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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. binder section	Nominee for Legal Services Corporation Board (20 pages)	nd	b(6)
002. resume	F. Wm. McCalpin [partial] (1 page)	nd	b(6)
003. binder section	Nominee for Legal Services Corporation Board (4 pages)	nd	b(6)
004a. resume	Thomas F. Smegal, Jr. [partial] (1 page)	nd	b(6)
004b. resume	Thomas F. Smegal, Jr. [partial] (1 page)	nd	b(6)
005. binder section	Nominee for Legal Services Corporation Board (7 pages)	nd	b(6)
006. binder section	Nominee for Legal Services Corporation Board (6 pages)	nd	b(6)
007. list	Democrats (10 pages)	nd	b(6)
008. binder section	Nominee for Legal Services Corporation Board (4 pages)	nd	b(6)
009. list	Client - Eligible (5 pages)	nd	b(6)
010. binder section	Nominee for Legal Services Corporation Board (4 pages)	nd	b(6)
011. binder section	Nominee for Legal Services Corporation Board (14 pages)	nd	b(6)

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FOLDER TITLE:

Legal Services Corporation Board Nominees [binder] [2]

2014-0159-S
sb312

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
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012. binder section	Nominee for Legal Services Corporation Board (3 pages)	nd	b(6)
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McCALPIN

Legal Services of Eastern Missouri, Inc.

P.O. BOX 4999A. FIELD STATION
625 N. EUCLID AVE.
ST. LOUIS, MISSOURI 63108
(314) 367-1700

December 11, 1992

Ms. Julie Clark
National Legal Aid & Defender Association
1625 K St., N.W., 8th floor
Washington, DC 20006

RE: **F. Wm. McCalpin**

Dear Julie:

I am writing to strongly recommend F. Wm. McCalpin for the Legal Services Corporation Board of Directors. I have known Bill in many contexts. I am the director of Legal Services of Eastern Missouri, a former president of The Bar Association of Metropolitan St. Louis, serve as president of The St. Louis Bar Foundation, and serve on the Board of Governors of The Missouri Bar. Most importantly, Bill has been a mentor to me and a shining example of the pursuit of excellence in the quest for justice.

Bill has served at every conceivable level possible in the development and pursuit of equal justice under the law through local, state and national bar associations, and through his extraordinary community service. In 1965 Bill was appointed by Lewis Powell, the president of the ABA at that time, to chair the ABA Special Committee on Availability of Legal Services. He served on that committee from 1965 to 1970. He then chaired the ABA Standing Committee on Legal Aid & Indigent Defendants from 1973 to 1976 and from 1983 to 1985, and has been a member of the committee since 1985. He has served as president of The Bar Association of Metropolitan St. Louis, member of the Board of Governors of The Missouri Bar, and member of the House of Delegates of the ABA. Bill has also served as secretary of the ABA, chairman of the Fellows of the American Bar Foundation, president of the National Conference of Bar Presidents, and has received the highest honor awarded by the ABA, the ABA Medal.

In addition to all of those activities mentioned above, Bill served as member and president of the Missouri Legal Aid Society and member and president of the Legal Aid Society of the City and County of St. Louis. He also served as member and chairman of the Board of Directors of the Legal Services Corporation.

Not only would Bill bring a record of unparalleled service and leadership in the legal services community to the Board of Directors of the Legal Services Corporation, but he would also bring a keen insight into the past history and future directions for legal services for the poor through his understanding of the delivery of legal services. Bill is also very knowledgeable about the delivery of legal services in other countries, particularly Canada and Great Britain. On several occasions I have witnessed Bill leading very academic and thoughtful presentations with respect to the comparison of the delivery of legal services in the United States to the system of delivery in Canada.

Bill is an active volunteer with our Volunteer Lawyers Program, and is always ready to talk with law students, young lawyers and others to encourage their participation in providing services to those who otherwise would not have access to our system of justice. However, the most impressive aspect of Bill's service is his sensitivity and the profound compassion he brings to the needs of the poor. I have seen Bill on a number of occasions interacting with clients who are in desperate need of services, and I have seen the warmth and compassion he exhibits.

Bill is, in the immortal words of Martin Luther King, Jr., "a drum major for justice . . . a drum major for righteousness". I know that Bill will serve on the Board of Directors of the Legal Services Corporation with distinction

Sincerely,

Richard B. Teitelman
Executive Director
DIRECT PHONE: (314)454-6810

RBT:bs

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F. Wm. McCalpin

Born [redacted] (b)(6) 002

Attended local schools; graduated from St. Louis University in 1943 with A.B. in Economics and from Harvard Law School with Ll.B in May, 1948.

[redacted] (b)(6) 002

Admitted to the Missouri Bar in 1948 and the Illinois Bar in 1953. Joined Lewis, Rice & Fingersh as an Associate in 1948; partner from 1956-1991; retired partner since. Member of American College of Trial Lawyers.

