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a letter to James H. Carter, President of the Imperial County Bar Association. The letter states, in part:

"CRLA were now handling very few domestic and individual cases so some other channels have to be found." (Exhibit 04-0040)

In seeking help from the Bar Association to find other channels for assisting the poor in these situations, the Director of the local OEO anti-poverty agency was expressing the opinion of poor people in Imperial County, that whatever CRLA's opinion, the poor themselves think domestic relations and other individual law is important to them.

A similar incident occurred in Santa Maria in the Spring of 1969, when CRLA's refusal to take individual cases caused a local uprising among the poor, who organized and finally picketed the local CRLA office, demanding a voice in their activities.

The reaction of local bar associations to all of this is recorded in Section 22 herein. But their collective reactions are well stated by Attorney Thomas A. Lacey of Modesto, who relates his experience with CRLA attorneys in a landlord-tenant suit of minimal damages, in which CRLA Modesto office used the services of three staff attorneys and a CRLA investigator. Mr. Lacey comments:

"My condemnation lies with the fact that they (CRLA) had two attorneys, in addition to the trial attorney, and an investigator, sit through almost all of this trial. It is common knowledge that CRLA does not take needy clients insofar as domestic matters are concerned. This they declare to be a policy in their office. It would seem to me that if they had time to have that many attorneys tied up in a landlord-tenant lawsuit, just listening to the case and observing, they should have time to handle the needy clients in regard to domestic matters." (Exhibit 04-0039.)

In June 1969, Angeline F. Mariano went to the CRLA office in McFarland for help in defending a suit brought by UFWOC against Mrs. Mariano and numerous other defendants for damages for demonstrating against the organizing efforts of UFWOC. Mrs. Mariano relates the incident as follows:

"Some time in June of 1969 I was served with a summons and complaint naming me in a lawsuit as well as a number of other people. At that time I was unemployed, but my husband was working and making about \$300.00 per month. In addition to my husband and myself at that time we had my daughter Garcella Ortiz at home with us and we were helping to support my husband's mother and were in debt over \$3,000 on unsecured debts. When I was served, I recognized that it was a lawsuit, but I had no money with which to hire a lawyer. Two or three days later I went to the California Rural Legal Assistance office in McFarland, California, as I was living at 822 Kensington Street in Delano, California. I had never gone there as a client before. I went over to their office in the early afternoon. I went into the reception room and told the receptionist that I had a problem and had to see an attorney. She told me

to wait and then she went into the back of the office. At that time there was no one else in the waiting room. She came back in five or ten minutes and told me I would have to wait quite a little while as the attorney was busy. I waited about an hour or hour and one half. While I waited I didn't see anyone else go in to see any attorney or come out of the office area. After that time she told me I could go in and led me into an office down the hall on the left-hand side. There was a man in the office. When I went in, this man asked me my name and I told him Mrs. Mariano. I told him I had a big problem and didn't have money to hire an attorney. He asked me what my problem was. I told him I was being sued and handed him the papers. He looked at the first sheet of this complaint at the top part and handed the paper back to me. He then asked me "What does your husband earn?" And I told him. He said he was sorry, but there was nothing he could do to help me. Then he suggested that I get together with the other people named in the suit and hire an attorney, that it wouldn't cost much money. I told him that even \$100.00 looked like a million dollars and I just couldn't raise it. He said there was nothing he could do for me, that CRLA could only help migrant farm workers who earned less than \$2,500.00 per year. I told him the only people you take care of is Cesar Chavez and UFWOC. He didn't say anything, but looked at me with a smirk. I got up and left his office. I never went back to their office. I know of other people who went to CRLA for help and were turned away." (Exhibit 04-0047--Emphasis added.)

This incident represents CRLA at its cynical worst. For here was a woman, poor by any standard we are aware they use, who is being pressured by a lawsuit from pursuing what she considers her own best interest with regards to the organizing might of the United Farm Workers Organizing Committee.

"The project will supply legal assistance to farm workers and other poor persons in California. Its goal is to provide the legal protection necessary to enable the rural poor to help themselves." (CRLA Refunding Application, inside cover.)

This program is not limited to helping "migrant farm workers", as the CRLA attorney quoted above was no doubt aware. \$2,500 is the bottom limit for single persons--and it is a limit that CRLA violates liberally when the issue suits them.

The tragedy of this situation is that here was truly a "landmark" opportunity to help the poor--a "cause" that deserved CRLA's attention if ever there was one. The situation raises the question of the impact on the rural poor if UFWOC is successful in its organizing efforts. That impact explains the considerable opposition to it by many farm workers--ultimately by the poorest of those workers, those with the fewest options available to them if they lose their jobs.

No one seriously questions whether the total supply of farm jobs will contract in the event of total organization. Lowering worker productivity per unit of compensation will force the growers to automate, and those who will be left behind will remain there without jobs or hope until a generation from now CRLA's progeny stand up to condemn an "evil system" that has exploited them. Which is

exactly what will have happened although the agents of exploitation will be UFWOC and CRLA.

The point here is that if legal service programs for the poor should do anything, they should serve the poor impartially, and not choose one group over another. Yet assisting one group at the expense inevitably of an even poorer group is precisely what CRLA is engaged in here and throughout its close association with UFWOC. Such a practice--of forcing the poorest of the poor to make sacrifices for CRLA's favored constituency--would be reprehensible enough were it not publicly-subsidized. But the fact that such exploitation is publicly subsidized puts it beyond comprehension.

In the suit of Godley, et al., v. Knudsen Creamery Co., et al., San Francisco Superior Court No. 625183, CRLA sued eight milk companies in the State of California for dating milk cartons in a manner that makes determination of their freshness by consumers extremely difficult. Although this suit is allegedly brought on behalf of the poor, its content does not specifically concern the poor. The question here is: Should the taxpayer subsidize for the poor, suits that the rich cannot afford to bring? The result of the suit concerning a practice recently determined satisfactory by the Legislature, is to spread fear

throughout the State that people are being poisoned and are receiving spoiled milk by the creameries. CRLA made no effort to contact the creameries prior to filing this suit. If it is successful, according to dairy spokesmen, the cost of milk to the poor will certainly increase.

(Exhibit 02-0022.)

Yuba City Attorney Donald Huckins states in affidavit:

"Within a brief period of time it came to my attention that representatives of CRLA were not aiding this community but were endeavoring to create serious social and political problems between local minority racial persons and the local schools in various federal, state, and county branches of government."

Mr. Huckins further comments,

"I understand from various sources that CRLA attorney Mr. Haberfeld was either directly or indirectly involved in inciting high school students to direct confrontations with high school authorities regarding length of boy students' hair and style of dress at school which were contrary to regulations established by educational supervisors and in inciting direct racial confrontations between Negro and Caucasian students. These confrontations have resulted in fist fights between individuals and near riots between groups of students at or near the high school." (Exhibit 09-0113.)

"...we recognize that our government and our society is (sic) open to peaceful change."  
(CRLA Refunding Proposal, 1971, p. 8.)

On May 5, 1970, a group of Delano High School students walked out of an assembly at the high school auditorium. Five hours later, the students began picketing

around the school and presented a list of ultimatums. The pickets continued throughout the week, and, in the opinion of many school, police and city officials, were attempting to provoke a physical confrontation with the police and/or school officials.

