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HEARING

BEFORE THE

COMMITTEE ON LABOR AND PUBLIC WELFARE UNITED STATES SENATE

NINETY-FIRST CONGRESS

SECOND SESSION

ON

FRANK CARLUCCI, OF PENNSYLVANIA, TO BE DIRECTOR, OFFICE OF ECONOMIC OPPORTUNITY

JOHN OLIVER WILSON, OF CONNECTICUT, TO BE AN ASSISTANT DIRECTOR, OFFICE OF ECONOMIC OPPORTUNITY

MRS. CAROL M. KHOSROVI, OF VIRGINIA, TO BE AN ASSISTANT DIRECTOR, OFFICE OF ECONOMIC OPPORTUNITY

DECEMBER 30, 1970

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

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INFORMATION
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WEDNESDAY, DECEMBER 30, 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 9:30 a.m., pursuant to call, in room 4232, New Senate Office Building, Senator Gaylord Nelson (chairman of the subcommittee) presiding.

Present: Senators Nelson, Kennedy, Mondale, Cranston, Hughes, Stevenson, and Javits.

Also present: Senator Schweiker.

Committee staff members present: Robert O. Harris, staff director; William J. Spring, professional staff member; Eugene Mittelman, minority counsel; and John K. Scales, minority counsel to the subcommittee.

Senator NELSON. The hearing will open this morning on the President's nominations to the Office of Economic Opportunity: Mr. Frank Carlucci, the Director; Mr. John Oliver Wilson, an Assistant Director; and Mrs. Carol M. Khosrovi, an Assistant Director.

Senator Scott, I see you are here to make an introduction.

STATEMENT OF HON. HUGH SCOTT, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

Senator SCOTT. Yes, thank you.

Mr. Chairman and members of the subcommittee. I am very pleased to be here to speak on behalf of Mr. Wilson and Carol Khosrovi. I have known Mrs. Khosrovi, I can say, for some years well and favorably, but I am here primarily to speak by way of introduction and make a very strong commendation of Frank Carlucci III.

Mr. Carlucci is a former Foreign Service officer and a graduate of Princeton and the Harvard School of Business. He has served, as the committee knows, here in Washington with the Office of Economic Opportunity. He had had military service in that most superior of all branches of the Service, the Navy. He was in private business with the Jantzen Co. in Portland, Oreg. He was in the Post Management Office in the Department of State and has been Vice Consul and Economic Officer in Johannesburg, and served as Second Political Officer in Kinshasa in the Congo, and officer in charge of Congolese Political Affairs, Department of State, Consul General in Zanzibar, and Counselor of Political Affairs in Rio de Janeiro.

He is married and has two children. Having survived several perilous posts, I think he is the more qualified for service in a post perhaps more perilous than in any of those in which he has served.

It is a pleasure to recommend him.

Senator NELSON. Thank you, Senator Scott. We appreciate your taking the time to come before the committee this morning. We will appreciate it if you will help get the Congress out of here at least within 24 hours, too.

Senator SCOTT. If not, as I said yesterday, we will bring the New Year in under proper security guard.

Senator NELSON. Mr. Carlucci, do you have a statement you wish to give?

Excuse me. Senator Schweiker has a statement.

Senator SCHWEIKER. Thank you, Mr. Chairman.

I want to say as a member of the full committee I am happy to join my senior colleague, Senator Scott, in presenting Mr. Carlucci, because he is a Pennsylvanian. I, too, concur that he has had an outstanding career as a dedicated civil servant. It is interesting to note he has twice received the Superior Service Award by the State Department, so I think he does come with an excellent background in Government service.

He has devoted his life to it, and I think after hearing his testimony and after hearing his presentation of his views, his philosophy in this matter, I think the committee will be satisfied that he is well qualified for the job.

I just want to support Senator Scott's statement.

Senator NELSON. Mr. Carlucci, you were confirmed by the Senate for your previous position a year ago, is that correct?

Mr. CARLUCCI. That is correct, Mr. Chairman.

Senator NELSON. Did you wish to present a statement?

STATEMENTS OF FRANK CHARLES CARLUCCI III, JOHN OLIVER WILSON, AND CAROL M. KHOSROVI, OFFICE OF ECONOMIC OPPORTUNITY

Mr. CARLUCCI. Mr. Chairman and distinguished members of the committee, I appreciate this opportunity to appear in connection with my nomination as Director of the Office of Economic Opportunity.

I have a statement, but I understand that with the press of business in the Senate time is short, and if you would prefer, I can submit it for the record, or go through it.

Senator NELSON. Go ahead and present it, however you wish.

Mr. CARLUCCI. During the past 18 months it has been my privilege to serve as OEO's Assistant Director for Operations, with responsibility for supervising regional offices, State and local government relations, community action, and Indian and migrant programs. In this role I have attempted to pursue a course which would strengthen the effectiveness of Federal, State and local efforts to fight poverty, while through responsible management enhancing broad citizen support for those efforts.

Throughout much of its brief history, OEO has been a subject of controversy and speculation. Criticism and praise can be found at virtually all points on the political spectrum. Dollar for dollar, OEO's programs are perhaps more widely debated and scrutinized than those of any other Federal agency.

This is as it should be. An agency on the cutting edge of social change is bound to be controversial. If we ever accede to the normality and relative calm of a traditional bureaucratic unit, it might well be that we are no longer serving our purpose.

Simply stated, our mission is to work on behalf of those whose voice has gone unheeded for too long in our society. A key element in this task is to make the institutions of our society—Federal, State, local and private—more responsive to the needs of the poor.

There are widely disparate views on how OEO should strive to fulfill this mission. Fortunately, most parties to that discussion disagree on techniques rather than on objectives. Hopefully such differences can be argued in a manner that does not impede progress on common objectives. I believe that OEO is doing an increasingly effective job. Allow me to cite some examples which support this view.

OEO's legal services program, expanded and strengthened in the past 2 years, is giving millions of poor Americans their rightful access to our system of justice. And it is doing more than that. Legal services is showing all Americans that our system is strong enough and flexible enough to be changed where necessary through peaceful, legal means.

Mr. Chairman and distinguished members of the committee, the concept underlying legal services—access to justice for all Americans—is one that I personally treasure, and one I will defend.

OEO's comprehensive health centers have charted new paths for delivering first-rate health care to poverty populations. Recently, as you know, 16 of the health centers were spun off to the Department of Health, Education, and Welfare, freeing OEO money for use in establishing still newer, and hopefully, even better means of delivering health care to the poor.

OEO's Senior Opportunities and Services, or SOS program, funded through Community Action Agencies, is providing desperately needed help to the aged poor—proportionately the fastest growing segment of the Nation's poverty population. SOS has enjoyed great success in generating private and public support: for every Federal dollar spent on the program, nearly 40 cents in public-private money or in-kind services has been contributed.

OEO's programs for American Indians have been expanded. Funds for Indian economic development projects have been doubled. More than 60 of OEO's Community Action Agencies are now operated for and by Indians, while other agency funds have gone toward opening Indian-operated schools and a college, and Indian urban centers in seven cities.

OEO's programs for migrants, whose problems are as serious and difficult to address as those of any poverty group in America, including offering high school equivalency training for youngsters, an absolute necessity in breaking the poverty cycle; adult education and vocational retraining classes for adults; self-help housing programs, as well as day care, emergency food and medical aid, and mobile credit unions and health insurance plans.

OEO's Volunteers in Service to America, the VISTA program, has been a forerunner in efforts to promote organized voluntary action and involve more individual Americans in facing the poverty-related problems of our communities and our fellow citizens.

OEO is testing exciting new methods for linking our least fortunate citizens—the poor who are also unskilled, or alcoholic, or addicted to drugs—with the rehabilitation and training they need to hold decent jobs.

OEO experiments with performance contracting in education should tell us whether or not the Nation's education establishment can and should refocus its success criteria on achievement rather than on teacher-pupil ratios and numbers of new classrooms.

The institution of tough new regulations and processes has tightened the agency's control over grants and contracts, is minimizing the potential for conflicts of interest, and has resulted in more competitive bidding while helping to end indefensible cost overruns.

OEO's nearly 1,000 Community Action Agencies, with which I am especially familiar, continue to constitute the agency's operational heart—and that heart, in my judgment, is beating more strongly, and more productively than ever.

The past 2 years have seen these local agencies strengthened from the standpoint of management, evaluation of their effectiveness, and newly won community support. The CAA's remain the unique institutions they were at the inception. They represent today an even more vital means of mobilizing all segments of the community into a partnership effort with the poor.

As you are well aware, the CAA approach has not always been universally accepted. In some cases needed support has been withheld by segments of the community that viewed the CAA as a threat to their own hegemony. In others, protest-style tactics used by the CAA's, or on their behalf, have served only to widen the gap between the poor and the nonpoor.

During the past 2 years OEO's leadership has repeatedly stressed the need for CAA's to serve as a catalyst for stimulating the broader community to action aimed at eliminating poverty. Again, it has been a case of facing up to the reality that all Americans must work together if poverty for some is to be overcome. By and large, the CAA's have responded well.

Along the same lines, OEO's leadership has insisted that the CAA's be more effective and responsible—action required to guarantee their acceptance by all Americans whose tax dollars support them, and to inspire trust in them by their poverty constituencies.

Some community action agencies have been closed when careful evaluation proved conclusively they were not serving the poor. Others have been helped to put their houses in order. But the majority have proven themselves effective and efficient in doing what they were intended to do: provide a workable mechanism for focusing the Nation's attention and resources on enabling the poor to lift themselves out of poverty.

While improving its own internal structure, OEO has mounted a major effort to strengthen its relations with other departments of the Federal Government, and with State and local governments. That effort is in keeping with OEO's role, as mandated by Congress and reemphasized by the President, as an intragovernmental spokesman for the poor. It also recognizes the reality that if this Nation is to address the problem of poverty, the effort must involve every institution, and not simply the OEO.

I am personally confident that OEO's present posture puts it in a position to be an increasingly effective part of the Nation's overall attempt to combat poverty and its devastating, unacceptable effect on human lives. And I am personally committed to doing whatever I can to help OEO serve the poor and thereby serve the Nation.

That concludes my statement, Mr. Chairman.

Senator NELSON. Thank you, Mr. Carlucci.

Are there any questions?

Senator JAVITS. Yes, I have some questions.

Senator NELSON. Go ahead, Senator.

Senator JAVITS. I thank the Chair very much for allowing me to question the witness immediately, as I am anxious to get to the floor to say something for our colleague, Senator Murphy.

I also wou'd like the record to show that were it not for the Chair, these hearings could not have been held at all. I think the nominees and the administration should know that, and were it not for Senator Yarborough's concurrence, and Senator Nelson's request, these hearings could not have been held at this time. I think it is a signal contribution to the public service and to the ability of the administration to function effectively that, not withstanding what must have been accepted as an entirely proper reason coming so late in the session, for not being able to conduct confirmation hearings, they nonetheless are being conducted. I think that point should stand first and foremost before we discuss all others.

Mr. Carlucci, you have an interesting career in respect of foreign as well as domestic service, have you not?

Mr. CARLUCCI. Yes, sir; I believe I have. I have enjoyed it.

Senator JAVITS. You have served abroad with respect to precisely these problems, social and poverty problems?

Mr. CARLUCCI. I have, sir.

Senator JAVITS. Where did you serve?

Mr. CARLUCCI. In the Congo, in South Africa, in Zanzibar in 1964 and 1965, and Rio de Janeiro from 1965 to 1969, sir.

Senator JAVITS. In all those posts, you got along congenially and well?

Mr. CARLUCCI. I believe I did, Mr. Senator. I had some problems with the Government of Zanzibar at the time, but I think some of those problems could be attributed to the activities of the East Germans and the Soviets, but that is a rather long story.

Senator JAVITS. Your zeal for your work is what got you in trouble, wasn't it?

Mr. CARLUCCI. I think I had very good relations with the President of the country.

Senator JAVITS. Is it fair to say, and don't say it if it will hurt you, that you are relatively a nonpolitical official?

Mr. CARLUCCI. Senator, I consider myself a Foreign Service officer. Senator Scott did make one minor error. I am still a Foreign Service officer. Under the terms of the Foreign Service Act, a Foreign Service officer can accept a presidential appointment in any area of the Government. I intend to continue my Foreign Service career.

If the question is do I support the policies of this administration, particularly as they apply to the problems of the disadvantaged; the answer is a clear "yes."

Senator JAVITS. And as a man of honor, you wouldn't take the job unless you did.

Mr. CARLUCCI. That is correct, sir.

Senator JAVITS. As far as you can see, is the Office of Economic Opportunity secure under this administration so that you would have an opportunity to carry out what you said in your statement you look forward to as the mission of the agency?

Mr. CARLUCCI. Senator, the only mission I have been given by the President of the United States is to go in and manage OEO as effectively and as efficiently as I can in the interest of serving the poor people of this country, and it is my purpose to do this to the best of my ability.

Senator JAVITS. But nonetheless, are you satisfied that there is and will be an OEO worthy of that kind of management?

Mr. CARLUCCI. I believe there will be an OEO worthy of that management.

Senator JAVITS. Otherwise, you would not take the post, would you?

Mr. CARLUCCI. I obviously would not be up here. We have our bill up—our authorization expires at the end of June—obviously we will have some legislative proposals, but I am convinced that there will be an agency in the U.S. Government that will continue to be concerned with the interests of the poor people.

Senator JAVITS. And that this administration will stand for such an agency?

Mr. CARLUCCI. I am convinced that this administration will stand for such an agency, yes, sir.

Senator JAVITS. Good.

Now just one or two questions. There is a considerable feeling on our part, especially in this committee, about community-based activity in poverty, and the participation of the poor as an essential element, in the therapy which will bring them out of the syndrome of poverty?

Do you deeply and philosophically agree with that?

Mr. CARLUCCI. I certainly do, Senator. I think that is at the heart of community action, helping poor people to devise their own solutions to the problems that they face. I believe that it is important, though, that poor people not do this in isolation, that they do this in cooperation and collaboration with other elements of the community, with the public sector and with the private sector, all of whom serve on the boards of Community Action Agencies.

I think the board of a Community Action Agency is a very unique institution, combining these three elements, which enables it to bridge the gap between the poverty sector and the nonpoverty sector, which has basically the resources that are needed to help lift people out of poverty.

Senator JAVITS. Do you believe that your agency's job, in addition to the running of these programs, is also to represent with vigor and independence the poor when it comes to programs that affect them directly, which are not necessarily under OEO, may not even be programs delegated from OEO. What do you consider the role of OEO to be as the representative in the administration of the poor?

Mr. CARLUCCI. I consider this role to be, Senator, just as important

as any of our other roles, and I would judge that during the past year that I have been in my present position I have spent upward of 40 to 50 percent of my time dealing with other agencies of the Federal Government.

I might note in this connection that while the Domestic Council consists of Cabinet level officers, I have been informed by the President that I will be invited to all Domestic Council meetings, provided with an agenda in advance, and will be able to participate fully.

Senator JAVITS. Is it your intention to be the advocate of the poor in any Government Cabinet, council or anything else?

Mr. CARLUCCI. I think it is vital to have a spokesman for the poor in this area.

Senator JAVITS. One final question. I don't want to cramp Senator Cranston's style, who will have his bout with you about California, but have you made any commitment, or do you have any instructions express or implied, which in your judgment would disable you from deciding in the highest conscience independently the California Rural-Legal Services issue, or any other issue that comes before you as Director of the OEO?

Mr. CARLUCCI. I am confident that I would be able to make the decisions that need to be made in my position, and when I feel that I am not able to make those decisions, then obviously I will no longer serve in this position.

But in the case of California, Senator, quite frankly we only yesterday deceived the offiical notification of the reasons for Governor Reagon's veto of refunding for the California rural legal assistance program, and I have not had a chance to study them.

The responsibility for the decision on that program will rest with me, yes, sir.

Senator JAVITS. And you have no express, implied, or any other, either preconception or commitment that in your conscience will prevent you from deciding it objectively, fairly and in accordance with the law and independently, especially the last?

Mr. CARLUCCI. I feel I can decide it——

Senator JAVITS. Is the answer "Yes" or "No"?

Mr. CARLUCCI. The answer is "Yes."

Senator JAVITS. That is, you can decide it objectively without any express or implied commitment to anybody?

Mr. CARLUCCI. Yes, sir; I can. Obviously, in a situation like this, it is necessary to talk to a lot of people who are involved and to get their views and opinions, and I will, of course, seek views and opinions from the various parties involved.

Senator JAVITS. Do you have any serious basic objections to the way the legal services program and the kind of cases they have handled?

Mr. CARLUCCI. No, sir, I do not.

Senator JAVITS. Thank you, Mr. Chairman.

Senator NELSON. Thank you, Senator.

Senator JAVITS. Senator Murphy could not attend the hearing today but does have a statement he would like to appear in the record.

Senator NELSON. Without objection I order it printed at this point in the record.

PREPARED STATEMENT OF HON. GEORGE MURPHY, A U.S. SENATOR FROM THE STATE OF CALIFORNIA

Senator MURPHY. Mr. Chairman, it is a shame that the nomination of Mr. Carlucci must come before this subcommittee at a time when there is a marked controversy over the veto by Governor Reagan of the funding for the CRLA. I sincerely hope that this subcommittee and the full Labor and Public Welfare Committee will not allow this controversy to impede the immediate approval of Mr. Carlucci.

As the members of this subcommittee know, Mr. Carlucci is a career Foreign Service officer who at the request of former OEO Director, Donald Rumsfeld, accepted the number two position in the Office of Economic Opportunity.

As Mr. Carlucci points out, he has not, by this assignment, lost his Foreign Service officer standing and intends to return to the Foreign Service upon completion of his work as OEO Director.

His service both in the Foreign Service, where he has been cited for his work and as Associate Director of the Office of Economic Opportunity has been exemplary. Certainly by all the standards we normally use in this body to judge a presidential nomination, Mr. Carlucci is well qualified to be confirmed as OEO Director.

Mr. Carlucci has assured us that he considers himself nonpolitical in light of his Foreign Service standing. I commend him in this regard. In my 6 years in the U.S. Senate, I have attempted, and with some success, to take the politics out of the poverty program. I sincerely believe that the solving of the problems of poverty and hunger should not be the subject of partisan politics. These problems are just too important for that.

Certainly if his nomination is blocked, it can be for none other than partisan reasons. I had hoped we had passed that point in approving presidential nominations. Moreover, such a move can have no other result than to interfere with Mr. Carlucci's task in developing the fiscal year 1972 budget for his department as well as the enabling legislation that must be readied for introduction in the 92d Congress.

For these reasons, Mr. Chairman, I request immediate and favorable approval of Mr. Carlucci's nomination.

Senator NELSON. Senator Kennedy?

Senator KENNEDY. I want to welcome you here, Mr. Carlucci, along with my other colleagues. You have an impressive background, and I think the principal interest that I had, and perhaps some of the other Senators, is your interest and concern with the problems of the poor.

There are a number of people in this country, who believe that OEO is a dying program and that it is about to be phased out, or radically changed.

I would be interested in your view on this.

Mr. CARLUCCI. Senator, let me point out that the overall budget of programs operated by OEO has gone up from $648 million in 1969 to $785 million in 1970, and the 1971 request was $865 million.

More money has gone into our legal services program, more new money was put in Community Action Agencies last year than has ever been put in Community Action Agencies. Money for the health programs has been increased. We created 35 new community development corporations in the field of economic development.

Funding for migrants has been increased. Funding for Indians has been increased.

I don't think that that means OEO is a dying agency.

Now, if the question is should OEO continue to exist in its present form indefiintely, let me repeat that our authorization expires. We will be presenting new legislation. There may be some changes that would be desirable and could be debated by this committee and other interested committees.

For example, a number of people have suggested that the legal services program might better be an independent corporation. I frankly have not had enough time to study this, to analyze any proposals. It sound like an issue that might well be debated. If a decision does take place——

Senator KENNEDY. You are quite familiar with the legal services program. You have served in the Department for a considerable period of time. I would be interested in your view of whether legal services is to be dismantled, or a broken down into regionalization.

Mr. CARLUCCI. It is my understanding from various groups, Senator, including some of the bar associations, that they are studying the possibility of an independent corporation for legal services, and will come up with some judgments on that. Before I would make any judgments, I would want to see what the Bar would come up with.

Should, for example, it be decided that that were desirable, that legal services might better function as an independent corporation and should the Bar support that, it may well be that a decision would be made by this committee and by others, and by the administration. It is premature to say what people might decide now, but they might decide this is a desirable thing.

If so, I would not consider this the dismantling of OEO. It would be looked upon, perhaps, as strengthening the legal services program. That is a judgment one has to make, whether the legal services program would be stronger in OEO or stronger as an independent corporation.

I think these are issues that should be aired and debated.

Senator KENNEDY. What kind of input will those who are actively involved in legal services now make to that decision?

Mr. CARLUCCI. Are you talking about my staff members?

Senator KENNEDY. In any kind of a future decision involving legal services. Have you set up any kind of mechanism to gather their views as to any potential changes in the program?

Mr. CARLUCCI. I have already had discussions with the American Bar Association.

Senator KENNEDY. I am talking about those actually working in the program, legal services employees themselves, not Bar associations, but those who are on the frontlines.

Mr. CARLUCCI. Since I have been Director, I have not had a chance to discuss this specific proposal with them, but that proposal has been previously discussed with various people in legal services.

Senator KENNEDY. Have you had an opportunity to establish any procedure to receive any input from the legal services lawyers themselves?

Mr. CARLUCCI. Of course, I have procedures to receive input from a variety of subjects from them, Senator.

Senator KENNEDY. Are you planning now to reorganize legal services?

Mr. CARLUCCI. No, sir; I am not.

Senator KENNEDY. Is there any study being done other than what the Bar Association is doing in terms of an independent agency, or would we assume that the present format would be kept for the next year? What do you plan to do?

Mr. CARLUCCI. I have not drawn a conclusion. That is my problem.

Senator KENNEDY. Are you satisfied with the way it is working now?

Mr. CARLUCCI. I think the way the legal services program is working now, it is a very effective program. I do not know whether it would be more effective being an independent corporation or remaining in OEO, and I think this is an issue that ought to be debated by the Bar, by various members of the Senate and by Congress, and I would be pleased to participate in that debate, but as of the present moment——

Senator KENNEDY. You are really going to lead the debate, aren't you, as the person who has the prime responsibility? Don't you see this as your function and your responsibility?

Mr. CARLUCCI. I see my function and my responsibility in this to listen to a variety of opinions from all the interested sources, and then to form a judgment and make a recommendation to the administration.

Senator KENNEDY. Have you discounted the possibility of regionalizing the legal services program?

Mr. CARLUCCI. We have issued a statement saying that the legal services program will not be regionalized. We have rescinded the guidelines which were controversial. I have said I woud like to have this issue debated in the context of the legislation, the legal services portion of the legislation.

Senator KENNEDY. Are you anticipating that you are going to make recommendations to Congress next year in terms of reorganizing legal services?

Mr. CARLUCCI. I do not have any specific proposals now.

Senator KENNEDY. I am not asking you what those proposals are. I am asking you if you are planning them.

Mr. CARLUCCI. I have no plans right now for proposing a reorganization of legal services.

Senator KENNEDY. How would you possibly get a plan out, if you are not planning now? Isn't it safe for us to assume that there won't be one?

Mr. CARLUCCI. No, sir; to be quite honest with you, because of the recent controversy surrounding legal services, in drafting our proposed legislation which is still very much in the draft stage—I haven't reviewed the entire package myself—we have not yet dealt with the legal services portion.

Senator KENNEDY. You are not prepared, then, in terms of one of the key programs that has been the most controversial, and many of us believe the most valuable, to give us at this confirmation hearing your own precise and deep-felt recommendation in terms of legal services for the next year?

Mr. CARLUCCI. I am not prepared, because the legislative process has not yet run its course.

Senator KENNEDY. I am not interested in the legislative process.

I am interested in your own view, how important you think this program is, how prepared you are to fight for it, whether you think there are significant changes, having reviewed this program over the period of the last year, that should be made.

What are we supposed to assume, Mr. Carlucci? You have studied this program. You have been involved in it. I would like to find out your view of this program, where you think it can be strengthened, because I would like to find out how strongly you feel about it.

Mr. CARLUCCI. I feel very strongly that a program such as legal services must exist in our society. I feel very strongly about the need for the poor to have equal access under the law. I have not come to any firm conclusions on how this program could be strengthened.

I would like to see it strengthened. Whether it can be strengthened within OEO or outside OEO is a subject, as I said earlier, that I have not drawn a conclusion on.

My interest now, and I have had discussions with members of the bar, is in examining ways that the program can be strengthened, and getting their recommendations.

Senator, I have only been in this job about 5 or 6 days, and——

Senator KENNEDY. You have been involved. You are not suggesting that you don't have an understanding of the legal services programs, and these other programs, and that the sole basis of your knowledge in your appearance before the committee today is based on 5 days?

Mr. CARLUCCI. I have a knowledge of how the legal services program functions, but I have not been part of the policymaking mechanism for the legal services program over the past year. I have had some acquaintance with how they function in the field. Therefore, I have not been part of the various discussions that may have transpired on how the various activities of legal services could be strengthened.

This is a subject that I intend to look into very soon, and I would like to see the program studied.

Senator KENNEDY. You are not prepared, then, today to give us any definitive answer concerning the organization of the legal services program, other than the rather general observation that you think everyone who is poor ought to have some representation?

Mr. CARLUCCI. I am prepared, Senator, to say that until we have a chance to debate the legislation, the legal services program will remain a centralized program, administered by lawyers.

Senator KENNEDY. I am very much aware, Mr. Carlucci, that a debate on the legislation will be held in the Congress. What I am interested in is your view.

Mr. CARLUCCI. If you are asking me for specific recommendations——

Senator KENNEDY. No, I am interested in your views, your own views. You know this program. You have worked with it, you understand it, and I would like to know what your view is about it, not whether there is some potential study in the future, not whether that will end up as the legislative recommendation.

What is your own view? That is what we are here to find out this morning.

Mr. CARLUCCI. It is not clear to me, Senator, what you are seeking my view on.

Senator KENNEDY. Legal services.

Mr. CARLUCCI. In OEO, or out of OEO?

Senator KENNEDY. In OEO, where it is right now.

Mr. CARLUCCI. In OEO I think it is functioning well, I had a view earlier on, quite frankly, that there could be better coordination between legal services people in the field and our regional directors. There seemed to have been some concern expressed about that view. We, therefore, agreed that we would not regionalize.

We agreed that we would rescind the guidelines and run the program precisely as it has been run for the past year. This seems to be the feeling of members of the bar and others who have been involved in the program, that this is perhaps the best way to run the program when it is in OEO.

I have said that I will continue to run the program in that manner until we debate the legislation.

Senator KENNEDY. We are asking whether you are going to come back up here in January or February and recommend something different, or do you feel that this program, this approach, makes some sense. As far as I can understand, Mr. Carlucci, we are getting some rather general responses on this.

I think you can well understand, based upon the discussion and debate about legal services, that this is a very fundamental problem. There are many of us who feel strongly about it. Many of the people who are involved in this program have communicated with us.

We are trying to elicite your views on it.

Now, I must say that I have been unable to obtain those views.

Mr. CARLUCCI. Senator, let me be very direct in this case and say that I am unable at this point to comment on the legislative process, as it is evolving within the administration.

Senator KENNEDY. Could we move to the OEO programs for the elderly.

I personally feel that over the whole period of time since the origin of the OEO, in fact from its earliest days, that the senior citizens and elderly poor have been the ones that have received the fewest benefits of OEO programs.

I would be interested in what you think can be done about developing the existing programs for senior citizens and the elderly poor, also, do you have any additional views or ideas of what can be done.

Mr. CARLUCCI. Well, we have increased the funding of those programs over the past 2 years.

Senator KENNEDY. Which ones specifically?

Mr. CARLUCCI. The Senior Opportunities and Services program.

Senator KENNEDY. What kind of figures are we talking about, because they are extremely modest.

Mr. CARLUCCI. It has gone up from the neighborhood of $6 million to $8 million, assuming we get our funding this year. I think there are 200 programs in this area carried on by our Community Action Agencies. There is other information we can supply.

(The information follows:)

FUNDING OF SENIOR OPPORTUNITIES AND SERVICES PROGRAMS

The first national funding of Senior Opportunities and Services programs was in June 1968 in the amount of $2.8 million. The funding of SOS programs in subsequent years have been: Fiscal year 1969—$4.8 million, fiscal year 1970—$6.8 million, and fiscal year 1971—$8 million.

This increased funding level has permitted the expansion of SOS programs from 67 in fiscal year 1969 to more than 200 in fiscal year 1971. These programs are now being operated in 44 states and Puerto Rico.

Senator KENNEDY. I have been told that legal services for senior citizens have been given rather low priority within the administration, and I was just wondering if you have any particular knowledge to that effect.

Mr. CARLUCCI. No, sir; I do not. I would be glad to supply something for the record.

(The information subsequently supplied follows:)

STATUS OF LEGAL RESEARCH AND SERVICES FOR THE ELDERLY

Legal Research and Services for the Elderly (LRSE), a national demonstration project, was initiated in Fiscal Year 1968. Its latest funding, in the amount of $414,735, was announced in December 1970. The grantee is the Washington-based National Council of Senior Citizens. The December 1970 funding level will enable continuation of five field projects. The funding also covers the headquarters operation of LRSE in Washington. We have under consideraiton additional legal services proposals which would involve joint funding and operation with units of the Office of Economic Opportunity in addition to the Office of Legal Services.

LRSE was funded to research and identify the particular problems facing the elderly poor; to examine the law and the major legally sanctioned institutions that affect the elderly; to devise models eliminating the negative impact of our social economic and administrative institutions on their lives, and to devise methods for educating the elderly poor community as to their rights.

There was a great deal of experimentation when the program was originally devised. The first year's operations covered urban and rural areas in different sections of the country, and involved both operational and research aspects. Under the original grant, the National Council funded law schools, legal services programs, community action agencies, an elderly organization and an economic development corporation. Through this preliminary experimentation and research, LRSE has determined that the most significant legal issues affecting the elderly reside in the areas of housing, health, income and state legislation. They have further determined that these problems can be most effectively solved through a combination of legislative reform, litigation, administrative representation and governmental largesse.

The program as presently funded includes a number of projects to permit across-fertilization of ideas and methods for achieving results in each area. The development of lay advocates, trainers, ombudsmen, techniques will produce a variety of strategies to be used in responding to the problems of the elderly.

This grant to the National Council is multi-faceted and multifunctional. The program is experimental and research-oriented. It has implemented tactics for creating institutional change through he use of legislation, litigation and administrative representation. Now it is developing new systems and models through advocate training, development of community ombudsmen, use of a private law firm, consolidation of litigational techniques and development of model legislation.

Senator KENNEDY. Can you tell us about how many senior citizens are involved in OEO programs now?

Mr. CARLUCCI. I don't have the figure off-hand, Senator. I would be glad to submit that for the record.

(The information subsequently supplied follows:)

SENIOR CITIZENS INVOLVED IN OEO PROGRAMS

We estimate that 1,500,000 to 1,750,000 persons over 55 are served by the all-age and elderly-only OEO-funded programs. This includes the 700,000 persons served in FY '70 by the Senior Opportunities and Services program, which is exclusively for persons aged 60 years and over. To continue to increase the agency's ability to serve an even larger older poor population, OEO anticipates that the level of SOS program funding will be increased from $6.8 million in FY '70 to $7.8 million in FY '71.

We are making a national survey of the SOS programs and hope to use the findings to determine and evaluate the success of a variety of types and designs of projects. From this analysis we expect to discover many new and innovative programs that are worthy of replication in a variety of communities—rural and urban. Additionally, we think that from these a number of national models can be developed.

We are also considering a number of research and demonstration projects in the fields of communications, out-reach, service delivery, nutrition and use of volunteers.

Senator KENNEDY. Can you tell us what senior citizens programs you think are worthy of expansion within OEO?

Mr. CARLUCCI. We have done some experimental senior citizens programs in terms of out-reach and such things as Project FIND, which I think have been interesting.

Senator KENNEDY. They have been going on for some time, Out-Reach and FIND. How has the funding for those been changed?

Mr. CARLUCCI. I don't have the figures before me, Senator, on funding for those programs. If you are just asking my personal ideas, I think there may well be a good opportunity for senior citizens in the family assistance plan if it passes, given the large component in the family assistance plan for day care.

There might be a way of tying in senior citizens programs with day care, and this is an area that I would like to see explored with HEW.

(Further information subsequently supplied follows:)

REPORT ON PROJECT FIND

Project FIND (Friendless, Isolated, Needy, Disabled) was a 30-month Office of Economic Opportunity research and demonstration program conducted by the National Council on the Aging which was completed on January 16, 1970, when the final report was submitted.

The project represented the first major outreach attempt to identify the elderly poor; to study their lives; to ascertain their greatest needs; to investigate resources available to them; to refer them to agencies responsible for providing needed services; to follow through and see that the services were provided; and where needed services or service-agencies were non-existent to directly provide assistance where possible.

The outreach effort or component of any program designed to serve the elderly poor is recognized by the Office of Economic Opportunity to be primary and basic to successfully bring together the elderly poor and the community resources available to them or "that should be available to them."

Hence, SOS programs providing job counselling and referral, homemaker services, meals on wheels, housing assistance, food and consumer cooperating education and buying, home health aid, and other type of services are designed with outreach as a major component of the program and are dependent upon outreach efforts to make the programs successful.

The OEO experimental programs for older persons have included some one-time programs such as Medicare Alert. Others have been more research and demonstration oriented such as Foster Grandparents, Project FIND and Project Late Start.

Foster Grandparents was so successful that it was spun off to the Department of Health, Education, and Welfare and small, local type FIND projects have developed in more than two score communities across the nation. An OEO national survey of CAA activities and SOS programs for the elderly poor which is presently being conducted will reveal, we feel certain, many additional programs which are worthwhile.

Senator KENNEDY. As a strong supporter of the concept of family income assistance and day-care centers, I agree, but I don't know whether we ought to wait in terms of developing senior citizen programs just for the passage of that legislation. I would be very in-

terested if you could tell us now where we are going in terms of our senior citizens. Could you evaluate the programs that now are in existence, the programs you think can be expanded, and the plans you have for new programs?

Mr. CARLUCCI. I am not prepared to go into that kind of detail today, Senator.

Senator KENNEDY. Not right now?

Mr. CARLUCCI. I would be glad to submit something for the record.

(The information subsequently supplied follows:)

OEO PLANS FOR AGED

The Office of Economic Opportunity plans to utilize some funds in a number of new and experimental ways. Opportunities are developing in many communities, particularly in Model Cities situations, to use small SOS grants as leverage to pry out much more substantial resources from other agencies and achieve major comprehensive programs for the aged. In some communities all that is needed is the funding of a resourceful program coordinator or some training and technical assistance to bring together fragmented existing and potential senior programs into a unified comprehensive city-wide or county-wide network.

The Office of Economic Opportunity is conducting a small research project on techniques for selecting, training and placing older persons in day-care center employment. The growing day-care movement, including the pending Family Assistance Plan, promises to open a major new career field for thousands of older persons and may become an important focus for SOS programs.

The Agency hopes to fund several programs for older American Indians and one or more proposals from small states to combine SOS and Title III AOA resources and programs on a statewide basis by grants to State Economic Opportunity Offices.

Office of Economic Opportunity plans also to experiment with the use of SOS funds to employ older persons program coordinators in selected community action agencies in the expectation that they can build services for the older programs for the elderly without additional federal funding. Experience indicates that many good aging programs can be operated at very little cost by the use of volunteers provided agencies have the skills to mobilize, train and use them effectively.

Senator KENNEDY. Can we talk a little bit about the special impact program, which has been, I think, one of the very effective programs. I understand the estimated obligation for 1971 is $37 million. This has been expanded by the administration over the previous administration, and then a request for only $25 million in fiscal year 1972.

Mr. CARLUCCI. I don't think——

Senator KENNEDY. What I know of the program, particularly in the Bedford-Stuyvesant area in New York, and the Roxbury area of Massachusetts, and other areas around the country, this program has been very effective, and I would be interested if you have any views on the special impact program and what priority you give it.

Mr. CARLUCCI. We have not yet submitted our budget for 1972, and I don't think there is a 1972 figure.

Senator KENNEDY. I understand it is approximately $25 million. Am I far off on that?

Mr. CARLUCCI. We are engaged in a dialogue with OMB right now on our budget, and I quite honestly do not know what the figures will be.

Senator KENNEDY. Wouldn't you think this is a fair estimate in terms of the in-house considerations within OEO? As I understand, it is approximately $25 million.

Mr. CARLUCCI. Senator, I don't know. I don't know what OMB is going to do, or how we will have to adjust our budget for 1972.

Senator KENNEDY. Could you tell me a little bit about how important you think special impact is?

Mr. CARLUCCI. We have obviously thought special impact was important because we did up the funding from 1969 considerably.

Senator KENNEDY. That is right. They did feel it is important, and we started upgrading it, and now my information is that it is going to be slashed back, and I am just wondering in terms of your own kind of input whether you think it should be, or what information you can give us on this matter.

Mr. CARLUCCI. We funded, if my memory serves me correctly, some 35 CDCs last year, bringing the total to something like 39. Most of these are new programs. They are just getting off the ground. I think there is an experimental nature in the special impact program.

I think what we want to do now is to monitor and evaluate these programs and see how successful they are in terms of the available manpower in the agency, our ability to monitor and evaluate programs, I would quite frankly be hesitant about a further large expansion of CDCs. I think we have our hands full now.

Senator KENNEDY. Isn't it going to be cut, too?

Mr. CARLUCCI. I am not aware of a cut.

Senator KENNEDY. As I understand, with the process of Government, the general considerations going on in your department is that it is going to be $25 million next year. It is a kind of an open secret. I know you are not prepared to talk about what the recommendations are to the Budget Bureau and the administration in the terms of this program. Maybe you are not particularly knowledgeable about the specific figure, but if I am wrong, I would like to be corrected. The preliminary OMB estimate included a significant cut of approximately that dimension within special impact. I am just wondering whether you think such a cutback is anticipated.

Mr. CARLUCCI. It is my understanding, Senator, that we will certainly have funds to continue to maintain those CDCs that have been established in the local communities. I am not aware of a cutback, and I would certainly not advocate closing down CDC's that we have established.

Senator KENNEDY. There is one area that I think you are to be commended on, and I am sure there are others, but that is in the comprehensive health centers. I think the OEO is expanding that program. I know the initial programs started up in Massachusets, out at Columbia Point. They are very successful. They have cut back by 80 percent of entrants into local hospitals. They have an impact on the health of the community, and it was from the model program that the whole health center program was developed, and the OEO, I think, generally has done a good job on this.

Are you planning to—you are mandated under the law to submit a 5-year program in terms of how you view the future in terms of OEO. That has never been submitted, although each of the people who have been up to be made Director of OEO has indicated willingness to submit that program. Can we anticipate anything on this?

I know it is extremely difficult, and by doing it you are setting out a measurement which you will be judged by. I know realistically the political reasons not to do it. But I am just wondering what your views

are about submitting a 5-year program which you are mandated to do under section 632 of the act.

Mr. CARLUCCI. Obviously, if we have a legislative mandate, we should try and do it.

Senator KENNEDY. Will you do it, then?

Mr. CARLUCCI. I have not, quite frankly, had a chance to examine the subject. I will be glad to look into it.

Senator KENNEDY. The section says in addition to his powers under the act, the Director shall prepare a 5-year national poverty plan, showing Federal expenditures, and contributions from the private sector, et cetera, et cetera.

So the Director shall prepare a 5-year national poverty action plan.

Mr. CARLUCCI. That sounds like a clear mandate, and I will be glad to discuss that with my staff. [Laughter.]

Senataor KENNEDY. Will you do it? It says it here in the legislation.

Mr. CARLUCCI. I will start working on a 5-year plan, yes, sir.

Senator KENNEDY. Are you going to prepare a 5-year plan? It says something about Congress, that his plan shall be submitted to Congress.

Mr. CARLUCCI. I will make an effort to get it through the bureaucracy and submit it to Congress.

Senator KENNEDY. Finally, there has been a great deal—we all hear about it—about how officials of OEO have been involved in political campaigns. I think we are all very much aware, from statements and speeches made on the floor, how terrible it is for a part-time legal service lawyer to be involved in political campaigning.

The problems that we hear about are where the Director of the OEO program is involved directly in political campaigns, speaking for various congressional candidates and others.

I am just wondering about your view on that, because it seems that what is sauce for the goose is sauce for the gander. You have been aware that the former Director was involved in political campaigns, are you not?

Mr. CARLUCCI. I am not aware of the specific political activities of the former Director, and he will have to speak for himself. As I said to Senator Javits, I consider myself a Foreign Service officer, and I intend to return to the diplomatic service.

Senator KENNEDY. The Warren, Ohio, Tribune-Chronicle reports on June 3 that Donald Rumsfeld accepted an inviation to speak at the annual dinner on October 1.

Then there is from Kansas City a report that Donald Rumsfeld spoke spoke for the candidate for U.S. Senate, including a stop at St. Mark's Church, Saturday, October 10, and in San Francisco, Donald Rumsfeld——

Senator MONDALE. Did he support any Democrats? [Laughter.]

Mr. CARLUCCI. Senator, I hope you are not suggesting——

Senator KENNEDY. I think there has been a lot of talk about the employees of OEO. I am trying to clear the air, so to speak, if you want to make any comments.

Mr. CARLUCCI. I am not going to commit myself to not make speeches with Congressmen and Senators happening to be present. I have said I consider myself to be a Foreign Service officer.

Senator KENNEDY. How about candidates? Will you make speeches for candidates for Congress?

Mr. CARLUCCI. I think the next election is a considerable way off.

Senator KENNEDY. You have to give a straight answer on this. Are you going to be making political speeches, or any kind of speeches for candidates for political office?

Mr. CARLUCCI. I don't know what you mean by political speech.

Senator KENNEDY. Let me give you a couple of examples. This is in Kansas City, Mo. Do you consider a political tour by Don Rumsfeld with the candidate for Senate, including a stop at St. Mark's Church, for an appearance before the Junior League of Kansas City, would you consider that a political appearance?

Mr. CARLUCCI. I am not familiar with that particular appearance.

Senator KENNEDY. Do you think it has the appearance of political appearance?

You are not prepared to state at this time that you will not become involved in candidates for the Congress——

Mr. CARLUCCI. As I said, I do not consider myself a political figure. I am a presidential appointee. I do not feel that I can at this point restrict my speaking calendar.

Senator KENNEDY. I don't think that is terribly responsive. I think there are many people that think the Director of OEO ought to be working on the problems of the poor.

Mr. CARLUCCI. I agree with that.

Senator KENNEDY. And not making speeches for candidates, whether they are Democratic or Republican, for reelection.

Mr. CARLUCCI. I intend to work on behalf of the poor, but I don't think I can make a commitment that I will never give a speech that may be interpreted by someone as a political speech.

Senator KENNEDY. Would you mind, then, if legal service fellows involve themselves otherwise?

Mr. CARLUCCI. I think there is a difference between the Director, a presidential appointee——

Senator KENNEDY. You mean the Director can, but legal service fellows in the community can't involve themselves in off-duty hours in passing out pamphlets?

Mr. CARLUCCI. It is my understanding that there is a legal distinction. I am not under the Hatch Act.

Senator KENNEDY. Do you think what is sauce for the goose is sauce for the gander?

Mr. CARLUCCI. I think it is important that our agency as a whole not be involved in political activities, and as I said, it is not my intention to become a political figure, or become involved in political activities, and I think it is quite proper for the Director to set an example. What I am pointing out is that there is a distinction made under the law between a director and the employees of the agency, who are under the Hatch Act.

Senator KENNEDY. Are you aware of any understanding that staff lawyers hired for nonservice jobs must be registered Republicans?

Is there a policy along these lines at OEO?

Mr. CARLUCCI. I haven't looked into this in great detail. There is a clearance requirement for lawyers and certain other positions, but I would be very surprised if all our legal services employees hired in the past year, or before, are registered Republicans.

Senator KENNEDY. Have any not been cleared because they were registered Democrats?

Mr. CARLUCCI. I was not involved in the program of hiring lawyers for legal services, and I can't answer that question, sir.

Senator KENNEDY. You have no understanding of the procedure used?

Mr. CARLUCCI. I have an understanding of the procedure used under Civil Service. There is a clearance process known as schedule A, schedule B, and schedule C lawyers, and doctors, I think.

Senator KENNEDY. Many of these charges have been raised in the newspapers, Mr. Carlucci. There have been these stories, these allegations and these charges. You have been in the Department, and I am wondering what you can add in terms of your understanding of that problem, and whether you endorse that policy or whether you repect it.

Mr. CARLUCCI. It is my understanding of the procedure that is established, that it is administrationwide. In fact, I have personal knowledge, not in the legal services field, of people who have been hired in the agency in schedules A, B, or C positions of both political parties.

Senator KENNEDY. Thank you very much.

Senator NELSON. Senator Schweiker?

Senator SCHWEIER. Thank you, Mr. Chairman.

Mr. Carlucci, before you came to the OEO, had you ever taken any part in political campaigns or done any political campaigning in Pennsylvania, or anywhere else?

Mr. CARLUCCI. No, sir; never.

Senator SCHWEIKER. Would you consider this a wise policy to follow in the future?

Mr. CARLUCCI. Yes. I do not intend to engage in partisan politics. I am aForeign Service officer, and it is my intent to return to the Foreign Service at some point. Foreign Service officers do not normally engage in politics.

Senator SCHWEIKER. One of the points this committee is concerned about, and certainly I have concern, is not your ability to do the job, because I am sure you have the capability to do the job if you are given the financial resources and support that you need in OEO to do that. I would like to pursue that for a moment or two.

You started giving us some figures, and I don't think I got all of them, as to what the expenditures in OEO were for the last couple of years.

I wonder if you would briefly recap what the expenditures in OEO have been, and what is the planned one for this coming year? I didn't hear the last figure.

Mr. CARLUCCI. Well, the figures that I read were for the programs directly administered by OEO.

Senator SCHWEIKER. What were they again?

Mr. CARLUCCI. $648 million in 1969. In 1970, the figure was $785 million. In 1971 our request has been $865 million, and it is my understanding that the Senate-House conference report comes fairly close or maybe even has a little more money in it than that.

As regards the 1972 budget process, if I may, Senator, I have a few things that I would like to say about that, because there has been some speculation in the press.

The budget process for 1972 has been going on for a number of

months, and to my knowledge no final decisions have been made, and there are obviously a number of matters that are being debated within the administration with regard to the programs of all Federal agencies.

When the decisions are made, the President will announce them and the Congress will, of course, debate them, and until then I am not at liberty to comment on the budget process.

I can say this, however, that as I said earlier I would not have accepted this nomination were I not convinced of this administration's commitment to the poor, and like any administrator, I am seeking adequate funds to continue and strengthen our good programs.

The President weighs these requests in the light of overall administration policy. Within the administration I have been given full opportunity to express my views, and I am confident that they will be carefully weighed in the decisionmaking process.

I have every reason to believe that OEO will be dealt with equitably and that provision will be made in the 1972 budget for us to continue to serve the poor effectively.

Now, as far as VISTA is concerned, and there has been speculation on VISTA, the program is alive and well. It is functioning, and I think it is very important that a mechanism exist in our society that enables people to volunteer their services on behalf of the poor.

There is no decision to zero fund VISTA, as has been reported in the press, and it is my intention to continue to try and strengthen and improve the VISTA program until somebody demonstrates to me a better way of doing it.

Once again, let me add that this is a subject that probably should be debated in the context of legislative proposals.

Senator SCHWEIKER. You are saying, then, that the reports in the press about discontinuing VISTA are totally inaccurate, is that right?

Mr. CARLUCCI. I am saying that reports in the press indicating that VISTA would be funded at the zero level are inaccurate, yes, sir.

Senator MONDALE. Would you yield there?

Senator SCHWEIKER. Yes.

Senator MONDALE. I think there is a fact question here. I have this memo prepared by Mr. Wilson, which has been widely circulated and reported.

Mr. CARLUCCI. Yes, sir.

Senator MONDALE. He is referring to the 1972 budget presented by the Office of Management and Budget, and he says that it calls for a 23-percent overall reduction, and in the following specific programs: Research and Development, a 41-percent cut; Community Action, 17 percent; Health and Nutrition, 18 percent; VISTA, 100 percent.

Mr. CARLUCCI. Are you asking me to respond to that?

Senator SCHWEIKER. I think he is asking you to respond to that, yes. [Laughter.]

Mr. CARLUCCI. I might say that I did not see that document until I understood that it was to appear in the press. It was a contingency paper that was drawn up. As I said, there are a lot of decisions that are being kicked about in the budget process. The process has not yet terminated.

What I have said, I think, is very clear, that I think OEO will be dealt with equitably, that I am participating in that process, and there is no decision to reduce VISTA by 100 percent.

Senator SCHWEIKER. And it is not your intention to make a recommendation for a 100 percent cut?

Mr. CARLUCCI. It is not my intention to make such a recommendation, no, sir.

Senator SCHWEIKER. It is your intention to continue to operate VISTA as presently constituted, subject to any new ideas or innovations that you later seek to put in the program?

Mr. CARLUCCI. My intent is to continue to request adequate funding for VISTA, to see that the program can continue to operate effectively.

That memo was never sent.

Senator SCHWEIKER. That is all I have, Mr. Chairman.

Thank you.

Senator NELSON. Senator Mondale?

Senator MONDALE. This is a memo which I am told was prepared by Dr. Wilson, who is with us this morning. Perhaps he can tell us what he was referring to when he refers to the 100-percent cut in VISTA.

Mr. WILSON. Senator, we prepare numerous memos in the budget process, as Mr. Carlucci has already alluded to. The 1972 budget process is now being negotiated. We do not know what our marks would be. That memo was prepared by my staff. It is not a memo that has my signature on it. It does not even have my typed signature on it. I did not see that memo until it was reported to me it would appear in the press.

Senator MONDALE. What were they referring to when they said:

> After carefully reviewing the 1972 budget mark presented by the Office of Management and Budget for OEO, I am of the opinion that the proposed funding levels would have critical damaging effect, quite contrary to what I believe is intended. I do not believe I intend the budget to discredit this agency. It would reduce the OEO operating programs 23 percent below FY '71 operations, with reduction distributed among—

And then at VISTA—"100 percent."

Later on, this statement is made:

> If the residual OEO is to be merely a bureaucracy engaged in self-liquidation, then I would strongly urge this not be done through a series of budget reductions.

Is this not a memo? Or did someone prepare it in response to something? Is this a clear prospect?

Mr. CARLUCCI. Senator, I just made a very clear statement on VISTA. The dialog has been progressing between the Office of Economic Opportunity and the Bureau of the Budget for a number of months. It has not yet terminated. I have expressed my confidence that OEO will be dealt with equitably, and that we will have money to continue our programs.

Senator MONDALE. Has the Office of Management and Budget recommended a 100-percent cut in VISTA? What was this memo responding to—do you know?

Mr. CARLUCCI. We are not talking about recommendations, Senator. We are talking about a dialog that goes back and forth. We are talking about a memo that was never sent. I am making what I think is a very clear statement.

As far as I am concerned, that memo was superseded, or irrelevant.

Senator MONDALE. It was not in response to anything you know of, and as far as the three of you know, it wasn't written by anybody? [Laughter.]

That is like the Army's spying on civilians: "We didn't do it and we are stopping it." [Laughter.]

Referring to the legal services program, for 22 months now there has been pending an application for a legal services program in Jackson, Miss., which I understood had been approved by the former legal services director. Are you in a position to tell us, based upon your involvement as an Assistant Director of OEO, whether that application is being actively considered, and whether there is an optimistic prospect that it is going to be funded in the near future?

Mr. CARLUCCI. Senator, on November 16 the Deputy Director of OEO, and let me correct you, I was Assistant Director, not Deputy Director——

Senator MONDALE. I heard you were running the place.

Mr. CARLUCCI. The Deputy Director issued a memo which said:

> In view of the many uncertainties in our budget for 1971, a hold is hereby placed on any new projects until our appropriation has cleared the Congress, and final determinations on the distribution between Labor, HEW and OEO has been made.

I think this was a wise policy. Unless there is something that happened yesterday, I am not aware that our appropriation has yet passed the Senate. So that particular program is a new start. There are a number of other new starts.

I would say that this will certainly be one of the first programs that I will consider.

Senator MONDALE. I understood that this was somewhat different than the other unfunded programs in that it had in fact been approved by the legal services director; funding had presumably been available at that time, but it, nevertheless, was stopped somewhere along the line.

Am I correct in that?

Mr. CARLUCCI. I am not aware of that history. As you may recall, legal services was elevated and made a separate entity in the agency, and as Director of Operations I was not consulted on legal services grants.

I am prepared to consider it the minute Congress passes our appropriation and OMB makes its allocations.

Senator MONDALE. Would you review that and try to give this matter prompt attention?

Mr. CARLUCCI. I will, sir.

(Further information subsequently supplied follows:)

NEW OEO LEGAL SERVICES PROGRAM TO SERVE POOR IN JACKSON, MISSISSIPPI

A $200,000 grant to operate an OEO Legal Services Program in Jackson, Mississippi, was announced today by Frank Carlucci Acting Director of the Office of Economic Opportunity.

The grantee is the Jackson-Hinds Community Legal Services Program, sponsored by the Community Service Association, Jackson's Community Action Agency. The program was initiated with private funds. The new grant covers 15 months.

A full range of Legal Services will be provided to poor residents of Jackson and Hinds County. Legal Services represents clients in civil cases including housing, employment problems, consumer affairs, domestic relations, welfare matters, and juvenile problems.

In announcing the grant, Carlucci recalled that he told a Senate hearing December 23, "The concept underlying Legal Services—access to justice for all Americans—is one that I personally treasure and one that I will defend."

He further noted that OEO's Legal Services program has been expanded and strengthened in the past two years and is giving "millions of poor Americans their rightful access to our system of justice."

"If poor Americans are to be encouraged to work within the system," he added, "those who hold public office have a responsibility to make that system accessible to poor people. This Legal Services grant will help further that objective."

The decision to fund Jackson-Hinds Community Legal Services, he said, marks OEO's first "new program start" since the Agency's Fiscal Year 1971 appropriation was approved in the closing days of the 91st Congress.

Jackson-Hinds Community Legal Services was funded by OEO, said Carlucci, for four major reasons:

1. It had initiated and operated a program successfully for nine months under a private grant.
2. Its program is locally based and controlled by a board of directors broadly representative of lawyers, Jackson civic leaders and poor people.
3. Its program will not be dominated structurally by any single group.
4. It will provide legal services by staff attorneys rather than on a referral basis.

"Other proposals included one or two of these aspects, but the funded proposal was alone in offering all four," Carlucci said.

Senator MONDALE. Incidentally, I do want to say that I commend the program director for rescinding the original decision on regionalization, and I am most grateful to you and the others who made that decision.

But the legal services program can still be destroyed, as you know, if it is possible for these programs to be cut off by Governors' vetoes, or by other kinds of funding interference; the result is that these attorneys will be unable to fully represent the poor.

I don't know of any program in which that issue is more strongly presented than in the California rural legal services program. I understand Senator Cranston is going to pursue this so I won't, but permit me to say this: I have watched the legal services program now for some years. I think it is one of the most remarkable and most effective programs started in OEO or in any other Government agency. And I further believe, based on some years of work in the poverty field, that the California rural legal services program is by all odds the most effective legal services program in the country. This is demonstrated by the quality of its attorneys, the courage and creativity they have shown, and the range of lawsuits that they have brought. It is a magnificent demonstration of what a gifted law office can do for the poor if they are permitted to practice law without political interference.

In October of this last year, OEO funded an evaluation team, which include former Justice Clark, and this team strongly praised the California rural legal services program.

I won't ask a question, but I will simply say this: If this veto isn't overriden, I think legal services is dead and we ought to admit it, because no other program will undertake the kind of courageous and meaningful efforts pursued by CRLA. The writing will be on the wall, and it won't be possible to be an independent attorney doing for the poor what must be done.

I am not going to crowd you on it, but I wanted to make that statement. Since I feel so strongly about it.

You have a National Advisor Committee on Legal Services, do you not?

Mr. CARLUCCI. Yes, sir.

Senator MONDALE. When is the last time that this committee has been consulted?

Mr. CARLUCCI. I can't cite the date off the top of my head. I think it was some time in September or October. It did meet about October, I think.

Senator MONDALE. Could you assure us that that committee will be frequently consulted on matters affecting legal services in the course of your administration?

Mr. CARLUCCI. Yes, I can.

Senator MONDALE. And as a committee and not separately?

Mr. CARLUCCI. Yes. I have already had some discussions with various members of the bar regarding setting up an agenda and a time for the meeting of that committee.

Senator MONDALE. You have the key questions of the appointment of a new Legal Services Director, the override of Governor Reagen's veto, and whether there should be new legislative directions in the program. Surely these are matters which ought to be key issues to be discussed by the National Advisory Committee.

Would you agree with that?

Mr. CARLUCCI. I think there are a number of matters that ought to be discussed by the Advisory Committee, and I would be prepared to discuss them.

Senator MONDALE. Including these?

Mr. CARLUCCI. I am in the process of discussing a possible agenda with the ABA, and I don't know what views they have.

Senator MONDALE. The ABA is a member of this committee. It has representatives. I am told it resents being consulted separately, because it regards itself as being a member of this committee, and it wants the committee to be consulted as the National Advisory Committee. I understand the ABA doesn't believe it is proper to try to single out one member of the committee—in this case a member representing the ABA—and get its views separately.

It is my understanding that the National Advisory Committee has not been consulted on a regular basis in recent months. Do you intend to consult with the National Advisory Committee for Legal Services?

Mr. CARLUCCI. The answer to that is "Yes."

Senator MONDALE. Thank you very much, Mr. Chairman.

Senator NELSON. Senator Cranston?

Senator CRANSTON. Mr. Chairman, first I would like to state on behalf of California's senior Senator, Senator Murphy, that he is unable to be here today, because he had to attend a funeral, and he asked me in his behalf to ask that the record be held open for him to place a statement of his views in the record. Those views will be somewhat different than the views I will be expressing.

Mr. Carlucci, I welcome you to this hearing. I regret that circumstances beyond your control and my control have created some difficulties in the discussion that we will have, and in the situation we face this morning.

I am sure it is abundantly clear to all concerned that your nomination as OEO Director comes at a time of great crisis for that agency and the whole poverty program. Because of the confirmed reports of consideration by the Office of Management and Budget of great cuts in poverty programs for fiscal year 1972, including references to the

possible complete elimination of VISTA, because of the recent controversy over the administration's proposal to regionalize the Legal Services program, a situation now—at least, temporarily—resolved, and because of this past Saturday's action by the Governor of California in vetoing the funding grant already approved by OEO for the California rural legal assistance program, this confirmation hearing on your nomination takes on a special significance with respect to the future direction of the entire operation of OEO and the war on poverty.

As evidenced by the great public interest in this hearing this morning, and for me personally, that interest is evidenced by inquiries I have received from countless constituents. I haven't had time to count the number of inquiries, and expressions of concern, that I have received, inquiries, from the press, radio, and TV in California and elsewhere, and from so many of those deeply concerned and involved with the antipoverty effort throughout the entire country, including most of all the poor themselves. All these inquiries and expressions of concern make it evident that there is a very great focus on the hearing we are conducting today, and great hope that it will shed some light on what the Nixon administration, and you as its nominee, intend to make of the programs authorized under the Economic Opportunity Act.

Yesterday I handed Mr. Carlucci a letter, Mr. Chairman, which I will now read in full and which I will ask be printed in the record at this point.

Senator NELSON. Without objection, so ordered.

(The letter referred to follows:)

U.S. SENATE,
Washington, D.C., December 29, 1970.

DEAR MR. CARLUCCI: I am writing to express my great concern at the veto by Governor Reagan of the California Rural Legal Assistance grant for 1971.

I need not in this letter detail the outstanding accomplishments, the awards, the recognition and the extremely broad-based support achieved by CRLA. You are as well aware as I of all this as well as the extremely high commendation in the October 12 independent OEO-funded evaluation of CRLA. I want to make very clear to you in advance, as my staff communicated to Mr. Walker of your staff on Monday afternoon, that it is my intention to explore with you fully at your confirmation hearing tomorrow morning the substance of Governor Reagan's action and your intention with respect to overriding that veto.

The question of CRLA's continuation without undue restriction is far larger than the operation of one legal services program in one state. CRLA, by the merit of its operation and success of its program, has become a clear symbol of the operation of the legal services programs across the United States. Thus, your action with respect to overriding the Reagan veto will be seen by all concerned with the independence and integrity of the legal services program, as well as of the poverty program itself, as a pronouncement of where you would stand and the directions you would intend to take as director of the Office of Economic Opportunity. It is for that reason that I believe that the CRLA issue and your intentions with respect to it are extremely relevant to the question of Senate action on your nomination.

I have read the material, provided by your office, which was submitted to you by Governor Reagan in attempting to justify his veto. In my judgment, there is absolutely no basis for a veto in the Reagan charges when compared to the overwhelming evidence in support of CRLA's funding which has already been submitted to you, on the basis of which OEO decided to refund CRLA a month ago.

The last-minute allegations made by the Governor can and should be fully investigated by your office—as should the investigatory process and procedures of the State Office of Economic Opportunity itself. Both those reviews should

be undertaken in an orderly manner, after you have over-ridden the veto. If those reviews produce findings of improper action by either CRLA or the SEOO, you have full authority to remedy such improprieties, including authority to cut-off funds for either agency.

Any delay in totally over-riding the veto beyond December 31 when CRLA's present funding expires would serve only to deny CRLA's present 11,000 clients their legal representation and cut off potential clients from their only source of attorney advocacy. Any such delay would also raise totally unjustified, unfair and damaging doubts about CRLA's future and the integrity and effectiveness of its operation.

I, therefore, respectfully urge your immediate action to override the veto so as to refund CRLA on the same terms and conditions already approved by your Office.

I look forward to your appearance tomorrow morning and discussing this matter with you at that time.

Sincerely,

ALAN CRANSTON.

Senator CRANSTON. The letter states quite fully my views on one vital issue affecting your nomination, the veto by Governor Reagan of the CRLA legal services program.

I thus intend to ask you a great number of questions, Mr. Carlucci, to try to make a record against which this subcommittee, the full Labor and Public Welfare Committee, the U.S. Senate and the American people can judge your qualifications to head this program about which I and so many other Senators, and people throughout this country, feel so strongly and which we believe must be continued in full force and expanded, not subjected to crippling budgetary and other restrictions.

Now, Mr. Carlucci, what are your intentions regarding overriding that veto and doing so prior to that program's funds running out December 31?

Mr. CARLUCCI. Senator, you are correct, there was an evaluation of the program in August. I have not read the evaluation in detail. It is my understanding that the evaluation indicated that it was a good program. We funded the program, which obviously means that we thought it was an effective program.

I only received the formal letter from the Governor's office yesterday, although by Monday night, late Monday night, I had begun to pick up some information on what the Governor's charges might be.

The Governor has made in his letter some very serious charges. He said that the agency has misused funds and failed in its mandated purpose of serving the legal services needs of the poor, and he has gone on and made a lot of other charges.

The law states that if the Governor disapproves, the Director is obliged to reconsider and made a finding that the provisions of the grant are fully consistent with the purpose of the act.

It is my intention to review this situation as rapidly as I can. There are some people from CRLA who were in yesterday to present their views on what has transpired. It is my understanding that the Governor's people will be coming in to present the backup material for the charges they have made early next week.

As soon as I can evaluate the evidence, I will make a determination on what is the best course of action to take.

Senator CRANSTON. Do you happen to know approximately when the Governor received the report on which he based his complaints? That is the Uhler report.

Mr. CARLUCCI. The Uhler report I have here is dated December 24. The letter to me is dated December 26. His first indication I got of the veto was through the press.

Senator CRANSTON. The press was advised before you were advised?

Mr. CARLUCCI. That is correct, sir.

Senator CRANSTON. Frankly, I don't understand the need for any significant delay in making the decision to override. I recognize your feeling that you have to examine what the Governor has to say, and the law requires you to consider the reasons for a veto, but I truly believe that any decision, other than overriding the veto, is absolutely untenable for any man and any administration intending to have any credibility with the poor.

Any lengthy delay can serve only to weaken the CRLA program, and by example, the legal services program throughout the entire country.

There are many, many other State programs waiting to see what happens to the California program that has been clearly labeled the best in the country.

Any such delay can only encourage more Governors to libel, harass, and intimidate legal services programs with impunity by dredging up at the 11th hour spurious and some extremely minor charges and isolated incidents in an attempt to justify a veto really aimed at the whole legal services program, a program which has been publicly and recently endorsed by the President of the United States, the Chief Justice of the United States, the past Director of OEO, Donald Rumsfeld, the Congress of the United States, the American Bar Association, the National Legal Aid and Defender Association, the National Bar Association, the American Trial Lawyers Association, countless client and civil rights organizations, and advocates, and State and local officials.

That is what the CRLA override question really stands for.

I have stated my view that I agree with you that these charges should be fully investigated by OEO. But that investigation should be conducted atfer the veto has been overriden, since the charges are, on their face, and in light of CRLA's responses to them, completely insubstantial when compared with the overwhelming weight of the support for CRLA.

At this point, Mr. Chairman, I ask that there be inserted in the hearing record a number of items: A Los Angeles Times editorial from December 29 entitled "CRLA Deserves Federal Grant," and various other documents dealing with the Reagan veto, including the Governor's press release containing the purported justification for it, and CRLA's statement in response, and other documents answering those charges, including a list of 470 public officials, organizations, clients, and other interested parties throughout California who endorse this program.[1]

Also I would like to insert the telegram and press release from the American Bar Association to Mr. Carlucci urging that "immediate action to assure continuance of CRLA" be taken.

Senator NELSON. They will be printed in the record.

(The material referred to follows:)

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[1] See appendix, p. 590 for detailed response by CRLA to charges.

[From the Los Angeles Times, Dec. 29, 1970]

CRLA Deserves Federal Grant

The California Rural Legal Assistance, Inc. has achieved considerable success in representing the poor—and in antagonizing Gov. Reagan.

It came as no surprise, therefore, that the CRLA's new $1.8 million federal grant was vetoed by the governor, who strongly objects to such a publicly supported organization filing lawsuits against public agencies.

In announcing his veto Saturday, Reagan charged the CRLA with "gross and deliberate violations" of federal regulations and said that it had failed to represent the true legal needs of the poor. But his major complaint has been that CRLA lawyers represented the poor too well against the state, federal and local governments.

The U.S. Office of Economic Opportunity, which increased the CRLA grant for the coming year, obviously didn't agree with the governor, California Rural Legal Assistance is "commonly recognized as one of the best legal services programs in the nation," said OEO Director Donald Rumsfeld less than a month ago.

OEO can override the governor's veto. We believe it should be overridden, unless a compromise can be worked out with the Reagan Administration that does not diminish the effectiveness of the CRLA's efforts.

A group of lawyers providing legal services to migrant farm workers and the rural poor by means of public subsidies is bound to be controversial, especially when their lawsuits force major and potentially costly changes in such government programs as welfare and Medi-Cal.

CRLA nevertheless is endorsed and supported by the California State Bar, and the Los Angeles, San Francisco and other local bar associations as well as the Committee on Legal Services of the American Bar Assn.

It must be assumed that these organizations carefully examined the goals, policies and professional conduct of the CRLA before giving their endorsement.

Gov. Reagan based his veto upon a memo prepared by Lewis K. Uhler, state director of economic opportunity, who said that the CRLA has "failed in its mission because it has elected to devote much of its resources to objectives clearly outside the scope of serving the legal needs of the poor . . . These diversions from its major mission include, but are certainly not limited to, the representation of people charged with crimes, use of legal processes to harass public and private organizations. . . ."

Some specific cases were cited by Uhler, presumably based upon a controversial questionnaire he circulated in search of "information" concerning CRLA activities.

Each complaint should, of course, be investigated and corrective action taken where justified. But unless Uhler's staff has found substantial flaws that have escaped local, state and national bar organizations, the CRLA should be allowed to continue serving as advocate for the needy.

"The poor must have effective legal representation," said Rumsfeld, now counselor to President Nixon, "if they are to have faith that justice is truly equal and that it can be achieved within the existing system of law."

[From the News From the American Bar Association, Dec. 29, 1970]

Bar Leaders Urge OEO Action on Reagan Veto of California Legal Services Program

Washington, D.C.—Leaders of the organized bar today urged immediate action by OEO to assure the continuance of the California Rural Legal Assistance Program (CRLA). The CRLA grant application for 1972 was vetoed by Governor Reagan on December 26.

In a telegram to OEO Acting-Director, Frank Carlucci, the bar leaders stated that reports of Reagan's action raised serious questions regarding the timing of the veto and the observance of minimum standards of administrative due process. The telegram further noted that CRLA had been cited as the "outstanding legal services project" by the National Advisory Committee on Legal Services in 1968 and had gained a national reputation for significant victories on behalf of the poor.

The telegram was signed by John W. Douglas, President of the National Legal Aid and Defender Association; Edward F. Bell, President of the National Bar Association; Jacob D. Fuchsberg, Past-President of the American Trial Lawyers Association; and John D. Robb, Chairman of the American Bar Association's Standing Committee on Legal Aid and Indigent Defendants.

Governaor Reagan of California announced on Saturday, December 26, his veto of the CRLA OEO grant application for 1972. Reagon's veto, five days before the expiration of the Program's current funding, can be overridden by the Director of OEO.

Following is the text of the telegram to Carlucci:

"Bar organizations gravely concerned over veto of California Rural Legal Assistance grant by Governor of California. Reports raise serious questions regarding timingof veto and observance of minimum standards of administrative due process. Program was cited as 'outstanding legal services project' by the National Advisory Committee on Legal Services in 1968. Also merited consistent approval in intensive OEO evaluations and earned national recognition for significant victories on behalf of the poor. Urge immediate action to assure continuance of CRLA."

[From the Office of the Governor, Sacramento, Calif.]

A BRIEF STATEMENT BY MR. LEWIS K. UHLER, DIRECTOR OF CALIFORNIA STATE OFFICE OF ECONOMIC OPPORTUNITY, RELATING TO THE FOLLOWING ANNOUNCEMENT AND ANSWER TO QUESTIONS FROM THE PRESS ON MONDAY, DECEMBER 28, 1970

Governor Ronald Reagan today vetoed a $1.8 million grant to California Rural Legal Assistance, Inc. (CRLA) for the coming year because of gross and deliberate violations of OEO regulations and its failure to represent the true legal needs of the poor.

In announcing the action, the governor's executive secretary, Edwin Meese III, said the Reagan administration will soon propose a privately-financed alternative to CRLA which holds enormous promise for truly serving the rural poor.

The governor made his decision on the basis of a detailed recommendation by Lewis K. Uhler, director of the California State Office of Economic Opportunity (SEOO), whose staff has conducted a penetrating look into the activities of CRLA during recent months.

Meese informed Frank Carlucci, director of the Federal Office of Economic Opportunity in Washington, D.C., of the governor's decision by telegram today. He also sent a follow-up letter to Carlucci confirming the decision as well as a copy of Uhler's memorandum to the governor recommending disapproval (both attached).

Meese said that although the Reagan administration originally had understood that the deadline for rendering the decision was December 29, federal OEO officials indicated late Wednesday that they expected the governor's decision to be transmitted no later than today.

Uhler said the administration's privately financed alternative to CRLA is in the final stages of development. Details of the new plan are expected to be announced within the next several weeks, he said.

STATE OF CALIFORNIA,
GOVERNOR'S OFFICE,
Sacramento, December 26, 1970.

MR. FRANK CARLUCCI,
Director, Office of Economic Opportunity,
Washington, D.C.

DEAR MR. CARLUCCI: This letter follows our telegram of this date, advising you of Governor Reagan's disapproval of the 1971 refunding of California Rural Legal Assistance.

The Governor's disapproval power has been exercised pursuant to Section 242 of the Economic Opportunity Act of 1964 as amended. It is based upon the recommendation of Director of the State Office of Economic Opportunity, Lewis K. Uhler, and his capable staff. (Please see attached memo to the Governor.)

The evidence obtained by the California SEOO during its extensive review of CRLA indicates that this organization has misused taxpayer funds and has failed

in its mandated purpose of serving the true civil legal needs or the poor within its geographic areas of operation. A program which has created such furor and turmoil and has lost creditability not only in the eyes of responsible leadership but many of the poor themselves, cannot possibly be a viable means for meeting these legal needs.

At the same time, it is our plan to initiate an alternative legal services program, as described in Director Uhler's report that the true needs of the poor can be served.

I have asked Mr. Uhler to arrange an early meeting with you and the appropriate members of your office, so that we can brief you personally and can furnish our extensive file of evidence for your inspection.

Kindest regards,

EDWIN MEESE III,
Executive Secretary.

Attachment.

STATE OF CALIFORNIA,
OFFICE OF ECONOMIC OPPORTUNITY,
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT,
Sacramento, December 24, 1970.

Hon. RONALD REAGAN,
Governor of California,
State Capitol,
Sacramento, Calif.

DEAR GOVERNOR REAGAN: Transmitted herewith is a report compiled by the State Office of Economic Opportunity regarding California Rural Legal Assistance. In the normal course of events this organization has been evaluated by our office pursuant to its refunding by OEO Legal Services, Washington, D.C.

It is the recommendation of our office that you exercise your power to disapprove refunding of this grantee pursuant to the authority granted you in Section 242 of the Economic Opportunity Act of 1964 as amended.

Our recommendation is based upon the regrettable fact that the grantee has failed to comply with the conditions of its grant through gross and deliberate violations of OEO guidelines, and has failed in its mandated mission, to wit, providing civil legal services to the rural poor. It appears that CRLA has failed in its mission because it has elected to devote much of its resources to objectives clearly outside the scope of serving the civil legal needs of the poor. These diversions from its major mission include, but are certainly not limited to, the representation of people charged with crimes, use of legal processes to harass public and private organizations, solicitation of clients, counselling and organizing students to challenge school authority-discipline systems, the undue fixation of energies on cases with extraordinary publicity value, etc.

A few of the cases and instances which causes this grave concern are set forth briefly:

1. A woman welfare recipient lost her husband due to a heart attack. She wished to adopt the child she had raised since he was three days old, so that she might benefit from her deceased husband's Social Security. A CRLA attorney said that he would help the woman if she would agree to be plaintiff in a suit against the County Welfare Department. The woman refused. CRLA called several times to restate the offer but refused to handle her legal problem unless she would also consent to sue the county. (Private counsel has agreed to handle the adoption without fee.)

2. A CRLA attorney participated in a panel discussion before an American history class consisting of high school juniors. During the course of his presentation, he used the word ——— or ———. Upon being reprimanded, the CRLA attorney thereafter wrote on the blackboard "——— Viet Nam".

3. CRLA filed a lawsuit on behalf of 16 named plaintiffs. Fifteen of the 16 attested that they had not engaged CRLA to represent them and knew nothing of the lawsuit when it was filed.

4. A paid community employee of a CRLA office was arrested for possession of marijuana. He was defended in this criminal action by a CRLA attorney.

5. Two women seeking divorces were informed by CRLA that its office would handle same for a fee of $300.00 each, and in one case CRLA demanded an immediate deposit of $75.00. (CRLA is prohibited from charging fees for legal services.)

6. The President of a Bar Association stated, "I feel that as a result of their class actions, in connection with agricultural workers, they have disrupted the economy of our local community and have polarized the community, so that we have race problems which were never experienced prior to the advent of CRLA on the scene.

7. CRLA filed an action against a Welfare Department seeking allowance for a stove for a welfare recipient. A local merchant called CRLA and offered to donate a gas range to the welfare family. CRLA refused the offer of a stove and indicated that they would persist in the suit against the Welfare Department.

8. A Deputy District Attorney reports that a CRLA attorney defended a man charged with contributing to the delinquency of a minor. The case involved an 18-year old boy who was charged with statutory rape on a 15-year old girl. Despite parental objections, members of the CRLA office participated in a scheme whereby the girl was spirited to Mexico where they arranged for a marriage between the 15-year old female and the defendant.

9. A CRLA attorney counselled United Farm Workers Organizing Committee strikers and demonstrators; in the field a CRLA employee directed the demonstrator with a bull horn.

10. CRLA attorneys counselled and encouraged a school demonstration and when several of the participants were arrested for trespassing, defended them in criminal proceedings, claiming that the criminal representation was done on their own time.

11. A District Attorney has said, "This agency (CRLA) has failed miserably to discharge its obligations to the indigent rural people, has wasted hundreds of thousands of dollars of our taxes, and has caused expensive and intensive time-consuming involvement of our local agencies in answering its vicious attacks."

12. A county grand jury has requested the State of California to veto the CRLA grant, in a resolution stating in part, "California Rural Legal Assistance has refused to comply with the process of this grand jury in investigations of the corporate activities of the California Rural Legal Assistance to determine if it is providing adequate legal assistance for the poor".

These represent only a few of the alarming examples of CRLA's failure to accomplish its mission, comply with its grant conditions, or control the sometimes outrageous and irresponsible conduct of its employees. While this office has accelerated its data gathering activities in the last few weeks, and is now in possession of a substantial amount of information on CRLA's activities, we believe that this represents only a small portion of the real CRLA picture.

The failure of CRLA has been so dramatically brought to this Administration's attention that there is no choice but to recommend the disapproval of CRLA's refunding. To do otherwise under these circumstances would be tantamount to gross neglect of our duty to uphold the interests of all the citizens of California and to insure the proper use of OEO funds.

This Administration's deep concern for meeting the legitimate civil legal needs of indigents has prompted us to devise a privately-financed alternative to CRLA which holds enormous promise for truly serving the rural poor. In the process of the in-depth analysis of CRLA, we have gained new insight into the legal needs of the poor, which has provided us with the kind of background necessary to design the best possible legal system for the poor. In the comprehension of CRLA's failure, we stand on the brink of a major breakthrough in privately-financed legal services for the poor, which will insure not only local responsiveness, but the mobilization and support of the entire community behind the legitimate legal needs of the poor.

Many of the complaints against CRLA received by this office involve allegations of misconduct and violations of professional ethics by the attorneys involved. A copy of our report, and accompanying evidence, will be forwarded to the State Bar of California for investigation and appropriate disciplinary action.

We intend to brief Federal OEO officials in Washington, D.C. with respect to the full details of this report as soon as a meeting date can be arranged. It is requested that our detailed file of exhibits, statements, and evidentiary documents be kept confidential until after this meeting.

Respectfully submitted,

LEWIS K. UHLER, *Director.*

OFFICE OF ECONOMIC OPPORTUNITY,
October 12, 1970.

Mr. DANIEL LUEVANO,
Chairman, Board of Trustees,
Beverly Hills, Calif.

DEAR MR. LUEVANO: The OEO Team assigned to evaluate the work of California Rural Legal Assistance has now completed its report to this office, and I am happy to report to you that its findings were generally highly favorable. As is true in the evaluation of any project, however, there were several areas of concern which I wish to attempt to share with you in the following summary.

As you know, the CRLA team consisted of fourteen members—distinguished persons of widely divergent experience, background and viewpoint. Despite the geographic diversity of the CRLA offices, it is to the credit of these evaluators that they undertook to visit seven of your nine regional offices: Salinas, El Centro, Santa Maria, McFarland, Marysville, Madera and Modesto, as well as the Sacramento office and the Central office in San Francisco.

In the summary of their findings, they stated: "While not perfect, CRLA is an exemplary legal services program, providing a balanced approach between orthodox legal services and highly successful impact litigation"

Their comments regarding the calibre of CRLA attorneys were particularly gratifying. While noting that in some instances a few of the younger attorneys are occasionally over-eager, or suffer from a lack of experience, the general tenor of the report commends the attorney staff for its ability, competence, and professionalism. In this regard, the evaluators took cognizance of the difficulties, both for the attorneys and for their families, inherent in the location of the CRLA regional offices, and suggested that higher salaries and an opportunity for upward mobility should be provided for them.

The evaluators reported that although CRLA is best known for its cases which attract the attention of the media and the public, and which are often controversial, the fact is that the preponderance of the work done by both attorneys and community workers is individual client-oriented service work. They felt in this regard, however, that there is a failure to communicate this fact to the public at large, and bar association.

Analyzing the comparatively few impact cases brought in a given regional office, the evaluators found that they were begun after thorough investigation to satisfy legitimate client needs, and were pursued in a responsible lawyer-like manner.

Noting the youth and the lack of experience of many of the attorney staff, the evaluators commended CRLA for meeting this need through specialization, expertise, technical assistance from more experienced attorneys, a "task force" approach to problems common to several offices, and frequent office and regional staff meetings to provide everyday assistance to less experienced attorneys. One evaluator summed it up this way: "Two years' practice with CRLA is probably the equivalent of ten years' practice in a private firm."

The evaluators found that in the offices visited, relations with the client community are generally good. They reported that ongoing communication and understanding is maintained through well-integrated community workers, and often active and participating local advisory committees. It is hoped that all offices will soon have active advisory groups so that the priorities will be set by the local community. It was noted, however, that in interviews with members of the client community in several of the offices there was a desire to see an increased number of Spanish-speaking staff members, including attorneys, in order to provide as many persons as possible who share common ethnic and linguistic identity with the client community. Further evening office hours, and placement of satellite offices open and more convenient to the Compesenos was suggested especially in the Modesto area.

The evaluators also found that in the offices visited, relations with the community at large have improved considerably in the past year. They interpreted this as being due to several factors, at least one of which is the recognition by the community of benefits which accrue to the community at large through the channeling of inter-strata friction into judicial and legislative forms. In addition, community leaders have come to know and respect some CRLA attorneys as individuals, and this familiarity has to a great extent overcome any fear of an outsider who may have an inability to predict community interaction.

In the two offices where there have been specific community controversies, Marysville and McFarland, the evaluators investigated these thoroughly, talking with community leaders as well as CRLA staff, and reached the conclusion

that in both instances the matters had been handled promptly and judiciously despite initial poor judgment and tension, and that it seemed unlikely there would be a recurrence of such situations.

In the evaluation of the Sacramento office, there was a considerable difference of opinion over the role of CRLA as a legislative advocate. Although there was an over-all judgment that an effort by legal services in the legislative arena was very important, there was some concern concerning the scope of the legislative advocate's activities. Specifically, the question arose whether the CRLA staff should provide information and technical assistance to legislators, support bills on behalf of clients, or go further and support legislation on behalf of other related constituencies as well. Despite this questioning, however, the evaluators regarded the Sacramento staff as both capable and responsible, and supported the legislative effort.

One other area which received special attention was the matter of CRLA's use of the public media, and on this issue the evaluators disagreed, some of them being critical of any commentary in the press, and others calling it an acceptable tool of the advocate and an effective tool in the adversary process.

The team reported favorably on the coordination of the program through the central office, and the balance maintained between regional autonomy and centralized technical assistance and polic1 implementation through intra-office projects and evaluations.

Justice Clark's evaluation of the program was conducted, due to his time problems, after the transcribed report. Because of this, I am taking the liberty of attaching his report as part of the letter and will send copies of his report to the other members of the team.

In conclusion, they indicated that because of CRLA's proven capacity to plan, initiate and constructively advance client interests, it was their recommendation that the project be refunded.

Sincerely,

FRANK N. JONES,
Deputy Associate Director, OEO Legal Services.

SUPREME COURT OF THE UNITED STATES
Washington, D.C., September 3, 1970.

TIM HOFFMAN,
Office of Economic Opportunity,
San Francisco, Calif.

DEAR TIM: On Saturday, August 22, 1970, I met for approximately 2½ hours with the Central Office Executive Staff of California Rural Legal Assistance—Cruz Reynoso, Director; Robert Graizio, Deupty Director; Martin Glick, Director of Litigation, Sheldon Greene, General Counsel; and Michael Bennett, Administrator.

I was impressed with the caliber of their staff. Indeed, my informal questioning of both the administrators and their counsel revealed an excellent grasp and understanding of their work. The administrators were well informed on all aspects of the central office operations as well as the regional ones. In this connection my experience back in 1940–1942 as Chief of the West Coast Offices [Los Angeles, San Francisco, Portland and Seattle] of the Antitrust Division, Department of Justice, served me in good stead. The lines of control, allocation of work load, overview of operations, etc., were all excellent. I also questioned each of the attorneys and found them to be both able and knowledgeable in their field of work as well as practical in its operation. From my twelve years experience in the Department of Justice [1937–1949] I would say that these attorneys compared most favorably with those in the Department at that time. Moreover, my study of the case load of the offices led to the conclusion that the administrators and counsel enjoyed a close, cooperative working arrangement that resulted in a most efficient operation, not only producing a high level and quality of work, but also a large quantity of work.

I do have two recommendations which might further improve the good job CRLA is doing. First, in light of the fact that CRLA employed over twenty law students in their regional offices during the summer and felt that the students contributed substantially to the quality and quantity of the work produced, I recommend that contacts be made with law schools toward the end of instituting programs throughout the school year to utilize law students in such activities as brief writing and research. The law schools should be urged to initiate pilot

programs wherein law students are released from classroom study for six months or more in order to serve internships in the CRLA's regional offices. Such programs should be designed, of course, so participating students receive academic credit for this clinical work.

My second recommendation is that contacts be made with prominent California law firms (e.g., John Sutro of Pillsbury, Madison & Sutro) to set up programs whereby the firms assign attorneys with some experience to serve for a year in CRLA regional offices. This would benefit CRLA by tying the organization closer to established practitioners and by making more experienced lawyers available to their younger staff attorneys and client community. It would also benefit the law firms in that such one year positions would be an attractive device for recruiting their own staffs. The overall result would be greater exposure by the bar to legal services and, I believe, wider acceptance of such programs.

Very sincerely yours,

TOM C. CLARK.

STATE OF CALIFORNIA,
Sacramento, Calif., December 29, 1970.

Mr. FRANK CARLUCCI,
Director, Office of Economic Opportunity,
Washington, D.C.

DEAR MR. CARLUCCI: As Attorney General of the State of California, I wish to strongly urge that you approve the funding of the California Rural Legal Assistance program.

As you undoubtedly know, this office has been regularly and deeply involved in actions brought on behalf of individuals represented by the CRLA. My staff has regularly advised the Governor of California, in response to several requests from his office, of the high quality of CRLA representation of its clients and that the CRLA has been more interested in obtainiug improved legal protection for their clients than in making legal history. My staff has advised the Governor, and has advised me, that attorneys representing the CRLA have been courteous and have observed the usual professional amenities, and would compromise their demands in the interests of justice.

My staff, in response to the Governor's most recent request for information regarding CRLA's activities in California, has stated to the Governor's Office that the quality of the work performed by the CRLA legal staff, "is, by and large, higher than that of most private practitioners with whom this office has contact," and "that the courtroom performance of the counsel for CRLA has been of the highest standards." Our relationship with the CRLA staff attorneys has been excellent and "without exception, settlement negotiations have been conducted honorably and fairly."

I noted that one of the principle criticisms leveled against the CRLA is that they have instituted large numbers of class actions. This office recognizes the legitimacy and propriety, and indeed in many cases the desirability, of the use of class actions by the CRLA on behalf of their clients. This office has at times stipulated that individual actions be made applicable to a class since a resulting decision should fairly and properly affect all those concerned, and not just a particular individual welfare recipient or school lunch applicant.

My staff advises me that the relationship between attorneys for the CRLA and the Federal judges in this district is excellent.

I feel most strongly that the poor and the minority groups which CRLA seeks to represent must be provided with legal representation and that the CRLA representation of these groups is of the highest quality. Unless these groups have legal representation in its most complete sense, they will be deprived of the most critical safety valve that our society provides for the resolution of difficult social problems—namely, access to our courts.

Sincerely,

THOMAS C. LYNCH, *Attorney General.*

TCL:cvt

CRLA CALLS FOR OVERRIDE OF GOVERNOR REAGAN'S VETO OF THEIR 1971 GRANT

California Rural Legal Assistance urged Frank Carlucci, Director, Office of Economic Opportunity, to immediately override Governor Ronald Reagan's veto of their 1971 grant. Attached is a telegram sent to Mr. Carlucci. The telegram

emphasizes that CRLA is regarded as an outstanding legal service program which strikes a balance between service to individual clients and matters concerning larger segments of the client community related to basic problems of poverty.

Governor Reagan's veto is attributable to retaliation for successful actions brought against both public and private defendants and is reflective of the intent of Governor Reagan to oppose basic social welfare programs of the Nixon Administration. The veto is predicated upon a biased, one-sided investigation conducted by an ultra conservative member of the Reagan staff.

CRLA denies Governor Reagan's general and specific charges. The Governor's Office promised to make his report available prior to action but failed to keep his promise. Denials are based on charges as reported by the news media.

Cruz Reynoso, CRLA Director, summarized CRLA's position as follows:

Because CRLA has proven that a degree of social and economic change is possible within the system, that the system is available and open to the powerless, the veto should be promptly overridden. To delay in this decision would be to encourage opponents of legal services, intimidate and discourage legal service attorneys from initiating controversial actions on behalf of their clients, and threaten the independence of the national legal services program.

TELEGRAM TO FRANK CARLUCCI, DIRECTOR, OFFICE OF ECONOMIC OPPORTUNITY

We urgently request an immediate override of the veto by Governor Ronald Reagan of the California Rural Legal Assistance grant for 1971.

CRLA IS AN OUTSTANDING LEGAL SERVICES PROGRAM

An attack on CRLA can only be understood as an attack on legal services itself, for, as your predecessor Donald Rumsfeld said last month. CRLA is "commonly recognized as one of the best legal services programs" in the nation. CRLA's excellence was recognized in 1968 when it was named "the outstanding Legal Services program in the nation" by the National Advisory Committee For Legal Service Programs. During the last few months a distinguished panel of thirteen (13) national evaluators spent a week investigating CRLA's several offices. Its members included representatives of the American Bar Association, the California State Bar, several judges, including former Supreme Court Justice Tom Clark, and, significantly, a member of Governor Reagan's own staff. The panel summarized their findings as follows:

"While not perfect, CRLA is an exemplary legal services program, providing a balanced approach between orthodox legal services and highly successful impact litigation."

Independent of the aforementioned evaluation, the State Bar of California explicitly approved CRLA's 1971 refunding proposal. And, last week, fearing a veto, the Los Angeles, San Francisco, and Sacramento Bar Associations passed emergency resolutions urging the Governor to approve CRLA's grant. It is also significant that the Chairman of the American Bar Association's Standing Committee on Legal Services wired Governor Reagan urging, for the first time in the Committee's history, the funding of a particular Legal Services program.

Support of CRLA was founded on recognition of a successful, balanced approach to Legal Services. CRLA serves thousands of poor every year handling day-to-day matters of problems with landlords and creditors. During the last year CRLA attorneys handled 18,823 legal problems, 749 involving court actions; and only 55, or 7 percent, were filed on behalf of a class. Over 2,000,000 senior citizens, consumers, food program recipients, and public housing residents were represented by CRLA attorneys in those 55 class actions, but obviously the bulk of CRLA efforts went into the 18,768 legal problems handled for individuals during the year. CRLA's success record in the courts and before administrative agencies provides clear evidence of the legitimacy of the legal problems its attorneys handle: of the 749 court and administrative decisions rendered during the last year, CRLA clients were upheld in 605 cases, or 86 percent of the time.

REPRISAL FOR SUCCESSFUL SUITS

The Governor's veto appears to be a reprisal for successful suits initiated by CRLA curbing unlawful actions by public agencies and establishing rights for the disadvantaged.

The source of Governor Reagan's initial hostility was a lawsuit brought by CRLA in 1967 which successfully barred efforts to cut 200 million dollars in services under the California Medi-Care Program. The Supreme Court agreed that the State action violated State law and usurped the authority of the Legislature. A case filed in 1970 against a Medi-Cal cutback resulted in the invalidation of a State regulation on grounds that it was in conflict with federal law. The decision restored over two million dollars in benefits to the medically needy.

A provision of the California Constitution which disenfranchised thousands of Spanish-speaking citizens by imposing an English literacy requirement as a condition to voting was stricken, the California Supreme Court ruling on a case initiated by CRLA clients.

A provision of the California Constitution was stricken which conditioned the construction of low-income housing on the passage of a referendum frequently used to block decent housing for the poor.

The State-wide use of aptitude tests which had resulted in the classification of thousands of bright Spanish-speaking children as mentally retarded barring their economic advancement through education was enjoined. Subsequent legislation set minimum standards to assure that the aptitude of Spanish-speaking children would be tested on objective criteria.

A provision of the Constitution limiting the passage of school bond issue was stricken.

Litigation initiated by CRLA clients resulted in the establishment of federal food programs in seventeen California counties.

A suit filed against the State on behalf of fifty thousand female farm workers compelling enforcement of the newly established minimum wage initially resulting in the retroactive payment of hundreds of thousands of dollars in withheld wages to thousands of farm workers.

These major victories combined with the thousands of small decisions for the first time provided the California rural poor with effective access to the courts and the legislative, the traditional democratic channels for redress of grievances. CRLA's successes have demonstrated the need for such a voice, as well as the competence of the representatives of the poor, and the legitimacy of their claims. Had CRLA been less forceful, less energetic, less successful in seeking to provide to the poor the same access to democratic processes as are available to major growers, corporations and public agencies, the veto would not have come.

GOVERNOR'S VETO

Beyond the reprisal motive, Governor Reagan's criticism of the scope of CRLA's activities raises principles twice rejected by Congress. Congress refused to prevent legal service programs from suing public agencies and rejected a proposal to give governors the right to veto a program because of controversial nature.

The veto of CRLA by Governor Reagan can only be explained in terms of his consistent opposition to progressive social welfare programs of the Nixon administration. At its root is the belief shared by ultra conservatives that access to the courts and to the legislature is a privilege rather than a right. Inherent in the criticism of CRLA is the premise that the poor do not have the right to initiate action in the courts to obtain entitlements enacted by the legislature for their benefit.

The appointment by Governor Reagan of Lewis K. Uhler as Director of State Technical Assistance Program [State OEO], an admitted former member of the John Birch Society and active campaign manager for the ultra-conservative Congressman John Rousselot, was harbinger of his intention to muzzle legal services programs.

STATE'S BIASED REPORT

The considered report of the Governor's staff which recommended veto appeared to be no more than the justification of a prior political decision. The critique was initiated with a random survey to members of the bar and the judiciary requesting responses to questions which characterized CRLA unfavorably and encouraged an ananymous response.

The condemnation of CRLA by an anonymous district attorney dramatizes

the lack of credibility of the anonymous questionnaire. The survey had been condemned in a formal resolution of the National Legal Aid and Defender Association.

Subsequent to the inquiry, State Technical Assistance fieldworkers conducted a patently hostile investigation in each region. The investigators encouraged local bar associations to recommend termination of CRLA in their community, reportedly promising them funds for locally sponsored programs as an inducement. Investigators reportedly sought to have prominent defendants in lawsuits initiated by CRLA sign deprecating affidavits. Over all, the methods employed by the State Technical Assistance Program opened old wounds, magnified controversies, polarized communities, and frustrated CRLA's efforts to maintain constructive dialogue with members of the bar and public officials.

SPECIFIC EXAMPLES UNFOUNDED

Considering the effort expended, the return was minimal. Specific examples cited by the State are distortions, half truths, at the most isolated indiscretions or are readily explainable. Dandruff has been represented as a fatal disease. The report, moreover, is deficient in that it fails to include the many endorsements of CRLA received by the State and fails to consider the approval of CRLA voiced by the client community.

Contrary to the report, CRLA does not handle criminal cases in violation of OEO guidelines.

Isolated instances in which criminal defendants have been represented and one case in which an attorney counseled representatives of the Farm Workers Union were done on attorney's vacation time and were therefore personal efforts rather than organizational. A CRLA attorney is permitted on his own time to provide public service work to any organization of his own choosing, be it the Republican Party or the United Crusade. Similarly, the defense of a community worker by a CRLA attorney was handled on the attorney's time off. A motion to quash the matter filed at the preliminary hearing was granted by the court. The motion was, in fact, typed by the attorney himself so as to avoid using the services of the CRLA clerical staff for a non-CRLA matter.

Another criticism which highlights the superficiality of the Uhler report and the danger of drawing conclusions from information received from only one side of a controversy concerns the "stove incident."

The CRLA Marysville Office sought to obtain a resolution of the problem created by the failure of numerous rural welfare departments to allow the payment of funds to meet the critical unmet shelter needs of welfare recipients. The Legislature had recently established this fund and had allowed for payments from it although a family may be receiving the maximum grant. The particular county welfare department had not expended *any* of these funds during the fiscal year and the State Welfare Department had proposed to withdraw these funds and allot them to urban areas. The merchant who offered the stove was told that the case was intended to deal with this broader problem. With the client's approval, the merchant was asked to hold his offer open for two days pending the resolution of the matter in court. This he agreed to do.

While CRLA intends to respond to each allegation the charges cannot now be answered with precision. The State, in breach of its agreement, failed to make the criticisms available to CRLA staff prior to formalization and veto. We depend at this point on news media reports of the charges against CRLA. The Governor's notion of justice appears to be condemnation without a hearing, a denial of due process.

CONCLUSION

Because CRLA has proven that a degree of social and economic change is possible within the system, that the system is available and open to the powerless, the veto should be promptly overridden. To delay in this decision would be to encourage opponents of legal services, intimidate and discourage legal services attorneys from initiating controversial actions on behalf of their clients, and threaten the independence of the national legal services program.

CRUZ REYNOSO,
Director, California Rural Legal Assistance.

CRUZ REYNOSO, DIRECTOR, CALIFORNIA RURAL LEGAL ASSISTANCE, RESPONSE TO THE SPECIFIC "INSTANCES" CITED BY GOVERNOR REAGAN'S STAFF FOR THE VETO OF C.R.L.A.

Herein follows a few sentence response (with some attachments respecting cases we have been able to identify) which represent our best information as of this date.

1. We are not sure whether or not we have identified this case. One office reports a case of a couple who wished to adopt a child raised by them. The couple earned $758 per month and was thus ineligible for CRLA services. This may or may not be the case referred to by the Governor's staff.

2. One CRLA attorney from our Modesto office participated in a panel in an American history class. The topic of discussion was "The American Revolution and the Problems of Dissent—Then and Now." During the discussion, the attorney reportedly used the word "shitless." During a discussion on freedom of speech and the problems of dissent, the following was written on the board to demonstrate the issue of obscenity :"F*CK/VIETNAM WAR." The asterisk and the slash are part and parcel of what was written. The class teacher reports that the attorney's comments were positive and that the students seemed to relate to what he was saying.

3. We have been completely unable to identify this case.

4. This case may refer to an incident wherein an employee was arrested and charged with possession of marijuana. One of our attorneys, on his own time, represented the employee. The charges were dropped. CRLA policy, as passed by the board, is that CRLA attorneys may represent individuals charged with crimes if it is on their own time and there is prior approval by the Director. No resources of CRLA may be used.

5. We have been unable to identify this case. CRLA does not accept fees. This seems like a referral to private counsel who would have charged a fee.

6. This appears to be the private opinion of an individual attorney. We and our clients most certainly disagree. Protecting the rights of farm workers makes for an orderly economic development. CRLA attorneys have often been cited for helping to ease racial tensions in the areas where we practice.

7. A CRLA client, an American Indian and his family were in dire need of a stove. While entitled to a "special grant" from the Welfare Department, that department refused the request. According to the former Chief Deputy Director of the State Welfare Department: "Sutter County has gained the reputation of being the most regressive, most restrictive county, the one with the least human compassion of all the counties in California." The offer of a free used stove was not refused by the welfare family. It merely requested that the offer be kept open for approximately two days until the case was heard. The person making the offer readily agreed.

8. This charge is made by a Deputy District Attorney in an affidavit attached to the press release by the Governor's staff. See Exhibit I explaining this matter. The charge is totally false.

9. This matter (not a case) may refer to Imperial County where on December 11, 1970, a rally was called by UFWOC supporters to protest the jailing of Cesar Chavez. One of our attorneys attended (taking vacation time to do so). The CRLA El Centro office has an affidavit from the Deputy District Attorney stating that the CRLA attorney helped to police the crowd and urged the persons present (mostly students) to act peaceably.

10. This may refer to the series of events in Modesto. See Exhibit II.

11. The District Attorney mentioned appears to be the outgoing DA from Monterey County, who has been very hostile to CRLA. The incoming District Attorney, William Curtis, has met with the CRLA staff and there is a pledge of mutual cooperation. CRLA attorneys anticipate good relations with Mr. Curtis' office.

12. The Federal Court in Sacramento issued an order against the Grand Jury ruling that it had no authority to investigate CRLA. See Exhibit III.

CRLA ANSWER TO CHARGES OF KIDNAPPING AND ARRANGING JUVENILE MARRIAGE

The charge: A Deputy District Attorney reports that a CRLA attorney defended a man charged with contributing to the delinquency of a minor. The case involved an 18-year old boy who was charged with statutory rape on a 15-year old girl. Despite parental objections, members of the CRLA office participated in a scheme whereby the girl was spirited to Mexico where they arranged for a marriage between the 15-year old female and the defendant.

DECLARATION BY MARTIN GLICK, DIRECTOR FOR LITIGATION FOR CALIFORNIA LEGAL ASSISTANCE

I, Martin Click, being duly sworn, hereby depose and say:

I am the Director of Litigation for California Rural Legal Assistance.

Upon receipt, this afternoon of materials handed out by Lewis Uhler to the press in Sacramento, and upon discovery that the above allegation was attributed to Donald Haynes, former Directing Attorney of our Santa Maria office and now in private practice in Santa Barbara County, I telephoned Mr. Haynes. In fact, Mr. Haynes had no knowledge of the case until the boy and girl, *already married* in Mexico and returned to Santa Maria, came into our office for help. A warrant was out for the arrest of both of them. Don Haynes told them that they should turn themselves in and make a full statement to the Sheriff. Don accompanied them to the Sheriff's office for that purpose. Since the girl was 15 and the boy 17 (when the alleged statutory rape occurred) Don made an appearance to have the case transferred to Juvenile Court. His recollection is that the motion was unopposed by the District Attorney's office. The Juvenile Court Judge dismissed all charges against both of them and the Superior Court decided that since the couple was married the girl should not be made a ward of the Court. The allegation from Mr. Uhler's office obviously bears no resemblance to the actual facts in the matter.

I declare under penalty of perjury that the foregoing is true to the best of my knowledge and belief.

Executed in San Francisco, California, on December 28, 1970.

MARTIN GLICK.

CRLA AND THE SCHOOL LUNCH CONTROVERSY

The allegation that CRLA attorneys represented criminal defendants and advised student demonstrators arises out of the Modesto school lunch controversy. Many poor parents were dissatisfied with the administration of the National School Lunch Program in the Modesto schools. In order to receive nearly a quarter of a million dollars in federal aid under the program, the Modesto school board had to promise to provide free or reduced price lunches to the more than 2,000 needy children in the schools. The parents found out that only 180 children per day were receiving free or reduced price lunches.

During the summer of 1969, CRLA attorneys assisted the parents in presenting their requests for reform of the lunch program to the school board. The attorneys hoped that by working with the school board they could avoid litigation. However, the school board would not agree to feed more than 400 needy children, a figure that would make at least 1600 children go hungry each day. At the request of the parents, the CRLA attorneys filed suit in the federal court in Sacramento.

The case was decided in February, 1970. U.S. District Judge Thomas J. MacBride agreed with the CRLA attorneys that the school board had failed to live up to its obligations under the National School Lunch Act, and he ruled that if the board wanted to continue to receive the benefits of the lunch program it must agree to feed all the needy children.

Rather than comply with the court's order, order, the school board on March 2, 1970, voted to terminate its participation in the National School Lunch Program, citing as its reason the extra $19,000 it would cost to comply with the court order for the remainder of the year. The following day the CRLA attorneys obtained a commitment from the Emergency Food Program of OEO to provide the needed $19,000 so that the children of Modesto could continue to receive nutritious noon-day meals. Notwithstanding this offer by OEO to underwrite the lunch program, the school board refused to reverse its decision, thereby demonstrating to the poor people of Modesto that the board's position was politically rather than fiscally motivated.

The school lunch issue became a major political issue in Modesto in the subsequent months. The CRLA attorneys participated in meetings of the proponents of the lunch program, primarily providing technical advice and assistance.

Such technical assistance was also provided by the director of the Stanislaus County Welfare Department, and by the director of the Community Action Commission. At no time did any CRLA attorney advise any person to participate in a sit-in or in any illegal demonstration. When, after nearly two months of intransigence on the part of the school board, some of the lunch proponents decided to conduct a sit-in, they were told by the CRLA attorneys that if they remained in the school board building they would be arrested and convicted, and would face a possible fine or jail sentence. Sit-ins were held on two days in April. The CRLA attorneys were present as observers and to answer questions from the demonstrators as to their rights. The CRLA attorneys did not participate and did not encourage or advise other persons to participate.

Forty-three persons were arrested and charged with trespass violations. The CRLA attorneys were of the opinion that even though the defendants might have violated the law, they were entitled to a vigorous legal defense. Accordingly, they agreed to represent the defendants. On the other hand, they recognized that CRLA itself could not represent criminal defendants so they charged all the time they spent on the case to their vacation time. Clerical work was done by the defendants themselves, and CRLA was fully compensated for the almost negligible use of office supplies (paper, staples, Xerox costs, etc.)

Since CRLA was in the midst of a major local controversy for more than a year in connection with the Modesto school lunch program, it would be surprising if no mistakes at all were made. Taken as a whole, however, CRLA's conduct in the school lunch controversy was a model of the vigorous legal representation that should be provided to the poor through the legal services program, and at no time was there any violation of the spirit or the letter of federal regulations.

JUNE 15, 1970.

Mr. JAY F. LUTZ,
Director of Legal Services, State Bar of California,
San Francisco, Calif.

DEAR MR. LUTZ: Thank you for your letter of May 6, 1970. I am sorry for the delay in responding but this has been an unusually busy month for me as well as the CRLA attorneys in Modesto whose assistance I sought to thoroughly investigate the matter. To fully answer the inquiries in your letter, it will be helpful to provide you with a history of CRLA's involvement in the Modesto school lunch controversy.

The issue was not raised originally by CRLA, but by a group of low-income white parents who attended school board meetings beginning May of 1969 to urge the school board to expand the school lunch program to include all needy children in the schools. These parents had only limited success with the board and in June they contacted the CRLA office in Modesto to request that CRLA attorneys file a law suit against the school board. The attorneys, however, did not believe the parents had exhausted all possibilities of negotiating with or persuading the school board. Attorneys Philip Neumark and Daniel Lowenstein were assigned to the case and they agreed to accompany the parents to school board meetings and assist them in presenting their views to the board.

The attorneys attended numerous meetings with the parents and, at a meeting held on August 25, 1969, the board reached its final decision. The board decided to restrict the free lunch program to no more than 400 children per day. Since there were about 3,000 AFDC children in the schools and many others equally needy but not on welfare, the parents were extremely dissatisfied with this decision.

One member of the board, an attorney, told them, "If you don't like what we're doing, go ahead and sue us."

In the first week of September, the attorneys filed the complaint in the action of *Shaw, et al.* v. *Modesto School Board, et al.*, Civil No. S–1336, in the U.S. District Court for the Eastern District, based on Section 9 of the National School Lunch Act. That section provides that: "Lunches . . . *shall be served* without cost or at a reduced price to children who are determined to be unable to pay the full cost of the lunch." [Emphasis added]. The Court issued a temporary restraining order and subsequently a preliminary injunction preventing the school board from implementing the August 25 decision to which the people objected. The interlocutory orders, in suspending the August 25 criteria, compelled the School District in the interim to apply their 1968 standards. (The School District 1969 proposal contained criteria even more restrictive than their previous practice).

During the next several months discovery was conducted. As you may know, the whole subject of hunger and malnutrition has had a very substantial exposure in Modesto. During December of last year the Stanislaus County Board of Supervisors, because of unprecedented unemployment and resultant basic food needs, requested that the President and the Secretary of Agriculture declare a hunger emergency and provide food commodities to desperately needy families in the County. CRLA brought suit against Secretary Hardin and a Christmas Eve injunction resulted in provision of two truckloads of food to help tide over the hungry, many of whom have children attending Modesto schools and are eligible according to Federal law to receive free school lunches [See *Oakland Tribune* front page article dated December, 1969, Exhibit to this letter.]

The trial in the case began in late January, 1970. On February 19 the Court issued a permanent injunction ordering the school board to serve free lunches to all the needy children in the district. U.S. District Judge McBride concluded:

"But the Board made no determination of which *children* were unable to pay; its determination was based on how much the *schools* could afford to pay. That was where the determination was faulty and unacceptable under the Act. While there is nothing to indicate that the School Board was not acting in utmost good faith, it did not comply with the Act, and I must set aside its eligibility standards. [Slip opinion, pp. 7–8]."

A copy of the permanent order is attached to this letter.

When the permanent injunction was issued, the case seemed to have been an excellent example of the type of achievements hoped for from legal services programs. At the outset, our clients were encouraged to try to attain their goals themselves through the democratic process, the attorneys functioning in an advisory capacity. Only when all other channels were exhasted was the law suit filed. Because CRLA provided an outlet for resolution of their grievances through the orderly processes of law, our clients had an alternative to taking their case to the streets. Despite the length of litigation, the faith of these people in our system of justice was strengthened when District Judge McBride ruled in their favor. At all times innumerable low income persons were involved with the case as parties, witnesses and observers.

Just seven days after Judge McBride's decision, Dr. Bert C. Corona, superintendent of the Modesto school, announced publicly that he would recommend to the school board that it drop out of the National School Lunch program so as to avoid having to serve meals to all the needy children as the Federal Court ordered. Dr. Corona criticized Judge McBride for "trespassing upon the prerogative of local school districts," even though he indicated that the board would not appeal from Judge McBride's decision.

Although the school district had the legal option to terminate participation in the National School Lunch Program, it was immediately apparent to the low income community that the school board gladly accepted the benefits of that program until it was required to live up to its legal obligations under the program. The low income people asked our attorneys to take the school board back to court, and they expressed resentment against the CRLA when the attorneys told them that they had no further legal remedies.

On March 2, 1970, the board met and formally withdrew from the National School Lunch Program. The sole reason given was that the board could not raise the $19,000 it estimated it would need in local funds to comply with Judge McBride's order. On March 3, pursuant to our request, OEO Emergency Food program offered a special grant of $19,000 to the Modesto School Board which would fully underwrite the total cost of complying with the Court order. Together with representatives of the Community Action Commission and the local CAP, our attorneys immediately conveyed this information to Dr. Corona. Dr. Corona polled the school board by telephone and then announced that the board would not apply for the grant and would persist in its decision to drop out of the National School Lunch Progam. This announcement took the low income community by surprise in that the only reason given by the board for its previous decision had been removed by the OEO offer. It became apparent to them that the school board was retaliating for its loss in the court even at the cost of losing the lunch program and depriving needy children the benefits of a lunch.

The Community Action Commission requested the board to reconsider its decision regarding the OEO offer at its next meeting, to be held on March 16. At that meeting, however, the board refused even to discuss this proposal. In addition, the board refused to call a special meeting to consider the problem and refused to place the matter on the agenda for any subsequent meeting. A United States Senate investigating Committee on Nutrition and Human Needs held hearings in Modesto on March 23 and compiled facts showing that the Modesto School Board decision to drop the lunch program would mean a higher cost of lunches to every student and substantial reduction in the quality of the lunches. Thus no one benefitted from the decision to pull out.

After the March 16 school board meeting, leaders of the low income community, observing that neither legal action nor political persuasion had succeeded, formed an organization named "Citizens to Save the School Lunch Program." The organization placed informational picket lines outside the

school administration building. CRLA attorneys from the Modesto office were present at the picketing at various times. Their role was to assure that picketing was lawful and to act as a liaison between picketers and police. At no time did the attorneys use any language or engage in any conduct disrespectful of any police officer. Nor was any such language or conduct on the part of other picketers observed by the attorneys. I am enclosing a copy of the affidavit of Gerald L. McKinsey, filed in the criminal acton arising out of the sit-ins, which indicated that relations between the demonstrators and the police were cordial throughout this period. He notes:

"The atmosphere before, during, and after the closure order and the arrests was neither hostile nor strained between those arrested and members of the Modesto Police Department. There were no incidents of violence before, during and after the closure order and arrests. Neither was there any obstruction or resistance by the arrestees to the arresting officers. No one went "limp" or directed any derogatory remarks to the arresting officers. This was true both as to those arrested on April 7, 1970 and April 10, 1970."

The presence of CRLA attorneys helped to keep the demonstrations peaceful.

The school board next met on April 6, 1970, and again refused to discuss the school lunch controversy. At a meeting of the Citizens to Save the School Lunch Program held immediately after the school board meeting, the decision to sit-in at the school administration building was made. No CRLA personnel were present when this decision was made, but John Kelley and Philip Neumark, CRLA attorneys, entered the meeting shortly thereafter. Kelley advised against the sit-in and Neumark advised the people present of the legal consequences that could result if any violations of law occurred.

The sit-in began the following morning, Tuesday, April 7, at the school administration building. The demonstrators sat along the walls of the main corridor and in no way interfered with any business being conducted in the building. They made it clear that they would leave immediately if any member of the school board would meet with their representatives to discuss the school lunch problem. The sit-ins occurred each day that week, beginning in the morning and lasting until 5:00. It was agreed by everyone concerned, including the superintendent of schools and the chief deputy district attorney, that the demonstrators were within their legal rights at all times when the building was open for business, up to 5:00 p.m. Each day at 5:00 p.m. the superintendent demanded that the demonstrators leave the building and on two occasions some of the demonstrators declined to do so and were arrested and charged with violating Penal Code § 602(n).

Two CRLA attorneys, Lowenstein and Neumark, were present at various times during the sit-ins. They were present in their capacity as attorneys, giving legal advice to the clients and acting as liaison with school officials and police officers. Each day at 5:00 p.m. they advised the demonstrators that if they remained in the building, they would be subject to arrest and very likely would be convicted. They further advised the demonstrators that the question of whether to remain in the building was an individual decision and that no one should remain solely because a majority of the group elected to remain. I am satisfied that at no time did any of the CRLA attorneys in any way encourage any person to remain in the school building after 5:00 p.m. or to commit any other unlawful act.

In each case, the CRLA attorneys left the building when the closing announcement was read. On Tuesday, April 7, the persons who were arrested were cited, and the attorneys simply collected the names and other pertinent information regarding the arrestees. On Friday, April 10, the persons who were arrested were taken to the county jail and booked. The attorneys did not know in all cases which demonstrators had been arrested and which ones had left the building prior to the arrests. Accordingly, when the attorneys arrived at the jail they did not have a list of all the arrestees, and they informed the Captain of the jail that they represented all the persons who had been arrested at the school building.

It is not true that a bail bondsman from Fresno was "on the scene" at the time the demonstrators arrived at the jail. After the arrests had been made, a Fresno bail bondsman was called and the delay in his arrival was partially responsible for the fact that the arrestees remained in jail for several hours before being bailed out. The bondsman was called by two persons who had been active in the school lunch controversy. CRLA played no role in contacting him and he was not known by any CRLA personnel.

The municipal court judge had ordered that while some of the arrestees would have to be released on bail, he would consider releasing others on their own recognizance. The persons who were released on their "O.R." spent several hours

in jail and when our attorneys asked the reason for the delay, the Captain of the jail stated that distributing the O.R. application forms, having the arrestees fill them out, collecting them and processing them were the main causes of the delay. Accordingly, the attorneys asked the Captain if blank forms could be made available and filled out in advance so as to save time in the event of any future arrests. The Captain stated that this would be possible. Our attorneys were not contemplating any such future arrests and, in fact, no such arrests occurred. The attorneys simply wanted to expedite matters in case there were more arrests.

Your letter raised the point that a few of the members of Citizens to Save the School Lunch are not indigent. OEO has encouraged Legal Services Programs to represent groups of poor people. Such groups from time to time include persons who are not poor. However, if the subject matter of the lawsuit pertains to the interests of the low income community, such groups may be represented by a legal services program. OEO recognizes that middle class people should not be precluded from joining the poor in seeking social justice. In the present case the vast majority of group members (as well as those arrested) are low income persons.

After the arrests of group members, the question of CRLA representation of those charged with criminal acts arose. Of course the CRLA attorneys who handled the civil matter had intimate knowledge of many of the relevant facts and had the confidence of the people involved. Both OEO and CRLA (our guidelines are attached as Exhibit) recognize that in certain unusual circumstances it is in the best interests of the clients of the program for CRLA attorneys to undertake such representation. We have submitted the relevant information to OEO and are awaiting a decision as to whether this is a proper case for CRLA to represent criminal defendants. Until such time as we receive an affirmative response, we cannot, as CRLA attorneys, represent these defendants and I have so informed our attorneys. They have been permitted to take leave to represent these clients in the interim.

I want to add two further thoughts. First, I believe that attorneys must be very careful not to permit confusion to arise as to their function. There has been an element of confusion in this case. On occasion our attorneys participated in the picket lines instead of strictly limiting their role to that of advisor. I have issued guidelines, a copy of which is attached as exhibit. These guidelines have been issued to all CRLA attorneys.

Second, the "school lunch" issue became a volatile one because the government body involved, the School Board, refused to abide by the spirit of a Federal Court order. How sad it is that those who had faith in the law were disappointed and especially, as to the young people involved, how much more difficult it has now become to convince them to peaceably channel their grievances.

It should be noted that the explicit congressional mandate to assure that needy children receive a free school lunch was enacted to prevent further academic retardation of America's poor children. Many needy children who regularly go without lunch also go without breakfast and have nothing to eat during an entire school day. Their consequent hunger causes them to suffer headaches, intestinal discomfort, and lower concentration spans. In short, the child who does not eat does not learn. This dispute did not occur over some obscure technicality of the law but over one of vital concern to every low income family in California. I am proud of the efforts of our Modesto office in guiding the dispute into court, obtaining a legal victory, and in encouraging those embittered by School Board intransigence to protest non-violently.

I appreciate your interest and hope the foregoing is helpful. If I can be of further assistance, I am at your disposal.

Sincerely,

CRUZ REYNOSO.

THE STATE BAR OF CALIFORNIA,
San Francisco, Calif., May 6, 1970.

CRUZ REYNOSO, Esq.,
Director, California Rural Legal Assistance, San Francisco, Calif.

DEAR MR. REYNOSO: Pursuant to the recently established arrangement for the handling of non-disciplinary "complaints" received by the State Bar with respect to CRLA, as more particularly described in my letter to you dated April 15, 1970, I am hereby forwarding for your investigation and advice certain inquiries and "complaints" concerning the activities of CRLA attorneys and community workers in the Modesto office.

Specifically questioned are the participation of CRLA personnel in organization and execution of a "sit-in" conducted at the school board office in

Modesto during the end of the week of April 5, 1970, or the beginning of the week of April 12, 1970, and the representation of persons arrested at such "sit-in" by CRLA attorneys. The factual allegations which give rise to the "complaints" are set forth below in capsulized form and without representation as to the accuracy thereof.

It is reported that prior to the "sit-in" there were demonstrations on the streets and sidewalks outside the school board office in which CRLA attorneys participated to the extent of referring to police officers present as "pigs" and the like plainly within the hearing of other demonstrators.

It is reported that CRLA personnel were present at the scene of these demonstrations and engaged in photographing the activities of demonstrators and police.

It is reported that two CRLA attorneys were present among the demonstrators within the school board building at such time as a school board official announced that the building was being closed and that all present should leave, that while leaving the premises the CRLA attorneys exchanged comments with several of the demonstrators, and that thereafter the "sit-in" commenced.

It is reported that, immediately following the arrest and incarceration of approximately thirty participants in the "sit-in," two CRLA attorneys appeared at the jail, requested that they be allowed to see the people who were arrested, and announced that they represented the same. A captain in the sheriff's office was summoned and he asked the attorneys the names of the defendants whom they wished to see. The attorneys replied that they did not know the names of the clients. After one of the jailers had inquired of those arrested whether they wished to speak with the attorneys and been advised in the affirmative, the attorneys were allowed to speak with such arrestees.

It is reported that a bail bondsman from Fresno was "on the scene" and ready to provide bail to at least some of those arrested.

It is reported that while the arrestees were completing application forms for release on their own recognizance (this may be in conflict with the report concerning the bail bondsman) the CRLA attorneys requested a substantial amount of blank "OR" application forms for future use.

It is reported that approximately six of those arrested and represented at arraignment by CRLA attorneys were children of local families having substantial financial resources.

The complaints which this office has received and which are based upon the foregoing reports are as to whether CRLA personnel participated in the "sit-in," whether such personnel advised or encouraged the "sit-in" or otherwise gave counsel concerning the "sit-in" of such nature or in such manner as to promote the same, whether CRLA personnel are or plan to be somehow involved in future and similar activities, whether CRLA has engaged in representation beyond the scope of its authority or in contravention of any condition or the like of OEO funding, whether CRLA has engaged in representation beyond the scope of any OEO approval of representation in criminal matters arising out of the Modesto problems, whether CRLA engaged in representation in such criminal matters prior to any OEO approval therefor being obtained, and whether CRLA provided representation in such criminal matters to persons financially able to procure the assistance of private counsel. Your advice with respect to the accuracy of the foregoing reports and these complaints will be appreciated.

It has also been reported that the CRLA attorneys who appeared at arraignment on behalf of those arrested at the "sit-in" then stated to the court that they so appeared individually, that is, not in their capacity as members of CLRA's professional saff. I would appreciate your advice and comments with regard to CRLA policy concerning how and under what circumstances CRLA attorneys can or may act individually in matters beyond the scope of CRLA's "authority," for a question has been raised as to how salaried members of CRLA staff can effectively disassociate themselves and their actions from CRLA in select cases, particularly under circumstances such as those of the Modesto situation.

