

1 LEGAL SERVICES CORPORATION

RETURN TO CORPORATION  
SECRETARY ARCHIVES FILE

2 -----  
3 MEETING OF THE BOARD OF DIRECTORS  
4 -----

5 THURSDAY, MARCH 4, 1982  
6 -----

7 Legal Services Corporation  
8 733 15th Street, NW  
9 8th Floor Conference Room #3  
10 Washington, D.C.  
11 -----

12 The above-entitled meeting was convened,  
13 pursuant to notice, at 2:19 p.m., Mr. William J. Olson,  
14 Chairman, presiding.

15 MEMBERS PRESENT:

16 William J. Olson, Chairman  
17 Daniel J. Bradley, President  
18 Howard H. Dana, Jr.  
19 Harold DeMoss  
20 William Earl  
21 William F. Harvey  
22 Clarence V. McKee  
23 George E. Paras  
24 Marc Sandstrom  
25 David Satterfield  
Anne L. Slaughter  
Robert Stubbs  
Josephine Worthy

ALSO PRESENT:

Barbara Campbell  
Roger Crampton  
John Meyers  
Glen Stophel

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P R O C E E D I N G S

(2:19 p.m.)

MR. OLSON: Good afternoon. I would like to welcome you to the March meeting of the Legal Services Corporation Board of Directors. We had a slight delay in getting going, with regard to the sound system and the arrival of some of us, but we are pleased to proceed now at this time. And at the outset I would like to express my thanks to all those who have made an effort to attend today. The new board members, the old board members, members of the public, members of the staff. There is certainly much to be done.

Because a number of the items, and the importance of the items, today on the agenda, we are going to make every effort to keep the meeting moving.

I would refer the new board members, and the others present, to section 1601.23 of the bylaws. That section which states, "the Board welcomes written and other communications from members of the public. Members of the public may address the meeting of the Board upon invitation of the Chairman of the meeting, unless the Board of Direct...otherwise directs." Therefore, after we have expedited those matters that are on our agenda, and are necessarily before us today, we will encourage others to introduce yourselves and express your concerns to the board.

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1 I know Glenn Stophel, of the ABA Standing  
2 Committee is going to say a few words, and we certainly  
3 welcome that. If there are others, perhaps you will let  
4 us know.

5 First of all, I also want to mention that...  
6 For those of you who haven't heard in the last short  
7 order, the D.C. Circuit of the United States Court of  
8 Appeals denied an appeal, and a request for emergency  
9 stay of, basically this meeting. In other words, they  
10 are going to go ahead and hear the appeal on an  
11 expedited briefing as scheduled, But in terms of this  
12 meeting we can proceed. And accordingly, therefore  
13 going to.

14 Now that I have welcomed you officially to  
15 this meeting of the Board of Directors, I would like to  
16 add a few personal words. First, many of you in the  
17 audience today are veterans of many years of Legal  
18 Services Corporation. Basically many of us, of the new  
19 members on the Board,... well we are the new kids on the  
20 block. And we don't know everyone that we should know,  
21 we haven't met everyone we should. I would encourage  
22 each of you to take an opportunity today, during  
23 recesses, or after the meeting, to come up and introduce  
24 yourself to each of the members. I know we would be  
25 eager to meet all of you. We need to work together to

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1 do all those thing which were...are in the best interest  
2 of the Legal Services Corporation.

3 I also have been honored by each of the Board  
4 members around this table to have served a Chairman  
5 during these first months of the existence of this new  
6 board, which I understand, Dan, I think is the third  
7 generation of Board members. So, these months have been  
8 challenging, and simultaneously exhausting. And I  
9 certainly want to thank each of you that have helped me  
10 through this period, and have worked with us for the  
11 benefit of the Corporation.

12 As members of the Board, all of us know that  
13 our job is just begining, and we will look forward to  
14 working with you in guiding the Corporation toward  
15 carrying out this policy, which will enhance the quality  
16 and effectiveness of legal representation for those  
17 who otherwise cannot afford it.

18 We want to start this mornings meeting then  
19 with the agenda. We have circulated an agenda which was  
20 published in the Federal Register, and I believe we also  
21 have a proposed amended agenda, copies of which have been  
22 made available, I think Dan, to members of the Board,  
23 and to those of you attending this meeting.

24 There are some changes in the proposed amended  
25 agenda, and...from the agenda, as it had been noticed,

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1 and I would ask for a motion to amend the agenda as it  
2 has been submitted.

3 MR. HARVEY: Mr. Chairman, I move to amend  
4 the agenda, and that the Board of Directors of the  
5 Corporation adopt as its agenda, for this meeting on  
6 March 4th and 5th,...The proposed amended agenda which  
7 has been circulated, as you stated.

8 MR. OLSON: Perhaps...Do you want to specify  
9 the specific changes so that we...will know in the  
10 room?

11 MR. HARVEY: Yes Mr. Chairman.

12 The first change concerns item number six.  
13 The item should be amended to read, omitting the word  
14 "interim", in so far as selecting the Chairman of the  
15 Board is concerned.

16 Number two, the second change, is that due to  
17 scheduling, we will hear former Board Chairman, Dean  
18 Roger Crampton, directly after the selection of the  
19 Chairman.

20 There is no change in item seven and eight.

21 Fourth, items twelve and thirteen were inverted  
22 on the printed and distributed agenda, and we should deal  
23 with "consideration of Board Committees" before we  
24 discuss the "selection of an auditor". And those are  
25 the essential changes, all of which are shown on the

1 proposed amended agenda.

2 MR. OLSON: Okay, is there a second to amend  
3 the agenda as specified by Dean Harvey?

4 Alright, is there a discussion on the changes  
5 in the proposed agenda as have been...now with the motion  
6 before us?

7 MR. SANDSTROM: Question.

8 Mr. Chairman, and perhaps I should direct this  
9 question through you to the President. But...What is the  
10 historic...I understand we have been operating on interim  
11 presidents, since the last meeting. Is there a historic  
12 time when terms of offices expire or...What is the  
13 practice of the Corporation?

14 MR. BRADLEY: In terms of the Chair of the  
15 Board, if my memory serves correctly, the bylaws specify  
16 that the Chair shall be elected annually. I think the...  
17 If you follow the chronology, "annually" means June of  
18 each year...When Barbara, correctly?

19 MS. CAMPBELL: September.

20 MR. BRADLEY: September? Alright, then at  
21 the September meeting...is basically the time that the  
22 Chairmanship will become open for reappointment.

23 MR. DANA: Am I to understand that this  
24 changes to elect a chairman, until the September meeting.  
25 Is that how you would understand it?

1 MR. BRADLEY: That is basically the  
2 construction that I would have placed. In the light of  
3 ...on the agenda in September would be again, unless  
4 you so otherwise stipulate today, it would be that...  
5 You would redesignate or reelect a Chair of the Board at  
6 your September meeting.

7 MR. DANA: If that is so, I am very  
8 comfortable with that...understanding. It is my feeling  
9 that as interim Board members, our recess appointees  
10 are...We are not the same Board that will meet, even if  
11 we...all of us who have been nominated by the President,  
12 are confirmed by the Senate. And that seems to me, that  
13 after confirmation - hopefully that will take place  
14 before September - it would be an appropriate time to  
15 have an election. At the normal time.

16 I am very comfortable with that.

17 MR. OLSON: Okay. If that is agreeable, that  
18 appears to be the intent of the mover of this amendment,  
19 and the person who indicated the second.

20 Who did make the second...?

21 MR. EARL: Marc.

22 MR. OLSON: If that is your indication, then  
23 without legislative history having been adopted, into  
24 the record, with the adoption, can we now proceed to any  
25 further debate, or take a vote on... If there is no



1 debate, to take a vote on the amendments of the proposed  
2 agenda. And we will do this by rollcall vote. And I  
3 will call the roll.

