terry Lenzner as Director of Legal Services, and to sponsor and support legislation which will continue the Legal Services Program as an independent national emphasis program free from politics. If I can be of any assistance in providing you information on this issue, do not hesitate to call upon me.

Very truly yours,

ROBERT C. OBERBILLIG.

LAW OFFICES OF  
CALIFORNIA RURAL LEGAL ASSISTANCE

1212 MARKET STREET  
SAN FRANCISCO, CALIFORNIA 94102  
TELEPHONE 863-4911  
(AREA CODE 415)

RECEIVED

DEC 1 1970

OFFICE OF  
SENATOR GAYLORD NELSON

December 8, 1970

TO: FRIENDS OF CRLA

FROM: CRUZ REYNOSO

RE: A CRLA PROGRESS REPORT

We want to bring you up to date on what has been happening in CRLA.

Our 1971 Grant for \$1.8 million, a \$200,000 increase, has been ok'd by Washington OEO and is now on Governor Reagan's desk for his signature. The \$200,000 increase is for the establishment of a "back-up center" which will work with smaller, less experienced legal service programs on various cases which might benefit from our help and expertise.

As some of you may know from reports in the press, Lewis K. Uhler, Director of the Governor's OEO, has sent a questionnaire regarding CRLA to 3,400 attorneys. Not only were the questions extremely biased against CRLA but attorneys were encouraged to respond anonymously. Mr. Uhler has since been censured and asked to withdraw the questionnaire by the National Legal Aid and Defender Association. (Their Resolution and a news article regarding it are attached.) Mr. Uhler responded with a press conference in which he is quoted as saying that if his investigation, in his judgment, proves adverse to CRLA, he will recommend that the Governor veto the CRLA grant. We feel that this investigation is regrettable and unwarranted since it comes just a month after a prominent team of evaluators, including Justice Winslow Christian of the California Appellate Court, former Supreme Court Justice Tom Clark, and a member of the Governor's staff gave a very favorable report recommending CRLA's refunding. OEO also solicits the opinions of local bar associations, Congressmen, and others regarding CRLA's refunding. Anyone wishing to express their appraisal of CRLA's activities should write directly to:

The Honorable Governor Ronald Reagan  
The State Capitol  
Sacramento, California 95814

Legal Services Office  
Regional Office  
of Economic Opportunity  
100 McAllister Street  
San Francisco, California 94102

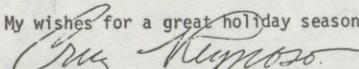
The following are two summaries of recent CRLA cases:

In *Godley, et al., v. Knudsen Creamery Company, et al.*, milk processors were sued by low-income and senior citizens represented by the Senior Citizens' Project of CRLA. The suit charged deliberately deceptive coding of milk containers which prevent customers from knowing the date milk should be pulled off the shelves. A hearing is set for January 6. Attached is an article which appeared in the Los Angeles Times regarding the suit.

A Complaint was filed in August, 1970, against Crocker-Citizens National Bank and Wells Fargo Bank before the U.S. Treasury Department charging discriminatory hiring. We learned recently that the two banks have agreed to implement the "Philadelphia Plan", which means that minority employment levels will be commensurate with the minority population. This is the first time that females have been included in specific managerial employment goals. A news article concerning the case is attached.

Please get in touch with me if you have any questions on the above.

My wishes for a great holiday season,



Cruz Reynoso, Director, CRLA

[From the Sacramento (Calif.) Bee, Dec. 1, 1970]

GOVERNOR REAGAN AND THE CRLA GRANT—CRLA WILL GET \$1.88 MILLION  
FOR LEGAL AID TO POOR—REAGAN WILLING

California Rural Legal Assistance attorneys have been granted another \$1.88 million to continue their legal services to the poor next year—provided Gov. Ronald Reagan does not veto the grant.

US Sen. Alan Cranston said the legal services agency, one of the largest in the country, will receive \$205,539 more than it did this year.

The Office of Economic Opportunity, which announced the funding, said the action demonstrates that it is not attempting to emasculate legal aid programs. It also announced a \$1 million grant to the Navajo Indian Reservation legal aid program for Arizona, Utah and New Mexico.

FOLLOW DISCHARGE

The OEO grants follow the firing of legal services director Terry Lenzner, who charged the Nixon administration is attempting to reduce the program's effectiveness.

CRLA officials said they will use their increased grant to coordinate expanded services with smaller legal aid programs in the state.

Reagan has 30 days to veto the grant. Although the governor has approved CRLA budgets in the past, he once threatened a veto and gave approval only at the last minutes. Reagan accused the CRLA of working against the taxpayers' interests when its court actions blocked Medi-Cal and welfare changes sought by the governor. A veto will pose a test for OEO Director Donald Rumsfeld, who has the power to override it.

Rumsfeld says the grants to CRLA and the Navajo program indicate his continued support of legal aid. His critics remain skeptical, however.

They claim the threat of Reagan's veto and new conditions placed on the Navajo program continue to place the legal services projects in jeopardy.

The Navajo program has plagued OEO officials for four years because tribal chiefs resent OEO-funded reform suits designed to win rights for poor Indians.

SKIRTS PROBLEM

Rumsfeld circumvented the controversy this year by postponing approval of the grant until after the tribal elections, when a candidate sympathetic to the program was elected.

Among the new conditions placed on the Navajo program is a reduction of representation of the Indian poor on the project's Board of Directors.

"STRIKE FOR PRINCIPLE"

Meanwhile, legal aid attorneys throughout the country have designated tomorrow as "Strike for Principle Day" to protest the firing of Lenzner.

The attorneys also have established a Committee for Legal Services to "fight for the independence of legal services programs," which the committee says are greatly endangered by Rumsfeld's policies and actions.

NATIONAL LEGAL AID  
AND DEFENDER ASSOCIATION,  
*Chicago, Ill.*

RESOLUTION URGING CENSURE OF THE STATE OF CALIFORNIA OFFICE OF ECONOMIC  
OPPORTUNITY & LEWIS K. UHLER, DIRECTORS

Whereas, National Legal Aids and Defender Association (NLADA) seeks to promote high professional standards of legal aid and defender attorneys, and

Whereas, Lewis K. Uhler, Director of the State of California Office of Economic Opportunity, is an attorney duly licensed to practice law, and

Whereas, Lewis K. Uhler, Director, Office of Economic Opportunity, State of California, sent to attorneys and others, a letter dated November 6, 1970, which invites anonymous responses to a 10 question, 2-page questionnaire, which includes the following questions, *inter alia*:

(3) Have you an opinion of the standard of legal ethics adhered to by CRLA attorneys? If so, on what facts is your opinion based? Legal ethics: (a) high; (b) acceptable; (c) poor; (d) unacceptable. Comments:

(4) Do you feel that the main thrust of CRLA's efforts has been toward "causes" or class actions, or toward litigating or otherwise solving specific, individual problems? Emphasis on: (a) individuals; (b) causes. Comments:

(5) Are CRLA members in your community involved, on behalf of CRLA, in community activities of an activist or political nature? (a) yes; (b) no. If yes: (1) what organization? (2) why do you believe this?

Now therefore be it resolved:

That, this Association (NLADA) censure the State of California Office of Economic Opportunity and its Director, Lewis K. Uhler, for its mailer of November 6, 1970, and

That, NLADA demand an immediate withdrawal of the inquiries with notice of such withdrawal to all attorneys to whom it was sent, and

That, the State Bar of California, through its properly constituted grievance machinery, be requested to institute proceedings against the State of California OEO and Lewis K. Uhler.

Be it further resolved, That NLADA offer its experienced personnel to the State of California OEO for purposes of giving technical assistance on investigative techniques which are consistent with the Code of Professional Responsibility of the American Bar Association and the State Bar of California and which will be acceptable to all parties concerned.

Be it further resolved, That the Secretary of NLADA be instructed to transmit this resolution to all interested parties.

[From the Modesto (Calif.) Bee, Nov. 17, 1970]

#### UHLER CENSURE—STATE'S OEO, CHIEF DRAW CENSURE

SACRAMENTO.—The California Office of Economic Opportunity and its newly appointed director, Lewis K. Uhler, have been censured by a National Legal Aid Association for investigating the political motives of California Rural Legal Assistance attorneys.

The National Legal Aid and Defender Association, which numbers among its members US Supreme Court Chief Justice Warren Burger and former US Atty. Gen. Nicholas Katzenbach, also is asking that Uhler's actions be investigated by the grievance committee of the California Bar Association.

Uhler, a former campaign aide for US representative and former John Birch Society official, John Rousselot, is in hot water with the NLADA because on Nov. 6 he sent out a 10-question two-page questionnaire to California judges and attorneys that asked such questions as:

#### ETHICS QUESTIONS

"Have you an opinion of the standards of legal ethics adhered to by the CRLA attorneys?... Are legal ethics (A) high? (B) acceptable? (C) poor? (D) unacceptable?"

"Do you feel the main thrust of CRLA efforts has been toward 'causes' or class actions or toward litigating or otherwise solving specific individual problems?"

"Are CRLA members in your community involved in behalf of CRLA in community activities of an activist or political nature?"

California Rural Legal Assistance attorneys and Gov. Ronald Reagan's administration have been dueling almost since Reagan came into office. It was a CRLA suit, in behalf of a Modesto man, which restored millions of dollars of Medi-Cal money to Gov. Reagan's budget after he had axed the funds.

#### PREJUDICIAL TO CRLA

Some 600 delegates to the annual NLADA convention in San Antonio, Tex., took the action of censuring Uhler because he asked questions which the organization "considered highly unprofessional and prejudicial to the CRLA."

The NLADA also demanded immediate withdrawal of the inquires.

CRLA lawyer Sheldon Greene said in San Francisco today that the questionnaires asked for anonymous answers and that "anonymous responses just invite irresponsibility."

He questioned Uhler's motives in asking for the statewide evaluation of the CRLA, saying:

"We invest as many as 4,000 hours a year in evaluations. We just finished one by a really gold-plated panel that included a man from the state OEO, and (former US Justice) Tom Clark, and a guy from the Illinois Bureau of the Budget. We got a clean bill of health."

[From the Los Angeles Times, Dec. 3, 1970]

**RIGHT TO BUY FRESH MILK CASE—EIGHT MILK FIRMS CHARGED WITH DECEIVING PUBLIC—SUIT SAYS CODE DATING OF CARTONS PREVENTS BUYERS FROM KNOWING FRESHNESS**

**SAN FRANCISCO.**—Eight milk-processing companies were sued Wednesday on charges that they use "unfair and deceptive" codes to prevent consumers from determining the freshness of milk products.

The suit, filed in Superior Court here, was brought by a group of low-income and elderly persons.

Named as defendants were Knudsen Creamery Co., Christopher Commercial Corp., Challenge Cream and Butter Assn., Carnation Co., Foremost-McKessen Inc., Arden-Mayfair, Inc., the Southland Corp., and Berkeley Farms, as well as 100 unspecified companies that the suit said were guilty of similar practices.

Altogether, these firms process and distribute over 90% of the milk sold in California stores, according to the suit.

**CODED DATE ON CARTONS**

The target of the action is a coded date printed on the pour spouts of milk cartons indicating the freshness of the milk. The code is used by clerks to determine when the unpurchased product should be taken from the shelves.

The suit charged that the codes are so complicated that the consumer is unable to select the freshest milk available or to determine whether the milk already should have been removed.

The complaint listed one code as an example: "S F 03K O." When translated, in a complex process, the code means the milk should be removed as of Nov. 30, 1970. Some companies change their codes frequently, the suit said.

The suit charged that the use of codes violates a state law prohibiting "false, misleading or deceptive" symbols on milk containers. It seeks a court order declaring the codes unlawful and requiring milk companies to use only readily understandable dates or abbreviations in their place.

**CODES NOT REQUIRED BY LAW**

A spokesman for the State Department of Agriculture said the codes are not required by California law and that keys to the codes are provided to state dairy inspectors.

He said further that milk companies had expressed reluctance to simplify the codes because they fear consumers would buy only the freshest milk, leaving unpurchased that which was less fresh but nonetheless safe to drink.

The suit noted that three milk processors—Lucerne, Lady Lee and Ralphs—use simple dates on containers.

It cited a recent letter from Richard Ralphs, chairman of the board of Ralphs Grocery Co., to State Sen. Anthony Beilenson (D-Los Angeles), an advocate of simplified coding, in which Ralphs said the use of simple dates did not adversely affect sales and that the company planned to expand their use to other perishables.

The action contained affidavits from several persons asserting that "random investigations" had found some milk had not been removed from the shelves by the dates specified by the codes.

Dr. Edward Bernstein, a physician at Centro de Salud, a community health clinic in the Mission district here, said in a declaration attached to the suit that doctors at the clinic had treated several severe cases of diarrhea caused by sour milk. Failure to make milk codes readily understandable, Bernstein said, "would constitute a health hazard within the community."

The low-income persons listed as plaintiffs noted that people receiving food stamps twice monthly must buy milk infrequently, increasing the importance of knowing the freshness of the milk.

The action was filed by attorneys for the Senior Citizens Project of California Rural Legal Assistance, the National Legal Program on Health Problems of the Poor at the UCLA law school and the San Francisco community firm of Paul Harris and Stanley Zaks.

A hearing on the case has been scheduled here for Jan. 6.

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[From the San Francisco (Calif.) Sun Reporter, Dec. 5, 1970]

#### BANKS SET MINORITY EMPLOYMENT GOALS—TWO LOCAL BANKS AGREE TO IMPLEMENT PHILADELPHIA PLAN

The United States Treasury Department has announced that the "Philadelphia Plan's" specific minority employment goals were recently agreed to by two of California's largest banks, Crocker-Citizens National Bank and Wells Fargo Bank.

This marks the first time that President Nixon's "Philadelphia Plan" has been agreed to by any financial institution.

The banks agreed to set specific minority employment goals at all levels of employment, including managerial, at all branches throughout California. The goal is to reach minority employment levels commensurate with the minority population (21.5 percent Black and Spanish-surnamed) by 1972.

Each of the two banks employs approximately 10,000 persons. As a result, it is expected that between 1,000 and 2,000 additional Blacks and Spanish-surnamed persons will be hired by the end of 1972.

In addition, the banks' "Philadelphia Plan" includes specific managerial employment goals for females. This is the first time such goals have been agreed to for females.

As a part of the agreement the Treasury Department will audit the banks at six-month intervals during the next two years in order to ensure full compliance with the minority employment goals.

The banks' agreement is the outgrowth of an Aug. 17, suit filed by a coalition of minority and female organizations (NAACP, Mexican-American Political Association, National Organization of Women, American GI Forum, Chicano Law Student Association, Spanish-Speaking Surnamed Political Association, and the League of United Latin American Citizens). As a result of this suit, the secretary of the treasury ordered an investigation of Crocker-Citizens and Wells Fargo and entered into the above-described employment agreement.

The minority and female organizations are represented by the Mexican-American Legal Defense and Educational Fund and California Rural Legal Assistance.

