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**HEARING**  
BEFORE THE  
**COMMITTEE ON HUMAN RESOURCES**  
**UNITED STATES SENATE**  
NINETY-FIFTH CONGRESS

FIRST SESSION

ON

NOMINATION OF

FRANK JONES, OF VIRGINIA, TO BE AN ASSISTANT DIRECTOR  
FOR THE COMMUNITY SERVICES ADMINISTRATION

SEPTEMBER 9, 1977

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## NOMINATION

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FRIDAY, SEPTEMBER 9, 1977

U.S. SENATE,  
COMMITTEE ON HUMAN RESOURCES,  
*Washington, D.C.*

The committee met, pursuant to notice, at 9:06 a.m., in room 4232, Dirksen Senate Office Building, Senator Harrison A. Williams, Jr. (chairman) presiding.

Present: Senators Williams, Pell, Ribicoff, Randolph, Kennedy, and Chafee.

The CHAIRMAN. Our committee will now consider the nomination of Frank N. Jones to be Assistant Director for Legal Affairs and General Counsel of the Community Services Administration.

Mr. Jones comes before the committee with an impressive legal career, working with nonprofit agencies which deliver legal services to the poor. His previous professional experience has enabled him to develop an awareness of the problems facing poor people.

He has developed a specialized sensitivity for utilizing his legal discipline while advocating for the legal representation of poor people.

Mr. Jones was previously with the Office of Legal Services, a division within the Office of Economic Opportunity, and is personally acquainted with the history of that agency.

So we are indeed pleased with his enthusiasm for working with this agency as its General Counsel, and we welcome you, Mr. Jones. We would be happy to receive any statement you have.

At this point I wish to include in the record the biographical sketches of the nominee.

[The information referred to follows:]

(1)

## RESUME

Frank N. Jones  
 1800 Eads Street, #1138 South  
 Arlington, Virginia 22202  
 Telephone Number: (703) 979-5037

Height: 6'1 1/4"  
 190 pounds  
 Good health

## Employment Experience

## Present

National Legal Aid and Defender Association [NLADA], Washington, D.C.  
 Executive Director.

NLADA, an affiliate of the American Bar Association, is the only national non-profit organization using its full resources to assist in providing legal representation for the indigent in civil and criminal cases.

Supervised a staff of thirty-seven professionals with a total budget of more than a million dollars. Divisions of responsibility within the organization include departments of Defender Services, Civil Programs, Development, Accounting, Publications, Research, Technical Assistance, and a National Public Interest Law Office. Provided technical assistance to legal services, legal aid and public defender programs throughout the United States and territories; filed amicus briefs in cases involving issues of importance to our client community such as the right to counsel in misdemeanor and civil cases; prepared and presented testimony on legal assistance issues before state and federal legislative bodies; represented legal services programs before federal administration agencies (OEO-HUD-LEAA-and HEW); implemented policies of Board of Directors; and articulated the Association's public positions.

## 1973-1976

University of Pennsylvania Law School, Philadelphia, Pennsylvania  
 Vice-Dean.

"Penn" is a top echelon, Ivy League Law School with a total enrollment of more than six hundred students and a full-time faculty of thirty-five members.

Served as first deputy to the Dean in all matters relating to the Law School. Responsibilities included direct supervision of three assistant deans and all other administrative personnel in such areas as: admissions, registration, placement, business and graduate affairs.

Represented the Law School in its relationships with alumni, other segments of the University, private and governmental agencies, and the general public. Worked with faculty committees and served as Secretary to the faculty. Assisted in the preparation of Law School budgets. Complete responsibility for all Law School administrative publications, such as catalogues, bulletins, and student handbooks.

Supervised clinical practice program under student practice rules of State and Federal courts in Pennsylvania.

## 1971-1973

National Legal Aid and Defender Association [NLADA], Washington, D.C.  
 Executive Director.

1969-1970

*Office of Economic Opportunity/Office of Legal Services, Washington, D.C.*  
Deputy Associate Director.

The Office of Legal Services was a division within the Office of Economic Opportunity (OEO), an agency of the federal government established pursuant to the Economic Opportunity Act of 1964, as amended, to provide legal services to those whose incomes are below the poverty line.

Supervised all headquarters and regional staff. Responsible for developing strategies for implementing the statutory functions of the legal services program; reviewed policies, procedures, budgets, delegations of authority which guide and control the operation of the program. Assisted the Director in the coordination of program relationships with the Congress, state and local governments, Bar Associations and other federal agencies.

1966-1969

*Legal Aid Bureau, Chicago, Illinois*  
Supervising Attorney and Administrator.