During all of this time, CRLA attorney John Ortega, from the McFarland office, was actively involved with the pickets. (Mr. Ortega's son, in fact, was among the picketers.) School officials and parents tried to solve the problem and made arrangements with Ortega to place the item on the school board agenda on Monday, May 11, 1970. The attached film and soundtrack (Exhibit 09-0119) indicate the school board meeting was held, and after preliminaries, Ortega was asked to speak. Ortega's name was called; however, instead of going to the microphone, he stated that the group he represented had decided on its own order and would start with an individual named Greg Aguirre, an individual (not a student) dressed in the uniform of the Brown Berets. Aguirre took the microphone and started to address the audience. He was instructed by the president of the board to address the board. He then said he was going to speak to the people and not to the board. Ortega then stated, "Go ahead, Greg" to Aguirre. Aguirre then shouted to the crowd as the board chairman declared him out of order. The board adjourned the meeting



at which point several individuals began to shout. Ortega was directly involved in the disruption that followed and was warned by the Chief of Police of Delano, Ailes, that he was in danger of being arrested for attempting to incite a riot.

On May 15, 1970, a rally was held by the Brown Berets at Heritage Park in Bakersfield, at 2:30 p.m. Ortega was observed conferring with students at the Park, which was also decorated with pictures of Che Guevara. A folder was distributed before the meeting, and the Brown Beret ten-point program was also passed out.

On Tuesday, May 19, 1970, Ortega filed an act for injunctive relief on behalf of 18 youngsters and 16 adults. Several persons represented by Ortega in the suit have criminal records, including arrest for possession of heroin for sale. Picketing of businesses owned by school board members continued at times becoming loud and unruly.

On June 12, 1970, during Delano High School graduation exercises, an attempt was made to create an incident; at this time 15 students were arrested. It is understood that Ortega and paid CRLA attorney Gerald McManigal of the McFarland office were at the Delano Police Station as soon as the arrested students were brought in. At this

time crowds blocked exits and entrances of the police station and slashed police vehicle tires. Picketing continued in Delano, and the father of one of the students who helped police at the graduation disturbance was allegedly called by several persons, including Ortega, who allegedly threatened the individual with legal action. In a memorandum dated June 29, 1970, to Assemblymen Leon D. Ralph and John Vasconcellos from James Smith, Attorney, CRLA, he quotes,

"John Ortega, a CRLA attorney, was identified as a spokesman for the striking students in that he acted as their advisor during the time the students were on strike." (Exhibit 09-0119.)

In the Fall of 1969, Beatrice Velgado went to the Madera office of CRLA for assistance in obtaining a divorce, which would permit her to remarry. She writes in affidavit:

"We went to the CRLA office in Madera and talked to an attorney. I do not remember his name. This attorney for CRLA told us that if we paid him \$300 he would handle the divorce. We were not able to pay the \$300, and I am still married. This affidavit has been read to me in Spanish by my brother, Ignacio Ruiz." (Exhibit 16-0139.)

In November, 1970, Liela L. Herbert related a similar incident:

"I told the attorney that I wanted to get a divorce, and he informed me I would have to have \$75 right away, and the entire cost to me would

be \$300. As I did not have the money, I left the office of CRLA." (Exhibit 16-0139.)

The Marysville office of CRLA filed an action against the Sutter County Welfare Department for a stove for a welfare recipient. A local merchant called CRLA and offered to donate a gas range to the welfare family, but CRLA refused the offer, indicating they were more interested in pursuing the suit against the Welfare Department than in serving the client on whose behalf they had brought the suit.

The Sutter County Welfare Department had learned in December it would have available to it \$1200 in funds, some county, some state and some federal, for purposes of relocating welfare families to improved housing. The Director of the local Welfare Department estimated that \$1200 for the entire year would accomplish relocation of two families. The Legislature never suggested these funds, even in their small amounts, were available for the purchase of appliances--only for relocation. The court sustained the Welfare Department's demurrer. CRLA contacted the merchant, asking for delay, and indicated to him their interest was in raising the larger issue rather than in serving their individual client. (This was in the face of the extremely limited funds available for any purpose,

their explicit allocation for relocation purposes, and the late notification that the Welfare Department received concerning their availability.) When the suit was finally dismissed, the Welfare Department made arrangements for transport of the merchant's stove to the needy family. CRLA's action in delaying the move resulted in their being without it for between four and six weeks. (Exhibit 09-0140.)

In June, 1970, during UFWOC's melon strike in Imperial County, CRLA attorney Robert B. Johnstone and two CRLA community organizers were filmed participating in union picketing. The film shows CRLA senior investigator Hector Lopez using a bullhorn in a grower's field either directing the strike activities or harassing the non-striking workers. The film suggests that Johnstone was participating in a supervisory capacity, and shows him on at least one occasion holding a conversation with the grower who was being struck.

During the same period, the CRLA El Centro office purchased on two different occasions 22 x 28 white poster board in large quantities. 22 x 28 picket signs appear in the above-mentioned film. (See also Exhibit 03-0198, which indicated the purchase money was a "loan", which UFWOC paid back. UFWOC as an organization is of course

not qualified to receive CRLA's services. One wonders if the repayment included repayment for the time of attorney Johnstone, when he purchased them.)

"The state is 'soliciting any kind of scurrilous information it can find to use as an excuse to do away with CRLA and its activities on behalf of our clients.'" (Cruz Reynoso, Director of CRLA, as quoted in the Los Angeles Times, November 19, 1970.)

Monroe Carter Taylor is Director of Social Services at the King Kennedy Memorial Center in the City of Modesto. He is also a member of the Advisory Board of CRLA, Modesto office. Rev. Taylor stated in affidavit:

"...During the Modesto City School lunch demonstration which occurred in March, 1970, these two lawyers were all too active. First, they told the demonstrators they would represent them legally in court if arrested. Second, they spent the entire day, day after day, at the City School's office, with the demonstrators where, in fact, they should have been at their offices doing their official duties talking to clients. Thirdly, they did represent some of the demonstrators who were arrested, and the two, Lowenstein and Neumark, spent weeks in court defending the demonstrators. Some of the demonstrators I suspect, did not even qualify for the representation under the law. The courts were held in the daytime and not at night. The two lawyers claimed they were doing so on their own time. While I was at the City School's office demonstration scene I had a conversation with Mr. Neumark relative to his counseling of the demonstrators who should have been in school. The issue was what these young children were going to eat. Mr. Neumark remarked, 'Monroe, feed the children something to eat and charge it to CRLA.' After the school demonstrations,

I talked to David Talamante, Manager of the then Stanislaus County Cooperative Association, 409 Mays Road, Modesto, who had furnished the demonstrators lunches, and he told me that he had billed CRLA \$400 for the food, and that they had paid for it. I think that this was a misdirection of funds. I think that there was another instance of misdirection of funds and that was during the campaign for State Assemblyman by one Malclovio Lopez. Mr. Lopez was in my office attempting to solicit my support. I told him I couldn't support him because he did not have the funds to expend in printing materials for his campaign that would make it a success. He said that CRLA had made cash contributions to his campaign fund, and that the CRLA office staff had printed and reproduced brochures, bumper stickers and various other materials free of charge to him. I later talked to a member of the CRLA staff, who no longer is on the staff, and found that what Mr. Lopez told me was true. Apparently they had also printed up bumper stickers advocating free lunches for the children during the Modesto City School Bond elections. I feel that the funds were not properly used as there was a heavy caseload of poor clients who needed representation while the two lawyers were off involved with demonstrations and defending them in court. In fact, it was during this period that I telephoned Mr. Sal Espana of Governor Reagan's staff requesting an audit of CRLA books to determine how the funds were actually being used. I am totally blind, and this statement has been read to me by Marge Werner."  
(Exhibit 10-0062--Emphasis added.)

