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TRANSCRIPT OF PROCEEDINGS

LEGAL SERVICES CORPORATION

SPECIAL COMMITTEE ON PRESIDENTIAL SEARCH

OPEN SESSION

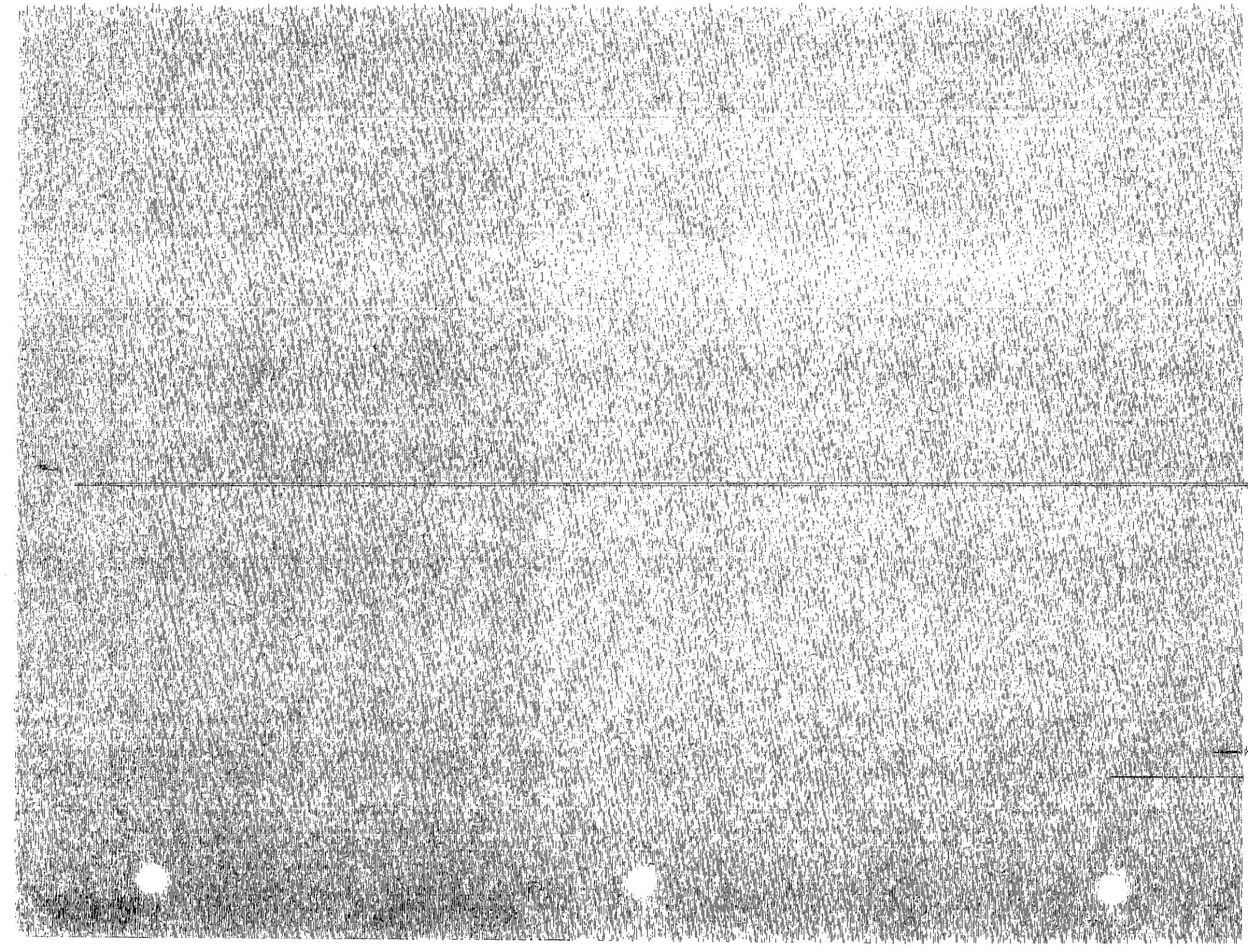
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Washington, D.C.

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LEGAL SERVICES CORPORATION

SPECIAL COMMITTEE ON PRESIDENTIAL
SEARCH

Thursday,
March 7, 1985

New Hampshire Room 2
Ramada Renaissance Hotel
1143 New Hampshire Ave., N.W.
Washington, D.C.

BEFORE: CLAUDE SWAFFORD
Chairman

COMMITTEE MEMBERS PRESENT:

- LEANNE BERNSTEIN
- W. CLARK DURANT, III
- PAUL EAGLIN
- THOMAS SMEGAL
- ROBERT VALOIS
- LORAIN MILLER
- BASILE UDDO

OTHER BOARD MEMBERS PRESENT:

HORTENCIA BENAVIDEZ

ALSO PRESENT:

TIMOTHY BAKER, Special Counsel

P R O C E E D I N G S

(1:15 p.m.)

CHAIRMAN SWAFFORD: I am going to call this meeting to order.

This is the third meeting of the Presidential Search Committee of the Board of Legal Services Corporation. This meeting has been properly noted. It is being held at the Ramada Renaissance Hotel in Washington, D.C., on March 7. The meeting is set to begin at 1:00 p.m. -- we are a few minutes late -- pursuant to proper notice.

We have joining us on the committee board member Basile Uddo. Mr. Uddo, we are happy to have you and we know that you are going to be -- that you will add an extra dimension to our committee.

There are present a quorum -- there is present a quorum, I believe, Basile Uddo, LeaAnne -- no, LeaAnne is not here -- Bob Valois --

MR. EAGLIN: LeaAnne is here.

MS. BERNSTEIN: I am here.

CHAIRMAN SWAFFORD: -- LeaAnne Bernstein, Hortencia Benavidez and Paul Eaglin.

Have I missed anybody? And Bob Valois.

In addition to the committee members, we have present members of the staff and members of the public.

Let us proceed to item one on the agenda, which is

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1 the adoption of the agenda. And when we do that I need
2 after that, if possible, to move to item four on the agenda
3 in the interests of time. Could I get a motion that we
4 do adopt the agenda?

5 MR. EAGLIN: I so move.

6 MR. UDDO: Second.

7 MR. BRAUDE: Mrs. Swafford.

8 CHAIRMAN SWAFFORD: Yes?

9 MR. BRAUDE: If I just may, at the board meeting
10 this morning or at the committee meeting this morning Mr.
11 Wallace urged the staff -- I do not know to whom he was
12 speaking -- to try to summarize the comments of the speakers
13 from the public on the issues that came before them on the
14 operations and regulations questions. In the minutes from
15 the Presidential Selection, the last meeting it had, they,
16 while they list the members of the public who spoke, Ms.
17 Eisenberg, myself and Mr. Dorsey, there is nothing at all
18 about the substance of our comments. And I think the facts
19 as to which Mr. Wallace spoke to this morning I think is a
20 healthy one.

21 CHAIRMAN SWAFFORD: Would you let me address that
22 just a little bit later?

23 MR. BRAUDE: Be happy to.

24 CHAIRMAN SWAFFORD: In the interests of time.

25 MR. BRAUDE: Surely.

1 CHAIRMAN SWAFFORD: Let the record show that Mr.
2 Tom Smegal, also a member of this committee, has joined us.

3 And with your permission I will move to item five.

4 Did we get a vote? Excuse me. All right, let's
5 get a vote.

6 MR. EAGLIN: I moved and I think Basile seconded
7 that.

8 CHAIRMAN SWAFFORD: Did we get a second? All in
9 favor let it be known by saying aye.

10 (A chorus of ayes.)

11 MR. BRAUDE: Ms. Swafford.

12 CHAIRMAN SWAFFORD: Yes?

13 MR. BRAUDE: I'm sorry. I don't have any problem
14 with my comments being held till later but my comments speak
15 to the question of adoption of the minutes. So the whole --

16 MR. EAGLIN: This is the agenda. This is the
17 agenda.

18 MR. BRAUDE: I'm sorry. I'm sorry.

19 CHAIRMAN SWAFFORD: It will address your -- And
20 the only reason we are in a hurry is because we have a
21 conference call. And we have also people who are to address
22 the committee. And we are fortunate today to have present
23 at the meeting in Washington people who are going to be
24 addressing the committee. And we are also having people
25 who will be addressing the committee by means of a conference

1 call.

2 I believe those who are present to address the
3 committee are Mr. William Olson, Mr. Clarence McKee and
4 Mr. Peter Ferrara, all distinguished board members of the
5 board of Legal Services Corporation. And I believe also
6 we have Mr. Santerrelli. Is he here?

7 All right. Mr. Olson, you had mentioned to me
8 in the beginning that you had a time problem. We would
9 be pleased to hear from you at this time.

10 Would it be -- all three of you to come up maybe
11 in the interests of time. And then after each of you
12 get through talking we will take questions from the
13 committee. And let me just mention this to you: should
14 our conference call come it will be necessary for us to
15 interrupt you.

16 Mr. Olson.

17 MR. OLSON: Thank you very much and the members
18 of the committee for indulging me on this. I have to drive
19 my wife to the doctor's. She is suffering from the flu, a
20 seasonal malady, and I appreciate very much your allowing
21 me to go on at this time. I won't take very long.

22 I would like to say first of all that I think you
23 are about to perform what is more or less an impossible
24 job, the governance of the Legal Services Corporation. And
25 you have to forgive me but I think that if I didn't say it

1 others would, that you ought to take my comments with the
2 understanding that after I left the board, after I went
3 through one year of attempting to work first as board
4 chairman, then a member of the board, to reform the
5 corporation I simply concluded that the corporation was
6 not capable of being reformed, particularly in view of the
7 restrictions that have been put on the board and the
8 president by the Congress. And I frankly believe that
9 there are many other better ways to provide legal services
10 for the poor than by the staff attorney concept and the
11 Legal Services Corporation. And that is why I am
12 currently opposed to the continued funding of Legal
13 Services Corporation.