Non-profit organization providing legal assistance to indigents in the city of Chicago, Illinois.

Initially responsible for supervision of a neighborhood poverty law office with three attorneys. Subsequently promoted to Assistance Administrative Lawyer responsible for coordinating, supervising and evaluating administrative and legal work of nine neighborhood offices. In mid-1967 was promoted to Administrative Lawyer with responsibility for appeals and special projects.

1964-1965

*NAACP Legal Defense and Educational Fund, Inc., Jackson, Mississippi*  
Cooperating Attorney.

An organization devoting its full resources in furtherance of civil rights and civil liberties.

Represented individuals who were prosecuted in state and federal courts of Mississippi for exercise of civil rights and constitutionally protected activities.

1958-1964

*Chicago Board of Education, Chicago, Illinois*  
Teacher. (Elementary - third through eighth grades.)

Certified and assigned by Board in September, 1958. Taught eighth grade in low income community in Chicago.

Interim and Miscellaneous Employment - 1948-1959

*U.S. Post Office, Chicago, Illinois*  
*Career City Letter Clerk.*

Worked full-time nights from 1954-1959 while attending college during the day. One year of this employment (1958-59) was concurrent with position as teacher. Worked full-time since sophomore year of high school (1949). During years of 1949-1951, variously employed as: night attendant of automobile storage garage, car hiker, construction laborer, and manager of pool hall.

Military Service

U.S. Army. Volunteered 1951 - served nine months - honorably discharged in November, 1951.

**Education****Graduate**

New York University Law Center	LL.M. (Criminal Justice) 1969
DePaul University	LL.B. 1964
Chicago State University (One year of graduate study in child guidance and counseling.)	1963

**Undergraduate**

Chicago State University	B.Ed. 1958
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**Significant Honors and Awards**

Arthur Garfield Hays Civil Liberties Fellowship, New York University Law Center  
 Reginald Heber Smith Award, National Legal Aid and Defender Association  
 Distinguished Alumni Award, DePaul University  
 Order of the Coif  
 Committee of Fellows of the National College of Criminal Defense Lawyers and Public Defenders

**Professional Member: Licenses**

Illinois Bar and Seventh Circuit Court of Appeals  
 District of Columbia Bar and D.C. Court of Appeals  
 Supreme Court of the United States

**Early Background**

Early years spent in Clarksdale, Mississippi. Father, blind and unemployed, died when writer was eleven. Led father for four years prior to his death and did not, therefore, attend school regularly during this period. After death of father, lived with grandmother until age fifteen, at which time left Mississippi to join relatives who lived on Chicago's West Side. Continued high school and began full-time employment. Earned livelihood, lived alone, worked full-time and studied from age seventeen.

**Interests**

Current outside interests include: Acting (studied acting at Goodman Theatre, Chicago, and Lee Strasberg's Theatrical Institute, New York); pool and billiards; music. (Robusto-Baritone soloist - classical and light opera; studied voice at Chicago Conservatory of Music); motorcycling; flying (have completed thirty hours toward private pilot's license).

**Professional Organizations**

Member of: the American Bar Association, the Chicago and Washington, D.C. Councils of Lawyers, the National Legal Aid and Defender Association, and the National Association of Bar Executives. Served on the Committee for Public Justice; the Committee for Legal Services in Developing Countries of the International Legal Center; the Board of Directors of the Micronesian Legal Services Program; ABA/ALI Juvenile Justice Standards Project and the Law Enforcement Assistance Administration's Juvenile Delinquency Task Force of the National Advisory Committee on Criminal Justice Standards and Goals. A founding member of the Board of Regents of the National College of Criminal Defense Lawyers and Public Defenders. Member of the Overseers' Committee to Visit the Harvard Law School for Academic Year 1976 and 1977; and member of the Board of Directors of the NAACP Legal Defense and Educational Fund, Inc.; served as member of Governor's Justice Committee, State of Pennsylvania.

**References**

Personal references will be forwarded upon request.

The CHAIRMAN. Mr. Jones, you may proceed.

**STATEMENT OF FRANK N. JONES, NOMINEE TO BE ASSISTANT DIRECTOR FOR LEGAL AFFAIRS AND GENERAL COUNSEL OF THE COMMUNITY SERVICES ADMINISTRATION**

Mr. JONES. Thank you very much, Mr. Chairman.

I submitted a written statement, which I would like to summarize and briefly expand upon. Before doing that, if you would permit me a biographical note.

I am a native of Mississippi, transplanted to Illinois, New York, Pennsylvania, and Virginia. So the committee should appreciate my dilemma in terms of asking one of the Senators to introduce me. I have resolved that dilemma by appearing as is, as it were.

