

1 The Indian reservation Indians are covered by
2 about five jurisdictional levels of law: tribal codes,
3 municipal, county, and State and Federal laws, as well as
4 the Bureau of Indian Affairs administrative regulations,
5 hearings, and proceedings.

6 An Indian divorce has to be argued in two different
7 courts, both tribal and state courts. Probate matters have
8 to go to tribal court, state court, and Federal court.

9 One or more of them will refer you back to the
10 Bureau of Indian Affairs. You have to have an administrative
11 hearing on an Indian well.

12 The certification of the heirs or a definition of
13 the type of Indian land that is involved, is also subject
14 to the above procedure.

15 In addition to requiring abnormal amounts of attorney
16 time to argue in four different forums, it requires the
17 attorney to have extensive libraries on Federal law, state
18 law, Indian law, and Federal administrative law.

19 The remoteness of the reservations, on the other
20 hand, result in the programs being 200 miles from the nearest
21 law library. So they have to provide these libraries for
22 themselves and purchase them and then maintain them.

23 Other special needs from the community are the
24 fact that Indians do not understand the jurisdictional
25 systems that regulate their lives.

1 The tribes ask our programs to have extensive
2 community education programs and they have to give community
3 lectures as well as video tape presentations.

4 They have to have paralegals that are Indians to
5 go to the tribal court. They are asked to staff them as well
6 as train them. They are asked to counsel the Indians on
7 tribal code revisions and procedures.

8 About one-third of their clients cannot speak
9 English or do not have a fundamental working relationship
10 of the English language.

11 This results in having to have native American
12 translators on the staff.

13 All of these types of problems result in having
14 to have two to three times the amount of support staff that
15 a non-Indian program has to have.

16 I have not been able to pin down an exact average
17 of the total coverage to Indians. The nearest figure I
18 can come up with is \$10.00 per Indian poor to adequately
19 serve them on their reservation.

20 The needs, as I say, are unavoidable. The Indian
21 people are so regulated by laws that the programs have found
22 that they average 5 to 8 open cases at any one time on each
23 client family.

24 As a result, the attorneys in these programs cost
25 more to operate, not because of overstaffing or overpayments,

1 but all of these needs that I have listed.

2 One of the major needs for having Indian programs
3 or needing them, is something I have not touched on. That
4 is that Indians will not go to non-Indian programs, generally.

5 I am sure the regional directors here recognize
6 the fact that urban and rural Indians that fall within the
7 geographic service areas of existing non-Indian programs are
8 not coming to those programs in numbers proportionate to
9 their population and needs.

10 Many times that can be blamed on the lack of trans-
11 portation or access to the program office, but more often
12 it is the result of the Indian's lack of knowledge of the
13 legal system and his legal remedies and rights, as well as
14 that distrust of non-Indians and government funded programs.

15 But that is a distrust that can be overcome and
16 has been overcome by Indian programs. It is overcome because
17 these all Indian programs have tribal counsel representatives
18 on their Boards and native Americans staff or native Americans
19 on their staff and they have attorneys who are sometimes
20 native Americans who are able to have the time and the
21 dedication to try to learn and understand the local culture.

22 In the needs that have been requested nation-wide,
23 there seems to be about three distinct groups. There is
24 the one that I have directed most of the statistical
25 information to, and that is the reservation needs where you

1 have distinct tribal and cultural identities.

2 Those definitely should be funded separately so
3 that they can be monitored and evaluated on a separate basis
4 as this Board and Corporation have seen fit to establish in
5 the sub-region of Denver.

6 On the other hand we have the urban Indian. Twenty-
7 five percent or more of the nation's Indian live in urban
8 areas, but they will not go to urban programs. We have had
9 requests from Portland and Los Angeles and Phoenix and
10 Albuquerque and Chicago and Milwaukee as well as smaller
11 towns, including Miami which request help for urban Indians.

12 Most of those areas have urban programs available
13 to them, but Indians will not go there. You can point to the
14 door and tell them that they can get help there, but they
15 will not go there.

16 One way to bridge that cultural gap is for those
17 programs to set up Indian desks within themselves to supply
18 an attorney one or two days a week, whatever the case load
19 requires -- and have him go to the Urban Indian Center and
20 set up field office hours there and make himself available
21 to bridge this gap.

22 I have seen it work in my experiences in Wisconsin
23 and it does bridge the gap. I look forward to having the
24 opportunity to work with the regional directors to set up
25 things like that within the existing programs.

1 The third area is somewhere in between, that being
2 the areas in the country where the population is sparse and
3 they have to be reviewed on a case by case basis to see
4 which way Legal Services Corporation can most efficiently
5 serve those Indians, either with a regional or state-wide
6 Indian program or with an Indian education and awareness
7 program concentration directed at already existing non-Indian
8 programs.

9 You can get some coordination going between the
10 Indian programs and non-Indian programs so we can refer
11 cases.

12 Thank you for giving me the opportunity to speak.

13 MR. JONES: Thank you.

14 MR. ORTIQUE: Mr. Chairman, I would like to pose
15 a question in connection with that.

16 MR. CRAMTON: Yes, sir?

17 MR. ORTIQUE: Does this Corporation have any
18 responsibility or should we be looking at the problem that
19 was announced this week which is that a group of Indians
20 in the West, by treaty, are the owners of a large area of
21 land and the coal people have discovered that there are
22 rich deposits of coal and the people who are owners are
23 very, very poor Indians?

24 I recognize that you can get into the question
25 of fee generating cases, and that there is room for a

1 number of lawyers, but I am concerned that these people might
2 get ripped off.

3 In fact, the news commentator indicated that lawyers,
4 non-Indian lawyers and lawyers without sympathies toward
5 Indians, were moving in and trying to get them to sign papers
6 that would make them their representatives.

7 I worry about those situations. I think that from
8 my view, at least, we do have some responsibility until they
9 actually get that money in their hands.

10 As far as I am concerned until they get that money
11 they are poor.

12 MR. FLETCHER: That is a problem that is unique --
13 not unique to that one area. I know from personal experience
14 back in Wisconsin that recently they have found large copper
15 deposits on Wisconsin reservations.

16 They are some of the largest in this country.
17 Negotiations are going to be going on in the near future
18 with the Wisconsin tribes and they have no money whatsoever
19 to provide their own staff.

20 Also I know that the Bureau of Indian Affairs,
21 which has some type of trust relationship or is supposed to
22 have with Indians, does not provide attorneys for that.

23 Many times if the Regional Office of the Bureau
24 of Indian Affairs does supply an attorney, he is pulled out
25 by the National level office because of the conflict.

