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Memorandum

To: Mike Deavers, Assistant Executive Secretary Date: October 4, 1967
Governor's Office
State Capitol
Sacramento, California

File No.:

Subject: Re. Comments on CRLA

From: Department of Corrections, Sacramento 95814

Following are some random comments for your use as per our phone conversation this morning. As I told you most of my information is via word-of-mouth and I would not advise use of such items as in the El Macreado representation or how the Salinas CRLA office views their role without verification.

1. The position of CRLA in some Central California Counties. It is common knowledge that CRLA is used as a vehicle to curb any legal services programs initiated by local Bar Associations in certain Central California counties. This is particularly true in San Joaquin County and in Stanislaus County. In a discussion with the Executive Director of the Legal Aid Society in San Joaquin County it was pointed out to me that CRLA was to represent clients in the "southern half" of said county. I called this same person today -- Mr. Walter A. Hastings -- and he mentioned to me that the Bar Association of San Joaquin County and the Directors of the Legal Aid Society of San Joaquin County have gone on record as opposing representation of San Joaquin residents by the CRLA office in Modesto, Stanislaus County. This was to be the office which represented clients in the southern half of the county.

There has been no official notification from either Regional OEO or from the CRLA organization in Modesto that this position by the San Joaquin lawyers has been accepted. San Joaquin Legal Aid and the Bar Association in the county were against such arrangement from the beginning and are operating on the premise that the San Joaquin Legal Aid Society is the duly constituted representative of indigent clients throughout the county. However, it evidently is a matter of formal record that CRLA is recognized by the Regional office of Economic Opportunity as the representative body for indigent clients in the southern half of San Joaquin County.

In Stanislaus County the Regional Office of Economic Opportunity approved a legal services program sponsored by the Stanislaus County Bar Association and the Stanislaus Community Action Commission with the restrictive condition that the program operate only within the confines of the Modesto Airport district and the city limits of Modesto. This condition was devised after the Bar Association had cooperated in good faith in the preparation

Mike Deavers
Assistant Executive Secretary
Governor's Office

October 4, 1967

Page 2

of the legal services program and grant request. The conditions limiting coverage of the program were imposed at the request of the Community Action Commission's Executive Director, such request being made subsequent to the Bar Association's approval of the program. This restrictive condition, in actuality, allows the CRLA office in Stanislaus County to represent all other indigent clients not within the boundaries defined above. This condition was objected to by the Bar Association and negotiations are currently in process to resolve the conflict.

2. CRLA has evidently been used as a lever by community action agencies to coerce local Bar Associations into accepting programs which they feel are a compromise of their own principles. The method by which this is done is that the local community action agencies let the Bar associations know that, if they do not accept a program which is agreeable to the community action agencies they will find that the CRLA program is ready to come into the county and be the legal service program for the county.

3. It can be fairly inferred from one of the conditions of the CRLA grant that I have read that the CRLA program is to cease operation in any county where a suitable alternative to it exists. This same thought was conveyed to me by the Executive Attorney of the CRLA office in Salinas, California when he pointed out in conversation that he viewed the length of their operations as being somewhere in the nature of a five-year duration. He felt that after the five year period the Monterey County Bar Association would be prepared to pick up the legal services program and carry it forth from that time. The five-year period is an arbitrary figure which he selected for conversation purposes but it does point up the fact that some members of CRLA do not view themselves as being a permanent legal services program. I would say, however, that this philosophy does not seem to carry across the board and, certainly, has not been made known by actions or by words to other members of the Bar or to representatives of local action agencies or the public at large.

4. CRLA has just recently completed an agreement with the California Bar Association which would seem to indicate that they are going on the premise of being a permanent organization in California. A copy of this agreement is attached.

5. I was told by James Lorenz, Executive Director of California Rural Legal Assistance that his program has acted in a legal capacity in behalf of El Macreado, the publication of the National Farm Workers' organization. He expressed some dismay with the activities of El Macreado in that it had printed numerous libelous statements (to the tune of \$30 million in libel suits) which evidently CRLA was trying to extricate them from.

Mike Deavers
Assistant Executive Secretary
Governor's Office

October 4, 1967
Page 3

6. CRLA attorneys seem to become involved in other controversial programs which don't necessarily involve law. As an example I would cite the Vista volunteer program which was vetoed by the Governor last summer. The Executive Director of that program -- a Miss _____ is a CRLA attorney of some notoriety. Her principal purpose in this particular program was to involve law students from out-of-state in a massive effort to re-write and update the welfare rights program in Los Angeles County. In our contact with her she was totally uncooperative and lacking of any courtesies which one would ascribe to an attorney.

BOB WALTERS
Executive Officer
Board of Corrections

Paul Beck

October 3, 1967

Governor's Statements
on CRLA

Ed Meese

In response to your request for suggested comments concerning the California Rural Legal Assistance matter, the following information is submitted. This applies particularly to the defense of CRLA that "the poor should be entitled to legal representation, even in disputes with the government."

We have no dispute with the general concept that the poor should have access to legal services on a par with other citizens of the community. However, to provide extensive legal resources to certain special interest groups (which include the so-called "poor") to engage in essentially political matters gives such groups and persons a great advantage over the average citizen and taxpayer. This even becomes doubly unfair when it is financed at the expense of the taxpayers.

The ordinary citizen does not have financial or legal resources to launch a massive legal fight when a government agency takes some action with which he does not agree, or which directly or indirectly interferes with his own desires. To provide a battery of attorneys, at public expense, to attack the decisions of public officials which are made on behalf of the majority of citizens, is thus to give particular special groups an unfair advantage over the rest of society.

In the very litigation being pressed by CRLA (Medi-Cal and supplemental farm labor) many citizens of average financial means have opinions or objectives directly opposed to the position of CRLA. Yet these citizens have no public or private legal resources to effect their representation in this dispute.

The basis on which legal services for the poor was originally developed and "sold" to the public was to provide the traditional legal resources usually available to average citizens, i.e. lawyers to represent them in the resolution of private legal disputes and to advise them on legal matters pertaining to themselves and their families (such as property disputes, divorces, accidental and personal injury claims, etc.) The difficulty has developed when the CRLA and similar organizations leave the realm of providing legal services to individuals and engage in political activity representing special interest groups. Often the legal actions

October 3, 1967

brought are simply maneuver tactics used to harass the public officials making the decisions, and to obtain leverage to force policy changes. The legal action itself may be unsuccessful, or actually dismissed, but the harassment has had its effect when policy decisions are delayed or thwarted. If an ordinary citizen were paying for such legal representation, his attorney would tell him that his suit had little or no chance of success, and therefore would advise him that such an action would not be ~~feasible~~ economically feasible. However, when lawyers for CRLA and similar programs are bankrolled by the government, they have no such inhibitions. This again gives the special interest groups an advantage over the ordinary citizen.

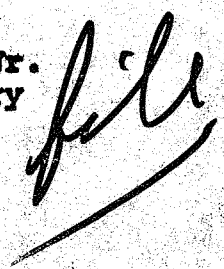
Another aspect of this problem is the ethical responsibility of lawyers. Attorneys ~~for~~ have an obligation, under the canons of legal ethics, not to advertise, solicit clients, or encourage others to maintain litigation. Clearly, there is a great temptation for legal assistance lawyers, representing so-called "class actions" to engage in such tactics -- indeed it is almost necessary if they are going to engage in such quasi-political activity. It is in this area that public officials, the State Bar, and other leaders of the legal profession must develop standards of professional conduct which will guide the "lawyers for the poor" and bring their practices into line with the standards of dignity and responsibility which have traditionally ~~been~~ characterized the legal profession.

Edwin Meese III

EM:fr

cc: Bill Clark

William P. Clark, Jr.
Executive Secretary



January 16, 1968

Paul G. Zimmer
Deputy Director
State Office of Economic
Opportunity

RE: Modifications of proposed CRLA program made on the basis
of Governor's staff review;

1. Governor's recommendation: Program personnel, operations
and outside services should be reduced, etc.

OEO action:

- a. eliminated 10 supportive staff personnel.
- b. reduced operational expenses by approximately
\$200,000.

2. Governor's recommendation: The Indian legal services
program is unrelated to CRLA operation.

OEO action: Allocation of funds to CRLA for Indian legal
assistance will be terminated in the event another pro-
gram of service is approved.

3. Governor's recommendation: The program shall provide
legal assistance to all eligible clients, etc.

OEO action: CRLA shall submit plan for allocation of
assistance, and method of determining caseload priorities.

4. Governor's recommendation: Program shall adopt a reason-
able standard of financial eligibility and procedure of
verification.