Spokesman for the organizations stated:

"We are pleased with the voluntary and socially responsible actions of Crocker-Citizens and Wells Fargo and pledge ourselves to working closely with the banks in developing additional minority and female leadership at all levels of bank employment.

"We hope that other financial institutions will consider setting similarly responsible minority and female employment goals. Since banks are subsidized by interest-free federal government deposits (daily average of \$7.5 billion dollars) they have a special responsibility to lead the way in developing full employment opportunities for all Americans."

THE UNIVERSITY OF WISCONSIN  
LAW SCHOOL

MADISON, WISCONSIN 53706  
December 8, 1970

RECEIVED

DEC 10 1970

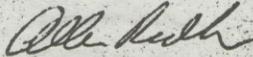
OFFICE OF  
SENATOR GAYLORD NELSON

Dean E. Clinton Bamberger, Jr.  
School of Law  
Catholic University of America  
Washington, D.C. 20017

Dear Dean Bamberger:

I am enclosing some faculty and student signatures dealing with the OEO crisis. Those submitted are not all I expect to send to you. You may state that faculty agreement is in the area of 95% here at Wisconsin.

Sincerely,



Allen Redlich  
Professor of Law

AR:bgm

Enclosures

cc: Senator Gaylord Nelson  
Senator William Proxmire  
Senator Walter Mondale  
Mr. Donald Rumsfeld

LAW SCHOOL FACULTY MEMBER STATEMENT ON THE CURRENT  
CRISIS IN THE OEO LEGAL SERVICES PROGRAM

December 1970

The Legal Services Program of the Office of Economic Opportunity has rightly been called one of the most vital and successful domestic programs in the United States today. Recent actions taken by the Director of the Office of Economic Opportunity, however, have shaken our confidence in the commitment of that agency to the provision of effective legal representation to the poor. If our system of justice is to succeed in providing the poor a meaningful alternative for the redress of grievances, legal services lawyers must be free to represent their clients regardless of the political or economic power of those they oppose. We, members of the law faculty of the University of Wisconsin Law School, deplore any action which threatens the integrity, independence and vigor of the Legal Services Program. Appropriate steps should be taken at once to strengthen the program against political pressures from within and outside the agency, so that legal services lawyers may pursue their clients' cause, guided solely by the needs and desires of the client and the limitations of professional conduct. The rich expect no less from their lawyers; neither should the poor.

Joseph P. H. H.

Richard B. Bilder

Richard B. Bilder

James E. H.

Norman Gardner

William H. H.

Frank M. Trench

J. C. Wetherington

William C. Whitford

Samuel M. H.

James B. H.

August E. H.

Robert S. H.

John C. H.

Ed. H.

John H.

John H.

Robert H.

Walter Hurst  
 Equus L. L.

W. H. H. H.  
 Oliver Brodie  
 Walter B. Rauschbach  
 Edward L. Kumball  
 David E. Jarvis  
 Orrin L. Helstad  
 Stuart J. Hullett

Marius L.  
 Marygold S. Thelli  
 G. W. Foster  
 George Gunn

STATEMENT OF LAW SCHOOL STUDENTS ON THE CURRENT  
CRISIS IN THE OEO LEGAL SERVICES PROGRAM

The Legal Services Program of the Office of Economic Opportunity has rightly been called one of the most vital and successful domestic programs in the United States today. Recent actions taken by the Director of the Office of Economic Opportunity, however, have shaken our confidence in the commitment of that agency to the provision of effective legal representation to the poor. If our system of justice is to succeed in providing the poor a meaningful alternative for the redress of grievances, legal services lawyers must be free to represent their clients regardless of the political or economic power of those they oppose. We, law students at Wisconsin Law School, deplore any action which threatens the integrity, independence and vigor of the Legal Services Program. Appropriate steps should be taken at once to strengthen the program against political pressures from within and outside the agency, so that legal services lawyers may pursue their clients' cause, guided solely by the needs and desires of the client and the limitations of professional conduct. The rich expect no less from their lawyers; neither should the poor.

December 7<sup>th</sup>, 1970

Walter W. Heiser

Edward D. Weber

Mavis Rusheles

Frederick J. Griffith

Nely J. Johnson

Bone Lely, J.

Frank [unclear] [unclear]

Harold J. Murray

Laurence J. Schmitt

Richard J. [unclear]

James J. Long

Dennis R. [unclear]

William [unclear]

Benard Grossberg

Edward Hoff  
 William E. Appel  
 Mary H. 565  
 Claude Moulton  
 Wayne D. Landsverk  
 Janet A. Haring  
 Gerald Conca  
 John Tarena  
 Richard R. Klant  
 James Hardner  
 Isaac Taylor  
 Jacob Kludberg  
 Leonard F. R. Jones  
 Peter J. Jones

Robert Maysproff  
 Howard Schoenfeld  
 Hector De La Mora  
 William A. Stepien  
 Monica R. Lammson  
 William C. Floyd  
 James Schnitzer  
 Warren C. Anderson  
 Arne Wasson

Jeffrey Salland

Richard Brown

Robert Kinney

Debra McElroy

Aggie Hurwitz

Robert Rusch

Terry M Rebholz

Mel J. Cyph

Edw. J. Reiser

Paul E. McClell

Tim Fanner

D. Holts

David Harold Korb

Jay Himes

W. G. Dietz

Howard Golden

Robert H. Rasmussen

David H. Peabody

James J. Lincoln

~~W. M. M. M. M. M.~~

Mark F. Schuff

A. J. J. J. J.

Luzanne Kette

Terry Hart

J. G. K. K. K.

Robert Stachurski

Donald D. Goffman

Jeffrey J. K. K.

William D. D. D.

Arnold N. Kusky

Dennis Wojahn

Charles H. Whalen

Mary Thoenig  
Raymond Thoenig  
Marshall Madam

Jeff Steiner  
W<sup>re</sup> Lamoureux

Michael Weeden

Greg Meyer  
Paul D. Skovman

William E. Martin

James L. Barnett

~~James L. Barnett~~

Isa Cohen

Daniel Fromstein Robert J. Rubin  
Morton Weisman Ronald B. Ely

Thomas Edgley Paul Boyer Richard Ehle

Robert J. Shafer  
Clayton Galin

~~James Kerr~~  
~~Madd~~

Peter Gruenstein  
Todd McGrath

George Kelle

Lawrence Daniel

Ronald Skint

Ralph Sadoska

Peter Doushue

*Law Offices of  
Cohn, Glickstein, Lurie & Ostrin*

*777 Fifth Avenue, New York, N. Y. 10022*

December 4, 1970

LOUIS B. BOUDIN (1898-1952)  
SIDNEY ELLIOTT COHN  
HYMAN N. GLICKSTEIN  
SAMUEL HARRIS COHEN  
JEROME S. LURIE  
H. HOWARD OSTRIN  
LAURENCE R. KRUTECK  
DANIEL W. MEYER  
JEAN TAYLOR  
MAX H. ROSE  
ROBERT A. GOLDSTEIN  
ROGER S. HAYES  
PHILIP D. TOBIN  
JULIA C. ALGASE

AREA CODE 212  
PL 3-4200  
CABLE ADDRESS  
"COHGLICK"

RECEIVED  
DEC 9 1970  
OFFICE OF  
SENATOR GAYLORD NELSON

Hon. Gaylord Nelson  
Senate Office Building  
Washington, D.C.

Dear Senator Nelson:

I am writing you to express my concern about the events now taking place in Washington concerning the national legal services program. I refer particularly to the regulations promulgated by the Director of the Office of Economic Opportunity, Mr. Donald Rumsfeld, which would expose the legal services program to local and national political pressures.

OEO should not encourage political pressure or retribution against lawyers in the legal services program because of unpopular clients whom they represent or controversial cases which they handle. It would seem clear, if the program is to be effective, that legal services should be insulated from such pressures, with the final decision as to how to handle individual complaints to be the responsibility of the lawyers.

I understand that in addition, Mr. Rumsfeld intends to cut back on the Reginald Heber Smith poverty lawyer program, a program which is funded out of the national legal services budget. I personally know individuals in the program. One of them is my son who, after graduating from Harvard Law School last year, joined the Boston Legal Assistance Project under the Reginald Heber Smith program. I am tremendously impressed with the work that the loyal and dedicated young lawyers in this program are doing. They are engaged in representing poor people in accordance with the finest traditions of the legal profession. In addition, this program has provided and continues to provide an opportunity for lawyers from minority groups to serve the country. The program plainly should be expanded, not cut back. Legal services attorneys perform an indispensable function under our system today. They represent the poor where no other representation is available.

They provide a channel for the peaceful resolution of social problems within the existing legal and political system. In these times of tension and turmoil, what greater contribution to our society can be made by these lawyers today than by giving the poor legal protection and representation with the same vigor and concern that are expended by private lawyers on behalf of corporations and more affluent individuals. How can this representation on behalf of the poor be effective unless it is utterly free from political pressures and considerations?

Any cut back in national legal services, any discouragement of aggressive legal services representation can only diminish the chance of maintaining the very "law and order" in this country about which the Administration is so concerned.

I urge you if you possibly can to do everything within your power to help preserve the independence, the integrity and the effectiveness of the legal services program free from interference or emasculation. This is not only in the best tradition of the Bar. It is also plainly in the best interest of stabilizing our society.

Sincerely yours,



H. N. Glickstein

H. N. Glickstein

HNG:sr

36-851 1036

COPY

## MONROE COUNTY BAR LEGAL ASSISTANCE CORP.

600 PLYMOUTH AVENUE SOUTH  
ROCHESTER, NEW YORK 14608  
TEL. 325-3444

BRANCH OFFICE  
628 Clinton Avenue North  
Rochester, New York 14605  
232-5400

JOAN DE R. O'BYRNE  
Executive Attorney

DAVID C. LEVEN  
MICHAEL J. NELSON  
LOREN H. KROLL

December 2, 1970

Mr. Donald Rumsfield  
Director  
Office of Economic Opportunity  
Washington, D. C.

Dear Mr. Rumsfield:

I am writing this letter in support of Mr. Tarry Lenzner and Mr. Frank Jones, the former Director and Deputy Director of OLS, and in protest of your firing of Mr. Lenzner and Mr. Jones.

The reasons given for the firing of Mr. Lenzner and Mr. Jones were spurious, and the real reason are political. Ostensibly, Mr. Lenzner and Mr. Jones were dismissed because they violated the statutes under which OLS was funded. As you know, there is no truth to the allegations that Mr. Lenzner and Mr. Jones violated statutes in which OLS is funded. The grant under which the New Orleans and Los Angeles program and cases were funded were approved by the general council to the OEO. The real reason for the firing and dismissal of Mr. Lenzner and Mr. Jones is political, that is Mr. Lenzner and Mr. Jones differ in their philosophy with the current political administration which Mr. Rumsfield represent in that Mr. Lenzner and Mr. Jones have attempted to have the OLS vigorously and independently representing indigent persons of this country and their interest. Mr. Lenzner and Mr. Jones above purposes contravene the purposes of the current political administration and was so dismissed under the aegis of species reasons.

I thus support the strike day of Wednesday, December 2, 1970 and will attempt to do my best that the OLS maintain independence so that it will effectively be able to represent the indigent people of our country as vigorous as each and all case may warrant.

Very truly yours,



MICHAEL NELSON

MN/rs

cc: Senator Gaylord Nelson  
Senator Walter Mondale

December 1, 1970

Honorable Gaylord Nelson  
Senate Office Building  
Washington, D. C.

Dear Senator Nelson:

As a legal services employee, I am outraged at the summary dismissals of Terry Lenzer and Frank Jones from their positions of leadership in the legal services program. I believe this unwarranted act by Donald Rumsfeld strikes at the integrity of the legal services program.

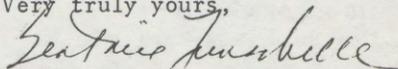
This program was held out as a means for the poor in this country to break loose from the stranglehold of poverty and racism in America. The cynical destruction of the program through "regionalization" and other euphemisms for politicization, represents the culmination of repeated attempts by Mr. Rumsfeld to emasculate the legal services program. His political motivation has been manifested by his refusal to approve the applications of effective programs, his failure to provide adequate funding and his attempt to use a Republican political yardstick in the hiring of legal services personnel.

We urge you, as an individual of conscience, to do all in your power to reverse the policy of the present administration. No decision affecting legal services operations should ever be dictated by political considerations. Therefore we seek your support for the following proposals:

1. The immediate reinstatement of Terry Lenzer and Frank Jones.
2. The end of all efforts to introduce political controls over legal services through regionalization or any other scheme.
3. The guaranteed funding of all threatened programs.
4. The removal of Donald Rumsfeld as head of OEO because of his hostility to the poor and his involvement in White House political affairs.
5. The establishment of an independent legal services corporation free of political pressures on funding and personnel.

Your immediate attention to these vital issues will represent a valuable service to the poor of this country.

Very truly yours,



BF:

BEATRICE FUNSCHELLE  
Secretary, Long Beach Office  
Nassau Law Services

## Co-signers to Dec. 1 letter:

Michael S. Kupersmith  
Staff Attorney  
Nassau County Law Services

Henry Zelman  
Manhattan Legal Services  
170 East 116 Street  
New York, New York

Selma Weiss  
Secretary, Nassau County  
Law Services

Lucille De Leon  
1070 Elder Avenue  
Bronx, New York

Margarita Torres, Law Student  
Manhattan Legal Services  
170 East 116th St.  
New York, New York

Aida Carlo  
459 Leland Avenue  
Bronx, New York

Sandra Morales  
23 East 107 Street  
New York, New York

C. Yvette Garcia  
347 East 105 Street  
New York, New York

Dimas Figueroa  
165 East 112 Street  
New York, New York

Emilio P. Gautier  
225 Park Place  
Brooklyn, New York 11238

Sigmund Israel  
645 Water Street  
New York, New York

Maria C. Roman  
523 West 156 Street  
New York, New York

Loida N. Lewis, Law Clerk  
Manhattan Legal Services Corp.  
170 East 116 Street  
New York, New York

Ivan De Jesus  
41-48 Case Street  
Elmhurst, New York

Carol H. Libow  
102 Bedford Street  
New York, New York

**Nassau County Law Services Committee, Inc.**

1570 Old Country Road • Westbury, N. Y. 11590

(516) 997-9680

LEONARD S. CLARK

Executive Director

FARRELL JONES

Chairman

CARL JAY NATHANSON

Associate Director

December 1, 1970

Senator Gaylord Nelson  
 Chairman Senate Subcommittee on  
 Employment, Manpower and Poverty  
 United States Senate  
 Washington, D. C. 20510

My dear Senator Nelson:

I am writing to you to ask your support in helping to preserve the integrity and effectiveness of the Legal Services Program. The program, which has come to symbolize justice and effective advocacy for the poor, is being threatened by a plan to politicize it and make it responsive, not to the needs of the poor but to the demands of politics. Events of the past few weeks make it clear that the Director of O.E.O. and the Administration are determined to take away the authority and independence of the Office of Legal Services by diffusing it to the ten regional O.E.O. directors. While assuring the Senate Subcommittee on Employment, Manpower and Poverty that he had no plans to regionalize the Legal Services Program, Mr. Rumsfeld subsequently issued instructions giving the ten Regional Directors veto power over the funding of Legal Service projects. The office of Legal Services has thus been deprived of the non-political independence so essential for effective advocacy.

