PRESIDENT REAGAN AND THE LEGAL SERVICES CORPORATION

INTRODUCTION

Last spring, President Reagan recommended to Congress that it not reauthorize the Legal Services Corporation. In its place he proposed that funding for legal services be consolidated with funding for other social programs, enabling the states to fund legal services as they saw fit. This proposal stimulated discussion on the advisability of discontinuing the Corporation.

This article will explore President Reagan's past and present policies toward legal services. First, the history of federally funded legal services and political interference that occurred during the early years will be reviewed. Second, President Reagan's past experience with legal services as governor of California will be reviewed as a prelude to his recommendation. Third, President Reagan's current proposals for legal services and Congress' response to those proposals will be discussed. Finally, the rationale behind the Reagan proposal and the feasibility of local control will be analyzed.

THE HISTORY OF FEDERALLY FUNDED LEGAL SERVICES

EARLY HISTORY: THE COMMUNITY ACTION PROGRAM

In 1964, Congress created the Office of Economic Opportunity (OEO) as part of the Economic Opportunity Act. The OEO's function was to coordinate resources in the war on poverty. The Community Action Program (CAP) was created as part of the OEO to help communities fight poverty. To this end it funded existing community organizations.

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1. New York Lawyers' Committee to Preserve Legal Services, In re the Legal Services Corporation (June 8, 1981) at 14 (brief in support of reauthorizing the Legal Services Corporation and continuing funding) [hereinafter cited as In re Legal Services].
2. Id.
3. For arguments against discontinuing the corporation see In re Legal Services, supra note 1, at 30. See also Ehrlich, Save the Legal Services Corporation, 67 A.B.A.J. 434, 435-436 (1981) [hereinafter cited as Save the Corporation].
5. The OEO and its role in the war on poverty are discussed in Note, Competition in Legal Services Under that War on Poverty, 19 Stan. L. Rev. 579, 580 (1967) [hereinafter cited as War on Poverty].
7. See War On Poverty, supra note 5, at 580.
The Act required that the local CAP governing boards be composed of community members. It mandated that one-third of the board members be elected officials, one-third be elected representatives of the poor, and the remainder be representatives of business, industry, or other major local interests in the community. Subject to OEO approval, these governing boards controlled the CAP's local activities.

Early in the CAP's history it was recognized that legal services was one of the local activities the CAP should sponsor. It was clear that the war on poverty could not be successful without a legal services program. The poor lacked resources necessary to use the legal system, and as a result they came into contact with the law only when it was being used against them. Thus they seldom saw the law as a friend, but rather as an enemy. By providing legal services, the CAP sought to help the poor achieve equal status as citizens.

The Legal Services Program (LSP) began as one of the CAP's local activities. Like all other CAP activities, it emphasized local participation and control. This was achieved through funding existing legal aid societies controlled by local bar associations. Although LSP lawyers supervised the professional and administrative parts of the program, the approval of the CAP board was required for federal funding. CAP board members at times used their power over the LSP budget to interfere with LSP activ-

9. Id. at § 2791(b).
10. For a discussion of the OEO's emphasis on local control of the CAP, see War on Poverty, supra note 5, at 580-81.
13. Id. at 96.
14. Id.
15. Id. at 98.
17. Emphasis on local control led to conflicts when the goals of those in control did not correspond with the goals for the war on poverty. For example, local people felt that the poor should not control the CAP board, but the philosophy of the war on poverty emphasized the participation of the poor. See War on Poverty, supra note 5, at 582.
18. Initially, the OEO would not fund a community legal services program without the approval of the local bar. Id. at 584-85.
19. See Battle Cry, supra note 16, at 221-23.
ties. Abuses of this power included attempts to control the handling of specific cases.20

Despite the problems caused by requiring the CAP board to approve LSP funding, there was an attempt to give complete administrative control of the LSP to the local CAP board in 1967.21 This plan would have ended the supervisory role of LSP lawyers and replaced it with control by laymen.22 Opponents of the plan urged the Nixon Administration to separate the LSP from the CAP. In 1969 the administration made the LSP an independent branch of the OEO.23

**Service Cases versus Test Cases**

Another problem that arose early in the history of the LSP was the question of its proper role in the war on poverty. The debate was whether its role was to relieve the effects of poverty for individual poor people (service cases), or to eliminate the root causes of poverty by reforming the law in favor of the poor as a class (test cases).24 Service cases were aimed at helping the individual.25 The goal of a test case was to change a rule of law that adversely affected many poor people.26 The defendants in test cases were those who frequently dealt with the poor. Local officials who administered programs for the poor, landlords, merchants, and others providing services to the poor were all likely defendants. These people were displeased by the prospect of being a defendant in an LSP test case. Thus, local interests often opposed the use of test cases.27

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20. *Id.* at 221-23. There were also demands to see client files, review eligibility requirements, and control the employment of attorneys. *Id.*
21. *Id.* at 223. See also Note, *Legal Services-Past and Present*, 59 *Cornell L. Rev.* 960, 980, n.106 (1974) [hereinafter cited as *Past and Present*].
23. *Id.* at 224.
24. See *War on Poverty, supra* note 5, at 587-91. The battle for control over LSP funding of a San Francisco program is a good example of the struggle between the law reform approach and the service approach to legal services for the poor. The local bar sought funding for a program that would exclude law reform. Another group sought funding for a program that would be active in the law reform area. The OEO decided to fund the latter. *Id.*
27. See generally Karabian, *Legal Services for the Poor: Some Political Observations*, 6 *U.S.F.L. Rev.* 253, 255 (1972) [hereinafter cited as *Observations*]. Many LSP attorneys believed that they were not achieving their purpose unless they struck at the root causes of poverty. Their dedication to the law reform aspect of the LSP often threatened local interests. Local opposition sometimes took the form
Even though test cases were a useful means of eliminating poverty, some government officials and members of the local bar felt that the LSP's appropriate role in the war on poverty was to provide free legal services to the poor.28 There were several reasons for this position. Test cases: (1) ignored the interest of the individual poor person, (2) allowed the lawyer to effectuate his own goals of reform, (3) consumed LSP resources that could be more effectively used in handling the day to day problems of the poor, and29 (4) often conflicted with the desires of local interests.30

Originally the LSP had no clear policy on the test case.31 In order to survive, the LSP needed community support; however, in order to more effectively alleviate the legal problems of the poor, it needed to use the test case.32 Ambivalence was the result of the lack of clear standards.33 Some programs stressed law reform, others emphasized service cases. Eventually, OEO policy shifted toward emphasis on law reform.34 The shift led to political interference35 with LSP operations and attempts to control its law reform activities.36 For example, the California Rural Legal Assistance (CRLA) program stressed the test case as a means to

