

ORIGINAL

**LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS MEETING**

OPEN SESSION

**August 9, 1990
3:35 p.m.**

**The Washington Court Hotel
Center Ballroom
525 New Jersey Avenue, N.W.
Washington, D.C.**

Board Members Present:

**George W. Wittgraf, Chairman
John F. Collins
Howard H. Dana, Jr.
Luis Guinot, Jr.
J. Blakeley Hall
Jo Betts Love
Guy Vincent Molinari
Penny L. Pullen
Xavier L. Suarez
Jeanine E. Wolbeck**

Staff Present:

**Emilia DiSanto, Interim President
Timothy B. Shea, Vice President and General Counsel
Maureen R. Bozell, Secretary
David Richardson, Comptroller and Treasurer
David Wilkinson, Inspector General**

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525 New Jersey Avenue, N.W.
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P R O C E E D I N G S

(10:10 a.m.)

CHAIRMAN WITTGRAF: The Board of Directors of the Legal Services Corporation will be in order. You will recall that the meeting was recessed at approximately 10:30 p.m. last Monday, July 30, 1990. The hour of 9:00 a.m., August 9, 1990, was set and was published as the time for the reconvening of the recessed meeting.

At this time, the Chair is prepared to entertain a motion to close the session, which is open at the moment, to allow us to return to those deliberations involving both the selection of a president and other matters which were being deliberated in closed session at the time that we recessed on July 30.

M O T I O N

MR. COLLINS: I so move.

CHAIRMAN WITTGRAF: It's been moved. Is there a second?

MS. LOVE: Second.

CHAIRMAN WITTGRAF: And seconded.

Discussion?

(No response.)

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1 CHAIRMAN WITTGRAF: Hearing none, those in favor,
2 signify by saying aye.

3 (A chorus of ayes.)

4 CHAIRMAN WITTGRAF: Those opposed, nay.

5 (No response.)

6 CHAIRMAN WITTGRAF: The ayes appear to have it. The
7 ayes do have it.

8 For the benefit of those in the audience, it's the
9 Chair's expectation that in addition to selecting a president or
10 discussing the selection of a president that the Board will be
11 concerned with at least a couple of other matters. I doubt that
12 we will reconvene in open session before 1:00 p.m., if that fact
13 can help you plan your schedules for the day.

14 Hopefully by that time, which may include a lunch or a
15 noon break for the members of the Board, we will be able to come
16 back into open session to complete the agenda items that remain
17 from our meeting of July 30 and to take what actions are
18 appropriate following the conclusion of the closed session.

19 At this time, the Chair would ask that all but the
20 reporter and, for the time being, the president, the vice
21 president and general counsel, the inspector general and the
22 Board's secretary please excuse themselves. Thank you.

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A F T E R N O O N S E S S I O N

(3:35 p.m.)

CHAIRMAN WITTGRAF: The board will be in order. We have returned from Executive Session. It is now approximately 3:35 p.m. We are prepared to resume consideration of the items that were on our agenda from Monday, July 30, 1990, when we went into Executive or Closed Session on that date.

There are certain matters that have been discussed in Executive Session that now need to be considered by the board in open session.

The first matter has to do with the Office of Inspector General and the designation by the board and by the Office of Management and Budget of the board as head of the agency for purposes of the inspector general as opposed to the president.

In that regard, Ms. Pullen, I believe, has prepared two resolutions for board consideration, because those resolutions probably have not been circulated widely, I ask her to read them at this time, read them both and then we will consider the two one at a time.

Ms. Pullen?

MS. PULLEN: Thank you, Mr. Chairman.

1 "Whereas, the board of the Legal Services Corporation
2 has been notified that upon publication in the 'Federal
3 Register' it will become the head of the corporation for
4 purposes of the Inspector General Act;

5 "Whereas, the Office of the Inspector General can best
6 function if permitted ready access to head of agency;

7 "Whereas, the board is composed of eleven members and
8 is conducting itself on a schedule of monthly meetings making
9 ready access a difficult goal if the entire board acted
10 collectively as head for purposes of day-to-day conduct of
11 business.

12 "Therefore, be it resolved by the Board of the Legal
13 Services Corporation that it appoint a three member committee
14 for purposes of liaison with the Office of Inspector General;

15 "And be it further resolved that the following members
16 be appointed to the committee: Mr. Dana, Mr. Guinot and Ms.
17 Pullen;

18 "And be it further resolved that Mr. Guinot, as
19 chairman, be authorized to make decisions on behalf of the
20 committee unless either the inspector general or a member of the
21 committee seeks to review a decision of the chairman;

22 "And be it further resolved that the committee's

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1 authority begins upon publication in the 'Federal Register' that
2 the board of the Corporation is head for purposes of the
3 Inspector General Act."

4 That is the first resolution. Do you wish for me to
5 read the second before we consider it?

6 CHAIRMAN WITTGRAF: Yes, Please.

7 MS. PULLEN: "Whereas, the Office of Management and
8 Budget, OMB, has not yet published its contemplated designation
9 of the Board of the Legal Services Corporation as head of agency
10 for purposes of the Inspector General Act;

11 "Whereas, it is the view of the board that the
12 president of the Corporation remains head of the agency for such
13 purposes until such time as OMB does publish the designation of
14 the board;

15 "Therefore, be it resolved that the board directs the
16 inspector general to liaison with the president as head of
17 agency until the designation of the board is published in the
18 'Federal Register.'"

19 CHAIRMAN WITTGRAF: The Chair believes that it is
20 appropriate first to consider the first resolution read by Ms.
21 Pullen.

22 Ms. Pullen, is the Chair correct in its understanding

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1 that you move adoption of the resolution?

2 M O T I O N

3 MS. PULLEN: I so do, Mr. Chairman.

4 CHAIRMAN WITTGRAF: Is there a second?

5 MR. DANA: I second.

6 CHAIRMAN WITTGRAF: The motion has been made and
7 seconded. Is there discussion?

8 (No response.)

9 CHAIRMAN WITTGRAF: Hearing none, those in favor of
10 the resolution as read by Ms. Pullen, please signify by saying
11 aye.

12 (A chorus of ayes.)

13 CHAIRMAN WITTGRAF: Those opposed, nay?

14 (No response.)

15 CHAIRMAN WITTGRAF: The ayes appear to have it. The
16 ayes do have it. The resolution is adopted.

17 You have also heard the second resolution read by Ms.
18 Pullen having to do with the ongoing workings of the Office of
19 Inspector General while the designation of president remains as
20 head of the agency for purposes of the Office of Inspector
21 General.

22 The Chair interprets Ms. Pullen's reading of that to

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1 be her having moved that resolution for adoption.

2 Is that correct, Ms. Pullen?

3 M O T I O N

4 MS. PULLEN: I move the adoption.

5 CHAIRMAN WITTGRAF: Is there a second?

6 MR. DANA: Second.

7 CHAIRMAN WITTGRAF: The motion has been seconded. Is
8 there a discussion?

9 (No response.)

10 CHAIRMAN WITTGRAF: Hearing none, those in favor
11 signify by saying aye.

12 (A chorus of ayes.)

13 CHAIRMAN WITTGRAF: Opposed, nay?

14 (No response.)

15 CHAIRMAN WITTGRAF: The ayes appear to have it. The
16 ayes do have it. That resolution also is adopted.

17 The board is concerned that on June 25th when it
18 bestowed additional responsibilities upon Emilia DiSanto as
19 interim president, as well as head of the Division of
20 Monitoring, Audit and Compliance for the Corporation that not
21 only did we give her something additional for her resume, we
22 gave her many additional responsibilities, but did not give her

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1 any additional compensation. That matter has been discussed now
2 by the board and I believe the board is prepared to act in that
3 regard.

4 Mr. Dana?

5 M O T I O N

6 MR. DANA: Mr. Chairman, I would move that the acting
7 president receive the compensation of the president while she
8 holds that office.

9 MR. SUAREZ: Second.

10 CHAIRMAN WITTGRAF: The motion has been made and
11 seconded. Is there a discussion?

12 MR. DANA: Yes.

13 CHAIRMAN WITTGRAF: Mr. Dana?

14 MR. DANA: If I didn't make it clear, it is
15 contemplated that this would be retroactive to the time she
16 assumed those responsibilities.

17 CHAIRMAN WITTGRAF: Which is, as the Chair understands
18 it, in light of our action on June 25th, was then July 1 of
19 1990.

20 You have heard the motion as clarified. It has been
21 seconded. Is there a discussion?

22 MR. MOLINARI: Just to --

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1 CHAIRMAN WITTGRAF: Mr. Molinari?

2 MR. MOLINARI: Mr. Chairman, just to make sure, I
3 think, Mr. Dana, your motion would anticipate that she continue
4 to receive that equivalent salary until such time as a new
5 president assumes full-time duties?

6 MR. DANA: Correct.

7 CHAIRMAN WITTGRAF: Further discussion?

8 MR. GUINOT: And also that --

9 CHAIRMAN WITTGRAF: Mr. Guinot?

10 MR. GUINOT: The level of compensation is the same as
11 received by the previous president.

12 CHAIRMAN WITTGRAF: That is correct. Further
13 discussion?

14 (No response.)

15 CHAIRMAN WITTGRAF: Hearing none, those in favor of
16 the motion, as made, please signify by saying aye.

17 (A chorus of ayes.)

18 CHAIRMAN WITTGRAF: Opposed, nay.

19 (No response.)

20 CHAIRMAN WITTGRAF: The ayes appear to have it. The
21 ayes do have it. The motion is carried.

22 Finally, following lengthy discussion in Closed

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1 Session the board is prepared to act on the election of a new
2 president of the Legal Services Corporation.

3 Let me say before the board acts, on behalf of the
4 board, that we appreciate, first of all, the fact that some 325
5 individuals applied for the position. In turn, ten of those
6 individuals were good enough on June 16th and 17th to meet with
7 several of us, our three-member Presidential Search Committee,
8 Mr. Dana, Mr. Molinari and me, as well as with Ms. Wolbeck and
9 Mr. Hall.