Any other advice and information which you feel would be helpful with respect to the Modesto situation will, of course, be appreciated.

If you have any questions with respect to the foregoing please do not hesitate to telephone me. Thank you for your attention to this matter.

F. Jay Lutz,
Director of Legal Services.

CRLA and the County Grand Jury

In 1969 CRLA represented a group of poor mothers and their children who alleged that the Modesto School Board was depriving 2,000 needy children of free lunches in violation of the National School Lunch Act. On February 27, 1970, federal Judge Thomas MacBride held that the Board's program did not comply with the school lunch act and issued a permanent injunction against the Board which made more than 2,000 additional children eligible for free lunches.

A couple of months after the school lunch law suit, Modesto CRLA lawyers represented the plaintiffs in an action against the Department of Agriculture alleging that the high rate of unemployment in Stanislaus County made it an economic disaster area requiring the Secretary of Agriculture to release surplus foods to the hungry citizens of Stanislaus County. On Christmas Eve, federal judge Robert Peckham issued a temporary restraining order mandating the Department of Agriculture to release twenty thousand pounds of surplus food to the hungry in Stanislaus County.

Both of these cases received wide-spread national publicity including a front page articles in the New York Times. As press articles began appearing, indicating that Stanislaus County appeared to be unwilling to do very much about its hunger crises, county officials began a campaign to discredit CRLA Modesto office. The county administrator told the New York Times CRLA presented one-sided picture of the plight of needy families. The vice-president of the Modesto School Board told the U.S. Senate Committee CRLA's lawyers were "agents provocateur and agitators" who "wantonly slandered the reputation of the hard working and industrious citizens of Modesto and of all Stanislaus County." As a part of this campaign, the Stanislaus County Grand Jury conducted a secret investigation of the local community action agency and issued a report criticizing that agency for distributing food to needy families on Christmas Eve. The community action program, of course, had no opportunity to present any evidence whatever to refute this criticism.

When the Grand Jury announced that it intended to investigate "complaints of possible misuse of funds by California Rural Legal Assistance attorneys," CRLA requested that any investigation be held in public so that the community could hear all sides of the story and pledged its cooperation with the public investigation. In response to CRLA's offer, the Grand Jury served on its attorneys a Subpoena Duces Tecum requiring CRLA to appear before the Grand Jury in secret session and to bring with it "any and all books, records, and accounts of the Stanislaus County office of California Rural Legal Assistance." When CRLA requested of the Grand Jury and the District Attorney the legal basis of this investigation, they were unable to supply CRLA with any California law authorizing such an investigation.

Faced with what appeared to CRLA to be an illegal witchhunt, the office felt that it had no choice but to take legal action to protect its clients' confidential records. For this reason, it brought an action in the Sacramento Federal District Court to enjoin the Grand Jury from proceeding with its investigation. Federal district judge Thomas MacBride issued both a temporary restraining order and a preliminary injunction against the Grand Jury holding that a local state grand jury had no authority to investigate the relationship between a legal services program and the Office of Economic Opportunity. (A copy of the Complaint is attached as Exhibit 1.)

Shortly after the temporary restraining order was issued, the Stanislaus County Grand Jury sent a resolution to Governor Reagan requesting him to veto the CRLA grant. The Grand Jury alleged that it had received a number of complaints from poor people who said they were unable to obtain legal services from CRLA either because the attorneys were not in the office or said they were too busy to handle their cases. (A copy of the newspaper story is attached as Exhibit 2.)

CRLA pointed out that it uses an appointment system in all but emergency cases in order to permit its attorneys to perform high quality legal services for their clients.

A couple of days later, the Modesto Bee strongly condemned the Grand Jury's action against CRLA as "reckless and irresponsible." (A copy of the Modesto Bee editorial is attached as Exhibit 3.)

56-127 O—71——4

DECLARATION

Ralph Santiago Abascal hereby declares:

I was formerly employed by California Rural Legal Assistance from 1967 to September, 1970. During the latter year of my employment I served as Directing Attorney in the Marysville Office.

I have read Senator Frank W. Marler, Jr.'s letter of December 18, 1970, to Governor Ronald R. Reagan. Many of the parts in Senator Marler's letter have been dealt with by others and I would like to amplify on the reference to the organization of the demonstration to which Senator Marler refers. I was Directing Attorney of the office at the time the demonstration occurred.

The demonstration was a reaction of the poor community to our loss of the "stove incident" case. Approximately three hours after the hearing, Jose Luis Vasquez, Magdeleno Botello and several other leaders of the Mexican American community in the area came to our office. They expressed deep disappointment in the loss of the case and said that they felt that it exemplified their undue reliance on the legal system; in their own words, they said that they were taking the matter into their own hands and were going to conduct a march on the Welfare Department. I tried to convince them that we did not consider the legal issues underlying the "stove incident" case to be finally resolved by the loss on that day. We told them that we were going to write a detailed letter to Robert Martin, Director, State Department of Social Welfare in an attempt to resolve the issue. They told me that they felt that to be even less effective. Thereafter, there was absolutely no involvement of the CRLA office in the demonstration. We did not encourage them to demonstrate, plan the specifics of the demonstration nor did we in any way deal with the press. I am one of the staff attorneys who was at the Welfare Department during the initial part of the demonstration.

Senator Marler's confusion as to the location (the commodity warehouse) resu ts from the fact that another issue then pending was the administration of the surplus commodity program by the Sutter County Welfare Department. At that time, only two hundred families were participating in the program because local eligibility standards excluded all welfare recipients. Approximately two weeks after the demonstration our office filed an action in Federal Court in Sacramento challenging the administration of the Commodities Program in Sutter County. Eight days later County counsel stipulated that the County would thereafter comply with all state and federal laws regulating the program and within weeks distribution had increased to over three thousand persons.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in San Francisco, California, on December 28, 1970.

RALPH SANTIAGO ABASCAL.

MEMORANDUM

December 28, 1970.

To: Cruz Reynoso.
From: Ed Kerry.
Subject: Alleged Demonstrations in which CRLA Staff had been involved in the Marysville area.

Jim Smith indicated that a letter from Senator MARLER representing the Marysville-Yuba City area charged that CRLA staff had been involved in demonstrations in that area. The letter was extremely vague and failed to give any dates of the demonstrations, any locations for the demonstrations, any subject of the demonstrations, or identify the persons, by group, who were involved.

The only possible demonstration that I recall would involve picketing of the Sutter County Welfare Department and a student march in Yuba City from the Post Office to the High School and back.

With regard to the picketing of the Welfare Department, to the best of my knowledge this took place in early or late spring of 1970 and was completely organized and planned by Jose Luis Vasquez. I am sure that the contacts were not initiated by the CRLA office. At the demonstrations, perhaps 100 picketers paraded around in front of the Sutter Welfare Department with signs stating that Mrs. Quitorino was unfair, that she discriminated against poor people, that she ignored the needs of children, that type of thing. Both Ralph Abascal and I believe Rick Rogers, stopped by to view the demonstration to insure that it was

an orderly one and to witness any type of abusive treatment meted out to the demonstrators. There was no other CRLA involvement to the best of my knowledge.

In regard to the second possible demonstration, this involved a march from the City High School to the Yuba City Post Office and back by perhaps 50 to 75 students. Each student apparently wrote a letter to the President urging him to review our Vietnam policy and counseling withdrawal from Vietnam. For publicity purposes, each of the students carried the letter in hand as they made the 11 or 12 block march to and from the Post Office. The entire march was organized by one of the high school students whose name I do not recall. He was a junior who ran for student body president. CRLA was informed of the march and of the approximate time it would take place. There were members of the press covering the march, but to the best of my knowledge, there were no CRLA staff members who attended even to witness the demonstration.

The allegations were so very vague and lacking in details that I am unable to pin-point any possible reference incident. At any rate, these are the only two incidents of which I have any knowledge that would even approach the definition of a demonstration or a march.

CALIFORNIA RURAL LEGAL ASSISTANCE,
December 28, 1970.

Memo to : Cruz Reynoso.
From : Phil Jiminez.
Re Alleged participation by CRLA in demonstrations in the Marysville area.

It has come to my attention that Mr. Uhler received a letter from Senator Marler serving the Yuba City-Marysville area, in which it is alleged that CRLA personnel took an active part in organizing a demonstration or demonstrations in the Marysville area.

Since my arrival in Marysville in September of this year I know of no demonstrations having taken place, much less a demonstration in which CRLA personnel were involved.

Senator Marler's letter was very vague and totally lacking in any specific details, such as dates, times, subjects, and etc., but even then I know of no such event in the area which could be reasonably termed as demonstrations.

ALLEGATION IN AFFIDAVIT FROM JAMES HOULIHAN

My first contact with the California Rural Legal Assistance was with a Mr. Gary Bello in Visalia, California. Mr. Bello's actions were so obnoxious, demanding and showed such a lack of any ethical standards that on at least one occasion he was ordered by the Judge to leave his courtroom. During the period of time, he or members of the staff of C.R.L.A. interfered with the prosecution of several criminal cases involving arrests made by the Visalia Police Department.

DECLARATION

I Martin Glick, being duly sworn, hereby depose and say :

I am the Director of Litigation for California Rural Legal Assistance.

Upon receipt of the above allegation I contacted by telephone Mr. Gary Bellow, former CRLA Deputy Director and presently a Professor on the faculty of the University of Southern California Law School. I might note that Mr. Bellow was the first recipient of the award given annually to the best legal services attorney in the United States. Mr. Bellow stated that he remembers only one contact with the District Attorney's office in Tulare County. On that occasion—prior to the adoption by OEO of instructions on handling of criminal cases—he tried a motion to dismiss a criminal complaint on the ground that he had not been provided with a speedy trial. The motion was granted and all charges were dismissed. Mr. Bellow denies ever having been asked to leave a courtroom.

On the basis of my own personal contacts with Mr. Bellow, I would unequivocally state that I know of no attorney with higher ethical standards or higher dedication to service for the poor.

I declare under penalty of perjury that the foregoing is true to the best of my knowledge and belief.

Executed in San Francisco, California, on December 28, 1970.

MARTIN GLICK.

ARROYO GRANDE, CALIF., *December 30, 1970.*

JAMES HOULIHAN,
Deputy District Attorney,
Santa Maria, Calif.

DEAR JIM: It has been brought to my attention that on December 8, 1970 you prepared an Affidavit signed David D. Minier by James Houlihan making certain allegations about the operation of the CRLA office in Santa Maria, and in McFarland.

I am sure that you anticipated that this document would never see the light of day since this was the promise of the Governor's office when soliciting documents of this nature. Your Affidavit however, has been released to the news media nationwide. The allegations as to me are patently false.

On the Diaz juvenile matter, the first time that I ever had any knowledge of the case was the day that I turned the juvenile in to the Sheriff's Department. There was no contact by me or anyone else in the CRLA office prior to that date. The statement attributed to me in court did not occur.

The DeJesus matter was a civil non-support case in which Mr. Bushman represented the wife.

Your allegations have, in your own words, accused me of the commission of a felony which constitutes libel per se in the State of California and is also probably a violation of Penal Code Section 248. These allegations are, I am sure you are aware, very damaging to me in the private practice of law.

This letter is to constitute a demand for immediate written retraction of the charges. Because the Affidavit was signed as if approved by David Minier, I am under separate letter today writing him and Supervisor Tunnell of this incident demanding a retraction.

Very truly yours,

DONALD W. HAYNES.

SONOMA COUNTY BAR ASSOCIATION,
Santa Rosa, Calif., January 4, 1971.

Hon. FRANK CARLUCCI,
Acting Director, Office of Economic Opportunity,
Washington, D.C.

DEAR MR. CARLUCCI: On December 21, 1970, the Executive Board of the Sonoma County Bar Association adopted a resolution urging that the Office of Economic Opportunity consider the proposal made by the Association in 1967 for the funding of a legal assistance program in Sonoma County. The 1967 proposal was never acted upon by the Office of Economic Opportunity.

Attorneys for California Rural Legal Assistance in Santa Rosa have informed me that the California State Office of Economic Opportunity has used our resolution in support of the Governor's veto of the 1971 CRLA budget.

I want to make it clear to you that the resolution was one made by the Executive Board and was not considered by the full Bar Association. Secondly, our resolution called for the funding of a program directed by the Bar Association. The resolution was not intended as a criticism of the work of California Rural Legal Assistance.

The members of the Executive Board felt, at the time we considered this resolution, that we did not have sufficient information before us to pass upon the quality of CRLA's work.

A Federally funded legal assistance program is needed in Sonoma County, and we have not been informed of any substitute program which would be funded in any other manner.

Very truly yours,

NEWTON DAL POGGETTO.

STATE OF CALIFORNIA,
City and County of Sacramento: ss.

JAMES F. SMITH, being first duly sworn on his oath, deposes and says:

That I am an Attorney at Law, presently appointed as the Directing Attorney of the Sacramento Office of California Rural Legal Assistance;

That, on December 28, 1970, Lewis K. Uhler, Director of the State of California's Office of Economic Opportunity, distributed to the press at the State

Capitol in Sacramento a news release with several attachments which Mr. Uhler stated set forth the opposition of various public bodies and officials to the refunding of California Rural Legal Assistance for 1971;

That, among those attachments, a letter was included on the letterhead of the League of California Cities by Dr. Clifford Loader, who signed the letter as President of the League, and as Mayor of Delano, California, which urged the veto of the funds for California Rural Legal Assistance. A copy of said letter is attached hereto marked Exhibit "A", and made a part hereof by reference.

That, on December 30, 1970, I placed a call to the Sacramento Office of the League of California Cities and spoke to a Mr. Ralph Anderson, Administrative Assistant to the Executive Director of the League, Mr. Richard Carpenter. I asked Mr. Anderson if the League of California Cities had taken any position whatever in regard to the refunding of CRLA. Mr. Anderson replied that the letter from Dr. Loader was, in his opinion, the position taken by Dr. Loader only, in that the League of California Cities has not taken any position whatever.

That, the *Sacramento Bee*, a local newspaper, reported on December 30, 1970 that a spokesman for the League of California Cities informed the press that the Board of Directors of the League had taken no stand on CRLA and that Dr. Loader may have been speaking either personally or as mayor of Delano. A copy of said newspaper article is attached hereto, marked Exhibit "B", and made a part hereof by reference.

JAMES F. SMITH,
Directing Attorney California Rural Legal Assistance, Sacramento, California.

Subscribed and sworn to before me this 3rd of January 1971.

ANNA M. LIVERETT,
Notary Public.

AUTHOR OF DOCUMENT CITED BY REAGAN BACKS CRLA

(By Bruce Keppel)

The author of a document used by the Reagan administration to discredit the California Rural Legal Assistance program and justify Gov. Ronald Reagan's veto of its $1.8 million federally-funded budget says it was misrepresented and reaffirms his support for CRLA.

And another document—suggesting that the League of California Cities urged Reagan's veto—turns out to have been the expression only of the league's president, Clifford F. Loader, who stated his view on league stationery. He is mayor of Delano in Kern County, where CRLA attorneys have been involved in a dispute between growers and farm workers over union representation.

Both documents were made public Monday by Lewis K. Uhler, director of the State Office of Economic Opportunity, to justify his recommendation that Reagan veto CRLA's budget.

The first document was a letter to the president of the Imperial County Bar Association by Cameron Hendry, executive director of the Economic Opportunity Commission of Imperial County, Inc. In a letter addressed yesterday afternoon to Frank Carlucci, director-designate of the federal Office of Economic Opportunity, who can override Reagan's veto, Hendry asserts:

"It was not the purpose of my letter to criticize the operation of the California Rural Legal Assistance, and its use in such a context compels me to clarify my position."

In that letter, Hendry asked the Imperial County Bar Association to send a representative to discuss with the commission means of obtaining legal aid for divorce cases sought by the county's poor. CRLA at that time—last February—was unable to handle these because of lack of manpower, a situation since remedied, Hendry writes.

NOW SATISFIED

"In fact, the very board member who originally raised the question of divorces, has expressed total satisfaction with the present arrangement," his letter states.

"Secondly, let me emphasize that my letter was not in any way intended to condemn the operation of CRLA. My feelings are quite the contrary.

"Through my staff—particularly my grassroots workers—I am aware that CRLA handled hundreds of individual cases a year and, in so doing, provides services not elsewhere available.

"Our office refers to CRLA constantly in our daily dealings with the poor of Imperial County, and I personally endorse their program and urge its refunding."

Hendry's position this differs sharply from that of the Imperial County Bar Association, which split with CRLA earlier this year and witihdrew its support. Uhler's pile of documents contains the association's position—along with similar criticisms from the Sonoma County and Stanislaus Bar Associations.

HEADS OEO

Carlucci, the recipient of Hendry's letter supporting CRLA, is President Richard Nixon's appointment to head the OEO. He is scheduled to go before the US Senate today to testify toward his confirmation.

Reagan's veto of CRLA's federal grant and Carlucci's postion on it are expected to come under question. Both California Democrats and Republicans have criticized the veto.

OEO itself has in the past referred to CRLA as "the flagship" of its legal-assistance programs for the poor.

The letter Delano Mayor Loader wrote Reagan on League of California Cities stationery last Dec. 19 states:

"After careful evaluation, I urge that you veto the funds for the California Rural Legal Assistance program, known as CRLA.

"The damage done to Democratic Society far outweighs the service to poor people. A different way of giving legal aid to the poor should be devised that is free of activist political action."

NO BOARD ACTION

A spokesman for the league said yesterday afternoon that its Board of Directors has taken no stand on CRLA. He suggested that Loader may have been speaking either personally or as mayor of Delano. Loader signed the letter, however, as president of the league first, and Delano mayor second.

Uhler emphasized at his press conference Monday that the documentation made public then was merely a "random sample" from a pile "yea high."

In his letter to Reagan urging the governor's veto, Uhler asked that the bulk of the documentation be "kept confidential" until after a meeting with Carlucci's staff in Washington, D.C., "with respect to the full details of this report."

Until then, the public justification for the veto of CRLA's budget remains:

The dozen as yet anonymous cases outlined in Uhler's letter to Reagan.

Five documents from public authorities in Stanislaus County where farmworker activity has been heavy and CRLA active.

FROM STRIFE AREA

A strongly worded letter from the Monterey County district attorney where the lettuce boycott led by the followers of Cesar Chavez and his United Farm Workers is centered.

The letter from the mayor of Delano written to Reagan on League of California Cities stationery.

The letter Hendry says was misrepresented.

A response by a Madera County supervisor to a controversial questionnaire sent out by Uhler seeking criticism—even anonymous—of CRLA.

A letter from State Sen. Fred W. Marler, Jr., R-Shasta County, urging a veto of the appropriation. Marler said his office has referred poor persons to CRLA for help and the help has been refused. He also claimed CRLA has "insisted" on representing three high school youths in Yuba City suffering disciplinary action because of long hair, even though the parents of one of the youths could afford to hire a lawyer.

And an affidavit by a Santa Barbara deputy district attorney alleging misconduct and unprofessional conduct by individual CRLA attorneys.

California's Democratic Sen. Alan Cranston yesterday urged Carlucci to investigate both the Reagan charges that CRLA had failed in its job and the Reagan administration's investigative procedures underlying them.

OFFICE OF ECONOMIC OPPORTUNITY COMMISSION,
IMPERIAL COUNTY,
El Centro, Calif., December 29, 1970.

President RICHARD NIXON,
White House,
Washington, D.C.

DEAR SIR: As Chairman of the Board of Directors of the Office of Economic Opportunity Commission of Imperial County, I am astounded by the flagrant fraud which is evident in Mr. Uhler's investigation of California Rural Legal Assistance. It is apparent that Mr. Uhler's investigation in Imperial County is nothing more than a collection of hearsay, half-truths and conscious misrepresentations.

Specifically, it has come to my attention that Mr. Uhler has used an isolated letter written by Mr. Cameron Hendry, the Executive Director of EOC, totally out of context with an attempt to represent that the EOC Office opposes CRLA. I enclose herewith a copy of Mr. Hendry's letter of this date clarifying this representation. The EOC Office is on record as supporting CRLA on many of its cases and has never been opposed to any action taken by CRLA and I personally whole-heartedly urge that this program be refunded.

The fraudulent nature of Mr. Uhler's investigation is particularly obvious when you consider that during the last six weeks he has sent a steady stream of investigators to Imperial County for periods of up to three days each and yet none of them has ever contacted me as Chairman of the Board of Directors or Mr. Hendry, the Executive Director, in regard to this matter.

Again, I personally whole-heartedly urge refunding of this program.

Very truly yours,

WILLIAM MORENO,
Chairman of the Board of Directors.

ECONOMIC OPPORTUNITY COMMISSION OF IMPERIAL COUNTY, INC.,
El Centro, Calif., December 29, 1970.

Mr. FRANK CARLUCCI,
Director, Office of Economic Opportunity,
Washington, D.C.

DEAR MR. CARLUCCI: It has come to my attention that a letter sent by me to Mr. James Carter, President of the Imperial County Bar Association, on February 16, 1970, in regard to legal services in Imperial County is being used in support of efforts to veto the 1971 grant of California Rural Legal Assistance. It was not the purpose of my letter to criticize the operation of the CRLA, and its use in such a context compels me to clarify my position.

At the February meeting of the EOC, questions were raised by a Board member concerning obtaining legal counsel for indigents in divorce cases. It is my understanding that at that time the CRLA, in El Centro, because it had been understaffed was not accepting divorce cases on the basis that other problems of the poor were more pressing economically.

At the outset let me point out that this is no longer true. The CRLA office now has four full time attorneys and since August, 1970 has been handling up to two divorce actions per week in conjunction with the Imperial County Welfare Department. In fact, the very Board member who originally raised the question of divorces has expressed total satisfaction with the present arrangement.

Secondly, let me emphasize that my letter was not in any way intended to condemn the operation of CRLA. My feelings are quite the contrary. Through my staff, particularly by Grass Roots workers, I am aware that CRLA handles hundreds of individual cases per year and in so doing provides services not elsewhere available. Our office recurs to CRLA constantly in our daily dealings with the poor of Imperial County; and I personally endorse their program and urge its refunding.

Yours very truly,

CAMERON HENDRY, *Executive Director.*

Support letters

Lawyers	134	Religious	31
HEW	43	Miscellaneous	27
Labor	50	Clients, etc.	337
Public officials	43		
Bar, etc.	7	Total	471
Law schools	12		

PUBLIC OFFICIALS AND ORGANIZATIONS

Meade, Kenneth A., Assemblyman-Elect, 16th District.
Sands, Michael S., Councilman, City of Sacramento.
Legaspi, Luis M., Councilman, City of Calexico.
Espinoza, Frank, Board of Directors, Kern County E.O.C.
Bollinger, Oran, Executive Director, Community Action Organization, Kings County.
Hays, Walter V., Councilman, City of San Jose.
Hammericksen, Mark, Probation Officer, Salinas.
Gualco, Eugene T., Supervisor Fourth District.
Grinnell, Thomas H., Probation Officer, Monterey.
Gonzales, Robert E., Board of Supervisors, San Francisco.
Sprinkles, Ernest, Executive Director, EYOA, Los Angeles County.
Caro, Ernesto, Project Director, Poverty Program, Imperial County.
Ayer, William E., Director, Parks & Recreation Department, Gilroy.
Zenovich, George N., Assemblyman, Thirty-Second District, Fresno County Chairman, Democratic Caucus.
Z'Berg, Edwin L., Assemblyman, Ninth District.
Wilson. Charles H., House of Representatives, 31st District, Calif.
Waldie, Jerome R., House of Representatives, 14th District, Calif.
Vasconcellos, John, Assemblyman, Twenty-Fourth District.
Gregorio, Arlen, State-Senator Elect.

PUBLIC OFFICIALS AND ORGANIZATIONS

Van Deerlin, Lionel, House of Representatives, 37th District, Calif.
Thomas ,Vincent, Assemblyman, Sixty-Eighth District.
Song, Alfred H., State Senator, Twenty-Eighth Senatorial District.

PUBLIC OFFICIALS AND ORGANIZATIONS

Short, Alan, Sixth Senatorial District, Sacramento-San Joaquin Counties.
Sieroty, Assemblyman, Fifty-Ninth District, Los Angeles County.
Royal R. Edward, 30th District, California, House of Representtives.
Ralph, Leon, Assemblyman, Fifthy-Fifth District, Los Angeles, California.
Petris, Nicholas C., Eleventh Senatorial District, Alameda County, California.
Pierson, David C., Assemblyman-elect 65th Assembly District.
Moscone, eGorge R., Tenth Senatorial District, Democratic Floor Leader Senator.
Mills, James R., Fortieth Senatorial District, Senator for San Diego and Imperial Counties.
Miller, John J., Assembly Minority Leader, Assembly California Legislature.
Meade, Kenneth A., Assemblyman-elect, 16th Assembly District.
McCarthy, Leo T., Assemblyman, Nineteenth District, Assembly California Legislature.
McAlister, Alister, Assemblyman Elect, 25th Assembly District.
Foran, John Francis, Member of Assembly, Twenty Third District.

PUBLIC OFFICIALS AND ORGANIZATIONS

Dunlap, John F., Assemblyman Fifth District, California Legislature.
Dymally, Mervyn M., Senator, California Legislature.
Burton, Phillip, Member of Congress, House of Representatives.
Burton, John L., Assemblyman, Twentieth District, California Legislature.
Brown, Willie L. (Jr.), Member of the Assembly, Eighteenth District, California Legislature.
Beilenson, Anthony C., State Senator, Twenty-Sixth Senatorial District.
Bee, Carlos, Chairman on Intergovernmental Relations, California Legislature.
Bagley, William T., Member of the Assembly, Seventh District, Marin-Sonoma Counties, California Legislature.

LAWYERS AND JUDICIARY

The Sacramento Barristers, Anthony Dick, President
Lawyers for CRLA
American Civil Liberties Union of Southern California, Eason Monroe, Executive Director
Richard Adams
A. Richard Backus
D. Richard Barelli
Antonio M. Bautista
Carlos Bea
Steven Allen Becker
Berns & Steinberg, Ralph J. Steinberg
Nordin Blacker
Clyde M. Blackmon, Phillip L. Isenberg and John F. Moulds, III
Guy Blase
Gerard A. Blaufarb
George O. Brekke
James A. Brennan
James L. Brown
Jay Cantor
Donald B. Cantwell
Jose Castorena
Gertrude D. Chern
William G. Clark
Ronald F. Coles
William H. Cozad
Thomas A. Craven
Thomas H. Crawford
Andrew H. D'Anneo
John Duddy
William J. Elfving
Elizabeth Ent
Pauline Epstein
Peder W. Eriksson
A. M. Fernandez
J. Brian Finegan
J. Robert Foster
Fredericks & Swenson, Richard Day
David Freidenrich
Fresno County Legal Services, Inc.
Alan V. Friedman
Morris Futlick
Florentino Garza
Joseph S. Genshlea
Former Chief Justice Phil S. Gibson
Richard A. Giesberg
Lawrence Gluck
Robert H. Gonzales
Stephen H. Greenleaf
Laddy H. Gross
James A. Gualco
Paul N. Halvonik
Richard K. Harray & Nancy Harray
James J. Herrick
Robert K. Lancefield
Daniel N. Hoffman
William P. Hoffman
Hopkins, Jordan, Mitchell & Sullivan, David W. Mitchell
George L. Houck
Richard A. Ibanez
Jackson, Donovan & Anton, Daniel E. Donovan
William S. Jarvis
Thomas S. Jordan, Jr.
Lawrence K. Karlton
Franklin T. Laskin
Louis N. Hiken
Legal Defense Fund, William Bennett Turner
Meldon E. Levine
Rudolph Limon
Little & Evans, Richard G. White
Lopez & Reinhart, Ralph R. Lopez
Howard L. Lund
D. F. Lundgren
Bruce Maclin
Charles F. Mansfield
Peter J. Marx

LAWYERS AND JUDICIARY

Mandel, William, Monterey.
Mering, Peter, Supervising Assistant, Public Defender, Sacramento County.
Mosk, Stanley, Associate Judge, Supreme Court of California.
Garcia, Louis, President, Mexican American Bar Association.
Obledo, Mario, General Counsel, Mexican American Legal Defense & Educational Fund
Meyers, Stephen Z., Beverly Hills.
Miller, Marteen J., Public Defender, Sonoma County.
Minkus, Leslie, Research Attorney for Justice Louis Burke.
Montejano, Rodolfo, Santa Ana.
Epstein, Eugene, President, Monterey County Bar Association.
Moore, Jack J., Sacramento.
Moreno, J. Hector.
Moskovitz, Adolph, Sacramento.

Mull, Archibald, Sacramento.
Nedom, Norwood, San Jose.
Nervo, Frederick, San Francisco.
Nobler, Alan, San Jose.
Nyomarkay, Cecily, Los Angeles.
O'Brien, Colin M., Judge, Imperial County.
O'Donnell, Thomas, San Jose.
O'Farrell, Robert, Monterey.
Page, Charles, Monterey.
Parker, William, San Jose.
Helding, Neil A., Hanford.
Pinto, Robert, Hollister.
Portman, Sheldon, President, Calif. Association of Public Defenders.
Dossa, Alfred, San Jose.
Reyes, Anthony, Los Angeles.
Rodriguez, Armando, Fresno.
Rosenbaum, Fred, Los Angeles.
Rosenfelt, Daniel, Del Mar.
Sater, Rex, Santa Rosa.
Sawyer, Thomas, Santa Rosa.
Alschuler, Leon, Los Angeles.
Schwartz, Herbert, Pacific Grove.
Scott, Howard, San Diego.
Sillas, Herman ; Castillo, Jose ; Gutierrez, Gabriel ; Corrales, Arthur, Los Angeles.
Skjerven, Richard, Santa Clara.
Slaff, George, Hollywood.
Smith, Chalmers, Palo Alto.
Spottiswood, David, Sacramento.
Standifer, Joseph, Santa Clara.
Stephens, Joseph, Oakland.
Stewart, William, Judge, Salinas Municipal Court.
Stewart, W. K., Pacific Grove.
Stromer, Peter, San Jose.
Tochterman, Ronald, Deputy District Attorney, Sacramento County.
Treaster, Eugene.
Samuel, Joseph, Sacramento.
Urias, Frank C., Ventura.
Valentine, Paul, Palo Alto.
Vian, Theodore, Los Altos.
Villa, Al, Fresno.
Vizzard, James, Bakersfield.
Walker, William, Sunnyvale.
Howard, Norman C., San Jose.
Weddell, Willard, Public Defender, Kern County.
Wylie, Richard, San Jose.
Younger, Milton, Bakersfield.
Ziskind, David, Los Angeles.
Zulch, Thelma, Palo Alto.

Clients, Concerned Citizens and Businessmen

Abbot, Veronica and Sydney, San Francisco
Aguire, Juanita, Sacramento
Aguilera, Vicente
Aldridge, Robert C. and Janet, Santa Clara
Allen, R. L. Salinas
Alter, Ruth and Silvia, Los Angeles
Alvarez, Blanca, Salinas
Anker, Bernard, Modesto
Alvarez, Jose
Arizmendi, Leonida, Salinas
Awonti, Tony, Soledad
Armenta, G.
Avila, Dolores
Avila, Ralph
Avila, Ruben
Bedford, Anthony, Modesto
Baumann, Ann, Santa Rosa
Bell, Jo, Modesto
Benitez, Connie, Salinas
Berwanger, Conrad, Torrance
Bergtholdt, Chris, Marysville
Bulaicli, John
Bennett, Brenda
Blair, Marilyn and Bruce, Whittier
Blagg, Frederick, Guerneville
Brink, Howard

Brown, Beatrice, Los Altos
Beneficial Finance System
Nickel, George D., San Francisco
Bruce, Katharine H., El Granada
Blanquie, Vivienne, San Francisco
Burton, Katherine, Los Angeles
Brunsting, Mr. and Mrs. C. W., Long Beach
Calderai, Rosalie
Casatu, Helen, Castroville
Contreras, Mr. and Mrs. Angel
Carpenter, Ernest L., Sebastopol
Castillo, Donaciana, McFarland
Castillo, Edward
Castro, Jesse, Madera
Castro, Alberto and Maria, Lamont
Catuiza, C. F., Madera
Churchill, Mae, Beverly Hills
Coravieler, Pacific Grove
Clark, Grace E., San Francisco
Clarke, Nancy L., Petaluma
Cohan, Carolyn, Pebble Beach
Conaghan, Albert L., Monterey
Cornejo, Ruben
Cornejo, Frances
Cornejo, Jose J.
Carillo, Sam C., Salinas
Comstock, Parmus, Salinas
Collins, David S., Anaheim
Copeland, Delores, Los Angeles
Cirillo, Rosie, Stockton
Trejo, Maria and Romen
DeLaRosa, Leocadio, Soledad
De Los Santos, Angeliqsus, Soledad
Diaz, Margarita, Madera
Diaz, Sergio, Salinas
Deffano, Eligio
Dinwoodie, S. David, Petaluma
Duncan, Mildred A., Salinas
Dosado, Antonio, Sastroville
Eraustu, Peter E., Fresno
Farfan, Marie de
Florer, Doris, Pacific Grove
Forte, Riss and Mary
Forthman, Susan, Northridge
Formaker, Gayle, San Francisco
Foster, Josephine
Foster, Herbert H., Santa Cruz
Fraire, Josephine, McFarland
France, Sylvia
Freed, Mr. and Mrs E., Los Angeles
Friedland, William H., Santa Cruz
Fieno, Ramon, El Centro
Goskood, Erasmo, Calexico
Garza, Nives
Gold, Sam, Salinas
Galindo, Sevatian
Galindo, Maria
Gavia, Carmen, Loomis
Griswold, Frank, Sacramento
Glenday, David and Margaret, Turlock
Glaspie, Ola Mae & Plant, Edna, Stockton
Gerking, Helen, Carmichael
Gibson, Victoria, Carmel
Gonzales, Juan
Gonzales, Stella
Garza, Lorenzo, Madera
Garza, Isabel, Madera
Garvin, Leonard
Guiterrez, Trinidad, Modesto
Galindo, Emiliano, Salinas
Gremillion, Rosena
Gracia, Odilon, Soledad
Guicho, M. G., El Centro
Goreia, Ernesto, Greenfield
Hukindorn, Royce W., Jr.
Hargens, Marguerita, Salinas
Hooper, Mrs. Jeffie, Stockton
Harris, Diane, Salinas
Hodges, Barbara, Salinas
Hodges, Jeff, Salinas
Holmes, Judith, Marina
Holgren, Carol, San Francisco
Horton, Gregory LLT, SIGC
Hawkins, Mrs. Lee, Stockton
Hawkins, Lee, Stockton
Hudson, Arlene, Sacramento
Houston, Tom, Pebble Beach
Houston, Geraldine, Pebble Beach
Hernandez, Jerry, Salinas
Jacobs, Linda, Salinas
Jenkins, Lulu, Modesto
Jensen, Mrs. R. B., Salinas
de Jesus Juarez, Maria, Calexico
Johnson, Tom
Juarez, Luis, Calexico
Juarez, Socomo Gomez, Calexico
Jurey, Harry, Canoga Park
Kanai, George, San Pedro
Kay, Victor, Los Angeles
Kay, Eleanore, Los Angeles
Kirschbaum, Sarah
Klein, Julie, Long Beach
Kuhl, R. J., Fresno
Kuhl, Mrs. R., Fresno
Lambert, Catherine, Los Angeles
Lasswell, Darlene
Lawson, Robert, Thousand Oaks
Ledesma, Frank
Lerner, Narcinda, Mountain View
Lerner, Lawrence, Mountain View
Longoria, Gregory, Salinas
Longoria, Gustavo, Salinas
Lopez, Miss A., Salinas
Lopez, Ruth, Salinas
Lorenz, Roger, Monterey
Lorenz, Joan, Monterey
Lott, James
Lott, Angela
Liukkonen, Patricia Ann, Modesto
Mora, Danny, Hartnell College
McManue, M. J.
McCaughna, Mrs. Rose, Pacific Grove
Moreno, Julio, Salinas
Morgan, Donna, Modesto
Munoz, Phyllis, Stockton
Munoz, Kenny, Stockton
Maxwell, Dorothy, Modesto
McAfee, Melvin, Turlock
Mayer, Jerry, Pacific Palisades
Mayer, Mrs. Jerry, Pacific Palisades
Medrano, Teodoro
Miner, Anne S., Palo Alto
Majorado, Rebecca

Martinez, Amador A.
Martinez, R. J., Concord
Meeks, Jeff, Lindy's Collection Service, Salinas
Montemayor, Maurico
Montemayor, Arieta
Montemayor, Jose
Martinez, Lawrence, Windsor,
Mudge, Anne, Santa Rosa
Montemayor, Maria Basilia
Montalvo, Richard, Madera
Madril, Benjamin
Madril, Priscilla
Morales, Ramon
Montemayor, Francisco
Martinez, Raul
Martinez, Amelia
Madril, Candy, Madera
Martinez, Jose Angel
Mendez, Carolina, Calexico
Montalvo, Lupe, Madera
Naccarato, John, Alhambra
Naccarato, Linda, Alhambra
Navarro, Josefina, Salinas
Nollar, Donald, Pasadena
Nava, Ruben
Ortiz, Eva
Osuna, Rupert, Madera
O'Brien, Mrs. James M.
Ojinaga, Antonio M.
Pena, Azalia, Salinas
Petty, Phillip A.
Peissuld, Charles F., Pleasant Hill
Salinas, Santos Jose, McFarland
Prieto, David, McFarland
Pena, Bertha, Salinas
Piercy, Darlene, Escalon
Smith, Stanton, Escalon
Pierce, Mrs. Yvonne
Proctor, Dorothea E., Santa Rosa
Revey, Naomi, McFarland
Rankin, Jeannette, Carmel
Reyes, Andrea, Kings County
Reyes, Jose, Salinas
Robinson, Elizabeth, Manhattan Beach
Rios, Santiago, Soledad
Rivas, Yolanda
Rivera, Juan
Rivera, Maria
Roe, Ruth L., Peseda
Romero, Mariana
Romero, Maria Loreta
Ross, James A., Waterford
Ross, Dolores, San Francisco
Rosillo. Jose, Monterey
Ramirez, Maria, Salinas
Rufener, Sharon, San Francisco
Robinson, Opal
Rubio, Reyes, Jr.,
Sanchez, Jessie S., Sacramento
Caevedra, Molly, Calexico
Salinas, Beatrix, McFarland
Salazar, Victor,
Salazar, Mary
Salazar, Margaret
Sanchez, Juanita, Calexico
Arce, Ramon, Calexico
Sandoval, Adelina, Calexico
Sandoval, Yolanda, Calexico
Sandoval, Irma, Calexico
Scluff, Jusita, and Cleavor
Segovia, Trinidad, Mrs.
Seloza, Bertha
Selz, Mrs. Anne J.
Serna, Guadulupe
Soriano, Arthur
Severson, A.C., Modesto
Shumpert, Deborah, Los Angeles
Smith, Daniel, Mrs., Los Angeles
Smith, Sydney, Pasadena
Stein, Louis, San Francisco
Strom, Robert E.,
Strong, James
Switzer, Rose M., Modesto
Heier, June, Modesto
Toner, Fannie L., Salinas
Torres, A. Thomas, Venice
Todd, Ella K., San Luis Obispo
Vargas, David J., Cabrillo
Ortez, Lupe, Madera
Vargas, Rosa, Calexico
Vargas, Jose, Calexico
Valdez, Jesus
Valenzuela, Paul P.
Valenzuela, Angie
Vargas, Roberto
Vasquez, Maises, Salinas
Velaquez, Randy
Vilez, Edna, McFarland
Velez, Diego, McFarland
Vigil, Juan S., San Jose
Viros, Adeline, McFarland
Vera, Jose R., Gilroy
Valenzuela, Gilberto, Calexico
Valenzuela, Rosa, Calexico
Whitcomb, Ruth M., Carmel
White, Douglas, Santa Barbara
Walker, Robert C.
Wherrett, Norman L., San Mateo
Williams, Joseph J., Madera
Wilson, Mildred, Modesto
Webb, Glen and Shirley
Wiltz, Mrs. Robert, San Francisco
Winter, Robert, Calexico
Zozueta, Carmen
Jones, Nolan and Emma, Arvin
Block, James C., Arvin
Hastings, Etta, Arvin
Dickey, Marion, Arvin
Dickey, Jean, Arvin
Gray, Mrs. and Mr. E., Arvin
Jones, Emma, Arvin
Harl, Mr. and Mrs. G., Arvin
Glover, Edith, Arvin
Ellis, Gladys, Arvin
Thurncond, Pearl, Arvin
Thurmond, Hillard, Arvin
Ellis, C. W., Arvin
Quisick, Vennie, Arvin
Musick, M. S., Arvin

Satterfield, Mitchell, Arvin
Satterfield, Edna, Arvin
Lutrel, Walter, Arvin
Lutrel, Mabel M., Arvin
Jennings, James Allen, Arvin
Beringer, Barbara, Pasadena
Hawley, Helen, Pasadena
Hawley, Victor, Pasedena
Pool, Robert, Pasadena
Matacovich, L., Pasadena
Hawley, Christine, Pasadena
Goldberg, M., Pasadena
Goldberg, H., Pasadena
Damovesdky, Maxine, Pasadena
Anderson, Anne, Pasadena
Valencia, S., Monterey Park
Valencia, Salavador, Monterey Park
Marquez, J. D., Monterey Park
Yanez, Romelia, Monterey Park
Martinez, Bertha, Monterey Park
Lunsford, Arlene, Monterey Park
Lunsford, Ross H., Monterey Park
Bellinger, Open, Monterey Park
Bellinger, Jack C., Monterey Park
Kakome, Ben, Monterey Park
Kakome, Marge, Monterey Park
Esparza, Tony, Monterey Park
Jones, Arthur, Monterey Park
Torres, Arthur, Monterey Park
Hoffman, Rosa, Sonoma
Buttz, Mary, Sonoma
Vallee, Gloria, Vineburg
Vallee, Glenda, Vineburg
Tininger, Mary Ann, Sonoma
Wade, Harold M., Sonoma
Crain, Mrs. Ronald, Sonoma
Wade, Harold M., Sonoma
Crain, Mrs. Ronald, Sonoma
Wilson, Earl, Sonoma
Wilson, Luetta, Sonoma
Hardesty, Mr. & Mrs. H., Sonoma
Smithe, Dorothy, Boyes Springs
Buttz, Bess, Sonoma
Vandecar, Harold, Sonoma
Vandecar, Jacqueline
Seaman, John
Vallee, Ray, Vineburg
Romp, Elina, Boyes Springs
Romp, Frank, Boyes Springs
McNaught, Virginia V., Sonoma
Master, Terri, Santa Rosa
Bond, Nancy, Santa Rosa
Chapman, Dorothy F., North Fork
Chapman, Ava, North Fork
Goodwin, Margaret, Madera
Woodward, Myrtle, Madera
Garcia, Hope, Madera
Phillips, Wes, Chowchilla
Cubbs, Damon, Chowchilla
O'Brien, T. D., Madera
Moreno, Sally, Fresno
Castro, Esther, Fresno
Benavedez, Sally
Casfire, Eliza
Casper, Arthur M., Madera
Del Rio, Esther, Madera
Park, Alvin, Chowchilla
Park, Mary Ann
Guidino, Porfirio, Madera
Sepulveda, Florencio, Madera
Sepulveda, Dionicia, Madera
Estrada, Jose Ruben, Merced
Eustar, Ofelia, Madera
Carrillo, Antonio, Merced
Aguilar, Frank, Madera
Nunez, Linda, Madison
Madril, Angelita, Madera
Johnson, Tommy, Madera
Madril, Candelaria, Madera

Health, Education and Welfare

Stuart Allan, Administrator, Rural Health Project.
Paul M. Allen, Jr., Director, Sonoma County School Service Department.
Peter L. Besag, PhD.
Robert P. Binns, Superintendent, Salinas Union High School District.
Dr. & Mrs. George Blum.
Dr. Louis Bernoff, Administrator, Los Angeles City Schools.
Erwin H. Braff, M.D.
Dr. Ben G. Burnett, Professor of Political Science.
Olivia L. Campos, Health Aid for Family Planning.
Catholic Welfare Bureau, Msgr. James T. Mulligan, Director.
Carmen G. Chavez.
William Dale Crist, Assistant Professor, Department of Economics, Stanislaus State College.
Haven R. Doane, D.D.S.
Joanne Donsky, Coordinator, Ambulatory & Community Medicine at S.F. General Hospital.
Walter A. Eagan, Superintendent, Sonoma County Office Of Education.
Mrs. Jane Eger, M.S.W.
Donna English.
Michael English.
David F. Flanagan, M.D.
R. J. Frie, M.D.
Frederick B. Gillette, Director, County of Santa Clara Welfare Department
Donald Higgins, M.D.

Thomas L. Hodges, Principal.
Venture Huerta.
A. Karperos, Director of Special Services, Yuba City Unified School District.
Anne E. Kenyon, Mathematics Department, Whittier College.
Richard Kueny.
Peter Lee.
Dario L. Marenco, D.D.S.
Anna Marie Maitel.
Ismael Mejia, Gavilan College.
Karen Ott, Juvenile Group Supervisor, San Mateo County Juvenile Hall.
John Peshkoff, Special Services, Monterey County, Office of Education.
Robert W. Peterson, Associate Professor of Law, University of Santa Clara.
Mrs. Sue Powell, Vice President, Early Childhood Education Center.
Don C. Quisenberry, Director, Stanislaus, County Welfare Department.
John Ornealz, EOP Director, Gavilan College.
San Francisco Home Health Service, John L. Bricker, President.
William A. Schmick.
Gary C. Shaw, Assistant Professor, Department of Political Science, Stanislaus State College.
Robert F. Thompson, M.D.
John S. Williams, Associate Professor of Humanities.
Russell Williams, M.D.

LABOR AND ORGANIZATIONS

AFL–CIO, Los Angeles County Federation of Labor, Sigmund Arywitz, Executive Secretary.
American Friends Service Committee, Incorporated, Northern California Regional Office.
American Friends Service Committee, Pacific Southwest Region.
Building & Construction Trades Council of Monterey County, Russel S. Hansen, Secretary.
California Farmer-Consumer Information Committee, Grace McDonald, Executive Secretary.
Schmidt, Mrs. T. R., Member California Migrant Commission.
Case De Amistad Community Center, Albin Kovar, Director.
Chicano Organization for Political Awareness, Joe Serna, President.
Community Service Organization, Madera, Calif.
Confederaction De La Raza Unida, Jose Vasquez, President.
Construction and Shipyard Laborers Union, Local 802, Elmer B. Lowery, Secretary-Treasurer.
Council for Civic Unity of the San Francisco Bay Area, John Riordan, President, Eugene B. Block, Executive Director.
Greater Los Angeles Urban Coalition, John G. Dalessio, Executive Director.
Harbor Human Relations Council, Idalia Chestnut, President.
Human Relations Council of Conejo Valley, Betty Langlois, President.
Iglesia de Nuestra Senora de Guadalupe, Rev. Keith B. Kenny.
Inland Area Urban League, Affiliate of the National League, Jesse Wall, President.
League of Women Voters of California, Mrs. Edward Rudin, President.
Mexican American Political Association, Northern Region.
Mexican American Political Association, Roseville Chapter.
Mexican American Political Association, Main Office, John G. Contreras, MAPA Chairman.
National Association for the Advancement of Colored People, Richard O. Bass, President, Los Angeles Branch.
National Association for the Advancement of Colored People, Leonard Carter, Regional Director, New York.
National Association for the Advancement of Colored People, Lucian James, President, Imperial Valley Chapter.
National Association for the Advancemment of Colored People, Curtis Collier, President, Madera Branch.
National Association for the Advancement of Colored People, Charles E. Belle, President, San Francisco Chapter.
National Organization For Women, Member, Brenda Brush.

National Organization For Women, Aileen C. Hernandez, President.
Central California Development Corp., Alfred Navarro, Executive Director.
National Organization For Women, Mrs. Lois H. Scott.
Protective Council of California Senior Citizens, Inc., James DeWitt, President.
Retail Store Employees Union, Local 428 AFL–CIO, Victor J. Lazzaro, Business Representative.
Border Development Program, Imperial County, Joe Rodriguez.
The Sacramento Central Labor Council, Joseph J. Selenski, Executive Secretary.
The Sacramento Fair Housing Group, Edwin Irwin.
Sacramento Single Mens Self-Help Group, Inc., Abel Chacon, President.
San Francisco Civic Center Formum, Edward Valenzuela.
San Francisco Senior Center, William R. Rothier, Executive Director.
Self Help Housing Program, Juan Tamez, Director.
Senior Citizens Organizations in California, James Carbray, Executive Board Member.
Sierra Club, Michael McCloskey, Executive Director.
The Social Planning Council of Santa Clara County, Robert E. Lawson, President.
Soledad Development Corp., Joe Ledesma, Chairman of the Board.
Spanish Speaking Community Action Center, Inc., Oakland, Raymond Hernandez, President of the Board.
Spanish Speaking Unity Council, James Delgadillo, Chairman.
Stanislaus National Council of Senior Citizens, Inc., E. G. Hackler, Director.
University of California Clerical, Technical & Professional Employees, Local 1695, American Federation of State, County & Municipal Employees AFL–CIO, Susan Druding Jones, Secretary.
Ver-Ni Quality Homes, Inc., Vertis D. Spigner, President.
Windsor Home Owners Association, Antonia Mendoza, Secretary.
Women For Legislative Action, Helen Selden, Legislative Co-Chairman.
Woodville Independent Tenants Association, Clemente Benavidez, Secretary.

Law Schools, Faculty, Law Students

University of Southern California School of Law, Faculty and Administration.
Golden Gate College School of Law, Dean J. Lani Bader.
University of California, Berkeley School of Law, Student Margo Hagaman.
Loyola University School of Law, Leo J. O'Brien, Dean.
The University of Santa Clara School of Law, Dean George Alexander.
Stanford Law School, Thelton Henderson, Assistant Dean.
University of California, Berkeley School of Law, Student Petition.
University of California, Los Angeles School of Law, Law Teacher, Kenneth Karst.
University of California, Los Angeles School of Law, Acting Professor, Henry McGee.
University of California, Los Angeles School of Law, Dean Murray L. Schwartz.
University of California, Los Angeles School of Law, Associate Dean and Professor, Visiting Professor Thomas L. Shaffer.
Student, Ruth A. Valpey.

Religious Organizations—Index

Sister Anthony Maria S. A., Superior, Our Lady of Guadalupe Convent.
Father Sid Austodu.
Father Albert Battayliola.
Reverend William Macchi, Associate Director, Catholic Charities, Diocese of Oakland.
Catholic Community Services (Rev. Kenneth P. Bubb, Assistant Director).
Centro San Felipe (Rev. Joseph E. Bishop, Director).
Assistant Pastor John J. Cloherty.
Chicano Priests' Organization (Rev. James P. McEntee, President.)
Congregation, Christ the Good Shepherd Episcopal Church.
Rev. & Mrs. George L. Collins.
Commission on Social Justice, Archdiocese of San Francisco (Rev. Eugene J. Boyle.)
Community Services, Roman Catholic Diocese (William Espinosa, Director.)
Thomas K. Farley.
Reverend Ruth Gumm.
Reverend M. Huerta.

Rev. Naaman N. Haynes.
J. Davis Illingworth.
Japanese Evangelical Missionary Society (Rev. Dr. Paul M. Nagano, Executive Director.)
Los Angeles Jewish Cultural & Fraternal Club (Nathan Garfield, President.)
Vincent Martin, O.S.B.
Kenneth McClain.
Thomas S. McMahon.
Russell S. Orr.
Parish of St. Peter (Rev. Lawrence Purcell.)
Presbyterian Interracial Council, (Rev. Charles W. Doak, President).
Walter S. Press.
Santa Clara County Council of Churches, (J. Kenneth Tjoflat, President).
Senate of Priests, Archiocese of San Francisco, (Very Rev. J. Warren Holleran, President).
Synod of the Golden Gate, (J. Davis Illingworth).
United Church of Christ, Southern California Conference (Fred P. Register, Conference Minister).
West Coast Coalition of Priests & Sisters, (Rev. James P. McEntee, Chairman).

MISCELLANEOUS (LATE ARRIVALS)

Sonoma County People for Economic Opportunity, Peter Martinez, Chairman, SCPEO Board of Directors.
General Truck Drivers, Warehousemen and Helpers Union, Local No. 980, Stanley C. Maxwell, Secretary-Treasurer.
Western Regional Legal Services Directors Association, John O. Stewart.
Legal Aid Society of Cleveland, C. Lyonel Jones, Director.
Rodda, Albert S., State Senator.
Karabian, Walter, Assemblyman.
League of Women Voters of California, Mrs. Edward Rudin, President.
Gualco, Reynold J.
Sacramento Central Labor Council, Joseph J. Selenski, Executive Secretary.
Teale, Stephen P., State Senator
Warren, Charles, Assemblyman.
City of Carpinteria, Allan R. Coats, Jr., Mayor.
Murphy, Joseph P. Jr., Judge of the Superior Court, County of Sonoma.
American Jewish Congress, Joel D. Brooks, Director.
Gibbons, Earle J., Judge, Bakersfield Municipal Court.
Locke, John, Judge of the Superior Court.
Retail Clerk's Union. Local No. 137, Mel Rubin, Secretary-Treasurer.
Bradley, Thomas, Councilman, City of Los Angeles.
Davis, De Willian, M.D., Rodrigo Terronez Memorial Clinic, Delano.
De Flores, Julia Pina.
Hill, Dennis.
United Mexican-American Council, Saints Gonzalez, Chairman.
Gonzales, Lolo, Delano.
Cruz, Bonnie, Lamont
Schuetz, Finkelstein, Frey, Attorneys at Law, Bakersfield.
Our Lady of Guadelupe Church, Father Ed. Fronske.
Inego, Mercedes.

BAR SUPPORT

The Bar Association of San Francisco.
Los Angeles County Bar Association.
Sacramento County Bar Association, newspaper quotation.
Santa Clara County Bar Association, attorney quotation.
Monterey County Bar Association.

EDITORIALS

Los Angeles Times.
Sacramento Bee.
Santa Barbara News-Press.

Senator CRANSTON. I also have here many communications and telegrams which just came to my desk this morning, and will not burden the record or take the time of the people present by reading them, but I will state who they are from.

A joint telegram from these deans of law schools: Abraham Goldstein, dean, Yale Law School; Derek Bok, dean, Harvard Law School; Bayless Manning, dean, Stanford Law School; Michael Sovern, dean, Columbia Law School; Bernard Wolfman, dean, University of Pennsylvania Law School.

Riccardo A. Callejo, counsel, Spanish-Speaking Surnamed Political Association.

Pasadena Commission on Human Needs and Opportunities.

Abe Tapia, national president, Mexican-American Political Association.

Mrs. Marlene Kaulum, president, League of Women Voters of Southern Marin.

Berkeley League of Women Voters.

Frank Galaz, California State director, League of United Latin American Citizens.

L. H. Lou Cortez, president, California GI Forum. League of Women Voters of Anaheim-Garden Grove.

John Lasswell, president, Stanislaus County Tenants Rights Association.

David Pollard, Placer Community Action, Inc.

Caroline Cooper, League of Women Voters of Pasadena.

Charles R. Halpern, director, Center for Law and Social Policy.

Mrs. Jack Turk, League of Women Voters, Huntington Beach.

Tom Arizon, director, Kern and Kings Counties Self-Help Housing Enterprises.

Ollie Rodgers, president, Imperial County NAACP.

Gilbert Lopez, president, Imperial County Mexican American Association.

William R. Hutton, executive director, National Council of Senior Citizens.

Francis M. Wheat, Gibson, Dunn & Crutcher, Los Angeles.

Manual Banda, Jr., State president, Association of Mexican American Educators.

Washington Research Project Action Council.

Mep Reubin, secretary-treasurer, Retail Clerks Union, Local 1376.

Bernice Smaha, president, League of Women Voters, San Bernardino, Calif.

Robert E. Lawson, president, Social Planning Council of Santa Clara County.

There are more, and others have arrived that I haven't yet had a chance to look at.

Mr. Carlucci, in my opinion the importance of the California legal assistance program of the people of California cannot be overemphasized. CRLA is clearly an outstanding legal services program. Its excellence was recognized in 1968 when it was named the outstanding legal service program in the Nation by the National Advisory Committee for Legal Services programs.

During the last year CRLA attorneys handled 18,823 legal problems; 749 involving court actions. Only 55 of these 749 actions—only 7 percent—were filed on behalf of a class rather than individual clients. However, over two million senior citizens, consumers, food program recipients, and public housing residents were represented by CRLA attorneys in those 55 class actions. While the class actions attracted a

great deal of public attention to the program, the bulk of the work of CRLA attorneys consists of handling individual legal problems.

CRLA's record of success in the courts and before administrative agencies is an outstanding demonstration of both the legitimacy of the grievances presented and the need to have those problems resolved within the established legal system. Of the 749 court and administrative decisions rendered during the last year, CRLA clients were upheld in 605 cases, that is, they were successful in an amazing 86 percent of their cases. This demonstrates that, without CRLA, a tremendous number of Americans would have been denied their lawful rights.

In the last few months, a panel of 13 distinguished evaluators spent a considerable amount of time investigating CRLA's offices on behalf of OEO. This panel of evaluators included former Associate Justice of the United States Supreme Court, the Honorable Tom Clark; representatives of the American Bar Association, the California State Bar Association, judges, and other distinguished persons of widely divergent experience, background and viewpoint. The evaluation team also included a member of Governor Reagan's staff, Mr. Carl Johnson, who was then director of legal services for the California Office of Economic Opportunity. He is no longer employed by the Governor.

I assume that OEO's decision to refund and continue the CRLA program was based upon this independent evaluation, and your own detailed records, reports, and knowledge of the program, which surely must have included complaints about, and criticisms of, the program, as well as its outstanding success.

This distinguished team of evaluators, upon completing their investigation and considering all of the evidence available to it, summarized their findings in this way:

> While not perfect, CRLA is an exemplary legal services program, providing a balanced approach between orthodox legal services and highly successful impact legislation.

This group, charged with the responsibility of giving a full and fair evaluation of this important program, concluded that because of CRLA's proven capacity to plan, initiate, and constructively advance client interests, that the project should be refunded.

Mr. Carlucci, am I correct in assuming that the thorough investigation and the recommendation of this distinguished panel was an important factor in OEO's decision to refund the CRLA program for 1971?

Mr. CARLUCCI. I did not make the decision. I was not director of the agency at the time. I assume it would have been an important factor.

Senator CRANSTON. I do not have available to me a copy of the complete evaluation report submitted by this group. My information is derived from a letter dated October 12, 1970, from Mr. Frank Jones, who was then Deputy Associate Director of the OEO Legal Services Office, to Mr. Daniel Luevano, chairman of the board of trustees of CRLA, which announced a favorable recommendation and summarized the evaluation report.

May we have a copy of that full report?

Mr. CARLUCCI. Certainly.

Senator CRANSTON. If you could give it to us right away I would appreciate it.

(The report referred to appears in the appendix.)

SENATOR CRANSTON. Mr. Carlucci, in that report did Governor Reagan's representative, the director of legal services of the California office of economic opportunity, Mr. Carl Johnson, file a dissent or refuse to concur in the recommendations of the panel to refund the program?

Mr. CARLUCCI. As I said, Senator, I didn't have a chance to go over that. I will be glad to submit that for the record.

Senator CRANSTON. You don't know whether there was dissent by him?

Mr. CARLUCCI. I do not.

Senator CRANSTON. We understand there was not.

At the time the evaluation was being conducted, did Governor Reagan's representative offer to the panel any specific instances of alleged violations of OEO regulations?

Mr. CARLUCCI. I do not know the answer to that. I was not involved in the legal services program or the funding of that grant.

Senator CRANSTON. I wish you would submit for the record information on whether there were such charges, and whether they were investigated to determine their validity, and what were the results.

(The information subsequently supplied follows:)

ALLEGED VIOLATIONS OF OEO GUIDELINES

There were no instances of alleged violations of OEO guidelines or regulations by the representative of the state of California on the panel at the time of the evaluation.

Senator CRANSTON. I realize you weren't involved in this, but I am sure you have reviewed the record to some extent.

Mr. CARLUCCI. I assume the evaluation report was an important factor, and in refunding the program that indicates that we felt, based on the information that we had available, that it was an effective program.

Since then, of course, the Governor has raised some charges, which as I have stated, and you have agreed, should be investigated, and it is my intent to investigate them as rapidly as I can.

Senator CRANSTON. It is my understanding when that decision was made to continue the funding, there was also an increase in the funding by $205,000. Is that correct?

Mr. CARLUCCI. Once again, I will have to submit that for the record, Senator, because I was not involved in that decision.

(The information subsequently supplied follows:)

NEW GRANT INCREASE

The budget of the new 1971 grant was really only increased by $555. However, in addition to the regular annual grant, a one-time demonstration grant in the amount of $204,984 is included in this package. This demonstration grant is for the purpose of funding the Cooperative Legal Assistance Center (CLAC). In administering this grant, CRLA will provide technical and other assistance to the smaller Legal Services Programs in the region.

Senator CRANSTON. When OEO decided to refund CRLA, were there any provisions to prevent flagrant violations——

Mr. CARLUCCI. Once again I must applogize. I don't have the grant here.

Senator CRANSTON. You are not accompanied by anyone who could supply some of this information?

Mr. CARLUCCI. No, I have none of my staff with me, other then the representative of the Office of Congressional Relations, but I would be happy to get all this information up to your office this afternoon.

Senator CRANSTON. Do you know the effective date to continue CRLA without interrupting the operations, or without interrupting the present services to present clients?

Mr. CARLUCCI. December 31.

Senator CRANSTON. The fact is that the program will expire at midnight tomorrow night unless you override the veto. Is that correct?

Mr. CARLUCCI. No, sir. It is my intention to issue a 30-day grant to allow us to investigate all of the evidence, and I will be issuing that grant either today or tomorrow.

Senator CRANSTON. Does that constitute an override?

Mr. CARLUCCI. No, it is not. It allows them to continue to give us an opportunity to investigate.

Senator CRANSTON. It leaves everything hanging and leaves us uncertain of your ultimate decision.

Mr. CARLUCCI. It gives us an opportunity to examine the evidence. I think it would be impractical for us to examine the evidence between now and December 31, because we obviously need some time to go into these charges. I have been told that there are affidavits and other material that the State has which they wish to bring to our attention.

Senator CRANSTON. Do you feel alleged violations by one or two employees are adequate, under any circumstance, to justify termination of an entire grant involving so many people carrying on so much work?

Mr. CARLUCCI. I think this depends on the position of those employees, what the violations are. One of the problems, quite frankly, in our program, Senator, and—I am not talking in this case about CRLA—is that we do not have the authority to control individual employees or grantees. Our only vehicle for monitoring a grantee is the refunding process, and I think that is probably correct.

That is the way the act is written, and I support it, because our programs are essentially local programs and should be run by local boards, but in some cases the activities of one or two employees have been sufficient to merit adverse action on a grantee, but I don't know what the case is here until we investigate it.

Senator CRANSTON. If you grant funds for 31 more days, does the Governor have the authority to override that grant?

Mr. CARLUCCI. You mean to veto that grant?

Senator CRANSTON. Yes.

Mr. CARLUCCI. Yes, he does.

Senator CRANSTON. Then you have the power to override the veto for 31 days?

Mr. CARLUCCI. I don't know what the legalities are, but it is my intention to issue a grant for 30 or 31 days as soon as I can get it put together.

Senator CRANSTON. Have you indicated to Governor Reagan that you intend to extend it for 31 days?

Mr. CARLUCCI. Yes, sir, I have.

Senator CRANSTON. What would be your action were he to veto that extension?

Mr. CARLUCCI. That is a hypothetical question and I have no reason to anticipate that he would veto it.

Senator CRANSTON. I understand CRLA has some 11,000 clients at the present time with active legal problems, quite apart from whatever vast number are represented in pending class actions. What will be the effect of the veto on those 11,000-plus poor people with regard to legal representation if there is a permanent veto?

Mr. CARLUCCI. Obviously, in all these cases we look for ways to preserve the services that are being made available to the poor, and I don't know if there would be an option here or not.

In the case of community action agencies, we have, where we have terminated community action agencies, always made an effort to continue the services that we considered important, but once again I haven't had a chance to study this situation, and I don't know what the options are, and that is the purpose of the 30-day grant, to let us explore all the alternatives and let us weight the evidence.

Senator CRANSTON. You would have to wade through cases involving 11,000 clients and decide in your own minds which are important and which aren't important.

Mr. CARLUCCI. I would hope we would not have to go to that extreme, but I am prepared to if necessary.

Senator CRANSTON. Have you received any documentation of the charges of gross and deliberate violations referred to in Governor Reagan's press release?

Mr. CARLUCCI. No, I have not received any of the backup material. I understand a representative of Governor Reagan's office is coming in early next week to present the backup for these charges.

Senator CRANSTON. I realize that we only have minimal information on both sides of this situation regarding the stated reasons for the veto, but I would like to review some of the material we have been able to obtain and which has been made available to us also.

I have a package of material which was distributed as a press release by the Governor's office on December 26. I have already inserted it in the record. It contains a press release, No. 585, from the office of the Governor, a copy of a letter to you from Mr. Edwin Meece III, executive secretary to the Governor, dated December 26, a copy of a letter to Governor Reagan from Mr. Lewis K. Uhler, director of the California State office of economic opportunity, dated December 24, which makes general charges against CRLA and cites 12 instances of alleged gross and deliberate violations of OEO guidelines without any documentation by which these alleged violations can be identified, investigated, or substantiated.

Both the Governor's press release and the Governor's executive secretary's letter cite this letter by Mr. Uhler recommending veto as the basis upon which the decision was made, so I must assume that it contains the strongest arguments possible to justify the veto.

In addition to Mr. Uhler's letter, the press package contains 12 documents and letters from various individuals, groups, and officials, which are critical of CRLA.

It is very interesting to note that of these 12 complaints or expressions of criticism, five originate from one county, Stanislaus County.

CRLA has been active in that county in attempting to feed poor

people. Two major actions have been involved in this area, one was to have surplus commodities distributed to hungry people who were entitled to it, and the other involved the administration of the school lunch program.

I think in fairness we can consider the complaints arising from this county as one large-scale community controversy.

Since this package is the only evidence we have of why the Governor decided to veto the CRLA grant, and since we must assume that this material, while scanty, represents their strongest arguments, I think it is appropriate to look closely at it and see if there might be any substance to it.

First the press release itself simply states the conclusions that, (1) there have been gross and deliberate violations of OEO regulations, and (2) CRLA has failed to represent the true legal needs of the poor.

The first conclusion can be evaluated only in terms of the specific instances which support it, and of course all of these charges should be investigated. However, it is essential that they be viewed in the context of the entire program which handled 18,823 legal problems this year. It is only fair that these complaints be weighed against the opinions of those clients and persons who are familiar with the program and who have observed the beneficial aspects of the program.

The second conclusion that CRLA has failed to represent the true legal needs of the poor is an unsubstantiated contradiction of the conclusion reached by the independent evaluation team. That distinguished group found that "the preponderance of the work done by both attorneys and community workers is individual client-oriented service work," and that "relations with the client community are generally good," and that CRLA has a "proven capacity to plan, initiate, and constructively advance client interests."

Mr. Carlucci, wouldn't you agree that it would take a great deal of adverse evidence on this point of whether the needs of the poor are served by CRLA in order to cast any doubt upon the outstanding success record of CRLA, the impossible volume of cases they have handled and handled successfully, and the evidence gathered and considered by the distinguished evaluation team?

Mr. Carlucci. Senator, I am not in a position to comment on the charges until I have seen the backup material that the Governor is going to make available. I don't see how I can come before this committee less than 24 hours after having received a veto letter from a Governor of a major State and simply state that it is a decision to override that veto without examining the evidence when the Governor's people have told me they have evidence they are bringing in early next week.

I have told you it is my intent to issue a grant for 30 days, during which period we can examine the evidence, and I think this is a fair procedure, and I will proceed with all dispatch to examine the evidence.

Senator Cranston. Can you explain why it takes 10 days to get documents from Sacramento to Washington?

Mr. Carlucci. No, sir. I guess you would have to ask the Governor's office or the postal service.

Senator Cranston. They have apparently abandoned the postal serv-

ice, and it is your understanding that a man is going to fly it in here next week?

Mr. CARLUCCI. Yes, Monday or Tuesday.

Senator CRANSTON. I can recognize your problem in making an instant decision. I can recognize the feeling that you have, that you have to look at the evidence that the Governor of California apparently relied upon in making his decision.

However, I cannot understand any significant delay that will create vast doubt as to what OEO's intentions are.

As you know, the President of the United States at any moment may be called upon to make a decision in about 20 minutes as to whether or not a launch has been made by bombers from some other land upon our country, and he has to decide whether to proceed to wipe out that country. He may have 20 minutes with the help of a computer, or without the help of a computer, to make that decision.

In a somewhat lesser matter now pending before you, it seems to me once you get that documentation you can make a rather rapid decision that will relieve the tension and end the concern and dismay of many of the people who feel so deeply, in support of this program.

I will judge your qualifications for this post based upon the dispatch with which you act once you have that material at your disposal.

I have here something that I will not burden the record with, but I will indicate how large it is.

I have two volumes of letters of support for CRLA which have been submitted very recently. They are all letters urging the Governor not to veto the program. I understand that you have been provided with copies of these letters. These volumes contain 471 letters from public officials, judges, members of the bar, law schools, religious groups, clients, and people concerned with helping the poor.

I am sure you agree that this indicates substantial support for OEO's decision to fund the project, and for the outstanding job CRLA is doing in serving the true needs of the poor?

The letter of the Governor's executive secretary, Mr. Neece, alleges that CLRA has misused taxpayers' funds.

Mr. Carlucci, did the OEO evaluation team find any mismanagement or illegal diversion of CRLA funds?

Mr. CARLUCCI. Not to my knowledge. I haven't read the evaluation. I haven't been told of any such finding. I will furnish that information later for the record.

(Further information subsequently supplied follows:)

The OEO evaluation did not contain any allegations of misuse of funds.

Senator CRANSTON. Are regular audits made of the financial records of legal services programs?

Mr. CARLUCCI. Yes.

Senator CRANSTON. Do not CRLA and other legal services programs have regulations and policies concerning the diversion of their resources for unauthorized purposes?

Mr. CARLUCCI. Yes.

Senator CRANSTON. Are not these regulations or policies strictly enforced by CRLA?

Mr. CARLUCCI. We attempt to enforce them for all our grantees, and we think it is the responsibility of the local boards to enforce these policies as well.

Senator CRANSTON. Do you believe that this charge of misuse of funds is anything other than an expression of political philosophy, such as might be used to describe and assault any program within the OEO, or any Government program designed to assist the poor, the aged, the disadvantaged, the sick?

Mr. CARLUCCI. Senator, I cannot comment on this until I have had a chance to comment on the evidence.

Senator CRANSTON. I have a few more questions, but I intend to yield at this point so others can have their turn.

Senator KENNEDY. Just on this point: One of the alternatives available to you is to continue the funding of this program and then to terminate it if you do find that these allegations make sense. Isn't that one alternative that is available to you?

Mr. CARLUCCI. Senator, while you were out of the room I said it was my intention to make a grant for 30 days.

Senator KENNEDY. I was aware of that. There isn't any reason in the world why you can't indicate you are going to continue to fund the program as one alternative available to you. You can continue funding the program and study this and then make a determination at a later time.

Mr. CARLUCCI. No, sir, that is not an option. The only option I have is to override the Governor's veto.

Senator KENNEDY. Then you can terminate it afterward.

Mr. CARLUCCI. If I override the Governor's veto, the year-long grant goes into effect.

Senator KENNEDY. Is there a procedure for you to terminate it in that year?

Mr. CARLUCCI. There is a procedure involving due process.

Senator KENNEDY. Yes, there is. You have used that procedure, so you are not unfamiliar with it.

Mr. CARLUCCI. I am familiar with it.

Senator KENNEDY. That is an alternative, rather than going just 30 days?

Mr. CARLUCCI. Yes.

Senator KENNEDY. Are you considering that option?

Mr. CARLUCCI. I have decided to issue a grant for 30 days while we investigate the charges.

Senator KENNEDY. But you could override the veto and terminate the program at a later time.

Mr. CARLUCCI. If I override the veto, that means I have made a conclusion as I read the statute, on the charges, and I have not yet had sufficient evidence to draw such a conclusion. I only received the letter yesterday.

Senator KENNEDY. You could also use the fact that it was so late in coming. In spite of all the factors that Senator Cranston, I think, has ably put forward in terms of morale and the splendid work that has been done in the past on this, you can say that given the press of time you are going to override it, and if you find out in your investigations you should terminate it, that you will do so?

Mr. CARLUCCI. I think the alternative I have outlined enables us to weigh the evidence without drawing that kind of hasty conclusion, and I think no matter who the Governor is, when a Governor vetoes a

grant I have the obligation to weigh the charges before I override the veto. I know of no case where the veto has been overridden in so short a time.

Senator CRANSTON. I would like to ask a question without taking over the questioning again. You have announced to us that you will proceed with the program for 30 days while you evaluate it.

Mr. CARLUCCI. That is correct, sir.

Senator CRANSTON. Does not the Governor have 30 days to decide whether or not to veto that action?

Mr. CARLUCCI. Yes.

Senator CRANSTON. Are you not prohibited from issuing funds to CRLA during that 30 days?

Mr. CARLUCCI. Unless the Governor consents.

Senator CRANSTON. So unless you receive the Governor's consent, your action is null and void in terms of keeping the program going?

Mr. CARLUCCI. That is correct.

Senator CRANSTON. Have you received his consent?

Mr. CARLUCCI. I have no reason to believe I will not receive his consent.

Senator CRANSTON. I know the Governor better than you do. [Laughter.]

Mr. CARLUCCI. I believe he will consent.

Senator NELSON. There is a point being made that it shouldn't take long to make a judgment on the veto, because if you have seen one veto, you have seen them all. [Laughter.]

Can you tell me, as to the law—I raise this point because I haven't had a chance to check it—does the Governor under the statute, as a matter of legal right, have the right to a hearing on a veto of his?

Mr. CARLUCCI. No, sir. Perhaps it would clarify matters if I read the appropriate provision of the statute, section 242:

> In carrying out the provisions of this title, no contract, agreement, grant, loan or other assistance shall be made with or provided to any State or local public agency or any private institution, or organization, for the purpose of carrying out the new program, project, or other activity within a State unless a plan setting forth such proposed contract agreement, grant, loan or other assistance has been submitted to the Governor for the State, and such plan has not been disapproved by the Governor within 30 days of such submission, or if so disapproved has been reconsidered by the Director and found by him to be fully consistent with the provisions and in furtherance of the purpose of this title.

So the Governor has 30 days in which to veto a project. If he vetoes a project, as I read it—and I am not a lawyer, sir—I am then obliged to reconsider, and that to me means I weigh the evidence and charges of the Governor and if I find the program is still consistent with the purpose of the act, I can then reinstitute the program.

Senator NELSON. I understood you to say that next week a representative of the Governor will be appearing at your office to bring the subtantiating evidence, I take it, to justify the veto?

Mr. CARLUCCI. That is what they have told us; yes, sir.

Senator NELSON. Will the California rural legal assistance people and/or any others be afforded the opportunity to file with you, or to meet with you as the Governor's representative is going to, to respond to the charges by the Government?

Mr. CARLUCCI. Oh, certainly. In fact, they met all day yesterday with our Acting Director of Legal Services.

Senator NELSON. "They" being——

Mr. CARLUCCI. The California rural legal assistance program people.

Senator NELSON. But after the specific documentation, whatever it may be, they will have an opportunity to respond to that?

Mr. CARLUCCI. Certainly.

Senator NELSON. Senator, do you have any questions?

Senator HUGHES. Thank you, Mr. Chairman.

Mr. Carlucci, I feel like apoligizing for asking further questions at this point, but I do feel it is essential.

I would like to ask why you decided to leave the Foreign Service to accept employment in this field?

Mr. CARLUCCI. Senator, I happened to be passing through town last June and called up an old friend to congratulate him on being named Director of the Office of Economic Opporunity. I was between assignments in the Foreign Service. He is a very persuasive fellow. He talked me into joining OEO. I have since then found it one of the most challenging and rewarding experiences in a career which, overseas, has been both challenging and rewarding. I enjoy it. I think that we are making a contribution in OEO that is very valuable to the people of this country, particularly to the disadvantaged of this country, and I would like to continue to bring to bear whatever talents I may have in this area.

Senator HUGHES. You hope to continue your Foreign Service career at some point in the future?

Mr. CARLUCCI. At some point in the future. Right now, I am taking each day as it comes.

Senator HUGHES. I noticed in response to a question from the Senator from Massachusetts with relation to political activities that your indications were such that your appearance could be called political many times. I think the reference in question was your involvement directly in political campaigns against incumbent Democrats who are now seated in the Congress and the Senate.

Mr. CARLUCCI. I do not anticipate getting involved in political campaigns, no, sir. I have said before that I do not consider myself a political figure. I consider myself a Foreign Service officer.

Senator HUGHES. President Nixon is running for reelection in 1972. Do you anticipate he will instruct you to participate?

Mr. CARLUCCI. I can't anticipate what the President will do.

Senator HUGHES. In case he were replaced in 1972 and you did participate, what would you expect the future of your Foreign Service would be? (Laughter.)

That is speculation.

Mr. CARLUUCI. As I said, Senator, I take each day as it comes. I think the Foreign Service offers a very rewarding career.

Senator HUGHES. I hope you keep that in mind. (Laughter.)

I would like to ask you about two programs in which we share an interest. One is the narcotics program in OEO. What are your anticipations in the future on that?

Mr. CARLUCCI. As you probably know, better than I do, we are just getting some narcotics programs off the ground. We have some 25 projects. Some are run through health centers and others through community action agencies. I think this is a terribly important field. It is certainly one in which our agencies, which have a unique capability and rapport among the people in the ghetto can fulfill. The same thing applies to the alcoholism program. We have 75 programs run mostly

through community action agencies, and particularly on Indian reservations.

Both of these programs use Outreach, they use former addicts, Alcoholics Anonymous, and I have great hopes for their success.

Once again, we get back to the concept of OEO, and I think there is a legitimate question as to whether we should be operating these programs permanently or trying to develop programs that can then be transferred to other agencies once we think they have reached the stage of maturity and citizen participation that allows them to produce under the aegis of a larger bureaucratic structure, but I myself am quite enthusiastic about the prospects in both of these areas, whether the major portion is done by OEO or HEW.

Senator HUGHES. To your knowledge, the cut that is being advocated, was there any disccussion of doing away with these programs and their funding?

Mr. CARLUCCI. If our budget is cut, it is my understanding that the responsibility for deciding among various programs rests with me, subject to the earmarks that the Congress has put on the bill.

Mrs. Khosrovi has corrected me. We are talking about 1972 and the present earmarks won't apply.

Senator HUGHES. Perhaps.

Mr. CARLUCCI. Perhaps. But it is my understanding that I have flexibility between programs, and these are certainly programs that I am interested in, and I would be happy to come up and discuss at any time with you personally what the progress is, and what the options might be.

Senator HUGHES. As I have indicated privately, and I want to make it publicly, the Department seems to have made excellent headway in the early stages of these programs, and are continuing to do it. I simply want to encourage that it be continued. There may come a point, as I also indicated to you privately, when we should work legislatively toward altering some of these programs, but at the time they were generated there simply were no programs to reach these people.

In the event there is in the future, some other way, I am willing to discuss it with you, as I know everyone else is, the possibility of it being altered.

But for the time being, you do believe they are good programs, and you certainly want to give them every consideration and continuation?

Mr. CARLUCCI. That is right, sir. They have just gotten underway and we haven't really had an extensive opportunity to evaluate them, but I am encouraged by what I have heard so far.

Senator HUGHES. How many programs have you started on Indian reservations? Do you recall?

Mr. CARLUCCI. I think we spent some $2 million on the alcoholism programs on Indian reservations. I would have to correct the record if my memory doesn't serve me correctly. But we do have alcoholism programs on a number of Indian reservations. I can recall signing close to 25 or so grants.

(Information subsequently supplied follows:)

ALCOHOLISM AND OEO

OEO is currently spending over $1.2 million in helping operating 26 alcoholism programs on Indian Reservation. In addition, to train Indian personnel for these 26 programs, a training grant of approximately $350,000 has been made to the University of Utah (See attached table).

It is planned, during fiscal year 1971, to extend this activity so that there will be alcoholism programs on all Indian reservations interested in and capable of undertaking such program. In addition, programs are developed for non-reservation Indians (i.e. Oklahoma and Alaska) and for Indians in urban communities (e.g. Portland, Chicago, Seattle). Supporting training efforts will also be aided. These activities will involve approximately $1.5 million.

ALCOHOLISM COUNSELING AND RECOVERY PROGRAMS APPROVED BY OEO REGION AND STATE—FISCAL YEAR 1970 FUNDS

INDIAN PROGRAMS

Region	Grant No.	Agency and place	Federal funds	Non-Federal share
IV	CG8081	Mississippi Band of Choctaw Indians, Route 7, Box 21, Philadelphia, Miss.	$25,000	$1,440
V	CG8057	Inter-Tribal Councils of Michigan, Box 243-A, Skanee Road, Lanse, Mich.	35,000	15,000
	CG0296	Red Lake Tribal Council, Redlake PCOC, Redlake, Minn	25,000	
	CG8078	Great Lakes Inter-Tribal Council. Inc., Box 127, Bowler, Wis	35,000	
VI	CG0215	Pueblo of Acoma, Post Office Box 67, San Fidel, N. Mex	34,555	
	CG8042	Jicarilla Apache Tribe, Post Office Box 147, Dulce, N. Mex	66,462	
VIII	CG8073	Southern Ute Tribe, Tribal Affairs Building, Ignacio, Colo	25,000	9,800
	CG8007	Northern Cheyenne Tribal Council, Post Office Box 337, Lame Dear, Mont.	29,665	5,700
	CG8036	Comm. Chippewa-Cree Tribe Rocky Boy, Sky Boy Route, Box Elder, Mont.	25,340	500
	CG8051	Crow Tribe of Indians of Montana, 413, Agency, Mont	35,000	2,268
	CG8058	Federated Salish and Kootenai Tribes, Head Sub-Agency, Dixon, Mont.	30,000	1,500
	CG8069	The Blackfeet Tribal Business Council, Community Action Program, Browning, Mont.	35,469	3,960
VIII	CG8077	Fort Peck Tribal Council, Box 1027, Poplar, Mont	14,600	450
	CG0776	Turtle Mountain Band of Chippewa Indians, Box 18, Belcourt, N. Dak.	24,452	638
	CG8015	Standing Rock Sioux Tribe, Fort Yates, Fort Yates, N. Dak	20,090	
	CG8030	Ogala Sioux Tribal Council, Post Office Box 379, Pine Ridge, S. Dak.	29,950	1,920
	CG8046	Inter Brule-Crow Creek Inter-Tribal Co., Box 598, Fort Thompson, S. Dak.	25,000	1,842
	CG8075	Ute Indian Tribe, Uintah and Ouray Reservation, Post Office Box 169, Fort Duchesne, Utah.	25,000	
	CG8033	Shone & Arapahoe Joint Business Council, Box 217, Washakie, Wyo.	29,949	2,460
IX	CG0171	Gila River Indian Community, Box 97, Sacaton, Ariz	40,000	7,440
	CG0236	Navajo Tribal Council, Fort Defiance, Ariz	225,000	
	CG8172	Inter-Tribal Council of California, Post Office Box 763, Altoras, Calif.	149,838	38,000
	CG0663	Inter-Tribal Council of Nevada, Inc., 1995 East Second Street, Reno, Nev.	115,950	2,000
X	CG0709	Nez Perce Tribe of Idaho, Post Office Box 305, Lapwai, Idaho	23,345	1,655
	CG8080	Yakima Tribal Council, Post Office Box 632, Toppenish, Wash	25,000	941
	CG9894	Small Tribes Organization of Western Washington, 109 Meridian North, Puyallup, Wash.	75,000	
Total			1,224,665	97,514
		Training Grant: Utah University, Salt Lake City, Utah	348,627	
		Grand total	1,573,295	

Senator HUGHES. I think there are close to 21. Eighteen seems to run through my mind. But again, on Senator Kennedy's Indian education subcommittee, there has been indicated a very high percentage of alcoholics among Indian youth.

You have given this a priority, at least the agency has, whether it was under your direction or not, is that correct?

Mr. CARLUCCI. Yes, and that was under my supervision.

Senator HUGHES. You want to continue the programs in the field of Indian affairs?

Mr. CARLUCCI. I am very interested in continuing that priority in the area of Indian affairs.

Senator HUGHES. Thank you, Mr. Chairman.

Senator KENNEDY. Senator Stevenson?

Senator STEVENSON. Thank you, Mr. Chairman.

Mr. Carlucci, I want to join in the welcoming remarks of other members of this committee. I will try to be very brief.

You made some commendable statements supporting legal services for the poor. They have been general statements, and I would like to be specific about one such program, the Reginald Heber Smith program that you are familiar with. It provides lawyers an opportunity to go to work for the poor. These lawyers are for the most part young and bright, and come from various groups.

How do you feel about this specific program?

Mr. CARLUCCI. I certainly think it is a very good program, a very successful program. The rate of expenditures on that program has gone up from $1.7 million in 1969 to $5.9 million in 1971. The number of "reggies" has gone up from 121 to 161 during the same period. I think it has been a productive program, and particularly successful in bringing minority lawyers into legal services work. It is a fellowship program.

Mr. STEVENSON. Are there 481 reggies in the field now?

Mr. CARLUCCI. That is my understanding.

Senator STEVENSON. Do you feel that is an adequate number, an adequate level?

Mr. CARLUCCI. I think we have to go back, Senator, to the concept of the program, which is that it is a fellowship program, and it was originally planned that reggies would come in for a period of training. They would serve in a project over a period of time, generally a year, and then they would move on and either be absorbed in the regular legal services or hopefully go on to other work in the field of poverty law.

So there reaches a point at which one should decide whether we want to level off and stabilize at so many reggies, and the intake that to be related to the outgo of reggies.

But I certainly think that the program is effective, and should be continued.

Senator STEVENSON. Won't you say at that point that there were almost limitless opportunities for lawyers, given their training and the opportunities that are offered in serving the poor?

Mr. CARLUCCI. I think there are limitless opportunities to utilize lawyers in serving the poor people of the country.

The question is whether you are going to use reggies or people regularly employed in the legal services program.

If you continue to put additional funds into reggies, under the present budgetary limitations you are then taking funds from other legal services program.

Senator STEVENSON. Let me be a little bit more specific. There have been, I gather, rumors of proposed cuts for the reggy program. Would you resist any such attempts to cut this program in the next 2 years?

Mr. CARLUCCI. I don't know that there have been any planned cuts. I think we have talked about the level at which reggies—the point at which the reggie program ought to level out, and the rate of turnover of reggies. We have a number of reggies that have been in the program——

Senator KENNEDY. What is the level that you are talking about?

Mr. CARLUCCI. For 1972? I haven't projected a level for 1972. Once again, we don't have a budget for 1972. We don't even have an appropriation for 1971, so I can't talk in concrete terms of the level in 1972.

Senator STEVENSON. You are saying that the level may be below 470?

Mr. CARLUCCI. It is possible. It depends on what the outgo of reggies is and what the intake would be.

(Further information in the form of a letter from Arthur J. Reed, Acting Associate Director, Office of Legal Services, OEO, follows:)

OFFICE OF ECONOMIC OPPORTUNITY,
EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, D.C., December 1, 1970.

MR. GLENN CARR,
Director, Reginald Heber Smith Community Lawyer Fellowship Program, Howard University School of Law, Washington, D.C.

DEAR GLENN: Pursuant to our conversation of yesterday, I am today approving the first portion of the Reginald Heber Smith Grant. However, I again wish to make it clear that the number of Reggies to be funded in the entire package seems to have been set at 325.

As I indicated in our conversation, I would like to sit down and talk with you to get some more specific information and a better understanding of how it has been administered and how it is proposed to be administered. With this added information I shal make every effort to obtain the approval for the funding of as many more Reggies as possible. This will be one of my priorities to discuss with the Director as soon as I have had the opportunity to sit down and talk with you.

Sincerely,

ARTHUR J. REID, JR.,
Acting Associate Director,
Office of Legal Services.

Senator STEVENSON. Let me ask a couple of other questions on related programs.

At present the community action agencies are required to come up with 20 percent of the total amounts of community action grants. Do you think that is a reaosnable level?

Mr. CARLUCCI. Well, can I step back a minute, Senator, from the question and say that I feel very strongly that community action is not just another Federal program operating at the local level, that it is an experiment in Federal, State, and local cooperation, with poor people, and that the more a community action agency can become a local institution, the more effective I think it is going to be.

One can argue that a measure of the local success of the community action agency is the non-Federal share that they can raise. Now, there may not be a direct correlation, and communities vary and the amount of resources vary, and one can say it is certainly more difficult in rural areas.

Conceptually, I would like to see communities shoulder a greater financial burden for community action agencies. However, at the same time I recognize the very practical difficulties of this given the financial plight of most of our cities, and given the difficulties of raising resources in rural areas.

Senator STEVENSON. You recognize a lot of problems, but you still haven't given me much of an indication about how you feel.

Can I conclude that because of your feelings that there should be a

high degree of local community participation, that you think that 20 percent figure should increase?

Mr. CARLUCCI. This is a decision that is being weighed. I have not drawn any conclusions on it.

Senator STEVENSON. You would not resist attempts to raise the 20 percent?

Mr. CARLUCCI. I might resist them.

Senator STEVENSON. But you might not?

Mr. CARLUCCI. I might not.

Senator STEVENSON. On the same point, there has also been some discussion about the possibility of requiring that the non-Federal share be contributed entirely in cash, as you know. It is now contributed in cash or noncash items. How do you feel about that?

Mr. CARLUCCI. I would recognize that there are much greater difficulties for a community action agency to raise cash than to raise "in kind."

Senator STEVENSON. You are inclined at the moment to oppose any proposal that would require a 100-percent contribution in cash?

Mr. CARLUCCI. You mean 100 percent of the 20 percent?

Senator STEVENSON. Yes.

Mr. CARLUCCI. I believe that would very unwise; yes.

Senator STEVENSON. That is all, Mr. Chairman.

Senator NELSON. Senator Schweiker?

Senator SCHWEIKER. Thank you, Mr. Chairman.

I would like to go back to the infamous memo that we were talking about earlier and ask a question of Dr. Wilson, who I believe has some knowledge of, or connection with, the memo. I would like to quote a couple of sentences from it.

Paragraph 1 says, "After carefully reviewing the 1972 budget marks presented by the Office of Management and Budget for the Office of Economic Opportunity, I am of the opinion that the proposed funding levels would have critically damaging effect quite contrary to what I believe is intended."

Then paragraph 3, which says, "I sincerely doubt whether the agency could survive cuts such as these. I therefore request the budget marks be reconsidered with due attention to be given to the following issues."

After I have had a chance to digest them, I gather the whole thrust of it is basically protesting the OMB suggested cut, and in fact it is a repudiation or refutation, of what their initial memo to OEO proposed. Is that an accurate assessment of it?

Mr. WILSON. Sir, I think we ought to keep in mind the conditions under which memos and position statements are drafted by my staff.

The budget process is a continuing dialog in which lower level budget personnel request information on what we might do if for example they cut your budget 20 percent, what we would do if they kept programs the correct level, what we might do if our budget were increased.

My staff writes numerous memos such as the one you are quoting from today, stating various positions and alternates. We then submit these to the director of the agency for decision. We examine these options. You may recall that there were reports in the newspapers for

a few months ago about a proposed cut of 50 percent for OEO. This was another such exercise. This is a continuing dialog, and will not be decided until the President submits his budget to Congress.

Senator SCHWEIKER. Is it fair and accurate to say that at this point in the dialogue, a memorandum in your department was actively opposing the then proposed budget cuts?

Mr. WILSON. I would say my staff was attempting to point out that there would be some problems with cuts we were stating that might be taken as an alternative in that particular memo.

Mr. CARLUCCI. May I comment there?

Senator SCHWEIKER. Yes.

Mr. CARLUCCI. As I have said earlier, as an administrator of the program, I think it is incumbent upon me to argue for adequate funding for our program, and this is a natural process. I assume every Federal agency around town is doing it. This particular memo, as I have said, was never seen by me, and was never sent.

There are other memos. As Dr. Wilson has pointed out, there are oral conversations, there are discussions, and this is the way a decision is made in the budget process, but I don't think we can really comment on details of the budget process until the President has made his decisions. When he makes them, he will then announce them.

Senator SCHWEIKER. I would like to go back to the earlier statement you made to me along this same line regarding VISTA. I believe you answered me by saying that notwithstanding what was said in this memo or other memos, it is not intended to cut VISTA, and that you were planning to fund this about the same level as last year.

Do I understand that correctly?

Mr. CARLUCCI. Once again, we have not received the final mark on what our budget will be. The final decision has not been made, but I can say conclusively that the statement in the memo that VISTA funding would be reduced 100 percent is not correct.

Senator SCHWEIKER. So you say that the process isn't finalized yet but you have hope to not take a substantial cut in VISTA. Is that a fair statement, sir?

Mr. CARLUCCI. Expressed in terms of hope, yes, because it is not finalized.

Senator SCHWEIKER. As the new Director, are you personally opposed to a substantial cut in VISTA?

Mr. CARLUCCI. Senator, I would not like to get into details of the budget process. I have said that I believe the programs in OEO should be funded at an adequate level, and have made my position known to OMB clear in any memos and conversations. The decisions are now up to the President and he makes them.

Senator KENNEDY. Would the Senator yield on this point?

Senator SCHWEIKER. All right.

Senator KENNEDY. Is it safe to assume that the cuts on VISTA will not be greater than would be in accord with any general budgetary reductions in OEO, or are you going to cut it more than other programs?

Mr. CARLUCCI. I don't know the answer to that. If you are asking me would I hope that would be the case, my answer would be yes.

Senator KENNEDY. If the Senator would yield further, I am not quite willing to accept the "hands off" attitude you have stated in

terms of your impact and influence on the budget. I think what we would like to know is, if there is going to be a reduction in the budget, whether VISTA is going to be cut back any more other programs will be percentagewise.

Mr. CARLUCCI. I have no indication that it will be.

Senator KENNEDY. Can you say positively that it will not be? You have been working on this program over a year.

Mr. CARLUCCI. Senator, I cannot make any such statement until the President has decided on the budget.

Senator KENNEDY. Whatever the budget is, say there is a 10-percent, 20-percent cut, can you say right now that VISTA won't be cut any more than 20 percent?

Mr. CARLUCCI. I can say I would argue for such a position.

Senator KENNEDY. Who is going to make the decision?

Mr. CARLUCCI. The President makes the budget decision.

Senator KENNEDY. I understand. You are given the money and the legislation to implement the resources. Now, what we are asking you is given the x figure cut in the program itself, can we safely assume that there won't be any greater cut in VISTA than the cuts in other parts of the OEO?

Mr. CARLUCCI. I will try to see that that does not happen.

Senator KENNEDY. Who takes a position on that besides you? The President does set the level of VISTA, does he?

Mr. CARLUCCI. Yes, he does, and that is the way it is presented to Congress. The Congress then has a responsibility to debate the budget.

Senator KENNEDY. I am not talking about the figure. We could deliberate that later on, and Congress can work its will. All we are trying to find out is the level. We have a document here that states percentage cuts.

You say it isn't true. I am trying to get some kind of an indication, again, on how hard you are going to press VISTA. This doesn't seem to me to be an enormously complicated question or one that you would be unfamiliar with, or not disposed to answer.

Can you say "We have problems with VISTA. Therefore if there is a 20 percent cut in OEO, we will cut VISTA an additional 10 percent, because we think the drug problem ought to be increased, and then you up here in the Congress——

Mr. CARLUCCI. I can't make a judgment until I see what the overall funding level for OEO is. There are various programs that I have to weigh, as you just said, one against the other. I will make every effort to see, if there are cuts, that VISTA will not be cut disproportionately. But I can't make decisions in a vacuum, not knowing what our budget figure is.

Senator CRANSTON. I think we all recognize on the point that the Senator from Massachusetts has been pursuing, that the President does not make these decisions in detail. He makes them based on the recommendations of trusted advisors, and you have been chosen as his trusted adviser. So your own view on this will, I think, very likely be the prevailing view, with input, also, from the budget cutters.

Mr. CARLUCCI. There are a lot of views. I would like to point out that when the budget does come up, VISTA is a separate line item in the budget.

Senator CRANSTON. You and I know the President does not make

an individual decision on a matter like that. It maybe sort of a line item in a budget, but somebody else makes that decision, it gets to his desk, and he is pretty apt to approve what comes to his desk.

Mr. CARLUCCI. I can't comment on how the President operates, but I think he goes over the budget pretty thoroughly.

Senator CRANSTON. Returning to the packet of limited documentation that has been given to us, there is a letter from Mr. Meese, the executive secretary of the Governor of California stating that the program, CRLA has created "furor and turmoil." That is one way of saying the program is controversial.

Do you believe any legal services program could be conducted without controversy?

Mr. CARLUCCI. I don't think any OEO program can be conducted without controversy. I said that in my opening statement.

Senator CRANSTON. Is controversy any grounds for abandoning a program?

Mr. CARLUCCI. It depends what causes the controversy, not the controversy itself.

Senator CRANSTON. If one of your legal services programs did not create some controversy, wouldn't you want to investigate it carefully to see whether it is adequately serving the interests of its clients rather than yielding to local pressure not to rock the boat? [Laughter.]

Mr. CARLUCCI. I don't know what the specific situation for legal services is, but in terms of community action agencies, we have quite clearly said that they are not to be service' delivery vehicles, that their job is to produce greater responsiveness of other institutions to the needs of the poor, and I don't view this agency as an agency of service delivery.

Senator CRANSTON. Was not your office fully aware of the controversial nature of CRLA and the specific instances out of which those controversies arose when you decided to refund CRLA in November?

Mr. CARLUCCI. I did not participate in the decision. I will be happy to submit something for the record.

Senator CRANSTON. It is hard to believe that the people who made the decision were not aware of the controversy.

Mr. CARLUCCI. I think they were aware of the controversy, but in the last 2 months the question has been whether the Office of Operations should have a role in the decisionmaking process of the legal services, and the resolution of that was that the Office of Operations does not have a role, and I was not, as Director of Operations, consulted on decisions regarding legal services programs.

(The information referred, subsequently supplied, follows:)

UNITED STATES GOVERNMENT MEMORANDUM

OCTOBER 15, 1970.

To: SHIRLEY BEAN, OEO/LS Headquarters, Washington, D.C.
From: H. TIM HOFFMAN, OEO/LS WR, San Francisco, Calif.
Subject: Refunding California Rural Legal Assistance.

1. *Action requested.*—Refunding California Rural Legal Assistance for Program Year "D".

TOA: $2,368,379. NOA: $1,884,101. COB: None.

2. *Prior funding.*—1968, $1,442,333; 1969, $1,527,899; 1970, $1,678,562.

3. *Number of attorneys.*—38 Attorneys, eight Reggies, 10 students (10 weeks).

4. *Current operating level.*—$1,678,562.

5. *Budget explanation.*—There is a real increase in the 1971 annual budget of only $550. Although some salary raises are included in this grant, other categories are reduced.

6. In addition to the annual grant, a one-time demonstration grant of $204,984 is included in this grant package. This grant will provide back-up resources to 21 of the region's smaller programs. It includes both full-time attorneys and consultant monies for investigation, deposition, expert witnesses, etc.

This proposal which is part of this grant package was the better of two submitted. One other proposal came from the Western Center. In summary a real effort was made to cut costs in a time of rising costs and salaries, without damaging this effective program.

6. *Summary of programs.*—The only thing new in this year's grant is the Cooperative Legal Assistance Center (CLAC). CRLA will administer this grant under which assistance will be provided to the smaller legal services programs in the region.

Smaller programs have continually requested monies for consulting attorneys, depositions, expert witnesses, investigations, etc. The programs assert that without greater resources they are unable to deal with many of the legal problems brought to them. This grant will provide 3 experienced attorneys who will be assigned full-time to work with 21 smaller programs. In addition the senior staff of CRLA will devote 10% of their time to these programs. These attorneys will assist in training younger attorneys, and in providing research and expertise in various areas. The grant will also provide a small pool of consultant monies which will enable these programs to make proper use of depositions, investigators, expert witnesses, etc. A good deal of interest has already been shown by the smaller programs in the CLAC. The need for a back-up resource is particularly great in California, which has more Legal Services programs than any other state.

CRLA is generally regarded as the best legal services program in the country. In 1968, it was named the best legal services program by the National Legal Aid and Defender Association. In addition, in that year, one of its attorneys was named as the most outstanding attorney in legal services programs. No awards were made in 1969. In 1970, another CRLA attorney will be named as the outstanding legal services attorney.

CRLA has provided "a balanced approach between orthodox legal services and highly successful impact litigation". (1970 OEO evaluation team.) Approximately 90% of attorney man hours are spent on wage claims, consumer protection, tenant litigation, welfare hearings, domestic relations and other efforts of a routine legal nature. Perhaps 10% of the time is spent on impact litigation which has resulted in successful conclusions. We cite two examples: (1) *Castro* v. *State of California.* The Supreme Court of California agreed with CRLA's client that those provisions of the California Constitution which prohibit literate Spanish-speaking citizens from voting is unconstitutional in violation of the U.S. Constitution. Many thousands of Spanish-speaking citizens of California were thus enfranchised. (2) *Diana* v. *State Board of Education.* Spanish-speaking youngsters, individually and as a class, filed an action in federal court alleging violation of equal protection inasmuch as a disproportionate number of Spanish-speaking youngsters were being placed in the mentally retarded classes. In California, while 14% of the student population is Spanish surnamed, 28% of the educable mentally retarded classes were comprised of Spanish-speaking youngsters. The basic problem was that Spanish-speaking youngsters were tested in English only. The Court agreed with the position of the youngsters and a stipulated judgment has revamped the method of assigning students to those classes. Thousands of youngsters formerly herded into mentally retarded classes have been saved for a better education.

7. *Political problems.*—No political problems. Unlike last year the State OEO has not indicated that there are any problems with either local Bar Associations or communities. Further the State OEO member of the evaluation team reported that he found great improvement in CRLA's attempts and success in better community and Bar relations, over last year. The evaluation teams' overall impression was that Bar and community relations are generally improved and good.

8. General Conditions attached.—Special Conditions re legislative advocacy attached.

9. *Compliance with Special Conditions.*—Complied.

10. *CAP form attached.*—1, 14, 25, 25a, 25c, 28, 240.

11. Evaluation and evaluation letter sent in previously.

HILITE OF SECTION 205

LEGAL SERVICES GRANT

Principal city: San Francisco. County: San Francisco. State: California.
Delegate Agency: California Rural Legal Assistance, 1212 Market Street, San Francisco.
Director: Cruz Reynoso.
Community action program: None.
Grant: No. CG 7172.

Total budget, $2,368,379. Number of attorneys, 35. Number of offices, 11.

Federal share, $1,884,101. Non-Federal share, $484,278.

New funds, $1,884,101; 14,100 hours volunteered time, $225,600. Other volunteers: secretarys, teachers, psychiatrists, etc., $258,678.

BOARD COMPOSITION

Attorneys

Seven selected by local bar association in area served. Three selected by board of governors of State Bar of California. Seven selected by CRLA subject to State bar approval. Total lawyers, 17.

Target area representatives

Nine selected by local advisory committees. One selected by Community Service Organization. One selected by GI forum. One selected by United Farm Workers Organization. Total target group, 12.

Other lay members

One selected by Mexican-American Political Association. One selected by Institute of Industrial Relations. Two selected by grower representatives. Two selected by CRLA. Total other lay members, six.

STAFF AND SALARIES—ANNUAL RATE

Director at $27,000, two assistants or deputy at $22,800. One general counsel at $22,800.

One litigation director at $22,800, nine directing attorneys at $17,500.

Twenty-one staff lawyers from $10,500 to $17,500.

Eleven investigators from $7,500 to $9,000.

Forty secretaries from $5,000 to $9,000.

Eleven neighborhood aides from $6,000 to $7,500.

Twenty summer law students at $180 per month week.

Others: one administrator at $16,800. one controller at $14,000, one assistant at $11,000, one office assistant at $7,000, two research associates at $11,000, one research aide at $10,000, one librarian typist at $6,500, one purchasing agent at $7,500, two bookkeepers at $7,500, one receptionist typist at $6,000, nine clerk typist at $5,500.

ELIGIBILITY STANDARDS—PRIMA FACIE

Single person, $2,200; married couple, $2,700; family of four, $3,700; addition per dependent, $500.

Program description.—(Give brief overall description of program including location of offices. Also describe innovative features, including unique methods of providing local share, and types of cases omitted in addition to felonies and fee generating cases.)

This is a state-wide program providing legal assistance to the rural poor of California, primarily farmworkers. The program has one central office in San Francisco and 10 regional offices: El Centro, Gilroy, Madera, Modesto, McFarland, Santa Rosa, Santa Maria, Salinas, Marysville, and Sacramento. The Sacramento office is devoted to legislative advocacy and to representing clients from other offices before government gencies located in Sacramento. The program has excelled in innovative group representation and other litigation and economic development geared to having a substantial impact in changing the lot of the poor. The program's priorities, approved by its local advisory committees, continue to emphasize law reform work over servicing an individual caseload; yet approximately 90% of attorney time is spent on individual client situations. The program continues to take seriously its commitment to training its attorneys and community workers and their cooperation with local CAA's continues to be excellent. The program continues to publish excellent manuals and brochures, many of which are used by other LSP's.

The only thing new in this year's grant is the Cooperative Legal Assistance Center (CLAC). CRLA will administer this grant under which assistance will be provided to the smaller legal services programs in the region.

Smaller programs have continually requested monies for consulting attorneys, depositions, expert witnesses, investigations, etc. The programs assert that without greater resources they are unable to deal with many of the legal problems brought to them. This grant will provide 3 experienced attorneys who will be assigned full-time to work with 21 smaller programs. In addition the senior staff of CRLA will devote 10% of their time to these programs. These attorneys will assist in training younger attorneys, and in providing research and expertise in various areas. The grant will also provide a small pool of consultant monies which will enable these programs to make proper use of depositions, investigators, expert witnesses, etc. A good deal of interest has already been shown by the smaller programs in the CLAC. The need for a back-up resource is particularly great in California, which has more Legal Services programs than any other state.

CHECK LIST

For every no answer please list number of special condition where defect is remedied. If an item is not to be remedied by a special condition, please attach explanation on separate sheet.

Does application contain or provide for:

	Yes
1. Civil rights compliance (if none on file)	X
2. Documented compliance with CAP Memo (new programs only)	(1)
3. Handling of all civil cases except fee generating cases	X
4. Plan to refer fee generating cases to private attorneys	X
5. Program directed toward law reform	X
6. Community education program	X
7. Program for group representation	X
8. Utilization of law school in community, if applicable	X
9. Provision for recordkeeping in conformity with "How to Apply" book	X
10. Separate delegate agency or separate governing board for legal services program	X
11. Lawyer majority on governing board	X
12. Approximately ⅓ target area representation on governing board	X
13. Exclusion of felony representation	X
14. Recapture of unspent legal services funds	X
15. Provision for one research or backup attorney if program has at least five attorneys	X
16. Maintenance of Effort:	
Annual level of expenditures before OEO funding	(2)
Is this amount deducted from total budget?	(1)

[1] Not available.
[2] Dollar amounts not available.

If "no", set forth how prior effort is to be maintained outside of program budget.

17. Compensated private attorneys: Does program permit part time attorneys or a fund for compensation of private attorneys in excess of 5% of total budget.

If "yes", set forth justification below.

18. Other policy issues (i.e. excessive juvenile representation, poor location of offices, etc.) to be resolved.

None.

EVALUATION FINDINGS

(Briefly describe program strengths and weaknesses found on evaluation and steps taken to remedy weaknesses)

The 14-man evaluation team spent one week on this program. In the summary of their findings, they stated: "While not perfect, CRLA is an exemplary Legal Services program providing a balanced approach between orthodox legal services and highly successful impact litigation". They found the calibre of CRLA attorneys was "particularly gratifying". The general tenor of the report commends the attorney staff for its "ability, competence and professionalism". They suggested that in the instances where a young, "overeager" or "inexperienced" attorney made a misjudgment that the CRLA senior staff was quick to respond and remedy the situation.

Two of the evaluators had some philosophical problems with legislative advocacy. We have placed special conditions on the grant to delimit areas of legislative advocacy.

In conclusion, they indicated "that because of CRLA's proven capacity to plan, initiate and constructively advance client interests", it was their recommendation that the project be refunded.

POTENTIAL CONFLICTS

(If local Bar Association does not support program, explain reasons and attempts to remedy this situation, if possible. Also detail any conflicts, and resolution thereof, with CAA or other community groups)

Bar and community relations are improved and good. There are no known problems with the State OEO. The State OEO member of the evaluation team reported that he found great improvement in CRLA's attempts and success in better community and Bar relations.

No real programmatic conflicts have surfaced.

3.

OFFICE OF ECONOMIC OPPORTUNITY - COMMUNITY ACTION PROGRAM

STATEMENT OF CAP GRANT

1. GRANT NO. CG 7172 - PROG. YR. D / ACT. NO.

2. NAME AND ADDRESS OF GRANTEE
California Rural Legal Assistance
1212 Market Street
San Francisco, California 94102

2A. ORGANIZATION NO. 90280

4. EFFECTIVE DATE OF GRANT ACTION
January 1, 1971 - subject to Governor's approval

5. END OF PROGRAM YEAR
December 31, 1971

6. TERMINATION DATE

3. NAME AND TITLE OF EXECUTIVE DIRECTOR
Cruz Reynoso

7. SECTION(S) OF EOA
222 (a)(3)

8. FEDERAL SHARE OF PROGRAM COST FOR THIS PROGRAM YEAR MAY NOT EXCEED ____ %

PROGRAM ACCOUNTS APPROVED THIS GRANT ACTION FOR THIS PROGRAM YEAR		FEDERAL SHARE			NON-FEDERAL SHARE	TOTAL PROGRAM			NO. OF MOS.
P.A. NO. (1)	PROGRAM ACCOUNT NAME (2)	TOTAL FEDERAL SHARE (TOA) (3)	CARRY-OVER FUNDS ASSIGNED* (4)	ADDITIONAL FEDERAL FUNDS (NOA) (5)	(6)	TOTAL COSTS (7)	PERSONNEL COSTS (8)	NON-PERSONNEL COSTS (9)	(10)
S57	CH1 Legal Services	1,884,101	-0-	1,884,101	484,278	2,368,379	1,854,447	513,932	12
A. TOTALS CARRIED FORWARD FROM ATTACHED PAGES (if any)									
B. TOTAL APPROVED THIS GRANT ACTION FOR THIS PROGRAM YEAR		1,884,101	-0-	1,884,101	484,278	2,368,379	1,854,447	513,932	
C. TOTAL PREVIOUSLY APPROVED FOR THIS PROGRAM YEAR									
D. TOTAL APPROVED TO DATE FOR THIS PROGRAM YEAR									

9. STATEMENT OF OEO APPROVAL

Federal funds as shown in Column (5), Line B, are hereby obligated for the program proposed by the grantee as noted above and in the attachments to this statement. Program account budgets may be modified by the grantee only under general flexibility guidelines or in accordance with written official approval.

APPROVED BY: (Signature and title) [signature] DATE 11/27/70

10. GRANTEE ACCEPTANCE OF GRANT

On behalf of the grantee, I accept the grant and all modifications, general and special conditions, and requirements contained in the attached ____ pages

ACCEPTED BY: (Signature and title of authorized official) DATE

CAP FORM 14 (REV. [illegible]) PREVIOUS EDITIONS ARE OBSOLETE. GSA DC 69-9434

*As indicated on attached CAP Form 23.

OFFICE OF ECONOMIC OPPORTUNITY - APPLICATION FOR COMMUNITY ACTION PROGRAM

SUMMARY OF APPLICATION *(Please type or print clearly)*

(For OEO Use) DATE RECEIVED

Form Approved. Budget Bureau No. 116-R0156

SECTION I. APPLICANT INFORMATION

1. APPLICANT AGENCY	1A. ORGANIZATION NO.	2. DATE SUBMITTED	3. PROGRAM YEAR / END DATE	4. GRANT NO.
California Rural Legal Assistance	222	9-3-70	D / 12-31-71	CG 7172

5. STREET ADDRESS	6. CITY	7. STATE	8. ZIP CODE	9. EXECUTIVE DIRECTOR	10. TELEPHONE *(Include Area Code)*
212 Market Street	San Francisco	Calif.	94102	Cruz Reynoso	(415)863-4911

SECTION II. PROGRAM ACCOUNT SUMMARY

C.A. NO.	PROGRAM ACCOUNT	APPROVED PY — TOTAL PROGRAM	APPROVED PY — NO. MOS.	REQUESTED PROGRAM YEAR — TOTAL PROGRAM	REQUESTED PROGRAM YEAR — FEDERAL SHARE	REQUESTED PROGRAM YEAR — NON-FEDERAL SHARE	REQUESTED PROGRAM YEAR — NO. MOS.	REQUESTED PROGRAM YEAR + 1 FULL-YEAR — TOTAL PROGRAM	REQUESTED PROGRAM YEAR + 1 FULL-YEAR — NO. MOS.	REQUESTED PROGRAM YEAR + 1 EXPANDED — TOTAL PROGRAM	REQUESTED PROGRAM YEAR + 1 EXPANDED — NO. MOS.	REQUESTED PY + 2 EXPANDED — TOTAL PROGRAM	REQUESTED PY + 2 EXPANDED — NO. MOS.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
7	Legal Services	2,098,561	12	2,451,389	1,967,111	484,278	12	2,585,840	12	2,585,840	12	2,739,942	12
TOTALS FROM ATTACHED PAGES *(If any)*													
	TOTALS	2,098,561		2,451,389	1,967,111	484,278		2,585,840		2,585,840		2,739,942	

SECTION III. CERTIFICATION

11. THIS APPLICATION HAS BEEN *(Check "a." or "b." as appropriate)*

a. ☐ Approved by the applicant's governing board.

b. ☐ Reviewed by the applicant's administering board and approved by its governing officials.

A copy of this application has been forwarded to the State Governor's office. It is understood and agreed by the undersigned that any grant received as a result of this application will be subject to the general conditions governing CAP grants.

12. NAME AND TITLE OF PRINCIPAL GOVERNING OFFICIAL OR PRINCIPAL OFFICER OF GOVERNING BOARD

Daniel H. Luevano, Esq., Chairman, CRLA Board of Trustees

13. SIGNATURE

Daniel H. Luevano

CAP FORM 1 (REV. AUG 69) PREVIOUS EDITIONS ARE OBSOLETE.

GPO 870-634

CALIFORNIA RURAL LEGAL ASSISTANCE PROGRAM ACCOUNT

LEGAL SERVICES—JANUARY 1, 1971 TO DECEMBER 31, 1971

Personnel

1.1 Salaries and wages:
(a) Reduced directing legal secretaries to a salary range of $6,000 $8,000 with an annualized salary of $7,000 ---- $4,500
(b) Reduced law students to 10 ---- $18,000
(c) Eliminated 4 percent for increments ---- $46,213
1.2 Fringe benefits:
(a) Reduction for salaries and wages adjustments (8 percent of $68,713) ---- $5,497

Non-personnel costs

2.5 Other costs:
(a) Reduced library—new materials to $5,896 ---- $3,800
(b) Reduced printing to $5,872 ---- $5,000

Summary

Personnel costs:
Federal share ---- $74,210
Non-personnel costs:
Federal share ---- $8,800
Total reduction ---- $83,010

CALIFORNIA RURAL LEGAL ASSISTANCE—COOPERATIVE LEGAL ASSISTANCE CENTER

PAID PERSONNEL

Number of persons and title or position	Annualized salary	Number of months	Percent of time	Federal Share
Professional personnel:				
1 Executive director ($24,350–$28,650)	$27,000	12	10	[1] $2,700
1 Deputy director ($21,450–$24,150)	22,800	12	10	[1] 2,280
Do	22,800	12	10	[1] 2,280
1 General counsel ($21,450–$24,150)	22,8 0	12	10	[1] 2,280
1 Litigation director ($21,450–$24,150)	22,800	12	25	[1] 5,700
1 Administrator ($15,800–$17,800)	16,800	12	10	[1] 1,680
9 Directing attorneys ($15,000–$20,000)	17,500	12	10	[1] 15,750
3 Attorneys	6,000	12	100	48,000
1 Administrative assistant	9,000	12	100	9,000
Total				89,670
Nonprofessional:				
2 Legal secretaries	7,800	12	100	15,600
1 Clerk-typist	5,000	12	100	5,000
2 Law students (20 hours per week) (work-study)	936	12	100	1,872
Total				22,472
Total paid personnel				112,142
Fringe benefits (8 percent)				8,971

[1] Balance of annual salary paid from CRLA regular budget.

Nonpersonnel

Travel:	
Each full time attorney $5,250 plus $5,250 for all non-full-time staff	$21,000
Space costs and rentals:	
Rentals $500 per month	6,000
Consumable supplies:	
Stationery and office supplies; maintenance supplies; postage $250 per month	3,000
Lease, rental and purchase of equipment:	
Purchases:	
3 Attorney desks at $125 each	375
3 Attorney chairs at $50 each	150
2 Secretary desks at $80 each	160
2 Secretary chairs at $35 each	70
1 Administrative assistant desk	80
1 Administrative assistant chair	35
1 Clerk-typist desk	80
1 Clerk-typist chair	35
3 Office tables at $100 each	300
4 Side chairs at $35 each	140
7 File cabinets at $55 each	385
3 Stenorette dictating transcribing machines $320 each	960
3 IBM Selectrics $468 each	1,404
Total purchases	4,174
Rentals:	
1. Xerox No. 914 at $120 per month	$1,440
1 IBM MT/ST machine at $285 per month including maintenance	3,420
Total rentals	4,860
Maintenance contracts:	
Stenorettes 3 at $16	$48
IBM Selectrics 3 at $38	114
Total maintenance contracts	162
Total lease, rental, and purchase of equipment	9,196
Other costs:	
Telephone, $1,400 per month	$16,800
Library, based on CRLA experience	4,000
Printing and reproduction, $150 per month	1,800
Litigation	12,500
Insurance	600
Dues—NLADA, $25 per attorney	75
Miscellaneous	1,300
Total other costs	37,075
Total nonpersonnel	$76,271
Total budget	$204,984

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PAGE 1 OF 2 PAGES

OFFICE OF ECONOMIC OPPORTUNITY - APPLICATION FOR COMMUNITY ACTION PROGRAM

PROGRAM ACCOUNT BUDGET *(Please type or print clearly)*

Form Approved, Budget Bureau No. 116-R015

1. APPLICANT AGENCY	2. DATE SUBMITTED	3. PROGRAM YEAR / END DATE	4. GRANT NO.
California Rural Legal Assistance	9-3-70	D / 12-31-71	CG 7172

5. PROGRAM ACCOUNT

a. P.A. NO.	b. NAME	c. BEGINNING DATE	d. END DATE
57	Legal Services	1-1-71	12-31-71

6. SUBMITTED AS PART OF *(check one)*: a. [X] FUNDING REQUEST b. [ ] AMENDMENT REQUEST *(If this item is checked, attach CAP Form 25b, "Justification for Program Account Amendment")*

SECTION I. BUDGET SUMMARY

COST CAT. NO. (1)	COST CATEGORY (2)	APPROVED PY TOTAL PROGRAM (3)	APPROVED PY NO. MOS. (4)	REQUESTED PROGRAM YEAR TOTAL PROGRAM (5)	REQUESTED PROGRAM YEAR FEDERAL SHARE (6)	REQUESTED PROGRAM YEAR NON-FEDERAL SHARE (7)	REQUESTED PROGRAM YEAR NO. MOS. (8)	REQUESTED PROGRAM YEAR + 1 FULL-YEAR TOTAL PROGRAM (9)	REQUESTED PROGRAM YEAR + 1 FULL-YEAR NO. MOS. (10)	REQUESTED PROGRAM YEAR + 1 EXPANDED TOTAL PROGRAM (11)	REQUESTED PROGRAM YEAR + 1 EXPANDED NO. MOS. (12)	REQUESTED PROGRAM YEAR + 2 EXPANDED TOTAL PROGRAM (13)	REQUESTED PROGRAM YEAR + 2 EXPANDED NO. MOS.
1.	PERSONNEL COSTS	1,657,655		1,928,657	1,444,379	484,278		2,034,438		2,034,438		2,155,680	
1.1	SALARIES AND WAGES			1,797,963	1,313,685	484,278							
1.2	FRINGE BENEFITS *(Employer's share only)*			105,094	105,094								
1.3	CONSULTANTS AND CONTRACT SERVICES			25,600	25,600								
2.	NONPERSONNEL COSTS	440,906		522,732	522,732			551,402		551,402		584,262	
2.1	TRAVEL			124,488	124,488								
2.2	SPACE COSTS AND RENTALS			88,316	88,316								
2.3	CONSUMABLE SUPPLIES			42,084	42,084								
2.4	RENTAL, LEASE, PURCHASE OF EQUIPMENT			42,766	42,766								
2.5	OTHER COSTS			225,078	225,078								
	TOTAL COSTS	2,098,561		2,451,389	1,967,111	484,278	12	2,585,840	12	2,585,840	12	2,739,942	
	FEDERAL							2,069,672		2,067,672		2,191,954	

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SECTION II. SALARIES AND WAGES *(Itemization of Cost Category No. 1.1)*

7. PAID PERSONNEL

NO. PERSONS (1)	TITLE OR POSITION (2)	ANNUALIZED SALARY (3)	NO. OF MOS. (4)	% OF TIME (5)	FEDERAL SHARE (6)	NON-FEDERAL SHARE (7)
(Details of Paid Personnel -- Costs itemized on pages 4 through 7 and page 22)						
	TOTALS, PAID PROFESSIONAL PERSONNEL					801,373

8. VOLUNTEERS

CATEGORY OF VOLUNTEER (8)	WAGE PER HOUR (9)	NO. OF HOURS (10)	NON-FEDERAL SHARE (11)
Attorneys	16.00	14,100	225,600
Psychologists	7.00	250	1,750
Teachers (Secondary)	5.20	1,425	7,410
Secretaries	3.00	3,750	11,250
Law Students	3.00	71,550	214,650
Typists	2.10	1,950	4,095
File Clerks	1.90	4,500	8,550
Investigators	1.65	6,650	10,973
	-		

Paid personnel, summary

Professional personnel:	
Central	181,080
Regional	503,250
Total	684,330
Plus increment 4 percent	27,373
Total professional personnel	711,703
Nonprofessional personnel:	
Central	94,500
Regional	376,500
Total	471,000
Plus increment 4 percent	18,840
Total nonprofessional personnel	489,840
Totals, paid personnel	1,201,543

PAID PERSONNEL

Number of persons and title or position	Annualized salary	Number of months	Percent of time	Federal share
Professional personnel, central:				
1 Executive director ($24,350–$28,650)	$27,000	12	[1] 90	$24,300
1 Deputy director ($21,450–$24,150)	22,800	12	[1] 90	20,520
Do	22,800	12	[1] 90	20,520
1 General counsel ($21,450–$24,150)	22,800	12	[1] 90	20,520
1 Litigation director ($21,450–$24,150)	22,800	12	[1] 75	17,100
1 Administrator ($15,800–$17,800)	16,800	12	[1] 90	15,120
1 Controller ($13,000–$15,000)	14,000	12	100	14,000
1 Administrative assistant ($10,000–$12,000)	11,000	12	100	11,000
2 Research associated ($10,500–$17,500)	14,000	12	100	28,000
1 Research aide ($9,000–$11,000)	10,000	12	100	10,000
Total				181,080
Nonprofessional personnel, central:				
6 Legal secretaries ($6,000–$9,000)	7,500	12	100	45,000
1 Administrative secretary ($6,500–$8,500)	7,500	12	100	7,500
1 Librarian typist ($5,500–$7,500)	6,500	12	100	6,500
1 Purchasing agent ($6,500–$8,500)	7,500	12	100	7,500
2 Bookkeepers ($6,500–$8,500)	7,500	12	100	15,000
1 Receptionist-typist ($5,000–$7,000)	6,000	12	100	6,000
1 Office assistant ($6,000–$8,000)	7,000	12	100	7,000
Total				94,500
Total central office				275,580
Professional personnel, regional offices:				
9 Directing attorneys ($15,000–$20,000)	17,500	12	[1] 90	141,750
21 Associate attorneys ($10,500–$17,500)	14,000	12	100	294,000
9 Directing legal secretaries ($6,000–$9,000)	7,500	12	100	67,500
Total				503,250
Nonprofessional personnel, regional offices:				
21 Negal secretaries ($5,000–$7,000)	6,000	12	100	126,000
9 Clerk-typists ($4,500–$6,500)	5,500	12	100	49,500
11 Senior investigators ($7,500–$9,000)	8,250	12	100	90,750
11 Community worker/investigators ($6,000–$7,500)	6,750	12	100	74,250
20 Law students for 10 weeks at $180 per week	1,800	12	100	36,000
Total				376,500
Total regional offices				879,750

[1] Balance of annual salary paid from cooperative legal assistance center budget.