OEO action: CRLA shall submit plan for incorporating
standards for marginal clients and procedure for veri-
fication of eligibility.

5. Governor's recommendation: Program shall not provide
legal assistance in cases of a fee generating nature.

OEO action: Program shall refer cases in which a fee
is provided for by statute, administrative regulation, or

contingency to a lawyers reference panel, etc.

6. Governor's recommendation: Program shall not provide representation in criminal matters.

OEO action: Program shall not provide assistance in criminal matters, except in extraordinary circumstances, where there has been consultation with the court, and approval by Director of US OEO.

7. Governor's recommendation: Program shall not provide legal assistance or involve themselves in any way with union activities, etc.

OEO action: Program shall not provide assistance in union collective bargaining, union negotiations, union organizing or representation of union officials in union matters.

PGZ:js

RESOLUTION OF THE 1970 STANISLAUS COUNTY GRAND JURY

WHEREAS, as the result of its investigations during its term of office, the 1970 Stanislaus County Grand Jury, representing the conscience of the community, recognizes the need for adequate legal assistance for the poor; and

WHEREAS, there is growing public concern that California Rural Legal Assistance, Inc. is not carrying out its stated corporate purpose of providing adequate legal assistance for the poor; and

WHEREAS, California Rural Legal Assistance, Inc. has refused to comply with the process of this Grand Jury in an investigation of the corporate activities of California Rural Legal Assistance, Inc. to determine whether it is providing adequate legal assistance for the poor;

NOW, THEREFORE, BE IT RESOLVED that the 1970 Stanislaus County Grand Jury hereby recommends to the Governor of the State of California that he veto funding of the legal services program of California Rural Legal Assistance, Inc.; and

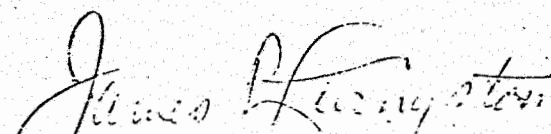
BE IT FURTHER RESOLVED that the 1970 Stanislaus County Grand Jury hereby recommends to the Governor of the State of California that he cause investigations to be instituted and conducted by appropriate federal, state and local agencies into the corporate activities of California Rural Legal Assistance, Inc.; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forthwith transmitted to the Governor of the State of California, to all Stanislaus County members of the State Legislature, to the elected California representatives in Congress,

and to the federal officials having jurisdiction in this matter for appropriate action consistent with this Resolution.

The foregoing Resolution was unanimously adopted, a quorum of sixteen members being present, at a regular meeting of the Grand Jury held on Wednesday, December 16, 1970, at Modesto, California.

1970 STANISLAUS COUNTY GRAND JURY

A handwritten signature in cursive script, reading "James P. Livingston".

JAMES P. LIVINGSTON, Foreman

HOME ADDRESS
P. O. BOX 2027
FLORENCE, CALIFORNIA 95021
(916) 281-0220

SACRAMENTO ADDRESS
STATE CAPITOL
95134
(916) 443-0456

FRED W. MARLER, JR.
SECOND SENATORIAL DISTRICT

COMMITTEES
AGRICULTURE, CHAIRMAN
EDUCATION
FINANCE
GOVERNMENTAL ORGANIZATION
TRANSPORTATION

MICHAEL R. FROST
ADMINISTRATIVE ASSISTANT

CALIFORNIA LEGISLATURE

Senate

COUNTIES:
FUTTE
COLUSA
GLENN
SHASTA
EUTTER
TERAMA
YOLO
YUBA
SOLANO (DIXON AREA)

December 18, 1979

Honorable Ronald R. Reagan
Governor of California
State Capitol
Sacramento, California

Dear Governor Reagan:

Since you will soon make a decision regarding continued funding for certain federally financed legal organizations, including California Rural Legal Assistance, Inc., this letter is written to respectfully ask that you decline to accept such funds.

I am convinced that this agency has fallen far short of its objective; namely, to provide legal aid for those who cannot afford it.

Naturally, during my years in the Legislature many constituents have brought their problems to my attention or that of my staff. Upon evaluation of these problems I realized that there was no legislative or agency remedy for many of them. These particular constituents obviously needed an attorney and many of them could not afford one. Consequently they were referred to C.R.L.A.

This has been especially true in my district office in Yuba City. My field representative there, Mr. Blaine Graham, has informed me on many occasions that he has referred such cases to the Marysville office of C.R.L.A. and that these constituents have returned to him saying that C.R.L.A. would not accept them as clients even though they qualified for help insofar as financial inability to pay was concerned.

At my direction Mr. Graham contacted Mr. Richard Turner of your legal staff and has been supplying him with documented evidence which serves to show that this organization is not providing legal services for the poor per se.

Governor Ronald R. Reagan
December 18, 1970
Page 2

He has also discussed this matter with Superior Court Judges, members of the local Bar Association, District Attorneys, County Welfare Directors and others and has found that nearly all of them agree with his conclusion.

Rather C.R.L.A. is engaged in devoting a major part of its time to so-called "class actions" and "landmark" cases.

For example, this organization brought suit against the Yuba City Unified School District when that district sought to take disciplinary action against three high school boys in connection with the length of their hair. It was later established that at least one of these boy's parents had the means to retain counsel but that the C.R.L.A. virtually insisted on acting as counsel in the action.

This organization has also carried on a program of harassment aimed at the Director of the Sutter County Social Welfare Department. It is my understanding that word of this particular activity of C.R.L.A. has already reached your office from other sources but it is true that the harassment is continuing. Mr. Graham recently personally witnessed a C.R.L.A.-led protest at the Sutter County food commodity distribution building. An anonymous note was pushed through Mr. Graham's office mail slot alluding to the protest in a somewhat ambiguous fashion. He found that newsmen and camera crews had already been summoned in advance of the "protest" and that many of the participants were not welfare recipients of this area but appeared to have been imported for the occasion.

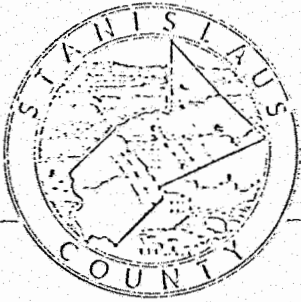
There is certainly a need for legal services for those who cannot afford them but it is obvious to me that this organization is not doing the job for which funds were provided. Actually, C.R.L.A.'s activities have resulted in the taxpayer financing lawsuits against himself, a situation which I don't believe should be allowed to continue.

It is my sincere hope that you will veto any further appropriations for this extremely unfortunate flaw in our federal government's attempt to help the poor.

Sincerely,

FRED W. MARLER, JR.

H:bj



OFFICE OF
CHIEF ADMINISTRATIVE OFFICER

1100 EYE STREET - ROOM 300

MODESTO, CALIFORNIA

PHONE 524-1251

December 11, 1970

Mr. Lewis K. Uhler, Director
State Office of Economic Opportunity
Department of Human Resources Development
800 Capitol Mall
Sacramento, California

Dear Mr. Uhler:

Recently you sent a letter and a questionnaire to at least two members of our Board of Supervisors asking their evaluation of the CRLA program.

Rather than respond individually, they discussed the matter with their colleagues at a regular Board meeting.

As a result of this discussion, our Supervisors adopted a motion urging that the entire program be abolished. A copy of their Board order is enclosed.

Cordially,

George Gaekle
Chief Administrative Officer

GG:bd
Enclosure

THE BOARD OF SUPERVISORS
OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA

Date: December 1, 1970

IN RE:

URGING THAT CALIFORNIA RURAL
LEGAL ASSISTANCE BE ABOLISHED

WHEREAS, the Department of Human Resources, Office of Economic Opportunity, has submitted a questionnaire for the purpose of evaluating the California Rural Legal Assistance; and

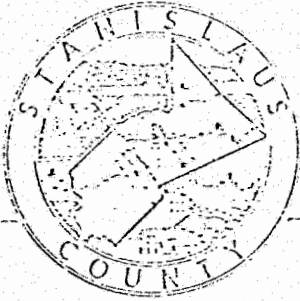
WHEREAS, this Board of Supervisors desires to express itself toward elimination of wasted money and manpower and duplication of efforts of existing governmental agencies; and

Upon motion by Supervisor Franzen, seconded by Supervisor Fahey, it is ordered by majority vote of this Board (Supervisor Vander Wall dissenting) that the Chief Administrative Officer be, and hereby is, authorized and directed to draw a letter in the place and stead of said questionnaire urging that the California Rural Legal Assistance be abolished.