Served as President of the Bar Association of Metropolitan St. Louis 1961-62. Represented that Association in the House of Delegates of the American Bar Association 1966-72. Member of the Board of Governors of The Missouri Bar 1967-73. Director Missouri Lawyer Trust Account Foundation 1989-. Chairman Joint Committee of the Judicial Conference and The Missouri Bar on Public Perception of the Judiciary 1991-92.

Assistant Secretary of the American Bar Association from 1975-79; Secretary 1979-83; House of Delegates 1979-88. Chairman of the American Bar Association Standing Committee on Lawyer Referral Service 1964-65. Chairman of the American Bar Association Special Committee on Availability of Legal Services 1965-70. Chairman of the American Bar Association Special Committee on Prepaid Legal Services 1970-73. Chairman of the American Bar Association Standing Committee on Legal Aid and Indigent Defendants 1973-76 and 1983-85, Committee Member 1985-89. Member Consortium Legal Services and the Public 1988-, Chairman 1990-; Chairman Senior Lawyers Division 1991-92.

Chairman of The Fellows of the American Bar Foundation and ex-officio Director of the Foundation 1976-77. Director and member of Executive Committee of the American Bar Foundation 1977-87; Vice President 1982-84; President 1984-86. President of the National Conference of Bar Presidents 1973-74.

Director Missouri Legal Aid Society 1977-79; President 1977-78. Director of the Legal Aid Society of the City and County of St. Louis 1965-70. Member of the National Advisory Committee for the Legal Services Program of the Office of Economic Opportunity 1965-70. Member Board of Directors of the Legal Services Corporation 1979-81; Chairman 1980-81. Member Board of Directors of National Legal Aid and Defender Association 1986-; president 1989-92.

Trustee of the Junior College District of St. Louis and St. Louis County, Missouri, 1962-65; served as Treasurer and Vice President. Trustee and Secretary of St. Louis Educational Television Commission (KETC) 1965-72.

Member of the Board of Trustees of St. Louis University 1971-74. Has served as President of the Alumni Federation of St. Louis University and of the Harvard Club of St. Louis.

Member State of Missouri Coordinating Board for Higher Education 1974-82; Chairman 1974.

Member of Board of Directors of Family and Children's Service of Greater St. Louis 1972-78, 1979-85.

Recipient of St. Louis University Alumni Merit Award 1971, the Backer Award of St. Louis University High School 1986, and the Herbert Harley Award of the American Judicature Society 1987. Received American Bar Association Medal 1988.

LEWIS, RICE & FINGERSH

A PARTNERSHIP INCLUDING PARTNERSHIPS AND INDIVIDUALS

ATTORNEYS AT LAW

F. Wm. McCalpin

611 OLIVE STREET
ST. LOUIS, MISSOURI 63101
314/444-7600
TELECOPIER 314/241-6056

St. Louis, Missouri
Overland Park, Kansas
Kansas City, Missouri
Clayton, Missouri

November 7, 1992

Hillary R. Clinton, Esq.
120 East Fourth Street
Little Rock, AR 72201

Dear Hillary:

Let me add my small bit to the tons of congratulations and best wishes that you and Bill have received. As I listened to the returns on Tuesday night I could not help but recall our conversation in St. Petersburg a year ago last July. When I asked you then if Bill would run, you said that he had not decided but that if he did it would certainly make for a change in your lives. I think you could not then have fully appreciated how profound those changes would be.

I had a note from Mickey today acknowledging receipt of a copy of my earlier letter to you. Obviously, he shares in the credit for the success, the lions' share of which goes to you and Bill. With all best wishes, I am

Sincerely yours,

Bill

F. Wm. McCalpin

FWM:nc

cc: Mickey Kantor, Esq.

Clinton Gore

November 3, 1992

F. William McCalpin
611 Olive Street
St. Louis, Missouri 63101

Dear Bill:

I have a copy of your letter to Hillary in September. Can you believe what's happening? We all can't wait to see you.

Sincerely,

Mickey Kantor
National Campaign Chair

MK:bop

NOV 07 1992

National Campaign Headquarters • P.O. Box 615 • Little Rock, Arkansas 72203 • Telephone (501) 372-1992 • FAX (501) 372-2292

Clinton Gore

October 7, 1992

F. Wm. McCalpin, Esq.
Lewis, Rice & Fingersh
611 Olive Street
St. Louis, MO 63101

Dear Bill:

Thank you for your thoughtful and perceptive letter. I want you to know how much I personally appreciate your support and interest in Bill's candidacy. As you are aware, our task is enormous and challenging, and we need informed suggestions such as yours.

I am especially grateful for your sharing the information about private litigation in the federal courts and am passing that on to Al Gore's staff. Also, your thoughts about ways to gain support of the pro-lifers are excellent. Perhaps we can make wise use of that emphasis. We value your input and thank you for passing your ideas our way.

As the campaign progresses, Bill and I continue to be strengthened by the many positive responses and suggestions we receive from around the country. We welcome your participation and enthusiastic support in this great endeavor and encourage you to help further in any way you can. I hope you will encourage your family and friends to join you in voting for Bill and Al on November 3.

