

RETURN TO CORPORATION
SECRETARY ARCHIVES FILE

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2
3 LEGAL SERVICES CORPORATION

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5 Meeting of the Board of Directors

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7 Interagency Meeting Room 105
8 5th Circuit Court of Appeals
9 600 Camp Street
10 New Orleans, Louisiana

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12 Saturday, 15 January 1977

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14 The Board met, pursuant to adjournment, at 9:00
15 a.m., Mr. Roger C. Cramton, Chairman, presiding.

16
17 IN ATTENDANCE: Mr. Roger C. Cramton
18 Mr. J. Melville Broughton, Jr.
19 Mr. Robert J. Kutak
20 Mr. Revius Ortique, Jr.
21 Mr. Glee Smith, Jr.
22 Mr. Glenn Stophel
23 Mr. Samuel D. Thurman

24
25 ALSO PRESENT: Thomas Ehrlich
E. Clinton Bamberger, Jr.
Judy Riggs
Alice Daniel
Richard Carter
Nelson Rios

NEAL R. GROSS
Harwood, Maryland
261-4445

P R O C E E D I N G S

9:25 a.m.

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3 MR. CRAMTON: The meeting will come to order.
4 We're somewhat late, and our time is relatively limited.
5 Mr. Kutak and I hope to be departing in a taxi at eleven
6 o'clock so that I can take the only flight which today can
7 return me to Ithaca, New York. Otherwise I'd have to stay in
8 pleasant New Orleans for 24 more hours.

9 MR. ORTIQUE: We need the money.

10 (Laughter.)

11 MR. CRAMTON: If it's not possible to complete our
12 business in time, we will stay, but we would very much prefer
13 to act relatively expeditiously in these important matters.
14 We have Mr. Ortique, Mr. Kutak, Mr. Smith, Mr. Thurman, Mr.
15 Stophel, and Mr. Broughton as our complement today.

16 Mr. Kutak, do you want to return us to the matter
17 at hand, which is consideration of substantive amendments --

18 MR. KUTAK: Yes sir.

19 MR. CRAMTON: -- for the Legal Services Corporation
20 Act.

21 MR. KUTAK: As my colleagues will recall, yesterday
22 we completed the discussion of, and approved in form -- or at
23 least in principle, I should say -- technical perfecting
24 amendments to the Act that we would recommend for adoption,
25 and we were on a discussion of the guidelines.

1 And then what we did is we passed the guidelines,
2 passed over the guidelines, and went to the substantive
3 amendments, and we just at that point were getting into the
4 first so-called substantive amendment when the Chairman
5 thought it might be better to adjourn and take it up afresh
6 this morning.

7 Perhaps before we get into the substantive amend-
8 ment it would be better to give a little background to the
9 whole thing, and in that regard I wonder if it would be in
10 order to ask our Congressional liaison from the Board, one
11 of the officers of the Corporation, to give her slant on
12 the reception of the Congress, the disposition of the Con-
13 gress, and some kind of reading from the Congress as to what
14 would be the likelihood of addressing not only the matter of
15 perfecting and technical amendments, but perhaps substantive
16 amendments as well.

17 And Mr. Chairman, if that is in order I would in-
18 vite you to invite Miss Riggs to talk to us about it.

19 MR. CRAMTON: Miss Riggs?

20 PRESENTATION OF JUDY RIGGS

21 MISS RIGGS: I think that we should talk about
22 several things, one of which is the current situation in
23 Congress, particularly in light of Legal Services, and also
24 some preliminary conversation that we've had with at least
25 the staffs of the two appropriate committees as to what their

1 plans are this year.

2 I think, if we think back to 1974, and the argument
3 that had gone on for two or three years before that, the
4 legislation in 1974 was the culmination of a long effort by
5 opponents of Legal Services with active support of the Ad-
6 ministration to destroy or seriously emasculate Legal Ser-
7 vices.

8 Many of the restrictions that were put into the
9 Act were some that some of us here, or all of us here, thought
10 were less than desirable, and were really part of an effort to
11 get something enacted and to negotiate some sort of compro-
12 mise with the President to avoid a veto that could not be
13 overridden.

14 The situation is very different now. We certainly
15 have a President and an Administration and an Attorney Gener-
16 al and Vice-President who are openly supportive of Legal Ser-
17 vices, so we don't have that situation. We have moved in
18 the House to a different committee; from the Education and
19 Labor Committee to the Judiciary Committee, so there is a new
20 cast of characters there and it is a cast of characters that
21 on both sides of the aisle, Republican and Democratic, are
22 at least as supportive of the Legal Services as the Education
23 and Labor Committee members were, and without some of the
24 opposition that existed by some members of the Education and
25 Labor Committee.

1 So that puts things in a new perspective for us.

2 It's also a time when there are no -- when things
3 have quieted down about Legal Services again. And largely
4 through the work of this Board, I think -- and many others,
5 of course -- members of Congress have come to see Legal Ser-
6 vices as a credible and respectable thing.

7 If any of you read the debate that took place in
8 the House of Representatives when the Kastenmeier Bill, the
9 Bill to get rid of the Green Amendment, came to the floor in
10 the House of Representatives early last year, one of the
11 points that was made over and over again in that debate was
12 that the Corporation is now established and on firm ground,
13 and that there is this group of very respectable and credible
14 attorneys who are running this program in an effective and
15 efficient way. And that certainly is a different atmosphere
16 than existed in the past.

17 With regard to committee plans for this year, on
18 the Senate side the Labor and Public Welfare Committee,
19 which still has jurisdiction over Legal Services, is going
20 through some confusion at the moment. The Stevenson Commit-
21 tee has submitted a proposal to the Senate Reorganization
22 Group, and until that is done the committees are not even
23 organizing themselves to begin work.

24 In addition, there is some thought that some mem-
25 bers of the Labor and Welfare Committee may go on to other

1 committees, so that the actual cast of characters on that
2 committee may be somewhat different -- no less supportive,
3 but somewhat different.

4 In my conversations with relevant staff people on
5 the Committees there is what I would tend to think of as a
6 fairly common attitude among Senate staff people, which is
7 "Well, let's try to do it as efficiently as possible."

8 We will be particularly interested in what kinds of
9 proposals the Board may have to make for changes, and probab-
10 ly not be as enthusiastic about considering change unless
11 members of the Board want to propose change.

12 The situation on the House side is different.
13 There Congressman Kastenmeier, who is the chairman of our
14 subcommittee, and other members of the subcommittee, have
15 indicated publically and privately that they intend to seek
16 changes in the statute.

17 In any event, in that committee we will be con-
18 fronted either with going to the first suggestions, or re-
19 acting to suggestions that they or others make.

20 Once again, the House will certainly act first and
21 then the Senate will be confronted with the House bill.

22 In terms of timing, we believe that Mr. Kastenmeier
23 wants to move quickly, and wants to have briefings for mem-
24 bers of the Judiciary Subcommittee, including new members --
25 of whom there will be several -- to get them basically briefed

1 about what Legal Services is all about and about how it
2 operates so that they can have a solid frame of reference
3 with which to hear testimony and consider it.

4 The plan is to do that early in February, and then
5 they will enter into public hearings which they see as neces-
6 sary to get to the kinds of things that Bob was talking
7 about, such as strong statements, on the record, and also
8 supporting their critical look at what the organization is
9 and is doing.

10 That is the atmosphere in which they will be opera-
11 ting.

12 MR. CRAMTON: It seems to me that you're suggesting
13 that on the House side inevitably the Corporation's officials
14 will be asked for the position of the Corporation, or the
15 Board, on most of the things, for example, that are included
16 in the substantive amendment.

17 MISS RIGGS: Yes.

18 MR. CRAMTON: Even if we don't take a position now,
19 someone will be asked to take a position at a later point,
20 and reaction to proposals that others are making, even if we
21 don't make them.

22 MISS RIGGS: Yes. Yes, I think that it's very
23 true.

24 MR. CRAMTON: One aspect of the timing in terms of
25 the House hearing that I would be interested in hearing from

1 you on is this: I share Bob Kutak's view that the Oversight
2 Hearings in the House are a great opportunity to spread a
3 message about both what's going on in the programs and in
4 legal services generally, and the enormous needs for funding
5 and to put them in a broader perspective in which we try
6 essentially to broaden the base for the program, and to set
7 the stage for its future growth and expansion.

8 And I worry a little bit that if in the hearings
9 themselves the attention is on things like abortion and de-
10 segregation, and so on, that the only message that may go out
11 to the news media and even to the Congress itself is a mes-
12 sage that this is a highly controversial program that's still
13 embroiled in controversy, and in which there's a coloration
14 of these other issues.

15 Is that a realistic fear, or --

16 MISS RIGGS: Well, I think --

17 MR. CRAMTON: -- it may happen in any event,
18 wholly apart from our control?

19 MISS RIGGS: Those issues will come up. Congress-
20 man Kastenmeier is very interested in a positive record, and
21 we can have a great deal to do with establishing that re-
22 cord.

23 It was perhaps a mistake to look first to substan-
24 tive amendments outside of that context because I would cer-
25 tainly see that even if the Board would agree to aggressive-

1 ly seek change in the most controversial parts of the Statute,
2 that the discussion of those kinds of things would come after
3 the framework discussion.

4 So I think there can be a lot of opportunity. Peo-
5 ple are not going to go in in the first ten minutes and talk
6 about issues like desegregation and abortion, even if they
7 talk about them at all. My best assessment of it now is that
8 there is interest among members of the subcommittee itself
9 in raising those issues, and certainly interest in groups on
10 the outside as well.