RECEIVED

DEC 1970

STANISLAUS COUNTY



OFFICE OF
DISTRICT ATTORNEY

P. O. Box 442

Court House
Modesto, California 95353

Tel. 524-1251

December 14, 1970

ALEXANDER M. WOLF
District Attorney

DEPUTIES
DONALD N. STAHL, Chief
JUNE WOOLIVER STAHL
JAMES J. MILAM
CHARLES J. PELUSO
RICHARD W. MEIER
EDWARD M. LACY JR.
TERRY K. COLE
PAUL F. SHARP
J. AUGUSTUS ACCURSO

INVESTIGATORS
ROBERT C. HARRITY, Chief
CRIMINAL DIV.
PAUL S. MUNIAIN, Chief
FAMILY SUPPORT DIV.
RICHARD G. ESSELMAN
JEFF I. ZAYA
DONALD H. RUSSELL

The Honorable Ronald Reagan
Governor of California
Sacramento, California

Re: California Rural Legal Assistance, Inc.

Dear Governor Reagan:

This is to request that you veto any appropriation of funds for California Rural Legal Assistance, Inc. because of its present operation. It is the opinion of this office that CRLA is not carrying out the purposes for which it was intended as enumerated in its Articles of Incorporation as filed with the Secretary of State on March 3, 1966. This request would not be made if CRLA were truly serving the needs of the poor.

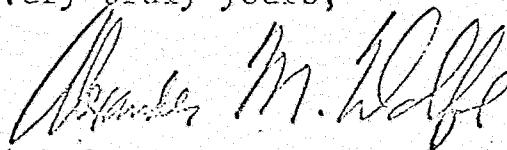
Although CRLA was incorporated pursuant to the General Non-Profit Incorporation Law of the State of California, events of the past month would appear to indicate otherwise. Specifically, during the latter part of November, 1970, the Stanislaus County Grand Jury voted to undertake an investigation of the operation of CRLA. The local Directing Attorney of CRLA stated in the public press that he welcomed such an investigation. It was only after my office issued subpoenas to various officials of CRLA, including a number of subpoenas duces tecum, as well as a subpoena duces tecum issued to a Fresno bail bondsman, that CRLA claimed that it was immune from investigation by county grand juries by virtue of the Supremacy Clause of the United States Constitution.

On November 30, 1970, CRLA filed a complaint in the Federal District Court for the Eastern District of California seeking a restraining order against the Stanislaus County Grand Jury and me from proceeding with any investigation of CRLA. In this action, CRLA labeled itself "a federal legal services project". By virtue of this descriptive title, and having in mind the various types of actions which CRLA has filed and the course of conduct it has pursued, it would appear that the federal government, knowingly

Ltr. to The Honorable Ronald Reagan
Re: California Rural Legal Assistance, Inc.
December 14, 1970
Page 2

or unknowingly, is financing groups to undermine the operation, effectiveness and integrity of state and local governments. I cannot believe that Congress or the President of the United States ever intended such a result.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Alexander M. Wolfe". The signature is fluid and cursive, with the first name "Alexander" written in a larger, more prominent script than the last name "Wolfe".

ALEXANDER M. WOLFE
District Attorney

AMW/rb

Stanislaus County Bar Association

P. O. BOX 855
MODESTO, CALIFORNIA

December 9, 1970

Mr. Lewis F. Uhler
Department of Human Resources Development
Office of Economic Opportunity
800 Capitol Mall
Sacramento, California 95814

Dear Mr. Uhler:

It is the opinion of the Stanislaus County Bar Association that California Rural Legal Assistance is not adequately serving the needs of the poor, measured by the express purposes for which it was originally funded. It is, therefore, additionally the opinion of the Stanislaus County Bar Association that operations of CRLA should not be continued on their present basis.

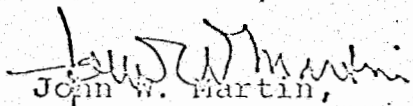
I am authorized to say that this letter reflects not only the opinion of the present officers and Executive Committee of the Bar Association, but the opinions of the former Presidents, whose names I am authorized to use:

Douglas M. Sutter
William R. Lundgren
Alexander M. Wolfe
Lewis N. Hawkins
Carlos J. Badger
James P. Mower
E. Dean Price

Cleveland J. Stockton
J. Wilmar Jensen
Jared Hawkins
Elmer L. Winger
Ronald E. Bates
Arthur R. Friedman

Very truly yours,

STANISLAUS COUNTY BAR
ASSOCIATION,


John W. Martin,
President

LEAGUE OF CALIFORNIA CITIES

MEMBER NATIONAL LEAGUE OF CITIES
"WESTERN CITY" OFFICIAL PUBLICATION

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Berkeley 94705 . . Hotel Claremont . . 843-3083 . . Area Code 415
Los Angeles 90017 . . 702 Hilton Center . . 624-4934 . . Area Code 213

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G. SID GADSBY
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Mayor, Petaluma

EDWARD H. RADEMACHER
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Oakland

H. DOUGLAS WELLER
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Mayor, Palm Springs

ROBERT M. WILSON
Mayor, Costa Mesa

SAM YORTY
Mayor, Los Angeles

December 19, 1970

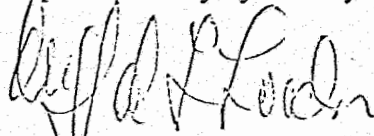
The Honorable Ronald Reagan
Office of the Governor
State Capitol
Sacramento, CA 95814

Dear Governor Reagan:

After careful evaluation, I urge that
you VETO the funds for the California Rural Legal Assistance
program, known as CRLA.

The damage done to Democratic Society
far outweighs the service to poor people. A different way
of giving legal aid to the poor should be devised that is
free of activist political action.

Respectfully yours,



Dr. Clifford F. Loader, President
League of California Cities,
Mayor, City of Delano

10837
MAR 10 1970

REPORT OF IMPERIAL COUNTY BAR ASSOCIATION
SPECIAL COMMITTEE ON C.R.L.A.

It is the recommendation of this committee that the Imperial County Bar Association withdraw its representative from the C.R.L.A. Board of Directors and sever all official connection between Imperial County Bar Association and C.R.L.A., and further, that the Imperial County Bar Association urge the State Bar of California to reconsider its position with respect to C.R.L.A. toward the end of severing all official connection between the State Bar of California and C.R.L.A.

The committee has studied and observed the functioning of California Rural Legal Assistance. The committee feels that C.R.L.A. as it is operated and staffed exists primarily for the purpose of provoking social reform. The committee feels that C.R.L.A. does not function as a law office which specializes in what has become to be known as "poverty law", but rather, it functions as a device for promoting special-interest groups and only operates as a law office because it has determined that this is a convenient means to effectuate its ends.

When C.R.L.A. was originally formed with federal financing, it was represented to the Imperial County Bar Association by the then director, James Lorenz, that it would be an organization which provided legal services for poor individuals unable to hire their own attorneys. This is still its ostensible purpose. However, a study of the manner in which C.R.L.A. functions clearly shows that it is C.R.L.A.'s intention to promote whatever social reforms it determines will be helpful to the poor by means of legal actions. One needs only to read the C.R.L.A.'s current funding request and its house organ, NOTICIERO, to determine that its lawyers and other members of its staff consider this to be C.R.L.A.'s prime function.

It is the feeling of this committee that the federal government should not subsidize any particular salient social or political activity. We believe that neither themselves, the Imperial County Bar Association, nor the State Bar of California should, by participating in the functioning of C.R.L.A., put a stamp of approval on C.R.L.A.'s own particular concepts of social reform. To use an analogy, one cannot quarrel with the right of the A.C.L.U. to espouse particular political or social causes. It is hoped, however, that no one would propose that the A.C.L.U. should be subsidized by the federal government or sponsored by the American Bar Association, the State Bar, or the Imperial County Bar Association. It seems fairly obvious that A.C.L.U. and C.R.L.A. are birds of a feather.

This committee feels also, judging by the practices employed in this county, that some of the procedures and techniques utilized by the C.R.L.A. practitioners are not consistent with the commonly accepted canons of legal ethics under which our private attorneys practice. We feel that this is particularly so in the area of direct solicitation of litigation where the same can be justified as a technique to effect social reform. Further official sanction or sponsorship of C.R.L.A. by the local Bar Association and by the State Bar would, in our opinion, constitute an implied acquiescence and approval of professional legal practices incompatible with our own canon of legal ethics.

It is further the recommendation of this committee that the County Bar Association once again take over the function of the Lawyers Referral Service.