"...four years of operation has made it clear that the relative accessibility of CRLA offices to poverty communities makes no appreciable difference in the number of eligible applicants who seek services. Each of the offices has been deluged with far more applicants than could possibly be served. ..." (CRLA Refunding Proposal, p. 26. Exhibit 11-0171.)

On March 5, 1970, CRLA filed on behalf of 250 farm workers a class action for declaratory and injunctive relief, urging that the 42 California Farm Labor Offices be closed unless they adopt a fair employment plan. Following are quotations from the affidavits signed by people listed in the suit as plaintiffs:

"...A bearded man who said he was an attorney for the California Rural Legal Assistance came to my home inquiring of the people next door. With this man was a Mexican-American of approximately 25 years of age. They both spoke in Spanish. They said they were gathering signatures from the farm laborers in the area toward the protection and betterment of farm labor wages. ...Neither of the two men ever gave me their names nor any identification card. They stayed about one-half an hour discussing the prevailing wages. ...Approximately two weeks later the Mexican-American returned to my home with a typed statement for me to sign. He did not read the statement to me. He said that the statement was for the protection of the farm laborer who worked by the hour or piece rate. The man who had me sign the statement did not tell me that the paper I was signing was a complaint against the Farm Labor Office. If I had known that it was, I would not have signed it, as I have no complaint whatsoever against the Farm Labor Office." (From the affidavit of Felix Gusman Gaona. Exhibit 09-0118--Emphasis added.)

"Some time during the latter part of July, 1969, a man who represented himself as a VISTA worker, came to our home, 2334 Bell Avenue, Corcoran, stating he was trying to get 'wages' that were due us for the time we--my 3 brothers and father--had wasted when we had went to the tomato field that Manuel Reyes, a labor contractor, had contracted to pick...The man from VISTA asked all of us to sign a deposition. This de-



position had a part in it that had something to do with the Farm Labor Office. I am satisfied with the Farm Labor Office. I have never put in an application with the Farm Labor Office--either in Corcoran or Hanford--nor have I personally sought job referrals from the Farm Labor Office facilities." (From the affidavit of Raymond M. Lerma. Exhibit 09-0118--Emphasis added.)

"Some time during the Summer of 1969, I think, I signed a deposition for a man who represented himself as a representative of VISTA wherein the deposition had something to do with the Farm Labor Office. I am satisfied, myself, with the Farm Labor Office. ...I feel that I have been dealt with fairly and courteously by the Farm Labor Office in Corcoran. I have nothing against the Farm Labor Office." (From the affidavit of Ignacio "Nacho" Lerma. Exhibit 09-0118--Emphasis added.)

"Some time in February, 1970, I was approached by a man from the 'California Rural Assistance League' and was asked to sign a paper that supposedly said that everything was 'okay' and that everything was 'settled'. ...I have nothing against the Farm Labor Office and I feel that I have always received courteous service and referrals from the Farm Labor Office." (From the affidavit of Dario E. Lerma. Exhibit 09-0118--Emphasis added.)

"On or about March 3, 1970, I attended an English class at the San Benito County High School. This class is sponsored by Trabajadores Adelante, a local group of people for advancement of the workers. A Mr. Del Buono of California Rural Legal Aid spoke to the class. He asked the whole group to sign a petition to get the State Farm Labor Offices closed. He said that these offices were not of any benefit to the worker and that the offices should be closed because if they were closed, then the workers could get higher



wages. He recommended that if the offices were closed then the farmers could come to a union run by the workers or an agency run by the workers. Mr. Del Buono tried to get all of us to sign the petition. Everyone else signed it, but I did not. (From the affidavit of Valentin Benitez, Exhibit 32--Emphasis added.)

On October 23, 1970, Phil Neumark of CRLA's Modesto office addressed a class of some 115 to 120 pupils, all juniors in the American History class. During the hour, Mr. Neumark used some form of the word "sh\*t", and was asked by one of the teachers present to be careful of his language in front of the pupils. Later in the day, at the beginning of the second session, Mr. Neumark went to the blackboard in a demonstration of what he regarded as obscene, and wrote "f\*ck Viet Nam."

In October, 1970, an attorney from CRLA's Salinas office telephoned to the Assistant District Attorney of Monterey County and stated that he wanted to see a certain prisoner at the correctional training facility at Soledad. The prisoner was a potential witness in People v. Jackson, et al., the celebrated Soledad Soul Brothers murder case, involving the murder of a prison guard. The attorney represented to the Assistant District Attorney that he had been referred by another CRLA attorney who had represented the prisoner on a writ of habeas corpus and wanted

the first CRLA attorney to take a message to the prisoner. The attorney later talked to the prisoner and asked him if he was going to be a witness in the case and testify for the prosecution. The prisoner answered affirmatively, and the attorney responded by asking if the prisoner thought the State could protect him better than "we" can. The prisoner again answered in the affirmative, and the interview ended with a suggestion by the attorney that the prisoner forget about trying to get the other CRLA attorney's assistance in helping him get out. (Exhibit 01-0001.)

"There is a lot of talk these days about the need for revolution in this country. Or about the need for repression. ...we find this talk unwarranted. ...A peaceful redress of grievance is possible, despite the pictures of street fighting which sometimes appear in the newspaper." (Refunding Proposal, p. 8.)

A CRLA suit against the Modesto School District forcing it to increase the number of children eligible for free or reduced cost lunches, forced the school district to drop out of the National School Lunch Program because they felt they could not afford the increased cost involved. Throughout the month of March 1970, CRLA attorneys Dan Lowenstein and Philip Neumark, who had brought the original suit, made numerous public charges against the school board, trying to get it to reverse its stand.

On March 16, CRLA attorneys and other community members disrupted a meeting of the school board. On April 7 and again on April 10 demonstrations provoked such a disturbance that arrests were made under Section 602 of the California Penal Code.

In a letter dated June 25, 1970, Deputy Superintendent of Modesto City Schools, Robert T. Elliott stated that during that time CRLA attorneys Lowenstein and Neumark led demonstrators in chants and marches\*, and finally led them in a procession up to the doors of the school building, where they banged on the doors with their fists.

In the course of the demonstration, several windows were broken in the school building, and Richard B. Eaton requested CRLA to reimburse the school for the amount of damage. Mr. Eaton indicates his understanding that the CRLA attorneys did agree to "see that the Modesto City School District was reimbursed for the cost of repairs."

The Superintendent of the Modesto Unified School District, Dr. Bert Corona, states in affidavit that he heard CRLA attorney Philip Neumark shout chants at one of the Board of Education meetings in March, such as

\* For additional comment on this case, see the affidavit of Rev. Monroe C. Taylor above.

"Get Corona" and "Kill the Puppets." Dr. Corona continues:

"These demonstrations were carried out both outside the administrative offices and in the hallway of the building. The two (Neumark and Lowenstein) directed sit-ins in the hallway outside my office. They led the chants, paraded around stomping their feet on the floor and carried picket signs." (Exhibit 09-0143-15--Emphasis added.)