11 MR. CRAMTON: I gather that the tenor of your
12 views and the President's views is that basically the statute
13 is a very workable statute, and we can live with it as it
14 is, except there is a need for extension of authorization
15 and a secondary need for new funds, but like anything else,
16 improvements are possible, and if you want our suggestions
17 for improvement, here are some.

18 MISS RIGGS: Yes. What we did at a staff level
19 in consultation with the regulations committee was to go
20 through the entire statute section by section and subsection
21 by subsection, and to really examine every provision in terms
22 of the minor and major problems that either had been or were
23 anticipated.

24 And then we would say or try to -- after having
25 done that -- which ones of these are really important, and

1 which are the ones that in our judgment raise such fundamen-
2 tal principles that we ought to at least bring them before
3 the Board for consideration for change?

4 While we could have come up with a laundry list of
5 25 or 30, the ones we brought to you are the ones which are
6 the most serious and most deserving of your attention and
7 consideration.

8 I think that one of the things that the Board might
9 want to think about -- and I don't want to rush into your
10 discussion specifically of amendments -- but if in fact the
11 discussion is going to take place of issues like desegre-
12 gation and abortion, then the Board might want to consider
13 whether or not it really makes sense to put that discussion
14 in some kind of framework and really talk about it, not in
15 terms of emotionalism of those particular issues, but in
16 terms of the basic concept of access to justice.

17 MR. CRAMTON: That would be preferable to talking
18 about guidelines, and then leave it to the Committee to draw
19 conclusions from those principles.

20 MISS RIGGS: Or -- while I guess-- you could do it
21 that way.

22 It seems to me that our sense was that after all,
23 the Board comes to the Congress with a perspective and a
24 credibility that is different to some extent from that with
25 which other people will come to the Congress, and you ought

1 to at least consider how aggressive a role you want to take
2 or play in this.

3 MR. KUTAK: Mr. Chairman, in that regard I have to
4 disclose my bias to this Board, although the Board probably
5 knows it already. I was trained to legislate by expectation,
6 and I realize that one goes there with the optimum, but not
7 with the expectation in some Pollyanna way of thinking that
8 you're going to get everything you ask for. But you come
9 to the Congress -- or any legislative body -- they need the
10 very best inputs we have, and then they work their will.

11 They need our guidance, but they work their will.

12 With that hidden bias, of wanting to bring to you,
13 and through you to the Congress, the best model for the legis-
14 lative charter, I had to take account of two things. One,
15 indeed, is our position. It is a creditable and responsible
16 position. We -- and I don't really mean that those of us who
17 are sitting around this table, but those in the field who
18 are out there laboring -- have created a new era for Legal
19 Services.

20 Certainly it has been depoliticized and totally
21 professionalized. Again, much through their efforts, and
22 a little through ours, there is a new climate in the country
23 toward our program.

24 This is not only as Judy as suggested, a new clim-
25 ate on The Hill, but indeed, a new climate in the Executive

1 Branch as well. We have many friends who now have had an
2 opportunity to express themselves, and are anxious to have
3 us express ourselves.

4 We have two choices. We can respond and let the
5 initiative pass to others, or we can initiate and let -- and
6 give the kind of recommendations we ought to -- which I feel
7 ought to be the guidance they deserve to have.

8 Certainly, do not mistake my thoughts about an
9 order of priorities. I would be the first to tell you --
10 and I hope the first to argue -- that this Act works, and
11 of course there is much to do even as it now stands, and we
12 could argue very respectfully and very responsibly, that
13 since there is so much that we can accomplish with what we've
14 got, maybe we should just concentrate our energies on that
15 and in effect live with it for a time.

16 But, as I say, my bias keeps popping up, and I
17 think the opportunity is here.

18 But second of all, in order of priority I would
19 certainly reiterate what was said yesterday, and recognize
20 that funding is the highest order of legislative need, and
21 I would not want anything to get in the way of that action
22 which we voted on yesterday, and committed to not only for
23 the present, but for the future.

24 By all means, in order of priority, the third most
25 important consideration is certainly the technical and per-

1 fecting type. They are impediments that need to be cleaned
2 up with -- and I think they can be without any difficulty.

3 The fourth priority is looking at some of the sub-
4 stantive amendments, and think of them in terms of the context
5 text of timing. I urge their removal, not because they could
6 cripple the program, but because they suggest less than
7 parity between the public practice and the private bar, and
8 that latent prejudice, if you will, is something I would like
9 to see removed from our domain.

10 If we are able to remove these restrictions, we're
11 not suggesting that we would thereupon take necessarily that
12 kind of affirmative action, but just as Judy said, because
13 they suggest less than parity, public law with the private
14 bar, we should try to restore that mechanism of equality and
15 make our lawyers -- as we want them to be professionals --
16 make them feel also like equals.

17 And if they have no Constitutional, statutory,
18 administrative limitation, simply because they're in the pri-
19 vate sector, although we do recognize that within funding
20 limitations they cannot do everything that perhaps they hope.
21 And it's in that spirit, and truly with that intent in mind,
22 that I urge this Board to consider acting at the time which
23 I think is right in bringing to the Congress not only assess-
24 ment of the healthy state of the program, but our opinion as
25 to how indeed it can yet still be improved.

1 MR. ORTIQUE: Mr. Chairman?

2 MR. CRAMTON: Mr. Ortique?

3 MR. ORTIQUE: I'd like to underscore one of the
4 things that has been said and urge this Board to consider
5 just the basic tactical aspect of these proposals.

6 It is not likely -- and as a matter of fact, I'm
7 sure you will agree that it would be greatly surprising --
8 that this Corporation is asked to present its views down the
9 line after legislation is introduced. Rather, it is very
10 likely that we would present our views at the outset.

11 So, as such, we would not be in a position to ad-
12 vocate, in a setting of upheaval and emotion and what have
13 you -- we would be advocating strictly professionally, as-
14 sisting Congress in making a decision.

15 It will not be necessary for us to enter the bat-
16 tle of whether abortions, therapeutic abortions, can be
17 supported or not. It gets to the key issues that Bob raises,
18 and that is that our lawyers should not have any impediments
19 and be not limited to anything less.

20 It seems to me that as a practical matter we --
21 the fears or concerns that some members of the Board ex-
22 press privately about not getting into a briar patch if we
23 don't have to, are not there in this situation. But even
24 more important, there is no doubt in my mind -- and I'm sure
25 that all of you who appear before Congressional committees --

1 when you are testifying, a Congressman will say, "Well, the
2 agency that is most affected by this legislation has taken
3 this position. What is your reaction to that?"

4 It seems to me that we would be doing ourselves a
5 disservice, and our clients a disservice, or the constituency
6 that we serve, if we are not in a -- if we have not taken
7 a positive position regarding these issues, and it's our
8 responsibility. We've got to face up to it and say this is
9 a position, and they're not going to let this corporation
10 just pass on these issues.

11 But I think that the setting that we'll be entering
12 puts us in the perfect position to make a very clear posi-
13 tion of the corporation, based on the principles that this
14 corporation is committed to the finest type of legal ser-
15 vices for people who cannot afford to hire their own lawyer.

16 If we put it in that context I think that our role
17 is inescapable, which is to state what should be the right
18 and the opportunity for these people who otherwise can't
19 help themselves, and that is that they should have that op-
20 portunity that people in the private sector have.

21 I would urge us to act positively. I would urge
22 us to vote these -- what I consider -- minimal improvements
23 in the law, but I would urge each one of us to ask ourselves,
24 "Can we as a representative of a constituency, can we as
25 a person committed -- sworn to, if you please -- to support

1 the highest type of legal services for the poor, can we es-
2 cape our responsibility of saying there should be no impedi-
3 ment placed upon Legal Services' attorneys, except those
4 impediments that are placed on all attorneys?"

5 It seems to me that that's the position that we
6 ought to advocate.

7 MR. KUTAK: I've talked too much, Mr. Chairman.

8 MR. THURMAN: Mr. Chairman.

9 MR. CRAMTON: Mr. Thurman.

10 MR. THURMAN: It seems to me there's a sharp dif-
11 ference between maybe our agreeing here that in the best of
12 all possible worlds we don't like restrictions with respect
13 to the subject matter, such as abortion and desegregation
14 and selective service. And, taking the position right now
15 that we're going to go and -- in other words, we could come
16 to an agreement on that if we were asked.

17 But should we go on and really make the changes
18 and take the advocate's position on that? It seems to me
19 that there's a sharp distinction between those two things.

20 MR. CRAMTON: You could add a third and middle
21 ground, which would be a willingness to respond to inquiries
22 that are made.

23 MR. THURMAN: I guess that that's what I'm talking
24 about. So if you or Tom or anybody's asked about that you
25 might state that the Board was in agreement, and that we

1 don't like those provisions there, but we're not going to
2 go out and wave the flag.

3 MR. BROUGHTON: Well, as I understand it, is it
4 your opinion, personal opinion, that the changes we suggested
5 here should be made? I wasn't sure I followed you, and I
6 wanted to understand --

7 MR. THURMAN: Yes, I think it's a matter of tactics
8 or procedure, how we do it. But I would hate that if Roger
9 or Tom were asked by a Committee, "Now, what is the Board's
10 position on that?" "Well, I don't know, we've never ad-
11 dressed ourselves to that." I think that would be bad.

12 MR. STOPHEL: Whatever happens on these amendments,
13 it would be the majority taking the position. I personally
14 believe that the control that is now exercised is a good
15 control, and that the restrictions that are now in the Act --
16 except for the training -- and I would agree, and I have
17 talked to Dick Carter about this -- that I feel that we
18 should be allowed to grant money for training, because I
19 think that this is an important aspect.