The legal profession in every segment of the organized Bar has supported the work of Legal Services. The poor must have effective legal representation if they are to have faith that justice is truly equal and that it can be achieved within the existing system of law. Poverty lawyers have attempted to solve problems of the poor through legal proceedings. Our efforts to reform the law in the interest of our clients by challenging and questioning many administrative and regulatory practices of government often incurs the wrath of public officials who feel threatened when the poor assert previously dormant legal rights.

The plan to politicize Legal Services coupled with the

firing of its dedicated Director and Deputy Director for taking a position favoring the independence of Legal Services, is seen by poverty lawyers as the start of an Administration drive to deprive the poor of legal representation for politically unpopular causes.

The poor continue to need the effective advocacy provided by the more than 2000 dedicated lawyers in the Legal Services Program. The needs of the poor must not yield to political expedience.

Very truly yours,

A handwritten signature in cursive script that reads "Carl Jay Nathanson". The signature is written in dark ink and has a long, sweeping horizontal line extending to the right.

Carl Jay Nathanson  
Associate Director

CJN:djd

THE UNIVERSITY OF WISCONSIN LAW SCHOOL,  
*Madison, Wis., November 24, 1970.*

HON. DONALD RUMSFELD,  
*Director, Office of Economic Opportunity,  
Washington, D.C.*

DEAR MR. RUMSFELD: I have just read of the discharge of the Director and Deputy Director of the Office of Economic Opportunity's Legal Services Program. As you know, responsible organizations including the American Bar Association, the National Bar Foundation, and the National Legal Aid and Defender Association have in recent months highly praised this program and have voiced fears that projected administrative actions within your agency would adversely affect its independence and operations. The personnel change made by you last week, viewed in this context, raises troublesome questions as to the future of the Legal Service Program.

I wish to voice my personal concern about the matter, and respectfully to urge you to take the kind of affirmative action necessary to provide assurance to the country that Legal Services Program lawyers will be permitted to continue to provide effective and independent legal services to the poor.

Yours sincerely,

SPENCER L. KIMBALL,  
*Dean.*

RECEIVED

OCT 24 1970

OFFICE OF  
SENATOR GAYLORD NELSONLEGAL AID SERVICE  
MULTNOMAH BAR ASSOCIATION  
MAIN OFFICE  
402 SENATOR BUILDINGCHARLES J. MERTEN  
DIRECTOR

732 S.W. THIRD AVENUE - 224-4086 - PORTLAND, OREGON 97204

October 22, 1970

Senator Gaylord Nelson  
Senate Office Building  
Washington, D. C.Re: Regionalization of Legal Services

Dear Senator Nelson:

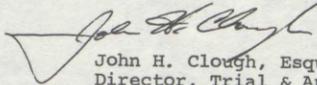
Enclosed please find a recently obtained copy of a memorandum dated October 6, 1970, from Ted Winters, Supervisor State Economic Opportunity Office for the State of Oregon to all CAP Directors in this state.

The last paragraph is particularly germane to the issue of regionalization of Legal Services projects. It indicates exactly the type of control and political intermeddling by the Regional OEO Director with the delegate agencies, which, if regionalization becomes a reality, would affect legal services.

The independence of counsel and the attorney-client privilege must be protected from such political interference on its merits as well as being contrary to the Congressional intent as expressed last fall.

I hope this information will be helpful in your study of this gross situation that presently faces legal services.

Sincerely,



John H. Clough, Esquire  
Director, Trial & Appellate Div.

JHC/dm

cc: Mark Hatfield  
Robert Packwood  
Wendell Wyatt  
John Dellenback  
Terry Lenzner

Frank Jones  
David Dugan  
Walter F. Mondale  
Barbara Fisher  
Mickey Kantor



## STATE ECONOMIC OPPORTUNITY OFFICE

313 PUBLIC SERVICE BUILDING • • • • SALEM, OREGON 97310

October 6, 1970

TOM McCALL  
GOVERNORM. P. (TED) WINTERS  
Supervisor

## MEMORANDUM

TO: CAP DIRECTORS

FROM: TED WINTERS, SUPERVISOR

SUBJECT: OREGON POOR PEOPLE'S CONFERENCE

The Poor People's Conference, held September 19-20 at the State Fairgrounds, was not a tremendous success as some would like to believe nor was it a total failure as others have implied.

The Conference drew approximately 2,000 people at peak of attendance. In the workshops there were some moments of clean hard communication between the poor and government personnel, and out of the Conference came some tentative resolutions of significance. There were some fine reactions to each other from both poor and agency people.

Unfortunate, though to be expected, were the negative notes: those few who sought to misuse the poor, obscene abuse of government, the ramrodding of some unrealistic resolutions through workshops, the theft of certain equipment, and the thankless attitude of some toward those who assisted in the development of the Conference.

The Regional Office of OEO authorized OEO grantees to provide support to the Conference, and Community Action Agencies without exception did provide assistance to varying degrees on a CAP by CAP basis. Out of the Conference developed the idea of a Council For The Poor which is now in the development stage. However, the Regional OEO authorization to CAPs to provide support to the Conference covered only the Conference; it does not extend to developments subsequent to the Conference. The position of this office regarding the Council For The Poor is one of reservation, and CAPs are advised that without Regional OEO authorization to provide support to the Council For The Poor, they may risk penalization should they proceed to provide support.

cc: Board Chairmen  
Tom Mercer



SENATOR  
WALTER F. MONDALE  
OCT 21 9 01 AM '70

## ASSOCIATION OF AMERICAN LAW SCHOOLS

OFFICE OF THE PRESIDENT  
UNIVERSITY OF PENNSYLVANIA LAW SCHOOL  
PHILADELPHIA, PENNSYLVANIA 19104

October 19, 1970

Honorable Walter F. Mondale  
United States Senate  
Washington, D. C. 20510

Dear Senator Mondale:

I am writing this letter at your request to express to you my strong concern, which I am confident is shared by other legal educators, over the proposed regionalization of OEO's Legal Services Program.

Experience confirms that, to be effective, a Legal Services Program should be independent and administered on a national level. The Director of OEO recognized this in August, 1969, when he elevated Legal Services and made it a separate program, the director of which reported directly to him.

As a law school teacher, I believe that to embrace a plan to turn operational control of Legal Services over to OEO Regional Directors -- most of whom, I take it, are not lawyers -- would threaten the attorney-client relationship and the traditional independence of the legal profession. I have no doubt that this would have a chilling effect upon legal education. It would tend to discourage the development of professional responsibility among law students through participation in programs providing meaningful legal services to the disadvantaged.

As you may recall, I appeared along with Deans William B. Lockhart and Murray L. Schwartz, at your request on November 14, 1969, in connection with hearings by the Subcommittee on Employment, Manpower, and Poverty of the Senate Committee on Labor and Public Welfare, relevant to consideration of an amendment to the Economic Opportunity Act, which was introduced by Senator Murphy of California on October 14, 1969. I shared the view at that time, and reiterate now the view of Dean Lockhart, that any "shackling" of the Legal Services Programs that would have the result which he so eloquently described in his prepared statement "would be looked upon as a real tragedy by those who view these programs as a highly effective

## EXECUTIVE COMMITTEE

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JEFFERSON B. FORDHAM  
*University of Pennsylvania Law School*

PRESIDENT-ELECT  
ALFRED F. CONARD  
*University of Michigan Law School*

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*University of California School of Law,  
Berkeley*

F. HODGE O'NEAL  
*Duke University School of Law*

SERVING DURING 1970 AND 1971  
IAN R. MACNEIL  
*Cornell Law School*

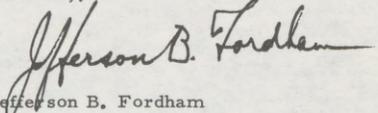
WILLARD H. PEDRICK  
*Arizona State University College of Law*

## EXECUTIVE DIRECTOR

MICHAEL H. CARDOZO  
Suite 570, One Dupont Circle, N.W.  
Washington, D. C. 20086  
Area Code 202, 296-8851

instrument of teaching law and the responsibilities of the lawyer to society".  
It is my belief that a decision to regionalize the Legal Services Program  
would have such an effect.

Sincerely,



Jefferson B. Fordham

JBF/ck

LAW OFFICES  
**EDWARDS, SCHULMAN, MCCARLEY, HOLLINS & PRIDE**  
 SUITE 900 AMERICAN TRUST BLDG.  
 NASHVILLE, TENNESSEE 37201

J. CONNELLY EDWARDS  
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 I. R. SCHULMAN  
 T. T. MCCARLEY  
 JOHN J. HOLLINS  
 LEWIS D. PRIDE

(615) 244-6670

October 19, 1970

W. WAYNE LEROY  
 ALAN L. SATURN  
 WM. CARTER CONWAY  
 ROBERT S. BRANDT

RECEIVED

OCT 20 1970

OFFICE OF  
 SENATOR GAYLORD NELSON

Senator Gaylord Nelson  
 Senate Office Building  
 Washington, D. C.

Dear Senator Nelson:

I am a member of the Legal Services of Nashville, Inc., the local legal services program funded under the OEO. I have also been active in the formation of the legal services policies on a national level having served on the American Bar Association advisory committee.

I am most distressed about the move which is being pushed by the Administration to regionalize the control of the legal services program. Here in Nashville we have a rather special situation in that the Bar was most leary of having such a program in the community as long as it had anything to do with our CAP organization. Therefore, we are not even presently under auspices of the local CAP program and I know that if we were put under the dictate of a non-lawyer on a sectional basis there would be the same outcry.

I hope that your committee will see fit to reject such a move on behalf of the administration. The legal services to the poor program is one of the few programs in the poverty area that has a fairly wide spectrum of political support from conservative to liberal. Of course there are problems in certain locales and certain public officials feel that possibly the program is too active. I myself feel that it is one of the threads that is continuing to hold our society together and I would hate to see anything done to impair its effectiveness.

Sincerely yours,

*Lewis D. Pride*  
 Lewis D. Pride

LDP/rsw

Post Office Box 765  
Tuba City, Arizona 86045

October 16, 1970

Senator Walter F. Mondale  
443 Old Senate Office Building  
Washington, D. C. 20510

RE: Rumsfeld-Carlucci Regionalization Plan

Dear Senator Mondale:

As attorneys for an OEO funded legal services program we would like to register our opposition to the regionalization plan for OEO suggested by its director in Washington.

The purposes and integrity of OEO legal services programs throughout the country could not be maintained if the programs were subjected to local political forces. These local political forces are often, to a great extent, opposed to the goals of adequate legal representation for the poor and this plan would enhance their attempts to control such representation.

Responsibility for control should issue from Washington for the purposes for which legal services programs were created. Those purposes are the representation of the poor in order to fulfill their legal needs and not those of the local political groups eager to see the poor unrepresented and trapped in the social and economic mazes created and maintained by those local groups.

We urge that legal services programs remain unrestrained by local political groups and answerable only to those purposes for which the program was created.

Sincerely,

DINEBEIINA NAHIILA BE AGADITAHE

*Roy Ward*  
*Richard George*  
*Martha Ward*  
*Leonard Goldberg*  
*Merril L. Sandoval*  
*Mike Brodie*  
*Freddie Howard*  
*Alvin Harvey*  
*Geoffrey Sloan*  
*Law Clerk*

Roy Ward, Attorney In Charge  
Richard George, Counselor In Charge  
Martha Ward, Attorney *Martha Ward*  
Leonard Goldberg, Attorney  
Merril L. Sandoval, Counselor  
Mike Brodie, Counselor  
Freddie Howard, Counselor  
Alvin Harvey, Counselor  
Geoffrey Sloan, Law Clerk  
ATTORNEYS & COUNSELORS FOR D.N.A.

BENJAMIN, A. SALT  
 EXECUTIVE DIRECTOR  
 AND CHIEF ATTORNEY

JERRY LEVINE  
 DIRECTOR OF LITIGATION

MARICOPA COUNTY LEGAL AID SOCIETY  
 ARMSTRONG LAW BUILDING - ARIZONA STATE UNIVERSITY  
 MC ALLISTER AVENUE & ORANGE DRIVE  
 MAILING ADDRESS: P. O. BOX 3076  
 TEMPE, ARIZONA 85281

966-1138

SENATOR  
 WALTER F. MONDALE  
 Oct 17 1 11 PM '70

October 14, 1970

Senator Walter F. Mondale  
 443 Old Senate Office Building  
 Washington, D.C. 20510

Dear Senator Mondale:

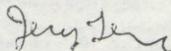
Please be advised that this office violently opposes the Rumsfeld-Carlucci regionalization scheme which is currently before the Congress.

I would urge you and your office to do everything possible to see to it that this bill is defeated, as it would not be in the best interest of the Legal Services Programs.

Thank you for your cooperation in this matter.

Very truly yours,

MARICOPA COUNTY LEGAL AID SOCIETY



Jerry Levine  
 Director of Litigation

JL:ee

36 351 1048

36 - 851

MEMBER



MEMBER National LEGAL AID and DEFENDER Association



SENATOR  
WALTER F. MONDALE

Oct 24 4 02 PM '70

State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS

POST OFFICE BOX 2768  
TRENTON, NEW JERSEY 08625

EDMUND T. HUME, COMMISSIONER

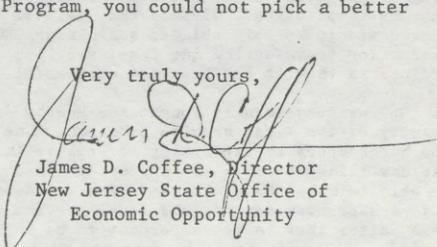
October 14, 1970

Mr. Donald Rumsfeld, Director  
Office of Economic Opportunity  
1200 Nineteenth Street, N.W.  
Washington, D.C.

Dear Mr. Rumsfeld:

I have recently read, as well as heard, that you plan to regionalize the Legal Services Program. To realize that such a change would be a mistake, one need only see the state of the Community Action Agency Program. As you know, the latter Program has been regionalized since the start of O.E.O. Certainly, if your plan is to ruin rather than improve the Legal Services Program, you could not pick a better plan.

Very truly yours,

  
James D. Coffee, Director  
New Jersey State Office of  
Economic Opportunity

JDC:gg

cc: Hon. Walter Mondale  
Hon. Clifford Case  
Hon. Harrison Williams  
N. J. Congressional Delegation  
Carl Bianchi  
Vaughn Gearan

CITY-COUNTY CITIZEN'S LEGAL COMMITTEE  
 116-118 E. NORTH AVENUE  
 PITTSBURGH, PA. 15212  
 PHONE 321-2602

October 13, 1970

RECEIVED

Senator Gaylord Nelson, Chairman  
 Senate Subcommittee on Employment  
 Manpower and Poverty  
 Committee on Labor and Public Welfare  
 Washington, D. C. 20510

OCT 19 1970  
 OFFICE OF  
 SENATOR GAYLORD NELSON

Dear Senator Nelson:

I am Chairman of the Allegheny County Citizen's Legal Committee. This Committee is composed of Allegheny County poverty residents, including each citizen member of the Board of Directors of Neighborhood Legal Services, and is concerned with the type and quality of legal services furnished to the poor.