10 Additionally, four of those individuals, Robert Byrd,
11 David Martin, John Rauther and Timothy Shea were good enough
12 each to meet for some 90 minutes with the board in its entirety,
13 the ten members of us, on July 30th.

14 We discussed the matter for a couple of hours that
15 evening as you know. We also have spent some three hours in
16 discussion of that matter today. We know that it has been a
17 difficult period stringing it out for ten more days than we had
18 anticipated for those four gentlemen, in particular.

19 We appreciate very much on the one hand their interest
20 in the position and also the ideas, the thoughts, the concerns
21 they shared with us in their interviews on July 30. We
22 appreciate their indulgence in having indulged us during these

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1 last ten days as it has been necessary for us to reconvene
2 regarding this matter.

3 After the discussion, I have described we have reached
4 a conclusion, I believe, and are prepared to act on that. At
5 this time, the Chair recognizes Mr. Molinari to make a motion.

6 M O T I O N

7 MR. MOLINARI: Mr. Chairman, I move that we roll call
8 vote and let each member express their view on who they want to
9 vote for.

10 Mr. Chairman, I move that the board elect David Martin
11 as the president of the Legal Services Corporation and I request
12 a roll call vote.

13 CHAIRMAN WITTGRAF: Is there a second?

14 MR. DANA: Second.

15 CHAIRMAN WITTGRAF: The motion has been made and
16 seconded. Is there a discussion?

17 (No response.)

18 CHAIRMAN WITTGRAF: Hearing none, the Chair will call
19 the roll. Those in favor of the motion will signify by --

20 MR. GUINOT: Chairman --

21 CHAIRMAN WITTGRAF: Excuse me. Mr. Guinot?

22 MR. GUINOT: I believe you have a motion that requires

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1 a vote, Mr. Molinari's. The way it was expressed, I don't know
2 how one votes, yea, name, without a name.

3 CHAIRMAN WITTGRAF: Yes. As the Chairman was about to
4 say, I think the motion requires a vote of aye or yes or nay or
5 no.

6 MR. GUINOT: Okay.

7 MS. PULLEN: Whatever your style.

8 MR. SUAREZ: No maybe's.

9 CHAIRMAN WITTGRAF: Abstention is possible, I guess,
10 but no maybe's.

11 The Chairman himself is prepared to call the roll on
12 the motion for the election of David H. Martin as president. We
13 will ask the members to vote yes or no, yea or nay.

14 Mr. Collins?

15 MR. COLLINS: Yes.

16 CHAIRMAN WITTGRAF: Mr. Dana?

17 MR. DANA: No.

18 CHAIRMAN WITTGRAF: Mr. Guinot?

19 MR. GUINOT: Yes.

20 CHAIRMAN WITTGRAF: Mr. Hall?

21 MR. HALL: Yes.

22 CHAIRMAN WITTGRAF: Ms. Love?

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1 MS. LOVE: Yes.

2 CHAIRMAN WITTGRAF: Mr. Molinari?

3 MR. MOLINARI: Yes.

4 CHAIRMAN WITTGRAF: Ms. Pullen?

5 MS. PULLEN: Yes.

6 CHAIRMAN WITTGRAF: Mr. Suarez?

7 MR. SUAREZ: No.

8 CHAIRMAN WITTGRAF: Ms. Wolbeck?

9 MS. WOLBECK: Yes.

10 CHAIRMAN WITTGRAF: Mr. Wittgraf votes yes. The ayes
11 appear to have it. The ayes do have it. The motion is carried.

12 The Chair asks that the Presidential Search Committee,
13 including Mr. Dana and Mr. Molinari and me be reconstituted for
14 the purpose of entering into a contract with David H. Martin for
15 the position of president of the Legal Services Corporation.

16 By way of information, it is the board's understanding
17 from Mr. Martin, from its interview with him that he will be
18 available to assume responsibilities as president, assuming we
19 can come to terms on a contract, some time between September 15
20 and October 1st of this year.

21 Again, I thank Mr. Byrd, I thank Mr. Shea, who are
22 here, I thank Mr. Rauther, who is not here, and all of those who

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1 applied for the position. Even Ms. DiSanto was willing to just
2 after six weeks, "Ain't no easy position."

3 I thank all of the people who have had some input into
4 the decision itself. I think we as board members realize that
5 there has probably been no more important decision that we have
6 made to date, perhaps no more important decision than we will
7 make for months or years to come. We very much appreciate not
8 only the participation of the candidates, but the participation
9 of the many others who have shared their views with us.

10 Thank you.

11 MR. MOLINARI: Mr. Chairman?

12 CHAIRMAN WITTGRAF: Mr. Molinari?

13 MR. MOLINARI: I would like to just briefly comment on
14 the process. It has been a long process, particularly for those
15 of us on the selection committee. When we get down to the final
16 four, we wound up with, I believe, four superior candidates.

17 Without going into what transpired in Executive
18 Session, I think it is fair to say that each one of the four
19 candidates had support during the negotiations and discussions.
20 It was a good process. I am proud of the way it was handled. I
21 think there was great sensitivity and the four candidates
22 handled themselves exceptionally well.

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1 For the edification of those present, during the
2 interview process each of the candidates expressed views on how
3 they saw the future of this Corporation. And, again, it was in
4 Executive Session, but I do want particularly Mr. Byrd and Mr.
5 Shea, who are here, to know that they made some excellent
6 presentations and gave us some very good recommendations as to
7 things that we could do in the future to make this Corporation
8 more efficient, function better and to grow, to be more
9 responsive perhaps.

10 So, I am very proud. I guess one of the sad things
11 about the process is that when you see those who didn't make it,
12 we each feel badly for you. I think it was said, and I am
13 probably breaching protocol by saying this, anyone of the four
14 would have been excellent in the position and served us well.

15 CHAIRMAN WITTGRAF: Thank you, Mr. Molinari. At this
16 time the remaining item of business on our agenda, as carried
17 over from July 30th, is what was then enumerated item number 7,
18 that being a discussion and consideration of reauthorization of
19 legislation or legislative reform proposals.

20 At this time, before we move to discussion of that, I
21 think the Chair will first ask the president to make her report
22 on matters that have transpired since July 30th, when last she

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1 made a report. Even before she does that, the Chair has just
2 one or two comments to make himself principally having to do
3 with the matter of the constitution of this board.

4 Since last we met on July 30th, the president has
5 nominated seven of us and an eighth individual, Thomas Rath of
6 New Hampshire, for membership as directors of the board of the
7 Legal Services Corporation. Three of the members who are
8 serving with us as this time as recessed appointees were not
9 nominated at that time.

10 I would only urge anyone here who is interested that
11 the fact that those gentlemen were not nominated on August 3
12 when eight others were is not a reflection of the Chair's
13 understanding of any political matters and has no political
14 meaning or symbolism whatsoever, but was simply a function of
15 the paperwork involved in the nomination process.

16 The fact that that part of the process had not been
17 completed for those individuals, it will be completed and the
18 Chair believes that if the individuals, if and when they are
19 able to complete it, they, too, will be nominated.

20 So, that I believe the White House was concerned with
21 showing the new board is exists and that their nominations are
22 going forward for Senate confirmation yet this year, if

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1 possible. We, as eight nominees hope to be joined by three
2 others in the relatively near future.

3 We haven't been nominated yet long enough that we have
4 received the questionnaires that have been threatened from the
5 Senate Labor and Human Resources Committee or Human Relations,
6 whichever it is, but those are coming, I guess.

7 Mr. Dana, you have been through this process, we have
8 got more to look forward to I understand.

9 MR. DANA: I am afraid.

10 CHAIRMAN WITTGRAF: All we can say to Mr. Byrd, Mr.
11 Martin, Mr. Rauther and Mr. Shea is that we have all been
12 through a process that is every bit as tedious as the one they
13 have been through and perhaps even more prying by way of
14 examination.

15 Ms. DiSanto?

16 MS. DiSANTO: Thank you, Mr. Chairman. First, I want
17 to take this opportunity to express to the board that it was
18 truly an honor to serve as the interim president of the Legal
19 Services Corporation and I will continue to do my best until Mr.
20 Martin arrives at LSC some time in late September. Second,
21 thank you very much for the increase.

22 At this time, I would like to just briefly tell you

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1 some of the Corporation activities that have been going on since
2 the July 30th, 1990 meeting. Since that time LSC issued about
3 20 law school grants.

4 Among the recipients of the grants were Tulane
5 University School of Law in New Orleans, Notre Dam Law School,
6 Loyola University in New Orleans, Nova University in Florida.
7 The grants basically ranged from a high of \$75,000 to a low of
8 about \$20,000.

9 In addition, as reported to the board on July 30th,
10 Tim Shea, Susan Sparks and I did attend the ABA 1990 annual
11 meeting in Chicago over August 3rd, 4th and 5th. During that
12 time, Mr. Shea participated in a panel discussion regarding
13 IOLTA funds. Susan Sparks and I provided the ABA with a
14 statement regarding their proposed monitoring and evaluation
15 standards. In addition, we responded to numerous questions
16 posed by members of the Standing Committee on Legal Aid and
17 Indigent Defendants during our time there.

18 In addition, the staff members of the Corporation have
19 met with various program representatives to discuss the 1991
20 funding application. We expect to receive all relevant comments
21 from program representatives in the very near future and
22 thereafter copies of the 1991 application for funding will be

1 provided to members of the board. LSC hopes to provide the 1991
2 application for funding to programs somewhere in mid to late
3 September.

4 Finally, and perhaps most importantly, LSC was
5 informed late yesterday by the OMB of a proposed 32 percent
6 sequestration. This would in all probability begin to take
7 effect on October 1st of this year, which is in approximately
8 seven weeks. LSC has already begun assessing its options and
9 will take whatever actions are necessary to meet a sequestration
10 level of approximately 32 percent and copies of the information
11 that was provided to me by OMB has just been provided to you by
12 Maureen Bozell.

13 In addition, we have attended a meeting.
14 Specifically, David Richardson attended a meeting at OMB at 2
15 o'clock this afternoon regarding the sequestration and we will
16 take all necessary action to try and meet this level.