OFFICE OF ECONOMIC OPPORTUNITY—APPLICATION FOR COMMUNITY ACTION PROGRAM

1. Applicant agency: California Rural Legal Assistance.
2. Date submitted: September 3, 1970.
3. Program year end date: December 31, 1971.
4. Grant No.: CG–7172.

Program account:
   a. Number: 57.
   b. Name: Legal Services.
   c. Beginning: January 1, 1971.
   d. Ending: December 31, 1971.

BUDGET SUPPORT DATA

Description of item and basis for valuation	Amount or value of item: Federal share (3)	Amount or value of item: Non-Federal share (4)
Personnel costs	1,444,379	484,278
Salaries and wages	1,313,685	484,278
Fringe benefits	105,094	
Consultants and contract services	25,600	
Nonpersonnel costs	522,732	
Travel	124,488	
Space costs and rentals	88 316	
Consumable supplies	42,084	
Rental, lease, purchase of equipment	42,766	
Other costs	225,078	

FRINGE BENEFITS

Fringe benefit costs have been computed by multiplying the total cost of wages and salaries (see pages 80) by 8%:

Wages and salaries—professional personnel	$711,703
Wage and salaries—nonprofessional personnel	489,840
	1,201,543

8%×$1,201,543=$96,123.

Consultants and contract services:

1. Accounting—Auditing: Certified public accounting firm to audit the financial management of our grant and to consult periodically with the administrative staff	3,500
2. Education, economic, and other nonlegal specialists to conduct workshops at training conferences for legal staff (3 days×3 conferences×$100 per day)	900
3. Investigative specialists to conduct workshops at training conferences for investigative staff (3 days×3 conferences ×$100 per day	900
4. Medical, educational, and other nonlegal experts to assist in specialized litigation and the development of government and privately financed projects for poverty groups (e.g. Clinica de Salubridad de Campesinos in Imperial Valley—(40 days×$100 per day	4,000
5. Legislative bill and other services for Sacramento office ($100 per month×12 months)	1,200
6. Legal specialists to consult with staff regarding complex cases (25 days×$100 per day)	2,500
Total consultant and contract services	13,000

Travel:

1. Local travel—12 times 1970 monthly average $3,258	39,096

2. Out-of-town travel:	
A. Per diem, 12 times 1970 monthly average $770	9,240
B. Air travel—car rental, 12 times 1970 monthly average $2,388	28,656
C. Mileage—12 times 1970 monthly average $1,845	22,140
Total out-of-town travel	60,036
3. Conference and training—12 times 1970 monthly average $363	4,356
Total travel	103,488
Rentals—All offices 12 times $5,636 monthly rentals	67,632
Increment on current rental costs expected in 1971	2,000
Total rental costs	69,632
Renovations—12 times 1970 monthly average $122	1,464
Utilities—12 times 1970 monthly average $460	5,520
Janitors—12 times $475 monthly cost	5,700
Total space costs and rentals	82,316
Consumable supplies:	
1. Office supplies—12 times 1970 monthly average $2,133	25,596
2. Postage—12 times 1970 monthly average $883	10,596
3. Office accessories—12 times 1970 monthly average $103	1,236
4. Maintenance supplies—12 times 1970 monthly average $113	1,356
5. Special supplies—Community workers 12 times 1970 monthly average $25	300
Total consumable supplies	39,084
1. Xerox rental:	
A. Rental of No. 3600 for central office 12 times $650 per month	7,800
B. Rental of one No. 720 Xerox at $200 per month and 8 No. 914 Xerox at $120 per month in regional offices, 12 times $1,160	13,920
Total	21,720
2. Maintenance contracts on dictating equipment, typewriters, calculating machines, and so forth (contractors' estimates)	5,825
3. Additional file cabinets needed: 10 at central office, 5 at each regional office, 5×9=45; 55×$55 each	3,025
4. Cost to replace worn out equipment at all locations, approximate	3,000
Total rent, lease, purchase of equipment	33,570
1. Library, new materials—12 × 1970 monthly average $808	$9,696
2. Library—Subscriptions and publications—12 × 1970 monthly average $1,358	16,296
3. Insurance—Malpractice, fire and theft, public liability, fidelity bonds, and so forth (based on insurance agent's estimates)	5,700
4. Telephone—12 × 1970 monthly average $7,917	95,004
5. Printing—12 × 1970 monthly average $906	10,872
6. Xerox and offset—12 × 1970 monthly average $1,985	23,820
7. Filing fees and litigation (based on anticipated 1971 activity)	25,000
8. Freight and repairs—12 × 1970 monthly average $220	2,640
9. Dues—National Legal Aid and Defender Association, $100 plus $25 per attorney	975
10. Miscellaneous	3,000
Total other costs	193,003
Total nonpersonnel	451,461
Total budget	1,762,127

OFFICE OF ECONOMIC OPPORTUNITY - COMMUNITY ACTION PROGRAM

UNEXPENDED FEDERAL FUNDS REPORT (Please type or print clearly)

Form Approved, Budget Bureau No. 11-R0040

1. NAME OF GRANTEE: California Rural Legal Assistance

2. PROGRAM YEAR: C — END DATE: 12-31-70

3. GRANT NO.: CG 7172

P.A. NO. (1)	PROGRAM ACCOUNT (2)	APPROVED FEDERAL SHARE (3)	(For OEO Use) FISCAL YEAR (4)	ACTUAL EXPENDED FEDERAL FUNDS THRU: 7-31-70 (5)	ESTIMATED EXPENDED FEDERAL FUNDS AT END OF PY (6)	ESTIMATED UNEXPENDED FEDERAL FUNDS AT END OF PY (7)	(For OEO Use) TO P.A. NO. (8)	ACTUAL UNEXPENDED FEDERAL FUNDS AT END OF PY (9)	ADJUSTMENT IN FEDERAL FUNDS TO BE ASSIGNED (Indicate + or -) (10)	TO P.A. NO. (11)	FEDERAL FUNDS TO BE DEOBLIGATED (12)
		(For Grantee Use)		(For Grantee Use)			(For OEO Use)	(For Grantee Use)	(For OEO Use)		
57	Legal Services (222)	1,678,562		956,824	1,678,562	-0-					
	TOTALS CARRIED FORWARD FROM ATTACHED PAGES (If any)										
	TOTALS	1,678,562		956,824	1,678,562	-0-					

4. TYPED NAME AND TITLE OF OFFICIAL SUBMITTING INITIAL REPORT: Cruz Reynoso, Executive Director

5. SIGNATURE: Cruz Reynoso

6. DATE: 9-3-70

7. TYPED NAME AND TITLE OF OFFICIAL SUBMITTING FINAL REPORT

8. SIGNATURE

9. DATE

OEO FORM 28 (REV. AUG 68) PREVIOUS EDITIONS ARE OBSOLETE.

UNITED STATES GOVERNMENT MEMORANDUM

OCTOBER 30, 1970.

To: SHIRLEY BEAN, Program Analyst, Washington Legal Services.
From: H. TIM HOFFMAN.
Subject: California Rural Legal Assistance.

Enclosed you will find a letter from the State Bar of California advising us that their committee has reviewed the application of California Rural Legal Assistance for the year ending December 31, 1971, and has approved the application. Please place this in the grant package that is being processed by our division.

You will also find the audit report done by the regional auditor on California Rural Legal Assistance. As you will note, the only audit exception is a failure of OEO legal services to award the correct grant amount to CRLA. We shortchanged them approximately $7,000. We believe we will not have to make a supplemental grant for the 1970 program year because CRLA will be able to complete its program year without the $7,000. This audit should also be part of the grant package.

Date: October 5, 1970.
Reply to attention of: Regional Auditor, Region IX—San Francisco.
Subject: Audit Report on California Rural Legal Assistance, Inc., San Francisco, California, Grant No. CG–7172.
To: Mr. H. RODGER BETTS, Regional Director, Region IX—San Francisco.

Attached is a copy of an audit report resulting from an audit of OEO funds administered by the California Rural Legal Assistance, Inc., San Francisco, California. The audit was made by a CPA firm in accordance with generally accepted auditing standards and in accordance with OEO guidelines contained in our Accounting System Survey and Audit Guide for Community Action Program Grants. The audit covered the period January 1 to December 31, 1969, the grantee's Program Year "B."

The auditor indicated that the accounting system and internal controls were considered adequate. No significant deficiencies were reported, and no costs were questioned. The audited financial statements indicated that the grantee had $3,334 in unexpended CG–7172–B funds. To date, OEO has reprogrammed $10,483 to Program Year "C," resulting in an overreprogramming of CG–7172–B funds totaling $7,149.

We recommend that OEO correct the $7,149 overreprogramming of CG–7172–B funds in accordance with Analyst's Notebook No. 90.

A copy of the transmittal letter releasing the attached audit report to the grantee and requesting corrective action will satisfy the requirements of a response to our above recommendations. Corrective action taken as a result of the audit recommendations will be verified by a subsequent audit.

Please let us know if you desire any additional information.

PHILIP F. MEGNA.

CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

REPORT ON EXAMINATION FOR THE YEAR ENDED DECEMBER 31, 1969

SAN FRANCISCO, CALIF., *August 20, 1970.*

BOARD OF DIRECTORS,
California Rural Legal Assistance, Inc.,
San Francisco, Calif.

We have examined the statement of financial position of California Rural Legal Assistance, Inc. at December 31, 1969, and the related statement of operations and fund balance for the year then ended. Our examination was made in accordance with generally accepted auditing standards, and accordingly included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

In our opinion, the accompanying financial statements present fairly the financial position of California Rural Legal Assistance, Inc. in its handling of Grant CG–7172–B at December 31, 1969 and the results of its operations for the year then ended, in conformity with accepted principles of Community Action Agency accounting.

WOLF AND COMPANY,
Certified Public Accountants.

EXHIBIT A

Assets

Current assets:	
Cash on hand and in banks	$41,078
Accounts receivable:	
Federal grant	101,639
Other	9,879
Total	111,518
Prepared expenses and advances	1,087
Total	153,683

Liabilities, deferred credits and fund balance

Current liabilities:	
Accounts payable and accrued expense	$117,514
Deferred credits:	
Federal grants unapplied, prior years (Note 2)	10,790
Federal grants unapplied, current year (Note 3), (Schedule 1)	3,433
Unapplied non-Federal cash contribution	268
Fellowship grant unapplied (Note 4)	21,678
Total	36,169
Fund balance (exhibit B)	153,683

GENERAL FIXED ASSET FUND (NOTE 5)

Assets

Office equipment	$67,003
Furniture and fixtures	42,742
Outside equipment	990
Library—law books at all offices	111,395
Total	222,130

Fund balance

Balance, December 31, 1968	$215,043
Additions, acquired from general program operations during year, net of $12,755 traded in	7,087
Balance, December 31, 1969	222,130

The accompanying notes to the financial statements are an integral part of this statement.

EXHIBIT B

Program resources contributed:	
Federal grants applied	$1,524,458
Non-Federal contributions:	
In kind	390,360
In cash	122
Total	390,482
Program income	.99
Total program resources contributed	1,915,037

PROGRAM EXPENDITURES

	Budgeted	Actual
Personnel	$1,524,450	$1,240,820
Consultants and contract services	18,900	247,876
Travel	77,062	89,301
Space costs and rental	69,841	82,627
Consumable supplies	22,558	33,178
Equipment—purchased, leased, or rented	21,107	29,108
Other costs	175,943	192,127
Total	1,909,861	
Total program expenditures (schedule 2)		1,915,037
Fund balance, Dec. 31, 1969		None

SCHEDULE 1

Federal contribution:	
Original amount approved	$1,527,889
O.E.O. cash withdrawn	1,375,000
Reprogrammed from prior year program	51,250
Additional amounts required to complete program	98,206
Total	1,524,456
Balance of Federal grant unapplied, program year B (exhibit A)	3,433
Non-Federal contribution:	
Required non-Federal contributions per budget	381,972
Non-Federal contributions received and applied	390,482
Excess compared to budget	8,510
Increase in required amount due to 20 percent non-Federal requirement	1,016
Excess compared to actual requirements	7,494

	Actual			Budget			Actual over (under) budget			Costs questioned
	Federal	Non-Federal	Total	Federal	Non-Federal	Total	Federal	Non-Federal	Total	
Personnel	$1,082,695	$158,125	$1,240,820	$1,142,478	$381,972	$1,524,450	($59,783)	($223,847)	($283,630)	
Consultants and contract services	23,849	224,027	247,876	18,900		18,900	4,949	224,027	228,976	
Travel	89,206	95	89,301	77,062		77,062	12,144	95	12,239	
Space costs and rental	76,937	5,690	82,627	69,841		69,841	7,096	5,690	12,786	
Consumable supplies	33,038	140	33,178	22,558		22,558	10,480	140	10,620	
Equipment—purchased, leased, or rented	28,261	847	29,108	21,107		21,107	7,154	847	8,001	
Other costs	190,569	1,558	192,127	175,943		175,943	14,626	1,558	16,184	
Total, program expenditures (exhibit B)	1,524,555	390,482	1,915,037	1,527,889	381,972	1,909,861	(3,334)	8,510	5,176	None

1. Organization—These statements reflect two operations of California Rural Legal Assistance, Inc. for the year ended December 31, 1969. California Rural Legal Assistance, Inc. is a nonprofit corporation organized to cooperate with and assist governmental and private agencies in accomplishing the purposes described in the Economic Opportunity Act of 1964. Its principal activities consist of providing legal assistance in community action programs and its specific activity is to give legal aid to people in need, who cannot afford to pay for a private attorney, and who would not otherwise be helped. Funds are provided under a grant from the Office of Economic Opportunity, the acceptance of which requires compliance with prescribed grant conditions and other special requirements including the furnishing of certain amounts of cash or non-cash contributions to the program from non-federal sources.

2. Federal Grants Unapplied—Prior Years—This amount represents that portion of funds made available to the organization under grant actions prior to the current year which have not been used in the program and should be refunded to the Office of Economic Opportunity.

3. Federal Grant Unapplied—Current Year—This amount represents that portion of funds made available to California Rural Legal Assistance, Inc. under the grant action for the program year ended December 31, 1969 which were not used in programs through that date. It is the policy of the Office of Economic Opportunity to permit use of such funds in implementation of approved programs during the following year. However, if the funds are not used in approved programs, they must be refunded to the Office of Economic Opportunity.

Using preliminary estimates, made by California Rural Legal Assistance, Inc., O.E.O. has assigned $10,483 esitmated unexpended balance for Year B to partially finance operations for the program year ending December 31, 1970. Appropriate O.E.O. action has not yet been taken to reduce the $10,483 to the actual unexpended balance of $3.433.

4. Fellowship Grant Unapplied—The organization has applied and received a grant from the Reginald Heber Smith Community Lawyer Fellowship Program. By terms of the fellowship the program will pay for fellows who have graduated from an accredited American law school and work for one of the legal services offices.

V. SUMMARY OF AUDITOR'S OBSERVATIONS AND RECOMMENDATIONS

The accounting system and internal controls of California Rural Legal Assistance, Inc. are considered adequate to safeguard the assets of the grantee, check the accuracy and reliability of accounting data, promote operational efficiency and encourage adherence to prescribed management policies. Further, in our opinion, you have evidenced compliance with the general and specific conditions and other requirements of the Office of Economic Opportunity, and all grant costs and in kind costs noted in our report appear to be allowable costs.

Very truly yours,

WOLF AND COMPANY,
THOMAS A. GUERIN, *Partner.*

OFFICE OF ECONOMIC OPPORTUNITY—COMMUNITY ACTION PROGRAM

CALIFORNIA RURAL LEGAL ASSISTANCE

This grant is subject to the Special Condition below, in addition to the applicable General Conditions governing grants under Title II or III–B of the Economic Opportunity Act of 1964 as amended.

1. Multiple suits in the same judicial district shall not be filed by CRLA in cases of multiple plaintiffs if the legal issue or issues are identical or so similar that the issue can be decided and complete relief can be afforded by the filing of a single suit or by the joinder of all plaintiffs.

2. Prior to the filing of court actions against governmental agencies, attempts, in good faith and consistent with protection of the clients' rights and the Canons of Professional Ethics, shall be made by CRLA to negotiate and settle cases without court actions.

3. No action should be filed where the dominant purpose is harassment of the defendant or defendants or to unreasonably delay the execution of a judgment by a court of competent jurisdiction.

4. Consistent with protection of the clients' rights and the Canons of Professional Ethics, full consideration of the rights of the other party, the effect upon

society as a whole and the justice of the action shall be given prior to filing any legal action.

5. Criteria for eligibility for legal assistance shall not include the factor of whether the individual or individual seeking assistance are or are not member of a labor union. Persons satisfying the programs eligibility requirements, shall receive assistance regarding their legal interests, including interests relating to labor relations, except as provided in Special Condition #6.

6. The Grantee shall not provide legal assistance in the following areas:

(*a*) Representation in any case in which a fee may be provided by statute or administrative regulation, or in contingent fee or similar cases in which competent private counsel will provide representation because the case may generate a sufficient fee; such case shall be referred to a local lawyer panel; but in the event the lawyer referral panel is unable to make satisfactory arrangements for representation, such satisfactory arrangements meaning that the prospective client and a private attorney are unable to reach an agreement on representation, in such case, the Grantee may provide representation.

(*b*) Representation in any case where the applicant exceeds the financial eligibility standard where a private attorney is willing to provide representation and the client and private attorney are able to reach an agreement on representation. In all cases exceeding the financial eligibility standard the applicant shall be referred to the local lawyer referral panel in order to obtain representation. In the event the lawyer referral panel is unable to make satisfactory arrangements for representation, the Grantee shall consider the following factors in order to determine whether representation shall be provided:

1. The amount of the fee likely to be charged the applicant by a private attorney;
2. The extent to which the income of the applicant exceeds the financial eligibility standard;
3. The debts and obligations owing by the applicant.
4. The amount of real and personal property owned by the applicant;
5. The urgency of the applicant's problem;
6. The relationship of the nature of the applicant's legal problem to the general legal problems of the low income community intended to be served by the Grantee.

If private counsel can be obtained for representation at any time during the case proceedings, without jeopardizing the client's interests, the Grantee shall terminate its representation of said client.

(*c*) Representation of a collective bargaining union in litigation regardless of whether the union is a plaintiff or defendant in a court action;

(*d*) Representation of a labor union in negotiations with employers or with other labor unions;

(*e*) Providing legal assistance to a labor union in the incorporation of organizations affiliated with a union which are devoted exclusively to serving union members;

(*f*) Representation of union officials in matters relating to union business;

(*g*) Representation of a union member if the union itself is in fact and in law the real party in interest and the union member himself only a nominal plaintiff without a legal interest in the outcome of the controversy.

(*h*) The Delegate Agency shall not undertake defense of any criminal case at any stage following indictment or information, unless the following steps have first been taken:

1. The Legal Services Director or one of his assistants has consulted with the court of criminal jurisdiction, and
2. Thereafter, the Director of the Office of Legal Services or his designated representative has approved the representation on grounds that the defendant is indigent and would not otherwise be able to secure adequate legal assistance.

This limitation does not apply to:

(*a*) Representation of arrested persons before indictment or information:

(*b*) Parole revocation; however, it does apply to probation revocation;

(*c*) Juvenile court matters;

(*d*) Civil contempt; and

(*e*) Alleged mistreatment of prisoners after sentence and incarceration.

7. The Grantee shall so maintain the composition of its Board of Directors as to include at least one representative from each of its nine local advisory committees.

8. Within 60 days of the effective date of the grant, the Grantee shall review

its plan for the allocation of legal services in all regional offices. All present methods of determining caseload priorities shall be reviewed by the Advisory Committees of the communities served. A report of such review and all contemplated changes shall be submitted to OEO.

FISCAL LIMITATIONS ON OEO FUNDING

Funds for this grant actions have been made available pursuant to a resolution of Congress providing for the continuation of OEO activities at a currently authorized level until an appropriation has been made for this Fiscal Year. Accordingly, OEO reserves the right to revise this grant action in any manner which OEO may deem appropriate in order to take account of legislative limitations affecting OEO programs and funding. OEO may reduce the amount of this grant as a whole or as to any program account or accounts, may limit the rate of the grantee's authority to commit and spend funds, and may restrict the grantee's use of both its unobligated and unspent funds.

It is OEO's intention to make any such changes on the basis of generally applicable principles. However, fiscal limitations may affect one class of programs more than others; programs having different time schedules may be affected differently; relative priorities may be established taking account of various factors that cannot be fully and specifically anticipated. OEO therefore reserves the right to make determinations on the basis of such variables without prior consultation with the grantee.

In accepting this grant, the grantee acknowledges OEO's authority to make such revisions in the grant program or budget.

In no event, however, shall any revision made by OEO authorized by this condition affect expenditures and legally binding commitments made by the grantee before it received notice of such revision, provided that such amounts have been expended or committed in good faith and are otherwise allowable and that such expenditures and commitments are consistent with the cash withdrawal guidelines in CAP Memo 83 or superseding OEO directives. For this purpose, funds shall not be recognized as so committed solely because the grantee has committed them by contract or otherwise to a delegate agency. The grantee is responsible for informing delegate agencies of this provision before concluding any program agreements with delegate agencies.

Senator CRANSTON. Are you aware of any new controversies which have arisen since that decision was made in late November?

Mr. CARLUCCI. With CRLA?

Senator CRANSTON. Yes.

Mr. CARLUCCI. The Governor, and in Mr. Meese's letter, it states there are controversies.

Senator CRANSTON. But he doesn't state there are new controversies since that November decision, does he?

Mr. CARLUCCI. I don't know whether they are new or old until I see the backup material he has.

Senator CRANSTON. The backup material would presumably be something other than dates——

Mr. CARLUCCI. I have heard there are affidavits, which I assume would have dates on them.

Senator CRANSTON. Then don't you think that any new controversy, if there is one, would have to be pretty major and quite shocking to overshadow the past instances of controversy about the program, of which the office was aware, and which were taken into consideration at the time the decision to refund was made?

Mr. CARLUCCI. I would agree that the evidence would have to demonstrate that there has been sufficient violation either of guidelines, or that the program is acting in a way that is inconsistent with the act, or is irresponsible to justify, as the act says, to justify terminating the program.

Senator CRANSTON. Mr. Meese states in his letter that the program has lost credibility in the eyes of responsible leadership.

I am shocked by the boldness of the statement. The program has the firm support of an overwhelming majority of California's congressional delegation.

There are letters in the volumes I referred to from numerous State senators and other Government officials. Is there any other legal service program in existence that has elicited more support than commendation from the bar, the bench, public officials, and other responsible leaders than has CRLA?

Mr. CARLUCCI. I don't know that there has been any legal services program since I have been in office that has achieved the degree of publicity that this program has in the last 2 or 3 days. This publicity elicits support. We also have telegrams coming into OEO in favor of sustaining the veto.

In Mr. Uhler's memorandum he says a copy of his report will be forwarded to the State Bar of California.

Senator CRANSTON. Do you have any idea of the ratio between pro and con communications you have received?

Mr. CARLUCCI. I haven't analyzed them. You are talking about pro-CRLA. I think those for CRLA are running ahead of those against.

Senator CRANSTON. If you want to produce those, we will put them in the record.

Mr. CARLUCCI. Delighted.

(The information subsequently supplied follows:)

OEO has received approximately 2,000 pieces of correspondence concerning CRLA, the cost of duplication precludes submission.

Senator CRANSTON. It is alleged that CRLA has failed to comply with the conditions of its grant. Have you been submitted any new evidence up to this point which might even budge the overwhelming evidence of careful adherence to existing regulations?

Mr. CARLUCCI. No; not up to this point. I am awaiting the evidence that they tell us they are going to bring to us later, next week.

Senator CRANSTON. Mr. Chairman, did you want to suspend for the rollcall?

Senator NELSON. I think Senator Kennedy had one question first.

Senator KENNEDY. This memorandum that has been made a part of the record talks about cuts in OEO.

Do you have any memorandum prepared that talks about what OEO would do if funding is increased?

Mr. CARLUCCI. Funding is increased? We have so many memorandums in OEO.

Mr. WILSON. I will check and see if we have some.

Senator KENNEDY. Do you know of any, Mr. Carlucci?

Mr. CARLUCCI. I don't know of any offhand.

Senator KENNEDY. Have you ever been asked, if you have any memorandum to that effect, on what programs should be expanded——

Mr. CARLUCCI. This was not done on paper. I have been asked personally.

Senator KENNEDY. You don't know if there is anything written on that?

Mr. CARLUCCI. I do not know.

Senator KENNEDY. Have you not asked that anything be written down on how you could use additional resources?

Mr. CARLUCCI. Yes; I have. I have asked various of my staff members to come up with ways in which we could utilize additional resources.

Senator KENNEDY. Do you have any of these memorandums?

Mr. CARLUCCI. I have only been in the office about 6 days. I did ask for one from the Office of Health Affairs on what additional program ideas they might have.

Senator KENNEDY. Could we get a look at those?

Mr. CARLUCCI. They are not written yet. I would be delighted, when they are written to furnish you a copy.

Senator NELSON. We will recess until 12:30.

(Brief recess.)

Senator NELSON. We will resume the hearings.

Senator Cranston.

Senator CRANSTON. Mr. Carlucci, in a project of the magnitude of the CRLA, involving thousands of cases and many thousands of clients, it is to be expected that there will be a few violations of regulations by a few attorneys, and are there no procedures to deal with those violations without shutting down the entire program?

Mr. CARLUCCI. In any project, Senator, of a large nature, I suppose there are going to be violations, and we try to monitor it as best we can.

There are procedures. It depends on the seriousness of the violation as to what action we take.

We don't control the actions of individuals. The employees of our agencies are not Federal employees. They are grantees. The agencies are controlled by boards. We are not able to direct the actions of a specific individual. If the violations are serious enough, then we have to determine what we do about funding the program.

Senator CRANSTON. Mr. Uhler states that CRLA has failed in its mission to provide legal services to the poor. Is it not true that our national legal services program is not really adequately funded to reach all the poor who need legal assistance?

Mr. CARLUCCI. I think it is certainly true that legal services is not able under present funding levels to reach all the poor who need legal assistance.

I think the need is very substantial.

John, do you know that?

Mr. WILSON. I don't have a figure.

Senator CRANSTON. Do you have figures?

Mr. CARLUCCI. We have the figures on the universal need. I don't have it with me.

Senator CRANSTON. What percentage of the poor do the services reach?

Mr. CARLUCCI. I think it is 25 percent.

Senator CRANSTON. Since the resources of all legal services programs are limited, is it not expected that the programs must establish priorities and often choose cases which will establish principles which will assist a great number of poor people, rather than taking every case that comes along?

Mr. CARLUCCI. Senator, you are getting into an area which I have

had some difficulty with lately, and I would hesitate to answer that question, not being a lawyer, because there has been some concern expressed in recent months about the lawyer-client relationship, and to what degree you can influence the type of cases that a lawyer handles at the local level, and it has been our position that we don't try to influence the lawyer-client relationship in any way.

I assume that there are some guidelines, which I would be glad to supply, if they exist.

Senator CRANSTON. I would appreciate it if you would.

Mr. Uhler specifies certain diversions of resources from CRLA's mission. He charges that CRLA attorneys have represented persons charged with crimes.

Is it not permissible for legal services attorneys to undertake public service activities on their own time?

Mr. CARLUCCI. I will supply that answer.

(The information subsequently supplied follows:)

SUNDOWN PRACTICE FOR LEGAL SERVICES ATTORNEYS

The question was asked if it is not permissible for legal services attorneys to undertake public service activities on their own time. OEO does not have any published regulations or guidelines covering this question. A corollary issue is the potential problem of attorneys, during normal working hours, declaring themselves without restriction to be on personal time.

Senator CRANSTON. Cannot such outside public service activity include defense of indigent defendants?

Mr. CARLUCCI. If you would like, I would be glad to have our Acting Director of Legal Services come up and testify on some of these issues.

Senator CRANSTON. If he could answer those questions, I would appreciate it.

Mr. CARLUCCI. He is not here today, but if you could schedule a subsequent hearing——

Senator CRANSTON. If the chairman is willing to have another meeting tomorrow——

I gather you don't feel you could be ready by then.

Mr. CARLUCCI. As I say, it is incumbent upon me to examine the evidence that the Governor provides when he vetoes a program.

Senator CRANSTON. This is another question I guess you feel you cannot answer, based upon your own lack of full experience with CRLA, but I would like to know if you could submit for the record a response to this question. Has CRLA established procedures for keeping these outside activities separate from the legal work it is authorized to undertake.

Mr. CARLUCCI. That would be something for the record, Senator.

(The information subsequently supplied follows:)

U.S. GOVERNMENT MEMORANDUM

JULY 13, 1970.

All CRLA Attorneys
From: Mickey Bennett
Subject: Cases handled outside CRLA affiliation

This is to confirm conversations held with each CRLA Directing Attorney. Any cases handled by attorneys on their vacation time must be handled without fee charging (expenses may be charged) and must be handled on annual leave or leave without pay. Compensatory time is not available for work on non-

CRLA cases. All non-CRLA cases handled by CRLA staff must, of course, be checked with the Executive Director.

The above is conformance with OEO rules prohibiting improper allocation of attorney time to private matters.

Enclosure.

POLICY STATEMENT CRLA ATTORNEYS/CRIMINAL CASES

Motion was made, seconded, and carried that the Board commend the attorney in this matter and support him and adopt the following policy statement on this matter:

"It is the policy of CRLA that attorneys may represent defendants in criminal matters on their own time pursuant to the following conditions:

(1) When the attorney represents such defendants, he shall do so on his own time; that is, he shall go on vacation or compensation time.

(2) The attorney shall not charge a fee for representing criminal defendants.

(3) The attorney shall not utilize program resources for his work outside of his official duties.

(4) Approval of the Director for each individual case shall be obtained.

CRLA attorneys are considered full-time attorneys and their legal activities outside of their official CRLA duties should be of a limited nature and consistent with their duties with CRLA." (Record from Board of Directors of CRLA.)

Senator CRANSTON. Mr. Uhler in his letter states that CRLA uses legal processes to harass public and private organizations. I take it that this is a description of the reaction to suits brought against organizations.

In view of the success rate of 86 percent of their decided cases being won, does not this charge lose whatever substance it might have on its face?

Mr. CARLUCCI. I will have to discuss it with Mr. Uhler and see what he has to say about it.

Senator CRANSTON. If people have been denied their legal rights, and the courts so decide, it seems to me that CRLA has been on the right track 86 percent of the time.

Mr. CARLUCCI. You mean they have won 86 percent of their cases.

Senator CRANSTON. Yes.

Mr. CARLUCCI. That is a commendable record. I think it is usually 80 percent.

Senator CRANSTON. The Uhler letter lists 12 cases and instances which must be assumed to be the most horrible examples that could be found with which to condemn CRLA.

I have requested the Director of CRLA, Cruz Reynoso, to respond to these specific instances, and we have put that in the record, and this information was submitted to your legal services director, Mr. Reed, I think, last night.

I have some more questions, but I don't want to prolong this overlong, on each of the documents that was attached to Governor Reagan's veto press release.

In order to save time, I would like to summarize what appears to me to be the nature of the 12 documents, and to evaluate them briefly.

I will provide you with written questions that I had proposed to ask, and ask you to submit your responses for the record as soon as you conveniently and properly can.

(The information referred to follows:)

QUESTIONS BY SENATOR CRANSTON TO MR. CARLUCCI AND ANSWERS SUBSEQUENTLY SUBMITTED FOR THE RECORD

Q. Was your office aware of the Stanislaus County controversy and the expressions of disapproval with the program by a Stanislaus County Grand Jury, the board of supervisors, the district attorney, the county bar association, and the superior court judge, at the time the decision was made to refund CRLA?

A. This office was not aware of the expressions of opinion of various Stanislaus County officials and organizations and the Grand Jury activity because they occurred after the refunding of CRLA on November 26. 1970. The Grand Jury met on December 16, 1970. However, OEO was apprised of these events during the time they took place. In accordance with a request from the General Counsel of OEO, the U.S. Attorney's office for the Stanislaus area appeared at the Grand Jury to state that OEO felt the Grand Jury's investigation was improper.

Q. Did the evaluation team take this matter into consideration?

A. The evaluation did not take the above matter into account since it preceded the above events.

Q. One of the documents provided is a letter from State Senator Fred W. Mahler, Jr., to Governor Reagan, expressing his opinion that CRLA should not be refunded. Does this letter relate any instances or incidents of which your office or the evaluation team were unaware at the time the decision was made to refund CRLA?

A. The incidents mentioned by Mr. Mahler took place in early 1970 and in 1969 and OEO had been apprised of the incidents before refunding.

Q. The next document is a very brief letter from the president of the League of California Cities, Dr. Clifford F. Loader, mayor, city of Delano, urging the Governor to veto the funds. The letter concludes: "A different way of giving legal aid to the poor should be devised that is free of activist political action." It is not clear from the letter whether Dr. Loader is speaking personally, or with the concurrence of his organization. Have you been advised whether the League of California Cities has adopted a formal position in regard to CRLA?

A. Dr. Loader's letter expresses only his personal opinion. The League of California Cities has taken no position on the refunding of CRLA or the Governor's veto. On December 30, 1970 the *Sacramento Bee* newspaper reported Dr. Loader's disavowal of any intent to imply that his letter was the official position of the League.

Q. The next set of materials relates to a decision by the Imperial County Bar Association to sever all relations with CRLA. This action occurred on March 13. 1970. Was OEO unaware of this action at the time the decision was made to refund the program?

A. OEO was informed of the action of the Imperial County Bar Association to sever all relations with CRLA at the time the Association took such action in March 1970, and was, therefore, aware of their status at the time of refunding in November 1970. In January 1971 the refunding of CRLA came before the Imperial County Bar Association and the Association voted to take no position on the refunding.

Q. The next document is a copy of the proposed resolution to be submitted to the Sonoma County Bar Association by its board of trustees in January or February of 1971, which asserts that that group would prefer to have its own proposed legal assistance program funded rather than to have CRLA continue in their county. It would certainly not be reasonable to delay the continuation of the CRLA program until the Sonoma County Bar Association decides whether to act on this proposed resolution, would it?

A. There will be no delay in our decision due to the proposed action of the Sonoma County Bar Association.

Q. Would not the support of the bar association of San Francisco, the Los Angeles County Bar Association, the Sacramento Bar Association, the Santa Clara County Bar Association, and the Monterey County Bar Association be sufficient to outweigh a proposed resolution? All have expressed their support.

Q. The next document is an affidavit sworn to by Mr. James W. Houlihan, a deputy district attorney of the county of Santa Barabara. Exhibits have been prepared in response to two of the charges made by Mr. Houlihan, and entered in the record. Other charges made by Houlihan are that CRLA attorneys talked with an attorney for the United Farm Workers, wrote false letters to the editor, used emotional arguments before the court, had long hair, and carried purses. How much weight might be given to these charges?

Q. Another document presented as support for the veto is a resolution dated January 4, 1968, by the board of supervisors of Madera County, California. Would this three year old resolution be an appropriate matter to which to give weight at this time in determining whether Governor Reagan's veto should be overridden?

A. You asked various questions concerning the relative weight to be given to various opinions and charges concerning CRLA. In making my decision whether to override Governor Reagan's veto, all statements of support or disapproval and all allegations of violations of law and government agency guidelines will be looked at and weighed in terms of the evidence presented. Irrelevant and outdated statements will obviously be given very little consideration.

Senator CRANSTON. Five of the documents, as I have said before, are from a single county, Stanislaus, in which a community controversy was in process a long time.

The evaluators of OEO were fully aware of the controversy in that county, and the program was funded with full knowledge of that controversy.

One State senator wrote to express his opposition. Ten State senators wrote to support the program. The president of the League of California Cities wrote to express his opposition to the program. However, he did not state that he was speaking on behalf of his organization, or that he was authorized to speak in its behalf.

The Imperial County Bar Association severed all relations with CRLA in March of 1970. This action was known to OEO, and the evaluation team. The program was nonetheless refunded after that time.

An outgoing district attorney of Monterey County expressed his personal opposition to the program, and the Sonora County Bar Association will be presented a resolution in January or February which asserts that that group would prefer to have its own proposed legal assistance program funded rather than to have CRLA continue in their county.

Five larger city bar associations have endorsed CRLA, as have the California State Bar and the American Bar.

An affidavit by an assistant district attorney makes wild charges about an alleged kidnapping, which he failed to prosecute because he admitted that he had no evidence. CRLA further denies the charges there involved.

The deputy makes clear his distaste for young attorneys and the United Farm Workers.

Several boards of supervisors have endorsed the program.

It seems to me these materials, which we must assume are the strongest arguments, are totally lacking in substance and completely inadequate to be the basis for jeopardizing the most outstanding legal services program in the country.

I would like to ask you some questions which you may think you may or may not be able to answer.

What are the standards in deciding what to do about the override?

Mr. CARLUCCI. Once again, the evaluation of the evidence and determining whether the program has functioned in a way that is consistent with our act, and consistent with the guidelines, and that it is effectively serving poor people.

Those are the same standards that we try to apply to all our programs.

Senator CRANSTON. I have asked you if you would submit to me

copies of what you receive from the Governor's office, and I believe you said you would.

Mr. CARLUCCI. When I do receive it; yes.

Senator CRANSTON. Can you give me a copy of that?

Mr. CARLUCCI. I assume I can, unless there is some legal complication. I don't know whether I have the right to give to the committee—I would like to consult our General Counsel—information given to me by the State of California.

Senator CRANSTON. If you can, I would appreciate it if you could also find out whether or not you can give it to CRLA. It seems to me they are entitled to know what the Governor's case is.

Mr. CARLUCCI. Yes.

(Information subsequently furnished appears in the appendix at p. 300.)

Senator CRANSTON. After the Governor's messenger somehow manages to reach you sometime next year, would you thereafter be willing to meet with representatives of the CRLA?

Mr. CARLUCCI. I said before that we certainly would.

Senator CRANSTON. Meet with them?

Mr. CARLUCCI. Yes.

Senator CRANSTON. There is a letter from Arthur Reid relating to the Reginald Heber Smith program, which I would like permission to put in the record, relating to the questions Senator Stevenson was asking, at the appropriate place during his questioning.

Senator NELSON. Without objection.

(The letter to be found on p. 74.)

Senator CRANSTON. For a moment I would like to depart from questions relating directly to the merits of the CRLA program and explore the timing used by Governor Reagan in exercising the veto. Can you explain how you as Acting Director of OEO came to learn of the veto, which occurred on Saturday, and what documents the OEO has received from the Governor as of this morning?

Mr. CARLUCCI. If my memory serves me correctly, I learned of the veto when our public affairs officer called me at, I think it was about 11 o'clock at night. I think that was Saturday, but I would like to have the opportunity to correct the record if I am mistaken.

We then got a brief telegram, if my memory serves me correctly, on Monday, saying that the grants had been vetoed, and that additional information would follow.

I managed through telephone calls to get, late Monday night, a transcription of the letter that was apparently being sent to me, and yesterday we received the official, signed letter sometime around noon.

Senator CRANSTON. It would appear, would it not, that the Governor is not in any particular hurry to advise you of the nature of the charges?

Mr. CARLUCCI. I guess the Governor would have to answer that.

Senator CRANSTON. Has the State OEO ever raised charges, in the region or in Washington, when the refunding was under consideration by OEO last September? That is with regard to the specific charges in the Uhler report?

Mr. CARLUCCI. I don't know, offhand.

Senator CRANSTON. If you would advise us of that, I would appreciate it.

Mr. CARLUCCI. I know Mr. Uhler indicated 2 weeks ago that he was

examining CRLA, and he thought there were problems in conversation with me, but we did not pursue the issue further.

Senator CRANSTON. Is it not standard procedure for OEO to present the matters to the Governor's office for comment before the final OEO decision to refund?

Mr. CARLUCCI. The standard procedure is that you present the grant to the Governor's office, and you give him 30 days in which to veto, according to the statute.

Senator CRANSTON. Along with the reasons for your decision, I presume.

Mr. CARLUCCI. I assume the legal services operates the same way the Office of Operations does. You give funding guidance by means of a letter sometime in advance to enable the grantee to prepare his grant package.

That grant package is reviewed in headquarters, in the case of the legal services program, and signed off by the regional director after approval by legal services in headquarters.

Senator CRANSTON. As I understand it, the Governor is given the case for refunding, so that he can participate in a decision whether or not to refund before you make a final decision.

Mr. CARLUCCI. We do have check points with the Governors on all our grants; yes, sir.

Senator CRANSTON. When was the decision made by OEO to refund?

Mr. CARLUCCI. Since I was not a participant in that procedure, Senator, it is hard for me to trace the history of it.

Senator CRANSTON. My letter and conversation with you yesterday was designed to inform you that I would ask these questions today. I realize you could not have them all in your head, but you could have had someone with you.

Mr. CARLUCCI. I assumed since this was a confirmation hearing that it was going to be a discussion of me as an individual.

Senator CRANSTON. It is a confirmation hearing, but I thought relevant to confirmation were matters of this sort.

It appears that the Governor's office waited until the 30th day, the last day allowed to the Governor under the law, after he received notice of the OEO decision to refund, before he stated his views, and that was 5 days before the expiration date. Is that correct?

Mr. CARLUCCI. It would appear by the dates that I have; yes.

Senator CRANSTON. With regard to the activities of the State office of economic opportunity leading up to the veto, are you aware of the questionnaire circulated by this office to various attorneys, officials, and others concerning CRLA?

Mr. CARLUCCI. Yes; I am.

Senator CRANSTON. Can you describe it briefly?

Mr. CARRLUCCI. It was a questionnaire asking about the type of clients they handled, how they were going about developing these clients, or working with these clients.

I did not study the questionnaire myself. I would be glad to get you an opinion on it from our General Counsel's office.

Senator CRANSTON. It was a questionnaire that went to just some sort of a selection of general practicing attorneys and public officials

and other persons who might have had occasion to observe CRLA, and one fact that is rather interesting about it was that the individual filling his out was able to remain entirely anonymous in responding to it.

Mr. CARLUCCI. That is my understanding of the questionnaire.

Senator CRANSTON. Is it a fact that the National Legal Aid and Defender Association condemned the questionnaire as unethical, requested that it be withdrawn, and formally protested it to the California State Bar?

Mr. CARLUCCI. Once again, I was told a resolution was voted at the NLADA meeting at San Antonio, and that it was referred to the California State Bar.

(A copy of the resolution and questionnaire follows:)

STATE OF CALIFORNIA,
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT,
OFFICE OF ECONOMIC OPPORTUNITY,
Sacramento, Calif.

Regarding Evaluation of the California rural legal assistance program.

DEAR BARRISTER: The California Rural Legal Assistance program (CRLA) is currently being reviewed and evaluated by our office pursuant to its 1971 refunding proposal. In hopes of being as thorough as possible, we are soliciting the opinions of judges, attorneys and others in communities served by CRLA. (Please do not confuse CRLA with a Neighborhood Law Office, which also may be providing service in your area.)

We have enclosed a brief list of questions for your consideration. We need your help in answering them if our inquiry is to prove fruitful. You may reply anonymously, if that is your desire. In any event, your answers will be held in strictest confidence.

If you would like to communicate by telephone or arrange for a personal conference with one of our representatives, please call Mr. Goff, California State Office of Economic Opportunity, telephone (916) 445–9670.

Thank you in advance for your assistance.

Sincerely,

LEWIS K. UHLER, *Director.*

CALIFORNIA OFFICE OF ECONOMIC OPPORTUNITY

CRLA QUESTIONNAIRE

1. Do you know of CRLA? If so, please indicate your degree of knowledge: (circle one) (a) slight; (b) moderate; (c) substantial.

2. Do you have an opinion of the quality of legal work performed by CRLA? If so, on what facts (i.e., pleadings, courtroom performance, intralawyer relations, settlement negotiations, etc.) is your opinion based? Quality of legal work: (a) high; (b) acceptable; (c) poor; (d) unacceptable. Comments:

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, please explain or give details:

6. Is there some other publicly or privately supported legal organization which can or does fulfill the function of CRLA? (a) yes; (b) no. If yes: (1) what organization? (2) why do you believe this?

7. All OEO-supported law offices are prohibited from accepting clients who have income above prescribed "poverty levels" and also are prohibited from taking criminal clients (except under extraordinary conditions) and conscientiously adhered to these requirements? (a) yes; (b) no. If no, please explain or give examples:

8. What is your opinion of the relationship which exists between

Good Satisfactory Unsatisfactory

(a) local attorneys and CRLA?
(b) local judges and CRLA?
(c) your local bar association and CRLA?
(d) local law enforcement and CRLA?
(e) the local community and CRLA?

9. What do you consider to be the most desirable aspect of CRLA?
10. What do you consider to be the least desirable aspect to CRLA?
(As stated in our letter, you may reply anonymously, if you so desire. In any event, your answers will be held in strictest confidence.)

Name of Respondent: _____
Address: _____
Business phone: _____ Home phone: _____

NATIONAL LEGAL AID AND DEFENDER ASSOCIATION RESOLUTION URGING CENSURE OF THE STATE OF CALIFORNIA OFFICE OF ECONOMIC OPPORTUNITY AND LEWIS K. UHLER, DIRECTOR

Whereas, National Legal Aid 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 to 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 CLRA 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; and 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; and be it further

Resolved, That the Secretary of NLADA be instructed to transmit this resolution to all interested parties.

Senator NELSON. Senator, may I interrupt?

I have a 1 o'clock appointment. I had not anticipated we would go this long. Would you continue the hearings?

Senator CRANSTON. Yes. Are you coming back?

Senator NELSON. Yes; if I can take care of the appointment.

Senator CRANSTON (presiding pro tempore). I have been advised that the State EOO investigators actively solicited anti-CRLA material. Do you know whether that is accurate?

Mr. CARLUCCI. I do not.

Senator CRANSTON. How much money does the California EOO receive annually?

Mr. CARLUCCI. In fiscal year 1971, OEO has given the California SEOO $648,702 in grants including the demonstration for $162,170.

Senator CRANSTON. Was not this grant and its implementation under your direct jurisdiction?

Mr. CARLUCCI. Indirectly. It is under the direct jurisdiction of the regional director in San Francisco.

Senator CRANSTON. What are the purposes of that grant?

Mr. CARLUCCI. To enable the State office to provide technical assistance to our grantees, and to enable them to advise the Governor of his responsibilities under section 242 of the act.

We like to see our State offices act as an advocate for the poor at the State level to try to mobilize State resources to conduct training programs.

There are a number of things that the State offices do under these grants.

Maybe I should provide the appropriate provision of the act; section 231?

(The information subsequently furnished follows:)

STATE AGENCY ASSISTANCE (42 USC 2824)

SEC. 231. (a) The Director may provide financial assistance to State agencies designated in accordance with State law, to enable those agencies—

(1) to provide technical assistance to communities and local agencies in developing and carrying out programs under this title;

(2) to assist in coordinating State activities related to this title;

(3) to advise and assist the Director in developing procedures and programs to promote the participation of States and State agencies in programs under this title; and

(4) to advise and assist the Director, the Economic Opportunity Council established by section 631 of the Act, and the heads of other Federal agencies, in identifying problems posed by Federal statutory or administrative requirements that operate to impede State level coordination of programs related to this title, and in developing methods or recommendations for overcoming those problems.

(b) In any grants or contracts with State agencies, the Director shall give preference to programs or activities which are administered or coordinated by the agencies designated pursuant to subsection (a), or which have been developed and will be carried on with the assistance of those agencies.

(c) In order to promote coordination in the use of funds under this Act and funds provided or granted by State agencies, the Director may enter into agreements with States or State agencies pursuant to which they will act as agents of the United States for purposes of providing financial assistance to community action agencies or other local agencies in connection with specific projects or programs involving the common or joint use of State funds and funds under this title.

Senator CRANSTON. Would you please submit for the record the full terms of the grant to the State of California?

Mr. CARLUCCI. Yes, sir.

Senator CRANSTON. Could you describe what is called technical assistance within those terms?

Mr. CARLUCCI. Well, I think it would include helping our grantees—in interpreting guidelines, in developing training programs for our trainees, assisting them in the mobilization of local resources, coordinating with the regional office in prereview, an advance review of the grantee, assisting in the evaluation of grantees.

These are fairly standard throughout all our State grantees.

Senator CRANSTON. That is an excellent definition of what technical assistance should be, and I would like to ask you how much of that sort of service has actually been rendered in California.

Mr. CARLUCCI. It is my understanding that they are providing specialized technical assistance right now for rural community action agencies.

Senator CRANSTON. Who is running that?

Mr. CARLUCCI. The State Economic Opportunity Office. At least I was informed they were. It is called State/STAP (special technical assistance program).

Senator CRANSTON. How much money was put into that program?

Mr. CARLUCCI. $114,000 in fiscal year 1970. They are also to provide technical assistance as part of their regular activity.

I would have to submit for the record additional details.

I have been informed, and I had discussions with the director of the State office in California, during which he assured me that he was engaged in technical assistance activities, and I would be glad to have something to submit for the record on that.

(The information subsequently supplied follows:)

SYNOPSIS OF GRANT, CALIFORNIA STATE OFFICE OF ECONOMIC OPPORTUNITY, REGULAR OPERATIONS AUGUST 15, 1970 TO JUNE 30, 1971, $458,704

BUDGET, CALIFORNIA SEOO, REGULAR FUNDING AUG. 15, 1970 TO JUNE 30, 1971

	Annualized	Actual 10.5 months	
		Federal	Non-Federal
Other State employees (including fringe benefits) at $21,516	$21,516		$77,713
Director, assistant director, 2 supervising com/prog/analysts, staff assistant for planning, vol. coor., Inter. Government coor. at $18,675	111,456		
11 computer program analysts at $17,770	195,470		
2 senior stenos at $8,196	16,392		
Steno II at $7,188	7,188		
2 clerk typist II at $6,672	13,344		
Senior accounting clerk at $8,400	8,400		
File clerk at $6,672	6,672		
Total	380,438	332,882	
Fringe benefits		38,393	
Consultants			20,000
Travel		66,630	
Office space		20,916	
Consumable supplies		3,030	
Equipment:			
Xerox rental		2,310	
Calculator		394	
8 desks		1,100	
8 chairs		540	
Secretarial center		210	
Secretarial chair		45	
2 filing cabinets		122	
3 desk tops and tables		220	
Bookshelves		485	
Files		372	
6 chairs		150	
7 dictating machines		2,880	
Administrative work center		455	
Executive chair		210	
4 side chairs		420	
Overhead projector		214	
Motion picture projector		524	
Equipment service		592	
Telephone		13,650	
Postage		1,470	
Printing, reproduction, subscriptions, professional fees		350	
Total		488,564	97,713

CAP FORM 81–A "PLANS AND PRIORITIES"—CALIFORNIA STATE OEO, JUNE, 1970

I. STATE OEO PLANNING

A. *What is the State OEO planning process?*

The SEOO planning processes included meetings with OEO–Western Region officials, Management-Improvement-Cost Reduction, Legal, Migrant and Management Services Divisions of the Department of Human Resources Development, consultants and executive level officials of the State Departments of Health, Agriculture, Welfare and Education, the Office of Lieutenant Governor and the staff of the State Human Relations Agency and the advisory committee to the State Office of Economic Opportunity.

A prescribed cyclical set of ordered activities comprises the current SEOO planning process. SEOO completes the following sequence of planning steps:

1. Setting of goal or goals;
2. Determination of needs;
3. Development of objectives for the ensuing fiscal year;
4. Assignment of priorities to the objectives;
5. Creation of a work program which describes activities to carry out the objectives and allocates available resources;
6. Continuous evaluation of the progress of the program of work;
7. Reconsideration of any of the prior steps 1–4;
8. Redirection of the program as needed.

SEOO expects particularly significant contributions[1] to the effectiveness of its planning activities in 1970–71 through:

1. The qualitative and quantitative improvement in information about local needs and grantee capabilities which an expanded, outstationed, and better trained field analyst staff can remit to headquarters.

2. An increased understanding of the nature and potential use of national, state, and local anti-poverty resources (public and private) to be derived from SEOO's direct and contract employment of several specialists.

3. The inclusion of a staff assistant for planning whose principal responsibilities will be the systematic planning for and execution of the planning process described above, and creation of a statewide anti-poverty plan.

4. Substantially expanded capacity, derived from item (3), combined with the research and statistical capabilities of DHRD, to create a poverty information module for SEOO, grantee, and legislative use in assessing needs, assigning priorities, and allocating resources to decrease poverty.

B. *What other state agencies have responsibilities in planning of Programs in respect to poverty?*

Agencies in state government with a common interest in socio-economic planning include the following: Social welfare; Mental Hygiene; Rehabilitation; Industrial Relations; Public Health; Human Resources Development, which includes State Office of Economic Opportunity, Commission on Aging, former Department of Employment and Service Center Program; Corrections; State Office of Planning; Health Care Services; Youth Authority.

The California State Office of Economic Opportunity is the only entity whose anti-poverty interests cut across all state agency lines.

C. *How will SEOO work with the above agencies for coordinating state planning approach?*

State OEO will select key state agency planning process to influence the development of these processes in a manner that will generate better application of existing and new resources to problems of poverty. Principal foci at this effort will be health and housing organizations to which the SEOO will act as advocate for the disadvantaged population of California. A more complete plan for this will be submitted within 60 days of funding, and a separate section regarding progress in this role will be submitted with each monthly report.

With the recent implementation of the Human Relations Agency and DHRD, a state organizational framework has been established to permit maximum coordination between State OEO and the above agencies for a more coherent state planning approach.

The State OEO staff will represent the State Office of Economic Opportunity in appropriate planning meetings, and will work with their counterparts in other

[1] Please refer to accompanying CAP Form 7e (all).

states agencies to assure that all have access to comparable, comprehensive, and current data on poverty, and to assure a coherent and unified multi-agency approach to interpretation and use of information on poverty and anti-poverty resources.

II. SEOO PRIORITIES

A. *What are the SEOO's priorities for the coming year?*

There is no intended ordering of this list of priorities with respect to relative importance. The intent of paragraph 3 is to convey SEOO's desire to influence greater participation by State governmental agencies in anti-poverty efforts.

To increase the scope, accuracy, and reliability of information on conditions of poverty and on the availability and use of all anti-poverty resources in California, for state and local planning, funding, coordinative, and legislative use, as well as in projects to stimulate public awareness of the conditions of poverty.

To provide, or arrange and coordinate the provision by other sources of, greatly improved multi-specialty technical assistance to grantees and other appropriate agents in the California anti-poverty effort.

To encourage both the already indicated trend of California governmental officials toward more involvement in anti-poverty programs and their increasing interest in the efficient, well-coordinated application of state governmental and private sector resources to the problems of poverty in California.

To gain the capacity to "mobilize" business, volunteer, and foundation resources in a systematic, consequential way to promote economic opportunity.

B. What are SEOO's goals for the coming year?

In concern with the mandates of the Economic Opportunity Act:

1. To provide review of and assistance to grantees in greater depth by an increased and better trained analyst staff, with the object of providing sufficient intensity and continuity of state-CAA relationships to resolve as many areas as possible of mutual concern about programs prior to the refunding-review stage.

2. To provide direct technical assistance to CAAs and single purpose grantees in the fields of management (including fiscal management), collection and maximum use of information on poverty and opportunity, and other areas as local needs dictate.

3. To develop through special programs and contract services new assistance and demonstration projects in the use of volunteer services, excess property, and community college resources; in programs of technical aid to Indians, disadvantaged youth, and Head Start-day care projects; and in other specialties as indicated.

4. To complete the adoption of a systematic approach to SEOO planning and management by objectives.

5. To create an information module in conjunction with HRD which enables the comprehensive and systematic collection, compilation, storage, retrieval, and dissemination of data on poverty and on anti-poverty resources in California.

C. What are SEOO's goals for the next three years?

SEOO intends to encourage other agencies to use resources other than those provided by the Economic Opportunity Act to ameliorate and prevent poverty.

To consolidate those gains made to date in the anti-poverty effort.

To accelerate the spin-off of effective anti-poverty programs to established social agencies.

To maximize public awareness of the problems of poverty and participation in their solution.

To encourage new public and private efforts for the *prevention* of poverty.

III. SEOO PROJECT OR PROGRAM

(Directly administered by SEOO, if any. Not applicable; State OEO does not directly plan to administer anti-poverty programs.

IV. SEOO WITHIN THE STATE GOVERNMENT

A. *Describe the organizational structure and placement of the SEOO within state government. If SEOO director does not report directly to the Governor, provide the titles and relationships of all intervening officials.*

There are no intervening officials between the Director and the Governor, except the Governor's Executive Secretary.

See Attachment 2, Organization Chart, and Assembly Bill 1463, The Human Resources Development Act of 1968. (Chapter 1460, Statutes of 1968).

B. *Has this changed during the past year?*

No.

C. *Describe the existing formal and informal arrangements for the coordination of state agency activities and programs related to anti-poverty efforts. Are there plans to modify or improve this?*

The total framework for accomplishing this is prescribed by provisions of Human Relations Agency and Dept. of HRD. The requested augmentation in professional capabilities beyond those of the existing skeletal review staff is intended to provide the basis for meaningful attempts at coordination of anti-poverty efforts.

D. *State how the SEOO will help mobilize all possible resources at the state level and promote the participation of state agencies.*

Through the mechanism provided by Assembly Bill 1463.

E. *Indicate the degree the SEOO is coordinating with other federal technical assistance-type programs operating at the state level (such as HUD's 701, Title VII and Title IX; HEW's Title I; USDA's TAP, etc.) How can this coordination be improved?*

The SEOO is coordinating its interest to the maximum feasible degree with other federal technical assistance programs through close liaison with the CAA operations and the regional and district headquarters of the federal programs.

The coordination of SEOO interests in the indicated programs will be strengthened to the degree that additional staff availability will improve the quantity and quality of linkage of operating programs in California.

F. *How will the SEOO promote within the state government greater use of new types of services and innovative approaches in attacking causes of poverty?*

Answered in I–C.

V. DESIGNATION BY GOVERNOR

A. *Describe how and when the Governor designated your office to be the recipient of state agency assistance under Section 231, Title II of Economic Opportunity Act.*

The Governor designated this office July 16, 1965, pursuant to state enabling legislation which created the State Office of Economic Opportunity and the California Migrant Master Plan. Further provision to continue operation of this office is authorized by Human Resources Development Act of 1968 as previously described (AB 1463; Chapter 1460, Statutes of 1968).

B. *Has the SEOO also been designated to advise the Governor concerning his approval authority under Section 242 of this Act?*

Yes.

SEOO Work Program, Cap Form 7–e

I. FUNCTIONS AND ORGANIZATION

A. *What changes are proposed in the SEOO staff for the next Program Your in size, functions and organization?*

(See foregoing CAP 81-a Sections II and IV).

(*a*) At the time of receipt, all permissible information will be shared with OEO.

(*b*) The assigned CPA will attend all CAA prereviews.

(*c*) Each CPA will meet with OEO District staff for an on-the-record meeting one week after each prereview.

(*d*) As rapidly as possible after receipt, the CPA for the CAA will submit written comments on each Form 7 and, both in regard to time and intention, attempt together with OEO staff to procure one written set of comments which can represent both offices.

A series of policy developments in the Federal Office of Economic Opportunity (recently summarized in OEO Instruction 7501–1) has recognized and reaffirmed the "important and unique contribution state (can) make in the nation's efforts to deal with the problems of the poor and in assisting the OEO with programs authorized by the Economic Opportunity Act." Based upon the absolute numbers of disadvantaged people in California vs. other states, the existing California budget is disproportionately low by a factor of ten or twenty (depending on the particular comparison).

The California State Office of Economic Opportunity proposes substantial and significant improvements in its capabilities to perform a broader and more effective role in California anti-poverty activities. Coupled with renewed cooperative arrangements between SEOO and the Regional OEO, and with improved coordination of State governmental resources which result from implementation of the State HRD reorganization, the proposed changes in SEOO staff size, function, and organization promise SEOO an enhanced opportunity to make an important contribution to the anti-poverty work envisioned in the Economic Opportunity Act. Per request of OEO-Western Regional Califonria SEOO will implement staff improvements in two ways:

(1) The augmentation of the existing SEOO supervising and review personnel complement through an increased "regular guideline" grant and

(2) The addition of key staff and technical assistance specialists through a demonstration grant. Basic staff changes to be effected through both funding arrangements are outlined below, diagrammed in the "Chart of CSEOO Organization: PY 'E' ", (attachment 3), and subsequently elaborated in the various appropriate sections of this work program and in the work program of the demonstration grant proposal.

Expanded regular program:

(1) An addition of eight Community Program Analysts to the existing eight (currently termed "Community Action Representatives") to more nearly satisfy the current (and growing) assistance and review requirements of the state's local grantees, particularly to enable more precise and consistent diagnosis of the grantee programs and problems in advance of the formal review refunding period, in carrying out the Governor's tasks of program coordination and review. A more substantial and better trained staff of analysts will permit the cooperative resolution of differences with grantees and other local community participants in anti-poverty programs on a regular, consistent and pre-crisis basis, and will encourage more effective diagnosis of CAA needs for specialist technical aid which can be applied upon request by the grantee and Analyst working together. One Analyst will be assigned on a long term full-time basis to an existing grantee by arrangement with the grantee and the Regional Office of Economic Opportunity.

(2) An addition of a Staff Assistant to aid the SEOO top management in planning, and in the administration and coordination of the regular, demonstration, STAP and other programs.

(3) Establishment of two positions for coordination of volunteer VISTA activities and intergovernmental liaison work to fulfill the objectives of state, public, and private sector resource mobilization described in OEO Instruction 7501–1.

B. *Does the SEOO now have—or does it plan to have next year, personnel outstantioned throughout the state? (If so, specify where, functions, etc.) If answer is yes, list the advantages and disadvantages over a single centralized staff.*

SEOO plans to outstation several Community Program Analysts in Los Angeles and in the San Francisco Bay Area. Reducing the physical distance between the Analysts and the grantees for which the Analysts have responsibility complements the reduction through added SEOO staffing in the number of grantees each Analyst must service—offering SEOO the opportunity to meet grantees' long articulated demands for coverage with greater depth and continuity by SEOO representatives. Each outstationed group will include a Senior Analyst who will be responsible for assuring the close coordination of field review and assistance work. A schedule of frequent field-headquarters contacts already developed will assure that the advantage of improved efficiency is without cost in central coordination and control.

C. *What management improvements are planned for the coming year?*

On the basis of recent favorable experience, SEOO will maintain the general pattern of intraorganizational relationships among Community Program Analysts described in this section for the Program Year E proposal. To accommodate the expansion in field assistance and review capability provided by the added professional analysts and their outstations, each Analyst will be assigned to assist and serve grantees in one of two (Northern, Southern) SEOO administrative regions under the supervision of a Senior Analyst for the region.

Further extensions of the principles of management by objectives will be integrated in SEOO's work as a management and planning device, under the technical assistance and guidance of the Management Improvement-Cost Reduction (MICR) Section of the State Dept. of Human Resources Development.

A written narrative relating to SEOO activities will be submitted to OEO monthly and by 9/15/70 such a report for the period 7/1/70 to 8/15/70 will be submitted.

It was agreed that stringent management controls would be instituted to hold telephone and postage costs to an absolute minimum.

II. PERSONNEL ADMINISTRATION

A. *What problems have there been—and are anticipated next year—in filling vacancies, in salaries, and other personnel matters?*

None in either case.

B. *Will the SEOO be able to operate in accordance with approved OEO Personnel Policies and Procedures? List any exceptions and explain the necessity for such exceptions.*

Yes; no exceptions.

C. *What career development programs are planned?*

The addition of the positions of Supervising Community Program Analyst for each of two administration regions offers career development opportunities to SEOO staff. State OEO also will have the added capability to plan and implement a career development program through its expanded TA services operation.

D. *What staff training is needed and how does the SEOO propose to meet the need?*

SEOO has provided training on a regular basis to existing staff. Addition of new staff will require introductory and supplemental training which will be given with the cooperation of the State Training Division and other State agencies, particularly the HRD sections (fiscal research, legal. and management). SEOO may utilize training services of the State College and University systems. A possibility exists for some joint training of staffs of SEOO and WR/OEO. Regular in-service staff training also will be provided at regular intervals during the Program Year. A staff member has been appointed to work with other agencies and groups to develop a comprehensive and coherent training program for SEOO staff for Program Year "e".

SEOO will submit its plan for training of staff to OEO/WR within 60 days after funding for program year "E".

III. COORDINATION

A. *Checkpoint Procedures: Describe how the checkpoint procedure system with the CAAs (Form 77) is working and how the SEOO plans to improve its participation in the procedure. Does the SEOO recommend changes in the system?*

Improved working relationships—including greater participation by SEOO staff in grantee pre-review and planning meetings—with Regional representatives over the past year have begun to indicate a better functioning of the checkpoint system. SEOO expects this trend to continue. Where SEOO is permitted full participation in grantee pre-review activities, and the grantee submits Form 77 on time, the checkpoint procedure functions well.

B. *How is the checkpoint procedure working for OEO/HQS—approved programs and how can this be improved?*

The procedure is working well.

Negotiations in advance of the Governor's 30 day sign-off period has enhanced the effectiveness of the checkpoint procedure. Further emphasis on advance negotiations is desirable.

C. *What plans does the SEOO have to advise and assist OEO on developing procedures and programs which would promote and increase state agency participation in the anti-poverty effort? (What are the problems and opportunities?)*

SEOO has advised OEO of its expanded roles in the anti-poverty field (as outlined in recent HRD policy statements and detailed in foregoing sections of this application), which have the full interest and support of top HRD officials, the office of the Governor of the State, and legislators, e.g., the HRD Act of 1968.

D. *As "advocate of the poor" at the state level, how does the SEOO—*

1. *Plan to employ poor people on the SEOO staff, or use as consultants?*

The opportunity to employ poor people on the SEOO staff does not now exist. This is an area which State OEO expects to explore.

2. *Plan to promote the maximum feasible participation of the poor in planning, coordination, and evaluation of other state agency operations and programs which affect the poor?*

Through the establishment of a State OEO staff of sufficient size to devote time

to planning, and an improved information, research and dissemination system, SEOO will gain the capacity to encourage the actual employment of poor people by other agencies, and the participation of poor people in the development, implementation and review of programs which serve them.

3. *Encourage and work toward the development of career opportunities for the poor with other state agencies?*

The existing SEOO linkage with State HRD, particularly with its Job Development, Training and Placement Division, will allow SEOO to express with greater impact its concern for development of career opportunities and revised entry level opportunities for low-income people.

E. *Does the SEOO have any proposals to assist OEO on job Corps and/or VISTA programs?*

A Volunteer Coordinator will be employed to mobilize and coordinate anti-poverty and VISTA programs in California.

IV. TECHNICAL ASSISTANCE

A. *Describe the kind and degree of technical assistance to be provided the CAAs during the coming Program Year and what changes and improvements are planned over the current year?*

SEOO will make every effort to follow and cooperate with the applicable portions of the Regional Training and Technical Assistance plan.

The acquisition of funding for the state STAP program and the proposed addition of four Management Specialists, eight Field Analysts, and three Special Program Coordinators offers SEOO an impressive opportunity to provide higher quality multi-specialty technical assistance to CAAs in the coming Program Year. The cooperation of HRD's units in this year's program will allow SEOO to draw on vast and proximate funds of specialist talent in fields of critical importance to CAAs and in addition should provide SEOO an opportunity to promote its concerns within the other state agencies. Furthermore, SEOO plans to submit to OEO in the near future two or more independent applications for pilot projects funds to demonstrate new forms of technical aid to the grantees. Still other changes and improvements will be designed as program adjustments are made through a new SEOO TA-contract services concept.

B. *Identify the number of CAAs in the State, and list the ones which will be served. Provide a narrative statement on why these CAAs are chosen.*

SEOO, in regard to the mandate of the Economic Opportunity Act of 1964, serves all the State's CAAs. These are 42 CAAs and numerous single-purpose grantees, all of which have been, and will continue to be served. In addition SEOO serves the California Inter-tribal Council and Quechan Indian CAP in Imperial County (Total 44 CAAs).

C. *How does the SEOO plan to assist the CAAs in locating non-OEO resources and funds in the next Program Year?*

Integration of SEOO in the Dept. of human Resources Development promises to provide SEOO up-to-date information on State and other public sources which might be available to CAAs. SEOO plans to convey such information as appropriate to SAAs through its Analyst and Specialist staff, and other media.

SEOO intends to develop as soon as possible one or more professional positions with responsibility for a unified, systematic approach to the mobilization of private sector resources.

D. *Does the SEOO propose a better way to coordinate with the OEO Regional Office and its field reps in the provision of TA to the CAAs?*

Recent published guidelines, as well as a continuing series of meetings between OEO and SEOO staffs on the provision of technical assistance, have established an improved basis for coordination of technical assistance activities. The two agencies have agreed that State OEO will increasingly assume the role of providing, or coordinating the provision of, technical aid to grantees within the state, and SEOO is fully prepared to cooperate with Regional OEO in developing policy for an efficient TA effort. Continuous joint staff cooperation in the field between the two offces is encouraged by SEOO.

E. *What specific activities are planned to assist CAAs coordinate their programs with other related programs to meet the multi-jurisdictional planning requirements of OEO Instruction 6321-2?*

Each SEOO professional staff member has received or will receive instruction in these requirements to enable him to help CAAs meet their obligations.

F. *What training and orientation does the SEOO propose to provide the CAA staffs and boards?*

State SEOO expects that the aforementioned restructuring of Analysts' field assignments will increase the time available for the Analyst's training and orientation to CAA staffs and boards, upon request of the CAA.

SEOO will make every effort to follow and cooperate with the applicable portions of the Regional T&TA Plan.

G. *Will the SEOO serve as a central personnel "clearinghouse" for the CAAs looking for qualified staff? Any changes from the current situation?*

The State OEO has served and will continue to serve as a central personnel "clearinghouse" for the CAAs, upon request.

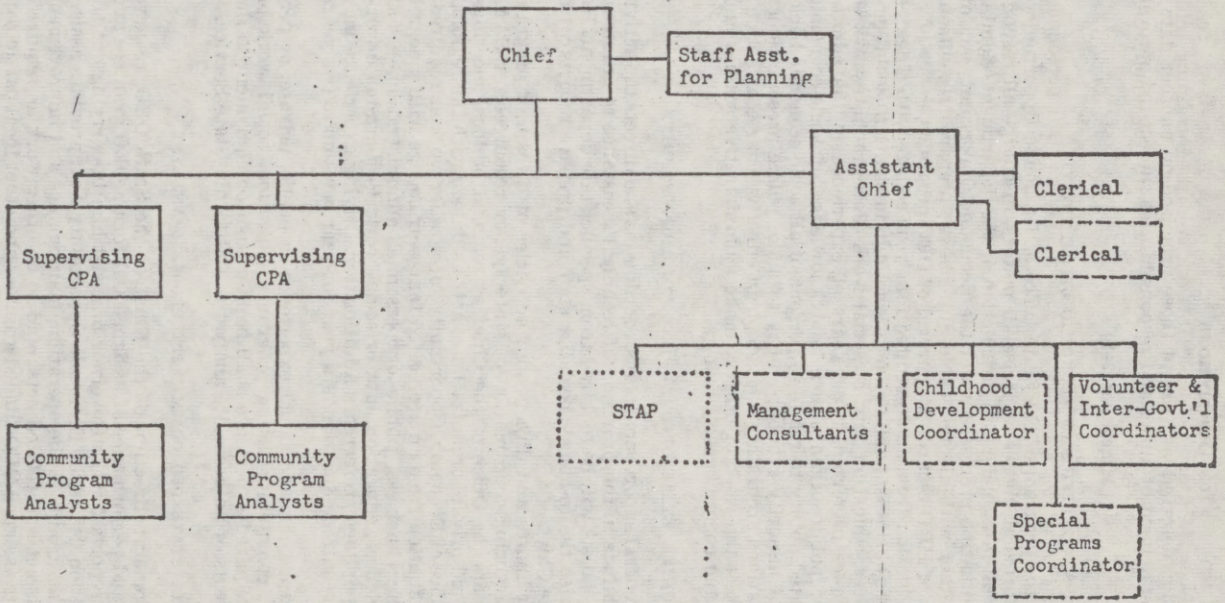
H. *Describe how the SEOO plans to change or improve its efforts to inform the news media and the public of the needs, problems, and programs of the anti-poverty effort.*

It is intended that work of the Staff Assistant for planning and the Intergovernmental Liaison Coordinator (previously described in several sections of this work program in the attached CAP 81, in the demonstration proposal and in appended documents) will provide the nucleus of a public information and education program to be developed by SEOO in the coming year. The public information Section of HRD also has offered assistance to SEOO in this field.

V. OPERATIONS

Describe the progaams the SEOO plans to operate, if any, during the next program year.

SEOO has no plans to operate programs in the coming year.



ATTACHMENT 3

CHART OF CALIFORNIA SEOO ORGANIZATION
PROGRAM YEAR E

JOB DESCRIPTIONS

By 9–30–70 all position descriptions (except those promised on another date) will have an attached statement of duties and responsibilities subject to approval by OEO.

[Attachment 2–1]

CHIEF, STATE OFFICE OF ECONOMIC OPPORTUNITY

Definition.—Directs the program of the State Office of Economic Opportunity.

Typical tasks.—Performs all duties, exercise all powers, discharge all responsibilities, and enforces all laws under the jurisdiction of the department. Administers review and coordination processes under the Economic Opportunity Act of 1964, as amended, together with all applicable State laws; prepares recommendations to the Director of HRD regarding approval of OEO programs.

Qualifications.—Graduation from an accredited four year college with a degree in one of the following: business, public or personnel administration, social sciences, behavioral sciences, education, law, or social work. Post-graduate work in one of the above disciples preferred, three years of experience in the administration of private or public organizations and knowledge of socio-economic problems; a demonstrated ability to relate to persons of all socio-economic backgrounds and persons of minority groups; ability to make public presentations; ability to analyze situations accurately and adopt an effective course of action; plan, organize, and direct the work of others; make administrative studies and prepare clear, concise and comprehensive reports.

ASSISTANT CHIEF, STATE OFFICE OF ECONOMIC OPPORTUNITY

Definition.—Under general supervision, plans, coordinates and directs the activities of a team of specialists in the provision of technical assistance to grantees. Recommends what specialists will be required from specific state department. He will assign and supervise the in-house specialist staff and prepare reports with recommendations to the Chief.

Typical tasks.—Coordinates and directs staff activities of a team of program specialists, assists in securing coordination of state agency resources for CAAs and programs; represents the Office of the Chief at regional or local meetings of anti-poverty public and private organizations; acts as liaison with the regional offices of the Federal Office of Economic Opportunity; does other work as required.

Qualifications.—Graduation from an accredited four-year college with a degree in one of the following: business, public or personnel administration, social sciences, behavorial sciences, education, law, or social work. Post-graduate work in one of the above disciplines preferred. (Additional qualifying experience may be substituted for the required education of a year-for-year basis up to two years of college).

Experience.—Five years of professional experience in public, private, or personnel administration, community action programs, education, social work or law. One year of the required experience shall be in a position equivalent to the performance requirements of an associate analyst in California State Service.

CALIFORNIA STATE OEO COMMUNITY PROGRAM ANALYST

Definition.—Under general direction of the Chief of the State OEO, reviews the various programs and performance of assigned California OEO grantees and makes comprehensive reports for the Governor to assist him in carrying out activities pursuant to Section 242 of the Economic Opportunity Act; provides assistance to communities and groups in the operation, maintenance and improvement of programs under this act and related acts; and to do other work as required.

Typical tasks.—Visits assigned OEO-funded grantees and other local participating individuals and public and private agencies and groups to compile information on grantee programs, structure and performance, as the basis for reports to the Governor; evaluates Community Action Programs and prepares policy recommendations for the Governor's approval or disapproval of these programs; provides information on OEO policies and procedures to individuals and groups in the community; offers generalist assistance to grantees in their attempts to mobilize existing and new resources to alleviate and prevent poverty; provides guidance and assistance in such areas as administration, organization and personnel management; develops new local programs and participates in creation of demonstrated projects; calls upon State OEO Special Technical Assistance

Consultants and Coordinators and specialists in other state agencies to provide in-depth analysis and solutions to specific and difficult problems; cooperates with field representatives of the Regional Office of Economic Opportunity in assuring the effective functioning of Community Action Programs; writes reports and briefs; coordinates work with other State OEO professional personnel.

Qualifications.—The position of Community Program Analyst requires those qualities of ability and training usually associated with graduation from an accredited four years' college or graduate school in one or more disciplines pertinent to work mandated by the Economic Opportunity Act; demonstrated abilities to work harmoniously with people of all socio-economic and cultural backgrounds; to analyze problems correctly and recommend and/or take appropriate courses of action to deal with them; to plan, direct and evaluate the work of others and to write and speak well; a background which has provided a working knowledge of federal, state and local governmental functions, relationships, and resources; and experience in OEO policies, procedures and programs.

Duties of Community Program Analyst Supervisor

In addition to duties of a CPA:

1. Maintains a working knowledge of all CAA programs in the district;
2. Manages district office: (*a*) approves activity and attendance reports of CPA staff; (*b*) coordinates administration and policy implementation with headquarter office.
3. Supervises, evaluates and directs CPA staff and provides in-service training according to SEOO training plans;
4. Supervises clerical operations in district office;
5. Reviews and approves CPA's requests for specialist-technical assistance from headquarters and coordinates their work in the district;
6. Arranges cooperative activities among OEO Field Representatives, State Agencies, OEO Contractors, State OEO CPAs and others;
7. Participates in senior staff meetings at headquarters and represents the district office in other meetings as required.

CALIFORNIA STATE OEO STAFF ASSISTANT FOR PLANNING

Definition.—Under supervision of the Director of the State OEO or his designee, and in accordance with the provisions of the Economic Opportunity Act, to provide specialist assistance to SEOO and to other State agencies in agency-planning activities which affect the disadvantaged people of California, and perform other duties as required. The Planning Asst. will prepare each year, with the assistance of other SEOO staff to the degree necessary, a e year plan as described in OEO Instruction 7501–1.

Typical tasks.—In accordance with his specialty, assists the Director in establishing long-term goals and short-term objectives for SEOO and for recommendation to other State agencies concerned with the welfare of California's disadvantaged citizens; devises systems, programs and milestones in meeting objectives; assists in the implementation of such systems and programs; updates and revises plans to meet expected changes; assists in the development of realistic objectives as they relate to resources available to State OEO; acts as advocate for low-income and ethnic-minority populations of the State to influence in their behalf the State planning process.

Qualifications.—Ability and training usually associated with graduation from an accredited four-year college, with specialization in one of the following: Business or Public Administration; Urban Planning; Social Sciences; or Behavioral Sciences. Post-graduate work in one of the above disciplines preferred and three years of experience in the administration of public or private organizations and knowledge of socio-economic problems; demonstrated ability to relate to persons of all socio-economic backgrounds and persons of minority groups; ability to make public presentations; ability to analyze situations accurately and adopt an effective course of action; plan, organize and direct the work of others; make administrative studies and prepare clear, concise and comprehensive reports.

CALIFORNIA STATE OEO VOLUNTEER COORDINATOR

Definition.—Under direction of the Director of State OEO or his designee, assists in the review of VISTA programs and their coordination with other volunteer anti-poverty efforts. Mobilizes private volunteer groups within the

state for anti-poverty efforts. The primary duty of the VISTA Coord. will be to facilitate the review of VISTA grants and to attempt to secure the Governor's response within thirty days.

Typical tasks.—Assists in the review of VISTA programs for the purposes of increasing their effectiveness and to expedite the review process; coordinates programs with VISTA training centers and CAAs; makes suggestions for improvement in the utilization of VISTA volunteers at the CAA level by improving their supervision and training; identifies other private volunteer groups; assists in the implementation of private volunteer programs to reduce duplication; disseminates information to private groups about areas of need; and facilitates the coordination of private volunteer resources with other federal, state and local anti-poverty programs.

Qualifications.—Ability and training usually associated with graduation from an accredited four-year college or graduate school in one or more of the disciplines pertinent to the speciality as mandated by the Economic Opportunity Act; demonstrated ability to work harmoniously with people from all socio-economic and cultural backgrounds; to analyze problems accurately and recommend or take appropriate action to deal with them; to plan, direct and evaluate the work of others, and to write and speak well; a working knowledge of private organizations, their goals, functions, administration and resources; and experience in OEO policies, procedures, and programs, particularly as related to the VISTA program.

[Attachment No. 7]

EXCERPTS OF ASSEMBLY BILL 1463

"Section 327: The director (of DHRD) shall advise the Governor of his responsibilities under United States Public Law 88-452, known as the Economic Opportunity Act of 1964."

"Section 328: The Department shall:

"(a) Conduct and administer the California Migrant Master Plan.

"(b) Provide technical assistance to local agencies which operate community action programs of an anti-poverty nature.

"(c) Coordinate anti-poverty efforts throughout the state, to the extent permissible under federal law, to avoid duplication, improve delivery of services, and relate programs to one another.

"(d) Maintain liaison with the Federal Office of Economic Opportunity, county and city commissions on economic opportunity, citizens' groups and all other governmental agencies engaged in economic opportunity programs.

"(e) Collect and assemble pertinent information and data available from other agencies of the state and federal governments and disseminate information in the interest of economic opportunity programs in the state by publication, advertisement, conference, workshops, programs, lectures, and other means.

"(f) Plan and evaluate long-range and short-range strategies for overcoming poverty in the state.

"(g) Mobilize public and private resources in support of anti-poverty programs.

"(h) Encourage participation by residents of poor communities in the development and operation of community action programs for their betterment.

"(i) To the extent feasible, utilize the Community Action Agency in the community to be served in the recruitment of personnel for the Division of Job Training and Development.

"(j) Utilize and employ, to the fullest extent possible, consistent with efficient administration, persons from the economically disadvantaged areas in carrying out the provisions of Division 3 of this code."

OFFICE OF ECONOMIC OPPORTUNITY—COMMUNITY ACTION PROGRAM—MAINTENANCE OF EFFORT CERTIFICATION

Community Action Agency: State Agency Assistance; grant No 0364; Program year: "E."

Funds or other resources devoted to programs or activities designed to meet the needs of the poor within the community will not be diminished in order to provide non-Federal share contributions for the Community Action Program.

With respect to each program account in this funding request:

(1) The amounts claimed as non-Federal share represent a net increase over expenditures from non-Federal sources made for similar activities during the twelve months prior to initial application to OEO for the program account.

(2) The program account services will be in addition to, not in substitution for, services previously provided without Economic Opportunity Act assistance.

Typed name of Executive Director, CAA: Fred Sammis; date: 6/1/70.

ASSURANCE OF COMPLIANCE WITH THE OFFICE OF ECONOMIC OPPORTUNITY'S REGULATIONS UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

California State OEO (hereinafter called the "Applicant") agrees that it will comply with title VI of the Civil Rights Act of 1964 (P.L. 88-352) and the Regulations of the Office of Economic Opportunity issued pursuant to that title (45 C.F.R. Part 1010), to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance either directly or indirectly from the Office of Economic Opportunity; and Hereby Gives Assurance That it will immediately, in all phases and levels of programs and activities, install an affirmative action program to achieve equal opportunities for participation, with provisions for effective periodic self-evaluation.

In the case where the Federal financial assistance is to provide or improve or is in the form of personal property, or real property or interest therein or structures thereof, the assurance shall obligate the Applicant, or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services and benefits, or for as long as the Applicant retains ownership or possession of the property, whichever is longer. In all other cases, this assurance shall obligate the Applicant for the period during which the Federal financial assistance is extended to it.

This assurance is given in consideration of and for the purpose of obtaining either directly or indirectly any and all Federal grants, loans, contracts, property, or discounts, the referral or assignment of VISTA volunteers, or other Federal financial assistance extended after the date hereof to the Applicant by the Office of Economic Opportunity, including installment payments after such date on account of applications for Federal financial assistance which were approved before such date. The Applicant recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, its successors, transferees, and assignees, and the person or persons whose signature appears below are authorized to sign this assurance on behalf of the Applicant.

Date: June 1, 1970.

CALIFORNIA STATE OEO
By FRED SAMMIS,
Sacramento, Calif.

(Attachment 4)

INCREASE IN NON-FEDERAL SHARE

Because of its expanded and enhanced role in coordinating the services of local, state and private sector agencies and organizations (non-federal) the California State Economic Opportunity Office expects to be the recipient during Program Year E of important contributions in-kind from a wide variety of sources.

In the Department of Human Resources Development alone, such divisions and sections as Research and Statistics, Legal, Commission on Aging, Management, Personnel, Public Information and others will supply in-kind services such as mail routing, contract writing, research and computer time, management training, and technical assistance.

In the Human Relations Agency, comprising such Departments as Health, Education and Welfare, Mental Hygiene, and Rehabilitation, a significant amount of coordinative, in-kind time will be contributed to the SEOO. Past experiences and involvement with such other state agencies as Housing and Community Development, Agriculture, Attorney General's Office, Secretary of State, State Library (which publishes anti-poverty related bibliographies), has resulted in sizeable

in-kind contributions. These resources will continue to be utilized and expanded upon during the coming program year.

Form documents have been designed to certify all contributions made to SEOO on a continuing basis during Program Year E.

PROGRAM REVIEW AND ASSESSMENT PROCESS

Grantees	Program year begins	Review process begins	Grantees' plans and priorities due in to SEOO	Prereviews of grantees by SEOO and WROEO begin	Action grant signoff in Governor's office (approximate)	SEOO complete assessments of grantees' performance, TA, coordination and training needs
San Bernardino	July 1	Jan. 1	Feb. 1	Mar. 1	June 1	July 1.
ITC Indian Cap						
NAPA	Oct. 1	Apr. 1	May 1	June 1	Sept. 1	Oct. 1.
SHASTA						
Lake Mendocino	Dec. 1	June 1	July 1	Aug. 1	Nov. 1	Dec. 1.
Santa Cruz						
Santa Barbara	Jan. 1	July 1	Aug. 1	Sept. 1	Dec. 1	Jan. 1.
Oakland	Feb. 1	Aug. 1	Sept. 1	Oct. 1	Jan. 1	Feb. 1.
Butte						
Contra Costa						
Fresno						
Imperial						
Quad-County Cap						
Los Angeles						
Pasadena						
Compton						
Long Beach						
Rio Hondo						
Monterey						
Sacramento						
Quechan Cap						
Orange	Mar. 1	Sept. 1	Oct. 1	Nov. 1	Feb. 1	Mar. 1.
Placer						
San Joaquin						
Riverside						
El Dorado	Apr. 1	Oct. 1	Nov. 1	Dec. 1	Mar. 1	Apr. 1.
So/Alameda						
Kern						
Merced						
San Diego						
San Francisco						
Sonoma						
Stanislaus						
Yolo						
Berkeley	May 1	Nov. 1	Dec. 1	Jan. 1	Apr. 1	May 1.
Kings						
San Luis Obispo						
San Mateo						
Solano						
Tulare						
Ventura						
Madera	June 1	Dec. 1	Jan. 1	Feb. 1	May 1	June 1.
Marin						
Santa Clara						

AUGUST 11, 1970.

The attached material is to be considered part of the application for the refunding of Grant Number 0364.

All equipment purchased with monies from this grant will revert to the Federal Government.

LEWIS K. UHLER,
Director, California State Office of Economic Opportunity.

Q. We have not received the resumes of all employees earning over $10,000 per year including Director and Assistant Director?

A. Resumes will be supplied.

Q. The "Exempt Personnel Policies" are accepted as an attachment to your proposal. They are much less detailed than those we usually require of a grantee. For the purposes of this grant action only the following details will be required:

(a) The time space between wage increases.

(b) The circumstances under which such increases are or are not given.

(c) The frequency and nature of employee performance evaluations.

(d) A copy of the affirmative action plan your office has stated each year it will immediately implement.

A. (a) Wage increases are given yearly . . .

(b) . . . if performance is satisfactory.

(c) . . . based on semi-annual evaluations by the Personnel Section of the Department of Human Resources Development.

(d) SEOO and the OEO Region IX representative are developing a mutually acceptable plan of Affirmative Action.

Q. The position description of Intergovernmental Coordinator is not accepted as presented. Based on the information provided, it appears reasonable to expect the other staff of the SEOO, particularly the SEOO Director and Planning Assistant, to perform these described duties.

A. The Intergovernmental Coordinator will act as ombudsman for grantees and others with regard to encouraging full and effective use of State Departmental and Agency resources for the benefit of California's disadvantaged population, in accord with OEO Instruction 7501–1.

Q. I call your attention to page 12 of the enclosed OEO Instruction 7501–1. It is expected that the California SEOO will:

(a) Be ready for a pre-review 180 days before the end of the program year.

(b) Have an 81a in the hands of the CAAs and Advisory Committee not less than 120 days prior to the end of the program year.

(c) Have an 81a in the Regional Office not less than 90 days prior to the end of the program year.

(d) Have a full proposal in the Regional Office not less than 68 days prior to the end of the program year.

Failure to meet these deadlines may result in equivalent delays in funding program year F. That is, if next year proceeds as this year, new funding should not be expected until approximately 80 days after the end of the program year.

A. State OEO intends to carry out its grant application process in accord with the timetable given.

OFFICE OF ECONOMIC OPPORTUNITY—COMMUNITY ACTION PROGRAM—SPECIAL CONDITION

(1) Name of grantee: California State Office of Economic Opportunity; (2) grant No. OG 0364, program yr. E, Action No. 4; (3) Special condition applies to; a. all program accounts in grant action b. only program account number(s)

This grant is subject to the Special Conditions below, in addition to the applicable General Conditions governing grants under Title II or III-B of the Economic Opportunity Act of 1964 as amended.

There will be no more than eleven (11) Community Program Representatives. The starting wage for these Community Program Representatives will be no more than $1,213 per month.

However, written individual exceptions by the Department of Finance, filed with SEOO and OEO, will be excepted for hiring at higher steps. All other State personnel Board roles shall apply.

It is expected that this will result in funds being available for more staff than is listed in the proposal. Any excess funds in budget cost category 1 should be used for not more than 4 additional clerical employees. The hiring of these four additional clerical employees is both authorized and encouraged by this grant action. However, this in no way commits OEO to supply funds sufficient for 29 employees in subsequent program years.

OFFICE OF ECONOMIC OPPORTUNITY—COMMUNITY ACTION PROGRAM—EXPLANATION OF BUDGET AND WORK PROGRAM CHANGES

(1) Name of grantee: California State Office of Economic Opportunity; (2) End of program year, June 30, 1971; (3) Grant No. CG0364, program year E, Action No. 4.

(4) Program account: (a) Number: S77 CG4; (b) Name: Regular refunding; (c) Beginning August 15, 1970; (d) Ending June 30, 1971.

1. Proposal included a 12 months budget starting 7/1/70, actual starting date is 8/15/70 for 10.5 months.

Read in Processing 9/2/70

PAGE 1 OF 1 PAGES

OFFICE OF ECONOMIC OPPORTUNITY - COMMUNITY ACTION PROGRAM

STATEMENT OF CAP GRANT

1. GRANT NO. CG 0364 - E / 4 — PROG. YR. — ACT. NO.

2. NAME AND ADDRESS OF GRANTEE
State of California Office of Economic Opportunity
800 Capitol Mall
Sacramento, California 95814 90455

4. EFFECTIVE DATE OF GRANT ACTION
August 15, 1970

5. END OF PROGRAM YEAR
June 30, 1971

6. TERMINATION DATE

3. NAME AND TITLE OF EXECUTIVE DIRECTOR
Lewis K. Uhler, Director

7. SECTION(S) OF EOA
231

8. FEDERAL SHARE OF PROGRAM COST FOR THIS PROGRAM YEAR MAY NOT EXCEED 80 %

PROGRAM ACCOUNTS APPROVED THIS GRANT ACTION FOR THIS PROGRAM YEAR		FEDERAL SHARE			NON-FEDERAL SHARE	TOTAL PROGRAM			NO. OF MOS.
P./ NO. (1)	PROGRAM ACCOUNT NAME (2)	TOTAL FEDERAL SHARE (TOA) (3)	CARRY-OVER FUNDS ASSIGNED * (4)	ADDITIONAL FEDERAL FUNDS (NOA) (5)	(6)	TOTAL COSTS (7)	PERSONNEL COSTS (8)	NON-PERSONNEL COSTS (9)	(10)
S77	GC4 SE00	$488,564	$29,860	$458,704	$97,712	$586,276	$468,987	$117,289	10.5
A.	TOTALS CARRIED FORWARD FROM ATTACHED PAGES (if any)								
B.	TOTAL APPROVED THIS GRANT ACTION FOR THIS PROGRAM YEAR	$488,564	* $29,860	$458,704	$97,712	$586,276	$468,987	$117,289	
C.	TOTAL PREVIOUSLY APPROVED FOR THIS PROGRAM YEAR	306,500	-0-	306,00	24,125	330,625			
D.	TOTAL APPROVED TO DATE FOR THIS PROGRAM YEAR	795,064	29,860	765,04	121,837	916,901			

9. STATEMENT OF OEO APPROVAL

Federal funds as shown in Column (5), Line B, are hereby obligated for the program proposed by the grantee as noted above and in the attachments to this statement. Program account budgets may be modified by the grantee only under general or ordinary guidelines or in accordance with written OEO approval.

APPROVED BY: (Signature and title of OEO official) DATE

10. GRANTEE ACCEPTANCE OF GRANT

On behalf of the grantee, I accept the grant and all modifications, general and special conditions, and requirements contained in the attached ___ pages.

ACCEPTED BY: (Signature and title of grantee official) DATE

(For Grantee Use)			(For OEO Use)	(For Grantee Use)			(For OEO Use)	(For Grantee Use)	(For OEO Use)		
P.A. NO. (1)	PROGRAM ACCOUNT (2)	APPROVED FEDERAL SHARE (3)	FISCAL YEAR (4)	ACTUAL EXPENDED FEDERAL FUNDS THRU: (5)	ESTIMATED EXPENDED FEDERAL FUNDS AT END OF PY (6)	ESTIMATED UNEXPENDED FEDERAL FUNDS AT END OF PY (7)	TO P.A. NO. (8)	ACTUAL UNEXPENDED FEDERAL FUNDS AT END OF PY (9)	ADJUSTMENT IN FEDERAL FUNDS TO BE ASSIGNED (Indicate + or −) (10)	TO P.A. NO. (11)	FEDERAL FUNDS TO BE DEOBLIGATED (12)
77	SEOO					$29,876					
TOTALS CARRIED FORWARD FROM ATTACHED PAGES (If any)											
TOTALS											

4. TYPED NAME AND TITLE OF OFFICIAL SUBMITTING INITIAL REPORT
John Sawicki, Assistant Director

5. SIGNATURE

6. DATE
3-14-70

7. TYPED NAME AND TITLE OF OFFICIAL SUBMITTING FINAL REPORT

8. SIGNATURE

9. DATE

CAP FORM 28 (REV. AUG 68) PREVIOUS EDITIONS ARE OBSOLETE.

GPO 861-372

...ded CAP Form 28.

OFFICE OF ECONOMIC OPPORTUNITY - COMMUNITY ACTION PROGRAM

STATEMENT OF CAP GRANT

1. GRANT NO. CG 0364 - E / 4 PROG. YR. ACT. NO.

2. NAME AND ADDRESS OF GRANTEE
State of California Office of Economic Opportunity
800 Capitol Mall
Sacramento, California 95814 90455

4. EFFECTIVE DATE OF GRANT ACTION
August 15, 1970

5. END OF PROGRAM YEAR
June 30, 1971

6. TERMINATION DATE

3. NAME AND TITLE OF EXECUTIVE DIRECTOR
Lewis K. Uhler, Director

7. SECTION(S) OF EOA
231

8. FEDERAL SHARE OF PROGRAM COST FOR THIS PROGRAM YEAR MAY NOT EXCEED 80

PROGRAM ACCOUNTS APPROVED THIS GRANT ACTION FOR THIS PROGRAM YEAR		FEDERAL SHARE			NON-FEDERAL SHARE	TOTAL PROGRAM			NO. OF MO.
P.A. NO. (1)	PROGRAM ACCOUNT NAME (2)	TOTAL FEDERAL SHARE (TOA) (3)	CARRY-OVER FUNDS ASSIGNED * (4)	ADDITIONAL FEDERAL FUNDS (NOA) (5)	(6)	TOTAL COSTS (7)	PERSONNEL COSTS (8)	NON-PERSONNEL COSTS (9)	(1)
017	GG4 SE00	$488,564	$29,860	$458,704	$97,712	$586,276	$468,987	$117,289	10
A. TOTALS CARRIED FORWARD FROM ATTACHED PAGES (if any)									
B. TOTAL APPROVED THIS GRANT ACTION FOR THIS PROGRAM YEAR		$488,564	$29,860	$458,704	$97,712	$586,276	$468,987	$117,289	
C. TOTAL PREVIOUSLY APPROVED FOR THIS PROGRAM YEAR		306,500	-0-	306,500	24,125	330,625			
D. TOTAL APPROVED TO DATE FOR THIS PROGRAM YEAR		795,064	29,860	765,204	121,837	916,901			

9. STATEMENT OF OEO APPROVAL

Federal funds as shown in Column (5), Line B, are hereby obligated for the program proposed by the grantee as noted above and in the attachments to this statement. Program account budgets may be modified by the grantee only under general flexibility guidelines or in accordance with written OEO approval.

APPROVED BY: (Signature and title) H. Rodger Bolte, Dr. H. Rodger Bolte DATE 8/14/70

10. GRANTEE ACCEPTANCE OF GRANT

On behalf of the grantee, I accept the grant and all modifications, general and special conditions, and requirements contained in the attached ___ pages

ACCEPTED BY: (Signature and title of authorized official) DATE

CAP FORM 14 (REV. AUG 68) PREVIOUS EDITIONS ARE OBSOLETE. GPO 861-382 * As indicated on attached CAP Form 28.

OFFICE OF ECONOMIC OPPORTUNITY - COMMUNITY ACTION PROGRAM

UNEXPENDED FEDERAL FUNDS REPORT *(Please type or print clearly)*

Budget Bureau No. 116-R0048

1. NAME OF GRANTEE: Calif. SEOO

2. PROGRAM YEAR END DATE: E

3. GRANT NO.: 0364

(For Grantee Use) P.A. NO. (1)	PROGRAM ACCOUNT (2)	APPROVED FEDERAL SHARE (3)	(For OEO Use) FISCAL YEAR (4)	(For Grantee Use) ACTUAL EXPENDED FEDERAL FUNDS THRU: (5)	ESTIMATED EXPENDED FEDERAL FUNDS AT END OF PY (6)	ESTIMATED UNEXPENDED FEDERAL FUNDS AT END OF PY (7)	(For OEO Use) TO P.A. NO. (8)	(For Grantee Use) ACTUAL UNEXPENDED FEDERAL FUNDS AT END OF PY (9)	(For OEO Use) ADJUSTMENT IN FEDERAL FUNDS TO BE ASSIGNED *(Indicate + or −)* (10)	TO P.A. NO. (11)	FEDERAL FUNDS TO BE DEOBLIGATED (12)
77	SEOO					$29,876					
TOTALS CARRIED FORWARD FROM ATTACHED PAGES *(If any)*											
TOTALS											

4. TYPED NAME AND TITLE OF OFFICIAL SUBMITTING INITIAL REPORT: John Sawicki, Assistant Director

5. SIGNATURE

6. DATE: 8-14-70

7. TYPED NAME AND TITLE OF OFFICIAL SUBMITTING FINAL REPORT

8. SIGNATURE

9. DATE

CAP FORM 28 (REV. AUG 68) PREVIOUS EDITIONS ARE OBSOLETE. GPO 881-779

2. Therefore all items in cost category 1.1 and 1.2 are pro-rated by multiplying by .87.:

1.1 Federal share is now $332,882.

1.2 Federal share is now $38,393.

3. Consultants and Contract Services Federal share is shifted from Federal to Nonfederal share.

4. All costs shown under 2.1 have been multiplied by .875 except conferences. New total is $66,630.

5. All costs shown under 2.2 have been multiplied by .875 showing new total $20,916.

6. Pro-ration of employee consumable supplies per month results in a new total—$3,030 for category 2.3.

7. Photo copy rental is pro-rated from $2,640 to $2,310.

8. Calculator cost is adjusted to GSA price of $394.

9. Dictating machine cost is adjusted to GSA price of $400.

10. Administrative work center cost is adjusted to $455.

11. Overhead Propector price is adjusted to $214.

12. Motion picture projector price is adjusted to $524.

13. Screen cost is deleted as it will be furnished by OEO in kind.

14. New total for category 2.4 is therefore $10,651.

15. Category 2.5, because of pro-ration:

Electric typewriter service is reduced to $206.

Manual typewriter service is reduced to $19.

Electric calculator service is reduced to $70.

Dictating machine service is reduced to $297.

Headquarters telephone is reduced to $12,600.

Headquarters postage is reduced to $1,050.

Outstation postage is reduced to $420.

Printing, etc. is reduced to $350.

The amount shown for outstation telephones is incorrect because of apparent arithmetic error and should have been $1,200 this amount through proration is now a total $1,050.

Liability insurance is deleted as we have been notified by the State Finance Dept. that liability insurance should be budgeted only for state vehicles. The new total for category 2.5 is therefore $16,062.

SYNOPSIS OF GRANT, CALIFORNIA STATE OFFICE OF ECONOMIC OPPORTUNITY, SPECIAL TECHNICAL ASSISTANCE PROGRAM (STAP), APRIL 1, 1970 TO MAY 31, 1971, $114,184

BUDGET: CALIFORNIA SEOO STAP, 4-1-70/5-15-71

	Annualized	Actual (13 months)	
		Federal	Non-Federal
Personnel—Salaries (4 specialists, housing, economic development, management, community development at $18,000 per year)	$72,000	$78,000	(1)
Fringe benefits	(1)		
Travel	18,800	20,367	
Other costs (per diem at $10 per day per specialist)	14,600	15,817	
Total costs (all borne by Federal Government though space, equipment, and secretarial service are furnished by SEOO and CAA's to whom service is rendered)	105,440	114,184	(1)

[1] Not available.

STAP WORK PROGRAM

STAP specialists will be assigned to rural CAAs that "are in most need of assistance." In some instances they will work with clusters of CAAs and in concert with other agency representatives. Conferences, workshops and seminars will be among the approaches to rendering technical assistance in addition to routine consulting. It is expected that by assisting groups of CAAs and communities with common problems, new projects might be undertaken on a cooperative and regional basis. Assignments to CAAs will be from one month to a year's duration.

JOB DESCRIPTIONS—ALL SPECIALISTS

All specialists will "provide highly specialized technical assistance to CAAs designated by California OEO". Assistance will be for "the development, implementation and expansion of California grantee programs." Direction will be from the California SEOO "in conjunction with local CAAs and OEO Regional Offices and with guidance from the CAP Headquarters Office." Specialists will "perform duties on an individual basis or as a member of a task force." All serve under the direction of the Chief, California, OEO," who directs and coordinates all activities with the appropriate headquarters."

JOB DESCRIPTIONS—INDIVIDUAL SPECIALISTS

Housing specialist

Assists CAAs in designing low-income housing programs in rural areas.
Assesses local housing problems, markets and programs and develops local strategies.
Assists OEO-funded Housing Development Corporations in program development and in utilizing resources of public and private agencies.
Assists CAA Directors in designing programs and in developing applications for funding.
Maintains liaison with HUD divisions (FHA, RAA, etc.) with local officials and with appropriate Regional and State agencies on possible housing programs.
Encourages coordinated action at the community level on housing problems and recommends training methods to achieve it.
Conducts special housing studies and evaluates technical aspects of grantee operations.
"Initiates and participates in intra- and inter-agency meetings concerned with program areas relating to his expertise."
"As required, assists CAAs in the selection and training of full-time Housing Specialists."

Economic development specialist

Assists CAAs "on the business services aspects of the Community Action Program," i.e., "OEO/CAP program elements particularly directed at combatting poverty in rural areas."
Assists CAAs in development and management of cooperative and other business enterprises.
Conducts feasibility studies on prospective economic development projects.
Assists CAAs in interpreting and applying OEO policies, guidances, etc.
Maintains liaison and coordinates with appropriate Regional, State and local agencies and assists CAAs in making contacts with them.
Diagnoses CAAs' needs for further specialized technical assistance and assists in acquiring it.
Makes available to OEO Headquarters material developed by himself or other consultants that might be of use to other communities.
Assists in CAA development of staff training and assists in selecting and training CAA specialists.

Community development specialist

Serves as "a catalyst or liaison between the CAA and the business community or governmental agencies to achieve a community coalition approach."
Assists CAA in identifying needs and resources, advises on strategy; assists in writing proposals and advises on planning procedures.
Concentrates on methods of improving the economic base of the community.
Prepares formal reports on findings and recommendations.

Management specialist

Analyzes CAA operations (organization structure, staffing, work distribution) and "designs new or revises present systems and procedures."
Provides assistance and advice to operating officials in implementing approved changes.
Assists CAAs in screening and selection of specialists in management areas.
Prepares formal reports on findings and recommendations.

TRAINING PLAN

The National State STAP Office will conduct a four-week pre-service training program for all STAP specialists. Headquarters STAP and the Council of State Governments will participate.

The California SEOO will conduct an intensive two-week "training and indoctrination" program for specialists in "specific conditions existing in California that the pertinent to their discipline" and in "the scope and commitment of the poverty program."

Bi-monthly staff meetings will provide in-service training. Additional in-service training will be provided as necessary.

STATE STAP GUIDELINES—SELECTED ITEMS

(1) "The specialist categories will ordinarily be limited to Management, Economic Development and Housing. . . . However, this does not preclude the inclusion of additional specialty categories provided a clear need is indicated."

(2) "These specialized technicians will be State employees operating for long-term assignments with local grantees. The administrative support for these specialists will be the responsibility of the SEOOs, but OEO Headquarters (State/STAP Office) and the Council of State Governments will provide technical support in the form of training, providing information materials and coordination."

(3) "Assignment will be made either on a team basis . . . or individually . . . A specialist may also be assigned to several grantees at one time. Priority will be given to low-income rural areas."

(4) "Technical support will be provided by the Regions, the State/STAP Office and the Council of State Governments. The State/STAP Office will be responsible for overall coordination and training."

(5) "As with the National STAP Program, the specialist will be responsible for preparing a STAP operational plan which must be approved by the grantee, SEOO, Regional Office, State/STAP Office and OEO/GR."

(6) "The specialist will be primarily responsible to the grantee for implementation of technical assistance as outlined in the STAP Plan."

(7) "The monitoring of these pilot projects will be a cooperative effort among the SEOO, The Regional Office and the State/STAP Office. An independent evaluation will be provided by Headquarters."

(8) "The SEOO must inform all rural CAAs of the availability of the specialists. CAAs, in turn, may request assistance. The SEOO determines which requests to honor. Selections "should be based on information from the Regional Training and Technical Programs Chief regarding his plans and priorities. This cooperation is necessary so that training and technical assistance programs and State/STAP will complement each other."

(9) "Upon designation as a State/STAP priority agency, an SEOO official will visit with the Regional Field Representative in order to have an on-site evaluation of assignment parameters and to brief grantee officials on the role of the State/STAP specialist."

(10) "When the SEOO selects a grantee to receive the services of a State/STAP specialist, it will immediately notify the grantee, the Regional Office and the State/STAP office."

(11) Periodic in-service training will include training programs in both the Regional Offices and participating SEOOs."

(12) "The State/STAP Specialist submits weekly advance itineraries and monthly evaluative reports. These are submitted concurrently to the SEOO, R.O., and the State/STAP Office." "Reports should be directed to the Director (SEOO) . . . who will in turn forward (them) with remarks to the appropriate OEO Regional Office, the State/STAP Office and OEO/GR Washington. Compliance with this distribution is imperative. . . ."

(13) "Upon completion of an assignment, the grantee should submit a final evaluation report of the STAP assignment to the SEOO with copies to the Regional Office and State/STAP Office."

(14) The STAP Plan must be signed by the State/STAP Specialist, the grantee (CAA Director and Board Chairman), the SEOO Director, Regional District Supervisor, Regional Chief of Training and Program Assistance Branch, the State/STAP Office, and OEO/GR Washington before the specialist returns to the grantee for implementation of outlined objectives."

(15) "The State/STAP Specialist will orally brief appropriate OEO Regional Officials and review the written plan," prior to beginning implementation. "Any significant changes must have the concurrence of the SEOO Director."

(16) "Any time major changes in priorities and/or strategy develop, the STAP Plan should be modified or rewritten. The up-dated Plan should be signed off by the same procedure as the original Plan."

(17) "State/STAP Specialists maintain coordinative relationship with the OEO Regional Office. . . . Such relationships are ordinarily established with the Chief of the Training and Program Assistance Branch, unless otherwise designated by the Regional Director. However, communication and coordination must also be maintained with the Regional Office of Government Relations, the District Supervisor and appropriate Field Representatives."

(18) "State/STAP Specialists are *detailed* to the requesting grantee . . . the legislative intent of STAP is to provide on-site long-term technical assistance to requesting grantees. . . ."

(19) "The State/STAP Office, located in OEO, Washington, will coordinate the various projects with the OEO Regional Offices and the SEOOs."

(20) "It is expected that National and State/STAP specialists will be continually interacting, thus allowing for a sharing of ideas, pooling of experiences and surfacing and clarification of legislative, technical and policy issues."

OFFICE OF ECONOMIC OPPORTUNITY—COMMUNITY ACTION PROGRAM—SPECIAL CONDITION

(1) Name of grantee: California State Office of Economic Oppotunity.

(2) Grant No. 0364; program year E; action No.

(3) Special condition applies to: (a) All program accounts in grant action.

This grant is subject to the Special Condition below, in addition to the applicable General Conditions governing grants under Title II or III–B of the Economic Opportunity Act of 1964 as amended.

1. The grantee agrees in the administration of this grant to operate within the provisions of the most recent revision of STATE STAP Guidelines, OEO Pamphlet 7401–3, and such other regulations as are already in effect or subsequently prescribed by OEO.

2. The grantee agrees to include representatives of the OEO Regional Office and the State STAP office of OEO headquarters on a panel to review the qualifications of all candidates for professional positions under this grant and to recommend selection to the SEOO.

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

Type of Issuance	Number
OEO INSTRUCTION	7501-1
Subject ROLE OF STATE ECONOMIC OPPORTUNITY OFFICES	**Date** March 25, 1970
	Office of Primary Responsibility O/SL
Supersedes OEO INSTRUCTION 1420-2 (formerly 72-10)	**Distribution** M, N, S (L1)

EFFECTIVE DATE: April 24, 1970

APPLICABILITY: State agencies receiving financial assistance under Section 231 of the Economic Opportunity Act.

INTRODUCTION

The states have an important and unique contribution to make in the nation's efforts to deal with the problems of the poor and in assisting the Office of Economic Opportunity with programs authorized by the Economic Opportunity Act. It is the policy of the Office of Economic Opportunity (OEO) to encourage the states to make this contribution. The OEO Director, under Section 231 of the Act, is authorized to fund State agencies to provide technical assistance to communities and local agencies in connection with Title II programs to coordinate related state activities, to mobilize state resources and to advise and assist the OEO Director. At the request of the governors, OEO provides grants to the states for the establishment of State Economic Opportunity Offices (SEOOs) to assist the states in these activities. Section 242 of the Act provides that Title II grants and contracts of assistance will be submitted to the Governor for his consideration. It has been the practice of governors to ask their SEOOs for advice and assistance in exercising their authority under Section 242 and other Sections of the Act.

The establishment and support of State Economic Opportunity Offices (SEOOs) is one way by which OEO seeks to aid state governments in their efforts to assist the poor within their boundaries. OEO expects to obtain through the SEOOs a greater understanding of the roles that the individual states can best play in OEO activities, and to encourage the states to focus more of their resources on such activities. OEO expects to receive advice from the SEOOs on how OEO can best support other state activities consistent with OEO's mission and objectives.

OEO recognizes that states differ in their constitutional, statutory and organizational patterns and that a Governor needs the flexibility to use various administrative arrangements in the organization and placement of his State Economic Opportunity Office. While the specific means of carrying out their roles will therefore differ, the State offices funded by OEO under Section 231 of the Economic Opportunity Act are expected to perform the basic functions outlined below in Sections 2, 3, 4 and 6.

OEO INSTRUCTION 7501-1

THE STATE ECONOMIC OPPORTUNITY OFFICES

1. PLACEMENT

Because of the role expected of the SEOOs in state anti-poverty activities and the need for coordination at the state level, it is desirable that the SEOO be located at a high level in the state government structure, readily accessible to the Governor.

2. ADVISOR TO THE GOVERNOR ON ANTI-POVERTY MATTERS

a. The SEOO provides the Governor with information and advice with respect to the policies and programs of OEO and other anti-poverty resources, particularly as they relate to his state. At the discretion of the Governor, the SEOO may assist him in carrying out the provisions of Section 242 of the Economic Opportunity Act concerning the Governor's authority to disapprove OEO grants and contracts of assistance, and his authority to consent to the assignment and request termination of assignments of VISTA Volunteers (Section 810(b)).

b. Upon the designation of the Governor, the SEOO Director acts as his representative on matters related to the poor. The SEOO may thus represent the Governor with respect to other state agencies, local units of government, CAAs, OEO (Regional and Headquarters), other Federal agencies and other states.

c. The SEOO Director provides the Governor, other state agencies, and the OEO Regional Offices with information on the causes and conditions of poverty in the state. (See 6-a.)

3. RESOURCE MOBILIZATION, COORDINATION AND ADVOCACY

a. The SEOO shall give priority to the mobilization and coordination of anti-poverty resources, particularly at the state level. This requires effective interagency mechanisms to assure good communication between state agencies and offices whose activities affect the poor. The SEOO should, on its own initiative, seek out and develop or assist in the development of every state, Federal, community and private agency resource (programs, expertise, funds, etc.) that can be effectively marshalled and/or coordinated to assist CAAs and other anti-poverty efforts within the state.

b. The SEOO acts as a special advocate for the poor in state government by such activities as:

Working for representation of the poor on state committees and other instrumentalities which develop policy, provide advice or operate programs affecting the poor;

Assessing state poverty-related programs and state administrative procedures, and working to make them more responsive to the needs and desires of the poor;

Developing career opportunities for the poor within the SEOO and in other state agencies in coordination with the state civil service system; and

Employing poor persons whenever possible.

c. The SEOO, at the discretion of the Governor, provides information and assistance to the state legislature, state planning agencies, and other state agencies with the objective of enacting and amending legislation and developing programs for the benefit of the poor. SEOOs should consult regularly with local CAAs and other representatives of the poor on legislation they feel should be recommended to the Governor or state legislature.

d. The SEOO provides state agencies and officials, OEO grantees and the general public, with information and statistics -- using such devices as periodic bulletins, annual reports, meetings, etc. -- on the problems and needs of the poor and the programs and efforts to overcome poverty within the state.

e. The SEOO works with the state planning agency, other appropriate state agencies, and the community action agencies of the state in the implementation of BOB Circular A-95 (Part II) which establishes improved state-level coordination of planning in multi-jurisdictional areas, as it applies to activities conducted under the Economic Opportunity Act.

4. TECHNICAL ASSISTANCE TO CAAS AND OTHER OEO GRANTEES

In accordance with a Work Program approved by the Regional Office as part of the OEO refunding grant to the SEOO, the State Economic Opportunity Office provides the following technical assistance to community action agencies and other OEO grantees:

a. Provides special technical assistance where needed to Community Action Agencies, community groups, local government agencies, and other grantees or potential grantees, in developing, conducting and administering programs to alleviate poverty. At the time of grantee pre-review and when developing its own annual refunding request, the SEOO shall consult with the CAAs -- using Checkpoint Form 76 -- and with the Regional Office to determine OEO grantee needs for specialized technical assistance and to get advice on how the SEOO can assist in meeting these needs. In filling staff vacancies and when funds permit hiring new personnel, the SEOO shall give priority emphasis to the hiring and training of personnel specialized in those areas most needed by the CAAs and other OEO grantees.

b. Participates in the annual field pre-review of an OEO grantee, along with an OEO representative (Regional or Headquarters). Through the Checkpoint Procedure, the SEOO provides advice and assistance at an early or pre-review stage in the development of program proposals by CAAs and other OEO grantees. The grantee will concurrently provide the SEOO with all the required forms and information that it submits to the Regional Office before and during the pre-review. If the SEOO cannot participate in the field pre-review, or if a pre-review is not being held for a refunding or a new request, such documents and information shall be provided the SEOO at an early or preliminary stage by the grantee or applicant, along with Checkpoint Procedure Form 77. Form 77 should be signed by the SEOO on site at the conclusion of the field pre-review or no later than 15 days after receipt of the form. The SEOO shall indicate on the form, or on an attachment thereto, the specific kind and degree of technical assistance it will be able to provide the grantee, identifying those resources it will try to make available.

c. In consultation with OEO, assists grantees in taking any corrective actions, recommended by OEO as a result of evaluation and audit reports. (See 6-e.)

d. Surveys and assists in obtaining resources and funds for CAAs and other OEO grantees, available from state and Federal agencies, the private sector and other sources within the state. (See 3-a.)

e. Sponsors or participates in training programs and workshops for CAA staff and Board members, in consultation with OEO grantees and the OEO Regional Office, with particular emphasis on utilization of state resources and personnel.

f. Provides information and assistance to CAAs and other OEO grantees in planning, developing, and operating volunteer programs.

g. Assists CAAs in planning and developing boundaries coterminous or complementary with other area development, planning and program units where feasible. (See 3-e.)