We have been advised that the office of Economic Opportunity is planning to reorganize Legal Services by placing the local programs under the control of the Regional Offices of Economic Opportunity and perhaps even the state governments.

We are vehemently opposed to this proposed reorganization. The legal service programs have been able to gain the confidence and trust of the poor because they have not been subject to outside interference. The poor have confidence in the national office of Legal Services--its top personnel are attorneys who are aware of the legal problems of the poor and able to provide coordination and leadership on a national basis. Under the direction of the Office of Legal Services, the legal service program has been one of the few OEO programs that has achieved success on a national basis. Clearly the regional OEO offices have not shown themselves to be more able to administer OEO programs. The only apparent reason for transferring the legal services program to these regional offices is that it has been too successful.

In 1969 we successfully fought the Murphy Amendment to preserve the integrity of the legal service programs. One year later it seems that the OEO bureaucracy is attempting to achieve the same result. Since Congress was unwilling to adopt the Murphy Amendment, why should the bureaucracy be able to make these changes? The proposed reorganization will cripple and perhaps even destroy the legal service program as we know it. This is a matter that is too important to be left to the OEO bureaucracy.

At the present time each local legal service program is already subject to local control. In Allegheny County, as elsewhere, policy for the local legal service program is established by its board of directors,

two-thirds of whom are members of the local bar association. This is certainly sufficient control to insure that the program operates in a responsible manner. There is no need or justification for additional outside interference by OEO administrators who are not attorneys and who will most likely attempt to administer the legal service program in the same manner as it administers all other OEO programs under their jurisdiction. The legal service programs should continue to be administered by their local board of directors and a separate national office whose top personnel are attorneys and consequently are more sensitive to the attorney-client relationship, to the independence of the bar from political interference, and to the requirements of the canons of ethics.

We ask for your assistance in keeping legal services a separate division answerable only to the Director of OEO.

Very truly yours,

*Dorothy A. Richardson*

(Mrs.) Dorothy Ann Richardson  
Chairman  
City-County Citizen's Legal Committee

DAR:vc



STATE BAR OF WISCONSIN

402 WEST WILSON STREET • MADISON 53703 • TELEPHONE 608/257-3838

RECEIVED

OCT 10 1970

OFFICE OF  
SENATOR GAYLORD NELSON

OFFICE OF THE PRESIDENT

Professor James D. Ghiardi  
Marquette University Law School  
1103 W. Wisconsin Avenue  
Milwaukee, Wisconsin 53233

October 7, 1970

Senator Gaylord A. Nelson  
U. S. Senate  
Washington, D.C. 20510

RE: OEO Legal Services Program

Dear Senator Nelson:

The State Bar of Wisconsin has taken an interest in the proposed administrative reorganization plan that would make OEO legal services programs subject to the regional directors of OEO.

As you know, the State Bar of Wisconsin operates the Judicare program which covers the northern 28 counties of the state of Wisconsin. This program is funded by OEO and we have operated the program since 1966. During this time, we have had an opportunity to evaluate the legal services program of OEO. It is our firm belief that the OEO legal services should be under the control of a lawyer and should be centralized in Washington, D.C.

Our experience indicates that in order to maintain the independence of the Bar, and the confidentiality of the attorney-client relationship, it is imperative that the

LETTER DIRECTED TO:

REC'D OCT 12  
You DATE 10/15  
REDIVEL DATE  
SECV DATE

legal services program be operated under the direction of a member of the Bar. It would be a step backwards and a blow to the legal services program to have legal services "regionalized" under the direction of lay personnel.

Would you please record my personal opposition and the opposition of the State Bar of Wisconsin to such a change in the OEO legal services program.

Sincerely,

*James D. Ghiardi*

James D. Ghiardi

JDG:nje

cc: Mr. Donald Rumsfeld

## ECONOMIC OPPORTUNITY LEGAL SERVICES PROGRAM, INC.

JOHN E. SMITH, ESQ.  
PRESIDENT  
HOWARD W. DIXON, ESQ.  
EXECUTIVE DIRECTOR

3600 GRAND AVENUE  
MIAMI, FLORIDA 33133  
TELEPHONE: 446-5931  
AREA CODE 305



October 7, 1970 RECEIVED

LETTER DIRECTED TO:

OCT 10 1970

Senator Gaylord Nelson  
Senate Office Building  
Washington, D.C.

SEN. OCT 12  
REDIRECT POW DATE 10/12 OFFICE OF  
SENATOR GAYLORD NELSON  
SECY \_\_\_\_\_ DATE \_\_\_\_\_

Dear Senator Nelson:

I am a Reginald Heber Smith Community Lawyer Fellow presently assigned to the Economic Opportunity Legal Services Program in Miami, Florida. It has come to my attention that you are considering holding hearings concerning legal services in the very near future to gain further insight into the quantity and quality of legal services provided to the poor through the Office of Economic Opportunity.

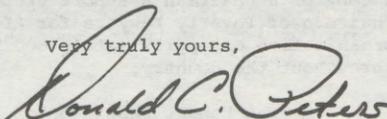
I am writing to you at this time to urge you to schedule your legal services hearings in the very near future. Mr. Rumsfeld, the director of OEO, proposes to transfer authority over legal services to the regional directors who now control most of the operations of the Office of Economic Opportunity. Such an administrative directive is clearly contrary to the spirit in which last year's Murphy Amendment was defeated in Congress. Such a transfer would impose bureaucratic lawyers upon legal services which would make it impossible to have an effective national legal services program with national objectives. It would require us who labor in legal services to spend much of our time overcoming bureaucratic, political, and administrative obstacles, much of which are presently minimized by the simplified chain of command which currently exists in legal services. If the regionalization plan goes through, I fear that lawyers who are responsible to the courts and to other attorneys as advocates, will be afraid to fully

THE PURPOSE OF THE PROGRAM IS TO RENDER LEGAL SERVICES IN DADE COUNTY, FLORIDA  
TO PERSONS WHO ARE WITHOUT ADEQUATE MEANS TO EMPLOY OTHER COUNSEL

and adequately represent their clients for fear that non-lawyers in the chain of command would disapprove. Such disapproval would inevitably carry with it the threat of reduced funding for the next program year. As a result, legal strategies would become contingent upon approval of the persons whose consuming interests at the present time are local and administrative, and whose experiences are not in the area of effective national legal objectives. In short, the very fabric of the lawyer-client relationship would be threatened by this transfer in much the same way as it would have been under the Murphy Amendment.

I know you are busy with many other projects and perhaps legal services is not a first priority for you. However, I submit that this administrative directive which will result in a complete restructuring of legal services programs can only have detrimental implications to our clients, who, despite requirements under the OEO act for maximum feasible participation, know nothing of what is to occur and clearly have not been consulted in any way. Your immediate attention to this matter would be greatly appreciated.

Very truly yours,



DONALD C. PETERS  
Attorney at Law

DCP/jer

## ECONOMIC OPPORTUNITY LEGAL SERVICES PROGRAM, INC.

JOHN E. SMITH, ESQ.  
PRESIDENT  
HOWARD W. DIXON, ESQ.  
EXECUTIVE DIRECTOR

395 N.W. 1ST STREET  
MIAMI, FLORIDA 33128  
SUITE 202  
TELEPHONE 375-0822  
(AREA CODE 305)



## LETTER DIRECTED TO:

SEN. OCT 5  
REDIRECTED 300 DATE 10/7  
SECY \_\_\_\_\_ DATE \_\_\_\_\_

October 2, 1970

Senator Gaylord Nelson  
Senate Office Building  
Washington, D. C.

Re: OEO Legal Services hearings

Dear Senator Nelson:

In anticipation of hearings to be conducted by you concerning OEO Legal Services, I hereby forward to you a copy of a Chairman's Report prepared by me while I was Chairman of Poverty Lawyers for Effective Advocacy, an organization of approximately 600 Legal Services attorneys throughout the country.

The Report should be of interest to you, particularly because it contains certain verbatim statements made by Donald S. Rumsfeld at a meeting he had on April 8, 1970 with the PLEA Board of Directors. This Chairman's Report was to be published in the Clearinghouse Review, an official publication of the Legal Services Program, however, at the time, it was decided, for political and strategic reasons, not to allow this report to go to print. I offer to you at this time for what it is worth and for any use you can make of it.

Very truly yours,

*Alfred Feinberg*  
ALFRED FEINBERG,  
Assistant Director

AF:as

cc: Senator Mondale

CHAIRMAN'S REPORT

Because legal services clients do not pay it is a fiction to say that a normal attorney-client relationship exists between the legal services lawyer and his client. You are responsible not only to your clients but to this agency, Congress and to the taxpayers of the United States. (Donald S. Rumsfeld in response to PLEA's request for assurances that the integrity and independence of the legal services attorney-client relationship be preserved and protected by OEO.)

On April 8, 1970, the new PLEA Board headed by Ted Mitchell of the DNA Program met with Donald Rumsfeld. The Board questioned Rumsfeld and his staff carefully about the so-called Oklahoma plan and how it would affect legal services. The plan contemplates the transfer of control over Community Action Agencies from federal control in the OEO regions to gubernatorial control in the states. (Quie-Green Amendment?) With assurances by Mr. Rumsfeld that legal services was to be "initially" excluded from the plan, it was conceded by one of his subordinates that the normal supervisory relationship which currently exists between the Community Action Agencies and their delegate legal services projects will continue, thereby giving effective control over legal services programs during their program year to the states. (Murphy Amendment?)

Rumsfeld rejected out of hand a suggestion that legal services be directly funded through a delegation of authority from Rumsfeld to Lenzner to the Legal Services Regional Directors (as opposed to the CAP Regional Directors as is presently contemplated) and then directly to the legal services projects. Rumsfeld explained:

"I think the facts are that legal services has helped people. But it has never been pure or protected from pressure. You can't have complete independence. I think I'm doing a darn good job. When you get CRLA signed off -- sometimes override a veto -- we're doing the best we can. If the way it is going is not good enough then you ought to get out -- get out!"

It was explained that Lenzner has ultimate and final grant making authority over legal services programs. So why, it was asked, is the refunding of certain programs (e.g., North Mississippi Rural Legal Services and Legal Aid Society of Alameda County, Calif.) delayed for weeks after Lenzner signs off and after their program year has long run out. Answer: These are special cases; we must give due process to those who find fault with these programs. <sup>Review:</sup> ~~(CRLA)~~ How can Lenzner have final sign off authority if he must delegate his grant making authority to the CAP Regional Director? Answer: Only where the CAP Regional Director disagrees with

Legal Services Director will there be a problem, and this will be resolved by Director of OEO -- Rumsfeld).

Other questions never reached in our meeting were:

- (1) Why has the Public Interest Law Firm, officially supported by PLEA, apparently been killed after approval by Legal Services Director?
- (2) Why has our budget been administratively slashed by almost three million dollars less than the amount requested from Congress by the Administration?
- (3) Why the delay and apparent refusal to fund any new Research and Development Projects.
- (4) Why even the reluctance to refund current successful backup programs approved by Lenzner.

Professing to be the best friend legal services has, Mr. Rumsfeld challenged us to show him even one example where he has done anything to hurt the poor. It is our understanding that Congress will hold hearings on legal services in an attempt to answer this question.

The new Board of PLEA is as follows:

Ted Mitchell--Chairman  
DNA  
P. O. Box 306  
Window Rock, Arizona 86515  
(602) 871-4171

Carolyn Jones -- First Vice Chairman  
Legal Aid Society of Alameda County, Oakland, Calif.

Peter Coppelman -- Second Vice Chairman  
CRLA, Gilroy, Calif.

Ed Polk -- Secretary  
Dallas Legal Services Program

David Duggan, III -- Treasurer -- Membership Chairman  
Camden Regional Legal Services, Inc.  
647 Viola Street  
Camden, New Jersey

OPERATED BY  
BOSTON LEGAL AID SOCIETY  
PROJECT DIRECTOR  
ROBERT L. SPANGENBERG  
DEPUTY DIRECTOR  
EDMUND E. FLEMING

**BOSTON LEGAL ASSISTANCE PROJECT**

482 BROADWAY  
SOUTH BOSTON, MASS. 02127

TELEPHONE 268-2272  
NEW ADDRESS:  
393 DORCHESTER ST.  
SO. BOSTON, MASS.  
TEL. 269-3700

SPONSORED JOINTLY WITH  
ACTION FOR BOSTON  
COMMUNITY DEVELOPMENT, INC.

ATTORNEY  
JAMES W. DOLAN  
ATTORNEY  
JOHN J. NORTON

RECEIVED

OCT 4 1970

OFFICE OF  
SENATOR GAYLORD NELSON

September 29, 1970

Senator Gaylord Nelson  
Senate Office Building  
Washington, D.C.

Dear Senator Nelson:

As a staff attorney in this office, I was recently alarmed to learn that the Director of OEO, Mr. Rumsfeld, intends to "regionalize" the Legal Services Program. It is my firm belief that regionalization would emasculate the program; in effect, it would accomplish bureaucratically what congress refused to do legislatively when it rejected the Murphy Amendment.

I implore you to conduct hearings on the Legal Services Program at the earliest practicable date and to take whatever other steps are necessary to preserve the present effectiveness of the program.

Very truly yours,

*Andrew M. Wolfe*

Andrew M. Wolfe

AMW/lk

36 851 1061  
36 - 851

ABCD OFFICE:  
180 TREMONT STREET, BOSTON  
742-8600, EXT. 481

DOWNTOWN OFFICE:  
BOSTON LEGAL AID SOCIETY  
14 SOMERSET STREET, BOSTON  
227-0200

NEIGHBORHOOD OFFICES:  
696 TREMONT ST., BOSTON, 261-8750  
341 WASHINGTON ST., BRIGHTON, 254-0312  
27 WINTHROP ST., CHARLESTOWN, 241-8866  
765 DUDLEY ST., DORCHESTER, 828-8500  
596 BLUE HILL AVE., DORCHESTER, 288-7600

1488 DORCHESTER AVE., DORCHESTER, 436-0480  
128 LONDON ST., EAST BOSTON, 860-1661  
3628 CENTER ST., JAMAICA PLAIN, 524-0450  
317 BLUE HILL AVE., ROXBURY, 427-4470  
45 WARREN ST., ROXBURY, 445-0830

EXECUTIVE OFFICE OF THE PRESIDENT,  
Washington, D.C., December 8, 1970.

DONALD RUMSFELD,  
Office of Economic Opportunity:

We feel legal services attorneys provide essential representation to poor people and any arbitrary action of OEO over its legal services program and its attorneys is a serious infringement of the attorney-client relationship, especially where this incident is understood as part of an overall political scheme to undermine and destroy the legal services program. Legal services should react to the needs of the poor instead of political needs. We believe that the dismissal of Terry Lenzer and Frank Jones by OEO Director, Mr. Rumsfeld is purely political and not in the interest of the poor and demand their reinstatement.