17 If you would like, I guess, a quick summary report
18 from Dave Richardson as to what transpired at that meeting, I
19 think he is prepared to do so.

20 David?

21 MR. RICHARDSON: Thank you. For the record, my name
22 is Dave Richardson. I am the treasurer/comptroller.

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1 At the 2 o'clock meeting today there was a panel
2 discussion in regards to personnel activities, some of the
3 options that are available to agencies and quasi agencies
4 through the government. We had approximately an hour and a half
5 discussion as to approaches that need to be taken if there is a
6 RIF, furlough, what it meant to salaried positions, cuts across
7 the board, travel requirements.

8 We also talked about, in our particular case as a
9 grant making agency, what type of result it would have for us if
10 the 32 percent sequestration does take effect, Even though our
11 fund our grants from January through December, the sequestration
12 will take approximately 32 percent each month away from the
13 grants.

14 In talking with them, it is to be taken across the
15 board. Every -- all of our line item budgets, categories, will
16 have the same effect. We have within the basic fill, I am
17 talking about Native American, migrant, each one of those would
18 suffer the same cut in regards to management administration.

19 We will be looking at that and how we can effect a 32
20 percent cut there and what needs to be done. It will be done
21 through a variety of ways. We have just discussed today between
22 12 and 1 o'clock some of the options, and we will be drawing

1 some of those up and reviewing them.

2 We have to submit something to OMB, a plan of action,
3 by August 27th. We will get that together and certainly, if the
4 president and each director will be going through that, how it
5 can be implemented on a departmental basis and then, of course,
6 we will be reporting to you.

7 I will be glad to answer any questions you may have.
8 I know it is a quick overview, but we really haven't developed a
9 complete plan of attack yet.

10 CHAIRMAN WITTGRAF: Mr. Dana?

11 MR. DANA: Dave, I was, I guess, under the mistaken
12 impression that with the grants that we made effective January
13 1, the money for those grants came to us in this fiscal year.

14 MR. RICHARDSON: That is correct. Let me back up and
15 clarify it. The sequestration is proposed on '91 funds. The
16 funding of the grants from October through December will not be
17 affected.

18 However, because of our unique funding cycle, if
19 sequestration takes effect, the money that would have been
20 sequestered for October through the sequestration period will be
21 reduced 32 percent each month. So, it will impact the grantees
22 also. It will affect the January checks forward.

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1 MR. DANA: January forward?

2 MR. RICHARDSON: That is correct.

3 MR. DANA: I just want to make sure that everybody
4 understands that sequestration, which occurs on October 1, does
5 not affect the grantees for this calendar year.

6 MR. RICHARDSON: That is correct.

7 MR. DANA: It starts in January.

8 MR. RICHARDSON: That is correct.

9 CHAIRMAN WITTGRAF: Is it fair to say then, Mr.
10 Richardson, that there will be a reduction tentatively of 32
11 percent if sequestration becomes a fact in nongrantee funds in
12 an amount more or less equal to 32 percent, if need be,
13 beginning October 1, the start of the 1991 fiscal year?

14 MR. RICHARDSON: Yes, sir.

15 CHAIRMAN WITTGRAF: So, the grants are contracts which
16 are locked in for an additional three months into fiscal year
17 1991, but other operations which are not based on contracts will
18 be reduced?

19 MR. RICHARDSON: Right. We have an anomaly in that
20 management administration operates and is funded, for instance,
21 October through September. The grantees are funded January
22 through December.

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1 With that three month slide, every one will have the
2 reduction in funding. It is just a matter of whether it be the
3 January 1st, 1991 checks, for the grantees, through December.
4 Or in the particular case of headquarters it will start with the
5 October 1st. We will have to make arrangements on a monthly
6 basis until this CR is passed.

7 CHAIRMAN WITTGRAF: Ms. DiSanto?

8 MS. DiSANTO: I guess just to put it another way, we
9 are anticipating to take, I would say, somewhat immediate action
10 promptly this Monday.

11 I think we are probably prepared to take some action
12 with regard to the management administration line and perhaps we
13 will also inform Legal Services' programs that this may have an
14 effect upon them beginning on January 1. Immediately also, to
15 give them a head's up, on at least preparing for this, that it
16 would be the prudent thing to do.

17 So, I would say the more immediate issue is on the M&A
18 line, which would take place, which would begin that cut on
19 October 1, whereas the programs would receive -- would be
20 anticipating that on January 1st.

21 CHAIRMAN WITTGRAF: Further questions for Mr.
22 Richardson and Ms. DiSanto? Mr. Dana?

1 MR. DANA: At some point we are going to get a report
2 on the board's role in adjusting the M&A account?

3 MS. DiSANTO: I anticipate -- we had just discussed
4 what some of our options are and our options are somewhat
5 limited. I anticipate giving you some additional information
6 and surely you will receive a copy of the sequestration plan
7 that we have due to OMB on August the 27th.

8 CHAIRMAN WITTGRAF: One can only hope the
9 sequestration will not have to be.

10 MR. COLLINS: One can also be sure that we are not the
11 only organization that is concerned about possible
12 sequestration.

13 CHAIRMAN WITTGRAF: No, hardly. Further questions of
14 Mr. Richardson?

15 (No response.)

16 CHAIRMAN WITTGRAF: Thank you, Mr. Richardson.

17 We will then move to the last item on the original
18 agenda as carried over from July 30. The only time that hasn't
19 been address and that is, as I have indicated earlier,
20 consideration and discussion of reauthorization and/or
21 legislative reform proposals.

22 At this time, the Chair would ask the people from the

1 Corporation's Policy Development Office to come forward if they
2 would. We do have before us from Mr. Boehm through Ms. DiSanto
3 a memorandum discussing or summarizing the actions taken by the
4 House Judiciary Subcommittee last Thursday, August 2, in this
5 area, but perhaps a quick narrative summary is in order.

6 Then before we move to any action, if any board
7 members have any questions or comments of a general nature, we
8 can take care of those before we move to any specific proposals.

9
10 Does everyone have before them the memorandum to which
11 I referred?

12 MR. DANA: No.

13 MR. COLLINS: I have it here.

14 CHAIRMAN WITTGRAF: There is a memorandum dated August
15 8, 1990, "Re: LSC Reauthorization Bill Markup." It is directed
16 to the board from Kenneth F. Boehm through Emilia DiSanto.

17 Mr. Wooten, Mr. Smith, would somebody like to -- in
18 the absence of Mr. Boehm apparently --

19 MR. WOOTEN: That is right. Mr. Boehm had a family
20 matter he had to attend to today. So, I am sitting in for him.

21 Just to quickly summarize, the Administrative Law
22 Subcommittee of the House Judiciary Committee met August 2nd and

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1 3rd to markup what was originally the Frank proposal for the
2 authorization of the Legal Services Corporation for the next
3 three years. That was offered and then a series of
4 approximately 30 amendments were offered. Some of those were
5 accepted. Most were not. Some were accepted in part or some
6 were replaced by amendments that were offered by Mr. Frank.

7 For the most part the votes involved Mr. Frank
8 exercising proxies that he had. So, for the most part, he was
9 able to have a lot to say about what happened in the markup.
10 That bill is expected to go to the Judiciary Committee. We
11 don't have a copy of actually the written document that was the
12 product of that. But I would be glad to answer any questions
13 that anyone has.

14 The highlight, I suppose, and surprise of the hearing
15 was an amendment by Mr. Frank that would remove all restrictions
16 on abortion activity by the Legal Services Corporation and
17 grantees. For those of you, I am sure understand, there are two
18 restrictions in the law right now. One is an appropriations
19 rider that prohibits any abortion related litigation and there
20 is in the 1974 Act a provision that prohibits any litigation for
21 a non-therapeutic abortion. So, that was kind of the only real
22 surprise.

1 "Whereas, Congressman Barney Frank, chairman of the
2 Judiciary Committee's Administrative Law Subcommittee, has
3 sponsored an authorization bill for the Legal Services
4 Corporation, which his subcommittee has passed for consideration
5 by the full Judiciary Committee, and which expressly allows
6 recipients to increase their active participation in litigation
7 involving abortion;

8 "Whereas, the board opposes the Frank provision that
9 would allow recipients to allocate tax-funded resources to
10 engage in lobbying at the federal, state and local level, and to
11 use "publicity and propaganda" in support of legislation and
12 rulemaking involving abortion;

13 "Whereas, the board opposes the Frank provision that
14 allows recipient attorneys to solicit clients actively,
15 exempting legal services attorneys from the rules of
16 professional conduct by which private attorneys must abide, and
17 particularly allowing recipient attorneys to solicit clients to
18 be involved in abortion-related litigation;

19 "Whereas, the board opposes the Frank provision that
20 allows recipients to participate in activities prohibited by the
21 LSC Act and appropriations riders, especially abortion-related
22 litigation, as long as the funds for such activities are from

1 other public sources;

2 "Whereas, by generally favoring less accountability on
3 the part of the recipient programs for their activities,
4 especially for abortion-related activity, and less authority on
5 the part of the Corporation to stop such activity, the Frank
6 bill is inconsistent with the judgment of the board that there
7 should be greater accountability of programs and greater
8 authority for the Corporation;

9 "Therefore, be it resolved, that the board urges the
10 United States Congress to defeat Congressman Frank's legal
11 services authorization bill and related legislative proposals;

12 "And, be it further resolved, that the board
13 authorizes the LSC staff: To provide technical assistance and
14 support to members of Congress and their staff; to convey the
15 opposition of the board to the authorization bill to be offered
16 by Congressman Frank; and, to inform members of Congress
17 regarding the implications of this and other legislative
18 proposals concerning the federal legal services program."

19 I move the adoption of this resolution.

20 CHAIRMAN WITTGRAF: Is there a second?

21 MR. COLLINS: Is there a second?

22 MS. PULLEN: I second it.

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1 CHAIRMAN WITTGRAF: Thank you, Mr. Collins, Ms.
2 Pullen.

3 The motion has been made and seconded. The motion in
4 the form of the resolution. Are there extra copies of the
5 resolution that have been distributed? I don't know who brought
6 the copies.