4 Mr. DeMoss?

5 MR. DEMOSS: Aye.

6 MR. OLSON: Mr. McKee?

7 MR. MCKEE: Aye.

8 MR. OLSON: Mr. Sandstrom?

9 MR. SANDSTROM: Aye.

10 MR. OLSON: Ms. Slaughter?

11 MS. SLAUGHTER: Aye.

12 MR. OLSON: Mr. Dana?

13 MR. DANA: Aye.

14 MR. OLSON: Dean Harvey?

15 MR. HARVEY: Aye.

16 MR. OLSON: Ms. Worthy?

17 MS. WORTHY: Aye.

18 MR. OLSON: Mr. Stubbs?

19 MR. STUBBS: Aye.

20 MR. OLSON: Mr. Paras?

21 MR. PARAS: Aye.

22 MR. OLSON: Mr. Satterfield?

23 MR. SATTERFIELD: Aye.

24 MR. OLSON: The Chiar votes aye. The amended  
25 agenda carries.

1           In a sense we have done things slightly  
2 backwards. We have now taken our first recorded vote,  
3 and now we are going to introduce ourselves. But we  
4 thought we would get the agenda behind us before we did  
5 that.

6           I had hoped we would have some statements  
7 that we could provide today, with regard to each of us.  
8 But unfortunately I am ill equipped to introduce each of  
9 you, as many of us have just met for the first time  
10 within the last few moments. Aside from very cordial  
11 conversations on the phone and such.

12           So I would suggest that perhaps what we could  
13 do today would be to go around the table and give our  
14 names, give our home town, our profession, place of  
15 employment. And we can get to know each other better  
16 that way, and those people attending here can get to  
17 know each other better.

18           Let me also say that, just for the record,  
19 that Bill Earl, of Miami, Florida, is attending today,  
20 and is seated here with us for purposes of receiving  
21 an orientation and briefings, and beginning to get his  
22 feet wet with regards to the activities of the  
23 Corporation, as are we all. Bill has been designated -  
24 appointed by the President - to the board. His name  
25 has gone to the Senate. And he sits with us for

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1 purposes of orientation, of course, not for purposes of  
2 voting or participation, because he was not a recess  
3 appointee of the President. And just with that matter  
4 having been stated for the record, let us begin around  
5 the table. And perhaps, Howell, we can begin with you.

6 With name, hometown, profession, place of  
7 employment...

8 MR. DEMOSS: My name is Harold R. DeMoss, Jr.  
9 I go by the name Howell. I am an attorney in Houston,  
10 Texas, with the firm of Bracewell and Patterson. I am  
11 a graduate of the University of Texas Law School, and  
12 Rice University undergraduate.

13 MR. MCKEE: My name is Clarence McKee, I've  
14 been seventeen years, or sixteen years in Washington,  
15 D.C. I am a communications lawyer, born in Buffalo,  
16 New York. Hobart College in Geneva, New York. The  
17 Howard University School of Law, here in Washington. I  
18 spent some time in the neighborhood legal services  
19 office at, I think tenth and "D" streets, S.E. And  
20 worked several years in the Senate, for Senators Javits  
21 and Mathias. In fact, as I recall, Senator Javits, at  
22 that time was very much involved in the litigation of...  
23 you know, the OEO and the Legal Services programs.

24 And I worked at the FCC, for Mr. Vokes, and  
25 then decided to get out of the government, and now I've

1 got (Inaudable).

2 MR. SANDSTROM: Marc Sandstrom, San Diego,  
3 California. My current position is Executive Vice  
4 President and General Counsel of Greater America General  
5 Savings and Loans. I have practiced in California for  
6 twenty years, ten years as a litigator. Graduated from  
7 Stanford, both undergraduate and Law School. I've been  
8 involved in public transportation for eight years as  
9 Chairman of the (Inaudable) Corporation. And Assistant  
10 Secretary of Business and Transportation in California.

11 I have been involved in Law Revision and  
12 provision of legal services over the last ten years,  
13 California Law Revision Commission. And over to serving  
14 on the Legal Services Corporation.

15 MR. EARL: My name is Bill Earl, I practice  
16 in Miami, Florida. I am a resident of Coral Gables,  
17 Florida. Graduate of University of Florida Law School.

18 MS. SLAUGHTER: My name is Anne Slaughter,  
19 from Saint Louis, Missouri. I am the Director of  
20 Operations at the Annie Malone Childrens Home, which is  
21 one of the oldest Black institutions in Saint Louis.  
22 I am Co-chairperson of Parties Against Client With Equal  
23 Assistance Program.

24 MR. DANA: My name is Howard Dana. I am a  
25 practicing lawyer in Portland, Maine. I went to

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1 Bowdoin College, in Brunswick, Maine, and Cornell Law  
2 School.

3 MR. OLSON: My name is William Olson. I am  
4 from Fairfax County, Virginia. I went to a school that  
5 once upon a time beat Cornell in hockey, Brown  
6 University. And then the University of Richmond Law  
7 School. And I work with a small law firm in Washington,  
8 Smiley, Olson and Gilman.

9 MR. HARVEY: My name is William F. Harvey.  
10 The Chairman of the Board has referred to me as Dean  
11 Harvey, and once I was, but no longer am I the Dean of  
12 a law school. My wife and I and two children live in  
13 Indianapolis, Indiana. I, and she, are graduates of the  
14 University of Missouri, where, Ms. Slaughter, I was...  
15 In that state I was born and raised. And I hold two  
16 degrees from Georgetown University Law Center, here in  
17 Washington, D.C. I am a member of the faculty of the  
18 Indiana University School of Law, in Indianapolis, and  
19 all of you know that university well, but not because I  
20 am a member of the faculty, but because it traditionally  
21 has, of course, the finest basketball teams in the  
22 United States.

23 MR. DEMOSS: We may have to go around again.

24 (LAUGHTER)

25 MR. HARVEY: There is no rebuttal to that

1 Mr. Chairman.

2 MS. WORTHY: I don't know if I need to do this  
3 for everyone, but for the sake of my new fellow Board  
4 members, my name is Josephine Worthy, and I think, and  
5 I've had the pleasure to serve with three Legal Services  
6 appointments. I am a certified counselor, in my  
7 neighborhood. I am from Holyoke, Massachusetts. I do  
8 a lot of community work in my area, and I am also a  
9 client sitting on this Board, I think, with a lot of  
10 knowledge that other people are going to need to work  
11 with.

12 MR. STUBBS: I am Bob Stubbs. Ms. Slaughter,  
13 I was born in Saint Louis, but I am a Georgian by  
14 choose now, and live in Melesca, Georgia, a little town  
15 about seventy-five miles north of Atlanta. I was  
16 formally a Marine Corps. officer, and then taught law at  
17 Emory University, in Atlanta. And for the past nine  
18 years I've been Executive Assistant Attorney General of  
19 Georgia.

20 I attended Johns Hopkins, and University of  
21 Alabama. I graduated Law School at GW, George  
22 Washington, here in the District.

23 My wife is an attorney in north Georgia, and  
24 she is here.

25 MR. PARAS: My name is Goerge Paras, I live in

1 Sacramento, California. Graduated from the University  
2 of California, Berkley, with a Bachelors Degree, and got  
3 my Law Degree at Stanford Law School. I practiced Law  
4 for twenty years in Sacramento, then went on the Bench,  
5 and served in a judicial capacity for approximately  
6 twelve years. And now I am back in private practice as  
7 a partner in the law firm of Greve, Clifford,  
8 Diepenbroch, and Paras, of Sacramento.

9 It is nice to be here.

10 MR. SATTERFIELD: My name is Dave Satterfield,  
11 my home is Richmond, Virginia. I went to the University  
12 of Richmond. Graduated from the University of Virginia  
13 Law School. And I can't let past a comment that was  
14 made a moment ago, although I don't think it is appropos  
15 of this meeting. I can't help but mention my own school,  
16 the University of Virginia, and I'll do it with two  
17 words: Ralph Sampson.

18 (Laughter)

19 MR. SATTERFIELD: I practiced law out in  
20 Richmond since 1948, until a year ago, when I joined the  
21 firm, here in Washington, of Cook, Purcell, Hansen and  
22 Henderson.

23 MR. OLSON: Well, thank you all. It is good  
24 to get to know more about each of you.

25 Let me say I've got a sheet in front of me

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1 which deals with the next agenda item, and this requires  
2 our Boards action, with regards to closing a portion of  
3 the meeting, having to do with a certain matter regarding  
4 litigation personnel. And I would like to read you from  
5 the statement that I have before me.

6 You may have noted at the top of the agenda,  
7 that a portion of the meeting will be closed so that the  
8 Board can discuss litigation and personnel matters. The  
9 closure of this meeting under those circumstances is  
10 authorized by 45 C.F.R. 1622.5(a), (e) and (h). And  
11 I'll read those quickly.