The arrests took place on only two of the many days of demonstration--April 7 and April 10--because only on those days did the demonstrators fail to disperse at the building's closing time.

"On April 7 and 10, 1970, I asked the Modesto Police Department to arrest the people who refused to leave the building, after repeated requests for them to leave at quitting time. On these two days, Mr. Lowenstein and Mr. Neumark instructed the demonstrators to stay in the building after 5:00 p.m., but they (Lowenstein and Neumark) left the building several minutes prior to the deadline and avoided arrest. There were some 43 people arrested at the demonstration."

The two CRLA attorneys spent great amounts of time defending the people arrested in court. (See the affidavit of Rev. Monroe Carter Taylor cited above.) 28 separate days were involved in the appearances of these two attorneys--all claimed to be "on their own time."

Bond for those arrested was posted by one Maclovio Lopez, who was formerly employed by CRLA. (For more on Mr. Lopez, see the affidavit of Rev. Taylor.) Apparently CRLA attorney Daniel Lowenstein also offered to post bond for those who were arrested at the sit-ins through Albert's Bail Bond in Fresno, but it had already been posted by Mr. Lopez. A report written by Donald Stahl Deputy District Attorney of Stanislaus County, indicates that a \$125 cash bail was posted for defendant Donald Fromm by CRLA attorney Lowenstein.

While the CRLA attorneys had originally intended to represent all of the demonstrators, they actually only represented three of them in the actual trial. The pathetic aftermath of the incident is communicated in a statement by E. Dean Price, an attorney in Modesto, who represented one of the defendants, a Mr. Angelo:

"During the course of the trial I felt that Mr. Neumark and Mr. Lowenstein did not exhibit the professional competence necessary to adequately represent the defendants. Further, during the course of the trial, while engaged in conferences with all of the defendants and all of the attorneys, I was given the impression that Mr. Lowenstein and Mr. Neumark had given their clients the erroneous advice before the sit-in demonstration took place, and that the section of the Penal Code with which we were dealing, namely Section 602 of the Penal Code, had been twice tested and found constitutionally valid prior to the time these incidents arose."

All of the defendants in the school lunch sit-in demonstration were found guilty. Most of them were sentenced to eight days in jail.\*

\* For additional comment on this case, see the affidavit of Rev. Monroe C. Taylor above.

V. MAJOR AREAS OF CRLA IMPACT

A. CRLA'S ACTIVITIES AND INVOLVEMENT IN CALIFORNIA'S PRISONS.

(1) Background.

It is vitally important to understand the climate that currently prevails at the Soledad Penitentiary. Racial tensions have been worsening because of the vast and sensational news coverage of the celebrated "Soul Brothers" and "Soledad Seven" cases. Both cases are murder cases which have been given racial overtones by the mass media, and both cases involve the slaying of Caucasian guards by Black inmates. The militant Left has attempted to make the accused murderers heroes in a Black-White racial drama.

On January 16, 1970, Prison Guard Mills was murdered by inmates. Three Black inmates have been charged with the murder. They are Jackson (A-63839), Drungo (B-10837) and Clutchette (B-4804). All three of these accused inmates have been visited by either CRLA staff attorneys or CRLA staff members for conferences. Further, CRLA attorneys or CRLA staff members have also visited the defendants in the "Soledad Seven" case. The "Soledad Seven" case arose out of the murder of Officer Shull in July, 1970. The seven inmates charged are: Allen (B-1045); Watson (B-2767); Dunn (B-24371); James (B-22084); Hall (Wayne); Williams (B-10426); and Wagner (B-14194).

You will recall the Marin County murders during the San Rafael Courthouse shooting in August, 1970, involving Angela Davis.

The named defendant, Jackson, in the "Soledad Soul Brothers" murder case, was the older brother of the Jackson killed as he led the escape attempt at the San Rafael Courthouse, which also resulted in the death of the presiding judge at the trial and three inmates. It is alleged that the weapons used in the San Rafael escape were registered to Angela Davis.

There is one very disturbing fact which has come to our attention during this evaluation investigation. Prior to the courthouse incident, attorney Faye Stender and CRLA attorneys interceded at Soledad in an attempt to arrange a visit for Angela Davis to meet with the older Jackson brother.

Since these cases are currently awaiting trial, further comment would not be in order at this time.

## (2) Anatomy of a CRLA Prison Contact.

The following incident at Soledad Penitentiary shows the gravity of CRLA's involvement within our State Prison System.



On October 30, 1970, David Kirkpatrick, CRLA attorney from the Salinas office, telephoned to Monterey County Assistant District Attorney, Edward K. Barnes. He stated he wanted to see a prisoner at the Correctional Training Facility at Soledad. The prisoner was a potential witness in the case, People v. Jackson, et al., the pending murder case known in the press as the "Soledad Soul Brothers" case.

Kirkpatrick told Barnes that one Peter Haberfeld (a CRLA attorney with the Marysville office, who left the employ of CRLA in September) represented the Caucasian prisoner on a writ of habeas corpus, and Haberfeld wanted him (Kirkpatrick) to take a message to the prisoner.

When informed of this, the prisoner in question told Mr. Barnes that he did not know any Peter Haberfeld.

Kirkpatrick did talk to the prisoner and asked him if he was going to be a witness in the case and testify for the prosecution. That conversation is recorded in an affidavit (Exhibit 01-0001-03):

"I, \_\_\_\_\_, am an inmate at Soledad Correctional Training Facility, Soledad, California. The first contact I had with representatives of the California Rural Legal Assistance was in November, 1970, when Faye Stender and Richard Silver came to see me at Folsom Prison. I was told by them that they wanted to talk to me about the killing that I had witnessed at Soledad while I was there. They showed me a letter that had been written to CRLA by another

inmate named \_\_\_\_\_, who was, I believe, may have been involved in the crime. This letter stated that some of the correctional officers may be trying to set me up to be killed and that maybe CRLA could help me. Both of the attorneys talked with (me) for a while then asked me if I wanted them to represent me. I advised them that I did not and that if I needed a lawyer I could get one of my own. They then stated that they would recommend a lawyer to me from the Marysville, California, area. Shortly after that I was transferred back to the Soledad facility. In late November, 1970, I received an unrequested visit from a Mr. Kir(k)patrick, who told me he was a lawyer. He stated the reason that he was there was because a lawyer in Marysville had asked him to stop by and see me. He advised me that he wanted to know my position regarding the killing. I told him that I had already told Captain \_\_\_\_\_, of the Soledad Facility, what I had seen. The lawyer then asked me if I wanted him to tell the Black inmates that I was okay? I answered no. He then asked if that meant that I was going to testify for the State. I answered yes, that I was. He then asked if I thought the State could protect me better than 'we' can. I answered yes, I thought they could. He then said 'That's it?' I answered yes. He then advised me that I had better write my lawyer in Marysville and tell him to forget about helping me get out. Since I didn't know his name and address I asked him to tell him. At this time I had less than \_\_\_\_\_ to do on my sentence, and I would be released, so I don't know why anyone said they would try and get me out. This was the only contact I had with CRLA, and I don't know any more about the organization."

(Emphasis added.)

This affidavit is a most enlightening piece of evidence. It appears clear that Kirkpatrick subtly

threatened the inmate and suggested that the inmate, at best, suppress evidence and, at worst, commit perjury at a murder trial.

