

In the
Supreme Court of the United States

LEGAL SERVICES CORPORATION

Petitioner

and

UNITED STATES OF AMERICA

Petitioner

CARMEN VELAZQUEZ, et al.

Respondent

ON WRITS OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

BRIEF FOR RESPONDENT

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QUESTIONS PRESENTED

1. Did Congress violate the First Amendment and fundamental principles of separation of powers by authorizing lawyers receiving federal funds from the Legal Services Corporation to represent individuals and families seeking welfare benefits in court while barring those lawyers from challenging, on their clients' behalf, welfare statutes or regulations as unconstitutional or contrary to applicable statutes?

2. Did the Legal Services Corporation violate the First Amendment by requiring that any entity that receives funds from the Legal Services Corporation and that desires to use non-federal funds to permit lawyers to advance otherwise forbidden legal arguments must establish a wasteful and expensive physically separate facility to house the non-federally funded lawyers?

3. Does the text of the Legal Services Corporation Act of 1974, when read harmoniously with the 1996 appropriations rider at issue herein, authorize federally funded Legal Services lawyers to advance otherwise forbidden legal arguments when it is necessary to do so to prevent the possible commission of an ethical violation?

PARTIES TO THE PROCEEDING

Three sets of litigants were party to this case in the courts below: the plaintiffs, the defendant Legal Services Corporation, and the intervenor-defendant United States. The plaintiffs consist of the following persons and not-for-profit corporations: Carmen Velazquez; Elisabeth Benjamin; Andrew J. Connick; Peggy Earisman; C. Virginia Fields; Guillermo Linares; Stanley Michels; Adam Clayton Powell, IV; Lawrence Seabrook; Lauren Shapiro; Olive Karen Stamm; Scott M. Stringer; Jeanette Zelhof; Centro Independiente de Trabajadores Agricolas, Inc.; Community Service Society of New York, Inc.; Farmworkers Legal Services of New York, Inc.; Greater New York Labor-Religion Coalition; New York City Coalition to End Lead Poisoning; and WEP Workers Together. All of the aforementioned plaintiffs support the judgment below. Two former plaintiffs, Lucy A. Billings and Jill Ann Boskey, are no longer parties to the proceedings. Ms. Billings has become a New York State judge. Ms. Boskey is deceased.

Legal Services of New York, the umbrella entity that receives and disburses funds from the Legal Services Corporation to local providers in the New York City area, has taken no position in this litigation.

STATEMENT PURSUANT TO RULE 29.6

None of the corporate respondents have parent companies, nor is ten percent or more of the stock of any of them owned by any publicly held company.

TABLE OF CONTENTS

	<i>Page</i>
Questions Presented	i
Parties to the Proceeding	ii
Statement Pursuant to Rule 29.6	ii
Table of Contents	iii
Table of Cited Authorities	vi
Table of Appendices	xvii
Constitutional Provisions, Statutes, and Regulations Involved	1
Statement of the Case	1
Summary of Argument	6
Argument	10
I. Congress's Effort To Authorize Federally Funded Legal Services Lawyers To Represent Indigent Clients Seeking Welfare Benefits Under "Existing Law" But To Forbid The Lawyers From Advancing Any Argument That Would "Amend Or Otherwise Challenge Existing Law" Violates The First Amendment	10

<i>Contents</i>	<i>Page</i>
A. Congress May Never Allocate Speech Subsidies to Shield the Government's Viewpoint From Challenge	12
B. Congress May Not Forbid a Subsidized Lawyer from Advancing Otherwise Appropriate Legal Arguments on Behalf of an Indigent Client	14
C. Petitioners' Efforts to Invoke <i>Rust v. Sullivan</i> to Avoid the Force of Respondents' First Amendment Objections Are Unavailing	17
1. Congress's Ban on Challenging the Legal <i>Status Quo</i> Cannot be Defended as a Decision to Offer Differing Categories of Legal Service	22
2. Petitioners' Assertion That Congress's Restriction Does Not Materially Interfere With Free Speech Misidentifies Both the Primary Speaker and the Relevant Audience	27
3. Congress's Restriction Does Not Merely Deflect Indigent Clients to Other Lawyers Who Are Free to Raise the Forbidden Arguments ..	30