RESPECTFULLY SUBMITTED,

WILLIAM E. LEHNHARDT, Chairman
ORLANDO B. FOOTE
RUSSELL H. YEAGER
DAVID BLUME
F. DOUGLAS MC DANIEL

ECONOMIC OPPORTUNITY COMMISSION
OF IMPERIAL COUNTY, INC.

COMMUNITY ACTION PROGRAM

795 MAIN STREET

EL CENTRO, CALIFORNIA 92243

PHONE: 352-9821
352-0527

File No. 15759

RECEIVED

From Wick

DATE FEB 18 1970

February 16, 1970

Mr. James H. Carter, President
Imperial County Bar Association
Law Building, Suite 101
895 Broadway
El Centro, California 92243

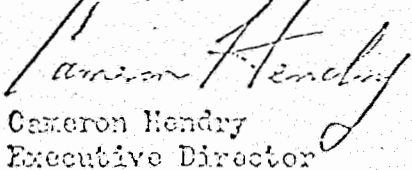
Dear Mr. Carter:

At the last regular meeting of this Commission questions were raised regarding the availability of legal services to the low-income residents of Imperial County. It was pointed out that the California Rural Legal Assistance office were now handling very few domestic and individual cases so some other channels have to be found. The Commission would like some information as to what other channels are available at a cost relative to their income.

I have been requested to contact the Bar Association and ask if it would be possible to have a representative present at our next regular Commission meeting to give us some information or guidance on this question.

Our next meeting will be held at the Lion's Memorial Center in Brawley on Thursday, March 4, 1970 at 7:30 p.m. Will you please inform this office if a representative can attend.

Sincerely yours,


Cameron Hendry
Executive Director

CH/ner

MINUTES OF IMPERIAL COUNTY BAR ASSOCIATION MEETING

March 13, 1970

The meeting was called to order by President James Carter, at 12:30 p. m., on March 13, 1970.

Guests introduced:

Two guests were introduced, the first being John Netterblad, from San Diego, introduced by Russ Kirk, and Lawrence Sattinger, from San Diego, introduced by David Dotson.

Report on Conference of Delegates.

President Carter reported that he and Franklin D. McDaniel and David Dotson of the Imperial County Bar Association, attended the Conference of Delegates meeting on the week-end of March 6th and 7th.

Mr. McDaniel reported that the conference of delegates considered several resolutions and proposals including a possibility of establishment of a client's security fund for reimbursement to clients of embezzled funds; group legal practices in California; and appeals for scholarships for minority law students. Mr. McDaniel further suggested that the local bar association consider establishment of a scholarship for mexican-american law. student.

California Rural Legal Assistance:

Committee chairman William Lehnhardt reported that his committee had submitted a written report and recommendations to the Imperial County Bar Association, a copy of which report was mailed to each member of the Bar. Mr. Lehnhardt offered several comments on the report including the fact that no direct emphasis was to be placed on the local CRLA office. Mr. Lehnhardt further stated that he would resign his position from the Board of Trustees of California Rural Legal Assistance in the near future. Mr. Altshuler, of the California Rural Legal Assistance office of El Centro then replied to Mr. Lehnhardt's comments and Mr. Lehnhardt's committee report and suggested that an in depth study be made of the issues raised by the committee's report.

Mr. Charles Pinney moved that the Imperial County Bar Association adopt the Lehnhardt committee report and the recommendations contained therein, and that the Imperial County Bar Association pass a resolution withdrawing all support of California Rural Legal Assistance, withdrawing its members from the Board of Trustees, withdrawing the Lawyer's Reference Service from control of California Rural Legal Assistance and restoring it's control to the Imperial County Bar Association, that a copy of the resolution and recommendations be forwarded to the State Bar and to the Board of Trustees at California Rural Legal Assistance. This motion was seconded by Mr. T. J. Sands and after substantial discussion the motion was passed.

Economic Opportunity Commission Request for services and guidance:

President Carter then read a letter from Cameron Hendry the local director of the Economic Opportunity Commission. The letter stated in substance that the local office of the California Rural Legal Assistance had not been handling all matters concerning domestic relations cases of indigent clients and Mr. Hendry requested that representative of the Imperial County Bar Association meet with the Economic Opportunity Commission of Imperial County and render some guidance on the question.

Mr. Charles Pinney moved and Mr. Charles P. Sturdevant, Jr. seconded a motion that President Carter appoint a representative to the Economic Opportunity Commission meeting to render such requested guidance. President Carter stated to the assembled meeting that he would appoint this representative at a later date and inform this representative and the Economic Opportunity Commission of said

appointment by letter.

Medical Insurance:

Ron Lane informed the meeting that the Connecticut General Insurance Company's medical plan had gone into effect on March 1, 1970, and not on January 1, 1970, as originally planned.

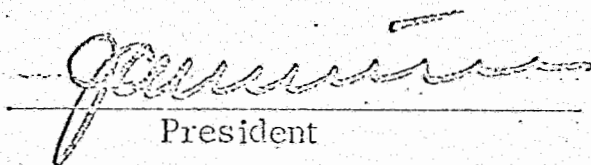
Mr. Lane further informed the meeting that there were some claims between January 1, 1970, and February 28, 1970, amounting to approximately \$300 to \$400 and Mr. Lane suggested that the members of the medical insurance plan each be assessed on a pro-rata basis to cover the claims for January and February. Mr. William Byrd moved and Mr. McDaniel seconded that this plan be adopted to direct the administrator to bill the members of the plan on a pro-rata basis to pay these claims. After a short discussion the motion was passed.

Imperial County - San Diego County Bar Association Meeting:

Mr. Lou Plourd informed the group that the San Diego Bar Association meeting with Imperial County would be held in Imperial County this year and after discussion it was suggested that the first choice of dates be April 17, the second choice to be April 24, and if neither of these dates is agreeable to the San Diego Bar Association then to suggest that the meeting be held on May 8th or May 15th. It was further suggested that a Golf Tournament be held in conjunction with the meeting at the Imperial Valley Country Club and that the committee, composed of Mr. Thomas Nassif, Mr. Charles Pinney and Mr. John Carter, be appointed to set up plans for the Golf Tournament.

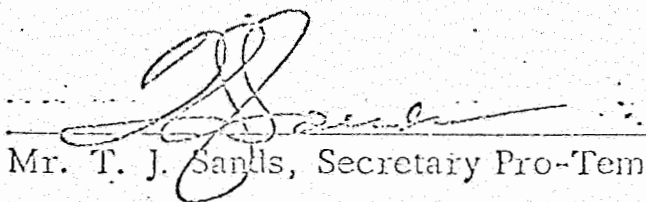
Adjournment:

The meeting was adjourned at 1:55 p.m. . Respectfully submitted.



President

ATTEST:



Mr. T. J. Sands, Secretary Pro-Tem

BERTRAM N. YOUNG
DISTRICT ATTORNEY

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF MONTEREY
COURT HOUSE -- PHONE: 755-4625
SALINAS, CALIFORNIA 93901

DIRECT ALL COMMUNICATIONS TO:
P.O. BOX 1309
SALINAS, CALIFORNIA 93901

December 8, 1970

PLEASE REFER TO:

Mr. Lewis K. Uhler, Director
Office of Economic Opportunity
State of California
Department of Human Resources Development
800 Capitol Mall
Sacramento, California 95814

Re: C. R. L. A.

Dear Mr. Uhler:

It is my recommendation that California Rural Legal Assistance shall no longer be permitted to operate in Monterey County. It has become a totally irresponsible and unrestrained operation of an agency funded by the Federal Government which has interfered with and has harrassed County and State agencies and departments with almost total abandonment of its original concept to serve individual poor people in rural counties.

I have noticed with disgust and alarm its repeated activities in criminal matters, the details of which are set forth in the questionnaire sent to me and many other members of the Bar sometime ago. My opinions are based not only on specific matters but have come to my attention by general discussion in past months with members of the local Bar and members of my own staff who have sent indigent people to C.R.L.A. for help in matters involving divorce, bankruptcy law, landlord problems and problems with creditors. The almost uniform reaction has been that those indigent persons are told by C.R.L.A. in effect, "we do not have time for your individual cases".

The actions of this agency have been a gross interference with and infringement upon the authority of the Grand Jury of the County, the Board of Supervisors of the County, and those fields in which the office of the Attorney General of California could, and would, act for complaints within its authority.

- 2 -

Mr. Lewis K. Uhler

December 8, 1970

This agency has failed miserably to discharge its obligations to the indigent rural people, has wasted hundreds of thousands of dollars of our taxes, and has caused expensive and time-consuming involvement of our local agencies in answering its vicious attacks.