7 MR. COLLINS: I passed out all that I had. If it is
8 in order, Mr. Chairman, I would like to say just another word.

9 CHAIRMAN WITTGRAF: Mr. Collins?

10 MR. COLLINS: If by any chance this Frank amendment
11 were to be adopted, it would turn loose whatever the number of
12 activists lawyers seeking to promote planned parenthood and the
13 killing of innocent unborn children throughout this nation, now
14 to the number of two-and-a-half million a year, in a way which
15 would be totally irresponsible and foreign to the purposes of
16 the LSC.

17 It seems reprehensible to permit the active
18 solicitation of this sort of a case by LSC lawyers and it may be
19 contended that they are not being placed on placed on a par
20 below that of private attorneys, but, indeed, they are.

21 I think that this would be an extraordinarily violent
22 blow to strike at the future of the Legal Services Corporation.

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1 If we think that in the past the Legal Services Corporation has
2 been a controversial program, believe me, if this is going to be
3 adopted, it will be a controversy which will unstrip any that
4 have existed heretofore.

5 CHAIRMAN WITTGRAF: Further discussion?

6 MR. DANA: Mr. Chairman?

7 CHAIRMAN WITTGRAF: Mr. Dana?

8 MR. DANA: The vote of the Frank Subcommittee of the
9 Full Judiciary Committee was six to three, I believe, on this
10 particular motion. It may been closer.

11 I am concerned that this board is, while I am
12 competent that we as a board would express a view hostile to
13 legal services being involved in abortion litigation if it was
14 left at that, I am concerned that we are doing substantially
15 more by this resolution than saying that.

16 I feel, and as a consequence, I have distributed an
17 alternative resolution, which I would read. I would ask you to
18 -- I would move this as a substitute to the Collins' resolution.

19 CHAIRMAN WITTGRAF: Mr. Dana?

20 M O T I O N

21 MR. DANA: "Whereas, it has been widely reported and
22 generally assumed that the board of directors of the Legal

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1 Services Corporation has previously endorsed in principle the
2 so-called McCollum-Stenholm proposals for 'reform' of the LSC;
3 and,

4 "Whereas, the current version of these proposals,
5 known as the McCollum-Staggers-Stenholm Bill, were recently
6 disclosed in the form of an amendment to the amendment in the
7 nature of a substitute offered by Mr. Staggers to H.R. 5271;
8 and,

9 "Whereas, many of the sections of the Staggers
10 Amendment contain proposals which are both new to the McCollum-
11 Stenholm package and/or profound in their impact on the civil
12 justice system for low income Americans; to wit:

13 "Section 2 would prohibit all redistricting litigation
14 even at the state or local level and even with state or local
15 public funds;

16 "Section 4 would establish ethical standards for legal
17 service lawyers at variance with ethical standards applicable to
18 all other attorneys;

19 "Section 5 would establish within the civil justice
20 system a preferred status for farmers, growers and 'any other
21 agricultural entity' and a correspondingly inferior status for
22 migrant farm workers, which would guarantee them the unequal

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1 protection of some laws;

2 "Section 5 would pervert the normal attorney-client
3 privilege in agricultural litigation involving legal services
4 attorneys;

5 "Section 5(a)(3) would require the Corporation to
6 provide an alternative dispute resolution system if a state
7 failed or ceased to provide one;

8 "Section 6 would prevent a legal services attorney
9 from engaging in virtually all legislative and nonadjudicatory
10 administrative representation even if representing an eligible
11 client or invited to do so by a public official;

12 "Section 8 would require a level of personal
13 involvement in case selection by attorneys serving on recipient
14 boards that would constitute an unethical interference with the
15 professional independence of judgment of legal services
16 attorneys, and would involve attorney board members in potential
17 conflict of interest situations notwithstanding the section's
18 incomprehensible attempt to mitigate the problem;

19 "Section 9 would prevent recipients from using any
20 non-LSC funds, whether public, IOLTA or private, to provide
21 legal services that could not be supported with LSC funds,
22 except for some services to Indians and certain middle income

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1 persons, i.e. elderly and disabled;

2 "Section 10 would prevent the representation of a
3 tenant or other occupant in any matter in which drug-related
4 activity is likely to be a material issue in proceedings for
5 evictions, dispossession, seizure or forfeiture whether or not
6 the apartment is in public or private housing, or whether the
7 charge is well founded or merely an accusation designed to deny
8 the low income person a lawyer;

9 "Sections 7 and 11 require the implementation of
10 universal timekeeping and competitive bidding in the awarding of
11 all grants and contracts without any opportunity to pre-test the
12 systems to be employed;

13 "Section 12 would permit the Corporation to cause the
14 dismissal of a recipient's employee for violating, presumably in
15 the opinion of LSC, a state ethical code;

16 "Section 13 would overturn federal and state statutes
17 providing for attorney fees to prevailing plaintiffs by both
18 denying fees to prevailing plaintiffs and awarding fees, in some
19 cases, to nonprevailing defendants;

20 "Section 15 somehow seeks to prohibit any efforts,
21 even if they are completely legitimate, by legal services
22 programs to limit the effect of prohibitions in the LSC Act on

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1 non-LSC funds; and,

2 "Whereas, viewed in their totality the thrust of the
3 McCollum-Staggers-Stenholm proposals would be to destroy the
4 effectiveness of the current legal services delivery system by
5 dismantling the local control structure of that system of staff,
6 private bar and pro bono programs; and,

7 "Whereas, as directors of a program designed to
8 fulfill one-half of all the American promise of 'Liberty and
9 Justice for all,' we feel compelled to speak out against
10 legislative proposals which would have the effect of depriving
11 millions of Americans of the lawyers necessary to assert their
12 basic statutory and constitutional rights;

13 "Now, therefore, be it resolved that the Legal
14 Services Corporation board of directors is dedicated to the goal
15 of enabling local legal services programs to provide high
16 quality legal services to the poor throughout the nation without
17 unwarranted interference or limitations on the nature of the
18 representation to be provided; and,

19 "Be it further resolved that the Legal Services
20 Corporation Board is committed to an adequately funded and fully
21 functioning network of legal services providers; and,

22 "Be it further resolved that the board of directors of

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1 the Legal Services Corporation calls on the Congress to not
2 assume that this board endorses any particular set of reforms;
3 and,

4 "Be it finally resolved that the board calls on its
5 staff to cease and desist its lobbying efforts on behalf of any
6 particular set of reform proposals."

7 MR. SUAREZ: Mr. Chairman?

8 CHAIRMAN WITTGRAF: Mr. Suarez?

9 MR. SUAREZ: I have questions that are really directed
10 at both of you, because I gather it is not a startling
11 conclusion that these two motions are somewhat antagonistic one
12 to the other.

13 MR. COLLINS: In fact, they are not related to one
14 another and should be considered as sequential.

15 MR. SUAREZ: Perhaps they are and maybe in answering
16 the questions that I pose, if you care to do that, we will be
17 able to conclude that.

18 Right off the bat, Mr. Dana is saying that we have
19 previously, as a matter of principle perhaps or concept,
20 endorsed generally the principles embodied in the so-called
21 reform proposals.

22 CHAIRMAN WITTGRAF: We did that as a board on June 25

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1 of this year; yes.

2 MR. SUAREZ: If such, and I guess then having
3 clarified that, and if I understand correctly the portion that
4 the law is in, which in the case of abortion certainly prohibits
5 the -- of course, any time you try to define it you get into a
6 little trouble here, but prohibits the active participation in
7 abortion litigation, however it is defined, unless the Frank
8 Amendments are supposed to be changing that in some way, and if
9 they are, maybe I should get an answer to that.

10 Why then should this board involve itself in proposing
11 to the Congress what it should do and not simply abide by the
12 existing law? John, what is served by this?

13 MR. COLLINS: Mr. Frank's original version restated
14 the current prohibition on the Corporation's funds for any
15 litigation with respect to abortion. During the markup,
16 however, Representative Frank moved to drop that prohibition
17 over arguments from representative's staff. The Subcommittee
18 adopted Representative Frank's motion, thus allowing the legal
19 services grantees the option of using federal funds, as well as
20 private funds, IOLTA funds and other funds to finance abortion
21 litigation.

22 So as far as Congressman Frank is concerned, he would

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1 seek to eliminate any prohibition against the use of LSC funds.
2 I want to point that out to the rest of Congress to prevent
3 that.

4 CHAIRMAN WITTGRAF: Mr. Suarez?

5 MR. SUAREZ: Is it understood that that is a part of
6 our mission? Is there anything in the legislation that says we
7 are supposed to be or not supposed to be engaging in advice to
8 the Congress as to what the legislation that we implement, I
9 thought that we were basically implementing, should provide?

10 MR. COLLINS: My feeling is that I did not surrender
11 any rights as an American citizen when I became a director for
12 Legal Services Corporation. Congress needs advice as much as we
13 do. As a citizen, I intend to give it. As a member of this
14 board, I intend to give it. I do not want to see one dollar of
15 federal money or Legal Services money used for the slaughter of
16 innocent unborn children.

17 MR. SUAREZ: Does Mr. Dana understand that if what
18 Congressman Frank is trying to pass, in fact, was enacted into
19 law, then abortion litigation would almost automatically result
20 from that or at least be made all of a sudden perfectly
21 acceptable and legal with LSC funds, I am not saying federal
22 funds generally, private funds or anything else, with LSC funds?

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1 CHAIRMAN WITTGRAF: Mr. Dana?

2 MR. DANA: I understand. One of my problems with our
3 getting intimately involved with legislative proposals is what
4 happened. I don't think anybody knows exactly what happened.
5 This memo from our staff is the first memo that I have seen that
6 described what happened last week at this subcommittee hearing.

7 My understanding is that Mr. Collins is correct that
8 there was -- part of what Mr. Frank's subcommittee is proposing
9 is to remove all reference to abortion prohibitions within the
10 Act.

11 My concern is, frankly, that we have got -- there is a
12 lot on the Congressman's plate, there are 20 or 30 things. Many
13 of the proposals of the McCollum-Staggers Bill are what are
14 essentially almost desired things for the legal services in this
15 country.