Sincerely yours,

Hillary

Hillary Rodham Clinton

HRC:mca

cc: Gore Staff

LEWIS, RICE & FINGERSH

A PARTNERSHIP INCLUDING PARTNERSHIPS AND INDIVIDUALS

ATTORNEYS AT LAW

F. Wm. McCalpin

611 OLIVE STREET
ST. LOUIS, MISSOURI 63101
314/444-7600
TELECOPIER 314/241-6056

St. Louis, Missouri
Overland Park, Kansas
Kansas City, Missouri
Clayton, Missouri

September 22, 1992

Hillary R. Clinton, Esq.
120 East Fourth Street
Little Rock, AR 72201

Dear Hillary:

Several times over the last months I have stated the need I have felt to stay out of the Presidential campaign as long as I had any responsibility for collecting Republican support for a reauthorization of the Legal Services Corporation. We got a Bill through the House in May and through the Senate Committee in early July. It begins to look as though this may be as far as we will go in 1992, although we harbor the hope that the Senate may be willing to give Warren Rudman a going away present which may or may not generate another Presidential veto. My most current information is that the Appropriation Bill for the forthcoming fiscal year may get by without a veto.

In any event, it is about time for me to come out of the closet. While I am willing to be useful in any way that may seem appropriate, two potential avenues occur to me.

Late last year and early this year I wrote a chapter in the ABA response to Quayle's diatribe on behalf of the Council on Competitiveness. More recently I have come into possession of some materials that indicate that private litigation is down in the federal courts and that if there continues to be a log jam there it may be attributed to a very significant increase in filings by the United States in civil matters as well as criminal. If I can be of assistance in fleshing out this issue I will be happy to do so.

The other area that seems a possibility to me, providing it does not contradict campaign strategy, is to attempt to develop some support for Bill among persons who may be disposed to be pro life. In various conversations here I detect an increasing disposition to eschew blind adherence to the Republicans on this issue. I believe that by stressing the greater support of a Clinton administration for women and children who may be born and not aborted it may be possible to win over some of those folks.

The numbers in Missouri look pretty good from the top of the ticket all the way down, with the possible exception of the Senate race. Apparently, our client, the St. Louis Post-Dispatch, was the first major newspaper to come out in support. Let me know if there is anything I can do.

Sincerely,

Bill

F. Wm. McCalpin

FWM:nc

cc: Mickey Kantor, Esq.

July 2, 1992

Hillary Rodham Clinton, Esq.
120 East Fourth Street
Little Rock, AR 72201

Dear Hillary,

I was delighted and even astonished to receive your note handwritten from San Francisco while you were in the midst of your busy travels. It evoked an interesting response. When Peggy told Barbara Eagleton that I had received a handwritten note from you, Barbara raised her eyebrows at your giving that attention to a mere Republican.

Actually, the base reason for this communication is to bring you up to date on the reasons this Republican gave you earlier this year for sitting on the sidelines at the moment. As you may know, the House of Representatives passed an LSC Reauthorization Bill in May by a margin of about 100 votes. Yesterday a similar Rudman-Kennedy companion measure was marked up and voted out of the Senate Labor and Human Resources Committee by a vote of 12 to 5, having survived the usual veto threat, this time from the Justice Department instead of the White House. There are 25 sponsors in the Senate and an effort is being made to get that up to 40 before the Report and the Bill are filed for floor approval, which, in a farewell gesture to Rudman, is very likely to come before the end of this session. Actually, we would probably get significantly more Republican support--including Danforth and Durenberger--but for the provision which deregulates the use of private funds, permitting LSC grantees to use them for donors' intended purposes, including possibly abortion matters.

You will be cheered by the anti-Bush ferment which I am seeing among Republican friends here. For the white, middle to upper class, suburban, Protestant Republicans, the issue seems to be choice. Among those who are retired, it is the economy with falling interest rates significantly lowering retirement income at a time when prices continue to rise.

Although I have not seen Bill's comprehensive plan which has been issued, I was fascinated to read an account of it in one of the syndicated columns the other day which referred to the fact that it treated infrastructure in terms of people. I heard that speech in St. Petersburg a year ago and have frequently said that I thought that it was one of the most imaginative and appropriate addresses to that subject that I had ever heard. I am enclosing a flyer which I have just received from the Center for Defense Information which has some interesting suggestions of how current military expenditures can be turned to the support of the kind of infrastructure which you and I believe is necessary.

If I may venture one step further, I would like to offer a thought relevant to current discussions and issues about values. It seems to me that the Republican party places the interests and concerns of business at the very core of its program and speaks about, but doesn't do much to assist, the interest and values of other segments of the population. I think it is time to start talking about values in business and industry, as well as families, and I don't think those interests are necessarily opposed.

I have recently seen a remarkable commencement speech by the Dean of the Graduate School of Business at Washington University here to one of our upper class prep schools talking about the need to recognize, live and work with cultural diversity in the community. My son Bill recently attended a meeting in the White House addressing environmental issues involving CEOs of such industries as Dow Chemical, General Electric and others, as well as foundations and government representatives. He was astonished that the industry representatives were willing to go further in protecting environmental values than the government representatives at the meeting were willing to let them go. I think that, from the Democratic perspective, it is entirely appropriate to talk about values in business, including employees, customers, the public, as well as shareholders and highly-paid executives.