1 You see, the Bureau of Indian Affairs falls within
2 the Department of the Interior, which also has forestry and
3 all of the other programs that are worried about resources.

4 There is a conflict of interest.

5 MR. ORTIQUE: It seems to me that you ought to
6 watch that carefully because the Indians in Oklahoma got
7 ripped off in the oil development when they were represented
8 by the Bureau of Indian Affairs.

9 They are as poor now, if not poorer, after oil
10 was discovered on their land. I would watch that very care-
11 fully.

12 MR. FLETCHER: As a Crete Indian, I could tell you
13 some personal family stories as a result of that Oklahoma
14 situation.

15 MR. ORTIQUE: I am sure you can. I saw where
16 Eskimos were supposed to reap great benefits from the pipe-
17 line development and I look at those homes that were being
18 put up for them. They did not look like they had gotten
19 rich, by any means.

20 MR. JONES: Thank you very much, Jay.

21 MR. FLETCHER: Thank you.

22 MR. JONES: I want to thank all of the regional
23 staff who appeared and made presentations. I think that
24 the Board shares with me the notion that the nuts and bolts
25 of the operation and the reason why the Corporation will work

1 is the regional staff and the kinds of functions that they
2 will be performing.

3 I would like to have a couple of minutes with
4 all the regional directors outside before you depart in a
5 few minutes.

6 MR. CRAMTON: The Board is very pleased with the
7 staff that has accumulated both in the Washington Office
8 and in the Regions. We wish you all well and we thank you
9 for these very informative reports to us.

10 The record ought to reflect the fact that Mr.
11 Breger had to leave the meeting to go to Washington and will
12 not return.

13 (Mr. Breger leaves.)

14 MR. CRAMTON: We are using a room in which smoking
15 is prohibited and yet there is smoking out in the corridor.
16 I would urge you, out of courtesy to the meeting going on
17 to please move up and down the hall for your conversations
18 since it is somewhat disturbing to the meeting if conver-
19 sations are conducted right in the doorway or just outside.

20 All you have to do is move 15 or 20 feet in one
21 direction or the other and you will not bother the meeting.
22 That is a convenience and courtesy that you can extend us.

23 The President has some further reports.

24 MR. EHRLICH: The last discussion is about the
25 need and adequacy of existing legal services for native

1 Americans leads to the invitation by DNA to hold the Board
2 Meeting at Window Rock, Arizona.

3 In terms of our own schedule, I think we might do
4 this for the May meeting. We might run through the tentative
5 schedule that we had worked out and see if there is still
6 Board agreement on it.

7 You will recall that we agreed on a meeting for
8 March and May and July, the last of that being July 7th and
9 8th, which is just before the end of the term of some Board
10 members.

11 The meeting in March was originally scheduled
12 for early March and discussions with our Chairman suggested
13 that in light of the base of Congressional activities, it
14 might be well to push that later into March, if it is agree-
15 able with Board members to perhaps the 25th and 26th of
16 March.

17 The May meeting was scheduled for the 13th and 14th
18 and there is a question as to whether you want to hold that
19 May meeting in Window Rock, Arizona.

20 For my own part, and on the part of the staff,
21 I think it would be a very good idea to get some real sense
22 of what a program has to grapple with and the kinds of issues
23 that are being discussed and what it looks like and what the
24 people are.

25 I hope very much that we can do it. Presumably

1 the meeting in March and in July would be in Washington.

2 MR. CRAMTON: In reviewing this last night, the
3 President and I thought it would be nice if we could combine
4 the July meeting with some kind of second anniversary affair
5 that would bring not only all the Board members, but also
6 some of the other people who are involved in the Corporation
7 in the first two years, such as Mr. Oberdorfer and some of
8 the transition staff and permanent staff.

9 MR. STOPHEL: I am all for a party, but I would
10 rather go out there in July than in May.

11 MR. CRAMTON: The motion was to have that meeting
12 in Washington on the grounds that a larger group would be
13 able to attend.

14 MR. STOPHEL: I said that if we were going to
15 Window Rock, wherever that place is, I would rather go out
16 there in July than in May.

17 MR. THURMAN: Why is that?

18 MR. STOPHEL: I just prefer to do it in July.

19 MR. BROUGHTON: I have a young son who is in a
20 program where he works as an Indian guide, and he could not
21 go in May.

22 Would that help your motion, Glenn?

23 MR. CRAMTON: Both of you would prefer the July
24 meeting?

25 MR. STOPHEL: I would rather do it in July than

1 in May, but I am all for having some sort of anniversary
2 affair.

3 I may be one of the Board members who is leaving.
4 I am not sure. I am not sure what my term is.

5 MR. THURMAN: 180 days.

6 (Laughter.)

7 MR. BROUGHTON: Mr. Chairman, as I understand it,
8 are we talking about our next scheduled meeting, which would
9 be late March -- possibly the 25th or 26th?

10 MR. CRAMTON: The thought was that it might not
11 be necessary to hold a meeting in March. We might not have
12 enough business to necessitate a meeting. If the meeting
13 were held, it might be one day, and it might focus on getting
14 views of the Board on various legislative proposals then
15 being considered by Congress.

16 It was desirable to do that later in March than
17 earlier. Let us start there.

18 What about the possibility of saving March 25th
19 for a meeting in Washington with the possibility that meeting
20 might be cancelled or might not be held?

21 MR. THURMAN: Should we scrub the 10th and 11th?

22 MR. CRAMTON: Yes.

23 MR. BROUGHTON: Is that Friday, March 25th?

24 MR. CRAMTON: Yes.

25 MR. BROUGHTON: And we are not changing any meet-

1 ings of the Board between now and then?

2 MR. CRAMTON: Right.

3 MR. THURMAN: Strike the 10th and 11th?

4 MR. CRAMTON: Right. Unless it looks as though
5 there is not enough business to warrant a meeting, it looks
6 as though we would meet on Friday, March 25 in Washington,
7 D.C.

8 All right. Would you like to make a recommendat-
9 ion with respect to the May meeting and its location?

10 MR. EHRLICH: I urge that we do have a meeting at
11 Window Rock, Arizona. Secondly, it seemed that for some
12 members we might take account of the temperature in Arizona
13 in July. That is why the May date came up.

14 MR. ORTIQUE: I would urge that we have the May
15 meeting in Window Rock.

16 MR. THURMAN: It would be my preference.

17 MR. ORTIQUE: If you tell the school board that
18 your son wants to go to Window Rock as part of his education,
19 then --

20 MR. BROUGHTON: Right, as part of his education.

21 MR. ORTIQUE: -- he might get more education there
22 than in school.

23 MR. BROUGHTON: Fine.

24 MR. CRAMTON: Do we have a motion in connection
25 with the May meeting?

1 MR. ORTIQUE: Yes.

2 MR. CRAMTON: Mr. Ortique moves that the meeting
3 scheduled for May 13th and 14th be held in Window Rock,
4 Arizona in response to the DNA invitation.