Very truly yours,

Bertram N. Young
BERTRAM N. YOUNG
District Attorney

BNY/eb

SONOMA COUNTY BAR ASSOCIATION

POST OFFICE BOX 1148
SANTA ROSA, CALIFORNIA 95402

December 23, 1970

Mr. Geoffrey L. Clark
Office of Economic Opportunity
800 Capitol Mall
Sacramento, California 95814

Dear Mr. Clark:

Confirming our telephone conversation of December 21, 1970, reporting an action of the Executive Board of the Sonoma County Bar Association at their meeting on that date, the following is the resolution adopted by the Board:

RESOLUTION

WHEREAS, the Sonoma County Bar Association filed its application with the Office of Economic Opportunity for the funding of a proposed legal assistance program for Sonoma County in 1967, and

WHEREAS, the California Rural Legal Assistance corporation has been and still is funded by the Office of Economic Opportunity for legal services to be rendered to the indigent in Sonoma County, and

WHEREAS, this Board continues to believe that the legal care type program proposed in its said 1967 application is still the best type of program for the poor in Sonoma County,

IT IS RESOLVED that the Executive Board of Sonoma County Bar Association re-affirms its position as set forth in said 1967 application for a legal assistance program in Sonoma County.

IT IS FURTHER RESOLVED that the Sonoma County Bar Association and/or the Legal Aid Foundation of Sonoma County can best meet the needs of the poor in Sonoma County.

IT IS FURTHER RESOLVED that this Executive Board re-affirms its position that local control by the Sonoma County Bar Association and/or the Legal Aid Foundation of Sonoma County can best implement the indigent legal services program and provide the most efficient utilization of Federal funds.

Mr. Geoffrey L. Clark
December 23, 1970
Page Two

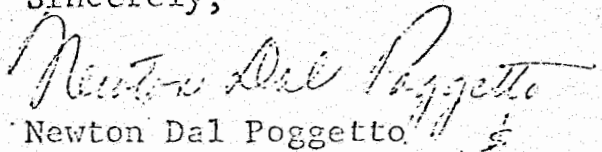
IT IS FURTHER RESOLVED that the Sonoma County Bar Association accept funding by the Office of Economic Opportunity for indigent legal services in Sonoma County in place of the California Rural Legal Assistance corporation.

I am enclosing a photocopy of our 1967 legal services application, which was the result of a great deal of time and effort on the part of several members of our Bar Association. We studied the matter for several months and obtained approval of the Sonoma County Community Action Council. We did not obtain the approval of the Sonoma County Board of Supervisors. The Board of Supervisors refused to act on the ground that some of its members feared the program would create a divorce mill. It is doubted that the present Board of Supervisors would take this position.

It is my personal position that the lawyers I have talked to feel that the Santa Rosa California Rural Legal Assistance office does not adequately service the existing needs of the poor in every day situations which require legal help. We obtained figures from the Santa Rosa California Rural Legal Assistance office on their activities for 1970, and after our Board studied them, we were unable to conclude that the figures were meaningful.

The Resolution will be taken up at our January or February Sonoma County Bar Association meeting for action by the entire bar association. If we may be of any further assistance, please advise.

Sincerely,


Newton Dal Poggetto

ND:jis
Encl.

AFFIDAVIT

STATE OF CALIFORNIA)
County of Santa Barbara) ss

1, JAMES W. HOULIHAN, being duly sworn, depose and say:

That I am a duly appointed, sworn Deputy District Attorney of the County of Santa Barbara, State of California; that prior to being sworn in in this county on November 20, 1967, I was a legally appointed, sworn in Deputy District Attorney of the County of Tulare, State of California, from approximately the 1st day of September, 1966, to November 20, 1967. Prior to that, I was a legally appointed police officer of the City of Los Angeles, retiring with the rank of Lt. of Police.

My first contact with the California Rural Legal Assistance was with a Mr. Gary Bello in Visalia, California. Mr. Bello's actions were so obnoxious, demanding and showed such a lack of any ethical standards that on at least one occasion he was ordered by the Judge to leave his courtroom. During the period of time, he or members of the staff of C.R.L.A. interfered with the prosecution of several criminal cases involving arrests made by the Visalia Police Department.

In Santa Maria, Donald W. Haynes was the Senior Attorney of C.R.L.A. During his tenure it was known by many of the other attorneys in town that he did not have enough legal work to do. However, in my official position, I found that he actively defended one, Michael Diaz, charged with the crime of contributing to the delinquency of a minor (P.C. Sec. 272), and appeared in court as attorney of record for said Diaz. The case involved an 18 year old boy committing Stat Rape on a 15 year old girl, and when the girl's parents objected, members of the C.R.L.A.'s office took the girl from her parents, taking her to Mexico and arranged for them to get married. (At least, this is what Mr. Haynes stated to the Court). I seriously considered taking the case to the Grand Jury

1 charging Mr. Haynes and others with a felony. However, due to
2 evidentiary problems and the press of other felony matters, I did
3 not do so.

4 Mr. Haynes, in the case of People v. Angel DeJesus
5 (another criminal case involving failure to provide for children),
6 did represent said defendant in court as his attorney. I recall
7 several other cases involving Failure to Provide where Mr. Donald
8 Haynes did enter on the part of the defendant and, in one particu-
9 lar case, advised the defendant not to take blood tests.

10 In People v. Santiago Arguijo, (another criminal failure
11 to provide case), both Mr. Wolpert and Mr. Burton Fretz of the
12 C.R.L.A. have indicated that they were representing the defendant.

13 Currently, the Santa Barbara County District Attorney's
14 office is appearing on behalf of the People of the State of
15 California in a case brought by the C.R.L.A. on a Writ of Habeas
16 Corpus in the case of Tiburcio Cardoza v. Guadalupe Justice Court.
17 This is a criminal matter in which the C.R.L.A. is attempting to
18 have the Superior Court set aside a plea of guilty entered in 1968
19 by Mr. Cardoza. There was one interesting point in that the
20 Petitioner (Cardoza) claims not to be able to speak, read or write
21 English, yet the petition for the writ is in English. There was
22 no English to Spanish interpretation under oath. There were two
23 affidavits attached and the facts of each differ to a point that
24 I, as a non-Spanish reading person, could determine that there
25 were different facts stated in each of the three documents. This
26 is either a case of perjury or clerical error.

27 During the recent lettuce strike, a Mr. Charles Farnsworth
28 United Farm Workers attorney, came to town and did not have an
29 office. During his stay in town I saw Mr. Farnsworth in constant
30 company with Mr. Fretz of C.R.L.A. In fact, on one occasion, Mr.
31 Joseph Gallas, an attorney at law, informed me that if I could
32 not find Mr. Farnsworth at the Union Hall he would probably be at

1 the office of the C.R.L.A. as he was using their law library and,
2 by innuendo, possibly their staff to do legal work. On one occa-
3 sion, after the arrest of Raul Santiago, UFWOC Union Labor Organ-
4 izer, and two others for attempted murder, Mr. Fretz was the first
5 attorney to appear for the UFWOC to interview and advise Mr.
6 Santiago and the other two arrestees at the Sheriff's Station.
7 In fact, he made at least two contacts with the defendants on the
8 particular day.

9 Since the conviction of Raul Santiago for a traffic of-
10 fense in the Guadalupe Justice Court, Mr. Farnsworth and Mr. Fretz
11 of the C.R.L.A. have been filing many disqualifications against
12 Judge Stewart, causing undue hardship upon the court system. The
13 only grounds for asserting such disqualification is Judge Stewart's
14 alleged lack of sympathy with the lettuce strike. Judge Stewart
15 in my mind, even though he is a lay Justice, is probably the most
16 respected and fair jurist in the County of Santa Barbara. The
17 people of Guadalupe would have no one else as their Judge. He is
18 continually striving to do an outstanding job.

19 It has been my experience that Mr. Haynes, as a member
20 of the C.R.L.A., would write false letters to the Editor of the
21 local paper containing falsehoods and made use of a "back-door"
22 policy in talking to Judges outside the presence of opposing
23 counsel. Mr. Fretz, in his appearances in court, has been very
24 poorly prepared and most arguments are based upon emotion and
25 a non-legal approach. His appearance and that of his associate
26 in the courts here create a very unfavorable feeling toward the
27 office. This is particularly true with regards to the long hair
28 of the associates and their carrying of purses.