20 MR. THURMAN: You would wipe out the Green Amend-
21 ment?

22 MR. STOPHEL: Only that aspect. I'm not for re-
23 establishing support centers in the way that they were opera-
24 ting prior to the formulation of this corporation.

25 MR. KUTAK: Nobody envisions that. I don't see

1 Tom Earlich ever turning over large blocs of his responsi-
2 bility, you know, to someone else. I think the Green Amend-
3 ment was in there because we didn't have any --

4 MR. STOPHEL: It would be the majority of this
5 Board that would have to say it, and that is a matter of
6 judgment between you and me. But to say that we are -- right
7 now, what do we have? We have control by this Board that is
8 partly implemented by statute. However, the matter of
9 should we get involved, and the kinds of cases that are
10 restricted in 107-B, the litigation involving the desegrega-
11 tion of an elementary or secondary school or school system,
12 the providing of legal assistance in seeking to procure a
13 non-therapeutic abortion or to confirm an individual to per-
14 form an abortion, and legal assistance with respect to viola-
15 tion of the Military Selective Service Act, or desertion in
16 the Armed Forces in the United States.

17 I think that those are appropriate restrictions,
18 and that this goes to the allocation of resources. I don't
19 think that this corporation through its officers should by
20 contract restrict the local programs, because right now the
21 local programs establish the priorities of what cases they
22 accept and what cases they don't accept, except for statutory
23 restrictions.

24 Therefore, I personally feel that we're getting
25 into the briar patch of what happened in 1968 through 1970,

1 of the establishment of support centers. You're getting into
2 cases which create -- and I hesitate to use the term again,
3 because it's being overused -- legal pollution, of cases
4 that -- maybe it's a cliché, but a very good one.

5 MR. KUTAK: What this country needs is a new cliché.

6 MR. STOPHEL: It adequately describes what should
7 go into the sewer.

8 I think that the hearings indicated that a great
9 deal of weight is being put on the Board of Directors to have
10 control, but when you get right down to it this Board has
11 very little control over what is going on in the programs,
12 except through the evaluations being carried on by our staff
13 people in the regions, and in the officer status.

14 And that's fine. We have a good staff. We have
15 people who are -- I think -- responsive to the desires of
16 the Board. But the Board will never reach unanimity so long
17 as I'm a member, and that's why perhaps we ought to delay
18 this for a year, to removing these, and therefore you will
19 not be able to speak that the Board said this, except that
20 a majority of the Board took this position.

21 MR. EARLICH: Mr. Chairman?

22 MR. CRAMTON: I recognize Mr. Smith.

23 MR. SMITH: Mr. Chairman, I made my position known
24 yesterday, but I'd like to respond briefly to the eloquent
25 statements by my colleagues, Ortique and Kutak. They are

1 very eloquent and moving, but they don't convince me, because
2 I feel that I'm committed to the same thing they're committed
3 to, and that's providing the very best quality legal service
4 to the client community.

5 I think that some of the things that they would
6 have us do would interfere with -- if not actually impede --
7 our ability to provide that service by getting us into the
8 position of controversy where our position and stature and
9 credibility would be weakened.

10 I agree completely with what Bob Kutak said about
11 the fact that in the last two years tremendous strides have
12 been made in improving, and indeed in establishing and
13 increasing the credibility of the Legal Services program be-
14 cause of two things that we've been primarily responsible
15 for in our leadership, and that is depoliticizing and highly
16 professionalizing legal services, and while I agree complete-
17 ly with that, I think the course of action that he would
18 now recommend to us would be contrary to the very method by
19 which we have established that increased credibility, and
20 Bob, I think you would have us doing the thing that we have
21 not done that has enabled us to reach the position we've
22 reached, and it would turn us around and get us into the
23 position of controversy.

24 Without discussing any of the particular substan-
25 tive amendments, I think it's just pretty evident that in

1 the passage of the Act these were highly sensitive and very
2 controversial, and very divisive issues, and that's why the
3 law is written like it is. And I think our responsibility
4 is to administer this law.

5 Certainly in the area of technical amendments I
6 think it's very proper that we say that there are these
7 technical problems that interfere with our administration
8 of this law, but our responsibility isn't to write the law,
9 it's to administer it, and I think in discharging that re-
10 sponsibility to administer it, and in the long range -- via
11 the grade of service to the people we serve, or are permitted
12 to serve -- we have to be certain that we concentrate on
13 administration, that we concentrate on continuing to depoli-
14 titize our Board's activities, and not get ourselves in the
15 position of being used in arguments that will naturally on
16 some of these issues, and where one side or the other can
17 use us as an example, and in so doing alienate a great deal
18 of our support.

19 I just cannot agree with those people who said
20 yesterday that this wouldn't have a bearing on the presenta-
21 tion of our budget. It has to, if these are controversial
22 issues, and if one side or the other on any one of the issues
23 is using us and saying well, the Board thinks this should be
24 done, and the Board very strongly urges that this be done.
25 There's no question but what the people on the other side of

1 that particular issue are going to be feeling and probably
2 saying that that Board was appointed to administer that law,
3 not to tell us how to write it.

4 Now I don't mean by that to say that we shouldn't
5 have a position on some of the things that come out of it,
6 and again, I'm not speaking of certain particular issues. I
7 think we have to take them up one at a time. There could be
8 certain issues on which we would have a position, and I
9 feel certain that we would be asked about our position.

10 I can't agree that we would have to be in on the
11 initial input, or we wouldn't have any input. I think we
12 certainly would be asked. But I think there's a great deal
13 of difference in having a position and responding to it,
14 as contrasted with getting out in front and being a radical,
15 flag-waving advocate of changes that are highly controver-
16 sial, and that do interfere with our ability to get funds
17 and to administer a professional program.

18 MR. CRAMTON: I'd like to see if I can narrow the
19 issues a little bit. It does seem to me that no one men-
20 tioned a couple of these amendments, and it may be that there
21 are some that we could eliminate. We are only talking
22 about one and four, but I wonder whether number two is pro-
23 perly viewed as a substantive amendment, and whether we
24 could not switch it to the technical amendment category.

25 If we proposed an amendment that tried to eliminate

1 all of the political restrictions on staff attorneys it
2 would seem to me that that would be a major substantive
3 change. All that this is doing is pointing out to Congress
4 that the detailed choice of words that was made in haste
5 referred to and embodied a particular statute which has sub-
6 sequently been amended by Congress, and what is left is a
7 restriction which we apparently agree with, which is a re-
8 striction on political activities, which applies to some peo-
9 ple in Legal Services, but not others, and goes much further
10 than the restrictions that are now currently applicable to
11 state and federal employees.

12 All that that one says is that we think that Legal
13 Services Corporation employees and staff attorneys of pro-
14 grams should be subject to the same restrictions that are im-
15 posed on federal and state employees. I would like to shift
16 that into the technical category and say that that's a clari-
17 fying amendment that Congress -- even the Congress that
18 passed on the original Legal Services Corporation, could do
19 so again in the light of the amendment of the Hatch Act since
20 then, that they would reach that same conclusion and draft
21 it differently.

22 MR. STOPHEL: That's the case we just had, isn't
23 it, in court?

24 MR. DANIEL: Yes.

25 MR. CRAMTON: Yes, it upheld the constitutionality

1 of it, and that goes further than the current Hatch Act.

2 MR. STOPHEL: Am I correct in that it goes further
3 in that it restricts them from partisan as well as non-parti-
4 san elections?

5 MR. DANIEL: Yes.

6 MISS RIGGS: Yes.

7 MR. CRAMTON: And it doesn't apply the restrictions
8 to Corporation employees.

9 MR. DANIEL: Yes.

10 MR. KUTAK: I would take them up in any order you
11 recommend.

12 MR. CRAMTON: I'm looking for areas of agreement
13 before we look at and talk about areas of disagreement.

14 MR. STOPHEL: Yes, I'll agree on that.

15 (Laughter.)

16 MR. KUTAK: There may be -- and I think there are
17 -- two additional ones that fall into that category: two
18 and three.

19 MR. CRAMTON: Let's try just number two first.

20 (Laughter.)

21 MR. KUTAK: All right, let's take up number two.
22 I think Tom was trying to seek the floor.

23 MR. CRAMTON: Yes, Mr. President.

24 MR. EHRLICH: I wanted to comment on that one.

25 For your information, there were certainly some who pressed

1 that we go further and eliminate the entire Hatch Act re-
2 strictions. Our staff view was that would be a mistake.
3 Some programs urged them, and others did too, but I do hope
4 that that one seems sensible and noncontroversial. It sim-
5 ply says that we would be treated just like other federal,
6 state, and local employees.

7 MR. CRAMTON: And that is a general principle, and
8 it's a principle that I think we could try to live with in
9 time.

10 MR. STOPHEL: Is it 1006 E-2, or 1007 A?

11 MISS RIGGS: It's 1006 E-2. There is a typographi-
12 cal error there.

13 MR. THURMAN: I move that one is noncontroversial.

14 MR. STOPHEL: Is it 1006 D-2?

15 MISS RIGGS: It's actually E-2.

16 MR. KUTAK: It simply puts the Legal Services law-
17 yers on parity with the present restrictions on federal,
18 state, and local employees.

19 MR. CRAMTON: And we express the principle that
20 the Hatch Act prohibitions on federal or state or public
21 employees generally are changed, these ought to be changed.
22 In other words, it ought to be a reference to -- whatever
23 are the current restrictions of the Hatch Act on federal or
24 state memployees --

25 MR. THURMAN: I move that we approve two.

1 MR. CRAMTON: Is there a second?

2 MR. ORTIQUE: Second.

3 MR. CRAMTON: It's been moved by Mr. Thurman,
4 seconded by Mr. Ortique, that two be approved. I would like
5 to have it classified not as a substantive amendment, but as
6 a technical amendment.