TONY SUDEKUM,  
Tenants Rights Organization.

PHILADELPHIA, PA., October 9, 1970.

Senator WALTER MONDALE,  
Washington D.C.:

As an attorney concerned for the welfare of all Americans, and for the continued legitimacy of our legal system, I urge increases rather than cutbacks in spending on programs such as community legal service.

JAMES L. WINOKUR, Esquire.

PHILADELPHIA, PA.

HON. WALTER F. MONDALE,  
U.S. Senator,  
Senate Office Building,  
Washington D.C.:

I am writing to express my deepest concern at the recent announcement for funds cut-back to community legal services incorporated of Philadelphia. Thousands of low-income tenants in public housing are for the first time beginning to voice their own sentiments for betterment of their lives and future. This accomplishment of the Resident Advisory Board of Philadelphia would have been completely impossible without the vital legal services of this organization. All community action must have this urgently needed expertise if they are to be successful. It is of the utmost importance that you use your influence to see that community legal services of Philadelphia receives the full funding it has requested. To financially starve this organization would spell hollow ineffectiveness for countless community groups.

ROSETTA WYLIE,  
President, Resident Advisory Board of Philadelphia.

PHILADELPHIA, PA., October 9, 1970.

Senator WALTER MONDALE,  
Senate Office Building,  
Washington, D.C.:

Please do everything possible to increase services of legal representation to the poor through community legal services programs.

REV. JOHN N. STUDEBAKER.

ATLANTA, GA., October 7, 1970.

Senator GAYLORD NELSON,  
Senate Office Building,  
Washington, D.C.

DEAR SENATOR NELSON: We believe that Mr. Rumsfeld wants to take control of legal services out of the hands of lawyers because lawyers are helping the poor people. Please do not take this help from us.

ETHEL MATHEWS,  
PINKYE STINSON,  
National Welfare Rights Organization,  
Atlanta Chapter.

NASHVILLE, TENN., October 6, 1970.

Senator GAYLORD NELSON,  
*Subcommittee on Employment Manpower and Poverty,*  
*Washington, D.C.:*

My name is Ron Schnyder. I am presently employed in Nashville, Tenn., as a VISTA volunteer. My home is Kewburg, Wisc., and as a fellow Wisconsinite I feel it important that I write you at this time concerning your subcommittee's hearing on the legal services program. Though my experiences with the poor here in Nashville are limited I feel that they are far too often exploited by the business community. Legal services often is the only tool with which they can insure themselves of their rights. Any changes within this program will prove detrimental to the poor.

RON SCHNYDER.

NASHVILLE, TENN., October 7, 1970.

Senator GAYLORD NELSON,  
*Senate Office Building,*  
*Washington, D.C.:*

Imperative that Legal Services Administration remain under OEO in Washington regional plan subject to local pressure against justice for poor.

SALLY M. LEVINE.

NASHVILLE, TENN., October 6, 1970.

Senator GAYLORD NELSON,  
*Subcommittee on Employment Manpower and Poverty,*  
*Washington, D.C.:*

I, Carol Cohen, chairman of Sam Levy Tenants Organization in Nashville, am writing concerning your upcoming hearing on proposed changes in the legal aid program. Being a resident of public housing I know the image of a friend. Legal service has been such a friend not only to me but to many others in public housing, we often find ourselves being denied our rights. Legal service has proven to be our only insurance in safeguarding our rights. We urge that you do all that is in your power to stop any changes that would damage legal service effectiveness.

CAROL COHEN.

KANSAS CITY, Mo., October 6, 1970.

Senator GAYLORD NELSON,  
*Chairman, Senate Subcommittee on Employment, Manpower and Poverty,*  
*Capitol Building, Washington, D.C.:*

We object strongly to the proposed Executive order transferring control of legal services funding and policy to OEO regional directors who are not lawyers. The attorney-client relationship is one of the keys of our legal system. It cannot be toyed with while our institutions are already trembling for it undergirds them. It is imperative that the poor have full access to legal counsel protected completely by the canons of ethics.

GRAYFRED B. GRAY,  
*Chairman, Tennessee Consumer Alliance.*

NASHVILLE, TENN., October 7, 1970.

Senator GAYLORD NELSON,  
*Senate Building, Washington, D.C.*

DEAR SIR: As president of Nashville Tenants Organization and executive vice chairman of National Tenant Organization southern region, I pray that the subcommittee takes under full consideration the needs of poor tenants and grass root organizations and votes against the administration's move to revamp the structure of legal services. We contend that the change would rob the poor of dignified legal advice and assistance. We further contend that to maintain the respect that poor people have for democracy, we must feel protected by it.

Respectfully submitted.

Mrs. MATTIE BUCHANAN.

NASHVILLE, TENN., October 7, 1970.

Senator GAYLORD NELSON,  
Washington, D.C.:

I am Mrs. Bonnie Peacock, chairman of Peoples Rights Organization on behalf of the Peoples Right Organization of Nashville, Tenn. We feel to change legal service would be very bad for the poor people. I am writing concerning your upcoming hearing on proposed changes with the legal aid program. Being a welfare recipient, I know the images of a friend. Legal service has been such a friend to the welfare rights organization in helping us fight for our rights. We urge that you use all of your influence to stop any changes that would damage legal service in working with poor and any other organizations.

BONNIE PEACOCK.

NASHVILLE TENN., October 6, 1970.

Senator GAYLORD NELSON,  
Senate Office Building, Washington, D.C.:

I am a community worker. I work with the people. Legal aid has and does serve the people very well. I believe, speaking for myself as well as my organization, we would like very much for legal aid to stay in the hands it is in.

Mrs. MARY E. COPELAND,  
Vice Chairman, Southern Region.

ATLANTA, GA., October 6, 1970.

Senator GAYLORD NELSON,  
Senate Office Building,  
Washington, D.C.

DEAR SENATOR NELSON: We are writing as clients and citizens of the community served by the Atlanta Legal Aid Society, in opposition to Mr. Rumsfeld's attempt to regionalize legal services. An administrative move in this direction is clearly contrary to the spirit in which Congress defeated last years "Murphy amendment". Atlanta legal aid through its representation has made great stride in gaining the respect of the poverty community for the judicial system as an appropriate forum for settling disputes. We believe that this can only be continued if our lawyers are free from the bureaucratic and non lawyer control of regional OEO.

We are unalterably opposed to placing even the administrative functions of our total legal representation in the hands of nonlawyers. Please allow our lawyers and us to continue receiving the full benefits of a true attorney client relationship.

DOROTHY BOLDEN,  
President national domestic workers regional representative to national clients council,

ETHEL MAE MATHEWS,  
President National Welfare Rights Organization (Atlanta Chapter)

EDWARD LAWS,  
Chairman Vine City Neighborhood Development Project.

NAPA, CALIF., October 7, 1970.

Hon. GAYLORD NELSON,  
Chairman, Senate Subcommittee Employment Manpower and Poverty, U.S. Senate,  
Washington, D.C.:

The Napa County legal assistance agencies board of directors has directed me to urge you to oppose the proposed regionalization of the legal service programs. The board is of the unanimous opinion that such a change would have a disastrous effect on our efforts to provide legal services to the poor. Two essential ingredients of the program would be seriously subverted. Vigorous national leadership and freedom from local special interests' political pressure. We who are closest to the poverty people are perhaps in the best position to understand the effects of regionalization.

LEONARD L. LEUSCHNER,  
Directing Attorney, Napa County Legal Assistance Agency.

NASHVILLE, TENN.,

SENATOR GAYLORD NELSON,  
*U.S. Senate Office Building,  
Washington, D.C.:*

As a citizens organization which has been represented by legal services lawyers, we urge our Congressmen and Senators to resist at the Senate hearing and elsewhere, the proposed Executive order placing legal services policy and funding under the control of OEO regional directors. The poor have a right to a full attorney client relationship, totally protected by the canons of ethics without any laymen meddling in it or controlling it.

MATTHEW JOSLIN,  
*Vice Chairman West Nashville Cherokee Citizens Organization, Inc.*

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**AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS**


---

GEORGE HEANY  
PRESIDENT  
WM. F. SCHNITZLER  
SECRETARY-TREASURER  
WILLIAM L. KIRCHER  
DIRECTOR OF ORGANIZATION



**UNITED FARM WORKERS**  
ORGANIZING COMMITTEE  
CESAR CHAVEZ DIRECTOR LARRY ITOHONG ASST. DIRECTOR  
GUSTAVO GUTIERREZ  
ARIZONA REPRESENTATIVE

POST OFFICE BOX 155

TOLLESON, ARIZONA 85353

TELEPHONE AREA CODE 602-936-4535

December 16, 1970

U. S. Senate Subcommittee on Manpower  
& Poverty  
Old Senate Office Building  
Washington, D. C.

Gentlemen:

I am deeply disturbed by what I take to be efforts within the Office of Economic Opportunity to castrate the O.E.O. Legal Services Program.

I refer to the struggle for decentralization.

I am familiar with the California and Colorado rural programs, and I have hoped for some time to see a similar program operative in Arizona providing aggressive legal services of high quality to farm workers without charge.

I expect never to see such a program if it is a matter for local political determination. Moreover, I anticipate the decline of the California and Colorado programs and others like them if local forces assume control.

Legal Services attorneys have a critical role to play in communities of the poor, a role beyond rendering of assistance in day to day legal affairs, important as that is. They must act as teachers, awakening people to rights they never knew they had or, what amounts to the same thing, never dreamed could be enforced. And they must act as advocates, often against powerful opponents, calling conduct to account which may never have been questioned before.

This is a sensitive business. When long dormant rights are asserted, there is bound to be some stepping on toes. But in determining whether to step or not to step, it seems to me that the attorney should consider the rights and interests of his client, not the interest sensitivity, or identity of the owners of the toes.

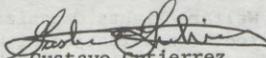
It is painfully clear that the decentralization scheme is an effort to subject legal services attorneys to the pressure of local political concerns.

It is no less clear that the channels of local politics are subject to manipulation, and control by the same institutions and forces against which the poor must call upon their attorneys for legal relief.

You can't have it both ways. You can't have an effective legal services program which places the interests of its clients on a secondary level to the interests of government. You can't expect an individual to have confidence in a lawyer subject to political pressure any more than in a judge under similar pressure in the performance of his job.

I call upon you to reverse the trend toward decentralization - political de-insulation - of O.E.O. Legal Services and to prevent the fading of one of the few spots of green on the bleak landscape of the War on Poverty.

Viva la Causa,



Gustavo Gutierrez  
Arizona Representative

NATIONAL



WELFARE RIGHTS ORGANIZATION

December 11, 1970

The Chairman  
 Committee on Manpower, Employment  
 and Poverty  
 Room 359  
 Old Senate Office Building  
 Washington, D. C.

Dear Mr. Chairman:

The National Welfare Rights Organization is a nationwide grassroots organization of welfare recipients and other poor people with over 100,000 members in 49 states and 300 cities. There has been much talk about how the poor themselves view OEO Legal Services. As the largest national organization of poor people, the National Welfare Rights Organization wishes to record its deep concern that recent events not undermine the OEO Legal Services Program.

Poor people and their organizations have relied heavily on OEO lawyers for legal advice and assistance during the past few years. Working together with these lawyers we have begun to make some progress in striking down illegal and arbitrary laws and administrative actions which for years denied to poor people the basics of life which the rich take for granted.

Essential to this relationship has been the development of confidence in OEO lawyers, confidence that those lawyers would fight hard in our behalf and not compromise our interests. In this regard we view the so-called "regionalization" of legal

1419 H Street, N. W.  
 Washington, D. C. 20005  
 Tel: (202) 347-7727

NATIONAL  
 WELFARE RIGHTS  
 ORGANIZATION

Chairman:  
 MRS. JOHNNIE TILLMON  
 Los Angeles, Calif.

First Vice-Chairman:  
 MRS. BEULAH SANDERS  
 New York, N.Y.

Second Vice-Chairman:  
 MRS. MARGARET HAYES  
 Newport News, Va.

Third Vice-Chairman:  
 MRS. ANGIE MATOS  
 Brooklyn, N.Y.

Treasurer:  
 MRS. MARION KIDD  
 Newark, N.J.

Recording Secretary:  
 MRS. MAMIE BLAKELY  
 Detroit, Mich.

Corresponding Secretary:  
 MRS. KAY HURLEY  
 Boston, Mass.

Financial Secretary:  
 MRS. GERALDINE SMITH  
 Los Angeles, Calif.

Sergeant-at-Arms:  
 MR. ALDEN BROWN  
 Lucasville, Ohio

Sergeant-at-Arms:  
 MRS. DOROTHY DIMASCIO  
 Houston, Texas

Western Regional Representative:  
 MRS. MINNIE TISBY  
 Fontana, Calif.

Central Regional Representative:  
 MRS. NEZZIE WILLIS  
 Chicago, Ill.

Southern Regional Representative:  
 MRS. ANNIE SMART  
 Baton Rouge, La.

Eastern Regional Representative:  
 MRS. JENNETTE WASHINGTON  
 New York, N.Y.



ADEQUATE INCOME, DIGNITY, JUSTICE, DEMOCRACY

Executive Director  
 DR. GEORGE A. WILEY  
 Washington, D. C.

services as a direct interference in the client-attorney relationship which our members have begun to build up. We know that a legal services program subject to the control of non-lawyer politicians is a program which must inevitably sell out the poor.

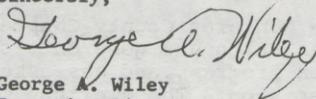
We are also concerned that the dismissal of Mr. Lenzner and Mr. Jones, two officials in whom we had confidence, may well reflect a desire to gut the legal service program.

This fear is heightened by OEO's apparent intention to cut back on the Reginald Heber Smith Program. That program has given young lawyers from minority groups the chance to return to their communities and place their legal skills at the service of their people. Overall the program has provided us with some of our most dedicated, aggressive attorneys. Plans to cut back on this program, particularly by throwing out those lawyers who have had a few years experience in learning the needs of our people, must not be implemented.

Finally, we have heard charges that some OEO lawyers don't really serve the needs of the poor. The short answer to this is that the poor themselves must be allowed to direct and evaluate the kind of legal services they are now receiving--not politicians whether in Washington or in regions. We know that such charges coming from bureaucrats and politicians simply mask their real intention to give us politically controlled second-class lawyers who will not hold powerful interests to a standard of justice before the law.

We urge this Committee to consider carefully the damage to America of such a corruption of the Legal Services Program.

Sincerely,

  
George A. Wiley  
Executive Director

## AMERICAN CIVIL LIBERTIES UNION

**aclu**

MONTEREY CHAPTER / ACLU / NORTHERN CALIFORNIA

December 11, 1970

RECEIVED

Hon. Gaylord Nelson  
 Chairman of the Subcommittee on  
 Employment, Manpower and Poverty  
 Room 359 - Senate Office Building  
 Washington, D.C.