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28. See Past & Present, supra note 21, at 977-78.
29. Law Reform, supra note 26, at 5-10.
30. See Observations, supra note 27, at 256-57.
31. The original LSP guidelines emphasized local control. They did not view law reform as a major area of concentration, but rather as part of the full range of services LSP was to provide. See Hannon, Law Reform Enforcement at the Local Level: A Legal Services Case Study, 19 J. PUB. L. 22, 24, n.5 (1970) [hereinafter cited as Case Study].
32. See Legal Services, supra note 25, at 850-51.
33. See Past & Present, supra note 21, at 977-79.
34. Id. at 977-79.
35. See notes 37-47 and accompanying text infra.
36. Id. In addition to the political interference the shift stimulated, it also forced many communities to change the structure of their LSP or risk the loss of OEO funding. Judicare programs, for example, were not compatible with the law reform approach. Under the judicare system, private attorneys would be reimbursed for handling the cases of eligible clients. It was only effective as a case by case method of handling problems. See Legal Services, supra note 25, at 850-51. The option to change the LSP structure so as to reflect reform policy or lose OEO funding encroached upon the original emphasis on local control. See generally Case Study, supra note 31, at 26-48 for a documentation of this problem in Riverside County, California.
reform the law in favor of the poor.\textsuperscript{37} The CRLA brought several suits against powerful California agricultural interests and state agencies during Reagan's term as governor.\textsuperscript{38} To curb this activity Senator Murphy of California proposed an amendment to the Economic Opportunity Act prohibiting the LSP from suing government agencies.\textsuperscript{39} The amendment was defeated by a vote of 52-36.\textsuperscript{40} In 1969, Senator Murphy proposed an amendment granting state governors an absolute veto power over state legal services programs.\textsuperscript{41} Due to the opposition of the American Bar Association, this amendment was also defeated.\textsuperscript{42}

Shortly after the defeat of Senator Murphy's second amendment, a survey showed that at least twenty LSPs were involved in local controversies involving reform issues.\textsuperscript{43} In St. Louis, Oklahoma City, and Albuquerque, LSP law reform activities led to the withdrawal of United Fund Support.\textsuperscript{44} In Camden, New Jersey, an LSP suit against the Urban Renewal Authority caused the local bar to withdraw its support for the program.\textsuperscript{45} When the Los Angeles LSP sought to enjoin human rights violations by the local police, the municipality threatened to withdraw municipal services unless the LSP ended its action.\textsuperscript{46}

In 1970, the Nixon Administration attempted to curtail the LSP's law reform activities by reorganizing the OEO.\textsuperscript{47} The LSP was to be regionalized under the plan.\textsuperscript{48} Regionalization would have shifted control over local programs from the Washington LSP Director to local CAP boards and thereby increased the program's susceptibility to local political pressure.\textsuperscript{49} The bar and other LSP advocates organized to defeat the regionalization plan by success-

\begin{itemize}
  \item \textsuperscript{37} Falk and Pollak, \textit{Political Interference with Publicly Funded Lawyers: The CRLA Controversy and the Future of Legal Services}, 24 \textit{HASTINGS L.J.} 599, 606-07 (1973) [hereinafter cited as \textit{CRLA Controversy}].
  \item \textsuperscript{38} Id. at 606-07. \textit{See also} notes 108-17 and accompanying text \textit{infra}.
  \item \textsuperscript{39} \textit{Observations}, supra note 27, at 258.
  \item \textsuperscript{40} Id. at 258 n.29.
  \item \textsuperscript{41} Id. at 258.
  \item \textsuperscript{42} Id.
  \item \textsuperscript{43} Wieck, \textit{Justice For All on the Defensive}, \textit{THE NEW REPUBLIC}, February 21, 1970, at 12.
  \item \textsuperscript{44} Id. In St. Louis the suit was a class action against a governmental agency, in Oklahoma City the suit was against the local housing authority, and in Albuquerque the suit involved a threat to prosecute the police for brutality. Id.
  \item \textsuperscript{45} Id.
  \item \textsuperscript{46} Id. In addition, there were controversies in Connecticut, the District of Columbia, Florida, Kentucky, Louisiana, Massachusetts, Minnesota, New York, North Carolina, Ohio, Washington, West Virginia, and Wisconsin. Id.
  \item \textsuperscript{47} \textit{See Past and Present}, supra note 21, at 980-81.
  \item \textsuperscript{48} Id. at 980.
  \item \textsuperscript{49} Id.
\end{itemize}
fully arguing that political interference with the handling of cases and the attorney-client relationship could not effectively be prevented under such a plan.50

In 1972 Vice-President Agnew published an article attacking the LSP for its law reform activities.51 According to Agnew, law reform was "a systematic effort to redistribute societal advantages and disadvantages, penalties and rewards, rights and resources."52 Agnew argued that legal services attorneys were not the appropriate people to decide how society's rights and resources should be distributed; this task should be left to the elected representatives of the people.53 In addition, Agnew asserted that LSP attorneys ignored the interest of the individual client in order to achieve law reform.54 Instead of solving each client's problem at the lowest possible level, LSP attorneys expanded problems into broad legal principles,55 and then took cases to the highest possible level in the interest of law reform.56

The Movement Toward an Independent Corporation

In 1971, the controversy surrounding LSP activities had escalated to the point that the Nixon Administration began to consider placing it in an independent corporation.57

In early 1971, the Ash Commission on Executive Reorganization recommended to President Nixon that the LSP be placed in an independent corporation.58 Senator Mondale of Minnesota and Representative Steiger of Wisconsin introduced identical bills that embodied the Ash Commission's recommendation. The bill placed few restrictions on the activity of LSP attorneys except those that

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50. See Battle Cry, supra note 16, at 226. Other arguments against the plan were that the overall quality of service to the poor would be affected, and that the poor would lose confidence in the program. Id. at 227.
51. Agnew, What's Wrong With the Legal Services Program, 58 A.B.A.J. 930 (1972) [hereinafter cited as What's Wrong].
There were responses to Vice-President Agnew's strong position against law reform. See Falk & Pollak, What's Wrong With Attacks on the Legal Services Program, 58 A.B.A.J. 1287 (1972); Klaus, Legal Services Program: Reply to Vice-President Agnew, 58 A.B.A.J. 1178 (1972).
52. What's Wrong, supra note 51, at 930.
53. Id. at 930-32.
54. Id. at 931.
55. Id.
56. Id.
57. Past and Present, supra note 21, at 982. President Nixon was not motivated so much by a desire to end political interference with the program as by a desire to direct the criticism and complaints elsewhere. Id.
the corporation's board might impose.\textsuperscript{59}