7 MR. KUTAK: As an amendment.

8 MR. SMITH: I think we should actually move it to
9 that category with the other group.

10 MR. THURMAN: I agree with that.

11 MR. CRAMTON: Is there discussion?

12 (No response.)

13 MR. CRAMTON: All those in favor of the adoption
14 of the motion please say aye.

15 (Ayes.)

16 MR. CRAMTON: Those opposed, no.

17 (No response.)

18 MR. CRAMTON: The motion is adopted unanimously by
19 voice vote, so we have now taken care of number two.

20 Tom, do you have any advice as to where to go from
21 there?

22 MR. BROUGHTON: Just a moment. Before we go for-
23 ward I seem to be the only member here who has not expressed
24 his thoughts on the presentation by Mr. Kutak.

25 MR. CRAMTON: Very well. Go ahead, Mr. Broughton.

1 MR. BROUGHTON: I think this, that there's been
2 a lot of talk yesterday and today about the progress of the
3 Corporation, and that's true. Considerable progress has
4 been made.

5 I feel, however, that in some respects some of
6 the discussions may have reached a point -- not intention-
7 ally -- that -- what is the old expression? -- we've got it
8 made. Everything is well, and we're at the pinnacle.

9 I share the feeling that the climate and the sup-
10 port -- particularly among the bar associations in this
11 country -- has increased substantially. Nevertheless, I
12 feel that we have been in operation a relatively short time
13 -- either 18 months or 180 days, whichever you prefer.

14 We've heard some talk about political fortunes
15 having changed in Washington, and I'll have to yield to
16 our legislative council as to the extent of that.

17 Nevertheless, I think that at this point that
18 we'd be making a serious mistake if we inject this Board
19 into areas of legislative change which were the subject of
20 the debate that went on which resulted in the Act that we
21 began to operate under in July of 1975.

22 On the shifting viewpoint of the new Administra-
23 tion and the new Congress and the receptivity -- presumably
24 Congress would be more receptive to these changes or things
25 which Congress put into the Act in 1974, or to their change

1 -- nevertheless, I think that we come -- we've come a rela-
2 tively short period of operation, and I think that the mem-
3 bers of Congress are still, while being much impressed with
4 the progress of the Corporation, are still hoping that we
5 prove our case completely.

6 I think that the fact that this has been a citi-
7 zen's type board, at least as expressed from members of the
8 Congress to me, is very impressive as far as Congress is
9 concerned.

10 We talked about the politics, and you remember the
11 Johnson landslide, and then four years later there was a big
12 shift. I say that not to get into any big debate about
13 that, but simply to say that I think we shouldn't be ap-
14 proaching it from that standpoint.

15 I also say that because I think that the stability
16 that we've had is something that I think would be seriously
17 threatened if we went on to suggest to Congress that it now
18 -- only a very short while after the Act was finally passed
19 -- to go back and take out the restrictions which Congress
20 at that time felt should be in there.

21 Revius Ortique has pointed out that we must provide
22 the highest quality legal services that we possibly can. We
23 all agree, and we all know that we have a responsibility to
24 the poor of this country in connection with this Act. We
25 also have a responsibility to all the taxpayers.

1 I wasn't involved in Legal Services during the
2 sixties, and all that went on -- or didn't go on -- I'm not
3 in a position to testify to, but there was obviously consi-
4 derable controversy, and the Congressman at that time had
5 this proposal before them, and by a substantial majority at
6 some point -- representing their total constituency, includ-
7 ing all the taxpayers of this country -- felt that some
8 restrictions should be written into this Act, and that was
9 done.

10 You can debate whether it was necessary to get the
11 White House to approve it, or what, but nevertheless you had
12 that state at that time, and I think that it would be most
13 unwise of us to inject ourselves into that at this point.
14 And I think that clearly there was a very sound reason for
15 some of the restrictions to be put into this Act, and I
16 think that as Glee Smith pointed out those restrictions
17 could in large part account for a great deal of the stabili-
18 ty that was achieved, and the support that Legal Services
19 throughout the country is now beginning to get, and has
20 reached.

21 MR. ORTIQUE: Mr. Chairman, I would just like to
22 pose a very brief question to my colleague.

23 MR. CRAMTON: Yes, go ahead.

24 MR. ORTIQUE: Mel, let's suppose that we have this
25 scenario at the hearings -- and I certainly don't claim to

1 be an expert. I've been up there a few times, but I do look
2 at what they do.

3 Let's suppose that the President, or just the Chairman
4 Chairman is testifying, and a Senator who was an opponent of
5 these restrictions was to say, "Well, Mr. Ehrlich, as you
6 know the record reflects that I have long opposed these
7 restrictions. I fought, but I yielded at that time, but now
8 in my view the climate has changed, and I intend to propose
9 these amendments. What is the reaction of the Corporation
10 to the proposal of these amendments?"

11 In my view I could see us being in an embarrassing
12 position if we said that the corporation has no position.
13 I say this because even though the staunchest supporter
14 would be taken aback by the corporation not having a posi-
15 tion, when as a matter of fact the principle is there.

16 I'm not wedded to the notion that we should go up
17 on The Hill and say, "Look, we want \$216 million, and we
18 want these changes in the bill, and we want this, and we
19 want that, and we want the other." I agree that we've got
20 to get the money, but I don't want us to be in a position
21 where we abdicate our responsibility, if we are pressed on
22 it.

23 I just visualize that possibility, and I'm not
24 sure whether this board really ought to formally vote saying
25 that we should go up on The Hill and direct the President

1 to go up and advocate a certain position. I'm not sure I
2 am in that position, but I do feel a great deal of concern
3 that the image of the Legal Services Corporation is expressed
4 in terms of the people that we represent and the programs to
5 which we're committed.

6 I think that that entails the whole notion that
7 poor people ought to have the same type of representation
8 that anybody else has.

9 To the extent that that is possible I would wel-
10 come it, and I would urge us to at least consider that pos-
11 sibility.

12 MR. EARLICH: Mr. Chairman?

13 MR. CRAMTON: Mr. President.

14 MR. EARLICH: These are judgment calls in terms
15 of what scenarios would take place. My own view, as Glee
16 and Sam have suggested, and as Revius suggested, it would be
17 very helpful -- not essential, but very helpful -- and we
18 would be in a helpful position to be able to say that the
19 Board has considered such-and-such and taken such-and-such
20 position, in terms of the issues that we feel quite confi-
21 dent are going to be raised and asked about, particularly
22 the elimination of the so-called Green Amendment and the
23 restrictions of certain kinds of activities.

24 In fact, I did read through the entire legisla-
25 tive history involving the whole act, including these, when

1 it came up, and I was interested in how relatively small the
2 group was that pushed these. I understand that that doesn't
3 tell you what the climate was then or now, but in my own
4 judgment this will not raise great concerns, but that is just
5 a judgment. It's also my judgment that one ought to act
6 according to what one's basic principles are, and -- which
7 is the delivery of legal services to poor people, and in
8 terms of my own views these provisions ought to be adopted
9 that we have suggested.

10 I think Glenn, however, is quite right that in
11 terms of the first one training is the most significant is-
12 sue operationally. I would not suggest much by way of change.
13 I would only suggest a change in the area of training, and to
14 get some statewide training efforts on a contract or a grant
15 basis that would be more effective and efficient, particular-
16 ly as we gear up for expansion effort.

17 The restriction concerning use of private funds --

18 MR. THURMAN: Number three.

19 MR. EARLICH: Yes, number three. It's support de-
20 pends in some cases on how many restrictions there are in the
21 Act. If there are no restrictions then definition number
22 three does not become very important, and yet, on the other
23 hand, we did talk to a number of programs and became convinced
24 that separate accounting was feasible, and doable, separate
25 accounting, and I don't see that as a matter of principle why

1 a recipient should be restricted in terms of outside funding
2 not through the corporation and their activities.

3 Number four -- there is no doubt that this is the
4 most sensitive, and particularly the non-therapeutic abor-
5 tion section. My own view is that resource allocation is
6 exactly the right way to put it, and that it ought to be the
7 programs that make those decisions just as we said they must
8 make them on all matters.

9 My own frank view is that in those programs none
10 of these three issues will rank very high at all. We were
11 convinced that for some groups of clients they are very im-
12 portant. At least the non-therapeutic abortion and the de-
13 segregation matter are, but I think that ought to be the
14 judgment of the local community in light of its own local
15 needs.

16 And the fifth and final one is self-evident. We
17 do think that it's important, but again, we can quite under-
18 stand that as a matter of judgment it's got to come out that
19 the President has flexibility in terms of making decisions.

20 I'd hope that we can treat them at least -- each
21 one of them, starting perhaps with the third, which is pro-
22 bably the least controversial.

23 MR. THURMAN: Does anyone really have any quarrel
24 with the third one?

25 MR. STOPHEL: I have a question as to what our

1 regulations say. Do our regulations now -- this covers these
2 kinds of activities during any period for which they receive
3 compensation. That's now the restriction. I would assume
4 that would cover both work time and free time. We are sug-
5 gesting that the suggestion be lifted.

6 Is it the feeling of anybody that they should be
7 allowed to do these activities during working hours?

8 MISS RIGGS: Excuse me, but I think there may be
9 confusion about this. We're looking at two different things.

10 MR. STOPHEL: We have not dealt with 1007 A, which
11 is number three on my list.

12 MR. THURMAN: We're talking about page 6 on the
13 substantive amendments.

14 MR. CRAMTON: It's on the memo.

15 MR. THURMAN: It's in your folder.

16 MR. BROUGHTON: Okay, we all have this now.

17 MISS RIGGS: Section 1007 A, or the proposed chan-
18 ges thereto, is part of number two, which essentially is the
19 other part of limiting the restrictions on staff attorneys
20 to the restrictions of the Hatch Act.