5. SPECIAL PROGRAMS

The State Economic Opportunity Office may:

a. Receive OEO and other Federal and state agency funds to operate -- or delegate the operation of -- programs which further the objectives of the Economic Opportunity Act. The Checkpoint Procedure (Form 76) must be used by the SEOO with any CAAs whose areas would be affected by the operation of OEO-funded programs. CAA concurrence is required for SEOO programs funded under Section 221 of the EOA. (This is required by the EOA, Section 221(b).) Wherever an SEOO operates a special OEO-funded program, it shall establish an advisory committee which shall include representatives of the poor and of the affected CAAs. (See OEO Instruction 6005-1.)

b. Participate in research and demonstration programs, funded by OEO and other sources. Research and demonstration proposals in program areas where states have particular experience will be encouraged by OEO. Each Fiscal Year, OEO will reserve funds to be used for SEOO research and demonstration activities. Grants will be funded in accordance with priorities established in OEO's Research and Demonstration Plan. Priority will be given to proposals for research and demonstration activities designed to bring about meaningful changes in state and local government to assist to make their activities more responsive to the unique problems of the poor. Preference will be given to proposals which provide evidence that state or other non-OEO funding of the program is probable after a successful demonstration of one or two years. (See 8-g.)

c. Develop and carry out programs to help meet the immediate needs of migrant and seasonal farmworkers and their families, promote increased community awareness and acceptance of such families, and help them participate in special education and job training programs. (See Sections 311 and 312 of EOA.)

6. ADVISOR TO OEO

a. The SEOO advises the OEO Regional Offices on the criteria established under Section 241(a) and (b) of the EOA, which are designed to achieve within the states an equitable distribution of assistance between urban and rural areas under Title II of the Act. The SEOO shall provide an annual written analysis to the Governor and to the OEO Regional Office (due July 1), highlighting the principal problems and causes of poverty in the state. This analysis includes recommended priorities and types of programs to meet those problems. The SEOO also prepares an annual three-year anti-poverty plan for the state. Copies of the SEOO analysis and plans should be sent to the Governor and other appropriate state agencies, to all CAAs in the state, and to the appropriate OEO Regional Office and to OEO Headquarters (State and Local Government Division).

b. After receipt of the annual funding guidance by the Regional Office from OEO Headquarters, each SEOO shall meet with Regional Office representatives to assist in developing the total funding plan for their particular state. A major consideration in developing the state funding plan will be the needs, priorities and analysis provided the Regional Office, described under subparagraph "a" above. When disagreements exist, the SEOO will be provided in writing (with copy sent to the State and Local Government Division) the reasons for the Regional Office position before final approval of the state funding plan. Subsequent modifications to the state funding plan require prior SEOO consultation.

c. The SEOOs shall be consulted in the development of the OEO Headquarters and Regional Training and Technical Assistance Plans. Possibilities for utilizing state resources for all areas of training and technical assistance shall be explored by the Regional Office through the SEOO. Prior to funding, comments and recommendations by the appropriate SEOOs shall be sought by the OEO funding office on all proposals for training and technical assistance projects -- whether grants or contracts -- that would operate in their states.

d. The SEOO advises OEO on funding requests from all applicants within the state or who will operate within the state. The SEOO is to receive copies of all such official applications simultaneously with submission to the OEO Regional Office, and written comment on these applications is due in the Regional Office within 20 days after receipt. OEO Headquarters Offices, at the time serious consideration is given to funding or refunding a project, shall submit to the appropriate SEOO(s) a copy of the application or an "information packet" containing pertinent materials describing the project. SEOO comment on these Headquarters proposals, due within 15 days of receipt of the application or the information packet, is submitted to the appropriate Regional Office, which will forward the SEOO comment to OEO Headquarters, along with its own comment. The OEO funding office (Regional and Headquarters) shall consider the SEOO comments in their review prior to funding.

e. The SEOO jointly participates with the Regional Office in the evaluation of OEO-funded programs and is consulted by the OEO Regional Office in the development of standards for the evaluation of program effectiveness. (See OEO Instruction 7850-1.) An SEOO representative shall be invited to serve on all OEO staff evaluation teams which are organized to review the overall effectiveness of a grantee's program. The SEOO shall receive copies of all such evaluation reports and shall work with OEO on any necessary follow-up. (See 7-i.)

f. The SEOO monitors some or all of the OEO-funded programs within the state, if it has the staff capability and if this activity is part of the approved SEOO Work Program. Such monitoring activity shall be included in the joint written agreement on the use of field personnel (See 7-f) which shall include arrangements for periodic written reports, plus other reporting of special activity or problems, to the appropriate OEO grant office.

g. The SEOO advises the OEO Regional Offices on VISTA operations within the state. The Regional Office will consult with the SEOO in the development of an annual State VISTA Plan. This will include consultation on programs for VISTA Volunteers and on VISTA Volunteer assignments. The SEOO will assist VISTA in any coordination needs with state-operated programs. When specifically authorized by VISTA, the SEOO may assist in recruitment. The SEOO advises the Regional Office on special problems in the state that might develop as a result of the activities or presence of VISTA Volunteers, and assists the Regional Office in resolving such problems.

h. The SEOO advises OEO on procedures and programs which will promote state agency participation in carrying out the aims and objectives of the Economic Opportunity Act.

i. The SEOO advises and assists OEO in identifying problems posed by Federal and state statutory or administrative requirements that impede state-level coordination of OEO-related programs, and in developing methods or recommendations for overcoming those problems. This is achieved through continuing relations with both OEO Regional Offices and OEO Headquarters, and through the consultation provisions of BOB Circular A-85.

7. REGIONAL OFFICE RESPONSIBILITIES TOWARD THE SEOOS

a. The responsibility for application review, grant approval and program monitoring of SEOO activities funded under Section 231 of the Economic Opportunity Act is the responsibility of the OEO Regional Offices. Regional liaison and coordination with the SEOO Directors (including VISTA, Legal Services and Health Affairs) shall be focused in the Office of Governmental and Private Sector Relations under the Regional Director.

b. The Regional Office shall encourage and assist each SEOO to develop an annual Work Program (as a part of its funding request), which takes full advantage of SEOO staff capabilities; and which is responsive to the main missions and functions under Sections 2, 3, 4, and 6 of this Instruction. Consideration should be given to the diversity of the states, recognizing that different approaches are appropriate in carrying out these basic functions.

c. The Regional Office is responsible for evaluating the effectiveness of the SEOOs, as OEO grantees, in implementing their annual Work Program (Form 7-e) and in carrying out the basic objectives outlined in their "Plans and Priorities" (Form 81-a). Whenever possible, the evaluation team should include a staff member of another SEOO. The Regional Office shall work jointly with the SEOOs to strengthen the SEOO staff capability to carry out their Work Programs and to overcome any weaknesses that may be revealed by these evaluations.

d. Regional Offices are responsible for ensuring that the SEOOs are consulted concerning OEO Regional Office plans and priorities with regard to OEO grantees within their respective states. When flexible or other OEO funds become available for additional programs in a given state, the Regional Office shall first consult with the SEOO before committing such funds.

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e. Regional Offices are to involve their SEOOs formally in the development of the state funding plans (6-b) and on the annual Training and Technical Assistance Plan as it pertains to the state (6-c); and they shall provide copies of such plans when approved to the appropriate SEOOs, and to the Division of State and Local Government, Office of Operations. They shall ensure that the SEOOs are consulted in advance and notified upon funding on all Section 230 (Training and Technical Assistance) grants and contract awards, approved by the Regional Office.

f. The Regional Offices shall jointly work out a written agreement with each SEOO -- dividing responsibilities as staff capability and interest dictate -- to assure a maximum of coordination and a minimum of overlapping of activities and functions carried out by their respective field representatives. This agreement shall be jointly reviewed at least annually to effect improvements.

g. The Regional Offices shall invite -- with adequate advance notice -- the appropriate SEOO to all "pre-reviews" held with other OEO grantees in the state. They are responsible for seeing that the completed Checkpoint Procedure Form 77 is included in all funding requests received by them and will not begin an application review unless the completed Form 77 is included or unless the applicant provides evidence that the SEOO has not responded. (See 4-b.)

h. The Regional Office shall ensure that a copy of all applications and requests for OEO funds, as well as requests for reprogramming, submitted to the Regional Office for approval is sent by the applicant simultaneously to the appropriate SEOO for information and comment. The Regional Office shall send written notice to the appropriate SEOO(s) upon the receipt of all applications for funding and reprogramming requests. Written comment by the SEOO on funding requests -- which is due within 20 days of SEOO receipt of the application -- shall receive serious consideration and response by the Regional Office prior to funding. (See 6-d.)

i. The Regional Office shall invite the SEOOs to participate in all OEO staff evaluation teams which it organizes to review the overall effectiveness of a grantee's programs, and shall share with the SEOOs the findings and recommendations of such team

evaluations immediately upon completion of the written report. The Regional Office, in consultation with the SEOO and the grantee, shall jointly work out a follow-up procedure and plan to ensure implementation of OEO's recommendations. (See 6-e.)

j. The Regional Office will work through -- or in consultation with -- the SEOO in any of its dealings with other state agencies, unless it has arranged for a by-pass agreement with the SEOO for specific types of contacts elsewhere in the state government.

k. The Regional Directors, and the SEOO Directors in each Region, shall jointly plan and participate in regular meetings -- to be held at least quarterly -- to discuss mutual problems, exchange information and explore new and innovative ways to increase their effectiveness in working together. Notice of such meetings shall be sent the State and Local Government Division of the Office of Operations, so that a representative may attend when practicable.

l. The Regional Office shall forward to the State and Local Government Division, Office of Operations, a copy of all executed SEOO grant packages and a copy of all evaluation reports on the SEOOs.

8. OEO HEADQUARTERS RELATIONSHIPS WITH THE SEOOS

a. The State and Local Government Division of the Office of Operations shall be the primary office in OEO Headquarters for dealing with the SEOOs. This Division is to maintain a nation-wide overview of SEOO operations and shall work in close coordination with the Office of Governmental and Private Sector Relations of each Regional Office.

b. OEO Headquarters shall seek to develop and strengthen the effectiveness of the SEOOs in the anti-poverty effort and to encourage OEO consultation, coordination and co-operation with the states.

c. The Office of Operations shall foster an exchange of information and program experience among all the SEOOs and Regional Offices. It will sponsor, and jointly plan with the SEOOs and the Regional Offices, an annual national conference for all SEOO Directors.

d. OEO Headquarters shall be responsible for keeping the appropriate Regional Office informed of negotiations, requests, etc., from SEOOs, in the Regional Office area of responsibility. It shall consult with, coordinate, and request guidance from the Regional Office on matters affecting SEOOs within the Region's area of responsibility.

e. In consultation with the Regional Offices and the SEOOs, OEO Headquarters will ascertain national and inter-regional training and technical assistance needs of the SEOOs. It will assist them in meeting such needs by the use of OEO personnel, or through contractors.

f. The Office of Operations is responsible for monitoring the Checkpoint Procedure system with the SEOOs which is to be used by all funding offices in OEO Headquarters. (See 4-b.)

g. The Office of Operations will work with OEO's Office of Program Development and the Regional Offices in the solicitation and review of new SEOO proposals for demonstration programs. (See 5-b.) SEOOs interested in developing demonstration proposals should ordinarily consult first with the appropriate Regional Office and then contact the State and Local Government Division. The Office of Program Development will provide assistance, review and decide on approval of SEOO Research and Demonstration grants. When the SEOO makes direct contact with the Office of Program Development, the SEOO is responsible for so informing the Office of Operations.

h. The Office of Operations shall assist the SEOOs in their dealings with the Headquarters offices of other Federal agencies.

i. Each OEO Headquarters funding office is responsible for seeing that one copy of every official application (or an "information packet" summarizing the application), submitted to that office for approval, be sent to the SEOO in the state the applicant is located (and to any other SEOOs of states in which the program is to operate) for information and comment, as soon as the funding office has the application under serious consideration. Written comment by the SEOO -- which is due in the Regional Office with 15 days of SEOO receipt of the application -- shall receive serious consideration by OEO Headquarters prior to funding. (See 6-d.)

9. SEOO RESPONSIBILITIES AS OEO GRANTEES

a. When a state applies for funding from OEO under Section 231 of the Economic Opportunity Act, it shall use the forms and follow the application procedures for SEOOs outlined in OEO Notice 6710-2 of February 26, 1969 (until revised forms and requests for funding procedures are issued by OEO). Refunding requests are due in the Regional Office no later than 60 days before the end of the SEOO's Program Year. Five copies are required by the Regional Office; a sixth copy should be forwarded directly to the State and Local Government Division, Office of Operations.

b. The state's share for funding under Section 231 shall be a minimum of 20 percent of the total cost of the operation in cash and/or in kind.

c. Preferably 120 days, but no later than 90 days, before the end of it's Program Year, the SEOO's "Plans and Priorities" (Form 81-a) is due in the OEO Regional Office. The SEOO should submit three copies to the Regional Office and one copy directly to the State and Local Government Division, Office of Operations.

d. As part of its annual refunding request, the SEOO must include a progress or self-evaluation report on its activities for the previous year, giving a candid assessment of its successes and failures in meeting its Work Program.

e. The SEOO shall submit a MIS Quarterly Narrative Report on its activities, related to the approved Work Program, to the OEO Regional Office, with a copy to the State and Local Government Division, Office of Operations. (The MIS Quarterly Statistical Report is no longer required of the SEOOs.)

f. The SEOO draft Work Program (Form 7-e) shall be checkpointed with all the CAAs in the state for comment and such signed Checkpoint Forms (76) included as part of the annual SEOO refunding request. (See 4-a.)

g. The SEOO shall have an annual financial audit conducted, in accordance with OEO guidelines. It shall cooperate with monitoring and evaluation visits by OEO personnel or by OEO contractors.

h. SEOO acceptance of an OEO-approved "grant package" is an agreement by the SEOO to perform the work stated in the SEOO Work Program submitted as part of the funding request. Unsatisfactory performance may be cause for OEO to re-evaluate and lower the future funding level of a SEOO.

i. As OEO grantees, the SEOOs shall comply with all applicable OEO Instructions. SEOO personnel policies and procedures shall be consistent with CAP Technical Assistance Memorandum 26-A of April 3, 1967. When OEO personnel policies and procedures are in conflict with state law and personnel regulations, a mutually acceptable solution shall be spelled out in a written agreement between the SEOO and the OEO Regional Office and incorporated in the SEOO grant.

j. SEOOs are expected to carry out pre-service and in-service training programs to upgrade the skills of their staffs, and all SEOO refunding requests shall include specific plans for staff in-service training. Whenever funds permit, the SEOOs will be given the opportunity by OEO to strengthen their staff capabilities to carry out their responsibilities and functions more effectively.

Donald Rumsfeld
Director

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Senator CRANSTON. Do you feel the questionnaire in the form it was submitted or used fits within the definition of technical assistance activity?

Mr. CARLUCCI. Senator, to answer that question I would have to get a ruling from my General Counsel's office. It raises all kinds of questions with respect to lawyer-client relationships, and other questions which I have learned over the past months to be very cautious of.

Senator CRANSTON. Would you do so and advise us as soon as you can? What is your evaluation of the California office of OEO in carrying out its programs?

Mr. CARLUCCI. We plan to make an evaluation about mid-February and I would not like to draw any conclusions until that is completed.

Senator CRANSTON. Would you advise us of your conclusions when this is completed?

Mr. CARLUCCI. Yes, sir.

Senator CRANSTON. On the matter of Headstart, under the terms of the conference report in the HEW Appropriations Act, which was just acted on by the Senate during the recess, the Headstart appropriation will continue to be made to OEO, to be passed on to the Office of Child Development in HEW.

Could you indicate what your intentions are with respect to continued enforcement of the delegation agreement, particularly with respect to continuation of the strong parent participation and community involvement emphasis?

Mr. CARLUCCI. I would continue to support strong parent involvement and community emphasis.

May I ask a question, Senator? Do you say that our appropriations bill just passed during the recess?

Senator CRANSTON. Yes, it did.

Mr. CARLUCCI. Thank you.

Senator CRANSTON. The press reports that the Office of Management and Budget, as you know, has recommended raising the local share of the community action agency costs from 20 percent to one-third.

If you have had the responsibility for this program, and I wonder if you can indicate how many CAA's would be forced to shut down, if that occurred?

Mr. CARLUCCI. It is very difficult to estimate. I would imagine there would be a substantial number of CAA's that would not be able to do this. It depends on——

This is a fairly tricky subject, because if you are talking about raising the non-Federal share and forcing them to maintain the same program level, you are putting them in a very difficult position.

If you say they can decrease their program level to the level at which the non-Federal share would go up, one-third, if that is the figure, then obviously there would be a considerably fewer number who would have difficulty in meeting that requirement.

For what it is worth, I don't believe it would be wise at this point to raise the non-Federal share to one-third.

Senator CRANSTON. The effect, if it happened, would inevitably be a contraction of the program, would it not, since the States are so hard-pressed for money?

Mr. CARLUCCI. I think it would be difficult for community action

agencies to meet the one-third requirement. A lot, of course, depends on whether it is in cash or in kind.

Senator CRANSTON. The implementation of that, if it occurred, would seem to be a conscious effort to cut back on the program, for whatever reasons might be advanced.

Mr. CARLUCCI. Well, I don't know that I would agree with that.

As I expressed earlier, I have a very strong view that community action should be a local program, and that the non-Federal share is important as a measure of local commitment, and as a measure of community action agencies' ability to fulfill resource mobilization on behalf of the poor.

Senator CRANSTON. Would a cutback fit in with the concept the Administration has of Federal revenue sharing?

Mr. CARLUCCI. If the Congress passes revenue sharing, there are more local resources, and this would make it considerably easier, I should think, for the community action agencies to raise the non-Federal share.

Senator CRANSTON. Shifting to another matter, last August several Senators and I wrote a letter to Donald Rumsfeld, when he had the position that you have been nominated for, regarding VISTA, and I would like briefly to read some excerpts from it, and then ask both you and Mrs. Khosrovi for your comments.

We sought here to reflect what we took to be Donald Rumsfeld's views in a meeting we had with him.

For one thing, the letter states:

> We recognize that you must be mindful of the pressures, often undesirable ones, which are directed at OEO and VISTA from unsympathetic elements of the establishment, particularly at the State Government level. To the extent that the VISTA program is compromised or watered down in the face of those pressures, we cannot condone such action. To the contrary, you may count on us and on a great many others in the Congress to defend the program against efforts to cut it off or dilute it when it is serving valid and constructive purposes. Perhaps the most significant issue which we discussed was the role of VISTA volunteers in community organization. We were gratified to find that you and we agreed on the following views concerning this vital problem:
>
> 1. Experience has shown that community organization is effective only so far as it revolves around some desirable program objective.
> 2. It is inevitable for VISTA volunteers to encourage community organization to achieve such program objective.
> 3. Volunteers may appropriately assist community groups to identify further objectives to be targeted, and would be free to move on to program objectives in different fields, if desired by community groups.

Do you have any comment on those views, which reflect what was a mutual understanding between the Senators who signed this letter and Donald Rumsfeld?

Mr. CARLUCCI. The question of whether the activities of VISTA should be program oriented? Is that the issue?

I am not sure I understand.

Senator CRANSTON. The three points I mentioned, that community organization is effective only as it revolves around some desirable program objective, second that it is legitimate and also inevitable for VISTA volunteers to encourage community organization in order to achieve these objectives, and third, that volunteers may appropriately assist community groups to identify further objectives that it might be wise for them to consider going after, and would be free, also, in that process, to differ with some members of the community.

Mr. CARLUCCI. I think it is clear, as I said earlier, that many of our programs are going to differ with members of the community. I think that has to be expected. This is by nature a controversial program, and it should be.

The question of the community organization and function, I do believe that it should be based around some specific program, or some specific goal. It is not very productive for people to be out organizing just for the sake of organizing.

We have applied the same basic principle to community action. We have said that community action ought to use their programs as a base for reaching out to the broader community, establishing themselves as a vital force in the community, but with regard to this business, I have been doing so much talking, let me ask Carol Khosrovi if she would care to comment on that.

Senator CRANSTON. You did not really respond to the third point, which is this: "Volunteers may appropriately assist community groups to identify further objectives to be targeted, and would be free to move on to program objectives in different fields if desired by community groups."

Mr. CARLUCCI. Let me ask Mrs. Khosrovi.

Mrs. KHOSROVI. I think there are several points to be kept in mind, Senator. One is that VISTA volunteers are not to accept a leadership position in any community. They go into a community at the request of the community to work on projects which have been outlined for them, priorities which have already been decided upon by the particular sponsor to which the volunteers are assigned.

Secondly, and perhaps this is technical, but I think it is important to clarify, a volunteer may go into a community with a prescribed job, and that job may be changed during the time he is there, but it can only be changed if the sponsor's agreement with VISTA is changed accordingly.

For instance, a volunteer may be working on a housing project, and it is decided by the sponsor or by the volunteer that he may be more effective in education, and he may move into that area only after the agreement has been appropriately amended between the sponsor and VISTA.

In terms of the broader question on community organization, I think my position is quite clear. Volunteers ask me that question everywhere I go, and we discuss it at length.

I agree with what I understand to be your position, that community organization for community organization's sake is ineffective community organization. You simply don't call a meeting for next Monday night and say that everyone who wants to organize the community should come over. No one would come. Rather, you organize around a specific programmatic goal.

And VISTA volunteers are in fact, as I think you know, engaged in this kind of activity all across the country.

Senator CRANSTON. I thoroughly agree with what you said then. Once, however, some community problem has been identified, agreed upon, worked upon, and programs resolved, is there not reason to seek to use that structure and the experience and capacity developed to identify further worthwhile programs, and then to embark upon them?

Mrs. KHOSROVI. Yes, the volunteer is available to assist the community or the particular sponsor to identify areas they would like to work in.

However, it is a fine line between helping the organization to identify what their priorities are, and the volunteer himself accepting a leadership role.

Again, as I think you know, it is a very difficult job to be a VISTA volunteer, and this is one of the reasons. This is a good example of how difficult it is, because there is a very fine line between assisting a community and leading a community and volunteers must always keep this in mind.

Senator CRANSTON. I will put the letter to Donald Rumsfeld in the record, and a copy will be available to you.

If you have any further comments on it, we would appreciate having them.

(The letter referred to follows:)

RALPH YARBOROUGH, TEX., CHAIRMAN
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ROBERT O. HARRIS, STAFF DIRECTOR
GENE E. GODLEY, GENERAL COUNSEL

United States Senate
COMMITTEE ON
LABOR AND PUBLIC WELFARE
WASHINGTON, D.C. 20510

August 20, 1970

Honorable Donald Rumsfeld
Director
Office of Economic Opportunity
Washington, D.C.

Dear Mr. Rumsfeld:

We were very pleased to have the opportunity to discuss with you early this month the serious concerns for the future of VISTA which we had communicated to you in our letter of June 9. We welcome the frank exchange of views which took place at the meeting.

Because there have been so many questions raised about the alleged "new directions" in the VISTA program, especially by the National VISTA Alliance, it seemed to us that it would be useful to record some of the areas of agreement at our meeting. We think the views you expressed would allay some of the concerns of those who strongly support the existing program.

We recognize that you must be mindful of the pressures, often undesirable ones, which are directed at OEO and VISTA from unsympathetic elements of "the establishment," particularly at the state government level. To the extent that the VISTA program is compromised or watered down in the face of those pressures, we cannot condone such action. To the contrary, you may count on us, among a great many others in the Congress, to defend the program against efforts to cut it off or dilute it when it is serving valid and constructive purposes.

With respect to the draft deferment problem, we have not found this to be as significant an issue among volunteers as you suggested. Certainly, the National VISTA Conference did not seem to find fault with present deferment policies as they apply to VISTA. Rather, the concerns that have been expressed to us center around more basic questions, such as the future direction of VISTA, the role of community organization, and VISTA recruitment policies.

Perhaps the most significant issue which we discussed was the role of VISTA volunteers in "community organization."

We were gratified to find that you and we agreed on the following views concerning this vital problem:

-- experience has shown that community organization is effective only insofar as it revolves around some desirable program objective;

-- it is not only legitimate, but inevitable, for VISTA volunteers to encourage community organization in order to achieve such program objectives;

-- volunteers may appropriately assist community groups to identify further objectives to be targeted, and would be free to move on to program objectives in different fields, if desired by community groups.

We also welcome your assurance that the agency is developing a formal policy covering the role of OEO, including referrals to the Justice Department, in cases where VISTA volunteers, or other personnel, get into difficulty with state and local law enforcement agencies. We agree with you that it is most unfortunate that the agency has not established a clear policy for dealing with such cases. We look forward to hearing about the details of the new policy.

We share your hope that a VISTA Director will be appointed at the earliest opportunity. Clearly, the vacancy in this critical post has contributed greatly to the sense of drift and abandonment that many of the volunteers have felt. Filling this post would also lead to the improved communications between you and the volunteers which is so essential if the program is to recover the momentum and spirit which it once had. Equally essential is the establishment of consultative arrangements with volunteers, through representatives chosen by democratic electoral processes.

We were also pleased to hear the statistics which you cited to show that the age distribution of volunteers was not being significantly changed. While there is nothing wrong with using older persons in volunteer programs, we think it would be a mistake to turn away from the dedicated young people who have contributed so much to VISTA. It was also reassuring to learn that you have not found any inordinate incidence of misbehavior by volunteers.

We would like to conclude by emphasizing that successful programs will not always be popular. As you pointed out, and as we stressed in our earlier letter, an effective VISTA or other anti-poverty program is bound to make some vested interests uncomfortable or hostile. Accordingly, we hope that reports of revamping VISTA to assure that it will "avoid confrontation" or "lower the noise level" are not accurate. To the extent that such objectives are achieved, it may be because nothing useful is happening. In that event, we would not only be wasting the talent and effort of our dedicated volunteers but we would be stultifying and disillusioning them. In these times of disaffection of so many of our youth, surely we cannot afford that risk.

Please let us know at any time what we can do to help VISTA and the other valuable programs under the Economic Opportunity Act, which are now in your charge.

Sincerely,

Alan Cranston Harold E. Hughes Edward M. Kennedy Walter F. Mondale

Senator CRANSTON. I would like to summarize another paragraph.

Mr. Rumsfeld at our meeting gave us the assurance that the agency is developing a formal policy covering the role of OEO, including references to the Justice Department, where VISTA volunteers get into difficulty with State and local law enforcement agencies.

We agreed that the agency had not established a policy dealing with such cases.

We wanted to hear about the new policy, and we have not heard from OEO.

What is happening on that?

Mrs. KHOSROVI. I think perhaps on an informal level your staff has been informed that our counsel has decided that under the general statute it is difficult to set forth guidelines of the type you mentioned.

However, I have made recommendations for changes in the statute, so that that could be done legally.

Senator CRANSTON. If you would advise us of the particulars we would appreciate it.

I would like to state also that a letter has been written to the President today, signed by 10 Senators, five Democrats and five Republicans, some members of this committee on both sides, reflecting a deep commitment to a strong VISTA program, and asking that no significant cuts in the overall OEO budget be made, and we hope the fact that this has been a totally bipartisan and rather low-key way of expressing our view will be helpful in what I gather are our mutual feelings about this.

I would be glad to give you a copy of it before you leave and it will be set forth at this point in the record.

Mr. CARLUCCI. I would appreciate that.

(The information referred to follows:)

RALPH YARBOROUGH, TEX., CHAIRMAN
JENNINGS RANDOLPH, W. VA.
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RICHARD S. SCHWEIKER, PA.
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RALPH T. SMITH, ILL.

ROBERT O. HARRIS, STAFF DIRECTOR
JOHN S. FORSYTHE, GENERAL COUNSEL

United States Senate
COMMITTEE ON
LABOR AND PUBLIC WELFARE
WASHINGTON, D.C. 20510

December 30, 1970

The President
The White House
Washington, D.C.

Dear Mr. President:

We are writing to express our very serious concern about the proposal by the Office of Management and Budget to the Office of Economic Opportunity that no funds be included in your fiscal 1972 budget for operation of the VISTA program. Although we recognize fully that your budget has not yet been finally determined and that alterations are always in order until the conclusion of the budget process, it is extremely disturbing to us that elimination of the VISTA program should even be given serious consideration, especially at so late a state in the budget process.

At a time when many of us are telling the nation's young people that our democratic system can accommodate a great diversity of viewpoints and that meaningful opportunities exist to make alterations within the system, we believe that closing the door on those who wish to serve in VISTA would be an unwise and unwarranted action.

A decision to curtail the VISTA program now would seem inconsistent with the momentous decision of the legislative, executive and judical branches to bring the right to vote to eighteen year olds as well as with your statement in 1968: "Our future leadership must provide our young people with a casue to be for; a dedication to social responsibility on a person-to-person basis...."

We also are troubled at the uncertainties created for the 4600 current VISTA volunteers, the 400 presently in training and 1200 who expect to enter training in January by the disclosure of the Office of Management and Budget proposal. We are sure you will agree that it

makes little sense for radio announcements to urge individuals to serve through VISTA when at the same time the news media carry stories of the planned demise of the program.

Similar anxieties are also aroused among the nation's 25 million poor, many of whom have come to regard the Office of Economic Opportunity as the one concrete example of governmental concern about their lives and welfare.

It is for these reasons that we would strongly oppose any effort to dismantle the VISTA program or severely restrict the operation of community action, research and development, health and nutrition, and rural loan programs, presently carried out under the Economic Opportunity Act.

In view of your support of the poverty program when you recommended its extension for two years in 1969 and your expressed commitment to the young people of this country, we believe that a reconsideration of the Office of Management and Budget's proposals is in order.

Sincerely,

Alan Cranston

Jacob Javits

Edward M. Kennedy

Edward Brooke

Walter F. Mondale

Clifford P. Case

Harold Hughes

Charles Percy

Frank Church

Richard S. Schweiker

Senator CRANSTON. I gather until Senator Nelson returns, we should go to the three public witnesses who are with us.

I thank the three of you very much for your presence, and I again regret we were put in the circumstances that we were mutually put into today.

I will make a closing statement on my feelings about the situation before the hearing recesses, but I will withhold that at this time.

Thank you for your presence, if you cannot stay to hear what other people say. I know you may have other commitments.

Mr. CARLUCCI. Thank you very much, sir.

Senator CRANSTON. The first public witness who will now be invited to appear is Cynthia Hannum, League of Women Voters of the United States.

We welcome you to this hearing.

STATEMENT OF MRS. CYNTHIA HANNUM, LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

Mrs. HANNUM. Thank you, Senator Cranston.

Senator Cranston and members of the subcommittee, I am Mrs. Erwin Hannum, a director of the League of Women Voters and chairman of the legislative action division.

I appreciate this opportunity to appear before you in connection with the nomination of Mr. Frank Carlucci for Director of the Office of Economic Opportunity, to express the league's concern for the future of OEO as an agency designed exclusively to serve the needs of the poor.

While the league does not take a position on the appointment of Mr. Carlucci, we believe that now is the time to find out the administration's intentions about the Office of Economic Opportunity.

Is the new Director to preside over an agency for which the administration will support vigorous and adequately funded programs? Or will he preside over an agency which the administration intends to relegate to research and development only? Or would the administration prefer to actively dismantle OEO?

Evidence in the Congressional Record and in the press points in the latter direction.

The league believes, therefore, there is a genuine crisis about the future of OEO, and we want to go on record now in support of the concept of the Office of Economic Opportunity as an agency, and in support of the programs it has fostered.

We believe OEO must continue to administer effective community action programs, legal services programs, VISTA, and so forth.

We have been greatly disturbed, therefore, by administrative policies promulgated by the agency this year which greatly undermine VISTA and the two attempts to decentralize control over the legal services program, placing the program in serious jeopardy.

There are three specific issues we wish to speak about today: the telegram sent recently by 47 organizations to President Nixon protesting reported proposed cuts in the OEO budget for fiscal 1972, the veto by Governor Reagan of the grant to the California Rural Legal Services Assistance, Inc., and the kind of OEO agency the league believes this Nation needs.

56-127 O—71——11

Recent press reports of an overall 23-percent cut in OEO funding for 1972 was so disturbing that 47 organizations joined in sending a telegram to the President asking his intervention in restoring funds in his budget request to the Congress this coming January. Groups represented range from the National Tenants Organization to the National Urban League, from the American Federation of State, County & Municipal Employees to the American Institute of Architects.

We think the complete text of the telegram sent to the President urging full funding for OEO and the list of the 47 organizations and three individuals who sent the telegram should be made a part of the subcommittee hearing record. Both are attached to this statement.

Originally, 19 organizations, meeting on December 21 to determine what kind of action might be taken to protest projected cuts in OEO and the elimination of VISTA, signed the telegram. Others have had their names added in the followup telegram.

Briefly, the telegram said:

> We were shaken by the recent report that the fiscal year 1972 budget is being cut by 23 percent and that its major volunteer program VISTA is being eliminated. We have continually pressed for adequate funding for OEO * * * and for administration leadership to gain and hold the confidence of the poor and other Americans who are anxious for this abundant Nation to keep its promises.

The league thinks this spontaneous support for full funding for OEO is a demonstration of a rather widespread belief that this is certainly not the time to cripple or dismantle OEO, when its mission on behalf of the poor is far from satisfied.

Forty-four groups met again on December 28 and agreed to continue working on an informal ad hoc basis to support the Office of Economic Opportunity as the coordinating agency for poverty programs, adequate funding for all existing programs, and continuation of VISTA and community action programs with strong local initiative.

The league's position in support of a strong, nationally administered legal services program was made absolutely clear when we testified before this subcommittee in October in opposition to plans to regionalize the program. We protested the guidelines published in November as a substitute for regionalization and Senate Finance Committee action to forbid funds for legal action regarding social security and welfare laws and policies.

And now we think the subcommittee should urge Mr. Carlucci, as Acting Director of OEO, to override Governor Reagan's veto of the California rural legal services grant.

Senator CRANSTON. I think you have seen that that was the intent of this morning's hearings.

Mrs. HANNUM. Yes.

This veto by Governor Reagan illustrates dramatically the kind of threat to legal services that the league and many other groups fought in 1969 in defeating Senator George Murphy's effort to grant absolute veto power to Governors. It represents the kind of political interference which can kill any meaningful legal action to provide relief to the poor against unjust laws, procedures, and practices engaged in by local or State governing bodies. It illustrates also the kind of potential interference regional control could exercise over legal services programs.

The administration has a chance now to make clear whether or not

it is committed to support for a genuinely effective legal services program.

We set ourselves in this Nation to the challenge of ameliorating poverty and injustices, for 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.

In conclusion, the league thinks continuation of community action agencies is essential to the poverty program. Adopted in 1964, the OEO programs were barely underway in 1965. Five years of operating community action agencies has been long enough to demonstrate that poor people can effectively share in decisionmaking about programs they want and need.

The CAA's have generated an awareness among the personnel in other agencies and in local governments of the existence of the poor as a significant constituency. Its programs have been a stimulus to social welfare agencies in prodding new cooperative approaches to poverty problems.

We are vitally concerned that the administration make it clear right away whether or not it places high priority on efforts to "eliminate the paradox of poverty in the midst of plenty," and what its recommendations will be about the role of the Office of Economic Opportunity.

Thank you again, Mr. Chairman, for permitting the league to speak to you today.

Mr. Carlucci's optimism is encouraging, at least.

Thank you, Mr. Chairman.

Senator NELSON (presiding). Thank you very much, Mrs. Hannum.

Senator CRANSTON. I would like first to thank you for your appearance, and for your helpful testimony, and I want through you to thank the League of Women Voters for the effective work they do, and for their increasing willingness to come to grips with issues which some people think controversial.

I cannot see how assuring poor people of their rights under the law can be controversial, but it is, and I am grateful for the League of Women Voters sailing into the issue.

Do you have any comments on the testimony given this morning?

Mrs. HANNUM. At this time I would simply like to reinforce what I have already said, by pointing out that in California, in which I know you are particularly interested, Senator Cranston, our local leagues are really devastated by the Governor's action.

We don't have an imaginary relation to OEO and the legal services.

Our members are deeply involved. They serve on community action committees. They are involved the whole way.

Everything that was said this morning that relates to strengthening OEO, we are strongly behind. The evidences of any weakness of the program are of great interest and are disturbing to us.

Senator CRANSTON. Thank you very much.

Mr. Chairman, Mrs. Hannum asked that a very impressive list of organizations and individuals who signed a pro-OEO telegram to President Nixon on December 28 be included in the record.

Senator NELSON. Without objection, it will be included.

(The information referred to follows:)

TEXT OF TELEGRAM TO PRESIDENT NIXON

DECEMBER 22, 1970.

The PRESIDENT,
The White House,
Washington, D.C.:

While there is still time to influence decisions pertaining to your budget requests for FY 1972, we ask your attention to some vital issues concerning poverty and human dignity. Our immediate concerns are the very institutions and legislation designed to protect the poor and to enhance their opportunities to become fully productive and active participants in this society. We witness daily a chipping away of budget forecasts and consequently of morale of those who have committed their talents and energies toward effecting the Federal Government's responsiveness to all its people. We ask for your leadership in reversing this erosion of support.

In your statement to the White House Conference on Children, you asserted your wish to leave a legacy to the children of this nation: That these children enjoy a "strong, productive, creative economy . . . an economy that provides jobs for all with equal and full opportunity." To sustain this assertion, we urge that you request a strong budget for the Office of Economic Opportunity. It is imperative to maintain this federal agency which is clearly designed to focus on the problems and needs of the poor.

You have also asserted, Mr. President, that you wish to provide children with the best education, the best health, the best housing that any children have ever had anywhere, any time." We share these goals with you. We are expending a great deal of energy trying to hold the line on the minimal programs that now exist to realize these goals. Our energy could and should better be spent on helping to expand existing programs and to develop new ones.

We are shaken by the recent report that the FY 1972 budget for the OEO is being cut by 23% and that its major volunteer program, VISTA, is being eliminated. OEO has never been funded adequately. We have continually pressed for adequate funding for OEO and the poverty programs and for Administration leadership to gain and hold the confidence of the poor and other Americans who are anxious for this abundant nation to keep its promises.

We urge you to reverse these decisions and to issue a Budget Request that will sustain OEO and VISTA at the same levels, at least, as operative this year, and to resist programmatic changes that would weaken the agency.

ORGANIZATIONS AND INDIVIDUALS WHO SIGNED THE OEO TELEGRAM TO PRESIDENT NIXON AS OF DECEMBER 28

Americans for Democratic Action
American Friends Service Committee
American Federation of Government Employees—Local 2677 (OEO)
American Federation of State, County and Municipal Employees, AFL–CIO
American Institute of Architects
American Institute of Planners
Alliance for Labor Action
American Association of University Women
Hyman Bookbinder—American Jewish Committee[1]

[1] Organization listed for identification only.

B'nai B'rith Women
Center for Community Change (The Youth Project)
City-Wide Tenants Union, District of Columbia
Church Women United
Committee for Legal Services
Christian Social Relations, Women's Division, United Methodist Church
Day Care and Child Development Corporation of America
Department of Social Development—U.S. Catholic Conference
Friends Committee on National Legislation
Independent Foundation
League of Women Voters of the United States
Metropolitan Washington Planning and Housing Association
National Assembly for Social Policy and Development
National Association for Community Development
National Association of Government Employees
National Board of Missions, United Presbyterian Church
National Catholic Conference for Interracial Justice
National Council of Churches
Americans for Indian Opportunity Action Council
National Council on Aging
National Council of Jewish Women
National Council of Negro Women
National Council of OEO Locals
National Federation of Settlements and Neighborhood Centers
National Jewish Welfare Board
National VISTA Alliance Staff
Don Shall—National Student Association [1]
National Tenants Organization
National Urban Coalition
National Urban League
National Welfare Rights Organization
Oil, Chemical & Atomic Workers, International Union, AFL–CIO Legislative Office
Planned Parenthood-World Population
Rural Housing Coalition
United Auto Workers
United Steelworkers
VISTA Citywide Tenants Union, District of Columbia
Dr. A. W. Ward—Board of Christian Social Concerns of United Methodist Church [1]
Women's International League for Peace and Freedom, U.S. Section
Youth Citizenship Fund
Youth Project Center for Community Change
(Total—50: organization, 47; individuals, 3.)

Mrs. HANNUM. Thank you, Mr. Chairman.

Senator NELSON. Our next witness is Martha Tabor, representing AFGE Local 2677, AFL–CIO.

STATEMENT OF MRS. MARTHA TABOR, AFGE LOCAL 2677, AFL–CIO

Mrs. TABOR. First I want to thank the committee for the opportunity to speak before it.

My name is Martha Tabor. I am president of Local 2677 of the American Federation of Government Employees (AFL–CIO). Our local is the exclusive bargaining agent for all employees working in or out of the Washington, D.C., headquarters office of the Office of Economic Opportunity.

Our purpose in coming here today to testify is not to oppose Mr. Carlucci's confirmation, but rather to raise questions which we feel should concern the subcommittee, and which deal with the future of OEO.

Who runs OEO is not nearly so important as what direction it is running in, and whether it is running at all. I am sure the subcommittee would not like to participate in the charade of confirming individuals to positions which were about to be abolished.

Recent articles in the press indicate that the following budget cuts have been proposed to the agency by the Office of Management and Budget—for fiscal year 1972, 23 percent overall cut. This breaks down to cuts of 41 percent in research and demonstration, 100 percent in VISTA, 17 percent in community action, and 100-percent cut of rural loan programs.

To prepare for this coming out, OMB has proposed to the OEO that their fiscal year 1971 budget be reduced by $100 million, to prepare for this coming reduction. This stems from the nonmemo referred to previously, and by "we" I mean the union at OEO, that we understand from agency management that this negotiating process with OMB is still going on, that it is a process of give and take, that the cuts may not be so extreme.

Frankly, we feel that it appears to be more give than take, that little commitment to the agency or to its goals is shown by operating officials when such cuts are proposed by OMB.

And I would like to submit for the record a copy of our union's press release which was issued after meetings with agency management failed to answer our concerns.

Senator NELSON. It will be made a part of the record.

(The information referred to subsequently supplied follows:)

FOR RELEASE 12/21/70

FEDERAL EMPLOYEES' UNION OPPOSES DE-ESCALATION OF WAR ON POVERTY.

AFGE Local 2677 (AFL-CIO), exclusive bargaining agent for all employees in the Headquarters office of the OEO, opposes budget cuts which threaten 60,000 jobs, 65% of which go to persons who would otherwise be poor. Disturbed over the proposed loss of jobs both for the poor and the non-poor and appalled by the implicit lack of sensitivity to or concern for the needs of the poor, Local 2677 has empowered its Executive Board to act for it in conjunction with other groups to oppose reductions in the Fiscal Year 1971 and Fiscal Year 1972 OEO budget.

Its first action has been to telegram Senator Ralph Yarborough requesting an opportunity to testify at the Senate Hearings to be held by the Committee on Labor and Public Welfare on confirmation of the newly-named agency director, Frank Carlucci.

After reports on a December 18 meeting between the Deputy Director of the OEO and President Martha Tabor and Chief Steward Mickey Carriere, the Local empowered its Executive Board to act on its behalf. No positive response to questions on the fate of VISTA (OMB proposed cut of 100%) and the Research and Demonstration budget (OMB proposed cut of 41%) was forthcoming at this meeting. After asking about OEO's funding request to OMB for VISTA, the officers were told that OEO requested full funding for the program and that an excellent presentation had been made to OMB.

Informal conversations later that day with former OEO director Donald Rumsfeld elicited the response that it was now a process of give and

take, of negotiation between OEO and OMB, and that probably some lower level official in the OMB had been responsible for cutting the VISTA budget by 100%. "It appears to be more give than take on the part of OEO," commented one Union official. "We're concerned that those programs which have little political support will be sacrificed in a process of trading off."

The administration was represented to the officers as being concerned primarily with inflation and the economy and as having requested cuts in all areas of the federal budget. It was pointed out that, in the past, when budgets are cut, marginal programs are the first to go. Despite the President's request on four different occasions for full funding for the OEO in Fiscal Year 1971, the OMB budget marks submitted to OEO include reductions of $100 million in Fiscal Year 1971 spending.

Local 2677 sees these proposed budget marks as one more in a series of crises currently affecting the Office of Economic Opportunity. In November, after the firing of Legal Services Director, Terry Lenzer, and his Deputy, Frank Jones, the membership of Local 2677 voted to support the Committee on Legal Services in its fight for programs free of political interference and to request that its President testify at Sub-Committee hearings into Legal Services Programs.

Local 2677 has been in contact with the AFL-CIO both because of its concern for workers, both poor and non-poor who may stand to loose their jobs and also because of labor's historic interest in and concern for the poverty legislation and the poverty programs. "The possibility of 60,000 people, 65% of whom will again be poor, being put on unemployment or welfare roles instead of being able to continue to work in

productive jobs providing services to poor people and poor communities is shocking to say the least," commented the Local's President.

Local 2677 also plans to seek support from the members of the Senate Committee on Labor and Public Welfare.

For further information contact:

Martha Tabor, President
Local 2677 - AFGE
work - (202) 254-5070 or 254-6030
home - [redacted]

Mickey Carriere, Chief Steward
Local 2677 - AFGE
work - (202) 254-5607
home - [redacted]

Local 2677 - AFGE
Room B-427
Office of Economic Opportunity
1200 19th Street, N.W.
Washington, D.C. 20506

Mrs. TABOR. We still feel these concerns that were expressed previously in the press release.

We are told by the agency's Deputy Director that Mrs. Khosrovi's presentation to the OMB for VISTA was "superb," and that a request for full funding was made. Yet, Mrs. Khosrovi has told us and others that she does not know the status of the new legislation for VISTA—whether in fact a continuation of VISTA will be included in that legislative package. OMB has submitted budget marks of zero dollars for VISTA in fiscal year 1972 to OEO. Another reorganization is pending in VISTA.

Again, is this a charade to confirm an individual for a soon to be nonexistent position?

For example: President Nixon has asked on several occasions for full funding of OEO in fiscal year 1971—but a cut of $100 million is proposed to OEO by OMB. OMB is the budget and management arm of the executive department, of the President.

Management at the agency assures us that several "game plans" are currently being worked through for OEO and for the budget. This is the term currently in use. Yet the proposed OMB cuts indicate that 60,000 persons would be out of work if they took effect, 65 percent of whom came originally from the ranks of the poor and may well return to them. Many would be again upon welfare roles—such cuts are for them hardly part of a very amusing "game."

Another point that disturbs us: On May 13, 1969, before the Committee on Labor and Public Welfare, Donald Rumsfeld, at his confirmation hearings, reiterated the President's intention that the OEO should be the innovative arm of the Government in developing programs for the poor.

Proposed budget cuts of 23 percent, with cuts of 41 percent in research and demonstration, will hardly allow for much in new innovative programs.

The proposed budget cuts would seem to belie the President's intention, unless in the 1½ years of Mr. Rumsfeld's direction of the agency significant breakthroughs have been made, problems have been shown to have been solved by innovative methods, something which does not seem to have happened. The last 5 or 6 years have shown that there are not any quick or easy solutions to the problems of poverty.

I believe that the subcommittee should seek some assurances from the new director as to the future health and funding of the agency. Continuing an agency which is engaged in a process of self-liquidation and which will have little reality to it in funding levels or administration commitment is a cruel charade, cruel to both the poor and to those working in the agency. Morale is destroyed. Assistance to programs is hard to render when no direction is clear.

Many of our programs, as for example those engaged in economic development activities under title I–D of the legislation, are ones which need several years or more before their effects can be measured. Sustaining long-term programs—by long term I mean more than 1 or 2 years—in such a climate is difficult both for the OEO employees and for those working in or with the programs in the field.

We would prefer a clear decision as to the agency's future exist-

ence. We would ask the subcommittee to seek information on this question of the newly named Director.

But our concerns go beyond those dealing with budget cuts. If all the public and private institutions were working well, there would be no need for an OEO.

Conceived and continued in conflict, OEO has always been involved in controversial issues and programs. Mr. Rumsfeld himself, at his confirmation hearings, recognized this, when discussing legal services programs which might, on occasion, bring suit against local, State, or Federal Government. He went on to say that:

"That can be controversial. In my judgment that does not make it bad. In fact, there are many of our institutions that are not perfectly responsive to the needs of the individuals they serve, and that they go through a process continuously of change. This might be one of the kinds of things that might help an agency of the Federal Government to recognize that what they are doing in fact, at the point of contact, does not compare with what they thought they were doing."

Now, a legal suit is a criticism of how an institution is functioning. It is not doing what it is supposed to do. Criticism and the controversy it produces must be allowed for institutions to change.

However, Mr. Rumsfeld has remarked in a story carried in a July 17, 1970, story in a Chicago paper that if Federal employees want to voice dissent from administration views, they ought to quit their Government jobs and "do it in a different vocation" * * * "If civil service people in the executive branch of the Federal Government don't agree with the judgment of the American people, they have every right to voice it and express it. But they ought to do it outside of Government service."

We would like to point out that the Code of Ethics for Government Employees, passed by both the House and the Senate, put loyalty to the highest moral principles and to country above loyalty to persons. party, or Government department.

We believe that where criticism is stifled, that stagnation follows. We would like to have questions addressed to Mr. Carlucci on his views on employee free speech rights, and criticism. This is an important issue to us, and to young people who may be considering whether to work for the Government or not.

I want to remark parenthetically on Senator Kennedy's questions this morning on Mr. Rumsfeld's political involvement.

I have Standards of Conduct for Employees in OEO, published in October 1967, and which are still in force. These standards of conduct apply to all employees, both to Presidential appointees, officers, expert consultants, and so forth, to the whole category, and the standards of conduct, although as a union we disagree with some of the points in them, we would like to see them at least applied evenly.

The standards of conduct do require that an employee of the Government is not supposed to give preferential treatment to an organization or person, to impede Government efficiency or economy, or to engage in actions which lose complete independence or impartiality in action.

I would direct the subcommittee's attention to the existence of the Standards of Conduct for Federal Employees, which include Presidential appointees.

Another point we would like to make is this. We feel that an effective civil service is menaced, not only by demands for allegiance that violate the Code of Ethics for Government Employees, but also by actions undertaken by an agency which violate congressional intent and Civil Service procedures.

In 1970, the Oklahoma plan was unleashed, circumventing the congressional refusal to permit the surrender of OEO to the Governors, and violating the proscription on contracting out functions which can properly be performed by civil servants.

We would point out to the subcommittee that violations of both Civil Service procedures and of congressional intent, have a killing effect on programs and on agency staff, and that they further make a mockery of the arrangement of checks and balances in our Government.

We would like to have questions in this area directed to Mr. Carlucci.

Finally, we would ask the subcommittee to continue its watchdog function on the agency. Certainly the employees shall continue it.

I would like to assure you that our members have indicated quite clearly that their primary commitment is not to the tether of their jobs, but to the programs those jobs were created to carry out. This function cannot be fulfilled if the agency is liquidated. It cannot be fulfilled if the agency is underfunded. It cannot be fulfilled if the agency is improperly managed in key areas.

For example, it often takes 3 months or longer to get a check released to a program in the field. This procedure does not involve key decisions. It is mechanical. Obviously, you cannot run programs without money.

The management again, for example, it often takes months for legal decisions to be made—decisions which are often key to the ongoing functioning of the programs.

There are clearly many ways to strangle an institution or agency—underfunding, reorganizations continually, inadequate staffing patterns. There are many ways to strangle an institution, many ways in which you can make it nonfunctional.

Our commitment is to seeing it function well, to seeing it serve the people it was designed to serve—namely, the poor.

We hope the subcommittee will seek assurances from the newly named Director that the agency will have a chance for a viable existence, that it will exist.

Thank you.

Senator NELSON. Thank you very much. We appreciate your taking time to present your statement.

Did you ask that these regulations be printed in the record?

Mrs. TABOR. No; I did not.

Senator NELSON. Do you have a full copy?

Mrs. TABOR. Yes.

Senator NELSON. A copy of the regulations may be printed in the record.

Thank you very much.

(The information referred to follows:)

OEO INSTRUCTION
NO. 7- 24

OFFICE OF ECONOMIC OPPORTUNITY
Washington, D. C. 20506
October 30, 1967

Personnel

STANDARDS OF CONDUCT

PURPOSE: To advise all employees of the minimum standards of conduct expected of them to assure the maintenance of high ethical and moral standards in the Office of Economic Opportunity.

1. Background. The U. S. Civil Service Commission requires that each agency:

   a. Prepare regulations subject to their approval, which are in accordance with Executive Order 11222 of May 8, 1965 and Commission regulations governing the conduct of Civil Service employees.

   b. Publish the regulations in the Federal Register.

   c. Furnish each employee a copy. See 1015.735-20

2. Attached to this instruction is the Federal Register, Volume 32, Number 195, October 7, 1967, covering the standards of conduct for employees of the Office of Economic Opportunity. You are urged to study the Standards of Conduct carefully and retain your copy for future use, since they are distributed for information and guidance Strict compliance with all the provisions is required of all OEO employees.

3. The supply of extra copies of the regulations will be maintained by the OEO Personnel Division.

R. C. CASSIDY
Assistant Director for Management

Attachment

This Instruction supersedes OEO Inst. 6, January 7, 1965
OPR: M/P
DISTRIBUTION: GR

[From the Federal Register, Vol. 32, No. 195, Oct. 7, 1967, Washington, D.C.]

TITLE 45—PUBLIC WELFARE

CHAPTER X—OFFICE OF ECONOMIC OPPORTUNITY

PART 1015—STANDARDS OF CONDUCT FOR EMPLOYEES

The following Part 1015 is added to prescribe rules and procedures relating to the conduct of employees of the Office of Economic Opportunity in conformity with and pursuant to Executive Order 11222 of May 8, 1965, and Title 5, Chapter I, Part 735 of the Code of Federal Regulations.

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SUBPART C—REPORTS; DISTRIBUTION; SUPPLEMENTAL REGULATIONS

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1015.735–32 Distribution.
1015.735–33 Supplemental regulations.

AUTHORITY: The provisions of this Part 1015 issued under 18 U.S.C. 208(b); P.L. 88–452. sec. 602(n) (42 U.S.C. 2942(n); and E.O. 11222 of May 8, 1965, 30 F.R. 6469, 3 CFR, 1965 Supp.; 5 CFR 735.104.

Subpart A—General

§ 1015.735–1 Purpose.

The purpose of this part is to guide OEO employees toward maintaining the high standard of integrity expected of all Government employees. It is intended to require that employees avoid any action which might result in, or create the appearance of:

(a) Using public office for private gain;

(b) Giving preferential treatment to any organization or person;

(c) Impeding Government efficiency or economy;

(d) Making a Government decision outside official channels;

(e) Losing complete independence or impartiality of action; or

(f) Affecting adversely the confidence of the public in the integrity of OEO and the Government.

§ 1015.735–2 Applicability.

(a) *Coverage.* This part applies to all employees of OEO. "Employee," as used in this part, includes regular employees, Presidential appointees, officers, "special Government employees," experts, and consultants—whether employed on a full-time, part-time, or intermittent basis. "Employee" does not include Job Corps enrollees, VISTA's, or persons performing voluntary services for OEO under section 602(g) of the Economic Opportunity Act. Unless otherwise stated in the particular provision, the provisions of this part apply equally to all employees. In a number of cases, separate rules are stated for "special Government employees." A "special Government employee is an employee appointed to serve not more than 130 days during the 365 days following his appointment. Special Government employees are so designated by the Personnel Division at the time of their appointment.

(b) *Effective date.* This part is effective upon publication in the FEDERAL REGISTER, except that the restrictions of § 1015.735–25, insofar as they apply to "related matters," shall not apply to any person whose employment with OEO was terminated prior to the date of such publication. With respect to any provision of this part which sets forth new OEO policy, the General Counsel may defer the application of such provision in particular cases where he finds it necessary to prevent hardship to employees or former employees.

(c) *Compliance.* Compliance with the applicable provisions of this part is a continuing condition of employment for every OEO employee. Failure to comply with any such provision shall make the employee involved subject to removal or to other appropriate disciplinary action. Such action may be in addition to any penalty which might be prescribed by statute or regulation.

§ 1015.735–3 Effect on related provisions.

Many of the provisions of this part are paraphrased restatements of statutes which affect the conduct of OEO employees. These statutes and all other restrictions imposed by law continue to apply to OEO employees on their own terms. The statutes most likely to be of concern to OEO employees are identified and listed in § 1015.735–26.

§ 1015.735–4 Interpretation and counseling.

The Office of General Counsel of OEO is available to advise on the interpretation of the provisions of this part and the other laws and regulations relevant to the conduct of OEO employees. The General Counsel is designated as OEO counselor for this purpose.

Subpart B—Specific Rules

§ 1015.735–11 Discrimination.

(a) Employees shall at all times give equal treatment and equal opportunity to all persons regardless of race, religion, sex, or political beliefs or affiliations. except as required by law.

(b) See also the provisions of § 1015.735–15(b), relating to participation in conferences at which discrimination may be practiced.

§ 1015.735–12 Compensation from outside sources for official duties; bribes, gifts, and favors.

(a) *Outside compensation.* No employee may solicit or accept any compensation from any source other than the Government for his services as an officer or employee of the Government (18 U.S.C. 209). In the case of special Government employees, and employees serving without compensation, this prohibition is applicable by virtue of OEO policy rather than by statute; in particular cases, upon a showing that the interests of OEO will not be adversely affected, this policy with respect to special Government employees and employees serving without compensation may be waived by the General Counsel.

(b) *Bribes.* No employee may solicit or accept a bribe (18 U.S.C. 201). A bribe is anything of value solicited or accepted in return for being influenced in the performance of any official act, or for being induced to do or to omit any official act or for or because of any official act performed or to be performed.

(c) *Gifts and favors.* (1) No employee shall solicit or accept, directly or indirectly, any gift, gratuity, favor, loan, entertainment, or any other thing of monetary value from any person or from any employee of any organization if the OEO employee has reason to believe such person or organization:

(i) Has or is seeking to obtain a grant, contract, or other business or financial relationship with OEO; or

(ii) Conducts programs or activities which are regulated by OEO; or

(iii) Has interests which may be substantially affected by the performance or nonperformance of his official duty.

(2) This paragraph does not prohibit:

(i) Acceptance of gifts and the exchange of social amenities when the relationship between the parties is a personal one and no reasonable inference is possible that the official judgment of the recipient was intended to be or would be influenced thereby.

(ii) Acceptance of food and refreshments of nominal value in the ordinary course of a luncheon or dinner meeting or other meeting when the employee's attendance at the meeting is in the interest of OEO.

(iii) Acceptance of things, such as unsolicited advertising or promotional material, which are of nominal value and are available to the public on an impersonal basis.

(iv) Participation in the affairs of, or acceptance of an award for a meritorious public contribution or achievement given by, a charitable, religious, professional, social, fraternal or nonprofit educational, recreational, public service or civic organization.

(v) Acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans.

(3) No employee may solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself (5 U.S.C. 7351). This restriction, however, is not applicable to voluntary gifts of nominal value or donations in nominal amounts made on special occasions such as marriage, illness, or retirements, or to the exchange of social amenities between personal friends.

§ 1015.735–13 Misuse of relationship with OEO.

(a) *Commercial exploitation generally.* No employee shall permit his relationship with OEO to be exploited for commercial purposes.

(b) *Publications and products.* If an employee, other than a special Government employee is associated outside the scope of his OEO employment with a publication or product which might be sold commercially for use in programs supported financially by OEO, his relationship with OEO may not be used in connection with the publication or product without the addition of a statement disclaiming any official OEO endorsement of it.

(c) *Publications and products—special Government employees.* A special Government employee (as defined in §1015.735–2(a)) may not allow his relationship with OEO to be used in connection with any publication or product with which he is privately associated and which might be sold commercially for use in programs supported financially by OEO.

§ 1015.735–14 Disclosure and misuse of inside information.

(a) *Disclosure and use for personal benefit.* No employee shall, directly or indirectly, disclose or use for his own benefit, or for the private benefit of another, inside information as described in paragraph (b) of this section. The use of such information by an employee is restricted to the proper performance of his official duties. The disclosure of such information is restricted to official OEO channels unless disclosure is authorized by the Director, the Deputy Director, an Assistant Director, or a Regional Director of OEO. In particular, no employee shall:

(1) Engage in, directly or indirectly, a financial transaction as a result of or primarily relying on such information; or

(2) Publish any book or article, or deliver any speech or lecture, based on or using such information.

(b) *Definition.* The term "inside information" as used in this section means, generally, information obtained under Government authority which is not known by the general public and which could affect the rights or interests of the Government or of a non-Government organization or person. Such information includes information about OEO operations or administration and personal information about OEO personnel which could influence someone's dealings with OEO.

(c) This section is not intended to discourage the disclosure through proper channels of information which has been or should be made public, or which is by law to be made available to the public. Also, employees are encouraged to teach, lecture, and write, provided they do so in accordance with the provisions of this section and § 1015.735–15.

§ 1015.735–15 Speeches; participation in conferences; publications.

(a) *Fees and expenses:* (1) No employee may accept a fee for his own use or benefit for making a speech, delivering a lecture, participating in a discussion, or writing an article or book, etc., if the subject is OEO or OEO programs, or if such services are part of the employee's official OEO duties.

(2) Fees offered to an employee for such speeches, articles, etc., shall be refused. The employee may suggest that the amount otherwise payable as a fee or honorarium be contributed to the Office of Economic Opportunity or one of its grantees, or to some other charity, but the employee may not suggest the particular grantee or charity to which a donation might be made.

(3) When a meeting, discussion, etc., takes place at a substantial distance from the employee's home he may accept payment for transportation and necessary subsistence but for no other expense or as a personal benefit. He may not

accept such payments, however, if he is traveling on official business under agency orders.

(4) An employee may accept fees for speeches, articles, etc., dealing with subjects other than OEO or OEO programs unless such activities interfere with the efficient performance of his OEO duties.

(b) *Racial segregation.* No employee may participate for OEO in conferences or speak for OEO before audiences where any racial group has been segregated or excluded from the meeting, from any of the facilities or conferences, or from membership in the organization sponsoring the conference or meeting.

(1) When a request for OEO speakers or participation is received under circumstances where segregation may be practiced, the Director of the Speakers Bureau shall make specific inquiry as to the practices of the organization before the request is filled.

(2) If the inviting organization shows a willingness to modify its practices for the occasion, OEO will cooperate in such efforts.

(3) Exceptions to this paragraph may be made only by the Director.

(c) *Political groups.* No employee, except a Presidential appointee, may address a meeting of a partisan political organization about OEO or OEO programs.

(d) *Other restrictions.* See also § 1015.735–14(a)(2), relating to the use of inside information; § 1015.735–12(a), relating to outside compensation for OEO duties, and § 1015.735–12(c), relating to acceptance of entertainment.

§ 1015.735–16 Partisan political activity.

(a) *Prohibited activities.* No employee may:

(1) Use his official authority or influence for the purpose of interfering with an election or affecting the result thereof; or

(2) Take any active part in partisan political management or in political campaigns, except as may be provided by or pursuant to statute (5 U.S.C. 7324).

(b) *Intermittent employees.* Persons employed on an irregular or occasional basis are subject to paragraph (a) of this section only while in active duty status and for the 24 hours of any day of actual employment.

(c) *Excepted activities.* Paragraph (a) of this section does not apply to:

(1) Nonpartisan campaigns and elections in which none of the candidates is to be nominated by or elected as representing a national or State political party, such as most school board elections; or

(2) Political activities connected with questions of public interest which are not specifically identified with national or State political parties, such as constitutional amendments, referenda, and the like (5 U.S.C. 7326).

(d) *Excepted communities.* Paragraph (a) of this section does not apply to employees who are residents of certain communities. These communities, which have been designated by the Civil Service Commission (5 CFR 733.301), consist of a number of communities in suburban Washington, D.C., and a few communities elsewhere in which a majority of the voters are Government employees. Employees who are residents of the designated communities may be candidates for, or campaign for others who are candidates for, local office if they or the candidates for whom they are campaigning are running as independent candidates. An employee may hold local office only in accordance with § 1015.735–17, relating to outside employment.

§ 1015.735–17 Outside employment.

(a) *Reporting.* All employees not required by § 1015.735–31(j) to report their outside employment and financial interests shall inform their supervisors of all outside employment they hold or accept.

(b) *Restrictions.* An employee should not accept outside employment which would (1) interfere with the proper and efficient performance of his OEO duties, (2) create a conflict of interests with his OEO employment or violate any other law or regulation, or (3) involve rendering services which the employee should render to OEO. If the circumstances indicate that the outside job may produce one of these situations, the employee should consult his supervisor, the Director of Personnel, or the General Counsel before accepting it. The following paragraphs set out specific provisions relating to particular kinds of outside employment.

(c) *Employment with OEO grantee or contractor organizations.* (1) No OEO employee may be employed as an executive officer of any grantee or delegate agency (other than a religious organization) assisted under sections 204 or 205 of the Economic Opportunity Act, as amended (P.L. 88–452, as amended, § 205(j),

42 U.S.C. 2785(j)). "Executive officer" means a member of the supervisory staff who reports directly to the agency's governing board or to the staff director. Employment in a less senior position, and employment as a teacher or consultant is not prohibited if consistent with the other provisions of this part. "Religious organization" means churches and nonprofit organizations which are formed to propagate religion, support religious services, or hold and administer property for religious use or for educational or community services which include religious instruction or propagation as an essential element .

(2) A special Government employee (as defined in § 1015.735–2(a)) may serve as executive officer of a grantee or delegate agency if he has not served OEO for more than 60 days during the immediately preceding period of 365 days. However, he may not in any event perform any service as an executive officer of a grantee or delegate agency during any part of any day on which he serves as an OEO employee.

(d) *Compensation from other Federal or District of Columbia agencies.* (1) A full-time employee may not accept compensation from any other agency of the Federal or District of Columbia governments unless (i) it is overtime compensation, (ii) he is on leave without pay from OEO, or (iii) it consists of fees paid on other than a time basis (5 U.S.C. 5533). A "full-time employee" is one who is appointed, on either a permanent or temporary basis, to work a regular tour of duty of 40 hours per week.

(2) All other employees may receive compensation from other part-time jobs with the Federal or District of Columbia governments for up to a combined total of 40 hours per week, exclusive of overtime.

(3) Subparagraphs (1) and (2) of this paragraph do not apply to experts or consultants compensated by OEO on a when-actually-employed basis who hold other expert or consultant positions in the Federal or District of Columbia government compensated on the same basis.

(4) No employee may receive compensation from two Federal or District of Columbia agencies for the same hours of the same day. See also § 1015.735–12(a), prohibiting compensation from non-Government sources for Government work.

(e) *Dual Federal and State office holding.* (1) A full-time employee may hold a position in a State or local government on other than a full-time basis, and a part-time or intermittent employee may hold a position in a State or local government whether that position is full-time or not: *Provided,* That the employee's supervisor determines in advance that the holding of the State or local office will not interfere with the regular, proper, and efficient discharge of his OEO duties.

(2) An employee may hold a full-time position in a State or local government while on leave without pay. OEO shall be the sole judge of whether it is in its interest to grant leave without pay for this purpose.

(3) An employee of State or local government who is on leave without pay may be appointed to a full-time position in OEO on a temporary basis.

(4) This paragraph does not apply to Presidential appointees. Such persons may not hold an office in a State or local government during their appointment to OEO.

(f) *Activities and compensation in matters involving the Government.* (1) No employee, otherwise than in proper discharge of his official duties, may act as agent or attorney for anyone in a claim against the Government or in connection with a particular matter pending before any agency, court, or officer of the Government in which the Government is a party or has a direct and substantial interest (18 U.S.C. 205). Therefore, an employee may not participate in negotiations or informal discussions with any Government agency on behalf of private persons or organizations: nor may he write letters to Government officials on their behalf.

(2) No employee may, otherwise than as provided by law for the proper discharge of his official duties, directly or indirectly receive, agree to receive, or solicit any compensation for services rendered or to be rendered either by himself or another in relation to any claim against the Government, or to a proceeding or other particular matter before any agency, court, or office of the Government in which the United States is a party or has a direct and substantial interest (18 U.S.C. 203). Therefore, an employee may help private persons or organizations prepare grant applications, program reports, and other material which is designed to become the subject of dealings between the non-Government organization and a Government agency only if he receives no compensation for such services and if he does not violate subparagraph (1) of this paragraph.

(3) In the case of a special Government employee (as defined in § 1015.735–2(a)), the restrictions of this paragraph apply only to activities in connection with matters pending before OEO and other matters in which the employee has participated personally as an employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise. Furthermore, special Government employees who are not employed on a full-time basis are not subject to the restriction against working on matters pending before OEO until they have worked 60 working days for OEO within the past year. However, full-time special Government employees are required by OEO policy to observe this restriction from the first day of their appointment.

(4) This section does not prohibit an employee:

(i) From acting without compensation as agency or attorney for any person who is the subject of disciplinary, loyalty, or other personnel administration proceedings in connection with those proceedings, as long as so acting is not inconsistent with the performance of his duties; or

(ii) From acting, with or without compensation, as agent or attorney for his parents, spouse, child, or for any person or estate he is serving in a fiduciary capacity, except in those matters in which he has participated personally for the Government or which are the subject of his official responsibility; or

(iii) From giving testimony under oath or from making statements required to be made under penalty for perjury or contempt (18 U.S.C. 205).

§ 1015.735–18 Disqualifications arising from private financial interests and from holding office in outside organizations.

(a) *Financial interests of employee, family members, and partners.* No employee may participate personally as an OEO employee in any matter in which, to his knowledge, he, his spouse, minor child, or partner has a financial interest, whether directly or indirectly (such as through ownership of securities).

(b) *Financial interest of employers, prospective employers, and organizations which the employee serves.* No employee may participate personally as an OEO employee in any matter in which, to his knowledge, (1) an organization which he is serving as an officer, director, trustee, or employee, whether for compensation or not, or (2) an organization with which he is negotiating for, or has any arrangement concerning, future employment, has a financial interest. An employee may negotiate for prospective employment with a non-Government organization only when he has no duties as an OEO employee which could affect that organization's interest, or after he has disqualified himself, on the written permission of his supervisor, from such duties.

(c) *General exemptions*—(1) *Small stock holdings.* Ownership by an employee, or his spouse, minor child, or partner of stock or other securities of an organization having a financial interest in a matter before OEO is exempt from paragraph (a) of this section if (1) the interest in that organization amounts to less than $5,000 in market value and less than 1 percent of that organization's outstanding stock or other securities, and (ii) the employee, his spouse and minor children are not active in the management and have no other connection with or interest in that organization. Such an interest is hereby determined pursuant to 18 U.S.C. 208(b)(2) to be too inconsequential to affect the integrity of the employee's services.

(2) *Indirect stock holdings.* Ownership by an employee, or his spouse, or minor children of certain indirect financial interests in matters before OEO are exempt from paragraph (a) of this section. These interests are shares in publicly held mutual funds, banks, investment and insurance companies, and similar organizations, which in turn own an interest in an organization involved in a matter before OEO. Such an interest is hereby determined pursuant to 18 U.S.C. 208(b)(2) to be too remote to affect the integrity of the employee's services.

(3) *Remote employment.* Employment of an OEO employee with an agency of a State or local government is exempt from paragraph (b) of this section with respect to other agencies of that State or local government which are clearly distinguishable and remote from the agency which he is serving. His interest in matters involving such other agencies is hereby determined pursuant to 18 U.S.C. 208(b)(2) to be too remote to affect the integrity of the employee's services. For instance, employment as a teacher at a State university will not constitute employment with that State with respect to dealings with the State welfare department. However, for the purpose of this exemption, the effect of employment with a particular State agency must be determined by the Office of General Counsel on the facts of each particular case.

(d) *Application for specific exemptions.* (1) Specific exemptions may be

obtained to permit an employee to participate in a particular matter in which his financial interest is insubstantial, and to permit an employee to participate in any matters which may arise concerning particular private organizations in which his interest in insubstantial.

(2) An employee may obtain specific exemptions by written application through his supervsior to the General Counsel. The application should describe the employee's OEO duties, his relevant financial interest or outside association, why it is insubstantial, and the particular matter involved.

(3) Exemptions granted shall be communicated in writing, a copy of which shall be included in the employee's official personnel folder.

(e) *Interest prior to OEO employment.* No employee may advise, recommend, or otherwise participate in the decision with which OEO concludes its consideration of a grant or contract application which the employee, prior to his OEO appointment, helped to developed. It is not improper, however, for the employee to contribute his special knowledge to the OEO officers making that decision.

(f) *Indirect personal interest.* No employee may participate in any decision by OEO which might affect or appear to affect favorably his career or professional reputation through the use by OEO of publications, systems, programs, etc., prepared by him outside the course of, or prior to, his OEO employment.

§ 1015 735–19 Service on boards of OEO grantees.

No employee may serve as a member of the board of directors of any grantee or delegate agency (other than a religious organization) under section 204 or 205 of the Economic Opportunity Act, as amended. Service on the board of a religious organization as defined in § 1015.735–17(c)(1) is not prohibited. A special Government employee (as defined in § 1015.735–2(a)) may serve as a board member if he has not served OEO for more than 60 days during the immediately preceding period of 365 days, but he may not in any event perform any service as such a board member during any part of any day on which he serves as an OEO employee. See also § 1015.735–17(c) in relation to employment with grantee and delegate agencies.

§ 1015.735–20 Employee indebtedness.

OEO considers the indebtedness of its employees to be a matter of their own concern. OEO will not be placed in the position of acting as a collection agency or of determining the validity or amount of debts. Nevertheless, employees shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court. "In a proper and timely manner" means in a manner which the agency determines does not, under the circumstances, reflect upon the Government as his employer.

§ 1015.735–21 Misuse of Government property.

No employee may use or allow the use of Federal property for other than official activities. Each employee is responsible for protecting and conserving Federal property, including equipment and supplies.

§ 1015.735–22 Gambling, betting, and lotteries.

No employee shall participate, on premises owned or leased by the Government, or anywhere else while on duty, in the operating of gambling devices, in conducting an organized lottery or pool, in games for money or property, or in selling or purchasing numbers tickets.

§ 1015.735–23 False statements.

No employee shall knowingly falsify or conceal a material fact, or make any false statement or representation, or use a document he knows to be false, in connection with any official Government matter (18 U.S.C. 1001).

§ 1015.735–24 Conduct prejudicial to the Government.

No employee shall engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct or other conduct prejudicial to the Government.

§ 1015.735–25 Former employees.

(a) *Notification of employment with contractors or grantees.* In order to prevent conflicts of interests, a former OEO employee should notify the General Counsel if, within 1 year after he leaves OEO, he accepts employment with an OEO contractor, grantee, or delegate agency. He will be advised promptly

whether and how the services he may render to his new employer are restricted by the provisions of the following two paragraphs.

(b) *Representing private organizations.* No former employee shall act as agent or attorney before the Government for anyone other than the Government in connection with a particular matter in which he participated personally as an OEO employee (18 U.S.C. 207(a)). In addition to this statutory restriction, no former employee shall act as agent or attorney before the Government, for a period of 9 months after the termination of his OEO employment, in connection with any particular matter which is related to a matter in which he participated personally as an OEO employee during the last 9 months of his OEO employment. For the purposes of this paragraph and of paragraph (c) of this section, a matter shall be deemed to be related to another matter if it can be identified as growing out of the other matter. For example, a grant for a particular activity for a year would normally be considered to be a matter related to a grant for the same activity for the prior year.

(c) *Personal appearances as representative of private organizations.* No former employee shall appear personally before any officer or agency of the Government in connection with a particular matter which was within his official responsibility during the last year of his OEO employment (18 U.S.C. 207(b)). The prohibited personal appearances include oral discussions, both face-to-face and by telephone, but do not include writing letters or sending telegrams. "Official responsibility," as defined in 18 U.S.C. 202(a), means intermediate or final authority, exercisable either personally or through subordinates, to approve, disapprove, or otherwise direct Government action. This prohibition lasts for 1 year after the termination of the employee's responsibility for such matters. In addition to this statutory restriction, no former employee shall appear personally before the Government, for a period of 9 months after the termination of his OEO employment, in connection with a matter which is related to a particular matter for which he was officially responsible during the last year of his OEO employment.

(d) *Exemption for specialists.* A former employee who has outstanding scientific or technological qualifications may represent another in a matter within the area of his scientific or technological expertise, if the Director has certified in writing published in the FEDERAL REGISTER that such representation is in the national interest. Application for such an exemption shall be made in writing to the General Counsel.

(e) *Additional rules.* Former employees should continue to observe the provisions of § 1015.735–14, relating to the disclosure and misuse of inside information about OEO which they acquired while they were employees. Also some of the statutes listed in § 1015.735–26 are applicable to all persons. For instance, 18 U.S.C., sections 594 and 600, relating to certain political activities, 18 U.S.C., section 508, relating to falsification of Government transportation requests, and 18 U.S.C., section 641, relating to the mishandling of public money, apply to everyone, not just to persons presently employed by the Government.

§ 1015.735–26 Statutory provisions.

The statutes, and their United States Code citations, most important to employees and former employees are:

(a) The laws on bribery, graft, and conflicts of interests, 18 U.S.C. 201–224.
(b) Prohibited political activities, 5 U.S.C. 7324–7327.
(c) Other laws on elections and political activities, 18 U.S.C. 591–612.
(d) Prohibition against dual pay, 5 U.S.C. 5533.
(e) Gifts from other employees, 5 U.S.C. 7351.
(f) Failure to make returns or reports, 18 U.S.C. 2075.
(g) Lobbying with appropriated funds, 18 U.S.C. 1913.
(h) Disloyalty and striking against the Government, 5 U.S.C. 7311 and 18 U.S.C. 1918.
(i) Employment of a member of a Communist organization, 50 U.S.C. 784.
(j)(i) Disclosure of classified information, 18 U.S.C. 798, 50 U.S.C. 783; and (ii) disclosure of confidential information, 18 U.S.C. 1905.
(k) Habitual use of intoxicants to excess, 5 U.S.C. 7352.
(l) Misuse of a Government vehicle, 31 U.S.C. 638a(c).
(m) Misuse of the franking privilege, 18 U.S.C. 1719.
(n) Use of deceit in an examination or personnel action in connection with Government employment, 18 U.S.C. 1917.
(o) Fraud or false statements in a Government matter, 18 U.S.C. 1001.

(p) Multilating or destroying a public record, 18 U.S.C. 2071.

(q) Counterfeiting and forging transportation requests, 18 U.S.C. 508.

(r) (i) Embezzlement of Government money or property, 18 U.S.C. 641; (ii) failing to account for public money, 18 U.S.C. 643; and (iii) embezzlement of the money or property of another person in the possession of an employee by reason of his employment, 18 U.S.C. 654.

(s) Unauthorized use of documents relating to claims from or by the Government, 18 U.S.C. 285.

(t) Acting as the agent of a foreign principal registered under the Foreign Agents Registration Act, 18 U.S.C. 219.

(u) Accepting gifts, presents, or decorations from foreign governments except as authorized by 5 U.S.C. 7342, U.S. Constitution, art. I, sec. 9.

(v) House Concurrent Resolution 175, 85th Cong., 2d session, 25 Stat. B12, the "Code of Ethics for Government Service."

Subpart C—Reports; Distribution; Supplemental Regulations

§ 1015.735–31 Reports of non-OEO interests.

(a) *Reports required.* The employees designated in paragraph (j) of this section are required to report to OEO their non-OEO employment, certain financial and property interests, and the names of certain of their creditors. The substance of these reports shall be as required by forms which are available from the Personnel Division. These reports shall be submitted to the Personnel Division.

(b) *Nonreportable interests.* Employees are not required to report a connection with or interest in a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization which is not conducted as a business enterprise, unless such organization does research and development or related work involving grants from or contracts with the Government, or unless such organization has or is likely to have a contract with or grant from OEO.

(c) *Interests known to others.* If any information required to be reported is not known to the employee but is known to another person, the employee shall request that person to submit the information in his behalf.

(d) *Interests of family.* The interest of a spouse, minor child, or other resident of the employee's household who is related to him by blood is considered to be an interest of the employee.

(e) *When reports are due.* Each employee required to make a report who is employed by OEO when this part is published in the FEDERAL REGISTER shall submit the report within ninety days after that publication date. Each employee required to make a report who is to be appointed to OEO after the date of publication of this part must submit the report before entering on duty, provided that the Personnel Director may extend this deadline, for employees other than special Government employees, to a date not more than 30 days after entrance on duty.

(f) *Supplemental reports.* A supplemental report shall be filed by each person who is an employee of OEO on June 30 of any year, showing the required information as of that date. This report shall be filed not later than July 31. Notwithstanding the filing of the annual supplemental report, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts-of-interest provisions of 18 U.S.C. 208 or this part. In addition, each special Government employee (as defined in § 1015.735–2(a)) shall keep his report current, so long as he is employed by OEO, through the submission of supplemental statements.

(g) *Review.* The Personnel Director shall designate a senior personnel officer who shall review the reports and shall report any conflict of interest, real or apparent, to the General Counsel who shall recommend such remedial action as may be necessary. Remedial action may include but is not limited to (1) changes in assigned duties, (2) divestment by the employee of his conflicting interest, or (3) disqualification from a particular assignment. The employee concerned shall be given the opportunity to explain any conflict of interest, real or apparent. All remedial action shall be taken in accordance with applicable laws, orders and regulations. Unresolved conflicts shall be reported to the Director.

(h) *Confidentiality of reports.* All information contained in these reports is confidential. The officer designated under paragraph (g) of this section shall maintain the reports in confidence and shall allow access to other OEO officials, or disclose information to them, only to the extent necessary to carry out the pur-

pose of this part. No information from these reports shall be disclosed to persons outside OEO except, upon good cause shown, by order of the Civil Service Commission or the Director. Upon termination of the employment in OEO of any person required to submit a report, such reports shall be disposed of in accordance with the appropriate disposal schedule prescribed by the Civil Service Commission.

(i) *Effect of other provisions.* Reports of non-OEO interests are additions to, not substitutes for, or derogations of, any similar requirement imposed by law, order, or regulations. The making of a report by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation.

(j) *Who must file reports.* The employees listed below are required to file reports of non-OEO interests under this section. Any employee who believes that his position has been improperly included in this list may secure a review of such inclusion through the regular OEO grievance procedures.

(1) All employees, except the Director, in positions paid at a level of the Executive Schedule.

(2) Occupants of the following positions, if classified at GS–13 or above:

(i) In CAP headquarters: Director, Community Action Program; Deputy Director, Community Action Program; Director, Office of Special Field Programs; Director, Project Upward Bound; Deputy Director, Project Upward Bound; Director, Office of Program Planning; Director, Office of Training and Technical Assistance; Director, CAP Office of Health Affairs.

(ii) In Job Corps headquarters: Director, Job Corps; Deputy Director, Job Corps; Director of Financial Management.

(iii) In VISTA headquarters: Director, VISTA; Deputy Director, VISTA; Associate Directors, VISTA.

(iv) In the Office for Management: Assistant Director for Management; Deputy Assistant Director for Management; contracting officers.

(v) In the Office of Research, Plans, Programs, and Evaluation: Director; Deputy Director.

(vi) In the Office of Public Affairs: Assistant Director for Public Affairs; Public Information Officer (Administrative).

(vii) In the Office for Health Affairs: Director; Deputy Director; Executive Officer.

(viii) In the Information Center: Director; Deputy Director.

(ix) In the Office of General Counsel: General Counsel; Deputy General Counsel; Assistant General Counsel for VISTA; Procurement Attorney.

(x) In each OEO Regional Office: Regional Director; Deputy Regional Director; CAP Regional Administrator; Job Corps Regional Administrator; VISTA Regional Administrator; Chief, Management Division; administrative contracting officers.

(3) All special Government employees (as defined in § 1015.735–2(a)). Such employees shall report their outside employment and such financial interests as the Director of Personnel deems relevant in the light of the duties to be performed. In the case of temporary summer employees hired at GS–9 and below to perform duties other than those of an expert or consultant, the reporting requirement will be waived. It may also be waived by the Director with respect to other appointments, except as experts or consultants, upon a finding that the duties of the position held by the special Government employee are of a nature and at such a level of responsibility that the reporting of employment and financial interests is not necessary to protect the integrity of the Government.

§ 1015.735–32 Distribution.

(a) Distribution of this part: The Personnel Director shall issue copies of this part and all revisions thereof to all employees (1) immediately after its publication in the FEDERAL REGISTER, and (2) at the time of a new employee's appointment if he is appointed after this part is published.

(b) Distribution of related material: The Personnel Director shall also issue to each new employee at the time of his appointment copies of all OEO instructions and notices relevant to employee conduct, and any additional material specified by the General Counsel.

(c) The General Counsel shall, at least semiannually, bring this part to the attention of all employees.

§ 1015.735–33 Supplemental regulations.

The Assistant Directors for Job Corps, CAP, and VISTA and the heads of offices not included in these three divisions may issue, subject to the approval of the General Counsel, supplemental and implementing regulations not inconsistent with this part.

Civil Service Commission approval. This part 1015 was approved by the Commission on September 20, 1967.

Dated: September 29, 1967.

SARGENT SHRIVER,
Director, Office of Economic Opportunity.

[F.R. Doc. 67–11860; Filed, Oct. 6, 1967; 8:47 a.m.]

Senator NELSON. Our next witness is Mr. McGill.

The committee welcomes you here, Mr. McGill.

Do you have a prepared statement?

STATEMENT OF JOHN McGILL, VISTA VOLUNTEERS

Mr. MCGILL. There is a short statement that was handed out earlier.

Senator NELSON. Your statement will be printed in the record.

Mr. MCGILL. My name is John McGill. I am a VISTA volunteer currently serving in New York City.

Senator NELSON. Senator Cranston, I have an appointment that I am a little bit late for. This is our final witness.

I will recommend to the chairman of the full committee, since this is the Subcommittee on Manpower, that the chairman poll the members of the committee respecting their views on the confirmation of these Presidential appointments.

If there is any objection by any member of the committee to polling any or all members, then the committee has to meet, if it is going to act, meet in regular session.

Senator CRANSTON. That is done without any action taken by the subcommittee.

Senator NELSON. There will be no action by the subcommittee. I will simply recommend to the chairman that he poll the members of the full committee.

I personally will recommend that, I personally will report the appointments to the chairman. Whether or not we will be able to get the committee polled, I am not sure.

Senator CRANSTON. I would like to say, reserving the right a little later, so that we will not interrupt this witness, to expand on my reasons, that I will support the polling for the purpose of taking a committee vote and a position on the nomination of Mrs. Khosrovi and Mr. Wilson.

I will oppose it, however, with all due deference to the chairman, with regard to Mr. Carlucci, because he has not been able to supply us with certain information we want, some of which he lacks.

I feel that we are not equipped, in turn, to judge him and how he will perform in this position, until we see how he responds to the information, and with what dispatch he responds to the information that he does not yet have at his disposal.

I think the full committee is entitled to an opportunity to hear something about what transpired today, without just a polling where people are polled before they know anything about what occurred here today.

Senator NELSON. In any event, if I understand the rules correctly, if there is an objection to polling any one or all of the appointees, action can then only be taken by a meeting of the full committee. with a quorum present.

Senator CRANSTON. That is correct.

I do object to a polling of Mr. Carlucci's nomination, because I don't think action of this significance should be taken without a full opportunity to discuss within the committee the situation in which the committee finds itself.

Senator NELSON. I regret that I have to leave to make my appointment.

Senator CRANSTON (presiding pro tempore). Do you want to proceed, please?

Mr. MCGILL. As I said before, I am serving currently as a VISTA volunteer in New York City. I am also serving as Chairman of the National VISTA Alliance, and we are grateful for this opportunity to express several concerns that we have in regard to the VISTA program.

We are not taking a position in opposition to the appointment of Mrs. Khosrovi, nor are we doing so in regard to Mr. Carlucci.

However, there are some concerns we are compelled to express in regard to those two positions, and in regard to the VISTA program at this point.

Very briefly, the National VISTA Alliance is an organization of 1,850 volunteers that has been in existence since June of this year. It was formed out of a concern for improving the effectiveness of the VISTA program, and thus to improve the effectiveness of our service to the poor in the communities where we work.

Our original goals related to such things as improving communication between the volunteers in the field and regional and national administrative offices; also, providing volunteer input into areas such as recruitment, training, and supportive policies.

However, most recently our emphasis has shifted. We were highly alarmed at the reports that the Office of Management and Budget is strongly considering elimination of the VISTA program, and we have made a concerted effort to elicit support for its continuation.

The National VISTA Alliance released a memorandum which has been referred to numerous times earlier today, and we did so because of the concern that we feel for the program.

In the light of Mr. Rumsfeld's frequent endorsement of the program, and in the light of the Nixon administration's celebration of the concept of volunteerism in America, the forecast of a 100 percent budget cut is very difficult to understand. It would be difficult to understand under any pretext—that of economy, that of lack of impact.

As volunteers, we are convinced that the program merits, if anything, expansion, rather than extinction.

First of all, because it is productive. Every day volunteers are making significant contributions in the areas where they are working. If they were to cease to exist, much needed work would simply not be done at all.

Second, the Federal Government would do well not to eliminate its one major domestic volunteer program, and more significantly, one that provides an unparalleled opportunity for young people to work

constructively within the system on some of the most pressing problems that are facing us today.

Specifically in regard to the position of the Director of VISTA, we feel that if Mrs. Khosrovi is confirmed, she will be in a very unique position. She will be certified as "permanent" Director of a program that is now facing elimination.

Our belief is that such a situation calls for a strong and public advocate role in relation to continuing the program, and we will expect that of her. We feel that she should address herself immediately to the need for taking a public stand and generating maximum support for continuation of the program.

Another major concern of VISTA volunteers is the question of VISTA's autonomy within the Office of Economic Opportunity.

According to a reorganization plan implemented in January of this year, the Office of Operations, of which Mr. Carlucci was formerly Director, was made responsible for all functions and activities which are executed through the OEO regional offices, including such matters as suspensions, terminations, and policies related to the regions.

The effect of this has been to subvert any remaining authority that the VISTA Director may have had in regard to program operations. The Director of VISTA has been relegated to the mechanical task of recruiting, selection, and dealing with portions of training.

While we recognize the need for VISTA to coordinate its efforts with other OEO programs, the present OEO administrative structure completely subverts VISTA's legislative integrity.

There are two examples that have come to our attention recently regarding the lack of autonomy of the VISTA program.

There was a conference that was held last summer here in Washington, at which something in excess of 350 VISTA volunteers were present. We had a number of points that we wished to raise with Bob Lane, who was then the Acting VISTA Director.

He had prepared a set of answers to the grievances that had been presented, and yet at the last minute was compelled by people in the upper reaches of OEO, including Mr. Carlucci, to alter his answers to us. It became very apparent as to who was controlling the VISTA program.

Most recently, it is our belief that Mrs. Khosrovi, herself, was deliberately withheld from critical negotiations with the Office of Management and Budget concerning VISTA's very survival. Only after the National VISTA Alliance made public OMB's plans to drastically cut the poverty program was the Acting Director of VISTA made aware of the last-minute negotiations.

In sum, our feeling is that the VISTA program cannot survive effectively unless the official leaders of VISTA are allowed to make their own decisions in a committed fashion.

We ask that VISTA's autonomy be restored, so that poor people, volunteers, and the VISTA administration can open a constructive and productive dialog.

An additional point is that we expect the new VISTA Director will deal with us in good faith, "us" being the members of the National VISTA Alliance, which is the sole organization of volunteers within VISTA that is providing communication, and with volunteers in general on questions covering the full range of VISTA activity, whether

they be questions of supportive services (including a more equitable and uniform legal support policy) questions of adequate transportation, which have been raised recently, or any matters pertaining to recruitment, training, or work of volunteers.

We share the concern which was mentioned earlier regarding community organization. Our experience in the field has demonstrated to us that it is a proven process whereby poor people can effectively determine policies and courses of actions that will enable them to break the cycle of dependency that characterizes poverty.

Finally, I would like to say on behalf of the Alliance that as volunteers who have been working for the betterment of the program, we are concerned that OEO as a whole be utilized as effectively as possible in its many duties.

We are dismayed by Governor Reagan's veto of the CRLA program, and we share the view that Mr. Carlucci, as OEO Director, should override that veto.

That is essentially it.

Thank you very much.

(The statement submitted by Mr. McGill follows:)

NATIONAL VISTA ALLIANCE,
Washington, D.C., December 30, 1970.

The National VISTA Alliance is an organization which represents 1850 active VISTA Volunteers. The Alliance was formed in June, 1970, out of a concern for the direction and future of VISTA, and a desire on the part of the Volunteers to improve communications among themselves and with their Regional Offices, to obtain adequate supportive services necessary for their work in the field, and to press for the continuation of the program as an effective anti-poverty agency.

It was in light of our concern for the betterment of the program that we learned of the Office of Management and Budget's plans to eliminate VISTA, and made public that information. VISTA is the prime avenue open to young people who are interested in working inside the system for constructive change. It is hard to understand that—taken this fact, and the Nixon Administration's public commitment to "Volunteerism in America," and numerous statements of approval of VISTA by former OEO Director Donald Rumsfeld—that the VISTA program should be discontinued for reasons of economy, inefficiency, or lack of impact.

As VISTA Volunteers, we feel that the minimum requirement for a Director of VISTA who is committed to the program, and, when that program is faced with elimination, is a public stance in defense of that program to generate as much support as possible for the continuation of that program.

In addition, it is our understanding that the Office of Operations of OEO has preempted, through administrative reorganizations, the primary policy responsibilities from the Director of VISTA, leaving only the technical functions of recruitment, selection, and training under the Director's control. We feel this disrupts the intended chain of command between the VISTA Volunteers and their Director, and reduces the program's independence.

As Volunteers interested in the betterment of the VISTA program, we expect the Director to deal with legitimate representatives of the Volunteers concerning supportive services and communications so that we may better serve the poverty communities where we work.

Senator CRANSTON. Thank you very much for your testimony, and for your presence here.

Do you have any comments on earlier statements made on this point?

Mr. MCGILL. I am disturbed that there was so much conjecture on the validity of the memorandum. Having acquired the memorandum and made it public, our feeling is that regardless of what stage the

negotiations are at, the fact that this is an intention with regard to the VISTA program, and with regard to OEO in general, is appalling.

It is something that should be resisted as effectively as possible by everyone within the VISTA organization, whether administratively or in the field as volunteers.

Senator CRANSTON. Thank you very much.

Mr. MCGILL. Thank you.

Senator CRANSTON. Coming now to the closing moment of this session, I would like first to explain something that apparently was not totally clear in what I said a minute ago while the chairman was present.

I have no objections to the nomination at this time of Mrs. Khosrovi and Mr. Wilson. I have no objection to the committee being polled in regard to their nominations, which do not appear to be controversial in any way, and I will vote for their confirmation in any polling conducted by the committee.

I do not know at this time whether I support Mr. Carlucci for the position for which he has been nominated, as he is not prepared to respond to certain questions, and I am not prepared until he does, and shows us a behavior pattern, to judge his fitness for this position.

So I would exercise my prerogative as a member of the committee to oppose a polling on his nomination, which means that the committee cannot be polled on his nomination.

The alternative to polling is to have a meeting of the committee. I feel, for the same reasons that I oppose polling, that there should not be a meeting of the committee that cannot be attended by all members, if possible, so that they can hear the evidence and become aware of the lack of evidence available to the committee at this time of this particular nomination.

I, therefore, will exercise my prerogative to object to any unanimous-consent request for a committee session while the Senate is in session, which means that there cannot be a committee session while the Senate is in session, when I and other Senators wish to be present on the floor, as I would like to be present now, to be involved in consideration of the very important food stamp issue, the very important SST issue, and other very important issues, the school integration issue and other matters that are not yet resolved.

If a time can be found for a committee session that can be fully attended by Senators not distracted by other events claiming their attention, I will attend a meeting. I will see to it that there is no meeting held except under those circumstances.

I believe that the record should show that what was, in effect, offered as a compromise this morning, the 30-day funding of CLRA, is not in any way an acceptable compromise. It can be vetoed at any moment by the Governor, and no funds can be expended or authorized until there is a formal nonveto action or accepting action by the Governor.

While apparently they are able to communicate back and forth from Sacramento to Washington to some extent, and there may be some hints there will not be a veto, there is apparently no assurance of this as of yet.

Furthermore, there is no pending application for a 30-day grant. There is an application for a 1-year grant. I have a question as to

whether there is any authority to make a 30-day grant in the absence of an application for the 30-day grant, or 31-day grant.

This idea of extending for 30 days while taking that long to consider the matter is bad policy. It would mean that you could extend it a second month, if you chose, and if the Governor concurred, through February, and then perhaps through March.

During the time which has elapsed since that proposal has been made to the committee, I have explored as to whether there is any background, and I have found this has been used in the past to bleed programs to death. Thirty-day extensions after 30-day extensions wreaked havoc with legal services programs in south Florida, in north Mississippi, and in connection with a Navajo legal services program in Arizona.

So it is a totally unacceptable proposal, which has no merit, has no standing, and really has no substance.

Now, finally, I would like to say this about the situation which confronts us. I prepared these remarks with care—and I had some other things I was going to say if different things were said by Mr. Carlucci this morning: After extremely careful consideration, I have decided to do what I can to see that Senate approval of Mr. Carlucci as Director of OEO is withheld.

That is why I object to polling, and I will object to any committee session while the Senate is in session until such time as Mr. Carlucci indicates what action he will take regarding Governor Reagan's veto of $1.8 million for the California rural legal assistance grant. I want to say briefly why I have decided to do so.

Before proceeding, I would like to ask if there is any official representative of OEO present. The witness has left.

Would you identify yourself?

Mr. FREDERSTORF. Max Frederstorf. I am Associate Director for Congressional Relations.

Senator CRANSTON. Thank you for your presence, and for your patience, and your staying power.

Mr. FREDERSTORF. Thank you, Senator.

Senator CRANSTON. Governor Reagan, relying upon a perfectly specious investigation, has attempted to discredit what everybody who has studied CRLA has declared to be the finest legal services program in the entire United States.

Although Mr. Carlucci possesses the power to override that veto, he stated this morning that he is unwilling to tell us today, or tomorrow, or any time this year, whether he will do so.

Whether Mr. Carlucci overrides the veto of CRLA, and whether he does it in time to prevent disruption of the program, and a disservice to its present clients, in my opinion, will be a crucial indication of what kind of Director of OEO he would be were he to be confirmed by the Senate.

If the Economic Opportunity Act means anything, it means that the poor must be able to speak for themselves, and guide their own destiny to the extent they can.

Americans are proud that through the Office of Economic Opportunity the poor, whose interests were ignored for so very long, have been given new reason to have faith in the American system. That faith is now subject to being shaken by what has happened here.

The lawyers who have represented the poor have exemplified the very best in the poverty program. California rural legal assistance has led the way. It is the dedication of those lawyers to the true interests of the poor that has made them unpopular with Governor Reagan.

It is that same dedication that has gained credibility with the poor. We have raised the hopes of the poor.

What happens to CRLA is far more important than what happens to one program. If the finest legal services program is lost to the poor, the message is very clear: Any program the poor has faith in, any program that truly represents their interests, is subject to the death penalty for a purely political reason.

The legal services program is generally conceded to be the most effective part of the war on poverty. If CRLA can be cancelled out or can be subject to harassment and excessive delay before it is funded on the basis of isolated charges which are deliberately raised at the 11th hour, then the legal services program throughout the rest of the country is in very, very serious trouble. And then Mr. Carlucci as Director of OEO would not have shown his concern for and ability to protect the interests of this country's disadvantaged.

If there is a 30-day extension which may or may not be workable and may or may not have any substantive merit, then that pattern will be set forth for other Governors to adopt in other States where they wish to obstruct the program. We can then expect a series of vetoes and a series of 30-day extensions that serve no constructive purpose. If the CRLA veto is not promptly overridden, many Governors will be encouraged to veto the legal services program in their States, or to try to seriously restrict the work of these programs.

Full legal representation of the poor will be subjected to protracted threats, particularly where poor people seek judicial review of governmental decisions which are adverse to them. The message will go out to the poor that the rich man can sue the Government but the poor man can't, and that he will be given no help in seeking to do so; that the peaceful redress of grievance under law is available to the rich but not to the poor people of America.

This would indeed be disastrous at a time when an increasing number of people are questioning whether the American governmental system still permits peaceful change under law, and that is the fundamental issue that we are grappling with today.

Let me stress in CRLA's case that its 86 percent success record for litigated cases shows that without effective access to the judicial process the system operates in numerous ways to deprive the poor of rights and benefits that they are entitled to under the law. The question is, are we going to do all we can within the system to encourage peaceful change or, as the question was put at this confirmation hearing, is Mr. Carlucci going to use his best efforts to further peaceful change through law and our institutions of justice? We need to know very soon what Mr. Carlucci's answer is.

The Senate must be convinced that the next Director of OEO is dedicated to the purpose of his agency as set forth in the law, protecting and encouraging the poor and helping them to help themselves. Does he as director-designate have faith in the orderly process within his own agency, a process which has produced an evaluation confirming the professional competence of CRLA?

Until we have answers to these crucial questions in terms of his action on the CRLA veto, until we see whether the acting director will serve the aim of the Economic Opportunity Act, I for one am not prepared to act on this most important nomination and I will do what I can to see that others, without adequate information, do not act upon it.

Furthermore, if the Senate does not act to confirm Mr. Carlucci's nomination during this Congress, then when and if that nomination is before this committee in the 92d Congress the question I will ask, if by then there has been an override of Governor Reagan's veto, in judging Mr. Carlucci's suitability to head the poverty program will be this: Did he make the override decision in time to prevent the disruption of the program, the destruction of current cases, the departure of present employees who would be forced to go elsewhere to earn livelihoods for themselves and for their families, and the disillusionment of those who were lead to believe they could find justice under law?

I think it is quite easy to understand what sort of time reference we are really talking about. I accept Mr. Carlucci's feeling that he cannot make a decision this week, but I cannot accept the idea that he cannot make a decision next week after he has access to the information and has an opportunity to evaluate it.

Sometime next week he should be equipped to make a decision. If he is not amenable to make decisions of this import with the catastrophic consequences of further delay, then I will have grave reservations as to his ability to hold this post effectively even though he eventually at some point does override the Governor's veto.

The fact is that Governor Reagan's veto is a direct challenge—dare, if you will—to the Nixon administration and perhaps to President Nixon himself.

Mr. Carlucci has had diplomatic experience in the Congo, and if he could survive that and move upward I suspect that he is capable of dealing with the jungle of Republican politics, not to mention what happens when helpful Democrats seek to intervene.

The national office under the Nixon administration has repeatedly and in various ways endorsed, supported and encouraged CRLA as part of the vital concept of legal assistance to the poor. That is on the record in actions taken by the Nixon administration.

The Nixon administration rejected the concept of regionalization which would have decimated CRLA and all programs for the poor in California and other States.

The Nixon administration gave CRLA and the poor people of California a resounding vote of confidence in recommending for CRLA a $1.8 million grant, almost a quarter of a million dollars more than the 1970 grant.

Governor Reagan has in effect thrown this money in President Nixon's face. Governor Reagon has in effect used the President of conducting an administration that is wasteful and blind and worse. If the Reagan veto is sustained the Nixon administration will in effect be confirming the criticisms that Governor Reagan has directed at the operation of OEO under President Nixon.

President Nixon and Mr. Carlucci must stand up for the poor people of California and the Nation and stand up to Governor Reagan

and those who would destroy the efforts of OEO to help those who are trying to help themselves under the American system that is designed to help those who try to help themselves.

To deny due process of law to any American for any reason, let alone for reasons of his low economic status, in the absence of financial resources, attacks the fundamentals of our entire constitutional democracy. The important point here is not that CRLA lawyers have brought too many cases to court, the point is that they have won so many cases. In simple, nonlegalistic terms, this shows that the courts have judged the State and Federal Governments to have acted in certain cases illegally against poor people. It has been CRLA in the courts that has upheld law and order and justice in California against the onslaughts of those who would evade and undercut the law and the American concept of liberty and justice for all.

Those reasons set forth my feeling and the reasons I am acting in the way I am acting and the reasons I seek to have this nomination handled in the way I will seek and expect to have it handled.

With that this hearing is recessed until further notice.

Thank you all very much.

I order all pertinent material submitted for the record printed as an appendix to this hearing.

(Whereupon, at 2:15 p.m., the subcommittee was adjourned.)

APPENDIX

BEFORE THE CALIFORNIA RURAL LEGAL ASSISTANCE LEAGUE

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EVALUATION CONFERENCE

REPORTER'S TRANSCRIPT

Proceedings of

Friday, August 21, 1970

WERNER J. EBSTEIN, C.S.R.

EBSTEIN & CURTIN
COURT REPORTERS
SUITE 1504, 582 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94104
397-5268

DAVID J. CURTIN, JR., C.S.R.

STATE OF CALIFORNIA

CRLA REPORT

DATE: Friday, August 21, 1970

TIME: 10:00 a.m. -- 1:30 p.m.

LOCATION: CRLA office, 1212 Market St. S.F.

CHAIRMAN: Tim Hoffman, 100 McAllister #2202

REPORTER: Andrew J. Betancourt

MR. HOFFMAN: After looking around, I hope some of you have questions about the evaluation of the program in terms of scope. Some of our members are absent. Clifford Alexander couldn't make it and really was a tentative evaluator, and found his schedule wouldn't allow him to attend. Justice Clark is in the middle of an anti-trust trial. He said he would not be able to be here today but would be here tommorrow to talk with the staff and if any evaluator would like to meet with the Judge, he would be pleased to meet you. He knows something about legal services and a little about CRLA and had some experience with appeals that probably will reflect in his evaluation of the types of appellate litigation CRLA is involved in. Mr. Ibanez has gone back to Los Angeles. He left a couple of tapes in the office, of things he evaluated, and Mr. Velasquez, I don't see and don't know where he is. I thought he was going to be here. Who is with him? Judge Christian and Mr. Velasquez turned in a written report on El Centro. I wonder if we would get someone to call and seeif he's going to be here. Let me start by introducing Mr. Mack. He was not here on Monday and he will explain the format of the final report and where we expect to go and what we expect to get from this report. We'll use these reports in the refunding process, so we would like everyone to dictate their thoughts as briefly as possible and we'll send them to you as soon as they are typed, not only the transcript of everything that was said but also a composite Allan and I will work on. One or

the other of us will do this and we'll contacting you in a couple of days of receipt on whether or not it reflects accurately what was said today and what changes you want, and we'd like to write in those changes over the thoughts so that within a week we can have a document to work on and afterthoughts and further contributions can be sent in for a final document. We hope to get out today's document so you can work on it very fast. Some evaluation teams have been very much impressed with CRLA and how it is run and have come up with an excellent report on CRLA. They immediately reached into constructive criticism and come up with a totally critical document. If you think its good or lousy, state so, and if any attorney is impressed, put it in there and any additional criticizms. We do want a general opinion from each evaluator whether or not CRLA should be refunded and what changes they would like to see in that refunding. We would like someone to open up the discussion.

MR. SHESTACK: The first focus that I thought was important was on the quality of the professional personnel. The standards I use for judgment were standards that I use myself in evaluating associates in my own law firm of some 70 lawyers--what I look for are some quality of mental ability, understanding the professional skills, craftsmanship in choosing tools proper for the situation, sensitivity to alternate solutions, pride in the profession, the potential for creativity, ability to deal with difficult problems and similar qualities. I think they were once well-summarized by Professor Carl Lewellen in which

he described as "the lawyer's craft". Perhaps one should ask why the poor are entitled to such quality legal representation. I started by asking the premise, "Why should the poor not have such quality representation." In any event, by those standards, the CRLA lawyers that I evaluated get very high marks. My own evaluation was in the Salinas office. In each case where I interviewed a lawyer, a judge, a community leader, my first line of questioning went to the abilities of the professional staff, and the abilities I found among the CRLA lawyers compares favorably with an excellent private law firm in a major city. Perhaps, the ultimate test is whether I would be willing to hire the lawyers myself in my own office. In the case of 4 out of 5 of the lawyers in that office, the answer is yes. In the fifth case, I didn't have sufficient opportunity to make that appraisal. An interesting insite, perhaps, comes from one of the law students in the program who goes to U.C.L.A. Law School and has many professors whom I know professionally, and I asked him how he would compare the lawyers in the program with the professors. As you know, the cream of the profession is often in the teaching end of the profession. He thought that in ability, from his interchanges, they compared very favorably and in terms of what he called "relevance", the Salinas lawyers got higher grades. Law students are often very hard critics and that kind of evaluation is not to be taken lightly. In any event, my report bears out the high quality of the offices. Perhaps, at this point, we should talk on that aspect of it rather than

going into other areas of service, priorities, and so on, that we can have a kind of dichotomy or trichotomy or topical approach to changes.

MR. HOFFMAN: If any one would like to comment on the professional quality of the attorneys that were interviewed, feel free to do so.

MR. GOLDSMITH: We went to Santa Barbara and I think there was a community feeling among the Bar and the Bench that the attorneys in that office are of very high caliber. The only drawback might be a lack of experience on the part of the attorneys in that office, but there is no question in terms of intelligence that they rank as high as the other members and they rank fairly high in comparison. The only thing I would like to express is that when you have legal services attorneys, you have to credit their ability to engaging in what amounts to cross-cultural involvement. Most of us are very middle-class and most communities are very much the same. The empathy-- when I went around I found a tremendous amount of empathy on the part of the attorneys involved. You could use such descriptive terms as "dedicated", "extremely concerned", "industrious", "hard-working" and their reputation within the client community that I came in contact with was of the highest caliber.

MR. HOFFMAN: Anyone else have anything to add on to that as an addendum to whatever was said?

MR. BENNETT: Well, I don't know how to do it. I've got a rough outline and it shows that the first three divisions

of it are somehow relevant to the topic, so I'll try to do it. The only thing which everyone in Modesto, where I evaluated CRLA could agree on was that the lawyers in the CRLA office there were universally competent and highly professional. That would be my judgment as well, from talking to them. There are five lawyers in the office, one was not there. I had a chance to talk with only one, briefly. The other three, I would say, are all very good lawyers. One particularly, John Kelly, the co-director, has excellent judgment, superb ability to work with people, and besides, is a good lawyer. This I think is particularly significant, that just on an every-day basis, the legal institutions and some of the people who are affected by CRLA functioning, said that the existence of the office and its performance had positive and enduring effects on the every-day operations of the legal institutions. One attorney, who was hostile to the program said he thought that both the practices and the operations of the Juvenile Court had improved in the time that CRLA had been in Modesto and that he would attribute it to the operation of the office. A probation officer told me that his office prepares for so-called "detention hearings", in different ways when CRLA attorneys are going to be handling them because they insists that the witnesses be there and that heresay not be admitted. They have a perfect legal right to insist on certain things yet they are the only attorneys that do. He therefore prepares differently for hearings in which CRLA attorneys are representing juveniles.

The Welfare Department told me they thought there had been a very positive effect in welfare administration from the existence of the CRLA office, that the office had often been able to cut through bureaucratic red tape in ways that it had not been able to do for a long time.

I did encounter a number of lawyers and judges pointing out minor acts which could be characterized as either unprofessional or at least showing poor judgment. My experience was that the directors and attorneys involved, at least to those I spoke, acknowledged they took pains to and were very sensitive to problems and directors took action to cure them. In one case, a letter from a city manager to one attorney had not been answered. The directing attorney was aware of it and reprimanded the attorney. In another, contact by an attorney with an opposite client rather than with the attorney, was handled with a similar reprimand, which was commented favorably upon by the other side. A judge gave me the opinion that one attorney had unnecessarily gone to a jury trial; had pursued a case in a way that seemed senseless in light of its worthiness. The attorney acknowledged that was true, but said he had no choice because his client insisted even though he advised the client to settle. I could go on, I think that's perhaps sufficient to make the point. There are minor acts which could be the subject of criticism but I think that is true in all law offices and the attorneys are sensitive to them.

MR. ASHMAN: I think one point in our interview of the

presiding judge of Kern County Superior Court, we interviewed the McFarland office, he described the CRLA staff that appeared before him as "near brilliant"; that's not to say he wasn't commenting upon the quality of the cases coming up before him. He commented favorably on the quality of the staff and their professional performance.

MR. HOFFMAN: Well, we are continuing on professional quality.

MR. JOHNSON: I was at the McFarland office and part of the time at the Madera office alone. I thought that too and of course I might say, over the past year and a half, I have contacted most of the CRLA attorneys, I believe, and I have always had the comments that they are competent, efficient as lawyers; although, it is quite often they're young, sort of gung-ho and a little over-anxious to file certain cases where they are not always properly prepared or going to case without the facts. I heard this only once yesterday in the Madera office, and there is a case where an attorney just assigned to it had a client who was wanted for questioning by the Madera police. He appeared voluntarilly and gave a statement. He was fingerprinted and after a while they said,"Well, we're going to dismiss the case. We don't think you are the person but the case is still under investigation." The attorney told them he wanted all the papers back and he wanted the copy of the fingerprints. Well, after being informed the case is still under investigation, he stated that he might have to file

an action against them for police malpractice. I understand that this is because the attorney is young, only having been in town a couple of weeks. But let me get on because I have to get a plane and get back to my office. I haven't been there for two weeks.

In the Madera office, first, Madera is a county of only 45 thousand inhabitants. I got one of 42 thousand, one of 45 thousand, the police chief said 42, somebody else said 45. We have three attorneys there. I interviewed them; they are all young, very capable, I talked to two of them and the one I heard about seemed to be quite competent. They were good in the craftsmanship as attorneys. Again a year ago in this office, a little over a year ago, there was quite a lot of public opinion raised against the CRLA office. Since since that time we had a complete change due to Carlos Inostra, a young, I might say, native Californian, who has done an excellent job of calming the community. In all offices, there will always be the question of class versus individual suits. The attorneys in the Bar in Madera took formal action in a declaration that the CRLA attorneys were not meeting the needs of the poor; that they were not helping the poor; not in the way they felt they should be helped. They claimed there was a great deal of energy spent on class cases and a lot of attempts to get publicity in the community rather than actually taking the cases that were needed. Now, I got a lot of letters on this last year. They sued the school board and I got letters from the District

Attorney who was President of the Bar Association. I interviewed the Judge first, and we went over the case. About the members of the Bar, there are only 18 in the county. Of this number, one is 80 years old, one is 75 years old and handles probate, three are Deputy Attorneys, one is a Judge, one is a Justice of the Peace, three are CRLA attorneys. Only eight active attorneys serve the area. They claim before CRLA came there, a lot of the work for the poor was done by them. But, their formal organization doesn't keep records. They know the Judge. He says he was in private practice and that thirty-three and a third percent of his time went to the indigent for which he got no pay. Well, I don't know, but I'm sure we have all gone through the same thing. Now, with CRLA there, they feel they should not have to take the cases of the indigent; that CRLA is paid to take them and that they should be able to concentrate on those who can afford to pay. That's what the opinion was. However, again, I believe that a lot of this was probably exaggerated as to the amount of time given to the indigent.

I also see a reason for CRLA there trying to get publicity. I interviewed people on the street as I happened to meet some of them. A few said they never heard of CRLA even with CRLA in the headlines. There were two people, they were city employees, and they were coming out of City Hall, they were young, intelligent girls in their early twenties, and then one girl I talked to was coming out of the county library.

When I asked her about CRLA, first she said, "No, I don't know, oh yes, my sister went to them once." I talked to a man but he didn't have any real opinion. He knew about them but he didn't know whether they were good, bad, or indifferent. But, there were still some people who I thought would have known and been quite opinionated about the program, who never even heard of them.

Now, the type of work that I found they were doing was a lot of individual suits at this time. The community, generally when I say "community", I mean establishment feels they are doing good. Their work is done very skillfully and handled well. I think we are going to get along with this new group of lawyers here. The Chief of Police said he never had any trouble, except for the case I mentioned before. He said that CRLA handled their cases good and that he hadn't heard anything too bad about them and he thought they were doing a good job. The Deputy District Attorney Mr. Androtti, who some people thought was not quite favorable to CRLA said, "CRLA was a needed organization in the community." He felt that they had been very helpful, in fact, not only the lawyer but also the investigator in that office. He said that his staff did not have the time to make some investigations and CRLA brought to him, evidence, upon which he was able to dismiss cases that would otherwise have gone to trial. So, he thought they had been helpful in the community and that there definitely was a place and need for them. Again, he thought, sometimes they

were a little gung-ho. On the whole, however, he would not want to see them leave the community.

The Chief Deputy of the Sheriff's office, Mr. W.O. Helm, stated that the relations with CRLA were good. They had made contact with the Board of Supervisors regarding conditions of the jail and as a result of their actions, there was more good jail clothing provided for the prisoners and because the jail was old, there was no air conditioning in all parts, and by their action, it resulted in fans placed in the jail cells where there was no air conditioning.

The general opinion is that the poor people of the community are strongly in favor of CRLA; that is those who know about it. The local business people, the farmer, the growers, the Board of Supervisors, people who by their actions, CRLA has compelled to spend more tax money, are not so favorable. I asked this question of two different people, I asked a judge, "If a vote was taken among the people as a whole, do you think they would vote to retain CRLA?" The judge said he thought that generally, the people who voted would probably vote that they leave town. On the other hand, I talked to some of the people, the members of the advisory committee of the CRLA and people on the street. They thought the vote would be in favor of retaining CRLA as part of the town's operations. So, I feel that as a result of my short investigation, that CRLA is probably doing a good job and that the new administration has felt some hostility and antagonism left by the previous administration. I didn't get

a chance to talk to some people as I would like, but, you can only do so much in a day. That's about all I have to say.

MR. ASHMAN: What do you mean by, "the new administration in that office?"

MR. JOHNSON: Oh, this is one of the criticisms that seemed to come from a lot of different people in that it seemed to be an attempt to seek publicity. Now, as I say, after talking to some people in the field, this may be true, and may be a way of advertising the presence of the office there. But, we did get this from several different people and the Police Chief said he felt good about CRLA but, one of the criticisms he had heard is that they seem to want to go to the press first and seek the facts later.

As opposed to the other legal services offices in CRLA in the state, McFarland, from its inception, has been subject to suspicion and attack by all aspects of the community because of the different social and political contact of the growers and the emerging union. We spoke to a lot of people in the community, both pro and con, to the office. What emerged is, at this point in time, a cautious optimism. This is how several persons expressed it. The people have never really been able to distinguish in McFarland and Delano, the difference between the role CRLA and the role of the union. They cite several examples such as the initial case that the McFarland office brought against the growers by the workers and immediately those initial cases linked McFarland's office with the union activity.

They cite the interchange of attorneys between the CRLA and now the union law firm. Now there are three lawyers who are members of the other CRLA office and they cite the similarity of the legal action brought by the union attorneys and by CRLA. They cite one of the community organizers for the McFarland office is Caesar Chavez's personal bodyguard. All these instances make it difficult for the community to deliberate the role of CRLA attorneys from union attorneys. Also, recently, an incident at the Delano High School involved one of the newer members of the CRLA staff and this provoked hostility by the community. This is the most controversial aspect of the entire focus and has been very sensitive for us. The caliber of the staff of the McFarland office is extremely high. They are good attorneys and work in what I think, perhaps, is a situation that isn't always appreciated by other attorneys in other CRLA offices, because of the tense political and social situation. They have extreme limitations, its a desolate and lonely spot, particularly for those attorneys who haven't been welcomed by the community. Recently, they hired a young Chicano attorney, who we found has a great passion for the people and a great sense of outrage. Unfortunately, he has found it difficult to channel his passion into a legal context and has, in a number of instances, literally taken to the streets as a community organizer. This happened in particular at the Delano High School which resulted in a withdrawal by the students and a picketing of the school. He led the picketing.

This in turn has lead to a re-evaluation by the central office here in San Francisco to re-orientation of staff attorneys and this is a recommendation we have made strongly in our report, that there be a formalized system of orientation of staff attorneys, to indotrinate them into the mystic of CRLA; to have them identify with the role and purposes of a CRLA lawyer as opposed to a community organizer and worker. We feel, at least my opinion is that its too early to judge the competency of this attorney and my impression is that the CRLA offices in McFarland and San Francisco are handling this very sensitive situation quite well and in a mature fashion. It would be, perhaps, easier to fire the individual but I think this would be wrong and I think for only being on the job for four or five months, I think it would be a mistake to give up on this person.

There is one point I would like to make about the office in McFarland, at least in my impression, is that it has not always been able to deal well in matters affecting the community. It is not always able to involve itself dispassionately that is to say, they have assumed from the very outset that the poor community, that is the poor, white community were the good guys; the establishment, the government, the growers, were all the bad guys and what has happened, in a sense, is that the adversary relationship has been withdrawn from the courtroom and has taken place initially in the streets, in their initial confrontation with the community. I guess what came out of McFarland was

for the non-poverty community to say, "I wish CRLA in McFarland would work with us. If they are going to sue us, fine. But, I wish they'd work with us and speak to us and research the problem, not so much legally but factually before they plunge into a suit." I think on this Ed Kearney, the Director is going to make advances on. This I am sure he will and may go a long way to relieve the tension

MR. STESTACK: I'd like to revert back. Something mentioned which deals with the quality of the professional staff. It is true, many of the lawyers attached to CRLA are inexperienced lawyers, and sometimes members of the Bar whom I interviewed, refered to that inexperience. In the Salinas office, for example, with the exception of the senior lawyer, all of the lawyers have less that five years of practice. However, an office can develop certain procedures to overcome that lack of experience. In the Salinas office, for example, I think these factors overcome the role of inexperience. Frequently there were staff meetings, they lunched together very frequently over problems and there was an interchange of ideas in which you help overcome lack of inexperience. Second, there was the development of a natural specialization. It is difficult to ask bright lawyers, especially bright, young ones, to develop their specialty as early stages of their career. Generalists have a more interesting practice by and large than specialists, at least in my own view, however, there is a natural inclination to specialize as a result of the method of

handling an assignment. Every week, for example, in the Salinas office, people would gather together -- the entire staff , and assignments would be given out. A man who could have his choice is more likely to take the housing problem the second or third time -- some little immigration problem, he will handle. That is what is happening. In fact, in the Salinas office, the specialists are developing. Although they are not rigid and should not be rigid, that too helps overcome a lack of experience. Third, there is some consultation with some other CRLA offices on other matters where other offices have been through a particular litigation such as, the food stamp litigation. I think though, if there is a major state or federal litigation involving, let's say, a hunger program, it may be that a lawyer would be associated with the local office, one that had been through and had experience, and that he would be involved in a consultive capacity -- in a trial capacity. Fourth, I think the lawyers in Salinas keep up with their literature and then finally, there is good supervision. Nothing of important, in that particular office, goes out unless at least two lawyers have looked at it and if it is fairly important, all of the lawyers in the office have the opportunity to comment upon it. Dennis Poul gets a blue carbon copy of every piece of correspondence that goes out and I think this supervision is good. I had a good -- a very high opinion of Mr. Poul. His knowledge of what was going on in the office is good, he is frequently sitting in on conferences. All in all,

I think that the program will continue to be staffed with many young lawyers of little experience. I think there are means of compensating for that without any loss of the client community.