12 "(a)" provides...You could close the meeting  
13 regarding those matters "which relate solely to the  
14 internal personnel rules and practices of the  
15 Corporation."

16 "(e)" says..."Disclose information of a  
17 personal nature, where disclosure would constitute a  
18 clearly unwarranted invasion of personal privacy."

19 And "(h)" says..."specifically concern the  
20 Corporations participation in a civil action or  
21 proceeding, an action in a foreign court or an inter-  
22 national tribunal, or an arbitration where the initiation,  
23 conduct or disposition by the Corporation of a  
24 particular case, involving a determination on the record,  
25 after opportunity for a hearing."



1 I will entertain a motion for closure of those  
2 portions of the meeting.

3 MR. PARAS: Pardon me Bill, would you read the  
4 first one again?

5 MR. OLSON: Yes sir.

6 "Relate solely to the internal personnel rules  
7 and practices of the Corporation."

8 MR. PARAS: Thank you.

9 MR. OLSON: So I'll now entertain a motion to  
10 that effect. To close those portions of the meeting.

11 MR. DEMOSS: I so move Mr. Chairman.

12 MR. OLSON: Thank you, Howell. Is there a  
13 second to that?

14 MS. SLAUGHTER: I'll second it.

15 MR. OLSON: It has been moved and seconded,  
16 that a portion of the meeting be closed so that the Board  
17 can discuss litigation and personnel matters.

18 45 C.F.R. 1622.6 states that..."no portion  
19 of any meeting shall be closed to public observation  
20 except by a recorded vote of a majority of the members."  
21 So is there discussion on this matter?

22 We will go by rollcall vote again. As your  
23 name is called please vote on the motion.

24 Mr. DeMoss?

25 MR. DEMOSS: Aye.

1 MR. OLSON: Mr. McKee?  
2 MR. MCKEE: Aye.  
3 MR. OLSON: Mr. Sandstrom?  
4 MR. SANDSTROM: Aye.  
5 MR. OLSON: Ms. Slaughter?  
6 MS. SLAUGHTER: Aye.  
7 MR. OLSON: Mr. Dana?  
8 MR. DANA: Aye.  
9 MR. OLSON: Dean Harvey?  
10 MR. HARVEY: Yes, aye.  
11 MR. OLSON: Ms. Worthy?  
12 MS. WORTHY: Aye.  
13 MR. OLSON: Mr. Stubbs?  
14 MR. STUBBS: Aye.  
15 MR. OLSON: Mr. Paras?  
16 MR. PARAS: Aye.  
17 MR. OLSON: Mr. Satterfield?  
18 MR. SATTERFIELD: Aye.

19 MR. OLSON: The Chair votes aye. The motion  
20 is carried.

21 Now 45 C.F.R. 1622.7, and believe me, I didn't  
22 memorize all these number, now charges John Meyer, as  
23 Special Counsel for the Corporation, to...with the duty  
24 to certify publicly whether the meeting may be closed to  
25 the public, stating the role of exemptions.

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1 John.

2 MR. MEYER: Alright Mr. Chairman. The first  
3 thing General Counsel needs to certify is relatively  
4 simple. It is that the majority of the Board did,  
5 indeed, vote on a recorded vote to close the meeting,  
6 and it appears to be unanimous that--that was done.

7 Now, this portion of the meeting, as stated by  
8 the Chairman, is closed. This portion, which are agenda  
9 items eight and nine, on your agenda is closed pursuant  
10 to 1622.5 (a), (e), and (h). (a) and (e) relate to the  
11 personnel discussions, and (h) relates to the litigation  
12 matters.

13 And I can indeed certify that, under the  
14 Sunshine Act, which is the statute on which the--on  
15 which that depends, the meeting may be closed.

16 I would like to add one caution, which is--  
17 When you do go into executive session--and this is  
18 something that everybody should know--It is not legal to  
19 discuss any matters except the matters which are covered  
20 here. And, that it is under the sunshine--It is not  
21 legal to discuss anything except those agenda items.

22 MR. OLSON: Okay. Well thank you very much,  
23 John. We appreciate your orientation to that, and your  
24 ruling.

25 We have now authorized the closing of the

1 portion of the meeting. When we reach that portion of  
2 the agenda, that John referenced, we will move to the  
3 seventh floor conference room to hold an executive  
4 session. But now we would to proceed with the next item  
5 on the agenda, which is the approval of the minutes of  
6 the two most recent Board meetings.

7 We will start with the minutes of the December  
8 4th meeting, and I would ask if there are any changes  
9 or deletions or additions. And, of course, it is ironic  
10 because we've got to lean very heavily on you  
11 Ms. Worthy. You're, surely, the only one among us who  
12 has a clear handle on what did occur.

13 Are there any changes, or deletions, or  
14 additions--to those minutes?

15 MS. WORTHY: Mr. Chairman, I've read through  
16 the minutes of the December 4th Board meeting, and I  
17 agreed with the information that is in this document.  
18 That I--I don't see any--that there are any changes that  
19 need to be made.

20 MR. OLSON: Okay, would you like the option?

21 MS. WORTHY: I would like to adopt the  
22 minutes of the December Board meeting.

23 MR. OLSON: Is there a second to the motion?

24 MR. HARVEY: Yes. I'll second.

25 MR. OLSON: Further discussion. All--Can we--

1 Dan, can we do this by voice vote?

2 Mr. BRADLEY: Yes you can.

3 MR. OLSON: Good. That saves us a little  
4 time.

5 MR. BRADLEY: Yes, yes.

6 MR. OLSON: All in favor of approving the  
7 motion to approve the minutes of the meeting of December  
8 4th , please say aye --

9 (A chorus of ayes)

10 MR. OLSON: Opposed, nay.

11 It is approved as read.

12 Now we move to the meeting of December 31. A  
13 special meeting of the Board of Directors was held on  
14 that day, and the minutes are in the Board Books that  
15 are before all of you. Are there any changes, or  
16 deletions, or additions to any of these minutes?

17 Is there a motion to adopt the minutes as  
18 submitted?

19 MR. DANA: I move.

20 MR. OLSON: Is there a second?

21 MR. HARVEY: I'll second.

22 MR. OLSON: Okay. All in favor of the motion  
23 to approve the minutes of the December 31 Board meeting,  
24 please say aye.

25 ( A chorus of ayes)

1 MR. OLSON: Opposed, nay.

2 The vote carries. The approval as so  
3 submitted.

4 We now have the agenda item of the ratification  
5 of the actions of the December 31, 1981, Board meeting,  
6 and the Chair will entertain a motion to ratify the  
7 actions of that meeting, to begin the discussion.

8 MR. HARVEY: I so move.

9 MR. DANA: To amplify on that motion, I would  
10 say that whereas the Legal Services Corporation Board  
11 meeting of December 31, 1981, was called on short notice,  
12 and whereas many Board members had to attend by  
13 telephone, and not in person, and whereas it is  
14 desirable that there be no possible question as to  
15 believe the validity of any Board actions, therefore be  
16 it resolved that the Board hereby ratifies all actions  
17 taken at the December 31, 1981, meeting.

18 MR. OLSON: Alright, is there a second to  
19 that resolution?

20 MR. HARVEY: I second that resolution,  
21 Mr. Chairman.

22 MR. OLSON: Thank you Dean Harvey.

23 Is there any discussion on that? Can we do  
24 that by voice vote too?

25

1 MR. BRADLEY: Sure can.

2 MR. OLSON: Okay.

3 Without further debate, we proceed to a vote.  
4 All in favor of adoption of the resolution, please say  
5 aye.

6 ( A chorus of ayes)

7 MR. OLSON: Oppose, nay.

8 The resolution carries.

9 Okay, we now proceed to agenda item number six,  
10 the selection of a Chairman of the Board.

11 At the December 31, 1981, meeting of this  
12 Board, I was elected Chairman of the Board to serve  
13 until it's next regular meeting, in March of 1982. Of  
14 course that is this meeting. And according to 45 C.F.R.  
15 1601.9, the Board shall elect a Chairman of the Board  
16 from among its voting members, who shall serve in such  
17 capacity until his successor has been duly elected or  
18 qualified, or until he shall resign, or otherwise vacate  
19 his office, or his Board membership.