21 That change in statute would still prohibit staff
22 attorneys from being involved in needless activities on staff
23 time for recipient resources, or any ways that identify the
24 recipients.

25 MR. STOPHEL: Which one are we dealing with?

1 MR. EHRLICH: I suggest 1010 C, which would elimin-
2 ate the restrictions on the use of private funds by recipients.

3 MR. STOPHEL: Whatever we say, the staff attorney in
4 a program that we fund is known as a Legal Services attorney.
5 He is known as our person out there. The chairman of a local
6 board -- I have had the opportunity to use OEO funds and United
7 Way funds and I wanted to show that I was not using United Way
8 funds for certain things. It's simply a matter of allocation.
9 It didn't change the facts that all that money came in and was
10 spent for whatever activity.

11 I think that if we're the primary funding agency for
12 a program that whatever restrictions we place on them by stat-
13 ute or regulation or guidelines or procedures, they should be
14 those followed for that program. If they want to go to other
15 funding sources, so be it.

16 MR. SMITH: While number three might appear at first
17 reading to be relatively non-controversial, and a principle on
18 which there would not likely be much disagreement, it seems to
19 me that upon reflection that it could be pretty controversial.

20 When you say that neither Congress nor the Corpora-
21 tion should impose restrictions on the manner in which private
22 funds are used, and you yet can envision attorneys using funds
23 under our grants on which we do have certain restrictions and
24 guidelines, if there were none on the use of private funds,
25 in the extreme you could see them using those private funds to

1 appoint something which would change the whole program.

2 Their time might be taken up in usage of private
3 funds over which we had no control, and they would not have
4 the time to devote to the use of our funds in the way in which
5 we want them used.

6 MR. CRAMTON: Am I correct that 1010 C restriction,
7 as we now interpret it, applies only to what we interpret as
8 prohibitions of the Act, particularly that long list in Sec-
9 tion 1007, and so that if you really -- it's kind of related
10 to four. If you take out the restrictions the people think
11 are most troublesome, such as abortion and desegregation and
12 the like, it might eliminate the entire thing, because the
13 remaining ones that are left, it seems to me we have to have a
14 profession of whether we are concerned about those.

15 For example, take the one about community organiza-
16 tions, and so on. If a Legal Services program received a grant
17 in order to essentially organize, almost in political terms,
18 as a corporate entity, to try to get greater welfare benefits,
19 or greater responsiveness to the political process, a tenants
20 union and the like, and then they were also engaged in liti-
21 gation, it isn't a question that what he publically did was
22 discriminating between those activities which they were doing
23 on private funds and those activities which they were doing on
24 Legal Services funds, and this is the question as to whether
25 it would be consistent with the guideline, or that portion of

1 of the guideline, we talk about preserving the integrity and
2 public confidence of the program.

3 And this is my question on three, and I'm not sure
4 that there are not some situations in which I might not go
5 along with Glee Smith in which we say that restrictions could
6 probably be imposed.

7 MR. EHRLICH: That's the issue.

8 MR. SMITH: I think there's a perfect analogy in the
9 field of education. Professors in public colleges and univer-
10 sities -- and there are some who say that if they can get a
11 private grant that it would be up to them to do anything they
12 want with it.

13 But that's not true. The primary responsibility of
14 a professor is to uphold the responsibilities for which he is
15 employed, and his use of private grant money could interfere
16 with his primary responsibility, and therefore, the state has
17 a very definite interest in and control over how that profes-
18 sor uses private funds, even though they're given to him for
19 a research project.

20 It seems to me that there's a perfect analogy here.

21 MR. BROUGHTON: I think that as Roger suggested
22 reading number three against number four clarifies it. You
23 can take private funds and realize that those are not tax
24 dollars and proceed to engage in a type of case which is re-
25 stricted by the federal funds.

1 MR. CRAMTON: I see Mr. Pritchard has been seeking
2 my attention, and perhaps we ought to get his views before he
3 goes on to Seattle.

4 MR. PRITCHARD: I only want to express to the Board
5 once again my appreciation for your invitation for me to attend
6 the sessions, and for the fine job you're doing. Also, to
7 remind you briefly that the American Bar Association consistent-
8 ly, since the late sixties, has taken the position that there
9 should be no restrictions on the operations of Legal Services
10 attorneys.

11 You, of course, have a responsibility for presenting
12 your budget to the Congress in a way which will enable you to
13 maximize the impact of the program and to get the dollars that
14 you need. I would only perhaps suggest to you that you need
15 not take an affirmative position on some of the rather contro-
16 versial restrictions, but only adopt as a general principle --
17 one which is supported by the American Bar Association -- and
18 I would submit also by any reasonable person in this country --
19 and that is by the rendering of legal services to any group or
20 organization, be it poor or rich or in between, that there
21 should be no restrictions imposed on the character or quality
22 or depth of that service, except those which for some reason
23 in the structure or priorities are set on the local level by
24 boards which have some measure of client participation.

25 Responding to Mr. Stophel's comment, while at the

1 present time there are reasonable men and women who would not
2 be offended by the areas which are restricted, I would submit
3 that as a matter of principle the precedent of having those
4 kind of restrictions built into the act is indeed -- I would
5 feel -- a dangerous one.

6 The non-therapeutic abortion of today might be a
7 subject tomorrow which might be -- strike very close to the
8 heart of people's civil liberties and civil rights, even though
9 one could make the case that so does the issue of non-therapeu-
10 tic abortion.

11 If, in fact, the corporation were to package its
12 position in the Congress in a way, a professional way, of say-
13 ing that there be no restrictions on legal services operations,
14 I believe that Congress would not be offended by that. They
15 would not view that as a radical or -- position, but one that
16 was consistent with the professional approach which this
17 corporation has taken to the operation of its organization
18 since its conception.

19 Yesterday I made a specific point of saying that I'm
20 speaking as an individual, and gave you a caveat on that.
21 Today I guess I could speak ex cathedra because I carefully
22 checked this subject with the American Bar Association staff
23 people before I came down, and I found a long line of prece-
24 dent dating back to the sixties, buttressed by President
25 Ed Wright in 1971, and by President Mazurke in 1973 where

1 President Mazurke categorically testified before Congress
2 that the American Bar Association is opposed to any of its
3 restriction on representation of legal services clients, and
4 urged the Congress to follow the mandate of President Nixon
5 in forwarding the legislation to the Congress where he speci-
6 fically pointed out that the poor should be represented, and
7 the legal services projects lawyers must be free to represent
8 the poor unfettered by any restrictions.

9 Again, my appreciation to all of you for the many
10 courtesies that I've received, and I hope to see you again.

11 MR. CRAMTON: Well, thank you for joining us, and
12 for those comments.

13 MR. PRITCHARD: Thank you again.

14 MR. CRAMTON: Well, if we are -- I guess we're not
15 going to make any eleven o'clock time, but if we are we're
16 going to have to start reaching some conclusions rather quick-
17 ly.

18 MR. THURMAN: Are we ready?

19 MR. SMITH: I have reached the conclusion that we
20 have done all we should do.

21 MR. THURMAN: There has been enough disagreement on
22 three that has been evidenced.

23 MR. CRAMTON: Perhaps we would be helped at this
24 point by a motion. I wonder whether someone should not propose
25 that several of these amendments -- perhaps number one and num-

1 ber three and number four -- not be incorporated in a proposal
2 to the committee, but that the President be authorized to
3 state a position when the question comes up that the board of
4 the Corporation does take essentially the position espoused by
5 Mr. Pritchard, which is that we're opposed to restrictions
6 which fetter the delivery of legal services as a matter of
7 principle.

8 MR. STOPHEL: That's kind of like saying that in a
9 Medicare program every medical benefit ought to be provided.
10 We just don't do that. There are some medical things that are
11 not provided, and we are providing judicial assistance, and we
12 ought not to try to load everything on this.

13 MR. KUTAK: That's Congress's decision. The argu-
14 ment I put forth is that what should be the professional judg-
15 ment of this professional corporation? Is it the principle
16 that there should be a parity of standing with respect to
17 legal service lawyers and private lawyers? That would be no
18 restriction on your practice. There is no restriction on your
19 practice, except your own, as to what cases you want to take.

20 What we're suggesting here is that there is an argu-
21 ment as to whether this Corporation should as a matter of prin-
22 ciple have any limitations. As a matter of necessity and as
23 a matter of practicality, we know that we do, because we recog-
24 nize priorities as a result of limitations in funds.

25 Second of all, there may be on the part of Congress

1 a will exercised that there should be a limitation. But in
2 our advice to the Congress, and in our recommendation to the
3 Congress, should we come in saying that there should be limit-
4 ations, or should we come in saying that the principle to be
5 recognized is the principle of unrestricted legal representa-
6 tion?

7 And my urging on this Board is that we take a stand,
8 if need be, in the general fashion, rather than in the speci-
9 fic way, rather than on the basis of voting down or voting out
10 one restriction or another in the Act.

11 We should abandon that course, and not address our-
12 selves to the particular example, but really support the
13 general principle that if we were to be heard, our voice would
14 say that we ought to espouse the doctrine that there be no
15 restrictions on the rights of a lawyer or discretion of a law-
16 yer to take a case, but for the limitations with respect to
17 resources, and therefore, the prioritization that is required
18 thereby.