MR. ASHMAN: Mr. Poul was commented upon highly by people in the Madera office. Also, there is a very good lay advocate program with the community coordinators. One of the community coordinators there, a young man, is handling all the immigrations and most of the welfare hearings and the other community coordinator is handling social security and other types of hearings such as motor vehicles. This sort of thing frees the lawyers from a lot of time.

MR. HOFFMAN: Does anyone want to comment on the professional competency? How about the people that were down there?

MR. RANEY: I was in the Modesto office. I spend most of the time with the community people because I felt that the establishment was being interviewed by my amigo here and anyway the first day I could interview the establishment people, the general consensus was that legal services is a very important thing for the people, the rural people and that the attorneys are excellent attorneys. They do excellent work. They were upset with some of the lawsuits that have been brought --class actions -- and there position was that there is too much time spent on class litigation at the expense of the individual services. The Bar members that I interviewed had very high regard for the CRLA staff and some opposition to the class action. Again, they thought more time should be spent in the

individual cases. One of the attorneys here, a white attorney, emphasized CRLA should make every effort to hire Chicano attorneys to work in the rural areas where Chicanos are concentrated. One of the problems he mentioned, as far as the CRLA staff was concerned, was they were antagonized towards other members of the Bar and that it created a lot of difficulty when the CRLA attorneys filed lawsuits or wanted something from the local bar. The general impression that I got was that the people in positions of power, in Modesto, wanted CRLA to cooperate with them in dealing with the problems of the poor. Let the attorneys in the community spot the issues and let them sit down with the school board or members of the government to see what can be done to alleviate the problem of the poor rather than filing a lawsuit.

The community, of course, is interested. The people that I interviewed were mostly Chicano campesinos who were interested in having more of an input into CRLA and they want the attorneys to get involved correctly with the problems of the campesinos. I think that experience in the McFarland office is the kind of involvement -- the non-traditional approach to problems of the poor. Of course you know, there should be more Chicano lawyers in CRLA at both the local level and central office. The turn-over of attorneys in the various offices is a problem and what they wanted to do is -- they are hoping CRLA will increase the salaries so the attorneys can stay there a little longer instead of having to leave.

Some of the attorneys seem to turn people off because a lot of the Chicanos I spoke to felt CRLA was using the people to get publicity and not following through with the issue that directly affected the people. They thought that priorities were all wrong because the priorities did not come from the pople but come from the attorneys. They thought that CRLA as a rural services oriented program should have some kind of circuit riders to visit the migrant camps in the evenings or on weekends because the migrant's day starts at 6 in the morning and they get home at 6 in the evening. The office in Modesto is open from 9 to 5. Its a problem to come into Modesto from out of town. The rural communities are 16 to 20, 30 miles away. None of the people see the attorneys. They want the attorneys to make themselves known, to be present in meetings, and I think the essense of the people's feeling is that the attorneys should be there to serve the people and not the people to serve the attorneys. That's about it.

MR. HOFFMAN: Anyone else?

MR. SHESTACK: I'd like to say something on the question of publicity. That was a complaint I too heard from members of the Bar who said CRLA lawyers were primarilly interested in publicity and issuing public statements. That's part of a deeper problem. Prosecutors typically issue public statements. I have been irritated as a lawyer when I find a client of mine sued for anti-trust and the Department of Justice issues a public statement which sets forth all of the allegations of the

complaint which may ultimately prove to be unfounded and which appear in headlines in the papers as assertions against my client. Lawyers in private firms also issue press releases and supervise the press releases of their clients in important litigation. It is kind of -- part of the game. It is part of the adversary system. When you issue a press release on one side, the other side can issue a press release to the extent that it doesn't violate any cannons of ethics. Of course, no false statement should be given out but to the extent that press releases state what the clients assert and what appears in the pleadings or what appears in the course of proceedings, I see nothing wrong with it. I think it is part of the tools that a lawyer uses in order to achieve results. Very often, when you try and settle a case before litigation begins, one of the arguments you use is that if there is litigation in their area, there will be a lot of unfavorable publicity. We are, perhaps too sensitive to the charge of using publicity. I for one, hope that we don't remain that sensitive and continue to see publicity as one of the tools of the advocate trying to achieve justice.

MR. VELASQUEZ: Allegations are frequently heard that CRLA attorneys attempt to ignore the community and go after the big law reforms that make public headlines. This was stated quite a bit of the Bar in Santa Maria although when I asked them to high-light some of the law reforms that CRLA attorneys had taken, they weren't able to do it. It seems

like there is a lot of confusion about publicity. I mean publicity on a state-wide level and the notion that local CRLA attorneys are involved.

MR. RANNEY: The thing that is needed is good public relations and publicity. The work is 95 percent service work. Very few members in the community seem to know that there is every day client service and I think that CRLA should take the leadership and communicate with the Bar and the local community leadership. This suspicion should be overcome, otherwise we are going to be back where we started.

Q. Do you find in fact that they are providing an every-day service or a good portion of it?

MR. RANNEY: You are asking me?

Q. Yes.

MR. RANNEY: I think they are. The office there is unknown to the community-at-large, especially the middle-class. They don't know and are not aware of the local attorneys and that CRLA attorneys are involved in day to day litigation of their clients.

MR. HOFFMAN: It is the general opinion that CRLA does provide service to a large extent to the client population. Does anyone have anything else to add?

They now have to turn away cases that they can't handle in the Salinas office. They don't handle domestic relations. A very big publicity campaign as to the type of routine services they handle would swamp the office. They would have to turn

away people and cause antagonism. There is a delicate connection when disseminating information as to the viability to service because you want to help people and not being able to handle people that come to you is a problem. It is fairly well-known that in the Mexican-American community around Salinas and Soledad that word of mouth is very effective, so that when someone is in trouble and they say, "What do I do about the trouble", -- a neighbor knows there are lawyers around who can help them and the word of mouth is a lot more effective than it is in large urban areas where you never meet the people in your own apartment house. That is apparently not true in a community where people work together and the children are playing together and the like. I don't know what the answer is but unless you get a lot more lawyers, I'd be wary of a great publicity campaign dealing with routine services.

MR. QUEVEDO: I just want to point out that the standard objective guidelines for an attorney are somewhat out of place when you are discussing CRLA attorneys and for objective reasons, I think, first of all, that they are introduced to a very adverse social community, by and large, in the rural community.

Two, they are assigned very important and very delicate cases which they wouldn't get in a private law firm for their first eight or nine years of practice. The standard process of professional evolution doesn't take place and they are thrust into some very important cases. Second of all, the professional maturation process is such that when guys 27, 28 years old

are like 33 year old little old men, this attests to their maturation as lawyers and competent lawyers. I think we have to take this into consideration because I think two years practice with CRLA is probably the equivalent of ten years practice in a private firm or an agency firm. Additionally, I agree whole-heartedly that the press is a very effective tool of the adversary process. A great many people, especially institutional people, have expressed their concern over CRLA's use of the press. The poor have not had access to that part of the adversary process, which is the press. I agree that CRLA should be not apologetic about it but should be encouraged to use that tool very effectively on behalf of their clients. The fact that the established community is not accustomed to seeing advocacy on the front page of their newspaper is in part of the mission of CRLA in terms of not only the legal reform but the general attitudinal reform and that is also a secondary by-product of press relations in behalf of the poor. I think the program is doing a good job for the poor; I think they are highly over-worked and I make a strong recommendation for expansion of staff. I am sensitive to the McFarland office. There is a need for developing new mechanisms and that means dollars, and a new process of lay advocacy to handle the administrative agencies where there is no need for legal reform, but need for administrative reform. The are important things, not dramatic cases, such as a policy of terminating unemployment insurance only because it happens to be a certain calendar day

of the week or year -- these types of things. They have to be dealt with and I hope more dollars are coming. There is a tremendous need for developing a career in lay advocacy, in law reform.

MR. HOFFMAN: Thank you. Mr. Velasquez.

MR. VELASQUEZ: My name is John Velasques, Judge Winslow Christian and I were assigned to evaluate the El Centro office. We submitted a written report to Allen Ashman reflecting our conclusions and the comments I make today are not those of Winslow Christian. He was unable to be here, my comments are strictly my own. First of all, I am impressed with the professional attitude of the attorneys as far as legal aspects are concerned. They are quite sensitive to the problem of filing harassment type suits and going out of their way to avoid those problems but this is partly due from the direction provided by the El Centro office. They are attempting to use channels of communication with the agencies with which they have to deal and to come to grips with, and it is only after they have used these channels of communication, that they commence to initiate formal legal proceedings. As far as touching on the competency of the attorneys, I found them quite motivated. The Judge and I took through some of their pleadings in the office and it was the Judge's impression, and also mine, that they were done quite well. On professional competency, that office is a little unique in that all of the attorneys arrived there just about the same time and that was about a year ago,

exactly eleven months, and they were all there, and actually almost had no previous legal experience, and so that there was some lack of direction for a while and I think this has been overcome. They have improved tremendously, for example, it was brought to our attention that in one area, there was some wasted motion in preparing the legal documents for an answer where a general denial would have sufficed. The document that was actually prepared was an extensive pleading, evidenciary facts put in, unnecessary for the answer required in the complaint that was filed. But, that has been corrected. I don't think that for future staffing of offices, all the attorneys in the particular offices should be inexperienced and that they should have some direction by experienced attorneys.

MR. RANNEY: The points I would like to make are with regard to the Marysville office, and concerning the publicity question of whether a community does in fact recognize CRLA's doing things other than the major well-publicized class-action suits. I think in my feeling, with regard to Marysville, it would be helpful to have information available at least to the Bar, which did demonstrate that the lawyers were in fact involved in a substantial amount of service cases. Although, we were told by the directing attorney of that office, he thought over some 75 percent of the office time was spent on service cases. Very definitely, there was a feeling in the community that the portion was much less than that. I think in my

judgment, that the directing attorney's perception of that percentage was much more accurate than the others, although, it is hard to determine exactly the amount from the statistics available but, it seemed to me that some kind of statistical presentation of the hours spent, of the clients seen, at least to the Bar would be very helpful.

MR. LUTZ: I would concur with George to suspect the office was handling the large portions of service cases but I don't know, it wasn't established. Its partly my fault. I didn't get that information but its difficult to make a determination of that office.

MR. VELASQUEZ: Just a comment regarding the El Centro office. I talked to a number of people in the community. They were quite well-pleased with the program. The believe the program is forming an essential program in the community. I was suprised that the community people knew of class-actions. Everybody I talked to knew what a class-action was and seemed to remember seeing about CRLA, we comment on that more fully in our written report. Some of the community leaders I spoke to realized that there were limited resources and while they would like to have more personal service, that the class-action was serving a function. They were quite pleased with the progress that was being made at the El Centro office and one other community. As I say, the community does feel that CRLA has been performing an essential function. After my evaluation of El Centro, I am strongly in favor of refunding the program

MR. BENNETT: I would like to complete what I want to say. I am not in agreement with that format.

MR. HOFFMAN: Maybe you could give us the other side.

MR. BENNETT: I too, encountered very common criticism. I encountered frequent criticism that the office was staffed with social reformers who were persuing their own philosophy. That of course, is reflected in that they bring a number of controversial suits and I don't think that one can lightly dismiss the fact of an attorney who is going to bring these large class-actions or controversial litigation of one sort or another. When there are a number of attorneys chosing which ones he is going to bring, there may be, in a sense, a political judgment. The question is really a philosophical one of whether you think it is a good idea for the government to fund an attorney who has that option and I don't know if you can go much further than that. What I myself would think, that it is a healthy thing to have attorneys who have orientated towards problems of the poor and who have excercised that judgment. But, I think there are more serious aspects of this problem, aspects that are more basic philosophical questions. There is, when you fund a poverty law office with government funds, the ability to use the lawsuit as leverage to overpower the opposition, regardless of the merits of the particular lawsuit and in a way, different than there might be in a private office where the expenditure of funds is related to the interest of the client himself and what he has in the lawsuit.

I think there is no way to get around this difficulty except to trust the decision making process to people with good judgment and restraint, who will not abuse it and my impression in the Modesto office is that this has been done. I think it is a danger that has to be openly admitted. Another problem of entrusting lawyers with the ability to bring the large controversial suits is that they may be tempted to neglect the so-called "service cases", the day to day problems that poor people come in with. It was my impression in Modesto that a large volume of cases was being handled. I had a chance to talk to four members of the advisory board and they had expressed the opinion that service cases should be given the high priorities. They recognized that there was a problem of innundation of the office and they did want, for instance, domestic relations to be handled. The office was responding to that desire on the day-to-day problems. Another aspect of this problem of putting the ability to bring the large lawsuit in the hands of government funded attorneys is that the attorney may use the lawsuit as a vehicle for fame and fortune or, at least again I am guessing, no furtune, and I talked to some people from the community who have the opinion that CRLA attorneys are characterized as usually eastern, liberal and Jewish. Again, I think it is a danger which cannot be dismissed entirely and can only be dealt with realistically by putting responsibility in the hands of people who will excercise it well, and again I think this is being done

reasonably well in the Modesto office. This problem, this last aspect of the problem of entrusting the law office with this kind of power, is closer related to the problem of relations of the CRLA office to the law-income community. There is a particular difficulty in Modesto because the low-income community is ethnically quite diverse. There is a large number of immigrants from Oklahoma who are white, probably the largest part of the poor community in Modesto to come from that is made up of such people. In addition, there is a substantial Chicano population which works the fields for the most part I gather, and there is a substantial black community which is located quite close to the Modesto office of CRLA. There has been friction among these groups. I find a sensitivity in attempting to balance the community on the advisory board but it is not being solved because the Modesto office is in town, not close to where the Chicano population resides in the more remote areas. The office made an attempt to decrease this problem by sending last summer, a staff to work one evening a week, in the rural community. They found that people did not come to the office very much. The guess was, that is for me, that the workers were just too tired after a long day in the fields and they have now given up the experiment. It is, I think, a problem. There are in Stanislaus County and Modesto, some more militant elements, particularly in the Chicano community, who are dissatisfied in one respect with the CRLA service. Gil, my amigo, has adverted to that

problem. Again, I think there is a very difficult situation because of the diverse ethnic element of the community, but there is an element of suspicion and devisiveness. I think its fair to say CRLA has not eliminated --related to that. There are no Chicanos or black attorneys in the office and is dissatisfaction because of this. I think the office is sensitive to this and is trying to cure it. The prime vehicle for maintaining relations with the community is the advisory board, and it has assumed a fair amount of power, in fact it was not to distant history that the board insist that a given person be hired as a community worker and then the advisory board was of the opinion that he should be fired, and has subsequently agreed at the insistenceof the central office that it will no longer have the final say on hiring and firing.

MR. GOLDSMITH: One personal observation with reference to the involvement of the younger attorneys and group problems and the whole publicity thing, I think we have to be a little realistic and empirical if you will realize that we are living in difficult times and more and more lawyers are graduated from law school and have a different consept of their role in society and I daresay and hope that in some law schools, they are even being taught that. I think we have to be aware of the fact that we live in times when the President of the United States can comment on a pending criminal case, and you can decide for yourself whether that was a slip of the tongue or what it was. I think that essentially what I am saying is that the legal

profession is going through a grave period of introspection now, and we have to be willing to experiment for a while and see what the results are before we generalize too rapidly and decide whether or not there is too much publicity or personality involvement on the part of the attorneys with the plight of their clients. Mr. Ashman used a term -- I believe "outrage" over some of the matters are clients are involved with.

MR. HOFFMAN: Do we have anyone who would like to report on the specific office findings of non-professionals?

MR. SMITH: There isn't any question of the very strong central part of the community workers of the Santa Maria office. They hold the office together and my understanding is that this is true of the other offices also. There is no question, it is a very valuable part of the CRLA and I think that in the Santa Maria office, the community workers are very high-qualified and successful at their work. One weakness is with the non-profession staff and that is the secretarial staff. I think that not enough attention has been paid to the relationship between that staff and the client community. There were some objections that none of the secretaries speak Spanish. The receptionist does, but she doesn't have time to handle the incoming client at all times and explain things to them. I believe that the director is making attempts to improve the secretarial staff and I'm sure he's aware of the problem.

MR. ASHMAN: We went yesterday to the central office and one thing that was touched upon which we observed at the

McFarland Office among CRLA attorneys, is how to retain quality, top-flight attorneys in the program in places like McFarland. As I mentioned before, they are in desolate places and it has been very difficult to have married attorneys continue in the face of the adverse social situation. I think, in a sense, that CRLA somehow evolve a program or evolve a series of steps that will permit attorneys to rotate, perhaps among other offices, perhaps rotate among other legal services throughout the country. I think CRLA more so than other legal services out to do this. I am not sure of what retirement is from the CRLA but I suspect tenure on the whole is much shorter than elsewhere. This points to the problem of the central office here. I can't criticize the attorneys here, I find they are exception people. The former director who has stepped down -- they are competent, qualified people -- Sheldon Green, I mentioned Marty Glick, in a sense, they hold this whole thing together. Maybe the mistake of CRLA lies in the central office. I think a great deal is denied people in the field, that is, in a sense of upward mobility. The whole program -- where do you go, where does a project attorney in El Centro go, where does the directing attorney in El Centro go? The people in the central office are staying. I think Marty Glick and the others have been here a long time. I suggested informally to Cruz Reynosa that there are several ways to change the base, from perhaps a rural base to an urban base. In California, this might open the doors to interchange. I also suggested, perhaps, CRLA

work on the problem of exchanging attorneys from some of the large, metropolitan legal services programs in the mid-west and the east, rotating six months a year, as a practical arrangement whereby attorneys would come and work in CRLA and maybe CRLA, through special dispensation from the Bar could obtain them. I think it is a problem I saw in McFarland. They'd be there a year and I don't see how they could stay out of running off. They just felt they would have to move off, particularly they had pressure from their wives. With regard to the central office staff, there is an organizational chart, you may have seen how the typical organization chart is, with the executive director at the tope and fanning out down to the lowest reaches in the regional offices. We spent a great deal of time trying to understand just what everybody does in the central office. I don't think we were very successful and maybe some generalizations can be made. I think the thing that describes the staff most is collegium, in the system of administration. A brain trust -- a kind of system where the directing attorney Cruz Reynosa serves as a first among equals. Clearly, the buck stops with Cruz Reynosa but all the other directing attorneys here are on an equal level. That, in a sense, describes the central office. When an attorney who has to effect a certain policy feels that it should be effected, that policy will be affected. Marty Glickfield -- he is officially called the Director of Litigation. It will be effected if he feels it is not possible for him to implement that fully, unless of

course Cruz Reynosa feels strongly about it. I think this is a good way to get things done because if one attorney was not as powerful as the remaining attorneys, they could over-come him. But, all are powerful men, all are powerful in talent. I think they have a great admiration for each other and that makes this entire central operation a very, very demanding force in the CRLA outfit. The deputy director -- he said he thought he spent about 70 percent of the time on the actual litigation and something should be said about that; about 15 percent on administration, and about 15 percent on public relations. I suspect that may or may not be a fairly accurate breakdown, except for Mickey Bennett, he is the administrator and is not an attorney but he handles all the different, messy stuff and that relieves the attorneys from the tedium of paper-work and work about processing bills and checks, etc. I think it is important that the team try to understand how the central office functions. I think about one of the remarkable features about CRLA in the way central is coordinated with the regional offices. I seen many other large programs where in one city, there is hardly any communications and here, I think, each of the directing attorneys, as we have already found out, has responsibility for several offices and they try to remain in constant communications with these offices and seem to do a fairly effective job at that. The in-house evaluation system is a crucial mechanism for involving attorneys and for having the central office be aware of what is happing in the field.

From what I gather, they are making evaluations every year of all regional offices, by the staff here in San Francisco, so every six months, all the staff goes out and visits all the offices. The visit the offices and evaluate the performance of the individuals in that office. On top of that, they are in constant communication and many of the people here know exactly what is happing and about any major litigation. I'm not quite clear as to how the central staff becomes involved in cases. We were told that the central staff doesn't initiate a case but will pick up the ball when a case comes from the regional office. I suspect in a way they operate -- they look at a pattern of actions taking place, that is if a pattern can be consolidated in a class suit so as to relieve all the regional offices of filing seperate suits against the school system. They will try to come up with a remedy in a court that can attack the process across the state and alleviate the need for seperate suits that might be thought a form of harassment.

MR. SMITH: I found the attorneys are sensitive to the need of the attorneys who originated a case, in taking over a case, if it seems to be a big case , about dropping him out of it. I think Bob Guiness is --

MR. ASHMAN: I did not get the impression there is a take-over on the so-called big cases. In talking to the attorneys here, the staff attorneys and the directing attorney, the attorneys here in central work very closely with the local offices. There is a form of specialization in this office. I

supposed Marty Glickfield is recognized as being an expert in developing a lawsuit and he has gather a certain expertise with Bob Guiness on the hunger and food stamp program. I think that you find people here in the central office with expertise in one area or another, perhaps in housing, Sheldon Green in handling the problem of wetbacks. I think there is an ability where all the regionals can come for assistance. I don't think there is a take-over by the central staff. I think they are really the glue in a sense, that holds this whole operation together. When we speak of glue, I want to mention the role of Lucy McCabe. She is a sort of research person up in lonely isolation. She takes care of a CRLA publication that goes out to all the attorneys in CRLA of the cases that are being filed, and also some more informal kinds of notices, so that keeps everybody in touch in CRLA. Lucy McCabe has developed a very fine filing system of all briefs, meetings, documents, complaints which have been filed by all the regional offices and she's classified it by substantive classification and all the attorneys in the field seem to be aware of this classification and therefore, this has avoided the problem of, say, where attorneys in Marysville have been filing suits and realized someone in El Centro has done something similar.

I would like to make a comment on the regional offices connection with the central office. Each attorney in the central office is responsible for two regional offices and those regional offices talk to the central office attorney in charge of his

particular office particular office, but these communications are not always followed and that is a good aspect of the program. One of the attorneys in the regional office may feel just a little easier talking to an attorney, or he may go because of the expertise and the attorneys in this central office are quite willing to talk to anybody from any office regarding any problem or particular aspect of any problem and this communication with the various attorneys in the central office is encouraged. I found that a very good aspect. In the regional, we hope they would feel they really are a part of the entire program and that they do have some resources they can look to.

MR. SMITH: What I understand was that we were to try to get descriptions of the titles of the attorneys in this office. The attorneys were hard pressed to say what their exact titles were because they didn't think they could be described by job title itself. It is a very loose-knit organization but it is a very tight-run ship. I think there is an exception to almost every rule. Al was talking about Lucy McCabe. That is just as good example of high-quality personnel in this office. We were impressed with everybody we saw. When I talked to Lucy McCabe, she told me she did many things, that she did a daily and at the end, she said, "Oh, by the way, I also read the Congressional Record every morning." She does a week's work every day. That is true of a lot of people we talked to.

MR. RANNEY: Mr. Lutz and I think the Marysville situation may be to a degree, unique for CRLA at the moment and there is

one thing that probably can best be discussed altogether rather than to isolate part of it. Marysville, at the moment, is in a stage of turn-over. We found that the directing attorney would be leaving within several weeks; one other staff attorney has left several weeks ago, and the Smith fellow, who has been the third fellow with the program, will be leaving in two weeks. Marysville has seen three directing attorneys in the last three years. It would be my thought that the operation badly needs, at this time, a major effort to achieve longer term continuity, that strengthening of the administration of the program is required. I also think that on the basis of conversations I had with the central office staff, they are -- the central office is aware of these problems and is moving to counteract them. Generally, the town is very conservative. The Bar is extremely conservative. It has what I think to be, an incredible lack of information on what CRLA does. All of the professional people within the office are from outside. The directing attorney this past year has not been as much in Marysville as he might have been, for personal reasons. Marysville is located right next to a county, Sutter county. Its welfare department is headed by one of the most conservative administrators in the state and this has led to substantial conflict there. Under the circumstances in Marysville, it would be very hard for an operation like CRLA to operate without a substantial degree of controversy. I found the directing attorney to be a professionally competent and very bright. We were unable to make professional

evaluations of the other members of the staff.

MR. LUTZ: Speaking generally as George may have indicated, there are some problems that are going to be substantial for the new directing attorney when he goes to that office. George and I met with him, he is currently leaving the Santa Maria office, and we also met with some of the staff in the San Francisco office. The only reservation I might have about the new directing attorney is based on this, that his experience in practice is rather limited. This will probably be bailed out by the fact that another attorney has already been procured for the office who has a substantial amount of experience and what is impressive is that the directing attorney reported that one of the conditions for his taking that position would be that someone with more experience would be brought in. I think that the new directing attorney has a very good idea of what the problems are and also that people in the San Francisco office have a good idea too and are formulating plans to meet some of those difficulties. One of the problems that exists now in that office is an administrative problem, pretty much across the board. It seems one aspect is involving the community workers. It would seem more attention would need to be given to the training and direction of the community workers and perhaps there should be a better definition in the scope of their activities. Along that line, perhaps developing them as professional or lay advocates. Here again, I suspect this is one of the things that the new directing attorney and the central office will be working on

and I understand that something along this line has been incorporated in a recent agreement reached between CRLA and the organization of community workers-- something to the effect that there shall be periodic meetings for training of workers, and consulations, so that would indicate the problem for Marysville is likely to be solved, at least to some extent. It is my feeling, well the advisory committee apparently has been inactive for a period of a month, and they recently had their first meetingin quite some time I gather, they met with the new directing attorney and this was before the selection was finalized. They haven't met apparently because of some prior difficulties. There seems to have been quite -- perhaps a splint in the community and quite a split between the advisory committee as it was constituted a year ago, and CRLA in general. I think that one of things that should be done is a reactivation of the functioning of the advisory committee, one that meets regularly and does something worthwhile. I don't mean to criticize anybody for the fact that it hasn't functioned. That, perhaps, is better that it didn't function for a few months in light of the previous difficulties.

I would like to add one more comment before George has a chance to finish his comments and that is the relation between the community and the program, especially the Bar program, and that there is a very significant need for improved administration of the program, and supervision, perhaps some closer supervision between the central office and that program.

MR. RANNEY: I think it is important for you to mention a specific incident or issue, so that those on the board will reflect on the issues that we were alerted to before we went up there, by the central office, and one we spent some time on. Of course, we were not up there on a fact finding body, in a way we can only -- I can only speak on the basis of my evaluation. One of these incidents involved participation by the CRLA office in the publication of a newspaper, by a black group, which refered to the Attorney General of the United States as a "pig" and ended with a call to the people that they should "take arms". This newspaper went out with the CRLA office address on it and with a listing of the staff for the newspaper which contained a CRLA attorney's name on it. This predictably caused a great deal of controversy, as copies of the newspaper were widely circulated, sent to the Bar association, the Governor, and everyone. The attorney whose name appeared on the paper very quickly became a source of tremendous controversy. The CRLA office became aware of the difficulty of this situation very quickly. They have taken steps to make sure there is some policy with regard to control of their own facilities and participation by the attorneys on its staff in actual organizational efforts of this kind. The attorney who was involved will be leaving the program in early September. It has been made clear to him that this puts CRLA in a very difficult position. I talked to him and to other people, I feel I understand why he let this happen and after analysing the situation, I feel closer supervision

of the office could have avoided this problem. I also think he excercised poor judgment and that CRLA has taken the necessary steps regarding the incident. Another issue I'd like to make a report on is that there has been a continuing difficulty with regard to the welfare administrator that I mentioned earlier. She has stated publicly and to me that she feels CRLA is carrying on a personal vendetta against her and the public evidence of this is that in a number of cases in which she has been sued, there have been efforts to hold her in contempt for violating a previous court order. So far as I was able to determine, there was no concerted effort of any kind against this administrator personally and I also am aware that CRLA is fairly aware of the difficulty of this problem. Generally, as these two incidents indicate, I think that the community is in an extremely difficult situation. One thing I think, the situation is compounded by the fact that the attorneys who have been there, have been regarded as outsiders and have not been in close consultation with members of the Bar as they might have been, and recommendations have been made in light of that fact. I think CRLA has taken steps to protect itself and I think they they ought to go a bit further and make positive steps to reach out to the leadership in the community, to explain the backgrounds of the kind of situation to which I have alluded.

MR. LUTZ: I might add in terms of this "reaching out", it would appear that it is absolutely necessary for the new staff to reach out to the attorneys in the Yuba City-Marysville area

and attempt to relate to them on a professional basis, not a personal basis -- to relate and provide them with information to help alleviate the very unfavorable situation the program is now in.

MR. RANNEY: I would like to add something about Sacramento. I spent part of one day in Sacramento where CRLA runs an office described up there as"a lobbying effort". I was impressed with the ability of the directing attorney although I am unable to make any judgment whatsoever in terms of results of that office. He has been there only since January. He conceives of his efforts very much like that of the attorneys in offices throughout the state; he refers to his job as one of representing clients of CRLA in a somewhat different context. In conversations with members of the Legislature and the executive branch, I detected a very grave resentment of this particular office. As far as I am able to determine, this has not surfaced as an issue. It may well be, I think. I was not sure that I was able to ascertain exactly what the underlying philosophy of the CRLA office was in Sacramento. This seems to me a very exciting and much needed lobbying effort for California and other states, and I think for one, that there is a great need for lower income groups to be represented by someone. I am not sure that a group such as CRLA should be the one, with its lawyers taking substantive positions on legislation. I am not sure exactly that CRLA is what I am quite sure that a lot of people think it is. It seems to me that an effort should be made by CRLA on what the

decision making process is with regard to legislation it will be supporting, if its supporting legislation, and to generally define what the organization supports, which I find unclear. I don't mean to criticize this operation which I think, seemed on the surface to be a good one. I don't mean to indicate that I think lawyers should stay away from work of this nature, but the question is whether it makes sense for CRLA or other government funded entities to participate in the legislation process in the way it is done now.

MR. LUTZ: I wish I got more information about the functioning of the Board of Directors of CRLA and that committee of that board which advises James Smith, who is the attorney in the Sacramento office, with regard to positions that should be taken on certain bills with regard to other aspects of the operations in that office. I was favorably impressed with James Smith's concern or apparent concern for the job, considering that he's only been there since January and never done this type of work before. As I understand, he was an attorney for CRLA for a year and a half. I think he holds a great deal of promise for the future. The only thing I heard -- I asked one administrative assistant to an Assemblyman what the greatest problem that the CRLA office in Sacramento had and what could be done to improve it. He said that attorneys in the other offices did something and everybody here gets upset and they don't want to talk to Jim for a few days. He is essentially in a very difficult role and I think he's doing a very good job. He's

sensitive to the political problem. I am inclined to agree with George that some better definition of the function of this office is required.

MR. RANNEY: The reason I have posed this basic question with regard to the Sacramento office is that to my own knowledge, and that may be inadequate, it is the only such operation in the country. I think there is a major need for this type of legal service and one that I think should be very-well thought about. This type of representation for CRLA clients is needed and I hope it will be introduced in other states. The question I have is just the mechanism for it. The question may be a semantic one. The main question is the difference between representing a client in litigation where the client ostensibly has control, to a degree, of the case -- if it is a class-action, he can withdraw his name, as opposed to a situation in the legislature where you have an organization, at least apparently, supporting particular legislation in which there are no client names or possibility of control. During the time there, as far as I could tell, there was no question of the propriety of the litigation supported by CRLA in Sacramento, up to this time. But, I'm going to suggest to the OEO office that this issue, I think, deserves some attention.

MR. SHESTACK: There are a number of comments I have. In reading past CRLA reports, I notice a certain pre-occupation with "work-load", which seems unrealistic. Someone can have a case-load of five hundred cases and be far less busy than

someone with a case-load of ten cases. I know that OEO uses statistics for getting Congressional appropriations and the like, but statistics are very often misleading and I think this pre-occupation is unfortunate in any observation. I noted that lawyers were listed as working from 9:30 in the morning until 5:30 in the evening, yest confrences were often going on and there was night work. The performance was like that in a first-grade private law office. Some of the cases which fall into the statistical pattern are cases where the actual work is done by a phone call, by a lay advocate, or para-professional, yet it goes into the lawyer's case load statistics, a statistic which he's not entitled. By the same token, he doesn't get the benefit of the fact that one case may take three months of detailed effort, so I offer that observation. The whole area of law reform activity of course, is one of the most controversial in the Murphy ammendment --(the Greene ammendment) and there will be further efforts in that regard. I ran into three types of criticisms of the law reform activity in the Salinas office. One was a philosophy by some lawyers that a legal services program should just service individual cases and not engage in class actions at all. The second one was the feeling that CRLA lawyers seek out class actions instead of the clients coming to the lawyers, and finally, some expressed a view that the clients in class actions were not interviewed and not real. As to the philosophy, I see nothing novel about class action techniques or law reform activity and I would hope this group

could make a firm statement on that. Lawyers have always changed statutes by bringing class actions for shareholders and those lawyers and others who object to class actions seem to reveal a startling insensitivity to democratic process. One of the people, Judge Gordon Campbell, Chief Judge of the Superior Court in that area said, " I think quite well the alternative to class actions is confrontation on the street, more militant conduct." So those who do not like class actions have not considered the alternatives. I think really that the impact case and the reform legal type of litigation follows an impeccably legal tradition and as I see it, one preferable to the alternative. I also expressed the criticism that CRLA lawyers sometimes seek out class type actions and that type of criticism in the Salinas office didn't seem well-founded. The subject matter was too well-known to the clients and they wanted relief if theycould find someone to get the relief for them. The third criticism, by the way, even if that criticism were well-founded about seeking cases out, the new ABA code of professional responsibility recognizes that non-fee generating cases do not come under the rule against solicitation. I see nothing wrong with CRLA lawyers soliciting clients in order to remedy conditions, however, in view of that, the new provisions are not known by most lawyers. The third criticism is that they didn't interview the client. In a few cases that I checked, that turned out not to be correct.

MR. BENNETT: The point is George, there does not seem

to be any structured decision-making for the substantive position that CRLA will take on the matter. Is it your position that there are some or what is it you are generally uneasy about -- is it you aren't sure of the solution and you think it deserves some consideration?

MR. RANNEY: That first part of your question does not reflect a concern of mine. Secondly, I am uneasy about raising this as a question, about guessing the propriety and the wisdom of a law office basically such as this, taking a substantive position on legislation. I am particularly uneasy about it when there has not been a decision making process that will insure the client community is involved. But also, I am troubled by the approach as well. I have no doubt at all organizations which include people who are clients of CRLA should, in fact, take substantive positions and CRLA should represent them. I am not sure CRLA should, as itself, be taking substantive positions. I am not sure they have been doing that.

The assistant, her job is to keep on top of almost everything coming from the various committees and to make comments about them and to send them on to Smith. I came back from one committee hearing on a particular bill and I sensed more that she and Mr. Smith were working in consultation with each other to explain to the committees just what impact a particular bill might have, and not just to CRLA. This is a service that if anybody wanted an explanation or any idea as to what this bill might mean, there would be somebody in Sacramento to provide it.

MR. LUTZ: What I am trying to pose is this question of whether CRLA is doing that, and people recognize that, providing that kind of service of representing the client, that's fine, but I have no information that would lead me to assume that there is a practice of their doing otherwise, on the other hand, I know people up there doing something very different and I know they have testified on legislation and that sponsors of legislation have, in fact, put out information that said CRLA supported this bill. And this is the nub of the question.

MR. RANNEY: I don't think many people understand what the real or at least the actual problem is with regard to handling service cases and so-called law reform cases. Its said oftentimes around the state, the press would pick up a key law reform case and would play it up in almost every community around the state and they would pick it up in Marysville when it came from El Centro, and the people would not identify the case as not being from Marysville and the local people would say that Marysville is at it again. But you multiply that by ten times -- McFarland was doing nothing but handling service cases and the people didn't realize this was not coming from McFarland's office and this kind of cumulative effect leads some of the local community to believe that their local CRLA office is not doing service kinds of cases where in fact they are doing a pretty good job of that.

MR. LUTZ: On this point, it is my understanding that CRLA has initiated some bills in the legislature through

whatever legislator was willing to carry the bill. I think they have worked well and wisely by trying to use conservative Republicans rather than liberal Democrats. They have also testified on many bills. They cannot do that, though, without taking a side. Any time they testify in committee, they are on one side or the other automatically and that's all part of the same problem George is raising. Its more than just providing a service, its taking a stand. I don't know whether its possible for CRLA to represent itself as a legislative advocate for groups other than CRLA.

MR. GOLDSMITH: Each of us comes here with different preconceptions and characterizations of what we've seen of necessity and that involves that certain amount of subjectivity. Maybe somebody should evaluate the evaluators.

Mike and I, from what we've seen in the office in Santa Maria, is that they've done excellent work to date. The staff has been staffed by people who have great concern for the people they represent and that they have been involved in a great deal of service issues as well as law reform. I think generally speaking, broad social reform is going through a transition. Now, during the last year, during a portion of it, there was only one licensed attorney in the office and that obviously effected what the office was involved in. They now have a young director and another man, both are members of the Bar. I believe they have two excellent workers named Torres and Harpa who have been able to establish tremendous

liaison with the community group. When I went into the community, one of the first things I tried to find out was the attitude of the people in the community as to the functions of the local office. Most persons agreed, including the Judges, Bar Association, lay people, that CRLA's office is doing an excellent job. Being somewhat of a skeptic, I asked myself whether this was because they established excellent public relations or because they weren't doing anything. I believe that they could be doing a little more public relations. I don't believe that the latter situation exists at all. If there has been much criticism in the community, it often involves the Bar Association community. Santa Maria services not only Santa Barbara county but also San Luis Obispo. Fifty thousand people live there and the Bar Association only has fifteen private lawyers, one of whom said that there is a lot of money to be made in that area. I feel that the local Bar Association does not feel threatened at all by CRLA and that is the reason why they've got good support and that they are impressed is of a positive nature. I was so impressed with the members of the staff and with the reputation of the local office in the community for their involvement in community matters that I really sort of personally went out of my way to try to find areas that might be problems and where there might be weaknesses involved. I'd like to direct these as my recommendations and try to discuss them in that context. Many of the people in the area felt there ought

to be more workers, that the workers there were terribly over-worked. They wanted more bi-lingual people. I understand one of the new attorneys is a Mexican and there is another bi-lingual secretary hired. I found what I characterized and what might be a "buffering process" that concerned me to some degree, that being that the attorneysof necessity, being in the office and being concerned with service cases, were not able to go out and dig into the community itself to find out what the problems were. They would have to rely on the community workers. Many of the community workers and many of the community people that I talked to feel that CRLA was doing as much as they could be doing and there wasn't any legal remedy. The people know the office is overworked. Let me cite a couple of statistics for the record. The director said, during the past year and with only one practicing attorney, during the year, 3 thousand applicants came in 25 hundred of which were considered eligible. A very high average. About 25 percent were domestic relations cases, 20 percent general welfare, 20 percent housing, 20 percent commercial transactions, 15 percent miscellaneous, such as employment. The applicants were divided as follows: 40 Chicano, three-quarters of which were field workers, 50 anglos, most of whom -- 70 percent were in welfare related categories and the rest -- 10 percent were blacks. There is a lot of local pressure for a seperate legal service to be funded in San Luis Obispo and I think my recommendations would be that every effort should be expended to relieve the pressure

of the San Luis office from the Santa Maria office of CRLA. I found the concept of house counsel or corporate counsel, which is probably the way I would characterize the Sacramento office, was accepted in theory but maybe needs a little more work in its application and a specific would be to get in and find out what the specific problems are. I think that Santa Maria is on the threshold of some really important strides in the development of social institutions in that area. There are housing problems, health problems with reference to field work and some welfare issues. Now specific recommendations, there is a problem in the Santa Maria area as in every place in the country. There is a jurisprudence of pverty law developing and unfortunately, the law schools are slow in teaching that. The poverty lawyer needs to find out what the problems are in the communty and what they need more of, is more emphasis on regional training sessions. I was chagrined to find that people in the Santa Maria had not gone to the training sessions but they had been over-worked. There is a question of priorities, obviously. You might characterize what I'm saying as continuing legal association. The Bar Association has it, legal services has it, I wonder if its really being pursued as hard as it should be. I feel that some of the people in the office need help in poverty law issues, specifically the inexperienced attorneys. CRLA is pleased with such people as Don Cates, Peter Koppelman, two people I know personally, not to suggest that there aren't others who can pin-point and isolate legal issues and respond in a lawyer-like fashion. It might be

wise to consider using those persons in a circuit-riding context, enabling them to go around and spend a couple of days in regional offices and assist some of the lawyers in pinpointing the problems. I would like to emphasize again, that there is a real problem with them being overworked and that it is very easy for me to sit and judge and reflect on the fact that it may be adviseable to direct greater emphasis to some specific thing, especially when the staff attorneys are dealing with domestic relations problems late into the night.

MIKE: They are underpaid and I offer that the pay scale for a staff attorney in the regional can be increased considerably. He mentioned that there was a buffer between the attorneys and the client. That is true. There is quite a bit of feed-back with regard to the cases CRLA should be taking. As one attorney stated, "the cases in that office generate more often within the office than without the office." And I don't think that the advisory committee is active enough in this regard. I think there is more room with regard to community education, that is, informing the community what the office is doing and what the effects of cases taken are. There is a great need for legal education of the farm workers, what their rights are and what remedies there are. There has been some attempt to distribute information of this sort. I think that could be increased several fold. The relations with the middle-class community are excellent. The attorney attends the local Bar Association meetings, keeps the Bar informed as to what

CRLA is doing. Both the attorneys in the area and the Judge in the area aren't really informed what CRLA is taking on and some of the criticism they make, they find hard to substantiate. Again, they base this on what CRLA is doing state-wide and not in Santa Maria area. One specific suggestion I would make is the problem of office hours. The CRLA office is open in Santa Maria between 8:30 and 5. I think the hours are somewhat unrealistic. The office might do well to set aside either a couple of evenings a week or attempt to have someone in the office on weekends to serve the client who can't get to the office or take a day off from work.

MR. STESTACK: I will suggest that summary conclusions be the conclusions of the group, which can be qualified by individuals. With respect to the quality of professional services, the evaluators found that there was a quality of professional service, the lawyers on the whole were able, dedicated and hard working. Many of the lawyers were young and inexperienced but, as a result of good supervision, frequent consultation among them, their dedication, the deficiencies and inexperience were largely overcome. It kept the professional level at so high quality, particularly in those offices which are located where the working conditions are not favorable. On the whole, the program is being commended for being able to maintain so high a quality of professional service. With respect to non-professional personnel, there seems to be a good development of the use of lay-advocates and para-professionals, and in many

of the offices, good training programs which stimulate interest and make the non-professional feel they are doing something worthwhile is one of the more important aspects and varies from office to office. With respect to routine services, the feeling is that most of the routine services are being met and that the clients are being adequately served in that regard. It may be that if more information is disseminated about the program, the burden of routine services will increase, requiring additional staff. For the time being, they seem to be adequately handled.

MR. RANNEY: I have difficulty with the word "adequate". Which clients, the people who come in the office?

MR. SHESTACK: The people who are being seen. I didn't try to pass judgment -- like the domestic relations are being handled on the basis of the availability of resources, and individuals can quarrel with those judgments. In the cases accepted, it seemed to me that cases are being handled in a lawyer-like manner, and the particular needs are dealt with. Many of the cases are non-legal in nature and handled by simple negotiations, but that is true in general, neighborhood law offices.

MR. RANNEY: I would agree with you on persons accepted as clients, but I think I would be very careful. I didn't say clients needs were being met, but that they were being properly handled.

MR. SHESTACK: With respect to the major cases, I think that it is our feeling that the impact cases, law reform cases,

however they are called, are major benefits to the client community, that they are well-known among leaders in the client community and that they help not only remedy difficult conditions that need repair but win the confidence of the poor in the process of the law and give them some standing in the institution. The cases I have examined, and I think others have examined cases in their offices, seemed to be well-founded cases and handled in a professional manner. It may be that there ought to be more efforts to use the talents of expertise lawyers through circuit-riding or other techniques but that's something that will be developed in the normal course of operations. With respect to the relations to the community, they vary. Apparently community workers in many of the offices have close rappor with the community and help maintain good relations. It may well be that lawyers should get into the community , more participation in the community, become better known. It poses a dilemma . Laywers are criticized for soliciting cases or making causes their own. On the other hand, there is a feeling among some community people that there are not enough involved lawyers. In the client community, there is a delicate balance to be maintained there, at least in most of the offices. The relations with the Bar are generally not of the best. Local Bar Association leaders apparently think well of the individual ability of the lawyer but are often opposed philosophically. This is not strange because they represent lawyers and others who are subjects of litigation brought by CRLA. From what Ihave heard,

attempts are being made by CRLA to have good relations with the Bar Association. It is apparently not fruitful. The Bar Association, on county and municipal levels, are least attuned to the basic problems on a state-wide and national basis. The defficiency here in my view, is not with the CRLA but in the failure of the organized Bar in many areas to meet their responsibility to the poor in the legal services program. On the whole, the comments expressed by the evaluators are praiseworthy ones. That doesn't mean individual procedure can't be improved and many suggestions have been made in the course of this program for improvement and many will be taken into consideration by OEO and CRLA offices. There seems to be a feeling among lawyers that I have talked to here and elsewhere in the legal services program, that there is kind of a chilling effect coming out of Washington, a hostile attitude on the part --

MR. LUTZ: I object to having that put in the record.

MR. RANNEY: I think the CRLA should be refunded to meet the needs of the poor, with more staff to do an effective job.

MR. HOFFMAN: Well, thank you for your participation, I hope you get paid.

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OFFICE OF ECONOMIC OPPORTUNITY

100 McALLISTER STREET
SAN FRANCISCO, CALIFORNIA 94102

August 27, 1970

To: Tom Clark

From: H. Tim Hoffman

As you suggested, I have set out below a draft of the findings and recommendations of your evaluation of California Rural Legal Assistance. I believe it fairly represents the discussions we had on the matter.

On Saturday, August 22, 1970 I met for approximately 2 1/2 hours with the Central Office Executive Staff of California Rural Legal Assistance -- Cruz Reynoso, Director; Robert Gnaizda, Deputy Director; Martin Glick, Director of Litigation; Sheldon Greene, General Counsel; and Michael Bennett, Administrator.

In general I found their program efficient and their administrators able. From my discussions with their attorneys and an examination of their case materials I believe that CRLA is doing the kind of high level and quality legal work which we in the courts hoped OEO legal service programs would provide.

I have two recommendations which might further improve the good job CRLA is doing. First, in light of the fact that CRLA employed over twenty law students in their regional offices during the summer and felt that the students contributed substantially to the quality and quantity of the work produced, I recommend that contacts be made with law schools toward the end of instituting programs throughout the school year to utilize law students in such activities as brief writing and research. The law schools should be urged to initiate pilot programs wherein law students are released from classroom study for six months or more in order to serve internships in CRLA's regional offices. Such programs should be designed, of course, so participating students receive academic credit for this clinical work.

My second recommendation is that contacts be made with prominent California lawfirms (e.g. John Sutro of Pillsbury, Madison & Sutro) to set up programs whereby the firms assign attorneys with some experience to serve for a year in CRLA regional offices. This would benefit CRLA by tying the organization closer to established practioners and by making more experienced lawyers available to their younger staff attorneys and client community. It would also benefit the lawfirms in that such one year positions would be an attractive device for recruiting their own staffs. The overall result would be greater exposure by the bar to legal services and, I believe, wider acceptance of such programs.

We are most appreciative of the time you spent in conducting the evaluation and enjoyed very much meeting with you.

EVALUATION OF THE SALINAS OFFICE OF THE CALIFORNIA RURAL LEGAL ASSISTANCE PROGRAM

August, 1970

By
Jerome J. Shestack

During the week of August 17, 1970, I evaluated the Salinas office of the California Rural Legal Assistance Program.

Prior to the evaluation, I had gained substantial familiarity with the program as a member for the past five years of the National Advisory Committee on Legal Services of OEO, as Chairman of the NAC Awards Committee, and as Chairman of the American Bar Association Section of Individual Rights and Responsibilities.

During the course of the evaluation, I interviewed all of the lawyers in the Salinas office, many of its non-professional personnel, members of the Monterey County bar and judiciary, and members and leaders of the community. During part of the time, Richard Ibanez, Esq., of the Los Angeles bar, was a co-evaluator.

Throughout the evaluation, I used certain standards in making my evaluation. I shall discuss these standards in the course of the evaluation in order to make clear the basis for the judgments I reached.

I. PROFESSIONAL PERSONNEL

I believe that a legal services program is entitled to high quality professional service of the caliber one finds in the major law firms of our largest cities.

Perhaps one may ask why the poor are entitled to such quality legal representation. A more pertinent question to me would be, why not? In any event, I started with the premise that quality service is the standard.

Some may feel that it is difficult to measure quality service. In its 1969 Annual Report, CRLA adverts to the difficulty of assessing "professionalism." I do not believe the task is too difficult. Lawyers, especially those who hire and evaluate associates for their own law firms, do this all of the time. I frequently make such evaluations for my own Philadelphia law firm of some 70 lawyers. In evaluating associates, I look for qualities of mental ability, articulate expression, understanding of professional skills, sensitivity to alternative and creative solutions, willingness to work hard, and pride in the profession and its potential for helping people. I do not list these in any particular order. They are all parts of what Professor Karl N. Llewellyn has described as legal "craftsmanship."

These are the qualities I looked for in talking to the lawyers in the Salinas office, in looking at their work product (some of which I examined before my visit) and in asking many questions about them.

I had the opportunity personally to interview (in varying lengths) each of the five lawyers in the Salinas office, and in all of the interviews I conducted among lawyers, judiciary and community people, I explored the question of the caliber of the professional service. This is what I found.

Members of the legal profession and of the judiciary in Salinas whom I interviewed all spoke well of the quality of the work of the Salinas office and of the abilities of the lawyers. Judge Gordon Campbell of the California Superior Court, whose own standards appear to be high, called the quality very good. He thought the lawyers were enthusiastic and interested and that their enthusiasm and interest made up for the inexperience of some of the lawyers. He referred to their briefing as thorough and sometimes exhaustive. The Judge thought that his evaluation was shared by his colleagues on the bench.

I also questioned the Judge closely on the decorum, respect and courtroom manners of the CRLA lawyers. He said they were good and pointed out that he had very rigid standards in that regard.

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All of the lawyers I interviewed, including the President of the Monterey County Bar Association, spoke well of the quality of the professional service and the ability of the individual CRLA lawyers.

Some of the lawyers interviewed expressed reservations about some of the cases pursued as being "impractical" and thought this was a reflection upon the practicality or pragmatism of the lawyers. Upon asking for examples of the "impractical" cases, it generally developed that the cases were won by CRLA; hence, the judicial forum which decided the actions apparently did not consider them "impractical."

Among those interviewed was one of the most outspoken and vehement critics of the CRLA program, a prominent Salinas lawyer, William F. Moreno, Esq. I shall discuss his criticism in more detail subsequently, but it is revealing that on the subject of the quality of the personnel, even Mr. Moreno had high praise for the CRLA lawyers. He said that their performance in the federal courts and before administrative agencies was "second to none." However, he thought their performance in the lower municipal courts was much worse and often ineffective. He attributed this to lack of experience in the lower courts rather than to any failing in ability. I explored this aspect with some

of the CRLA lawyers who acknowledged the problems in the lower courts and felt that the difficulties were caused by antagonism of particular lower court judges to the legal services program. This, by the way, is not an unusual phenomena but is one that legal services programs have encountered throughout the nation.

Mr. Moreno, although strongly opposed to the concept of a government funded legal services program, spoke highly of the personal characteristics of the CRLA lawyers, their integrity, candor, brightness and courtesy. Coming from so vehement an opponent, such comments are all the more meaningful.

Community people with whom I spoke also commented favorably on the ability of the professional staff.

In terms of my own evaluation on the basis of my interviews, I found each of the lawyers to be alert, interested in their work, knowledgeable in the issues I discussed, concerned with legal and practical issues, sensitive to client relations, and dedicated to their craft. Obviously, this is so in varying degrees.

Initially, I was concerned about the lack of experience of the lawyers in the Salinas office. With the exception of the Director of the Salinas office, Dennis R. Powell (Senior Attorney), all of the lawyers had less than five years experience. With as important an office as the Salinas one, it would have been preferable to have staffed it with at least one more attorney with greater experience in pleadings and trial work.

Hence, I particularly questioned the younger attorneys in terms of what effect their lack of experience might have. I was reassured by the following factors:

First, there is frequent communication among the attorneys. They have regular formal meetings and informally often lunch together and discuss their problems with each other. A pleading of any importance, for example, generally circulates throughout the office for comment. Any matter of importance is reviewed by at least two attorneys. Mr. Powell receives copies (blue carbons) of any material correspondence. Indeed, the interchange and consultation among the lawyers is greater than it is in most major law firms, where billing considerations impose practical limitations on the extent of interchange.

Second, there has begun to develop a natural specialization. Although the lawyers do not regard themselves as being specialists in particular areas, and indeed some take pride in being generalists, in practice, they do specialize to a considerable extent. This is inevitable, since when assignments are made each week, it is natural for a lawyer who has had a similar case in the past to take that kind of case again. Hence, one lawyer on the staff inclines to welfare cases, another to housing cases, another to correctional institution cases, and so on. The

continued development of such specialization, which the senior attorney will probably encourage, helps to overcome the inexperience in years of the younger attorneys. Over-specialization, however, could cause lack of perspective; the balance that is developing is a good one.

Third, there is consultation with other CRLA offices on major matters where other offices have had experience on such matters. This is useful and would be similar to the practice in large private law firms. I am not certain as to the extent of such consultation, and I have the impression that more inter-office consultation would be fruitful. If one CRLA office, for example, has a major injunction hearing involving the food stamp program, it may be desirable to utilize the services, at least in a consultative capacity, of attorneys in other CRLA offices who have tried such cases. Hopefully, such interchange should be encouraged by the central office.

Fourth, the lawyers I spoke with show an interest in and awareness of the legal literature in their field and try to keep up with it.

Fifth, on the more important matters there is good supervision by the senior attorney. This is borne out, not only by the reports of the younger attorneys, but by my own observations. In the time that I was present in the Salinas office,

Mr. Powell often sat in on conferences of the younger attorneys who were meeting to discuss a pleading, a case development, or some other problem.

I should state at this point that my impression of Mr. Powell is excellent. He is bright, alert, sensitive, informed and dedicated. He frankly acknowledged problems of the program in the past involving a certain lack of coordination among the attorneys and we discussed the methods he had employed to bring about the present smooth coordination. He demonstrated a thorough knowledge of his staff, of the community, of the sensitive areas in the community and in the bar. His own standards of craftsman appear high. He is concerned over the good public relations of the program and is especially well regarded in the community. He does not appear to involve himself in administrative details to the detriment of his substantive supervisory responsibilities. In sum, he provides high quality leadership of the Salinas office.

Because of the youth of the lawyers, I particularly directed questions to their understanding of alternate solutions, of negotiating techniques, of pragmatic appreciations, in short, to those skills which experience teaches and develops. I was satisfied by the responses. On the whole, they are more advanced than most private attorneys with their years at the bar.

One caveat should be expressed. With bright, interested lawyers, there may be an increasing inclination to develop "one's own thing," to pursue one's interests without reference to the coordinated needs of the program. I understand that this was one of the problems in the past, which Mr. Powell has overcome by frequent staff meetings and closer attention to coordination.

To exercise an efficient supervisory hand without curbing the enthusiasm of professional people is a delicate and difficult task and one hopes that the niceties of this task will continue to receive the attention of Mr. Powell and of the central office as well.

One cannot leave the subject of quality without a discussion of results. I shall discuss this aspect shortly, but for now, I should mention that the "batting average" of the Salinas office is quite good. The percentage of cases in which satisfactory results have been obtained for clients, short of litigation, is high. And the percentage of success in litigated cases and on appeals is also high. I understand that the statistics have been submitted to OEO so I shall not burden this report with them.

In sum, this evaluator is pleased to report that, in his opinion, the caliber of the Salinas office professional staff is excellent and compares quite favorably with a high quality private law firm.

II. NON-PROFESSIONAL STAFF

I had the opportunity to interview three of the legal secretaries, a senior investigator (community worker) and the two law students and to speak more casually with others.

One observation that I wish to make at the outset concerns the morale of the office.

I have never seen a law office with so high morale among the non-professional staff. There is an enthusiasm, interest and esprit de corps that manifests itself constantly. The non-professional personnel with whom I spoke enjoy their work, like their superiors, believe what they are doing is important, and are enthusiastic about it.

One of the factors condusive to the high state of morale is the training seminar being conducted for all office personnel. The program teaches the lay personnel the type of problems dealt with, the kind of issues involved and how to assist the professional personnel in solutions. It also makes the lay personnel feel that what they are doing is significant.

I hope that the training program for the lay personnel will continue. My experience elsewhere has been that such programs soon run out of steam and phase out. To maintain interest

requires "lesson-planning" with care. All of the staff lawyers should be involved. Although this takes time, it is time well spent. Mr. Powell understands this and plans to devote the necessary effort to maintain the program.

Although not designated as "para-professionals," some of the legal secretaries perform, to a large extent, para-professional or lay advocate duties.

Mrs. Elaine Horton, for example, now performs and increasingly will participate in the intake procedure -- interviewing clients and isolating the legal problem, if any, for reference to staff attorneys. Since the intake procedure is important, I questioned Mrs. Horton carefully about her educational background, her knowledge of Spanish, her understanding of interview techniques, her guidelines for referring problems to attorneys. I am satisfied that she is capable of handling the intake procedure. I should note that a standard procedure for handling intake cannot be devised. In some offices, it may be necessary to involve an attorney at the outset, in others a law student, in others a para-professional. The solution depends on the kind of clients and the ability of the personnel available.

The Salinas office has done some experimenting on the intake procedure. During this summer, law students were used. From my interview of one of the students, Gabriel Perez, I believe

intake was processed properly with lawyers becoming involved at the correct stage. In the future, Mrs. Horton will have primary duties in handling the intake procedure. As noted, I believe that she will do this competently. I would suggest, however, that from time to time, an attorney sit in on the intake procedure as a spot-check.

Private lawyers are accustomed to conducting initial client interviews themselves and may look askance at such interviews being conducted by para-professionals. Some criticism of the intake procedure was expressed by some members of the bar. However, the volume of clients is so large and so many of the problems are not legal, that I believe the initial intake can be handled by competent para-professionals. I questioned each of the staff lawyers on the intake procedure and all felt that the use of para-professionals was desirable and properly served the needs of the office's clients. I agree.

In connection with non-professional personnel, I checked the filing system, the speed with which they retrieved files, and the general method of file-keeping. The procedures used appear to be consistent with good practice in law offices of comparable size.

Although there was not the opportunity to interview all of the senior investigators (Community Workers), I did spend

a good bit of time with Hector de La Rosa, who is CRLA's community worker in Soledad. Mr. de La Rosa is remarkably knowledgeable, well attuned to the community he serves and its problems. He understands the objectives and limitations of the legal services program, and knows how to communicate these matters to the people in the community. I will discuss this shortly, but mention it here as a part of the appraisal of the non-professional staff.

I also interviewed one of the law students in detail and one rather briefly. The students impressed me with their enthusiasm and knowledge. They performed many useful services. The Salinas lawyers were generous in giving time to training the students which, of course, made their performance all the more valuable. Incidentally, an interesting insight in the professional staff came from one of the law students who thought the lawyers in the Salinas office compared favorably in ability with the professors he knew at UCLA law school and even more favorably in terms of what the law student called "relevance." The use of law students in the program is a desirable adjunct of the program and hopefully will be continued and enlarged.

In sum, the Salinas office, in my opinion, is also fortunate in having high quality non-professional personnel.

III. SERVICES OFFERED

To understand the nature of the services offered, one must initially understand the nature of the clientele. Salinas has a large farm worker population which comprises the bulk of the clients. The farm workers are to a large extent Mexican-American (Chicanos). They have long been the subject of discrimination and oppression. Their need for legal services is great, not only to alleviate the more routine problems of welfare, landlord and tenant, consumer problems and the like, but also with regard to major educational and discrimination and employer oppression which has long existed in this region. The services offered cover both areas of legal services.

A. Routine Cases

The Salinas office handles the normal problems the poor are prone to -- an eviction without notice, cut-off by a welfare agency, an unwarranted repossession, delinquency on a loan, a failure to pay minimum wage scales, a license revocation and the like.

These make up the bulk of the matters brought into the office. Most of these do not become contested cases. They are settled by negotiations and often by a few telephone calls. Paraprofessionals are quite capable of handling a large percentage of such matters.

Such items are generally included in case-load statistics. However, case-load statistics reveal little. An attorney with an annual case-load of 700 minor matters may be less busy than an attorney handling ten substantial cases a year.

Hence, I did not concern myself with case-load statistics as an indication of work-load. More revealing was the fact that the lawyers spent full days and often engaged in night work. Five-thirty was no signal for a general exodus and lawyers were still engaged in conferences after that hour. The work-load was a substantial one and there is little doubt that additional legal personnel could be fully occupied.

The Salinas office does not handle domestic cases, although some hardship cases have been handled. In turning these away, efforts are made to explain the limitations of time and money that make this restriction necessary. Community people whom I interviewed did express the wish that there was no such limitation.

I believe the routine cases which come into the office now are competently and adequately handled. I do not mean to indicate by this that all of the poor who require services are having these needs met. Far from it. From my discussion with Community Workers, I believe that if the CRLA services were more widely publicized, the office would be swamped with requests

which it does not have the personnel to handle. Even without publicizing the services, the demands are bound to increase as the program becomes more widely known through word-of-mouth. Before too long, I believe there will be a compelling need for an enlarged staff.

B. Major Cases

When one evaluates the major cases handled, one gets into questions of priorities, law reform and class actions.

In terms of priorities, the lawyers in the Salinas office believe that priority should be given to those cases which improve the working conditions and quality of life of the farm workers. It is hard to fault that philosophy. Even a brief visit and conversations with Mexican-Americans in a community like Salinas and Soledad, makes clear that farm workers have often been discriminated against and cheated, lied to and deceived, and that their working conditions are often deplorable. The legal services program can do a great deal to remedy some of the worst conditions and to overcome the hopelessness and helplessness of these poor.

This brings me to consideration of class actions which the Salinas office likes to call "impact cases" and which are often called "law reform" type of cases.

The Salinas office has been criticized by some members of the local bar for bringing class actions. The criticism is of three kinds. First, there are those who believe a legal services program should service individual clients and not seek to represent a class. Second, there is the feeling among some of the local bar that the CRLA lawyers seek out class actions instead of the clients coming to the lawyers. Finally, some expressed the view that the clients in the class actions were not interviewed and were not real.

I shall discuss each of these criticisms.

(1) First, is the question whether the program should institute class actions. Given the small number of lawyers available and the great number of clients in need, I believe it is vitally necessary that common problems be dealt with through class action techniques. Such class actions enable CRLA lawyers to maximize their resources and benefit many clients at the same time.

There is nothing novel about class action techniques or about so-called law reform or law improvement activities. Lawyers have always given their clients this kind of representation, challenging statutes, bringing class actions for shareholders, instituting test cases, and otherwise seeking to change existing legal patterns on behalf of their clients.

Those seeking to curb the law improvement and class action activities of legal services lawyers seem to me to reveal a startling insensitivity to democratic process. Under our system, we should try to encourage resort to the courts. The alternative, as Judge Gordon Campbell pointed out in an interview, is resort to the streets. Law reform and impact case activity is thus not radical or revolutionary. It follows an impeccably conservative legal tradition and one certainly preferable to the alternative.[1] That these impact cases have sometimes brought about major

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1. John D. Robb, Chairman of the American Bar Association Committee on Legal Aid and Indigent Defendants, recently dealt with such cases in an article entitled "Controversial Cases and the Legal Services Program," 56 ABAJ 329 (1970). He states:

> "Equal justice can never be achieved so long as the poor are denied redress against illegal or arbitrary governmental action the rich are able to challenge. The funding difficulties and the overwhelming case loads that face legal services programs make it imperative that services be extended as efficiently and to as many as possible through test cases. In no other way can the legal services program have a major impact on injustice or poverty. How can governments expect citizens to obey the laws and yet deny many of them protection against violations by their own agencies?
>
> * * * * *
>
> "Particularly illegitimate is the objection that these actions may be controversial or unpopular with the majority of the public. Equal justice and the right to counsel do not depend on the popularity of the client's cause. Rather, they are absolutes that must be protected under any circumstances."

Mr. Moreno, I should note, has filed a number of charges against the CRLA Salinas office. Mr. Eugene Epstein, President of the Monterey County Bar Association, told me that he thought the charges unfounded. Even a cursory examination of some of the charges showed them to be loose and emotive.

Mr. Richard Ibanez and I interviewed Mr. Moreno at length. Mr. Moreno was vituperative in his criticism of the CRLA program, but when pinned down on specific charges, they appeared nebulous and fanciful and the result of a deep philosophical antagonism to the program. Mr. Moreno said that he thought individual lawyers should aid the poor as he did but not through a government program. In terms of his own service to the poor, he said, "I sit in the position of Christ," and then added, reassuringly, "Not that I am Christ." When questioned closely, Mr. Moreno was unable to substantiate the broad accusations he made and on the more specific ones, those checked out were without substance. I spend this much time on Mr. Moreno only because he frequently writes to officials and legislators asserting his complaints and these often require long detailed replies by the Salinas office, taking up valuable time. If one's past is any guide to the future, I think that Mr. Moreno's complaints can be summarily dismissed as one would a frivolous or scandalous pleading.

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institutional changes is not indicative of any unusual or atypical legal process but only of gravity of the conditions requiring repair.

(2) I explored the criticism that CRLA lawyers sometimes seek out class action type of cases. This criticism does not seem to be well founded. A review of the recent impact cases shows that the subject matter of the suits involved conditions suffered by many clients only too anxious to seek relief once they knew that legal services were available and trust in the legal services program had been established.

Although the criticism is not well-founded, I should say that even if it were, it would be a criticism that lacks substance. I see nothing wrong in legal services lawyers affirmatively bringing to the attention of the poor the possibilities of improving their condition through legal procedures. The new ABA Code of Professional Responsibility recognizes that traditional restrictions on the solicitation process are inapplicable to non-fee-generating services to the poor. Most lawyers apparently still do not realize this.

(3) The third criticism, particularly emphasized by one lawyer, Mr. William Moreno, was that CRLA lawyers brought a class action without interviewing the clients. Investigation of this charge showed it to be unfounded.

In sum, my discussion of the impact cases with the attorneys convinces me that they were not impulsively instituted but were begun after thorough investigation to satisfy legitimate client needs and were pursued in a responsible lawyer-like manner. Moreover, by bringing about needed reforms, the impact cases have helped earn the confidence of the Mexican-American clientele. Speaking to community leaders, it was quickly apparent that these impact cases were regarded as notable achievements and were material in engendering respect, for the program in particular, and for the law as a whole.

More recently, the Salinas lawyers of CRLA appear inclined to attempt reforms through the negotiation process rather than through class action litigation. This may be achievable in many instances, particularly as the lesson of recent successful cases remains fresh in the mind of those with whom negotiations are undertaken. Negotiation is, of course, a desirable way to start and lawyers should negotiate where possible. On the other hand, one should not "negotiate out of fear," and it should be recognized that often court action may be the only way to achieve an effective remedy.

It bears mention that many of those active in the legal services program have begun to feel that the director of OEO may be hostile to law improvement class cases. Such an attitude

would undoubtedly have a chilling effect on lawyers in legal services programs and might well deter CRLA lawyers from bringing actions where they are justified. It would be indeed unfortunate if a negative attitude by OEO to impact cases impinged on the independence of legal services lawyers to determine the most effective procedures for meeting the needs of their clients. The suspicion and distrust that the poor have had of the law and lawyers would be reinforced if the poor felt that legal services lawyers had capitulated to pressures to ease the vigor of their representation.

To sum up with respect to the services offered, I believe the Salinas office of CRLA has performed capably and effectively with regard to major areas affecting their clientele, particularly with respect to anti-hunger programs overcoming certain education discrimination, payment of minimum wages and working conditions.

IV. DEVELOPING SERVICES

I believe that there are still major areas where legal services are needed and assistance should be further developed. Some of these are as follows:

(1) Efforts to improve educational services seem to be proceeding at a slow pace. The action in which the Salinas

office was involved, to require IQ testing in Spanish, was a notable achievement. However, there are still large areas of discrimination in educational facilities. While the efforts of CRLA lawyers to negotiate solutions with educational authorities is commendable, by now it appears that effective solutions will not be forthcoming without the institution of court proceedings. The laws of equal protection in the educational field are, by now, so well developed that suits in this area should not be considered novel or extraordinary.

(2) This geographic area has been slow in developing public housing and recreation facilities commensurate with the needs expressed to me by Mexican-American community leaders. This is an area where legal assistance could be most useful, since the area does not receive the benefits of many federal programs potentially available. Developing expertise in this area is not easy. It is difficult to deal with federal agencies who are far away and it may be too much to ask local office lawyers to develop the needed expertise. My suggestion is that the central office of CRLA develop an expertise in this area which could be made available to local offices.

(3) Immigration problems continue to be prevalent

and would seem to lend themselves to some specialization and increased community education. Many of the people in the area would appear to qualify as citizens but are not well informed on the advantages of citizenship or on the prodedures to obtain it. Many have unrealistic views as to the benefits of retaining Mexican citizenship. Newly developed court rulings on dual citizenship are not understood at all. I have the impression that additional community education combined with more legal assistance in this area would be worthwhile.

(4) Economic development. Relatively little has been done to develop the Mexican-American community's potential with regard to small businesses, franchise operations, cooperative undertakings and other economic development projects of the kind which have been mushrooming in the East. As noted, developing the expertise to deal with governmental agencies who make grants in these areas is difficult and perhaps should be approached by CRLA on a regional basis. I have the impression that the potential of the Mexican-American community in this area is far from realized and that lawyers can play an important role in that realization.

(5) Soledad has a large correctional facility with approximately 2,800 men. It is apparent that the inmates are greatly in need of legal assistance. For example, under California's

indeterminate sentencing procedures, prisoners are particularly susceptible to having their terms extended through arbitrary and discriminatory action by prison officials. The report on conditions at the Soledad Prison by members of the California Legislature and presented to the Speaker of the Assembly on July 23, 1970, points up many areas in which legal service would be useful in bringing about needed reforms. Lawyers in the Salinas office have been asked by various prisoners for assistance in this area and have begun to study the problems involved.

I believe this is an important area. Chief Justice Burger has emphasized the need for correctional reform and the American Bar Association has appointed a Special Commission to function in this area. Mr. Neil Levy of the Salinas office is particularly interested in the subject and has been studying the problem. I believe that OEO in cooperation with the American Bar Association might develop some useful standards and procedures which would be most helpful in the correctional field in serving the legitimate needs of prisoners.

Mr. Levy's knowledge and ability impressed this evaluator, and I suggested to American Bar Association officials that they contact him with a view towards developing pilot projects. This is an area where the Chief Justice has pointed out law reform is badly needed and would benefit not only inmates but the deeper

interests of society in humane treatment and effective rehabilitation. I believe the Salinas office can and will make valuable contributions to this developing area and it should be encouraged to do so.

I do not cite these areas in any criticism of what has not been done by lawyers in the Salinas office but as examples of legal assistance needs that exist and which should be developed and met.

This points up the need for additional professional staff. If the Salinas office had more lawyers, I am confident they could be fully utilized by the poor in this area. It bears noting that not one of the community people, lawyers or judges interviewed thought that the program was overstaffed or that the lawyers did not have a great deal to do. On the contrary, all of the representatives of the Mexican-American community with whom I spoke felt that additional staff was needed.

V. RELATIONS WITH THE COMMUNITY

Relations with the client community are generally handled through community representatives. The community representatives in the Salinas CRLA office have many close ties in the client community and are effective in conveying knowledge of the program to the client community and in relaying client needs and viewpoints to the attorneys.

Initially, I was concerned about the lack of brochures and formal procedures for disseminating educational material. However, information apparently circulates among members of the community by word-of-mouth far more rapidly than in a large urban environment. Community leaders told me that the CRLA program is fairly well known, that trust in the "lawyers" continues to increase and that word-of-mouth does provide effective communication. It may be desirable to increase dissemination of information about CRLA services through brochures, discussion at community meetings and other means. However, there are risks that this would bring about a much larger call for services which could not be met with the current personnel available. To have to turn many clients away would be harmful to the program. Hence, if there is to be more dissemination of information, there must also be expansion of staff.

* * *

It is significant that the community leaders with whom I spoke all felt that CRLA had improved the lot of the poor and had made employers and others more wary of engaging in unfair and discriminatory practices. The community leaders believe that CRLA's most valuable function is in the area of impact cases or law reform activities and they seem to understand the nature of these cases quite well. They cite past successful actions with

a great deal of approval and even pride. One of the community leaders who spoke to me in a mixture of English and Spanish told me that he had thought in the past that various oppressive working conditions would never be improved, and now, for the first time, he had the feeling that the law could help his people. One of the community leaders said CRLA had helped make his people "brave" and helped encourage development of community leaders.

* * *

Dennis Powell is as highly regarded in the community as are the CRLA community workers. The other lawyers are not as well known and increased efforts to make them better known would be fruitful.

* * *

At one time, the Salinas office had an attorney situated in Soledad. This was eliminated partly in order to improve office coordination and partly because of staff shortage. Now, attorneys regularly visit Soledad as the need appears to arise. Community leaders in Soledad would like to see a lawyer assigned full time to Soledad and believe there is need for such a lawyer. I am not able to form a judgment on that issue.

* * *

Some community leaders disapprove of restricting CRLA from being involved in union negotiations. The Salinas

office has been careful to make the limitation known. Every time such a restriction is imposed, there is further reason for the poor to see these laws as a "tool of the establishment."

* * *

There is a feeling among some of the clients I spoke to that service on routine matters is too slow, but on questioning as to details, the service did not seem unreasonably slow. My own clients often voice the same complaints. Clients who believe they are right do not understand the normal delays inevitable in the legal process.

* * *

In the past, the Salinas office has made sporadic attempts to get a local advisory group organized without much success. More recently, Mr. Powell has expended increased efforts to form an advisory group which now includes an ESFA counselor, a public defender, a school counselor and other community people. Whether this will be a fruitful group providing impact to the program regarding the desires and needs of the client community remains to be seen.

I suggest that the effort be made with perhaps more vigor than up to now. Such local advisory groups provide an input which cannot be supplied by a statewide advisory board.

* * *

The Mexican-American community in the Salinas area is commencing to develop leaders. The community is just beginning to understand the potential of their political power. More militant movements will undoubtedly increase in the future, depending perhaps on the labor relationships that do or do not develop. Failure to bring about reforms within the available institutions could well cause an acceleration of militance. CRLA's key role in effecting needed reforms within a legal framework has a stabilizing influence. Those who attack these efforts fail to appreciate the alternatives that would undoubtedly be employed in the absence of a CRLA.

In sum, I believe that the CRLA has already established good relations with the client community and is aware of the continuing efforts needed to maintain and improve these relations.

VI. RELATIONS WITH THE BAR

The Bar Association of Monterey County is a small one consisting of approximately 170-180 lawyers. On the whole, I would say that the bar is not enthusiastic about the concept of the legal services program but also not overtly hostile. It includes some supporters of the program and some opponents of the program. The majority of the members are probably apathetic about it.

The President of the County Bar Association, Eugene Epstein, Esq., is sympathetic to the program and impressed me as a balanced and reasoned person who would like to see the program supported. He said that some members of the bar resent the publicity CRLA receives, but thought that they are getting used to it. He believes that any confrontation between the members of the bar association and the legal services program with respect to support or non-support of the program would be unfortunate. He would like to see no issues made that require bar action.

It is regrettable that more members of the County Bar do not realize the obligation that the legal profession has to support the legal services program. This obligation has been so often and so well written about that I shall not repeat it here. However, under the present circumstances, I am inclined to concur in Mr. Epstein's judgment. There does not appear to be any clash between the bar and the legal services in the offing and indeed time is likely to improve their relationships.

I should add that Mr. Dennis Powell attends all bar association meetings and has spent considerable time trying to improve relations with the bar. The office takes considerable care in answering any complaints by lawyers and in trying to maintain good public relations.

At one meeting where it appeared that the bar might support the Murphy Amendment, the lawyers in the CRLA office, Defender's office, and others interested in the legal services program turned out to a bar association en masse and the issue did not come to the floor. I asked why these young lawyers did not regularly become more involved in bar association activities and the answer was that the lack of an active bar program made the time expended not worthwhile. This may be so; nonetheless, one would hope that more and more lawyers connected with the program would become active in local bar association activities.

On the whole, the relations between the program and the bar are as good as can be expected, given the makeup of the bar, the nature of the clients most of the lawyers represent, and their past history of non-involvement.

The lack of interest in the program sometimes evidenced among local bar associations, especially in smaller rural areas, makes it all the more imperative that legal services programs continue their efforts to maintain good relations with the state and national associations of the organized bar.

VII. CONCLUSIONS

My evaluation of the Salinas office of the California Rural Legal Assistance Program was a stimulating and satisfying experience, leading to the following conclusions.

1. The Salinas office has a professional staff of high quality.

2. The Salinas office has a non-professional staff of high quality with a good on-going training program.

3. The routine services being rendered to clients are competent and effective for those clients who are taken. Given additional staff, these routine services could be beneficially expanded to other clients in need of service.

4. The major impact cases in the Salinas office have been important ones, of great value to the client community, and they have been handled in a reasoned, lawyerlike and able manner.

5. The needs of the community indicate the desirability of developing additional services in such areas as education, immigration, housing, economic development and correctional institutions. To properly develop these needs would require additional staff.

6. The office is sensitive to community relations and is conscientious and effective in seeking to maintain good relations.

7. The program should be refunded. Indeed, if the Salinas office is representative, CRLA's funding should be considerably increased to serve all the better the needs of the poor in obtaining equal justice under law.

Respectfully submitted,

Jerome J. Shestack

Jerome J. Shestack

To: Allan Ashman, Team Captain,
CRLA Evaluation Team

From: Winslow Christian
John Velasquez 8/19/70

Subject: Evaluation of CRLA El Centro Office

Persons Interviewed

The evaluators interviewed all four lawyers in the El Centro office (Fred Altshuler [Directing Attorney], John Denvir, Robert Johnstone, David Fielding) and all but two of the nonprofessional staff. In addition there were interviews with Hon. George R. Kirk, James H. Harmon (County Counsel), Florence Kinloch (Welfare Director), Mrs. English (Welfare Caseworker), Mrs. Andrea Wilson (Operation Headstart Coordinator), Gilbert Lopez (President of Imperial County Mexican-American Political Association chapter), Mrs. Consuelo Ruiz (member, El Centro CRLA Advisory Committee and Community Aid EOC), Mrs. Olive Robinson (member of Advisory Committee and officer of Imperial County NAACP chapter).

Suitability of Office

The El Centro office has recently moved into renovated space in a somewhat blighted portion of downtown El Centro. The office is modest in size and appointments and is conveniently located with reference to the courts and other public agencies; it is also close to the bus station, thus giving convenient access to clientele. An adequate basic practice library has been provided.

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Apparent Quality and Attitudes of Staff

All of the staff members who were intereviewed showed good motivation coupled with a pleasant air of confidence. It was apparent that clientele coming to the office are being handled with courtesy, both by the attorneys and by the non-professional reception staff.

Is an Appropriate Clientele Being Served

The original emphasis of this program on serving the needs of farm workers in general and Mexican-American farm workers in particular has persisted, though efforts are being made to broaden the program. We are informed that despite the presence of at least two blacks on the advisory committee and the involvement of the program in a few cases brought on behalf of black clients (including a housing case successfully terminated today) the image of the program seen by blacks is that it is primarily intended not for them but for Mexicans. The staff are aware of this problem and are planning means of solving it. It should be added that no evidence was presented that service has been refused to blacks. It would appear advisable to bring either a black or a Mexican-American lawyer onto the staff as soon as that can be done.

Internal Organization of Office

No examination was made of record-keeping or other internal procedures of the office.

Quality of Legal Work Being Performed

Convincing indications were seen that difficulties were experienced a year ago when the four lawyers who now

staff the El Centro office were sent there together without substantial prior experience. Specific examples were given of waste motion which would not have occurred if it had been possible to provide experienced supervision. Both the interviewed judge and the county counsel indicate, however, that more recently the work they are seeing has been of very good quality. Some pleadings were examined by the evaluators; they were in good form and showed an adequate grasp of state and federal practice.

Acceptance of the Program by the Community "Establishment"

There is evidently still some ideological resistance to the basic idea of this publicly funded legal aid program. However, both conversations in the community and examination of the office files of press clippings show that the program is gaining ground in terms of toleration by the Bar and other elements of community leadership. This is so despite the fact that the Imperial County Bar has lately decided to make no further nominations to the Board of Directors of CRLA. One useful by-product of the program is that the Bar is laying plans to start its own legal aid and referral program. (It must be said that these discussions have continued for some time without concrete results.) No indication was seen that the Imperial County Bar is likely to take aggressive action against the program in the near future.

Acceptance by Clientele Community

It has already been indicated that the program is well known and well accepted by the Mexican-American segment of the poorer population and that it is seen less as an available resource by the Anglo and black poor. Some questions were heard (and will be discussed below) concerning the policy of the office in excluding routine "service" cases in favor of so-called "class actions" of supposedly broader impact. These concerns were expressed both by members of the official and legal establishment and by informants identified with the clientele of the program.

Case Acceptance Policy

In common with other CRLA offices, the El Centro office has sharply limited the acceptance of "service" cases such as bankruptcies, marital causes, and small property-related matters, in order to focus the resouces of the program on cases having impact on the rights of groups of people. Assuming the postulate that the purpose of the program is to apply the tools of the law to achieve the greatest possible improvement of economic and social status for the poor, it is obviously valid to concentrate the resources of the program on cases in which the greatest pay-out can be expected. The suspicion has been expressed that choices of fields of activity have not always been judicious from this point of view.

This precise question is now under review by the El

Centro office; it has been determined to experiment with handling a substantial number of marital causes, referred by the Welfare Department, and conversation with the lawyers reveals interest in the idea of systematizing for economical handling certain other categories of "service case." The evaluators were not able to form a judgment on the larger question just discussed. It is recommended, therefore, that an experienced lawyer from the headquarters office should evaluate the recent activity in "class actions" to determine whether greater emphasis should be placed on some categories of service to individual clients.

Events and Trends Within the Past Year

All the informants agreed that there has been a great improvement in the style and effectiveness of the El Centro office during the incumbency of the four lawyers now assigned there. The advisory committee is being enlarged and revived with a view to improving relationships with client groups. A member of the local Bar has been added to the advisory committee; careful efforts should be made to improve the Bar's understanding and appreciation of the program and to keep alive the challenge to the local Bar to begin operating a significant legal aid program of its own. This report cannot fairly be concluded, however, without an expression of the evaluators' admiration for the work being done by these four young lawyers in an extremely difficult situation.

An Evaluation of the CRLA Offices at Gilroy and Salinas Made August 17–20, 1970

(By Richard A. Ibanez)

PRELIMINARY STATEMENT

My Approach to the Evaluation

The conclusions which will be made in this evaluation are based on conversations, observations, impressions; are made with staff lawyers of CRLA, community workers, public officials, townspeople, farm workers, teen-agers and lawyers in private practice.

I did not consider office procedures and management, adequacy of personnel, law library matters, quality of legal craftsmanship in each of the two offices.

My ability to speak Spanish fluently enabled me to converse at length and in some depth with farm workers and Mexican-American leaders; without this added communication advantage, I am certain I would not have been able to get the "feeling" from my inquiries.

Having stated my approach it is important, I believe, to enumerate the *source material* upon which my impressions, observations and conclusions are bottomed.

Source Material

1. Private Interview with Don B. Kates, Directing Attorney, Gilroy Office.
2. Anthony T. Del Buono, CRLA Community Worker.
3. Conversations with various townspeople in nearby Hollister, approximately 20 miles south of Gilroy, including the following persons:
   (*a*) Judge Roy A. Schmidt.
   (*b*) Robert Towle, County Clerk, San Benito County.
   (*c*) Ann Baccala, County Treasurer.
   (*d*) Curtis Miller, Probation Officer, San Benito County.
   (*e*) Mary Gonzales, Executive Secretary, San Benito County Consumers Corp.
   (*f*) Juan Zamora, President, San Benito County Consumers Corp.
   (*g*) Farm workers at the United Farm Workers Office including conversation in Spanish with Jose Luna, organizer, Magdaleno Botello, and other unidentified farm workers who came to the office.
   (*h*) John Hernandez, a service station operator.
   (*i*) Otto Aro Brothers, who operate a grocery store and market in Hollister.
4. Three hour conference with Gilroy staff lawyers Don B. Kates, Brian Paddock, and Stephen Fleisher.

(The foregoing is the source material for the evaluation of the Gilroy office. Next follows the source material for the evaluation of the Salinas office.)

5. William Moreno, Practicing attorney, Salinas.
6. Manuel Olivas, CRLA Community Worker, Salinas.
7. Hector Delarosa, CRLA Community Worker, Salinas.
8. Joe Ledesma, Postal Clerk, Soledad, Mexican-American community leader.
9. Tony Cervantes, farm worker, Soledad, Mexican-American community leader.
10. Observations of the Salinas office "outpost" at Soledad, which is not a law office but is an input office manned by Hector Delarosa, Community worker and a secretary.
11. Discussions with Maurice Jourdane, staff attorney and Dennis Powell, directing attorney, Salinas office.
12. Attending an evening MAYO (Mexican-American Youth Organization); in attendance were 10 high school who were planning the program of their organization for the coming academic year.
13. Andy Anzaldua, member of the Advisory Committee, CRLA office, Salinas.

CONCLUSIONS AND EVALUATION

Methodology

The "poor" vis a vis CRLA which are the source material for this evaluation are farm workers colonies of Mexico legally and illegally in the United States as well as native Americans of Mexican descent. These "poor" were observed by me in the context of the socio-economy in which they live. This includes not only the "attitudes and feelings" of these poor, as they see themselves in a world of outside; it includes as well the attitudes and feelings of the middle-class Anglo community where these "poor" reside.

In preparing this report, my efforts have been directed towards abstracting the many inputs which came to me during the experiences enumerated above. An outline of these follows:

OUTLINE OF MATERIAL

The Negative Response to CRLA

1. Those whose position is threatened by CRLA:
   (*a*) The growers;
   (*b*) Disintegration of a cultural pattern;
   (*c*) Opponents to the philosophy of aiding the poor.
2. Those who consider that the CRLA services are inadequate.
3. Those who conclude that only total change of the "establishment" can improve the conditions of the poor.

The positive response to CRLA

1. The legal staff:
   (*a*) Espirit de corp;
   (*b*) Pride in legal craftsmanship.
      (*2*) Implementing CRLA philosophy.
   (*a*) Opportunity for training and leadership;
   (*b*) Effectiveness in the community.
      (*1*) Ability to communicate meaningfully;
      (*2*) Implementing CRLA philosophy.
3. Community leaders:
   (*a*) First significant opportunity for the development of indigenous leadership;
   (*b*) Opportunity to discover talent heretofore unrecognized.

DEVELOPMENT OF THE EVALUATION

The Negative Response to CRLA

Those Whose Position Is Threatened

At Hollister I spoke to a judge, county clerk, county treasurer, and inquired what, if any, were the objections of the program of CRLA. I was told that the most complete statement in this regard was expressed in the local paper, "The Free Lancer". I called at the newspaper office but both the editor and the publisher had left for the day. The adverse response to CRLA ranged from objecting that the young lawyers are "going too far", that they are inciting the Mexican community to action, on the one hand, to the extremist who participates actively in the abolishment of CRLA by writing to representatives in government requesting its termination.

I was informed by Tony Cervantes that prominent leaders gathered to protest against litigation undertaken by CRLA in making the government a party defendant. Tony said that this criticism was only a rationalization; the covert reasons for objecting to CRLA is because it is helping the Mexican-American farm worker to bring about a change in the socio-economic pattern. These persons fear that the Mexican American farm worker will be lost as an economic commodity to use and to exploit.

Mr. Cervantes said that he attended the protest meeting in Salinas and addressed the audience saying to the gathered group that the CRLA was the first program that had offered hope to the Mexican-American farm worker—hope that his social and economic condition can be improved.

Some of those who oppose the CRLA to do so on ideological grounds, i.e., they oppose direct aid to the poor in the form of a gratuity.

A corollary of this ideological difference is a view of a practicing attorney in Salinas who, on diverse and inconsistent grounds, oppose CRLA and urges its abolishment.

This lawyer opposes gratuitous legal services to the poor which are not furnished by a member of the bar as a public service and without compensation; he states that this is a responsibility of the organized bar.

His criticism of CRLA is that its intervention on behalf of the poor makes for polarization; the philosophy of CRLA is to litigate not to negotiate; to look for causes which can be framed into litigation, without regard to serving the immediate personal needs of the poor. He objects to the "big daddy will take care of you" philosophy, adding that community can work out the problems of the poor by negotiation and understanding.

Despite this attorney's criticism of CRLA, he admitted that the poor trust CRLA; that it has brought out into the open problems that existed and which should be corrected; his comment about the staff lawyers of CRLA was that they were competent in federal practice but green and inexperienced in state courts.

Some of the objections to CRLA from the eligible poor were that the offices are understaffed; that the qualification rule is too strict; that there are many who are unable to pay for legal services yet do not qualify for CRLA aid. A member of an advisory committee of CRLA suggested to me that eligibility qualifications should be based, in part, on an individual basis, taking into account the total requirements of the applicant at the time of his application for legal aid.

Other objections were based on the philosophy that the present system or establishment is beyond redemption; that the conditions of the poor cannot be improved without a change of the system. One articulate person said to me that as soon as a lawyer begins to make in-roads into the domain of the ruling class, he is removed from the area and placed elsewhere. Others objected to the limitations placed on CRLA not to represent defendants in criminal cases.

The Positive Response

The Legal Staff

To visit and discuss the CRLA program with staff lawyers was a gratifying and rewarding experience, equaled only by my encounter "in the field" with the community workers. With the former, legal issues were discussed with professional skill and professional dedication as was the philosophy of CRLA. With the latter, the community workers, I heard in simple direct eloquence the effect which the program is having on their own lives and in the community where they work. The enthusiasm for the program by the lawyers on one hand and the community workers on the other was the same. The difference was in the frame of reference.

The esprit de corp, the dedication of the lawyers to the program has no profesional rival, in my opinion; that each lawyer with whom I spoke had an abiding conviction of a significant meaning and professional challenge of the work being undertaken, cannot be gainsaid. In our discussions the message came through to me, clearly and unmistakably, that striving for professional excellence is not lightly undertaken.

The CRLA Community Worker

What has been said about CRLA lawyers in full-throated praise is justified by what has been accomplished in training the community worker. This achievement alone would justify the high appraisal which I have made.

The selection of community workers should be noted; they are from the people being helped, "De Mi Jente". They "know", in depth, by common background and experience the problems, burdens, frustrations and strivings of the poor. No less significant is the effect that CRLA training is having on the lives of these community workers. They have discovered in themselves talents unknown and unrecognized even by them; they see in the program an opportunity to exploit these discovered talents in the CRLA program.

To be specific, each of the three community workers with whom I spoke at length, took me "into the field", gave me the inputs upon which I base these conclusions.

I witnessed for myself their ability to communicate with the "people"; informed them of their rights; I saw evidence of the beneficial effect of laws created for the benefit of the poor which, but for CRLA, were unheeded or circumvented. I learned how the community workers have informed the people about the benefits under the Elemetary Secondary Education Act (ESEA), the putting into effect of the school lunch program.

I was told of the assistance given by CRLA to improve the housing conditions in Soledad. I visited the public housing project there which replaced a POW Camp and learned of the five year struggle to bring it about; I was told of the significant help given by CRLA in the final phases of the program to bring about better housing in a community of 4,000 where approximately 75% of the people are farm workers.

I attended a meeting of teen-agers, MAYA, at the Salinas office. I saw at first hand the effect of the leadership of Manuel Olivas, community worker in Salinas. I learned also of his help to an organization which has obtained a building for use by the people; a diverse program is planned by the community to help the poor to help themselves.

I visited the office of the San Benito Consumers Corporation and spoke to

Mary Gonzalez, its administrator as well as to Juan Zamora, President of the Board. I learned how CRLA made possible the creation of this agency. I learned of the effective work being done in the administration of the food stamp program and the program to combat dietary deficiency.

At the San Benito County Consumers office I had a long conversation with Juan Samora, now a community leader. What he said about farm workers was typical of what several of them said to me. In addition to the classic complaint of low wages and seasonal employment, he described the brutalizing effect of stoop labor, the exhaustive nature of the work, the ill effect upon the health. But most significant to me was what he said the work did to the psyche. The work destroys the will, the ambition of the worker, he said. Often when he returned from the field he would feel stunned, unable to think straight, unable to extend his arm without a tremor, describing other symptoms classic of mental illness brought about by fatigue. How can such people, Mr. Zamora said, in such condition, have the energy or desire to seek improvement of themselves. CRLA has given me a new hope I never had before said Mr. Zamora. It is a muscle for the poor. The motivation in some people which it has started will never stop now even if the CRLA program terminates.

The Offices and Equipment

If the tone of this evaluation is one of total praise, it is because I have not given attention, nor have I reported, on some items which I will now mention:

There is untidiness in both the Salinas and the Gilroy offices, but especially the latter. Most noticeable to me were the trash cans at the foot of the stairway at the Gilroy office.

The absence and shortage of reasonably presentable bookcases, tables, chairs, filing trays; I found lacking an arrangement of outgoing and incoming papers in the lawyers' offices; in each papers were stacked without any apparent organization.

In speaking to Don Kates, I learned that there is no central research officer in CRLA whose responsibility is to store, arrange, and "key" for inter-office use the research, pleadings, and other useful information to make it readily retrievable by lawyers in all of the offices of CRLA. Each CRLA office is gathering invaluable information, and expertise which should be stored for retrieving.

RECOMMENDATIONS AND CONCLUSION

My tour of duty as an evaluator has confirmed, for me, the validity of my initial conclusion as to the soundness of the CRLA policy, as I understand it.

Its policy or philosophy is to identify the root-causes which make for keeping the poor poor; and where those root-causes can be eliminated or their effect upon the poor reduced by the professional tools of the lawyer, to use those tools for that purpose. Stated in another way, to find, to identify, the collective problems of the poor and to attack these by litigation or administrative remedies, or, by other lawyer tools.

While agreeing with this basic policy or philosophy of giving priority to the collective problems of the poor in combating these, giving a lower priority to the traditional legal services to the poor, I recommend that the role of the community worker be increased.

I recommend an increase in the number of the CRLA community workers; I recommend more "outposts" of CRLA staffed by community workers comparable to the one in Soledad. I recommend a step-up of the training program of community workers such as is being carried in Salinas. These training programs or seminars make the community workers more effective adjuncts of the lawyer not only expanding the effect of the lawyer's skill but of no less importance of creating a link to communicate with the poor.

I recommend a step-up of the program to educate the poor based upon two already present lines of communication with them. The first is bottomed upon giving reasons to the potential client as to why CRLA cannot accept certain cases; and, secondly, to inform the potential clients of the program of the significance of certain cases (class actions) in combating the collective problems of the poor.

In conclusion, I should like to say that in my opinion there appears to be present in the CRLA program, as I witness it this week, a certain dynamism which I have not witnessed elsewhere except perhaps in a political campaign

which is effected by the charisma of political leaders like Roosevelt and Stevenson. I have reference to what I have said already about the enthusiastic response to the program by the lawyers with whom I spoke and with the community workers and the community leaders that I have mentioned. The final recommendation which I make is somewhat general. I stress that those ingredients responsible for creating the enthusiasm which I have mentioned be increased and not be lost. They are precious stuff. With these present, and in abundance, bright and capable lawyers, more of them, will be attracted to the program. Of no less importance is that persons with talent why cry for expression from the people being served by the program, will be attracted as community workers and as leaders in their own communities.

(Dictated at the Gilroy office August 20, 1970.)

EVALUATION REPORT, CALIFORNIA RURAL LEGAL ASSISTANCE, MCFARLAND OFFICE

A. Persons interviewed (name, title, location):

1. Edward Kerry, Directing Attorney, McFarland, California.
2. Michael Brennan, Former Dir. Attorney, McFarland, California.
3. Jerry McManigal, Staff Attorney, McFarland, California.
4. John Ortega, Staff Attorney, McFarland, California.
5. Jess Alcala, Poverty Worker, Kern County, Calif.
6. Jesse Boyar, Human Resources Agency, Staff Employee, Bakersfield, Calif.
7. Mrs. Edna Velez, Poverty Agency Representative and former CRLA Advisory Comm. member, McFarland, California.
8. Charles Farnsworth, UFWOC Directing Attorney, Delano, Calif.
9. Phillip Vargas, Law Graduate on Staff, McFarland, California.
10. Mr. Minford, Delano City Manager, Delano, California.
11. Neil Keyzers, Delano Record Manager, Delano, Calif.
12. Herbert Marshal, Delano School Board, Delano, California.
13. ——— Smith, Delano School Board, Delano, California.
14. Malcolm Young, Delano High School Assistant Principal, Delano, California.
15. Juan Govea, Chairman, CRLA Adv. Comm., Bakersfield, Calif.
16. Steve Finkelstein, Senior Staff Attorney, Bakersfield Legal Services, Bakersfield.
17. Judge George Brown, Presiding Judge, Kern County Superior Court, Bakersfield.

IMPRESSIONS (INTERVIEWS)

A. CLIENTELE COMMUNITY

The poor rural community generally expressed the feeling that California Rural Legal Assistance was meeting the real needs although there was a distinct feeling that the staff was overworked and that there should be an area or subregional office in the southern part of the County. Many clients have to travel seventy or eighty miles round trip from the lower end of the County.

Low income community leaders indicated that staff attorneys should avoid assuming roles of community leadership in organizational efforts. There has only been one incident where the role of the staff attorney was questioned by the poor but it was felt that the most effective role for a poverty attorney was direct legal service.

There was unequivocal praise for CRLA for staying with the poor in efforts to develop service programs and to provide counsel to community leaders in these efforts. In this context the clientele population is vexed by the high turnover of the legal staff.

It was clearly expressed that in addition to an office in the lower county area, more staff was needed in McFarland office.

The Advisory committee was felt to have need for more membership and better attendance at meetings. Middle class membership on the advisory committee was seen to be very helpful.

In summary, CRLA seemed to have strong support from the poor community.

B. INSTITUTIONAL COMMUNITY

The city manager in speaking for the city fathers felt that CRLA actions against the city and school board have amounted to harassment in most cases. He was very impressed with the new Directing Attorney who had introduced himself to the city fathers. Both the school board members and the city manager felt *cautious optimism* about being able to work with or tolerate CRLA presence in the community. There was agreement with the philosophy that it is proper for a government sponsored agency to sue government agencies in proper and judicious cases. There was virtual unanimity that CRLA cases against the local government had not been properly researched or filed and that cases tended to be tried in the press.

Because of the strife between growers and the farmworker union, the tension in the area manifests itself in hostility toward CRLA since city fathers were unable to distinguished between the role of CRLA and UFWOC. They illustrate their confusion by citing the early cases filed by the Office, by the apparent interchange of attorneys between CRLA and UFWOC and the similarity of CRLA legal activities and those of the union attorneys. In spite of this, the local officials agreed that there was a need for the program and that to a certain extent CRLA has met that need. The Manager of the Delano Record expressed fear that relations between the middle-class community and CRLA would continue to be bad but that CRLA could improve its image by trying to consult and communicate with the local institutions.

There was a general expression on the part of the city fathers that CRLA was agitating and that communication was bad, although everyone expressed some hope for better relations based on recent CRLA actions.

The urban legal services program works closely with CRLA in referrals and cooperation. Geographical urban/rural jurisdictions are miantained and pleasantly respected.

The presiding judge of the County Courts rated CRLA legal staff "near brilliant" in competency and professionalism. Yet feels that CRLA only handles headline or massive-reform class actions and that CRLA should do more service case work. When asked whether he would be surprised to hear that close to 90 percent of the CRLA case load was service case work, the judge responded that it would tax his credulity and very much surprise him (the actual figure is close to 85%).

C. STAFF

The staff generally felt strong need for:

1. Revamping the client interview system in order to establish priorities.
2. Formal orientation and role definition for new attorneys.
3. Additional need for lay advocates.
4. Need for moving into welfare rights areas.

Staff attorneys expressed the difficulty for extended tours of duty with CRLA because of the high intensity work-load, battle fatigue, the tensions in the community and the lonely and bleak ambiance for families, especially where families came from urban areas.

ANALYSIS AND IMPRESSIONS

Given the difficult circumstances under which the McFarland attorneys labor, their performance seems admirable, indeed, their performance may well be undervalued because of the tension which dominates the scene.

Morale and involvement of staff in poverty problems is good. The poor community has much faith in CRLA's ability to make a change in the quality of life for them. The staff is obviously overworked. Generally, the quality of the staff was excellent. Except for one attorney who has recently become licensed and who has become involved in several controversal and questionable community activities (John Ortega) the staff was viewed by the community as "incontrovertably" competent. Ortega has evidenced poor judgment but it is still too early to challenge his competency. I feel he should be given closer supervision and time.

The establishment or institutional community is understandably hostile to CRLA, not being able to distinguish between the struggle of the poor from the struggle of the migrant farm workers for stable and decent working conditions. CRLA may not have done everything to delineate this very subtle role difference.

Communications with CRLA have been bad for the city fathers. The recent victory of the farmworkers union should make it easier for CRLA to convey its role of representing the poor regardless of the employment of legal actions which effect the farm worker as well as the non farmworker poor. There is no formal relationship between UFWOC and CRLA. There is a good informal relationship with referrals between both organizations. But this is as it should be.

RECOMMENDATIONS

1. CRLA directing Attorneys and staff should be encouraged to build bridges with the institutional community and avoid any philosophical assumptions in dealing with the broad community. Adversary dyanmics should be manifested in a judicial forum as opposed to a public forum such as the press or in community meetings and assemblies.

2. An immediate step has to be taken to expand the staff to serve total geographical area or a sub-regional office should be established in the southern part of the county. Thought should also be given to the fact that, even without the geographical distances, the staff is already overworked.

3. Because of the isolated location and the especially hostile or tense political and social climate of this office, a special effort should be made to rotate staff from this office to avoid the high acceleration of fatigue.

4. In light of a recent and acute difficulty at the Delano High School involving a staff attorney, central administration must set up procedures for a formal orientation of staff attorneys, clearly defining role function as an attorney and a CRLA staff member as opposed to a zealous advocate of messianic change through indigenous community leadership.

Submitted by:

ALLAN ASHMAN,
Director of Research and Special Projects,
National Legal Aid and Defender Association.
CARL JOHNSON,
Director of Legal Services,
California Office of Economic Opportunity.
HENRY QUEVEDO,
Executive Director,
Cabinet Committee on Opportunity for the Spanish Speaking.

SUPREME COURT OF THE UNITED STATES,
Washington, D.C., September 3, 1970.

TIM HOFFMAN,
Office of Economic Opportunity,
San Francisco, Calif.

DEAR TIM: On Saturday, August 22, 1970, I met for approximately 2½ hours with the Central Office Executive Staff of California Rural Legal Assistance—Cruz Reyroso, Director; Robert Graizda, Deputy Director; Martin Glick, Director of Litigation; Sheldon Greene, General Counsel; and Michael Bennett, Administrator.

I was impressed with the caliber of their staff. Indeed, my informal questioning of both the administrators and their counsel revealed an excellent grasp and understanding of their work. The administrators were well informed on all aspects of the central office operations as well as the regional ones. In this connection my experience back in 1940–1942 as Chief of the West Coast Offices [Los Angeles, San Francisco, Portland and Seattle] of the Antitrust Division, Department of Justice, served me in good stead. The lines of control, allocation of work load, overview of operations, etc., were all excellent. I also questioned each of the attorneys and found them to be both able and knowledgeable in their field of work as well as practical in its operation. From my twelve years experience in the Department of Justice [1937–1949] I would say that these attorneys compared most favorably with those in the Department at that time. Moreover, my study of the case load of the offices led to the conclusion that the administrators and counsel enjoyed a close, cooperative working arrangement that resulted

in a most efficient operation, not only producing a high level and quality of work, but also a large quantity of work.

I do have two recommendations which might further improve the good job CRLA is doing. First, in light of the fact that CRLA empoyed over twenty law students in their regional offices during the summer and felt that the students contributed substantially to the quality and quantity of the work produced, I recommend that contracts be made with law schools toward the end of instituting programs throughout the school year to utilize law students in such activities as brief writing and research. The law schools should be urged to initiate pilot programs wherein law students are released from classroom study for six months or more in order to serve internships in CRLA's regional offices. Such programs should be designed, of course, so participating students receive academic credit for this clinical work.

My second recommendation is that contacts be made with prominent California law firms (e.g., John Sutro of Philsbury, Madison & Sutro) to set up programs whereby the firms assign attorneys with some experience to serve for a year in CRLA regional offices. This would benefit CRLA by trying the organization closer to established practitioners and by making more experienced lawyers available to their younger staff attorneys and client community. It would also benefit the law firms in that such one year positions would be an attractive device for recruiting their own staffs. The overall result would be greater exposure by the bar to legal services and, I believe, wider acceptance of such programs.

Very sincerely yours,

TOM C. CLARK.

Washington, D.C., October 12, 1970.

MR. DANIEL LUEVANO,
Chairman, Board of Trustees,
Beverly Hills, Calif.

DEAR MR. LUEVANO: The OEO Team assigned to evaluate the work of California Rural Legal Assistance has new completed its report to this office, and I am happy to report to you that its findings were generally highly favorable. As is true in the evaluation of any project, however, there were several areas of concern which I wish to attempt to share with you in the following summary.

As you know, the CRLA team consisted of fourteen members—distinguished persons of widely divergent experience, background and viewpoint. Despite the geographic diversity of the CRLA offices, it is to the credit of these evaluators that they undertook to visit seven of your nine regional offices: Salinas, El Centro, Santa Maria, McFarland, Marysville, Madera and Modesto, as well as the Sacramento office and the Central office in San Francisco.

In the summary of their findings, they stated: "While not perfect, CRLA is an exemplary legal services program, providing a balanced approach between orthodox legal services and highly successful impact litigation."

Their comments regarding the calibre of CRLA attorneys were particularly gratifying. While noting that in some instances a few of the younger attorneys are occasionally over-eager, or suffer from a lack of experience, the general tenor of the report commends the attorneys staff for its ability, competence, and professionalism. In this regard, the evaluators took cognizance of the difficulties, both for the attorneys and for their families, inherent in the location of the CRLA regional offices, and suggested that higher salaries and an opportunity for upward mobility should be provided for them.

The evaluators reported that although CRLA is best known for its cases which attract the attention of the media and the public, and which are often controversial, the fact is that the preponderance of the work done by both attorneys and community workers is individual client-oriented service work. They felt in this regard, however that there is a failure to communicate this fact to the public at large, and bar association.

Analyzing the comparatively few impact cases brought in a given regional office, the evaluators found that they were begun after thorough investigation to satisfy legitimate client needs, and were pursued in a responsible lawyer-like manner.

Noting the youth and the lack of experience of many of the attorney staff, the evaluators commended CRLA for meeting this need through specialization, expertise, technical assistance from more experienced attorneys, a "task force" approach to problems common to several offices, and frequent office and regional staff meetings to provide everyday assistance to less experienced attorneys. One evaluator summed it up this way: "Two years' practice with CRLA is probably the equivalent of ten years' practice in a private firm."

The evaluators found that in the offices visited, relations with the client community are generally good. They reported that ongoing communication and understanding is maintained through well-integrated community workers, and often active and participating local advisory committees. It is hoped that all offices will soon have active advisory groups so that the priorities will be set by the local community. It was noted, however, that in interviews with members of the client community in several of the offices there was a desire to see an increased number of Spanish-speaking staff members, including attorneys, in order to provide as many persons as possible who share common ethnic and linguistic identity with the client community. Further evening office hours, and placement of satellite offices open and more convenient to the Compesenos was suggested especially in the Modesto area.

The evaluators also found that in the offices visited, relations with the community at large have improved considerably in the past year. They interpreted this as being due to several factors, at least one of which is the recognition by the community of benefits which accrue to the community at large through the channeling of inter-strata friction into judicial and legislative forms. In addition, community leaders have come to know and respect some CRLA attorneys as individuals, and this familiarity has to a great extent overcome any fear of an outsider who may have an inability to predict community interaction.

In the two offices where there have been specific community controversies, Marysville and McFarland, the evaluators investigated these thoroughly, talking with community leaders as well as CRLA staff, and reached the conclusion that in both instances the matters had been handled promptly and judiciously despite initial poor judgment and tension, and that it seemed unlikely there would be a recurrence of such situations.

In the evaluation of the Sacramento office, there was a considerable difference of opinion over the role of CRLA as a legislative advocate. Although there was an over-all judgment that an effort by legal services in the legislative arena was very important, there was some concern concerning the scope of the legislative advocate's activities. Specifically, the question arose whether the CRLA staff should provide information and technical assistance to legislators, support bill on behalf of clients, or go further and support legislation on behalf of other related constituencies as well. Despite this questioning, however, the evaluators regarded the Sacramento staff as both capable and responsible, and supported the legislative effort.

One other area which received special attention was the matter of CRLA's use of the public media, and on this issue the evaluators disagreed, some of them being critical of any commentary in the press, and others calling it an acceptable tool of the advocate and an effective tool in the adversary process.

The team reported favorably on the coordination of the program through the central office, and the balance maintained between regional autonomy and centralized technical assistance and policy implementation through intra-office projects and evaluations.

Justice Clark's evaluation of the program was conducted, due to his time problems, after the transcribed report. Because of this, I am taking the liberty of attaching his report as part of the letter and will send copies of his report to the other members of the team.

In conclusion, they indicated that because of CRLA's proven capacity to plan, initiate and constructively advance client interests, it was their recommendation that the project be refunded.

Sincerely,

FRANK N. JONES,
Deputy Associate Director, OEO Legal Services.

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A STUDY AND EVALUATION OF CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

BY

CALIFORNIA OFFICE OF ECONOMIC OPPORTUNITY

1971

LEWIS K. UHLER
DIRECTOR

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I. INTRODUCTION.

Under the provisions of the Economic Opportunity Act of 1964, as amended, Section 242 thereof, the Governor of any state is given the authority to approve or disapprove any grant initiated by OEO. This authority applies to the refunding of California Rural Legal Assistance, Inc., a California nonprofit corporation, which has been refunded for calendar year 1971 by the Legal Services Division, Office of Economic Opportunity, Headquarters, Washington, D.C. This refunding is in the sum of $1,884,101 (federal share).

The California State Office of Economic Opportunity has conducted this extensive evaluation into CRLA, so that a rational decision can be made in terms of their refunding request pursuant to Section 242 of the Economic Opportunity Act.

CRLA carries out its functions from nine offices in rural areas (Marysville-Yuba City, Modesto, Madera, Gilroy, McFarland, El Centro, Santa Rosa, Salinas and Santa Maria), conducts a lobbying function through its registered lobbyist in Sacramento and is administered out of a central headquarters in San Francisco. The latter office also conducts a substantial amount of the appellate work carried on by CRLA. CRLA employs approximately 44 attorneys and a substantial clerical staff, and has community workers and investigators in its employ as well.

II. CONDUCT OF THE EVALUATION.

A. General Background.

We began by considering all available information concerning CRLA, including past evaluations, as well as correspondence and other materials in our files. It was soon obvious, however, that the scale of CRLA's operation, as well as the importance and dimension of the issue, required more thorough and, in some respects, more refined techniques of evaluation than had been used in the past. As CRLA itself is fond of pointing out, no program has been more thoroughly investigated and evaluated. But despite the resources deployed from every quarter to its evaluations, the complaints continued to pour into our office, not only from CRLA's adversaries, but, much more significantly, from the poor, whom CRLA is supposed to serve.

B. Problems of Evaluation.

(1) Size and Organizational Complexity of CRLA. CRLA is one of the largest publicly-financed legal service program in the United States. Its nine operational field offices, though geographically separated by substantial distances, nevertheless often seem to have operational ties with one another. Particularly, the mobility of CRLA attorneys between operational field offices makes it quite difficult to ascertain the operating rationale for the organization. This problem can be appreciated,

when in any limited period of time, CRLA attorneys may turn up in different operational areas, and sometimes even participate in cases that are filed by other OEO legal service programs. Thus, geography and a lack of rational organizational structure complicated our evaluation efforts.

The geographical distances involved are formidable, with more than 500 miles separating CRLA's office in Marysville on the north to its El Centro office in the south, only a few miles from the Mexican border. Each office normally services more than one county -- which may comprise an area as large or larger than many states.

(2) Use of Questionnaire. The situation required new approaches, particularly to augment the capabilities of our office to undertake a task of this size. The result was the mailing of a questionnaire to 3,400 judges and lawyers, randomly selected, within the areas served by CRLA's operational offices. The questionnaire was designed to enable the respondent to comment upon the major facets of CRLA operations (Exhibit 11-0131). From our review of the materials in our files, we were aware that CRLA had been criticized for specific kinds of activities, and that certain leitmotifs ran like threads through its whole program. Thus, to get a better total profile of CRLA, we included certain questions in the mailed inquiry which were designed to better define the program areas.

The questionnaire resulted in an attack upon the Director personally in his capacity as an attorney and against the State Office of Economic Opportunity (Exhibit 22-1049). In addition to criticism directly from CRLA, we were censured by the National Legal Aid and Defenders Association (NLADA). We have since learned that approximately 75 percent of the membership of NLADA is composed of OEO-financed lawyers from legal programs. We were unaware of this censure (which took place in Texas) until informed of it by local newspapers, who had received copies of the censure resolution. The news reports of this censure prominently displayed the name of the Honorable Warren E. Burger, Chief Justice of the United States, as Honorary President of NLADA. We later discovered that this was untrue and very misleading. The Chief Justice, and Mr. Justice Harlan, had resigned from their positions in the organization in July, 1970. (Exhibit 22-1049.)

Although NLADA and CRLA endeavored to get our office to burn or otherwise dispose of the responses to the questionnaire, we refused to do so and have found the responses useful in achieving a perspective on CRLA that would have been unavailable to us in any other fashion. We have maintained the responses in strictest confidence and will continue to do so, as we have assured our respondents that we would. The questionnaire was largely subjective and does not lend itself to statistical analysis

when in any limited period of time, CRLA attorneys may turn up in different operational areas, and sometimes even participate in cases that are filed by other OEO legal service programs. Thus, geography and a lack of rational organizational structure complicated our evaluation efforts.

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(3) (a) The Political Context of Our Evaluation. During 1970, National OEO, under the leadership of Donald Rumsfeld, was considering the idea of regionalizing legal service programs. This move was interpreted by the poverty-law establishment as an attempt by OEO to weaken the legal services program by diffusing and localizing its control. In late November, this poverty-law establishment mobilized national protest, to decry the long-coming dismissal of National Legal Service Director Terry Lenzner and his assistant. Thus, OEO Director, Donald Rumsfeld, was regaled by angry denunciations from this establishment's representatives from every legal service program in the United States. Pressure built up to the point where, in order to counter the impression that the Nixon Administration was opposed to legal services, the Director of OEO made a highly unusual public announcement that he had approved CRLA's refunding proposal for 1971--an approval that accelerated the program's refunding cycle.

The political sensitivity of the issue increased with the resignation of Mr. Rumsfeld as Director. His successor, Frank Carlucci, has been appointed by the President, but not yet confirmed. If we concluded that the delivery of quality legal service to the poor required that CRLA be abolished, there was always the possibility that Mr. Carlucci's confirmation might be held up as the

price of his overriding the veto. (We think this possibility is extremely unlikely, given the reprehensible conduct that such political blackmail would entail, but we have had to consider the possibility nonetheless.)

(3) (b) Substantive Opposition to Legal Service Evaluations. The whole series of incidents placed this office under increased pressure to evaluate objectively a program whose refunding had already become both public and political. The acceleration of the cycle reduced the time for evaluation, and made a difficult job all the more so.

The power of the poverty-law establishment is augmented by an extremely friendly press, which is always ready to transmit and amplify the poverty-law establishment's propaganda barrage.

In addition, any service agency threatened with extinction has available to it virtually unlimited scare tactics with respect to its constitutents. For those who have received legal services from CRLA (we do not deny there are many in absolute numbers during its four-year life), the prospect of its demise appears far more alarming than the possible attendant prospect for improvement.

The poverty-law establishment's willingness to flex and deploy its political muscle is ironic, in light

of its repeated protests against "political interference" in legal services. The most frequently heard argument against public scrutiny of legal service programs is that they can only be effective if they are free from "political interference". Even certain organized bar associations have come down very hard against any moves which would tend to put legal service programs under closer scrutiny by public officials.

This position confuses legal service law practice with the practice of the private Bar. In private practice, the client, who receives the service, also pays the bills and is, therefore, sovereign. In publicly-funded legal services, the recipient (poor person) and buyer (taxpayer) are different people. The poor person has no sovereignty, no effective control over the person giving service to him. In the face of this, the legal service lobby has argued that in fact they, as the monopoly provider of service, ought to be able to speak for the recipients. They argue, in effect, that the seller of the service ought to be able to speak for both the recipient and the buyer. It is as if the moguls of the Standard Oil Trust of the early 1900's had demanded the right to speak for the interests of their consumers. In fact, given the tendency for consumers to be exploited by monopoly producers, it is legitimate to ask whether or not the consumers in this case, the rural poor, are being exploited by

the monopoly producers, CRLA. If this is the case, the consumer has little choice in terms of the type of legal assistance he desires to consume and, furthermore, has even less chance of influencing how the product is, in fact, to be produced and distributed.

In a certain sense, the problem is insoluble. Somebody must determine how legal service can best serve the poor, and it seems reasonable that the determination should ultimately be made by elected officials, who are at least responsible to their constituents (which include both buyers and recipients). Yet the present program is controlled by vested interests that provide the service far removed from the local communities they serve.

As the August evaluation pointed out:

> "When there are a number of attorneys choosing which ones (i.e., cases) he is going to bring, there may be, in a sense, a political judgment."
> (Page 27; emphasis added.)

It is possible to put the point more directly: legal services have the capacity to be politically manipulated and, therefore, in a democracy, must have an explicit base to which they are responsible. They are established and funded by public bodies and administered by providers whose service will depend in large measure on their own political predilections. The argument that legal services are to be left entirely to poverty lawyers is disingenuous, as it

demands a privilege available to no other provider of services, either public or private. The severity of this problem is clearly demonstrated when it is juxtaposed to the legislative mandate of OEO that the total local community must be the basis of decision and responsibility..

(3) (c) Prohibitive Costs Incurred by Citizens Desiring to Participate in the Evaluation of CRLA.

In some ways the most difficult aspect of the evaluation concerned the people in the communities who assisted us. Given the ability of the poverty-law establishment to harass those who disagree with it, through the press and in court, some people in the communities we have talked to felt a great reluctance to speak their dissatisfaction with CRLA publicly. This genuine fear may help to account for the inadequacies of response that other evaluations have received when the evaluators have gone out for one day to ask what lawyers and judges in an area think about the program. If a representative of the American Bar Association goes to a rural community and asks the members of the local bar and bench what they think of CRLA, more likely than not the representative will receive substantially bland comments, even from those who may feel very strongly.

Many people who assisted us in the communities acknowledged the chance they were taking in doing so. To a considerable extent, the willingness of OEO to respond to their call will determine whether they ever again go on record, and put themselves on the line in evaluations. We feel a great debt to those who have put themselves on the line, for often the instinct of people is not to get involved in controversy. Of course it is always much "safer" to remain aloof, but we believe strongly that at the heart of a healthy democracy is a citizenry willing to take risks for the things in which they believe.

C. Gathering the Facts.

Our primary interest in the evaluation has been to get the facts. We have sought to avoid the difficulty acknowledged in the August 1970 evaluation of CRLA that "different preconceptions and characterizations" produced "subjectivity" (Page 51). We interviewed people from all walks of life and all political and philosophical points of view. We have relied upon facts and specific cases, as well as informed opinion. In several instances we enlisted the assistance of the professional investigating service of the Department of Human Resources Development. They were deployed to take statements from persons whom we had identified as possessing information of value about CRLA.