Although the bill was passed by large majorities in both houses, President Nixon vetoed it.\textsuperscript{60} Nixon objected to the provisions in the bill for appointment of corporation board members.\textsuperscript{61} Supporters of the bill felt that it was essential to the corporation's independence that it have an independent board, thus the bill allowed the President complete discretion to appoint only six of the seventeen board members. The remaining eleven were to be chosen by the president from lists supplied by various organizations.\textsuperscript{62} President Nixon felt that the corporation had to be accountable to the public. In order to insure accountability he insisted that the president have complete discretion in the appointment of all board members.\textsuperscript{63}

The bill was returned to the Congress, but advocates were unable to marshal enough votes to override the veto.\textsuperscript{64} As a result the bill remained in Congress until 1974, giving opponents ample time to place restrictions on the proposed corporation.\textsuperscript{65}

While the bill was being reformed by the Congress, opponents of legal services programs attempted to persuade President Nixon to scrap the corporation concept altogether. They supported a revenue-sharing plan that would have given the states complete control over LSP funds, thus dooming legal services programs in many states.\textsuperscript{66} While the corporation was still in the making, President Nixon decided to dismantle the OEO. In January of 1973 he appointed Howard Phillips as OEO director and gave him instruc-

\textsuperscript{59} Id. The administration also introduced a bill that would have prohibited legal services attorneys from challenging agency regulations, representing clients before legislative or administrative bodies, and advising clients on the status of pickets, boycotts, and strikes. In addition, it would have prohibited attorneys from participating in political activities even on their own time. Id. at 45.

\textsuperscript{60} Id. at 43.

\textsuperscript{61} Id.

\textsuperscript{62} Id.

\textsuperscript{63} American Enterprise Institute, Legislative Analysis: Legal Services Corporation Bill 19-20 (1973).

\textsuperscript{64} Round II, supra note 58, at 43.

\textsuperscript{65} See Round II, supra note 58, at 43-53. While the bill was in Congress there were several proposals to restrict the Corporation's activities. Amendments were proposed to bar Corporation lawyers from lobbying on behalf of the poor, to impose court costs and fees on the Corporation whenever an attorney lost a legal services case, and to give preference in hiring to local attorneys. Id. at 47-48. The bill as enacted prohibited Corporation attorneys from representing a prisoner alleging deprivation of his civil rights on the basis of incarceration, from assisting one seeking a nontherapeutic abortion, and from assisting one charged with violating draft laws. Attorneys were also prohibited from bringing suits involving desegregation. See Buck, The Legal Services Corporation: Finally Separate, But Not Quite Equal, 27 SYRACUSE L. Rev. 611, 628 (1976).

\textsuperscript{66} Round II, supra note 58, at 44.
tions to dissolve the OEO. Phillips' first action was to declare that law reform would no longer be a goal of the LSP.

President Nixon rejected the revenue-sharing plan. On July 25, 1974, he signed the corporation bill without comment. The end result of the struggle was an act that gave the President power to appoint all eleven members of the board with the consent of the Senate.

THE LEGAL SERVICES CORPORATION

The Corporation is authorized to provide financial assistance to qualified local programs furnishing assistance to eligible clients. Local recipient programs are governed both by statutory provisions and by regulations promulgated by the Corporation.

There are various limitations on the use of Corporation funds. Its funds may not be used to provide assistance in fee generating cases or criminal proceedings. Nor may funds be used to encourage political activities, organize unions, or aid one seeking a non-therapeutic abortion. The Corporation may not finance

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70. The Legal Services Corporation Act, 42 U.S.C. §§ 2996 to 29961 (Supp. 1980), begins with a statement of congressional findings. Congress found: (1) a need to provide equal access to the justice system and high quality legal assistance to those unable to afford legal counsel; (2) for many citizens the availability of legal services had reaffirmed their faith in the government; (3) to preserve the strength of the LSP it is necessary to insulate the LSP from political pressure; and (4) attorneys serving the poor had to be free to act in their clients' best interests. *Id.* at § 2996.
71. 42 U.S.C. § 2996(a)(1)(A) (1976). The Corporation has numerous duties with respect to the financial assistance it provides. It must establish the maximum income levels for eligible clients. *Id.* at § 2996f(a)(2)(A). It must ensure that all grantees provide high quality legal assistance to eligible clients. *Id.* at § 2996f(a)(1). It must ensure that funds are not spent to influence legislative or executive decisions. 42 U.S.C. § 2996f(a)(5) (Supp. 1980). It must ensure that attorneys refrain from political activities while engaged in client representation. *Id.* at § 2996f(a)(6). The Corporation must also ensure that attorneys refrain from activities which would violate the ABA Canons of Ethics and the ABA Code of Professional Responsibility. 42 U.S.C. § 2996f(a)(10) (1976). Finally, the Corporation periodically must evaluate local recipients. *Id.* at § 2996f(d).
72. The Corporation is authorized to promulgate regulations for the recipients to follow and to take disciplinary action against recipients who do not follow either the regulations or provisions of the Corporation Act. 42 U.S.C. § 2996e(b)(1)(A) (Supp. 1980); 42 U.S.C. § 2996e(b)(5) (1976).
73. *Id.* § 2996f(b)(2).
74. *Id.* at § 2996f(b)(4).
75. *Id.* at § 2996f(b)(6).
76. *Id.* at § 2996f(b)(8).
school desegregation cases\textsuperscript{77} or litigation to challenge action under the Selective Service Act.\textsuperscript{78}

There are also limitations on the Corporation's activities. It is expressly prohibited from litigating a case unless it or a recipient is a party to the controversy.\textsuperscript{79} It cannot engage in lobbying activities aimed at any level of government unless it is asked to do so by a government body or the legislation involved directly affects the activities of the Corporation.\textsuperscript{80} There is also a penalty if the Corporation or a recipient engages in harassment suits.\textsuperscript{81}

As noted above, the Corporation is authorized to promulgate regulations to govern local recipient programs.\textsuperscript{82} The regulations govern the composition of governing bodies of local recipients. The governing body must reasonably reflect the interest and characteristics of the clients it serves.\textsuperscript{83} Sixty percent of its members must be members of the state bar,\textsuperscript{84} and one-third must be eligible clients.\textsuperscript{85} The remaining members must be persons interested in and supportive of legal services to the poor.\textsuperscript{86} Under the regulations the governing body sets eligibility criteria\textsuperscript{87} and service priorities for each local recipient.\textsuperscript{88}