19 MR. CRAMTON: Bob, I wonder whether a few straw
20 votes might help board members, and might help to merge a
21 conclusion.

22 Let me just give my suggestion, and if there's no
23 agreement we don't have to follow it. We have four different
24 amendments -- one, three, four, and five -- which we haven't
25 acted on. It seems to me that there are three positions which

1 may have been expressed.

2 One position is that we ought to include the parti-
3 cular amendment in an affirmative legislative recommendation to
4 The Congress at the earliest possible time, when we submit the
5 authorization legislation.

6 A middle ground position is that we authorize the
7 president to state the general principle -- on behalf of the
8 Corporation -- to state the general principle embodied in the
9 specific amendments when it arises in the course of legislative
10 hearings or consideration by the Congress of legislation.

11 MR. THURMAN: And not part of our proposal.

12 MR. CRAMTON: Right, not part of the affirmative
13 proposal.

14 The third position would be that the Corporation --
15 actually, there are four. The third position is the Corpora-
16 tion takes no position, and the fourth one is that the Corpora-
17 tion opposes the specific proposal.

18 And no one seems to have favored --

19 MR. ORTIQUE: I didn't hear that.

20 MR. CRAMTON: I didn't hear that opinion expressed,
21 and that's why I'm limiting myself to the three that essen-
22 tially say: Include the particular proposal in the affirmative
23 recommendation. That's the first. The second is to authorize
24 the president to take -- to express the principle that's em-
25 bodied in that when it arises in the legislative setting. And

1 the third one is to take no position.

2 And what I wonder is whether on the four items we
3 couldn't have a --

4 MR. STOPHEL: Well, if we could say that taking no
5 position means that the restriction itself is not a detriment
6 to our performing the services we're required to perform under
7 the Act, which I think was the statement made by everyone,
8 that is that we're not severely restricted in rendering ser-
9 vices that the Preamble requires by these restrictions.

10 MR. CRAMTON: Everyone agrees with that.

11 MR. STOPHEL: I want to be sure that that's part of
12 our third position.

13 MR. CRAMTON: It's also part of the first and second.
14 I think that anything that the president is going to say is
15 that the Act is workable now. We can continue to operate under
16 these restrictions, but if you ask our view as to what is
17 right, just as we try to express our views and judgment and
18 we're asked by the Corporation -- if you ask us whether this
19 is right, to be in or not, if you're considering it, then we
20 have such and such views.

21 MR. STOPHEL: I understand.

22 MR. CRAMTON: The program is not going to fold if
23 these provisions are not adopted. It's not that at all.

24 MR. STOPHEL: Okay.

25 MR. CRAMTON: They're less important than appropria-

1 tions and a lot of other things.

2 MR. BROUGHTON: I think that's injecting the Corpora-
3 tion into it with that last part.

4 MR. CRAMTON: What about the straw vote technique?

5 MR. BROUGHTON: Would you agree -- is that what you --

6 MR. SMITH: Yes.

7 MR. BROUGHTON: The last part of your statement, Mr.
8 Chairman, does involve us in that. If we don't have a posi-
9 tion, however -- that will do it.

10 MR. SMITH: Even the straw vote, if it's made a mat-
11 ter of record, injects us into taking a position on an issue
12 that is not an issue yet. We're surmising that these things
13 might come up, and if they do then this would be our position.
14 I think that the position that we should take, Mr. Chairman,
15 is to wait until they do come up and then take a position.

16 MR. EARLICH: The straw vote would not be on the
17 record.

18 MR. CRAMTON: It need not be on the record at all.
19 It can just inform us as to whether a motion -- since we have
20 so many alternatives and four particular proposals -- whether
21 there is a possibility that somebody might frame a motion that
22 would carry.

23 MR. KUTAK: He's asking you to raise an eyebrow in-
24 stead of a hand.

25 (Laughter.)

1 MR. SMITH: Well, I asked for one straw vote, which
2 is whether we should take a position on the positions as they
3 arise.

4 MR. THURMAN: That's not practical.

5 MR. SMITH: It certainly is.

6 MR. THURMAN: Are you going to call a special meet-
7 ing of the Board?

8 MR. SMITH: No. These things are not going to hap-
9 pen in a week or a month after they're introduced. They will
10 sit there for awhile. They will not be passed instantaneously.
11 They were subjects of great controversy before, and they will
12 be again.

13 MISS RIGGS: In terms of timing it is conservative
14 to suggest that no later than mid-February the Corporation
15 could very well be asked what their view is on particular ques-
16 tions, especially these questions. I have no doubt that they
17 will come up early.

18 MR. CRAMTON: And they will come up in the legisla-
19 tive debate.

20 MR. SMITH: We might be asked what our view is on
21 a particular bill, and that would be a matter of hearings,
22 and it would be perfectly logical to say that bill has been
23 introduced since our last meeting, and we'll consider it for
24 our next meeting.

25 MR. THURMAN: It would be something less than a

1 bill.

2 MR. ORTIQUE: What about the hearings to perfect the
3 bill? That's what I'm concerned about. There will be hear-
4 ings to determine what should go into a bill. I would have no
5 hesitation to say that we should wait, if we're ever going to
6 have that type of opportunity, but I don't think we'll have
7 it.

8 MR. CRAMTON: It seems to me that Glee Smith is
9 generally indicating that if straw votes are cast you're in
10 this last -- third -- category, that you don't want to take a
11 position until asked.

12 MR. STOPHEL: I agree.

13 MR. SMITH: Yes. It doesn't mean that I'm opposed
14 to all of them, by any means.

15 MR. CRAMTON: I understand that, but for the time
16 being you want to take no position.

17 MR. SMITH: That's right.

18 MR. CRAMTON: I just wondered whether we might not
19 get a sentiment on the other two sides of the problem as well.

20 MR. BROUGHTON: Mr. Smith has resisted the amend-
21 ment. I make a motion to get something on the table that we
22 support the Kastenmeier Amendment reserving the right not to
23 vote on my motion.

24 Mr. Kutak seconded it, and then got concerned and
25 withdrew his second, but at that time Glee said that we should

1 not be injecting ourselves.

2 MR. CRAMTON: He has been very consistent on that.

3 MR. SMITH: I think the Green Amendment is one good
4 example that supports the position that has been discussed.
5 There were certainly lots of people, and some on our board
6 when we first started in 1975, who felt that the Green Amend-
7 ment made this whole Act unworkable, and in the extreme they
8 said we could not function until we get rid of the Green Amend-
9 ment.

10 As a result of a very fine study that the Commission
11 had done, and a very fine analysis done by our president, we
12 found that we could live with the Green Amendment, and in fact,
13 the Act is working quite well with the Green Amendment in
14 there. It was not as disastrous as many people felt.

15 MR. BROUGHTON: And none of that was really resolved
16 until just a short while ago.

17 MR. CRAMTON: Well, do I get any support on the
18 effort to take straw votes?

19 MR. KUTAK: Yes, by all means. I would be happy to
20 express myself.

21 MR. THURMAN: It's clear that we would have a pretty
22 sharply divided group. Number one and number two will not
23 probably make it.

24 MR. CRAMTON: Is there anyone who will support the
25 inclusion of any of these four in an affirmative legislative

1 recommendation at this time?

2 MR. KUTAK: Mr. Chairman, I really think that it's
3 perplexing for a group of fine lawyers to not be able to leave
4 with at least some position. That position may be no position,
5 but I think it is awful that we find ourself in this stalemate.

6 I think the Board knows where I would come out, but
7 if I can't get position number one, I would really urge that
8 we at least adopt the general principles, which is point num-
9 ber two.

10 MR. CRAMTON: I suppose there are two votes for
11 that.

12 MR. ORTIQUE: Yes.

13 MR. CRAMTON: Mr. Thurman, are you for position num-
14 ber one?

15 MR. THURMAN: Just a moment. No.

16 MR. KUTAK: But I would yield on that.

17 MR. CRAMTON: You would fall back to the second
18 position if you could not get enough votes on the first.

19 MR. KUTAK: Of course.

20 (Laughter.)

21 MR. SMITH: I don't think it's fair to our Board to
22 say that if we don't do this that we're abdicating, or that
23 we have no position. I think that it's a matter of good judg-
24 ment to say that we reserve our decisions until the situations
25 arise, and that's not abdicating and saying we have no posi-

1 tion, rather it's saying that taking a position is premature.

2 MR. KUTAK: Well Glee, just so you can understand me,
3 I respectfully disagree. I don't think it's premature. In
4 fact, the whole burden of my brief was that it's very timely
5 and essential that we try to get some direction.

6 The requests are being given for us to express our
7 position. We may wish to defer, but I tell that it's timely
8 to respond if we can.

9 MR. CRAMTON: We're now in the process of preparing
10 for an oversight hearing. If there is anything that the hear-
11 ing committees of Congress expect it's that when an agency is
12 called in for an oversight hearing to express views as to how
13 the statute under which they operate can be improved. We
14 know that the Green Amendment passed in the last session of
15 the House, and we know it will be reintroduced and it will
16 come up and the other questions will come up, because there
17 are charges that they're unconstitutional and they're in the
18 courts over that.

19 I don't see the prematurity argument at all. I think
20 that we know these questions are inevitably going to arise.
21 The question is whether we have a position on them, and what
22 is the right position.

23 MR. SMITH: Number five, for example, assumes a
24 self-criticism that I'm not willing to assume. I think our
25 Board is doing an excellent job, and I don't see how we can

1 necessarily this.

2 MR. KUTAK: Wait a minute. I think that the princi-
3 ple is wrong.

4 MR. BROUGHTON: You bring it up, and just retain
5 the right to oppose it.

6 MR. KUTAK: Exactly. Mel, at the hearing I was on
7 record as saying that it is bad policy to put the president
8 in a position where he has to fill be category.