29 When I came to the City of Santa Maria, the C.R.L.A.
30 would not take any cases for a poor person unless it was a "class
31 action. For a long period of time, I have followed the approach
32 that when persons call our office for legal assistance I would

1 refer them to C.R.L.A. On many occasions these people would call
2 back and state that C.R.L.A. would not help them. I then informed
3 the person to go back to C.R.L.A. and get a rejection in writing
4 and inform C.R.L.A. that the purpose of this was to forward the
5 said rejection to their Congressman. In almost every case, at
6 least to my own knowledge, the case was taken and handled by C.R.L.A.

7 Apparently, they are now handling divorce actions, but
8 not until the party has first gone to private attorneys and gotten
9 rejections. This, of course, is in a geographical area where there
10 are few private attorneys. Consequently, it causes a hardship on
11 both the attorneys and the applicant. This referral procedure was
12 not started until there had first been a movement started to fur-
13 nish these poor people the proper forms and printed instructions
14 so that they could proceed In Propria Personna. The Superior Court
15 Judge has a very strong feeling about In Propria Personna repre-
16 sentation and it is believed this judicial pressure is what caused
17 the C.R.L.A. to start accepting a limited number of cases.

18 I do not believe that the poor of this community would
19 suffer if the C.R.L.A. office was disbanded. However, as in any
20 community of this size, we should have some workable legal aid
21 for the poor, which is not the C.R.L.A., but rather a community
22 action program or whatever program existed in the City of Visalia.

23 Dated at Santa Maria, California, this 8th day of
24 December, 1970.

25 DAVID D. MIERER, District Attorney
26 County of Santa Barbara

27 By: *James W. Houlihan*
28 James W. Houlihan
29 Deputy District Attorney

30 J. E. LEWIS, County Clerk

31 *By: [Signature]*
32 Deputy Clerk

COUNTY OF MADERA, CALIFORNIA
ADMINISTRATIVE AND PERSONNEL OFFICE

MADERA COUNTY GOVERNMENT CENTER
202 WEST YOSEMITE AVENUE
MADERA, CALIFORNIA 93637
TELEPHONE: 674-4641
December 17, 1970

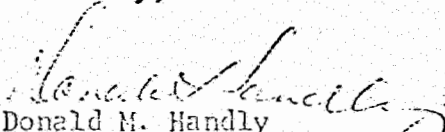
Lewis K. Uhler
Director
State of California
Office of Economic Opportunity
Department of Human Resources Development
800 Capitol Mall
Sacramento, California 95814

Dear Mr. Uhler:

Attached is the response of Supervisor John W. Schmitz Jr. to your inquiry regarding the 1971 refunding proposal for the California Rural Legal Assistance.

Also attached are copies of a letter dated November 12, 1968 which was directed to your office and a copy of Resolution No. 68-1. Although these documents are not current, the comments are still appropriate and reflect the grave concern of the Madera County Board of Supervisors toward the operation of the California Rural Legal Assistance program.

Sincerely,


Donald M. Handly
County Administrative Officer

DMH:lc

RESOLUTION NO. 68-1

WHEREAS, the Board of Supervisors of Madera County was hopeful that the granting of E.O.A. funds to the California Rural Legal Assistance would benefit in some way the poor and underprivileged that may have escaped other governmental programs, and

WHEREAS, it did not raise its voice in opposition in the beginning because this Board wished to give any legitimate and worthwhile program an opportunity to demonstrate its benefits and efficiency, and

WHEREAS, the California Rural Legal Assistance has been given not only the opportunity to demonstrate, but it has wantonly and viciously used its authority, money and ability to attack governmental administration of schools, welfare and health, thus devoting taxpayer's money to attack and harass local governmental administration with silly, frivolous and absurd grievances without understanding or appreciation of the individual's rights, or the rights of the public, or its counterpart, the government, and

WHEREAS, the real need of the poor and the underprivileged is to represent such persons with care and understanding in domestic, contractual and tort litigation. However, the California Rural Legal Assistance has turned some of these people away with the excuse of being busy and unavailable for such representation, and

WHEREAS, the activities of the California Rural Legal Assistance have been distorted and misguided with an arrogant disregard of the desirable and benevolent assistance of the underprivileged; that the underprivileged concept has been the excuse and the shield for the extravagant expenditure of public funds for the devious objectives of the California Rural Legal Assistance,

NOW, THEREFORE, BE IT RESOLVED that this Board does recommend to the Governor of the State of California that he veto this E.O.A. program until and unless some beneficial and truly helpful legal assistance program is formulated.

BE IT FURTHER RESOLVED that a copy of a prior resolution in connection with the lawsuit commenced by the California Rural Legal Assistance against the Madera Unified School District is attached hereto marked Exhibit "A" and made a part hereof.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to The Honorable Ronald Reagan, Governor of the State of California, Congressman B.D. Sisk, Senator Howard Way and Assemblyman Ernest Mobley, U. S. Senators George Murphy and Thomas H. Kuchel, Congressman Harold T. "Bizz" Johnson, and Mr. Sargent Shriver.

The foregoing Resolution was adopted this 2nd day of January, 1968, by the following vote:

Supervisor Schmitz voted:	<u>YES</u>
Supervisor Balmat voted:	<u>YES</u>
Supervisor Thompson voted:	<u>YES</u>
Supervisor Neufeld voted:	<u>YES</u>
Supervisor Cornwell voted:	<u>YES</u>

HAROLD BALMAT
Chairman
Board of Supervisors

ATTEST:

HANORA H. DWYER (SEAL)
Clerk, Board of Supervisors

By UARDA PEZALLA
Deputy Clerk

The foregoing instrument is a true and correct copy of the original on file in this office.

Attest January 4, 1968

HANORA H. DWYER
County Clerk and Clerk of the Board of Supervisors in and for the County of Madera, State of California.

By *[Signature]* Deputy

Superior Court of California

Stanislaus County
Merced, California

WILLIAM ZEFF, JUDGE

December 23, 1970

California Office of Economic Opportunity
Sacramento, California

Attention: Mr. George Goff

Gentlemen:

I have been requested to comment with regard to the activities and the operations of the local California Rural Legal Assistance office, looking toward an evaluation to be made with regard to the legal services which are being afforded to those who are unable to pay for such services.

Since insufficient time has been allotted for the purpose of making an in-depth study concerning the matter, I am, of necessity, limited to a report of the gross impressions of the activities of the local C.R.L.A. office.

At the outset, it should be made unmistakably clear that I have no quarrel with the premise that the disadvantaged, the needy, the poor, and those for whatever reason who are unable to obtain legal services by reason of lack of financial ability, are entitled to have such services furnished at public expense, and that such legal assistance should be capable, efficient and competent.

A serious question is presented, however, as to whether locally there has not been a duplication of services, having regard for the fact that in civil matters, services of the Stanislaus County Legal Assistance are available, and in criminal matters, the office of the Public Defender is available, and that in fact there are other services which may overlap, but which are also available to some affected segments of our community when dealing with particular problems.

Contrary to policy statements and opinions issued by C.R.L.A. and reiterated from time to time by counsel for C.R.L.A., that it is not to become involved

in fee generating cases or cases in which the state is obligated to furnish counsel, the fact is that C.R.L.A. has, from time to time, persisted in becoming involved in just such kinds of cases when, for reasons best known to themselves, they decide that it is a proper case to assume.

It has also been noted that in civil actions instituted by the C.R.L.A. in behalf of one who has been qualified to proceed in forma pauperis and having obtained an order of the court waiving the usual costs incident to such proceedings, there is no hesitancy to incur expense for services which are not normally employed even by privately financed litigants.


It has been noted also that the local office almost uniformly assigns two lawyers to the presentation of each case without regard to how simple the case may be. In fact, I have on occasion asked of such counsel why it was thought necessary to have two lawyers present in the presentation of simple matters and when informed that this was the policy, I have stated that as an interested taxpayer, I regarded such policy as extravagant and a waste of public funds.

The clear impression gained from observing the activities of the local C.R.L.A. office is that its primary concern appears to be with effecting social change and the originally expressed purposes of assisting the indigent have apparently been lost sight of.

Radical changes in the operating procedures of the C.R.L.A. are necessary to correct the existing situation if the originally expressed and noble objectives of the C.R.L.A. are to be implemented.

Very truly yours,

WZ:r


William Zeff, Judge

PB
pp. 3, 4 & 5 are
of most interest
Ed

OEO - CRLA

PARTIAL TRANSCRIPT OF REMARKS TO
THE SACRAMENTO PRESS CLUB, SACRAMENTO,
CALIF., February 4, 1971, BY CRUZ
REYNOSO, DIRECTOR OF CALIFORNIA RURAL
LEGAL ASSISTANCE, INC.