14 . But I do believe that nonetheless if it is going
15 to exist that you have an obligation to do the very best
16 you can to government it. And I would first say that with
17 respect to just being here today that it is an honor to
18 be with Clarence McKee who worked so very, very hard with
19 the Grants and Contracts Committee when I was a member of
20 the board. And I don't know Peter but we are getting to
21 be friends.

22 And it is really -- Clarence I know has a great
23 deal to say and I am sure I would agree, but for the fact
24 that I am not going to be able to stay long enough to hear
25 you, Clarence.

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1 I just want to make a couple of points and leave
2 it at this. The first is really that contrary to a lot
3 of the prevailing wisdom that one hears in these meetings
4 from the same people, the same people probably who speak
5 to you or the same people who came to see us, there is a
6 cadre of people who follow the corporation around the
7 country. If you haven't gotten to meet them yet you will,
8 a dozen or so people who pretty much make a living by
9 virtue of being professional representatives of the Legal
10 Services community and professional representatives of the
11 client community.

12 And the relationship between these people and
13 the best interests of the Legal Services community
14 I think is tangential. I think you ought to take their
15 comments into consideration. I simply think that you ought
16 not to give excessive credence to the professional Legal
17 Services community that comes here for all the hearings.

18 I think the first point that I wanted to make is
19 that I would personally urge that when you look for a new
20 president that you would look outside of what others would
21 call the Legal Services community. Frankly, I believe too
22 much has happened in this corporation. Too many activities
23 have gone on involving literally hundreds of programs that
24 to think that there are people who necessarily are within
25 the program who would be the best president. That is not

1 to say that you could not find one from within, but I would
2 think it is certainly not a prerequisite to being considered
3 for the presidency to have prior Legal Services
4 Corporation experience.

5 It is not considered necessary that cabinet
6 secretaries work within that particular cabinet department
7 before and it cert -- as long as they are familiar with
8 the general area and are practicing attorneys and meet all
9 the statutory requirements. I think you can find excellent
10 people outside of the so-called community.

11 Secondly, I would hope that the person that you
12 would select would have something of a prosecutorial bent.
13 So much has gone on with respect to illegal activities
14 within the corporation, I would hope that there would be
15 a real emphasis put upon that with an understanding that
16 the president is the chief enforcement officer in a very
17 profound way of the corporation. And if the monies that
18 are going to be given by the Congress to the Corporation
19 to spend on behalf of poor people in the United States
20 are going to be spent, then it ought to be spent in a
21 proper way. And I am not persuaded that that has happened.
22 And I am persuaded there have been rather substantial
23 violations of federal law.

24 We have now six, if not seven, GAO reports
25 detailing these. And I think that whoever you pick for

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1 president has got to be committed to making sure the
2 past is not prologue; just because this is the way it has
3 happened in the past it is not going to be the way it
4 happens in the future, and that under your governance as
5 members of the board of directors that you are not going
6 to allow the corporation to be mismanaged, have funds
7 misspent, to have restrictions on corporation employees
8 flagrantly disregarded.

9 It just is very discouraging when you read those
10 GAO reports that say the reason we cannot get the money
11 back from these particular recipients of Legal Services
12 funding is because the corporation was duplicitous and
13 was involved in encouraging the recipient to take the funds
14 illegally and to spend them illegally. And when you see
15 that in a GAO report indicating that that is the reason
16 that the corporation cannot retrieve the funds from
17 corporation grantees that misspend funds we realize that
18 we have a very, very serious situation on our hands and
19 one that I think could be best dealt with if you have a
20 president who did have a prosecutorial background or at
21 least a good attitude of having strict enforcement of
22 restrict -- regulations.

23 And thirdly, I hope the person you select is in
24 it for the right reasons. If anyone wants to become
25 president of Legal Services in order to become popular with

1 the American Bar Association or the National Legal Aid
2 and Defenders Association I think that they are the wrong
3 person for the job. We are not going to be popular if
4 we are doing what is right. And I think doing what is
5 right is a whole lot important than being popular within
6 this community.

7 I think you do not want people who want to run
8 for public office, for example, because I think you may
9 have to offend people in order to be a good president. Not
10 to say that you go out of your way to offend people or that
11 you seek confrontation, but on the other hand, if
12 confrontation is needed in order to exercise your
13 responsibilities properly under this act then confrontation
14 is required of you under this act. And I think that that
15 would be another very, very important criterion.

16 You have got to have a president who is
17 committed to stop corruption, waste, mismanagement, and if
18 the monies are going to be spent they should be spent to
19 the best way possible under the act.

20 I have one procedural note that I would like to
21 make. It's funny, when I mentioned this to Clarence he
22 said he was going to comment on the same thing. And I
23 won't steal all the thunder. But I don't know where you
24 are exactly, Ms. Swafford, with respect to procedure and
25 I apologize for that lack of information, but we did have a

1 tremendous amount of pressure put on us when we were on
2 the Presidential Search Committee because we had, in
3 essence, a committee of the whole, as you seem to be
4 operating in, and we had a tremendous amount of pressure
5 saying you cannot as board members properly pick a
6 president unless you have there rubbing elbows with you
7 at the same table representatives of the client community
8 and representatives of the unions and representatives of
9 NLADA and other organizationa. And I simply think that
10 that's -- it's just very much untrue.

11 I think this board is the body that is invested
12 with the responsibility of picking a president. You have
13 been vested with that responsibility by the President and
14 hopefully that will be confirmed by the Senate. But I think
15 that you have got to approach this issue very warily.

16 We had an absolutel vote taken by the people who
17 served on that advisory committee to the board. And we
18 had them involved in the interview process, we had then
19 review resumes, we had open discussions with them. And
20 the commitment was that what went on in the meetings would
21 not be publicly disseminated. It is very simple, that we
22 didn't want certain people to be targeted and attacked in
23 the press before we even got to the point of making a
24 decision. And nonetheless, that happened.

25 And in fact, one of the members of this advisory

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1 committee made a public stand. And it was after we
2 were meeting -- Clarence will remember this -- stood up
3 and he said, "I know I have taken an oath." And he says,
4 "I admit to you I am now breaking my oath because I am
5 obliged to serve a higher authority which is the needs of
6 poor people in America," or some kind of excuse such as
7 that. And then began to break the commitment that he made
8 and go ahead and detail what he considered to be unsavory
9 and unfavorable aspects of different peoples' background.

10 Very, very unfortunate. Those people are not
11 governed by the oath that you take to act in accordance
12 with the acts and the regs. They are not charged with the
13 responsibility that you are. I would say there is a broad
14 cross section of America represented on this board. I
15 think it is outstanding. From the little I know about the
16 people on the board -- some of you I know better than
17 others -- but I am very impressed. And I think that this
18 is the body to make the decision. And I would not urge
19 that you delegate that responsibility to others.

20 Those are really my comments. And I am just
21 terribly appreciative of you indulging me with respect to
22 an early time on the agenda.

23 CHAIRMAN SWAFFORD: Thank you, Mr. Olson.

24 Now, I believe we have asked the committee, want
25 to give the committee an opportunity to ask Mr. Olson

1 questions at this time. And if there are questions please
2 could you wait just a half a minute --

3 MR. OLSON: Yes, ma'am.

4 CHAIRMAN SWAFFORD: -- and we'll take a few
5 questions.

6 MR. VALOIS: I don't have any questions.

7 CHAIRMAN SWAFFORD: No questions then. We thank
8 you for coming and we certainly hope that your wife will
9 be better soon.

10 MR. OLSON: Well, thank you. And may God bless
11 you in your efforts. I think it is an important
12 responsibility and I know you take it seriously. And I
13 just have confidence in the people that the President
14 picked to make proper decisions.

15 Thank you very much.

16 CHAIRMAN SWAFFORD: Thank you, Mr. Olson.

17 Now, the conference call should be coming through
18 most any minute. And so that we won't waste Mr. Ferrara --
19 Ferrari --

20 MR. FERRARA: Ferrara.

21 CHAIRMAN SWAFFORD: -- Ferrara's time we will
22 start with you. If it does ring could we ask your
23 indulgence?

24 MR. FERRARA: Sure.

25 CHAIRMAN SWAFFORD: Then we will stop and take

1 the conference call and proceed as though that is where
2 we begin this meeting.

3 MR. FERRARA: Very well, okay.

4 I would like to start off by saying I think Mr.
5 Olson's comments were excellent. And I would underline
6 them and endorse them, and elaborate by suggesting three
7 criteria that I think ought to be followed in selection
8 of a new president.

9 One is that the individual selected should have
10 a clear idea of the policy direction which he wants to take
11 the Legal Services Corporation. He should have a goal
12 in mind, a direction, a clear vision of what reforms he
13 wants to make and where he wants to go.

14 Secondly, I think he should have -- be a person
15 with some Washington experience so he knows what he is
16 getting into, so he knows how to be effective in the
17 Washington atmosphere.

18 And thirdly, I think he should be somebody with
19 the ability to express issues publicly, to advance a cause
20 in the realm of public debate, to know how to get a point
21 across to the country, to the Congress, and to be effective
22 in that manner.

23 And I would suggest that these are the three
24 most important criteria to base a choice of a president on.
25 And to illustrate this more I would draw your attention

1 to a recent article in Heritage Foundation's magazine
2 "Policy Review" which was titled "Three Who Made a
3 Difference." And it discussed the experience of three
4 Reagan appointees during the President's first term:
5 Tom Pocken at Action; Jim Miller at FTC; and Don Devine
6 at OPM, as example of three individuals who were extremely
7 effective and three individuals who when they were
8 appointed exhibited the three characteristics that I
9 outlined at the beginning -- a clear idea of where they
10 wanted to go, what policies they wanted to implement, some
11 Washington experience, and the ability to express issues
12 publicly, to be able to advance a cause in a public debate.

13 And so I would just refer you to that article for
14 further elaboration on that. And I think it is a very
15 good guidepost. It was authored with the idea in mind
16 of giving advice to people who have a choice to make such
17 as yours and I would endorse the statements made there as
18 well.