5 Is there a second?

6 MR. THURMAN: I second it.

7 MR. CRAMTON: Is there discussion?

8 (No response.)

9 MR. CRAMTON: All those in favor, please say aye.

10 (Ayes.)

11 MR. CRAMTON: Those opposed, no?

12 MR. STOPHEL: No.

13 MR. CRAMTON: Under our bylaws, we have to have
14 a show of hands.

15 All those in favor, please raise your hand.

16 (Show of hands.)

17 MR. CRAMTON: Ortique, Kutak, Thurman, Montejano,
18 and Broughton.

19 Those opposed?

20 (Show of hands.)

21 MR. CRAMTON: It is Mr. Stophel for the record.

22 Is it moved that the July meeting be held on the
23 7th and 8th in Washington?

24 MR. THURMAN: It is already adopted.

25 MR. CRAMTON: Fine. So we have the tentative dates

1 set -- and we may or may not go through with it at the end
2 of March and we will be meeting in Window Rock, Arizona in
3 May on the 13th and 14th, and in Washington, D.C. on the
4 7th and 8th of July.

5 Mr. Ehrlich, go ahead.

6 MR. EHRLICH: One of the things that the Board
7 has expressed interest in is affirmative action and equal
8 opportunity in its field programs and in its headquarters.

9 Several members have requested a progress report
10 and the need was underscored by criticism of the Corporation
11 because of the almost complete lack or absence of minority
12 representatives among participants in a recent Federal
13 litigation training session.

14 That had not happened before in terms of Corporat-
15 ion training programs. I have a letter in your materials
16 to those who attended the sessions, indicating that it
17 should not have happened and steps have been taken to see
18 to it that there is a fair representation of minorities and
19 women at all training sessions in the future.

20 That letter tries to spell out those steps and the
21 broader issue and a more difficult one to deal with is
22 representation of minorities and women in programs.

23 A letter of the Board also outlines what we are
24 doing in this.

25 Within the Corporation, the Corporation's activities

1 -- Charles White has responsibilities. He will outline what
2 we are doing now and what we plan to do in the future.

3 Charles, would you like to go ahead?

4 PRESENTATION OF
5 CHARLES WHITE

6 MR. WHITE: I would like to report to the Board
7 that the equal opportunity program is alive and well. How-
8 ever, occasionally it does run a high fever, due to crises
9 that come up from time to time.

10 As Tom outlined, you have in your packets a letter
11 that he sent to the participants that participated in the
12 Federal Litigation Conference and he goes over some pro-
13 cedures in that letter that we are doing, particularly in
14 reference to the selection of trainers and trainees in future
15 conferences.

16 Obviously the Denver Training Conference was a
17 mistake. However, I do not believe -- we have to move beyond
18 that and yet at the same time assure that such an occurrence
19 never happens again.

20 So we have instituted certain procedures to make
21 sure that future training conferences will have represen-
22 tation of women and minority participants.

23 One of the things that we have done is that the
24 Office of Program Support and the Office of Equal Opportunity
25 are working together to see that the future training selections

1 are reviewed and that all applications are gone over to be
2 sure that we do have minorities and women representatives
3 at those training conferences.

4 Secondly, we hear so many complaints about the
5 lack or lower representation of minority attorneys and women
6 attorneys that are in the legal services programs.

7 We are trying to get a handle on that to assess
8 exactly how many we do have in legal services programs and
9 how many minorities and how many women and exactly what is
10 the extent of the problem.

11 As you know, the grant applications that are sent
12 into the Corporation contain work force analyses. Each work
13 force analysis will be reviewed by the Office of Equal
14 Employment Opportunity.

15 We will compile that data and we will come up with
16 a report that will tell us exactly the percentages of
17 minority attorneys and percentages of women attorneys to
18 see if there is, in fact, lower representation; then we will
19 know it.

20 Those are the two most important aspects as far
21 as status of minorities in legal services.

22 MR. THURMAN: Can you please speak up?

23 MR. WHITE: Can you hear me in the back?

24 VOICE FROM THE AUDIENCE: No.

25 MR. WHITE: I was telling the Board that there

1 are two very important procedures in operation at the time.
2 This includes training conference analysis to make sure that
3 minorities and women are represented in training conferences.

4 The first, of course, is that we are going to review
5 all applications for training conferences to make sure there
6 is a representation of women and a representation of minorities.

7 Dick Carter has already started in that process
8 and I am sure that the Office of Equal Employment Opportunity
9 and Program Support will both be very sensitive to that
10 issue and be working together.

11 Secondly, I was talking about the criticism that
12 we constantly hear about low representation of minority
13 attorneys in legal services programs and also women attorneys.

14 We are now undertaking a study to make sure to see
15 exactly what the status of minorities and women in attorney
16 positions is.

17 We are compiling data that all legal service
18 program applications are to put in. We will issue a report
19 based on an analysis in about a month or so, stating exactly
20 how many minority attorneys we have and how many women
21 attorneys we have.

22 In some ways this will assess the extent of the
23 problem, assuming there is a problem in that area.

24 These are the two things that we are doing primarily
25 in reference to the status of the questions surrounding the

1 minority questions.

2 Obviously in other areas we are doing things in
3 the area of hiring. We have hiring procedures that we
4 have worked very extensively on and this is one of the areas
5 that we have given extremely high priority to.

6 I have been with the Corporation for approximately
7 11 months and this was the primary issue at the time I
8 assumed the position.

9 It was the hiring by the Corporation and the filling
10 of other positions and recruitment of minorities and the
11 consideration of minorities for those particular positions.

12 I mean those ones that were available at that time
13 in the Corporation.

14 I have given the Board two reports which is con-
15 tained in the package that you received today. One is the
16 race and sex profile report. That report is issued twice a
17 year and it is a very in-depth report.

18 There were some copies on the table for the public
19 and if you need more, I will try to get some reproduced for
20 you.

21 The race and sex profile report is a very in-depth
22 report and it goes into the analysis and five classifications.
23 It analyzes how many minorities and how many women.

24 We have categories which include black and American
25 Indian and native Americans and Hispanic Americans. I would

1 like to briefly summarize the data in that report. Also there
2 is another simplified version of the race and sex report
3 which shows the rate of increase of the January 1, 1977 work
4 profiles to January 1, 1976.

5 This is the last time we ran a race and sex profile
6 report.

7 The data indicates -- and I want the public to hear
8 this because I think this is an issue that is really mis-
9 understood to a certain extent.