Well, enough of this from an old renegade Kutak-type Republican. Let me see what I can do about getting this LSC

Reauthorization through and then come out of the closet. In the meantime, please give my regards to Mickey Kantor when you run across him.

Sincerely,

F. Wm. McCalpin

FWM:nc
Enc.

CDI

Center for Defense Information

Spending on the Military vs. Building America: Economic Trade-offs

The cost of a single **B-2 bomber**, at least $2 Billion, translates into 424 elementary schools for 254,000 children.

For the cost of one new **F-117 stealth fighter**, about $140 million, 4,200 additional policemen could be hired to patrol the violent streets of our largest cities.

For the cost of one **F-14D fighter plane**, about $121 million, we could have almost 3,600 more public school teachers to work for one year in America's inner-city schools.

For the price of operating one **Army division** for a year, about $2 Billion, the United States could greatly expand literacy programs for America's 30 million functionally illiterate adults.

For about what the American troops and equipment **defending Japan** cost, an estimated $10 Billion a year, the spending on American kindergarten through 12th grade schools could be brought up to international standards.

'or less than the cost of one new $832 million **Aegis destroyer**, 263,374 pre-schoolers could participate in Head Start for one year. The Pentagon has requested funds for nine Aegis destroyers for 1992-93.

According to the Pentagon's Inspector General's office, it will cost from $100 to $200 Billion to clean up all the military bases in the United States. Current DoD plans call for $100 Billion to build **Star Wars**.

For the cost of 370 new Tomahawk **cruise missiles** the Pentagon wants to buy over the next two years, about $500 million, we could clean up 15 of the worst hazardous waste dumps.

For $1 Billion, the Navy wants to buy 21 additional **Trident II missiles**, money that could provide prenatal care for 2,127,000 low-income families.

For what the Air Force wants to spend on a new fleet of **C-17 cargo planes**, an estimated $25 Billion, there would be more than enough money to rehabilitate 1,300,000 public housing units. HUD consultants estimate the rehabilitation job would cost $20 Billion.

For about what the Pentagon will spend on the **F-22 fighter** program, about $114 Billion, all of America's mass-transit systems could be modernized and expanded. According to one study, about $91 Billion is needed to modernize and expand mass-transit systems.

Gene R. La Rocque
Rear Admiral, USN (Ret.)
Director

Eugene J. Carroll, Jr.
Rear Admiral, USN (Ret.)
Deputy Director

James A. Donovan
Colonel, USMC (Ret.)
Associate Director

James T. Bush
Captain, USN (Ret.)
Associate Director

1500 Massachusetts Avenue, N.W. ● Washington, D.C. 20005 ● Telephone (202) 862-0700 ● Telex 904059 WSH (CDI) ● FAX (202) 862-0708

their own no matter what the facts;
but, they just keep me motivated
everyday to bring back the kind of
leadership this country needs.
Hope to thank you in person -
Fondly,
Hillary

May 20

Dear Bill,
You are - as always - a
real champ. Thanks for picking
up the fight on behalf of Legal
Services, LSC, and me with your
response to Cal Thomas. As Yogi
would have said, it was deja vu
all over again. Some arguments -
no matter how twisted - have lives of

Hillary Rodham Clinton

12

The Woman Who Would Be Ms. President

I am writing in response to Cal Thomas' April 16 column, "A Radical Feminist For President?"

Hillary Clinton represents the American female not only of the 1990s but of the 21st century as well. Her outspokenness and what Thomas labels radicalism epitomize the frustration with the male-dominated American political system that women have endured over the past few centuries.

Sen. Tom Harkin of Iowa expressed similar if not the same political views during his now-defunct presidential campaign. But I do not see Thomas attacking Harkin's "radicalism" or his liberal (the 1980s bad word) ideas. According to Thomas, the male expresses his ideas whether they are political or otherwise. When a female does the same thing, she is outspoken.

America needs Hillary Clinton. Not only is she intelligent and, most important, honest, she represents the ever-growing American female population that tries and often succeeds in balancing a career and a family. She represents the 1960s baby boomers who are tired of the status quo of the American political system. She represents change not only in the political system but in the social system as well.

America is tired of the Barbara Bushes of this world. Thomas and people like him are afraid of Hillary Clinton's power surge in the White House if her husband is elected president. My response to that is an old adage: Two heads are better than one. In November, I am casting my vote for Hillary Clinton's husband for president of the United States.

T. Bennett Burkemper Jr.
Troy, Mo.

Cal Thomas' April 16 column is a glaring example of irresponsible journalism. To my certain knowledge, it is erroneous, untrue and misleading. The worst part is that Thomas knows or should know that, because the facts are a matter of public record and have been for more than 10 years.