19 So those are all the comments I had to make and
20 I would be glad to answer any questions.

21 MS. BERNSTEIN: Do you have a citation on that
22 issue?

23 MR. FERRARA: I think it is the last issue that
24 came out or the one just before that.

25 CHAIRMAN SWAFFORD: Any other questions for Mr.

1 Ferrara?

2 MS. BERNSTEIN: I just thought maybe it would
3 be helpful, since Peter didn't do it, to clarify the
4 period in which Peter served on the board of directors of
5 Legal Services Corporation?

6 MR. FERRARA: I was on the board that just
7 preceded the current board. And I served during all of
8 1984.

9 CHAIRMAN SWAFFORD: Very good. Now then, we
10 will hear from you at this time.

11 MR. FERRARA: Thank you very much.

12 MR. MCKEE: Good morning and welcome to the
13 struggle. I hope that you will be hastily confirmed by
14 the Senate.

15 As we sit here you have a member of the board, I
16 was a vice chairman of the board and chairman of our
17 Committee on Special Grants and Contracts in 1982 with Bill,
18 and then there was Mr. Ferrara with another board, and now
19 there is this board. So you have had a situation since
20 1981 of board after board after board, which I think is
21 unfortunate in terms of getting some stability and structure
22 and having programs implemented as they were intended to by
23 the Congress to benefit the clients.

24 And I have a brief statement. Attached thereto is
25 a copy of my testimony before Senator Hatch's committee back

1 in April which really goes into rather specific detail on
2 all aspects of the Legal Services Corporation and structure.
3 And I thought I would kind of skim my testimony first then
4 answer any questions.

5 I agree with many of the comments that both Peter
6 and Bill have made. And I first want to discuss this concept
7 of the -- in the selection process of a citizens' advisory
8 committee.

9 I was one of the persons in 1982 who had
10 advocated that we have members of the Legal Services
11 Community become involved in the review process and in the
12 interview process. And as Bill was saying, unfortunately,
13 what happened it because utilized for political purposes,
14 names were released and comments were made that were a
15 breach of the confidence. It was a very bad situation.

16 So I would recommend that you not have in your
17 deliberations that situation of representatives outside of
18 the board meeting with you and the candidates for office
19 at all, that perhaps you may consider having, say, an
20 advisory council or members of the Legal Services
21 community submit recommendations to you as to both
22 candidates and background, expertise, and qualifications,
23 but not have anyone but members of your committee and the
24 board discuss the details of candidates and get into that
25 process because there is an objective, and your agenda may

1 be different from someone else's in terms of pleasing
2 a particular segment of the Legal Services community. And
3 as we found out, who can yell the loudest in the paper and
4 in the Congress in certain segments of the Legal Services
5 community was what was prevailing at that time and it
6 harmed a lot of the process and the structure itself.

7 So that would be my first comment.

8 The qualifications. I would think that it is very
9 important for any president of this operation to hit the
10 ground running. I mean, we have had four -- in December it
11 will be four years since the President appointed our board.
12 I mean, that's four years that have gone by and things are
13 going on at a nice steady pace. There are certain people
14 probably in the Legal Services community waiting for 1988
15 to come and maybe things will change again, et cetera. But
16 this has gone on for four long years. And so whoever is
17 president does not have a lot of time, I don't think, to sit
18 around and try to learn what the Legal Services Corporation
19 is all about, what the history is, it should be somebody
20 who has a basic familiarity with and understanding of the
21 Legal Services community from headquarters to field and all
22 of the various aspects of it.

23 Now, that doesn't necessarily mean that it has to
24 be someone who is working within the Legal Services structure
25 or payroll, but it should be someone who, if not in that

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1 situation, who understands this whole situation, the Act and
2 the intent of the Congress, all the battles that have gone
3 on so you don't have to spend from the date of your
4 selection another five months where this person has to
5 be trained as you are going to have to be trained and
6 educated as to what to do because enough time has past.

7 So that is the second -- first criteria to me.

8 The second one is it is really I think that the
9 relationships with the Congress of the United States are at
10 an ebb, I mean very low, and it shouldn't be that way. And
11 I would hope that the president in terms of the criteria
12 has some experience with, dealing with, if not the United
13 States Congress, state assemblies or state legislatures or
14 executive bodies.

15 (Pause.)

16 CHAIRMAN SWAFFORD: Can you stay?

17 MR. MCKEE: Sure. But the Congressional
18 understanding and meeting with the members of the House and
19 the Senate and the oversight committees are very, very
20 important.

21 (Phone conference arranged.)

22 MR. BAKER: Okay, we are just about ready to go.

23 (Pause.)

24 MR. MCKEE: They will call back.

25 So I think the Congressional understanding or

1 relationship is very, very important. And one of the
2 first commitments I think of the new president is to have
3 a very strong, appoint a very, very strong general counsel
4 of the corporation who will litigate the board's positions
5 to the highest court, the Supreme Court if necessary, on
6 very, very basic issues. And I am particularly referring
7 to what I think are some very questionable constitutional
8 impositions of the Congress onto the day to day, into the
9 day to day operations of the Legal Services Corporation
10 in terms of the termination of funds.

11 The Congress has oversight responsibility but it
12 does not have the right to run the corporation on a day
13 to day basis. And I think that those restrictions on the
14 authority of the board should be taken as high as they have
15 to be in terms of that separation of powers issue.

16 We should have a general counsel who will be
17 firm in exercising that kind of restraint.

18 I have a lot of respect for Judge Barrington
19 Parker but I think that he is incorrect in some of these
20 things, as I told him about three weeks ago.

21 CHAIRMAN SWAFFORD: Mr. McKee, we want you to
22 stay. Just don't think your remarks are not being given
23 the proper attention they should be. So let us go ahead
24 and take this conference call and then let us come back to
25 you, could we do that?

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1 MR. MCKEE: Okay.

2 (Telephone conference.)

3 CHAIRMAN SWAFFORD: This is Claude Swafford. I am
4 Chairman of the Presidential Search Committee. We have
5 present other members of the committee as well as members
6 of the public. We are pleased to have you speak to us
7 today on criteria for the selection of a president.

8 Since accepting the invitation to chair this
9 committee it has been my desire to receive public input
10 into shaping the process by which we will select the
11 next president of the Legal Services Corporation. I feel
12 that it is also important to hear from former Legal Service
13 Board members --and incidentally, we have heard from two
14 and are in the process of hearing from Mr. McKee, who is a
15 former board members -- and individuals from the organized
16 bar on what they believe such a process should entail and
17 qualities we should look for in the candidates for president
18 of the Legal Services Corporation.

19 Today I have already introduced to you Mr. McKee,
20 Mr. Olson and Mr. Ferrara. We are expecting Mr.
21 Santarelli. I believe he has not arrived yet. But by
22 telephone conference we will have speaking to us today
23 Mr. William McCalpin, Mr. Reese Smith and Mr. William
24 Harvey.

25 I believe that Mr. McCalpin and Mr. Harvey are

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1 former board members and that Mr. Smith is a former
2 president of the ABA.

3 Now then, could we begin with -- I have met Mr.
4 McCalpin and I believe that we will begin with him. Mr.
5 McCalpin, are you there?

6 MR. MCCALPIN: Yes, I am.

7 CHAIRMAN SWAFFORD: Well, we would be pleased
8 to hear from you at this time, Mr. McCalpin.

9 MR. MCCALPIN: Thank you very much, Ms. Swafford.
10 I am delighted to have this opportunity to consult with
11 you and your committee as you prepare to discharge this
12 important responsibility. I will try to be brief to give
13 the other adequate time and give you and the other members
14 of your committee an opportunity to ask questions if you
15 so desire.

16 Addressing what I understand to be the question,
17 which is, what are the qualifications that you ought to be
18 looking for in a president, I would like to suggest five
19 criteria.

20 The first is, of course, under the provisions of
21 Section 1005(a) of the Legal Services Corporation Act, the
22 president must be a lawyer admitted to practice before
23 the highest court of a state of the union. Obviously, a
24 simple license to practice law is not all that you should
25 be looking for in the lawyer whom you select. I would like

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1 to suggest to you that you attempt to ascertain that such a
2 lawyer has a strong sense of professionalism and dedication
3 to the law and dedication to and a strong record of service
4 to the interests of clients, that he know something about
5 advocacy, which, of course, is the gist of what the
6 Corporation is all about, and that he has a strong record
7 of commitment and observance to all of the rules and
8 aspirations of professional responsibility.

9 Second, I think that you should look for a chief
10 executive who is, indeed -- who demonstrates executive
11 ability and experience. And I think that that will be
12 important in two or three respects as you inquire into that
13 aspect.

14 But first of all, I think you will need to have
15 some sense of your president's understanding of the
16 relationship between your board, on the one hand, and the
17 staff, on the other.

18 It has been my experience that that that relation-
19 ship is substantially different in a not-for-profit, serve-
20 the-public service entity such as the Legal Services
21 Corporation, as compared, for instance, with a normal
22 business corporation.

23 Second, in this area of executive ability and
24 experience, I think that you need to look for somebody who
25 would not feel threatened by choosing able, highly

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1 intelligent people to serve with and under him and that he
2 would exhibit an understanding of his role with those
3 subordinates in terms of both delegation, but also supervision
4 in a nonintrusive way; and finally, that this executive should
5 list -- or demonstrate, among his qualifications, the ability
6 to draw people together in pursuit of the common goals of
7 the corporation and not one who would be threatening,
8 intimidating, and instill any kind of a deviousness within
9 the organization.

10 Third, I think the criterion I think you should
11 look for is obviously of fundamental importance, that the
12 individual have a firm commitment to the purpose and the
13 philosophy of the Legal Services Corporation Act, that I
14 think you should demand that the individual have a knowledge
15 of the Act, that he has the knowledge and the background of
16 the Act and have a knowledge of, indeed, of what it was
17 that the Congress was attempting to achieve when it passed
18 the Act, and that the individuals demonstrate a firm
19 commitment to that.

20 Next, and fourth, I think that this individual
21 needs to have a knowledge about the practice of law, because
22 he will, of course, be dealing with a great number of
23 grantees who will be actively engaged in the practice of
24 law; he will need to look at from time to time the kinds
25 of problems that they incur in the practice of law, and

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1 particularly in the practice of what has sometimes become
2 known as "poor people's law."