10 I want to give more relevant information as far
11 as exactly what the Corporation has been doing and where we
12 are.

13 To tell you the truth, as Director of Equal Opportun-
14 ity, I am extremely proud of the job that has been done by
15 our Division Directors and particularly by the Regional
16 Directors.

17 They have done a fantastic job in the area of
18 hiring. We have problems, but overall we have increased
19 the percentage of minorities and women in every category.

20 I think it is extremely significant and needs to
21 be pointed out and it should be understood.

22 MR. ORTIQUE: Mr. White, I can't sit here and hear
23 that kind of report. There is no fantastic job having been
24 done by this Corporation. We are making some progress and
25 that is fine, but it is not at all fantastic.

1 When I look at the statistics that you are talking
2 about, you talk about the increase in women and you visit
3 the headquarters up there in Washington and you look at the
4 number of women who are doing clerical jobs -- sure, that
5 fattens the statistics, but we have not done a fantastic
6 job, yet.

7 Far from it. I certainly do not want that to go
8 into the record unchallenged. If you look at the report --
9 we have one Native American, and there are now 75 -- I am
10 told -- available throughout the country.

11 It seems to me that we ought to be talking in
12 terms of developing a policy which will make us able to use
13 part-time Spanish Americans, who cannot come into the
14 Corporation for various reasons and part-time blacks in
15 Chicago and some of those heavily populated areas who cannot
16 afford to give up their practices on a full-time basis
17 and part-time Native Americans, and part-time females.

18 I just cannot sit still. I am not comfortable
19 with that.

20 I have seen your report and I have looked at it.
21 It looks good from where we were 180 days ago, but it is
22 certainly not fantastic.

23 I just had to say that.

24 MR. CRAMTON: What would you consider to be a
25 good report?

1 MR. ORTIQUE: What would I consider to be a good
2 report?

3 MR. CRAMTON: Yes.

4 MR. ORTIQUE: Well, --

5 MR. CRAMTON: An organization which hired only
6 minorities?

7 MR. ORTIQUE: No, not at all.

8 MR. CRAMTON: The report, as I understand it, shows
9 that one quarter of the executive personnel are women, and
10 one-third of the executive personnel are minorities and
11 fifty percent, or one-half of the professional personnel are
12 women and forty percent of the professional personnel are
13 minorities.

14 Compared to utilization tables, there seems to be
15 a discrimination in favor of minorities.

16 MR. ORTIQUE: When you talk about women as secre-
17 taries and -- I do not consider that as the professional
18 group.

19 When I look at professionals in this Corporation,
20 I am concerned about lawyers. I am also concerned about
21 managers and that sort of thing.

22 MR. CRAMTON: That is the professional group. It
23 does not include the secretaries.

24 MR. STOPHEB: The secretaries are in the clerical
25 and administrative area.

1 MR. ORTIQUE: Half of our lawyers across this
2 country --

3 MR. CRAMTON: You are talking about the broader
4 problem of legal services, generally.

5 MR. ORTIQUE: Exactly.

6 MR. CRAMTON: He is talking about the Legal Ser-
7 vices Corporation.

8 MR. ORTIQUE: I have no problem with what goes
9 on up there in Washington. I am talking about what is out
10 there in the field.

11 MR. CRAMTON: But you referred to Washington,
12 specifically, in your comments.

13 MR. EHRLICH: The problem across the country in
14 legal services programs is one which Charles has been working
15 hard on.

16 It is a bigger and longer term set of issues. This
17 is focused only on the Corporation staff.

18 MR. ORTIQUE: I apologize. I am sorry. I was
19 making my comment about the clerical people -- when I was
20 doing that, I was really directly that at the Washington
21 operation.

22 But my concern is across the board when I was
23 talking about lawyers and part-time lawyers and so forth.

24 MR. STOPHEL: In programs.

25 MR. ORTIQUE: Exactly. In programs.

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MR. STOPHEL: I want to emphasize another aspect to this program that has to do specifically with the training. I think this is going to be one of the most essential things that we do in the next six to eight months with the expansion being put into place.

That is, I think we should emphasize the quality of the training, regardless of who the trainers are and whether they have blue eyes or skirts of what.

I think that when Dick Carter puts together a program of training, I think we need to get the best trainers and the best qualified trainers so we get the most effective training regardless of who is used within the guidelines that we have established, which obviously Tom and Dick and others are working on.

But I think we need to keep in mind that we need the training and who can do the best training is the issue.

MR. CRAMTON: In your remarks, Mr. White, if it turns out that the three most qualified people who participate in a program were all Hispanic Americans, then would we have to change it and they could not all be selected; that you would have to get a black and a women and a white male, because otherwise as the slates are put together in New York City, or at least they used to be for elections -- it would not touch on all the bases.

MR. WHITE: I did not mean to imply that the Office

1 of Equal Opportunity would make the selection of who went
2 to those particular training conferences.

3 MR. CRAMTON: Are you saying that the selection
4 would be made on the grounds of sex and race and not on the
5 basis of quality?

6 MR. ORTIQUE: I do not know if I agree with you,
7 Mr. Chairman, that if you were holding a seminar on migrants
8 -- I cannot think of a single subject that blacks and women
9 and Hispanics ought not to be included in.

10 I cannot think of a single subject. It seemed to
11 me that we ought to make absolutely --

12 MR. CRAMTON: But talent, interest, and availability
13 is not always universally spread. If you have a specialized
14 subject, it may be that the most qualified people to partici-
15 pate in that do not conform to fitting into five or six
16 different cells of racial or sex or age characteristics.

17 MR. ORTIQUE: You and I will have to have a
18 difference of opinion. It is probably because I operate in
19 a different area than you operate in and I grew up in it.

20 I have known in the South that excuses were made
21 for not including blacks and other minorities in various
22 things because they have no interest in that.

23 Yet, we find out that unfortunately they should
24 have had interest and they do have an interest in all of
25 these things, just as the people have developed a habit of

1 saying they have no interest.

2 I, too, share the opinion that we ought not to
3 beat a dead horse and that meeting should never have happened.
4 It is a mistake and we ought to let it go at that.

5 We ought to say that it will never happen again.
6 Fine.

7 But I do believe that we are really performing,
8 or still performing unsatisfactorily because we have not
9 done, in my mind, a job of recruiting that ought to be
10 done.