20 The elections are customarily annual, or at  
21 the time of vacancy, and Dan indicates, ordinarily in  
22 September.

23 According to the bylaws, the Chairmans duties  
24 include to preside at all meetings of the Board, to  
25 carry out all other functions required of him by the act

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1 in these bylaws. And perform such other duties as from  
2 time to time may be assigned to him by the Board.

3 Now the floor is now open for nominations.

4 MR. SANDSTROM: For discussion purposes, I  
5 nominate William Harvey.

6 MR. OLSON: The Chair has--We have a  
7 nomination of William Harvey. Are there any other--and  
8 this in accordance with the discussion we had earlier--  
9 to have the service of Dean Harvey until the September  
10 Board meeting. Is there--Well--Nominations ordinarily  
11 need not receive a second.

12 Mr. Dana.

13 MR. DANA: I will second it.

14 MR. OLSON: Well, thank you.

15 Okay, are there further nominations?

16 If not we will have the nominations be closed,  
17 and have a--Just for the record, I think we ought to  
18 vote on this one, anyway.

19 MR. DEMOSS: Mr. Chairman, I move that Dean  
20 Harvey be elected by acclamation, if that is an  
21 appropriate motion.

22 MR. OLSON: It certainly is. Is there a  
23 second to that?

24 MS. SLAUGHTER: I second.

25 MR. OLSON: All in favor, please say aye.

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1 ( A chorus of ayes )

2 Mr. OLSON: Oppose, nay.

3 Well thank you very much. I--I am going to,  
4 at this time, change seats. I told Bill that once we  
5 did this we are going to have to remember to move our  
6 name plates, or else people would get somewhat confused.  
7 This has been a job of something of an all consuming  
8 nature for the last sixty days. All of you that I have  
9 worked with I think know that. I wish some of my  
10 clients knew--that. As soon as I got elected Chairman,  
11 and the story appeared in the paper, some clients called  
12 and said now that you are no longer practicing law, who  
13 can you recommend represent us? Which is the last thing  
14 a lawyer in private practice wants to hear.

15 But I certainly welcome Bill to this job. I  
16 wish him best wishes, and offer my sincerest  
17 congratulations, and offer to help in any other way.  
18 And I--Just before, I relinquish the chair, want to  
19 thank Dan for all the help he has given to me, and other  
20 members of the Board, to get oriented and acclamated.  
21 And it has been, truly, a very pleasurable experience  
22 for me. And, I would like to switch seats.

23 (Laughter)

24 MR. SANDSTROM: Before you do that, I think we  
25 owe you a bit of gratitude , Bill, for the hard work

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1 that I think--Above and beyond the call, in terms of the  
2 volume of work that you have to put up with. And I know  
3 at the time you called me, in California, what time it  
4 was back here. And I think we all appreciate what you  
5 went through to bring us this far. Thank you for that.

6 MR. OLSON: I appreciate that, thank you.

7 (Applause)

8 MR. HARVEY: Chairman Olson, members of the  
9 Board, President Bradley, and ladies and gentlemen in  
10 attendance, I expressed to the Board my sincere thanks  
11 and appreciation for being selected as, not it's first  
12 Chairman, but I--I guess it's first permanent, or semi-  
13 permanent Chairman. I deeply appreciate the honor which  
14 you have extended to me. I will, in due course, and  
15 sometime between now and tomorrow, prepare, perhaps a  
16 more extended statement. And I will offer that to the  
17 Board tomorrow morning. And I think it appears as an  
18 agenda item, in a public meeting tomorrow morning. And  
19 that is around ten o'clock, I think. Is it not, Dan?

20 MR. BRADLEY: Yes.

21 MR. HARVEY: So, further comments concerning  
22 this selection, election, I would defer until that time,  
23 except to reiterate what Marc Sandstrom, from San Diego,  
24 has said, which is, to express my profound appreciation  
25 to Bill Olson, for the splendid work he has done in

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1 developing the organization redoing this Board to the  
2 positin where we now find ourselves. And again, I want  
3 to say thank you Bill, very, very much.

4 MR. OLSON: Thank you.

5 MR. DEMOSS: Mr. Chairman?

6 MR. HARVEY: Yes?

7 MR. DEMOSS: Would it be appropriate, maybe,  
8 for the Board to simply pass a motion, or a resolution,  
9 expressing its appreciation to Bill Olson, for the work  
10 that he has done? I don't know what ---

11 MR. HARVEY: The Chair would be happy to  
12 entertain that motion and resolution----

13 MR. DEMOSS: I would like to so move, then,  
14 that the Board express its deep appreciation--to Bill  
15 Olson--for the outstanding service, which he has  
16 committed beyond the call of duty, in acting as  
17 temporary Chairman of the Board, and that we thank him  
18 very much for all of his efforts in that regard.

19 MR. STUBBS: Mr. Chairman?

20 MR. HARVEY: Yes, Mr. Stubbs?

21 MR. STUBBS: If Howell will tolerate a slight  
22 amendment, I would like to expand on that a bit, by  
23 expressing a vote of confidence, or ratification, if  
24 that be the proper term, for actions taken by him in our  
25 behalf. Most of us are scattered about the country, but

1 he was here. And I think it would be, not inappropriate,  
2 to do so. And if you would tolerate such an amendment,  
3 I would propose it.

4 MR. DEMOSS: Gladly accepted.

5 MR. HARVEY: Is there a second to the  
6 amendment?

7 (Indicated second to amendment)

8 MR. HARVEY: And a second to the original  
9 motion?

10 (Indicated second to original motion)

11 MR. HARVEY: Does the Board desire discussion  
12 on either?

13 MR. OLSON: I desire no discussion. It is  
14 doing fine so far.

15 (Laughter)

16 MR. HARVEY: Very well. The Chair, hearing  
17 no discussion on the motion, will offer that the motion  
18 as amended, to the Board for acceptance, by voice vote,  
19 accordingly. All those in favor, please signify by  
20 saying aye.

21 (A chorus of ayes)

22 MR. HARVEY: And opposed by same sign.

23 Let the record record the adoption unanimously,  
24 and the motion is amended. And thank you again, Bill.

25 MR. OLSON: Thank you.

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1 I did not vote on that for the record, and I  
2 appreciate it very, very much.

3 MR. HARVEY: Members of the Board, the next  
4 agenda item is a briefing of the history of the Legal  
5 Services Corporation by the aforementioned Chairman of the  
6 Board, also a former Law School Dean, Roger Crampton.

7 Dean Crampton, and former Board Chairman  
8 Crampton, one and the same, has a very distinguished  
9 record in the law, and in the legal profession. He is  
10 widely known to all of us, to this Board, to the  
11 American Bar Association, and to those of us who inhabit  
12 the world of legal education.

13 President Bradley advises me, however, that  
14 Dean Crampton's plane, I think out of, perhaps Ithaca,  
15 was delayed, and I--I don't believe that Dean Crampton  
16 is with us this afternoon.

17 MR. BRADLEY: He will be here.

18 MR. HARVEY: He will be here later?

19 MR. BRADLEY: Yes, he expected to be here  
20 before three o'clock. I expect him momentarily.

21 MR. HARVEY: That being the case, with the  
22 consent of the Board, the Chair would--With the consent  
23 of the Board as to a slight amendment, with a consistent  
24 amendment, to the doctued agenda, the Chair would  
25 entertain the comments from former Board member

1 Glen Stophel, who is here to represent a statement,  
2 himself, and a position of statement from the American  
3 Bar Association.

4 Mister Stophel, I see you in the audience, and  
5 we would be very pleased to receive your comments.

6 MR. STOPHEL: Thank you very much,  
7 Mr. Chairman, ladies and gentlemen.

8 I am Glen Stophel, I practice law down in  
9 Chattanooga, Tennessee. And, as the Chairman has  
10 indicated, did have the pleasure of serving as one of  
11 the first Board. The one that Dean Crampton was the  
12 Chairman of, and I appreciate the opportunity of coming  
13 on behalf of President David Brink, and the--particularly,  
14 the Standing Committee of Legal Aid and Indigent Depend  
15 Dendants of the American Bar Association, of which I  
16 serve as a member.