OFFICE OF  
 SENATOR GAYLORD NELSON

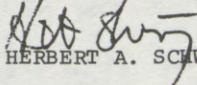
Dear Senator Nelson:

The Monterey County Chapter of the American Civil Liberties Union has been informed that the Office of Economic Opportunity is planning to "regionalize" the office of legal services by transferring power over the legal services programs to the Regional Office of Economic Opportunity Directors. We understand that this administrative decision would grant the power of funding and re-funding decisions to Regional Directors, who would be given ultimate authority over the activities of legal services, staffs and programs throughout the country.

The Monterey County Chapter of the American Civil Liberties Union has gone on record against the regionalization program, and has asked me to inform you of their decision. The American Civil Liberties Union feels that regionalization will grant political control over the legal services program, which will violate the attorney's duty to his client by imposing pressure, either directly or indirectly, on the decisions of attorneys to take cases on behalf of their clients.

We urge you to do all that is within your power to defeat any program or administrative change which will permit regionalization of the legal services program.

Yours sincerely,



HERBERT A. SCHWARTZ

HAS:rv

cc: Monterey Legal Aid Society  
 1070 Columbus Street  
 Seaside, California 93955  
 Attention: Jane Van Hook



# /national vista alliance

(202)  
638-5603

box 7398 Washington, d.c. 20044

RECEIVED

December 9, 1970

Senator Gaylord Nelson  
United States Senate  
Washington D.C.

DEC 11 1970

OFFICE OF  
SENATOR GAYLORD NELSON

Dear Senator,

The Steering Committee of the National VISTA Alliance was shocked to read of the recent dismissal of Mr. Terry Lenzner, Director, and Mr. Frank Jones, Deputy Director, of Legal Services. In the past, Legal Services has proved that it is an effective social agent that can improve the lives of low income people. VISTA Volunteers have worked closely with Legal Service lawyers and have developed working relationships that poor communities have felt beneficial to the attainment of their rights. Low income disenfranchised Americans want vigorous, progressive programs and leadership that will promote and perpetuate such actions. Mr. Lenzner and Mr. Jones have provided toughminded, progressive leadership that has pervaded the program and has given needed direction.

The firing of these gentlemen once again demonstrates the lack of commitment of this administration to help the poor of our nation. Legal Services lawyers and the communities they serve are in nearly unanimous agreement that regionalization of the program will hinder them in their role as advocates of the poor because it would expose legal support to political pressures. The American Bar Association also concurs in this opinion. Yet Donald Rumsfeld, Director of the Office of Economic Opportunity, remains determined to regionalize Legal Services, and we believe he fired Mr. Lenzner and Mr. Jones due to their opposition to that effort. This development in Legal Services is much too similar to attempts to curtail and shift VISTA activities to be accidental or coincidental. The Office of Economic Opportunity is being manipulated for political gain and to enhance the position of special interests.

The Legal Services program has proved to be one of the most effective agencies in OEO. What better way is there to bring low income Americans into the political and democratic arena than through the judicial process? The United States wants to promote democratic and legal participation, not destroy it. If the legal system and the courts are closed, what avenues are left for poor Americans?

Therefore the NVA Steering Committee wholeheartedly and unconditionally supports Mr. Lenzner and Mr. Jones and deploras their firing by Mr. Rumsfeld.

Yours truly,

*John McGill*

John McGill  
Chairman, Steering Committee



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Paul S. Berger,  
Chairman

COMMISSION ON LAW AND SOCIAL ACTION

JOSEPH B. ROBISON, DIRECTOR

December 4, 1970

Hon. Gaylord Nelson  
Senate Office Building  
Washington, D. C.

Attention: Mr. William Bechtul, Room 359

Dear Senator Nelson:

The American Jewish Congress welcomes the decision of the Senate Subcommittee on Employment, Manpower and Poverty to hold hearings on the Legal Services Program of the Office of Economic Opportunity. We believe that the program, as presently administered, has made an important contribution to the government's efforts on behalf of the poor and that its scope and effectiveness should be increased as far as possible.

The direct benefits achieved by the program for individual clients are important in themselves. Even more important is the fact that the program offers hope to those who might otherwise lose faith in the ability of the American legal system to do justice for all, rich or poor, who believe that their rights have been infringed. If we deny effective resort to the law to any part of the population, we invite increased social tension and disruption.

We hope that the Subcommittee will find ways to insure that this program is adequately funded and that it will investigate allegations of increasing political interference in its staffing and decision making processes. Current proposals that responsibility for the program be

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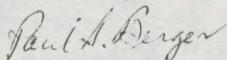
NATHAN WARSHAW, New York

localized would have the inevitable effect of restraining effective action on the part of the Legal Services offices in controversial situations.

We hope also that the hearing will study the matter of recent dismissals of attorneys connected with the Legal Services Program. Without expressing any views on the propriety of those dismissals, we suggest that it is appropriate for the Subcommittee to consider the conflicting assertions that have been made about them.

I hope you will convey the views expressed in this letter to the other members of the Subcommittee.

Sincerely,

A handwritten signature in cursive script that reads "Paul S. Berger".

Paul S. Berger

**NATIONAL  
COUNCIL  
OF JEWISH  
WOMEN**

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Washington Office  
1346 Connecticut Avenue, N.W.  
Washington, D.C. 20036  
Area Code 202 296-8232

October 30, 1970

Mr. William Bechtel, Staff Director  
Subcommittee on Employment, Manpower and Poverty  
Committee on Labor and Public Welfare  
United States Senate  
Washington, D. C.

Dear Mr. Bechtel:

Earlier this month Mrs. Leonard H. Weiner, National President of the National Council of Jewish Women, addressed a communication to Mr. Donald Rumsfeld, Director of the Office of Economic Opportunity, in which she expressed concern about the contemplated decentralization of the Legal Services Program.

In view of the fact that your Subcommittee had some witnesses in connection with this matter, I thought you might be interested in receiving a copy of the letter which is enclosed. May we request that this letter be made a part of the record of the hearings on this subject?

If there is any other information you require about our concern with this issue, please let me know.

Sincerely yours,

*Olya Margolin*  
(Mrs.) Olya Margolin  
Washington Representative

Q:t:tb

Enclosure

October 6, 1970

The Honorable Donald Rumsfeld, Director  
Office of Economic Opportunity  
1200 Nineteenth Street, N.W., Room 801  
Washington, D. C. 20596

Dear Mr. Rumsfeld:

It has come to our attention that the Office of Economic Opportunity is contemplating the decentralization of the legal services program. As an organization which vigorously opposed the Murphy amendment to the extension of the Economic Opportunity Act, we are concerned that this decentralization may achieve the amendment's objective to some extent.

The issue in the amendment was, should the Governor of a state have the power to veto legal services programs. This was opposed by the legal profession and the Judicial Conference as political interference with lawyer-client relationships. The decentralization plan, while not necessarily giving the Governor veto power, does open the way for the State authorities to pressure and influence the Regional Directors of O.E.O. who will have sole authority and discretion over legal services personnel, the extent of expenditures for legal services, and how high a priority legal services should have in the allocation of funds for programs in the region. Such arrangements may have a serious impact on the effectiveness of the legal services program.

It has been acknowledged, both in and out of Congress, that the legal services program is probably among the more significant poverty programs capable of achieving much needed social change.

For these reasons, we urge you to reconsider the decentralization plan and retain the present organization of the legal services program.

Sincerely yours,

Mrs. Leonard H. Weiner  
National President

HARTLY FLEISCHMANN  
SEYMOUR FARBER  
ROGER J. FLEISCHMANN

LAW OFFICES  
**FLEISCHMANN & FARBER**  
BALBOA BUILDING, 593 MARKET STREET  
SAN FRANCISCO, CALIFORNIA 94105  
[415] 981-0140

SENATOR  
WALTER F. MONDALE  
Oct 17 1 09 PM '70

October 15, 1970

Honorable Walter F. Mondale  
United States Senate  
Washington, D.C.

Dear Senator Mondale:

On behalf of the American Jewish Congress, Northern California, I write to express our opposition to the proposed "regionalization" of the Legal Services program of the Office of Economic Opportunity.

As you know, it is essential that the Legal Services program be free from political constraints which would tend to inhibit aggressive and imaginative representation of the poor. In our judgment, "regionalization" of the program would make the program vulnerable to local political pressures and thereby reduce its effectiveness in dealing with controversial local situations.

We urge you to oppose the proposed regionalization.

Sincerely,



Chairman, Committee on Law and  
Social Action, American Jewish  
Congress, Northern California

SF:ewvk



## ALASKA FEDERATION OF NATIVES, INC.

1675  
 1000 C STREET  
 ANCHORAGE, ALASKA 99501  
 PHONE 279-4578

*Integrity, Pride in Heritage, Progress*

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October 9, 1970

Honorable Gaylord Nelson  
 U. S. Senator  
 Senate Office Building  
 Washington, D. C.

RECEIVED

OCT 15 1970

OFFICE OF  
 SENATOR GAYLORD NELSON

Dear Senator Nelson:

As a representative of the Native people of Alaska, in my capacity of Executive Director of the Alaska Federation of Natives, I join in the fight to retain the present structure of the Legal Services Program under the Office of Economic Opportunity.

While it appears to promise additional benefit to the areas to be regionalized, the end result could be totally the opposite.

The Alaskan Native has been the primary recipient of the services of the Alaska Legal Services, and any curtailment of the now limited, but important services of the Alaska Legal Services would result in no legal service at all for rural Alaska.

Given the opportunity, the Native people of Alaska could present testimony of the type that would reveal to you and your colleagues that the rural Alaska (Natives) had had no legal services all these many years, until the present legal services became available to them.

At my request to the Office of the Alaska Legal Services for further information arguing the need for the retention of the present operation in Alaska, I received a letter, dated October 8, 1970, which I now enclose for your information.

May I repeat, that this letter is a follow-up to my request for additional information.

Yours truly,

Eben Hopson  
 Executive Director  
 Alaska Federation of Natives, Inc.

EH:JMC:gl

Enclosure

LAW OFFICES OF  
ALASKA LEGAL SERVICES CORPORATION

RICHARD A. BUCKLEY  
EXECUTIVE DIRECTOR

308 "G" STREET, SUITE 313  
ANCHORAGE, ALASKA 99501  
TELEPHONE 272-9431

PHILIP B. BYRNE  
DEPUTY DIRECTOR  
JOHN S. HEDLAND  
LITIGATION SUPERVISOR

October 8, 1970

Mr. Eben Hopson  
Executive Director  
Alaska Federation of Natives  
Anchorage, Alaska

Dear Eben:

The main issues in the Regionalization of Legal Services programs arise from the fact that OEO Regional Directors would have complete supervision and control over the programs.

Most important, they would be able to control funding. This, of course, can determine the survival of a program, the number of employees, the amount of travel, etc. Also conditions can be attached to limit activities of legal services such as, as one version of the defeated Murphy Amendment tried to do, prohibiting suits against the state or the federal government.

Also lack of policy-making and organization on the national level could reduce the level of national training centers and "back-up" programs. These services assist legal services programs in preparing their more difficult or complex cases. One of these "back-up" programs, the Reginald Heber Smith Fellowship program, currently adds six lawyers to Alaska Legal Services' staff. It is possible that all these positions could be lost with regionalization.

The cost of providing legal services in Alaska, especially in the remote, widely-scattered areas where most natives live, is extremely high. A Regional Director having to allocate limited funds within his region might easily cut back Alaska's funds in favor of the more populated areas.

Steps to secure the rights of Alaska Natives are often unpopular when they come face to face with other powerful interests such as the State (representing Kuskokwim Fishing Co-op against Governor Hickel in 1968, suit against Welfare Department for not providing food stamp program in Fort Yukon area) or the oil industry (Stevens Village case against TAPS,

Secretary Hickel, and the State). Regional Directors, more than the National Office of Legal Services, would be subject to local pressures to curtail legal services programs where assertion of the rights of low-income people, or in Alaska, the rights of Natives, is unpopular.

Thus, the likely results of regionalization for legal services which will effect Alaska Natives are less money, less services, fewer employees, fewer "unpopular" lawsuits, more bureaucracy, and less control by the people.

I hope this is helpful to you.

Very truly yours,

ALASKA LEGAL SERVICES CORPORATION

*Chris Cooke*

Christopher R. Cooke

CRC:bjh

KENSINGTON, CALIF.,  
October 25, 1970.

Senator GAYLORD D. NELSON,  
*Chairman of the Subcommittee on Employment, Manpower and Poverty, U.S.  
Senate, Washington, D.C.*

DEAR SENATOR NELSON: As a social worker I am well aware of the valuable work that OEO Legal Services does for and on behalf of poor people.

I am also aware that when Legal Services goes to bat for the poor, that they frequently step on the tender toes of some of the more affluent and powerful members of the community. Those people who feel threatened by the effectiveness of Legal Services would like nothing better than for the administration of this service to be taken away from Washington and brought down to a state or regional level where their power could be brought to bear to influence or even to destroy this most valuable advocate of the rights of the dispossessed.

I urge you to do all that you can to keep the administration of OEO Legal Services in Washington D.C. so that all classes of people (and not just the rich) will have an equal chance for justice.

Peace,

MICHAEL PAPO,  
*Chairman, National Association of Social Workers,  
East Bay Committee for Community Action.*

OAKLAND, CALIF..  
October 22, 1970.

Senator GAYLORD NELSON,  
*Chairman of the Subcommittee on Employment, Manpower, and Poverty, U.S.  
Senate, Washington, D.C.*

DEAR SENATOR NELSON: For almost a year I have been volunteering an average of fifteen hours a week to the Berkeley Neighborhood Legal Services, the Berkeley legal aid funded under OEO. Accordingly I feel qualified to say that they are doing an outstanding job both in providing individual service to individual poverty-level clients and in handling cases of significance to a larger segment of the poverty community.

I wish to urge your Committee NOT to put the OEO legal services under the direct control of the individual states (the Oklahoma Plan) and not to regionalize them, making them once removed from the direct jurisdiction of the national office. The political climate in California is such that if either proposal were put into effect, I am convinced that legal services like the Berkeley Neighborhood Legal Services would be emasculated, either by being strangled through lack of funds or put under such restrictive policy controls that very little service of value could be given to the communities.

To keep things cool in our country, legal services should be *expanded* and divorced from restraints because they can get at the heart of what frustrates the poverty communities. They are most able, through approved "law and order" establishment channels, to help redress grievances, establish dignity, and alleviate potentially explosive situations. But only by keeping them free from regional and local political pressures can this be accomplished.

Therefore, again, may I beg you *not* to regionalize the OEO legal services nor to adopt the "Oklahoma Plan."

Sincerely yours,

PRISCILLA F. SHENK.  
Mrs. Morris J. Shenk.

NEW RICHMOND, WIS.,  
October 6, 1970.

HON. GAYLORD A. NELSON,  
*U. S. Senate,  
Washington, D. C.*

DEAR SENATOR NELSON: Having worked last year in the National Office of Legal Services, I am well aware of your efforts in supporting the most valuable program of the Office of Economic Opportunity. The new regionalization, as proposed by Office of Economic Opportunity Director Donald Rumsfeld, presents as serious a threat to the Office of Legal Services and the Legal Services Program as the Murphy Amendment did last fall.