He asserts that during Hillary Clinton's last two years on the board of Legal Services Corp., she presided over certain actions of the corporation to which Thomas objects. Hillary Clinton left the board of the corporation on Dec. 31, 1981. During 15 of her last 24 months on the board, I, not she, was the chairman. She was simply one of 11 members of the board.

Further, the board itself had nothing to do with the actions of which Thomas complains. The corporation represents no clients and provides no services; it simply is an agency that grants funds to more than 300 local legal aid agencies. Grantees use the grants to provide services within the framework of the statute and regulations adopted by the board. As Thomas should know, the statute creating the corporation provides that the president of the corporation, not the board, makes the grants.

Even if a grantee were somehow to misuse the funds, the board would have no power to halt the abuse. Defunding requires a hearing before an independent hearing examiner. The charge that Hillary Clinton was somehow responsible for the actions of the grantees is absurd.

The charge that the corporation is a "radical organization" pursuing a liberal social agenda is hackneyed, shopworn, obsolete and unsupported. In an Aug. 23, 1981, article in the *Post-Dispatch*, reporter William Freivogel took up those charges in detail and found them to be flawed and unsupported. Since then, the corporation has been in the hands of Reagan and Bush appointees who were not likely to follow a liberal social agenda.

Thomas may be entitled to speculate on the role of Hillary Clinton as the spouse of a president. He is not entitled to misrepresent her service on the board of the Legal Services Corp. I can attest that in the 32 months I served with her, she was a hard-working, even-handed, intelligent, devoted and effective director of a corporation charged with disbursing upward of $300 million a year.

F. William McCalpin
St. Louis

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Legal Services Corporation Board Nominees [binder] [2]

2014-0159-S
sb312

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.
PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).
RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

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SMEGAL

NATIONAL CENTER FOR YOUTH LAW

MEMORANDUM

TO: Julie Clark

FROM: John O'Toole, National Center for Youth Law
Ramon Arias, San Francisco Neighborhood Legal Assistance Foundation
Jose Padilla, California Rural Legal Assistance Foundation

RE: LSC Board of Directors

DATE: December 4, 1992

We are writing to urge that you do whatever you can to get Tom Smegal appointed to the LSC Board of Directors. He would be a great appointment!

Tom Smegal is knowledgeable about providing legal services to the poor because of his own pro bono efforts and because of his involvement with legal services organizations for the past 20 years. It would be extremely helpful to have at least one new Board member who is familiar with the recent history of the Corporation, and Tom's five years on the LSC Board during the 1980's make him an excellent choice. Moreover, Tom is a lifelong Republican who was the managing partner of a large, prestigious San Francisco law firm for 15 years and is currently a senior partner at the equally esteemed firm of Graham & James. Tom has held leadership positions in the American Bar Association and is a former member of the Board of Governors of the State Bar of California. He is also the former President of the Bar Association of San Francisco.

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114 Sansome Street, Suite 900 ▪ San Francisco, California 94104-3820 ▪ (415) 543-3307 FAX (415) 956-9024

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004a. resume	Thomas F. Smegal, Jr. [partial] (1 page)	nd	b(6)

COLLECTION:

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First Lady's Office
Pam Cicetti
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Partner, San Francisco Office

SPECIALIZATION:	Intellectual Property
EDUCATION:	J.D., George Washington University Law School, Cum Laude (1961) B.S.Ch.E., Michigan College of Mining & Technology (1957)
ADMITTED:	California, Virginia, the District of Columbia, the United States Supreme Court and the U.S. Patent and Trademark Office
BORN:	(b)(6) 0049

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Commentary

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LEGAL SERVICES CORP.

BY THOMAS F. SMEGAL JR.

Whether hiring lobbyists to ask Congress for less money in their budget, or urging President Ronald Reagan to veto an entire appropriations bill just to kill funding for legal services — or advocating for its outright abolition — the current board of the Legal Services Corp. is a study in excess.

If we were not dealing with so serious a matter as the legal rights of the poor, their antics would be hysterical. As it is, the attitudes of the majority of this board toward the poor and the dedicated lawyers and paralegals who serve them is one of the saddest spectacles I have ever witnessed. The pencil-slim, 6-5 majority on the Legal Services board is an embarrassment to our government and a disservice to the indigents of this country, whom Congress desires to have legal representation.

Like his predecessor, Clark Durant, current chairman Michael Wallace has attempted to hobble LSC grant recipients through a never-ending series of harassing regulations or, worse diabolical plots to undercut recipients' ability to effectively represent their indigent clients.

When I first began my service on the LSC board in December 1984, there were not nearly as many of my colleagues who shared my views as there are today. In the old days many, many votes were 9-to-2 — and I was one of the two. Now I am consistently joined in my opposition to the unwise and destructive policy initiatives of the majority by four other members of the board. This is less a reflection on my advocacy than on the outrageous behavior of the majority.