17 To give you a little idea of where I come from,  
18 my background in legal services goes back to serving on  
19 the volunteer committees that, probably most of you  
20 lawyers have served on from time to time. We tried to  
21 serve poor people, back in the old days, as just a adhoc  
22 basis. When a poor person came in, you tried to render  
23 services for them, or tried to find a lawyer who had the  
24 ability to do so. I served on a state committee and on  
25 a local committee, charged with that responsibility.

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1           Then, in the early 1960s, I was priveleged to  
2           serve on the local board of the Chattanooga Legal Aid  
3           Society, which was one of those organizations formed  
4           with a little bit of seed money from here and there, to  
5           try to do the job. And then, when the Corporation came  
6           into existence, it--that--local organization became  
7           funded by the Corporation, and I had to leave that Board  
8           in order to serve on this Board.

9           Subsequently, I have become a member of the  
10          Standing Committee, which, in the A.B.A., has the  
11          responsibility of being a liaison to this Corporation,  
12          as part of its obligations, and has enjoyed excellent  
13          liaison, with this Board, since the inception.

14          The A.B.A. fully supports the rendering of  
15          legal services to the poor. It has supported this  
16          Board's recommendations to Congress, for appropriations.  
17          And, as many of you know, has supported the Board in  
18          it's activities, down through the years. And we pledge  
19          to you as a Commitee, that same continuing support.

20          We do have a few things that we--We want to be  
21          sure that we, as a Standing Commitee, offer our services  
22          in any way that we can, in cooperation, as a part of the  
23          private Bar. Many of you are aware that the A.B.A. has  
24          taken a position supporting the encouragement of the  
25          involvement of the private Bar, in the rendering of

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1 legal services. And we continue in that. But we do  
2 want to let you know that we believe that you will  
3 continue to carry out the legislative mandate, providing  
4 equal access to justice, in the country. Which is what  
5 this Board is all about.

6 We don't advocate any position with regard to  
7 the validity of your appointment, to the legality of  
8 your meeting--

9 (Laughter)

10 MR. STOPHEL: --or any of those other subjects  
11 that might have come up.

12 As a committee, we take no position on those.  
13 We simply urge that you accept the responsibility that  
14 has been given to you, as Board members. And that you  
15 enter into this responsibility with open minds, and the  
16 willingness to learn, even as you direct a program that,  
17 in government terms, may be small and insignificant, but  
18 to an ol' country boy, its a lot of money. And we don't  
19 --We think that you will enter into those  
20 responsibilities with dignity, with honor, and with your  
21 best judgement, which is what is called for.

22 As I said earlier, the A.B.A. has advocated,  
23 and continues to advocate, increased opportunity for  
24 involvement of the private Bar, in the delivery of legal  
25 services to the poor. However, we encourage you to

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1 recognize that no one form of delivery best fits every  
2 locale, or situation.

3 We therefore suggest that you avoid wholesale,  
4 radical changes, in the program, until you are convinced  
5 by good evidence, that a new method will work better,  
6 and be cost effective.

7 For example, the delivery system study shows  
8 that Judicare, as a delivery system, works best in  
9 many situations, when connected to a staff program. I  
10 had a conversation just yesterday with the Director of  
11 the Chattanooga program, which now extends into several  
12 rural counties, sometimes even getting over into north  
13 Georgia, General, and he was telling me about the pro-  
14 bono program that they are establishing with the  
15 Chattanooga Bar Association, the Bradley County Bar  
16 Association. But when we talked about it, he wanted our  
17 firm to give some lawyer time to it. We--We discussed  
18 the fact that it is almost essential that we have that  
19 staff component backing us up, and giving us  
20 administrative support. And so, I think that as you get  
21 into it, you are going to find the same things that we  
22 have found, in that you have to look at programs almost  
23 individually to find out what is the best way to do it.  
24 We would encourage you to avoid diverting your  
25 time and energy in fighting the local programs, and

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1 others, over the validity or invalidity, of this year's  
2 contracts. As many of these folks behind me can tell  
3 you, I have had my share of fights with the program  
4 representatives. They and I have agreed to disagree  
5 on many issues. I got into that when I was Chairman of  
6 the Audit and Appropriates Committee of this Board.

7 But, the maintenance of the Corporation as a  
8 politically independent organization, and the worthy  
9 goal of providing access for the poor, through our  
10 system of justice, calls for us to rise above  
11 partisanship, liberal against conservative diatribes,  
12 and littleness of compassion and spirit, to help those  
13 least able to help themselves.

14 And finally, we offer you our assistance in  
15 any way, as you seek a new President, for the  
16 Corporation. This Committee has participated in this,  
17 in the past, and we hope to be helpful, and that is what  
18 we want to do.

19 We respect you for accepting the job. Bill  
20 Olson has told you how much time he has had to spend,  
21 and I know a little bit about that, and I know that you  
22 are going to go through some--some times when you are  
23 spending a lot of night hours, that you would just  
24 as soon be doing other things, and your clients would  
25 just as soon you be doing other things, but, on behalf

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1 of the A.B.A. and it's Standing Committee, let me say,  
2 we appreciate your accepting the responsibilities that  
3 have been placed on you, and we have confidence in each  
4 of you, that you will fulfill the mandate that has been  
5 given you to exercise leadership for this corporation,  
6 as it continues to do the job that Congress has set out  
7 for it to do.

8 And I thank you again, Mr. Chairman and Board  
9 members, for permitting me to make these few comments  
10 on behalf of the A.B.A.

11 Thank you.

12 MR. HARVEY: Mr. Stophel, thank you for being  
13 here, and please convey to President Brink and the  
14 members of the American Bar Association, our appreciation  
15 for your statement, and for the representation you make  
16 on their behalf.

17 (Pause)

18 MR. HARVEY: I think we might devote a few  
19 more minutes at this time to--well to the public nature  
20 of our meeting, consistent with our statutory guidelines,  
21 and--We are also waiting for Dean Crampton.

22 I've never known Law School Deans to quite this  
23 tardy before meetings, but in any event, waiting for  
24 Dean Crampton to arrive.

25 Consistent with that, the Chair recognizes

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1 another former member of this Board. I think perhaps  
2 in the organizational days, professor Marshal Brieger  
3 is in the audience. Professor Brieger, would you please  
4 stand?

5 (Professor Brieger stands to be recognized)

6 MR. HARVEY: Yes. It is nice to see you here.

7 The Chair requests to know, are there other  
8 former Board members with us today? If so, would  
9 you please stand and be indentified?

10 Is there any other statement which a person  
11 attending wants to make at this time?

12 President Bradley says he thinks Dean Crampton  
13 has just arrived. If you have a statement, it will be  
14 very short.

15 Hearing none, the Chair and Board will wait for  
16 a few moments for Dean Crampton to appear.

17 (Pause)

18 MR. HARVEY: Those moments were few indeed,  
19 here is Dean Crampton.

20 Dean, catch your breath and I will refresh the  
21 recollection of the audience--About the splendid career  
22 which you have.

23 As I said to the members of the Board, and to  
24 all persons present, a few moments ago, Dean Crampton  
25 is a former Chairman of this Board, and refered to as a

1 Dean because he is a former Dean of the Cornell  
2 University Law School. And it is a great pleasure to  
3 have you here, Dean, to be with us today, to address the  
4 Board, from the invitation of Chairman Olson, who is,  
5 for your information, my predecessor Chairman. And if  
6 you are ready, Roger, the floor is yours.

7 MR. CRAMPTON: Thank you, Chairman Harvey.

8 I am very appreciative and thankful of the  
9 opportunity to meet you and talk to you. I wrath the  
10 delay that brings me in somewhat hurriedly. My  
11 colleague, Fred Cahn, at Cornell, tells me that air  
12 service has improved since he deregulated, but we are  
13 incountring some problems. My initial flight, this  
14 morning was cancelled, anf the second one had equipment  
15 problems, but we have just arrived.

16 First, I would like to congradulate you on your  
17 appointments. I gather that some questions have been  
18 raised about them. That is an issue that I have some  
19 familiarity with, both in my prior capacity as Chairman  
20 of the Board, since we faced the precise same issue,  
21 some years ago. And also in my capacity as advisor to  
22 the Attorney General and the President, when I was in  
23 the Office of Legal Counsel in the Department of Justice.

24 Although the questions raised are close ones, I  
25 believe that your present authority will be vindicated,

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1 within the meaning and provisions of the Constitution.  
2 I think you are officers of the United States, and I  
3 want to talk a little bit about what I think the  
4 implications of that are. And the vacancies existed  
5 when the terms of your successors--predecessors,  
6 expired.