I applaud your decision to hold Committee hearings on the Legal Services Program. It is too worthwhile a program to be subjected to the political maneuverings envisioned in the regionalization.

I wanted to express my strong support of your efforts. Thank you.

Sincerely,

BARBARA CAMPBELL.

# VENICE OCEAN FRONT IMPROVEMENT ASSOCIATION



1101 OCEAN FRONT WALK, VENICE, CAL. 90291 TELEPHONE 392-4577

December 11, 1970

KURT SIMON  
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ELEANOR LALLY  
Treasurer  
MAUREEN BALTER  
Secretary

The Hon. Ralph Yarborough, Chairman  
Senate Labor and Public-Welfare Subcommittee  
Senate Office Building  
Washington, DC 20515

Dear Sir:

RE: OEO Legal-Services Program Funding.

In this community the OEO has a terrible record!

Please check the shocking transcript of the 1969 Los Angeles Grand Jury Investigation or the (much milder) report of their findings. Ask the Los Angeles Police Department (Capt. Sillings, Lt. Archbold) and local civic leaders. Talk to the OEO's own investigators James Gallagher and Henry Carpenter.

The OEO and especially the Legal-Services are nothing less than a Government Scandal. Nothing positive has been achieved by their chicanery law-suits. It is not only a theft of public funds but it results in fomenting dissent and hate, in creating physical and moral deterioration in our before peaceful community.

Of many instances here is one example: OEO lawyers, using a petition of 10 residents (8 signatures of which are fraudulent, the remaining 2 belonging to transients) and an even phonier pretense of wanting to protect poor residents against rising rents are stalling a 23 million dollar improvement project on which the entire neighborhood with the City of Los Angeles have worked for over 15 years.

Much of the money finds its way into the pockets of the most militant revolutionaries (formerly called W.E.B. du Bois Club) who use it for their destructive goals.

We urge you respectfully to do your best to eliminate this Legal-Services Agency which does so much harm to the reputation of the Federal Government.

Sincerely,

~~Kurt Simon~~  
PRESIDENT

JOHN E. HUNT  
1ST DISTRICT, NEW JERSEY

COMMITTEE:  
ARMED SERVICES

NANCY BELL  
ADMINISTRATIVE ASSISTANT

Congress of the United States  
House of Representatives  
Washington, D.C. 20515

December 10, 1970

WASHINGTON OFFICE:  
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LONGWORTH BUILDING  
TELEPHONE: 225-6501

CAMDEN DISTRICT OFFICE:  
114 N. 7TH STREET  
CAMDEN, NEW JERSEY  
TELEPHONE: 365-4442

GLoucester COUNTY OFFICE:  
67 COOPER STREET  
WOODBURY, NEW JERSEY  
TELEPHONE: 845-0200

Honorable Gaylord Nelson  
Chairman  
Subcommittee on Employment,  
Manpower and Poverty  
Labor and Public Welfare Committee  
359 Senate Office Building  
Washington, D.C.

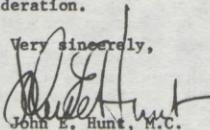
Dear Senator Nelson:

I have just learned that your subcommittee on Employment, Manpower and Poverty will hold hearings on December 15 and 16 relative to representation of militants by Legal Services Inc. of the Office of Economic Opportunity.

I want to congratulate you on your courage and interest in conducting these hearings. In my congressional district, the Camden Regional Legal Services Inc. is the main vehicle of the militant groups within the City of Camden in their efforts to obstruct the functions of the elected officials of that city. If outside witnesses will be heard by your committee may I respectfully request that the Mayor of the City of Camden, Joseph Nardi, or another official of the City, be permitted to testify?

Would it be possible to let me know today if this is possible in order to allow time for the Mayor to adjust his schedule. I most sincerely appreciate your consideration.

Very sincerely,



John E. Hunt, M.C.

JAMES HARVEY  
8TH DISTRICT, MICHIGAN

2352 RAYBURN OFFICE BUILDING  
TELEPHONE: 225-2806

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409 FORT  
PORT HURON, MICHIGAN 48060  
982-0891

**Congress of the United States**  
**House of Representatives**  
**Washington, D.C. 20515**

December 9, 1970

Honorable Gaylord Nelson  
Chairman  
Subcommittee on Employment, Manpower  
and Poverty  
Senate Committee on Labor and Public Welfare  
359 Old Senate Office Building  
Washington, D. C. 20510

Dear Senator Nelson:

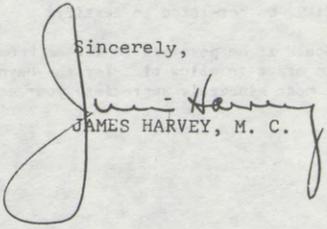
It is my understanding that the Subcommittee on Employment, Manpower and Poverty may conduct public hearings next week relative to recent developments concerning legal aid and services through the Office of Economic Opportunity.

Inasmuch as I have been informed of several incidents within our own Eighth Congressional District of Michigan, involving questionable activities and interests of employees of the Saginaw County Legal Aid Society, funded by the OEO, I am certainly interested in these possible hearings.

If possible, I would like to be advised when the hearings will be held and probable witnesses who will be invited to testify.

Thank you for your cooperation. With kind regards,

Sincerely,

  
JAMES HARVEY, M. C.

JH:rgs

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, D.C. October 26, 1970.

HON. GAYLORD NELSON,  
Chairman, Subcommittee on Employment, Manpower, and Poverty, Senate Labor  
Committee, Room 359, Old Senate Office Building, Washington, D.C.

DEAR SENATOR NELSON: Enclosed is a letter from the Executive Director of the Virginia State Bar, N. Samuel Clifton, advising me of the resolution adopted by that body's forty-six man Council.

You will note that the Council endorses and approves the proposal made by OEO Director Donald E. Rumsfeld to decentralize the OEO Legal Services Program into ten regional offices, operating without centralized control from Washington.

It is my understanding that your committee has been considering this proposal. I am also sending a copy of Mr. Clifton's letter to Director Rumsfeld.

With kind regards,  
Sincerely,

WILLIAM L. SCOTT,  
Member of Congress.

Enclosure.

---

COMMONWEALTH OF VIRGINIA,  
October 23, 1970.

HON. WILLIAM LLOYD SCOTT,  
House of Representatives,  
Washington, D.C.

DEAR CONGRESSMAN SCOTT: This is to advise you that the forty-six man Council of the Virginia State Bar, the governing body of the organized Bar in Virginia, adopted the following resolution on October 10 at its mid-year meeting:

"RESOLVED, that the Virginia State Bar Council endorses and approves the proposal made by Don Rumsfeld, Director of the Office of Economic Opportunity, to decentralize the OEO Legal Services Program into ten regional offices which would operate without centralized control from Washington."

Sincerely,

SAM CLIFTON,  
Executive Director.

## TESTIMONY OF JEAN CAMPER CAHN

DIRECTOR OF THE URBAN LAW INSTITUTE OF THE  
LAW CENTER OF GEORGE WASHINGTON UNIVERSITY

Before

THE SENATE SUBCOMMITTEE

My name is Jean Camper Cahn, I am presently the Director of the Urban Law Institute at George Washington Law School. My statement draws upon my experience as founder of the Legal Services Program of OEO, as a member of the National Advisory Committee and as Chairman of the Subcommittee on Regionalization of the National Advisory Committee. I am testifying today in my individual capacity.

First, I would like to express my gratitude to this Subcommittee on Manpower, Employment and Poverty for the service it has performed in holding these hearings and focusing national attention on the grave threat which regionalization posed to the Legal Services Program. Subjects like regionalization and decentralization sound like bureaucratic jargon. It is extremely difficult to arouse general interest in them or to communicate to the public how organizational arrangements can seriously jeopardize the integrity of a program. This Subcommittee on Manpower, Employment and Poverty has done an extraordinary job in probing this area, in seeking the views of as many knowledgeable persons as possible and in maintaining its vigilance over each new development which might seriously impair the effectiveness of Legal Services. Without these hearings, I seriously doubt whether it would have been possible to succeed in blocking these administrative changes despite the vigorous opposition that has come from the bar, from the lawyers in the program and from the poor. Everyone, devoted to the cause of Equal Justice for All, is indebted to this Subcommittee for its tenacity and dedication in pursuing this inquiry singlemindedly.

With respect to regionalization, I am unequivocally and unqualifiedly

opposed for reasons set forth extensively in the report of the Subcommittee on Regionalization. I concur entirely in the resolution adopted without opposition and with only one abstention by the National Advisory Committee on November 6, 1970 which stated:

"The professional integrity of the Legal Services program being seriously threatened by an imminent plan to vest effective operation and control of the program in the hands of regional OEO directors, the National Advisory Committee makes these following recommendations to the Director of OEO:

1. That regionalization not be implemented with respect to the Legal Services program....
2. That the Legal Services program must remain administratively independent of the Office of Operations at all levels of administration....

(At this point, I would like to insert for the record, the full text of those resolutions passed by the National Advisory Committee. See Appendix A.)

With respect to the new procedures promulgated on November 15 following the public announcement that OEO had decided not to regionalize the legal services program, I must join with those who condemn those regulations as regionalization in disguise and who oppose decentralization under those procedures as a thinly veiled attempt to accomplish all of the same results which made regionalization so objectionable. If anything, those regulations are even more odious than regionalization; they go further than even the proposed regionalization in wedding the Legal Services Division at every step to the Office of Operations; they are so complex that they are onerous in the extreme and in fact, are utterly unworkable; they are so impractical in their detail, in their complexity and in their proliferation of paper requirements that no one can seriously have intended that they be followed.

If, as in this case, a procedure is so complex that it must be ignored in day-to-day operations, it is predictable that it will be invoked --by those with power to invoke it--only on those occasions when a difference of opinion arises between Legal Services and the Office of Operations Headquarters or regional staff. Thus, the procedures will not, and cannot by virtue of their complexity, have the purpose of achieving greater coordination, but they can, by being invoked when needed, serve as an effective instrument of harassment, retaliation and control to keep the Legal Services staff effectively subordinated to the political agenda of the rest of the agency. Coalition politics and independent advocacy do not mix; forced harmony achieved via these procedures makes coordination a euphemism for compromising the integrity of the adversary process of the law. The analysis of the procedures--prepared by the Citizens Advocate Center at the request of several members of the National Advisory Committee--sets forth why these procedures are so objectionable and how they would in fact operate to compromise the professional integrity of the Legal Services Program. (At this point, I would like to submit that analysis for inclusion in the record. See Appendix B).

These decentralization regulations in fact are simply one more attempt to make the Legal Services Program walk in lock step with the political agenda of every state, local, regional and partisan political interest to which other OEO programs are subject. We have seen this same struggle in the past though it has gone by many names: coordination with Community Action agencies; subordination to the overall strategy of CAP, the McKinsey report which brought about the first regionalization

fight in 1967, the Murphy Amendment which would give the Governors veto power over legal service programs which brought suits against state officials; the Quie-Green Amendment which would have given the states control over all legal services programs; and the Oklahoma plan which threatened to implement the Quie-Green Amendment administratively from which legal services was fortunately exempted.

At the bottom of all of these recurring controversies lies a fundamental philosophical divergence between the strategies and assumptions which underlie the Legal Services Program and those which underlie the Community Action Program. That difference--and it is a difference in kind and not in degree--is not appreciated generally by those charged with administering the Community Action Program. Thus, even when they sincerely profess genuine admiration for and dedication to the Legal Services Program, they do not understand why the Legal Services Program persists in being so "isolationist" and so seemingly perverse in its separatism. They recognize it as a highly successful program with a uniquely non-partisan, liberal-and-conservative constituency but they do not understand that the very success of the program derives from those very characteristics which make it so difficult to coordinate and so stubbornly recalcitrant to seemingly neutral administrative measures which they consider as sensible managerial steps to improve the management of the program and to increase coordination. They see Legal Services as one of a number of service programs (albeit a particularly successful and effective one) which should be properly phased into the multi-faceted attack on poverty to maximize the effectiveness of the total anti-poverty effort.

The Ideological Conflict

The fundamental divergence between the Legal Services program and the Community Action Program is rooted in the OEO statute which requires maintenance of the "best standards of the legal profession." The net impact of these professional constraints is that, on a programmatic level, neither the Director of OEO, nor the Director of the Office of Operations, nor the Regional Director is free to engage in "weighing" the controversy engendered by Legal Services against some overall strategy to secure the cooperation and responsiveness of local officials or to use funding or other controls as devices for preventing lawyers from discharging their professional duty to provide vigorous and effective representation for their clients even if, in the view of the Director of OEO, (or one of his subordinates) less vigorous representation would enhance the overall impact of the total community action effort.

The difficult balancing process inherent in CAP is stated with great candor by Donald Rumsfeld in his June 1, 1970, statement "The Mission of the Community Action Agency":

"The CAA mission involves a balance between strengthening communication and cooperation on the one hand and coming to grips with serious problems and deeply felt differences on the other hand. The CAA must address critical issues and deal with unpleasant realities. It cannot take the path of least resistance and avoid basic problems.

Nevertheless, the CAA cannot take on all issues and all problems simultaneously or it will overstep the limits of its credibility and endanger solid gains already achieved. Abrasive confrontations which set one group against another are not only ineffective but self-defeating in the long run. They often produce a breakdown in communications and further isolate the poor from the broader community. The task of the CAA is, therefore, to present to the community the most convincing possible case for needed changes and improvements in a manner which will maximize the chances for a positive response." (Emphasis added) (OEO Instruction 1705-1, Draft Mission Statement p. 3)

The mission of the Legal Services Program and of the Community Action Program are at many points complementary and mutually reinforcing. But they come into conflict precisely because the legal profession is committed to provide the same kind of representation for the indigent that it does for anyone else.

An adversary system of justice, historically derived from trial by combat, does not ethically permit abandonment of the causes of an individual or class of individuals under the rubric of increased effectiveness of greater long run impact. And it is this strictly conservative tradition which has insulated the program, kept it more intransigent in the face of political pressure and maintained its integrity with impressive consistency, despite the changing political winds which have buffeted OEO from its inception.

From the very outset of the Legal Services Program this concern for the professional integrity of legal advocacy was viewed as having structural implications.

Unlike all other programs, Legal Services funding, staffing, and other decisions could not be handled as an integral part of the highly sensitive trade-off system designed to contribute optimally to the mission of the community action program. It was understood that legal services, if viewed simply as one of a variety of service components, would be specially vulnerable to such trade-offs, whether the trade-off took the form of a tax, or a constraint on representing controversial groups, or the understanding that attempts would be made to settle a case before bringing it to trial.

Because of the unique and constitutionally privileged status of legal advocacy, the organized bar insisted from the very beginning

that the program must be under professional direction, administered independently, and in accordance with the highest standards of the profession.

This is why, at bottom, regionalization, and now, decentralization have been so sharply and vigorously resisted even though, to outsiders--and even to proponents within the agency--they seemed to be innocent and inoffensive enough proposals supported by logic and the received wisdom of numerous management consultants.