The Rules of Professional Conduct of the State Bar of California state as follows, in Rule 15:

"A member of the State Bar shall not advise a person, whose testimony could establish or tend to establish a material fact, to avoid service of process, or secrete himself, or otherwise to make his testimony unavailable.

Also, in the Canons of Professional Ethics of the American Bar Association, Rule 39 states:

"Witnesses. A lawyer may properly interview any witness or prospective witness for the opposing side in any civil or criminal action without the consent of opposing counsel or party. In doing so, however, he should scrupulously avoid any suggestion calculated to induce the witness to suppress or deviate from the truth, or in any degree to affect his free and untrammelled conduct when appearing at the trial or on the witness stand."

There is an additional point inherent in the affidavit. Kirkpatrick spoke in the term "we," thus admitting certain power over and rapport with the Black inmates in the Soledad Penitentiary. We especially refer you to the sentence:

"He then asked if I thought the State could protect me better than 'we' can."

(Emphasis added.)

Note, too, that Kirkpatrick's visit with the inmate affiant was facilitated through an out-and-out lie to

Assistant District Attorney Barnes by Kirkpatrick, to wit, the fictional habeas corpus action allegedly handled by Haberfeld.

Note, further, that Faye Stender and Richard Silver (both attorneys for the "Soledad Soul Brothers") had in their possession a letter to CRLA from another inmate (see affidavit above). For this reason the inmate affiant mistook Stender and Silver for CRLA attorneys. There seems to be close coordination between Stender, Silver and the CRLA in the defense of the "Soledad Soul Brothers."

Further, if CRLA attorneys know about possible death threats and conspiracies within the Soledad Penitentiary, as was implied by the above affidavit, they are bound by their role as officers of the court to make that information known to the District Attorney or Attorney General.

### (3) The Increase in CRLA Prison Involvement.

From a statement of Amelia Harris, Directing Legal Secretary at the Salinas CRLA office until June, 1969, we find the following comments on Soledad involvement by CRLA:

"... Mr. Daniels was involved with the inmates at Soledad Prison, in the preparation of cases, to be presented in court by the inmate, seeking writs, new trials, and so forth. I do not recall anyone in particular. Some of these cases were accepted because of correspondence received from inmates of the Prison. I do know that Mr. Daniels would go

to Soledad Prison. Some of these clients were involved in criminal cases, and some were civil cases."

(Exhibit 09-0174;  
emphasis added.)

It is to be noted that prior to the engagement of Stender and Silver by the accused "Soul Brothers," there had been some CRLA involvement at the Soledad Penitentiary.

CRLA's involvement has picked up drastically since the "Soledad Soul Brothers" murder case. Subsequent to the murder of Officer Mills in January, 1970, a dramatic increase in CRLA staff visits is reflected in the records at Soledad. From February, 1970, through November, 1970, over 150 visits with individual inmates by CRLA staff members are of record.

Following are representative comments made by Soledad inmates, both Black and Caucasian, regarding their relationship with CRLA during this recent period.

Exhibit 01-0144-01 is an affidavit from a prisoner at the Soledad Facility. This prisoner states he has heard of CRLA from a fellow inmate and said that he would like to speak with the representative. In the inmate's own words:

Between September 29, 1970, and December 18, 1970, I have been visited by five CRLA representatives. Mr. Kirkpatrick first, then Mr. Daniels, Mr. Gonzales, Mr. Goldshiner, Mr. Waterman, and a law student, Mr. L. Jarmillo. I discussed many Mexican

problems with these men, but mostly about detention without hearing and the segregation problem (at Soledad) ..."

(Emphasis added.)

According to an affidavit of another prisoner:

"I was visited by a Mr. William D. Daniels, an attorney for CRLA. I did not contact him first prior to his visit. After discussing my case with me and doing some checking on the outside, he told me he would assist me in my attempts to be released. The assistance he would provide would be in the form of doing all legal work and that all I would have to do would be to answer his questions. Last June (1970) he visited me with a writ that he had written and we discussed what we should do. I did not assist in writing up the writ."

(Exhibit 01-0145-01;  
emphasis added.)

Exhibit 01-0146-01 is a statement of an inmate at the Soledad Facility. He has been in contact with two CRLA attorneys, Gonzales and Daniels. In the prisoner's own words, these lawyers:

"were referred to me by a former priest at the Facility and not because I had written to them for assistance. I did not know beforehand that either CRLA attorney was going to visit me. A CRLA lawyer, Mr. Gonzales, advised me that he could not handle my case because he was not a criminal lawyer. I did not, at that time, think to ask him if CRLA handles criminal cases. I have since learned from other inmates that they do, but I have received no further correspondence from CRLA."

(Emphasis added.)

Another prisoner at Soledad (Exhibit 01-0147-01), also in a statement, requested help from CRLA. He was

contacted by CRLA Attorney Daniels. Daniels advised him that he was looking at the merits of the prisoner's case and, if good, he would represent him. Later Daniels agreed to take this prisoner's criminal case, but shortly thereafter Daniels left CRLA. The prisoner's case was turned over to Jim Smith, another CRLA attorney, who has agreed to continue the action on the inmate's behalf.

Another prisoner, in an affidavit (Exhibit 01-0148-01) indicates his dissatisfaction with CRLA:

"It is my belief from general discussion with other inmates that CRLA is more interested in getting publicity for themselves than they are in the problems of inmates. The reason for this belief is that inmates in groups gain more attention than inmates who are not in groups. It has been my experience that CRLA only reacts fully when a cause is involved."

(Emphasis added.)

Another inmate at the Soledad Facility states that he is fully satisfied with CRLA, whose complete staff seems to have been placed at his disposal:

"In my experience, CRLA is doing a very good job and from what other inmates have told me the CRLA is doing just as good a job for them. I would recommend that others use the services of CRLA if asked. I think that CRLA is doing as good a job for me as an individual as they would do for a large group in this Facility . . . I have had extensive contact with representatives of the California Rural Legal Assistance . . . for the last five months of 1970 . . . I have seen several representatives including a Mr. Jaramillo, a law student, and Mr. Kirkpatrick, a lawyer. There were several



other representatives, but I cannot recall their names at this time."

(Exhibit 01-0168-01;  
emphasis added.)

(4) A New Ploy - Civil Suits Against the Prison Administration.

What follows is an enigmatic and unorthodox set of legal maneuvers. We have taxed our imaginations to find a reason for this kind of assault. The only reasonable conclusion is that CRLA seeks to erode penal discipline and revise administrative correctional policies at Soledad Penitentiary by filing civil actions alleging conspiracies to commit murder.

The first suit was filed on November 16, 1970, and listed "of counsel" David Kirkpatrick of the CRLA office in Salinas. An unverified complaint against the correctional officers alleged a conspiracy to induce the murder of a Black inmate by two White inmates. (Exhibit 01-0187-04.)

On December 2, 1970, CRLA Attorneys, Dennis R. Powell, Maurice R. Jourdane, David Kirkpatrick, Richard A. Gonzales and Neil M. Levy, all of the Salinas CRLA office, filed a complaint (the second in this paradoxical sequence) for injunctive and declaratory relief against the California State Department of Corrections and pertinent individuals in the California Penal System. In this suit,



the CRLA attorneys attempted to accomplish, through judges with whom CRLA has had a long-standing relationship, what is properly in the province of the California State Legislature, or the administration of the prisons as empowered by the State Legislature. (Exhibit 01-0187-02.)