16 We shouldn't be as a board getting into the nitty-
17 gritty of these amendments. Our staff, it is my understanding,
18 is providing the energy, this staffing, this effort at the
19 committee level. Our people are actively pushing McCollum-
20 Stenholm-Staggers. We endorsed it, I think, in principle, long
21 before we saw the specifics.

22 The specifics are much different than they were last

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1 year. There has been no full hearing. My hope is that we hold
2 back, let Congress do their thing, let Congress amend or that we
3 have a hearing and we decide whether or not we want to endorse
4 each of these little proposals. But to sign up as a group and
5 vote for this package, I think is not a useful use of our
6 credibility in this town.

7 MR. COLLINS: Mr. Chairman, inadvertently, I think
8 that Mr. Dana -- we are introducing into the discussion several
9 matters which were not included in my resolution.

10 CHAIRMAN WITTGRAF: At this point, to the best of the
11 Chair's understanding and belief, Mr. Dana has offered a
12 substitute resolution to Mr. Collins' resolution and no second
13 has been made, only the resolution has been read.

14 Mr. Collins?

15 MR. COLLINS: A point of order.

16 CHAIRMAN WITTGRAF: Mr. Collins?

17 MR. COLLINS: I think that the Chair should regard
18 these as sequential motions, not subsequent motions.

19 CHAIRMAN WITTGRAF: The Chair does not, Mr. Collins,
20 for the reason that at least in the two resolution paragraphs,
21 in particularly the first of the two resolution paragraphs, you
22 do refer to the reauthorization bill, the Legal Services

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1 Reauthorization Bill, and while your comments have been directed
2 toward one issue, the Chair's understanding of his reading of
3 your resolution is that we are talking about the whole bill, and
4 that is what the resolution will do as presently presented.

5 MR. COLLINS: I would point out to the Chairman that
6 his resolution could not have been prepared in response to mine
7 because he didn't see this resolution until long after he had
8 his printed. As a matter of fact, I am addressing this simply
9 to the Barney Frank report, not to McCollum-Stenholm.

10 CHAIRMAN WITTGRAF: The Chair's interpretation is that
11 there is a substitute resolution that has been offered. It has
12 not been seconded, that is the Chair's position. If, in fact,
13 the resolution is seconded so that further discussion is in
14 order, that still will be the Chair's position unless the Chair
15 is overruled.

16 Mr. Suarez?

17 MR. SUAREZ: In ascertaining the import of what now
18 has been ruled to be a substantive motion, I would like to ask
19 the maker of the motion a question. Would he consider, would
20 Mr. Dana consider in the substitute motion, which would be
21 clearly a substantive motion question, simply restating the
22 board's beliefs, preference, whatever the term would be, that

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1 the Congress not take away the prohibition as now exists in law
2 for abortion-related litigation activities by legal service
3 agencies?

4 MR. DANA: I would.

5 MR. SUAREZ: And if he would so move, I would second
6 it, Mr. Chair.

7 MS. PULLEN: Would that be in addition to this or
8 would it be instead of it?

9 MR. SUAREZ: Substitute.

10 MR. DANA: I agree. I think with Mr. Collins that the
11 existing prohibition against abortion litigation in the law, in
12 my opinion, should not be removed by Congress. Now, the
13 American Bar Association also has moved in that direction. It
14 is very decisive. It would not be in the interest, in my
15 judgment, of caring for the legal needs of the poor or funding
16 the legal needs of the poor. It would hurt what we are about if
17 everybody viewed legal services as an abortion advocacy group.

18 CHAIRMAN WITTGRAF: It is the Chair's interpretation
19 at this time that there has not been a second to the resolution
20 offered as a substitute by Mr. Dana, that it no longer is in
21 order for discussion. If Mr. Dana or Mr. Suarez, or someone
22 else has a substitute in mind, which I assume is not in draft

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1 form, I would ask someone to present that substitute at this
2 time so that it can be considered.

3 MR. DANA: I understand that Mr. Suarez was seconding
4 my motion if I adopted his view, which is that the existing law
5 concerning prohibitions of legal services attorneys being
6 involved in abortion litigation be retained.

7 MR. SUAREZ: Understood that way, I would second the
8 motion, Mr. Chair.

9 CHAIRMAN WITTGRAF: The Chair is unclear. Let the
10 Chair try to clarify or have this clarified for him. Are you
11 talking about in addition to the four pages of your resolution
12 or a substitution for the four pages of your resolution?

13 MR. SUAREZ: I was understanding it to be a withdrawal
14 of that motion and a whole new motion later on we can always get
15 to that.

16 CHAIRMAN WITTGRAF: Which is why the Chair took the
17 position it did. That was the Chair's understanding. That
18 apparently is not Mr. Dana's understanding. The Chair stands by
19 its interpretation for the reason that there has been no second
20 of the resolution at this time.

21 The Chair looks to Mr. Suarez's offer of a substitute
22 resolution for the Collins' resolution. Mr. Suarez?

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1 MR. SUAREZ: Mr. Suarez looks to Mr. Dana to restate
2 it as he just did if he would.

3 CHAIRMAN WITTGRAF: Mr. Dana?

4 M O T I O N

5 MR. DANA: The resolution that I understand Mr. Suarez
6 is proposing is that the board of the Legal Services Corporation
7 is of the view that it is not in the interest of legal services
8 for the poor of America to change the existing prohibitions
9 against legal services attorneys from being involved in abortion
10 litigation, period.

11 MR. COLLINS: That is the motion that you are now
12 making?

13 MR. DANA: That is the motion that Mr. Suarez is
14 making.

15 MR. SUAREZ: Okay. Either way is okay.

16 CHAIRMAN WITTGRAF: Mr. Suarez has moved to substitute
17 resolution to the effect that the Congress should not change the
18 present prohibitions that exist statutorily for the use of Legal
19 Services Corporation funds for abortion-related activities.

20 Is there a second?

21 MR. COLLINS: As a substitute for what?

22 CHAIRMAN WITTGRAF: For the Collins' resolution.

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1 MR. COLLINS: Or the Dana resolution?

2 CHAIRMAN WITTGRAF: The Dana resolution is off the
3 table.

4 MR. COLLINS: Okay.

5 CHAIRMAN WITTGRAF: Is there a second to the Suarez
6 substitute?

7 MR. DANA: There is a second.

8 CHAIRMAN WITTGRAF: Okay. It has been moved by Mr.
9 Suarez. It has been seconded by Mr. Dana. Is there any further
10 discussion? Ms. Pullen?

11 M O T I O N

12 MS. PULLEN: I move to amend the resolution to add a
13 further resolved clause. I am assume that we are dealing with a
14 resolved clause in the initial presentation. Be it further
15 resolved that the board authorizes the LSC staff to convey the
16 opposition of the board to the Congress. Let's say to convey
17 the position of the board on this matter to the Congress.

18 MR. SUAREZ: The maker accepts that amendment if it is
19 in order.

20 CHAIRMAN WITTGRAF: Mr. Dana?

21 MR. DANA: I don't. I think we are perfectly able to
22 communicate this resolution to Congress. What I think the

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1 thrust of my resolution is, is to get our staff out of the
2 lobbying business. Congress has quite enough lobbyists on this
3 issue without our staff leading the charge. We have got enough
4 to do here at home without getting involved in that.

5 CHAIRMAN WITTGRAF: An amendment has been offered by
6 Ms. Pullen. Is there a second?

7 MR. COLLINS: She is adding that to my original
8 resolution.

9 CHAIRMAN WITTGRAF: No, she is not. She is adding
10 that to the substitute. Is that your understanding of what you
11 are doing, Ms. Pullen?

12 MS. PULLEN: That is correct.

13 CHAIRMAN WITTGRAF: Is there a second? Mr. Collins,
14 you do second it? There is a not a second?

15 MR. MOLINARI: I will second it.

16 CHAIRMAN WITTGRAF: There is a second. It has been
17 moved and seconded that the Suarez substitute resolution be
18 amended to include a resolution directing the staff of the Legal
19 Services Corporation to communicate its resolution to the
20 Congress. Is there further discussion?

21 MS. PULLEN: Mr. Chairman?

22 CHAIRMAN WITTGRAF: Ms. Pullen?

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1 MS. PULLEN: It is fully lawful for the staff of the
2 Corporation to present the view of the Corporation to the United
3 States Congress on matters affecting the Corporation. From the
4 comments that have been made by several people here, I believe
5 that the board considers this to be a very important matter for
6 the future operation of the Corporation and public support for
7 the legal services program.

8 I would not -- although I believe -- although I know
9 that it is fully lawful for the staff to do this anyway, I think
10 that it would be helpful for the board to go on record as
11 expecting them to do this, because otherwise this is simply a
12 resolution that floats up there and goes into the air. I
13 believe that we need to underline how critical this matter is
14 for the continued public support of legal services programs.
15 That is not going to be done if it is simply written upon our
16 record and may be written up in one or two newspapers and it
17 disappears into the vapor.

18 MR. SUAREZ: Mr. Chairman, may I inquire?

19 CHAIRMAN WITTGRAF: Mr. Suarez?

20 MR. SUAREZ: Ms. Pullen, would it be a fair statement
21 to say that the amendment does not contemplate the staff acting
22 as lobbyists or otherwise diverting from the activities that we

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1 envision to be the normal activities of running a Corporation
2 and delivering legal services to the poor and simply is expected
3 to communicate this resolution?

4 CHAIRMAN WITTGRAF: The Chair, I guess, has a similar
5 situation in mind, although I don't think it actually involved a
6 resolution. Perhaps it did, Mr. Collins can correct me if I am
7 mistaken. On June 25th a resolution was passed regarding the
8 board's view on the representation of persons who had drug-
9 related activities and who were involved in landlord-tenant
10 problems, and discouragement of representation of those people
11 insofar as possible.

12 Then President Wear did in the form of a written
13 communication convey not only to members of the Congress, but to
14 the project directors and others across the country, the board's
15 resolution. I suspect that would happen again in this case.
16 So, there would be largely a communication as opposed to a
17 lobbying effort. I am assuming that by adding this clause to
18 the resolution that Ms. Pullen would be essentially ensuring
19 that something similar to that happens again.