RETRO BUDGETING

The corporation's proposed budget for 1990, adopted by 6-5 majority, asks not for a freeze as they have during the previous years, but for a *decrease* from our current appropriation. In the face of overwhelming evidence that only a tiny fraction of the legal needs of America's poor are now being met, the Legal Services Corp. comes to the Congress and asks for less money than it is spending today. The proposal would simply maintain basic field programs; it would eliminate all state and national support centers; it would destroy the National Clearinghouse for Legal Services, the regional training centers and the computer assisted legal research centers. In short, it would gut all essential components of an effective national legal services delivery system for which Congress has specifically earmarked funds for the past four years.

I daresay that the majority is unique in its budget request. It has made a deliberate decision *not* to compete for Congress' attention and support. It has never even requested an inflationary increase to maintain existing program staff and services. This contrasts to LSC's own corporation staff who received a cost-of-living increase as recently as Jan. 1.

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SLASHING EXISTING FUNDING

In other emasculating action, the board voted to take a credit against grants of 75 percent of all attorneys' fees that exceed $100,000 received by legal services program after Nov. 1, 1988 — action taken in the face of overwhelming opposition of more than 400 comments received by LSC, all but one negative. When it was suggested that this provision would serve only to punish those programs that were aggressive, effective and successful in serving their clients, the chairman agreed and admitted that was his purpose.

Presently under consideration is another proposed regulation that will further dry up funds available to deliver legal services to the poor. LSC has proposed to severely restrict the use of private funds donated by United Way, private foundations, bar associations, community organizations or even individual contributors, such as myself. No longer could private funds be used to represent victims of domestic violence, the elderly, disabled, farmers or others, if they could not qualify under LSC eligibility standards. Often private funds are earmarked for such representation only if the program does not impose a means test.

Even more absurd, private funds could not be used to match funds under the Older Americans Act or Developmental Disabilities Act, both of which prohibit the use of a means test. As a consequence, more than $12 million received by legal services programs under these federal statutes would no longer be available.

If this proposal is enacted, private and non-LSC federal funds will be significantly reduced, staff laid off, fewer eligible clients served, offices closed, and programs limited in using private funds to leverage funding from state and local government sources.

Since the halcyon days of 1981 when the Legal Services Corp. was funded at $321 million, theoretically providing "minimum access" or two lawyers per 10,000 poor people, our grantees have sustained a loss in federal funding, adjusted for inflation, of about 40 percent. Private and other public funds and the redoubled voluntary efforts of bar associations, though invaluable, can never begin to make up for the significant loss of federal funding that our grantees have absorbed.

In state after state, recent studies have shown that the vast majority of the legal needs of poor people currently go unmet, even with increased state and private funding. In Maryland, for example, with a vigorous IOLTA program and strong private bar involvement, only 20 percent of the legal needs of the poor are served today; in Massachusetts only 15 percent of the needy population is being served, despite an active private bar and a state program that helps to fund legal services; in North Dakota, fully 95 percent of poor people's legal needs are not being serviced. And still, the majority of this board has the audacity to ask for cuts in the LSC budget.

FOUR-MONTH FUNDING CYCLE

In another obvious attempt to disrupt existing delivery of legal services, early this year the LSC president sent a letter to all LSC-funded legal services programs announcing that they would not receive a full year's grant. In an independent move not considered by the full board, LSC staff determined that they would withhold full year's grants until mid-year grant applications were reviewed in March. This programs into a four-month cycle, v fc y, programs received a full year commitment. LSC anr l this policy after the program year had already begun. No program had been warned that this policy change was in the works.

On top of the budgeting squeezes, LSC staff imposed something like 23 new "special conditions" on each program. Most were reporting requirements. Several required extensive documentation of each contact — including phone calls — to any national or state support center or regional training center. Many of these new grant conditions were poorly worded or unclear.

When asked for clarification, LSC staff gave differing and even conflicting interpretations. Recipients were thus put into the position of trying to comply with new requirements neither they nor LSC understood.

Some of the conditions posed real problems of compliance completely outside of the recipient's control, like filling board vacancies by certain dates, regardless of whether the organizations that do the appointing have scheduled meetings within that time frame. Many bar associations, like the State Bar of California on whose board of governors I recently served, have carefully established procedures for appointing board members, which take five or six months to complete. Bar associations cannot and will not immediately change their procedures to conform to some new request of LSC communicated in grant conditions that were heretofore unknown.

CUTTING SERVICES TO ALIENS

Far outweighing these regulatory hassles, LSC has undertaken new regulatory paths causing greater disruption and chaos among our grantees. The most recent regulatory initiatives are unparalled in their intrusive and punitive intent in the history of this Board.

At the end of January, the LSC board passed an extensive revision of the regulations governing legal services to aliens. The new regulation forbids legal services programs from serving aliens who receive permanent resident status under the general amnesty provisions of the 1986 immigration reform, IRCA, for a period of five years. IRCA does not require this result and, in fact, specifically delegates to the U.S. attorney general the authority to determine which programs are subject to the five-year disqualification.