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  \item \textsuperscript{77} Id. at § 2996f(b)(9).
  \item \textsuperscript{78} Id. at § 2996f(b)(10).
  \item \textsuperscript{79} Id. at § 2996e(c)(1).
  \item \textsuperscript{80} 42 U.S.C. § 2996e(c)(2) (1976).
  \item \textsuperscript{81} 42 U.S.C. § 2996e(f) (Supp. 1980). If the court determines that an action was brought for harassment purposes it may award costs and legal fees to the defendant. \textit{Id.}
  \item \textsuperscript{82} 42 U.S.C. § 2996e(b)(5) (1976).
  \item \textsuperscript{83} 45 C.F.R. § 1607.3(a) (1979).
  \item \textsuperscript{84} Id. at § 1607.3(b).
  \item \textsuperscript{85} Id. at § 1607.3(d).
  \item \textsuperscript{86} Id. at § 1607.3(f).
  \item \textsuperscript{87} 45 C.F.R. Part 1611 (1979). Local recipients may select their own income eligibility level. The regulations require that this level not exceed 125% of the poverty threshold as defined by the Office of Management and Budget. \textit{Id.} at § 1611.3(b). The regulations require the recipient to consider the following factors in setting the eligibility level: (1) the cost of living in the area, (2) the number of clients the recipient can afford to service, and (3) the availability of legal services from the local private bar. \textit{Id.} at § 1611.3(c). Local recipients are required to determine the eligibility of prospective clients. \textit{Id.} at § 1611.5(a). Exceptions to the income levels are allowed if the person is seeking to secure the benefits of a governmental program for the poor or, but for the receipt of benefits from a government income maintenance program, the person would be eligible for services. \textit{Id.} at § 1611.4(b) and (c).
  \item \textsuperscript{88} 45 C.F.R. Part 1620 (1979). Local recipients are also required to establish priorities in the allocation of resources. Factors that must be considered in establishing priorities are: (1) the availability of services from other sources, (2) the importance of a client's various legal problems, (3) the general effect of resolution of a problem on clients, and (4) whether the problem can be solved through legal processes. \textit{Id.} at § 1620.2(b). Effective use of resources in the areas most beneficial to eligible clients is the goal of this process. \textit{Id.} at § 1620.1.
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Like the LSP, the Legal Services Corporations (LSC) continues to exist at the grace of Congress. Congress may reauthorize the Corporation for periods of not more than two years. In addition, Congress makes annual appropriations to finance the operation of the Corporation.\(^8\)

In addition to congressional support through increasing appropriations,\(^9\) the LSC enjoyed the support of the Carter Administration. President Carter proposed increasing direct funding for the LSC from $268 million to $284 million in 1981. This was in addition to federal funding that the LSC received from other sources.\(^9\) In a 1980 campaign interview, President Carter stated that he would continue his past support for the LSC.\(^9\)

It became clear early that presidential support for the LSC would not continue in the Reagan Administration.\(^9\) On March 10, 1981 President Reagan recommended that the LSC not be reauthorized and the funding for all social programs be given to the states to allocate as they saw fit.\(^9\)

President Reagan’s recommendation sparked debate over whether the Corporation should continue.\(^9\) It also revived the memories of those who witnessed the battle between Governor Reagan and the California Rural Legal Assistance Program

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9. See In re Legal Services, supra note 1, at 13. During the period of transition from the LSP to the LSC, the legal services budget was frozen at $71 million. In 1976 the Corporation was appropriated $91 million. This was increased to $125 million in 1977. The LSC’s short term goal in 1977 was to provide two attorneys for every 10,000 poor people. Steadily rising appropriations between 1977 and 1980 allowed the LSC to expand. \(\text{id.}\)

By the end of 1977, the LSC was funding 300 legal services programs nationwide. In 1977, a subcommittee of the House Judiciary Committee held hearings to review the LSC’s operations. It concluded that the LSC had effectively carried out its congressional mandate. \(\text{id.}\) At the beginning of 1980, 321 LSC-funded programs were operating throughout the United States. Legal Services Corporation Reauthorization: Hearings before the Subcomm. on Courts, Civil Liberties, and the Administration of Justice of the Comm. on the Judiciary House of Representatives 96th Cong., 1st Sess. 302 (1979) [hereinafter cited as Hearings On Legal Services]. In 1980, with a $300 million funding level, the LSC achieved its short-term goal. The LSC was appropriated $321 million for 1981 even though Congress did not reauthorize it. In re Legal Services, supra note 1, at 13-14.

90. Hearings on Legal Services, supra note 90, at 227.
91. The Candidates Answer, 66 A.B.A.J. 1208, 1210 (1980). In the same interview, Reagan said that it was time to evaluate the LSC to see if it is serving the purpose intended. He also said that the LSC should not be used to “force judicial resolution of political and public policy issues properly left to the electorate through its representatives in Congress.” \(\text{id.}\)
92. In re Legal Services, supra note 1, at 14.
93. \(\text{id.}\)
94. \(\text{id.}\)
95. See note 3 supra.
(CRLA) in 1970. Some observers speculated that the need to reduce federal spending was not the sole reason for Reagan's recommendation, and that the real reason was his dislike for legal services, a dislike which stemmed from his experience with the CRLA.

**Governor Reagan and California Rural Legal Assistance**

The CRLA first applied for OEO funding in 1966. Its application was accepted in June of 1966, and the CRLA received a $1.2 million grant from the OEO. From the beginning the CRLA's goal was to provide California farm workers and other poor people with competent legal services. The CRLA sought to eliminate the cynicism and disrespect many poor people had for the law by demonstrating that all people can have access to the American justice system.

The CRLA opened nine offices in rural California communities to reach the rural poor. Eventually, the CRLA developed a flexible hierarchy for allocation of its resources. Approximately

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96. See note 97 infra. See also the "Truly Needed" Lawyers, NEWSWEEK, April 6, 1981, at 82-83.

97. For speculation that motives besides budget cutting were behind the Reagan proposal, see Silver, Legal Disservice, COMMONWEAL, May 8, 1981, at 262. Silver contends:

First, it is clear that Ronald Reagan simply does not like publicly financed legal services; indeed, after his experience with one such agency, California Rural Legal Assistance, during his gubernatorial years, it is safe to say that he detests the idea that tax monies can be used to finance litigation against government agencies. Reagan, like most politicians, has a long memory, and hatred is as much a political motivator as are other, disinterested motives.