20 Is that consistent with what you are contemplating,
21 Ms. Pullen?

22 MS. PULLEN: I thought the clause speaks for itself.

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1 CHAIRMAN WITTGRAF: Unfortunately, the clause is not
2 too clear because of the fact that it has only been dictated
3 into the record. Okay. There is nothing before us,
4 unfortunately, in black and white.

5 MR. SUAREZ: Her statement speaks for itself as to my
6 concern, Mr. Chairman.

7 CHAIRMAN WITTGRAF: It has been moved and seconded
8 that the Suarez substitute resolution be amended as indicated by
9 Ms. Pullen and as seconded by Mr. Suarez.

10 Mr. Guinot?

11 MR. GUINOT: I just would like some clarification. I
12 understood Mr. Collins' resolution. I understood that Mr. Dana
13 favored the general thrust of Mr. Collins' resolution concerning
14 the use of LSC attorneys in abortion cases. I understood that
15 Mr. Suarez agrees with both of them about that. So, basically
16 we are talking about a resolution that seems to have support of
17 at least three of the members here.

18 Ms. Pullen has now added another element to it, which
19 is not something that Mr. Dana would like to see. It seems to
20 me that there is a consensus concerning the abortion issue and
21 the use of LSC attorneys, I gather, from what I hear. However,
22 I would like to express that it is very difficult for me to vote

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1 on any of these resolutions when they are drafted in language
2 that is at times extreme.

3 I also agree with Mr. Collins and Mr. Dana and Mr.
4 Suarez and Ms. Pullen on the question of the abortion matter.
5 However, it is very difficult to vote here on any of these
6 things until I have a chance to see what the devil the language
7 looks like. I don't know what -- no one says what emphasis can
8 be drawn from the language. That goes to
9 other resolutions that I have seen flying around here.

10 It is very difficult for a board member who has
11 opinions, strong opinions, on some issues not being able to
12 express them because of the language in which resolutions are
13 drafted. I would caution my colleagues to bear that in mind,
14 because I would like very much to be able to support some of
15 these things. Yet, I find that I have difficulty supporting
16 them out of nothing more than prudence.

17 Having said that, I would like very much, and I will
18 insist before I vote, to see this thing in writing, either we
19 get a blackboard and we write it out or somebody sits down and
20 writes it. I don't know if we have the facilities here or not,
21 but I think it is extremely unfair to ask any of us,
22 particularly on an issue such as this, to express ourselves

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1 without realizing where the language leads.

2 Thank you, Mr. Chairman?

3 MR. COLLINS: Mr. Chairman?

4 CHAIRMAN WITTGRAF: Mr. Molinari?

5 MR. MOLINARI: I find myself in great --

6 MR. COLLINS: May I just respond to --

7 MR. MOLINARI: Yes, go ahead.

8 CHAIRMAN WITTGRAF: Mr. Collins?

9 MR. COLLINS: I completely agree with what Luis has
10 said. We have a very clear resolution here. We have another
11 one that is written in chalk in the wind. I would like to see
12 us vote on the substitute amendment, vote no. Vote for the next
13 clear amendment, vote yes. And we will have dealt with justice
14 and equanimity with the most vulnerable in our society.

15 CHAIRMAN WITTGRAF: Mr. Collins, the Chair has to say
16 that, at least for himself, looking at the first of your two
17 resolution clauses, where you are coming out in opposition to
18 the entire Frank Legal Services Authorization Bill, which none
19 of us have seen, that I have to agree with Mr. Guinot that in my
20 mind, at least, your resolution is writ on the wind.

21 MR. COLLINS: Well, in my opinion, it is written
22 precisely as it should be. It is in the interest of unborn

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1 children in our society and I stand by every word.

2 CHAIRMAN WITTGRAF: Okay. Well, I think there is a
3 consensus here for unborn children, but I am not sure there is a
4 consensus in opposition to the Frank Legal Services
5 Authorization Bill.

6 Mr. Molinari?

7 MR. MOLINARI: I find myself agreeing with almost
8 everybody that spoke here in this issue.

9 MR. COLLINS: In some way.

10 MR. MOLINARI: In some way, yes. I listen to the
11 Mayor of Miami raise a very interesting policy question. It is
12 very difficult for me to imagine voting, yes, my friend, John
13 Collins. Yet I think it is significant that in this dialogue I
14 believe that every single member of the board sitting here is on
15 record saying they are opposed to the use of LSC funding for
16 abortion-related activity. I think that is significant.

17 My concern, and I address this to you, John, is as
18 somebody, who, myself, occupies a relatively strong position on
19 the rights of the unborn, and have voted that way during my
20 entire legislative career, the language of your amendment,
21 instead of addressing solely the issues itself, the very
22 important issues, it appears to me that you are coming

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1 potentially or otherwise directly at Congressman Frank instead
2 of the substantive matter.

3 As somebody who would like to see the thoughts you are
4 expressing here implemented and have the force and effect of
5 what you are trying to do here accepted by the members of
6 Congress and to pick up what you are trying to do, that you may
7 be getting people angry with us and with what you are trying to
8 do because it may be interpreted as an attack on Congressman
9 Frank rather than the provisions.

10 In so doing, we might lose support rather than gain
11 it; that is a very deep concern of mine.

12 CHAIRMAN WITTGRAF: The board --

13 MR. COLLINS: That is a perceptive comment. May I
14 just make a response?

15 CHAIRMAN WITTGRAF: Mr. Collins?

16 MR. COLLINS: I know Barney Frank fairly well. He is
17 in my area. I have great admiration for his legislative
18 dexterity. I perceive that extreme posture which you talk about
19 as one which will lead to an ultimate compromise, which you will
20 say I will withdraw my specific negation of a law with respect
21 to LSC funding so long as we may keep IOLTA and other so-called
22 public funds available for the folks who want to eliminate

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1 innocent unborn life.

2 It is for that reason that I believe we should remove
3 fig leaf with the distinction between IOLTA funds and LSC funds,
4 which is very convenient for the directors of many LSCs to say I
5 wasn't using your funds, I was using somebody else's funds.

6 CHAIRMAN WITTGRAF: The board will be in recess for
7 five minutes to allow Mr. Suarez and Mr. Dana to put their
8 resolution in printed form. Ms. Pullen and Mr. Suarez -- excuse
9 me, Mr. Molinari, to put their amendment thereto in written
10 form, that being the substitute to the Collins' resolution, as
11 amended. While the board is in recess.

12 MR. SUAREZ: That will not be recess.

13 MR. GUINOT: Before you do that, I would like to just
14 make --

15 CHAIRMAN WITTGRAF: Mr. Guinot?

16 MR. GUINOT: -- what I said a few seconds ago. My
17 comment really was intended to cover all resolutions, not only
18 this one here, but also anything to do with reform. It is
19 obvious that I welcome some reform. But there are elements in
20 the Reform Act that I am less enthusiastic than others. When we
21 pass resolutions that try to cover the complete spectrum with
22 language that it is extreme, it is difficult for us, for me in

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1 particular, to address them in any intelligent way; that is all
2 I wanted to say. I mean it is just not realistic of --

3 MR. SUAREZ: Mr. Chairman, pursuing that and in view
4 of the fact that you --

5 CHAIRMAN WITTGRAF: Mr. Suarez?

6 MR. SUAREZ: -- Mr. Chairmen, you have in front of you
7 a written, albeit a hand written copy of the motion as stated by
8 myself, and the modification by Ms. Pullen, what I want to say
9 is also in furtherance of what Mr. Guinot is saying, that the
10 rest of the issue such as IOLTA funds, such as litigation and
11 defense thereto where, perhaps the person being depicted is
12 involved in drugs, et cetera, might take a heck of a lot of
13 discussion even if we were able to do that today.

14 I, for example, think that I am going to end up
15 disagreeing with Mr. Dana on the issue of litigation involving
16 even the possibility of somebody dealing in drugs in public
17 housing projects. I come with a very strong mandate from my HUD
18 director about those kinds of cases.

19 But precisely for that and pursuant of what Mr. Guinot
20 said, that we want to keep these things as simple as possible,
21 that motion as made basically reflects simply that the law as it
22 now stands on abortion-related litigation should stay. I mean

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1 you couldn't have it any simpler than that. In a sense, it
2 doesn't even have to be in writing because the law is already in
3 writing. We just want for it not to be changed. I think that
4 reflects the consensus of this board.

5 Late by private lobbying on the part of Mr. Collins or
6 any of the rest of us and/or by discussion and resolution here,
7 I hope not too much, frankly, because I will tell you all, and I
8 think you know how I feel, that constantly meeting to decide how
9 we are going to lobby Congress in regards to the very
10 legislation that binds this board is not what I understood to be
11 my function when I accepted the appointment.

12 So, this issue being so important and having made a -
13 - hopefully, passing a clear restatement of it to the Congress
14 in satisfying Mr. Collins to that extent, it is my hope that
15 these other issues, either we just simply let the legislative
16 process take effect or leave for later consideration after -- as
17 Mr. Guinot said, we have had a chance to look at -- it cannot be
18 shotgunned. It cannot have 10 or 12 or 15 -- I had somebody
19 look at, for example, the impact of the whole reform package.

20 I understand you are not, Mr. Collins, making a motion
21 as to the whole reform package. I had someone from my staff
22 look at that and I come down on one side on four or five of them

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1 and another side on a few of them, and it would just take
2 forever.

3 I would hope that the rest of this board would be
4 willing not to engage in the specific discussion of all of
5 those, particularly when we don't even know what the reform
6 package is going to consist of and we don't know what some of
7 the other movements in the Congress are, including that by
8 Congressman Frank. I agree, by the way, that we should do our
9 best not to alienate the congressman for a variety of obvious
10 reasons.

11 M O T I O N

12 CHAIRMAN WITTGRAF: Thank you, Mr. Suarez. Ms. Love,
13 if you could give me just one moment, we now have, thanks to the
14 efforts of the authors, the resolution as made and seconded with
15 the amendment as offered and seconded before us in written form.
16 Let me read it for the benefit of all and for the record.