Their independence and detachment assured objectivity in this vital statement-taking function.

D. Weighing Evidence.

(1) Predisposition of Witnesses. In weighing the credibility of testimony, we looked carefully at an individual's position and political philosophy. Opposition to CRLA emanating from a person who opposed the concept of legal services for the poor we tended to discount. Similarly, support from sectors of the poverty-law establishment, we evaluated in light of their special interest.

Opposition to CRLA from people working in OEO programs (especially those presently or formerly associated with CRLA) or from people who have worked in other legal service programs, we considered to be highly significant. Also, we gave special weight and credibility to opinions about CRLA from those who affirmed their support for the concept of publicly-supported legal service to the poor.

(2) Location of Witnesses. We have considered the geographical location of those offering facts and opinions to be highly relevant. OEO programs are premised upon local control and the ability of local communities to determine their own needs and evaluate their success. Thus, those who live and work in the areas served by CRLA's operational offices have had the best opportu-

nity to formulate informed opinion as to the actual impact of CRLA in all its dimensions. Opinions from persons in urban areas, unless they exhibit some specific knowledge about CRLA, are almost useless and have been omitted.

E. Other Evaluations.

We have been asked constantly by CRLA and its supporters why we are evaluating a program that was evaluated as recently as August, 1970 (Exhibit 11-0134). Apart from the separate and formal responsibility that Section 242 of the Economic Opportunity Act as amended imposes on the Governor to review programs funded by OEO, we have felt it necessary to conduct our own evaluation of CRLA because of our deep concern that other evaluations have been limited not only in scope but in thoroughness.

(1) The August 1970 evaluation was conducted by 14 people who each spent seven days, one in each of seven of CRLA's nine operational offices. They spoke with CRLA attorneys and individuals in the area. Few of the evaluators were from California and none of them from its rural areas. As one evaluator put it:

> "So, I feel that as a result of my short investigation, that CRLA is probably doing a good job...I didn't get a chance to talk to some people as I would like, but you can only do so much in a day..." (August 1970 Evaluation, pp. 11-12).

To ask such people to "paradrop" into the rural communities served by CRLA and attempt to learn anything in depth about the full impact of the program in a day is asking a great deal, even from the distinguished people who participated in the evaluation.

The limitations and scale are dramatized in this excerpt from the August evaluation. One participant concluded that CRLA attorneys were "universally competent and highly professional", giving as the basis for his judgment the following:

> "...The lawyers in the CRLA office there were universally competent and highly professional. That would be my judgment as well, from talking to them. There are five lawyers in the office, one was not there. I had a chance to talk with only one, briefly. The other three, I would say, are all very good lawyers." (Page 6--Emphasis added.)

The most severe limitation of the August 1970 evaluation (and others as well) was its failure to consider that many of CRLA's admittedly recurring problems might be institutionally and structurally founded. (Of course, the limited time in the field for each evaluator precluded any one individual from gaining an overall perspective of the CRLA program.) There is implicit acceptance of CRLA's structure in the report. No other conclusion can explain the complete lack of concern for possible structural defects despite recitation of many

problems which might suggest them.

The report's failure to relate problems to the institution is illustrated in the following discussion:

> "Also, recently, an incident at the Delano High School involved one of the newer members of the CRLA staff and this provoked hostility by the community. This is the most controversial aspect of the entire focus and has been very sensitive for us... Recently, they hired a young Chicano attorney, who we found has a great passion for the people and a great sense of outrage. Unfortunately, he has found it difficult to channel his passion into a legal context and has, in a number of instances, literally taken to the streets as a community organizer. This happened in particular at the Delano High School, which resulted in the withdrawal by students and a picketing of the school. He led the picketing." (Page 14--Emphasis added.)

This discussion was followed by the following observation:

> "It is true, many of the lawyers attached to CRLA are inexperienced lawyers, and sometimes members of the Bar whom I interviewed, referred to that inexperience. In the Salinas office, for example, with the exception of the senior lawyer, all of the lawyers have less than five years of practice." (Page 16--Emphasis added.)

Incidents recited throughout the evaluation suggest that the problem goes considerably beyond inexperience. What is disappointing is that the August evaluation lacked the imagination and depth to consider the possibility that these problems had their roots in institutional flaws of CRLA.

Beyond this problem, the evaluation did contribute some serious and alarming observations. On community relations, for example, the following is significant:

> "There is one point I would like to make about the office in McFarland, at least in my impression, is that it has not always been able to deal well in matters affecting the community. It is not always able to involve itself dispassionately. That is to say, they have assumed from the very outset that the poor community, that is, the poor white community were the good guys, the establishment, the government, the growers, were all the bad guys and what has happened, in a sense, is that the adversary relationship has been withdrawn from the courtroom and has taken place initially in the streets, in their initial confrontation with the community." (Page 15--Emphasis added.)

The evaluator then noted that the community did not possess the hostility toward CRLA which the CRLA office imagined:

> "I guess what came out of McFarland was for the nonpoverty community to say, 'I wish CRLA in McFarland would work with us. If they are going to sue us, fine. But I wish they'd work with us and speak to us and research the problem, not so much legally but factually before they plunge into a suit.'" (Page 15--Emphasis added.)

One of OEO's major emphases is the mobilization and integration of all segments of a community to eradicate poverty. Here was a problem going to the very heart of such a concept. Here was an instance in which an OEO Legal Service office was disrupting a community, stirring tensions and hostilities and which, had they been done by someone outside of the poverty industry, would have been universally

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condemned. Thus, questions concerning the institutional soundness of CRLA as an organization capable of providing legal services to the poor while producing meaningful and integrated changes in rural communities are necessary and legitimate.

(2) The other most celebrated evaluation of CRLA was that done by the General Accounting Office of the Comptroller General of the United States, which was released in July 1968. (Exhibit 03-0150-02. This evaluation is discussed elsewhere in this report.)

The GAO Report grew out of a request by Congressman Robert B. Mathias to undertake an investigation primarily of CRLA's relationship with the United Farm Workers Organizing Committee (UFWOC). Specifically, the investigation inquired into the charge:

> that the grantee (CRLA) may not have complied with certain conditions of its grant because of (1) a possible connection between the grantee and the union, (2) the alleged harassment of a county welfare department, (3) inadequate representation of agricultural producers on the grantee's board, and (4) the alleged engagement of the grantee in political activities.

The inquiry into CRLA's connection with UFWOC was limited to five charges, relating to grant conditions that have been made more stringent since 1968, when the report was issued.

The GAO Report was extremely interesting to us as a point of departure. Although it was limited both in scope and in its conclusions, discussed in another section of this report, additional information has since come to light that makes it dubious at best.

(3) In some respects the most hopeful opportunity for a fresh look at CRLA took place in Stanislaus County only weeks before this evaluation was prepared. This occurred when a Grand Jury convened in response to the "growing public concern that California Rural Legal Assistance, Inc., is not carrying out its stated corporate purpose of providing adequate legal assistance for the poor". CRLA had always exhibited a public eagerness to be evaluated by anyone who cared to do so, but when the Stanislaus County Grand Jury convened for the purpose of doing an evaluation, the objectivity of which no one could deny, CRLA secured from the Federal District Court an injunction against any investigation of their program.

The incident is lamentable, for this was the first time that a program would be evaluated by <u>people in the area being served by that program</u>. This point is most important, for typically, legal service programs are evaluated by people from far away, who know nothing about the community in which the program functions. This severe limitation in past CRLA evaluations is ironic in view of <u>OEO's</u>

explicit and dominant emphasis on communities and local control.

In this particular case, the Stanislaus County Grand Jury had several members with excellent credentials to evaluate the impact of CRLA on poor people. Among them were the head of the local branch of the NAACP, and a local leader of the Mexican-American community. But when faced with the possibility they might be evaluated by people not precommitted to the poverty-law establishment, and by people whose intimate knowledge of the community and their constituents could not be questioned, they sought a sanctuary in the federal injunction that prevented the Grand Jury from proceeding further with its evaluation.

The result was that the Grand Jury voted unanimously a resolution urging Governor Reagan to veto CRLA's 1971 budget, and urging him to institute an immediate investigation into CRLA's activities.

In important respects, the Grand Jury evaluation of CRLA that never took place was the most revealing evaluation of the program that has ever occurred. It demonstrates that a duly-constituted body of citizens, with a responsibility to their community, were prevented from discharging their responsibility. They were thwarted

by a highly vocal special interest group bent on preserving its elitist prerogatives-the most important of which was the right to control not only the criteria but also the conduct of their own program's evaluation. The similarity between the Stanislaus experience and our experiences with NLADA over the questionnaire is clear. The only inferences that can be drawn are that local control is fiction rather than fact, and that local citizens cannot modify the behavior of existing elites and institutions such as CRLA, because the costs to them are too high.

F. IRRELEVANT CONSIDERATIONS.

Before we address our attention to relevant indices of CRLA's performance, it is well to take a moment to identify some considerations of CRLA's performance which are not relevant to our evaluation or, if relevant, are not sufficiently precise to give the basis for reasonable judgment.

(1) Suits by CRLA against the State of California or other political subdivisions.

CRLA has and continues to carry on a multiplicity of actions against the State of California. Some of these have caused substantial increases in expenditure of taxpayer dollars in the area of Welfare and Medi-Cal. However, other OEO-supported legal programs in San Francisco, Alameda County and Berkeley have cost the taxpayers many times the dollars in additional taxes that CRLA has. If one

were to take this area of activity into consideration in his evaluation there are much "bigger fish" available than CRLA.

The matter of allowing or disallowing OEO-supported attorneys to sue the government with the risk of increasing the taxpayer costs is a matter of policy for Congress and/or OEO to decide upon. Since it is not proscribed in the CRLA grant, we cannot properly take it into consideration.

(2) The Use of Class Actions.

Class actions are being used with increasing frequency by attorneys everywhere. Class actions are legal tools to be employed as the facts and circumstances warrant. Criticism of CRLA in this area should not, therefore, focus upon the use of class actions per se, but upon specific class actions that either have no necessary relationship to the poor or that contravene some other standard or condition set out herein. It should be added that class actions, by their nature, are very time-consuming enterprises for both sides of the case. In light of the legal hours that must be devoted, great care should be used in deciding to expand a particular case beyond the circumstances of a particular individual seeking to be served.

(3) Statistical Analyses.

CRLA frequently advances a multitude of statistics as evidence of its own success. These statistics primarily involve the number of people served and cases won and lost. We find their facility as statisticians at the very least suspicious in the face of the nonstatistical information and evidence we have gathered concerning the actual operation of their program in the areas affected. This is particularly true of consistent reports that CRLA attorneys are unavailable for service, that they represent criminals frequently and that in the field their ordinary service work is sloppy and unprofessional--in contrast to favorable reports about the high quality of their appellate work out of the Central Office in San Francisco. It is difficult for us to see how one could measure the success of a legal service program numerically. We are convinced that to be truly successful, a program must be concerned with people, not with numbers.

The statistics CRLA cites are almost meaningless, in any event. Among other things, it is most difficult to determine whether a case has taken five minutes or five months to handle.

A win-loss record is hardly relevant to marriage dissolutions, bankruptcies, consumer advice, etc., which have to do with really serving the individual needs of

poor people. Furthermore, it appears that CRLA has not included in its win-loss determination the number of cases which it may have dismissed prior to trial. It clearly does not reveal the numerous losses in criminal cases where its personnel, contrary to its grand conditions, have represented criminal defendants (see section on criminal representation, page).

Recently, the President of the Sonoma County Bar Association, Newton Dal Poggetto, forwarded a letter to our office, which, among other things, indicated the following:

> "We obtained the figures from the Santa Rosa, California, Rural Legal Assistance office on their activities for 1970, and after our Board studied them, we were unable to conclude that the figures were meaningful." (Exhibit 22-1034.)

Similarly in the August, 1970, evaluation of CRLA, it was stated:

> "I know that OEO uses statistics for getting Congressional appropriations and the like, but statistics are very often misleading..." (Exhibit 11-0134.)

SUMMARY

Though the political controversy surrounding CRLA is highly emotional and symbolic, the need to assess correctly the empirical reference of OEO legal concepts and the facts about actual behavior appear necessary if the rural poor are to have a significant voice in determining

what types of legal services they wish to consume. Thus the State Office has conducted its investigation from the following concerns and methods.

First, our concerns about CRLA were twofold. We were concerned with whether or not CRLA was a sound organization. Implicit in such concerns are questions relating to CRLA's ability to represent heterogeneous legal needs of the poor; CRLA's ability to work harmoniously in communities; CRLA's ability as an organization to establish its own authority and internal control; and finally whether CRLA, as presently constituted, is capable of living within the intent and guidelines of OEO. This broad range of questions is oriented primarily towards ascertaining whether or not the present organizational structure has the potential to deliver the goods and services that are explicitly stated in its work program. Our second concern has to do with whether the poor have access to the policy-making organs of CRLA to determine the types of legal services that they desire to consume.

It is important to point out that at the date of this writing, information and evidence is still pouring into our office from all over the State. We expect that once news becomes public of the Governor's veto, many people who may have felt reluctant to speak out before,

will do so for the first time. Thus, it is possible that we may continue gathering information sent to us about CRLA for some time to come.

In several specific areas, we have investigations underway, which were not completed at the time of writing, and we have seen fit, therefore, not to include them. Some of them could turn out to be items of major importance for this legal program, but we are forced to stand on the evidence herein for our recommendation to the Governor.

III. THE PURPOSE AND CONDITIONS OF THE CRLA GRANT CONTRACT

A. PURPOSE

CRLA has been mandated by its grant to provide legal services to the eligible poor in civil matters only within the rural areas served by its operational offices.

> "California Rural Legal Assistance is established to give legal aid to people in need, who cannot afford to pay for a private attorney, and who would not otherwise be helped.
>
> "In order to be entitled to our services, a person must seek aid from CRLA. He must also show that he makes no more than a certain amount of money each year. Finally, he must demonstrate that his case is not the kind which would support a contingent or court-awarded fee, so that it may be presumed that a private attorney would be unwilling to represent him. Only if these three requirements are satisfied may a person become the client of a CRLA attorney."
>
> Appendix E, CRLA Refunding Proposal, 1971

B. CONDITIONS

In order to carry out this mission, the Federal Government has imposed certain specific restrictions, limitations and requirements on CRLA as a part of its grant contract. These conditions are designed to assure that CRLA's mission can and will be carried out effectively. These conditions include, but are not limited to:

(1) A prohibition against representing criminals (except in very special and restricted instances). This

has been done to assure that CRLA's resources will not be dissipated where other services, such as those of the Public Defender, are already available in California.

(2) A prohibition against accepting cases which generate fees (except in very limited and special cases), so that such cases may be referred to private legal counsel.

(3) A requirement that clients meet a prescribed income eligibility standard, so that those in fact able to pay for an attorney will do so and will not utilize the limited resources of CRLA.

(4) CRLA is proscribed from representing a labor union.

C. RULES AND PRINCIPLES

In addition to the specific grant conditions outlined above, there exists a body of rules of professional conduct and canons of legal ethics designed to create an atmosphere, framework and relationship with those to be served and with the community at large, which maintains the dignity of the legal profession and gives the program its highest potential for success. Following are some of these considerations:

(1) A prohibition against soliciting clients and stirring up litigation. This conforms with long-established professional principles of the bench and bar.

(2) A prohibition against conduct unbecoming an attorney. This provision is vital to maintenance of the dignity of the profession.

(3) A prohibition against the filing of harassing or frivolous actions. This is of special importance in the context of OEO-supported legal programs because of the public trust which the use of public funds engenders. The attorney must be ever cognizant of the fact that his clients who pay nothing for his service enjoy thereby a distinct advantage over their adversaries, who must pay for the services of private counsel. These services provided at zero cost create an economic leverage which carries the potential for horrendous abuse and which can serve to distort, rather than enhance, the interests of justice toward a fair and proper result.

(4) A special prohibition attends taxpayer-supported legal services, to wit, that the attorney shall not waste precious resources and shall be guided by concerns for economy in all respects. Only in this fashion can he justify his performance and nurture public confidence.

(5) A prohibition against newspaper publicity by a lawyer as to pending or anticipated litigation so that there will not be interference with a fair trial or the proper administration of justice.

IV. A CASE AND COMMENT MONTAGE OF CRLA--
RES IPSA LOQUITUR

> "California Rural Legal Assistance is established to give legal aid to people in need, who cannot afford to pay for a private attorney, and who would not otherwise be helped." (Refunding Proposal, App. E, p. 1.)

Mrs. Amelia Harris was employed by CRLA's Salinas office from September, 1966, to June, 1969. She is currently interim director of the Monterey County Anti-Poverty Coordinating Council, an OEO-supported agency. While she was with CRLA, she was employed as directing legal secretary and office manager. She states in affidavit:

> "All or almost all of the legal briefs went through my hands. I worked for two directing attorneys, Robert Gnaizda (now Deputy Director of CRLA in Central Office) and Dennis Powell. Mr. Powell assumed his duties in February, 1969. Cases accepted for clients were accepted under guidelines set down by the Office of Economic Opportunity. At least, at first. ...Cases were accepted for clients charged with criminal offenses particularly after Attorney Bill Daniels transferred from the Marysville office. ...Many conscientious objector cases, to avoid the draft, were accepted and defended by Mr. Daniels, in Federal Courts. ...Mr. Daniels was involved with the inmates at Soledad Prison, in the preparation of cases, to be presented in court by the inmate, seeking writs, new trials, and so forth. I do not recall anyone in particular. Some of these cases were accepted because of correspondence received from inmates of the prison. I do know that Mr. Daniels would go to Soledad Prison. Some of these clients were involved in criminal cases, and some were civil cases. ...During the early months of 1969, all domestic relations cases, most consumer credit and automobile credit cases were dropped because the caseload was too high.

It is my opinion and was at that time that California Rural Legal Assistance attorneys were accepting too many cases which were outside the guidelines. Many cases of class action were accepted. Some of these cases were filed simultaneously with the same types of organization in Connecticut. Many cases were established as a result of manufactured situations. I mean by this that clients or potential clients were instructed in certain actions and dialog with agencies and private firms that would lead to litigation. ...This case related to the fact that Mrs. Rodriguez was about to be evicted from her house, however the action was designed to attack another part of the rules of the Department of Welfare. Another case I can recall involves a man at the Day Hall Center, California Farm Labor Service. The persons who were sent to the Day Hall Center were instructed as to actions to take and what to say. These instructions came from Dennis Powell, who was the directing attorney. As I recall, this case involved people handing out leaflets and literature at the Day Hall Center. I do not recall the exact instructions given or to whom they were given. Mr. Powell did coach the persons who went to the Day Hall Center on exact actions to take and instructions as to what they were to say. I know he wanted the farm labor service to have to remove people from the premises, and thereby provide a course of action against the farm labor service to the end of abolishing it. ...In the case of Jeremio v. Salinas Strawberries, that involved the discharge of eight men for organizing a union, that this was a contrived situation wherein the men were instructed as to how to go about organizing a union and then when they were discharged an action was filed against Salinas Strawberries. This same situation occurred in the Martin Produce, Inc., case*. ...I

* It will be noted that Mrs. Harris has evidently confused the facts of the Salinas Strawberries case with those of the Martin Produce case, which she discusses together. The discharge of men for organizing a union (actually there were 9) was involved in the Martin Produce case. This does not compromise, however, the potency of her testimony regarding the "contrived" situations on which she said both cases were prosecuted by CRLA.

recall that I was directed, as Directing Legal Secretary, to seek out times that specific federal courts and federal judges were available. I was given these instructions by the directing attorney, at the particular time. I was directed to seek open dates in the federal courts before Judge Peckham and Judge Zirpoli for the filing and trial of cases. These cases would open up chambers to California Rural Legal Assistance attorneys and were sympathetic to the causes of these attorneys. After the California Rural Legal Assistance decided to drop domestic relations cases, consumer credit cases and automobile credit cases I voiced the opinion that this was not correct procedure under the guidelines set forth and that acceptance of other types of cases outside the guidelines while not accepting cases inside the guidelines was wrong, morally and legally. I was discharged in June, 1969. At the time of my discharge I had leave pay and severance pay coming. I made demand on California Rural Legal Assistance for payment of pay due me. I did not receive my pay. I filed a demand and claim through the Labor Commissioner, Division of Labor Law Enforcement, California Department of Industrial Relations, 21 West Laurel Drive, Salinas. My attorney in this action was William Moreno. The Labor Commissioner ordered payment of the moneys due me plus punitive damages and I was finally paid through the Labor Commissioner office. During the first few months I was with California Rural Legal Assistance the attorneys were performing services to help poor people. However, during the latter part of my tenure this was not true. The attorneys became more concerned with class actions for changes and cases outside the guidelines that were not helping the poor people.*

* Mrs. Harris did not sign this affidavit, because she felt it was inappropriate for her to do in view of her present association with an OEO-funded program. The statement was made before two witnesses, however, and she has expressed a willingness to testify personally to the truth of the facts she presents.

"...They now have to turn away cases that they can't handle in the Salinas office. They don't handle domestic relations. A very big publicity campaign as to the type of routine services they handle would swamp the office. They would have to turn away people and cause antagonism. ..." (August 1970 Evaluation of CRLA, pp. 21-22. Exhibit 11-0134--Emphasis added.)

"In order to be entitled to our services, a person must seek aid from CRLA..." (1971 Refunding Proposal, Appendix E, p. 1.)

In the case of Wolfin v. Vinson, CRLA filed suit on behalf of 16 Indians against a local car dealer. (Wolfin v. Vinson, Superior Court, Lake County, No. 10155.) In the defendant's motion to dismiss, attorneys attached depositions from 15 of the 16 plaintiffs, stating that they had never requested to be part of the lawsuit. An excerpt from one of the depositions follows:

"Question: Now, what did you do on your part to get this lawsuit started?

"A. Nothing.

"Q. Nothing?

"A. No.

"Q. Well, now, your attorney has indicated that he has authorizations signed by each plaintiff authorizing and instructing his firm to bring this lawsuit. Do you recall signing any such authorization?

"A. Yes, I did. After I heard about it.

"Q. After what?

"A. After I heard about it.

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"Q. After you heard about what, the lawsuit?

"A. Yes.

"Q. You signed the authorization after you heard about the lawsuit being filed?

"A. Yes.

"Q. How long after the lawsuit had been filed did you sign that authorization?

"A. Oh, I don't know. About--I couldn't remember that far back.

"Q. I see. Alright. Now, other than signing that document after the lawsuit was filed, what if anything did you do before the lawsuit was filed to get the lawsuit started?

"A. Nothing.

"Q. Absolutely nothing?

"A. Absolutely nothing. ...

"Q. When you heard about this lawsuit being filed, were you surprised?

"A. Yes.
(Exhibit 09-0137--Emphasis added.)

One of the people who participated in the August evaluation of CRLA commented: (page 20)

"Some of the attorneys seem to turn people off because a lot of Chicanos I spoke to felt CRLA was using the people to get publicity and not following through with the issues that directly affected the people. They thought that priorities were all wrong because the priorities did not come from the people but come from the attorneys...I think the essence of the people's feeling is that the attorneys should be there to serve the people and not the people to serve the attorneys." (Exhibit 11-0134--Emphasis added.)

"The empathy--when I went around I found a tremendous amount of empathy on the part of the attorneys involved. You could use such descriptive terms as 'dedicated', 'extremely concerned', ..." (August Evaluation, p. 6.)

The affidavit of Rachel Pauline Hubbard states as follows:

"About March 5, 1964, I agreed to take a baby boy three days old who was the son of my husband's nephew. My husband and I agreed to raise the boy in our home. We did not attempt to adopt the child in 1964. During the Fall of 1967, my husband, William Frank Hubbard, suffered a heart attack and was in the Sutter County Hospital for about three weeks. He had a history of heart attacks since 1957. He came home and shortly thereafter we were able to obtain aid from the Sutter County Welfare Department of $144 per month. In August, 1969, I needed to make a trip to Mansfield, Arkansas, as my 85-year old mother was in ill health. I contacted the Welfare Department and obtained permission for me and the child to be out of the State. The day before I was going to leave by bus, my husband decided that he wanted to go. He was feeling good and felt that the trip would do him good. His doctor gave him permission. ...I then went to the Welfare Department and obtained permission for the child, myself and my husband to make the trip by automobile. We drove to Dumas, Texas, where he said he did not feel well, and he was admitted to the hospital in Dumas. He was in the hospital for about three weeks. I telephoned the Sutter County Welfare Department and reported that my husband was ill in the hospital. I wanted them to send my welfare check to Dumas, Texas, where I was staying with my sister. They told me that we would have to come back to California in order to receive any more money as we could not be listed as California residents otherwise. The doctor in Dumas, Texas, stated that we should return to California. We left Dumas, Texas, because we did not qualify for welfare aid from

Texas and my husband needed continued medical help. I drove the car and when we got as far as Modesto area, my husband died right alongside of the highway. After coming home to Sutter County I went to the Welfare Department for aid and the maximum amount I could get was $150 per month. I then went to the United States Social Security Administration to get assistance, if possible, as my husband had been receiving $92 per month from them. I wanted to know if the child could obtain financial aid from my husband's account. I was told that if I had adoption papers completed I could obtain financial aid through my husband's account. I went directly to the California Rural Legal Assistance Office on Seventh Street in Marysville, California, and asked for legal assistance in getting adoption papers for the child. I talked to the head man, Mr. Henry, and explained all the facts to him. He referred me to another CRLA attorney, Mr. Rogers.* I explained everything to Mr. Rogers. He telephoned the Social Security and verified the facts. Then he said he would help me if I would sue the Sutter County Welfare Department for the death of my husband. He said that if they had not wanted my husband to return to California he would not have died. Mr. Rogers wanted me to also sign a paper so he could go to the Welfare Department and obtain my welfare file or records. I would not do that. All I wanted was the adoption papers. Mr. Rogers said all they wanted to do was sue the Welfare and this was the best case they had come across. I just refused to sue the Welfare Department and I walked out. Mr. Rogers telephoned me about five times afterwards asking me to come back to his office and sign the papers so they could get my welfare files. He said the only way I could get the adoption papers was to sue the Welfare Department. This all happened during (about) October, 1969. I still do not have the adoption papers, and I still have not received any financial aid from Social Security. The Welfare

* There is some question about Rogers' exact relationship to CRLA. James Henry was a paid attorney in 1969 with CRLA's Marysville office, but it appears that Rick Rogers may have worked for CRLA through VISTA. He appears on numerous court cases filed by CRLA and lists the same office address. Furthermore, we have a record that he attended at least one CRLA Advisory Committee Meeting and was listed there among employees attended.

> Department increased my monthly amount in November, 1969, and again the first part of this year, 1970, because I have sugar diabetes and cannot work. At this time I am barely able to exist on what I get monthly. If I could get some financial aid from Social Security I could support myself and the child, now six years, much better. As CRLA refused to help me with legal help, I have not been able to get the adoption completed and I cannot afford the legal expenses for a private attorney." (Exhibit 02-0018--Emphasis added.)

The following statement indicates CRLA's willingness to consider alternative mechanisms for improving the delivery of quality legal services to the poor (quoted from notes taken by investigator):

> Neil B. Van Winkle, attorney-at-law stated that when he was President of the Merced County Bar Association, 1967, to 1968, he tried to institute a Judicare Program (supposed to be like Medicare). Indigents who qualified for this program would be given a Judicare Card. When this program was being formulated, Van Winkle ran into heavy opposition from CRLA, because CRLA wanted to come to Merced County and CRLA cannot come into a county where there is free legal service. Mr. Van Winkle further stated that when he gave talks about the program, CRLA was always where he was giving a speech and voiced opposition to the program. (Statement taken December 10, 1970. Exhibit 09-0197.)

> "Time pressure forces the attorney first to accept his clients' own simplistic characterizations of their problems, then to solve these problems at the lowest level of controversy." (Refunding proposal, p. 31.)

In the early summer of 1969, people throughout Santa Barbara County read in the local press that a local grower was spraying dangerous pesticides that were caus-

ing serious injury to the agricultural workers they employed. The same article announced the institution of a suit by CRLA against the Department of Agriculture and the Santa Maria Berry Farms on behalf of two plaintiffs who claimed to be injured by the pesticides. (Ybarra v. Fielder, et. al., Santa Maria Superior Court, No. 6833.) The choice of defendants was somewhat ironic in view of the characterization of that farm by one CRLA attorney as a "model" farm in a newspaper article only a few weeks before the filing of the suit.

Prior to the filing of the complaint, CRLA made no effort to inquire from the defendant what pesticides he was using. It was later determined that harmless fertilizer was all that was sprayed. The same plaintiffs alleging personal injury produced no evidence of injury.

After several lengthy hearings, the directing attorney of CRLA's Santa Maria office, Burton D. Fretz, wrote a letter dismissing the case with the following comment:

> "As the complaint herein indicates, the action focuses upon the problem of the availability of information within the records of governmental offices to farm workers injured by exposure to pesticides. The promulgation after the filing of this lawsuit of a Policy Letter by the Director of Agriculture dated August 11, 1969, (enclosed) and now in effect makes such information generally available."

And he concluded:

"Although concern remains about dangers present in other areas of pesticide application... we believe the question of access to information is largely resolved and accordingly we request entry of dismissal." (Exhibit 09-0184--Emphasis added.)

If CRLA dismissed the case because in fact no injury occurred, the plaintiffs were guilty of misrepresentation when they filed it and the suit was explicit harassment. If injury did occur, CRLA exhibited gross neglect in failing to pursue their case to just conclusion on behalf of their clients who suffered injury. The letter quoted above indicates "injury" was simply a pretext for getting into court.

The suit died with the dismissal, but the damage had been done. The defendants had been forced to defend a costly suit. Equally important, fears and tensions had been stirred in the local citizenry, who believed they were being poisoned by local growers spraying dangerous pesticides. The resentments and hostilities had been fueled between farm workers and their employers, by encouraging the workers to think they were being infected and injured by their employers.*

* In a separate administrative hearing, the crop dusters were suspended for 90 days for dropping the harmless fertilizer on the workers, but CRLA had no direct involvement in this proceeding, other than as witnesses.

> "The Bar Association, on county and municipal levels, are least attuned to the basic problems on a statewide and national basis. The deficiency here, in my view, is not with the CRLA but in the failure of the organized Bar in many areas to meet their responsibility to the poor in the legal services program." (August Evaluation, p. 58.)

Is it any wonder that members of the local bar shy away from, or totally refuse to assist, CRLA when that organization involves itself in the following type of activity?

In the Spring of 1970, a "People's Paper" was published by the Marysville office of CRLA, listing, among others, CRLA attorney Peter Haberfield (sic) as a contributor. The paper listed as its address 1212 F Street, Marysville, which is the address of the local CRLA office. A section entitled "Chief Judicial Racism," states:

> "This visa required the signature of Attorney General PIG Mitchell for approval, which he did not approve. This is the same man that will stand up and lie to your face about the reasons for being in Viet Nam, Cambodia, Africa, Europe, and why you should remain a peaceful and trusting mass while thousands of innocent people are being killed for no reason. So that the rest of the world can be oppressed by this white racist government. We say take heed to this man's message, for if you believe in this man you will forever be a race that will be oppressed, tortured, beaten and killed. This man is willing to take all the steps to keep minority groups from winning human rights, which he will say is all for law and order. What type of law can exist where people want to be free and are fighting for this freedom

> that they have been deprived of where the Pig can kick down your door, beat and kill your children for protesting against what they feel is wrong, and your Black Brothers and Sisters are being shot down in the street like animals. WE ARE ASKING ALL BROTHERS AND SISTERS TO 'TAKE ARMS'. THE PEOPLE NEED YOU." (Exhibit 09-0112--Emphasis added.)

On March 16, 1970, at Yuba College, at a Seminar on Minority Problems, CRLA attorney Peter Haberfeld is quoted as saying:

> "We've learned a lot from the Black Panther party; it's time for a White Panther party. We have to find a course of action, we have to start...the revolution is coming." (Exhibit 09-0110--Emphasis added.)

On January 14, 1969, the Board of Trustees of Gavilan College, Gilroy, California, considered proposed policy for establishing an uncensored bulletin board and table. Gavailan student, Miss Kathe Fish, represented by CRLA attorney Don Kates, Jr., opposed the college rules governing the distribution of materials at that meeting. The President of Gavilan College states in affidavit:

> "Miss Fish and about 30 or 40 students who followed her lead were actively campaigning to have 'four-letter words' authorized for print in the college newspaper." (Exhibit 10-0063.)

On or about January 22, 1969, the President of the College was served with a temporary restraining order filed by CRLA on behalf of Miss Fish. The complaint alleged:

> "Defendants, the President and members of the Board of Trustees of the College now seek to expel, suspend or otherwise exclude plaintiff because of her aforesaid activities."

The President continued in affidavit:

> "I did not condone the activities of Miss Fish, but I never harassed her in any way and I did not attempt to have her expelled from the college. The CRLA suit states that I tried to have Miss Fish excluded from campus, that I tried to intimidate Miss Fish and keep her from exercising her right to obtain counsel of her choice, and that I tried to deter her from receiving benefits conferred by the Economic Opportunity Act. None of the above charges are true. It is my opinion that the CRLA grossly exaggerated the situation involving Miss Fish in order to make an issue where no real issue really existed." (Exhibit 10-0063--Emphasis added.)

No negotiation or communication preceded the filing of the action, but it stirred tension and turmoil on the campus and made discipline and stability all the more difficult to maintain. Miss Fish left the college not long after this time and became involved in drug prevention work. She is currently under criminal indictment for the sale of marijuana.

> "Given the credentials of the Government Accounting Office investigating agency, and given the thoroughness of their investigation in this particular case, accusations regarding CRLA's illicit connection with labor unions have become much less frequent." (Refunding Proposal, pp. 34-35.)

On September 4, 1970, during a UFWOC rally in support of the Union's lettuce strike in Salinas, a person identified as Neil Levy, who is listed as an attorney with the CRLA Salinas office, is reported by a newsman to have addressed the rally and offered the support of the CRLA Salinas office to defend against unlawful detainer actions.* A T.V. film clip showing the rally, describes the scene as follows:

> "California Rural Legal Assistance attorney Neil Levy asked that all workers return summonses from growers notifying them to leave the camp, so that they can be answered in court, adding that in that way he may be able to prolong the day of eviction." (Exhibit 07-0088--Emphasis added.)

The unlawful detainer actions grow out of the growers' practice frequently of paying part of their compensation in the form of housing for the workers and their families. When the union calls a strike, the employers naturally seek to cut off all compensation, which includes the right to free housing. The effect of CRLA's intervention on behalf of the union is to bring additional economic pressure to bear on the employers--an explicit union responsibility--and to force perpetuation of part compensation (the housing) by the employer.

* See also section V.C. herein.

> "The project will supply legal assistance to farm workers and other poor persons in California. Its goal is to provide the legal protection necessary to enable the rural poor to help themselves." (Brief Description of the project, in 1971 Refunding Proposal, inside cover.)

A member of the OEO Board of Directors for Merced County recalls one contact he had with CRLA:

> "...in June of 1969 a problem arose between the Spanish people and the school board. This happened in Livingston, California. There were several problems, among them the students boycotted the high school. The students carried placards around the school. It was found that these placards were made at the OEO office--the Livingston Service Center. Because of this, some employees at the Service Center were fired. The employees who were fired were represented by CRLA who appealed the firing. Van Winkle stated that the Board of Supervisors, of which he is a member, elected him to be the hearing officer at the appeal hearing for the fired service center employees. Van Winkle stated that at this appeal hearing the CRLA attorneys lined up the witnesses and the audience and created such a disturbance that Van Winkle had two deputies called in to maintain order. Van Winkle stated he had to have two people removed from the hearing...Van Winkle stated that the name of the hearing was the matter of Steven Haberfeld, Lana Lincon, William Heter, and William G. Kex, held on the 17th of June, 1969." (Exhibit 09-0197.)

On January 6, 1970, Mrs. Kathy Young Sears, who resided at 1590 - 22nd Street, Oceana, California, returned from her part-time job to find that her husband had left her. At the time Mrs. Sears was employed by a packing plant on a part-time basis, with an annual income of $2,000.

She was of Korean descent and spoke very little English. When her husband had left, he had taken all of the house furnishings and property and had left her nothing. Mrs. Sears contacted the CRLA office in Santa Maria, California. CRLA, which responded in a letter dated January 29, 1970, said that they would be happy to represent her in defending the divorce action filed by her husband. The letter was signed by CRLA Santa Maria Directing Attorney Burton D. Fretz. The complaint in the divorce action should have been answered 30 days after Mrs. Sears received the summons, which was January 6, 1970. Mrs. Sears did not hear from CRLA for several weeks; she then returned to the CRLA office in Santa Maria and was told by a secretary that she did not need an attorney. She then received a letter dated February 12, 1970, signed by CRLA attorney Daniel Morper, which stated:

> "Dear Mrs. Sears: I regret that you were not informed earlier that this office would not be able to handle your case, due to the income of your husband. I hope this mix-up did not put you at any disadvantage in defending this case."

By the time this letter was received by Mrs. Sears, the 30-day period for answering the complaint had expired. Mrs. Sears, at a tremendous disadvantage because of her language problem, turned to a private attorney in Santa Maria and asked that he help her in this divorce action.

The private attorney took it upon himself to handle the case and help Mrs. Sears. He went to court on her behalf and was able to obtain most of her household goods and six months' alimony. (Exhibit 09-0167.)

> "CRLA has never been formally accused of violating the conditions of its grant with regard to the handling of criminal cases..." (Refunding Proposal, p. 33.)

CRLA's representation of criminal defendants has become so preponderant that, in fact, one local district attorney has ceased to complain about their handling of these cases. CRLA's official answer to these charges is that their attorneys are doing it "on their own time." This is the thread that runs throughout charges of grant violation. The response is so frequent that it has prompted at least one observer to ask whether CRLA attorneys are ever permitted respites from their free time.

In answer to a charge brought by District Attorney James R. Hanhart, CRLA responded (in a letter from Director Cruz Reynoso) by commending the attorney involved for his "selflessness."* The letter went on to recite the practice of large urban law firms, which encourage their young attorneys to work for indigent persons in criminal and civil matters.

* See the exchange of letters in Exhibit 01-0199.

The analogy is disingenuous, as Mr. Hanhart points out in his letter in answer:

> "...the issue is not Mr. Spiegel's "selflessness" (a personal trait which is worthy of commendation), but rather the equal dispensation of tax-subsidized legal services to indigent criminal defendants.
>
> "Public defenders are tax-subsidized; they cannot pick and choose their clients--they must represent all indigent defendants. Private law firms are not tax-subsidized; they can pick and choose their clients.
>
> "I note you did not make this rather critical distinction in your somewhat hurried letter."

Mr. Hanhart goes on to ask the critical questions governing the administration of all legal service programs:

> "...if CRLA is tax-subsidized, (1) What is the legal basis for its policy of selectivity? (2) What criteria govern those selections? (3) Who supervises the selection process? (4) How does an indigent criminal defendant avail himself of CRLA services? The answers to the above questions might well trigger new policies from the Board of Directors of CRLA." (Exhibit 01-0199--Emphasis added.)

The issue goes further. What prevents CRLA attorneys from advancing the argument that they are doing something on their own time, to circumvent all of their program conditions? The question here is: what ought the public to subsidize? Generally, one subsidizes only that which is in short supply. The evident free availability of certain kinds of services calls into question the whole

policy of the services that must be subsidized in order to be performed.

The tragedy for the poor of CRLA's participation in criminal matters is CRLA's reported incompetence in handling them. CRLA attorneys have little experience in criminal matters, and therefore a client represented by CRLA in a criminal matter is at a tremendous disadvantage, should one of them be unfortunate enough to be on the receiving end of an attorney's "selflessness".

In People of State of California v. Michael Diaz, CRLA attorney Donald W. Haynes, of CRLA's Santa Maria office, defended Mr. Diaz, who was charged with the crime of contribution to the delinquency of a minor (PC Section 272), and appeared in court as attorney of record for said Diaz. The Deputy District Attorney of Santa Barbara County describes the incident as follows:

> "The case involved an 18-year old boy committing statutory rape on a 15-year old girl, and when the girl's parents objected, members of the CRLA's office took the girl from her parents, taking her to Mexico and arranged for them to get married. (At least, this is what Mr. Haynes stated to the court.) I seriously considered taking the case to the Grand Jury, charging Mr. Haynes and others with a felony. However, due to evidentiary problems and the press of other felony matters, I did not do so." (Exhibit 01-004-02.)

Examples of CRLA's denying poor people service that would certainly help them "help themselves" are numerous. Following are representative examples of refusal.

In August, 1970, Maryann Coronado went to the Madera office of CRLA for assistance in getting a divorce. She relates the incident as follows:

> "I talked to one man at CRLA. I do not recall his name. This man told me that I needed grounds for divorce and that the only way I could get a divorce was for my husband to beat me up or something like that. I told him that I was not going to give him or my husband that satisfaction. He then gave me a list of attorneys. I told him that I couldn't afford private counsel. He then told me that CRLA did not handle divorce cases. I do not know why CRLA refused me because they have handled divorce cases for a couple of my girlfriends." (Exhibit 04-0192--Emphasis added.)

CRLA is often unwilling to help a poor person with legal problems, even when property is involved. Helen Lucille Rohrig relates the following treatment she received from CRLA:

> "When my divorce was finalized in 1969 I was supposed to receive clear title to 8½ acres of property in North Fork, California. I did not receive clear title so I went to CRLA for help. I went to the CRLA office in Madera. I talked to one man, I do not remember his name, at CRLA and told him my problem. This man refused to help me. This man stated that I had a domestic problem and CRLA does not help people with family problems. I told the man

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> that I was on welfare, and he told me that if I had any problems with the Welfare Department to contact him, because CRLA would help if I had a problem with the Welfare Department." (Exhibit 04-0491--Emphasis added.)

Affiant Judith Shelton relates her experiences with the Madera office of CRLA:

> "(About May, 1970) I wanted a divorce. I went to the CRLA office in Madera. I went there before normal business hours. A receptionist let me in. I told her my problem. The receptionist told me that CRLA does not handle civil cases and also that I had to be in the county for three months, which I had not. The receptionist took my name and number. CRLA never called me. I finally called them and they told me that they did not handle civil cases. During October 1970, I again went to CRLA for help. A finance company in Fresno, Laurentide Finance Corporation, was trying to sue me for not making payments on a car. I told this finance company that I do not have the car but that my husband does. I told this company where the car was, but the company does not want the car, they want my furniture and money. Also, this finance company had been calling me and saying it was my husband. I told CRLA all this and they told me to contact the finance company and offer them $200 if they would agree to take my name off the contract. My husband and I both signed the contract for the car. The company agreed to do this but I could not come up with $200 in cash. CRLA also told me to write the finance company a letter telling them that they could get into trouble for calling me and saying it was my husband calling. Again, I asked CRLA about my divorce and one of the CRLA attorneys I talked to, A. Keith Lesar, told me that CRLA does not handle civil cases. He would not give me an explanation. He did tell me that if the finance company brought a suit against me they would help me. I don't understand why CRLA won't help me with my divorce

case. A girl I know got a divorce through CRLA. The girl went with the person, whose name is Ruben, who works with CRLA." (Exhibit 04-0190--Emphasis added.)

In September, 1970, Loma Lee Dean related the following experience when she went to a CRLA office for assistance in getting on welfare.

"The purpose of my visit was to have one of their attorneys help me to get the necessary papers to show I was separated from my husband, so I could get on welfare. On my first visit to CRLA I explained the purpose of my visit to attorney A. Keith Lesar. Mr. Lesar wanted to know why I could not get on welfare without legal papers, and I told him that I did not know. Mr. Lesar informed me I was entitled to welfare without legal papers and sent me back to welfare to find out why they were refusing me welfare. Welfare explained to me that they had too many servicemen's families on welfare and that they now needed papers to show there was a separation. Later on I went back to CRLA and talked to another attorney whose name I do not know, but they did not help me." (Exhibit 04-0034-01.)

In one day, a single investigator turned up seven individual cases in which a poor person went to CRLA's Madera office for assistance on domestic matters, some of them involving property, but was refused service by them. See Exhibits 04-0034, 36, 37, 38, 35, 33, 31.

A damning footnote to CRLA's refusal to offer certain kinds of service for the poor occurred on February 16, 1970, when Mr. Cameron Hendry, Executive Director of the Economic Opportunity Commission of Imperial County, wrote

a letter to James H. Carter, President of the Imperial County Bar Association. The letter states, in part:

> "CRLA were now handling very few domestic and individual cases so some other channels have to be found." (Exhibit 04-0040)

In seeking help from the Bar Association to find other channels for assisting the poor in these situations, the Director of the local OEO anti-poverty agency was expressing the opinion of poor people in Imperial County, that whatever CRLA's opinion, the poor themselves think domestic relations and other individual law is important to them.

A similar incident occurred in Santa Maria in the Spring of 1969, when CRLA's refusal to take individual cases caused a local uprising among the poor, who organized and finally picketed the local CRLA office, demanding a voice in their activities.

The reaction of local bar associations to all of this is recorded in Section 22 herein. But their collective reactions are well stated by Attorney Thomas A. Lacey of Modesto, who relates his experience with CRLA attorneys in a landlord-tenant suit of minimal damages, in which CRLA Modesto office used the services of three staff attorneys and a CRLA investigator. Mr. Lacey comments:

"My condemnation lies with the fact that they (CRLA) had two attorneys, in addition to the trial attorney, and an investigator, sit through almost all of this trial. It is common knowledge that CRLA does not take needy clients insofar as domestic matters are concerned. This they declare to be a policy in their office. It would seem to me that if they had time to have that many attorneys tied up in a landlord-tenant lawsuit, just listening to the case and observing, they should have time to handle the needy clients in regard to domestic matters." (Exhibit 04-0039.)

In June 1969, Angeline F. Mariano went to the CRLA office in McFarland for help in defending a suit brought by UFWOC against Mrs. Mariano and numerous other defendants for damages for demonstrating against the organizing efforts of UFWOC. Mrs. Mariano relates the incident as follows:

"Some time in June of 1969 I was served with a summons and complaint naming me in a lawsuit as well as a number of other people. At that time I was unemployed, but my husband was working and making about $300.00 per month. In addition to my husband and myself at that time we had my daughter Garcella Ortiz at home with us and we were helping to support my husband's mother and were in debt over $3,000 on unsecured debts. When I was served, I recognized that it was a lawsuit, but I had no money with which to hire a lawyer. Two or three days later I went to the California Rural Legal Assistance office in McFarland, California, as I was living at 822 Kensington Street in Delano, California. I had never gone there as a client before. I went over to their office in the early afternoon. I went into the reception room and told the receptionist that I had a problem and had to see an attorney. She told me

to wait and then she went into the back of the office. At that time there was no one else in the waiting room. She came back in five or ten minutes and told me I would have to wait quite a little while as the attorney was busy. I waited about an hour or hour and one half. While I waited I didn't see anyone else go in to see any attorney or come out of the office area. After that time she told me I could go in and led me into an office down the hall on the left-hand side. There was a man in the office. When I went in, this man asked me my name and I told him Mrs. Mariano. I told him I had a big problem and didn't have money to hire an attorney. He asked me what my problem was. I told him I was being sued and handed him the papers. He looked at the first sheet of this complaint at the top part and handed the paper back to me. He then asked me "What does your husband earn?" And I told him. He said he was sorry, but there was nothing he could do to help me. Then he suggested that I get together with the other people named in the suit and hire an attorney, that it wouldn't cost much money. I told him that even $100.00 looked like a million dollars and I just couldn't raise it. He said there was nothing he could do for me, that CRLA could only help migrant farm workers who earned less than $2,500.00 per year. I told him the only people you take care of is Cesar Chavez and UFWOC. He didn't say anything, but looked at me with a smirk. I got up and left his office. I never went back to their office. I know of other people who went to CRLA for help and were turned away." (Exhibit 04-0047--Emphasis added.)

This incident represents CRLA at its cynical worst. For here was a woman, poor by any standard we are aware they use, who is being pressured by a lawsuit from pursuing what she considers her own best interest with regards to the organizing might of the United Farm Workers Organizing Committee.

> "The project will supply legal assistance to farm workers and other poor persons in California. Its goal is to provide the legal protection necessary to enable the rural poor to help themselves." (CRLA Refunding Application, inside cover.)

This program is not limited to helping "migrant farm workers", as the CRLA attorney quoted above was no doubt aware. $2,500 is the bottom limit for single persons--and it is a limit that CRLA violates liberally when the issue suits them.

The tragedy of this situation is that here was truly a "landmark" opportunity to help the poor--a "cause" that deserved CRLA's attention if ever there was one. The situation raises the question of the impact on the rural poor if UFWOC is successful in its organizing efforts. That impact explains the considerable opposition to it by many farm workers--ultimately by the poorest of those workers, those with the fewest options available to them if they lose their jobs.

No one seriously questions whether the total supply of farm jobs will contract in the event of total organization. Lowering worker productivity per unit of compensation will force the growers to automate, and those who will be left behind will remain there without jobs or hope until a generation from now CRLA's progeny stand up to condemn an "evil system" that has exploited them. Which is

exactly what will have happened although the agents of exploitation will be UFWOC and CRLA.

The point here is that if legal service programs for the poor should do anything, they should serve the poor impartially, and not choose one group over another. Yet assisting one group at the expense inevitably of an even poorer group is precisely what CRLA is engaged in here and throughout its close association with UFWOC. Such a practice--of forcing the poorest of the poor to make sacrifices for CRLA's favored constituency--would be reprehensible enough were it not publicly-subsidized. But the fact that such exploitation is publicly subsidized puts it beyond comprehension.

In the suit of Godley, et al., v. Knudsen Creamery Co., et al., San Francisco Superior Court No. 625183, CRLA sued eight milk companies in the State of California for dating milk cartons in a manner that makes determination of their freshness by consumers extremely difficult. Although this suit is allegedly brought on behalf of the poor, its content does not specifically concern the poor. The question here is: Should the taxpayer subsidize for the poor, suits that the rich cannot afford to bring? The result of the suit concerning a practice recently determined satisfactory by the Legislature, is to spread fear

throughout the State that people are being poisoned and are receiving spoiled milk by the creameries. CRLA made no effort to contact the creameries prior to filing this suit. If it is successful, according to dairy spokesmen, the cost of milk to the poor will certainly increase. (Exhibit 02-0022.)

Yuba City Attorney Donald Huckins states in affidavit:

> "Within a brief period of time it came to my attention that representatives of CRLA were not aiding this community but were endeavoring to create serious social and political problems between local minority racial persons and the local schools in various federal, state, and county branches of government."

Mr. Huckins further comments,

> "I understand from various sources that CRLA attorney Mr. Haberfeld was either directly or indirectly involved in inciting high school students to direct confrontations with high school authorities regarding length of boy students' hair and style of dress at school which were contrary to regulations established by educational supervisors and in inciting direct racial confrontations between Negro and Caucasian students. These confrontations have resulted in fist fights between individuals and near riots between groups of students at or near the high school." (Exhibit 09-0113.)

> "...we recognize that our government and our society is (sic) open to peaceful change." (CRLA Refunding Proposal, 1971, p. 8.)

On May 5, 1970, a group of Delano High School students walked out of an assembly at the high school auditorium. Five hours later, the students began picketing

around the school and presented a list of ultimatums. The pickets continued throughout the week, and, in the opinion of many school, police and city officials, were attempting to provoke a physical confrontation with the police and/or school officials.

During all of this time, CRLA attorney John Ortega, from the McFarland office, was actively involved with the pickets. (Mr. Ortega's son, in fact, was among the picketers.) School officials and parents tried to solve the problem and made arrangements with Ortega to place the item on the school board agenda on Monday, May 11, 1970. The attached film and soundtrack (Exhibit 09-0119) indicate the school board meeting was held, and after preliminaries, Ortega was asked to speak. Ortega's name was called; however, instead of going to the microphone, he stated that the group he represented had decided on its own order and would start with an individual named Greg Aguirre, an individual (not a student) dressed in the uniform of the Brown Berets. Aguirre took the microphone and started to address the audience. He was instructed by the president of the board to address the board. He then said he was going to speak to the people and not to the board. Ortega then stated, "Go ahead, Greg" to Aguirre. Aguirre then shouted to the crowd as the board chairman declared him out of order. The board adjourned the meeting

at which point several individuals began to shout. Ortega was directly involved in the disruption that followed and was warned by the Chief of Police of Delano, Ailes, that he was in danger of being arrested for attempting to incite a riot.

On May 15, 1970, a rally was held by the Brown Berets at Heritage Park in Bakersfield, at 2:30 p.m. Ortega was observed conferring with students at the Park, which was also decorated with pictures of Che Guevara. A folder was distributed before the meeting, and the Brown Beret ten-point program was also passed out.

On Tuesday, May 19, 1970, Ortega filed an act for injunctive relief on behalf of 18 youngsters and 16 adults. Several persons represented by Ortega in the suit have criminal records, including arrest for possession of heroin for sale. Picketing of businesses owned by school board members continued at times becoming loud and unruly.

On June 12, 1970, during Delano High School graduation exercises, an attempt was made to create an incident; at this time 15 students were arrested. It is understood that Ortega and paid CRLA attorney Gerald McManigal of the McFarland office were at the Delano Police Station as soon as the arrested students were brought in. At this

time crowds blocked exits and entrances of the police station and slashed police vehicle tires. Picketing continued in Delano, and the father of one of the students who helped police at the graduation disturbance was allegedly called by several persons, including Ortega, who allegedly threatened the individual with legal action. In a memorandum dated June 29, 1970, to Assemblymen Leon D. Ralph and John Vasconcellos from James Smith, Attorney, CRLA, he quotes,

> "John Ortega, a CRLA attorney, was identified as a spokesman for the striking students in that he acted as their advisor during the time the students were on strike." (Exhibit 09-0119.)

In the Fall of 1969, Beatrice Velgado went to the Madera office of CRLA for assistance in obtaining a divorce, which would permit her to remarry. She writes in affidavit:

> "We went to the CRLA office in Madera and talked to an attorney. I do not remember his name. This attorney for CRLA told us that if we paid him $300 he would handle the divorce. We were not able to pay the $300, and I am still married. This affidavit has been read to me in Spanish by my brother, Ignacio Ruiz." (Exhibit 16-0139.)

In November, 1970, Liela L. Herbert related a similar incident:

> "I told the attorney that I wanted to get a divorce, and he informed me I would have to have $75 right away, and the entire cost to me would

be $300. As I did not have the money, I left the office of CRLA." (Exhibit 16-0139.)

The Marysville office of CRLA filed an action against the Sutter County Welfare Department for a stove for a welfare recipient. A local merchant called CRLA and offered to donate a gas range to the welfare family, but CRLA refused the offer, indicating they were more interested in pursuing the suit against the Welfare Department than in serving the client on whose behalf they had brought the suit.

The Sutter County Welfare Department had learned in December it would have available to it $1200 in funds, some county, some state and some federal, for purposes of relocating welfare families to improved housing. The Director of the local Welfare Department estimated that $1200 for the entire year would accomplish relocation of two families. The Legislature never suggested these funds, even in their small amounts, were available for the purchase of appliances--only for relocation. The court sustained the Welfare Department's demurrer. CRLA contacted the merchant, asking for delay, and indicated to him their interest was in raising the larger issue rather than in serving their individual client. (This was in the face of the extremely limited funds available for any purpose,

their explicit allocation for relocation purposes, and the late notification that the Welfare Department received concerning their availability.) When the suit was finally dismissed, the Welfare Department made arrangements for transport of the merchant's stove to the needy family. CRLA's action in delaying the move resulted in their being without it for between four and six weeks. (Exhibit 09-0140.)

In June, 1970, during UFWOC's melon strike in Imperial County, CRLA attorney Robert B. Johnstone and two CRLA community organizers were filmed participating in union picketing. The film shows CRLA senior investigator Hector Lopez using a bullhorn in a grower's field either directing the strike activities or harassing the non-striking workers. The film suggests that Johnstone was participating in a supervisory capacity, and shows him on at least one occasion holding a conversation with the grower who was being struck.

During the same period, the CRLA El Centro office purchased on two different occasions 22 x 28 white poster board in large quantities. 22 x 28 picket signs appear in the above-mentioned film. (See also Exhibit 03-0198, which indicated the purchase money was a "loan", which UFWOC paid back. UFWOC as an organization is of course

not qualified to receive CRLA's services. One wonders if the repayment included repayment for the time of attorney Johnstone, when he purchased them.)

> "The state is 'soliciting any kind of scurrilous information it can find to use as an excuse to do away with CRLA and its activities on behalf of our clients.'" (Cruz Reynoso, Director of CRLA, as quoted in the Los Angeles Times, November 19, 1970.)

Monroe Carter Taylor is Director of Social Services at the King Kennedy Memorial Center in the City of Modesto. He is also a member of the Advisory Board of CRLA, Modesto office. Rev. Taylor stated in affidavit:

> "...During the Modesto City School lunch demonstration which occurred in March, 1970, these two lawyers were all too active. First, they told the demonstrators they would represent them legally in court if arrested. Second, they spent the entire day, day after day, at the City School's office, with the demonstrators where, in fact, they should have been at their offices doing their official duties talking to clients. Thirdly, they did represent some of the demonstrators who were arrested, and the two, Lowenstein and Neumark, spent weeks in court defending the demonstrators. Some of the demonstrators I suspect, did not even qualify for the representation under the law. The courts were held in the daytime and not at night. The two lawyers claimed they were doing so on their own time. While I was at the City School's office demonstration scene I had a conversation with Mr. Neumark relative to his counseling of the demonstrators who should have been in school. The issue was what these young children were going to eat. Mr. Neumark remarked, 'Monroe, feed the children something to eat and charge it to CRLA.' After the school demonstrations,

I talked to David Talamante, Manager of the then Stanislaus County Cooperative Association, 409 Mays Road, Modesto, who had furnished the demonstrators lunches, and he told me that he had billed CRLA $400 for the food, and that they had paid for it. I think that this was a misdirection of funds. I think that there was another instance of misdirection of funds and that was during the campaign for State Assemblyman by one Malclovio Lopez. Mr. Lopez was in my office attempting to solicit my support. I told him I couldn't support him because he did not have the funds to expend in printing materials for his campaign that would make it a success. He said that CRLA had made cash contributions to his campaign fund, and that the CRLA office staff had printed and reproduced brochures, bumper stickers and various other materials free of charge to him. I later talked to a member of the CRLA staff, who no longer is on the staff, and found that what Mr. Lopez told me was true. Apparently they had also printed up bumper stickers advocating free lunches for the children during the Modesto City School Bond elections. I feel that the funds were not properly used as there was a heavy caseload of poor clients who needed representation while the two lawyers were off involved with demonstrations and defending them in court. In fact, it was during this period that I telephoned Mr. Sal Espana of Governor Reagan's staff requesting an audit of CRLA books to determine how the funds were actually being used. I am totally blind, and this statement has been read to me by Marge Werner." (Exhibit 10-0062--Emphasis added.)

"...four years of operation has made it clear that the relative accessibility of CRLA offices to poverty communities makes no appreciable difference in the number of eligible applicants who seek services. Each of the offices has been deluged with far more applicants than could possibly be served. ..." (CRLA Refunding Proposal, p. 26. Exhibit 11-0171.)

On March 5, 1970, CRLA filed on behalf of 250 farm workers a class action for declaratory and injunctive relief, urging that the 42 California Farm Labor Offices be closed unless they adopt a fair employment plan. Following are quotations from the affidavits signed by people listed in the suit as plaintiffs:

> "...A bearded man who said he was an attorney for the California Rural Legal Assistance came to my home inquiring of the people next door. With this man was a Mexican-American of approximately 25 years of age. They both spoke in Spanish. They said they were gathering signatures from the farm laborers in the area toward the protection and betterment of farm labor wages. ...Neither of the two men ever gave me their names nor any identification card. They stayed about one-half an hour discussing the prevailing wages. ...Approximately two weeks later the Mexican-American returned to my home with a typed statement for me to sign. He did not read the statement to me. He said that the statement was for the protection of the farm laborer who worked by the hour or piece rate. The man who had me sign the statement did not tell me that the paper I was signing was a complaint against the Farm Labor Office. If I had known that it was, I would not have signed it, as I have no complaint whatsoever against the Farm Labor Office." (From the affidavit of Felix Gusman Gaona. Exhibit 09-0118--Emphasis added.)

> "Some time during the latter part of July, 1969, a man who represented himself as a VISTA worker, came to our home, 2334 Bell Avenue, Corcoran, stating he was trying to get 'wages' that were due us for the time we--my 3 brothers and father--had wasted when we had went to the tomato field that Manuel Reyes, a labor contractor, had contracted to pick...The man from VISTA asked all of us to sign a deposition. This de-

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position had a part in it that had something to do with the Farm Labor Office. I am satisfied with the Farm Labor Office. I have never put in an application with the Farm Labor Office--either in Corcoran or Hanford--nor have I personally sought job referrals from the Farm Labor Office facilities." (From the affidavit of Raymond M. Lerma. Exhibit 09-0118--Emphasis added.)

"Some time during the Summer of 1969, I think, I signed a deposition for a man who represented himself as a representative of VISTA wherein the deposition had something to do with the Farm Labor Office. I am satisfied, myself, with the Farm Labor Office. ...I feel that I have been dealt with fairly and courteously by the Farm Labor Office in Corcoran. I have nothing against the Farm Labor Office." (From the affidavit of Ignacio "Nacho" Lerma. Exhibit 09-0118--Emphasis added.)

"Some time in February, 1970, I was approached by a man from the 'California Rural Assistance League' and was asked to sign a paper that supposedly said that everything was 'okay' and that everything was 'settled'. ...I have nothing against the Farm Labor Office and I feel that I have always received courteous service and referrals from the Farm Labor Office." (From the affidavit of Dario E. Lerma. Exhibit 09-0118--Emphasis added.)

"On or about March 3, 1970, I attended an English class at the San Benito County High School. This class is sponsored by Trabajadores Adelante, a local group of people for advancement of the workers. A Mr. Del Buono of California Rural Legal Aid spoke to the class. He asked the whole group to sign a petition to get the State Farm Labor Offices closed. He said that these offices were not of any benefit to the worker and that the offices should be closed because if they were closed, then the workers could get higher

> wages. He recommended that if the offices were closed then the farmers could come to a union run by the workers or an agency run by the workers. Mr. Del Buono tried to get all of us to sign the petition. Everyone else signed it, but I did not. (From the affidavit of Valentin Benitez, Exhibit 32--Emphasis added.)

On October 23, 1970, Phil Neumark of CRLA's Modesto office addressed a class of some 115 to 120 pupils, all juniors in the American History class. During the hour, Mr. Neumark used some form of the word "sh*t", and was asked by one of the teachers present to be careful of his language in front of the pupils. Later in the day, at the beginning of the second session, Mr. Neumark went to the blackboard in a demonstration of what he regarded as obscene, and wrote "f*ck Viet Nam."

In October, 1970, an attorney from CRLA's Salinas office telephoned to the Assistant District Attorney of Monterey County and stated that he wanted to see a certain prisoner at the correctional training facility at Soledad. The prisoner was a potential witness in People v. Jackson, et al., the celebrated Soledad Soul Brothers murder case, involving the murder of a prison guard. The attorney represented to the Assistant District Attorney that he had been referred by another CRLA attorney who had represented the prisoner on a writ of habeas corpus and wanted

the first CRLA attorney to take a message to the prisoner. The attorney later talked to the prisoner and asked him if he was going to be a witness in the case and testify for the prosecution. The prisoner answered affirmatively, and the attorney responded by asking if the prisoner thought the State could protect him better than "we" can. The prisoner again answered in the affirmative, and the interview ended with a suggestion by the attorney that the prisoner forget about trying to get the other CRLA attorney's assistance in helping him get out. (Exhibit 01-0001.)

> "There is a lot of talk these days about the need for revolution in this country. Or about the need for repression. ...we find this talk unwarranted. ...A peaceful redress of grievance is possible, despite the pictures of street fighting which sometimes appear in the newspaper." (Refunding Proposal, p. 8.)

A CRLA suit against the Modesto School District forcing it to increase the number of children eligible for free or reduced cost lunches, forced the school district to drop out of the National School Lunch Program because they felt they could not afford the increased cost involved. Throughout the month of March 1970, CRLA attorneys Dan Lowenstein and Philip Neumark, who had brought the original suit, made numerous public charges against the school board, trying to get it to reverse its stand.

On March 16, CRLA attorneys and other community members disrupted a meeting of the school board. On April 7 and again on April 10 demonstrations provoked such a disturbance that arrests were made under Section 602 of the California Penal Code.

In a letter dated June 25, 1970, Deputy Superintendent of Modesto City Schools, Robert T. Elliott stated that during that time CRLA attorneys Lowenstein and Neumark led demonstrators in chants and marches*, and finally led them in a procession up to the doors of the school building, where they banged on the doors with their fists.

In the course of the demonstration, several windows were broken in the school building, and Richard B. Eaton requested CRLA to reimburse the school for the amount of damage. Mr. Eaton indicates his understanding that the CRLA attorneys did agree to "see that the Modesto City School District was reimbursed for the cost of repairs."

The Superintendent of the Modesto Unified School District, Dr. Bert Corona, states in affidavit that he heard CRLA attorney Philip Neumark shout chants at one of the Board of Education meetings in March, such as

* For additional comment on this case, see the affidavit of Rev. Monroe C. Taylor above.

"Get Corona" and "Kill the Puppets." Dr. Corona continues:

> "These demonstrations were carried out both outside the administrative offices and in the hallway of the building. The two (Neumark and Lowenstein) directed sit-ins in the hallway outside my office. They led the chants, paraded around stomping their feet on the floor and carried picket signs." (Exhibit 09-0143-15--Emphasis added.)

The arrests took place on only two of the many days of demonstration--April 7 and April 10--because only on those days did the demonstrators fail to disperse at the building's closing time.

> "On April 7 and 10, 1970, I asked the Modesto Police Department to arrest the people who refused to leave the building, after repeated requests for them to leave at quitting time. On these two days, Mr. Lowenstein and Mr. Neumark instructed the demonstrators to stay in the building after 5:00 p.m., but they (Lowenstein and Neumark) left the building several minutes prior to the deadline and avoided arrest. There were some 43 people arrested at the demonstration."

The two CRLA attorneys spent great amounts of time defending the people arrested in court. (See the affidavit of Rev. Monroe Carter Taylor cited above.) 28 separate days were involved in the appearances of these two attorneys--all claimed to be "on their own time."

Bond for those arrested was posted by one Maclovio Lopez, who was formerly employed by CRLA. (For more on Mr. Lopez, see the affidavit of Rev. Taylor.) Apparently CRLA attorney Daniel Lowenstein also offered to post bond for those who were arrested at the sit-ins through Albert's Bail Bond in Fresno, but it had already been posted by Mr. Lopez. A report written by Donald Stahl Deputy District Attorney of Stanislaus County, indicates that a $125 cash bail was posted for defendant Donald Fromm by CRLA attorney Lowenstein.

While the CRLA attorneys had originally intended to represent all of the demonstrators, they actually only represented three of them in the actual trial. The pathetic aftermath of the incident is communicated in a statement by E. Dean Price, an attorney in Modesto, who represented one of the defendants, a Mr. Angelo:

> "During the course of the trial I felt that Mr. Neumark and Mr. Lowenstein did not exhibit the professional competence necessary to adequately represent the defendants. Further, during the course of the trial, while engaged in conferences with all of the defendants and all of the attorneys, I was given the impression that Mr. Lowenstein and Mr. Neumark had given their clients the erroneous advice before the sit-in demonstration took place, and that the section of the Penal Code with which we were dealing, namely Section 602 of the Penal Code, had been twice tested and found constitutionally valid prior to the time these incidents arose."

All of the defendants in the school lunch sit-in demonstration were found guilty. Most of them were sentenced to eight days in jail.*

* For additional comment on this case, see the affidavit of Rev. Monroe C. Taylor above.

V. MAJOR AREAS OF CRLA IMPACT.

A. CRLA'S ACTIVITIES AND INVOLVEMENT IN CALIFORNIA'S PRISONS.

(1) Background.

It is vitally important to understand the climate that currently prevails at the Soledad Penitentiary. Racial tensions have been worsening because of the vast and sensational news coverage of the celebrated "Soul Brothers" and "Soledad Seven" cases. Both cases are murder cases which have been given racial overtones by the mass media, and both cases involve the slaying of Caucasian guards by Black inmates. The militant Left has attempted to make the accused murderers heroes in a Black-White racial drama.

On January 16, 1970, Prison Guard Mills was murdered by inmates. Three Black inmates have been charged with the murder. They are Jackson (A-63839), Drungo (B-10837) and Clutchette (B-4804). All three of these accused inmates have been visited by either CRLA staff attorneys or CRLA staff members for conferences. Further, CRLA attorneys or CRLA staff members have also visited the defendants in the "Soledad Seven" case. The "Soledad Seven" case arose out of the murder of Officer Shull in July, 1970. The seven inmates charged are: Allen (B-1045); Watson (B-2767); Dunn (B-24371); James (B-22084); Hall (Wayne); Williams (B-10426); and Wagner (B-14194).

You will recall the Marin County murders during the San Rafael Courthouse shooting in August, 1970, involving Angela Davis.

The named defendant, Jackson, in the "Soledad Soul Brothers" murder case, was the older brother of the Jackson killed as he led the escape attempt at the San Rafael Courthouse, which also resulted in the death of the presiding judge at the trial and three inmates. It is alleged that the weapons used in the San Rafael escape were registered to Angela Davis.

There is one very disturbing fact which has come to our attention during this evaluation investigation. Prior to the courthouse incident, attorney Faye Stender and CRLA attorneys interceded at Soledad in an attempt to arrange a visit for Angela Davis to meet with the older Jackson brother.

Since these cases are currently awaiting trial, further comment would not be in order at this time.

(2) Anatomy of a CRLA Prison Contact.

The following incident at Soledad Penitentiary shows the gravity of CRLA's involvement within our State Prison System.

On October 30, 1970, David Kirkpatrick, CRLA attorney from the Salinas office, telephoned to Monterey County Assistant District Attorney, Edward K. Barnes. He stated he wanted to see a prisoner at the Correctional Training Facility at Soledad. The prisoner was a potential witness in the case, People v. Jackson, et al., the pending murder case known in the press as the "Soledad Soul Brothers" case.

Kirkpatrick told Barnes that one Peter Haberfeld (a CRLA attorney with the Marysville office, who left the employ of CRLA in September) represented the Caucasian prisoner on a writ of habeas corpus, and Haberfeld wanted him (Kirkpatrick) to take a message to the prisoner.

When informed of this, the prisoner in question told Mr. Barnes that he did not know any Peter Haberfeld.

Kirkpatrick did talk to the prisoner and asked him if he was going to be a witness in the case and testify for the prosecution. That conversation is recorded in an affidavit (Exhibit 01-0001-03):

> "I, _____, am an inmate at Soledad Correctional Training Facility, Soledad, California. The first contact I had with representatives of the California Rural Legal Assistance was in November, 1970, when Faye Stender and Richard Silver came to see me at Folsom Prison. I was told by them that they wanted to talk to me about the killing that I had witnessed at Soledad while I was there. They showed me a letter that had been written to CRLA by another

inmate named _____, who was, I believe, may have been involved in the crime. This letter stated that some of the correctional officers may be trying to set me up to be killed and that maybe CRLA could help me. Both of the attorneys talked with (me) for a while then asked me if I wanted them to represent me. I advised them that I did not and that if I needed a lawyer I could get one of my own. They then stated that they would recommend a lawyer to me from the Marysville, California, area. Shortly after that I was transferred back to the Soledad facility. In late November, 1970, I received an unrequested visit from a Mr. Kir(k)patrick, who told me he was a lawyer. He stated the reason that he was there was because a lawyer in Marysville had asked him to stop by and see me. He advised me that he wanted to know my position regarding the killing. I told him that I had already told Captain _____, of the Soledad Facility, what I had seen. The lawyer then asked me if I wanted him to tell the Black inmates that I was okay? I answered no. He then asked if that meant that I was going to testify for the State. I answered yes, that I was. He then asked if I thought the State could protect me better than 'we' can. I answered yes, I thought they could. He then said 'That's it?' I answered yes. He then advised me that I had better write my lawyer in Marysville and tell him to forget about helping me get out. Since I didn't know his name and address I asked him to tell him. At this time I had less than _____ to do on my sentence, and I would be released, so I don't know why anyone said they would try and get me out. This was the only contact I had with CRLA, and I don't know any more about the organization."

(Emphasis added.)

This affidavit is a most enlightening piece of evidence. It appears clear that Kirkpatrick subtly

threatened the inmate and suggested that the inmate, at best, suppress evidence and, at worst, commit perjury at a murder trial.

The Rules of Professional Conduct of the State Bar of California state as follows, in Rule 15:

> "A member of the State Bar shall not advise a person, whose testimony could establish or tend to establish a material fact, to avoid service of process, or secrete himself, or otherwise to make his testimony unavailable."

Also, in the Canons of Professional Ethics of the American Bar Association, Rule 39 states:

> "Witnesses. A lawyer may properly interview any witness or prospective witness for the opposing side in any civil or criminal action without the consent of opposing counsel or party. In doing so, however, he should scrupulously avoid any suggestion calculated to induce the witness to suppress or deviate from the truth, or in any degree to affect his free and untrammeled conduct when appearing at the trial or on the witness stand."

There is an additional point inherent in the affidavit. Kirkpatrick spoke in the term "we," thus admitting certain power over and rapport with the Black inmates in the Soledad Penitentiary. We especially refer you to the sentence:

> "He then asked if I thought the State could protect me better than 'we' can."
> (Emphasis added.)

Note, too, that Kirkpatrick's visit with the inmate affiant was facilitated through an out-and-out lie to

Assistant District Attorney Barnes by Kirkpatrick, to wit, the fictional habeas corpus action allegedly handled by Haberfeld.

Note, further, that Faye Stender and Richard Silver (both attorneys for the "Soledad Soul Brothers") had in their possession a letter to CRLA from another inmate (see affidavit above). For this reason the inmate affiant mistook Stender and Silver for CRLA attorneys. There seems to be close coordination between Stender, Silver and the CRLA in the defense of the "Soledad Soul Brothers."

Further, if CRLA attorneys know about possible death threats and conspiracies within the Soledad Penitentiary, as was implied by the above affidavit, they are bound by their role as officers of the court to make that information known to the District Attorney or Attorney General.

(3) The Increase in CRLA Prison Involvement.

From a statement of Amelia Harris, Directing Legal Secretary at the Salinas CRLA office until June, 1969, we find the following comments on Soledad involvement by CRLA:

> "... Mr. Daniels was involved with the inmates at Soledad Prison, in the preparation of cases, to be presented in court by the inmate, seeking writs, new trials, and so forth. I do not recall anyone in particular. Some of these cases were accepted because of correspondence received from inmates of the Prison. I do know that Mr. Daniels would go

> to Soledad Prison. Some of these clients were involved in criminal cases, and some were civil cases."
>
> (Exhibit 09-0174; emphasis added.)

It is to be noted that prior to the engagement of Stender and Silver by the accused "Soul Brothers," there had been some CRLA involvement at the Soledad Penitentiary.

CRLA's involvement has picked up drastically since the "Soledad Soul Brothers" murder case. Subsequent to the murder of Officer Mills in January, 1970, a dramatic increase in CRLA staff visits is reflected in the records at Soledad. From February, 1970, through November, 1970, over 150 visits with individual inmates by CRLA staff members are of record.

Following are representative comments made by Soledad inmates, both Black and Caucasian, regarding their relationship with CRLA during this recent period.

Exhibit 01-0144-01 is an affidavit from a prisoner at the Soledad Facility. This prisoner states he has heard of CRLA from a fellow inmate and said that he would like to speak with the representative. In the inmate's own words:

> "Between September 29, 1970, and December 18, 1970, I have been visited by five CRLA representatives. Mr. Kirkpatrick first, then Mr. Daniels, Mr. Gonzales, Mr. Goldshiner, Mr. Waterman, and a law student, Mr. L. Jarmillo. I discussed many Mexican

problems with these men, but mostly about detention without hearing and the segregation problem (at Soledad) ..."
(Emphasis added.)

According to an affidavit of another prisoner:

"I was visited by a Mr. William D. Daniels, an attorney for CRLA. I did not contact him first prior to his visit. After discussing my case with me and doing some checking on the outside, he told me he would assist me in my attempts to be released. The assistance he would provide would be in the form of doing all legal work and that all I would have to do would be to answer his questions. Last June (1970) he visited me with a writ that he had written and we discussed what we should do. I did not assist in writing up the writ."
(Exhibit 01-0145-01; emphasis added.)

Exhibit 01-0146-01 is a statement of an inmate at the Soledad Facility. He has been in contact with two CRLA attorneys, Gonzales and Daniels. In the prisoner's own words, these lawyers:

"were referred to me by a former priest at the Facility and not because I had written to them for assistance. I did not know beforehand that either CRLA attorney was going to visit me. A CRLA lawyer, Mr. Gonzales, advised me that he could not handle my case because he was not a criminal lawyer. I did not, at that time, think to ask him if CRLA handles criminal cases. I have since learned from other inmates that they do, but I have received no further correspondence from CRLA."
(Emphasis added.)

Another prisoner at Soledad (Exhibit 01-0147-01), also in a statement, requested help from CRLA. He was

contacted by CRLA Attorney Daniels. Daniels advised him that he was looking at the merits of the prisoner's case and, if good, he would represent him. Later Daniels agreed to take this prisoner's criminal case, but shortly thereafter Daniels left CRLA. The prisoner's case was turned over to Jim Smith, another CRLA attorney, who has agreed to continue the action on the inmate's behalf.

Another prisoner, in an affidavit (Exhibit 01-0148-01) indicates his dissatisfaction with CRLA:

> "It is my belief from general discussion with other inmates that CRLA is more interested in getting publicity for themselves than they are in the problems of inmates. The reason for this belief is that inmates in groups gain more attention than inmates who are not in groups. It has been my experience that CRLA only reacts fully when a cause is involved."
>
> (Emphasis added.)

Another inmate at the Soledad Facility states that he is fully satisfied with CRLA, whose complete staff seems to have been placed at his disposal:

> "In my experience, CRLA is doing a very good job and from what other inmates have told me the CRLA is doing just as good a job for them. I would recommend that others use the services of CRLA if asked. I think that CRLA is doing as good a job for me as an individual as they would do for a large group in this Facility . . . I have had extensive contact with representatives of the California Rural Legal Assistance ... for the last five months of 1970 ... I have seen several representatives including a Mr. Jaramillo, a law student, and Mr. Kirkpatrick, a lawyer. There were several

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other representatives, but I cannot recall their names at this time."
(Exhibit 01-0168-01; emphasis added.)

(4) A New Ploy - Civil Suits Against the Prison Administration.

What follows is an enigmatic and unorthodox set of legal maneuvers. We have taxed our imaginations to find a reason for this kind of assault. The only reasonable conclusion is that CRLA seeks to erode penal discipline and revise administrative correctional policies at Soledad Penitentiary by filing civil actions alleging conspiracies to commit murder.

The first suit was filed on November 16, 1970, and listed "of counsel" David Kirkpatrick of the CRLA office in Salinas. An unverified complaint against the correctional officers alleged a conspiracy to induce the murder of a Black inmate by two White inmates. (Exhibit 01-0187-04.)

On December 2, 1970, CRLA Attorneys, Dennis R. Powell, Maurice R. Jourdane, David Kirkpatrick, Richard A. Gonzales and Neil M. Levy, all of the Salinas CRLA office, filed a complaint (the second in this paradoxical sequence) for injunctive and declaratory relief against the California State Department of Corrections and pertinent individuals in the California Penal System. In this suit,

the CRLA attorneys attempted to accomplish, through judges with whom CRLA has had a long-standing relationship, what is properly in the province of the California State Legislature, or the administration of the prisons as empowered by the State Legislature. (Exhibit 01-0187-02.)

Based on the unproven allegations in the suit filed on November 16, 1970, the court was induced to issue a broad temporary restraining order in the suit filed December 2, 1970. (Exhibit 01-0187-01.)

It would appear that the CRLA attorneys misled the court by using the unproven and unsubstantiated allegation of a previous case as a means of securing a restraining order in a subsequent case. This is a most unbelievable legal maneuver.

On December 3rd, a third suit in which David Kirkpatrick was once again "of counsel" was filed, alleging a civil action for conspiracy to commit murder alleging that two guards attempted to induce or persuade a Caucasian inmate to kill a fellow Black inmate. (Exhibit 01-0187-03.) This complaint, filed on December 3rd, cited the complaint filed on December 2nd in an evidentiary manner.

Attorneys and laymen alike may reasonably be dumbfounded by the filing of a civil suit in a serious criminal

case such as conspiracy to commit murder. If the CRLA attorneys have credible evidence in support of their allegations, then they must immediately report same to the appropriate District Attorney or law enforcement agency. If they do not have such evidence they ought to instantly dismiss these cases and issue a public apology to the persons named as defendants.

(One of the alleged co-conspirators was out of the Country when the conspiracy was purported to have been entered into.)

NOTE: CRLA personnel had visited both the alleged victims of the purported conspiracy, as well as those who were supposed to commit the murders. It is truly a most astonishing situation for any attorney or law firm to be consulting with the conspiratorial murderer and the alleged victim at one and the same time.

(5) CRLA Seeks a Voice in Prison Policy.

CRLA attorneys have contacted San Quentin Penitentiary, asking that they be permitted to supply 'Chicano" literature to Mexican-American inmates. They presented newspapers and periodicals to the prison staff at San Quentin as examples of the type of material that they would like to distribute to the Mexican-Americans. These

newspapers and periodicals were generally of a political and inflammatory nature.

CRLA also requested of San Quentin officials to be permitted to "hold meetings" with "Chicano" inmates on a regular basis for purposes of "counseling."

This seems to be just another attempt by CRLA to make an inroad into and establish a rapport with an ethnic minority behind prison walls with the intention of creating disharmony and exploitation of racial and ethnic tensions.

The following sequence of correspondence amplifies CRLA's attempted involvement in prison affairs:

A letter from the office of Warden Cravens at Folsom discusses the increasing involvement of CRLA attorneys visiting Folsom inmates. CRLA Attorney Smith and CRLA Law Clerk Arthur Torres made visits within the last month. It is also interesting to note that Faye Stender (who spoke on the Capitol steps in defense of the Folsom Prison strike) and her legal aide, Patti Roberts, also have made visits to Folsom.

Warden Cravens' Administrative Assistant, J. S. Moore, closes his letter saying:

> "Activities of inmates subsequent to interviews with these attorneys (CRLA attorneys)

and/or legal aides (CRLA legal aides) ... made it appear that the activities of the attorneys and/or legal aids were geared to problems within this Institution."
(Exhibit 09-0114-02; emphasis added.)

David Kirkpatrick (CRLA Salinas office), in the letter below, requests of Warden Fitzharris at Soledad that he be permitted to attend hearings relative to policy matters in X-Wing (one of the Soledad Disciplinary Wings):

"November 3, 1970
Superintendent C. J. Fitzharris
Correctional Training Facility
Post Office Box 686
Soledad, CA 93960
RE: Eugene Grady, A-74092
Dear Mr. Fitzharris:
I have received a letter from Eugene Grady, requesting me to attend his X-wing hearing before the Institutional Committee Members on November 12, 1970. I have represented Mr. Grady in some legal matters in the past. He has also requested Mrs. Alice Daniel to be present at the hearing. She has told me she is unable to attend and has asked me to be the sole attorney. Please consider this letter my formal request for permission to attend the hearing.
Your immediate reply will be appreciated.
Very truly yours,
DAVID H. KIRKPATRICK
Attorney at Law"

Comment: Grady is plaintiff in an unverified class action complaint for injunctive and declaratory relief (C 70 298 ACV, U. S. District Court for the Northern District of California, Southern Division), against R. K. Procunier, Director of Corrections of the State of California, et al., for $10,000 damages,

filed by Powell, Daniels, Jourdane, Kirkpatrick and Gonzales, in February, 1970, claiming violation of equal protection under the Fourteenth Amendment. (Exhibit 01-0006.)

Another letter from Kirkpatrick followed closely on the heels of his November 3rd letter concerning the other disciplinary wing (O-Wing):

"November 6, 1970
Superintendent C. J. Fitzharris
Correctional Training Facility
Post Office Box 686
Soledad, California 93960
Dear Mr. Fitzharris:
I represent Mr. Edward Whiteside and Mr. Hugo Pinell. They wish to have a meeting with staff members of the institution. They would like that meeting to also include four other inmates of "O" Wing. Their names are, Baby Alvarez, Rodriguez, Richie in cell number 237 and Martinek in cell number 244. (Please excuse the informality of these names.) My clients also feel it is quite essential that they be represented by counsel at that meeting and they have requested that I or one of my associates be present. My clients have several reasons for wanting this meeting to be held. First, they feel that a meeting between the six (6) prisoners would be useful in reducing inter-prisoner racial tensions. Secondly, they wish to discuss certain conditions on "O" wing. Of particular importance to them are the procedures used by the prison in determining who should go to "O" wing and for how long?
This office is currently preparing a lawsuit concerning conditions of "O" wing. We are prepared and planning to file this lawsuit on Thursday, November 12. We would, however, much prefer to have the meeting indicated above and hope that through this meeting problems can be solved without the necessity of going to court.
Sincerely,
DAVID H. KIRKPATRICK
Attorney at Law"

(Exhibit 01-0188-02; emphasis supplied.)

Comment: Pinell is currently a prime suspect in the stabbing of Officer Monogham in early December, 1970.

Warden Fitzharris replied to Mr. Kirkpatrick's letters as follows:

"November 12, 1970
David H. Kirkpatrick
Attorney at Law
California Rural Legal Assistance
P. O. Box 846
Salinas, California 93901
RE: COMPLAINTS OF "O" WING INMATES
Dear Mr. Kirkpatrick:
I want to document our discussions on the matters that you covered in your letters of 11/3/70 and 11/6/70 to the Superintendent. When I called you on 11/9/70 I confirmed our policy that legal representation at an institutional classification committee meeting was not done. This referred to your request to attend the meeting when Eugene Grady's case was to be taken up. You expressed your understanding of that policy.
Per our phone conversation, you and your associates met with Messrs. Swagerty, McEndreo and me on 11/10/70 and spent over three hours discussing the O-Wing inmates' hunger strike demands and our responses.
I advised you that we would not set up a meeting with your group, the inmates and us while a hunger strike was on. However, we left the door open to such a meeting when the strike ended.
I hope you felt that there was some better communication as a result of the meeting. It should be noted that we will give you a copy of the demands and our responses when they are put together.
Yours very truly,
C. J. FITZHARRIS
Superintendent
J. J. ENOMOTO
Acting Superintendent"

(Exhibit 01-0188-03; Emphasis added.)

(6) CRLA and the Radical Prison Movement.

One attorney who constantly crops up in the penitentiary thrust of CRLA is a non-CRLA attorney, Faye Stender. Though she is not a paid attorney for CRLA, her professional association with CRLA is a matter of record. Below is a letter written by her law firm and signed by Patti Roberts - who, incidentally, signed the affidavits of service of subpenas on the litigation currently pending against the administration at Soledad for the alleged conspiracy to commit murder. The letter below is a letter sent to an inmate at Soledad:

> "(Name and address withheld)
> November 6, 1970
> Dear Comrade:
> Received your recent letter describing your attempts to obtain without censorship newspapers of different kinds. We have some lawyers working on a planned lawsuit in this area and I forwarded your description to them. I expect that they will be in touch with you in the near future so that it can be moved on.
>
> "I understand from Dave Kirkpatrick that you have been unjustly thrown into isolation. He said that a lawyer had spoken with you about that and that they were planning to take some kind of legal action to deal with the situation in the very near future.
>
> "I think a lot more people have change in mind and I think we are beginning to direct our efforts in the right direction. It will be a long struggle butwe the people will win.
> "All Power to the People,
> Patti Roberts, legal assistant to Faye Stender"
> (Exhibit 01-0188-04; emphasis supplied.)

Comment: Faye Stender is credited with writing the brief that secured Huey Newton's release. In the "Berkeley Barb" - June 19, 1970, in an interview with her, she takes credit for being a "movement attorney" - associated with 'movement legal matters' for more than 10 years. Her most recent work with the "Soledad Soul Brothers" and Huey Newton has made news. In the "San Francisco Examiner," February 12, 1970, Charles Geary addressed a crowd on behalf of the Huey Newton Appeal and appeared along with Faye Stender, who is identified in this article as his "co-counsel."

The "San Francisco Chronicle," November 20, 1970, in a personal interview with Faye Stender, further expounds on her sentiments as a radical or 'movement lawyer." She is characterized as a revolutionary, a quiet-spoken, conventionally-dressed revolutionary, not given to rhetorical excesses.

Faye Stender is the defense attorney for George Jackson - the Jackson of the 'Soledad Soul Brother" fame. She is quoted in the press as saying that she believes that the court system in the United States is an "instrument of war against the oppressed." In the 'San Francisco Chronicle" article, November 20, 1970, she refers to the courts as a 'kind of naked bayonet" acting against the poor. From that article, she is quoted as saying:

> "I think the function of a radical lawyer is to make clear to judges and lawyers who will listen - you don't need to make it clear to the oppressed; they already know it - that the courts are a naked bayonet."

The "Berkeley Barb" article of June 19, 1970, states that Faye Stender has been involved with some of the "bigger names" around the "movement" - Jerry Rubin, Mario Savio, Stew Albert and Steve Hamilton.

Faye Stender spoke at the State Capitol Building on November 18, 1970, in support of the Folsom Prison Strike. She is also the director of the Soledad Brothers Defense Committee - a group of names that are almost without exception representatives of the radical spectrum.

We can only speculate now as to Faye Stender's plans to effect changes in the California penal system and the method she intends to employ and to what extent CRLA will be a part of her plans. Our evidence shows that the association of Faye Stender with CRLA is close.

Our investigation has brought to the surface a dangerous thrust on the part of CRLA and its attendant, cooperative "movement lawyers" into the affairs of our penal system.

We feel that the significance of our findings has at least offered a glimpse of the illusive but ever-so-present movement of CRLA behind prison walls.

B. CRLA AND THE YOUTH.

Our evaluation reveals very disturbing evidence that CRLA and individual CRLA attorneys have acted and are acting as catalytic agents in school agitation incidents. Their actions have been direct and vigorous in helping to foment serious student harassment of school authorities, assaults on school discipline and the orderly conduct of local schools.

What is even more distressing is that CRLA attorneys, in their quest to foment school disorders, have exploited racism among Negro and Mexican-American students.

Peter Haberfeld, who, while he was a paid CRLA attorney at the Marysville office, is quoted in the "Marysville, California, Appeal-Democrat" as saying:

> "We've learned a lot from the Black Panthers; it's time for a White Panther Party... We have to find a cause of action: we have to start - the revolution is coming."
>
> (Exhibit 09=0110; emphasis added.)

We can only ask ourselves, what legal service for the rural poor this sort of inflammatory statement offers?

But is this in character for Peter Haberfeld? Quite. An affidavit of Lewis J. Ferrari, Ph.D., Marysville Joint Unitied School District Office, 504 J Street, Marysville, California, concluded by saying:

> "During several friendly conversations on national, state and local political issues, Mr. Haberfeld has indicated to me that nothing short of a radical change in the established governing procedures would remedy the ills of national, state and local government. He informed me that he was one of the first student radicals at the University of California Berkeley Campus, and that he worked actively and closely with Mario Savio in the '50s."
>
> (Exhibit 08-0109-04; emphasis added.)

While Haberfeld was a paid staff attorney for the CRLA office in Marysville, he was also a staff member of an underground newspaper entitled "The People's Paper for Community Education" (Exhibits 09-0112-07 and 09-0112-12), listing as its address 1212 F Street, Marysville, California 95601. This address is also the address of the Marysville CRLA office.

"The People's Paper" is a pure revolutionary document advocating racial confrontation and racial violence. A Marysville attorney, Donald E. Huckins, a long-time resident of Marysville, comments in an affidavit:

> "I understand from various sources that Mr. Haberfeld was either directly or indirectly involved in inciting high school students to direct confrontations with high school authorities regarding length of boy students' hair and style of dress at school, which were contary to regulations established by educational supervisors, and in inciting direct racial confrontations between Negro and Caucasian students. These confrontations have resulted in fist fights between individuals and near riots between groups of students at or near

the high school."

(Exhibit 09-0113-04.)

A Mr. Albert J. Arostequi, a Marysville attorney, states in his affidavit:

> "Before CRLA came into this area, we had no racial problems. Now it is my opinion that a racial problem does exist."
>
> (Exhibit 08-0108-02; emphasis added.)

Haberfeld is not now a paid staff attorney for CRLA, but while he was acting as a staff member for a revolutionary underground newspaper and was involved in direct contact with racial problems in the Marysville schools, he was a paid CRLA staff attorney, and we cannot believe that the CRLA Director and/or Directors were unaware of Haberfeld's open agitation in the Marysville School System. As we proceed, it will become obvious that Haberfeld's actions are quite typical of a certain element of paid CRLA staff attorneys, an element that all but dominates most CRLA offices.

(1) Anatomy of a School Demonstration with Close CRLA Involvement - The Modesto School Lunch Demonstrations.

During January, 1970, the CRLA office in Modesto filed two suits on behalf of 35 school students and their parents, asking the U. S. District Court to force the Federal, State and local government and school agencies

to provide lunches and milk to needy people.

On February 19 and 27, the U. S. District Court, Judge Thomas McBride presiding, ruled in favor of CRLA against the Modesto School Board. After CRLA Attorneys Dan Lowenstein and Philip Neumark had won their suit to increase the number of children eligible for free or reduced lunches, the Modesto School District dropped out of the National School Lunch Program because they felt that they could not afford the increased costs that would be incurred by giving more free lunches. Neumark and Lowenstein engaged in various charges and verbal attacks against the Modesto School Board throughout the month of March, 1970, trying to get the School Board to reverse its stand regarding the National School Lunch Program.

The Modesto School Board meeting on the 16th of March was disrupted by CRLA attorney outbursts accompanied by other members of the community. (Exhibit 09-0143-197.)

On April 7, 1970, and April 10, 1970, demonstrations were held of such a nature and disturbance that arrests were made for violation of Section 602 of the California Penal Code.

An affidavit by James Switzer (Exhibit 09-0143-30) and the testimony of Michael Angelo (Exhibit 09-0143-114)

when he was cross-examined by Deputy District Attorney Don Stahl indicate that CRLA attorneys had communication with the demonstrators prior to the time of the sit-in demonstration at the School District offices, and both Lowenstein and Neumark stated they felt no arrests would be made, but if arrests were made they would certainly defend those that were arrested. While marchers were demonstrating outside of the School District offices, they were served a lunch, according to the affidavit of Rev. Monroe Taylor (Exhibit 09-0143-18). CRLA attorney, Philip Neumark, requested that he get some food for the demonstrators and that the bill be sent to the CRLA Modesto office. Rev. Taylor states that he asked a Mr. David Talamante, who actually brought food to the demonstrators, who was paying for it, and Talamante responded that he had billed CRLA for $400, the cost of the lunch. Rev. Taylor also stated in his affidavit that CRLA attorneys were on the scene of the demonstration day after day. Included in our documents are slides and photographs of CRLA attorney, Philip Neumark, on the scene of the demonstration (Exhibit 09-0143-197).

Robert P. Elliot, Deputy Superintendent of Modesto City School, states in a letter dated June 25, 1970 (Exhibit 09-0143-57), that he specifically remembers that CRLA attorneys Lowenstein and Neumark led demonstrators

in chants and marches. He also states that the two attorneys led the marches in a procession up to the doors of the school building and there beat on the doors with their fists.

A letter from Richard B. Eaton to the CRLA offices in Modesto (Exhibit 09-0143-55) requests that CRLA pay damages of $25 to cover the repair of broken windows in the school building. Mr. Eaton, a member of the School Board staff, wrote on behalf of the School Board. In his letter, Mr. Eaton states that he understands that the CRLA attorneys agreed to "see that the Modesto City School District was reimbursed for the cost of repairs."

In the affidavit of Dr. Bert Corona, the Superintendent of the Modesto Unified School District (Exhibit 09-0143-15), he states that he heard CRLA attorney Philip Neumark shout chants at one of the Board of Education meetings in March. Included in the remarks which Neumark made were such statements as "get Corona" and "kill the puppet." He further states that Lowenstein joined Neumark in other chants. Mr. Corona adds:

> "The demonstrations were carried out both outside the administration offices and in the hallways of the building. The two (Neumark and Lowenstein) directed sit-ins in the hallway outside of my office. They led the chants, paraded around stomping their feet on the floors and carried picket signs."
>
> (Emphasis added.)

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While demonstrations at the School District offices took place over a period of many days, arrests actually occurred on two days - April 7 and April 10. This was due to the fact that on these two particular days, the demonstrators failed to disperse when the closing time for the School building offices came. Dr. Corona, in his affidavit, states:

> "The temper of the demonstrators grew daily, and I was forced to call the Modesto Police Department for crowd control and protection, as some windows in the building had been broken out with rocks. On April 7th and 10th, 1970, I asked the Modesto Police Department to arrest the people who refused to leave the building. After repeated requests for them to leave at quitting time. On these two days, Mr. Lowenstein and Mr. Neumark instructed the demonstrators to stay in the building after 5:00 p.m., but they left the building several minutes prior to the deadline and avoided arrest. There were some 43 people arrested at the demonstration. Aside from the time which CRLA attorneys spent at the School District Administrative offices themselves participating in the demonstrations, they also spent a considerable amount of time in court defending those who were arrested in the demonstrations (sit-ins)."
> (Emphasis added.)

Stanislaus County District Attorney, Al Wolfe, prepared a list of the dates on which CRLA attorneys had appeared in court, the length of time that they were there, and for what purpose they appeared in court on that date. The list that he prepared is formidable (Exhibit 09-0143-11 through 14).

Court appearances by the two attorneys, Lowenstein and Neumark, occurred on many dates, beginning April 15, 1970, and ending on September 14, 1970. Twenty-eight separate days were involved in the appearance of these two attorneys relative to the Modesto School demonstration case.

Bonds for many of those arrested in the School sit-ins were posted by Albert's Bail Bond Service in Fresno, California. Mr. Louis Rodriguez was sent by Alberto Ramírez, owner of Albert's Bail Bonds, to Modesto in response to calls from both CRLA Attorney Daniel Lowenstein and Mac Lopez, a sometimes CRLA volunteer and Democratic candidate for the 31st Assembly District. Donald Stahl, Deputy District Attorney of Stanislaus County, stated that $125 cash bail was posted for defendant, Donald Fromm, by CRLA attorney, Daniel Lowenstein. Bail of $125 was posted by Mac Lopez for the other defendants. Mr. Ramirez believed that some of the payment was in cash and some by check (Exhibit 09-0143-199).

On April 15, 16 and 17, when the defendants were arraigned, Judge Taylor advised the defendants that if he or she did not have financial means, the court would appoint counsel to represent the defendant. Mr. Stahl states further that each defendant reported that he or she

did desire counsel and had obtained counsel. Thereupon, CRLA attorneys Neumark and Lowenstein, who were present in the court, stated that they represented all of the defendants.

While both CRLA attorneys had originally intended to represent all of the demonstrators, they actually only represented three of the defendants in the actual trial. Prior to the beginning of the trial, during the various motions and requests for change of venue by CRLA attorneys, they, at that time, purported to represent all of the defendants.

In the affidavit of E. Dean Price, a Modesto attorney (Exhibit 09-0143-28), who represented one of the defendants, Michael Angelo, Price states:

> "During the course of the trial I felt that Mr. Neumark and Mr. Lowenstein did not exhibit the professional competence necessary to adequately represent the defendants. Further, during the course of the trial, while engaged in conference with all the defendants and all of the attorneys, I was given the impression that Mr. Lowenstein and Mr. Neumark had given their clients erroneous advice before the sit-in demonstration took place, and that the section of the Penal Code with which we were dealing, namely Section 602 of that Code, had been twice tested and found constitutionally valid prior to the time these incidents arose."
> (Emphasis added.)

All of the defendants in the Modesto School lunch sit-in demonstration were found guilty - most of them were sentenced to eight days in jail.

The Modesto School demonstration case shows pointedly how two CRLA attorneys solicited clients, represented clients in a criminal action (and did so without any apparent consideration of eligibility along poverty income guidelines) and acted totally unprofessional.

The final results of CRLA's attempt to provide "legal needs for the rural poor" in the Modesto School District were: (1) interruption of classes; (2) property damage; and (3) the demise of the free lunch program as an act of local control and preference by the district board of trustees, who were placed in total frustration. Thus, certain underprivileged youngsters who had had the benefit of a free or reduced cost lunch program in Modesto schools were deprived. Obviously, the CRLA office was satisfied with the publicity inherent in the school sit-in. There is no record of any disciplinary action taken against the CRLA participants.

The Modesto School lunch case is summed up by the sentiments reflected in the affidavit of the Rev. Monroe Carter Taylor, Director of Social Services at King-Kennedy Memorial Center in Modesto. The Rev. Taylor is also a member of the Advisory Board of CRLA, Modesto office:

> "... During the Modesto City School lunch demonstration which occurred in March, 1970, these two lawyers were all too active. First, they told the demonstrators they would represent them legally in court if arrested. Second, they

spent the entire day, day after day, at the City School's office, with the demonstrators where in fact they should have been at their offices doing their official duties talking to clients. Thirdly, they did represent some of the demonstrators who were arrested, and the two, Lowenstein and Neumark, spent weeks in court defending the demonstrators. Some of the demonstrators I suspect, did not even qualify for the representation under the law. The courts were held in the daytime and not at night. The two lawyers claimed they were doing so on their own time. While I was at the City School's office demonstration scene I had a conversation with Mr. Neumark relative to his counseling of the demonstrators who should have been in school. The issue was what these young children were going to eat. Mr. Neumark remarked, 'Monroe, feed the children something to eat and charge it to CRLA.' After the school demonstrations I talked to David Talamante, Manager of the then Stanislaus County Cooperative Association, 409 Mays Road, Modesto, who had furnished the demonstrators lunches, and he told me that he had billed CRLA $400 for the food, and that they had paid for it. I think that this was a misdirection of funds ... Apparently they had also printed up bumper stickers advocating free lunches for the children during the Modesto City School Bond elections. I feel that the funds were not properly used as there was a heavy caseload of poor clients who needed representation while the two lawyers were off involved with demonstrations and defending them in court ... I am totally blind, and this statement has been read to me by Marge Werner."

(Exhibit 09-0143-18; emphasis added.)

(2) The Case of Kathe Fish and the Board of Trustees of Gavilan College.

CRLA Attorneys Don B. Kates, Jr., Brian Paddock, Diane V. Delevett and Peter D. Coppelman, all of the CRLA Gilroy office, filed suit in U. S. District Court for the

Northern District of California on behalf of a student at Gavilan College (Gilroy) named Kathe Fish (Fish v. Ralph Shroeder, et al., No. 50634, January 29, 1969), in what can only be termed a harassing action. The litigation embarked upon sought to prevent authorities from interfering with Miss Fish's distribution of revolutionary and pornographic literature on the Gavilan Campus (Exhibit 08-0068-13).

On January 14, 1969, the Board of Trustees of Gavilan College, Gilroy, California, considered a proposed policy for establishing an uncensored bulletin board and table. Gavilan student, Fish, represented by CRLA attorney Don Kates, Jr., opposed the college rules governing the distribution of materials at the meeting. The president of Gavilan College states in an affidavit:

> "Miss Fish and about 30 or 40 students who followed her lead were actively campaigning to have 'four-letter words' authorized for printing in the college newspaper."
> (Exhibit 08-0068-04; emphasis added.)

On or about January 22, 1969, the president of the college was served with temporary restraining orders filed by CRLA on behalf of Miss Fish. The complaint alleged:

> "Defendants, the President and members of the Board of Trustees of the college, now seek to expel, suspend or otherwise exclude plaintiff because of her aforesaid activities."

Gavilan College President, Ralph Shroeder, continues in his affidavit:

> "I do not condone the activities of Miss Fish, but I never harassed her in any way, and I did not attempt to have her expelled from the College. The CRLA suit states that I tried to have Miss Fish excluded from campus, that I tried to intimidate Miss Fish and keep her from exercising her right to obtain counsel of her choice, and that I tried to deter her from receiving benefits conferred by the Economic Opportunity Act. None of the above charges are true. It is my opinion that the CRLA grossly exaggerated the situation involving Miss Fish in order to make an issue where no real issue really existed.'
>
> (Exhibit 08-0068-04; emphasis added.)

No negotiation or communication preceded the filing of the action, but the action did create tension and turmoil on the campus and made discipline and normal stability all the more difficult to maintain. Kathe Fish left the college not long after this time and the suit was dropped. She became involved in "drug prevention work.' On November 13, 1970, a newspaper article revealed:

> "Picked up in Sun Valley on a warrant from the Santa Clara County Sheriff's office was Kathe Fish, 20, who is accused of selling marijuana to an undercover agent in Morgan Hill."
>
> (Exhibit 08-0069-57.)

(3) The Case of Hernandez v. the Principal of Hollister High School.

The case of Hernandez, et al., v. Nichols, filed in the U. S. District Court for Nathern California, is typical

of CRLA's school agitation methodology. Mr. Nichols, superintendent of North County unified schools in San Benito County was charged with allegedly beating a Mexican-American youth. The case is still pending against Mr. Nichols. There was also a request for $34,950 damages on the part of Hernandez. Prior to filing of the case, CRLA had appeared at a County School Board meeting and confronted Mr. Nichols with their charges and had attempted to make quite an issue of the case (Exhibit 08-0067-01):

> "I am the District Superintendent for the North County Joint Union School District of San Benito County, with offices at the Pacheco School, 6530 Lovers Lane, and at 71 Orchard Road, Hollister, California. In the early spring of 1970, the children of the Max Hernandez family, then residing at 4481 San Felipe Road, Hollister, registered for school. Among those registering was a seventh grader named Fernando Hernandez. Fernando became a disruptive influence in each class he was in and I received class room teacher complaints for his misbehavior. He would walk around the class room, tell the teachers to shut up, that he did not have to obey them and would do as he pleased. I asked all teachers in school to advise their pupils that anyone who disrupted the teachers authority and disrupted the classes would be sent out of class for discipline. These students are customarily sent to the lunch tables in the school yard and wait there until I have the time to administer the necessary discipline. On or about April 3, 1970, another child was sent out for discipline, and I suspended him for one day, after I took him home and advised his parents of his misbehavior. He was suspended until the following Monday, this was in the morning. In the afternoon I saw Fernando

> Hernandez sitting at the tables and asked him why he was there. He told me that another boy had tried to beat him up in class. I asked his teacher and was told that Fernando had refused to do any work, and was disturbing the class, and was holding another boy against the wall and hitting him. I took Fernando by the back of his collar, and swatted him two or three times on his rear end when he held back enroute to the office. I sat him in the office until the schoolbus was ready to go. I had given him a note to take to his parents indicating he was suspended for one day, until the following Monday for the following reasons: 1-misbehavior, 2-fighting, 3-lack of respect, and 4-disobeying school safety rules. The next morning, when I arrived at school, Dale Brown, Hollister Sheriff's Office was there to obtain a deposition about the Hernandez boy. The parents alleged I had beaten and bruised the boy. A civil suit has been filed and is currently pending. A news article in the April 17, 1970 issue of the San Jose News carried a story of a restraining order issued by Judge Robert Peckham restraining the San Benito County school officials from physically punishing Mexican-American pupils. Mr. Panelli, my attorney, examined a California Rural Legal Assistance attorney named Cates, and determined that the alleged facts contained in the news story was what he had assumed to be true. I have had no direct contacts with any attorney from California Rural Legal Assistance at any time, however a Mr. Del Buono of that office visited with me about the Fernando Hernandez incident."
>
> (Emphasis added.)

In line with CRLA's activity in this case, Mr. Chester E. Ross, an attorney in Hollister and President of the San Benito County Bar Association, stated, in part:

> "I recently had personal observations of a situation at the Ausymas School, where I am satisfied that the CRLA brought in a Mexican family for the sole purpose of disrupting the whole administration of this school. The children deliberately would not behave and

when Mr. Nichols, the principal of the school, attempted normal disciplinary proceedings, the family went to CRLA and swore that the child had been beaten, and CRLA promptly filed a suit in Federal Court."

'I feel that as a result of their class actions, in connection with agricultural workers, they have disrupted the economy of our local community and have polarized the community, so that we have race problems which were never experienced prior to the advent of CRLA on the scene."
(Exhibit 08-0149-01; emphasis added.)

(4) A Mexican-American College Club Gets Very Special Service.

In Modesto, CRLA paid staff attorneys, Kelley, Livingston, Zavala, Neumark, Lowenstein and Madison, brought a complaint in the "Inferior Court of the Associated Students of Modesto Junior College" on behalf of a Mexican-American club protesting a college requirement that its members (like all other students) pay student body fees of $8 per semester so that the club would be recognized by the school administration. It should be noted that this is not even a case in a normal court of law and six CRLA paid staff attorneys are named as "attorneys of record" in this non-suit. There is, of course, the implication that Modesto Junior College is discriminating against Mexican-Americans by requiring that they fulfill the same rules and regulations that apply to all other students at Modesto Junior College (Exhibit 08-0111-03).

(5) CRLA Counsels a Juvenile Girl in Agitation.

There was a second incident in San Benito County in which CRLA personnel from the Salinas office became involved in counseling a juvenile girl student and enticed her into acts of agitation at San Benito Joint Union High School.

In an affidavit, Mr. Orville E. Nichols, District Superintendent of the North County Joint Union School District, San Benito, concludes by saying:

> (We have deleted names of the many people involved to avoid any possibility of embarassment to them.)
>
> "I am informed and believe that a _____ (minor female), 16 years, was trained by someone from California Rural Legal Assistance to organize a walkout at the Hollister High School, and a walkout did occur. Minor Female was picked up at the High School and was out late at night, and she has presented forged notes to school authorities, which was not known to her father. Full reports on the Hernandez and Minor Female incidents are with the San Benito County Sheriff's Office, Hollister."
>
> (Exhibit 08-0189-12.)

Following is a report on this matter by a San Benito County Sheriff's Office investigator. The narrative of this case speaks for itself in affidavits and statements to San Benito Sheriff's Office:

> "At approximately 0800 hours, the minor girl's father came into the jail to discuss his run-away daughter who had been gone all week-end. He advised that she had returned home Monday afternoon after attending school. She would not give any

other explanation, other than having spent the time with a friend.

"The minor girl's father had her waiting outside and asked if I would talk to her. The girl's father stated he had lost all control of his daughter after she became active in the Chicano movement. He also showed me a note that had been left at his house by Mr. Del Buono. The note asked that the girl 'call the office as soon as possible - it is very important that both Peters (sic) speak with you. Call collect 842-8271.' (Gilroy office of CRLA.)

"The girl's father asked that I get his daughter away from this group.

'Also attached to the original missing person's report (the girl had been out of town with a CRLA member) was found a note to school authorities giving the girl permission to wear pants to school on 1/21/70 signed by the girl's father. The girl's father denied writing the note and said it had been forged. Also attached to the report was a note left at his house by a young girl (name unknown) which states that 'Peter Schilla goes to the high school and _____ harassing students to try to get a district attorney look up what CRLA is doing.' (sic)

"The girl came into the office and I questioned her about her whereabouts concerning the past weekend. She stated she had been in town and after a great deal of discussion admitted being with (Woman A). This writer called that number and verified her statement. I asked the girl if she is involved with CRLA? She said yes. I asked if her father approved. She became very angry and stated no - he wouldn't even sign the papers. I asked if she had gone to San Jose to hear the court case on _____? She replied yes she had gone with a young man who works for CRLA. I asked if he was an attorney. She stated no but, he's going to be one pretty soon. I asked if she had her father's permission to go? She said no. I asked her if she knew this man could get in trouble by taking her without her father's permission or without the school knowing she had

left to go to San Jose? She asked what kind of trouble? I advised her she was still a juvenile and needed her parent's permission. I also read her Section 601 of the Juvenile Code and advised her that her running away would only cause further trouble. At this point she very angrily stomped out and her father stated he would take her to school.

"Approximately 15 minutes later this writer went to Hollister High School and talked to student advisor in regards to the girl. We then went to the principal's office and the three of us along with another party discussed the girl's participation in the Mexican-American activities on campus. The principal stated she is the president of the organization and she has organized the students on the recent dress code. When I returned to the office the minor's father was waiting and told me his daughter had already returned home from school and was going to leave home. I asked him if he had any trouble with his daughter before she became involved in CRLA and he said no. I then took a formal statement in reference to his daughter's activities with this group. He advised that his daughter has attended several meetings in which Mr. Peter Schilla, Peter Coppelman and other students were in attendance. He also stated that two female high school teachers were present and that they lived in _____. He also stated that he does not approve of his daughter's connection with the CRLA and that he has refused to sign papers they have presented him. He even said that on one occasion his daughter took some sleeping pills and aspirin to force him into taking her to one of the CRLA meetings.

"I asked the girl's father if his daughter had gone to school on January 21, 1970. I used Mr. Del Buono's note as a reference. I asked the secretary if there was a young man working for CRLA named Peter who wasn't an attorney, but would become one very shortly. She said yes, that would be Peter Schilla. I asked if there was a Peter Coppelman, and she said yes, but that he was with a client. I also asked if there were any other men working in the office, which she replied Paddock and

Kates, which ended the conversation.

Judging by the girl's description of the man as well as the secretary it would appear that Peter Schilla was the man who took the girl to San Jose.

"I returned to the high school and talked to the principal. He stated that the two teachers, Miss A and Miss B, had been members of a liaison group between the school and Mexican-Americans; but it had been disbanded when the board gave him the ax (the principal obviously had been fired and was merely serving out his term). He stated that the two women had not attended any meetings after that. I asked him how well he knew these two teachers? He stated very well, 'they rent my house in _____'."

"He was told they had been seen at DelBuono's house recently and were taking part in the recent dress code issue. I then went to the counseling office and obtained photostatic copies of the girl's school records. They show that in 1968 she had 18 notes asking for excused absences, but that in 1969 in January of 1970 there have been 44 excused absences. These were shown to the girl's father. He was shocked at the number and denied signing most of them. The school records also show a note dated 1/21/70, stating the girl has an appointment today with the doctor at 9:30 signed the father's name. The father denies signing this note and said it was a forgery. Classroom attendance records also show that the girl was not there on 1/21/70. It should also be noted that the girl's grades during 1967-68, 1968-69 are what is generally considered as being an average student. But during this current 1969-70 she has received grades of above average and superior. Out of seven of these classes, three are taught by teacher A and oneby teacher B. Teacher A giving her two A's and a B-plus and teacher B an A for the second quarter. Refer to the statements of fellow students on political

activities taking place in teacher A's classes. The facts in this case would indicate that CRLA has been behind the recent Mexican-American activities within the high school and they are using the girl as their agent as well as teacher A.

'The demands they have made on the girl have alienated her from her father and family. This has all been done against the father's wishes. It would also indicate that teacher A has used her classroom as a political forum in support of the principal (who was fired because of his active Left involvement) and that the taking of the minor from this community to attend a CRLA hearing in San Jose was a flagrant and inexcusable violation on the part of their organization."

(Exhibit 08-0189-03; emphasis added.)

"At approximately 0900 I arrived at the residence of Mrs. _____. She was asked about the girl's activities during the past week-end. She advised they did not do much of anything, but that she had taken her to _____ school to meet with the attorneys. She also stated that on the night of January 27 the girl had been in contact with CRLA attorneys and that when she finished talking with them she asked Mrs. _____ to call the cops and tell them where she was so she could be picked up. After the girl was picked up by the deputies she called CRLA from Mrs. _____ house advising them that she was now being arrested.

"At approximately 10:30 hours this writer talked to the brother of the girl. He stated that he had been to one of the meetings at Del Buono's house and that his sister became very angry when her father refused to sign the papers, but that she went with the lawyer anyway to San Jose. The minor's brother advised that he would have done the same thing. He also advised that one of the CRLA attorneys had attended a school meeting of the Mexican-Americans and that on one occasion the attorneys told him

that 'if they walk out of the school, they couldn't do anything about it and that they would back them all the way.'"
(Exhibits 08-0189-02 through 04; emphasis added.)

The following statement was made to San Benito County Sheriff's Department by the father of the minor female:

"Q: Have you had any dealings with the California Rural Legal Assistance?

A: Yes, because of my daughter.

Q: What has your daughter had to do with CRLA?

A: I have taken her to meetings, and on Thursday or Friday night the 15th or 16th I took her to a meeting at Del Buono's house on the corner of _____.

Q: Did you go inside the house with your daughter?

A: Yes.

Q: Who was there at the time?

A: Del Buono, there was a student from Gavilan college and a student here from the high school, and another student from the high school and he had a moustache and long side-burns, and an attorney with a beard. Del Buono said he was a lawyer (a lie, he is a CRLA investigator). There were two female teachers from the high school there also.

Q: Did you want your daughter to attend any of these meetings?

A: Well, I say no, not in this Chicano deal. I didn't mind her attending meetings for school activities.

Q: Did you stay at that meeting?

A: I stayed a while and they talked about the proposal they wanted to put through the board.

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Q: Have you returned to Del Buono's house for a meeting with your daughter?

A: Yes, I think it was on January 17.

Q: What did they talk about that night?

A: They wanted my daughter to talk to kids about the dress code. In other words, what they talked about was legal advice on what she should do.

Q: You stated at one of the meetings there were two female teachers from the high school. Would you identify these women for me?

A: Yes, I think they were both from _____.

Q: Have you attended any other meetings?

A: Yes, Sunday, the 18th.

Q: Where was the meeting held?

A: At Del Buono's house.

Q: Who was there?

A: Del Buono, the boy with the side-burns, and a lawyer, my daughter and myself.

Q: What went on at the meeting?

A: The purpose of the meeting was to have me sign a complaint that they want to file suit against the school, and I wouldn't sign it. In other words, they wanted to take this matter to court and they wanted my signature. I told this young lawyer I didn't want my daughter to get involved.

Q: Did your daughter attend school Tuesday, January 20?

A: I don't know, she told me she went to San Jose with a lawyer and they won the case on the boy with the side-burns and moustache.

Q: Did she have your permission to leave school?

A: No.

Q: Have you written any notes to the school in regards to your daughter?

A: No.

Q: Do you approve of the CRLA taking your daughter from Hollister to another community?

A: No.

Q: Do you approve of your daughter acting as an agent for this organization, handing out the leaflets and doing work for them on the campus?

A: No.

Q: And is your statement that you have told them you don't approve?

A: Yes.

Q: You have filed a missing person's report with our office concerning the weekend of January 24th and 25th on your daughter. Why did she leave?

A: She left because I was going to send her to Los Angeles because she was getting out of hand and I couldn't control her.

Q: Why do you think she was getting out of hand?

A: Her activities with the Chicano deal.

Q: Did your daughter return home?

A: Monday, the 26th after school.

Q: Did you find out where she had been?

A: She told me she was at a friend's house.

Q: Since then have you learned where she was at?

A: Yes, Mrs. _____'s house.

Q: Did you take your daughter to school on the morning of the 27th after talking to me?

A: Yes.

Q: Has she returned home since then?

A: Yes, she was home about five minutes after only being in school for about an hour.

Q: What did she tell you?

A: That she was going to leave home and that lawyer shouldn't get in trouble because she signed the paper.
(Exhibit 08-0189-07; emphasis added.)

The next statement in this case was given by a twelfth grade male student at San Benito Joint Union High School:

"Q: Are you a student at San Benito Joint Union High School?

A: Yes.

Q: Have you ever attended a class given by female teacher A or female teacher B ?

A: Yes, by female teacher A .

Q: Are you still in her class?

A: No, because I was kicked out for calling it an agitating class.

Q: Do you recall when you were kicked out?

A: Around the week before Christmas.

Q: You called it an agitating class, can you tell me why?

A: Because (the girl) was making signs for the Chicanos and she was writing speeches in female teacher 1's class.

Q: Have you ever seen (the girl) bring in material to make these signs?

A: Yes, poster paper, felt pens, and stuff like that.

Q: Do you know if teacher 1 helped the girl?

A: Yes, she went in the other side of the room with the girl and spent the rest of the period there.

Q: Have you ever seen any of these signs after class?

A: Yes, I have seen them stacked in the corner during class and _____ and I saw them through the window of the classroom that they were in.

Q: _____who?

A: (The name was given.)

Q: You refer to speeches being written by the girl during class, were they ever used?

A: Yes, I think so, because teacher 1 complimented her the next day after the meeting they had.

Q: Were you asked to attend the meeting?

A: Yes, because the girl passed around a petition to keep (the fired principal) and teacher 1 asked as much of the class to be there as possible and bring your parents and everybody.

Q: Has teacher 1 ever asked you to support (the fired principal)?

A: Yes, she asked everybody to come to the meeting tonight and support (the fired principal).

Q: Did the girl do exceptionally good class work?

A: Heck, no. When she wasn't making signs, she was up front with teacher 1 and I don't think she ever turned in a book report.

Q: Does teacher 1 grade hard?

A: Yes.

Q: Did you know that the girl is getting straight A's in teacher 1's class?

A: No, but I had a feeling that she was.

Q: Is there anything else that you would like to add?

A: No."

(Exhibit 08-0189-09.)

The next statement was given by another twelfth grade student at the San Benito Joint Union High School:

"Q: Are you a student at San Benito Joint Union High School?

A: Yes.

Q: Have you ever attended a class given by teacher 1 or teacher 2?

A: Yes, teacher 1 for _____ and _____.

Q: Are you still in both her classes?

A: Yes.