3 I think that some kind of a background, experience,
4 and knowledge of the practice of law generally is important.

5 Finally, I think that your candidate ought to have
6 an understanding of the structure, the attitudes of the legal
7 profession as such.

8 You will obviously come from the legal profession,
9 but there are, of course, lawyers who have had relatively
10 minimal experience with the legal profession, the organiza-
11 tions of the legal profession, the way it exists in states
12 and communities all across the United States. And I think
13 that it's important that he have some sense of the structure
14 and the operation of the legal profession.

15 Oh, I think, in the very manner as I have attempted
16 to do it, these are the criteria that I would encourage you
17 to look for.

18 CHAIRMAN SWAFFORD: Thank you, Mr. McCalpin.

19 Now, would you stand back in order that you might
20 answer questions from committee members.

21 Can you hear me?

22 MR. MC CALPIN: Surely.

23 CHAIRMAN SWAFFORD: Yes. All right.

24 Committee members, do you have questions of
25 Mr. McCalpin, whom you have just heard?

1 (No response.)

2 CHAIRMAN SWAFFORD: I believe there are no
3 questions, and we will move next to Mr. Reese Smith.

4 Mr. Reese Smith, if we could hear from you at
5 this time.

6 MR. SMITH: I don't have any quarrel with any of
7 the criteria that Mr. McCalpin suggested.

8 Stating it another way, I think the corporation,
9 at this time, needs, more than anything else, a leader, a
10 person who can lead, a person who is potentially a diplomat
11 and a healer.

12 I think the individual must, beyond all question,
13 have a clear commitment to affording legal services to poor
14 persons, must have a clear commitment to upholding and
15 implementing the Act, must understand the various
16 constituencies that are involved and the differing viewpoints
17 among those constituents and must be clearly identified with
18 the staff model that the Corporation has, but must also be
19 identified with the viewpoint that the turf involved here
20 is the turf alone of the -- that belongs to all of the legal
21 professions and that the organized bar has a role in the
22 delivery of legal services to poor persons.

23 I think the individual needs to be an able
24 administrator, given an aptitude between somebody who is a
25 good manager and somebody who is an unusual leader, I'd take

1 the leader and get my managers somewhere else.

2 If the individual does need to have an appreciation
3 of how Government works, lobbyingwise and otherwise -- but
4 once again, if I had to choose between somebody who knew
5 his way around Washington and who knew his or her way around
6 the legal profession, I'd take the latter, not the former.
7 The individual has to be a good communicator, with an open
8 personality and, beyond that, a person of good reputation,
9 both professionally and individually, good character -- of
10 course, good common sense.

11 I think the process is afforded that is deployed.
12 I do not believe the board can or should surrendered its
13 fiduciary duty to make the decision.

14 But I do think that if you'd use interested in
15 various advisory capacities, picking candidates and evaluating
16 candidates, and although that will be more trouble, we'd
17 like you to do give us greater support and greater
18 acceptance of the individual's abilities.

19 I'd be glad to answer any questions.

20 CHAIRMAN SWAFFORD: Yes. Now, Mr. Smith, if you
21 would just stand by while we get some questions from the
22 committee.

23 Are there questions from any of the committee
24 members at this time of Mr. Reese Smith?

25 (No response.)

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CHAIRMAN SWAFFORD: If there are no questions,
then we will move on to the next person, who is Dean
Harvey, also a former Board member. Dean Harvey, may I
introduce you to the meeting?

DEAN HARVEY: Ms. Swafford, can you hear me?

CHAIRMAN SWAFFORD: Yes, we can hear you fine.

DEAN HARVEY: There's a bit of a broken
communication --. Please let me know. My statement to you,
Ms. Swafford, and to members of your committee, is a bit
longer, I think, than either Mr. McCalpin's or Mr. Smith's,
but I'll try and shorten it as much as I can.

My understanding is, Ms. Swafford -- I certainly
thank you for the invitation to -- that you seek comments
on two areas of interest in your Presidential selection
process and Legal Services Corporation. Those two areas
are, A, the process of selection, and B, the qualifications
of a President of LSC.

--. The method of selection which you use will
determine the Presidency and probably will determine whether
the new LSC President will be able to function. The area
of function in relation to the qualifications -- President,
and I will turn to that after speaking about the process of
selection in which you are engaged.

Therefore I'd like to address several concepts
about your function in the process of selection, and I offer

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or2 1 the following specific remarks. Number one, your recess
2 appointment by President Reagan and your separate nomination
3 mean that you are the -- have that meaning if all of us are
4 committed to the grand political process which we as
5 Americans fully enjoy and in which we participated in
6 November 1984.

7 Secondly, in this corporation persons other than
8 yourself are not the public's voice, so to speak. That is
9 determined by the statute and the President's appointment
10 power that has been decided in your appointment. The point
11 might seem simple, but it is not simplistic.

12 Often in LSC -- persons who are very public in
13 their conduct, whether in LSC meetings or bar association
14 meetings or in so-called LSC community meetings, tend to
15 believe that they speak on the public's behalf because they
16 speak or act in public.

17 In short, they say that their interest defines
18 the public's interest, quite apart from the political
19 process which places you where you are. In that attitude
20 there is a conclusion at which they arrive, which is that
21 we should participate in your function, or that they should
22 be substituted for your function.

23 However, they're very mistaken in that, even if
24 they are persistent in that error. Thirdly, I feel that
25 you must avoid a conflict of interest in your selection

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or3 1 process, which if present might have the effect of
2 compromising your public function and your public duty of
3 selecting a qualified President.

4 That conflict might come, however unintended it is,
5 if you invite other persons into the selection or
6 decisional process, whether on a committee or a Board
7 level. The conflict which I refer to is between your
8 public decisional responsibilities arising from your
9 appointments and those persons who might advance interests
10 other than or of their associations or organizations,
11 regardless of how public they say those interests have
12 become.

13 Please let me offer a few specific examples in
14 order to give meaning to this observation. Those examples
15 are, A, LSC-funded bar associations or foundations. In
16 the past LSC money has been given to bar associations or
17 foundations in one form or another.

18 Questions therefore occur, such as: does that
19 money first disqualify all bar association officers and
20 personnel from participation in your decisional process,
21 or secondly, would it disqualify them from attempting to
22 influence LSC in a branch of government such as the
23 Congress or the Executive?

24 Thirdly, does it bar only section or division
25 or a specific committee of a bar association or foundation

or4 1 or, fourth, just individuals who receive a grant or gift from
2 LSC?

3 My advice to you is to avoid those complications.
4 I suggest that you adopt a rule of committee function, which
5 is "If you or your association or foundation receives money
6 from LSC, then please stay away from our decisional process."
7 A kind of functional rule of thumb, Ms. Swafford, but I
8 think it will work.

9 Other groups, or other examples: other LSC-funded
10 groups which identify themselves as legal professionals.
11 One such group, of course, is the NLADA. We know that in
12 the past large sums of money were placed with NLADA directly
13 from LSC, and of course from local LSC units.

14 This certainly suggests that past and present
15 officers and perhaps members of NLADA should not
16 participate in the decisional function. In the case of
17 NLADA, there is another matter which might be instructive
18 to your committee and the Board.

19 That is, records of the United States Senate
20 show, generally speaking, the movement of former LSC officers
21 into NLADA. Those conditions speak against their
22 participation in your decisional process, and they serve,
23 I suggest, as an example of disqualification for any other
24 organization or persons where that appears.

25 Thirdly, C, persons related to support centers, as

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1 state support centers, special grantees, contract-related
2 persons, contract-related organizations, local delivery
3 units, whether called staff attorneys -- Mr. Smith chooses
4 to call them and the like who have received grants or
5 contracts or money of any kind, should not be permitted, I
6 suggest to you, to compromise or appear to compromise your
7 responsibilities by participating in your decisional process.

8 B, past LSC Board members such as ourselves and
9 LSC officers and officials like the local units of LSC
10 should not participate in your decisional process, which is
11 a function quite different from offering advice or
12 testimony which is solicited from you, such as on this
13 occasion.

14 The reason concerns a feeling for the integrity of
15 the entire American political process. At one time or
16 another that political process placed each of us on your
17 Board, and our duty as I perceive it is to protect that
18 process by making certain that we assist in protecting
19 the incumbent Board's decisional authority.

20 (The Reporter changed tapes.)

21 DEAN HARVEY: Of course it follows finally from
22 this that what I've said means that a person who is in
23 litigation against you cannot qualify as one who might be
24 a participant in your decisional process. You're familiar,
25 of course, with Mr. McCalpin's lawsuit against the Board,

End 3A
Begin 3B

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1 and I assume that that's still pending in the United States
2 Court of Appeals for the District of Columbia Circuit, in
3 which each of you is today named as a party defendant in
4 that litigation.

5 In such cases as that, needless to say,
6 disqualification is at hand. Other canons and standards
7 speak against the possibility of inadvertently compromising
8 your interest, and they do recognize your independence. My
9 suggestions to you rest, however, on entirely separate
10 reasons, to which I now turn in my next paragraph, which is
11 No. 4.,

12 My opinions in this matter, Ms. Swafford and
13 members -- are based on experiences quite separate from the
14 thoughts I've just offered. In August 1982 our LSC Board
15 made a substantial mistake, in my judgment. It voted to
16 constitute an advisory committee to the Board.

17 The Board perhaps -- to the selection committee.
18 I voted against that at the time for reasons in part which
19 I've just stated to you, although those reasons were not
20 expressed at the time because no opportunity presented
21 itself as of that moment.

22 However, I felt that the Board made a serious
23 mistake, and in October 1982 that proved to be the case
24 when we were meeting in decisional process for the selection
25 of the President. Those meetings became very difficult to

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or7 1 conduct because of the constant interruptions to which we
2 were subjected.

3 That came in the form of a flood, it seemed, of
4 communications delivered to us seemingly about every 30
5 minutes during the entire day. What was made to appear as
6 a widely diverse group of interested public persons -- what
7 these communications said in essence was that we should not
8 act and that we should not meet our public duty in our
9 decisional responsibility.