Id. It has been suggested by CRLA lawyers that it is more than a coincidence that President Reagan had conflicts with the CRLA as California's governor, and has now proposed the elimination of the LSC. The "Truly Needed" Lawyers, NEWSWEEK, April 6, 1981, at 82-83.

One CRLA attorney has expressed the opinion that the Administration's reason for the proposal to eliminate the LSC is that "They don't want their new programs stopped in the courts. . . . If you take away the lawyers, they'll have clear sailing." Id. at 83.

98. Id.

99. CRLA Controversy, supra note 37, at 604.


101. Id.

102. Id.

103. CRLA Controversy, supra note 37, at 605. Each office consisted of a supervisory attorney, several staff attorneys, clerical employees, and assistants to the attorneys. The CRLA had a Sacramento office from which it monitored legislative activity, and a central office in San Francisco from which it managed the program. Id. at 605.

104. See CRLA Controversy, supra note 37, at 606-07. Cases involving employment rights received the highest priority, followed respectively by those involving education, housing, civil rights, welfare and consumer problems, domestic rela-
eighty-five percent of the cases the CRLA handled were service cases dealing with the day to day problems of the poor. The CRLA also actively pursued law reform cases to win victories that would aid a substantial number of its clients. In the law reform area, the CRLA's goals often conflicted with the policies of Governor Reagan and powerful California agricultural interests.

The CRLA prevailed in at least two disputes with the Reagan Administration. The first occurred in a dispute over the institution of poverty programs in Sutter County, California. Officials claimed that there was no poverty in Sutter County and thus that there was no need for poverty programs. The county refused to accept applications for aid to families with dependent children. Governor Reagan had been able to cut costs in Sutter County, saving the state approximately $200,000. The CRLA brought suits on behalf of those seeking the benefits of poverty programs in Sutter County. Although Reagan labeled this "harassment of a county welfare director," the CRLA won eighteen of the nineteen suits initiated.

The CRLA angered the growers by attempting to force the Bureau of Employment Security of the Department of Labor to follow federal regulations. Federal regulations provided that labor could not be imported unless the prospective employer produced evidence that the needed labor was not available in the United States at minimum wage. Despite this provision the Bureau allowed the importation of braceros without evidence that workers were not available in the United States. The CRLA sought to stop this practice.

The CRLA procured a temporary restraining order stopping the importation of braceros. When the injunction was issued, the grower's crops were ready for harvesting. A prolonged court battle with the CRLA would have led to substantial losses for the growers. The growers and the Bureau were forced to settle with the CRLA to avoid drastic losses. Numerous CRLA clients were benefitted by this settlement. The growers, enraged by the decision, began to pressure Governor Reagan to control the CRLA. The growers, enraged by the decision, began to pressure Governor Reagan to control the CRLA. The growers, enraged by the decision, began to pressure Governor Reagan to control the CRLA. The growers, enraged by the decision, began to pressure Governor Reagan to control the CRLA.

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106. CRLA Controversy, supra note 37, at 606-07.
107. See generally Cray, Social Reform Through Law, NATION, October 14, 1968, at 368 [hereinafter cited as Social Reform]. The ongoing battle between the CRLA and the agricultural interests is exemplified by the dispute over the importation of braceros in 1968. Braceros are Mexican nationals imported yearly by the growers to work in the fields. Braceros could be employed below the minimum wage, unlike resident farm workers. As a result, growers laid off resident workers to employ braceros at a lower rate, and resident workers were forced onto welfare rolls. Id. at 369.
108. See Social Reform, supra note 107, at 370.
109. Id.
110. Id.
112. Social Reform, supra note 107, at 370.
113. Id.
The CRLA also prevailed in Morris v. Williams.114 In order to save the medicaid program from a twenty million dollars deficit, the Reagan Administration reduced program spending.115 To achieve this goal, several services were completely eliminated, removing 160,000 people from the program.116 The CRLA represented one of the injured citizens. The California Supreme Court held that the Reagan Administration had violated California law by eliminating services instead of proportionately reducing them.117

As a result of these two developments, Governor Reagan was under political pressure to control the CRLA.118 Governor Reagan had the power under the Economic Opportunity Act to veto CRLA funding, but his veto could be overturned by the OEO director.119 Rather than risk having the veto overturned, Reagan decided to seek fifteen changes in the CRLA grant which would end its law reform activities. His request was refused by the regional director of the OEO.120 In 1968, Governor Reagan threatened to veto funding unless several restrictions were placed on the CRLA. The veto threat was not carried out at that time.121

For its vigorous activities on behalf of its clients, the CRLA was selected as the outstanding legal services program of the year in 1968.122 This accomplishment reflected its activities in the law reform area. In 1971 OEO evaluators concluded that the CRLA was an exemplary legal services program.123

In 1970 Reagan appointed Lewis K. Uhler as director of the California OEO.124 One of Uhler's first actions as director was to circulate a questionnaire among California lawyers and judges concerning the CRLA.125 The questionnaire sought opinions on the legal ethics of CRLA attorneys, the political activities of CRLA members, and the use of test cases as compared to service cases.126 As a result of the questionnaire, Uhler filed a report alleging incidents of misconduct on the part of CRLA attorneys.127

114. 67 Cal.2d 733, 433 P.2d 697, 63 Cal. Rptr. 689 (1967).
115. Social Reform, supra note 107, at 372.
116. Id.
117. 67 Cal. 2d at —, 433 P.2d at 711, 63 Cal. Rptr. at 703.
118. See Social Reform, supra note 107, at 372.
119. Id.
120. Id.
121. Id.
122. CRLA Controversy, supra note 37 at 609.
123. Id. at 607.
124. Id. at 607-08.
125. Id. at 609.
126. Id. at 609-10.
127. Id. at 610.
128. Id. at 610-11.
The Uhler report charged that the CRLA was connected with racial tensions in the state prison system, had encouraged students in the public school system to harass school administrators, was connected with Caesar Chavez and his activities to unionize farm workers, was soliciting clients and exploiting the poor by refusing to settle their individual problems at the earliest possible stage, and that a number of suits instituted by the CRLA were frivolous or for harassment purposes. On December 26, 1970, Governor Reagan vetoed 1971 funding for the CRLA on the basis of the Uhler Report.

It has been argued that the Uhler Report lacked objectivity and failed to note the various CRLA successes others had praised. Although Reagan cited it as the basis for his veto, the report was incomplete at the time the decision to veto the CRLA's funds was made.