Based on the unproven allegations in the suit filed on November 16, 1970, the court was induced to issue a broad temporary restraining order in the suit filed December 2, 1970. (Exhibit 01-0187-01.)

It would appear that the CRLA attorneys misled the court by using the unproven and unsubstantiated allegation of a previous case as a means of securing a restraining order in a subsequent case. This is a most unbelievable legal maneuver.

On December 3rd, a third suit in which David Kirkpatrick was once again "of counsel" was filed, alleging a civil action for conspiracy to commit murder alleging that two guards attempted to induce or persuade a Caucasian inmate to kill a fellow Black inmate. (Exhibit 01-0187-03.) This complaint, filed on December 3rd, cited the complaint filed on December 2nd in an evidentiary manner.

Attorneys and laymen alike may reasonably be dumbfounded by the filing of a civil suit in a serious criminal

case such as conspiracy to commit murder. If the CRLA attorneys have credible evidence in support of their allegations, then they must immediately report same to the appropriate District Attorney or law enforcement agency. If they do not have such evidence they ought to instantly dismiss these cases and issue a public apology to the persons named as defendants.

(One of the alleged co-conspirators was out of the Country when the conspiracy was purported to have been entered into.)

NOTE: CRLA personnel had visited both the alleged victims of the purported conspiracy, as well as those who were supposed to commit the murders. It is truly a most astonishing situation for any attorney or law firm to be consulting with the conspiratorial murderer and the alleged victim at one and the same time.

#### (5) CRLA Seeks a Voice in Prison Policy.

CRLA attorneys have contacted San Quentin Penitentiary, asking that they be permitted to supply "Chicano" literature to Mexican-American inmates. They presented newspapers and periodicals to the prison staff at San Quentin as examples of the type of material that they would like to distribute to the Mexican-Americans. These

newspapers and periodicals were generally of a political and inflammatory nature.

CRLA also requested of San Quentin officials to be permitted to "hold meetings" with "Chicano" inmates on a regular basis for purposes of "counseling."

This seems to be just another attempt by CRLA to make an inroad into and establish a rapport with an ethnic minority behind prison walls with the intention of creating disharmony and exploitation of racial and ethnic tensions.

The following sequence of correspondence amplifies CRLA's attempted involvement in prison affairs:

A letter from the office of Warden Cravens at Folsom discusses the increasing involvement of CRLA attorneys visiting Folsom inmates. CRLA Attorney Smith and CRLA Law Clerk Arthur Torres made visits within the last month. It is also interesting to note that Faye Stender (who spoke on the Capitol steps in defense of the Folsom Prison strike) and her legal aide, Patti Roberts, also have made visits to Folsom.

Warden Cravens' Administrative Assistant, J. S. Moore, closes his letter saying:

"Activities of inmates subsequent to interviews with these attorneys (CRLA attorneys)"

and/or legal aides (CRLA legal aides) ...  
made it appear that the activities of the  
attorneys and/or legal aids were geared to  
problems within this Institution."

(Exhibit 09-0114-02;  
emphasis added.)

David Kirkpatrick (CRLA Salinas office), in the letter below, requests of Warden Fitzharris at Soledad that he be permitted to attend hearings relative to policy matters in X-Wing (one of the Soledad Disciplinary Wings):

"November 3, 1970

Superintendent C. J. Fitzharris  
Correctional Training Facility  
Post Office Box 686  
Soledad, CA 93960

RE: Eugene Grady, A-74092

Dear Mr. Fitzharris:

I have received a letter from Eugene Grady, requesting me to attend his X-wing hearing before the Institutional Committee Members on November 12, 1970. I have represented Mr. Grady in some legal matters in the past. He has also requested Mrs. Alice Daniel to be present at the hearing. She has told me she is unable to attend and has asked me to be the sole attorney. Please consider this letter my formal request for permission to attend the hearing.

Your immediate reply will be appreciated.

Very truly yours,

DAVID H. KIRKPATRICK  
Attorney at Law"

Comment: Grady is plaintiff in an unverified class action complaint for injunctive and declaratory relief (C 70 298 ACV, U. S. District Court for the Northern District of California, Southern Division), against R. K. Procunier, Director of Corrections of the State of California, et al., for \$10,000 damages,

filed by Powell, Daniels, Jourdane, Kirkpatrick and Gonzales, in February, 1970, claiming violation of equal protection under the Fourteenth Amendment. (Exhibit 01-0006.)

Another letter from Kirkpatrick followed closely on the heels of his November 3rd letter concerning the other disciplinary wing (O-Wing):

"November 6, 1970  
Superintendent C. J. Fitzharris  
Correctional Training Facility  
Post Office Box 686  
Soledad, California 93960

Dear Mr. Fitzharris:

I represent Mr. Edward Whiteside and Mr. Hugo Pinell. They wish to have a meeting with staff members of the institution. They would like that meeting to also include four other inmates of "O" Wing. Their names are, Baby Alvarez, Rodriguez, Richie in cell number 237 and Martinek in cell number 244. (Please excuse the informality of these names.) My clients also feel it is quite essential that they be represented by counsel at that meeting and they have requested that I or one of my associates be present. My clients have several reasons for wanting this meeting to be held. First, they feel that a meeting between the six (6) prisoners would be useful in reducing inter-prisoner racial tensions. Secondly, they wish to discuss certain conditions on "O" wing. Of particular importance to them are the procedures used by the prison in determining who should go to "O" wing and for how long?

This office is currently preparing a lawsuit concerning conditions of "O" wing. We are prepared and planning to file this lawsuit on Thursday, November 12. We would, however, much prefer to have the meeting indicated above and hope that through this meeting problems can be solved without the necessity of going to court.

Sincerely,  
DAVID H. KIRKPATRICK  
Attorney at Law"

(Exhibit 01-0188-02;  
emphasis supplied.)

Comment: Pinell is currently a prime suspect in the stabbing of Officer Monogham in early December, 1970.

Warden Fitzharris replied to Mr. Kirkpatrick's letters as follows:

"November 12, 1970  
David H. Kirkpatrick  
Attorney at Law  
California Rural Legal Assistance  
P. O. Box 846  
Salinas, California 93901  
RE: COMPLAINTS OF "O" WING INMATES

Dear Mr. Kirkpatrick:  
I want to document our discussions on the matters that you covered in your letters of 11/3/70 and 11/6/70 to the Superintendent. When I called you on 11/9/70 I confirmed our policy that legal representation at an institutional classification committee meeting was not done. This referred to your request to attend the meeting when Eugene Grady's case was to be taken up. You expressed your understanding of that policy.

Per our phone conversation, you and your associates met with Messrs. Swagerty, McEndreo and me on 11/10/70 and spent over three hours discussing the O-Wing inmates' hunger strike demands and our responses.

I advised you that we would not set up a meeting with your group, the inmates and us while a hunger strike was on. However, we left the door open to such a meeting when the strike ended.

I hope you felt that there was some better communication as a result of the meeting. It should be noted that we will give you a copy of the demands and our responses when they are put together.

Yours very truly,  
C. J. FITZHARRIS  
Superintendent  
J. J. ENOMOTO  
Acting Superintendent"

(Exhibit 01-0188-03;  
Emphasis added.)

(6) CRLA and the Radical Prison Movement.