7 Of course, unless you are confirmed by the  
8 Senate, your terms of service will be exceedingly  
9 short.

10 As you know, we have had three eras in civil  
11 legal assistance for the poor, in the United States.  
12 Charity Legal Aid, until 1965, O.E.O., for ten years,  
13 and the Legal Services Corporation, by statute in '74,  
14 but as an operating body, 1975. That was seven years  
15 ago.

16 Today, in my view, we have a well established  
17 national program, which performs an essential public  
18 function. In an efficient and effective way.

19 Even if President Reagan is effective, and  
20 successful in obtaining legislation terminating the program,  
21 which I don't think will happen, the program  
22 will be recreated, in my view, in just a few years.

23 In short, the program, has demonstrated its  
24 effectiveness in necessity, and the serious issues, and  
25 the only issues before you, as members of the Board,

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1 are how the job can best be performed.

2 A similar kind of new departure, a transition,  
3 was certainly involved when the Corporation was created  
4 in the summer of 1975, and got started a year latter,  
5 July of '74.

6 You recall that the act itself was the last  
7 signal by President Nixon of overriding principles. One  
8 is the notion of independence. And that is a two edged  
9 sword. Independence from the other political branches,  
10 Congress and the Executive branch, and independence from  
11 the political involvement of the program. That is it  
12 is used by Legal Services attorneys, or its sibilant,  
13 for political purposes. There are both parts of the  
14 independence, as the law sought to create, and I think  
15 did create, and which you should cherish and maintain.

16 The second one, the second principle, is a  
17 principle of professionalism. This is basically a  
18 lawyers program, in references to professional  
19 responsibilities, and doing a lawyers job in a  
20 professional manner is all through the act, and through  
21 the legislative history. You are obligated by them  
22 through the completion of your work.

23 Sixty percent of you have to be--A majority of  
24 you have to be lawyers. And the same with local boys.

25 Finally, there is the principle of access.

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1 The principle that informs this act is not a principle  
2 in favor of some political program, or another political  
3 program, or for or against abortion, or for or against  
4 illegal aliens, or what not. Those are substitutive  
5 issues that a particular client may have views on:  
6 What informs this program, is that people should not  
7 be intitled to have thier rights inforced before the  
8 courts of this land, before the administrative agencies  
9 of this land, or before a legilative body, merely  
10 because of lack of resources.

11 That is the access principle, that does--Now  
12 when the, in MARCH '73, as the Dean of a--New Dean of a  
13 Law School--March '74, excuse me, I started some  
14 organizational work as--I'm still a year off, March '75--  
15 Organizational work as President Ford's designee, as the  
16 initial Chairman of the Board of the Legal Services  
17 Corporation.

18 He had a power which no other President has  
19 had since, to appoint the Chairman, subsequently, as  
20 you've all discovered, apparently, you elect your own,  
21 on an annual basis. But I was designated by President  
22 Ford, pursuant to--to provisions of the statute, and--  
23 and started work trying to get the Corporation  
24 organized, which we did very quickly, after the--the  
25 full Board was confirmed, at the meeting on



1 July 14, 1975.

2 Let me sketch for you very briefly the  
3 environment we faced, which was--you know, had some--  
4 resemblance to--to some of the environment you face.  
5 The legal services programs, the field, the  
6 establishment, were distrustful and suspicious of  
7 appointees of a Republican board--President. The O.E.O.  
8 staff that had hung on through the war of attrition,  
9 with Howie Phillips was defensive, and also suspicious.  
10 They also were incumbered by union arrangements, which  
11 they had created in order to protect themselves from  
12 Howie Phillips, that the new Board found intolerable,  
13 in the sense that they delegated so much effective  
14 control to the union stewards.

15 So, in a sense, we had no staff at all. No  
16 offices, nothing. Not even a photocopy machine. You  
17 are a lot better off in that respect, you have  
18 Dan Bradley, at least temporarily, you have fine offices,  
19 you have some bodies in place, and you do have a xerox  
20 machine.

21 I--There are very many memorable occasions  
22 on the evening of our initial Board meeting, in which  
23 the Board approved our initial appropriation request to  
24 Congress. A few members of the Board, a few people--  
25 volunteers from Legal Services programs around the

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1 country, a few kelly girls, and I, managed to write,  
2 rewrite, and produce, with the Board office here in  
3 Washington, the first appropriation request, of the  
4 Corporation. Got to sixty copies--up to the House,  
5 before ten o'clock in the morning, which is when the  
6 appropriation hearings began. And some months later,  
7 we emerged with our first appropriation of I think,  
8 77 million dollars.

9 Those were exiting times, memorable days. One  
10 of the marvelous personal experiences of my own life, in  
11 part because of the--the really great people that I  
12 worked with, the other members of the Board--I guess  
13 some of whom are here. I think Glen Stophel, at least,  
14 was going to be here, and Marshal Brieger, at some point.  
15 Really marvelous people--people like Lou Oberdorfer,  
16 that we got to be the temporary staff of the Corporation,  
17 how we got started, Tom Erlich, the first President, and  
18 hundreds of hundreds of others. Dedicated and loyal  
19 lawyers and other people who worked hard and  
20 intelligently to fulfill the mandate of the program.

21 Now some of those people will tell you, if you  
22 ask them, that I am not a shrinking violet, and that I  
23 did not fail to state my opinions when I was a member of  
24 the Board. In fact, if Bernie Veenie is here, he could  
25 probably site some chapter and verse, like some of the

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1 loud noises I made about the--my concerns about the  
2 structure and performance of the Reggie Program, when I  
3 was a Chairman of the Board, and then a Board member,  
4 and so on.

5 So here are a few plain words about your  
6 situation, and responsibilities. And I've made up to  
7 three propositions for you. The first is that you  
8 should confine your attention to important issues of  
9 policy. You are a parttime board. You were picked in  
10 part because you are important and successful people,  
11 you have lots of other duties and obligations, the  
12 amount of time that you can devote to this activity is  
13 extremely limited. It is impossible for you to decide  
14 as a group, and participate in everything this large  
15 organization does. It is not only impossible, it is  
16 undesirable. In the first place, you cannot hire or  
17 keep competent people, either the President, or staff, or  
18 officers, unless you delegate the important  
19 responsibilities and duties.

20 Second, you will get mired down in the trees,  
21 and not see the forest, and not really face up then, to  
22 the policy issues, which are the most important. So  
23 give your attention to the important questions of policy.  
24 Gather information about them, lay alternatives,

25

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1 discuss the serious propositions of policy that you are  
2 thinking of implementing, in public, so that you can be  
3 informed by the views of other interested and informed  
4 people. You may not know everything there is to know  
5 about those problems. You may learn from hearing others.

6 Second proposition. Work hard to keep from  
7 being castrated by any interest or constituent groups.  
8 Once confirmed, at least, you are your own bosses. You  
9 are not executive branch employees, and the independence  
10 from the political branches is one of the principle  
11 objectives of the act, one of the basic things that it  
12 is trying to accomplish. And you would violate it if you  
13 allowed political branches, congress, or the executive,  
14 to control or dictate your views.

15 Avoid being captured by interest groups that  
16 propert to have a special interest or concern in the  
17 Legal Services Program.

18 Now, with your predecessors, the Carter Board,  
19 those special interests were probably of a differnt  
20 character than they are with you--at least if I read the  
21 newspapers correctly-- P.A.G., N.L.D--7 A.D.A., the  
22 National Finance Counsel, and so on--Those are the  
23 organizations that were always in danger of capturing  
24 your predecessors.

25 Your danger, apparently, may be from another

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1 source. From different organizations. But you are  
2 not the creatures of the conservative congress, or any  
3 other organizations. You should keep your own counsel,  
4 and you should exercise the independence of thought and  
5 mind, as the act requires you to observe.

6 My third proposition is very simple. Three  
7 words. Obey the law. The President, and all officers  
8 of the United States, and I've already concluded that  
9 you are officers of the United States in the  
10 constitutional sense, are obligated to take care that  
11 the laws be faithfully executed.

12 You can answer that question, of what your  
13 duty is in terms of faithful execution of the laws, only  
14 by examining what kind of a creature this Legal Services  
15 Corporation is, what does the act require, what is the  
16 other legal framework that comes to bare on it, and what  
17 are the limitations on the powers, the authority, that  
18 is given you, under that act?