10 It was interesting to note that that was --
11 which suddenly developed among some of the members of the
12 advisory committee. Afterward when our selection committee
13 did make a decision on one person from among several highly
14 qualified persons, one member of the advisory committee who
15 had spoken in private against any decision declared that he
16 would not limit his assertions to our committee function.

17 Later he appeared in open Board meeting and gave
18 his interpretation about our committee business and committee
19 decision. The conditions in which the Board met --, Ms.
20 Swafford, were very difficult indeed, and made much more
21 difficult by that event.

22 My only purpose -- did occur, -- because it did
23 occur to us it might occur to you, and that very diversion
24 occurred almost -- and your duty to the public as defined
25 by statute and Presidential appointment. -- experience

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For those reasons permit me to offer a conclusion to you and the Board. It is -- encouraging that you be able to communicate with -- Presidency. If there is a reasonable chance that their interests will not be -- to their present employer or -- or whatever.

As Board and committee members you can maintain that confidentiality even as you function in the public domain, which is entirely proper and required by the law, and you can give that assurance, but if you introduce other persons into the decisional process, into the process of evaluation, then you cannot give that assurance.

And that will greatly reduce, in all probability, the number of available qualified persons. Now, I'm quite aware, of course, that in opposition to these suggestions there is a theme which is familiar, I believe, to all of us and no doubt shared by many who attend this afternoon.

It is this: whether in debate, or in rhetoric, or in discussions from all sides, a showing of commitment and a willingness to listen are proven, but the urge to spend your time involving yourselves in a political apparatus of LSC, for it is said that you should bring it to yourselves in the structure of an advisory committee staffed by persons who come from the political apparatus or from the "movement".

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2 The response to this -- let me say that this is
3 a critical question, and it is a critical juncture for you
4 and your Board. In my judgment and in my experience, the
5 greater distance that you have from the political apparatus
6 of LSC and the political movement which is crystallized
7 in LSC, the closer you are to persons who are poor and who
8 seek the assistance of this program and have never received
9 it, and the closer you will come to several great project
10 directors across the United States, program directors,
11 especially staff attorney project directors, and there are
12 several great ones, who will want to communicate with you,
13 but they will not if you are captured, at least in their
14 eyes, by the political apparatus or the "movement" of LSC.

15 Those persons will carefully look at your conduct
16 to determine whether in their judgment you have become
17 just one more captive of Beltway politics of Washington,
18 D. C. If your conduct represents nothing more than that,
19 you will never hear from them and you will never know them.
20 They are the -- of all that is good in Legal Services
21 today, and they are there and they're waiting.

22 They will naturally come to you, but almost never
23 in Washington, and never if they conclude that in fact your
24 Board is little more than a group of "movement politicians".
25 Please let me turn, Ms. Swafford, members of the committee,
to the qualifications for your President.

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2 I suggest that in addition to the usual legal
3 professional credentials, some of which are mandated by
4 statute and some by the common-law tradition of LSC, each
5 of which is important, the most important qualification of
6 your President is intellectual integrity, that is, the
7 ability to see and to understand LSC for what it is, and
8 then the willingness to attempt to make some changes in
9 the direction in which it should go, and which is defined,
generally speaking, by statute.

10 In this respect I suggest that you and perhaps
11 the new President begin with the understanding that almost
12 ten years -- probably over \$3 billion, the Corporation of
13 which you are Board members has never provided legal
14 assistance to a single person, to my knowledge.

15 It does not do that. It provides money for other
16 organizations which say that that is what they do, and there
17 is the rub. Your Corporation is a check-writing machine
18 with an elaborate overlay of rules and regulations which
19 limit LSC's President's ability to change or alter the
20 receivers of those checks, as such.

21 Any name given to your Corporation would be in
22 fact as descriptive as the one which it has today. Because
23 of this, the most important task your new President has --,
24 I suggest, in the verb "to study". If that person wants to
25 know what your Corporation is, then study it.

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orll 1 In order to know its present, that person must
2 know its past. The present simply cannot be understood
3 without knowing the past of the Legal Services Corporation.
4 This is not difficult to do. But there has been very little
5 change in LSC since 1974, when it absorbed the apparatus
6 which was in the old OEO.

7 What is remarkable about Legal Services Corporation
8 is how little it has changed or adapted to conditions in
9 American in 1985. Its fundamental design and function still
10 are tied to the Census data of 1970, now 15 years out of
11 date.

12 Possibly 60 to 70 percent of the persons who are
13 poor and might have come within certain guidelines in 1970
14 no longer are poor, or are within those guidelines. They have
15 changed almost entirely. LSC has not changed at all, and
16 recent statutory adjustments and amendments do not alter
17 this essential equation in the least.

18 Indeed, they powerfully reinforce it. In short, the
19 critical question in Legal Services Corporation does not
20 concern money. In 1981, the net income, Ms. Swafford, of
21 your corporate giant, the Legal Services Corporation, was
22 much greater than the net income of General Motors Corporation,
23 which was \$333 million.

24 The critical question concerns organizations. Some
25 of LSC's organizations relate to poor persons in a delivery

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1 system, and there's strong evidence which indicates that if
2 all of LSC's funding was measured by the actual delivery of
3 legal services to poor persons, then LSC maintains the most
4 expensive delivery system in the world, or certainly in the
5 United States today.

6 Other parts of the LSC organization are directly
7 and intensely political in nature, in purpose, in programs
8 and in function. The General Accounting Office has spoken
9 about parts of this political organization, and has said
10 that it is illegal.

11 If my memory is correct, the last public testimony
12 on this came in the month of April of 1934. However, my
13 point here is not whether, for example, the LSC-funded and
14 sponsored attacks on Proposition 9 in California was legal
15 or illegal, or whether the Missouri organization called the
16 Coalition for Sensible and Humane Solutions was legal or
17 illegal.

18 My point is that they are political, then and now,
19 and that your new President must be able to understand that.
20 Such an understanding will provide a mechanism by which your
21 new President can understand why so many things occurred in
22 the past, and how they absolutely control much of the present
23 and future functions.

24 The Legal Services Corporation is unique in one
25 respect, Ms. Swafford: it is an organization and it is an

orl3 1 apparatus which one can remember the future. Under present
2 conditions, the future is the past, and the past is the
3 future, and the future can be remembered.

4 In all of this, poor persons, of course, have been
5 omitted from that memory and that recollection, or were never
6 known in the first place. In suggesting this to you, I trust
7 that you and your committee understand that in using the word
8 "political" in this context, I mean something much more than,
9 say, the disruption of Proposition 9 in California, or the
10 Missouri Coalition or still much more than that, or directing
11 money into the election of a mayoral candidate who is friendly
12 to the company.

13 I mean when I use the word "political" to set or
14 establish a political and social agenda across the United
15 States. The reason your new President must understand all
16 of this activity is to be able to understand how the
17 Corporation might be nudged in a direction which might help,
18 hopefully, some persons who are poor today and who have been
19 forgotten by the Corporation's apparatus.

20 If so, then your new President will know some
21 success and some satisfaction. If that is not possible,
22 then that person's term will be very short and very
23 frustrated.

24 It's for these reasons that in my judgment in
25 addition to the other normative qualifications, intellectual

orl4 1 integrity is most important for that person. The conclusion,
2 Ms. Swafford and members of the committee, I observe to you
3 that a former American Ambassador to the United Nations,
4 Ms. Jeane Kirkpatrick, referred to Legal Services as social
5 policy run amok.

6 Senator Hatch has said that there are two Legal
7 Services organizations, one which provides some legal
8 services and the other which provides or sets the political
9 agenda. Mr. Clarence McKee, who is one of the best informed
10 persons in America today on the subject, has said that the
11 political organization of LSC is sufficient to powerfully
12 influence major media corporations in America, and he
13 nominated, I believe I remember, the Washington Post and
14 New York Times.

15 In other words, the thoughts I've expressed to you
16 today are available to you and available to your new
17 President in the transcripts of the United States Senate,
18 whether 1933 or 1984. My purpose in addition to supporting
19 the general qualifications that Mr. McCalpin and Mr. Smith
20 have set, is to suggest that a keen understanding and the
21 desire to learn in the context of the evidence produced
22 in the Senate are principal qualifications for your new
23 President.

24 If your new President holds those abilities, then
25 there's a chance -- I say a chance -- that you and that

orl5 1 person can assist the poor in America in 1985. If not, then
2 I think that the chances of doing this are very greatly
3 reduced or non-existent.

4 Ms. Swafford, I thank you and your colleagues for the
5 invitation to appear and testify before your committee. It is
6 an honor to do so, and I regard it as an honor to be invited,
7 and I hope -- I sincerely hope -- that these opinions are
8 helpful to you and assist you in your duties.

9 Thank you very much.

10 MS. SWAFFORD: Yes. Thank you, Dean Harvey, and
11 could we see if there are questions from the committee now
12 to Dean Harvey, whom you have just heard?

13 MR. VALOIS: Dean Harvey, this is Bob Valois. I
14 thank you for --

15 MS. SWAFFORD: Wait -- just wait just a half a
16 minute, for just half a minute. We need to switch on another
17 microphone.

18 Yes. All right, would you identify yourself,
19 please?

20 MR. VALOIS: Dean Harvey, this is Bob Valois. I
21 thank you for talking to us today. I appreciate your views,
22 and I know that you spent a lot of time preparing them. One
23 thing that you talked about interests me, and I guess in a
24 personal way, and that is I've learned today that Mr. McCalpin
25 is suing us, finally.

orl6 1 Would you tell us, one, briefly what that's all
2 about, and two, what a favorable outcome -- what effect a
3 favorable outcome to Mr. McCalpin would have on this Board?

4 DEAN HARVEY: I'll be happy to attempt to do that,
5 although please understand I've not reviewed those documents
6 for quite some time, but the lawsuit by which my predecessor ---
7 a Chairman of the Board once removed, --- my predecessor then
8 before him, William McCalpin, the lawsuit Mr. McCalpin
9 brought was titled in United States District Court as
10 "McCalpin v. Dana, et al."

11 The "et al" was the rest of the Board, all of us,
12 and the essence of his lawsuit -- I suppose I could call on
13 Bill McCalpin to give this to you, but then he might regard
14 that as admission of a party opponent, so maybe it's unfair
15 of me to do that.