I would like to share with you some of my views regarding the priority issues which the Community Services Administration must effectively resolve in the short run and its enormous potential for service and advocacy on behalf of the Nation's poor in the longer perspective.

In my view, the agency must recover its momentum and vitality through a vigorous and efficient but fair administration of its programs and enforcement of its authorizing legislation, regulations, and instructions.

The role of the Office of Legal Affairs in this effort is what I should like to speak to, but before doing so, I would like to point out what I believe to be the three essential thrusts of the work and purpose of the Community Services Administration.

The first is the service to those millions of poor people in their communities. We do that through the local initiative programs. It is that program that maintains the visibility and the credibility of the community services program within the local community.

The second thrust is that of advocacy at both the local, State and Federal level. And I would like to just observe here that in recent years, the advocacy function of the agency has not been given the kind of priority that I believe the enabling legislation contemplated.

The third thrust is research and demonstration, an incubator of ideas that are tested and then spun off as operating programs to those agencies and those executive departments that have the resources to carry forth the implementation of those programs.

As I see the role of the Office of Legal Affairs in this dynamic, there are essentially three thrusts. The traditional legal work of the General Counsel or Legal Affairs Office of any agency. The next thrust is rather new. It is traditional in the sense that it is always done by agencies, but it is new in the sense that it has now under our reorganization plan become a part of the Office of Legal Affairs. I refer to the enforcement function of the Office of Legal Affairs.

By enforcement, I mean the inspection, the external audit and the human rights activities of the agency. All of these compliance activities now under the new reorganization plan will be incorporated and coordinated through the Office of Legal Affairs.

But most important in my judgment is the possibility—and my plan with regard to the Office of Legal Affairs is to implement this idea—to involve the Office of Legal Affairs in an affirmative, positive

participation in the advocacy; the research and demonstration facets of the agency; and a more active role in conceptualizing programs. Of course, this will be done in conjunction with the program offices of the agency that have the primary responsibility for these activities.

The agency has established, for example, a Policy Review Board that solicits policy and program ideas, encouraging the staff at the lower levels in all of the divisions, including legal affairs and administration, to come forth with those ideas that the agency might use for the benefit of the poor.

We have begun an active program of meeting with the general counsels of other agencies in order to apprise them of the impact that their policies and their regulations are having on the poor; that, I see as an important aspect of the work of the Office of Legal Affairs.

We will be calling attention to these policies and negotiating changes with the general counsels and with the administrators of those agencies. For example, in the Small Business Administration, there is a program which provides for certain capitalization funds for small businesses.

As it is today, under present policies, the grantees of the Community Services Administration are not eligible, because it proscribes eligibility for not-for-profit organization.

We have been talking to the Office of General Counsel, SBA, about this. The question of guaranteed loans to assist our community development corporations in their capitalization programs is another area in which the Office of Legal Affairs can assist, in an advocacy role, the work of the agency and the organizations that are designed to benefit the poor.

Now, in order to do this, it is important that the Office of Legal Affairs bring on board as its staff committed lawyers and other workers who have demonstrated experience and background in providing services to the poor. We are hiring those people who have experience in providing direct services to the poor, because only in this way, by getting committed, competent staff, can we have the effect on the advocacy, generate the ideas, and assist the rest of the agency in carrying out its mission.

In short, I see the role of the Office of Legal Affairs as one in which we play an integral part in the agency's advocacy for the poor, while at the same time, enforcing and carrying out the responsibilities and insuring that our grantees are adhering to the regulations, to the instructions, and to the legislation in accordance with the congressional intent.

I appreciate the opportunity to share these views with you, Mr. Chairman, and I am, of course, prepared to respond to any inquiries you may have.

The CHAIRMAN. I am impressed with your background, Mr. Jones, and this agency certainly needs your talent. I am sure you are familiar with all of the oversight that has occurred on the part of individuals and institutions, such as newspapers, of the CSA and the conclusions that have been drawn after their review of the agency's activities.

The most recent was the Washington Post editorial, "CSA's Last Chance," on Monday, August 15. I am sure you have seen that editorial.

Mr. JONES. Yes; I am familiar with that editorial.

The CHAIRMAN. How do you describe the problem as it was—and I am judging that already we can use the past tense, because we must be on our way to a better day at CSA—what was basically the problem?

Mr. JONES. Well, the problem in my judgment was that for 8 years, there was a concerted effort to at first destroy and dismantle the program, and after the Congress prevented that, at the highest levels of responsibility for administration there was what appeared to be an effort to allow the program to destroy itself by simply not enforcing the regulations.