Regionalization was proposed for legal services at least as early as 1967 in the McKenzie report--and was vehemently opposed. Then as now, it was perceived as stripping the program of the kind of centralized administration and professional control which was essential to the effective maintenance and policing of professional standards. What distinguishes this latest fight is the insidiousness with which the proposal was advanced and nearly implemented--together with the strange and almost irrational tenacity with which the agency persisted in its attempts to reorganize the program, in the face of unanimous and carefully reasoned opposition from every group which was at all knowledgeable about the legal services program. Like the Murphy Amendment fight which would have given the governors a veto over the right of the poor to legal representation, like the Quie-Green Amendment which would have subjected the legal services program to state control and harassment, like the Oklahoma plan which would have achieved the same result by contracting out the administration of legal service programs from the regional offices to the Governor's office, regionalization and decentralization represent threats to the integrity of

the only program administered by OEO which (to my mind) has remained relatively insulated from political pressure and uncompromised in the kind of vigorous and responsible advocacy it has provided on behalf of the poor. The resistance to each of these attacks has been successful. Yet it has always diverted enormous energy--and it has always taken its toll on the program's capacity to function. But at no time in the past has the fight to resist political control of the legal services program taken a greater toll. This is a matter of grave concern for we can win specific victories and yet be left with a program that has been destroyed. We are very near to that point right now.

The Costs of the Regionalization-  
Decentralization Fight

The cost of this battle has been truly awesome.

1) Loss of Director Terry Lenzner and Deputy Director Frank Jones

We have lost a Director and a Deputy Director who, starting as Rumsfeld's hand-picked and trusted confidantes, became staunch and zealous advocates and protectors of the professional integrity of the Legal Services Program. Terry Lenzner received the unanimous commendation of the National Advisory Committee for the quality of the job he had performed and the singular dedication of the staff he built up painfully over a year and one half. This accomplishment is the more impressive in as much as he began in an atmosphere of distrust, suspicion and outright hostility which was shared by the lawyers in the program, the organized bar, and the client community. There can be no doubt, despite the peripheral allegations and excuses given by OEO officials, that Lenzner and Jones were fired as direct retaliation for the sustained and principled resistance they made to regionalization.

2) Loss of an Independent Division

Perhaps more important, we have lost, for all intents and purposes, a semi-autonomous division within OEO. True, legal services may not be regionalized. But having just heard that the decentralization procedures have now been recinded, it is equally clear that Headquarters as well as by decentralization or regionalization. This is in fact what is now going on. The Acting Director has no authority, and at best, ill defined tenure and status. In fact, the program is being

run out of General Counsel's office with essential mail and internal documents and program funding requests being minutely read, and processed by William Walker in General Counsel's office (the principal author of the decentralization procedures) and by Ronald Dietrich, the agent of General Counsel's office just appointed formally as Acting Deputy Director of Legal Services. The competent and dedicated staff assembled by Terry Lenzner is being ignored, bypassed, and frozen out of all decision making; mail has been routed around them and all authority and even information withdrawn and withheld from them. Profound demoralization of a calculated sort, has set in.

3) Possible Loss of The National Advisory Committee

We appear to have lost, either temporarily or permanently, the National Advisory Committee as a vital part of OEO's decision making process. From the program's inception, this body has come to the rescue at time of crisis, and has overseen the program on a continuing basis to insure that its professional integrity was maintained against administrative erosion. The National Advisory Committee, because it contained a mixture of representatives of the organized bar and persons who were intimately acquainted from long experience with the inner working of the program, served to redress the inevitable disparity of power which a controversial 50 million dollar program has in a two billion dollar agency. The decentralization procedures and the past actions of Director Rumsfeld have deliberately bypassed the National Advisory Committee which had been the agency's official vehicle for consultation with the legal profession as a whole and with all key

elements of the organized bar. I do not think I am telling any secrets to say that OEO has attempted to destroy the National Advisory Committee by dealing directly with President Edward Wright of American Bar Association, John Douglas, President of the NLADA (while significantly omitting even to contact the President of the National Bar Association, Judge Edward Bell.) It should be stated with equal candor that while no one would dream of tampering with the organizational representation on the National Advisory Committee, there are a few members of the NAC who are considered a "pain in the neck to bureaucrats" such as myself, John Cumiskey, Revius Ortique, Oliver Lofton, and Garry Bellow whom Donald Rumsfeld and Deputy Director Hjernevik would love dearly to get rid of because we have been in contact with the program on a day to day basis with sufficient continuity that it is very difficult for anybody to attempt to harm the program without one of us learning of it and in turn alerting the organized bar. It is because of this peculiar representation on the NAC that there has been such a concerted attempt to by-pass, ignore or deny the existence of the National Advisory Committee. It is equally clear that the peculiar and intimate knowledge of the program possessed by the National Advisory Committee (taken as a whole) is what has made the opposition to regionalization and decentralization so informed and so formidable.

4) Damage to Confidence in the Program's Stability

Fourth, there has been grave damage to confidence which the poor, young lawyers, law students, the legal services staff and the general public have had in the program. There in short a crisis in morale which is real -- and which is tangible as well as intangible. The

tangible aspects are apparent. One of the Headquarters' staff, Troy Overby, a black lawyer who graduated in the top fifth of his class from NYU, who previously worked in the U.S. Attorney's Office, and on the Hill as staff to the House of Representatives Select Committee on Crime, has resigned because his office and desk were taken away from him and he has had no place even to sit for over two weeks. Regional Legal Service Directors have told me that legal services programs in the field are facing extreme difficulty meeting local share requirements because the controversy has adversely affected the flow of contributions from foundations, individuals and local organizations. This is recruitment time at law schools and I know from my own position as a faculty member of George Washington Law School as a member of the Yale Law School Alumni Board, and from conversations with deans of law schools and law students around the country that law students of outstanding ability are afraid to rely on the possibility of employment with legal services programs or placement with the Reginald Heber Smith Program. In part they do not know whether there will be a program to employ them; in part, they have reservations as to whether the program will permit them to function with the kind of integrity and freedom that in the past has attracted some of the finest young legal talent to legal services.

This will have a particularly grave impact on minority group law students who for the first time are beginning to emerge from the law schools in significant number. A mere "cessation of hostilities" will not--and cannot restore confidence because too many major questions

remain unanswered.

5) Loss of Earmarked Funding

We lack any assurance with respect to funding level -- both for the regular operational programs and for such other areas as Research and Development projects, Training, and Technical Assistance. The earmarking contained in the earlier Senate Appropriations bill was cut out in conference. Thus, the question of funding level has now been re delegated to the Director of OEO -- where actions will speak louder than words in determining whether he wishes to strengthen or destroy the legal services program. Legal Services will have to survive the double funding process of the internal OEO review and a determination by the Office of Management and Budget concerning this year's and next year's projected level of operations. Right now, lacking both a powerful Director of Legal Services and a vital National Advisory Committee, the program has no effective advocates in-house to protect it during the internal budgetary tug-of-war.

6) Uncertain Funding Status of Major Programs

Particular programs are -- or will be -- in trouble. The Reginald Heber Smith Program and the CLEO Program are amongst the most symbolic of the programs now facing cuts in refunding. Similarly, the application for legal services program for Jackson, Mississippi has been awaiting final action for over a year despite firm commitments and explicit assurances from Director Rumsfeld and the Atlanta Regional office. They bear particular watching because they will directly determine the extent of involvement of minority group lawyers and the extent to which both the program and the legal profession will be effectively integrated over the years to come. We can expect a veto

by Governor Regan of the California Legal Assistance Program which will be overridden by the Director of OEO. And as months go by, other controversial programs will come up for refunding, will be subjected to charges of improper or indiscrete conduct and will doubtless be rocked by the same kind of charges and countercharges that have been levelled at the New Orleans program, the Dallas program and the Western Center program. At present, there is no machinery to increase the likelihood that dispassionate and objective fact finding will take place or that a final decision to fund or not to fund will take place in a constructive and deliberative atmosphere. One of the costs of the regionalization and decentralization battle is that it has left both the staff of the Legal Service Program and its allies in a sufficient state of disarray and sufficiently worn out that it will be difficult to mobilize on a grant-by-grant basis to rescue important programs which may be in trouble in the months to come.

#### Immediate Priorities

If there is to be a restoration of confidence in the program and if the Legal Services Program is to be put back on an even keel, several steps must be taken immediately. They are:

1. Clarification of the status and power of the Legal Services Director must be given.
2. Clarification of the status of the Legal Services Division together with complete separation from the present invasion of its prerogatives by General Counsel's Office must be made.

3. Reaffirmation of the Role and functions of the National Advisory Committee as presently constituted without any gerrymandering or "purging" of critical voices must be stated publicly.

4. The level of funding must be immediately guaranteed at the 65 million dollar level provided by the Senate. In addition a specific pledge must be made to expand the R&D grants which have symbolized the program's dynamic quality and an explicit commitment must be made to continue to fund both training and technical assistance for legal services out of the agency's general funds as has been done in the past.

5. The Reginald Heber Smith Program must be refunded immediately at 475 fellowships for next year; the CLEO Program must be refunded; the Jackson Mississippi Program must be funded; the anticipated veto of the CRLA grant must be overridden.

6. Projections regarding fiscal '72 must be made known immediately and projections regarding R&D especially must be expanded to insure a growth element.

7. There must be some immediate action to move forward on the singularly fine and thoughtful R&D plan put together by Michael Kantor and his staff. The provision in that plan for funding experiments in non-judicial dispute settlement mechanisms is unique in addressing itself to a major crisis besetting our court system. That document has been consigned to limbo perhaps because it was deemed tainted because prepared during Terry Lenzner's tenure in office. It deserves to be considered on the merits and moved systematically toward implementation.

8. There will need to be immediate clarification of agency policy, after due consultation with the National Advisory Committee, on such matters as the standards by which one is to determine the meaning of "voluntary poor," "indigency" and procedures for invoking waiver for criminal cases as provided by statute.

9. A special procedure, including a special forum, to be designed with the concurrence of the Director of OEO and the National Advisory Committee must be established to deal with those disputed situations where programs are accused of operating in violation of the law or being subject to termination and where the program responds that the charges are not true, or do not warrant termination or sanction or are a thinly veiled disguise for political retaliation. Because such situations have existed and will continue to arise as long as the Legal Service Program exists, it seems particularly important to at this stage in the program's history to provide a vehicle that can assure a judicious determination of such delicate matters with appropriate decorum and full consideration to the significance of providing due process to all grantees. Otherwise, any new structure will be convulsed by the same kind of situations which came to be a head so traumatically just before the discharge of Terry Lenzner.

#### The Future of Legal Services Within OEO

Beyond the immediate questions of how particular decisions will be made, the question of the extent to which legal services can function effectively, even in the short run, within OEO looms larger and larger.

For the immediate future, much will depend upon three critical factors: the kind of leadership provided by the Director and staff of the Legal Services Program; the structural insulation provided to the Legal Services staff by the National Advisory Committee, and the posture which the Director of OEO takes in resolving the controversial issues which reach his desk. This will depend upon the extent to which he defers to the views of the NAC and the Legal Services staff or, conversely the extent to which he defers to other pressures of a political, programmatic and fiscal sort which come from elsewhere in the agency or in the Administration.

In the immediate weeks and months, all three will hinge upon the statesmanship and sensitivity which the Director of OEO demonstrates in seeking to restore confidence in a program which has been badly battered and severely disrupted.

Over the longer run, the question of Legal Services can not depend purely upon the beneficence and statesmanship of the person who happens fortuitously to be the Director of OEO. If the program is to remain within OEO, then it must be insulated entirely from such counterveiling pressures if it is not to undergo recurrences of the same internal battles we have just witnessed. We thus face a choice: (1) spinning Legal Services free from OEO altogether (with numerous alternatives being possible) or (2) keeping it within OEO for purposes of authorization and appropriation only but otherwise giving legal services genuine, and explicit statutory autonomy within OEO so that it can function in accordance with those policy guidelines set down by a statutorily created board constructed along the lines

of the present National Advisory Committee.

Since the authorizing legislation of OEO is due to expire within a few months, immediate consideration will have to be given to these problems. But lest everyone become preoccupied with new legislation, it is worth cautioning that like Humpty Dumpty, all the legislative solutions may not be able to put the program back together again if during the next few months the Legal Services Program is fragmented irreparably by continued damage to the historic, but fragile, confidence it has earned in the eyes of the poor, of young lawyers, and of the legal profession. Long range, "final" legislative solutions can be fatally distracting. I implore this Subcommittee to maintain and even intensify its vigilance over the coming months. The Legal Services Program has never faced a more critical period.

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LETTER DIRECTED TO:

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October 29, 1970

Mr. Donald Rumsfeld  
 Director  
 Office of Economic Opportunity  
 Washington, D. C.

Dear Mr. Rumsfeld:

On behalf of the Board of Governors of the State Bar of California, I am hereby advising you and other interested persons that the Board, at its October 1970 meeting, adopted the following resolution:

"RESOLVED that the Board of Governors of the State Bar of California concurs and joins with representatives of the American Bar Association and the President of the National Legal Aid and Defender Association in expressing opposition to the proposed "regionalization" of the Legal Services Program of the Office of Economic Opportunity."

It is felt that the proposed regionalization, if carried into effect, would threaten the professional independence of the Legal Services Programs and the attorneys providing services therein by placing a substantial measure of control in the hands of the Regional Directors, most of whom are not lawyers.

RECEIVED  
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 SENATOR DONALD RUMSFELD

Mr. Donald Rumsfeld

-2-

I know that you will give careful consideration to the views of this organization and others opposing regionalization, and I urge you to refrain from making this undesirable change.

Sincerely yours,

FORREST A. PLANT  
President  
The State Bar of California

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# HUNTS POINT COMMUNITY CORPORATION

1463 Southern Boulevard, Bronx, New York 10460 TEL: 991-7700

ROBERT MUNOZ—EXECUTIVE DIRECTOR

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December 2, 1970

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Hon. Gaylor Nelson  
United States Senate  
Washington, D. C. 20516

Dear Senator:

I would like to bring to your attention that the Hunts Point Legal Services which is currently funded, has provided more than adequate services to indigenous poor with only seven (7) attorneys on staff. Through them, the poor have had their "day in court" and have been adequately represented.

Attached you will find an approximate case load figure on a monthly basis. Should you desire names and addresses to verify this, we will be glad to forward all information to you.

We are appealing to you to keep politics from destroying the program. We strongly recommend that Messrs: Lenzer and Jones be reinstated to their former positions.

Cordially yours,

Robert Munoz  
Executive Director

RM:ld

Approximate Figures for one month

400 cases per month

20 Appeals

35-40 Landlord-Tenant Cases daily

5-10 Cases in Family Court

5 Cases in the Supreme Court

Various cases of Consumer Fraud

APPROXIMATE LIST OF CONTENTS

- 1. Introduction
- 2. The Problem
- 3. The Method
- 4. Results
- 5. Discussion
- 6. Conclusions
- 7. References
- 8. Appendix
- 9. Index