Reaction to the veto and the Uhler Report was not as favorable as Reagan had hoped. OEO Director Carlucci was reluctant to uphold the veto on the basis of the Uhler report. He announced that he would not overturn the veto at that time, but would fund the CRLA for six months while the contents of the report were investigated. Carlucci appointed a commission of three state supreme court justices from Colorado, Maine, and Oregon to conduct an investigation. Those justices reported: "[F]rom the tes-

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128. Id. at 611-12.
129. Id. at 612-13.
130. Id. at 613-14.
131. Id. at 615-16.
132. Id. at 617.
133. Id. at 618.
134. Id. at 611. "The objectivity which its title implied was a promise never kept; the Uhler Report was a brief for the prosecution without even the superficial pretense of a balanced presentation. One searches each of its 283 pages quite literally in vain for a word of praise or a favorable comment concerning CRLA's state-wide legal services program." Id.
135. Id.
136. Id. at 617-18.
137. Id. at 618.
138. Id. at 618.
139. Id. at 619. Uhler appeared at the first meeting of the commission to announce the position of the California OEO. Uhler said that the state OEO was not a party to the investigation. In his opinion the investigation should be done in the field and in closed rather than public sessions. Uhler reasoned that the effect of public hearings would be to give the CRLA the publicity it was seeking and lead to a trial by newspaper. Contrary to Uhler's wishes, the commission decided to hold public hearings. Id. at 619-20.

Even though his office had prepared the Uhler Report, Uhler and the state OEO refused to provide evidence in support of the charges. In spite of declining to actively participate, Uhler decided to cooperate with the commission by providing a general summary of the information possessed by the prospective anti-CRLA wit-
timony of the witnesses, the exhibits received in evidence and the Commission's examination of the documents submitted in support of the charges in the [Uhler Report], the Commission finds that these charges were totally irresponsible and without foundation.\textsuperscript{140}

After the federal OEO received the commission's report, it negotiated a compromise with the Reagan Administration and refunded the CRLA.\textsuperscript{141} Reagan's experience with the CRLA suggests an alternative motive for his present proposal to place legal services under the absolute control of states.\textsuperscript{142}

\textbf{CURRENT BUDGET PROPOSALS FOR THE LSC}

On March 10, 1981, President Reagan recommended to Congress that the LSC not be reauthorized nor funded for fiscal year 1982.\textsuperscript{143} He proposed that legal services funding come from block grants made to the states,\textsuperscript{144} the rationale being that such grants would allow the states to set their own priorities for the use of revenue, control resources, decrease overhead, and improve coordination among different social services programs.\textsuperscript{145} President Reagan believes these funded services could be supplemented by increased pro bono efforts by the 500,000 attorneys nationwide.\textsuperscript{146}

President Reagan made several points in support of his position about the LSC. First, information from the LSC indicated that approximately $50 million was available for legal services from other federal, state, and local sources.\textsuperscript{147} Second, the American Bar Association's Code of Professional Responsibility states that it is the individual attorney's responsibility to provide services to those unable to afford legal assistance.\textsuperscript{148} Third, with the elimination of restrictions on advertising and competition, the cost of legal services would decrease.\textsuperscript{149} Finally, methods other than the corpo-

\textsuperscript{140} \textit{Id.} at 619-22. Uhler's reluctance slowed the progress of the hearing. One of the justices was forced to resign from the commission when it became clear that the process would be more time-consuming than originally expected. \textit{Id.} at 625.

\textsuperscript{141} \textit{Id.} at 635.

\textsuperscript{142} \textit{Id.} at 639.

\textsuperscript{143} See note 97 \textit{supra}.

\textsuperscript{144} \textit{Id.} at 633.

\textsuperscript{145} \textit{Id.} at 639.

\textsuperscript{146} See \textit{Office of Management & Budget, Fiscal Year 1982 Budget Revisions, Additional Details on Budget Savings} at 362 (April 1981) [hereinafter cited as \textit{OMB Details}].

\textsuperscript{147} \textit{Id.}

\textsuperscript{148} \textit{Id.} at 363. See \textit{ABA Model Code of Professional Responsibility EC 2-25} (1980).

\textsuperscript{149} \textit{OMB Details}, \textit{supra} note 143, at 362.
rate structure could be effective in fulfilling the legal needs of the poor.\textsuperscript{150}

Following the introduction of the proposal, Edwin Meese III, counselor to the president, was interviewed concerning the LSC.\textsuperscript{151} According to Meese, the administration was in favor of legal services for the poor, but felt that the Corporation was not the best mode for delivering them. Meese stated that the Corporation “stifles innovation, it relies to heavily on a limited number of staff attorneys and it has virtually resulted in the legal profession turning its back on providing legal services to the poor.”\textsuperscript{152} The administration’s goal was to go beyond LSC activities by allowing public funds to be spent on programs that would stimulate local bar participation.\textsuperscript{153} Meese said the administration would avoid the possibility that the poor would go to the streets to resolve their disputes.\textsuperscript{154} Also, the money would go to fill the needs of individual poor people and not to promote social causes.\textsuperscript{155}

In opposition to the president’s proposal, Mr. Thomas Ehrlich, the first president of the LSC, gave three reasons why control of legal services should not be shifted to state governments.\textsuperscript{156} First, the independence of the Corporation—one of its most significant characteristics—would be lost.\textsuperscript{157} The history of the LSP had shown that many of the suits brought by LSC clients were against local government officials, landlords, retailers, employers, and other local interests,\textsuperscript{158} interests that could act to interfere with the program’s activities if it were under local control.\textsuperscript{159} Second, the Corporation is an effective and efficient means of delivering legal services. Placing the program in the hands of state government would increase—not decrease—bureaucracy and overhead expenses.\textsuperscript{160} Finally, the ability to coordinate nationwide activities and information would be lost if the Corporation were ended.\textsuperscript{161}

The final decision on the future of the Corporation has not been made.\textsuperscript{162} Throughout the difficult 1982 budget process the

\textsuperscript{150} Id.
\textsuperscript{151} End Legal-Aid Program for Poor?, U.S. News and World Report, August 3, 1981, at 33 [hereinafter cited as End Legal-Aid].
\textsuperscript{152} Id.
\textsuperscript{153} Id.
\textsuperscript{154} Id. at 34.
\textsuperscript{155} Id.
\textsuperscript{156} Save the Corporation, supra note 3, at 435-36.
\textsuperscript{157} Id.
\textsuperscript{158} Id.
\textsuperscript{159} Id.
\textsuperscript{160} Id. at 436.
\textsuperscript{161} Id.
\textsuperscript{162} House Bill 3480, 97th Cong., 1st Sess., 127 Cong. Rec. H3073-3128 (daily ed.
Corporation has been funded under the continuing resolution passed on September 29, 1981, when the government’s fiscal year ended. 163 The resolution adopted the funding level approved by the House. 164 The initial resolution expired November 20, 1981. 165 As a result of two later resolutions, the initial resolution has been extended to March 31, 1982. 166 Absent further congressional action, the LSC will continue to be funded at $241 million. 167