19 My answer is that the answer to these questions  
20 is found in the terms of the act, and in other positions  
21 of federal law, including case law. You are bound by  
22 them, if you are not willing to see that they are  
23 faithfully executed, you should withdraw your name, and  
24 not have it considered by the Senate. If you are not  
25 willing to carry them out faithfully, the Senate should

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1 not confirm you. And, if after confirmation, you refuse  
2 to obey the obligations of law, a court can, should, and  
3 will enjoin your lawless act. And, if your actions are  
4 sufficiently egregious and long standing, Congress should  
5 undertake to remove you by impeachment. That is just  
6 standard, constitutional, boilerplate, law. But it is  
7 the facts of life in a democracy.

8 Florida's functions of the Legal Services  
9 Corporation, suggests the kind of powers you have. They  
10 are three fold, I think. This is a three fold animal.  
11 A preacher. A preacher responsible for direction.

12 First, you are a grant making agency.  
13 Allocating and distributing the taxpayer dollars,  
14 appropriated by Congress for the purposes specified in  
15 act. Second, you are a regulatory agency, exercising  
16 the delegated rule making authority of Congress, in  
17 determining a number of important questions concerning  
18 the form and manner in which legal services are made  
19 available under this statutory scheme, to eligible  
20 clients.

21 And third, you are a thing tank body. An  
22 advisory and recommendatory body, that can gather in  
23 information about the delivery of legal services to the  
24 poor, formulate recommendations about that subject for  
25 the President, the Congress, and the public. about what

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1 should be done in the future, in terms of needed  
2 appropriations, changes in legislation, and the like.

3 Those, it seems to me, are the three fold  
4 responsibilities that you have.

5 There are some obvious limitations on that  
6 authority. Neither you nor the President of the United  
7 States can decide, on your own, that this legislation is  
8 unwise, and that the program should be abolished, by  
9 your own say so. We are a nation operating under the  
10 rule of law. And there are legitimate ways to change law.  
11 Legislation can be repealed. But until that is done,  
12 the President is obligated by his oath of office to take  
13 care that the laws be faithfully executed, and you have  
14 a similar oath.

15 The Legal Services Corporation Act is the law  
16 of the United States. Similarly, neither you nor the  
17 President, may decide on your own that appropriated  
18 funds are not going to be spent for the purposes  
19 specified by law, in an appropriation bill.

20 The President, of course, may oppose an  
21 appropriation bill. He may veto it and so on. And if i  
22 it doesn't get enacted, and there are no funds, then  
23 there is no money for you to spend. You will go out of  
24 business.

25 But until that happens, and as long as Congress

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1 appropriates funds, your obligation is to spend them.

2 Now the President has very large impoundment  
3 authority, when statute does not otherwise provide. I  
4 worked a great deal with those questions when I was in  
5 the Department of Justice. In fact, it was my  
6 unwillingness to support President Nixon's extraordinary  
7 claim, tyrannical claim, that he had constitutionally  
8 inherent authorities--authority, concerning the spending  
9 of money, even in the face of explicit statutory  
10 requirement in non-military and non-foreign affairs  
11 areas. A totally unprecedented, unheard of claim, never  
12 before made by any president, never supported by any  
13 attorney general, and--And certainly never vindicated  
14 in the courts. And all the court decisions blew it  
15 away, when it was raised in the Nixon years.

16 Even tho I believe that the President of the  
17 United States has some substantial authority to control  
18 the timing and spending of funds with respect to  
19 executive agencies, particularly those that deal with  
20 military and foreign affairs, where his inherent powers  
21 are greater, and his statutory powers also. The Legal  
22 Services Corporation is an independent, quasi-public  
23 corporation. The President does not have impoundment  
24 authority, except as carried through the impoundment  
25 act--Controlled Impoundment Act--and until, and unless

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1 that is done, he must spend the money, and you must  
2 spent it. What the President cannot do, you cannot do.

3 Nothing in the Legal Services Corporation Act  
4 authorizes the Board the refuse to spend appropriated  
5 money. It would be a dereliction of duty on your part,  
6 for which a court could enjoin you, and for which a  
7 congress could impeach you, if you do so.

8 None of this means that your responsibilities  
9 are not important, and that your powers are not large.  
10 For you do have large powers. All that I am saying is  
11 that they--that in a representative democracy, not a  
12 totalitarian government, those powers are limited from  
13 the same law that your power itself is derived. From  
14 Federal statute, and the frame work of our--our federal  
15 constitution.

16 Now what are your powers? We won't be  
17 exhaustive, just list a few. Obviously you can select  
18 a chairman, you have already done so, from among your  
19 members. You couldn't have selected somebody else.  
20 You can hire or fire a president for the Corporation.  
21 You can do the same with officers, of the Legal Services  
22 Corporation. But until you change the bylaws, it would  
23 be my position that those officers are the officers that  
24 are listed, and only the president can hire and fire  
25 subordinate staff. The act is quite clear, in terms of

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1 the distinction between the power and authority of the  
2 President of the Corporation, and the--the powers of the  
3 Board. And you can address a tremendous wide range of  
4 questions of policy, in the administration of this  
5 national program.

6 For example. You could revise the regulation,  
7 that I renewed my plans of on the way down to the plane,  
8 --that deals, pursuant to delegative legislative  
9 authority--That define eligable clients. There is a  
10 regulation, as you know, that says that programs may  
11 serve poor people. That people are poor people, and  
12 therefore eligable--if they have 125% of the poverty  
13 income, in the O.M.B. approach--poverty threshold. You  
14 could if you felt it desirable. And I don't intimate  
15 for a minute that it is. Reduce that to a hundred  
16 percent, on the theory that the service ought to go to  
17 the poorest of the poor. You can make other changes in  
18 the act. To deliberation and so on. Provided, you did  
19 so on ground recognized by the act, as it was authorized,  
20 and with the consideration that you had in mind are  
21 permissable, and provided you act in accordance with the  
22 proper procedures. And the acts and the bylaws contain  
23 rule making which bind you. You are bound by them.  
24 An effective way to do that.

25 Now, each suggestion for a change in policy, it

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1 will come before you--raises a series of important  
2 questions. Let me break them down.

3 First is the question of--desirability, or  
4 propriety of the particular change. Is the change  
5 desirable as a matter of policy. You have to face up to  
6 that and decide. Second, can it be done consistent with  
7 the act, and other provisions of federal law. That is  
8 a question of authority--is it--would a rule or a change  
9 in policy be ultravirous--would it be illegal for some  
10 reason. Third, is the question of process. If  
11 desirable and authorized, what is the appropriate  
12 procedure for carrying the particular proposal out, for  
13 doing the job. And finally, can the change be made  
14 effective immediately, or must it be done prospectively  
15 for some future period? That is a transition problem,  
16 a change in law problem. Things that you can do for the  
17 future, for one thing, whether you can do--do them  
18 immediately or retrospectively, is something else again,  
19 as you all know from general principles of law.

20 There may be contract rights, grantee rights,  
21 procedural restraints, fairness problems. Delete both,  
22 as a matter of policy, or as a matter of law, to making  
23 changes prospectively. Both to minimize transitions,  
24 dislocations, fairness--and orderliness, objectives. And  
25 also because law may respect some of those arguments,

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1 either priest, procedure, or substance, and require that  
2 the--the changes be prospective.

3 So all of these four issues, policy, authority,  
4 process, and the transition--problems, are difficult  
5 and complex. And pondering them sometimes leads a  
6 policy maker to the conclusion that government is an  
7 engine that can never be halted or reversed once it has  
8 gotten going. It is an inertia because it is too large.

9 President Truman is reported to have once said,  
10 after his advisors had explained why he could not, in  
11 umpteen ways, do what he wanted to do--"But I am  
12 President of the United States, and you mean I can't do  
13 anything?"--Well, of course he could do a lot, and he  
14 did do a lot, and so can you. But you must do it in  
15 accordance with law and the oath of office you take. Or  
16 law itself will be threatened in this land.

17 Well that is what I wanted to say to you  
18 initially, and I hope that it sufficently pleasing. I  
19 would be delited to answer--respond to your concerns and  
20 questions, concerning the experiences that I had, a very  
21 happy experience, as a member of this Board.