Now, I say that because—and this is not an indictment of the staff that works in that office, that is, the people in the middle management area—when you have at the highest echelons of the administration, of an agency, the people who do not appear in terms of their policies to be committed to the work of the agency, it creates a negative morale factor.

And it is this lack of morale that developed over some 8 years that I believe ultimately led to the laxity and to the mismanagement abuses that the Government operations report cited and about which the article was written.

I would like to say, though, that administration of the Community Services Administration is only one aspect of its work, a very, very important aspect. There is no question but that there have been abuses, they must be eliminated. We are in the process of doing that, and I am prepared to brief the committee as to what we are doing in that regard.

There is, however, another aspect of the work of the Community Services Administration that seems to have been overlooked in this whole process. That is, the good work that is being done by Community Services Administration employees and grantees throughout the country, in New York, in California, in Texas, all over, where they are successful community development corporations and community action agencies that are assisting poor people.

The good work that is being done, is not getting the kind of airing that I think it deserves. That is not to in any way minimize the significance of the Government Operations Subcommittee report on the need for improvement within CSA but there is another side to that story which must be told.

In terms of meeting the criticisms of abuses and mismanagement, the new reorganization of the agency—contemplates that the Office of Legal Affairs will have the responsibility, for enforcing compliance with regulations and instructions and we intend to faithfully perform this function. In the past inspectors have been sent to investigate allegations of mismanagement of some sort; reports were prepared but little or nothing was done with them and there was very little effort to correct those abuses.

It is the Office of Legal Affairs' responsibility under the reorganization plan to follow up. And, although that office has no program responsibility, it does have a responsibility under existing instruction, to summarize the inspection report; outline the problems that appear in that report; present those problems to the appropriate program office and within 15 days, that program office is required to report back to the Office of Legal Affairs as to what it intends to do to correct the abuses.

That would also be true of audit reports. In the Government Operations Subcommittee report you no doubt saw that there were some 600 audits outstanding. This was because auditors would conduct audits and prepare reports, which disallowed certain costs, and raise a range of questions, but little remedial action was taken by the program office.

It is the Office of Legal Affairs' responsibility under the new reorganization to insure that there is followup. And to that extent, we will be getting involved in programmatic issues in order to meet the concerns that were raised in the article to which you referred.

The CHAIRMAN. How long have you been with CSA?

Mr. JONES. I have been there since June 1, 1977. I have been there for 3 months.

The CHAIRMAN. Excellent. I like the strength of your reply. In this area, as in others, we have noticed over the years that program effort has been stifled or destroyed by the lack of belief in the mission of the agency.

We saw this in OEO, in their desperate days, when the Director was committed to its demise. We saw it in Occupational Safety and Health, when at one point, the Director was openly committed to the reelection of a President, not the running of the agency, and he used the agency for the reelection effort—all a matter of public record.

You cannot have anything working well when at the top the goal is not the efficiency of the effort.

Mr. JONES. I quite agree, Senator. One of the most encouraging and, I must say, gratifying things about coming back to CSA—I was there, as you pointed out, as the Deputy Director of the Office of Legal Services during some of the dark days—one of the really gratifying things about coming back is that perhaps for the first time in the history of that agency, we have a Director who has direct experience with and a sensitivity to poor people and their problems. She has a genuine emotional and intellectual commitment to combating poverty.

And after 3 months of being there, I believe the kind of people which she is bringing into the agency and her commitment bodes well for the agency and its ability to revitalize itself.

The CHAIRMAN. The distressing thing about this particular agency, to me, was that so much of the program effort was in the first instance in the control of people drawn from the community to be served by the effort, the local agency. And this was particularly troublesome.

It seemed to me that we cannot attach the total fault of failure to the top management, when the people in the community to be served were also part of the local administration.

Mr. JONES. I think that is absolutely right. But it also occurred to me, Senator, that one of the responsibilities of people at the top is to train and assist those people at the local level to do their jobs correctly. And to the extent that that does not exist, and the people do not have the experience, you are going to have those kinds of problems.

The CHAIRMAN. You are more knowledgeable than I; with my obviously having not been on the administrative side and not knowing the detail, but that is the way it would appear to me. You have been there on the administrative side, and I see you have the same opinion. It is leadership that must come from the top.

Let me just ask here—I do not know if you have ever done anything illegal in your life—I am sure I inadvertently have and in about 30 seconds we will be illegal here, because we have to go out of business at 11.

I am glad that you have been with it since June, you said?

Mr. JONES. Since June 1, yes.

The CHAIRMAN. What are the latest plans by this administration for the weatherization program in CSA?