9 MR. BROUGHTON: I agree.

10 MR. KUTAK: He ought to have the inputs of various
11 views, but he ought to be free to pick without fetters.

12 MR. CRAMTON: That's my view.

13 MR. THURMAN: Are we in agreement on that?

14 MR. ORTIQUE: No, wait a minute. I see quite frank-
15 ly that I sit on this Board because I represent a special
16 interest. I don't think that there's any doubt in anybody's
17 mind -- the president or anybody else -- that I was being put
18 on this board for a special reason.

19 MR. THURMAN: But the statute does not require that.

20 MR. ORTIQUE: That's right.

21 MR. THURMAN: Do you want the statute to require
22 that?

23 MR. ORTIQUE: Yes, I want the statute to require
24 that clients -- that we have representations from the clients
25 on this Board. I don't feel that I fulfill that role at all.

1 MR. THURMAN: No.

2 MR. ORTIQUE: But there was no doubt that I was
3 coming from the NLADA and ABA and N~~O~~A.

4 MR. THURMAN: And you're here.

5 MR. SMITH: If we're going to clean up this list,
6 I would move that we recommend adversely on number five and
7 clean the list up a little further.

8 MR. CRAMTON: You have heard the motion. Is there
9 support for that motion?

10 MR. BROUGHTON: Could you repeat it, please?

11 MR. CRAMTON: Essentially, remove five and --
12 because the Board does not want to support number five. That
13 does not put us in the position of supporting it or opposing
14 it, but rather that we're just not going to vote it in.

15 MR. THURMAN: We would not want to oppose the philo-
16 sophy.

17 MR. CRAMTON: It's not a philosophy, but on the
18 grounds generally that the presidential appointive authorities
19 to boards and commissions should not earmark one to the Ameri-
20 can Bar Association and one to the League of Women Voters and
21 one to clients, but rather that the President, with the Senate
22 confirming it, ought to exercise their sensible good judgment
23 about the interests that ought to be represented and the com-
24 position of the board.

25 MR. EARLICH: Are you suggesting just removing num-

1 ber five?

2 MR. CRAMTON: Right, not taking a position on it.

3 MR. EARLICH: Fine. I see. I gathered that it's
4 for the reasons expressed.

5 MR. CRAMTON: Is there a second?

6 MR. STOPHEL: I second it.

7 MR. CRAMTON: Is there discussion -- further discus-
8 sion of that motion?

9 (No response.)

10 MR. CRAMTON: The motion is to remove five from pos-
11 sible inclusion in a package of amendments. It does not mean
12 that the president would not be required to state that the
13 Board opposes it, but he could not state that the Board sup-
14 ports. If he's asked to explain that he might state some of
15 the reasons that although we believe in client participation
16 and representation we don't believe that the president's
17 authority for appointments should be limited to categories.

18 All those in favor please say aye.

19 (Ayes.)

20 MR. CRAMTON: Those opposed, no.

21 MR. ORTIQUE: No.

22 MR. CRAMTON: Let's have a show of hands to accomo-
23 date the by-laws. All those in favor please show your hands.

24 (Show of hands.)

25 MR. CRAMTON: Mr. Kutak, Smith, Stophel, and Brough-

1 ton.

2 Now, opposed, show of hands.

3 (Show of hands.)

4 MR. CRAMTON: Mr. Ortique.

5 MR. STOPHEL: Mr. Chairman?

6 MR. CRAMTON: Mr. Stophel.

7 MR. STOPHEL: Mr. Chairman, it's probable that we
8 will not get unanimity on any other matter that's here before
9 us. Our president has expressed himself as favoring a presen-
10 tation, not affirmatively -- he has not expressed whether we
11 do it affirmatively, or in response to the request, but I
12 think that it would be in response to a request.

13 I think that there is this fourth position, that is
14 the president should not be restricted by this Board in ex-
15 pressing his views to the committee of Congress as being his
16 views, and the Board has divided opinions regarding the remov-
17 al of these items and the change of these items.

18 Look, if all of us always agree, some of us are un-
19 necessary. My daddy used to say that if two of us always
20 agreed, one did not have to be there, because one decision
21 could be made. I don't think that this Board has to come down
22 and exercise the same judgment on all of these things in order
23 to establish integrity with anybody.

24 MR. KUTAK: Absolutely. I don't think we have to
25 have unanimity of views. But gentlemen, if I read the statute

1 correctly, the only real function that this board has is to
2 establish policy. Anything else, Tom Ehrlich and his able
3 colleagues can do perhaps better without us, but certainly in
4 spite of us.

5 But when it comes to the point of policy, that is
6 what we've hired on to do. That is, we must identify and
7 develop and document and eventually decide what the policy of
8 this Corporation ought to be for the guidance of the lawyers
9 and for the advice to the Congress.

10 MR. CRAMTON: Bob, why not frame a motion about the
11 inclusion of these in a legislative package. If that fails
12 then you can propose a motion that the president be authorized
13 to state the general position on them if it comes up.

14 In other words, we have only three left. We have
15 number one, number three, and number four.

16 MR. KUTAK: I'm concerned and respectful of my col-
17 leagues' concern that the technical and precise phrasing of
18 the substantive amendment may be something that they would
19 want more time, if they were going to take a position on them,
20 to debate.

21 I'm cognizant of that, and wouldn't want to push
22 them, frankly, into in effect what would be your first alter-
23 native of saying yes or no on one and yes or no on three and
24 yes or no on four.

25 Perhaps in time, if we had time, we could find some

1 language that might achieve the same end, if not the same
2 words. However, it does seem to me propitious that we consider
3 your second alternative, and that we would be terribly remiss
4 in our responsibilities if we didn't give our president instruc-
5 tions in such generality, if not in specificity --

6 MR. THURMAN: Let's get a motion in here on one,
7 three, and four, that we approve the substance of what is
8 contained in pages 5 and 6 --

9 MR. KUTAK: That's the idea.

10 MR. THURMAN: -- for purposes of reply when inquired
11 into, and not for making an affirmative presentation. I so
12 move.

13 MR. KUTAK: Do I understand your motion, Sam, to be
14 the general principles?

15 MR. THURMAN: That's right.

16 MR. KUTAK: That's what I was trying to get at.

17 MR. CRAMTON: Do you second that?

18 MR. KUTAK: Yes I do. I would have made it myself
19 if I could have gotten to the end of my sentence.

20 MR. CRAMTON: We have a motion made and seconded to
21 direct the president to take a position on behalf of the cor-
22 poration in favor of the general principles stated in legisla-
23 tive proposals one, three, and four, not as part of the affir-
24 mative legislative submission to the Congress, but as those
25 questions come up in the legislative hearing or in response

1 to other legislative proposals.

2 Is that the intent of your motion?

3 MR. THURMAN: Yes.

4 MR. CRAMTON: Does everyone understand that motion?

5 (No response.)

6 MR. CRAMTON: Is there further discussion?

7 (No response.)

8 MR. CRAMTON: All those in favor please say aye.

9 (Ayes.)

10 MR. CRAMTON: Those opposed, no.

11 MR. STOPHEL: No.

12 MR. BROUGHTON: No.

13 MR. CRAMTON: Let's have a show of hands. All those
14 in favor of the motion -- ?

15 (Show of hands.)

16 MR. CRAMTON: Ortique, Kutak, and Thurman. Now,
17 those opposed?

18 (Show of hands.)

19 MR. CRAMTON: We are divided three-three with Brough-
20 ton, Stophel, and Smith in opposition. I will break the tie
21 by casting an affirmative vote. So, by a four-three vote,
22 by the Board of Directors, this motion passes.

23 Now, it is possible that on this issue we might
24 fatten that margin by polling some of our absent brethren.

25 MR. STOPHEL: Mr. Chairman?

1 MR. CRAMTON: Mr. Stophel?

2 MR. STOPHEL: Mr. Chairman, we're not allowing proxy
3 votes.

4 MR. CRAMTON: It could not be a proxy vote.

5 MR. BROUGHTON: I would like to get an interpretation
6 of the meaning of what we just passed, so far as what the pre-
7 sident is authorized to do and not do.

8 MR. CRAMTON: All right, we will ask Tom Ehrlich to
9 interpret it.

10 MR. EHRLICH: I'll state my understanding of it,
11 unless you correct me.

12 In presentations before the Congress we will not
13 raise these points until asked. If we're asked to address them
14 during the testimony, either by letter beforehand or asked a
15 question there, we will address them. We will not do so other-
16 wise.

17 In addressing them we will say not only that the Act
18 works, and so forth, but also that a majority of the Board --
19 not unanimity -- has approved the principle that is expressed
20 concerning this particular provision.

21 For example, in number one we would restate the
22 basis articulated in here for why there ought to be flexibility.
23 We would say that not the specific language was approved, or
24 that it was approved, but rather the principle was approved
25 that would lead to permitting the Corporation to fund by grant

1 or contract as well as undertake directly researched training
2 and technical assistance, and so forth.

3 We would say the same thing as to number three and
4 number four, and we would state it as a principle, but not in
5 terms of support of specific language.