16 But in any event --

17 MR. McCALPIN: Let me --. I have no hesitation.

18 (Laughter.)

19 DEAN HARVEY: The essence of the lawsuit was, first,
20 a challenge to the President's power of recess appointment
21 to the Board. We were of course the recess appointees who
22 functioned on the Board, and we were also nominees, which
23 was, as you know, entirely separate and distinct.

24 So the essence of that lawsuit was that the
25 President could not have the authority -- I think the

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1 constitutional and statutory power, or power under the
2 statute, to make appointments as recess appointees.

3 The lawsuit was defended because it was a direct
4 challenge to the constitutional power of the President by
5 the Department of Justice, and defended very successfully.
6 The plaintiff's attorney, in my recollection, was Hogan &
7 Hartson, a law firm in Washington, D. C., and I assume that
8 the same representative for the Department of Justice, Hogan
9 & Hartson, was the attorneys on the appeal.

10 The net result was initially to attempt to stop
11 a Board meeting which we were going to hold, I think it was
12 the Board meeting we were going to hold at the end of March
13 1982. A temporary restraining order was sought, and was
14 denied by the Federal District Judge.

15 The case then went on to the merit of the question
16 and the Federal District Judge, again speaking generally
17 about the case, held against the plaintiffs, I think on all
18 counts and positions. Then an appeal was taken from the --
19 by the plaintiffs, losing the case in District Court --
20 United States Court of Appeals for the District of Columbia
21 Circuit.

22 The case -- this is 1985, the case must have been
23 argued, briefed and argued, I think probably sometime in
24 1983, and by this time new parties defendant had been
25 substituted in place of us, because we were no longer on

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1 the Board, and then finally the case was committed for
2 decision to the Federal Appellate Court for the District of
3 Columbia.

4 And I assume the case is still there, that Mr.
5 McCalpin is still the leading plaintiff. All of you have
6 been substituted as parties defendant in this lawsuit, and --
7 if you have, you're parties defendant, or you're
8 represented by the Department of Justice.

9 Mr. McCalpin is the plaintiff. Maybe other persons
10 are involved with the plaintiff as plaintiffs. If they
11 are, I've forgotten who you are. -- I assume that if --
12 successful, that one consequence would be to either limit
13 or destroy the President's power of recess appointment, and
14 that's -- you, I suppose, would not be recess appointees or
15 able to function as recess appointees on the Legal Services
16 Board.

17 That, I think, is a fairly accurate description --
18 at least it's the case as I best remember it. There are
19 several personal recollections, some of which are anecdotal,
20 about this, but they're rather superfluous, I think, to your
21 questions -- the answer I have for you.

22 MR. VALOIS: Thank you. I addressed the question
23 to you, since you're no longer a party, and I thought it
24 unfair if I asked the plaintiff the question, because he
25 may not have his lawyer with him.

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1 MR. McCALPIN: I don't have any problem with it.
2 Procedurally, Dean Harvey is generally correct with the
3 process of the litigation. Without going into any
4 significant detail, and like Dean Harvey I haven't gone back
5 and read pleadings or briefs or orders for a long time, but
6 first of all, recognize that this is not a problem which is
7 unique to the Legal Services Corporation.

8 Somewhere shortly before it arose in that context,
9 the same issue arose with respect to the Corporation for
10 Public Broadcasting, which has an enabling statute very
11 similar to that of the Legal Services Corporation Act, and
12 President Carter, as I recall, was persuaded that he did not
13 have recess appointment power at that instance and withdrew
14 the appointment.

15 There were opinions rendered by Steptoe & Johnson,
16 by the General Counsel of the Legal Services Corporation
17 back before I was on the Board, and as I recall a decision
18 by the Research Bureau of the Library of Congress indicating
19 that either flatly that he did not have such power or grave
20 doubt there was such power.

21 When the issue arose in early 1982, we deemed it
22 a matter of public responsibility in connection with the
23 affairs of the Corporation to determine what we thought then
24 would probably be a relatively short period of time, a few
25 months of the right of the recess appointees to act for the

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1 Corporation.

2 Basically, the issue, if I can boil it down and
3 oversimplify it, is the Constitution says, as I recall, the
4 appointments clause, the President during the recess of the
5 Senate shall have the right to appoint ambassadors and various
6 other people and other public officers.

7 There's a provision in the Legal Services
8 Corporation Act that says, and again I'm paraphrasing,
9 members of the Board shall not by reason of such membership
10 be officers or employees of the United States. It seemed
11 to us Congress had spoken quite specifically that Board
12 members were not officers. It seemed to raise a serious
13 question, then, as to whether Board members came within the
14 appointments clause of the Constitution of the United States.

15 We thought that it was important that the issue be
16 resolved, not only for this Corporation but other similar
17 corporations, and I may say that Dean Harvey is right, that
18 there was an attempt at a temporary injunction -- restraining
19 order denied.

20 Then it went to the Court -- for summary judgment,
21 as I recall. Judge Johnson in the District Court rendered
22 a decision in favor of the defendant. Then it went on
23 appeal to the Court of Appeals for the District of Columbia.
24 It was argued on October the 20th, I think, 1983.

25 In January 1984 in a rather unusual procedure, I

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1 think, the Corporation for Public Broadcasting sought and
2 received permission to file amicus briefs, after the case
3 had been under submission for three months, because of the
4 relationship of the matter in connection with the Legal
5 Services Corporation to the same issues in the Corporation
6 for Public Broadcasting. And, as recently as within the last
7 month or six weeks, my attention has been directed to an
8 opinion of the Court of Appeals for the District of Columbia
9 which refers to this case as a parenthetical reference to
10 the fact that it was argued in October of 1983.

11 That's the background of litigation, for which I
12 make no apology whatsoever.

13 CHAIRMAN SWAFFORD: Thank you. Do we have other
14 questions?

15 DEAN HARVEY: Madam Chairman, may I make a comment
16 about that? This is William F. Harvey.

17 MR. UDDO: I'd like to move that we move on from
18 this discussion.

19 DEAN HARVEY: Ms. Swafford, are you there?

20 CHAIRMAN SWAFFORD: Yes, we are. There's been a
21 motion here that we move on from this discussion. I believe
22 we have one more question that we should let one committee
23 member ask and then we will take up your motion.

24 DEAN HARVEY: I didn't hear you. I'm sorry.

25 CHAIRMAN SWAFFORD: We have a question from Mr. Thomas

1 Smegal to Mr. -- to Dean Harvey.

2 DEAN HARVEY: A question for me?

3 CHAIRMAN SWAFFORD: Yes.

4 MR. SMEGAL: Dean Harvey, this is Tom Smegal.

5 Are you familiar with the process by which Federal
6 Judges are selected involving Presidential nomination and
7 a Senate confirmation and in between those two steps there's
8 an ABA judiciary committee that get's an opportunity to
9 review the President's nominees before they are sent to the
10 Senate. Are you familiar with that process Dean?

11 DEAN HARVEY: There is a process.

12 MR. SMEGAL: Do you consider the trial lawyers that
13 serve on that ABA committee to have a conflict in performing
14 that function because they might appear before the judges
15 or the prospective judges at some later date?

16 DEAN HARVEY: I don't know, Mr. Smegal, whether
17 they would or not. I'd have to know much more about the
18 process and the degree and elements of participation.

19 MR. SMEGAL: My purpose of asking the question,
20 Dean Harvey, it seems to me that one of the things we might
21 do as a committee here -- and I want to get back to the
22 purpose of this conference call -- the selection process,
23 might be to utilize a mechanism like that. Utilize a
24 committee which would review our finalist. For example, if
25 we get down to five or ten who are going to interview, pass

1 thos names on to committee who could advise us in their
2 view whether they are qualified, not qualified, or some other
3 level of qualification, as much as the ABA does through
4 the judgship procedure. This would not involve, it seems
5 to me, the same kind of conflict you suggested is presently
6 a disability for everyone in the country who has somehow
7 been involved at the liberty of Legal Services.

8 What would you think of that, Dean Harvey?

9 DEAN HARVEY: My initial response is that there
10 might be some important distinction in that you are a private
11 corporation which is greatly affected by the public, that
12 you sit as a private corporation within the laws of the
13 District of Columbia -- as a body of the corpus juris of the
14 District of Columbia relates to you.

15 It seems to me that beginning that observation, it
16 might be an important distinction between the function which
17 you participate in and the general analogy you've made to
18 the other review and functions that you've described.

19 You also said -- or maybe I misunderstood you, but
20 I think you said that -- I believe your metaphor might
21 have been disqualification of everyone in the country.
22 That's a rather wide remark I think, Mr. Smegal, if you are
23 attempting to characterize my remarks.

24 But, I was concerned about, and I do expressed the
25 concern to you because you and your committee requested it,

1 What I'm concerned about is whether a person has received
2 funds from Legal Service should he engage directly in the
3 process of selection of a president who might have a
4 substantial voice concerning the funds which have been
5 received. That's what I'm attempting to say to you.

6 I guess -- Mr. Smegal, maybe the recitation of
7 William McCalpin is instructive to you and to all of us, or
8 at least it does support the principle through I was
9 attempting to express to you, which is found in the
10 command verb to study, because Mr. McCalpin does refer to
11 documents which are really very important to you.

12 You talked about the steps of the Johnson
13 memorandum and other things like that and I think that his
14 recitation is a very, very good example of what I was
15 referring to, namely, learn the organization, the private
16 corporation, over which you have superintendency before
17 involving other groups in it.

18 I think that's -- my experience with your
19 corporation tells me that. I do not have a similar
20 experience with other associations or organizations --
21 let me give you -- opinion this afternoon.

22 MR. SMEGAL: Thank you, Dean Harvey. I want to
23 apologize -- I want to apologize. I did not say what you
24 heard. At least I didn't intend to.

25 I understood you to be saying those who are

1 involved in the delivery of Legal Services under the umbrella
2 of the Legal Services Corporation or were vendors or
3 received money were disqualified. I think you indicated
4 they had a conflict.