Mr. JONES. Well, as you know, Senator, the budget we now have proposes for fiscal 1978 both authorization and appropriation of \$65 million for weatherization. The President however, has made the decision to spinoff the weatherization program to the Department of Energy beginning fiscal 1979.

I would say here that CSA pioneered the program, incubated it. It has been successful for some 4 years now; it is an operating program. The President's view, that CSA should be an incubator of ideas, is consistent, I think with his decision to spin this program off.

We believe, however, that CSA should continue to have some responsibility in this area. We will be conducting demonstration projects within the area. And we would hope that we could work out an interagency agreement with the Department of Energy that would allow us to monitor and to have some input into the administration of the program after 1979.

As I understand it, they are planning to use the CSA community action programs across the country for the delivery of those services. I am sure that the director of CSA is looking forward to sitting down with the Secretary of the Department of Energy for the purpose of working out some joint administrative initiatives.

The CHAIRMAN. It would seem to me that the background and experience that CSA has had, together with some new employment programs that have been legislated which will become effective within this next year—labor programs, employment programs, the youth employment, and others—might all be wrapped into the weatherization program on an interagency basis.

Is there any discussion now, or will there be with the new Department of Energy, on the linking of all these programs that have or could have an effective role in weatherization?

Mr. JONES. Well, I cannot in all honesty answer that question on these areas of reorganization. As you know, the administration has a task force studying reorganization, and the areas in which there should be linkages such as you describe.

In our demonstration programs, we certainly intend to pursue weatherization research and demonstration. But in terms of a specific response to your question, I really do not know what the administration's plans are.

The CHAIRMAN. For this year, that is, the balance of this calendar year, and the calendar year half of next year, CSA is still involved in the weatherization program?

Mr. JONES. Yes, we are.

The CHAIRMAN. And the CAP agencies are part of the weatherization effort?

Mr. JONES. Yes, they are.

The CHAIRMAN. They will continue that way?

Mr. JONES. Yes.

The CHAIRMAN. We now have reached the cutoff time. The fact that we have no other members here is an indication that your nomination is greeted with approval through silence; that is an unusual way to put it, but that is the way it works here, I will tell you that when nobody is here, everybody likes you.

[The prepared statement of Mr. Jones follows:]

## STATEMENT OF FRANK N. JONES, BEFORE THE SENATE COMMITTEE ON HUMAN RESOURCES

Mr. Chairman, Members of the Committee, my name is Frank Nathan Jones and I appear before you as Presidential nominee to the post of Assistant Director for Legal Affairs for the Community Services Administration (CSA). In a very real sense, returning to CSA would be like returning home. For, as the Committee has no doubt observed, I once served as Deputy Associate Director for Legal Services in the Office of Economic Opportunity, predecessor agency to the Community Services Administration.

Permit me to briefly share some of my views regarding priority issues which CSA must effectively resolve, in the short run, and its enormous potential for service and advocacy on behalf of our nation's poor in the longer perspective. In my view, the Agency must recover its momentum and vitality through vigorous, efficient but fair administration of its programs and enforcement of its authorizing legislation, regulations and instructions. The new Office of Legal Affairs will play a key role in this dynamic for, under the new reorganization plan, the central responsibility for all enforcement functions (Inspections, Human Rights and External Audit) will now be coordinated through this office. Second, in terms of long range planning, services to the poor through the Agency's Community Action Programs will be strengthened. And for the first time in at least eight years, the Agency's advocacy role at the Federal and local level will be revitalized. While the Office of Legal Affairs has no program responsibility, as such, we expect to play an increasingly active role, cooperating with program offices in the formulation and implementation of policy. This approach will be reflected in the selection of staff for the Office of Legal Affairs. We have a firm resolve to hire individuals who have a demonstrated commitment to the goals of CSA as evidenced by an employment background of providing direct services to the poor. At the same time, the Office of Legal Affairs will establish a model of competent lawyering and affirmative action hiring practices. In short, we will be developing a staff which has had practical experience with the impact of governmental decisions on the poor and thus be in a position to make important contributions to CSA's policy and planning.

Finally, on a personal note, I am delighted at the possibility of working under the leadership of an Agency Director who has a commitment to combating poverty and a sensitivity to the problems of poor people, a commitment based on personal experience and first hand knowledge of the Barrios and Ghettos of our Country.

I very much appreciate this opportunity to share these views with the Committee and I am, of course, prepared to respond to any questions you might have.

The CHAIRMAN. Thank you very much, and good luck. The hearing is now adjourned.

[Whereupon, at 11:04 a.m., the hearing was closed.]

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