Let me backtrack to the Sacramento and Washington scene. Just a quick thumbnail sketch. Back about October I got a call from one of our attorneys in Santa Rosa who said "Look, there's a fellow here from--we understand--from a friendly attorney, called us from Lew Uhler's office and the lawyer said the guy is obviously under an assignment to do a hatchet job on CRLA." I told him "Look you must be mistaken. I met, about a year ago, with Ed Meese who agreed that if any problems came up he would give me a call or I would give him a call and I have had no calls from Ed." So we didn't take it that seriously.

Then we started getting similar calls from our offices in other parts of California and then finally, on about November 6 I think it was, we got a copy of what is to us, by now, the famous Lew Uhler questionnaire. This is a novel way of saying "Do the lawyers do a good job for their clients?" Imagine the reaction of John Sutro in San Francisco if all of a sudden 3,000 letters went to San Francisco asking former clients and others how does this leading law firm in San Francisco do for their clients? Do they really do a fine job? What is the ethics of the lawyers?

You know, Lew Uhler saw a questionnaire as several questions dealing with the ethics of lawyers and other questions dealing with that sort of important matter in terms of how a lawyer does his job. This is the first time in the history of the bar in this country that I have ever heard of that happening. What you do is if a lawyer doesn't do his job there is a complaint, the bar has a committee that sets this out because you are dealing with serious matters. Well, then we knew that if Lew was willing to use that sort of tactic he was out to get CRLA and after that it became even more bold in what we heard.

One of Lew Uhler's investigators went to our Madera office and met with some of our attorneys there after being seen downtown Madera with the local District Attorney who introduced Mr. Uhler's investigator to our directing attorney by saying "Hi, this is so-and-so from the Governor's Office. He is down here raking folks over the coals." This is the sort of thing that we started hearing.

As Lew Uhler indicated in one of his press conferences -- I'm a classmate of his -- you know I'm also a classmate of Ed Meese -- two of my colleagues saying "My gosh, Cruz, save us from your former classmates." But anyway I called Lew -- this was about two weeks before the veto -- and I wanted to see him. I came up, as well as Dan Uevapo (phonetic spelling) Chairman of our Board and we get with Lew about two weeks before the veto. We said "Look we get all these terrible phone calls and understand your people are all over asking very prejudicial questions and if you have something you are unhappy about tell us. And Lew said "Well, you know it is true we started getting reports from our mailer and so on and we heard some good things and some bad things but it is really too early for me to talk

about it because I have asked a young lawyer by the name of Chickering to put this together and I am not really that knowledgeable about it."

We said "Well, we really ought to know before you make recommendations to the Governor." Lew said "You will have a chance to get with Chickering and go over those things before our report goes to the Governor's Office."

It got to be Wednesday before the veto. The veto was on Saturday night and I hadn't heard from Lew, and by that time I called Ed Meese and said "Ed, you know I hate to go over Lew's head but I haven't heard from him. He said we would hear from him and we are only to the last few days of our grant -- "What do you know about this?" He said "I really don't get involved in those things until the last minute when I get the report -- give Lew a call anyway."

So I called Lew a few days before Christmas. He answers "Merry Christmas" and I said "Merry Christmas." Then we talked for a few minutes. He said "You know we are writing a report and getting together on it and I will be back to you" he said. This was Wednesday. I didn't know at that time that his way of getting back to me was to issue a press release on Saturday night saying some unkind things about CRLA.

We went to Washington and saw from the very beginning that the things Lew had put in there were "hogwash" and we knew that OEO would know they were "hogwash." That's a polite American term for other descriptive terms I could use for it.

For example, one of the 12 charges was that our lawyers in Modesto had refused to accept service of process from the Stanislaus Bar Association grand jury and you know that was one of his charges. It looked terrible, what are our lawyers doing not accepting service of process? He forgot to add a few details at that time that there was a law action in federal court case here in Sacramento that a federal judge had ruled that the grand jury had no jurisdiction over a federally-funded program like ours and that we should not accept service of process.

Now we also knew that we had called OEO when we got the service of process and said "What do we do," It was their official position that there was no jurisdiction. They had called the U.S. Attorney who had appeared in court on our behalf and the judge had ruled there was no jurisdiction so we knew that what Lew had put there, the implications were completely untrue and we knew that OEO knew that. So we said "We are really lucky to have Lew say he is a lousy lawyer. We will go back to Washington and kill this guy as a lawyer."

So we went back to Washington and saw that OEO was not about to act on this and we really pressed them because our grant was about to be gone and then at the Carlucci hearings later, in a few days Carlucci announced that the Governor's veto was to be sustained and no, he wasn't going to override the veto. It seemed to me I had heard those words a few days ago. But he was going to issue a 30-day grant while he investigated all these charges and we were very unhappy about that because it seemed to lend some credence to things we knew and they knew were false. We really felt a little betrayed by OEO. So in 30 days they were going to check it out.

Then we started hearing rumors that they thought they might give us temporary funding and said "Look, get your inspectors out and check those things out." They sent inspectors out here for about three weeks. They had about a dozen or more inspectors and checked these things out and the result I think I can summarize in this way.

One of the fellows in OEO, and I won't mention his name -- I would probably get in trouble if I did -- who was working on the report came to me when they had spot finished the report about a week before the 30 days were up and he said "What would really happen if we got together with the Governor and went over his charges and showed him our facts, there's just nothing to them, .. what do you think would happen?" I said "Listen, he would say 'the details are wrong but the conclusions are right'." I think that is exactly what would have happened and what did happen.

Eventually, I suppose you know from reports, we knew that OEO concluded there was nothing to the charges with very minor exceptions. That was the recommendation to the White House.

We have it on good authority that the White House had agreed with them clear up to late Thursday or Friday sometime and something happened in that period -- I really don't know what -- then the order came down -- don't override the Governor's veto but try to save with CRLA any way you can.

Then what happened was what normally happens in a crisis area. Poor OEO they fell all over themselves, they got together and had arguments at the office on whether or not who had written the press release OEO finally issued, because they had just refunded us for six months. It started out with the sentence "OEO today announced it was not overriding the Governor's veto" and some people felt that the Governor had written it for OEO. I didn't agree with that, I felt that he had just helped them write it. At any rate, we had two people in Washington. They were called up to the OEO office and were given the press release that had been written already at the White House. They kept telling me "Cruz, don't worry you will be the first to know when we make a decision. They were given the press release and our guys say "Is this a draft, is it negotiable?" And they said "Not one word can be changed." So you see the orders were there.

Then a few minutes later they came down and OEO people gave our people the Governor's press release before he had his press conference. So really some great coordination took place there.

So then we were going to get money for six months. The Governor held a press conference and said "Great victory." Then Carlucci says "My gosh, we can't let this go down as a great victory." So then he issues in writing something called "Further answers to the press" and says "No, it is not a phase-out grant of six months and no, we are refunding CRLA at the 1971 level. No, it is not a defeat for CRLA ." Poor Carlucci just kept getting into more and more trouble because they were trying to do the impossible. It is only now that some of the people realize that the original grant for CRLA for 1971 called for us to set up a back-up center so that we can share our expertise with some 21 rural legal services programs because OEO recognized that we had been so effective in serving the poor. So they put that money in 1971 and now we are in the process -- we have the attorneys and so on -- of setting up this back-up center. So with one hand they say well there might be something to the Governor's charges, therefore only six months. With the other hand they say CRLA is such a great program we are asking them to help all these other legal services programs. So you know it is the sort of thing that happens when people get tied up in their own verbage and decision making that is completely political, that has nothing to do with the history of the situation, has nothing to do with the background, has nothing to do with the facts.

Poor Mr. Carlucci, I don't think his name will ever be sent up to the Senate for confirmation in that job. I think he will go back to the foreign service after his year of noble service for the Nixon administration with OEO because he really has been a yeoman. My sensibility of how you do a job is just this. I would never allow my boss to make me appear to be a fool and a liar and you know it's pretty tough. So Carlucci has been what a friend of his called "a disciplined bureaucrat" and he should be rewarded by a high position in foreign service when he leaves OEO. He is really in a terrible spot and I really feel for him.

I am sorry I have gone on nearly half an hour. I am sure you must have a few questions and I would be more than glad to answer.