5 And, I guess that included in your view pro bono
6 programs run by bar associations.

7 My only comment was in the context of that and
8 whether you would see a similar analogy in the conflict
9 with the ABA committee that reviews judicial nominees. That
10 was the comparison I was making, Dean Harvey.

11 DEAN HARVEY: Well, thank you. I'd like to say I'm
12 not sufficiently informed to make the judgment you ask.

13 CHAIRMAN SWAFFORD: Let me at this -- let me at
14 this point say, Dean Harvey, we certainly thank you for your
15 comment and we have another meeting at 3:00 o'clock and we
16 do have to move on.

17 Now, then --

18 MR. MC CALPIN: Ms. Swafford?

19 CHAIRMAN SWAFFORD: Yes.

20 MR. MC CALPIN: This is Ben McCalpin. I would
21 simply like to make the point that it was my understanding
22 that we were to address only the question of qualifications.
23 As a result I deliberately stayed away from the question of
24 process. You should know that I disagree with almost
25 everything that Dean Harvey has said. Under that heading,

1 based on my own experience in the search process, some
2 papers of which I sent to you earlier this week.

3 But, if it is important to you in your consideration,
4 I would be glad to address in any manner you find helpful
5 Dean Harvey's remarks on process, which I did not address
6 because of my understanding you were dealing only with
7 qualifications.

8 CHAIRMAN SWAFFORD: Mr. McCalpin, perhaps we can
9 hear from you at a later time. We will continue to have
10 these meetings and hopefully we will have -- continue to
11 have input from persons like yourself.

12 There has been a motion that we do move on and I
13 believe that we have on other person that we interrupted
14 and we do need to give Mr. McKee time to finish your
15 remarks.

16 Mr. McKee, could we do that?

17 MR. MC KEE: Is this mike on?

18 CHAIRMAN SWAFFORD: Yes, and we're signing off now.
19 Saying good-by and we thank you.

20 DEAN HARVEY: All right. Thank you. Good-by.

21 CHAIRMAN SWAFFORD: Mr. McKee.

22 MR. MC KEE: The power of communications. I almost
23 forgot where I was here.

24 I agree with Dean Harvey on the selection process
25 entirely in terms of -- as I had stated in my own remarks --

1 as to who should do the interviewing and the basic selection.

2 Moving along, I mentioned the general counsel
3 should be very strong and the president should appoint
4 someone of that nature -- a very strong relationship and
5 and understanding of the Congress and the Senate -- because
6 the whole issue boils down to the mandate of the corporation
7 to provide high quality legal assistance to the poor and to
8 insure that grants and contracts are made so as to provide
9 the most economical and effective delivery of legal assistance.
10 That's under Section 2996.

11 I'll read my last page and a half so I can be done
12 rather quickly.

13 Both, member of this Board and the new president,
14 must understand the basic mechanisms, vehicles and
15 structures for the provision of Legal Services under the
16 Act and they must understand that they have not substantially
17 changed since the law was enacted.

18 Neither has there been sufficient basic
19 re-evaluation or a constructive change pursuant to the
20 viewpoint set forth in the recommendations of my special
21 committee back in 1982, as well as that of our Board, and a
22 lot of that is because of all the confusion and chaos that's
23 gone on. Just listening to the whole recitation of that
24 lawsuit that's still going on. And, I disagree with
25 Mr. McCalpin in terms of -- maybe he didn't bring a lawsuit

1 for the reasons that I'm about to state but I think that
2 lawsuit was brought very clearly so that the Reagan
3 appointees, as they were saying, that the Reagan appointees
4 wouldn't get into the Legal Services Corporation. That
5 was the whole intent of it. It was basically all political
6 and whatever good motives that Mr. McCalprin was sounding
7 off about, I disagree with him.

8 Maybe he had those impression, but the people
9 supporting him certainly didn't because when that started,
10 two days after the President names us, we were getting
11 letters from members of the Legal Services community saying
12 not to serve and then the lawsuit came. So, you should
13 understand that.

14 MR. VALOIS: Mr. McKee, did Mr. McCalprin have
15 appointed members on his Board?

16 MR. MC KEE: I am not sure. He --

17 MS. BERNSTEIN: Yes, there were. I'm trying to
18 remember the exact number, but on the Board that were the
19 plaintiffs in the lawsuit, there were at least three
20 recess appointments. They were later confirmed that they
21 took actions while they were recess appointments.

22 MR. VALOIS: Mr. McKeen, would you know whether
23 Mr. McCalprin ever challenged their credentials?

24 MR. MC KEE: Well, I don't know, but I'm certain
25 they didn't, you see, because the whole theory was those

1 recess appointees were on the "right team" in terms of the
2 President who was doing the appointing. All of this came
3 up really because a lot of people in the political structure
4 in the community didn't like the results of the election
5 in 1984.

6 But, to move on, in terms of -- I had said, there
7 hadn't been enough basic re-evaluation of the structure of
8 this program.

9 In all too many instances -- and you should be
10 very aware of this -- many segments of the Legal Services
11 community -- when I say this I'm not speaking of clients,
12 now. I'm speaking of people who I told the Senate I
13 consider to be "self-appointed apostles of clients." I'm
14 not speaking of clients in these situations.

15 But, in all too many instances, many segments of
16 the Legal Services community and their allies equate reform
17 or change with being against the poor or with wanting to
18 abolish the program.

19 Unfortunately, some Members of the Congress and
20 the Senate and many segments of the press have been falsely
21 led to adhere to that point of view. Therefore, your new
22 President must be willing to take strong stands and
23 positions to seek alternative mechanisms, structures, and
24 vehicles for the provision of high-quality legal services
25 to eligible clients. In this regard I've attached to my

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1 statement my copy -- a copy of a testimony before Senator
2 Hatch's committee back in April, and I gather Mr. Baker
3 can make that available to everyone.

4 And, I would hope that this Board and the committee
5 in selecting a President will consider very seriously, as a
6 priority, to undertaking -- having the Board undertake
7 directly, itself, activities related to training, education,
8 technical assistance, clearinghouse functions and support
9 activities related to the provision of legal services to
10 local program attorneys and clients.

11 The new President and the Board should be willing
12 to explore and review alternative mechanisms and structures
13 and seek to the extent possible competitive bids and
14 proposals from a variety of institutions, organizations, and
15 entities. When this isn't possible within the framework
16 of the existing statute, I would hope that the Board and
17 the President would make recommendations for changes in the
18 language of the statute to the Congress.

19 Another area important for you new President is to
20 establish very strong relationships with minority bar
21 associations throughout the country. All the money that went
22 out to private -- I guess it's the endowment money you call
23 it -- private bar endowment funds. A lot of it was not
24 getting to minority bar associations around the country and
25 you had people getting up speaking for the bar associations,

1 basically white, and, of course, they would talk to a few
2 black lawyers and a few black bar associations.

3 But, by and large, for example in Mississippi and
4 other places, a lot of that was not getting to black bar
5 associations around the country. So, our committee made
6 recommendations on that back in 1982 and I would hope that
7 you would pursue those things.

8 The other area that we were very concerned about
9 and which your president should really take a strong hand
10 in is in the area of payment of dues to outside organizations,
11 if that still exists, the provision of specific amounts of
12 private bar funds to the minority bar associations, as I
13 stated, investigation of having the corporation itself
14 provide malpractice insurance for the attorneys as opposed
15 to the National Legal Aid and Offender Association. That's
16 a lot of money that you give for that purpose, and it gives
17 a great club of power over your program attorneys when an
18 outside organization is the agency through which the money
19 comes to pay for their malpractice insurance.

20 Therefore, I would recommend that all of these
21 situations be reviewed in terms of the interview process
22 when you try to select whoever is going to head this massive
23 octopus.

24 And, I wish you all the best success and hope that
25 you can conclude your process and have selected your

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1 President within a relatively short term of time because
2 four years is an awful long time and not much has really
3 changes and the key thing is to have the Congress understand
4 what you're trying to do. If necessary, have the Court or
5 the Supreme Court inform the Congress what they can do in
6 terms of the Act and what you do and what they can't do.

7 So, I thank you very much and I'll answer any of
8 your questions.

9 CHAIRMAN SWAFFORD: Thank you, Mr. McKee. We'll
10 entertain questions from the committee now.

11 We have Mr. Smegal.

12 MR. SMEGAL: Yes, thank you.

13 I'd like to ask you the same question I asked
14 Dean Harvey.

15 Would you see a positive function to be performed
16 by a committee that would get into our process after we
17 made the final selection of whatever number we make.

18 MR. MC KEE: Of Lawyers?

19 MR. SMEGAL: Not really, because, for example, I
20 don't even know if -- as Bill was saying, study, study,
21 study.

22 No one in the outside realm will ever understand
23 what has to be dealt with in terms of Legal Services
24 Corporation and its program. You're going to have people --
25 if you had a group of five or six lawyers -- were outsiders

1 generally, who are going to sit down and review the
2 credentials of a candidate. They could be either credentials
3 in terms of, you know, bar associations and what they did.

4 But, in terms of dealing with a specific problem
5 that you're mandated to deal with, I don't think they would
6 be any basic help to you.

7 I think that you, with all the information you have,
8 which would fill this room of volumes to read, and you have
9 an understanding of that you can make your own decision
10 based upon that and what you've learned already and I
11 don't think you need to have an outside Board of attorneys
12 because they would not be getting into the decision based
13 upon the needs of the President and the Corporation and the
14 mandate, really.

15 MR. SMEGAL: As a follow-up to that, the first
16 criteria you have for a new president and his role --

17 MR. MC KEE: Familiarity --

18 MR. SMEGAL: -- experience and understands --

19 MR. MC KEE: And/or. Slash. For example, if --

20 MR. SMEGAL: No, I understand that. The question
21 is what if this group of lawyers was from that community of
22 those kinds of people who knew the issues, understood --

23 MR. MC KEE: Well, then you're going --

24 MR. SMEGAL: -- couldn't they be of help to us?

25 MR. MC KEE: Well, it's going to depend on the

1 point of view and what little group from LSE they were in.
2 You get right back into the situation that we ran into and
3 the politicization situation of persons who would understand
4 that they were friends, relationships -- probably positive
5 and negative. It's not all bad, of course.