17 The substitute resolution that is the substitute for
18 the Collins' resolution as made by Mr. Suarez and seconded by
19 Mr. Dana is:

20 "Be it resolved that the board of the Legal Services
21 Corporation opposes removing restrictions in the Legal Services
22 Corporation Act regarding abortion-related litigation from the

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1 Act."

2 The amendment then is: "Be it resolved further that
3 the staff of the Legal Services Corporation convey the board's
4 position in this matter to the members of Congress."

5 Ms. Love?

6 MS. LOVE: I agree with Mr. Guinot. But I admire Mr.
7 Collins because I am with Mr. Collins because I am highly
8 against abortions myself.

9 CHAIRMAN WITTGRAF: We have before us the amendment to
10 the substitute resolution. Is there further discussion
11 regarding the Pullen-Molinari Amendment?

12 (No response.)

13 CHAIRMAN WITTGRAF: Hearing none --

14 MR. WOOTEN: Mr. Chairman?

15 CHAIRMAN WITTGRAF: Mr. Wooten?

16 MR. WOOTEN: A point of clarification. As I heard
17 that, it said dealing with the abortion restriction contained in
18 the Act, which is the '74 restriction involving a non-
19 therapeutic abortion, not the restriction that is contained in
20 the appropriation rider. It may have been an oversight.

21 CHAIRMAN WITTGRAF: I believe it should be the Act, as
22 amended. Yes.

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1 MR. WOOTEN: Well, no. The Act has not been amended
2 by the appropriation rider.

3 CHAIRMAN WITTGRAF: The Act, as amended, through the
4 appropriations process.

5 MR. WOOTEN: Technically it is not amended.

6 MR. DANA: We could just refer to it as existing law.

7 MR. SUAREZ: Existing law is certainly the tenor of
8 what I meant to move and I believe was seconded.

9 MS. PULLEN: Thank you for that.

10 MR. COLLINS: Could you read it one more time?

11 CHAIRMAN WITTGRAF: Yes, sir.

12 It is the Chair's
13 understanding at this time, an understanding that is just
14 slightly different from one he had a few minutes ago, that the
15 Suarez resolution, as seconded by Mr. Dana, reads as follows:

16 "Be it resolved that the board of directors of the
17 Legal Services Corporation opposes removing restrictions in
18 existing law barring legal services recipients from engaging in
19 abortion-related litigation."

20 The amendment thereto is offered by Ms. Pullen and is
21 seconded by Mr. Molinari provides as follows:

22 "Be it resolved further that the staff of the Legal

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1 Services Corporation will convey the board's position in this
2 matter to the members of Congress."

3 We are on the amendment to the substitute motion.
4 Further discussion?

5 (No response.)

6 CHAIRMAN WITTGRAF: Hearing none, those in favor of
7 the amendment to the substitute, please signify by saying aye.

8 (A chorus of ayes.)

9 CHAIRMAN WITTGRAF: Those opposed, nay.

10 (No response.)

11 CHAIRMAN WITTGRAF: The ayes appear to have it. The
12 ayes do have it. The amendment is adopted.

13 We are now on the substitute resolution, which would
14 be the two resolutions together. Would the board like to have
15 me read them again?

16 MR. COLLINS: No, you just read them.

17 CHAIRMAN WITTGRAF: Further discussion?

18 (No response.)

19 CHAIRMAN WITTGRAF: Hearing none, those in favor of
20 the substitute resolution, as amended, will signify by saying
21 aye.

22 (A chorus of ayes.)

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1 CHAIRMAN WITTGRAF: Those opposed, nay.

2 (No response.)

3 CHAIRMAN WITTGRAF: The ayes appear to have it. The
4 ayes do have it. The substitute resolution, as amended, is
5 adopted.

6 We are now on the substitute resolution. Is there a
7 discussion?

8 (No response.)

9 CHAIRMAN WITTGRAF: Hearing none, those in favor of
10 the Collins' resolution as substituted will signify --

11 MR. SUAREZ: Now, you have got us on the procedure,
12 Mr. Chairman. We are all confused. We thought we took care of
13 everything then.

14 CHAIRMAN WITTGRAF: No. I think technically you made
15 the substitution. We are now on the resolution as substituted.

16 MR. SUAREZ: What is the difference?

17 CHAIRMAN WITTGRAF: Well, there is a difference
18 because --

19 MR. COLLINS: It is substituted.

20 CHAIRMAN WITTGRAF: Yes, it happens in this case
21 that it is a whole substitution. In many cases you might have a
22 partial substitution, in which case you go back to the

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1 resolution. The Chair believes we have a vote left, the Chair
2 is prepared to proceed to that vote, which substantively will be
3 the same as the vote we just took.

4 Discussion?

5 (No response.)

6 CHAIRMAN WITTGRAF: Hearing none, those in favor of
7 the resolution, as substituted, with its amendment, will signify
8 by saying aye.

9 (A chorus of ayes.)

10 CHAIRMAN WITTGRAF: Those opposed, nay.

11 (No response.)

12 CHAIRMAN WITTGRAF: The ayes appear to have it. The
13 ayes do have it. The resolution is adopted.

14 MR. DANA: Mr. Chairman?

15 CHAIRMAN WITTGRAF: Mr. Dana?

16 M O T I O N

17 MR. DANA: I would move my original resolution.

18 CHAIRMAN WITTGRAF: The resolution as offered earlier
19 by Mr. Dana as a substitute, which was not seconded and was not
20 considered as a substitute to the original Collins' resolution,
21 that four-page resolution bearing the date of August 8, 1990,
22 and as read into the record previously before us by Mr. Dana,

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1 now is before us.

2 Is there a second to that resolution?

3 (No response.)

4 CHAIRMAN WITTGRAF: The Chair hears none.

5 MR. DANA: Mr. Chairman?

6 CHAIRMAN WITTGRAF: Mr. Dana?

7 M O T I O N

8 MR. DANA: I would move the following resolution.

9 CHAIRMAN WITTGRAF: Mr. Dana?

10 MR. DANA: "Be it resolved that the Legal Services
11 Corporation --" and for those of you who are following me, it is
12 essentially the resolves of the four-page resolution amended
13 slightly. So, it starts on page 4.

14 "Be it resolved that the Legal Services Corporation
15 board of directors is dedicated to the goal of enabling local
16 legal services programs to provide high quality legal services
17 to the poor throughout the nation;

18 "And be it further resolved that the Legal Services
19 Corporation board is commended to an adequately funded and fully
20 functioning network of legal services providers;

21 "And be it further resolved that the board of
22 directors of the Legal Services Corporation calls on the

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1 Congress to not assume that this board endorses any particular
2 set of reforms;

3 "And be it finally resolved that the board calls on
4 its staff not to lobby on behalf of any particular set of reform
5 proposals."

6 MR. SUAREZ: Mr. Chairman?

7 CHAIRMAN WITTGRAF: Mr. Suarez?

8 MR. SUAREZ: In anticipation, I shouldn't anticipate
9 anything, it may get a second, but there is one -- I should warn
10 you, Mr. Dana, there is one paragraph there that almost just for
11 its grammar, let alone for its substance, would have problems
12 that would create problems for some of us and particularly for
13 me.

14 If you delete it, I might be able to vote for your
15 motion.

16 MR. DANA: All right.

17 MR. SUAREZ: That is the one that begins, "Be it
18 further resolved," and continues, "that the board of directors
19 of the Legal Services Corporation calls on the Congress to not
20 assume that this board endorses any particular set of reforms."
21 Calling for them to not assume something I think is unnecessary.
22 They shouldn't assume anything and after today's discussion if

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1 it is properly reported they will be trying to figure out
2 exactly what we want.

3 So, if you would remove that, you know, the resolution
4 might make some sense for me to vote for.

5 CHAIRMAN WITTGRAF: Not to mention the fact that you
6 split a definitive.

7 MR. SUAREZ: Exactly. Split my mind in two.

8 MR. DANA: Are you -- If I remove the word "not," is
9 that acceptable? The problem, frankly, is that we have
10 previously let some people assume that by endorsing things in
11 principle, we had endorsed what came down the pike several weeks
12 later. I just think that it is important that we get back into
13 neutral what it is that we are endorsing.

14 MR. SUAREZ: But the problem is that part of the
15 argument, Mr. Chairman, if I may --

16 CHAIRMAN WITTGRAF: Mr. Suarez?

17 MR. SUAREZ: -- if we are not even doing any of this
18 is that we are almost preempting, predisposing the Congress in
19 its own legislative deliberations, and now in this particular
20 case we are almost doing the converse. We are telling them
21 don't assume anything. I just think that is unnecessary. We
22 have, in fact, made a resolution of principle.

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1 You, I think, by this motion, among other things,
2 would say you don't want the staff lobbying and it is a further
3 clarification, which may or may not pass because some people may
4 have trouble with that prohibition. But, you know, it seems to
5 serve a useful purpose to not want it lobbied.

6 MR. DANA: I absolutely think your suggestion is an
7 excellent idea and I delete from my proposed resolution the next
8 to the last paragraph.

9 MR. SUAREZ: Could the maker of the motion now read it
10 as it stands, Mr. Chair?

11 CHAIRMAN WITTGRAF: Mr. Dana?

12 M O T I O N

13 MR. DANA: "Be it resolved that the Legal Services
14 Corporation board of directors is dedicated to the goal of
15 enabling local legal services programs to provide high quality
16 legal services to the poor throughout the nation;

17 "and be it further resolved that the Legal Services
18 Corporation board is committed to an adequately funded and fully
19 functioning network of legal services providers;

20 "and be it finally resolved that the board calls on
21 its staff not to lobby on behalf of any particular set of reform
22 proposals."

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1 MR. SUAREZ: Mr. Chairman, I would second it if it
2 also means, as I understand that it does, that we have no
3 whereas clauses to go with that.

4 MR. DANA: Correct.

5 MR. SUAREZ: The whereas clauses are out. I will
6 second it.

7 CHAIRMAN WITTGRAF: The resolution as just read into
8 the record has been moved by Mr. Dana and seconded by Mr.
9 Suarez.