One attorney who constantly crops up in the penitentiary thrust of CRLA is a non-CRLA attorney, Faye Stender. Though she is not a paid attorney for CRLA, her professional association with CRLA is a matter of record. Below is a letter written by her law firm and signed by Patti Roberts - who, incidentally, signed the affidavits of service of subpoenas on the litigation currently pending against the administration at Soledad for the alleged conspiracy to commit murder. The letter below is a letter sent to an inmate at Soledad:

"(Name and address withheld)

November 6, 1970

Dear Comrade:

Received your recent letter describing your attempts to obtain without censorship newspapers of different kinds. We have some lawyers working on a planned lawsuit in this area and I forwarded your description to them. I expect that they will be in touch with you in the near future so that it can be moved on.

"I understand from Dave Kirkpatrick that you have been unjustly thrown into isolation. He said that a lawyer had spoken with you about that and that they were planning to take some kind of legal action to deal with the situation in the very near future.

'I think a lot more people have change in mind and I think we are beginning to direct our efforts in the right direction. It will be a long struggle butwe the people will win.

'All Power to the People,

Patti Roberts, legal assistant to Faye Stender

(Exhibit 01-0188-04;

emphasis supplied.)



Comment: Faye Stender is credited with writing the brief that secured Huey Newton's release. In the "Berkeley Barb" - June 19, 1970, in an interview with her, she takes credit for being a "movement attorney" - associated with 'movement legal matters' for more than 10 years. Her most recent work with the "Soledad Soul Brothers" and Huey Newton has made news. In the "San Francisco Examiner," February 12, 1970, Charles Geary addressed a crowd on behalf of the Huey Newton Appeal and appeared along with Faye Stender, who is identified in this article as his "co-counsel."

The "San Francisco Chronicle," November 20, 1970, in a personal interview with Faye Stender, further expounds on her sentiments as a radical or movement lawyer." She is characterized as a revolutionary, a quiet-spoken, conventionally-dressed revolutionary, not given to rhetorical excesses.

Faye Stender is the defense attorney for George Jackson - the Jackson of the Soledad Soul Brother" fame. She is quoted in the press as saying that she believes that the court system in the United States is an "instrument of war against the oppressed." In the "San Francisco Chronicle" article, November 20, 1970, she refers to the courts as a kind of naked bayonet" acting against the poor. From that article, she is quoted as saying:



I think the function of a radical lawyer is to make clear to judges and lawyers who will listen - you don't need to make it clear to the oppressed; they already know it - that the courts are a naked bayonet."

The "Berkeley Barb" article of June 19, 1970, states that Faye Stender has been involved with some of the "bigger names" around the "movement" - Jerry Rubin, Mario Savio, Stew Albert and Steve Hamilton.

Faye Stender spoke at the State Capitol Building on November 18, 1970, in support of the Folsom Prison Strike. She is also the director of the Soledad Brothers Defense Committee - a group of names that are almost without exception representatives of the radical spectrum.

We can only speculate now as to Faye Stender's plans to effect changes in the California penal system and the method she intends to employ and to what extent CRLA will be a part of her plans. Our evidence shows that the association of Faye Stender with CRLA is close.

Our investigation has brought to the surface a dangerous thrust on the part of CRLA and its attendant, cooperative "movement lawyers" into the affairs of our penal system.

We feel that the significance of our findings has at least offered a glimpse of the illusive but ever-so-present movement of CRLA behind prison walls.

B. CRLA AND THE YOUTH.

Our evaluation reveals very disturbing evidence that CRLA and individual CRLA attorneys have acted and are acting as catalytic agents in school agitation incidents. Their actions have been direct and vigorous in helping to foment serious student harassment of school authorities, assaults on school discipline and the orderly conduct of local schools.

What is even more distressing is that CRLA attorneys, in their quest to foment school disorders, have exploited racism among Negro and Mexican-American students.

Peter Haberfeld, who, while he was a paid CRLA attorney at the Marysville office, is quoted in the "Marysville, California, Appeal-Democrat" as saying:

"We've learned a lot from the Black Panthers; it's time for a White Panther Party... We have to find a cause of action: we have to start - the revolution is coming."

(Exhibit 09=0110;  
emphasis added.)

We can only ask ourselves, what legal service for the rural poor this sort of inflammatory statement offers?

But is this in character for Peter Haberfeld? Quite. An affidavit of Lewis J. Ferrari, Ph.D., Marysville Joint Unified School District Office, 504 J Street, Marysville, California, concluded by saying:

"During several friendly conversations on national, state and local political issues, Mr. Haberfeld has indicated to me that nothing short of a radical change in the established governing procedures would remedy the ills of national, state and local government. He informed me that he was one of the first student radicals at the University of California Berkeley Campus, and that he worked actively and closely with Mario Savio in the '50s."

(Exhibit 08-0109-04;  
emphasis added.)

While Haberfeld was a paid staff attorney for the CRLA office in Marysville, he was also a staff member of an underground newspaper entitled "The People's Paper for Community Education" (Exhibits 09-0112-02 and 09-0112-12), listing as its address 1212 F Street, Marysville, California 95601. This address is also the address of the Marysville CRLA office.

"The People's Paper" is a pure revolutionary document advocating racial confrontation and racial violence. A Marysville attorney, Donald E. Huckins, a long-time resident of Marysville, comments in an affidavit:

"I understand from various sources that Mr. Haberfeld was either directly or indirectly involved in inciting high school students to direct confrontations with high school authorities regarding length of boy students' hair and style of dress at school, which were contrary to regulations established by educational supervisors, and in inciting direct racial confrontations between Negro and Caucasian students. These confrontations have resulted in fist fights between individuals and near riots between groups of students at or near

the high school.

(Exhibit 09-0113-04.)

A Mr. Albert J. Arostequi, a Marysville attorney, states in his affidavit:

"Before CRLA came into this area, we had no racial problems. Now it is my opinion that a racial problem does exist."

(Exhibit 08-0108-02;  
emphasis added.)

Haberfeld is not now a paid staff attorney for CRLA, but while he was acting as a staff member for a revolutionary underground newspaper and was involved in direct contact with racial problems in the Marysville schools, he was a paid CRLA staff attorney, and we cannot believe that the CRLA Director and/or Directors were unaware of Habermfeld's open agitation in the Marysville School System. As we proceed, it will become obvious that Habermfeld's actions are quite typical of a certain element of paid CRLA staff attorneys, an element that all but dominates most CRLA offices.

(1) Anatomy of a School Demonstration with Close CRLA Involvement - The Modesto School Lunch Demonstrations.

During January, 1970, the CRLA office in Modesto filed two suits on behalf of 35 school students and their parents, asking the U. S. District Court to force the Federal, State and local government and school agencies

to provide lunches and milk to needy people.

On February 19 and 27, the U. S. District Court, Judge Thomas McBride presiding, ruled in favor of CRLA against the Modesto School Board. After CRLA Attorneys Dan Lowenstein and Philip Neumark had won their suit to increase the number of children eligible for free or reduced lunches, the Modesto School District dropped out of the National School Lunch Program because they felt that they could not afford the increased costs that would be incurred by giving more free lunches. Neumark and Lowenstein engaged in various charges and verbal attacks against the Modesto School Board throughout the month of March, 1970, trying to get the School Board to reverse its stand regarding the National School Lunch Program.

The Modesto School Board meeting on the 16th of March was disrupted by CRLA attorney outbursts accompanied by other members of the community. (Exhibit 09-0143-197.)