6 That is what I understood it to be.

7 MR. CRAMTON: Does that conform to it?

8 MR. BROUGHTON: I voted against the motion, so I
9 really don't guess that entitles me to anything.

10 MR. KUTAK: Does that conform to the understanding?

11 MR. BROUGHTON: Yes.

12 MR. THURMAN: That is what you voted against.

13 MR. STOPHEL: Good. There was no question about it.

14 MR. BROUGHTON: I would also say that this is not
15 only a majority, but a four to three vote.

16 MR. THURMAN: You could say it was unanimous except
17 for three votes.

18 MR. CRAMTON: Of the quorum that was present.

19 MR. BROUGHTON: You have always been particular
20 about no proxy votes.

21 MR. CRAMTON: There are no proxy votes, obviously.

22 MR. SMITH: You talked about fattening the majority.

23 MR. CRAMTON: Strike that from the record.

24 MR. STOPHEL: Are you intending to lobby with some
25 particular member?

1 MR. SMITH: I agree with the president's interpreta-
2 tion of the technique that's involved, but blanketed into that
3 I can't see any possibility of us saying that number three is
4 correct. I gave the analogy with the college professor and
5 private funds. I can't see how we as a Board can possibly say
6 that we don't believe in having any controls over the use of
7 private funds when attorneys are also using our funds.

8 MR. STOPHEL: If it's removed, I think an attack on
9 our regulations restricting the use would be evident.

10 MR. KUTAK: I would like to go one step further. I
11 assure my colleagues that to whatever degree the chairman
12 wishes the regulations committee to do so, that we will try to
13 keep abreast of, to develop for this board a -- the thinking
14 on, and to come to you with some views about pending legisla-
15 tion, and to do so as promptly and as professionally as we can
16 so that if there comes a time -- as I'm sure there will --
17 when the converse of this comes up and we do have a legislative
18 proposal and the views of the Corporation are needed, then we
19 will be able to look at this thing with some sort of similar
20 thorough fashion that we have the regulations.

21 MR. CRAMTON: It may be that they would be able to
22 call a special meeting if the president thinks that the legis-
23 lative proposals have come up on which the Board ought to take
24 a position, and has not done so.

25 MR. BROUGHTON: Nevertheless, as I understand the

1 majority vote, the Corporation by majority vote today is on
2 record as favoring these changes within the general outline as
3 set forth in the report of Mr. Kutak. I would interpret that
4 as not being opposed.

5 MR. CRAMTON: Favoring the principles.

6 MR. BROUGHTON: I don't see any point in a special
7 meeting if the majority's position is to favor changes along
8 these general guidelines. I think we have spoken, and that
9 is it.

10 MR. ORTIQUE: No, I don't think that's what we're
11 saying, Mel. I'm pleased that the majority did vote the way
12 it did, but what the majority really said does not go as far
13 as what you have said. It seems to me that the principle is
14 merely being enunciated in response to something. That's a
15 far cry from the position that I would enunciate, and I think
16 you understand, but -- you may not appreciate, but I'm sure
17 you understand my position.

18 MR. BROUGHTON: Oh, certainly.

19 MR. CRAMTON: Is there any desire to return to the
20 guidelines at this point? We did at least open the possibility
21 that after dealing with the specific we would return to the
22 general and consider the possibility of whether the adoption
23 of these guidelines, or some guidelines, may be helpful to
24 the president and the Congress in terms of considering legis-
25 lative change.

1 MR. ORTIQUE: I don't think that it matters now.

2 MR. SMITH: It seems that the guidelines could be
3 condensed into one statement where we believe in the preamble
4 to the Act and we have sworn to execute.

5 MR. BROUGHTON: I think they're purely superfluous
6 based on what was just passed.

7 MR. CRAMTON: The president has one more item to
8 briefly report on. It will have to be brief if Mr. Kutak and
9 I are going to catch the plane.

10 MR. EARLICH: As my memo and Nelson Rios's memo in-
11 dicates, this staff has come to the judgment that if we could
12 find the right facility that it would result in a saving of
13 corporate funds to shift from a lease arrangement to a pur-
14 chase arrangement of a facility.

15 It also has some other advantages such that if we
16 find the right building the Legal Services Corporation might
17 be able to operate a legal services office in part of it and
18 it would give us flexibility.

19 In all events, the current facility that we have,
20 while we fixed it up at little cost as well as it can be, is
21 not adequate, particularly for training.

22 The memorandum that Nelson Rios is now passing out
23 takes a particular building. We looked at about eight or ten.
24 It uses one as an example -- not as the one that we propose to
25 use, but rather to give you some sense of how much could be

1 saved by a purchase.

2 We're not saying that this is the right building,
3 but if you don't reject this approach now, then we perhaps
4 would go forward as quickly as we can to do a full analysis of
5 market and come up with a proposal either at the next meeting
6 or the meeting afterward where we would be consulting with the
7 chairman and the chairman of the appropriations and audit com-
8 mittees, since it involves funding, and the chairman of the
9 Regulations and Building Committee, because of its particular
10 interest in things physical.

11 And we hope that we could come back to you with a
12 proposal that could be taken up.

13 If you think this is a crazy idea and one which we
14 shouldn't follow up on, then obviously we'll drop it here.
15 Nelson is here for those who have questions about the facility.

16 We have also been looking at the former downtown
17 library of the District of Columbia, which is the old Martin
18 Luther King Library at New York Avenue, which is a wonderful
19 old building and frankly would be ideal for the kind of thing
20 that we want.

21 MR. KUTAK: Mr. Chairman, without focusing on the
22 specifics of this building, because that would take quite a bit
23 of time, but just the concept of the economics of ownership
24 and operation vis-a-vis renting and improving, I think that
25 the course of action that you asked us as to whether we should

1 embark on it, ought to be taken. I think it ought to be
2 taken. I think that it's an exciting idea and offers so much
3 more flexibility and so much more possibility to do many ex-
4 perimental things with, such as the sharing of local offices
5 with local legal services programs, and having a space for
6 planning, and having a permanent home for holding our board
7 meetings in, and frankly, if the numbers work, and work fa-
8 vorably, then that is just all the more reason why we should
9 undertake it.

10 I think that the idea is sound, and I for one would
11 like to have you know that I would encourage you to do so,
12 subject to the economics, and subject to the amount of or kind
13 of programs that you would like to have in it.

14 I would hope that we could get as close to the
15 ground and near the community that we serve as we can. I
16 think we won't do so staying at 733 - 15th Street.

17 MR. THURMAN: I agree, and I'm not a buyer of build-
18 ings every week or so like Mr. Kutak, so it comes as a greater
19 shock to me. But I think it looks like it has great promise.

20 I would hope that we could bring it up at the next
21 meeting of the Board before you go out and buy a building.

22 MR. EARLICH: There's no question that before we go
23 out and buy a building it will come before the Board.

24 MR. BROUGHTON: I think the question, Sam, was whether
25 we wanted at this point that they continue their survey and

1 analysis.

2 MR. STOPHEL: I think that our committee can serve
3 as an intermediary function of viewing options, and perhaps
4 looking at two or three options, and hopefully narrowing the
5 choice down for us to some extent, and then bringing those
6 new options to the board.

7 MR. BROUGHTON: Mr. Chairman, I move that we author-
8 ize the president and the staff to continue their analysis
9 with further reports to the Committee on Audit and Appropria-
10 tions, and -- or directly to the Board, as they see fit.

11 MR. KUTAK: I second that.

12 MR. CRAMTON: It's been moved by Mr. Broughton and
13 seconded by Mr. Kutak that we authorize the president and
14 staff to continue the exploration of better office space in
15 the Washington, D. C. area, including ownership of a building.

16 All those in favor please say aye.

17 (Ayes.)

18 MR. CRAMTON: Those opposed?

19 (No response.)

20 MR. BROUGHTON: I can't believe it.

21 MR. CRAMTON: It has been adopted. Is there further
22 business?

23 MR. SMITH: I move that we adjourn.

24 MR. CRAMTON: Is there a second?

25 MR. BROUGHTON: There's one other thing, Mr. Chair-

1 man. I mentioned with respect -- that with respect to future
2 meetings it would help us psychologically if, when the agenda
3 comes out, we are not baited by the possibility of finishing
4 up in one day.

5 MR. CRAMTON: We can make it a one-day or a two-day
6 meeting, and make it clear.

7 MR. BROUGHTON: Yes. I think when it comes to us
8 we shouldn't consciously make plans that at the end of one day
9 we will depart. I think that yesterday we had too much for
10 any one group to go through in one day. I recommend that when
11 the notices go out that it might say just two days.

12 MR. STOPHEL: Perhaps we should move some directly
13 to the second day so we know we'll be here on the second day.

14 MR. CRAMTON: Whenever -- if we can complete it in
15 the one day, then we will do so.

16 MR. BROUGHTON: Yes. I think that we ought to have
17 enough time to cover each thing that we have.

18 MR. SMITH: I agree with that principle entirely.
19 As infrequently as we meet, which is not more than every other
20 month, I think it should be a matter of general practice that
21 we always plan to meet for one and a half days, and not to try
22 to do it in one day.

23 Meeting only once every two to three months -- we
24 can't hope to do it in one day and do justice to it. Then we
25 won't have the problem of giving inadequate consideration to

1 serious matters toward the end of the day when everyone is
2 tired and pushing and rushing.

3 MR. BROUGHTON: If we hadn't been so rushed this
4 morning we might have picked up one or two votes on our side.

5 (Laughter.)

6 MR. CRAMTON: The meeting is now adjourned.

7 (Whereupon, at 11:05 a.m. the meeting was closed.)
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C E R T I F I C A T I O N

1
2 This is to certify that the attached proceedings,
3 in the matter of the Board of Directors Meeting of the Legal
4 Services Corporation, held on Saturday, 15 January 1977 in
5 the Interagency Meeting Room 105, 5th Circuit Court of Appeals,
6 600 Camp Street, New Orleans, Louisiana, were had as herein
7 appears, and this is the original transcript thereof.
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10 NEAL R. GROSS
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