Q: Approximately a week before Christmas, was there anything other than regular class work going on?

A: Yes, they were making signs the same time class was going on.

Q: Who was making signs?

A: The girl.

Q: What kind of signs?

A: We want (the fired principal).

Q: Did anyone help the girl?

A: Teacher 1 alone with her.

Q: Have you ever seen the girl bring any of this sign material into class?

A: Yes, paper, flow pen and a ruler.

Q: Has she done anything else in class to support (the fired principal) or Mexican-Americans?

A: Writing the speech for (the fired principal)-- the speech they had in the cafeteria.

Q: Was anything said in class about the speech?

A: Yes, teacher 1 told the girl she did a real good job with the speech.

Q: Is the writing of political speeches and the making of political signs part of the normal class work?

A: No.

Q: Did anyone in the class other than teacher 1 and the girl take part in these political activities?

A: No.

Q: Were you asked to attend the meeting at the High School Cafeteria?

A: Yes. She said to bring your parents or anybody to support (the fired principal).

Q: Does the girl work real hard at her class work?

A: She's bound to be getting behind because everybody is reading books and she does not.

Q: Did you know that the girl is getting straight A's in teacher 1's class?

A: No. I'm surprised she's getting just as good of grades or better than the other kids in the class who were working.

Q: Is there anything else you would like to add at this time?

A: That's all I can think of."
(Exhibit 08-0189-11.)

There is little to add to this case. Del Buono, Peter Schilla and Peter Coppelman, all CRLA staff members of the Gilroy office, used and exploited a minor female, after carefully indoctrinating her (with the help of two female teachers) to attempt to foment a Chicano confrontation at the San Benito Joint Union High School. All this was done against her father's will.

(6) Delano High School - A Study in Turmoil.

On Tuesday, May 5, 1970, a group of Delano High School students walked out of an assembly at the High School Auditorium. Five hours later the students began picketing the school and presented a list of ultimatums to the administration. The picketing continued throughout the week, and in the opinion of many School, Police and City officials, pickets were attempting to provoke a physical confrontation with the Police and/or School officials (Exhibit 09-0119-01).

During this time of school agitation, John Ortega, who was then a paid staff attorney for CRLA's McFarland office, was actively involved with the pickets. Ortega's son, in fact, was among the picketers. Ortega told officials he was on the scene to "insure both pickets and Police obeyed the law."

According to Assemblyman William Ketcham:

"At the time (Ortega) appeared to be directing the activities of the youngsters."

School officials and parents tried to solve the problem and made arrangements with Ortega to place the item on the School Board agenda on Monday, May 11, 1970. The School Board meeting was held, and after preliminaries Ortega was asked to speak. Ortega's name was called, however, instead of Ortega appearing at the microphone, he stated that the group he represented had decided on its own order and would start with an individual named Greg Aguirre, an individual (not a student) dressed in the uniform of the Brown Berets.

Aguirre took the microphone and started to address the audience. He was instructed by the President of the Board to address his statements to the Board. Aguirre said he was going to speak to the people and not to the School Board. Ortega then stated:

"Go ahead, Greg."

(Exhibit 09-0119, film and tape of the meeting.)

Aguirre then shouted to the crowd as the Board Chairman declared him out of order. The Board then adjourned. Several individuals began to shout and a disruption took place. Ortega was directly involved in the disruption (gave leadership to it) and was warned by the

Chief of Police of Delano that he was in danger of being arrested for attempting to incite a riot.

The real intent of the demonstration at Delano High School is reflected in a leaflet that was circulated, calling young Chicanos to a rally at Heritage Park. The leaflet reads:

> "RALLY IN SYMPATHY. DELANO STUDENT WALKOUT. HERITAGE PARK. SPEAKERS: Greg Aguirre - Prime Minister, Brown Berets of Delano, Gary Rangel - Student Leader Delano High School, Inez Flores - Coordinator of Student Walkouts, Jess Alcala - C.S.O., Maria Lopez - Friday, 15th of May, at 2:30 p.m. Attend to show support - Oppression can happen to you. Stop it now. Viva La Causa."
> (Exhibit 09-0119-10.)

In this instance, the CRLA office, through paid CRLA attorney Martin Glick, sent out press releases from the CRLA office to rationalize actions within the Park and demonstrations at the School. (Exhibit 09-0119-25.)

During the whole explosive period, CRLA Attorney Ortega was observed conferring with students. During the rally at Heritage Park in Bakersfield, the area was decorated with pictures of Che Guevara. A pamphlet was distributed before the meeting outlining the Brown Beret ten-point program. (Exhibit 09-0119-09.)

On Tuesday, May 19, 1970, Ortega filed an action for injunctive relief on behalf of 18 young people and 16

adults arrested as a result of their activities at Heritage Park. The School Board in Delano wishes to pursue it, because they feel that they have a good case. Several persons represented by Ortega in the suit have criminal records, including arrests for possession of and sale of heroin. Picketing of businesses owned by School Board members continued, at times becoming loud and unruly.

On June 12, 1970, during the Delano High School graduation exercises, an attempt was made to create an incident. Fifteen people, mostly students, were arrested. It is understood that Ortega and paid CRLA Attorney Gerald McManigal, of the McFarland office, were at the Delano Police Station as soon as the arrested students were brought in. At this time crowds blocked exits and entrances of the Police Station and slashed Police vehicle tires. Picketing continued in Delano, and the father of one of the students, who helped Police at the graduation disturbance, was allegedly called by several persons, including Ortega, who threatened the individual with legal action. Fourteen of Fifteen arrested were convicted. (Mexican-American citizens were included on the jury.) (Exhibit 09-0119-30.)

A memorandum dated June 29, 1970, to Assemblymen Leon D. Ralph and John Vasconcellos, from James Smith,

Attorney, CRLA, quotes John Ortega, a CRLA attorney, as the identified spokesman for the striking students, in that he acted as their advisor during the time the students were on strike. (Exhibit 09-0119-05.)

This letter, along with many documents enclosed, indicates the heavy involvement of John Ortega and other CRLA attorneys in this incident at Delano. (Documents on the Delano School case are Exhibits 09-0119-01 through 108.)

(7) CRLA Attorney and Four-Letter Words.

CRLA paid staff attorney Philip Neumark, of the Modesto office, in a class panel discussion at the Grace M. Davis High School in Modesto, used the words "shit" and derivatives of that word and proceeded to write the phrase "F*ck Viet Nam" on the blackboard before the class.

According to the investigation report of a Mr. P. Doane, investigator for the Stanislaus County District Attorney's office:

> "Three 50-minute presentations were made. Each was made to approximately 90 Junior class members both male and female, 16 and 17 years of age. Mr. Ralph (the Director of the History Department and moderator of the panel) stated that during the first session, while comparing the Viet Nam war to an obscenity, Neumark said some form of the word 'shit.' Ralph stated that he was unsure of the exact word used. Ralph said

that he had discussed the event with other members of the History Department who were present at the time, a Mr. Nichols and Mr. Gonsalves. They concurred only in that it was some form of this word.

"Immediately following the first session Nichols informed Neumark that 'he should not use that word again.' Ralph stated that this had been done in his presence.

"In the second presentation, while making the same comparison as before, Neumark wrote the following words on the blackboard: 'F*CK VIET NAM.' Ralph stated that he immediately made a comment that Neumark's conduct was uncalled for and had no place in the presentation.

"Ralph said that there were no problems during the third session ..."
(Exhibit 17-0136-04; emphasis added.)

(8) Sonoma Schools - Drug Abuse Letter Controversy.

In December, 1968, in Sonoma, California, Robert Bell (who was at that time a paid CRLA attorney) became involved in a local high school matter following the mailing of the "drug use rumor" letter to some 150 parents of Sonoma Valley High School students. The School principal, Mr. Max Murray, had agreed to meet with representatives of students protesting the letter. On the morning prior to this meeting, Bell appeared at the high school with a number of students requesting an audience with Murray. Murray spoke briefly with Bell, emphasizing that he would meet with the students alone, as agreed, the following day, and not before.

The meeting held the following day between Principal Murray and the student representatives was delayed for a time when Bell joined them and attempted to inject himself into the meeting as a "representative" of the students. Two of the students claimed that Bell did not even represent them at all. Murray subsequently made it plain that there would be no meeting at all if Bell insisted on participating, and so Bell departed.

At a subsequent School Board meeting on the same issue, Bell once again attempted to speak, saying that some parents of students had asked him to attend. He was technically ruled out of order because he is not a parent of a child in the Sonoma Valley School System. (Exhibits 08-070-01.)

(9) El Centro "Free Chavez" Demonstration

On December 11, 1970 (during the time of our evaluation study), UFWOC and CRLA fomented a demonstration in front of the Imperial County administration building in El Centro to free Cesar Chavez.

On that date, ninety-two pupils were transported by private auto and truck from the Brawley Union High School, Brawley, and the Barbara Worth Junior High School, Brawley, with neither parental nor school consent to take part in the demonstration.

Fifty-four students were taken from Barbara Worth Junior High School and thirty-eight students from Brawley Union High. (Exhibits 09-0201-01 and -02.)

Parents were immediately contacted by both schools to inform the parents of their childrens' truancy. Only one parent knew where her child was; she said, "He has gone to El Centro, with Casa de Amistad, to riot," as repeated in a letter from Mr. James C. Thompson, Supervising Principal of Barbara Worth School. (Exhibit 09-0201-01.)

Prior to the mass movement of students and the demonstration, meetings to plan and coordinate the demonstration were held at the Casa de Amistad--a community center of the Rural Development Corporation which is funded by OEO.

On the day of the demonstration, Casa de Amistad was the assembly point and the place of embarkation for the young people on their trip to Imperial Valley College (Imperial, California) where they arrived at 10:20 a.m.

The arrivals were conducted to the college amphitheater where CRLA Community Worker Nesiquio Banaga (who also transported children to the post-demonstration

rally) led the young people in chants of "Huelga"... "Viva la raza"..."We want Chavez freed"..."Chicano power"...etc. In attendance at the post-demonstration rally was CRLA staff attorney Robert Johnstone who also works out of the El Centro office and who is usually on hand at UFWOC disturbances in Imperial County area. Johnstone is also the legal advisor for Casa de Amistad and has stated publicly that he is a legal advisor to UFWOC at strike locations.

Present as an observer during the post-demonstration rally was Mr. A. Septich, Dean of Student Personnel, Imperial Valley College, who, in a letter to Sheriff Raymond Rowe (Imperial County) dated January 4, 1971, stated:

> "I was four or five hundred feet away (from the rally) and was not able to understand the conversation; however, for almost the entire meeting, the group was led by Zeke (Hesiquio) Banaga."

Dean Septich also writes:

> "Other off-campus people observed included Mr. Robert Johnstone, CRLA attorney."

Dean Septich further writes:

> "Following the approximate fifteen-minute meeting, they (the children) marched, two abreast, across campus to the parking lot and in turn headed down Ira Aten Road to the west." (Exhibit 09-0201-03--Emphasis added.)

This was approximately 11:00 a.m. and the demonstration at the Imperial County administration building (approximately seven miles from the College) did not begin until 3:00 p.m., thus the children must have been marching about four hours.

Dean Septich took down license numbers of the cars and trucks that transported the children from Brawley to Valley College. One license number recorded was UTR-853, registered to Hesiquio Banaga, the CRLA Community Worker from the El Centro office. (Exhibits 09-0201-09 and -10.)

10) Summation

Within the limited time frame of our evaluation, it has become crystal clear that the political and emotional bent of far too many CRLA attorneys traverses the far left extremity of the socio-political spectrum.

Professional actions of CRLA are, in too many instances, governed by this zealous compulsion. Their record in school agitation actions substantiates this point with clarity.

What legal service to the poor is rendered when a young extremist attorney writes the word "f*ck" on a school blackboard before a class of young people?

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How are the rural poor helped when a school district's class schedule is brought to an abrupt standstill?

How can any right-thinking person allow public subsidy of a program that seeks to cause racial confrontations and fan the flames of racial discontent?

Is this to be done in the name of legal assistance? We think not. The image of law displayed by too many CRLA attorneys is a vision of dissent---on the streets if it is expedient--not a basic concern for justice.

It is our firm opinion that a great many CRLA attorneys are "true believers", hitchhiking a ride at the expense of the rural poor to achieve a dislocation of our social, political and economic order.

C. CRLA AND THE FARM.

(1) Introduction.

CRLA operates in rural and, therefore, largely farming areas. The relationship of CRLA to farmers, farm workers and the farm industry is intimate. The State Government of California is equally deeply enmeshed in agriculture (California is the number one agricultural state in the union), functioning in areas of farm worker housing, health and safety standards enforcement, farm labor services and so on. The Farm Labor Services Division of the Department of Human Resources Development, State of California has 42 offices throughout the State which act, among other things, as a rallying point or marketplace for farm workers so that they may be readily linked up with available farm work.

(2) CRLA's Relationship With Farm Labor Services.

One might have expected development of a close working relationship between CRLA and the Farm Labor Services of California, so that the interests of rural poor farm workers could be advanced most effectively. Unfortunately, we find the relationship with Farm Labor Services to be extremely poor. The reason for this is that CRLA makes it clear from its actions (and even its words) that it is seeking to put Farm Labor Services of the State of California out of business.

The record is replete with substantiation of this thrust on the part of CRLA:

(1) On March 5, 1970, CRLA filed an action commonly known as 250 Farm Workers v. Schultz, in the United States District Court for the Northern District of California, seeking, among other things, to close down the Farm Labor Service of the State of California; (Exhibit 09-0116)

(2) As noted previously in another section of this report, CRLA sought and obtained its plaintiffs for the 250 Farm Workers suit by a variety of subterfuge and misrepresentation. One man, who was approached to sign a petition while attending a remedial class in English, for Spanish-speaking farm workers held at night in a local high school, stated as follows:

"A Mr. Del Buono of California Rural Legal Aid spoke to the class. He asked the whole group to sign a petition to get the State Farm Labor offices closed. He said that these offices were not of any benefit to the worker and that the offices should be closed, because if they were closed then the workers would get higher wages. He recommended that if the offices were closed then the farmers could come to a union run by the workers or an agency run by the workers. Mr. Del Buono tried to get all of us to sign the petition. Everyone else signed it but I did not." (Exhibit 09-0116)

(3) A former employee of one of CRLA's offices, stated in her affidavit the following:

"...Many cases were established as a result of manufactured situations. I mean by this that clients or potential clients were instructed in certain actions and dialogue with agencies and private firms that would lead to litigation ... Another case I can recall involved a man at the Day Hall Center, California Farm Labor Service. The persons who were sent to the Day Hall Center were instructed as to actions to take and what to say. These instructions came from Dennis Powell, who was the directing attorney. As I recall, this case involved people handing out leaflets and literature at the Day Hall Center. I do not recall the exact instructions given or to whom they were given. Mr. Powell did coach the persons who went to the Day Hall Center on exact actions to take and instructions as to what they were to say. I know he wanted the Farm Labor Service to have to remove people from the premises and thereby provide a cause of action against the Farm Labor Service to the end of abolishing it." (Exhibit 09-0174 - emphasis added.)

In a vacuum, the termination of Farm Labor Services would appear at best folly and at worst disastrous. Without conveniently located centers through which they could find avilable farm work, it would appear that farm workers would be severely harmed and would have to return to their own devices for work opportunities, possibly going from farm to farm or other inefficient methods. But, of course, we are not operating in a vacuum. As noted in the above statement, Mr. Del Buono suggested that in the absence of Farm Labor Service offices, "the farmers could come to a union run by

the workers or an agency run by the workers." It is just possible that Mr. Del Buono had an already extant union in mind.

(3) CRLA and the Farm Labor Contractor.

In many areas of California, individuals known as farm labor contractors perform a vital function in the agricultural economy. These men are independent contractors who organize groups of farm workers in crews to service the farmers' labor needs.

Ordinarily, the farm labor contractor operates as an independent contractor, arranging with the farmer on a fixed-fee contract or a percentage in excess of the actual farm labor dollars involved. For this the farm labor contractors often provide living facilities, transportation and other services for the farm workers.

On behalf of certain farm workers, CRLA filed a class action in Santa Maria in October, 1969, against a farm labor contractor. (Gates and Avila, and all farm workers similarly situated, v. Tony Cedillos, Santa Maria No. 7145) The defendant, Cedillos, had made a practice of advancing wages to the farm workers on his crews so that they would have money to live on between paydays. He would then deduct the advances on payday. Obviously, this was a service to the farm worker and served to create the kind of relationship with the workers that assured Cedillos of having proper work crews readily available.

CRLA claims that the deduction from the workers' wages of the wage advances was equivalent to a garnishment and, therefore, Cedillos could withhold only 50% of the amount advanced. Cedillos responded that this argument made no legal sense, for garnishment occurs only in a circumstance when a third party creditor seeks to reach wages of an employee currently in the hands of an employer. Although the suit is still pending, a demurrer has been sustained in favor of the defendant regarding the class action status of the suit, and it has been transferred from Superior to Municipal Court, because the dollar amounts are inconsequential.

In the case of Hernandez v. Paramount Growers, Inc. (Kern County Municipal Court No. 54182), plaintiffs sought to hold the grower liable for wages after the labor contractor who employed them had been paid by the grower and refused to pay the plaintiffs. The Division of Labor Law Enforcement made an investigation of the matter and determined that the labor contractor was the employer, not Paramount Growers, Inc., and proceeded to collect the money from him.

Although the needs of the plaintiffs for their wages have been satisfied, CRLA apparently intends to bring the action to trial and to appeal the courts action sustaining defendants demurrer. Why? Probably because

this constitutes a direct thrust at the legal status of farm labor contractors. UFWOC refuses to recognize farm labor contractors as employers under its closed shop contracts. If the court should decide that farm labor contractors are merely agents of the growers, not employers of farm labor in their own right, UFWOC could claim that it is legally entitled to ignore the farm labor contractors for union bargaining purposes and bind the workers through any labor contract negotiated directly with individual growers. They could then achieve dues checkoff directly within the growers.

CRLA and UFWOC have combined to seek administrative hearings against farm labor contractors, for a variety of alleged causes. Many of the farm labor contractors are very poor themselves. The poor or marginal farm labor contractor, when confronted with a lawsuit or an administrative hearing, may well find it financially impossible to continue on in this business. Even the larger operators, such as those who do provide housing, transportation, etc., find a time-consuming and expensive lawsuit too much to handle.

If the institution of farm labor contractors (they are licensed and are subject to rules of operation and conduct) were severely constricted by legal harassment,

and if the Farm Labor Services Division of the State of California were terminated, what would be left for the farm worker in the way of assistance in locating employment? Who would he turn to?

(4) CRLA Relationship with UFWOC.

Both the Economic Opportunity Act (Section 603 and attendant regulations) and the special conditions to CRLA's 1970 grant prohibit CRLA from representing a labor union (see grant conditions set forth at the end of this section).

Nevertheless, CRLA's relationship with the United Farm Workers' Organizing Committee (UFWOC) has been a subject of controversy since CRLA began in 1966. In September, 1967, Congressman Robert B. Mathias wrote to the Comptroller General of the United States and requested that the General Accounting Office (GAO) conduct an investigation of CRLA's activities, with particular attention to its relationship with UFWOC.

GAO conducted a two-month investigation at the end of 1967 and published its findings in a report dated May 29, 1968, entitled "Report on Investigation of Certain Activities of the California Rural Legal Assistance, Inc., Under Grants by Office of Economic Opportunity." (Exhibit 03-0150) In his cover letter to Congressman Mathias, Acting Comptroller General Frank H. Weitzel concluded:

> "We found no evidence that the grantee was working directly for the union or that the activities we reviewed violated special grant conditions relating to union activities." (Page 1, of the Report.)

In the face of the GAO's Report, no one has had the temerity to reopen the issue. Judging from its refunding proposal for 1971, CRLA itself regards the issue as closed:

> "Given the credentials of the Government Accounting Office as an investigating agency, and given the thoroughness of their investigation in this particular case, accusations regarding CRLA's illicit connection with labor unions have become less frequent." (Refunding proposal, page 33.)

Our investigation of the relationship between CRLA and UFWOC demands that the case be reopened. Far from disposing of the issue, the GAO Report has served as a launching pad for a relationship that has grown steadily since 1968, when the Report was released. This growth has taken place despite efforts to strengthen the special conditions to CRLA's grant in each of the funding years 1968, 1969, and 1970. If the GAO had conducted its study under the stricter conditions applied since 1968, we are confident they would have reached different conclusions.

The GAO Report has served as a mystic shield that until now has defied penetration. We are confident that if the team investigating CRLA - UFWOC relationships at the end of 1967 had known what we know now about the

relationship, they would have regarded the evidence in an entirely different light. The issue has been closed since mid-1968. The importance of effective legal services for the rural poor demands that we reopen it.

The close association of CRLA with UFWOC is suggested by the following examples:

--UFWOC's first major target area was the grape strike in Delano. In 1968 CRLA's McFarland office, which services Delano, was among the largest of its regional offices. In 1969 and 1970 the union shifted its attention toward Imperial County and Salinas. During those two years, the CRLA McFarland office shrunk to approximately one-half its former size, as it built up its offices in El Centro and Salinas.

--CRLA's original Board of Trustees included four members who were either directly connected with UFWOC or closely associated with its work. They were: Cesar Chavez, President of UFWOC; Oscar Gonzales, President of the United Farmworkers of San Jose; Larry Itliong, of the Agricultural Workers Organizing Committee; and Miss Kathryn Peake, Vice Chairman, Emergency Committee to Aid Farmworkers.

--Jerry Cohen, now General Counsel of UFWOC, was formerly employed in CRLA's McFarland office. Charles Farnsworth, one of Cohen's partners and active in UFWOC matters, worked in CRLA's El Centro office. Another partner, David Averbuck, came from CRLA's Marysville office. Gilbert Flores (alias Baby Huey) is both a community worker for CRLA's McFarland office and a personal bodyguard for UFWOC's Cesar Chavez.

--In Longoria, et al., v. Martin Produce, Inc., et al., CRLA filed a suit on behalf of nine plaintiffs against a former employer who allegedly fired them because of their union affiliation. The GAO Report concluded:

> "Although some aspects of this case are union related, on the basis of information available to us, we are unable to conclude that CRLA, in representing the farm workers, was acting directly for UFWOC." (At page 12)

In its report, the GAO did not consider the information that became available subsequently, that the plaintiffs were brought to CRLA by one Jose Luna, a member of UFWOC's Organizing Committee. (Exhibit 16-0073-53)

Furthermore, in her statement, a former employee of the CRLA Salinas office stated, "This same situation (wherein the men were instructed as to how to go about organizing a union and then when they were discharged an action was filed against the employer) occurred in the Martin Produce Inc. Case." (Exhibit 09-0174)

The Report disposed of the question of eligibility by the finding, supported by the Regional Director of OEO's Western Region, that CRLA had referred the case to a referral panel of private attorneys, which rejected the case.

On eligibility, the Report concludes:

> "The directing attorney also informed us that the case had been accepted only after it had been rejected by the 11 members of the Salinas Lawyers Reference Service panel, because they believed that the case would be too time consuming and that the plaintiffs would be unable to pay an appropriate retainer."

The facts appear to be otherwise. Mr. John Martin, President of the defendant company, wrote Congressman Mathias on this point:

> "Since the GAO investigators were in my office, it has been admitted to me by attorney Jim Leach that CRLA didn't check with anyone other than himself. In my conversation with Mr. Leach he stated "what was he to do" when Mr. Gnaizda lied to him regarding the fact that no attorneys had been referred to in Monterey County." (Draft of letter from Martin, President of Martin Produce Company, to Mathias.) (Exhibit 16-0073-55)

In the negotiations, CRLA acted exactly like a labor union. They negotiated for wages, hours, and working conditions. (Exhibit 16-0073-53) The collective bargaining atmosphere is supported by the fact that in settlement, the plaintiffs actually got more than they asked for in their complaint. The threat of suit was too much for the

defendant to bear, and so he yielded to superior economic power, as he might have to a labor union.

In early June 1970, during UFWOC's melon strike in Imperial County, at least one CRLA attorney and one CRLA community organizer were filmed participating in the union picketing. The film shows the community organizer with a bullhorn, suggesting a supervisory role for the CRLA employees in the union's activities on that day. (Exhibit 09-0119)

The full extent of CRLA's activities in melon strike during May and June 1970 are described in a letter to our office from James E. Hamilton, District Attorney of Imperial County, and Oren Fox, a lieutenant in the Imperial County Sheriff's Office. These two gentlemen describe the following involvement, which they witnessed personally:

> "(1) Hector Reyes (a community worker with CRLA's El Centro Office) was observed on a daily basis acting as one of the principle leaders of the striker's group. He directed their activities with a bull horn and was obviously in a position of leadership during the entire strike.
>
> "(2) Ezequiel Banaga (a community worker with CRLA's El Centro Office) was observed frequently on the picket lines and in a vehicle in the vicinity of the picket lines in such a manner that he appeared to be directing the movement of the strike group from one field to another.
>
> "(3) Robert Johnstone was observed on several occasions in the company of the strike group acting in an advisory capacity. He questioned the undersigned Fox on two different occasions

> concerning the legality of the actions of the Sheriff's deputies present at the scene. On about three or four occasions, the undersigned Fox observed Johnstone and Banage conferring in the vicinity of one of the picketed melon fields." (Exhibit 03-0151)

On June 4, 1970, and again on June 11, CRLA purchased first 100 and then 15 sheets of 22 x 28 white poster board. The first purchase was made by attorney Robert Johnstone of CRLA's El Centro office, and the second by Hesiquio Banaga, a community worker also in the El Centro office (Exhibits 03-0152 and 03-0153 show invoices.)

Following CRLA's conspicuous participation in UFWOC's melon strike picketing in Imperial County, a local newspaper columnist revealed what many people in the community suspected: that CRLA had purchased the poster board for UFWOC's picketing in its Imperial County melon strike. The purchase was explained, however, as a "loan", which CRLA could prove had been repaid. Query: Was CRLA repaid for the time spent by its personnel in the purchases (or was that "time off")? Was CRLA suggesting UFWOC is an eligible client and therefore entitled to a loan? (Exhibit 03-0198)

The August evaluation of CRLA stated about the program's relationship with UFWOC in McFarland:

> "As opposed to the other legal services offices in CRLA in the State, McFarland, from its inception, has been subject to suspicion and attack by all aspects of the community because of the different social and political contact of the growers and the emerging union. We spoke to a lot of people in the community, both pro and con, to the office. What emerged is, at this point in time, a cautious optimism. This is how several persons expressed it. The people have never really been able to distinguish in McFarland and Delano, the difference between the role of CRLA and the role of the union. They cite several examples such as the initial case that the McFarland office brought against the growers by the workers and immediately those initial cases linked McFarland's office with the union activity. They cite the interchange of attorneys between the CRLA and now the union law firm. Now there are three lawyers who are members of the other CRLA office and they cite the similarity of the legal action brought by the union attorneys and by CRLA. They cite one of the community organizers for the McFarland office is Cesar Chavez' personal bodyguard. All these instances make it difficult for the community to deliberate (sic) the role of CRLA attorneys from union attorneys." (Exhibit 11-0134)

In the August 1970, UFWOC called its lettuce strike in Salinas and listed with the Monterey County Sheriff's Office the local CRLA office as its local contact point in Salinas. See the affidavit of Captain Scott, Exhibit 03-0186.

On September 23, 1970, a teamster organizer was "riddled with bullets" beside a Guadalupe Highway, and sheriff's deputies caught three men minutes later from a description of the get-away car and jailed them on suspicion of attempted murder. All three are members of

the UFWOC Organizing Committee. A local news story indicated that CRLA Attorney Burton Fretz of the CRLA Santa Maria office was one of two attorneys who inquired about the accused at the Sheriff's Sub-station. (Exhibit 03-0154) In addition, the Deputy District Attorney of Santa Barbara County states in affidavit:

> "...after the arrest of Raul Santiago, UFWOC Union Labor Organizer, and two others for attempted murder, Mr. Fretz was the first attorney to appear for the UFWOC to interview and advise Mr. Santiago and the other two arrestees at the Sheriff's Station. In fact, he made at least two contacts with the defendants on that particular day." (Affidavit of Deputy District Attorney Houlihan.) (Exhibit 03-0155)

In June 1969, UFWOC sued a number of defendants, including one Angeline F. Mariano for damages for demonstrating against UFWOC's organizing efforts. Mrs. Mariano went to the McFarland office of CRLA for help in defending the suit. Her husband's salary of $300 per month (for only part of the year) and two additional dependents placed her well within the eligibility limits to qualify for service. She relates the incidence as follows:

> "...I had no money with which to hire a lawyer. I went to the CRLA office in McFarland ... I went into the reception room and told the receptionist I had a problem and had to see an attorney. She told me to wait ... she came back in five or ten minutes and told me I would have to wait quite a little while as the attorney was busy. I waited about an hour or hour and one half. While I waited I didn't see anyone else go in to see any attorney or coming out of the office area."

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Finally she was permitted to go in:

> "I told him I had a big problem and didn't have money to hire an attorney. He asked me what my problem was. I told him I was being sued and handed him the papers. He looked at the first sheet of this complaint at the top part and handed the paper back to me. He then asked me, "What does your husband earn?", and I told him. He said he was sorry, but there was nothing he could do to help me. Then he suggested that I get together with the other people named in the suit and hire an attorney, that it wouldn't cost much money. I told him that even $100 looked like a million dollars and I just couldn't raise it. He said there was nothing he could do for me, that CRLA could only help migrant farm workers who earned less than $2500 per year. I told him the only people you take care of is Cesar Chavez and UFWOC. He didn't say anything, but, looked at me with a smirk."

CRLA not only serves UFWOC directly, it refuses service, even if they are poor to those who oppose the union. (Exhibit 04-004F).

On September 4, 1970, during a UFWOC rally in support of the union's lettuce strike in Salinas, a person identified as Neil Levy, who is listed as an attorney with the CRLA Salinas Office, is reported by a newsman to have addressed the rally and offered the support of the CRLA Salinas office, to defend against unlawful detainer actions.

A T.V. film clip in the possession of our office describes the scene as follows:

> "California Rural Legal Assistance Attorney Neil Levy asked that all workers return summonses from

> growers notifying them to leave the camp, so they can be answered in court, adding that in that way he may be able to prolong the day of eviction."

The unlawful detainer actions grew out of the growers' practice of frequently paying part of their compensation in the form of housing for the workers and their families. When the union called the strike, the employers naturally sought to cut off all compensation, which included free housing. The effect of CRLA's intervention on behalf of the union was to bring additional economic pressure to bear on the employers - an explicit union responsibility - and to force perpetuation of part compensation (the housing) by the employer.

In the case of Ardantz v. Pichardo, CRLA used this tactic in a strike in Santa Maria. The affidavit of the attorney who handled the case for the landlord-employer states:

> "During the Summer of 1970 there was a strike, the farm workers no longer performed their work and Ardantz asked the Pichardo family to leave, which they refused to do. Ardantz served the Pichardo family with a 30-day notice to leave. Again they did not leave. A complaint was filed for unlawful detainer ... By law, the individual must answer the complaint within three days. CRLA advised the Pichardo family that they did not have to leave the premises and subsequently filed a motion to quash service of the summons. CRLA was attacking the legality of the three-day unlawful detainer claiming that it was unconstitutional because it did not allow sufficient time for the individual to put in an answer to the complaint. The brief that was submitted supporting this

> contention undoubtedly required much longer to compile than an answer would have taken. A hearing on the motion was set, it was denied. The defendants were subsequently given time to answer the complaint; however, no answer was filed because the Pichardo family had moved." (Exhibit 22-1035---Emphasis added.)

CRLA's open and formal commitment to UFWOC strikers is dramatized by the attached affidavit of McFarland's Chief of Police, G. Charles Mayes:

> "In the CRLA offices, 332 West Perkins, McFarland, I have personally seen a poster of the "Red Eagle" with the word, in Spanish, "Huelga," which means "strike" in English. Also, bumper stickers of "Strikers" on the wall that show, in Spanish, "La Raza", which means "The Causes" in English. There were also pictures of "Strikers" on the walls ..." (Exhibit 03-015F)

On November 24, 1970 invoices show CRLA's El Centro office purchased from Bailey Office Supply, 626 Main Street, El Centro, 10 "poster board, white, 22 x 28". (Exhibit 03-0156). On December 11 the "Free Chavez March" took place in El Centro, in which 22 x 28 posters were used by the demonstrators.

On December 11, at 9:00 a.m., 34 high school pupils were taken from their classes at the Barbara Worth Junior High School in Brawley to participate in a march to El Centro for a demonstration on the courthouse steps to free Cesar Chavez, who was then in jail. (Exhibit 03-0159). At 9:20 the same morning an additional 16 students left school. Four others never showed up at all but participated directly in the demonstration. The total

number of absences was 54. In addition, school officials feel many parents kept their children at home to prevent their participation, as absences were almost double for the day.

In the previous week, at the "Casa de Armistad" in Brawley, a community center, we are informed that the students were enticed to join the march by two UFWOC workers and Robert Johnstone, an attorney at the CRLA El Centro office.

The students were taken by car and possibly bus from "Casa de Armistad" to Imperial College without parental consent. Many parents in the community were furious with what happened, and at the time of this writing, many parents are considering taking legal action against CRLA and UFWOC. Petitions for signature are being circulated at this time in protest.

Robert Johnstone was present and involved during the entire march. (Exhibit 03-0158).

The parents whose children left school to join the march were contacted by the school's principal, Jim Thompson, and other school staff members. Only one parent knew where the students were - she stated that her child "went to El Centro to riot."

In September, 1970, during UFWOC's lettuce strike in Salinas, a CRLA community organizer identified as one

Manuel Olivas addressed some high school students at a formal outdoor meeting and urged them to participate in UFWOC activities. (We have a photograph of this.)

During a strike in Santa Maria, Charles Farnsworth, a UFWOC attorney formerly with CRLA, came to Santa Maria. Deputy District Attorney for the County of Santa Barbara, James Houlihan stated:

> "During his stay in town I saw Mr. Farnsworth in constant company with Mr. Fretz of CRLA. In fact, on one occasion, Mr. Joseph Gallas, an attorney at law, informed me that if I could not find Mr. Farnsworth at the Union Hall, he would probably be at the office of the CRLA as he was using their law library and, by innuendo, possibly their staff to do legal work." (Exhibit 03-0155).

On November 27, 1970, at approximately 6:30 P.M., Robert Johnstone, an attorney at CRLA's El Centro office, and Gilbert Flores (alias "Baby Huey"), a community worker for CRLA's McFarland office; and body guard for Cesar Chavez, were described by a police report as leading a march of militant demonstrators behind the Christmas Parade in Delano. Police Captain Harry D. Gilbert of the Delano Police Department describes the incident as follows:

> "The Delano Police Department, while handling traffic control for a parade in the downtown area of Delano, was confronted by a group of 25 to 30 longhaired militants led by Robert B. Johnstone, CRLA attorney, El Centro Office, and Gilbert Flores AKA Baby Huey, CRLA employee, McFarland office.
>
> "This group marched down Main Street with their arms interlocked, blocking traffic in both directions,

shouting "Viva La Raza", Viva Cesar Chavez, etc. Police officers stationed along the parade route confronted the group and ordered them out of the street since they were blocking traffic. Johnstone and Baby Huey then led the group, four abreast, northbound on the west sidewalk of Main Street, forcing pedestrians into the gutter.

"I approached the group in front of the Bank of America building in the 1300 block of Main Street. When they observed me, Johnstone shouted in a loud voice "huddle". The group then surrounded him in a tight congregation and he spoke to them in a low voice. They immediately dispersed and went in all directions. Johnstone and Baby Huey met with John Ortega at the Filipino Hall at Glenwood and Cecil Avenue approximately ten minutes later where they conducted a meeting attended by approximately 200 people, mostly of Mexican descent, many of whom are known to man the picket lines for UFWOC's demonstrations." (Exhibit 03-0160)

Four patrolmen, who witnessed the event, also provided statements. (Exhibit 03-0160)

Mr. John F. Adam, Jr., of Santa Maria, received a letter from UFWOC that was sent in an envelope bearing the return address of the CRLA Santa Maria Office. Mr. Adams recalls the incident in affidavit:

"Another incident that disturbed me was the receipt of a letter from United Farm Workers Organizing Committee (UFWOC) notifying me, as an owner of Adam Farms, that UFWOC was about to file a law suit against Adam Farms for supposed wrong-doing against farm workers. This letter was inside an envelope which bore the return address of CRLA Office in Santa Maria. I inquired at the CRLA Office and was informed that evidently these envelopes had gotten into the wrong hands. (Affidavit of John F. Adam, Jr., Dec. 22, 1970.) Exhibit 03-0161.

In answer to questions raised by the District Attorney of Imperial County, Robert Johnstone, of CRLA's El Centro Office, sent a letter to the El Centro Press, openly stating his support of UFWOC, but claiming that all of his activities were on his own time. He wrote to the Editor:

> "In regard to Mr. Hamilton's question about me supporting the Chavez movement, he is absolutely right. I have never made any secret of the fact that I support Cesar Chavez in his attempt to bring the basic rights of collective bargaining to farm laborers. This is particularly so in the absence of any meaningful legislation governing farm labor organization.
>
> However, anything I do for Cesar Chavez is entirely on my own time. Our office records reflect that so far this year at different times and at varying intervals I have taken a total of 11 days of my 15 day annual vacation to work for Mr. Chavez, and no other vacation whatever.
>
> There are tremendous social conflicts in this country today and if I choose to spend my free time working for social issues in which I believe while Mr. Hamilton and others are sitting around sipping cocktails and wondering what the world is coming to, that is my business." (Exhibit 03-0176)

-- In August, 1970, Judge Warren C. Conklin was assigned to the Municipal Court in Salinas during the lettuce strike called by UFWOC. Judge Conklin describes the representation provided UFWOC members by CRLA attorneys"

> "While this strike was in progress, 3 women were arrested for trespassing. While I was in my chambers, prior to noon, I was contacted by an

individual who stated that he was an attorney for CRLA, however, he also stated that he was not representing CRLA. This person, a male caucasian, light brown hair, afro-style, approximately 5'8", 140 to 145 lbs., dressed in a sports jacket, pants, tie and wearing saddle shoes, stating that he was making a courtesy appearance for William Carder, attorney for UFWOC, who was making a court appearance in Fresno, California. This CRLA attorney asked me if I would arrange bail for the 3 women or release them on their recognizance. I advised this attorney that I would arraign these women if the charges were filed. My normal position in these matters is that I would not release anyone prior to arraignment before I had a chance to read the police report. That afternoon, Mr. Carder returned and the 3 women were arraigned and released. Shortly after lunch of the same day, I was contacted by another attorney who claimed to be from CRLA who was making a courtesy appearance on behalf of Mr. Carder and requesting release of 10 men who had been arrested for, I believe, blocking a driveway. This individual, as with the first attorney, stated that he was not representing CRLA but was doing this on his own time. I explained my position to this attorney as I had done with the first attorney. This attorney made it quite clear that he was not representing the defendants in any court action and therefore he could make no commitment on behalf of UFWOC. When I was advised of this, I stated to this attorney that I was not interested in releasing these 10 men without receiving some type of commitment from UFWOC that UFWOC would influence their people against using violence, and would control their pickets. I cannot, at this time, recall the physical description of the second attorney. At a meeting held later in the day, attended by myself, the first attorney from CRLA, a Mr. Kahn, Mr. Ross and attorney William Carder from UFWOC, it was resolved that the 10 men would be released on reduced bail. (Exhibit 03-0162).

Brice Bonnard, Ranch Manager for Cel-A-Pak, told of his experience with CRLA during the recent UFWOC strike in the Salinas area:

"Originally, when some of our workers went on strike here, who are living in our own housing units, I came down with two of the foremen one day early in the year and requested - went door to door, and requested - of each member of the family that was striking that we couldn't continue to give them free housing unless they showed up for work, which I thought was reasonable. And about that time a couple of gentlemen approached us with quite a following behind them, and they were from the CRLA, two attorneys, and they did not state at first who they were. And he asked me, he said, "what are you telling these people?" Well, when somebody asks you that, you know, on your own ranch and you're talking to your own personnel, that sort of gets your ire up a little bit. So I told him, I said, well, I said, it's none of your business, and with that...

Frane: Did they identify themselves?

Bonnard: Well, he did, he said I'm with the CRLA.

Frane: Did he give you a name?

Bonnard: Yes, he did.

Frane: Will you quote the name, please?

Bonnard: Levy.

Frane: Levy?

Bonnard: Levy was the only name I remember; I can't remember his first name. And with that he turned around and told all the people, he said, don't listen to this man and don't pay any attention to this man at all. He says, I'm going to represent you. And with that I just told him to turn around and get off the ranch, and with that he wheeled around and left. And then after that was when we were served with an injunction, which stated that we couldn't bother or harass any of the people in our apartments - we weren't harassing them - we were merely asking them if we were going to give them free housing they had to show up for work.

Frane: This housing is actually free?

Bonnard: That's right, that's right.

Frane: To your employees?

Bonnard: To our employees. And we've never had any problems in the past about this. (Exhibit 03-0181)

During the same strike in Salinas, Silvio Bernardi stated:

> "I observed eight to ten pickets at the Apollo Ranch Company on Preston Road on August 26, 1970. The pickets have threatened workers of Apollo Ranch Company by telling them that if they worked they would be hurt and that the pickets would get them after work. The pickets have gone into the fields of Apollo Ranch Company and prevented new workers from working. The attorneys for the pickets, the California Rural Legal Association, have come on to my property to contend that I have shut off water, gas and electricity of my workers, which is untrue." (Exhibit 03-0182-09)

A prominent attorney who has represented a number of grower defendants in actions carried by CRLA has commented upon the relationship between CRLA and UFWOC. He has noted especially the "orchestration" between CRLA and UFWOC in the organizing activities of UFWOC and the suits filed by CRLA.

Naturally, during a time of strike, any narrowing of reduction of the available labor force serves to put additional pressure upon employers to recognize a union in order to be assured of adequate labor supply. In the case of Diaz v. Kay-Dix Ranch (Sacramento County Superior

Court No. 194357), CRLA sought to preclude the hiring of wetbacks by placing the responsibility for determining citizenship status upon employers prior to hiring of labor. The allegation was that wetbacks constituted unfair competition with U. S. Citizens in agricultural work. The case was commenced on meager evidence, lost in the trial court and subsequently lost on appeal. However, the timing of this case is what may be paramount. As the prominent attorney suggests:

> "...The Diaz v. Kay-Dix Ranch case and six other like cases involving 16 grower defendants were filed during approximately the same period and in the same area that UFWOC was actively engaged in a campaign to organize agricultural workers and to force growers to sign union contracts without elections, etc. Also, UFWOC was using the pesticide issue in its organizational campaign in California and boycott activities in eastern markets, and the Bravo and Atwood Aviation cases were efforts to assist unions in that direction." (Exhibit 03-0177-01)

(Note: The citations on the above cases are: Bravo v. Althouse Groves (Tulare County Superior Court No. 69754), and Atwood Aviation v. C. Seldon Morley (Kern County Superior Court No. 103595).)

(5) Conclusion.

It now appears clear that CRLA's conduct with respect to agriculture in California does not consist of simply isolated actions and cases helping individual poor farm workers and their families with their problems.

There is, in fact, a grand strategy, which, until one has an opportunity to view the scene from a State-wide perspective, is only a concealed agenda.

This grand strategy is to organize and unionize the farm workers in California into a labor monolith - a monopoly union - under the control and direction of UFWOC. The means of accomplishing this objective are:

(1) assistance to UFWOC's activists - pickets, demonstrators, organizers - and its rank and file members (and, therefore, necessarily, to the union itself); and

(2) diminution or destruction of the major obstacles in this path. These obstacles are the Farm Labor Service of the State of California and the farm labor contractors who operate throughout the State, both of which constitute competition for UFWOC in providing employment opportunities for farm workers.

Does this help the poor? Does this provide legal services for the disadvantaged in rural areas? Or is this legal services at taxpayers' expense to favor a labor organization?

And what about the long run? Inevitably, on the heels of the union comes mechanization. Of course, only those who have the capital necessary to mechanize may do so, and the marginal farmers simply cannot compete. With mechanization and a reduction in the number of farms

comes the inevitable reduction in farm labor jobs. It is an unfortunate fact that the knowledge and skill level of most of those displaced does not auger well for their re-training potential. Probably, permanent exclusion from gainful employment will be the lot of many farm workers. In the name of the poor, the number of poor will have been increased.

VI. A CASE OF NON-COMPLIANCE

A. Criminal Representation

CRLA is prohibited from representing criminals (except in very special and restricted instances). This provision has been made to assure that CRLA's resources will not be dissipated where other Legal Services, such as those of the Public Defender, are already available to the indigent in California.

> "The grantee shall not provide legal assistance in ... the defense of persons indicted or proceeded against by information for the commission of a crime, except in extraordinary circumstances where, after consultation with the court having jurisdiction, the Director of OEO has determined that adequate legal assistance will be available for an indigent defendant unless such services are made available; ... "
>
> (CRLA Grant, Special Condition, 6a)

(1) The Honorable Claude J. Miller, Judge of the Yuba Judicial District, Yuba City, stated in affidavit:

> "...During the past year, 1970, there has been at least five criminal cases that have come before me in which the defendant was represented by CRLA attorneys. ... The types of criminal cases that are handled by CRLA were disturbing the peace. Two of these cases occurred in July, 1970, when on two different and separate occasions two individuals were brought before me for vulgarity. Both the defendants were colored people. One, a Mr. Goodwin, had called the Police "dirty fu-king pigs" at the Sutter County Fairgrounds. He was represented

by Peter Haberfeld of the CRLA. Mr. Haberfeld represented the defendant in my court. Mr. Goodwin was later held to answer in the higher court (Superior Court). The other vulgarity case was Beatrice Johnson, a colored woman. She was also represented by Peter Haberfeld through completion of the case by trial when she was found guilty. The only other case that I can recall was a welfare fraud case. Mr. Rogers of CRLA represented Mr. Whitney through the entire court process. This case occurred in September, 1970. ... It is my opinion and observation that any of the criminal cases that were handled by CRLA would have been handled by the public defender's office."

(2) James W. Houlihan, Deputy District Attorney of Santa Barbara County, stated that CRLA attorneys had been involved in the following criminal cases:

People v. Angel de Jesus, (a criminal failure to provide for minor children); People v. Santiago Arquijo (another criminal failure to provide case); Tiburcio Cardoza v. Guadalupe, Justice Court (a criminal matter in which CRLA is attempting to have a guilty plea set aside).

The CRLA paid staff attorney named by the affiant as handling the criminal cases for the above clients is Donald W. Haynes, of the Santa Maria CRLA office.

(Exhibit 01-0004)

(3) Eugene Grady, Jr. (alias Eugene Four X Brady) was arrested by the California Highway Patrol, August 5, 1966, at the intersection of Lakeview and Brundage in Bakersfield. Grady, Jr., was charged with a violation of PC 370 (selling the Black Muslim newspaper, "Muhammed Speaks"). Grady, Jr., had an arrest record of 33 previous arrests.

After a three-day trial, Grady, Jr., was found guilty. His defense attorney was one Carol Ruth Silver, a paid staff member of the CRLA office in McFarland.

(Exhibit 01-0006)

(4) Martha White was found guilty of a violation of Section 242 CPC. -- assault on plaintiff Sam Evans (Case No 8725, Justice Court, El Centro, California, December 6, 1966). In February, five paid CRLA attorneys, Don B. Kates, Frank N. Denison, L. Harold Chaille, James D. Lorenz, Jr., and Robert E. Burke, undertook the representation of Martha White, alleging by way of habeas corpus that her jail sentence on the misdemeanor was unconstitutional.

(Exhibit 01-0008)

(5) In April and May of 1970, CRLA attorneys Dan Lowenstein and Phil Neumark represented initially 42, but ultimately only 3, demonstrators who had been charged with trespassing at the district offices at the Modesto Unified School District. (Exhibit 01-0010) The problems for the poor people represented in criminal cases by CRLA attorneys are illustrated in the following statement by a private attorney representing one of the co-defendants during the trial that followed:

"This trial consumed eight days. Mr. Neumark and Mr. Lowenstein had represented all of the defendants originally and represented approximately five of the defendants who actually went to trial.

"During the course of the trial I felt that Mr. Neumark and Mr. Lowenstein did not exhibit the professional competence necessary to adequately represent the defendants. Further, during the course of the trial, while engaged in conferences with all of the defendants and all of the attorneys, I was given the impression that Mr. Lowenstein and Mr. Neumark had given their clients erroneous advice before the sit-in demonstrations took place in that the section of the Penal Code with which

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we were dealing, namely, Section 602(n) of the Penal Code had been twice tested and found constitutionally valid prior to the time these incidents arose.

(Exhibit 09-0143-28)

(6) Juan Riveria Lopez and Alberto Treillous Lopez. Both entered a plea of guilty to battery in Municipal Court in Salinas, (Municipal Court Trial No. 60492.), April 18, 1970. Juan Lopez pleaded guilty to the charge and was sentenced to 90 days. Alberto Lopez was referred to juvenile officer.

Mr. Maurice Jourdane, a paid attorney in the Salinas CRLA office, represented both brothers.

(Exhibit 01-0011)

(7) Maria Castro Reyes stood trial at Soledad Justice Court October 1, 1970 (Case No. 40965) involving two Vehicle Code violations (CVC 22350 and CVC 21950). Attorney of Record for Reyes was Dennis Powell, CRLA Salinas office, directing attorney.

(Exhibit 01-0012)

(8) Ramon Mazon and Carlos Bowker were arrested on June 13, 1970, and charged with the violation of an Imperial County ordinance that prohibits ths use of a sound equipped vehicle without a permit.

Mazon and Bowker were represented in the criminal action by the CRLA El Centro Office.

(Exhibit 01-0014)

(9) Roger Goodwin was arraigned in the Yuba City District Court on August 4, 1970, for attacking Sutter County Sheriff Deputy Stephen Sizelove with a piece of pipe at the intersection of Franklin Road and Garden Highway in Marysville.

Goodwin's attorney of record in this criminal action was CRLA attorney Peter Haberfeld of the Marysville CRla office.

(Exhibit 01-0005)

(10) Trinidad Segovia (alias Trinidad Perez) was arrested and tried for a violation of Section 11482 of the Welfare and Institutions Code relative to welfare fraud. On January 27, 1969, she was found guilty of the charge in Superior Court, Madera County, No. 3572.

Trinidad Segovia's defense attorney of record was a Dennis R. Powell, a paid staff attorney for the CRLA office, Madera.

(Exhibit 01-0015)

(11) On January 3, 1968, Gary Bellows, a CRLA attorney with the McFarland office, successfully petitioned the Municipal Court to dismiss proceedings against Samuel R. Florez and Frank Espinozo, who on October 16, 1969, had been convicted by a jury of resisting arrest.

(Exhibit 01-0016)

(12) Judge Howard T. Hudson, Judge in the King City Judicial District, Monterey County, California, states:

"I have been a judge for six (6) years. I have had knowledge of California Rural Legal Assistance CRLA since its inception. On numerous occasions I have had personal contact with attorneys from CRLA who represented individuals regarding civil action in unlawful detainer cases. Approximately three (3) years ago, in Soledad Judicial District, an attorney defended an individual in a criminal matter, violation of section 12500 California Vehicle Code which is operating a vehicle without a valid driver's license. I cannot recall the name of the case or the attorney; however, I do

recall that he was a member of CRLA. This attorney stated that he was appearing for the defendant as a private attorney and not as a member of CRLA. In the matter of the People vs. Manuel Echavarria, Burton Fretz appeared as counsel for the defendant; however Mr. Fretz made it a point to state that he was defending Echavarria as a private attorney and not as a member of CRLA. Several weeks ago, Mr. Fretz appeared in the Grover City Judicial District, San Luis Obispo County, to defend an individual and again stated that he was appearing on behalf of the defendant as private counsel and not as a member of CRLA. In both of these incidents in the Grover City Judicial District, Mr. Fretz has appeared before me during the normal hours the court is in session. These hours are normally 9:30 a.m. to 5:00 p.m., Monday through Friday. Mr. Fretz appeared in this court on four (4) different occasions with respect to Echavarria matter. Mr. Fretz appeared in court on July 31, 1970 to file a motion to disqualify me on the grounds that I was lay judge, on August 6th and August 7th, 1970 for the trial; and on October 5th, 1970 to prepare a settled statement. Mr. Fretz also appeared in the Superior Court, San Luis Obispo, after October 5th, 1970, to argue the case on appeal. Mr. Fretz has also appeared in this court on other occasions with regard to this matter. However, I was not present on these occasions and I do not know the exact dates. (In my opinion the original concept of CRLA is a valid one; however, CRLA, during recent months appears to be more concerned with filing suits in class action suits as opposed to representing underprivileged individuals in civil matters)."

(Exhibit 01-0017)

(13) Louis Gordan was charged with the misdemeanor of disturbance of the peace and failure to disperse in the Yuba City District Court in August, 1970. Gordan was arrested for disturbance at the Sutter County Sheriff's Office when he was demanding the release of a prisoner held on an assault with a deadly weapon charge.

(Exhibit 01-0007)

(14) Dolores Duarte Padilla, Delano, was arrested on September 1, 1967, for double parking, resisting arrest and reckless driving. She was convicted of resisting arrest and entered a plea of guilty to reckless driving.

Dolores Duarte Padilla was represented in court by a paid CRLA staff member, Carol Ruth Silver, of the McFarland office.

(Exhibit 01-0013)

(15) CRLA attorney Burton Fretz of the Santa Maria office defended one Pedro Castillo Ybarra on a drunken driving charge (violation of CVC 23102a). When Fretz was asked by Deputy District Attorney R. A. Carsel his reason for taking this case in light of the OEO restrictions, Fretz (on or about 12/7/70) replied he had received a special dispensation "because the issues presented were of great significance to large numbers of persons on a class action basis."

(Exhibit 01-0049)

(16) Jorge Jarpa was listed as a community worker for the Santa Maria CRLA office. He was arrested on February 21, 1970, by the California Highway Patrol on a charge of possession of marijuana.

Jarpa was defended in this criminal action by Burton D. Fretz, listed as a paid associate attorney for the Santa Maria CRLA office. Although no longer on the staff, Jarpa remained in the employ of CRLA for more than six months after his arrest.

(Exhibit 01-0138)

(17) People v. Art Bryant, Bakersfield Municipal Court, charge of disturbing the peace, to wit, allegedly mouthing obscenities at a police officer on a college campus in the presence of female students - represented by Martin Spiegel, CRLA attorney, Santa Rosa.

(Exhibit 01-0021-01)

Contrary to the claim of CRLA, as contained in its 1971 Refunding Proposal, - narrative and budget, in which on page 33 thereof is claimed, "CRLA has never been formally accused of violating the conditions of its grant with regard to handling of criminal cases." (11-0171). It is obvious that CRLA attorneys have ignored the proscription as to representation of those accused of crimes. The record is replete with such representations. The District Attorney of Sutter County, Mr. David Teja, indicates that he has given up objecting to representation of criminals by CRLA attorneys. Several District Attorneys have shifted the focus of their concern about CRLA's representing criminal defendants from concern about violations of CRLA's grant conditions to the quality of representation that criminal defendants are receiving from CRLA attorneys. CRLA's indifference to complaints about criminal representation has successfully deterred people from complaining about that. But these District Attorneys continue to be concerned about the quality of representation, because of their deep concern that the poor receive quality service. One District Attorney we spoke to said he felt uncomfortable having to assist CRLA attorney in criminal defense, when his office was supposed to be on the other side of the case. He said his office continued to do it reluctantly, because of his fear that otherwise the defendants

would not receive adequate counsel.

When the fact of CRLA attorneys representing clients in criminal actions has been brought to the attention of CRLA Management in San Francisco, the Central Office inevitably responds by saying that the erring attorney has provided representation "on his own time, at his own expense, and without charging a fee." (See letter of Richard Petherbridge, Chairman, CRLA Board of Trustees, to James R. Hanhart, District Attorney, Madera County, December 23, 1969 (Exhibit 01-0199).

In response to this claim, Mr. Hanhart declared, "This is ridiculous...to say that an attorney working for a corporate law firm may take on clients which are prohibited to him during the regular working day. To follow this to its logical conclusion, then a District Attorney might well represent a lucrative personal injury case or rich criminal defendant on internal "days off". It may be that neither CRLA nor Mr. Spiegal has given this matter any close thought." (Exhibit 01-0199)

See also the affidavit of Reverend Monroe Carter Taylor, commenting on the participation of CRLA attorneys in the Modesto school demonstrations, and their claim that it was all "on their own time." (Exhibit 09-0143-18)

Eligibility

Eligibility as per OEO Instruction 6004-1b (December 1, 1970) is as follows:

OEO Poverty Guidelines for All States Except Alaska and Hawaii:

Family Size	Nonfarm Family	Farm Family
1	$1,900	$1,600
2	2,500	2,000
3	3,100	2,500
4	3,800	3,200
5	4,400	3,700
6	5,000	4,200
7	5,600	4,700

For families with more than 7 members, add $600 for each additional member in a non-farm family and $500 for each additional member in a farm family.

(Exhibit 11-0172)

This office, during our recent evaluation, never saw any grave concern in any CRLA office that this guideline be adhered to. Busy as so many CRLA offices are with their class action law suits, representation of school demonstrators, harassing local and governmental agencies, and generally doing their "legal thing," they neglect monumentally their obligation to conform with the guidelines for poverty qualifications for free legal services.

1. OVER $100,000 NET WORTH AND GETS CRLA LEGAL AID

James T. May and Margaret H. May were co-plaintiffs in a lawsuit filed against Emmett Gene McMenamin, County

B. ELIGIBILITY STANDARD FOR CRLA ATTORNEYS

There is a requirement for CRLA that clients meet a prescribed income eligibility standard, so that those, in fact, able to pay for an attorney will do so and will not utilize the limited resources of CRLA.

> "The grantee shall not provide legal assistance in . . . representation in any case where the applicant exceeds the financial eligibility standard where a private attorney is willing to provide representation and the client and private attorney are able to reach an agreement on representation. In all cases exceeding the financial eligibility standard, the applicant shall be referred to the local lawyer referral panel in order to obtain representation. In the event the lawyer referral panel is unable to make satisfactory arrangements for representation, the grantee shall consider the following factors in order to determine whether representation shall be provided: (1) the amount of the fee likely to be charged the applicant by a private attorney; (2) the extent to which the income of the applicant exceeds the financial eligibility standards; (3) the debts and obligations owing by the applicant; (4) the amount of real and personal property owned by the applicant; (5) the urgency of the applicant's problem; (6) the relationship of the nature of the applicant's legal problem to the general legal problems of the low income community intended to be served by the grantee.
>
> "If private counsel can be obtained for representation at any time during the case proceedings, without jeopardizing the client's interest, the grantee shall terminate its representation of said client."
>
> CRLA Grant, Special Condition 6c

Clerk Registrar of Voters for Monterey County, for injunctive relief after McMenamin discharged the Mays as deputy registrars (civil action number 68060 - August 25, 1970, Monterey County Superior Court.)

James T. May, co-plaintiff, is a supervising accountant for Kaiser Refractories at Moss Landing, with a salary in excess of $1,000 per month. Further, James T. May has property in Monterey County with an approximate market value in excess of $75,000. A credit source in Salinas, California, indicates May's net worth is in excess of $100,000.

It must be assumed that CRLA attorneys Dennis Powell, Maurice Jourdane, Richard A. Gonzales, David H. Kirkpatrick, and Neil M. Levy (all of the Salinas CRLA office) felt that the Mays qualified for poverty law legal service. To be sure, the Mays in their lawsuit had the whole CRLA office in Salinas at their disposal for legal services free of charge. (Exhibit 06-0050-01)

2. CRLA REPRESENTS SELF

CRLA, on October 16, 1970, represented themselves (CRLA, et al, versus Eugene Zanger, et al, U.S. District Court, Northern District of California, No. C702236GSL) in a complaint for injunction, damages, and declaratory relief, for a violation of the plaintiff's civil rights.

Plaintiffs (including the following CRLA Gilroy

office staff members: Jose Chapa, Senior Investigator, annual salary - $8,250; Brian Paddock, Associate Attorney, annual salary - $14,000; and Don B. Kates, Directing Attorney, annual salary - $17,500) claimed their civil rights were violated while attempting to visit a farm labor camp on defendant Zanger's property, and that they were unlawfully detained by deputy sheriffs, who were also listed as co-defendants. CRLA, Incorporated, has an annual budget in excess of $1,500,000 a year and the Gilroy office of CRLA, one of the plaintiffs of this cause in action, has an approximate budget in excess of $80,000 a year. It is only for us to speculate how any of these named plaintiffs or CRLA, Incorporated, qualified for a poverty lawyer or rural legal assistance. (Exhibit 06-0051-01 through 48)

3. ANOTHER CLEAR-CUT CASE

Attorney Elmer L. Winger of Modesto, in an affidavit dated December 11, 1970, discusses a lawsuit in which CRLA attorneys of the Modesto office defended one Roy T. Hodge during the month of March 1968, in a civil matter, wherein Hodge was being sued for delinquent payments on outstanding obligations.

Hodge lost the case and immediately paid his creditors. Hodge owned his own home, his wife was employed, he owned an automobile and a Dodge mobilehome valued at

$20,000. Hodge's net worth barred him from free legal services of CRLA, as stated in the guidelines, yet he was provided those services by CRLA. (Exhibit 06-0052-01 through 03)

4. SOME WEALTHY ORGANIZATIONS GO TO CRLA

Prior to February 1970, the Chowchilla, California, School District had a disciplinary policy that demanded suspension of students guilty of using vile and profane language on the school grounds.

According to Edward Chidlaw, President of the Madera County Bar Association, CRLA attorneys came to Chowchilla to organize the Chowchilla Committee for Better Schools -- an organization that purported to be involved with equitable treatment of students in the above matters of discipline. The legal counsel for the committee was a CRLA attorney, Fred J. Hiestand, who was the attorney of record as legal counsel for the committee.

In his affidavit, Mr. Chidlaw states that the treasurer of the Chowchilla Committee for Better Schools was worth in excess of $250,000, and that the main members of the committee were financially above the proscribed guidelines for eligibility to receive free legal aid (Exhibit 06-0053-01 through 08).

5. CRLA AND THE ROCK FESTIVAL

CRLA has acted as attorney for entrepreneurs who staged a rock festival in El Centro on December 15, 1970, at Buckland Park. According to news reports, an estimated 800 persons attended the rock festival.

Bob Johnstone, of the CRLA office in El Centro, acted as legal representative of the entrepreneurs who staged this rock festival, which does not conform with eligibility guidelines for the CRLA in the opinion of this office. (Exhibit 06-0129-01 and 02)

6. CAUSES ARE CONSIDERED MORE OFTEN THAN GUIDELINES BY CRLA

The representation of Steve Smith and Kieth Jeffers by the Marysville CRLA office in a suit against the Yuba City Unified School District over dress regulations as regards the length of male students hair, according to Don Soli, Vice-Principal of Yuba City High, may well have been in violation of CRLA's financial eligibility guidelines. Mr. Soli reports that the father of Steve Smith is an electrician. He further states that the father of Kieth Jeffers is retired from the Air Force and is now employed by a newspaper and that Jeffers mother is a bookkeeper at a bank. Exhibit 09-0103

7. ELIGIBILITY IS OF LITTLE CONCERN TO CRLA

An article in the Los Angeles Times, July 30, 1968,

discusses a complaint filed by two attorneys for CRLA, in which two teachers at Seaside, California, High School, Bedford and Wilhelmina Vaughn, are plaintiffs against a Seaside landlord for refusing to rent a house to the couple. Despite the merits of the case, the Vaughns have only two children, and it would certainly appear that their combined salaries as high school teachers places them above the eligibility standards for service to the rural poor. (Exhibit 21-0196)

8. CRLA SUES FOR POLITICAL ORGANIZATIONS

News article from the Wall Street Journal dated November 16, 1970, states that CRLA filed a suit against Human Resources Development on behalf of five organizations:

American G.I. Forum

Spanish Speaking Surnamed Political Association

Mexican-American Political Association

League of United Latin American Citizens, District 10

Chicano Law Students Association

The suit charges discriminatory employment practices by the California Department of Human Resources Development toward California's three million Spanish surnamed residents.

All five above-named organizations are political in nature and CRLA is prohibited from representing political organizations.

9. CONCLUSION

There seems to be a total disregard for assessing eligibility guidelines as per the CRLA grant as a matter of course in all CRLA offices.

It seems apparent that CRLA offices accept or reject clients on the particular whim of the local office. There is no doubt in our mind that cases are accepted that tend to reflect the dramatic, the political and tend to conform with the cause in vogue of the individual CRLA office involved.

C. SOLICITING CLIENTS AND STIRRING UP LITIGATION.

Lawyers are prohibited from soliciting clients and stirring up litigation or cases.

> "Stirring up litigation, directly or through agents. It is unprofessional for a lawyer to volunteer advice to bring a lawsuit ... Stirring up strife and litigation is not only unprofessional but it is indictable at common law. It is disreputable to hunt up ... causes of action and inform thereof in order to be employed to bring suit or collect judgment, or to breed litigation by seeking out those with ... grounds of action in order to secure them as clients, or to employ agents or runners for like purposes ... A duty to the public and to the profession devolves upon every member of the bar having knowledge of such practices upon the part of any practitioner immediately to inform thereof, to the end that the offender may be disbarred."
>
> Canons of Professional Ethics of the American Bar Association, Rule 28.

> "A member of the State Bar shall not advise the commencement, prosecution or defense of a case, unless he has been consulted in reference thereto..."
>
> Rules of Professional Conduct, California State Bar, Rule 10

The issue of stirring up litigation is a particularly sensitive one, because of the extent to which litigation of any sort, particularly suits alleging exploitation between one group and another, tend to stir hostilities and tensions between them. This is especially dangerous in

race relations, where tensions and hostilities may already be aggravated to near violence.

The importance of keeping controversies at the lowest level is vital with respect to the poor. The greater the publicity suggesting exploitation, the more the individual poor person is apt to feel he has no real control over his own life and his own chances for personal fulfillment. Consequently, there are here opportunities for a very special kind of exploitation of the poor - - one which promotes psychological dependency by the poor person on the individual raising the complaint.

Settling a problem at the lowest level of controversy does not compromise the material solution. But the quieter the solution, the less apt it is to encourage and aggravate the psychological dependency that may make it virtually impossible for "poor people to help themselves." It is for this reason that the following section is so important: because it illustrates the depths of the exploitation that is taking place in CRLA's relations with its clients and constituents.

The dangers in the situation are explored with sensitivity and depth in the 1970 Introduction to Nathan Glazer's and Daniel P. Moynihan's classic Beyond the

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Melting Pot (Joint Study for Urban Studies of the Massachusetts Institute of Technology and the President and Fellows of Harvard University):

(page XVI of "Beyond the Melting Pot")

"... but we do not feel, on balance, that the primary failure (in race relations) was in the political response of government to recognized need...

"We would point to two other areas of failure, at least as important. One was the failure of intellectuals and the mass media to report and analyze what was happening. ...The intelligencia, as it so often has, lusted after the sensational and the exotic. The hard work of politics and social change bored it. An increasingly dangerous romance with social brinkmanship and violence developed. The main task of individuals, keeping the channels of thought and of communication honest, was increasingly abandoned. Thus, until the rise of Black militancy a few years ago, it was typical for the intelligencia to argue that whatever the shape of race realtions, whatever the conditions of Negroes, it was fully and exclusively to be ascribed to Whites. ...This was an exaggerated and distorted view of the situation even 5 and 10 years ago."

(page XVIII)

"The point is that the political failures of the 1960s also include a failure by intellectuals and by the mass media they increasingly influenced to give a true and honest account of the situation. Lies started, and they were not stopped, because those whose task was to monitor words and ideas had less and less interest in doing so. It was no wonder that, even while progress was substantial, fears of genocide rose."

The point to be emphasized here is that by escalating their charges of exploitation, the intelligencia

(and here CRLA) tended to render the constituents psychologically impotent to control their own affairs and to "help themselves." A New Exploitation was at hand, and the result was to make the poor more helpless than ever. It was difficult to avoid the tragic irony of the situation which occurred as the agents of the Economic Opportunity Act, which had been charged with promoting independence, in fact set about to produce the most aggravated and intractable dependency the poor had yet known.

(1) CRLA's Passion for Controversy.

CRLA's passion for controversy and litigation are captured in the following incident, described by Detective C.E. Brown of the Delano Police Department.

On May 8, 1970, Patrolman Brown stopped a vehicle driven by two Mexican-Americans in their early 20's for running a stop light. Because of a call on his Police radio, the Patrolman warned the driver but did not issue a traffic citation for the violation. He describes the incident as follows:

> "I was standing talking with the driver when a vehicle pulled up across the street and stopped. A MMA (Mexican-American) got out of the vehicle and walked over to the officer and traffic violator saying in Spanish 'what's the trouble,

brother?' I thought the two subjects were relatives and advised him that there was no trouble and that the vehicle had run a stop sign. I also advised him that the subject had received a verbal warning and that no traffic citation was being issued.

"At this point the MMA identified himself as John Ortega (CRLA attorney in the McFarland office), stating that he was an attorney and was there to give the driver legal advice. I asked Mr. Ortega for one of his business cards, whereupon he stated, 'I wouldn't give you cops the time of day,' and walked around to the passenger side of the vehicle and began talking with the other passenger. I asked the driver if he knew this subject and he stated, 'No, but he sounds like some type of nut.' Again Ortega approached the undersigned, demanded my name and badge number, saying, 'We'll see you in court.' The driver told him there was no problem and that he did not need an attorney, whereupon Ortega stated, 'Don't say anything, I'll represent you free.' It appeared to me this subject was attempting to cause a confrontation and to antagonize the undersigned. I advised Mr. Ortega of Penal Code Section 148 (interfering and delaying a Police Officer), again stating there was no citation being issued and no need for his presence. He turned and put his face close to mine and shouted, 'You had better read the Constitution, if you can read.' The driver was advised he was free to go, and drove away. Ortega stood and looked at the undersigned for several moments, muttered to himself and walked back to his vehicle."

(Exhibit 17-0080.)

The Patrolman's recollection of the incident is supported by the affidavit of Jerry Silva Hernandez, attached here as Exhibit 17-0080-08, which he signed July 21, 1970, more than two months after the incident.

(2) "Looking" for a Woman on Welfare.

Another incident reveals the general orientation.

In 1969 Mr. Fred Hiestand, a paid CRLA staff attorney, informed Mr. Herbert E. Bartow, a private attorney in Madera, that CRLA was "looking" for a woman Welfare recipient who had been requested to take a polygraph examination by the Madera County District Attorney's office, so that they could take legal action. Mr. Bartow mentioned to Mr. Hiestand that he had talked to just such a woman recently, but when Hiestand asked him to furnish him with her name and address, Mr. Bartow refused. (Exhibit 07-0086.)

(3) One Class Action Needed ... Call CRLA.

The CRLA local office in El Centro solicited clients to make complaints against feed lots in the Calexico area in a newspaper article in the Imperial Valley News of February 3, 1967. The CRLA attorney soliciting clients in this matter was Frank Dennison. Dennison said in his news article that he "needs a - class suit - to work with a group of people to bring an action ..." The article goes on to state that complaints may be made to Dennison at the legal assistance office in El Centro. (Exhibit 07-0089.)

(4) A CRLA Either-Or Lawsuit.

The experience of Rachel Hubbard with the CRLA Marysville office combines an illustration of CRLA's insensitivity to poor people with their passion to stir up litigation. As discussed in other sections,

Mrs. Hubbard went to the Marysville office shortly after the death of her husband to finalize adoption proceedings for the child she had brought up since he was three days old. Mrs. Hubbard found the maximum grant of $150 that she was able to receive from Welfare was insufficient to raise her child, but in order to qualify for the Social Security payments from her late husband's account, she had to have adoption papers for the child. Mrs. Hubbard went to CRLA for assistance with the adoption, but CRLA told her they would help her only if she agreed to act as a plaintiff in a suit against the Sutter County Welfare Department. Mrs. Hubbard refused to be a party to CRLA's scheme, and she left the office. She states, in affidavit, that CRLA attempted to contact her five times on the telephone, offering to assist her with her adoption proceeding if she would sue the Welfare Department. She said their particular interest in this case came from the fact, described by a CRLA attorney over the phone to her, that this was "the best case they had come across." (Exhibit 02-0018.) She continued to refuse to submit to this form of extortion, even though it meant she had to do without the Social Security payments that would otherwise have been coming to her.

In other sections, we have discussed CRLA's

prosecution of the Santa Maria Berry Farm case, in which the CRLA Santa Maria office sued a local grower, alleging that he was spraying dangerous pesticides, but without bothering to communicate with him before the prosecution of the suit. As stated in his letter of dismissal, CRLA attorney Burton Fretz implicitly admits the only purpose of the litigation was to force the Department of Agriculture to make public, information regarding the spraying of pesticides. CRLA imposed great costs both on the private defendant and on the Department of Agriculture in defending the suit, which was brought against a private defendant for the purpose of getting information from a public agency.

(5) Solicitation Before a Demonstration.

In the Modesto School demonstration incident, described at pages and herein, CRLA was responsible for organizing and directing a demonstration which resulted in the arrest and trial of some 42 demonstrators for trespass at the Modesto School District building in April, 1970. The affidavit of Rev. Monroe Carter Taylor, who is a member of the local CRLA Advisory Board and Director of Social Services at the King-Kennedy Memorial Center in Modesto, is especially important in description of this incident. Rev. Taylor states:

> "... These two lawyers were all too active. First, they told the demonstrators that they would represent them legally in court if arrested. Second, they spent the entire day, day after day, at the City School's office, with the demonstrators, where in fact they should have been at their offices doing their official duties talking to clients. Thirdly, they did represent some of the demonstrators who were arrested, and the two, Lowenstein and Neumark, spent weeks in court defending the demonstrators."

CRLA's offer in advance to legally represent the demonstrators in court if they were arrested was part of CRLA's organization of the incidents that resulted in the arrests. It is notable that when the arrests actually took place, the two CRLA attorneys who had organized the demonstrations that led to them, had absented themselves and avoided the discomfiture they had caused for their followers.

Solicitation of cases is essential to CRLA's prison penetration, which is explored and revealed in Section V.A. hereof. In most of the affidavits we collected from prisoners at Soledad Prison and San Quentin, CRLA attorneys contacted them in a great many instances for the purpose of solicitation. See Section V.(A) for further discussion on this point.

(6) The "Hot Stove" Case.

The so-called "Hot Stove Case," described at page 60 hereof, indicates both CRLA's passion for litigation of

cases that have publicity value and for perpetuating litigation after a solution has already been found. In that case, CRLA claimed that the Welfare Department was withholding funds to meet unmet shelter needs of Welfare recipients. As pointed out above, the total moneys available to the Sutter County Welfare Department amounted to $1200 (some State, some County and some Federal) - which were estimated by the Director of the local County Welfare Department to be sufficient to assist two families during the entire year when they were allocated. The Welfare Department was notified of the availability of these funds in December, and CRLA filed its suit in mid-January. No effort was made to negotiate the release of the limited funds. When a local merchant offered to provide a stove, for payment of which CRLA was suing the Welfare Department, CRLA asked the merchant to hold off until they could press the case to decision. The result delayed delivery of the stove to the Welfare family for between four and six weeks. The court sustained the Welfare Department's demurrer.

(7) T.V. Solicitation in Salinas.

In September, 1970, at 6:00 p.m. newscast on KSVW, Channel 8, in Salinas, described a UFWOC rally and CRLA's participation in it as follows:

> "California Rural Legal Assistance Attorney Neil Levy asked that all workers return summonses from growers notifying them to leave the camp, so that they can be answered in court, adding that in that way he may be able to prolong the day of eviction.'
> (Exhibit 07-0088.)

His purpose is clearly to assist the organizing efforts of UFWOC by soliciting and stirring up litigation. This incident is dealt with at pages and hereof.

(8) Deluded into CRLA Suit.

Stirring up litigation often involves conscripting plaintiffs. In the case of Wolfin v. Vinson, discussed at page hereof, CRLA filed suit on behalf of 16 Indians against a local car dealer. When they were later questioned in depositions, 15 of the 16 plaintiffs denied that they had ever been requested to be part of the lawsuit. For more on this see page

(9) Conscription of Plaintiffs.

Conscripting plaintiffs obviously goes considerably beyond mere solicitation, for solicitation implies some kind of consent by the plaintiff. Another blatant case of conscription occurred in the 250 Farm Workers case against the California Farm Labor Bureau, discussed herein at page . The affidavit of one of the plaintiffs states as follows:

> "On or about March 3, 1970, I attended an English class at the San Benito County High School ... A Mr. Del Buono of California Rural

> Legal Aid spoke to the class. He asked the whole group to sign a petition to get the State Farm Labor offices closed. He said that these offices were not of any benefit to the worker and that the offices should be closed, because if they were closed then the workers could get higher wages. He recommended that if the offices were closed then the farmers could come to a union run by the workers or an agency run by the workers. Mr. Del Buono tried to get all of us to sign the petition. Everyone else signed it, but I did not.
> (Exhibit

The conscripted plaintiffs' later surprise is recorded explicitly, for instance, in the affidavit of Felix Gusman Gaono:

> "... A bearded man who said he was an attorney for the California Rural Legal Assistance came to my home inquiring of the people next door. With this man was a Mexican-American of approximately 25 years of age ... They said they were gathering signatures ... toward the protection and betterment of farm labor wages ... Approximately two weeks later the Mexican-American returned to my home with a typed statement for me to sign. He did not read the statement to me. He said the statement was for the protection of the farm laborer who worked by the hour or piece rate. The man who had me sign the statement did not tell me that the paper I was signing was a complaint against the Farm Labor Office. If I had known that it was, I would not have signed it, as I have no complaint whatsoever against the Farm Labor office."

(10) 'Manufactured Situations."

In some ways, CRLA's passion for solicitation and stirring up litigation is best described in the affidavit of Mrs. Amelia Harris, who was employed by the CRLA Salinas

office from September, 1966, to June, 1969:

> "Many cases were established as a result of manufactured situations. I mean by this that clients or potential clients were instructed in certain actions and dialog with agencies and private firms that would lead to litigation."

She goes on to describe several cases brought in response to manufactured situations. Mrs. Harris was treated summarily when she raised an objection to CRLA's conduct:

> "After the California Rural Legal Assistance decided to drop domestic relations cases, consumer credit cases and automobile credit cases, I voiced the opinion that this was not correct procedure under the guidelines set forth and that acceptance of other types of cases outside the guidelines while not accepting cases inside the guidelines was wrong, morally and legally. I was discharged in June, 1969."

(11) CRLA Intolerant of Criticism - Private Law Firm.

CRLA is not tolerant of opinions that deviate from their own. Mrs.Harris was entitled to leave pay and severance pay at the time of her discharge, but CRLA forced her to go to the Labor Commissioner through an attorney:

> "The Labor Commissioner ordered payment of the moneys due me plus punitive damages, and I was finally paid through the Labor Commissioner office." (Exhibit 09-0174)

Occasionally, an effort by CRLA to stir up litigation and solicit clients is foiled by a private attorney who

sadistically offers to donate time. This situation is frustrating enough for CRLA's attorneys, but it is intolerable when the attorney appears satisfied that the problem can be settled without filing a suit and going to court. It has been suggested by one observer that perhaps such insensitive behavior by the private bar ought to be expressly forbidden by OEO, or the Bar. The reasoning is that no experience is more frustrating for a poverty lawyer than judicial onanism.

Such a case as that described above was the case of Delfina Bocanegra, et al., v. Salinas Strawberries, et al., Superior Court, Monterey. The farm workers were represented in that case by Mr. W. F. Moreno, who described his contact with CRLA in a letter he wrote on May 5, 1970:

> "You may not know that we received a telephone call just prior to the time when we contacted your office in that case and in this telephone conversation the CRLA tried to convince us that we did not want this case because of the fact (a) that the people could not get into our office during normal times; (b) that they did not speak English, and: (c) that it would not produce very much money.
>
> "We insisted that we would make some special arrangements to have a meeting at a time convenient to the workers, that we could speak Spanish if no other interpreter was available, and that we were willing to donate our services.
>
> "As it turned out, the CRLA had already prepared a complaint which they wanted us to file before even contacting the proposed

> defendants. They requested permission to be associated with our office in the suit, and we denied them permission. It was obvious from the fact that appointments were not kept and other innuendos that they were not really happy that we had accepted this case. We believe that someone had required them to really go down the list of lawyers on the lawyers referral panel before they could take the case."

Mr. Moreno continues in his letter a description of the inappropriateness of litigation in this case:

> "As you will recall, we contacted your office and demanded, and received, complete copies of all of the payroll records and we were able to resolve the matter to everyone's satisfaction. There were errors in the payroll and the back pay was collected. No suit was required. In the course of our investigation of the matter, we found that no attorney from the CRLA had ever talked to any of the proposed plaintiffs at any time, and as far as we know, even up to today. The entire matter was handled by one of the CRLA field workers whom we have information tending to indicate was also an organizer for the Chavez union."

Mr. Moreno ends his letter expressing the general helplessness that people in the communities feel against the poverty law establishment:

> "Quite frankly, we are sending this information over to you, but we do not expect that you will have any luck in doing anything about the CRLA."

Mr. Moreno's letter is Exhibit 07-0180. (See also the affidavit of Mrs. Amelia Harris, Exhibit 09-0174.) Mrs. Harris indicates that CRLA set up the Salinas Strawberries case with a "contrived situation." At the time,

she was directing legal secretary for the CRLA Salinas office, which attempted to take the case. (As indicated in our discussion of Mrs. Harris' affidavit at pages and hereof, in recalling both the Salinas Strawberries case and the Martin Produce case, she evidently confused their respective facts, ascribing the Martin Produce facts to the Salinas Strawberries case. The significance of the testimony, however, is not compromised, in view of her charge that in both situations CRLA "contrived" the circumstances on which the suits were based.)

(12) Conclusion.

To end the discussion of solicitation and stirring up litigation by mere reference to the rules of professional conduct of the American Bar Association and the State Bar of California would be to miss the vital significance that those rules have where poor people are involved.

As we have said, the genius of the Economic Opportunity Act and its major innovation was its attempt to approach the problems of poverty by attacking poverty's psychological roots, which are buried in dependency. The issue is complicated, of course, because dependency has both material and psychological dimensions, which often conflict. Often, a material victory (reducing material dependency) may produce a psychological defeat (by

aggravating psychological dependency). This fact explains the critical importance of the Bar Associations' rules against solicitation and stirring up of litigation when they are applied to the poor. If a poverty lawyer spends all of his time telling an agricultural worker that he is being exploited by the grower, the lawyer is almost certainly exploiting the worker psychologically. For the result of this relationship will be to encourage the worker to resent the grower and depend on the lawyer, who has become at once his "champion" and exploiter.

We think the incidents cited above concerning CRLA attorneys soliciting cases and stirring up litigation reveal at best a blatant indifference to the needs of the poor, at worst a disposition to use their clients as ammunition in their efforts to wage ideological warfare.

D. A CASE OF NON-COMPLIANCE -- CONDUCT UNBECOMING AN ATTORNEY

"He (an attorney) should strive at all times to uphold the honor and maintain the dignity of the profession . . ."

Canons of Professional Ethics of the American Bar Association, Rule 29

Professional behavior just as ethical behavior must have some objective yard stick of measurement. This is a factor not readily understood by the "new breed movement lawyer" who is more often than not the captive of a strong and dogmatic set of socio-political emotions that result in a behavioral myopia. Thus, a "movement lawyer" (As defined by Faye Stender) can, in the course of his legal profession write "F*ck Vietnam" on the blackboard in front of a junior high school class (as CRLA's Newmark did) and feel that his act is constructive and productive in its brash crudity and rote simplicity.

THE LEGAL STYLE OF THE "MOVEMENT LAWYER"

(1) On August 30, 1970, a telegram was sent to Dr. James Cavanaugh, Deputy Assistant Secretary for Health and Scientific Affairs, Department of Health, Education and Welfare in Washington, D.C. The telegram requested that Health, Education and Welfare funds for the Migrant Health Clinic in Brawley, California, not be

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dealyed or its opening date postponed. This telegram was sent over the name of Dr. Elmer Werner, President, Imperial County Medical Association. The charge for the telegram was made to CRLA. On October 21, 1970, another telegram was sent to Dr. Cavanaugh stating in part the following:

> "The telegram of August 30, 1970, over my signature was not sent by me and did not represent my opinion."

According to a letter of August 31, 1970, addressed to Dr. Werner, CRLA attorney John Denvir admits he sent out the original telegram without the approval of Dr. Werner. (Exhibit 14-0120)

(2) The Director of Legal Services of the State Bar of California, F. Jay Lutz, sent a letter dated October 26, 1970, to Cruz Reynoso, Director of California Rural Legal Assistance. In this letter Mr. Reynoso was

> "advised that the committee (of the State Bar) has reviewed the application of California Rural Legal Assistance for OEO refunding for the year ending December 31, 1971, and has approved the same."
>
> The letter stated further that "concurrently herewith . . . appropriate members of the staff of the Honorable Ronald Reagan are being advised of the foregoing."

In response to this routine approval by the State Bar, CRLA issued a press release beginning "In an unprecedented action," and suggesting that the Bar had

affirmatively urged the Governor to approve the program. The Sacramento Bee picked up the story and escalated the language, presenting an even stronger impression of the State Bar's action.

A member of our staff contacted the Chairman of the Bar's Committee on Legal Services, which was responsible for the approval, and asked (a) if it was true that the Bar was doing anything it had not done over the years for all programs, and (b) if the Bar was urging the Governor affirmatively to approve the program. The Chairman of the committee said on the phone emphatically that his committee had done no such thing, and that it would have been inappropriate for them to have done it, in any event.

It is interesting in this connection to consider the nature of the State Bar's approval of CRLA. In another conversation with a member of our staff, the same gentleman referred to above indicated a dissatisfaction with the amount of information they were given on the basis of which they had to approve or disapprove the program. In some respects, this latter point, no doubt true in view of the evidence collected in this report, suggests a possible area for reform in the way Bar Associations go about evaluating legal service programs.

(3) In an affidavit taken on December 23, 1970, Mr. Richard A. Weiss, Los Angeles attorney, attested to

three separate instances of "unprofessional conduct and frivolous waste of taxpayers' money by attorneys employed by the California Rural Legal Assistance." The first instance concerns the case of Dubney versus Harold L. Anderson, wherein Mr. Budney was represented by Mr. Weiss' firm, and Mr. Anderson was represented by CRLA attorneys Robert Bell and James A. Kealey. Mr. Weiss states that

> "the CRLA attorneys represented Anderson for the sole purpose of filing a motion to transfer the Los Angeles Municipal Court case to Sonoma. . . . They lost their motion in the trial court. They appealed and lost their appeal. They then made a motion for a rehearing and lost that.

The second instance cited by Mr. Weiss was in the case of Creditors Service versus Fred Reed, wherein Mr. Reed was represented by the CRLA through Florence Bernstein, Barbara Sena, and Armando Rodriguez. This case was started in the Los Angeles Municipal Court and the CRLA attorneys filed in answer,

> "A cross complaint for injunction and fourteen counts of punitive damages in the amount of $2,000.00 per count and moved to transfer the case to the Fresno Superior Court."

> "They then, in direct violation of the Code of Civil Procedure, paid the transfer fees. No notice was given to the plaintiff and within ten days after transfer caused the default of plaintiff to be taken. Despite telephone calls and letters they (the CRLA attorneys) refused to set aside the default. Plaintiff was forced to go to Fresno and move the court set aside the default. . . . At the same time the defendants made a motion to quash

> a writ of attachment. At the time of making the motion there was no writ of attachment in existence. Their motion was denied. They filed an appeal. We filed a respondent's brief. They filed a reply brief. They then stipulated to dismiss their appeal.

The third instance also occurred in conjunction with the Reed case. Here, CRLA attorney Barbara Sena, in opposition to plaintiff's motion to vacate the default,

> "contained several items that were absolutely false and that declarant knew or should have known were false." (Exhibit 14-0164)

(4) In an affidavit taken on December 23, 1970, Mr. Emil A. Markovitz, Manager and Corporate Secretary of Creditors Service of Los Angeles, states the following:

> "I have been told by attorneys personally involved in cases where parties were represented by CRLA attorneys, that when the CRLA attorneys were informed that their clients owned assets which should disqualify them from receiving the services of CRLA, the informants were told that it was none of the informants' business that these persons owned these assets." (Exhibit 14-0164-04)

(5) In a letter to Lewis Uhler dated December 8, 1970, Mr. E. M. Azevedo, a Modesto attorney, relates and documents an instance of unprofessional conduct on the part of CRLA attorney Phil Newmark. The first point made concerns a letter written by Mr. Newmark which was sent directly to one of Mr. Azevedo's clients, Dial Finance Company, by-passing Mr. Azevedo altogether. Mr. Azevedo states that he was "quite shocked" to find from his client that Mr. Newmark had "communicated

personally with them." Another point Mr. Azevedo makes regarding Mr. Newmark's conduct is as follows:

> ". . . the tenor of Mr. Newmark's letter is obviously slanted towards a class action threat. They do not really seem to be concerned about the rights of the individual client. If they were I am sure they would have researched the law more carefully than they did to determine that they were in fact in error, or they would have at least made some kind of proposal to me that I could discuss with my client (emphasis added)." (Exhibit 14-0091)

(6) CRLA paid staff attorney Philip Newmark on invitation from the History Department at Grace Davis High School in Modesto, spoke on October 27, 1970, before an audience of juniors at that High School. The topic was "What are the legitimate limits of dissent in America today;" this talk brought an investigation by Mr. Pete Doane of the Stanislaus County District Attorney's office of the use of offensive language by Newmark during his presentation. Mr. Doane's report indicates that Mr. Newmark used the words "sh*t" and "fu*k" or forms thereof on three separate occasions during his speech and wrote the latter word on the blackboard. While one teacher "related that Newmark seemed to have gained rapport with a number of students by his use of the objectionable words," one must conclude that such conduct is hardly in keeping with an attorney's obligation to "maintain standards of appearance and decorum." (Exhibit 17-0136-01)

(7) On September 4, 1970, during a UFWOC rally in support of the union's lettuce strike in Salinas, a person identified as Neil Levy, who is listed as an attorney with the CRLA Salinas office, is reported by a newsman to have addressed the rally and offered the support of the CRLA Salinas office to defend against unlawful detainer actions. A television film clip in the possession of our office describes the scene as follows:

> "California Rural Legal Assistance Attorney Neil Levy asked that all workers return summonses from growers notifying them to leave the camp, so they can be answered in court, adding that in that way he may be able to prolong the day of eviction."

Rule 13 of the "Rules of Professional Conduct for the State Bar of California" states, in part:

> "A member of the State Bar shall not accept employment . . . solely for the purpose of . . . delaying another . . ."

Mr. Levy's actions in the case cited here appears to constitute a clear violation of this rule. (Exhibit 14-0130)

(8) On January 17, 1970, El Centro CRLA attorney Robert Johnstone was arrested for "willfully and unlawfully, as driver of a privately owned vehicle, keep . . . 7 partially filled 11 oz. bottles of beer which had been opened . . . and the contents of which had been partially removed . . . in a place other than the trunk

. . . while such vehicle was upon a highway. Johnstone forfeited $50 bail on March 18, 1970. (Exhibit 17-0082)

(9) Mr. Frank C. Bosso, Department of Labor, at a San Benito County Board of Supervisors special meeting, June 25, 1970, entered the following into his report concerning the behavior of CRLA attorney Antonio Del Buono:

> "As I was leaving my seat and walking to the door of the chambers, Antonio Del Buono, community worker for California Rural Legal Assistance, shouted that he wanted to talk to me, the man from the Labor Department, as he put it. I stated that I did not have anything to talk to him about. He replied that he had plenty to talk about to me. I suggested that if it concerned the farm labor services he should contact our legal staff in Sacramento for any discussion he may want to have with me. While proceeding to walk away from and out the door, he shouted 'on July 22nd we are going to close all the Farm Labor offices in the State.' He did not elaborate who 'we' were, but I presume he was referring to CRLA. I told him not to bother me anymore and that I did not have anything to discuss with him. Again I repeated that we had a legal staff who represented the Department in the main hearings and who I thought had done a good job of it. At this point, a Maria Martinez Rivera, who had been in the audience at the meeting, overheard my last comment to Mr. Del Buono. She intervened by making this statement, 'Good, I'm glad you're telling him off.' When he heard this remark he turned around and started to shout to her in Spanish. Several Mexican-American men who were nearby jumped to her rescue and the police were called. The evening ended with Mrs. Rivera signing a complaint against Mr. Del Buono for using vulgar and profane language in her presence. According to the police records four witnesses attested to the allegations." (Exhibit 17-0081)

(10) On or about March 27, 1970, Delano Police Officer, C. E. Brown, stopped a vehicle driven by Gerry S. Hernandez, who ran a stop sign. According to his 7/21/70 affidavit, Officer Brown issued a warning but no citation and was about to respond to a pending call when CRLA attorney John Ortega pulled up offering to give the driver legal advice. Brown explained that no citation was being issued and asked Mr. Ortega for a business card, whereupon Ortega stated, "I wouldn't give you cops the time of day." When Brown asked the driver if he knew Ortega, the driver said, "No, but he sounds like some kind of nut." Ortega demanded Brown's badge number, saying "We'll see you in court." When Brown advised Ortega of Penal Code Section 148 (interfering and delaying a public officer), Ortega shouted in Brown's face, "You had better read the Constitution if you can read," and left mumbling. Officer Brown's statement is sustained by the July 21, 1970, affidavit of Gerry Hernandez, who stated that Brown was ". . . courteous and friendly at all times," and that Brown treated Ortega ". . . with respect during the entire time."

Canon 28 of the American Bar Association's "Canons of Professional Ethics" states, in part, that:

> "It is unlawful for a lawyer to volunteer advice to bring a lawsuit, except in those cases where ties of blood, relation or trust make it his duty to do so."

Apart from Mr. Ortega's apparent disregard for this canon, his conduct vis a vis police officer Brown is patently "unprofessional" by any standard. (Exhibit 17-0080)

(11) CRLA attorneys of Madera County, in the welfare matter of Maria Molina, drafted a trust agreement with Maria Molina designed to hide the proceeds of a sal of real property from the Madera County Welfare. Maria Molina was (at the time CRLA drafted the trust agreement) on the Madera County Welfare rolls. The trust agreement drafted by CRLA placed in trust the proceeds of the sale in lieu of reporting the proceeds to the welfare agency. (Exhibit 17-0078)

(12) Edward Chidlaw, President of the Madera County Bar Association, in an affidavit dated December 11, 1970, stated that a letter critical of the Madera City Council and Police Department was sent to a Madera Newspaper. This "Letter to the Editor" purported to speak for seven youths who were arrested on July 27, 1969, for disturbing the peace. We identified the letter as being written on CRLA stationary by the union identification mark which appeared at the bottom of each page. The fact that the letter was written on CRLA stationary indicated

to this office that a very strong possibility exists that CRLA was largely responsible for the contents of the letter.

One of the seven defendants, Scott Ingle, was represented by Mr. Chidlaw. When Mr. Chidlaw contacted his client and asked him why he had signed his name to such a letter, the boy replied that he had never seen the letter before. A brief examination of at least two other signatures on the letter (copy attached) indicate that they were written by the same person. This further serves to refute the possibility that the letter was indeed the combined and mutual effort of the seven defendants involved. (Exhibit 14-0125)

(13) WHAT IS CRLA DOING TO MAINTAIN PROFESSIONAL STANDARDS?

The above sequence of cases portray a profile of crass, vulgar and unprofessional behavior of CRLA staff members in their professional capacity.

We have no record of any official punitive CRLA action concerning these incidents or the individual staff members involved.

E. HARASSING AND FRIVOLOUS ACTIONS ON THE PART OF CRLA

CRLA attorneys, as are other attorneys, are prohibited from engaging in harassing and frivolous activities.

> "The lawyer must decline to conduct a civil cause or to make a defense when convinced that it is intended merely to harass or to injure the opposite party or to work oppression or wrong. But otherwise it is his right, and, having accepted a retainer, it becomes his duty to insist upon the judgment of the court as to the legal merits of his client's claim. His appearance in court should be deemed equivalent to an assertion on his honor that in his opinion his client's case is one proper for judicial determination."
>
> (Canons of Professional Ethics of the American Bar Association, Rule 30 - emphasis added.)

> "A member of the State Bar shall not accept employment to prosecute or defend a case solely out of spite or solely for the purpose of harassing or delaying another; nor shall he take or prosecute an appeal merely for delay, or for any other reason, except in good faith."
>
> (Rules of Professional Conduct, State Bar of California, Rule 13 - emphasis added.)

> "A member of the State Bar shall not advise the commencement, prosecution or defense of a case, unless he has been consulted in reference thereto, except when his relation to a party or to the subject matter is such as to make it proper for him to do so."
>
> (Rules of Professional Conduct State Bar of California, Rule 10.)

> "Nothing operates more certainly to create or to foster popular prejudice against lawyers as a class, and to deprive the profession of that full measure of public esteem and confidence which belongs to the proper discharge of its duties than does the false claim, often set up by the unscrupulous in defense of questionable transaction, that it is the duty of the lawyer to do whatever may enable him to succeed in winning his client's cause . . . <u>But it is steadfastly to be borne in mind that the great thrust of the lawyer is to be performed within and not without the bounds of the law.</u> The office of attorney does not permit, much less does it demand of him for any client, violation of law or any manner of fraud or chicane. He must obey his own conscience and not that of his client."
>
> (Canons of Professional Ethics of the ABA, Rule 15-emphasis added)

An affidavit from Mr. Norman Shaw, attorney, and a member of the Board of Directors for the Legal Aid Society of San Joaquin County, deals at length with <u>harassing tactics used by Edward Mattison, attorney with the CRLA office in Modesto, California</u>.

Shaw was representing a Mr. and Mrs. Pena, recent purchasers of an apartment house in Stockton, California. A 30-day notice to vacate was served upon the tenants of the apartment house on October 1, 1970, for the purpose of refurbishing the premises. Mr. and Mrs. Pena received a letter from Mattison dated October 12, 1970, in which he informed the Penas that he had been asked to represent the affected tenants of the apartment house (Modesto is located approximately 30 miles from Stockton,

with the latter city being a metropolitan area.) Two days later, Shaw received a letter from Mattison stating that he had accepted the rent money for October from a number of the tenants and would retain it until the occupants were apprised of Shaw's opinion that the rent was due forthwith and should not be held for some reason. One day later the San Joaquin District Health Officer declared the premises unfit for human habitation, and on October 19, Shaw received another communication from Mattison promising to be in touch with him the following day regarding the due rent. It was not, however, until October 30th that Mattison recommunicated with Shaw, stating that he would not remit the due rent money until such time as written assurances were received that the tenants could continue to live on the condemned premises until there were able to find a new place. Shaw refused to give any written assurances. Finally, on November 24, 1970, Mattison again communicated with Shaw, stating that all but one of the families had left or paid their rent, and concludes the letter by saying:

> "I am sorry for the delay because I realize that the Penas are by no means wealthy themselves."

And so, an "unwealthy" couple is forced to retain a private attorney at their own expense and is delayed for almost two months in receiving their justly due rent moneys. (Exhibit 02-0019)

In the suit of Codley, et al, v. Knudsen Creamery Company, et al, San Francisco Superior Court No. 625183, CRLA is suing eight milk companies for code dating milk cartons, rather than using a clearer system of date marking. This case alleges that poor people are getting old milk because of the "unfair and deceptive" practice of the milk companies. Despite the fact that the Legislature recently determined the coding practice to be satisfactory, this suit has been filed to harass the dairy companies, and if successful, will cause the cost of milk to increase as much as three cents a quart, according to dairy spokesmen. (Exhibit 02-0022.)

An affidavit from Robert R. Stewart, Judge of the Justice Court, Guadalupe Judicial Court, gives us an example of harassing of the court systems by CRLA. It quotes as follows:

> "I wrote a letter to CRLA headquarters in May 1969, inquiring as to whether or not CRLA could enter into criminal proceedings. This letter was answered in July 1969, stating that CRLA did not handle criminal matters. The reason for this inquiry was prompted by CRLA which represented two clients in criminal proceedings in my court. I do not have the names of the persons involved in these matters, however, if it ever becomes necessary, I can have the members of my staff research through my records and obtain the facts concerning these particular incidents. Some time after I received this letter, I became subjected to harassment type tactics from CRLA whereby several clients represented by CRLA filed affidavits of prejudice against me. On the basis of the facts in these cases, such

affidavits were entirely unreasonable. When I inquired of these people as to why they filed such affidavits, the only response I received was that CRLA had advised them to do this. I feel that such actions present an undue hardship upon this court because I am the only judge in Guadalupe and, therefore, it would necessitate the County spending money to have another judge come from another area to sit on this bench." (emphasis added)

This is only the first of the items covered by Judge Stewart. He goes on to further state:

"I feel that because of my close association with the people in this community I have been aided in my responsibility and that such association does not hinder justice. A particularly personal example of CRLA becoming involved in a criminal manner concerns a case of T. Cardoza. Mr. Cardoza was found guilty, in 1968, of a traffic violation and was fined $115. In September 1970, I received a telephone call from Mr. Burton Fretz, chief attorney for CRLA. Mr. Fretz inquired as to whether or not Mr. Cardoza had been charged with drunk driving at the time of his arrest. I informed Mr. Fretz that Mr. Cardoza had been charged with drunk driving, however, this charge had subsequently been reduced to reckless driving. This was the substance of the telephone conversation between Mr. Fretz and myself. In October 1970, I learned through a story released in the Santa Barbara press that CRLA was attempting to have the decision against Mr. Cardoza reversed because Mr. Cardoza had not been informed of his constitutional rights. The fact of the matter is that the contention of CRLA is not correct. At the time of his hearing, Mr. Cardoza had been made aware, through an interpreter in this court, what he was charged with and what his constitutional rights were. I had not released this information concerning Mr. Cardoza to any newspaper and, therefore, I feel the only way such information could have been released would have been through the office of CRLA. After I filed an answer to the writ of habeas corpus,

> CRLA sought to have the case removed from the court calendar, however, this was blocked by the District Attorney of Santa Maria and a hearing was set for December 2, 1970, but the matter is still pending. I feel that CRLA attempted to remove this matter from the court calendar after the news had been released through the paper so that I would be unable to clear myself in this matter. I fully intend to pursue this matter because I feel that the facts in the case will prove that there was no wrongdoing on my part. My office staff has been subjected to some harassment by CRLA with respect to requests that they submit to my office. CRLA has demanded that their inquiries be answered immediately instead of asking for such information in a polite manner. I do not have a very large staff and they do their best to answer all requests from all agencies." (Exhibit 02-0026 - emphasis added.)

Mrs. Florence Kinlock, Director of Imperial County Welfare Department, has stated that she has been subjected to harassment from CRLA as indicated by demands made on her by the El Centro CRLA office in the following instances:

(a) Letter of CRLA attorney Altschuler, July 13 1970, in which he asserts the constitutional rights of individuals are being violated because prior notice is not given to welfare recipients before they are terminated;

(b) Letter of Ollie Rodgers, CRLA community worker, of September 12, 1969, asking for changes in selection of representative for welfare recipients;

(c) And letter of Altschuler, November 25, 1970, charging Welfare Department's gross under-utilization of Spanish-surname employees, which is so unclear

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that it resulted in the following reply from Mrs. Kinlock:

"Dear Mr. Altschuler:

In reply to your letter of November 25 in which you made many allegations against the Welfare Department, I shall not grant your request to meet personally with me for discussion.

The method of your approach and the contents of your letter require that any discussion should take place with your own profession, therefore, a copy of your letter is being forwarded to the County Counsel. Another reason for this is that to me as a layman the contents of your letter are so poorly based and disconnected that I am unable to cope with it.

You should take note of the fact that you are the only one of the four CRLA attorneys who came to Imperial County about a year ago whose methods close the door to discussion with me. Because of your method of approach and lack of information concerning the Welfare Department, County Government and State agencies, please in the future refer all matters direct to the County Counsel. Our staff will also be so advised.

Sincerely,

Mrs. Florence Kinlock, Director
November 30, 1970."

Mr. Altschuler answered her letter on December 2, 1970, disagreeing with her letter of November 30 and closed out his letter with the following paragraph:

"Your letter would appear to foreclose informal methods of resolving problems, thereby necessitating my recourse to more formal procedures to vindicate the legal rights of my clients. I would deeply regret my having to undertake this course of action, for it would inevitably lead to inconvenience for all concerned."

In a memo to Mr. James Harmon, County Counsel from Mrs. Kinlock on November 4, 1970, regarding Altschuler's letter of December 2nd, Mrs. Kinlock writes as follows:

> "He does not seem to realize that his letters contain threats that make it illogical for me as a lay person to meet with him. Even his letter of December 2 still contains the threat of 'course of action.' On the subject he proposes, my own thinking is to let him 'take action.' In the first place specifically what group is it he wants hired? In addition, he is laboring under several misapprehensions. There will be no reply to this one from me."

This is a good example of the polarization that CRLA attorneys are developing between their offices and various County and State agencies. (Exhibit 02-0027)

In an affidavit from Russell H. Green, President of Simi Winery, Inc., of Healdsburg, California, Mr. Green discusses a case filed against himself, his partner and his ranch manager by CRLA on behalf of one Adolfo Olivas, a vineyard worker terminated for numerous absences from work and use of intoxicants while on the job. The suit was filed in U.S. District Court in San Francisco on September 1, 1970, complaint number C 70 1853, as a class action alleging Olivas' employment had been unfairly terminated and that non-resident alien workers were hired to replace him. On November 19, 1970, judgment was entered in favor of the defendants but is presently being appealed. Before Green had any knowledge that a suit was being

filed against him there was a big press release in the Santa Rosa Press Democrat that his vineyards were being sued for firing domestic workers and replacing them with wetbacks. This action not only resulted in unfavorable publicity, but also cost $3,700 to defend. (Exhibit 02-0121)

In Rodriguez, et al, v. Duane Furman, et al, Madera Superior Court, Case No. 15641, Madera CRLA attorney Barbara Sena represented a group of parents and students against the Madera Unified School District in 1967. The School District had closed the schools for five days so that students and teachers alike would be free to aid in the critical task of harvesting the local grape crop, which was in great danger of spoiling. The suit charges that plaintiffs had suffered irreparable damage by the schools being closed; states that defendants did not check to be sure children didn't work without permits; and that plaintiffs were exposed to unsanitary conditions, etc. All that the School District had done was to close the schools to help prevent the entire grape crop from being lost, which would have resulted in a tremendous economic hardship on the entire community. The judge agreed with this and the case died with demurrer; however, it is still under appeal.

In an open letter to the Madera Unified School

District from Duane E. Furman, District Superintendent, October 15, 1969, Mr. Furman comments on the above case. He says that school days lost by the closing of the schools were made up during the school term. He goes on to say:

> "During the trial a witness (one of the plaintiffs) included in his testimony a statement that the schools and rich farmers were going to be made to pay for what they had done to the Mexican people. The District won the case on all counts. The cost to defend this suit was approximately $7,500 of educational funds. Cost to the taxpayers for the preparation of CRLA, since they used several attorneys was probably considerably more." (Exhibit 02-0122)

In the case of Ray and Sena Radley v. Mona Randall, et al, in the Municipal Court of the Central Judicial District for the County of Sonoma, California, No. 24607, an unlawful detainer action, the defendant claimed that property was in "substantial violation" of the housing code, and that defendant had "repeatedly and continually" informed Fred Bollinger, real estate agent for the property, of these violations. This is refuted by Mr. Bollinger. In addition, the defendant asked general damages of $20,000, plus $625 for rent already paid due to injuries sustained by defendant in a fall on the premises.

CRLA filed five affirmative defenses, totaling 7 pages, and three counterclaims, totaling 3 pages. Hearing

date on motion to set aside arrived and CRLA and defendant failed to appear. The defendant quit property shortly thereafter. (Exhibit 02-0123)

As referred to in the montage section of our report, the Kathe Fish and Gavilan College incident is nothing more than the actual use of legal processes to harass. (Exhibit 02-0124)

In an affidavit of William Leach, Director of Welfare, Monterey County, he makes the following statement:

> "I have had extensive contact with representatives of California Rural Legal Assistance organization. It has been my experience that the CRLA is more interested in representing causes than they are individuals. It has also been my opinion for some time that their cases are more harassing and/or publicity cases than cases whereas they are truly interested in the person involved. It is also my opinion, from personal experience, that CRLA is not interested as to what can be accomplished with the money that is funded to a state agency but how much they can get from the taxpayers and therefore show certain portions of the community how great they are at the expense of the rest of the community. I do not think that the CRLA is doing a good job representing welfare recipients, as they are not interested in learning the mechanics of how the Welfare Department has to operate but more on changing regulations regardless of how it may affect people personally or the department financially. I am sure that they would be able to do a much better job if they cooperated with the Department more rather than demand such and such or they would take the Department to court attempting to use them as a lever rather than attempting to iron out problems as most attorneys will before taking court action . . ." (Exhibit 02-0163)

The Santa Rosa office of CRLA filed a class type action in the form of a Complaint for Declaratory Relief on behalf of Arthur and Bonnie Self, individually, and as representatives of a class of persons pursuant to CCP 382, in November of 1967. This arose out of a writ of attachments against their client's paycheck and an attachment in the amount of $60.00. In their own pleadings, CRLA sets forth that this was an assigned claim to a collection agency and that none of the alleged debts set forth in the original complaint in said action filed in the Municipal Court for the Central Judicial District of the County of Sonoma, State of California was in the total sum of $444.18. By this action the California Rural Legal Assistance brought a change of court from the lower court to the higher court incurring additional expense by way of court costs and attorneys fees to the original plaintiff and actually accomplished no more than they could have accomplished by a simple claim of exemption. (Exhibit 02-0020)

In 1968, the city of Imperial, California, was negotiating an application for a loan and grant with the Economic Development Administration. The purpose of this loan was to refurbish and extend the city's sewer and water facilities to the south end of the Imperial County Airport which is within the city limits of Imperial.

An election had been held on a referendum basis pertaining to this EDA application wherein revenue bonds were approved to finance the City's share of the project by a plurality in excess of 90% of the voters. However, the CRLA representatives, James Lorenz, then a staff attorney for CRLA and now a deputy director, and Donald Jueneau, a non-admitted attorney in California, contacted city officials on behalf of a number of "residents." They expressed the dissatisfaction of their "clients" with the outcome of the election and the purpose of the loan, implying expensive litigation to overturn the results of the election and negating the loan if their various demands were not met.

After a series of private meetings at which these threats were made, and a public meeting at which they were inferred, CRLA presented a list of their purported plans and it was determined that a good number of their clients were not even residents or voters of the City of Imperial. (Exhibit 02--0021)

Another class action filed by Madera CRLA attorneys against the Madera County Welfare Department alleged that three children, purportedly under the age of 16, and their grandmother were removed from the AFDC roles of the Welfare Department because the children did not work in the local grape harvest during the time the

Madera schools were closed for that specific purpose. In addition to general damages in the amount of $22,050 for the plaintiffs, the sum of $200,000 was asked as punitive damages for "persons similarily situated." This action was clearly one of harassment in nature as it could easily have been settled by a conversation with the Welfare Department or, if necessary, settled through an administrative process. This would have alleviated the general damage loss by reason of retroactive payment. (Exhibit 02-0023)

A harassing defensive action in response to a simple unlawful detainer pertaining to the residency of a small dwelling was filed by Santa Rosa CRLA attorneys in 1969. (Radford vs. Wimmer, Municipal Court for the Central Judicial District, County of Sonoma, No. 23111) This lawsuit was predicated upon a three-day notice to vacate served on the defendant on October 14, 1969. The unlawful detainer was filed on October 20, 1969, which was followed by the CRLA action which consisted of an answer to the complaint, October 27, interrogatories to plaintiff on October 27, a notice to set on November 11th and a continuance to the Master Calendar on November 12, a notice of motion to compel answers to the interrogatories on November 19, a notice of motion for summary judgment on November 14, answers to the interrogatories on November 17, and an argument on the motion on November 24. This finally re-

sulted in a trial date being set, at which trial the defendant did not appear and the attorney acting in behalf of CRLA at the trial, Miss Lagomarsino, stipulated to a judgment for the plaintiff in the amount of $135.00 in rent and the costs of the lawsuit. Actually the only thing which was accomplished in this matter was a profit to the attorney for the plaintiff and a delaying tactic for the defendant, the CRLA client. (Exhibit 02-0028)

In our evaluation, in case after case, including the above, there seems to be an immediacy and finality in the modus operandi of CRLA attorneys in lieu of reason, negotiation and calculation. They are prone to sue, seek injunctive action, as in the vernacular "do their thing", without due respect to the disciplined manner of thought process that is so vitally important to the practice of law.

They are prone to initiate actions without regard to a cost or time factor that would be prohibitive for a private attorney and his client.

F. WASTE, INEFFICIENCY AND MISUSE OF RESOURCES

> "No matter how many hours a day the (legal services offices) remain open, no matter what systems are used to streamline intake and processing, the offices cannot handle the floods of people that come to them for legal help . . ." (Quoted from a speech given by former CRLA Deputy Director Gary Bellow at the Harvard Sesquicentenniel Celebration in late 1967, in CRLA's 1971 Refunding Proposal, page 31.)

Despite pious statements like the above, we discovered numerous instances in which CRLA misuses the resources it so often declares to be inadequate. Often the problem is simple waste. But a few cases cited below suggest a problem more than mere waste.

(1) Filed a suit against the Madera Unified School District in Madera, California, to prevent the closing of a local school, which would permit teachers and students from participating in an emergency grape harvest. In the course of handling the matter, CRLA demonstrated a total disregard for cost. For example, two attorneys, a law clerk and an investigator were usually all present during the taking of depositions when all that was necessary was one attorney. Efforts were also made to make photocopies of voluminous school records, whether or not they were relevant to the issues in the case. (Exhibit 13-009A)

(2) In the unlawful detainer action of Watts v. Parker during a three-day jury trial in the Modesto Municipal Court, three CRLA attorneys and a CRLA investigator sat through almost all of the trial. During the same period the Madera office had a policy of refusing to handle domestic matters. (Exhibit 10-0054)

(3) In March and April 1970, CRLA attorneys Philip Newmark and Don Lowenstein organized and encouraged students to demonstrate against the Modesto Unified School District in connection with a decision of the School District to drop-out of the national school lunch program. For nearly six weeks these two attorneys were occupied in either participating in the demonstration or representing defendants arrested for trespass during it. The Reverend Monroe Carter Taylor, director of Social Services at the King Kennedy Memorial Center in the City of Modesto and a member of the Advisory Board of CRLA's Modesto office remarks on this allocation of time spent by the two attorneys, either participating in the demonstrations or defending the demonstrators, Reverend Taylor relates the following incident:

> "While I was at the City School Office demonstration scene I had a conversation with Mr. Newmark relative to his counseling of the demonstrators who should have been in school. The issue was what these young children were going to eat.

"Mr. Newmark remarked, 'Monroe, feed the children something to eat and charge it to CRLA.' After the school demonstrations I talked to David Talamante, Manager of the then Stanislaus County Cooperative Association, 409 Mace Road, Modesto, who had furnished the demonstrators lunches, and he told me that he had billed CRLA $400 for the food and that they had paid for it. I think that this was a misdirection of funds."

(4) Further on in his affidavit Reverend Taylor relates another flagrant misuse of funds:

"I think that there was another instance of misdirection of funds and that was during the campaign for State Assemblyman by one MacLovio Lopez. Mr. Lopez was in my office attempting to solicit my support. I told him I couldn't support him because he did not have the funds to expend in printing materials for his campaign that would make it a success. He said that CRLA had made cash contributions to his campaign fund and that the CRLA office had printed and reproduced brochures, bumper stickers and various other materials free of charge to him. I talked later to a member of the CRLA staff, who is no longer on the staff, and found what Mr. Lopez told me was true. Apparently they also printed up bumper stickers advocating free lunches for the children during the Modesto City School Bond elections. I feel that the funds were not properly used as there was a heavy caseload of poor clients who needed representation while the two lawyers were off involved with demonstrations and defending them in court. In fact, it was during this period that I telephoned Mr. Sal Espana of Governor Reagan's staff requesting an audit of CRLA books to determine how the funds were actually being used." (Exhibit 10-0062)

(5) Roy T. Hodge

The Modesto office of CRLA accepted the defense

of a Mr. Roy T. Hodge in a suit brought by the Stanislaus Credit Control Service for a legal fee of $650, owed to a local attorney. Throughout most of the two-day jury trial, two members of CRLA, in addition to the CRLA trial attorney, sat in the courtroom as "observers." The attorney for the plaintiff states that:

> "the time, expense and manpower consumed by the CRLA attorneys in defense of this case was unjustified, and the efforts made to negotiate a settlement in advance were far short of those to be expected in the expeditious handling of such matters." (Exhibit 10-0055)

(6) Attorney Philip P. Pendergrass recites in affidavit an incident demonstrating CRLA's sloppiness in the holding of trust monies as well as waste of manpower resources: (Exhibit 09-0105)

> "In 1969, I had occasion to be involved in litigation with the California Rural Legal Assistance of Modesto, California . . . CRLA filed a lawsuit attempting to obtain restraining orders against Mr. Fullon (the plaintiff) from evicting the tenants in occupancy and to further obtain damages as a result of defective housing. Fullon was an individual who was permanently and totally disabled and was receiving social security; and the income from the rentals plus his social security constituted his entire income which put him at a level declared to be of a poverty level. . . . the County Health Office of Stanislaus County had complaints made to it and, therefore, work was demanded by them on the premises. Further (CRLA attorney), Mattison had accepted money purposed for rental pursuant to Section 1942 of the California Civil Code. The money was placed in the trust account and no repairs were made by the tenant. The amount of money was $65.00 which was held. Subsequently, an agreement was made between Attorney Mattison

and myself that Mr. Torres' money would be turned over to Mr. Fullon upon the completion of certain repairs. Those repairs were, in fact, made. Subsequently, the money held by CRLA, in their trust account was delivered back to Mr. Torres rather than being turned over to Mr. Fullon pursuant to agreement. However, thereafter, a letter was received from Mattison indicating that because of his being out of the office at the time CRLA's client asked to have his money returned, the money was returned without knowledge of an agreement which has been entered into. Fullon did not receive his rental money in that Torres apparently left the State and returned to Mexico."

(7) . . . It is apparent that in the holding of trust monies, CRLA is extremely loose. There would appear to have been no notation in the file or whoever returned the money did not examine the file to be aware of an agreement which had been entered into. . . . The net effect of the action by CRLA was as follows:

(a) The property owner who was financially unable to pay legal costs, rent or legal fees and court costs which he was then and now is unable to pay;

(b) The time required for legal services was extensive and appreciably reduced counsel's time and ability to serve other clients;

(c) At all hearings and under all circumstances involved, generally there were two CRLA attorneys present.

A hearing on motion to dismiss by the filing of a

demur and motion brought by CRLA, for temporary restraining order was heard on Municipal Court and on that occasion Kelly and Mattison were both present wherein the matter could have reasonably been handled by one attorney and the operation was therefore, inefficient. . . . The court time was taken on a matter which should have been resolved without the necessity of litigation and the exercise of the necessary rights. (Exhibit 09-0105)

(8) In June 1970, the El Centro office of CRLA on two separate occasions purchased 22 x 28 white poster board in large quantities, copies of the invoices for which are attached as exhibits (Exhibits 03-0153-01 and 02). Those two purchases occurred at the same time as UFWOC's melon strike and picketing in Imperial County at which 22 x 28 poster board was used for picket signs.

Later in the year in late November, the El Centro office again purchased (Exhibit 03-0153-01) poster boards. Within two weeks the UFWOC demonstrations (of December 11) to free Cesar Chavez used 22 x 28 poster board. (Also see Exhibit 03-0198 on this point.)

(9) On March 30, 1970, Mr. and Mrs. Lonnie Anderson filed a free lunch application with Mr. Clyde R.

Hull of the Modesto City Schools. The Anderson's stated that they had outstanding bills, including one which was a personal loan from CRLA for $32.00. On May 15, 1970, the Anderson's reapplied and stated that they had a personal loan from CRLA. (Exhibit 10-0058)

(10) One attorney relates his experience with CRLA in a landlord-tenant suit of minimal damages:

> "My condemnation lies with the fact that they (CRLA) had two attorneys in addition to the trial attorney and an investigator, sit through almost all of this trial. It is common knowledge that CRLA does not take needy clients insofar as domestic matters are concerned. This, they declare to be a policy in their office. It would seem to me that if they had time to have those attorneys tied up in a landlord-tenant lawsuit, just listening to the case and observing, they should have time to handle the needy clients in regard to domestic matters." (Exhibit 04-0039)

A Section on waste and misuse of resources could naturally include recitation of time spent and resources spent pursuing matters that fall into most of the other categories in this report. We have limited this particular section, however, only to misdirection of funds and wastes of attorney and office resources. Throughout the state we heard observations by local attorneys and judges that CRLA attorneys often travel in groups of two's and three's wherever they go during the working day. In view of the severe legitimate needs that the poor have for legal services, this form of waste seems inexcusable.

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G. PUBLICITY

"Newspaper publications by a lawyer as to pending or anticipated litigation may interfere with a fair trial in the Courts and otherwise prejudice the due administration of justice. Generally they are to be condemned. If the extreme circumstances of a particular case justify a statement to the public, it is unprofessional to make it anonymously. An ex parte reference to the facts should not go beyond quotation from the records and papers on file in the court; but even in extreme cases it is better to avoid any ex parte statement." (Canons of Professional Ethics of the American Bar Association, Rule 20.)