v

Contents

	<i>Page</i>
II. Petitioners Have Unconstitutionally Interfered With The Use Of Non-Federal Funds To Advance "Prohibited" Legal Arguments On Behalf Of Indigent Clients	33
A. Congress Has Flatly Banned the Use of Non-Federal Funds to Advance Forbidden Legal Arguments in Welfare Cases	34
B. LSC Has Placed Unconstitutionally Onerous Conditions on the Use of Non-Federal Funds	38
III. Congress May Not Interfere With The Decisional Autonomy Of The Judiciary By Preventing Legal Services Lawyers From Advancing Disfavored Legal Arguments ..	45
IV. The Text Of The 1974 LSC Act Should Be Read Harmoniously With The 1996 Appropriations Rider To Permit A Legal Services Lawyer To Advance Forbidden Arguments When Necessary To Avoid The Possible Commission Of An Ethical Violation	48
Conclusion	50

TABLE OF CITED AUTHORITIES

	<i>Page</i>
Cases:	
<i>Argersinger v. Hamlin</i> , 407 U.S. 25 (1972)	29
<i>Arkansas Educ. Television v. Forbes</i> , 523 U.S. 666 (1998)	11, 13, 14, 28
<i>Ashwander v. TVA</i> , 297 U.S. 288 (1936)	24
<i>Baylor v. New Jersey Dep't of Human Servs.</i> , 561 A.2d 618 (N.J. App. Div. 1989)	26
<i>Board of Regents of Univ. of Wisc. v. Southworth</i> , 120 S. Ct. 1346 (2000)	<i>passim</i>
<i>Boy Scouts of Am. v. Dale</i> , 2000 WL 826941 (U.S. June 28, 2000)	15
<i>Brooklyn Inst. of Arts & Sciences v. City of New York</i> , 64 F. Supp. 2d 184 (E.D.N.Y. 1999)	19
<i>Brotherhood of R.R. Trainmen v. Virginia</i> , 377 U.S. 1 (1977)	15
<i>Buckley v. American Constitutional Law Found.</i> , 525 U.S. 182 (1999)	27
<i>Buckley v. Valeo</i> , 424 U.S. 1 (1976)	23, 38
<i>California Democratic Party v. Jones</i> , 2000 WL 807188 (U.S. June 26, 2000)	15, 30

Cited Authorities

	Page
<i>Cammarano v. United States</i> , 358 U.S. 498 (1959)	10
<i>Capitol Square Review & Advisory Bd. v. Pinette</i> , 515 U.S. 753 (1995)	10, 42
<i>Chevron v. Natural Resources Defense Council</i> , 467 U.S. 837 (1984)	37
<i>Citizens Against Rent Control v. Berkeley</i> , 454 U.S. 290 (1981)	38
<i>City of Boerne v. Flores</i> , 521 U.S. 507 (1997)	46
<i>City of Chicago v. Morales</i> , 527 U.S. 41 (1999) ..	44
<i>City of Ladue v. Gilleo</i> , 512 U.S. 43 (1994)	43
<i>City of Lakewood v. Plain Dealer Publ'g Co.</i> , 486 U.S. 750 (1988)	22, 27, 44
<i>Civetti v. Commissioner of Pub. Welfare</i> , 467 N.E.2d 101 (Mass. 1984)	27
<i>Civil Rights Cases</i> , 109 U.S. 3 (1883)	32
<i>Colorado. Repub. Fed. Campaign Comm. v. FEC</i> , 518 U.S. 604 (1996)	45
<i>Cornelius v. NAACP Legal Defense & Educ. Fund. Inc.</i> , 473 U.S. 788 (1985)	28