11 This has nothing to do with your point because
12 the trainers ought to be the best we can find.

13 MR. STOPHEL: The best qualified.

14 MR. CRTIQUE: Right. The trainees ought to rep-
15 resent the broad spectrum of people who need training.

16 MR. STOPHEL: No question about that.

17 MR. CRAMTON: No question. I recognize Mr. Carter.

18 MR. CARTER: I would like to remark in relation to
19 the comment about the quality of the training and the trainers
20 that I think that it should be and can be the highest quality
21 training.

22 From my experience in legal services and in teaching
23 that ought to include and will include in high proportion
24 minorities and women.

25 These would be among the trainers offering high

1 quality training to legal services lawyers and paralegals.

2 MR. STOPHEL: I hope we can shut our eyes to who
3 is doing the speaking as long as it is quality. We must not
4 put on inferior programs. That will do more to the detriment
5 of our programs than not having the program at all.

6 So let us just do a good job of doing the training.

7 MR. BROUGHTON: I have before me a report of
8 January 5. This is addressed to the complaint. We were
9 talking about the quality of the trainers.

10 But as I read this and the response, there has
11 been a complaint about the lack of diversity in the trainers
12 as well as trainees.

13 You were talking about a question of policy regard-
14 ing trainers.

15 MR. STOPHEL: I think Dick has answered my question.
16 That is, he feels the training program could be put together
17 which does have adequate representation of minorities, but
18 that is quality.

19 MR. BROUGHTON: Yes, right.

20 MR. STOPHEL: That just answered it.

21 MR. CRAMTON: Anything more on this issue?

22 MR. EHRLICH: There is a gentleman in the audience
23 who wants to say something.

24 MR. CRAMTON: Mr. Kirk?

25 MR. KIRK: Thank you, Mr. Chairman. I just want

1 to say at the time Mr. Stophel made that remark, I am absolutely
2 opposed to that kind of notion. I do not like the implication
3 of that kind of statement because we, in legal services,
4 particularly minorities in legal services, who for years
5 have heard that kind of nonsense about quality -- what you
6 come to inevitably is a situation that you had in Denver.

7 It bothers me to be dealing with this notion that
8 we want to make sure that we have quality. What usually
9 follows is what you have in Denver that quality in legal
10 services is synonymous with whiteness and that is the kind
11 of thing that chokes me up to Hell.

12 I am sick of it. I am sick of that kind of impli-
13 cation and I think that the members of this Board, legal
14 services, which we have been trying to do for the eight
15 years that I have been here, is to erase that kind of nonsense
16 when you start dealing with matters of minority.

17 We always in every single thing we do start raising
18 that issue. When we started talking about investment income,
19 that is the very first horse that was raised. We want to
20 deal with quality. We want this, that, and the other.

21 I am sick and tired of those kinds of implications.
22 I do not need Dick Carter or anybody else to say that in
23 legal services we have also quality minorities and attorneys
24 and so on down the line.

25 But I am sick and tired of the implications of your

1 statement, Mr. Stophel, because I think unfortunately in legal
2 services, that kind of notion continues to produce that kind
3 of conferences that you had in Denver.

4 What we say is that Denver is a mistake and we
5 should not beat a dead horse, but it is now 1977 and the
6 people who put on the conference in Denver were either legal
7 services people or former legal services people.

8 They are not newcomers to this scene.

9 So you see it is not an accident that Denver
10 happened. But the thing that bothers me is a perception and
11 notion and point of view that people seem to have simply --
12 and that they express time and time again that make conferences
13 and make debacles like Denver happen over and over again.

14 What we have come to hear from people is that it
15 is a mistake. I am sick and tired of those kinds of mistakes.
16 I think those kinds of mistakes come about because of those
17 kinds of notions that you express.

18 It burns me up, Mr. Stophel. I have been in legal
19 services for 8 years and I am sick and tired of hearing that
20 kind of proviso put before anything that we deal with when
21 you start talking about minorities.

22 You always start talking about the -- the code
23 word is quality and I am sick of it.

24 MR. STOPHEL: I would like to have more of it.

25 In fact, I have been in legal services just about the same

1 amount of time. We will drop it at this point, but if we
2 lose quality, then we lose touch with reality because that
3 is what we are there to do.

4 We are there to provide the best quality legal
5 services that we can provide.

6 MR. MONTEJANO: Mr. Chairman?

7 MR. CRAMTON: Rudy, go ahead.

8 MR. MONTEJANO: I would like to come back to one
9 point and when he says we should refer to Mr. White pertain-
10 ing to bilingual assistance.

11 I want to make sure that we do not confuse the
12 two. I see that the bilingual assistance is a definite need
13 out in the field. That does not necessary come under equal
14 opportunity or affirmative action.

15 I hope that it will continue, but to me bilingual
16 assistance is a program need. I would hope that you are
17 cooperating and working with Mr. Jones, Charles Jones, to
18 assure that the need is met and that we just do not look at
19 it as an equal opportunity matter.

20 I think we have a need that is over and above
21 a statistic or a report.

22 MR. WHITE: I agree wholeheartedly. Paul Newman
23 mentioned about a memorandum that I sent out to the Regional
24 Directors requesting information on the bilingual populations
25 and eligible clients that speak languages other than English.

1 Mr. Montejano, for the purpose of obtaining infor-
2 mation, we were trying to obtain information. Obviously
3 Charles Jones will be furnished with all that information
4 because this is primarily under his jurisdiction and
5 responsibility.

6 I would, however, like to continue my report.

7 As you can see, equal opportunity is an extremely
8 volatile and emotional issue. It is much more so that I
9 would like to have it be.

10 Needless to say that is the nature of the way things
11 are. One of the areas that concerns me very deeply is the
12 fact that we are in a posture that it always appears to
13 react to criticism.

14 This is an extremely difficult position and an
15 extremely defensive position for the Corporation to be in.

16 Another thing that concerns me is that there are
17 a lot of good things going on. People are concerned -- and
18 I am not making any justification, but programs are being
19 developed and procedures are being developed and information
20 is being disseminated about the status of minorities and
21 women.

22 I hear nobody saying anything about those. It is
23 always negative and I have yet to hear one positive thing
24 said.

25 So I am going to say them. I am going to stand up

1 and say them.

2 As I have said before, I am very proud of the way
3 that the Regional Directors have worked and the way the
4 Division Directors have hired their staffs.

5 They have given a great deal of consideration.
6 Sure we have problems and we will continue to have problems
7 and we will work those problems out.

8 Mr. Cramton has given you some statistics about
9 the increase in minorities in certain categories. I want to
10 continue that.

11 Then I want to end up by saying exactly what problems
12 we are having -- which is primarily in a problem of distri-
13 bution and it is something we have to watch closely. This
14 is normal.

15 Now the Corporation's work force-- and I will go
16 through this quite briefly -- as Mr. Cramton has pointed
17 out at our last report, which was July 1, it stated that we
18 had indicated that we had 93 employees of the Corporation.