The attorney general has not yet issued final IRCA regulations, but the corporation has adopted its proposal anyway, effectively usurping the Justice Department's statutory role. The Senate has told LSC that its interpretation of IRCA is wrong, and both houses of Congress have stressed that the Corporation has no authority to act before the Justice Department does. Yet Corporation plans to publish the final regulation anyway, regardless of what Congress has said and the fact that the Justice Department has not acted.

While it is not yet before the LSC Board for public discussion, the latest attempt to limit LSC grantees from providing their indigent clients with full access to our justice system involves the corporation's myopic view of the Voting Rights Act. The board will vote on a staff proposal to prohibit all LSC agencies from handling any challenge to redistricting or census activities. Comments are due to the LSC board by April 13. Allegedly intending to ensure "that funds available to recipients will be utilized to the maximum extent for the delivery of basic day-to-day legal services to eligible poor individuals," the proposal, misnamed "Prohibition on Redistricting Cases" actually seeks the shelter of several irrelevant sections of the LSC act. The proposed regulation is nothing more than another thinly-disguised attempt by the corporation to subvert the appropriate, statutory role of local programs in setting their own priorities, a fundamental component of the act creating the Legal Services Corp.

COMPETITION QUANTITY, ITY

In to the Reagan administration's to veto the fiscal 1989 appropriation that included funds for LSC Congress adopted a rider that will require a new board — that has yet to be nominated or confirmed — to develop a s) for competitive award of all grants and contracts, including support (i, to be effective after Sept. 30.

The rider does not authorize the current board to do anything. Nevertheless, LSC has requested $1 million as part of its fiscal 1990 budget to develop and implement competitive bidding. While the budget request said only that the funds will cover the cost of educating prospective providers and their local communities about the availability of federal funds for legal services and developing and disseminating requests for proposals, LSC's press release said the proposed bidding process will use a system of "multi-year grants under which eventually no than one-third of the program areas would be subject to competition in any one year."

Neither Congress nor LSC has said what it means by competition. Competitive bidding could merely periodic competition for the grants that support one basic service provider in a geographic area, or it could mean something else.

The something else could undermine the current delivery system and fragment services by breaking up the service area into small, arbitrarily defined geographic areas, each served by a separate private firm or nonprofit organization, by splitting services along substantive lines with separate contracts being let for like uncontested divorces, landlord/tenant matters, and public benefits, w regard to local concerns.

Any interpretation will result in the loss of local control that has been the hallmark of the legal services program. It result in the loss of economies of scale and efficiency, loss of coordination and the ability to effectively network among legal services providers who, would be competing for scarce LSC dollars rather than concentrating on effective representation. It would lead to administrative overlap and excessive overhead expenses for the contractors as well as for LSC, which would have enormous expenses for administration and evaluation.

The only justification that LSC has presented for instituting competitive bidding was stated in the press accompanying the budget request: "The introduction of competitive bidding will bring LSC into line with standard practices used by both private and government grantmakers, and will open the delivery of legal services to a larger of providers. Logically, expanding the pool of potential service providers in any one geographic area will encourage program adherence to contract terms and principles of managerial efficiency." .

This translates to more cases for less money. Cost per case is the only criterion LSC is apparently going to consider. Increased quality of representation is not suggested as a goal, neither is increased responsiveness to local needs or enhanced ability to improve the lives of poor people generally. The goal is the privatization and commercialization of legal services.

It is clear that implementing ized competition for LSC funds now, before any criteria or standards are oped, would be a costly mistake.

But when existing programs are performing adequately or are making substantial efforts to improve ser requiring a competition for the grant funds would be a useless exercise that would only inject unnecessary instability without producing any measurable benefit.

LSC has spent millions of dollars over the last eight years to monitor for compliance with the "process" requirements of the act and regulations, but virtually nothing to ensure that the services that are provided are of high quality. LSC not even suggest that the competitive market will promote quality services. The LSC press release is a tacit admission that it not about quality, but only "compliance" and cost.

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LEGAL SERVICES CORP.

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FOUR-MONTH FUNDING CYCLE

In another obvious attempt to disrupt existing delivery of legal services, early this year the LSC president sent a letter to all LSC-funded legal services programs announcing that they would not receive a full year's grant. In an independent move not considered by the full board, LSC staff determined that they would withhold full year's grants until mid-year grant applications were reviewed in March. This throws most programs into a four- [illegible] cycle, [illegible] programs received a full year commitment. LSC announced this policy after the program year had already begun. No program had been warned that this policy change was in the works.

On top of the budgeting squeezes, LSC staff imposed something like 23 new "special conditions" on each program. Most were reporting rquirements. Several required extensive documentation of each contact — including phone calls — to any national or state support center or regional training center. Many of these new grant conditions were poorly worded or unclear.

When asked for clarification, LSC staff gave differing and even conflicting interpretations. Recipients were thus put into the position of trying to comply with new requirements neither they nor LSC understood.

Some of the conditions posed real problems of compliance completely outside of the recipient's control, like filling board vacancies by certain dates, regardless of whether the organizations that do the appointing have scheduled meetings within that time frame. Many bar associations, like the State Bar of California on whose board of governors I recently served, have carefully established procedures for appointing board members, which take five or six months to complete. Bar associations cannot and will not immediately change their procedures to conform to some new request of LSC communicated in grant conditions that were heretofore unknown.