Cited Authorities

	Page
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<i>Dugas v. Hoffpauir</i> , Civ. Action No. 6:93-1699 (W.D. La. 1996)	3
<i>FCC v. League of Women Voters</i> , 468 U.S. 364 (1984)	passim
<i>44 Liquormart v. Rhode Island</i> , 517 U.S. 484 (1996)	45
<i>Gade v. National Solid Wastes Management Ass'n</i> , 505 U.S. 88 (1992)	43
<i>Hurley v. Irish-American Gay, Lesbian & Bisexual Group of Boston</i> , 515 U.S. 557 (1995)	14
<i>In re Primus</i> , 436 U.S. 412 (1978)	14, 15
<i>International Soc'y for Krishna Consciousness, Inc. v. Lee</i> , 505 U.S. 672 (1992)	28
<i>James v. Strange</i> , 407 U.S. 128 (1972)	32
<i>Jones v. United States</i> , 120 S. Ct. 1904 (2000)	24
<i>Keyishian v. Board of Regents</i> , 385 U.S. 589 (1967)	10, 11, 16

Cited Authorities

	Page
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<i>Legal Aid Soc'y of Haw. v. Legal Servs. Corp.</i> , 961 F. Supp. 1402 (D. Haw. 1997), <i>vacated</i> , 981 F.3d 1017 (9th Cir.), <i>cert. denied</i> , 119 S. Ct. 539 (1998)	4, 36
<i>Lowe v. SEC</i> , 472 U.S. 181 (1985)	25, 37
<i>Marbury v. Madison</i> , 5 U.S. (1 Cranch) 137 (1803)	<i>passim</i>
<i>McDonald v. Smith</i> , 472 U.S. 479 (1985)	28
<i>Meyer v. Grant</i> , 486 U.S. 414 (1988)	28
<i>Miller v. French</i> , 2000 WL 775572 (U.S. June 19, 2000)	37
<i>Minersville Sch. Dist. v. Gobitis</i> , 310 U.S. 586 (1940)	19
<i>NAACP v. Button</i> , 371 U.S. 415 (1963)	<i>passim</i>
<i>National Endowment for the Arts v. Finley</i> , 524 U.S. 569 (1998)	11, 18, 37, 45
<i>Niemotko v. Maryland</i> , 340 U.S. 268 (1951)	43

Cited Authorities

	Page
<i>Planned Parenthood v. Casey</i> , 505 U.S. 833 (1992)	45
<i>Polk County v. Dodson</i> , 454 U.S. 312 (1981)	19, 43
<i>Pruneyard Shopping Ctr. v. Robins</i> , 447 U.S. 74 (1980)	42
<i>Regan v. Taxation with Representation</i> , 461 U.S. 540 (1983)	7, 11, 23, 40, 41
<i>Reno v. ACLU</i> , 512 U.S. 844 (1997)	44
<i>Riley v. National Fed'n of the Blind of N.C.</i> , 487 U.S. 781 (1988)	38
<i>Rist v. Missouri State Div. of Family Servs.</i> , 595 S.W.2d 783 (Mo. Ct. App. 1980)	26
<i>Romer v. Evans</i> , 517 U.S. 620 (1996)	32
<i>Rosenberger v. Rector & Visitors of Univ. of Va.</i> , 515 U.S. 819 (1995)	<i>passim</i>
<i>Rust v. Sullivan</i> , 500 U.S. 173 (1991)	<i>passim</i>
<i>Sable Communications v. FCC</i> , 492 U.S. 115 (1989)	44
<i>Santa Fe Ind. Sch. Dist. v. Doe</i> , 2000 WL 775587 (U.S. June 19, 2000)	18

Cited Authorities

	<i>Page</i>
<i>Schacht v. United States</i> , 398 U.S. 58 (1970)	23
<i>Schneider v. State</i> , 308 U.S. 147 (1939)	43
<i>Shuttlesworth v. Birmingham</i> , 394 U.S. 147 (1969)	23, 44
<i>Smith v. Goguen</i> , 415 U.S. 566 (1974)	27
<i>Speiser v. Randall</i> , 357 U.S. 513 (1958)	10
<i>Stromberg v. California</i> , 283 U.S. 359 (1931)	27
<i>Sweezy v. New Hampshire</i> , 354 U.S. 234 (1957)	16
<i>Tate v. Short</i> , 401 U.S. 395 (1971)	32
<i>Texas v. Johnson</i> , 491 U.S. 397 (1989)	23
<i>Traynor v. Turnage</i> , 485 U.S. 535 (1988)	50
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<i>TVA v. Hill</i> , 437 U.S. 153 (1978)	50
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<i>United States v. Klein</i> , 80 U.S. (13 Wall.) 128 (1871)	7, 9, 46, 47