19 The January 1, 1977 figures indicate that we now
20 have currently 134 employees. That is a significant increase
21 and represents 144 percent increase of total employees in
22 the Corporation.

23 If you look at where minorities and women are
24 and their percentage increases, we have a rate of increase
25 that compares substantially with the general increase in the

1 Corporation's work force.

2 For example, women have increase 150 percent.
3 Somebody must be doing something in equal opportunity.

4 Minority employees --

5 MR. ORTIQUE: Mr. White -- never mind. Never mind.
6 If you got one woman and you increase it by three women,
7 you have four women and you have increased it by 150 per-
8 cent.

9 MR. WHITE: That is in the executive category.
10 Women have made significant increases in other categories
11 as well.

12 Anyhow -- minority employees have increased 155
13 percent and black employees increased 137 percent and Hispanic
14 employees have increased 233 percent. American Indians --
15 that is a problem.

16 Aged Americans have a very low representation in
17 that particular area.

18 Needless to say, we are making gains. I think the
19 increases in minority employment and women employment will
20 obviously continue to increase.

21 Thank you.

22 MR. CRAMTON: Thank you, Charles.

23 MR. EHRLICH: Mr. Chairman, that concludes our
24 report.

25 MR. CRAMTON: We have about 15 minutes before

1 adjournment.

2 MR. THURMAN: Are we going to talk about State
3 Advisory Councils?

4 MR. EHRLICH: I am sorry. I thought that was
5 covered before. We have now either a state advisory council
6 or word that one is going to be appointed in every state and
7 territory, except the Virgin Islands, although the Boards
8 now do have authority to appoint one and we would urge them
9 to do it.

10 MR. THURMAN: Are they doing anything?

11 MR. EHRLICH: Some of them are quite active and
12 have met and have talked about ways to help programs. Others
13 are not so active. It is too early to get a full sense of
14 all that is going on.

15 I cannot say that the general level is enormously
16 high, however.

17 MR. ORTIQUE: May I make an announcement, Mr.
18 Chairman?

19 MR. CRAMTON: Yes.

20 MR. ORTIQUE: I have been asked by Gayland Brown
21 to announce publicly that a group of local people have gotten
22 together -- people connected with the New Orleans Legal
23 Services Corporation -- and we are prepared to entertain
24 all of you at a cocktail party at 226 Carondelet Street,
25 #605, at 2:00 o'clock, which is the headquarters of the

1 NOLAC here in New Orleans.

2 We really wanted to hold it in a hotel, but some
3 of the people connected with NOLAC insist that you come and
4 see where they operate each day.

5 That is within walking distance of the Rault
6 Holiday Inn Superdome where most of you are staying. It
7 is also within walking distance of here.

8 It is at 226 Carondelet Street, Room 605. It is
9 tomorrow at 2:00 o'clock and given especially for members
10 of the Board of the Corporation and senior staff people.

11 MR. THURMAN: Even if we are in session here?

12 MR. ORTIQUE: I am sure that the Chairman knows
13 that we have to be out of this building by noon tomorrow,
14 no matter what.

15 MR. BROUGHTON: Mr. Chairman?

16 MR. CRAMTON: Mr. Broughton?

17 MR. BROUGHTON: On this report there is still not
18 a feeling among the Advisory Councils -- there is still
19 some uncertainty about their role.

20 If that be so, what can be done to alleviate
21 that? I detect that in some members I have met in North
22 Carolina, including the Chairman.

23 MR. EHRLICH: We can be in touch with the Regional
24 Directors personally or by letter to be sure that they are
25 personally aware about the kinds of things that we hope will

1 be going on. I think that it is now a good idea that in view
2 of the fact that there are almost all in place, or virtually
3 so, and that we ought to do some work in that area.

4 MR. CRAMTON: I have the impression that one of the
5 things that has happened is that the people who were appointed
6 had an expectation of a larger role.

7 Then when they met, they discovered that the
8 statute provides for a very limited role. They are somewhat
9 disillusioned and disappointed.

10 To some extent it is inevitable and a problem that
11 we anticipated. We do not know what to do about it because
12 the statute does envision quite a limited role.

13 Is that your feeling?

14 MR. EHRLICH: Yes, that is very fair.

15 MR. ORTIQUE: But the statute intended -- the drafters
16 intended that be done. I believe it was to satisfy the bar
17 associations who wanted to have something local that they
18 could use as a mechanism to get to this Corporation and
19 the Board.

20 MR. EHRLICH: I see.

21 MR. ORTIQUE: If we do a good job, their role will
22 become increasingly diminished.

23 MR. EHRLICH: We will be helped by receiving their
24 annual reports.

25 That concludes my report, Mr. Chairman.

1 MR. CRAMTON: We are now so close to the adjourn-
2 ment time that I am not sure that we ought not to just go
3 ahead.

4 MR. BROUGHTON: I think the Board would welcome
5 a short break.

6 MR. CRAMTON: Do we have time for two short reports?

7 MR. KUTAK: I have an introduction which will last
8 quite a long time.

9 (Laughter.)

10 MR. CRAMTON: We are going to go ahead because it
11 seems as though the lunch has not arrived, in any event.

12 We are now ready for the report of the Committee
13 on Regulations and I call on Mr. Kutak.

14 PRESENTATION OF
15 ROBERT KUTAK

16 MR. KUTAK: Thank you.

17 MR. THURMAN: Lunch will be here in 4 minutes.

18 (Laughter.)

19 MR. KUTAK: Thank you, Mr. Chairman. Before the
20 Board are three regulations for your consideration.

21 The first regulation is 1606 dealing with procedures
22 governing applications for and denial of refunding. That
23 is a rather complicated and extensive regulation. In order
24 of priorities, I recommend that it be taken up last.

25 I would ask the Board, really, to turn first of

1 all to the second of the three regulations, which is the
2 regulation on disclosure of information.

3 This is Regulation 1619.

4 Before we do that, I would like to remind the
5 Board and indeed remind the audience again of the procedures
6 that your Board goes through in connection with these
7 regulations.

8 We take the procedure quite seriously and perhaps
9 simply to spread on the record the mechanics of it is an
10 idle parade of familiar knowledge, but one that nevertheless,
11 I think is important to recognize.

12 Your Committee on Rules and Regulations did meet
13 in Washington, D.C. this month, specifically on January 4th,
14 and had a full day of discussion with respect to these
15 regulations.

16 Not only did we meet among ourselves and with
17 General Counsel and her staff, in light of the earlier con-
18 versation, I will stress "her".