6 But, you still are going to have a situation
7 where it will not be your call in terms of the process.
8 You're going to get people involved in it when I don't think
9 it's necessary, given your training and your expertise,
10 based upon what the record is.

11 I would think you could have groups of people such
12 as that recommend criteria qualifications to you, but when
13 you get into the interview process, I dare say, persons
14 involved in that not liking a candidate you select will
15 discuss all the positive negatives about the candidates
16 who weren't selected et cetera.

17 And, that was -- the same questions were asked
18 in that meeting that Bill voted nay on that he referred to.
19 I think Mr. Dana raised that very same question as to how
20 to do it and that kind of interview point carried the day
21 in terms of that situation and we all wound up with a lot of
22 negative situations.

end 3B

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1 MS. SWAFFORD: We do need to move on, and let me say
2 by way of explanation that at the very outset of the formation
3 of this committee we were urged by the chairman, Mr. Durant,
4 and by all of the people, and we promised the committee, we
5 promised the public, that we would give opportunity for public
6 input, and that's what we're trying to do.

7 And sometimes when it gets long, I'm sorry, and I'm
8 sorry that it's tedious, but it's my purpose to be courteous
9 to those who speak to us, and that's exactly what I'm going
10 to try to do, and if you all got tired, I'm sorry.

11 But --

12 UNIDENTIFIED SPEAKER: That's the price of being a
13 public servant.

14 MS. SWAFFORD: -- as best I can do, that with the
15 best --

16 Now then, we'll move on to the next -- do we have
17 one other question on that?

18 MS. BERNSTEIN: I --

19 MS. SWAFFORD: Lea Anne, if you just can't wait, go
20 ahead.

21 I'm sorry. Go ahead.

22 MS. BERNSTEIN: Well, I -- the only thing that I'm
23 concerned about, because I was interested in Clarence's
24 response to Tom's question, and the only thing that I'm
25 really concerned about is it seems there's an essential

1 distinction between a judge who's appointed for life and a
2 president who can be recalled or withdrawn by this board at
3 any time.

4 MR. McKEE: Good point.

5 MS. BERNSTEIN: And that there's no -- that there is
6 a possible reason why a political elected official who is
7 appointing someone who will serve long beyond his term would
8 want to broaden the process a bit.

9 MS. SWAFFORD: Mr. McKee, I don't want to preempt
10 your answer --

11 MR. McKEE: That's good; I agree with that.

12 MS. SWAFFORD: -- pointed out to me that we have
13 another meeting in 3:00 o'clock and --

14 MR. McKEE: I agree with that.

15 MS. SWAFFORD: -- and we will have another time for
16 public input, and could I exercise my prerogative of chairman
17 to say that we would move on to the next --

18 MS. BERNSTEIN: Claude, I think our meeting's at
19 3:30, but I still will be quiet.

20 MS. SWAFFORD: No, we wouldn't want you to do that.

21 And now, yes, I believe we will proceed with the
22 next item on the agenda, and at this point, Mr. Braude, I
23 didn't mean to be -- cut you off a while ago, but we had this
24 conference call, and if you had comments that you need to
25 address to this committee, the next item on the agenda is the

1 adoption of draft minutes of February the 22nd, 1985.

2 MR. BRAUDE: Do you want me to just --

3 MS. SWAFFORD: Well, yes --

4 MR. BRAUDE: -- say what I said before, or --

5 MS. SWAFFORD: -- you can if you like.

6 MR. BRAUDE: Just, it's a very -- it's a small point.

7 The point just was Mr. Wallace, speaking to staff
8 this morning, mentioned that he felt it was, I believe he said
9 that he felt it was appropriate that the comments of speakers
10 from the public be summarized and become part of the minutes
11 which the board then adopts, and I for one think it's a fine
12 idea.

13 And I was mentioning that in the minutes of your
14 last meeting, it does note the fact that Ms. Eisenberg,
15 Mr. Dorsey, and myself did speak on the presidential selection
16 question, but it doesn't speak at all to the content. And I
17 think it would be a very valuable part of the record to
18 include that.

19 I should also say that just as an aside, I for one --
20 and I'm sorry, I'll take 30 seconds -- I for one was so
21 grossly offended by Mr. Olson's comments, for someone who
22 has -- believes as deeply in the legal services community as I
23 do, and believes as deeply in the provision of legal services
24 to poor people, I hope the fact that Mr. Olson and then
25 Mr. Ferrara after him, who said he agreed with his excellent

1 comments, said that he believed that legal services should not
2 have any funding, will cause you to take his comments with a
3 lot less than a grain of salt; and I would hope that, just
4 like when some of us say things that -- as of this morning
5 when Ms. Bernstein said to Mr. Houseman she was offended that
6 he said the board hadn't read something, I would hope that as
7 representatives of a new era, when someone like Mr. Olson
8 makes the kinds of grossly offensive comments, that I hope --
9 and not only to us, but I hope to you -- that while common
10 courtesy is a terribly important factor, I hope that the board
11 will let the public record reflect that they don't disagree
12 with such comments.

13 But getting back to the minutes, I think it's very
14 valuable to briefly summarize public comments so that they
15 become part of the record of the board meetings and the
16 committee meetings.

17 MS. SWAFFORD: My response to that is that your
18 comments as to courtesy are well taken, and my charge to the
19 staff, Mr. Baker, in preparing the agenda was that we address
20 the item, the criteria for the selection of the president
21 of the Legal Services Corporation. Now, people who speak I
22 have no control over what they say.

23 MR. BRAUDE: Oh, I'm not quarreling with you,
24 Ms. Swafford. I'm --

25 MS. SWAFFORD: Now, then, let me just say that it's

1 my understanding of Robert's Rules of Parliamentary Procedure
2 that minutes -- the purpose of minutes is to in effect reflect
3 a board's action, and if anything else that we include in
4 minutes would be tangential, and we will take your comments
5 under consideration.

6 MS. BRAUDE: Okay. I can't speak, frankly, to what
7 the -- what's appropriate and legal; I'm just speaking to the
8 advisability of having the fullest possible record.

9 So thank you.

10 MS. SWAFFORD: Thank you.

11 Now then, do we have a motion that there be
12 adoption of the draft minutes of the meeting of February the
13 22nd? Do we have a motion?

14 MR. EAGLIN: So move.

15 MS. SWAFFORD: Is there a second to that motion?

16 MR. SMEGAL: Second.

17 MS. SWAFFORD: All in favor let it be known by
18 saying aye.

19 (Chorus of ayes.)

20 MS. SWAFFORD: Now, then, at this time could we
21 move to Item 3 on the agenda, report of the special committee.
22 And, Mr. Baker, I'll call on you at this time.

23 MR. BAKER: Thank you, Madam Chairman.

24 Since our last meeting, we've received a total of
25 170 applications. We're in the process of organizing them and

1 getting them to the committee members, and that's keeping us
2 pretty busy.

3 As I was instructed, I prepared letters to both the
4 field and to Members of Congress -- excuse me -- soliciting
5 questions from them for the committee to address to the
6 finalists once those finalists are selected. We have sent
7 letters to all LSC recipients and to Members of Congress, and
8 we should be -- if we get responses, they're to be in by
9 March 29th.

10 The third item that I was asked to address was
11 preparing the letter to Mr. William Webster of the FBI and
12 to request their assistance in the background checks of the
13 finalists. The letter went out under Mr. Durant's signature,
14 and we're waiting on a response. And while we wait for that
15 response, we're looking into other alternatives in the area of
16 private firms to conduct the background checks on the
17 finalists once those are -- they are chosen.

18 That's the end of my comments.

19 MS. SWAFFORD: Thank you for your report, Mr. Baker.

20 Do the members of the committee have any questions
21 of Mr. Baker?

22 If not, we will mention that we have already had
23 Item 4, which was recommendations for public on criteria for
24 the selection of the president.

25 Let me just make one comment about our decision to

1 do this by conference call. It was that we thought it would
2 be a great saving. If people were going to come in and
3 testify, we felt that rather than bring them into Washington,
4 it would be a savings of time and a savings of money, and
5 that's the reason we resorted to a conference call, and in all
6 instances it perhaps was not -- it would have been better to
7 have had the people here.

8 But that's the reason we did it. And I ask your
9 indulgence and I -- and you did listen carefully, and I thank
10 you.

11 Now then, we'll -- the next item on the business has
12 to do with matters related to the presidential search. And
13 this item is a matter that should be closed to the public.

14 And at this time -- excuse me.

15 (Ms. Swafford and Mr. Baker conferring.)

16 MR. SWAFFORD: All right. Thank you, Mr. Baker.

17 Are there any questions before I ask for a motion
18 to adjourn this portion of the meeting for matters related to
19 personnel items under Item 5?

20 Does anybody in the public want to speak to us?
21 We've listened to everybody else, and it will take just a few
22 minutes to listen to you if you have something to say.

23 Very good. Do I hear a motion that this portion of
24 the meeting adjourn?

25 MR. EAGLIN: So move.

1 MS. SWAFFORD: Do I hear a second?

2 MS. MILLER: Second.

3 MS. SWAFFORD: All in favor let it be known by
4 saying aye.

5 (Chorus of ayes.)

6 MS. SWAFFORD: The meeting is so adjourned. And we
7 will have the meeting in Room A.

8 (Whereupon, the public portion of the meeting was
9 adjourned, the committee to reconvene in closed session in
10 Room A immediately thereafter.)

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REPORTER'S CERTIFICATE

1
2
3 DOCKET NUMBER:

4 CASE TITLE: LEGAL SERVICES CORPORATION

5 HEARING DATE: MARCH 7, 1985

6 LOCATION: WASHINGTON, D.C.
7

8 I hereby certify that the proceedings and evidence
9 herein are contained fully and accurately on the tapes and
10 notes reported by me at the hearing in the above case before
11 THE LEGAL SERVICES CORPORATION
12 and that this is a true and correct transcript of the same.
13
14
15

16 Date: MARCH 22, 1985
17
18

19 *Lothar A. Kniefel*

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