CUTTING SERVICES TO ALIENS

Far outweighing these regulatory hassles, LSC has undertaken new regulatory paths causing greater disruption and chaos among our grantees. The most recent regulatory initiatives are unparalled in their intrusive and punitive intent in the history of this Board.

At the end of January, the LSC board passed an extensive revision of the regulations governing legal services to aliens. The new regulation forbids legal services programs from serving aliens who receive permanent resident status under the general amnesty provisions of the 1986 immigration reform, IRCA, for a period of five years. IRCA does not require this result and, in fact, specifically delegates to the U.S. attorney general the authority to determine which programs are subject to the five-year disqualification.

The attorney general has not yet issued final IRCA regulations, but the corporation has adopted its proposal anyway, effectively usurping the Justice Department's statutory role. The Senate has told LSC that its interpretation of IRCA is wrong, and both houses of Congress have stressed that the Corporation has no authority to act before the Justice Department does. Yet Corporation plans to publish the final regulation anyway, regardless of what Congress has said and the fact that the Justice Department has not acted.

While it is not yet before the LSC Board for public discussion, the latest attempt to limit LSC grantees from providing their indigent clients with full access to our justice system involves the corporation's myopic view of the Voting Rights Act. The board will vote on a staff proposal to prohibit all LSC agencies from handling any challenge to redistricting or census activities. Comments are due to the LSC board by April 13. Allegedly intending to ensure "that funds available to recipients will be utilized to the maximum extent for the delivery of basic day-to-day legal services to eligible poor individuals," the proposal, misnamed "Prohibition on Redistricting Cases" actually seeks the shelter of several irrelevant sections of the LSC act. The proposed regulation is nothing more than another thinly-disguised attempt by the corporation to subvert the appropriate, statutory role of local programs in setting their own priorities, a fundamental component of the act creating the Legal Services Corp.

[illegible]ITY, [illegible]TY

In response to the Reagan administration's threat to veto the [illegible] 1989 appropriation that included funds for LSC Congress adopted a rider that will require a new board — that has yet to be nominated or confirmed — to develop a system for competitive award of all grants and contracts, including support [illegible], to be effective after Sept. 30.

The rider does not authorize the current board to do anything. Nevertheless, LSC has requested $1 million as part of its fiscal 1990 budget to develop and implement competitive bidding. While the budget request said only that the [illegible] will cover the cost of educating prospective providers and their local communities about the availability of federal funds for legal services and developing and disseminating requests for proposals, LSC's press release said the proposed bidding process will use a system of "multi-year grants under which eventually no [illegible] than one-third of the program areas would be subject to competition in any one year."

Neither Congress nor LSC has said what it means by competition. Competitive bidding could merely [illegible] periodic competition for the grants that support one basic service provider in a geographic area, or it could mean something else.

The something else could undermine the current delivery system and fragment services by breaking up the service area into small, arbitrarily defined geographic areas, each served by a separate private firm or nonprofit organization, by splitting services along substantive lines with separate contracts being let for [illegible] like uncontested divorces, landlord/tenant matters, and public benefits, without regard to local concerns.

Any interpretation will result in the loss of local control that has been the hallmark of the legal services program. It would result in the loss of economies of scale and efficiency, loss of coordination and the ability to effectively network among legal services providers who, [illegible] would be competing for scarce LSC dollars rather than concentrating on effective representation. It would lead to administrative overlap and excessive overhead expenses for the contractors as well as for LSC, which would have enormous expenses for administration and evaluation.

The only justification that LSC has presented for instituting competitive bidding was stated in the press [illegible] accompanying the budget request: "The introduction of competitive bidding will bring LSC into line with standard practices used by both private and government grantmakers, and will open the delivery of legal services to a larger [illegible] of providers. Logically, expanding the pool of potential service providers in any one geographic area will encourage program adherence to contract terms and [illegible] of managerial efficiency."

This translates to more cases for less money. Cost per case is the only criterion LSC is apparently going to consider. Increased quality of representation is not suggested as a goal, neither is increased responsiveness to local needs or enhanced ability to improve the lives of poor people generally. The goal is the privatization and commercialization of legal services.

It is clear that implementing generalized competition for LSC funds now, before any criteria or standards are developed, would be a costly mistake.

But when existing programs are performing adequately or are making substantial efforts to improve services, requiring a competition for the [illegible] would be a useless exercise that would only inject unnecessary instability without producing any measurable benefit.

LSC has spent millions of dollars over the last eight years to monitor grantees for compliance with the "process" [illegible] ments of the act and regulations, but virtually nothing to ensure that the services that are provided are of high quality. LSC does not even suggest that the competitive [illegible] it will promote quality services. The LSC press release is a tacit [illegible] on that it [illegible] not care about quality, but only "compliance" and cost.

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Legal Services Corporation Board Nominees [binder] [2]

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RESTRICTION CODES

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