At present, the fate of the Corporation remains uncertain. Even if both the House and Senate approve its reauthorization and appropriate funding, it is possible that President Reagan will veto the legislation. President Reagan has already made it clear that he will not acquiesce to “budget busting” spending programs. 168

ANALYSIS

THE RATIONALE BEHIND REAGAN’S POSITION

The position of the Reagan Administration is that the LSC is not the best way to deliver legal services to the poor. Instead, the administration proposes to give the money to the states so that each state can structure its own program to fit local needs. According to the Office of Management and Budget, “this will increase state priority-setting and control over resources, decrease overhead, and improve coordination among different social services.” 169

Implementation of the proposal certainly will increase state priority-setting and control over resources. However, legal services funding would be subject to the complete control of state gov-

June 18, 1981), proposing reauthorization for 1982 and 1983 at a spending ceiling of $241 million, was passed on June 18, 1981. See also Legal Services Corporation, Status Report on the Legal Services Corporation (September 1, 1981). The Senate bill 1533, 97th Cong., 1st Sess. (1981) proposed reauthorization for 1982, 1983, and 1984 at a spending ceiling of $100 million. Id. To date, no action has been taken on that bill.

In the appropriations area, House Bill 4169, 97th Cong., 1st Ses., 127 CONG. REC. H6033-61 (daily ed. Sept. 9, 1981), proposing a $241 million appropriation for fiscal year 1982, was passed on September 9, 1981. Id. The senate version of 4169, 97th Cong., 1st Sess., 127 CONG. REC. S13364 (daily ed. Nov. 13, 1981) was passed on November 13, 1981. It also proposed $241 million. See also NLADA, Cornerstone pg. 1, December 1981.

164. Id.
165. Id.
166. Congressional Happenings, LEGAL SERVICES NEWS, December 15, 1981.
167. Id.
169. OMB DETAILS, supra note 143, at 362.
ernment. State officials could make funding decisions not on the basis of the needs of the poor, but rather on the basis of their own political needs. They would very likely restrict suits against the state government and politically powerful interest groups. Program funding could disappear altogether.

The Reagan Administration projects that its proposal will lower overhead costs. However, it is questionable whether a decrease rather than an increase would occur. Only 1.8% of the LSC's budget goes toward management and administration costs, which is much less than similar costs of comparable agencies. If the program were removed to the local level, it would be necessary to create a state office to handle each state's program. With fifty state administrative offices, administrative and overhead costs would surely increase rather than decrease.

The idea of local control and decision-making through block grants ignores the fact that under the current LSC programs the local governing body of each recipient sets the eligibility criteria and litigation priorities. The governing bodies of local recipients are composed of community representatives. Thus, the LSC already provides for local priority-setting and control of resources.

The Reagan Administration anticipates that block grant funding will be supplemented by pro bono activities of private attorneys. There are at least two reasons why pro bono work cannot adequately fulfill the needs of the poor. First, poverty law is a specialty that requires expertise just like other areas of the law. While private attorneys may be motivated to do pro bono work, they may not be equipped to handle the problems of the poor. A heavy reliance on pro bono services would decrease the quality of the legal services the poor receive.

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170. See In re Legal Services, supra note 1, at 42. Experience has shown that political interference is likely to occur at the state and local level because of the tension created when the interests of the poor do not correspond with the interests of local businesses and government. There would be pressure to restrain the program from vigorous advocacy on behalf of its clients and to stop suits against state and local governments. Save the Corporation, supra note 3, at 435-36.

171. See In re Legal Services, supra note 1, at 43-44.

172. OMB DETAILS, supra note 143, at 362.

173. See Save the Corporation, supra note 3, at 436.

174. In re Legal Services, supra note 1, at 41-43; see also Save the Corporation, supra note 3, at 436.

175. In re Legal Services, supra note 1, at 41-42.

176. See note 87-88 and accompanying text supra.

177. See notes 83-84 and accompanying text supra.

178. OMB DETAILS, supra note 143, at 362.

179. In re Legal Services, supra note 1, at 38.

180. Id.

181. Id.
In addition to problems of quality, there is the problem of the adequacy of pro bono services. With all its current resources and full-time attorneys, the LSC is still unable to serve all those in need.\footnote{182} It is questionable whether block grant programs with reduced funding for full-time attorneys and the part-time pro bono services of private attorneys could provide adequate legal services for the poor.

Another rationale behind the Reagan proposal is to prevent the use of funds allocated to the Corporation to support social causes instead of meeting the needs of the individual poor.\footnote{183} What is a social cause? From the context in which the term is used, namely, the comparison of social causes to individual problems of the poor, it would appear that law reform is synonymous with a social cause.\footnote{184} Once again the dispute over law reform through the use of the test case arises.\footnote{185} However, under the present corporation structure, recipient programs decide whether to allocate resources for test cases. No recipient is forced to take up a social crusade.\footnote{186}

The facts do not support the assertion that legal services funding is substantially diverted for social causes. Most of the problems legal services attorneys deal with are the everyday problems of the poor, and few involve controversial social issues.\footnote{187} As of January 1981, thirty percent of LSC cases concerned family matters, eighteen percent involved housing problems, seventeen percent involved income maintenance, and fourteen percent involved consumer and finance law.\footnote{188} It is estimated that only two-tenths of one percent of LSC cases are law reform efforts.\footnote{189} Thus it is clear that the vast majority of LSC resources goes to service cases.

\footnote{182. See In re Legal Services, supra note 1, at 54-55.}
\footnote{183. End Legal-Aid, supra note 151, at 33. The interview with Edwin Meese III is discussed in notes 151-55 and accompanying text supra.}
\footnote{184. "We're also talking about making sure the kinds of legal services that are provided are those that really meet the needs of individuals. We don't want money going for promotion of social causes. ..." End Legal-Aid, supra note 151, at 34.}
\footnote{185. The dispute over the use of the test case was the origin of political interference with the legal services program. See notes 24-27 and accompanying text supra.}
\footnote{186. As discussed above, the local board sets the priorities for recipient programs. The LSC has not mandated that programs allocate resources to law reform. See the discussion on the role of local boards in notes 83-88 and accompanying text supra.}
\footnote{187. In re Legal Services, supra note 1, at 15.}
\footnote{188. Id. at 15-16. The remaining 20% of LSC cases include employment disputes and other matters. Id.}
\footnote{189. Id. at 15.}
Is Local Control a Feasible Alternative?