In an affidavit of Joseph Graziano, dated December 9, 1970, Mr. Graziano makes the following statement:

"I am the city editor of the Santa Maria Times, 201 West Chapel, Santa Maria, California, and I've been in this position since June, 1970. Prior to this date, I worked for the Santa Maria Times as a reporter. During the period 1966 to 1969, in my capacity as a reporter, I reported on the suits being filed within the Municipal and Superior Court system of Santa Maria Judicial District. While employed by the Santa Maria Times, I have been aware of the activities of the California Rural Legal Assistance (CRLA) with regard to press releases submitted by CRLA. These press releases have been concerned with lawsuits filed by CRLA. Included among the various suits submitted by CRLA have been those filed against the Lucia-Mar Unified School District, Pismo Beach, one against the owner of the Santa Maria Berry Farm which alleged pesticide poisoning and one against the San Luis Obispo Welfare Department. The latest press release was received by me over the telephone from Burton Fretz, Chief Attorney for CRLA, which disclosed that CRLA was filing a suit against the Budget Finance Plan of Santa Maria. This

story appeared in the December 2, 1970 issue of the Santa Maria Times. All of the press releases submitted by CRLA to the Santa Maria Times have been concerned with lawsuits filed by CRLA on behalf of their clients and I know of no other press releases submitted by CRLA that have dealt with any other subject. I personally feel that the concept of CRLA is a valid one, and that citizens of a community should be allowed to have legal assistance if they cannot afford to hire a private attorney. From personal experience, I feel that CRLA, in the Santa Maria area, is idealistically motivated and that they pursue this idealism with enthusiastic endeavor, however, I also feel that such enthusiasm should be tempered by more mature thinking. CRLA appears to be attempting to correct injustices and in some of the suits filed by CRLA they have not been cognizant of all the facts in the case. This is borne out by the fact that CRLA has not been successful in these lawsuits." (Exhibit 07-0200--Emphasis added.)

In a sworn Specification of Charges to the State Bar of California by W. F. Moreno, Attorney, Salinas, California, dated February 6, 1968, Mr. Moreno lists the following specifications in regard to the Martin Produce case:

"a) It was orally stipulated that the settlement agreement in this case would not be made public or released for publication to any news media for the following reasons:

1) It was believed to be in the best interests of all concerned;

2) There had been too much publicity already;

3) The newspaper reports had not always been accurate;

4) There was still a lawsuit pending.

Without consent of defense counsel (Moreno), the settlement agreement was made public and Moreno swears:

"a) By Robert Gnaizda, the attorney for the California Rural Legal Assistance, filing the settlement agreement with the Court and calling it to the attention of Eric Brazil, the California news reporter;

"b) I am informed and believe and based upon that information and belief, allege that the chief administrative officer of the California Rural Legal Assistance at Los Angeles, whose name I believe is Mr. Lorenz, furnished a copy of the settlement agreement to Mr. Harvey Bernstein, the labor editor for the Los Angeles Times. At the same time, Mr. Lorenz had an informal news conference with Mr. Bernstein. A copy of the article which resulted is attached hereto.

"c) On February 1, 1968, Mr. Robert Gnaizda at twelve noon at the Italian Villa has admitted to me that he discussed the settlement agreement with Mr. Bernstein and that he had made the quotes attributed to him.

"d) Mr. Gnaizda, at the same time, also admitted to me that he had tried to contact me before releasing the settlement agreement to get my consent, but he could not reach me because of my recent illness. He did not allege that he had ever attempted to discuss the matter with my partner, Donald M. Branner, who has handled my files, including other files involving the California Rural Legal Assistance office in my absence.

"e) As a result of the settlement agreement, I believe that I had reestablished a normal, healthy employer-employee relationship. My client actually made special arrangements to see that the plaintiffs were paid before Christmas in spite of the fact that Mr. Martin, the President of MARTIN PRODUCE, INC., left the continental United States for a vacation the day following the signing of this settlement agreement. Since my client has seen the newspaper reports, he is extremely upset with the breach of confidence of the California Rural Legal Assistance and my efforts toward good relationship with the California Rural Legal Assistance and the workers and the subject employer has been made, to say the least, most difficult.

"SECOND SPECIFICATION:

"I believe that a careful review of all of the newspaper leads leads to the conclusion that the California Rural Legal Assistance has willfully distorted facts in the following fashion:

"a) The California Rural Legal Assistance has always attempted to create the impression that the nine plaintiffs were 'poor agricultural field workers' who earn less than $2,600.00 annually. The truth is that these plaintiffs are skilled equipment operators who last year earned $2.00 per hour. Those who have been employed by MARTIN PRODUCE, INC. over a period of years, have earned as high as $6,319.26 for one employee for one year. It is true that some of the plaintiffs have been recently employed by MARTIN PRODUCE, INC., and therefore earned nominal amounts as of the time that their services were no longer required. A copy of the earnings records from the year 1969 for the plaintiffs is attached hereto.

"b) The California Rural Legal Assistance has created the impression (see the news article) that there was a trial with a judgment which sets a precedent.

"c) The California Rural Legal Assistance has also created the impression through its oral news release to Mr. Bernstein that Judge Campbell has issued a judgment to the effect that 'any employer who fires a worker for union activity must not only rehire him, but may also be forced to pay punitive damages', and the present case represents case law to this effect.

"d) The California Rural Legal Assistance did not disclose that they had dismissed the plaintiffs' case with prejudice, or that the court had found that there was no triable issues between the Growers Farm Labor Association, the Growers-Shipper Vegetable Association, E. James Houseberg or Doe I through Doe XX, and that the court had summarily dismissed the suit.

"THIRD SPECIFICATION:

"I sincerely believe that the recent publicity on this case is related to the recent issue as to whether or not the California Rural Legal Assistance should be funded and that a logical conclusion is that the news releases were intended to further the interests of the Californit Rural Legal Assistance even to the detriment of its clients and contrary to the express agreement of the parties not to make the Settlement Agreement public.

"FOURTH SPECIFICATION:

"During the period when the lawsuit was pending, certain tomato growers applied to the United States Government for the use of Braceros. The California Rural Legal Assistance filed suit in the U.S. District Court allegedly on behalf of the nine plaintiffs to prevent the importation of braceros. ...None of the defendants of the state court lawsuit, that is, MARTIN PRODUCE, INC., etc., were named or served.

"a) The California Rural Legal Assistance has no basis to be in the Federal Court in this particular case.

"1) MARTIN PRODUCE, INC. has not applied for the use of braceros and had not even used braceros for a number of years. A reading of the Federal complaint discloses that the California Rural Legal Assitance was attempting to recreate the impression that MARTIN PRODUCE, INC., was involved in the imporation of braceros and that the federal law refusing to send braceros to a place in which there was a labor dispute applied.

"2) MARTIN PRODUCE, INC. has not even been involved in the harvesting or growing of tomatoes for many, many years. MARTIN PRODUCE, INC. concerns itself solely with carrots.

"b) The agreement between the Secretary of Labor and the California Rural Legal Assistance specifically refused the right to MARTIN PRODUCE, INC., to receive braceros in paragraph 7, thereby substantiating the claim that California Rural Legal Assistance attempted to create the impression that MARTIN PRODUCE, INC. was involved in the importation of braceros, thereby giving the California Rural Legal Assistance jurisdiction. Additionally, the California Rural Legal Assistance in its agreement and complaint attempted to create the impression that MARTIN PRODUCE, INC. was paying less than $1.60 per hour, the minimum hourly wage. In point of fact, the California Rural Legal Assistance fully well knew that the lowest wage paid by MARTIN PRODUCE, INC. was $2.00 per hour, well above the minimum.

"c) Without informing any of the interested growers associations or farmers throughout the State, the California Rural Legal Assistance proceeded to enter an agreement with the United States Labor Department which set out the rules for which the importation of braceros could be effectuated. It is interesting to note that under Paragraph 1 of the agreement, an independent panel, consisting

> of seven members, is established and that the California Rural Legal Assistance will appoint three of the seven members. The wilful entrance of a settlement agreement affecting parties not present is a flagrant violation of the ethical standards of the legal profession and cannot be tolerated.
>
> "d) While the suit in the U.S. Federal Court was pending, Mr. Robert Gnaizda, the CRLA lawyer in charge of the Salinas office, held a press conference which was televised and in which he discussed the issues which were to be decided by the Federal Court. This conduct violates the canons of legal ethics. ..."

Mr. Moreno goes on to make other charges against CRLA which are not material to this particular section of the report. Mr. Moreno filed these charges with the State Bar of California, and they took the incredible position that they could not act on his Specification of Charges because:

> "Your original documented letter did not specify which provision or which rule you charge the attorney with having violated, nor did it set forth facts from which a provision or rule violation could be ascertained."

At this point, Mr. Moreno became so disgusted with the entire proceedings, that he elected to not take any further action. (Exhibit 16-0073-99 through 111.)

In an affidavit from Mr. Russell H. Green, President of Simi Winery, Mr. Green makes the following reference to unethical publicity:

> "Before we had any knowledge that a suit was being filed against us, there was a big press release in the Santa Rosa Press Democrat that we were being sued for firing domestic workers and replacing them with wetbacks. Besides the bad publicity we received, it has cost us $3700 to defend ourselves in this action brought by California Rural Legal Assistance."

One worker had been terminated because of absences and intoxication on the job. (Exhibit 02-0121--Emphasis added.)

On October 26, 1970, the State Bar of California sent a letter to CRLA stating that they were approving the refunding for 1971. In their letter, the Bar stated that Governor Reagan would be advised of their action. On the basis of the State Bar's letter, CRLA, on October 27, 1970, issued a press release in which they stated that the State Bar had taken an "unprecedented action" in their approval of the CRLA refunding proposal. The final perversion of the State Bar's rather innocuous approval of funds for CRLA came when CRLA's news release came out in the papers under the headline: "State Bar Urges Reagan Okay of CRLA Budget." (Exhibit 14-0090.)

Another example of publicity-hounding by CRLA comes to us from Judge Robert R. Stewart of the Guadalupe Judicial District:

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"...A particularly personal example of CRLA becoming involved in a criminal matter concerns a case of T. Cardoza. Mr. Cardoza was found guilty, in 1968, of a traffic violation and was fined $115. In September 1970, I received a telephone call from Mr. Burton Fretz, chief attorney for CRLA. Mr. Fretz inquired as to whether or not Mr. Cardoza had been charged with drunk driving at the time of his arrest. I informed Mr. Fretz that Mr. Cardoza had been charged with drunk driving, however, this charge had subsequently been reduced to reckless driving. This was the substance of the telephone conversation between Mr. Fretz and myself. In October 1970, I learned through a story released in the Santa Barbara press that CRLA was attempting to have the decision against Mr. Cardoza reversed because Mr. Cardoza had not been informed of his constitutional rights. The fact of the matter is that the contention of CRLA is not correct. At the time of his hearing, Mr. Cardoza had been made aware, through an interpreter in this court, what he was charged with and what his constitutional rights were. I had not released this information concerning Mr. Cardoza to any newspaper and, therefore, I feel the only way such information could have been released would have been through the office of CRLA. After I filed an answer to the writ of habeas corpus, CRLA sought to have the case removed from the court calendar, however, this was blocked by the District Attorney of Santa Maria and a hearing was set for December 2, 1970, but the matter is still pending. I feel that CRLA attempted to remove this matter from the court calendar after the news had been released through the paper so that I would be unable to clear myself in this matter. I fully intend to pursue this matter because I feel that the facts in the case will prove that there was no wrongdoing on my part." (Exhibit 62-0026--Emphasis added.)

These are but a few of the incidents of CRLA's use of newspapers and publicity to create a public image favorable to themselves and unfavorable to their adver-

saries. A number of rural newspaper editors throughout the State have told us that the local CRLA office is in the habit of dropping off copies of all court filings and releases on their proceedings.

VII. THE TWILIGHT ZONE

This category has been established for the purpose of including certain conduct of CRLA which we cannot properly criticize as being proscribed but which, nevertheless, causes us grave concern. This is a gray area. The information set forth here should be weighed in this evaluation but is not crucial or critical to its outcome.

A. Lobbying.

CRLA has an office in Sacramento. One of the Sacramento staff attorneys is registered as a Lobbyist with the State Legislature. It is abundantly clear that this office not only generates new legislation, but lobbies extensively on behalf of its own legislative programs and those of others it considers appropriate. During the 1970 session of the Legislature, James F. Smith, CRLA Lobbyist, successfully opposed certain amendments to the State Welfare laws that would have reduced the cost of Welfare to the State.

Although lobbying is not specifically proscribed in the CRLA grant or OEO legal guidelines, neither is it explicitly authorized.

It is time that Congress and/or National OEO clarifies this area of activity. The lobbying question is a very close bedfellow of the "suit against the government"

activity. Clearly it is time that policy decisions were made regarding these activities. Obviously such suits increase costs of government, sometimes dramatically when the suits are successfully prosecuted. It is simply a question of whether, on the one hand, tax dollars ought to pay the salaries of attorneys to bring court actions that increase costs of government, and on the other, lobby and entreat legislators not to rewrite or amend the laws to cut down on these costs.

NOTE: The State Office of Economic Opportunity is informed that prior to appointment of the current Director, the Office issued a policy memorandum to CRLA indicating its approval of CRLA's lobbying activities. As suggested above, this office cannot continue to condone such activities.

B. Fee Generating Cases.

By virtue of a special condition to its grant, CRLA is prohibited from accepting cases which generate fees, except in very special cases:

> "The grantee shall not provide legal assistance in ... representation in any case in which a fee may be provided by statute or administrative regulations, or in contingent fee or similar cases in which competent private counsel will provide representation because the case may generate a sufficient fee; such case shall be referred to a local lawyer panel, but in the event the lawyer referral panel is unable to make satisfactory arrangements for representation, such satisfactory arrangements meaning that the prospective

> client and a private attorney are able to reach an agreement on representation, in such case, the grantee may provide representation ..." (CRLA Grant, Special Condition 6b.)

Most fee-generating cases fall in the categories of personal injury and workmen's compensation. Such cases are easily and, presumably, regularly referred by CRLA to private attorneys practicing in the various communities. Nevertheless, CRLA regularly files civil actions which contain prayers for substantial monetary damages. In most instances it appears that CRLA has not first referred such cases to other attorneys.

CRLA has filed suits claiming monetary damages in the following kinds of cases, among others:

Police beating and false imprisonment - $125,000; unlawful detention and violation of civil rights - $423,000 general and punitive damages; infliction of corporal punishment upon a school child - $39,600 in general and punitive damages; claim of illegal firing for union activity - over $500,000 general and punitive damages; a false arrest and police brutality case claiming $40,000 damages; a claim of personal injuries in a counterclaim to an unlawful detainer action - $20,000 damages; a personal injury action against the City of Delano - claim of $100,000 general damages; an action against the City of Delano and its Police Officers - a claim of $11,000 in exemplary and general damages; a

charge of injuries sustained due to an unlawful dismissal by the City of Delano - $5,000 damages. (Exhibits 16-0065, 71, 72, 73, 74, 75, 76, 77, 78.)

In filing these cases it appears to us that CRLA finds itself on the horns of a dilemma: Either CRLA has simply sidestepped the fee-generating prohibition and has proceeded earnestly to secure just compensation for its clients; or these cases are not, realistically speaking, capable of producing a dollar result for the plaintiffs (i.e., there is no demonstrable damage), in which event these cases must be deemed little more than frivolous or harassing action.

This Office does not possess the capacity to determine with precision the honesty and propriety of the damage claims asserted and is, therefore, not in a position to judge on which side of the dilemma's horns each case may fall. But it seems clear that CRLA is put to an election here: Either it has filed fee-generating cases (in which event it has violated the terms of its grant), or CRLA has asserted claims for damages without any realistic belief in its power to collect same (in which event the claims would be spurious, frivolous or harassing.)

C. In-Kind Contributions.

Each operational OEO grantee is required to obtain a local share to augment the Federal dollars granted to the

program. In the case of CRLA, this local share must equal 20% of the total dollar value of the grant.

Traditionally, legal programs have provided the local share through the medium of in-kind contributions, i.e., contributions of legal services from attorneys not affiliated with CRLA but whose efforts are focused upon cases and matters being handled by CRLA for its clients.

Concern about the extent, nature and quality of in-kind contributions to CRLA has arisen for the following reasons:

1. It does not appear that attorneys located in the CRLA operational area have given much, if any, contributions of time to CRLA. (It would seem that the intent of the non-Federal share requirement would be to obtain in-kind contributions throughout the CRLA office system, rather than obtaining same from urban areas.)

2. CRLA may have claimed as in-kind contribution time of law students spent in researching articles for law reviews and other publications. We have information that leads us to believe that articles which have no demonstrable relationship to the poor have been counted as in-kind contributions. (Exhibit 05-0202.)

3. Attached is a local contribution agreement made in favor of the South Alameda County Economic Opportunity Agency and signed by Cruz Reynoso for in-kind contribution of services (consultation - legal and economic) in the sum of $3,000. The signature block would indicate that Mr. Reynoso signed on behalf of California Rural Legal Assistance, Inc., in which event it is clearly a disallowance for the South Alameda County CAA. The contribution of this kind could be allowable if Mr. Reynoso worked for the South Alameda County CAP during hours in which he was not paid by CRLA. At best this is very poor judgment by both parties. When CRLA makes such an issue out of its lack of staff, as it has in its refunding proposal, it is difficult to see how anyone in its organization would have the time to donate to other organizations.

Whether, in fact, CRLA was able to generate the total non-Federal share required in the budget would need to be completely audited to establish its authenticity. First, the documentation would have to be audited, then there needs to be an audit of whether those claiming contributions in fact spent the time claimed doing CRLA work in their professional capacities.

The following hours were indicated as CRLA's non-Federal share in their budget for 1970:

Attorneys	12,570
Psychologists	258
Teachers (Secondary)	1,390
Secretaries	3,670
Law Students	97,300
Typists	1,810
File Clerks	4,270
Investigators	6,540

VIII. COMMUNITY REACTION TO CRLA:

This section will serve to inform you of the manifest concern demonstrated by responsible and vital parts of the community served by CRLA. This section is included so that we do not lose sight of the fact that local communities are the most important ingredients of any type of governmental program, particularly where OEO is concerned. However, merely listing them would do injustice to them and would fail to relate them to the spirit and intent of the Economic Opportunity Act and its organizational structures.

The intent and spirit of the Economic Opportunity Act of 1964, as reaffirmed by Congress in succeeding years, was to mobilize every segment of a concerned community towards the eradication of poverty. Thus, OEO is not only a change-oriented agency developing creative solutions to the problems of poverty but also is an integrating force to solidify the drives of productive community action. We must, therefore, look at comments regarding CRLA from concerned citizens with respect to their responsible concern for the intent and spirit of OEO programs as they are manifested and realized in the actual workings of CRLA.

First, let us look at the reaction of several county Bar associations that are coterminous with the service areas of CRLA. OEO guidelines for legal services

programs in part state that one of the goals of any legal service program is to:

> "acquaint the whole practicing Bar with its essential role in combatting poverty and provide the resources to meet the response of lawyers to be involved in the war on poverty."

Thus, OEO mandates that its legal services programs not only inform local bar associations of its activities but will also actively integrate the good offices of said attorneys in providing legal assistance to the poor. However, there is room to question whether CRLA has attempted -- and if it has whether or not it has succeeded -- to enlist the aid, or even gain support, of local bar associations.

For example, a special committee of the Imperial County Bar Association, in a report to its membership on CRLA (see Exhibit 22-1001) summarizes its concems about whether CRLA was in fact meeting the needs of the poor and living up to the guidelines and codes of ethics; it states that CRLA,

> "functions as a device for promoting special interest groups and only operates as a law office because it has determined that it is a convenient means to effectuate its ends."

The recommendation of the Special Committee was that the Imperial County Bar Association:

> "withdraw its representative from the CRLA board of directors and sever all official connections

> between the Imperial County Bar Association and CRLA ..."

The final statement of the Committee was that the County Bar Association once again would take over the function of the Lawyers Referral Services "to provide legal services to the poor." On March 13, 1970, said report was adopted by the Imperial County Bar Association. On December 9, 1970, the Stanislaus County Bar Association stated that:

> "California Rural Legal Assistance is not adequately serving the needs of the poor, measured by the express purposes for which it was originally funded."

Furthermore, it stated that:

> "it is the opinion of the Stanislaus County Bar Association that operation of CRLA should not be continued on their present basis." (Exhibit 22-1032.)

On or about December 21, 1970, the Executive Board of Sonoma County Bar Association adopted a resolution which in part stated that:

> "the Sonoma County Bar Association and/or the Legal Aid Foundation of Sonoma County can best meet the needs of the poor in Sonoma County;"

it further stated that:

> "this executive board reaffirms its position that local control by the Sonoma County Bar Association and/or the Legal Aid Foundation of Sonoma County can best implement the indigent legal services program and provide the most efficient utilization of federal funds." (Exhibit 22-1034.)

Thus, the Sonoma County Bar Association reaffirmed the previous two statements of County Bar Associations that CRLA was not meeting the needs of the rural poor and that local control could best provide these services.

On or about December 27, the State OEO received a resolution from 23 members of the 50 member bar association of Yuba and Sutter Counties recommending:

> "to the Governor of the State of California he veto the forthcoming refunding proposal of California Rural Legal Assistance and VISTA, and that a legal program operated, controlled, and supervised by the Yuba-Sutter Bar Association be established to provide legal aid for those persons with inadequate means to otherwise obtain legal assistance."

The unmistakable pattern that emerges from these comments from Bar associations is that CRLA has not only failed to integrate their efforts with the local bar but, even more importantly, there are severe questions concerning the quality and amount of legal assistance that the poor are receiving from said organization. CRLA has shown a latent hostility to the established legal profession because CRLA attorneys in many cases regard their self-image as "movement lawyers."

Another significant segment of the legal profession, namely the district attorneys, also introduce serious questions as to CRLA's capability to provide competent legal services to the poor and to work harmoniously with

local legal groups. In a letter from the district attorney of Monterey County, Mr. Bertram M. Young (Exhibit 22-1033), the following comment about CRLA is made:

> "The actions of this agency have been in gross interference with and infringement upon the authority of the Grand Jury of the County, the Board of Supervisors of the County, and those fields in which the office of the Attorney General of California could, and would, act for complaints within its authority. This agency has failed miserably to discharge its obligations to the indigent rural poor, has wasted hundreds of thousands of dollars of our taxes, and has caused expensive and timeconsuming involvement of our local agencies in answering its vicious attacks."

On December 14, 1970, the district attorney of Stanislaus County, Mr. Alexander M. Wolfe, (Exhibit 22-1031) reinforced District Attorney Young's contention that CRLA has little respect for locally-elected officials and local control when commenting upon the actions of CRLA to inhibit the Stanislaus County Grand Jury from investigating it. He in part states:

> "In this action, CRLA labeled itself a "federal legal services project." By virtue of this descriptive title, and having in mind the various types of actions which CRLA has filed and the course of conduct it has pursued, it would appear that the federal government, knowingly or unknowingly, is financing groups to undermine the operation, effectiveness and integrity of state and local government. I cannot believe that Congress or the President of the United States ever intended such a result."

The apparent disrespect that CRLA manifests for duly-elected local officials is again exhibited by the

remarks from the County Counsel of Monterey County, William H. Stoffers (Exhibit 22-1014), when he states:

> "I am convinced from what I know about this organization that with them it matters not so much who their clients are (be they rich or poor), but rather who the defendant is, (government, big business, etc.). It may be that they feel that they can best help the poor by knocking over the establishment."

Thus, one can legitimately question whether CRLA is an integrating and essential ingredient for a legal services program for the poor.

In an affidavit to our office dated December 8, 1970 by James W. Houlihan, Assistant District Attorney for the County of Santa Barbara (Exhibit 22-1035), affirms that CRLA is not an essential ingredient to a legal services program for the poor when he states:

> "I do not believe that the poor of this community would suffer if the CRLA office was disbanded. However, as in any community of this size, we should have some workable legal aid for the poor, which is not CRLA, but rather a community action program or whatever program existed in the City of Visalia."

From his comments we can see that several district attorneys or their representatives do not feel that CRLA is working in the best interest of the poor, nor is it attempting to integrate and coordinate its actions with local law professions and enforcement agencies.

Comments from jurists in the State of California

illustrate another severe problem with CRLA. This has to do with the relationship between the intent and guidelines of legal services, and specifically CRLA, vis-a-vis the actual behavior that is manifested by said organization. Judge Roy P. Schmidt of Hollister in a letter to our office dated December 15, 1970, (Exhibit 22-1013) states in part:

> "If the intended purposes are not ignored, then this aid can be capable of doing a great deal of good... If the CRLA's governing body would take steps to eliminate certain philosophies, it would accomplish what it originally intended -- to give legal assistance to those too poor to get help elsewhere."

In a letter dated September 23, 1970, Superior Court Judge Kenneth M. Eymann of Santa Rosa (Exhibit 22-1048), after criticizing CRLA attorneys for attempting to gain constitutional precedent from every case, states:

> "If CRLA were to help the poor and underprivileged in their present rather than their long range problems, it would serve a great and needed purpose. Reorientation of purpose must be accomplished if their program is to be effective."

In an affidavit dated December 8, 1970, Judge Richard C. Kirkpatrick of Santa Maria states:

> "As an attorney, I have referred several clients to California Rural Legal Assistance on domestic relations cases. California Rural Legal Assistance would not handle the cases referred to them within a reasonable length of time or would not handle the case at all even though the income level of these people fell within the limits normally handled by this organization."

Judge Kirkpatrick also noted that -

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> "Mr. Morper, another attorney for California Rural Legal Assistance, has appeared before me in connection with civil cases wherein California Rural Legal Assistance was representing clients and from all indications, Mr. Morper does not appear to have the legal ability to try these cases in such areas as laying legal foundations and direct and cross-examinations." (Exhibit 22-1035)

These comments demonstrate that jurists themselves have difficulty reconciling the actual behavior of CRLA with the intent and actual guidelines for legal services under OEO.

Rather than continue to cite lettef after letter expressing concern about the present organizational behavior of CRLA vis-a-vis intent and guidelines of OEO legal services, it is more beneficial to merely list the number of concerns that have been manifested from a single illustrative local community. Through this, we can demonstrate the level of concern that exists from many legitimate sectors of the community that not only should be concerned with CRLA but should also have the ability to contribute significantly to policy formation regarding the actual behaviour of CRLA. For without such input it becomes clear that CRLA is not functioning to bring about social change through the desires of its local constitutents but rather is operating as a federally funded program that has little local input. Let us, therefore, take the case of Stanislaus County to

demonstrate the inherent problems of CRLA. On December 1, 1970 Stanislaus County Board of Supervisors (Exhibit 22-1030) authorized the following resolution:

> "That the chief administrative officer be, and hereby is, authorized and directed to draw a letter in the place and stead of said questionnaire urging that the California Rural Legal Assistance be abolished."

On December 2, 1970, our office received a letter from Bert C. Corona, Superintendent, Modesto City Schools (Exhibit 22-1017), in which he outlined ten specific complaints that he had against CRLA. These complaints were summarized in the following comments:

> "In my judgment these men have shown their commitment to violent and illegal means to obtain designed social goals. They have resorted to divisive community tactics and attempted to pit group against group. Surely the rights of the poor and their improved welfare can be achieved through more civilized means."

On December 9, 1970, our office received a letter from the Stanislaus County Bar Association (Exhibit 22-1032) in which the Stanislaus County Bar Association recommended that CRLA "should not be continued on their present basis." The reason for this was that the County Bar felt that CRLA was not "adequately serving the needs of the poor" as measured "by the express purposes for which it was originally funded." On December 14, 1970 our office received correspondence from the District Attorney of Stanislaus County, Alexander M. Wolfe (Exhibit 22-1031), in which he requested that the

Governor not appropriate funds for CRLA. The reason for this request is found in the following statement:

> "It is the opinion of this office that CRLA is not carrying out the purposes for which it was intended as enumerated in its articles of incorporation as filed with the Secretary of State March 3, 1966. This request would not be made if CRLA were truly serving the needs of the poor."

The remaining portion of this letter is a succinct expression of the problems that legitimate governmental agencies have in attempting to work with CRLA. On December 16, 1970 our office received the resolution of the 1970 Stanislaus County Grant Jury, (Exhibit 22-1021) which resolved "that the 1970 Stanislaus County Grand Jury hereby recommends to the Governor of the State of California that he cause investigations to be instituted and conducted by appropriate federal, state and local agencies into corporate activities of California Rural Legal Assistance, Inc.," and furthermore, it was resolved "that the 1970 Stanislaus County Grant Jury hereby recommends to the Governor of the State of California that he veto funding for the legal services program of the California Rural Legal Assistance, Inc." It should also be noted that this resolution was unanimously adopted by a quorum of 16 members present at a regular meeting of the Grand Jury and was not the result of a special event on their calendar.

It is also of significance that among members of the Grand Jury were recognized spokesmen for the poor in Stanislaus County, including the President of the local chapter of the NAACP, and a prominent member of the Mexican-American Community.

Numerous other instances of dissatisfaction with CRLA on the part of the poor which CRLA was founded to serve might be mentioned. For example, we have an affidavit from Mrs. Peggy Joyce Ramirez, Modesto welfare recipient, dated December 16, 1970 wherein she states that on two separate occasions, separated by approximately three years, she was unable to gain assistance from CRLA when she went to their office asking for their help in divorce proceedings. In both instances Mrs. Ramirez was told at the CRLA office "we do not handle domestic cases." (Exhibit 04-0032) The attorney who did eventually handle Mrs. Ramirez's case, Mr. Thomas A. Lacey of Modesto, states in an affidavit dated December 14, 1970 that in his opinion CRLA "will take any case which has some publicity to it. They do not render the kind of services that the poor need, although it would certainly appear that they have ample time to handle these kinds of matters." Mr. Lacey substantiates the last part of this allegation by reference to a case wherein CRLA represented a tenant asking for a restraining order against her landlord, Mr. Lacey's client. Mr. Lacey states:

> "I do not condemn California Rural Legal Assistance for pursuing the rights of the tenant in this case. However, my condemnation lies with the fact that they had two attorneys, in addition to the trial attorney and an investigator sit through almost the whole trial."

The trial continued for three days. Mr. Lacey declares:

> "It would seem to me that if they have time to have that many attorneys tied up in a landlord-tenant lawsuit, just listening to the case and observing, they should have time to handle needy clients in regard to domestic matters." (Exhibit 04-0039)

This shortcoming on the part of CRLA is mentioned by another attorney in Modesto, Mr. E. M. Azevedo, in a letter dated December 15, 1970 wherein he states:

> "I am particularly concerned about this when I have numerous clients who come to me and say that they are seeking our services for which they cannot pay, in some instances, because they have called CRLA and found that it will be thirty, sixty, and sometimes ninety days before they can even talk to a lawyer in their offices. I wonder if a lot of this delay is caused by the fact that everybody in that office is in court somewhere representing one man." (Exhibit 22-1015)

In another letter to our office, dat December 23, 1970, Judge William Zeff of Modesto (Exhibit 2-1037) states:

> "the clear impression gained from observing the activities of the local CRLA office is that its primary concern appears to be with effecting social change and the original expressed purposes of assisting the indigent have

> apparently been lost sight of. Radical changes in the operating procedures of the CRLA are necessary to correct the existing situation if the originally expressed and noble objectives of CRLA are to be implemented."

The Stanislaus County Farm Bureau has strongly urged the "discontinuance of funds to CRLA (as) they are clearly in violation of their legal sphere of activity." (Exhibit 22-1062 and Exhibit 22-1063). The Growers Harvesting Committee wired Governor Reagan on December 21, 1970, urging his veto of CRLA refunding due to the fact that "CRLA has a record of irresponsibility and has consistently concentrated on disruptive and discriminatory activities." (Exhibit 22-1058)

The final illustration of discontent with CRLA in Stanislaus County which we offer here is from the Director of Social Services at the King-Kennedy Memorial Center of the City of Modesto, who is also a member of the advisory board of the Modesto Office of CRLA, Reverend Monroe Carter Taylor. His criticism is aimed at misuse of CRLA funds by CRLA attorneys. In one instance CRLA paid $400 for lunches for demonstrators at the City School Office demonstration scene. In another instance CRLA funds were used to help finance a political campaign: Candidate for the State Assembly, M. Lopez, told Reverend Taylor that:

> "CRLA had made cash contributions to his campaign fund and the CRLA office staff had printed and reproduced ... bumper stickers and various other materials free of charge to him. I later talked to a member of the

> CRLA staff, who no longer is on the staff, and found that what Mr. Lopez told me was true. Apparently they had also printed up bumper stickers advocating free lunches for children during the Modesto City Schools bond elections. I feel that the funds were not properly used as there was a heavy case load of poor clients who needed representation while the two lawyers were off involved with demonstrations and defending them in court."

Reverend Taylor concludes his testimony as follows:

> "In fact it was during this period that I telephoned ... Governor Reagan's staff requesting an audit of CRLA books to determine how the funds were actually being used.". (Exhibit 10-0062)

The above illustration dramatically represents a cross section of responsible and concerned citizens. Their criticisms and recommendations concerning CRLA cannot be dismissed as irrelevant and unconcerned or to a man they reaffirm the need for legal services to the poor and their willingness to participate in such programs. These letters give credence to the fact that CRLA has ignored the noble intent of the Economic Opportunity Act and, further, has exploited responsible and concerned citizens, be they poor or well-to-do, for the realization of ideal states of affairs narrowly conceived in radical political philosophies. CRLA has exploited the poor by assuming that the needs and outlook of the poor are homogeneous and thus fit nicely into sterile and false political theories. They have exploited the poor by producing legal services that are narrow and one-sided and

therefore CRLA only caters to those who desire to consume such legal services. They have exploited poor citizens by making them accept one mode of dealing with their problems; radical confrontation with the so-called establishment, surely a figment of demented psychologising. The poor have the right, as citizens, to consume legal service (especially when produced by public money) that is non-ideological and flexible, and suited to the legitimate legal needs of the individual concerned. Furthermore, the communities served by CRLA also have the right to deal with the problems of the poor, when manifested through legal channels, in a professional and orderly manner. The above clearly indicates that these options are neither available to the poor nor to the communities in which CRLA operates. Thus, CRLA as a community phenomena, essential and integrating, is fiction rather than fact. It has not attempted to mobilize the resources of the communities concerned into an integrated effort to solve the problems of the poor, but has set out to establish its own sense of community, thus often producing a situation in which the responsible citizen has no choice but either to remove himself because the personal costs have become too high, or to respond in an unethical manner -- violently, as CRLA is prone to do.

CONCLUSION - THE CASE FOR AN ALTERNATIVE

We could simply let the case rest. We think the information presented above speaks for itself. We were concerned when we set out that in the short time available, the results might be inconclusive. This is clearly not the case: What has been surprising is the systematic and conclusive nature of the results. The very serious problems of CRLA, many of which were eloquently recited in the August 1970 Evaluation, follow a definite pattern, indicating more than haphazard lapses.

We are convinced that mere recitation of CRLA's problems would present an incomplete picture of the whole. For a catalogue of problems, CRLA's August Evaluation is a good primer. In the Introduction to this evaluation we said that the August evaluation's major shortcoming was its failure to consider that the problems they cited have institutional roots. It is to the institutional and structural provenance of CRLA's recurring problems that we now turn.

The key is local control and home rule. These are the essence of the New Federalism, to which the Nixon Administration has given open support. The Economic Opportunity Act was enacted in large measure to supplement what increasingly looked like a colonialist system, in which social services for the disadvantaged were controlled

and administered far from the areas of impact. OEO emphasized communities, and in doing so, created the first important innovation in social services since the New Deal.

CRLA's dominant institutional and structural failing occurs because it was constituted at odds with OEO's prevailing premise. CRLA has had the problems it has, substantially because its organization ignored the rest of OEO's experience -- which has demonstrated the value of community participation and home rule.

In 1967, the State Bar of California entered into an agreement with CRLA, in which the State Bar attempted to increase community participation. The agreement laid particular stress on including local bar members on CRLA's local advisory boards.

Unfortunately, the local advisory boards exist more in theory than in fact, however much CRLA attempts to give the opposite impression. On at least one occasion, a local advisory committee (in Marysville) wrote a letter to the CRLA Central office, complaining about the remoteness of control. Mr. Jose Luis Vasquez wrote to the Central Board members as follows, in part:

> "Like all of the areas served, Marysville has seen several attorneys come and go. Our former directing attorney, John Moulds, left in August. At that time, we wanted J. V. Henry to take his place. Cruz Reynoso came to Marysville and talked to us. We told him our wishes at that time. However, our wishes were not followed. Cruz

> Reynoso appointed someone else. We have no quarrel with Ralph Abascal, who was appointed, but that is not the point. CRLA makes a lot of propaganda about 'institutions being responsive to the people they are supposed to serve.' When it comes to anything real, CRLA is just like welfare or any other agency which they sue. The important decisions are made by the San Francisco office. They do not share our problem or try to understand us.
>
> "Each area where we have an office is different. How can Central CRLA know what is best for the people in Marysville or in El Centro?
>
> "What we want isto be a real voice - not just to have a suggestion box. We want to cooperate with Central, but we want a real voice in CRLA." (Exhibit 09-0107)

The participation of local bar associations is non-existent, despite the 1967 agreement. In the fall of 1970, the State Bar sent out a questionnaire to the presidents of all the state's county bar associations, asking about their participation in CRLA's program. Some local bar members asked at the time if the State Bar was kidding, given their non-existent participation in CRLA's affairs. The formal responses from local state bars indicate the true levels of support. Among those bar associations which did not go on affirmative record condemning CRLA, we were unable to find a single case in which a local bar association had actively assisted or participated in the program.

<u>These efforts to promote local control of CRLA failed because the essential structure of the program fails to give institutional support to local control</u>.

The money comes from Washington, and the direction comes jointly from Washington and from San Francisco. If a local CRLA office cooperates with the local community and bar, as has happened for short periods in several of the CRLA offices personalities, not policy, are responsible. But personalities willing to cooperate are relative rarities among CRLA's attorneys, and the result has been the chaos and hostility in every operational area.

The problem is not difficult to understand. The people who become CRLA attorneys are rarely from the communities they serve. They are often from big cities, often from the East Coast, and equally often possess no appreciation of, or sensitivity for, the communities they serve. The problem is cultural. The colonialist comparison is difficult to resist here, for there is a definite cultural dislocation when an urban lawyer is placed in a small community like El Centro or Marysville. Speaking for the CRLA lawyers, one participant in the August 1970 Evaluation put it well when he referred to one of CRLA's service areas as a "desolate and lonely spot."

No doubt many of CRLA's attorneys feel that way about the areas they serve. And perhaps it is this attitude that explains why a CRLA attorney in the El Centro office, when asked why he was doing the work he was doing, replied in front of the three hundred people present,

"Where else can I make this kind of money right out of law school?"

In some ways it is difficult to blame CRLA's attorneys for feeling cynical about what they are doing, and about their motives for doing it. But the time has come to blame the structure that puts them in such positions.

We have concluded that some of the incidents cited must have taken place without the knowledge of management in San Francisco. There is no other way to explain the flagrancy involved in certain of the violations. But that fact simply illustrates the extent to which CRLA is unmanageable. The only way to eliminate the most aggravated violations of the grant conditions and other standards is to put legal services under local control -- as they are everywhere else throughout the State.

The problem for the community is often acute. Young urban lawyers come in, and perhaps assuming a hostility against them that does not exist, proceed to produce a genuine and legitimate hostility. The August Evaluation recites the willingness of the communities to assist CRLA, if only CRLA would let them:

". . . One of the problems he mentioned, as far as the CRLA staff was concerned, was they were antagonized towards other members of the Bar and that it created a lot of difficulty when CRLA attorneys filed lawsuits or wanted something from the local bar. The general impression that I got was that the people in positions of power, in Modesto, wanted CRLA to cooperate with them in dealing with the problems of the poor. Let the attorneys in

> the community spot the issues and let them sit down with the school board or members of the government to see what can be done to alleviate the problem of the poor rather than filing a lawsuit." (p. 18.)

The problem of local bar cooperation is vital to the operation of a successful legal service program. No one seriously disputes that. It is in a spirit of cooperation that problems are solved outside court. But in most areas served by CRLA, either outright hostility exists between CRLA and the local bar, or there is a complete absence of relations between them.

From another service area the August Evaluation recites the willingness of the local communities to cooperate:

> "I guess what came out of McFarland was for the non-poverty community to say, 'I wish CRLA in McFarland would work with us. If they are going to sue us, fine. But I wish they'd work with us and speak to us and research the problem, not so much legally but factually before they plunge into a suit.'" (p. 15.)

That the communities remain eager to cooperate with CRLA emphasizes their commitment to legal services. It is particularly surprising in view of CRLA attorneys' conspicuous disinterest in any form of cooperation or community participation. The contrast between the OEO legal service program in, for example, Visalia, and CRLA in almost every one of its service areas is incredible. While the Visalia program has the full cooperation and participation of the local bar, CRLA has at best arm's

length coolness, at worst outright hostility.

We were startled when we went out into these communities and watched CRLA try to relate to the communities. In most of its service areas, CRLA is the largest office in town, with probably the only law firm Xerox machine. In virtually every case, CRLA moved into town and began making demands on everyone with whom they had any contact: judges, the local district attorney, welfare department, Farm Labor Bureau, and so on. Often they dress in blue jeans, even in court, and sometimes without shoes.

There is no effective local control over the cases they carry. Because they have no practical economic limitations on the way they prosecute any particular suit, they have unlimited opportunities to harass whenever they choose, not only private defendants (or plaintiffs, as in unlawful detainer actions), but public agencies. They rarely ask; they usually demand. They typically become involved in school activities, in which they encourage high school students to prosecute legal claims based on the constitutional right of a student to be immune from reasonable school disciplinary procedures. In their relations with children, often they act as if they were above the law, indifferent to the wishes of the children's parents, where the children may be useful to them in pursuing a "cause" they may think important. Usually it relates to their general assault on authority and discipline.

In private litigation, CRLA attorneys do not consider the economic limitations on their opponents. Any one at any time can be their defendant, and they can (and will) pursue their point without regard to economic realities or the underlying merits of the case except as they see it. As one attorney (the County Counsel of Monterey County) put it,

> "I am convinced from what I know about this organization that with them it matters not so much who their clients are (be they rich or poor), but rather who the defendant is." (Exhibit 22-1014)

In reality, they are the plaintiffs as well as the attorneys, since they have no economic or other stake and can therefore persist to incredible lengths. Their only stakes are philosophical and psychological -- which may press for abandon rather than restraint where the "cause" is right.

Everywhere we have gone, people express a real concern for the legal needs of poor people and whether they are being met. But people out in the communities, who have actual contact with poor people, see their individual needs as involving largely such things as domestic relations problems, debt adjustment, and non-litigation service work, in which a poor person simply needs to have the answer to a question. This notion does not deny the legitimate place of the so-called "landmark" case, when a legitimate opportunity to bring one arises.

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People in the communities want to know why OEO, which is supposed to help poor people "help themselves," is subsidizing the kinds of suits that are cited throughout this report? Why, in short, should OEO tolerate the prosecution of suits that do not specifically help the poor, when there are still many unmet needs they do need help solving? Why should the public pay for suits that will benefit the rich as much as the poor, if no rich person feels he can afford to bring them? Why should we subsidize a standard of legal services that even the rich cannot afford?

We may recall CRLA's suit against the eight creameries for being deceptive in the dating of milk. Why should the public subsidize a suit of that sort on behalf of the poor (the net effect of which would be to increase the price of milk), when no private person is willing to bring the suit for himself?

Why does CRLA's suit against Standard Oil of California, brought on the eve of the elections in the fall of 1970, to enjoin that company from deceiving the public about the pollution effects of its gas, help the poor "help themselves?" If anyone is deceived, surely, it is the middle class, whose interest in pollution might lead them to be deceived. But why is it legitimate for CRLA to bring this suit, when CRLA everywhere turns away individual poor people with individual problems.

Perhaps the cases most upsetting to the local communities involved the long hair cases -- which not only disrupted school discipline procedures, but were often brought on behalf of people who would not have qualified under CRLA's eligibility guidelines. Is hair length the missing link in problems of the poor, which if restored, would make genuine independence a reality?

It is not enough in response simply to say, as CRLA so often does, that creative change is bound to stir some people up. Slogans are appropriate in some situations, but not where tensions and hostilities and even race hatred may result from them. The record is replete with situations where creative change was available without tension and hostilities, but where CRLA chose the divisive route. No suit was required to secure the safety of Miss Kathe Fish at Gavilan College, because no action was threatened against her. CRLA could have discovered that fact with a telephone call. It choose confrontation instead. What did it get besides fear and hostility in return?

No suit was necessary to determine whether the Santa Maria Berry Farms were spraying dangerous pesticides. A phone call would have done the job. Instead, CRLA lurched into court, and once more got in return the fear and hostility and tension any sensitive man knew would result.

Perhaps a suit against the Sutter County Welfare Department was made possible by Mrs. Hubbard's severe

misfortune. Perhaps it was even the "best" case CRLA had ever seen of that sort. But that fact would not seem to justify CRLA's open exploitation of Mrs. Hubbard's misfortune, so that they could get into court.

Perhaps the Modesto School District was wrong in withdrawing from the National School Lunch Program, but it is hard to see how their action could justify the suspension of all other activities for at least two CRLA attorneys for weeks while they organized demonstrations at the school district, and then defended the people arrested on account of them.

We have heard from many people sympathetic to CRLA that the communities they serve ought not to feel the way they do about certain things. These people say it is absurd to be concerned that poverty lawyers wear no shoes in court. But such statements miss the point about communities and the reasons for home rule. Whether local communities are right or wrong to feel as they do about the way CRLA lawyers dress in court is irrelevant to the issue of community. The fact is they do feel that way. The result is that such behavior, while perhaps acceptable in abstract terms (or somewhere else), in a rural community setting tends to cause disruptions and tensions that were not there before. The argument that barefooted or otherwise unkempt appearances in court are necessary in order for poverty lawyers to relate to the poor are disingenuous. The essence of a

lawyer's responsibility is to the legal system and to the court, and appearance in court is a symbol of his acceptance of that obligation. How a poverty lawyer behaves will very much affect a poor person's level of respect for the legal system. Poverty lawyers can dress anyway they like outside of court for purposes of relating, but what is appropriate out in a poor community is not in a courtroom.

The fundamental premise of OEO is that local people should be able to make their own decisions, make their own mistakes, and not have outsiders dictate to them what they should or should not think. If they feel the same kinship with a barefooted poverty lawyer as they might with a touring Martian, that fact has important consequences for the sense of community.

CRLA's impact on the poor themselves was the subject of our greatest concern throughout this evaluation. For it is always the poor, who are often helpless to speak for themselves. As we have seen so often, they are always the ones who end up with nothing when vested interests begin jockeying for position. The dangers of exploitation are particularly acute where a social service is involved (a) because the provider has the power to withhold it where he sees fit, and (b) because the moralizing and pieties that inevitably accompany the service make its true nature all the more difficult to expose.

Before we turn to the content of CRLA's exploitation of both its clients and its constituency, it is important to consider the rhetorical difficulties in trying to penetrate the passion for "landmark," revolutionary law.

Many, if not most, lawyers might be tempted simply to dismiss many of CRLA's tactics described in this report as absurd, even surrealistic. For instance, the practice of advising clients in criminal proceedings that every law they are charged with violating is unconstitutional not only does damage to the client by encouraging him to break it (as, for instance, in the Modesto School Demonstrations), but encourages people to think that no law is so solid that it cannot be broken with impunity.

No intelligent lawyer would argue that the law ought never to change. Every lawyer recognizes that a strong constitution is one that can be invoked to protect rights that are being violated. But these facts, which no lawyer would dispute, do not eliminate a lawyer's fundamental obligation to the legal system.

A lawyer whose entire mode of operation consists of challenging the constitutionality of laws he dislikes earns the strong suspicions of others concerning his own feeling of obligation to the legal system. The Rules of Professional Conduct of the State Bar of California are very definite about a lawyer's obligation to law:

> "A member of the State Bar shall not advise the violation of any law. This rule shall not apply to advice, given in good faith, that a law is invalid." (Rule 11. Emphasis added.)

The Canons of Professional Ethics of the American Bar Association emphasize the point at greater length, beginning with Canon 1:

> "It is the duty of the lawyer to maintain towards the Courts a respectful attitude, not for the sake of the temporary incumbent of the judicial office, but for the maintenance of its supreme importance."

Beginning at Canon 30, the obligation becomes more explicit:

> "The lawyer must decline to conduct a civil cause or to make a defense when convinced that it is intended merely to harass or to injure the opposite party. . . His appearance in Court should be deemed equivalent to an assertion on his honor that in his opinion his client's case is one proper for judicial determination." (Canon 30.)

And Canon 31:

> ". . . The responsibility for advising as to questionable transactions, for bringing questionable suits, for urging questionable defense, is the lawyers reponsibility.

And lastly, Canon 32, on "The Lawyer's Duty in Its Last Analysis:"

> "No client, corporate or individual, however powerful, nor any cause, civil or political, however important, is to receive nor should any lawyer render any service or advice involving disloyalty to the law whose ministers we are, or disrespect for the judicial office, which we are bound to uphold . . ., or deception or betrayal of the public. When rendering any such improper service or advice, the lawyer invites and merits stern and just condemnation. Correspondingly, he advances the honor of his profession and the best interests of his client when he renders service or gives

> advice tending to impress upon the client and his undertaking exact compliance with the strictest principles of moral law. He must also observe and advise his client to observe the statute law, though until a statute shall have been construed and interpreted by competent adjudication, he is free and is entitled to advise as to its validity and as to what he conscientiously believes to be its just meaning and extent. But above all a lawyer will find his highest honor in a deserved reputation for fidelity to private trust and to public duty, as an honest man and as a patriotic and loyal citizen." (Canon 32)

The essence of the sections quoted above is that the lawyer's fundamental obligation is to the legal system. Challenging laws for unconstitutionality does not mean a lawyer feels no sense of obligation, but if he does nothing else, a suspicion may rightfully arise.

Furthermore, revolutionary activity or sympathy are clearly irreconcileable with that obligation to the legal system. The revolutionary thrust challenges the validity of the legal system, to which lawyers owe their deepest obligation.

The activities of CRLA, not only in the explicit revolutionary associations of some of its lawyers, and in the overall ideological thrust of their program, call into serious question the depth of their commitment to our legal system. This happens at a time when some people especially in the media are suggesting that the causes of certain people ought to put them above the law. Such talk

is straight from the pages of authoritarian and fascist manuals.

Everywhere we have gone people in the local bar and bench have expressed concern about CRLA's "cause" orientation, about its using the legal system for ideological purposes. Many of these same people are concerned and convinced that the behavior of CRLA attorneys is debasing their profession. The question goes back to presumptions: what does CRLA's general orientation suggest about its sense of obligation to the legal system?

The question of legal service programs and "landmark" law raises an economic question which limitations of space and time make it impossible to do more than mention. As a question of resource allocation, we must ask the question: what kinds of legal services ought the public to subsidize, and in what amounts? The record is filled with examples of individual CRLA attorneys claiming that they are doing something that would otherwise be a violation of CRLA's grant "on their own time." There is hardly any question that many young lawyers, particularly those who become poverty lawyers, have a passion for making new law. A whole new area of poverty law has arisen in the past few years, and it is practiced not only by people in government-subsidized programs, but also private practitioners, who were formerly associated with OEO programs.

There is no scarcity of people wanting to practice "landmark" law. What is in short supply are people willing to do the tedious, boring legal service work, which never produces a single headline, but which is vitally important to millions of individual poor people with individual legal problems.

That we are spending as much as we are to subsidize that which is already in abundant supply, while neglecting the needs of individual people with individual problems, is perverse. The story of CRLA (as well as all legal service programs) has an economic dimension; therefore, which deserves the closer attention of officials in Washington.

As we review this entire evaluation, and try to extract from it the essence of CRLA's activities, we find a surprising coherence in its direction. Its program is undisturbed by ambiguity. The essence of CRLA's direction is a passion to wage ideological warfare, with the poor as ammunition. The result is to force upon the poor a form of exploitation that is in some ways worse and more enervating than any other.

The dominant thrust of CRLA's activities is ideological. Its causes betray complete indifference to the impact on individual poor people. As this report shows, time and again when they have had opportunities to settle cases out of court or solve a problem at a low level of controversy, they chose escalation. The result was always

to stir dissension, fear and division in the communities they are supposed to be serving.

They have exploited the poor in several ways. First, giving high visibility to a cause in which exploitation is alleged but is not a reality, tends to encourage the poor to feel exploited and impotent. The result is to encourage the poor to think they have less control over their own lives than is in fact the case.

Second, in supporting organizations like UFWOC and in their lobbying activities, CRLA chooses one group of poor people over another. In refusing to give Mrs. Mariano service when she was sued by UFWOC for interrupting their organizing activities, they withheld service from the poor person who precisely needs it most. These are the poorest of the poor, for these are the people who will have no job when the union succeeds in getting the growers to automate. Without jobs, there is only despair for these people. CRLA, which is supposed to deliver service to the poor impartially, has chosen sides -- and made it impossible for one group of poor people to get any service at all.

Lastly, the effects of CRLA's presence is to discourage the introduction of an alternative legal service program that would deliver to the poor the services that CRLA was set up to deliver.

In material terms, CRLA has pursued many causes which will and have increased costs for the poor. We have men-

tioned their union activity, which discriminates against some on behalf of others. The suit against the creameries for deceptive marking of milk, if successful, will raise the price of milk. Their prosecuting defenses in unlawful detainer actions, and even soliciting and encouraging the defense of these actions, has increased the costs of being a landlord, and therefore the costs of housing to the poor. Now a landlord must take into consideration the possibility of being forced to prosecute a suit in order to dislodge a tenant who refuses to pay his bill. The result is recorded in a letter written by the President of the Apartment and Motel Association:

> "We would have no objection to their (i.e., poverty lawyers) representing an indigent tenant if there were a substantial grievance involved, but most of the actions we have seen have been attempts to delay the normal eviction procedures by vague constitutional arguments where the tenant has not paid rent or has failed to move after receiving an adequate legal notice to do so.
>
> "As a result, our members are more and more turning away from the acceptance of Welfare Tenants because of the potential hazard of fighting the United States Government with no hope of recovery in a monetary sense and the very real possibility of being unable to regain possession except at exhorbitant costs or excessive delay." (Exhibit 22-1071. Emphasis added.)

In the course of the evaluation, we had to face the question whether the task of building quality legal services for the rural poor was best served (a) by trying to bring about a sweeping reform of CRLA, or (b) by re-

commending that the Governor veto the program with an eye to building an alternative.

The facts demanded a veto for several reasons. First, throughout its stormy history, CRLA has been regaled by criticism from many quarters throughout the state, but has never demonstrated believable interest in anything more than cosmetic changes. Unlike the August 1970 Evaluation rather even than admit that they had serious problems, CRLA tends to dismiss charges of wrong-doing, and commends its attorneys for giving their free time, which they seem to possess in unlimited amounts. CRLA's union involvement has gotten successively worse over its four years and this year it appeared they discarded even the crudest efforts to camalflage it.

Second, our commitment to the fundamental premise of OEO, with its emphasis on communities and home rule, and to the President's New Federalism, made us recognize the extent to which CRLA's recurring problems are structural and institutional. We have come to be convinced that the kinds of people who tend to become poverty lawyers tend to aggravate the problems cited herein. But without local control the aggravation becomes intolerable both for the communities and for the poor. Having concluded that the structure is largely to blame for CRLA's problems, we determined our best course was to avoid the previous cosmetic reform efforts and to the organic change that we are convinced is necessary

if the poor are to get adequate legal service.

A number of important issues are at stake in the Governor's veto of CRLA.

(1) The first question is whether OEO is going to respect the legislative intent clearly underlying Section 242 of the Economic Opportunity Act. That section requires that in order to overturn a Governor's veto, the Director of OEO must make an affirmative finding that the program is "fully consistent with the provisions and in furtherance of the purposes of this title".

We think the evidence presented herein represents the most complete possible indictment of any program -- both from the standpoint of the poor and of the communities in which the program serves. The readiness of OEO to respond to the Governor's veto in this situation will indicate a great deal about OEO's attitude toward Section 242. Unfortunately, to our knowledge, that section has never been tested judicially. At some point in the future, such a test will no doubt take place. But in the meantime, we can only hope on behalf of all the constituencies adversely affected that the Director sustains the Governor's veto in this instance.

(2) A second question goes to the question of Home Rule and the New Federalism. The Nixon Administration has gone on official record for its devotion to these principles, long at the heart of the OEO concept. CRLA is

presently organized in direct contravention of those principles with control far from the areas of operation.

(3) Thirdly, who is going to stand up for people in rural America and grant to them the same rights of local control that have long been taken for granted in the cities? Big cities are never afflicted with OEO Legal Service programs administered from rural areas, far away from them, and we think people in rural areas should be granted equal protection in this regard.

X. RECOMMENDATION

The State Office of Economic Opportunity recommends that California Rural Legal Assistance, Inc., funding for year 1971 be disapproved, pursuant to the Governor's authority under Section 242 of the Economic Opportunity Act of 1964, as amended.

XI. ALTERNATIVE PLAN - PRIVATELY FINANCED LEGAL SERVICES FOR THE RURAL POOR

This Administration's deep concern for meeting the legitimate civil legal needs of indigents has prompted us to devise a privately financed alternative to CRLA which holds enormous promise for truly serving the rural poor. In the process of the in-depth analysis of CRLA, we have gained new insight into the legal needs of the poor, which has provided us with the kind of background necessary to design the best possible legal system for the poor. In the comprehension of CRLA's failure, we stand on the brink of a major breakthrough in privately financed legal services for the poor, which will insure not only local responsiveness, but the mobilization and support of the entire community behind the legitimate legal needs of the poor.

Our program constitutes much more than simply substituting private dollars for Federal dollars. We intend to create variations in the structure of each office, through which we can determine the most effective way, as well as the most efficient way, to meet the legitimate legal service needs of the poor. The variations will include, but not necessarily be limited to, the following schema. (It should be noted that in each case the local bar association will be the grantee of the funds, will control the program, and will participate fully and completely in the

design of the program for its particular area.)

(a) We will utilize the employed attorney and the judicare concepts in different areas. (We recognize that judicare has been rather costly where tried in demonstration programs to date. We hope that the application of certain standards, listed below, will assure that the program is not abused nor excessively costly.)

(b) We intend to insert into the program in the various areas variations such as: (1) fixed level eligibility standards for the poor; (2) sliding scale eligibility standards for the poor (the client pays part of the legal cost based on income level); (3) variations on fee schedules in judicare; (4) a requirement that attorneys interested in taking advantage of judicare and participating in the program must first contribute a set number of hours free of charge to poor clients to qualify for participation.

With respect to judicare, our hope is to utilize existing bar resources more effectively, to ration scarce legal resources by adding some cost to their utilization so that at all times there is some barrier to abuse or misuse of such resources. In suggesting a requirement that attorneys contribute some time before qualifying to participate in judicare, we seek to identify those attorneys who are wholeheartedly, rather than just marginally, interested in assisting the poor with their legal needs.

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We are excited by the opportunity to develop, study and evaluate legal services programs containing these variations.

Once the design is established for the program in the various counties to be served, we will provide you with more details on design features county-by-county.

MARYSVILLE HIGH SCHOOL MEETING

The first segment of film takes place in Marysville High School. It is a meeting between Dr. Ferrari, Superintendent of Schools for the Marysville School District and black students of Marysville High School and their leader, CRLA Attorney, Peter Haberfeld.

The black students have called the meeting with Dr. Ferrari to discuss their grievances and to propose changes which they would like to have made within the structure of the school system in Marysville.

Dr. Ferrari states in an affidavit that there has been direct confrontation between Negro and white students on the Marysville High School campus. He further states that Peter Haberfeld has been instrumental in organizing and leading the black students in their efforts. In a statement which we have from Donald Huckins, an attorney in Yuba City, Mr. Huckins states that he has lived in the Marysville-Yuba City area all of his life and that for sixteen years he has practiced law in that area. He says that he has always found the community to be one that had very little racial tension or strife of any kind, but he states that some five years ago when the Marysville CRLA Office came into being that various tensions and strife between the races began to surface in Marysville.

Mr. Huckins definitely feels CRLA attorneys and other CRLA employees have been actively effecting that kind of agitation in the community.

The first speaker in the film is Peter Haberfeld, who was then a Marysville CRLA attorney. In the affidavit submitted by Dr. Ferrari he states that Peter Haberfeld told him personally that he was closely connected with Mario Savio, the Communist fire brand, on the Berkeley Campus in the 1950s. It is public record that Peter Haberfeld has stated "we have a Black Panther Party, what we need now is a White Panther Party." Haberfeld has also stated that the "Revolution" is coming.

The second speaker in the film identified himself to a Mr. Fred Kirchubel as a Black Panther from the Chicago area. Fred Kirchubel is an employee of the Marysville Unified School and he is the person who was responsible for the video taping of the meeting between the students and Dr. Ferrari. Mr. Kirchubel states that he had never seen this gentleman before nor has he seen him since the meeting took place.

The third speaker is one of the student leaders of Marysville High School. Her contention is that 90% of the faculty at Marysville High School is racist and that white people are "ignorant and vicious."

The fourth speaker is an unidentified student.

The fifth speaker is believed not to be a student but is not identified. She states that it is very possible that Marysville will realize a similar situation to that which existed in Berkeley about four years ago when they had the terrible rioting on the University of California Campus.

MODESTO SCHOOL SIT-IN DEMONSTRATION

The second segment of the film depicts a sit-in demonstration at the administrative offices for the Modesto Unified School District. The demonstration is in protest of the withdrawal of the school district from the National School Lunch Program (a withdrawal that was virtually necessitated by a suit which was filed against the school district by CRLA). We are in receipt of sufficient information to clearly indicate that CRLA attorneys Dan Lowenstein and Phil Neumark were the prime organizers of this sit-in demonstration. We have photographs which show Phil Neumark on the scene of the demonstrations and we have affidavits from Dr. Burt Corona, the Superintendent of Instruction for the Modesto Unified School District and a letter from one other school district employee, as well as an affidavit from a Reverend Monroe Taylor of Modesto, which all state that CRLA attorneys were on the scene at the demonstration, were active and, in fact, led the demonstrators in marches and chants and actually banged on the doors of the school building with their fists on at least one occasion. Reverend Taylor also states in his affidavit that CRLA paid $400 dollars for food so that the demonstrators might be fed a lunch during one of their demonstrative efforts. Some forty odd arrests were made as a result of the sit-in demonstrations which occurred on two separate days in April. CRLA Attorneys Lowenstein and Neumark

defended several of these defendants. Criminal defense is strictly proscribed by the OEO Legal Services guidelines. The two concerned CRLA attorneys claimed that they were doing so on their own time (that is to say vacation time and compensatory time off). Documented records from the District Attorneys Office in Modesto indicate that the trial lasted some six weeks. Both Neumark and Lowenstein were present in court on most occasions during that time.

SALINAS NEWS CLIP

The fifth and final segment of the film is a news clip from a Salinas television station which shows Jerry Cohen, General Counsel for the United Farm Workers Organizing Committee, standing behind Cesar Chavez and making a speech to some farm workers. The voice which is played over the pictured scene is that of a news commentator of the television station; he is stating that CRLA Attorney, Neil Levy, wishes that all complaints the farm workers have regarding housing should be brought to his attention so that suits can be instigated against the affected growers.

DELANO SCHOOL BOARD

The third segment of the film depicts a meeting of the Delano School Board of Trustees which was open to the public. CRLA Attorney John Ortega was present and was on the agenda to speak that evening. Mr. Ortega waived his right to speak in favor of a young Mexican-American boy who is a leader of the local Brown Beret group. The name of the boy is Greg Sanchez, he is not a student. Greg Sanchez turned the microphone so that his back was to the School Board (whom he should have been addressing) when he began to make his delivery and, instead, faced the audience in the auditorium. When the Chairman of the Board asked him to turn the microphone around and to face the board to make his delivery he refused to do so and was encouraged in so doing by the CRLA attorney who was present, Mr. John Ortega. Mr. Ortega told Sanchez to "go ahead Greg." (This information is on the tape that we have which accompanies this film segment.)

The disruption which occurred as a result of this incident caused the meeting to have to be dismissed early. It was at this time that the Chief of the Delano Police Department warned Mr. Ortega that if he did not cease his disruptive activities and remarks he would be arrested for inciting to riot.

EL CENTRO MELON STRIKE

The fourth segment of the film depicts the melon strike situation that took place in June 1970 in Imperial County. CRLA Attorney Robert Johnstone is on the scene both in the fields and in the growers yard in this film. Also appearing in the film is CRLA employee Hector Reyes who has a blow horn and is obviously one of the leaders in the picketing line. The film depicts very clearly consultation between Jerry Cohen, the General Counsel for the United Farm Workers Organizing Committee, (better known as Cesar Chavez' UFWOC) and Robert Johnstone, the CRLA Attorney. The red and black flags which you see being waved about are the official flag of the United Farm Workers Committee. The banners are the official banner of the Union, red and black with the black Aztec Eagle inscribed in the middle of the flag. The sign "HUELGA" that you see appearing in various places in the picture is Spanish for "strike". We have a receipt in our possession which shows that CRLA purchased 100 22" x 28" poster boards about the time that this particular demonstration took place. The poster boards which CRLA purchased are of the same size and type that the picketers used in their demonstration.

CRLA's ANSWER TO THE UHLER REPORT

California Rural Legal Assistance, named by representatives of the American Bar Association and National Bar Association as the outstanding legal services program in the United States in 1968, has been vetoed by California Governor Reagan on December 27, 1970. This action was taken, despite the fact that the month before, CRLA had been refunded by OEO Director Donald Rumsfeld. The question now before OEO and its new director, Frank Carlucci, is whether Director Rumsfeld's action will be sustained.

The California Governor's veto is based upon a report prepared for the Governor by Lewis K. Uhler, present Director of the State Office of Economic Opportunity and a former admitted member of the John Birch Society. The Uhler report lists 127 instances in which CRLA attorneys have allegedly been guilty of misconduct or illegal action during the past four years. A two week review conducted by CRLA attorneys reveals that:

119 of the 127 charges are false;

6 of 127 charges discuss misconduct by CRLA attorneys but totally fail to add that in each of these small number of cases, CRLA had taken corrective action before the Uhler Report was released;

10 of the charges had been reviewed by Federal OEO evaluating teams prior to the issuance of the Uhler Report, and had been found to be without justification;

4 of the charges are so untrue and so poisonious that the persons who have been smeared have notified Lewis Uhler that he faces possible libel actions because of his unfair charges.

Uhler's attempt to deceive the public with untrue and unsubstantiated charges, rumors and innuendos becomes apparent when some of the charges are considered:

- CRLA lawyers carry "purses", according to charges which Uhler released to the press on December 26, 1970. The truth is that CRLA lawyers don't carry purses, and contrary to the innuendo made, are not homosexuals.

- CRLA attorneys are working closely with Angela Davis and her attorneys, according to the Uhler Report, pp (88-90). The truth is that CRLA attorneys are not connected with, or working for Angela Davis.

- CRLA lawyers harrassed a Justice of the Peace when they attempted to disqualify him from hearing the cases of two Mexican Americans, according to the Uhler Report, (pp. 234). The truth is that CRLA lawyers attempted to disqualify the Judge after he had indicated a decided prejudice against Mexican Americans and had stated: "You know the Mexican people are more conditioned to physically assulting their wives, drinking and celebrating a lot. They work real hard and so this is the only thing they do for relaxation." If the attorneys had done any differently, they would have breached their professional duty to protect the interest of their clients.

- CRLA attorneys represented criminal defendant Martha White in violation of OEO rules prohibiting poverty lawyers from handling criminal cases, according to the Uhler Report, (pp. 157-158). The truth is that CRLA lawyers filed a civil habeas corpus proceeding on behalf of Martha White, an action which is entirely within OEO guidelines.

- CRLA attorneys sued a school president to force him to allow the distribution of obscene materials on campus, according to the Uhler Report, (pp. 40-41, 101-103). The truth is that a student contacted CRLA about her unsuccessful attempts to distribute political -not sexual- materials, that CRLA only filed suit and secured a temporary restraining order against the president after he threatened to expel the student for having seen the CRLA lawyers.

- CRLA lawyers agreed to handle a lady's divorce case only if she paid them $300, according to the Uhler Report (pp. 48-49). The truth is that the woman who was involved was too wealthy to satisfy the eligibility requirements of CRLA, and was asked to take her divorce case to a private attorney, who pursuant to the minimum fee schedule, charge $300 per case.

- CRLA attorneys "harrassed" a farm labor contractor named Tony Cedillos when they unfairly filed legal actions against him, according to the Uhler Report (pp. 133). The truth is that Cedillos' maltreatment of his employees and his violations of law were so extensive that, as a result of the CRLA action, the State Labor Commissioner refused to renew his contractor's license.

- The Imperial County Economic Opportunity Commission opposes CRLA because CRLA does not help the poor, according to Uhler charges submitted to the press on December 26th. The truth is that the EOC was never even contacted by Mr. Uhler's investigators and brands the charge as untrue and "fraudulent."

CRLA's answers to Uhler's charges have now been submitted to the Federal Office of Economic Opportunity; a summary of CRLA's answers is attached to this statement.

The Uhler report is rife with false charges because the report was based upon unsubstantiated reports. The Uhler investigators made no effort to determine the truth of the charges; they merely set down whatever was critical of CRLA. They did not double check the charges against court documents. They refused to discuss the charges with CRLA, or to give CRLA any opportunity to review the charges. They refused to discuss the charges with representatives of the poverty community, including Community Action Programs. Uhler even refused to send his report to CRLA, once he had issued excerpts of his report to the press, in order to insure that CRLA would not have an early opportunity to answer the charges.

The Uhler "investigations" was a hatchet job, designed only to dig up unfavorable rumors and report about CRLA. In the past four years CRLA attorneys have handled more than 70,000 cases. The Uhler report focuses only on 58 of the 70,000, as well as on 69 instances of alleged misconduct. The Uhler report says nothing about the other 69,942 cases handled by CRLA. The Uhler report makes virtually no reference to the extensive evaluation of CRLA conducted in the fall of 1970, even though that evaluating team included representatives of the American Bar Association and the California State Bar, a member of the California Court of Appeals, and former U.S. Supreme Court Justice Tom Clark. Rather than consider such inconvenient evidence in support of CRLA, Mr. Uhler preferred guilt by association techniques reminiscent of the McCarthy period, as when he states: "Our evidence show that the association of Faye Stender [an attorney who has worked with the Soledad Brothers and Angela Davis] with CRLA is close". He fails to give any evidence whatsoever to support the charge. Mr. Uhler's investigative techniques have already been censured by the National Legal Aid and Defender Association and by a former deputy attorney general who represented Mr. Uhler's agency in 1970.

CRLA refunding has been strongly supported by the American Bar Association, the National Bar Association, the California State Bar, and by the Los Angeles, San Francisco, Sacramento and Santa Clara County Bar Associations. During the past four years, CRLA has represented some 70,000 individual clients and approximately 2.5 million Californians who have been assisted by class actions filed by CRLA. CRLA has won 86% of its court actions. In 1969-1970, five of its cases came before the California Supreme Court - and all five were decided in CRLA's favor.

The immediate issue raised now is whether CRLA will be refunded. But a broader question is also presented: whether the poor will be told that they can redress their grievances in the courts, and not in the streets. On January 17, 1971, the President of the National Legal Aid and Defender Association stated: "It is my opinion that the California Governor can successfully veto this outstanding program, the national legal services progr program will be in serious trouble and that a number of other vetoes would be likely to follow this spring, both in California and elsewhere. The concept of independent professional legal services for the poor is therefore very much at stake in the CRLA matter."

SUMMARY OF CHARGES

1. CHARGE - Allusions to a CRLA attorney going barefoot in court.
   FACT - False. Nothing remotely similar to that ever happened.

2. CHARGE - That the case of 250 Farmworkers v. Shultz and HRD, a class action to guarantee minimum wages, field toilets and drinking water to farmworkers has no merit and was unethically handled.
   FACT - False. CRLA has won the case. The California (HRD) defendants (the same department as that in which Lewis Uhler works) have thus far in the litigation made eight substantive charges in their operating procedure to benefit farmworkers; the Deputy California Attorney General handling the case charges attorneys in HRD with unethical practices in both that case and the Uhler investigation. [See Attachment "A"]

3. CHARGE - CRLA is trying to supply San Quentin inmates with subversive literature.
   FACT - False. CRLA already has obtained stipulated relief. The prison was denying all Spanish-language newspapers to inmates.

4. CHARGE - CRLA represented entrepreneurs of an El Centro Rock Concert.
   FACT - False. The Kiwanis Club helped sponsor the concert, proceeds to go to an El Centro drug prevention and rehabilitation program which CRLA attorneys helped to incorporate.

5. CHARGE - The Imperial County Economic Opportunity Commission (EOC) opposes CRLA.
   FACT - False. The EOC was never even contacted by Governor Reagan's investigators. They brand the charge "fraudulent" and passed unanimously a resolution calling for veto override.

6. CHARGE - CRLA indicated they might file a law suit to prevent sewer improvements which don't help Mexican-American residents.
FACT - True. Mexican-Americans on the east side of Imperial, California are without plumbing and use a hose to siphon water out of an open canal. Imperial County sanitarians brand it a health hazard--we are negotiating for a federal grant.

7. CHARGE - CRLA attorneys are in legal services to "make. . . money".
FACT - False. Absurd--CRLA attorneys are paid substantially less than either private practitioners or governmental attorneys.

8. CHARGE - CRLA sent a forged telegram on behalf of a public official.
FACT - False. The telegram was authorized.

9. CHARGE - CRLA took a criminal case for one Martha White.
FACT - False. It was a habeas corpus. It was taken in 1966 prior to enactment of OEO criminal case restrictions.

10. CHARGE - CRLA advertised in the paper for clients.
FACT - False. No ad placed; a press story was misleading. This has been investigated and cleared by OEO and State Bar.

11. CHARGE - CRLA attorney guilty of open container violation.
FACT - True. Attorney had empty bottles in car as he was cleaning up litter left after a college outdoor concert.

12. CHARGE - Three CRLA employees worked with UFWOC and "harassed" growers in violation of grant conditions.
FACT - False. The employees spent vacation time helping the union; no use of CRLA resources, no arrests or violence.

13. CHARGE - CRLA purchased poster board and later advanced them

to UFWOC to use for picket signs.
FACT - True. Money was fully paid back, poor judgment by CRLA attorney involved.

14. CHARGE - CRLA organized a "Free Chavez" demonstration in El Centro.
FACT - False. No CRLA involvement, peaceful assembly.

15. CHARGE - CRLA represented two men accused with criminal violation of a "sound truck" ordinance.
FACT - False. Not on "information or indictment". Therefore no violation of OEO rules. Civil case settled when Board of Supervisors agreed to amend ordinance. Case successful.

16. CHARGE - CRLA sued a school president to force him to allow distribution of obscene materials on campus.
FACT - False. Student was threatened with expulsion from school for contacting a lawyer. School stipulated to judgment against retaliatory expulsion - distribution of materials, obscene or otherwise played no part in the case.

17. CHARGE - A 70-plus year old Mexican-American CRLA community worker made insulting remarks disturbing the peace.
FACT - False. Acquitted of charges brought.

18. CHARGE - CRLA represented self in law suit.
FACT - True. CRLA attorneys were physically assaulted when attempting to visit clients in labor camp. Necessary to sue on behalf of both attorneys and clients to obtain full relief from grower practice of literally holding farm workers as serfs in company towns.

19. CHARGE - CRLA harassed school superintendent by suing to enjoin him from administering excessive corporal punishment to 12 and

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13 year old Mexican-American school children.
FACT - False. No harassment. Doctor's reports substantiate allegations. Case in discovery stage.

20. CHARGE - CRLA filed cases to enjoin school from closing to send children out to the grape harvest and against Welfare Department to enjoin threatened cut-off of Mexican-American parents and children who do not immediately report to work in the fields.
FACT - True. Wholesale violations of child labor laws and denial of right to obtain education. Case now in California Supreme Court.

21. CHARGE - CRLA helped to draft trust to hide sale of real property from Welfare Department.
FACT - False. Matter reported directly to Welfare Department in letter from CRLA.

22. CHARGE - Letter to editor signed by seven students was work of CRLA.
FACT - False. CRLA provided assistance to students who authored ideas in letter. Students had full control of letter.

23. CHARGE - Credit manager says CRLA represents over-income clients.
FACT - False. Credit company in question has long history of fly-by-night schemes which have been successfully stopped by CRLA attorneys.

24. CHARGE - CRLA represented group which had one ineligible member.
FACT - True. OEO rules encourage representation of groups when at least half of the group are poor and the issue affects the eligible members. Group purpose was exchange of views with school officials.

25. CHARGE - CRLA told clients that they must pay $300, $75 down

or their case wouldn't be taken.
FACT - False. Absurd. Client was over-income, referred to local bar lawyers and informed of minimum charges.

26. CHARGE - CRLA brought a suit on behalf of a client to obtain a stove, but refused an offer from a merchant for a donated stove.
FACT - Two days before the hearing a local merchant called our office and offered a used stove to our client. We explained that we were attempting to resolve an issue affecting hundreds of poor clients and the merchant agreed to hold his offer open until the court had decided the issue. Our clients were in full concurrence with our action. In fact the donated stove was provided to our clients in accordance with the offer a few days later. Reasonable men may differ on this case, CRLA believes it would have been better to have accepted the offer when made.

27. CHARGE - Two Marysville attorneys handled 3 or 4 criminal cases in violation of grant restrictions.
FACT - True. One attorney is a Vista attorney who has left. The other - after investigation of Marysville bar lawyers - resigned and has left CRLA.

28. CHARGE - CRLA attorney refused to handle an adoption unless client agreed to sue welfare.
FACT - False. Adoption papers were prepared by CRLA attorney, but dropped when Social Security people proved that adoption would not accomplish purpose sought by our client.

29. CHARGE - CRLA attorney listed self as attorney and office as address for underground newspaper.
FACT - True. After investigation by CRLA, attorney involved resigned - local bar approved CRLA action to remedy attorney error.

30. CHARGE - CRLA printed bumper stickers in its office for campaign for State Assembly.
FACT - False. Invoice shows bumper stickers purchased in Middletown, Ohio. Man statement is attributed to denounces statement and accuses Reagan investigators of taking advantage of his blindness.

31. CHARGE - CRLA organized school protest and defended those arrested for school sit-in.
FACT - False. CRLA secured court order requiring provisions of free school lunches to needy children. The school closed down its cafeteria rather than comply. CRLA organized no demonstration. Those represented were defended on documented CRLA attorney vacation time with no use of CRLA resources.

32. CHARGE - A CRLA attorney used two obscenities in lecturing a school class against express will of teacher.
FACT - False. CRLA attorney was lecturing on importance of non-violence and need to stop drug use. An obscene word was used on one occasion. The teacher was most appreciative of our attorney's participation.

33. CHARGE - CRLA wastes time by having two attorneys handle trials, rather than one.
FACT - False. Use of two attorneys is best known training device for young attorneys, saving money and time that would otherwise be needed for training conferences and other training methods.

34. CHARGE - CRLA represented over-income client without referral.
FACT - False. Client was referred to local bar and case turned down by them.

35. CHARGE - CRLA was sloppy in handling a trust account deposit.

FACT - False. Money paid to client after favorable court ruling.

36. CHARGE - CRLA loaned money to a client.
FACT - False. A CRLA attorney set up a voluntary wage-earner plan with client and creditors. Money paid into trust account and distributed according to agreement.

37. CHARGE - CRLA attorney harassed landlord.
FACT - False. Evictions unlawful. Numerous housing code violations. Amicable settlement worked out.

38. CHARGE - CRLA attorney deliberately contacted client instead of client's attorney.
FACT - False. CRLA didn't ever undertake representation but made phone call under erroneous impression that no litigation had occurred. Nevertheless CRLA attorney apologized in writing.

39. CHARGE - Six lawyers from CRLA represented a school Mexican-American club.
FACT - One CRLA attorney worked with club and college in developing an EOP program which already resulted in a change of Mexican-American students from 80 when they began to a total of more than 400.

40. CHARGE - CRLA refused to represent a woman who came in seeking a divorce.
FACT - True. The CRLA Modesto Advisory Committee has set a policy that CRLA accept divorces which are emergency only. Others are referred to the Stanislaus Court Bar Referral Program.

41. CHARGE - One Santa Maria CRLA attorney lacked trial skills.
FACT - True. The cases cited were the first two he had ever tried. (He won one and obtained about a 50% reduction in damages

sought against his client in the other.)

42. CHARGE - A CRLA attorney was thrown out of a courtroom.
FACT - False. This lawyer, recipient of the first national award as the best legal services attorney in the United States, has never been thrown out of a courtroom.

43. CHARGE - CRLA conspired to arrange a Mexican marriage of an 18 year old boy and 15 year old girl.
FACT - False. The boy and girl, already married, came to CRLA seeking help on juvenile charges. Charges were dismissed. A libel action is being prepared.

44. CHARGE - CRLA took a criminal case for Angel de Jesus.
FACT - False. It was a civil non-support action.

45. CHARGE - CRLA took a criminal case for Santiago Arguijo.
FACT - False. CRLA represented him as defendant in a divorce action.

46. CHARGE - CRLA took a criminal case for Tiburcio Cardoza and then publicized it.
FACT - False. Mandamus is sought on the issue of court interpreters for the Spanish-speaking. No press release was made.

47. CHARGE - CRLA represented a union organizer under arrest for attempted murder.
FACT - False. A courtesy appearance was made for the sole purpose of informing the police that the man's attorney was in court in another county and would arrive later than expected.

48. CHARGE - Union lawyers used the CRLA library.
FACT - True. Any attorney may use the CRLA library so long as

he does not interfere with regular office work.

49. CHARGE - A CRLA attorney appeared in court "carrying a purse".
FACT - Totally false. Typical of wild, irresponsible Uhler charges.

50. CHARGE - A case received publicity before defendants had been served process.
FACT - False. All but one defendant (who was in Europe) had been served before any publicity occurred.

51. CHARGE - CRLA harassed a creditor plaintiff by seeking a change of venue.
FACT - False. The creditor had sued in Los Angeles even though the debtor - without funds - lived 500 miles away in Santa Rosa. The creditor is a member of the "default judgment factory" in Los Angeles which takes advantage of out of county debtors in hundreds of similar cases.

52. CHARGE - CRLA represented a Bakersfield man on a criminal charge.
FACT - False. The CRLA attorney, a former Wall Street lawyer, took the case for no pay during vacation time just as he occasionally would do when he practiced in New York. No CRLA resources were used.

53. CHARGE - CRLA is "involved" at Folsom Prison.
FACT - One CRLA attorney is providing assistance on a case concerning inadequate medical facilities at the prison hospital.

54. CHARGE - CRLA in filing a suit to require that milk cartons have the "pull" date [date no longer fresh] clearly marked will cause milk price increase.
FACT - False. Suit is on behalf of fixed income senior citizens to end deceptive practices. Safeway and Lucky stores have complied with no change of milk price.

55. CHARGE - CRLA brought suit to enjoin false advertising on a California proposition election concerning smog, a case which doesn't help poor people.
FACT - False. The case was brought by indigent emphysema victims who suffer from pollution effects. Moreover the primary issue was not pollution, but rapid intra-city transit, a subject very important to the poor.

56. CHARGE - CRLA solicited 15 of 16 Indians into a law suit.
FACT - False. (1) The case is being handled by a former CRLA cooperative Indian legal service office now independent from CRLA. (2) The plaintiffs were defrauded by fraudulent inducement to deed away their property as collateral on automobile purchases. They have individual vital personal claims which obviously were not solicited.

57. CHARGE - CRLA is handling a criminal case in Santa Maria in violation of its grant.
FACT - False. OEO specifically approved CRLA representation as a foundation for a civil suit challenging use of non-lawyer judges.

58. CHARGE - CRLA harassed a farm labor contractor by seeking to stop him from taking over 50% of wages owed to his workers as "service charges".
FACT - False. The contractor who was properly sued for his unlawful actions has had his license revoked by state authorities.

59. CHARGE - CRLA first accepted an "eligible" divorce applicant and after default was entered against her, told her they could not represent her.
FACT - False. She came in to see CRLA after default. Her $1,000 per month income put her well above acceptable eligibility.

60. CHARGE - CRLA represented one of its community workers in a

marijuana arrest and kept him on six months.
FACT - False. He was preliminarily represented as a favor by a CRLA attorney on clearly defined vacation time. Charges were dismissed. The community worker is still employed by CRLA.

61. CHARGE - CRLA brought a groundless suit charging that farmworkers were sprayed with pesticides and that the pesticide applicators would not tell doctors the nature of the spray. It is also charged that CRLA did not negotiate.
FACT - False. After the judge signed a temporary restraining order, the State Agriculture Department changed its regulations and the pesticide sprayers had their licenses revoked. Their were extensive negotiations prior to filing the suit, but they proved fruitless until after the case was filed.

62. CHARGE - CRLA harassed a landlord with extensive interrogatories.
FACT - False. The tenant was evicted in retaliation for complaining to the Health Department about housing code violations. The case was settled for 50% of damages sought.

63. CHARGE - CRLA defended a debtor sued with a writ of attachment unduly burdening the courts.
FACT - False. The suit questioned the validity of attachment of wages prior to court judgment. CRLA was successful in having the attachment released and in another similar case obtained a California Supreme Court ruling that such attachments deny due process.

64. CHARGE - CRLA representations of high school students and parents libeled in a "drug abuse rumor" letter was unauthorized and improper.
FACT - Representation was fully authorized and appropriate.

65. CHARGE - The original CRLA Board of Trustees included four

members closely connected with UFWOC.
FACT - False. One Board member supposedly associated with Chavez represented a rival union to UFWOC. In addition the Board has grower representatives, including one whose family was involved in a strike with Chavez.

66. CHARGE - CRLA trained a high school girl as an agitator and inticed her into heading a school walk-out.
FACT - False. CRLA counselled against the walk-out and refused to represent students who were later suspended.

67. CHARGE - CRLA attempted to solicit a case challenging use of polygraph by the Welfare Department.
FACT - False. The only client represented on the polygraph problem was referred to CRLA by the secretary of the Madera chapter of the NAACP.

68. CHARGE - CRLA refused to handle an action for a woman who wished to clear her title to real property.
FACT - False. Client sought CRLA's help only on a custody matter. Client did not seek CRLA's help on that particular problem.

69. CHARGE - CRLA told a lady she could not get a divorce unless her husband beat her up.
FACT - False. Obviously a misunderstanding. The Madera Advisory Committee has asked the Madera CRLA office to handle domestic cases only on an emergency basis.

70. CHARGE - CRLA did not help a lady receive welfare.
FACT - True. Client did not tell the truth to CRLA attorney who determined that Welfare Department action was proper and client was wrong.

71. CHARGE - CRLA told a lady that it does not handle civil cases.

FACT - False. The case involved a finance company matter which CRLA agreed to defend if the lady was sued.

72. CHARGE - CRLA caused a disturbance during a disciplinary hearing in Merced County.
FACT - False. An affidavit by the Merced County counsel indicates that CRLA attorneys conducted themselves in an exemplary fashion.

73. CHARGE - Poor people picketed a CRLA office because of refusal to take individual cases.
FACT - False. Pickets appeared in July, 1969 to protest the inexcessability of a particular CRLA attorney (who then resigned). The incident had nothing to do with case load policy.

74. CHARGE - CRLA improperly publicized four cases in Santa Maria.
FACT - False. There was one press release on the four cases and it was a perfectly proper statement based on public record.

75. CHARGE - UFWOC sent a letter to a Santa Maria man in a CRLA envelope.
FACT - Apparently true. Such use is unauthorized. Although CRLA had twice requested to see the letter and envelope it was not provided to us.

76. CHARGE - CRLA unfairly held up an eviction.
FACT - False. The defendant was a farm laborer with five children, one in the hospital. The landlord refused to give him longer than 3 days final notice to vacate.

77. CHARGE - CRLA Santa Maria office does not enjoy Bar support.
FACT - False. The Santa Maria Bar, at its January 8, 1971 meeting, passed a resolution stating its support for the Santa Maria CRLA office.

78. CHARGE - DRLA defended a tenant in an eviction action by claiming that the property was in substantial disrepair.
FACT - True. On site investigations by CRLA attorneys were made prior to filing the suit.

79. CHARGE - CRLA represented an ineligible client in a case involving a school dress code.
FACT - True. A young Vista attorney working with CRLA improperly applied eligibility criteria. Action was taken in cooperation with the State Bar, prior to the Uhler investigation, to remedy the situation.

80. CHARGE - One CRLA office has revolutionary posters and stickers on the wall.
FACT - There are no posters in the CRLA office in question. A CRLA annex across the street, not open to the public, does have on the wall a picture of both Cesar Chavez and Ronald Reagan.

81. CHARGE - CRLA improperly represented Dolores Padilla in a criminal case.
FACT - This traffic case was handled before the January, 1968 ban on criminal cases. Furthermore, the ban does not apply to traffic cases.

82. CHARGE - CRLA improperly represented Sam Flores in a criminal case.
FACT - This 1967 case was handled before the January, 1968 ban on criminal cases.

83. CHARGE - CRLA improperly represented Eugene Grady in a criminal case.
FACT - This August, 1966 case was handled before the January, 1968 ban on criminal cases.

84. CHARGE - A CRLA attorney became actively involved with pickets and played a role in disrupting a school board meeting.
FACT - True. A young, inexperienced, Mexican-American attorney became overly involved in a case he was handking. Much of the work he did on the case was constructive and was in aid of lessening tension and violence. The attorney apologized in writing to the school, was placed under severe restrictions by CRLA management, and resigned shortly thereafter.

85. CHARGE - A CRLA attorney intervened in an arrest between a policeman and two Mexican-Americans when he saw the stopped vehicles on the street.
FACT - Truth unknown. This involved the same attorney who was active in the school matter mentioned above. The attorney has an entirely different version of the account. It is under investigation by the State Bar. When the attorney resigned, CRLA ended its own review of the matter.

86. CHARGE - CRLA attorney and community worker led a march or demonstration in a Christmas parade in Delano.
FACT - False. The lawyer was at a party in El Centro, as verified by a past president of the El Centro Bar Association, and the community worker was on a trip out of the city.

87. CHARGE - CRLA turned down an eligible client because the client was being sued by UFWOC.
FACT - False. The family was earning $320 per month, or $3,840 per annum, an amount substantially over the eligibility criteria. She was one of some fifty sued in the case and was informed that she might contact some of the other defendants to jointly retain an attorney.

88. CHARGE - CRLA is seeking to harass labor contractors by holding both the grower and the contractor liable for wages owed.

FACT - False. This case involves the legal question of when one performing a service is an agent as opposed to an independent contractor. In the case in question, there was substantial evidence that the grower directed and controlled the operation, that the contractor was only his agent, and that therefore both were liable for wages owed.

89. CHARGE - CRLA filed cases challenging employers of illegal aliens at the sametime as the Agricultural Workers Union was seeking recognition.
FACT - False. CRLA filed numerous actions against employers who employed wetbacks in 1970. These in no way coincided with either time or place with union activities.

90. CHARGE - CRLA filed a suit for five political organizations.
FACT - False. CRLA clients joined with widely disparit groups in petitioning the Department of Labor to end the discriminatory employment practices of the California Department of Human Resources Development. The organizations were represented by other counsel.

91. CHARGE - CRLA brought a suit to enjoin California growers from bringing bracero labor from Mexico into California.
FACT - False. CRLA and the United States Department of Labor entered into a written settlement which has resulted in the end of the foreign labor program and as a result more jobs for United States workers.

92. CHARGE - CRLA took a criminal case in Soledad, California.
FACT - False. The case was filed to prevent revocation of a farm worker's drivers license. It does not come within OEO criminal restrictions.

93. CHARGE - CRLA has moved office staff around to have more lawyers

where there is union activity.
FACT - False. The largest CRLA office is in an area of no union activity. The average office size is four, with no deviations to match union action.

94. CHARGE - Three former lawyers are now working for the Farm Workers' Union.
FACT - True. These lawyers were unhappy with CRLA union activity restrictions and left so that they could devote their energy to the union.

95. CHARGE - CRLA sent farmworkers out to set-up a case against the Farm Labor Office.
FACT - False. A client had already come to CRLA to complain. CRLA sent an investigator to the Farm Labor Office to check the complaint and gather evidence.

96. CHARGE - CRLA defended a client charged with welfare fraud in violation of grant criminal case restrictions.
FACT - False. OEO specifically waived the conditions in that case since the criminal matter seemed to be in retaliation for the client's bringing of an administrative hearing against the Welfare Department.

97. CHARGE - CRLA represented two over-income school teachers in a housing discrimination case in violation of its grant.
FACT - False. OEO approved the representation because of the effect of the case on large numbers of minority families in the same position. Private counsel was associated to handle some aspects of the case.

98. CHARGE - CRLA represented two voting registrars who earned over $1,000 per month.
FACT - This case was entirely handled by private counsel. CRLA represented eligible co-plaintiffs who had been illegally

denied the right to register to vote.

99. CHARGE - CRLA handled a criminal case for Marina Reyes.
FACT - False. The case was a traffic violation not prohibited by OEO regulations.

100. CHARGE - CRLA represented two brothers charged with criminal battery.
FACT - False. CRLA only made a phone call to obtain release for the younger brother (a juvenile). OEO regulations do not prohibit juvenile cases.

101. CHARGE - CRLA set-up a case of firing on account of union activity.
FACT - False. CRLA did not see or hear of those men until after their unlawful discharge. They were subsequently re-instated through CRLA action.

102. CHARGE - A CRLA attorney sought television publicity by addressing a UFWOC rally and offering CRLA help on evictions.
FACT - False. CRLA has hundreds, if not thousands, of eviction problems, most without court action. Our attorneys have appealed before meetings of many groups, including the union, to advise on housing law and of CRLA availability to handle such problems for those eligible for services. The t.v. news commentator states that CRLA did not contact him to cover the event.

103. CHARGE - CRLA will not cooperate with the Monterey County Welfare Department.
FACT - False. CRLA has used the channel of the Monterey County Welfare Commission to work within the system for constructive change.

104. CHARGE - A CRLA office showed poor judgment in refusing to negotiate a case ultimately successfully settled by private counsel who took over the case.
FACT - The "successful" settlement resulted in the discharge of the clients from their job. CRLA had taken the position that an agreement not to terminate them was essential to settlement.

105. CHARGE - A CRLA employee was discharged because she complained about CRLA policy.
FACT - There were discrepancies in her time and attendance records.

106. CHARGE - A CRLA Salinas directing attorney handled criminal cases for prison inmates.

FACT - False. The attorney handled one civil case on one occasion for one inmate.

107. CHARGE - CRLA attorneys representing union pickets moved to prevent a landlord-grower from turning off utilities in company owned housing.
FACT - False. CRLA represented one farmworker family and obtained a temporary restraining order to prevent turning off their only source of heat. CRLA had nothing to do with the pickets.

108. CHARGE - CRLA trespassed upon grower property to see clients in a labor camp.
FACT - False. Law provides that attorneys have the right to visit clients at their place of residence.

109. CHARGE: CRLA appeared before a Salinas judge representing union strikers who had been arrested.

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FACT - False. The CRLA attorney made a courtesy appearance on behalf of a union attorney who was out of town and clearly stated to the judge that it was only a favor to a fellow bar member.

110. CHARGE - A CRLA community worker addressed some high school students and urged participation in UFWOC activities.
FACT - False. The entire speech dealt with the importance of not dropping out of school.

111. CHARGE - UFWOC listed its phone number with the Monterey County Sheriff as the CRLA office number (impliedly with CRLA approval of this action).
FACT - This was done without CRLA consent or knowledge and was stopped as soon as CRLA became aware of it.

112. CHARGE - CRLA contrived to make an eviction case into a welfare case.

FACT - False. The client had both problems, complained about both, and was successfully helped on both matters.

113. CHARGE - CRLA filed an unverified action in U.S. District Court.
FACT - False. The case was a successful challenge to the practice of censorship of mail from inmates to attorneys. The Complaint was verified.

114. CHARGE - CRLA interceded at Soledad Prison to attempt to arrange a visit between Angela Davis and the older Jackson brother.
FACT - Totally false. None of the CRLA attorneys knows Angela Davis, has ever met with her, or has ever interceded on her behalf in any matter.

115. CHARGE - CRLA has taken a criminal case on behalf of a Soledad inmate.
FACT - False. The case is a civil habeas corpus.

116. CHARGE - CRLA improperly obtained a court order in a case filed on behalf of prison inmates.
FACT - False. The court order was properly issued to facilitate attorney interviews with clients in the case.

117. CHARGE - CRLA is involved in the "Soledad Seven" murder case.
FACT - False. CRLA does not represent any of these men. Contact with these prisoners was prior to the murder at Soledad in connection with their mail and visiting privileges.

118. CHARGE - CRLA is "closely associated with Fay Stender, a movement lawyer."
FACT - False. Simply another attempt to use guilt by association techniques.

119. CHARGE - A CRLA attorney "subtly threatened an inmate and suggested that the inmate, at best, suppress evidence and, at worst, commit perjury."
FACT - False. The CRLA attorney named has sent a letter to the Governor's Office demanding a public retraction of this libelous.

120. CHARGE - CRLA attorney Daniels contacted an inmate in June 1970. He did not request the visit.
FACT - False. Mr. Daniels terminated employment with CRLA in April and has been in New York ever since.

121. CHARGE - CRLA requests for meetings with prison officials at Soledad have disrupted the prison.

FACT - False. As a result of one meeting CRLA was helpful in convincing inmates to end a prison strike. At that time and subsequently prison officials involved have commented favorably on CRLA's role.

122. CHARGE - CRLA filed a complaint against correctional officers alleging a conspiracy to induce a murder of a black inmate by white inmates.
FACT - False. CRLA played no part in the lawsuits. One of its attorneys was listed as "of counsel" as a favor to out of town attorneys just in case there needed to be a visit to the prison on short notice. In fact, the attorney had nothing to do with the preparation or conduct of the case.

123. CHARGE - An inmate at Soledad states that he is satisfied that CRLA's complete staff has helped him.
FACT - False. One attorney handled an individual prisoner's case but thorough investigation may require several interviews by CRLA investigators as well as the attorney handling the case.

124. CHARGE - The complaint of an unidentified prisoner indicates that CRLA is only interested in handling publicity cases.
FACT - False. Most of CRLA's 18,000 cases handled from June 1969 through June 1970 are individual cases which get no publicity.

125. CHARGE - A prisoner states that CRLA handles criminal cases for inmates.
FACT -False. CRLA handles no appeals for prisoners and refused to handle a criminal case for the writer of the letter.

126. CHARGE - CRLA representatives responded to an inmate's request to discuss problems in placing prisoners in isolation without a hearing.
FACT - True. CRLA has interviewed a number of prisoners on this problem and has filed a lawsuit on behalf of several of them challenging their placement "in the hole" without due process.

127. CHARGE - CRLA visited a Soledad inmate without being asked to do so.
FACT - False. The inmate had given his legal papers to the Catholic Chaplain at the prison and asked the Chaplain to see if he could find some help for him. The Chaplain in turn contacted CRLA.



NATIONAL WELFARE RIGHTS ORGANIZATION

December 30, 1970

1419 H Street, N. W.
Washington, D. C. 20005
Tel: (202) 347-7727

Senator Gaylord Nelson
Subcommitte on Employment,
Manpower and Poverty
359 Old Senate Office Building
Washington, D.C. 20510

Dear Senator Nelson:

The National Welfare Rights Organization has serious questions about recent attitudes and intentions of top OEO officials toward programs that were designed to help poor people. We question whether the Director-designate, Mr. Frank Carlucci will exercise his duties in the best interests of poor people. We had hoped that today's confirmation hearings would have been held later and over a longer period of time to allow a more careful examination of Mr. Carlucci, his credentials and his policies.

We urge you to stress the importance of OEO programs to poor people in this country and work to insure the continuation of these programs at at least their present level. VISTA, Legal Services, CAP, and Research and Demonstration of new programs are vital to the fight of poor people to better their lives and achieve an adequate income.

The National Welfare Rights Organization urges that all OEO programs be retained unrestricted by regionalization schemes, and that Governor Regan's recent veto of the California Rural Legal Assistance Program be overridden. Such programs are assisting Americans who would be unable to secure their legal rights and work for a better life without help from OEO. It makes no sense to cut back in the name of economy those programs which aid the poorest of our citizens.

NATIONAL
WELFARE RIGHTS
ORGANIZATION

Chairman:
MRS. JOHNNIE TILLMON
Los Angeles, Calif.

First Vice-Chairman:
MRS. BEULAH SANDERS
New York, N.Y.

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MRS. MARGARET HAYES
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Third Vice-Chairman:
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Recording Secretary:
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Sergeant-at-Arms:
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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.

Executive Director
DR. GEORGE A. WILEY
Washington, D.C.



ADEQUATE INCOME, DIGNITY, JUSTICE, DEMOCRACY

We urge the members of the Senate to exercise their best judgement in questioning whether or not Mr. Carlucci would direct OEO in a way beneficial to poor people.

Sincerely,

George A. Wiley

George A. Wiley
Executive Director

GAW:jw

[Telegrams]

EL CENTRO, CALIF., *December 29, 1970.*

Senator GAYLORD NELSON,
Senate Office Building,
Washington, D.C.:

Do not confirm Carlucci unless he overrides Reagan CRLA veto.

OLLIE RODGERS,
President, Imperial County NAACP.
GILBERT LOPEZ,
President, Imperial County Mexican American Political Association.

NEW YORK, N.Y., *December 29, 1970.*

Senator GAYLORD NELSON,
Chairman, Subcommittee on Employment, Manpower and Poverty,
Senate Office Building, Washington, D.C.:

The National Assembly for Social Policy and Development strongly urges support for legislation which will assure the viability, authority and adequate budget of the office of economic opportunity. We fully support the position advances in this matter by the League of Women Voters of the United States.

C. F. MONEIL, *Executive Director.*

WASHINGTON, D.C., *December 29, 1970.*

Hon. GAYLORD NELSON,
Chairman, Subcommittee on Employment Manpower and Poverty, U.S. Capitol Building, Washington, D.C.:

The National Council of Negro Women, Incorporated, supports the office of Economic Opportunity as the sole national agency charged with resolving the problems of poverty in our country. Its function as advocate of the poor is vitally needed. NCNW cannot stress strongly enough the urgency of continuing at full strength the CAP program and legal services.

DOROTHY I. HEIGHT, *National President.*

WASHINGTON, D.C., *December 29, 1970.*

Hon. GAYLORD NELSON,
Old Senate Office Building,
Washington, D.C.:

Immediate continued funding of California rural legal assistance program is vital to the interest of poor people in California and to continued access to the courts. Frank Carlucci should not be confirmed as Director of OEO until he has assured such funding and overridden Reagan veto.

CHARLES R. HALPERN,
Director Center for Law and Social Policy.

DECEMBER 29, 1970.

Senator GAYLORD NELSON,
Chairman, Subcommittee on Employment, Manpower and Poverty,
Old Senate Office Building:

The National Urban Coalition is seriously concerned about recent allegations that Office of Management and Budget has requested significant cutbacks in OEO's budget, as well as the elimination of a key program such as VISTA.

It is our view that any reduction in the level of OEO funding would be against the national interest. OEO has never had adequate funds to carry out its original mandate. Rather than less money, OEO requires more money and resources to carry on the war against poverty. It must strengthen its position and role as the advocate of the poor both within and outside the Federal structure.

Despite its problems and difficulties, inadequate financing, and political interference, OEO has managed to attain a record of notable achievement and distinc-

tion. Through community action, it has brought community, minority and poor people into the local decisionmaking processes that affect all Americans. Through VISTA, it has afforded idealistic young Americans the opportunity to help bring about necessary changes within the system. Through legal services, it has provided poor people with equal access to American law and justice. And through its innovative programing, OEO has launched projects that have become an accepted part of curent public and private social policy. Headstart, urban planning centers, comprehensive health centers, legal services, community development corporations, family planning programs, comprehensive neighborhood centers, new careers program, Upward Bound, and Foster Grandparents are just some of the programs that were nurtured at OEO.

No other organization has done more to introduce and popularize the importance of the nonprofessional in our society. No other organizatin has equalled OEO's record in providing leadership opportunities for minority representatives and poor people.

The Office of Economic Opportunity must be permitted to build on this impressive record, to grow and to prosper. It must continue to focus national attention on the critical urban crisis and the needs of the poor. We would like to see the new leadership of OEO dedicate itself to the following:

1. Active leadership and support for a larger and more adequately financed community action program.
2. The retention of the VISTA program.
3. Active leadership and support for the legal services program, including the overriding of the Governor's veto of the California rural legal services program.
4. Greater support for an increase in funds for research and demonstration.
5. The retention of current health and nutrition programs.
6. Active support for OEO playing a greater role as an advocate of the poor within the Federal structure.

JACK VAUGHAN,
President, National Urban Coalition.

WASHINGTON, D.C., *December 29, 1970.*

Hon. GAYLORD NELSON,
Chairman, Subcommittee on Employment, Manpower and Poverty, Old Senate Office Building, Washington, D.C.:

Urge continued support of OEO programs, Neighborhood Legal Services administered from Washington, no cuts in VISTA allocation of all funds appropriated for OEO programs.

JOHN E. COSGROVE,
Director, Department of Social Development.

SAN FRANCISCO, CALIF., *December 28, 1970.*

Senator GAYLORD NELSON,
U.S. Senate, Washington, D.C.:

We urgently request an immediate override of the veto by Governor Ronald Reagan of the California Rural Legal Assistance Grant for 1971.

CRLA IS AN OUTSTANDING LEGAL SERVICES PROGRAM

An attack on CRLA can only be understood as an attack on Legal Services itself, for, as your predecessor, Donald Rumsfeld, said last month, CRLA is commonly recognized as one of the best legal services programs in the Nation. CRLA's excellence was recognized in 1968 when it was named the outstanding legal service program in the Nation by the National Advisory Committee for Legal Services programs. During the last few months a distinguished panel of 13 national evaluators spent a week investigating CRLA's several offices. Its members included representatives of the American Bar Association, the California State Bar, several judges, including former Supreme Court Justice Tom Clark, and, significantly, a member of Governor Reagan's own staff. The panel summarized their findings as follows:

"While not perfect, CRLA is an exemplary legal services program, providing a balanced approach between orthodox legal services and highly successful impact litigation."

Independent of the aforementioned evaluation, the State bar of California explicitly approved CRLA's 1971 refunding proposal. And, last week, fearing a veto, the Los Angeles, San Francisco, and Sacramento Bar Associations passed emergency resolutions urging the Governor to approve CRLA's grant. It is also significant that the chairman of the American Bar Association's standing committee on legal services wired Governor Reagan urging, for the first time in the committee's history, the funding of a particular legal services program.

Support of CRLA was founded on recognition of a successful, balanced approach to legal services. CRLA serves thousands of poor every year handling day-to-day matters of problems with landlords and creditors. During the last year CRLA attorneys handled 18,823 legal problems, 749 involving court actions; and only 55, or 7 percent, were filed on behalf of a class. Over 2,000,000 senior citizens, consumers, food program recipients, and public housing residents were represented by CRLA attorneys in those 55 class actions, but obviously the bulk of CRLA efforts went into the 18,768 legal problems handled for individuals during the year. CRLA's success record in the courts and before administrative agencies provides clear evidence of the legitimacy of the legal problems its attorneys handle: of the 749 court and administrative decisions rendered during the last year, CRLA clients were upheld in 605 cases, or 86 percent of the time.

REPRISAL FOR SUCCESS

The Governor's veto appears to be a reprisal for successful suits initiated by CRLA curbing unlawful actions by public agencies and establishing rights for the disadvantaged.

The source of Governor Reagan's initial hostility was a lawsuit brought by CRLA in 1967 which successfully barred efforts to cut $200 million in services under the California medicare program. The Supreme Court agreed that the State action violated State law and usurped the authority of the legislature. A case filed in 1970 against a medical cutback resulted in the invalidation of a State regulation on grounds that it was in conflict with Federal law. The decision restored over $2 million in benefits to the medically needy.

A provision of the California constitution which disenfranchised thousands of Spanish-speaking citizens by imposing an English literacy requirement as a condition to voting was stricken, the California Supreme Court ruling on a case initiated by CRLA clients.

A provision of the California constitution was stricken which conditioned the construction of low-income housing on the passage of a referendum frequently used to block decent housing for the poor.

The State-wide use of aptitude tests which had resulted in the classification of thousands of bright Spanish-speaking children as mentally retarded barring their economic advancement through education was enjoined. Subsequent legislation set minimum standards to assure that the aptitude of Spanish-speaking children would be tested on objective criteria.

A provision of the constitution limiting the passage of school bond issue was stricken.

Litigation initiated by CRLA clients resulted in the establishment of Federal food programs in 17 California counties.

A suit filed against the State on behalf of 50,000 female farmworkers compelled enforcement of the newly established minimum wage initially resulting in the retroactive payment of hundreds of thousands of dollars in withheld wages to thousands of farmworkers.

These major victories combined with the thousands of small decisions for the first time provided the California rural poor with effective access to the courts and the legislative, the traditional democratic channels for redress of grievances. CRLA's successes have demonstrated the need for such a voice as well as the competence of the representatives of the poor, and the legitimacy of their claims. Had CRLA been less forceful, less energetic, less successful in seeking to provide to the poor the same access to democratic processes as are available to major growers, corporations, and public agencies, the veto would not have come.

GOVERNOR'S VETO

Beyond the reprisal motive, Governor Reagan's criticism of the scope of CRLA's activities raises principles twice rejected by Congress. Congress refused to prevent legal service programs from suing public agencies and rejected a proposal to give Governors the right to veto a program because of controversial nature.

The veto of CRLA by Governor Reagan can only be explained in terms of his consistent opposition to progressive social welfare programs of the Nixon Administration. At its root is the belief shared by ultar conservatives that access to the courts and to the legislature is a privilege rather than a right. Inherent in the criticism of CRLA is the premise that the poor do not have the right to initiate action in the courts to obtain entitlements enacted by the legislature for their benefit.

The appointment by Governor Reagan of Lewis K. Uhler as director of State technical assistance program (State OEO), an admitted former member of the John Birch Society and active campaign manager for the ultraconservative Congressman John Rousselot, was harbinger of his intention to muzzle legal service programs.

STATE'S BIASED REPORT

The onesided report of the Governor's staff which recommended veto appeared to be no more than the justification of a prior political decision. The critique was initiated with a random survey to members of the bar and the judiciary requesting responses to questions which characterized CRLA unfavorably and encouraged an anonymous response.

The condemnation of CRLA by an anonymous district attorney dramatizes the lack of credibility of the anonymous questionnaire. The survey had been condemned in a formal resolution of the national legal aid and defender association.

Subsequent to the inquiry, State technical assistance fieldworkers conducted a patently hostile investigation in each region. The investigators encouraged local bar associations to recommend termination of CRLA in their community, reportedly promising them funds for locally sponsored programs as an inducement.

Investigators reportedly sought to have prominent defendants in lawsuits initiated by CRLA sign depreciating affidavits. Overall, the methods employed by the State technical assistance program opened old wounds, magnified controversies, polarized communities, and frustrated CRLA's efforts to maintain constructive dialogue with members of the bar and public officials.

SPECIFIC EXAMPLES UNFOUNDED

Considering the effort expended, the return was minimal. Specific examples cited by the State are distortions, half-truths, at the most isolated indiscretions or are readily explainable.

Dandruff has been represented as a fatal disease. The report, moreover, is deficient in that it fails to include the many endorsements of CRLA received by the State and fails to consider the approval of CRLA voiced by the client community.

Contrary to the report, CRLA does not handle criminal cases in violation of OEO guidelines.

Isolated instances in which criminal defendants have been represented and one case in which an attorney counseled representatives of the farmworkers union were done on attorney's vacation time and were therefore personal efforts rather than organizational. A CRLA attorney is permitted on his own time to provide public service work to any organization of his own choosing, be it the Republican Party or the United Crusade. Similarly, the defense of a community worker by a CRLA attorney was handled on the attorney's time off. A motion to quash the matter filed at the preliminary hearing was granted by the court. The motion was, in fact, typed by the attorney himself so as to avoid using the services of the CRLA clerical staff for a non-CRLA matter.

Another criticism which highlights the superficiality of the Uhler report and the danger of drawing conclusions from information received from only one side of a controversy concerns the Stove incident. The CRLA Marysville office sought

to obtain a resolution of the problem created by the failure of numerous rural welfare departments to allow the payment of funds to meet the critical unmet shelter needs of welfare recipients.

The legislature had recently established this fund and had allowed for payments from it although a family may be receiving the maximum grant. The particular county welfare department had not expended any of these funds during the fiscal year and the State welfare department had proposed to withdraw these funds and allot them to urban areas. The merchant who offered the Stove was told that the case was intended to deal with this broader problem. With the client's approval, the merchant was asked to hold his offer open for 2 days pending the resolution of the matter in court. This he agreed to do.

While CRLA intends to respond to each allegation the charges cannot now be answered with precision, the State, in breach of its agreement, failed to make the criticisms available to CRLA staff prior to formalization and veto. We depend at this point on news media reports of the charges against CRLA. The Governor's notion of justice appears to be condemnation without a hearing, a denial of due process.

CONCLUSION

Because CRLA has proven that a degree of social and economic change is possible within the system, that the system is available and open to the powerless, the veto should be promptly overridden. To delay in this decision would be to encourage opponents of legal services, intimidate and discourage legal services attorneys from initiating controversial actions on behalf of their clients, and threaten the independence of the national legal services program.

CRUZ REYNOSO,
Director, California Rural Legal Assistance.

WASHINGTON, D.C., *December 29, 1970.*

Hon. GAYLORD NELSON,
Chairman, Subcommittee on Manpower and Poverty,
Old Senate Office Building, Washington, D.C.:

United Auto Workers ask that thrust of hearings on confirmation of Frank Carlucci as OEO Director makes doubly certain that renewed vigor and dedication to existing programs be the watchword.

Slow administrative strangulation of viable OEO programs has been disheartening to watch. Let it stop now with these hearings. We would emphasize health and nutrition programs; along with migrant, VISTA, and legal services for some keen questioning.

We would deemphasize the abnormal growth of research and development funds that have enriched those not in poverty. We want more emphasis on direct help. We hope that Frank Carlucci can provide your committee with the right answers.

PAUL A. WAGNER,
Legislative Office, United Auto Workers.

PACIFIC PALISADES, CALIF., *December 29, 1970.*

Senator GAYLORD NELSON,
Washington, D.C.:

As California taxpayers we oppose Governor Reagan's veto of CRLA funds.

WILLIAM AND ROSEMARIE SCHALLERT.

PASADENA, CALIF., *December 30, 1970.*

Senator GAYLORD NELSON,
Senate Office Building,
Washington, D.C.:

Urge you support full funding of CRLA program to insure equality before the law.

Mr. and Mrs. RICHARD MORRIS.

WASHINGTON, D.C., *December 29, 1970.*

Hon. GAYLORD NELSON,
Subcommittee on Employment Manpower and Poverty, Senate Office Building, Washington, D.C.:

Ask that your committee stand against proposed 23 percent budget cut for OEO. An adequately funded agency to spearhead concerted efforts on behalf of the poor is urgently needed.

JOYCE HAMLIN,
Women's Division, United Methodist Church.

WASHINGTON, D.C., *December 29, 1970.*

Hon. GAYLORD NELSON,
U.S. Senate,
Washington, D.C.:

The well-being of millions of poor and underrepresented people in America depends in large measure on the willingness of our Nation's leaders to provide substantive assistance in terms of money and trained manpower. The Senate's consideration of Frank Carlucci to direct the Office of Economic Opportunity offers the Senate the chance to restate its deep concern for the goals of OEO. Our organization is committed to those goals and urges particular attention be paid to the legal services and community action programs and to OESO. work on behalf of the aged. We urge an even greater commitment to an expansion of these programs.

WILEY A. BRANTON,
Director, Community Action Alliance for Labor Action.

WASHINGTON, D.C., *December 30, 1970.*

Senator GAYLORD NELSON,
Chairman, Subcommittee on Employment, Manpower, and Poverty,
U.S. Senate, Old Senate Office Building, Washington, D.C.:

The National Urban Coalition is seriously concerned about recent allegation that the Office of Management and Budget has requested significant cutback in OEO budget as well as the elimination of a key program such as VISTA. It is our view that any reduction in the level of OEO funding would be against the national interest. OEO has never had adequate funds to carry out its original mandate. Rather than less money OEO requires more money and resources to carry on the war against poverty. It must strengthen its position and role as the advocates of the poor vote within and outside the Federal structure. Despite its problems and difficulties inadequate financing and political interference OEO has managed to attain a record of notable achievement and distinction.

Through community action it has brought community minority and poor people into the local decisionmaking processes that affects all Americans through VISTA. It has afforded idealistic young Americans the opportunity to help bring about necessary changes within the system. Through legal services it has provided poor people with equal access to American law and justice. And through its innovated programing OEO has launched projects that have become an accepted part of current public and private social policy. Headstart urban planning centers, comprehensive health center legal services, Community Development Corp. family planning program, comprehensive neighborhood center, new carrier program. Upward Bound, and foster grandparents are just some of the programs that were nurtured at OEO. No other organization has done more to introduce and popularize the importance of the nonprofessional in our society. No other organization has equalled OEO record in providing leadership, opportunity for minority representative and poor people. The Office of Economic Opportunity must be permitted to build on this impressive record to grow and to prosper. It must continue to focus national attention on the critical urban crisis and the needs of the poor. We would like to see the new leadership of OEO dedicate itself to the following:

1. Active leadership and support for a larger and more adequately financed community action program.
2. The retention of the VISTA program.

3. Active leadership and support for the legal services program including the overwriting of the Governor's veto of the California rural legal service program.
4. Greater support for an increase in funds for research and demonstration.
5. The retention of current health and nutrition programs.
6. Active support for OEO playing a greater role as an advocate of the poor within the Federal structure.

JACK VAUGHAN,
President, National Urban Coalition.

ALTADENA, CALIF., *December 30, 1970.*

Senator GAYLORD NELSON,
Senate Office Building,
Washington, D.C.:

Support California rural legal assistance program. Am in touch with many poor who have benefited.

ROCASY HORTON.

PASADENA, CALIF., *December 29, 1970.*

Senator GAYLORD NELSON,
Senate Office Building,
Washington, D.C.:

Strongly urge your support. Full funding CRLA greatly needed. Reliable legal associations' support.

LOIS KRENZ.

EL CENTRO, CALIF., *December 29, 1970.*

Senator GAYLORD NELSON,
Senate Office Building,
Washington, D.C.:

Do not confirm Carlucci unless he overrides Reagan CRLA veto.

OLLIE RODGERS,
President Imperial County NAACP.
GILBERT LOPEZ,
President Imperial County Mexican American Political Association.

PASADENA, CALIF., *December 30, 1970.*

Senator GAYLORD NELSON,
Senate Office Building,
Washington, D.C.:

I support full funding of CRLA. It has helped me and many of my friends.

AHAD ABDULLAH.

WASHINGTON, D.C., *December 30, 1970.*

Senator GAYLORD NELSON,
Senate Office Building, Washington, D.C.:

American Association of University Women gravely concerned over apparent decline OEO, its appropriations, personnel and program. Understand hearing underway reappointment new Director. Wish to restate association commitment to principle of OEO and to progress made under it. We urge an administration statement of commitment to strengthen this program and provision by Congress of a substantial authorization and appropriation for OEO in the coming session. We request this statement be included in record of today's hearings.

Mrs. SHERMAN ROSS,
Chairman, Legislative Program.

WASHINGTON, D.C., *December 30, 1970.*

Senator GAYLORD NELSON,
Chairman, Employment and Manpower Subcommittee of the Labor and Public Welfare Committee, Senate of the United States, Washington, D.C.:

The occasion of the confirmation by the Senate of Frank C. Carlucci as Director of the Office of Economic Opportunity provides us with an opportunity to state our hope for the continuation of OEO as an institution designed to assist the poor, and for more adequate funding of OEO programs to permit their maximum effectiveness.

We are alarmed at recent reports concerning cuts in the fiscal year 1972 OEO budget. Rather, the need is for increased funding, staffing, and community participation. Even in their present skeletal form, OEO programs for children, the aged, indians, and the rural poor assist some of the most desperately needy people in the country. To provide less assistance now is unthinkable.

EDWARD F. SNYDER,
Friends Committee on National Legislation.

WASHINGTON, D.C., *December 30, 1970.*

Hon. GAYLORD NELSON,
U.S. Senate, Washington, D.C.:

Re nomination of Frank C. Carlucci to be Director of the Office of Economic Opportunity the American Institute of Architects is concerned about proposals being considered by the administration to reduce, substantially, the fiscal 1972 budget for the Office of Economic Opportunity (OEO), specifically the funds for Volunteers In Service To America (VISTA). VISTA is an excellent program committed to the alleviation of poverty in America. The AIA has worked closely with VISTA in helping to improve the physical environment, particularly housing, and we believe it should receive continued emphasis. In your deliberations on Mr. Carlucci's nomination as Director of OEO, we urge that you consider his plans regarding VISTA. We hope that the new Director will rank the program as a high national priority.

ROBERT F. HASTINGS,
FAIA President, the American Institute of Architects.

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