10 Mr. Hall?

11 MR. HALL: I just have a question on the very last
12 paragraph there. Is that saying that the staff cannot lobby for
13 any particular set of reforms or that they can lobby, but it has
14 to be on general reform or numerous said reforms? What are you
15 trying to say?

16 MR. DANA: What I am trying to do is put our staff on
17 neutral on lobbying for reforms.

18 MR. HALL: Okay.

19 MR. COLLINS: Mr. Chairman?

20 CHAIRMAN WITTGRAF: Mr. Collins?

21 MR. COLLINS: Isn't it interesting putting our staff
22 in neutral. I thought the staff was supposed to carry out the

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1 desire of the majority of this board on whatever this board
2 votes. I assume some time today, if we ever get around to
3 voting on Ms. Pullen's motion, we will voting on it.

4 CHAIRMAN WITTGRAF: The Chair would also point out to
5 the board or recall to the board's attention a portion of the
6 resolution approved by this board, then I believe with eight of
7 us present, on June 25, some short six weeks ago.

8 That -- and it was the last sentence of that
9 resolution, "The Corporation's staff shall make clear to those
10 it assists that the rendering of such technical assistance
11 should not be construed as an endorsement of any particular
12 reform measure on the part of the Legal Services Corporation or
13 its board of directors."

14 Now, we have moments ago taken one specific position,
15 which we have asked the staff to pass on to the members of
16 Congress. Aside from that, I think that the words of the
17 resolution of June 25 are binding unless, as suggested by Mr.
18 Collins, we go further. I only recall that to the members -- to
19 the attention of the members of the board as they consider the
20 resolution that is before us.

21 We have the resolution made by Mr. Dana and seconded
22 by Mr. Suarez. Further discussion? Mr. Guinot?

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1 MR. GUINOT: Yes. I think your point is well taken.
2 If we have already said that, perhaps this is may be
3 unnecessary. The point that I have is that the word "lobby" can
4 mean many things. Actually if a staffer is asked by a
5 particular congressman to provide him some information, I am
6 sure that they will not deny him that, him or her that.

7 I dare say that if that staffer is emotionally
8 involved with the issue, just by the way that he presents the
9 documents and the way that -- even in the order in which he
10 presents different memoranda he would try to show his feelings.

11 So, it seems to me that it is extremely difficult,
12 even by the raising of an eyebrow when you make a point, you
13 could say that you would be lobbying; that is what I am
14 concerned about. How do you stop that if, in fact, this
15 occurred in light of the fact of telling Congress that anything
16 we send you, because you ask for it, should not be understood to
17 be endorsed by the board or whatever you lobby.

18 MR. MOLINARI: Mr. Chairman?

19 CHAIRMAN WITTGRAF: Mr. Molinari?

20 MR. MOLINARI: I was not at the 25 June meeting.
21 Reading the language that is before me that was adopted, I think
22 we are getting ourselves into a serious problem really

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1 considering the adoption of the motion that is before us today.
2 I think that is pretty clear and specific. I think perhaps the
3 language better states the intention of the board. If we were
4 to go ahead with this resolution now, I think it would create
5 serious problems, particularly for the staff people that are
6 going to be asking which one of these do we carry out.

7 At the very best, the instant resolution would be
8 redundant.

9 CHAIRMAN WITTGRAF: Further discussion? Ms. Pullen?

10 MS. PULLEN: I heard a couple of amens and I would
11 like to go on record as seconding what Mr. Molinari just said.
12 I believe that we have expressed ourselves. We have delineated
13 what we expect from that expression. Unless we are repealing
14 what we have already done, which I don't think anybody is
15 proposing to do, this resolution would be in conflict with what
16 we have done in terms of what someone's interpretation of a word
17 might be. I think that it puts our staff and the entire
18 Corporation into a very difficult spot and will enable name
19 calling, which is something that we do not need at this
20 juncture.

21 CHAIRMAN WITTGRAF: Further discussion?

22 MR. SUAREZ: Mr. Chairman?

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1 CHAIRMAN WITTGRAF: Mr. Suarez?

2 MR. SUAREZ: I guess that I had -- it was clear in my
3 mind that lobbying was a lot more than raising your eyebrows to
4 use Mr. Guinot's expression. Therefore, at least in principle,
5 if the maker of the motion would accept a variation, if we made
6 it clear that we are not trying to hamper the effectiveness of
7 staff in providing information or assisting the Congress and
8 just simply saying that we understand lobbying, it is more than
9 just providing information and so on.

10 I still would have no problem passing it, but I fear
11 my colleagues on the board saying there is some redundancy or,
12 even worse, inconsistency with what we previously did. I don't
13 think there is for myself. So, I will be able to vote
14 positively on it if the maker can think of any modifications
15 that can make it clearer that we don't want, you know, a sort of
16 proactive staff taking time away from the basic functions, which
17 I am clear.

18 It is clear in my mind the basic functions are to
19 implement congressional legislation, not to influence it. Then
20 I would have no -- you know, I think maybe then obtain the
21 consensus of the entire board if he is able to do that, I would
22 consent.

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1 MR. DANA: It seems to me, Mayor --

2 CHAIRMAN WITTGRAF: Mr. Dana?

3 MR. DANA: -- that the -- I certainly adopt your
4 legislative history. I think that could be a great assistance
5 to the staff as to what the maker and the seconder intended by
6 this. I don't think it is necessary with the clause that you
7 just put on it, I don't think it is necessary to fold that all
8 into a memo or fold it all into a motion.

9 My objective is to do as you indicated. So, I adopt
10 your clause.

11 MR. COLLINS: Mr. Chairman, with or without clause, I
12 --

13 CHAIRMAN WITTGRAF: Ms. Pullen?

14 MS. PULLEN: With all due respect, I think if that is
15 all the gentleman intends, that we already did this in June. I
16 think that to adopt language which is not exactly identical to
17 June is not only redundant, but creates a cloud. If that is all
18 you intend to do, we already did it.

19 CHAIRMAN WITTGRAF: Mr. Dana?

20 MR. DANA: With all due respect, I disagree.

21 CHAIRMAN WITTGRAF: The question has been moved and
22 seconded. Those in favor signify by saying aye.

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1 (A chorus of ayes.)

2 CHAIRMAN WITTGRAF: Opposed, nay.

3 (No response.)

4 CHAIRMAN WITTGRAF: The ayes appear to have it. The
5 ayes do have it.

6 We are now on the question of the resolution made by
7 Mr. Dana, seconded by Mr. Suarez. Those in favor of the
8 resolution as presented will signify by saying ayes.

9 (A chorus of ayes.)

10 CHAIRMAN WITTGRAF: Those opposed, nay.

11 (A chorus of nays.)

12 CHAIRMAN WITTGRAF: The nays appear to have it. The
13 nays do have it. The resolution is defeated.

14 M O T I O N

15 MR. SUAREZ: Mr. Chairman, I move that we adjourn.

16 CHAIRMAN WITTGRAF: Is there a second?

17 MR. DANA: Second.

18 CHAIRMAN WITTGRAF: The motion has been made and
19 seconded that we adjourn. Those in favor, signify by saying
20 aye.

21 (A chorus of ayes.)

22 CHAIRMAN WITTGRAF: Those opposed, nay.

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1 MR. MOLINARI: Nay.

2 CHAIRMAN WITTGRAF: The ayes appear to have it.

3 MR. SUAREZ: Is there anything further that we need to
4 do today, Guy?

5 MR. MOLINARI: No. I thought Penny had a resolution
6 she was going to offer.

7 MR. COLLINS: I did too.

8 MR. SUAREZ: I understood, you know, I don't want to
9 preempt anything, anyone can make a motion. I thought that we
10 had dealt with the single most important concern in a fairly
11 consensual way and I would urge my colleagues once again --

12 CHAIRMAN WITTGRAF: The ayes appear to have it.

13 MS. PULLEN: May I comment?

14 CHAIRMAN WITTGRAF: Ms. Pullen?

15 MS. PULLEN: Mr. Chairman and members, I did have a
16 resolution to present today. It is long and detailed. I
17 believe that we have spent a very full day doing important
18 business. I think that at this point it is probably preferable
19 not to go on with another hour long discussion, which this might
20 generate for no -- I am satisfied with the current status on
21 this question except to say that I would like to put into the
22 record that this is one member who believes that the "whereas

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1 clauses" previously read into the record concerning the
2 McCollum-Staggers-Stenholm legislation misstate the provisions
3 of McCollum-Staggers-Stenholm and my resolution, which I
4 intended to introduce in my judgment more properly state the
5 provisions of that bill and I could make you all mad by sitting
6 here and reading it right now.

7 But maybe I will just ask for it to be included in the
8 record as a rebuttal to the statements that were incorporated in
9 the previous resolution.

10 CHAIRMAN WITTGRAF: You are asking, Ms. Pullen, that
11 the synopsis that you have distributed, I don't --

12 MS. PULLEN: No, I won't even do that. Let's see,
13 there was something I distributed here. There is -- I would
14 like to have included in the records of today's meeting with the
15 minutes or however you want to put it wherever the "whereas
16 clauses" of the previous resolution, which were withdrawn, might
17 appear, such as in the transcript, I would like to have added to
18 that the document that begins "Section 2: Redistricting," and
19 extends for six pages and should be marked as being offered by
20 me as rebuttal to the "whereas clauses" and that way it isn't
21 anything more official than offered by me.

22 In consideration of that, if you will agree to include

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1 that in the record, I will desist on my resolution for the time
2 being.

3 CHAIRMAN WITTGRAF: That will be made a part of the
4 transcript.

5 The eyes do have it.

6 MR. DANA: On what motion?

7 CHAIRMAN WITTGRAF: On the motion to adjourn.

8 MR. DANA: Yes.

9 CHAIRMAN WITTGRAF: Barring something unforeseen and
10 having had a meeting today, a full day's meeting, there will be
11 the next meeting of this board on September 23 and 24 in Denver
12 to accomplish the things at the places indicated by the Chair
13 when we met on July 30.

14 The meeting is adjourned.

15 (Whereupon, at 5:15 p.m., the meeting was adjourned.)

16 * * * * *

17

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