On April 7, 1970, and April 10, 1970, demonstrations were held of such a nature and disturbance that arrests were made for violation of Section 602 of the California Penal Code.

An affidavit by James Switzer (Exhibit 09-0143-30) and the testimony of Michael Angelo (Exhibit 09-0143-114)

when he was cross-examined by Deputy District Attorney Don Stahl indicate that CRLA attorneys had communication with the demonstrators prior to the time of the sit-in demonstration at the School District offices, and both Lowenstein and Neumark stated they felt no arrests would be made, but if arrests were made they would certainly defend those that were arrested. While marchers were demonstrating outside of the School District offices, they were served a lunch, according to the affidavit of Rev. Monroe Taylor (Exhibit 09-0143-18). CRLA attorney, Philip Neumark, requested that he get some food for the demonstrators and that the bill be sent to the CRLA Modesto office. Rev. Taylor states that he asked a Mr. David Talamante, who actually brought food to the demonstrators, who was paying for it, and Talamante responded that he had billed CRLA for \$400, the cost of the lunch. Rev. Taylor also stated in his affidavit that CRLA attorneys were on the scene of the demonstration day after day. Included in our documents are slides and photographs of CRLA attorney, Philip Neumark, on the scene of the demonstration (Exhibit 09-0143-197).

Robert P. Elliot, Deputy Superintendent of Modesto City School, states in a letter dated June 25, 1970 (Exhibit 09-0143-57), that he specifically remembers that CRLA attorneys Lowenstein and Neumark led demonstrators

in chants and marches. He also states that the two attorneys led the marches in a procession up to the doors of the school building and there beat on the doors with their fists.

A letter from Richard B. Eaton to the CRLA offices in Modesto (Exhibit 09-0143-55) requests that CRLA pay damages of \$25 to cover the repair of broken windows in the school building. Mr. Eaton, a member of the School Board staff, wrote on behalf of the School Board. In his letter, Mr. Eaton states that he understands that the CRLA attorneys agreed to "see that the Modesto City School District was reimbursed for the cost of repairs."

In the affidavit of Dr. Bert Corona, the Superintendent of the Modesto Unified School District (Exhibit 09-0143-15), he states that he heard CRLA attorney Philip Neumark shout chants at one of the Board of Education meetings in March. Included in the remarks which Neumark made were such statements as "get Corona" and "kill the puppet." He further states that Lowenstein joined Neumark in other chants. Mr. Corona adds:

"The demonstrations were carried out both outside the administration offices and in the hallways of the building. The two (Neumark and Lowenstein) directed sit-ins in the hallway outside of my office. They led the chants, paraded around stomping their feet on the floors and carried picket signs."

(Emphasis added.)



While demonstrations at the School District offices took place over a period of many days, arrests actually occurred on two days - April 7 and April 10. This was due to the fact that on these two particular days, the demonstrators failed to disperse when the closing time for the School building offices came. Dr. Corona, in his affidavit, states:

"The temper of the demonstrators grew daily, and I was forced to call the Modesto Police Department for crowd control and protection, as some windows in the building had been broken out with rocks. On April 7th and 10th, 1970, I asked the Modesto Police Department to arrest the people who refused to leave the building. After repeated requests for them to leave at quitting time. On these two days, Mr. Lowenstein and Mr. Neumark instructed the demonstrators to stay in the building after 5:00 p.m., but they left the building several minutes prior to the deadline and avoided arrest. There were some 43 people arrested at the demonstration. Aside from the time which CRLA attorneys spent at the School District Administrative offices themselves participating in the demonstrations, they also spent a considerable amount of time in court defending those who were arrested in the demonstrations (sit-ins)."  
(Emphasis added.)

Stanislaus County District Attorney, Al Wolfe, prepared a list of the dates on which CRLA attorneys had appeared in court, the length of time that they were there, and for what purpose they appeared in court on that date. The list that he prepared is formidable (Exhibit 09-0143-11 through 14).

Court appearances by the two attorneys, Lowenstein and Neumark, occurred on many dates, beginning April 15, 1970, and ending on September 14, 1970. Twenty-eight separate days were involved in the appearance of these two attorneys relative to the Modesto School demonstration case.

Bonds for many of those arrested in the School sit-ins were posted by Albert's Bail Bond Service in Fresno, California. Mr. Louis Rodriguez was sent by Alberto Ramirez, owner of Albert's Bail Bonds, to Modesto in response to calls from both CRLA Attorney Daniel Lowenstein and Mac Lopez, a sometimes CRLA volunteer and Democratic candidate for the 31st Assembly District. Donald Stahl, Deputy District Attorney of Stanislaus County, stated that \$125 cash bail was posted for defendant, Donald Fromm, by CRLA attorney, Daniel Lowenstein. Bail of \$125 was posted by Mac Lopez for the other defendants. Mr. Ramirez believed that some of the payment was in cash and some by check (Exhibit 09-0143-199).

On April 15, 16 and 17, when the defendants were arraigned, Judge Taylor advised the defendants that if he or she did not have financial means, the court would appoint counsel to represent the defendant. Mr. Stahl states further that each defendant reported that he or she

did desire counsel and had obtained counsel. Thereupon, CRLA attorneys Neumark and Lowenstein, who were present in the court, stated that they represented all of the defendants.

While both CRLA attorneys had originally intended to represent all of the demonstrators, they actually only represented three of the defendants in the actual trial. Prior to the beginning of the trial, during the various motions and requests for change of venue by CRLA attorneys, they, at that time, purported to represent all of the defendants.

In the affidavit of E. Dean Price, a Modesto attorney (Exhibit 09-0143-28), who represented one of the defendants, Michael Angelo, Price states:

"During the course of the trial I felt that Mr. Neumark and Mr. Lowenstein did not exhibit the professional competence necessary to adequately represent the defendants. Further, during the course of the trial, while engaged in conference with all the defendants and all of the attorneys, I was given the impression that Mr. Lowenstein and Mr. Neumark had given their clients erroneous advice before the sit-in demonstration took place, and that the section of the Penal Code with which we were dealing, namely Section 602 of that Code, had been twice tested and found constitutionally valid prior to the time these incidents arose."  
(Emphasis added.)

All of the defendants in the Modesto School lunch sit-in demonstration were found guilty - most of them were sentenced to eight days in jail.

The Modesto School demonstration case shows pointedly how two CRLA attorneys solicited clients, represented clients in a criminal action (and did so without any apparent consideration of eligibility along poverty income guidelines) and acted totally unprofessional.

The final results of CRLA's attempt to provide "legal needs for the rural poor" in the Modesto School District were: (1) interruption of classes; (2) property damage; and (3) the demise of the free lunch program as an act of local control and preference by the district board of trustees, who were placed in total frustration. Thus, certain underprivileged youngsters who had had the benefit of a free or reduced cost lunch program in Modesto schools were deprived. Obviously, the CRLA office was satisfied with the publicity inherent in the school sit-in. There is no record of any disciplinary action taken against the CRLA participants.

The Modesto School lunch case is summed up by the sentiments reflected in the affidavit of the Rev. Monroe Carter Taylor, Director of Social Services at King-Kennedy Memorial Center in Modesto. The Rev. Taylor is also a member of the Advisory Board of CRLA, Modesto office:

'... During the Modesto City School lunch demonstration which occurred in March, 1970, these two lawyers were all too active. First, they told the demonstrators they would represent them legally in court if arrested. Second, they