19 But we had some very substantial input from what
20 I finally -- and have grown very affectionately towards
21 in their year and a half we have worked -- the amicus curiae
22 -- our steady and reliable Counsel from PAG and from the
23 Client's Community, and indeed from NLADA.

24 In fact, the only voice that we have not heard
25 regularly from, really, has been the standing committee of

1 the bar association, whose various distinguished chairman
2 is among us this morning.

3 I cannot stress how important that participation
4 has been to us. It has been enormously informative and
5 constructive and as you will be able to see very shortly,
6 the impact not only from that physical and intellectual
7 contact, but from the comments and the substantive observat-
8 ions that have been given, do help shape the thinking and
9 to help influence the results of our recommendations to
10 you.

11 Not least of all, however, would I like to observe
12 that we had with us our Chairman, Roger, and our President,
13 Tom, who, if nothing else, kept me on the straight and
14 narrow path and got that day's hearing done in the day that
15 it was scheduled and not in the two or three days that it
16 very well could have taken had I been left to my own devices.

17 So I would like to note at least for the general
18 public's information the fact that what you are going to
19 now hear may seem summary to you in scope, but indeed, is
20 simply the distillation of a very substantial amount of
21 consideration by your committee and the result of a very
22 substantial amount of reflection on the reports and comments
23 and advice and letters which have been received.

24 Turning now with that background to Section 1619,
25 the regulation on disclosure of information, you have before

1 you a brief policy memorandum. This memorandum informs you
2 that here we have found ourselves in a situation of over-
3 reach.

4 We thought that in effect the nature of disclosure
5 which would be applicable and very relevant for the Board
6 seemed, at first glance, to be applicable and relevant to
7 the programs out in the field.

8 But we did not appreciate at the time the distinction
9 that made very substantial differences between the level of
10 operation of your Corporation and the level of operation of
11 the programs.

12 The programs indeed are -- and I may not be using
13 words of art -- when I say programs I mean recipients.

14 Those programs out in the field are law offices.
15 We found, first of all, that those law offices found them-
16 selves to be whip-sawed by the pending regulation and indeed
17 that the proposed regulation was being used as a means of
18 discovery.

19 It is an unfair position to put the programs into
20 and really it was an abuse of that process.

21 Very frankly we also found that there was an over-
22 reach of the regulation on another basis in that frankly
23 many people who could have gotten and needed that infor-
24 mation could well have gotten it from the Corporation itself.

25 Therefore, the sum and substance of our recommendation

1 to you, the members of the Board, is to pull back from
2 Section 1619 and to require disclosure where we feel dis-
3 closure indeed is relevant, but to give the public who needs
4 disclosure, if it is not otherwise available, to them from
5 the recipient, a recourse, which, of course, would be referral
6 to the Corporation.

7 It is a very simple regulation and we think it is
8 a better tailored regulation and one which recognizes the
9 distinctions between the recipients who ought to be protected
10 as litigants and law firms, from that of the Corporation,
11 which, of course, is that more of a governing body that
12 needs purely and continually to be working, if you please,
13 in this.

14 We have devised a regulation which allows the
15 policy to be articulated and the exemptions to be recognized
16 and the relief to be granted by referral to the Corporation
17 if it cannot be given directly by the recipient.

18 I move the adoption of that regulation.

19 MR. MONTEJANO: Seconded.

20 MR. CRAMTON: You have heard the motion and the
21 second. Is there any discussion?

22 MR. STOPHEL: Mr. Chairman?

23 MR. CRAMTON: Mr. Stophel?

24 MR. STOPHEL: Has this been published?

25 MR. CRAMTON: Has this been published for notice

1 and comment?

2 MR. KUTAK: We have have that process. We have
3 already published them for that purpose.

4 MR. CRAMTON: It is effective 30 days.

5 MR. KUTAK: I move that the technical formula would
6 be to approve for publication, effective upon 30 days.

7 MR. CRAMTON: Effective after 30 days after publi-
8 cation?

9 MR. KUTAK: Exactly.

10 MR. STOPHEL: Are you asking for the same authority
11 that you have asked in other cases for making changes?

12 MR. KUTAK: No, sir. We have had our cycle of
13 publication for comment. We have received very helpful
14 comments and we have revised, as a matter of fact, the
15 regulation in light of that. We now move the adoption.

16 MR. MONTEJANO: Seconded.

17 MR. STOPHEL: Can we sustain keeping out the per-
18 sonnel rules and practices?

19 MS. DANIEL: The Legal Services Corporation Act
20 does not apply the Freedom of Information Act to the programs,
21 so we are not required to impose any disclosure requirements
22 whatsoever.

23 The policy disclosure that this regulation would
24 impose is one that would just insure that matters of general
25 interest, including the Act and rules and regulations, and

1 those procedures that our regulation require the recipients
2 to adopt, are currently available to the public.

3 MR. STOPHEL: Thank you.

4 MR. CRAMTON: I suggest several technical things.
5 First of all, in paragraph (a) in 1619.3, paragraph (a)
6 should be deleted because there is no (b).

7 If you are going to use (a)'s, then you should
8 have (b)'s.

9 MR. KUTAK: Right.

10 MR. CRAMTON: I have suggested the addition of the
11 word "procedures" after the word policies in the third line
12 of .2.

13 So it would read, "policies procedures and guide-
14 lines".

15 I assume it is covered in policies, but there are
16 a number of things on which programs are required to have
17 written procedures, such as class actions and so on. I
18 think it ought to be crystal clear that a member of the
19 public is entitled to see those.

20 MR. KUTAK: Particularly in light of Mr. Newman's
21 comments earlier this morning.

22 MR. CRAMTON: And on .4, it seems that the recipient
23 should not make the determination as to whether or not the
24 Corporation is required, under the Freedom of Information
25 Act, to turn over certain information.

1 It ought to read that the "Corporation may be
2 required to disclose" -- and then in the next to the last
3 line, it should say --

4 MR. BROUGHTON: Are you saying may be required
5 instead is is required?

6 MR. CRAMTON: Yes, exactly, that the Corporation
7 may be required rather than is required.

8 Then in the next to the last line, say instead of
9 "shall either provide the information" -- "shall inform the
10 person" rather than tell the person how to request -- not
11 obtain.

12 We do not know if the person can obtain it, but
13 rather to request it from the Corporation.

14 MR. KUTAK: Yes.

15 MR. CRAMTON: I wonder myself whether we should
16 not go a little further and instead of saying "tell or inform"
17 we should use the word "assist".

18 That would place the obligation on the program to
19 provide some help, not just saying, "Write to the Corporat-
20 ion."

21 But apparently programs are worried they might be
22 hassled a little too much. I would favor placing that
23 requirement on them.