The history of the legal services program taught at least one lesson: complete local control of legal services will not work. From its initiation as a program of the OEO, legal services was plagued with problems caused by local control. As part of the Community Action Program, members of the local board attempted to control the legal services program by controlling the purse strings. An attempt was made to remedy this by making the LSP a separate branch of the OEO. However, the same problems continued to occur. The reality is that many local interests prefer not to be sued. If they can avoid suit by eliminating legal services or restricting it, most will do so.

President Reagan's experience with the CRLA graphically illustrates the problems of local control. The current block grant proposal would allow politicians in a situation like that of Governor Reagan to stifle a legal services program. Block grant funding would substantially reduce or eliminate legal services for the poor in many states, since many states would allocate the block grants to other programs. In addition, restrictions could be placed on the use of the funds to protect politically powerful local interests that are often subjected to LSC litigation. The right of the poor to equal access to the legal system would be diminished if limited funds are allocated to other programs.

Placing the program in an independent corporation where it could be free from political pressures was the solution to this continuing interference. Through the Corporation, it is possible for local people to make independent policy decisions and ensure that attorneys are free from political controls so that their clients' best interests are served. In this respect the Reagan plan appears to be a regression to an arrangement that past experience has shown will not work.

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190. Local control of the programs is not a new idea; it was attempted and it did not work. See notes 10-23 and accompanying text supra.
191. See notes 19-20 and accompanying text supra.
192. See note 23 and accompanying text supra.
193. See notes 157-59 and accompanying text supra.
194. See In re Legal Services, supra note 1, at 40.
195. Id. at 42.
196. Id. at 41.
197. Congress expressly found that in order to preserve the strength of the legal services program it was necessary to insulate it from political pressure. Legal Services Corporation Act, 42 U.S.C. § 2996(5) (1976).
198. The local boards make the policy, and the funding comes from a source free from political interference. Thus, attorneys are free to pursue the interests of their clients. See notes 87-89 and accompanying text supra. In 1977 Congress recognized the Corporation's successful performance. See note 90 supra.
Reagan's Additional Motive for Block Grant Funding

When President Reagan proposed to consolidate legal services into the block grant program it was speculated that budget cutting was not his only goal.\(^{199}\) By comparing Reagan's problems with the CRLA to his present situation as President, it is possible to theorize an additional motive for the proposal.

There are at least two similarities between Reagan's position as governor of California and his present position as president. In each office one of his major goals was to reduce government spending.\(^ {200}\) In each situation he was forced to contend with a successful legal services program.\(^{201}\)

However, there is a major distinction between the two situations. When Reagan took office as governor and commenced his budget cuts, the poor had the CRLA as a means to fight those cuts.\(^ {202}\) In fact, several suits were brought by the CRLA on behalf of its clients which resulted in court decisions that some of Reagan's cuts in social programs were illegal.\(^{203}\) It was the nature of the cuts, not the clients, that produced these victories.\(^ {204}\)

If Reagan's block grant funding proposal is adopted, the poor would be unable to effectively fight cuts in social programs. Under the present system, the poor can voice their opposition through the Corporation. If funding for legal services was made through block grants, the services provided by the LSC would likely be severely restricted. This would effectively deprive the poor of any judicial remedy to cuts in social programs.\(^{205}\)

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199. See note 97 supra.

200. Reagan's efforts to cut California spending in the Medicaid and Sutter County poverty programs produced opposition in the form of successful lawsuits initiated by the CRLA. See notes 108-13 and accompanying text supra. Reagan's current effort to cut federal spending is illustrated by his recent veto of what he termed a "budget-busting" spending program. See note 168 and accompanying text supra.

201. The CRLA was so successful it was designated the program of the year in 1968 by the OEO. Its continued success led evaluators to comment in 1971 that it was an exemplary legal services program. See notes 122-23 and accompanying text supra. The LSC's success is illustrated by the congressional findings in 1977 and its constant growth since 1974. See note 90 supra.

202. An example is the Medicaid dispute. See Morris v. Williams, 67 Cal. 2d 733, 733 P.2d 697, 63 Cal. Rptr. 689 (1967), discussed in notes 114-17 and accompanying text supra.

203. Id.

204. Id.

205. See In re Legal Services, supra note 1, at 40. The Supreme Court has held that there is no constitutional right to receipt of benefits from a government program. Ortwein v. Schwab, 410 U.S. 656, 659 (1973). Despite this holding, cases such as Shapiro v. Thompson, 394 U.S. 618, 638 (1969) (holding that a one year residency requirement for the receipt of welfare benefits was unconstitutional) and Goldberg v. Kelly, 397 U.S. 254 (1970) (requiring a hearing before the termination of welfare...
Reagan's experience with the CRLA taught him that legal services for the poor and cuts to social programs don't mix.\textsuperscript{206} To avoid the possibility of problems similar to those he encountered with the CRLA he is attempting to relegate legal services to the control of local interests.\textsuperscript{207} Its fate in the hands of local officials subject to the same political pressures that faced Reagan as California's governor would be predictable; legal services would be severely restricted, if not entirely eliminated.\textsuperscript{208}

CONCLUSION

The history of federally funded legal services under the OEO is filled with instances of political interference. Congress placed the program in an independent corporation to avoid such interference. President Reagan's current proposal would end legal services' freedom from political interference; each state program would be vulnerable to political pressures within the state, with a resulting impairment of the program's ability to provide legal services to the poor.

The reasoning behind Reagan's proposal to condense legal services funding into block grants is not convincing. Local control, fulfillment of client needs, and pro bono work are all presently fulfilled by the present structure of the LSC. The fact that there is no political interference is the one great advantage to the present LSC structure. Past experience has shown that local control of the legal services program leads to political interference.

Why then would Reagan propose to localize the program? Perhaps, as some have suggested, his past experiences have affected his ability to evaluate legal services objectively. Whatever the reason, one thing is clear: in the event the proposal is accepted, the losers will be legal services clients.

Angela F. Turner—'83

\textsuperscript{206} The CRLA frustrated Governor Reagan's attempts to cut poverty programs in Sutter County and to reduce Medicaid benefits in the manner he chose. See notes 108-17 and accompanying text supra. See also note 97 supra.

\textsuperscript{207} See note 97 supra.

\textsuperscript{208} See notes 194-96 and accompanying text supra.