Q. Have you any idea what the high commission in Washington will look like and what it will actually do?

A. No, we do not, but we can't have any more trust in Mr. Carlucci and I am making a decision on the facts. We have trained counsel to represent us at that hearing. Mr. Carlucci in one of his several subsequent statements said he would follow the recommendation of that body so he is out on record. So we have asked them, for goodness sake, kept it public. We can't win this battle in smoke-filled rooms. We don't have the political moxy the Governor does. We want this to be public hearing, we want everybody who has anything to say about it to do it in public and do it here in California where the clients and other poor people can come. But we have no word in terms of who is going to be on that commission. Whether or not CRLA is around after six months, federally funded, depends, in my view, on that commission. If that commission is, in fact, a high caliber independent commission and Carlucci does what he says he will do to abide by that decision we will be around after six months.

Q. Will you be around more than six months without federal funding?

A. Well, let me say this. We feel that -- I have been in touch with legal services lawyers throughout the country -- and we feel we have to fight this battle on the basis of whether or not the American people are going to continue the concept that poor people are entitled to top legal representations with public funds. Therefore, frankly I am confident that we will be around after six months even without public funds but we are leaving any special plans in abeyance because if this matter is handled correctly CRLA will be around after six months and so will the whole concept of legal services for the poor through public funding.

Q. I don't think that is the question -- what is the concept of the way we are going to provide legal services -- I think the question is are we going to do it in this fashion? I think that is the crux of the problem.

A. The answer is that we really don't know, we just don't know, because when the Nixon administration came in it issued brief statements supporting legal services and the concept of legal services for the poor. After about six months political problems come up and it has been back-tracked. We are going to urge Congress and it may be the Nixon administrations purpose also that a separate corporation can be established like the Science Foundation or something of that sort, that gets money from the federal government and then it is run on a non-political basis. The National administration may want that because it will get them away from the Reagans in the world. You know they won't be able to put that press on them and I hope that is their position because it is certainly ours. We do not believe that OEO legal services as we have known them in the last four years will survive in the future because decisions are now being based on the politics of the White House and not on the merits so that is what we are going for.

Q. Who will the Board of Directors be on this program?

A. The ABA is working on the plan. I am not that well acquainted with it except that I would have no objection to the people being Presidential appointees so long as once they are there they know it is their job to run that legal services program independently and not give in to the political muscles that certain governors might have .

Q. Inaudible

A. Our actions have never been politically motivated to bait the administration. We have had many discussions about what might happen to legal services when you get a guy like Governor Reagan going after them. That's a lot of political muscle. The thing that we could most do to survive is not file those cases. But we have filed the cases because, frankly, they have been so clear legally. Those cases we haven't lost and you can get the most conservative judge, you show him a regulation and show him a violation on that regulation and he is a judge, he has to decide what is before him, so we have won those cases. Some cases are more complicated obviously, but the cases that have made the Governor unhappy have been cases that, legally speaking, were legally clear, so we as lawyers, in good conscience, could not turn them down.

Q. Inaudible

A. Liberally oriented cases! My gosh, there have been cases that have helped our clients who are poor people. By definition those are liberally oriented. I have always thought that justice and things like that were rather conservative. As a matter of fact, I have always thought, and I talked to a man high in public office, a Republican, in Sacramento, who said "I have argued within the administration that you people really are in the greatest conservative tradition. You are helping the little guys untie all that red tape and when the Governor ignores the law and that little guy gets swallowed up you are the people who have been able to fight back in that old Republican and conservative tradition, and apparently that is the theory that only holds water with this administration," he said, -- and he is a member of the administration -- "only when they are out of power." You know we are really conservatives at heart.

Q. I have heard you refer to representing the poor in the judiciary system. How do you justify sponsoring legislation like SB 1061 and 1347, and having a registered lobbyist up here in Sacramento?

A. When the office was set up and let me say this, a year ago we had an evaluation of CRLA. On that evaluation that is done each year were two of Governor Reagan's people on it, including the head of the OEO office at that time, Mr. James Deasy. They commended our efforts for having the office here and said "If there is going to be an input in terms of these regulations and so on, Sacramento is precisely the place to do it. That's exactly what poor people ought to do." This is the Governor's representative speaking. That was over a year ago, he's got a new head of OEO with a different background now but when we went to OEO before that was set up we also gave them a whole packet of material -- opinions from the California Attorney-General saying it is a lawyer's job to represent his client before administrative agencies, before the court, or before the legislature. A lot of important things happen in Sacramento that affect the lives of poor people and lawyers have always had a role there and we, as poverty lawyers, rightfully ought to have a role there and I thought the Governor and his representatives had said "ride on" until they changed their minds. That is the justification -- it is the lawyer's job.

Q. Do you think that the job of California lawyers involve CRLA?

A. Absolutely. We were endorsed by the California Bar Association who approved "our grant." Because they haven't gotten involved in a lot of this latter fray, but they passed and approved the grant. Since then and since rumors started flying that the Governor might veto it the Los Angeles Bar Association, the San Francisco Bar Association, even the Visalia Association, the Sacramento Bar Association, Santa Clara Bar Association, Beverly Hills Bar Association, helped me and we have other bar associations composing -- or let me say, representing -- more than 50 percent of the lawyers in California, endorsed CRLA and urged the Governor not to veto us. They understand, I think, we are doing lawyers' work.

Q. Inaudible

A. We also had endorsements -- first of all the Santa Clara Bar incorporates our Gilroy office. Secondly we have an office going down there in Santa Maria and they endorsed our CRLA. Then I could go straight down. Despite the best efforts from the Governor and he was lobbying those lawyers. It was no accident that on a certain day the Marysville bar was considering anti-CRLA resolution and that morning, magically, the Governor's representative dropped by our office for a chat. That bar association defeated the anti-CRLA resolution and every place where this has come up, with one exception, anti-CRLA resolutions which were pushed by the Governor were defeated and we had at least two or three pro-CRLA resolutions, so that's the history of it. Incidentally, in Uhler's job he gets \$800,000 from the state government to give technical assistance to OEO grantees. We are no OEO grantee and I think we will call upon Mr. Uhler to give us technical assistance because one of our jobs is to explain to the layman what lawyers do and how they function and Lew, as a lawyer, can give us some technical assistance along those lines. But it is not his job to go out and sabotage programs like ours. I think if he can't accept that job and do what he is supposed to do he ought to quit.

Q. re OEO questionnaire (inaudible) How is it an agency who is existing on public funds can consider itself above answerability?

A. We do not. I think everybody who is operating with public funds is completely answerable in public but we have to keep in mind also the relationship that a lawyer has to his client and I don't think we can jeopardize that relationship. That's what we have to guard against. I was in private practice most of my life and let me tell you I did a lot more things when I was in private practice than I do as a CRLA lawyer. I am always doubly and triply careful working as a CRLA lawyer. Anybody can file a complaint against us at any time and OEO sends out inspectors. We have a yearly evaluation by OEO. The state is involved in that evaluation or has been in the past. This last one, you understand, was not an evaluation. We also have our own board of directors controlled by lawyers and they keep tabs on what we are doing. We have advisory committees by poor people and let me tell you they are not at all reluctant to call me and tell me when they are unhappy with our lawyers. We have 101 controls on our lawyers precisely because we have public funds and we have always said that we welcome a legitimate investigation of which we had about 12 in four years. We estimate that about \$400,000 have been spent on investigating CRLA and we welcomed them but we don't welcome a sabotage job like Lew's.

Q. This evaluation once a year -- actually it is a continuing one.

A. Yes. Why should I object to that questionnaire you are asking. Because that questionnaire was not even an effort to evaluate, it was a questionnaire that went into the relationship of a lawyer to his client. It was a questionnaire that was loaded. It said who are the CRLA people for? Are their cases politically motivated? They used that term. It was an effort obviously to try to run down anybody that felt against CRLA. If you are really going to do an evaluation of an office and a lawyer that is a delicate sort of thing. You do what I think OEO does -- you send people out there. You check it out pro and con. You go to the court and check out the cases.

Have they really been frivolous? You don't send out a public questionnaire with loaded questions. As I told Lew that type of leading question would never be accepted in court. You don't question people's ethics, it seems to me, in that type of public questionnaire. That is pretty tough stuff.

Q. Do you think a person sent out from Washington to run an investigation can quickly determine better than someone who lives in that area?

A. Absolutely not. They have staff people in San Francisco who spent full time not only checking complaints but going to our offices and so on. This is a continuing matter but you don't really do an evaluation of whether a lawyer is really doing his job with this type of questionnaire. Remember the National Legal Aid and Defender Association, a lawyers' group, condemned that as unethical conduct on Lew's part and Lew later, apparently in acknowledgement of that, said nothing he had heard or gotten from those questionnaires formed any basis of the recommendation for a veto.