24 MR. KUTAK: There has to be give and take here.
25 I would urge that a much better choice of words be "tell"

1 rather than "inform".

2 MR. CRAMTON: Inform, then tell?

3 (Laughter.)

4 MR. KUTAK: Yes. Inform, then tell.

5 But we ought to keep it in the spirit of the work-
6 ing relationship. I would normally yield to any choice of
7 words, but on this one I would prefer to use the word "inform"
8 rather than assist".

9 I would accept -- and Rudy, with your consent --
10 I would adopt all of those changes.

11 MR. CRAMTON: We substitute "may be" for is in
12 the second line and "inform" for tell and "request" for
13 obtain. Also likewise delete (a) and add the word "procedures"
14 after the word policies.

15 Is there any discussion?

16 MR. THURMAN: Further, Bob, I would like to ask
17 that under .3 here, you have carved out quite a block of
18 exemptions, have you not?

19 MR. KUTAK: Yes, sir.

20 MR. THURMAN: I suppose you spent a good deal of
21 time on that?

22 MR. KUTAK: Yes, we did. What we are finding --
23 and the reason why is that we have been finding, as was
24 earlier noted, that there had been abuse of process, frankly,
25 by adversaries respecting the recipients and we really do

1 not think we ought to be putting them in that posture of
2 finding this regulation a means of exposure, if they want
3 to litigate.

4 MR. THURMAN: When you say any information -- when
5 the client comes in, then there seems to be a race to serve.
6 That would be information. Would that be information that
7 would be sought and could they obtain it?

8 Do you mean that literally? Any information?

9 MR. STOPHEL: That is the client's privilege, is
10 it not? Whatever comes to the attorney from his client has
11 to be protected.

12 MR. THURMAN: Not everything.

13 MR. STOPHEL: Unless he waives he.

14 MS. DANIEL: Yes.

15 MR. ORTIQUE: Really I suppose we are talking about
16 an attorney and they use the word recipient there.

17 MR. EHRLICH: I have two points. One is that nothing
18 in this part should require --

19 MR. ORTIQUE: I think we should say attorney.

20 MR. STOPHEL: I do not think that should have to
21 disclose anything that appears on the sheet that the person
22 fills out when they come in to establish a right to receive
23 services, for example.

24 From that point on, anything he furnishes that pro-
25 gram should not have to be disclosed. We ought not to require

1 the program to disclose it. If the program receives some-
2 thing that it feels should be disclosed, then that is a
3 policy they can make.

4 MR. BROUGHTON: Is not the thrust of this kind of
5 thing -- this puts the program in a position comparable to
6 the normal rules of discovery at Federal, state, and local
7 courts but not beyond that.

8 What Glenn is talking about would not be required
9 to be delivered.

10 MR. KUTAK: Required is the word. That is the
11 key word. I hope they have their heads screwed on right
12 and if somebody comes in with a fair and reasonable and
13 legitimate request, then the client -- sorry, the recipient,
14 does not take a likewise adversarial position and say
15 "Don't bother us and go away."

16 They should not consider themselves anything other
17 than a truly public interest law firm trying to help the
18 community.

19 If somebody is trying to trip up the recipient,
20 and trying to find ways in which they are trying to make a
21 case against them for violating the Act or our regulations,
22 then these people should not be made to involve themselves
23 in that kind of abuse of the program.

24 MR. THURMAN: I am not sure that you can really
25 delineate this any more carefully than you have done. I

1 have no objection.

2 MR. KUTAK: I hope there is no ambiguity here, but
3 I hope there is also a spirit that does come through here
4 that what we do want is to avoid abuse.

5 We do not mean, however, to create a shield. If
6 they can, and it is consistent with ethical and community
7 sense of responsibility to do so, then they ought to do
8 so.

9 MR. BROUGHTON: You cannot write anything in here
10 that would run counter to an adversary situation that a
11 court may ultimately decide.

12 MR. CRAMTON: Whether it has to do with deposition
13 and discovery on adversary procedure -- this is the Freedom
14 of Information.

15 MR. KUTAK: In our purpose section, we treat it
16 very carefully. We have 1619.1, which is a section we focus
17 a great deal on.

18 It is to facilitate disclosure and not really to
19 discourage public information where it is legitimate.

20 MR. ORTIQUE: I think you have done about the best
21 that could be done. I do not agree with you, Bob, however,
22 and I think there are some ambiguities inherent in this type
23 of regulation.

24 MR. THURMAN: You cannot avoid them.

25 MR. ORTIQUE: Right.

1 MR. KUTAK: I admit to none.

2 (Laughter.)

3 MR. ORTIQUE: I would go along with this, because
4 I think, number one, that the fact that Bob has come back to
5 us with this, indicates that these regulations are not im-
6 bedded in concrete.

7 I think that is always good. Secondly, if the
8 people find that this regulation is not doing the job that
9 they really want it to do, and should be doing, then we will
10 hear about it and we can do something about it later.

11 MR. KUTAK: Yes, I will make another reference on
12 that, Revisus. We will come back with an omnibus set of
13 regulations, once we have the whole process finished.

14 I am sure that once we begin to match up and
15 uniformly draft for style as well as substance, we will find
16 these things out.

17 MR. ORTIQUE: Sure.

18 MR. KUTAK: Any other questions from my colleagues?

19 (No response.)

20 MR. THURMAN: Do we want a motion on this?

21 MR. CRAMTON: The motion has been made by Mr.
22 Kutak and seconded by Mr. Montejano.

23 MR. ORTIQUE: I call for the question.

24 MR. CRAMTON: We are ready to vote if there is
25 no further discussion.

1 (No response.)

2 MR. CRAMTON: Are you prepared for the question?

3 (No response.)

4 MR. CRAMTON: All those in favor of the adoption
5 of the regulation, please say aye.

6 (Ayes.)

7 MR. CRAMTON: Those opposed?

8 (No response.)

9 MR. CRAMTON: The regulation is unanimously adopted
10 by the Board by voice vote.

11 It will be published in the Federal Register and
12 will become effective 30 days after publication.

13 We are going to adjourn for lunch, but before we
14 do, I want to consult with the General Counsel just for a
15 second.

16 (Whereupon, the Chairman consulted
17 with the General Counsel.)

18 MR. KUTAK: When we come back, I would like to
19 go to 1621 as the next one, which only buttresses the point
20 that Revisus Ortique just made, which is that I have given
21 you alternative forms of the regulation.

22 MR. CRAMTON: It has been suggested by members of
23 the Board that the Board should hold an Executive Session
24 during a portion of the lunch break.

25 I am asked whether or not there is a motion to do