Cited Authorities

	<i>Page</i>
<i>United States v. Padelford</i> , 76 U.S. (9 Wall.) 531 (1869)	46
<i>United States v. Playboy Entertainment Group</i> , 120 S. Ct. 1878 (2000)	10, 38, 43, 45
<i>United Transp. Union v. State Bar of Mich.</i> , 401 U.S. 576 (1971)	15
<i>Varshavsky v. Perales</i> , No. 40767/91 (N.Y. Sup. Ct. Dec. 24, 1996)	4, 36
<i>Velasquez v. Legal Servs. Corp.</i> , 164 F.3d 757 (2d Cir. 1999)	5, 23, 37, 44
<i>Velasquez v. Legal Servs. Corp.</i> , 985 F. Supp. 323 (E.D.N.Y. 1997)	5, 37, 42
<i>West Va. State Bd. of Educ. v. Barnette</i> , 319 U.S. 624 (1943)	19
<i>Yee v. Escondido</i> , 503 U.S. 519 (1992)	33
<i>Yu Cong Eng v. Trinidad</i> , 271 U.S. 500 (1926)	25

Cited Authorities

	<i>Page</i>
Statutes:	
18 U.S.C. § 3501	46
42 U.S.C. § 2996(6)	1, 21, 48
42 U.S.C. § 2996e(b)(3)	1, 21, 48
42 U.S.C. § 2996f(a)(1)	1, 21, 48
42 U.S.C. § 2996f(b)(8)-(10)	2
42 U.S.C. § 2996i(c)	4
Internal Revenue Code § 501(c)(3)	40
Internal Revenue Code § 501(c)(4)	40
Pub. L. No. 104-134, § 504(a), 110 Stat. 1321 (1996)	2, 3, 4, 34, 50
Pub. L. No. 104-134, § 504(d), 110 Stat. 1321 (1996)	4, 34
United States Constitution:	
First Amendment	<i>passim</i>

Cited Authorities

	<i>Page</i>
Rules and Regulations:	
20 C.F.R. § 416.1002	26
45 C.F.R. § 1610	5, 33, 36, 44
45 C.F.R. § 1639.2(b)	2
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Sup. Ct. R. 14(1)(a)	33
Other Authorities:	
ABA Comm. on Ethics and Prof. Resp., Formal Op. 96-399 (1996)	49
ABA Code of Prof. Respons., DR 5-107(B) (1976)	21

Cited Authorities

	Page
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	Page
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Kathleen Sullivan, <i>Unconstitutional Conditions</i> , 102 <i>Harv. L. Rev.</i> 1413 (1989)	12
David S. Udell, <i>The Legal Services Restrictions: Lawyers in Florida, New York, Virginia, and Oregon Describe the Costs</i> , 17 <i>Yale L. & Pol'y Rev.</i> 337 (1997)	39
MARK YUDOF, <i>WHEN GOVERNMENT SPEAKS: POLITICS, LAW, AND GOVERNMENT EXPRESSION IN AMERICA</i> (1983)	19

TABLE OF APPENDICES

	<i>Page</i>
Appendix A — Relevant Statutes	1a
Appendix B — Memorandum Order Of The United States District Court For The Western District Of Louisiana, Lafayette-Opelousas Division In <i>Dugas, et al. v. Hoffpauir, et al.</i> , Civil Action No. 6:93-1699, Dated And Filed October 24, 1996	2a
Appendix C — Decision And Order Of The Supreme Court Of The State Of New York For The County Of New York In <i>Varshavsky, et al. v. Geller, et al.</i> , Index No. 40767/91, Dated And Filed December 24, 1996	6a