22 MR. HARVEY: Dean, on behalf of the Board, I  
23 thank you for the comments, and the observations, based  
24 upon your experience, and your inferences, which you have  
25 made, and call upon any member of the Board to make

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1 inquiry of Dean Crampton, and our former Chairman.

2 MR. PARAS: Dean Crampton, may I simply ask  
3 you this? Will you make yourself available to those  
4 of us who want your consultation in the future, and the  
5 benefit of your experience.

6 MR. CRAMPTON: Freely. I believe deeply in  
7 this program, I would like to be of any help that I  
8 could. To specific individuals, or to the Board.

9 MR. PARAS: I got a similar response from  
10 former President Hurley--

11 MR. CRAMPTON: I am sure you did--

12 MR. PARAS: --And I appreciate having you say  
13 --potential cooperation from you because some of us, at  
14 least are going to need a little help.

15 Thank you.

16 MR. CRAMPTON: But you are not alone in that.  
17 I mean I was chosen as Chairman of the Board, in part  
18 because I do not have a strong identification with legal  
19 services, neither for or against it. But came from the  
20 outside, from academia, and have been concerned with  
21 other issues and problems.

22 And my own view is that if good lawyers, and  
23 others address clients on the Board, address themselves  
24 to the issue of what this act means, what the principles  
25 are that enview it, what the obligations are that are

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1 put upon you. That there is a lot of common ground that  
2 will emerge. That doesn't mean that you won't have a  
3 lot of disagreements about some questions of how it  
4 should be done, what is the best way, and so on. But,  
5 there is a lot that is clear. There is a lot that--that  
6 people will agree on.

7 MR. HARVEY: Other comments or questions  
8 please, of Chairman Crampton?

9 (Pause)

10 MR. OLSON: I would just say one other thing--

11 MR. CRAMPTON: Sure.

12 MR. OLSON: --Which is--that if there are  
13 other--We have all had the pleasure of receiving more  
14 than a few documents, during the course of our--our  
15 service as members of the Board. Dan has been all  
16 together, to forthcomming, in providing pounds of  
17 documents for our reading. And it is difficult, and I  
18 would say that other than--I would suspect that you had  
19 mentioned, perhaps, your Law Review article, but we  
20 assume that--but beyond that, is there--if there are  
21 other documents--or sources of the history of the  
22 program, things that you think we might profit from  
23 reading, I think that either now, or at some later  
24 time, you might advise us of them. That would be most  
25 useful--to get some flavor for what has gone before.

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1 MR. CRAMPTON: Well--Two things, let me mention.

2 First, on some of the substantive policy  
3 issues that face you, I read with great pleasure, last  
4 night and this morning, my former colleague, Marshal  
5 Breiger's article in North Carolina. And, although,  
6 I am not sure that I agree with everything he said, it  
7 seems to me it is a very powerful and effective  
8 statement of some of the major issues that face the  
9 future of the National Legal Services Program in the  
10 United States. So, I think you ought to read it. Read  
11 it and discuss it.

12 Something that is a little briefer, but does  
13 address a matter that is perennially going to be before  
14 you. What is your role and function, vis-a-vis the  
15 President's staff.

16 Two things I would suggest--When--When we got  
17 going, after a while, we devoted a whole Board meeting  
18 to that--or at least a very substantial part of it--to  
19 a discussion of that. And in preparation for that, our  
20 former General Counsel, Al Daniels, prepared a  
21 memorandum, which I am sure the Board--the Corporation  
22 has in it's files, that discusses the--the questions of  
23 whats--what, under the statute, are the functions of the  
24 Board, as against the President and the staff. What are  
25 the appropriate spheres of responsibility, what is

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1 likely to lead to a good working relationship, and an  
2 effective program, and it is not a long memorandum, as I  
3 recall. I would suggest that you ask Mr. Bradley for it  
4 it. There also was a--I think a piece that is reserved  
5 from a Harvard Business World Review, which was in a  
6 different context, although it was a general discussion  
7 of the problems of corporate boards. Now corporate  
8 boards are very different, but they still have the  
9 similar, same kind of problem of, what--how do they  
10 relate to the management of the corporation, in terms of  
11 what they get into, what they don't get into, what are  
12 some kinds--perennial problems, that both--people like  
13 Dan and his successor have in dealing with the Board,  
14 and thier staff, and what the boards have in dealing  
15 with each other, and dealing with the--the  
16 responsibilities that they face.

17 And I think that that would be useful to read  
18 and reflect on. It is just a general background for the  
19 responsibilities that--that you have undertaken.

20 MR. HARVEY: Additional questions?

21 MR. DEMOSS: Dean Crampton, you just mentioned  
22 this memorandum, by the lead counsel relating to the  
23 president of this staff, and I take that to mean that is  
24 the president of the Corporation--

25 MR. CRAMPTON: Yes sir.

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1 MR. DEMOSS: --and the staff of the corporation  
2 as well.

3 MR. CRAMPTON: My reference--you can tell that  
4 in my other references were the President of the United  
5 States, I was then referring to the President of the  
6 --

7 MR. BRADLEY: Any time, Roger.

8 MR. CRAMPTON: --Legal Services Corporation.

9 (Laughter)

10 MR. CRAMPTON: You are available.

11 MR. DEMOSS: Would you care to comment, as to  
12 your thoughts and ideas on what I have not yet,  
13 concluded in my own mind, is the position that I should  
14 take, as a nominee, by President Reagan, for a position  
15 on this Board. And by way of background, let me make it  
16 clear, I supported and worked for the President, in the  
17 election, and believed in his program. But as it bears  
18 on this particular agency, I find it somewhat of a  
19 problem, in that as I understand it, the President is  
20 recommending that there be no appropriations for this  
21 agency, under the present bill of--appropriations.

22 What do you think should be, and lets just talk  
23 about it: in the personal sense, my position--on the issue  
24 of appropriations.

25 Is it simply--I stand to do whatever the

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1 Congress, and the President, finally decide to do in  
2 the appropriations, or should this Board in any way,  
3 refelect a position on that issue?

4 MR. CRAMPTON: Several comments. First--I  
5 supported President Reagan, as I did President Nixon,  
6 and President Ford, and some other Republican Presidents.  
7 But I didn't necessarily agree with everything that they  
8 did, and every position they took, and I think that  
9 would be too much to be expected of any president of the  
10 United States. So, total agreement of the presidential  
11 program is a kind of impossible standard. But other than  
12 that--. Your responsibilities are in connection with  
13 this program. And the questions that you have to ask is,  
14 what does it mean to faithfully execute the laws, in  
15 respect to this program. It is an ongoing program.

16 I don't think you should lightly--undertaking  
17 that responsibility, and sort of learning about it,  
18 assume that the funding for the next appropriation year  
19 will be the appropriate answer. The--even if you  
20 believe, ultimately that substantial changes in the  
21 program are necessary. Many of those changes may  
22 require legislation. Many of them may requiare more  
23 study than you have or any of your colleagues have had  
24 the opportunity to do thus far.

25 In the meantime, it seem to me, you should--

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1 --could be powerless. In order to be consistent with  
2 the--your obligations to carry forward what you have--  
3 can carry.

4 Why you examine it, why you evaluate it, why  
5 you decide--how you could do it better. And then if  
6 you decide that you can do it better, either by getting  
7 private attorneys to do it, or how you are going to  
8 do that, or by distributing it out to the states, or by  
9 substituting, totally, a judicare option, or by  
10 substituting a part judicare option, and what funding  
11 these things would require, and how would--they would  
12 be carried out. Then propose it. Ask for the  
13 appropriations or legislation that would be required,  
14 in submissions to the President or Congress. Try to  
15 make it part of the President's program. If he is not,  
16 that doesn't matter because you can go to the Hill,  
17 apart from the President, on appropriations.

18 That is one facade of the independence.

19 And if funds are appropriated for you, you have  
20 an obligation to spend them, even if you haven't asked  
21 for money.

22 As lawyers, we are familiar with the notion that  
23 we are often agents for others. Carrying out purposes  
24 or principles,--actions, with which we don't necessarily  
25 want to be totally identified. And to be--in a sense,

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1 any--any federal officer, constitutional officer of the  
2 United States, who is given law making powers, by acts  
3 of law, he is in that situation. He is an agent of the  
4 people of the United States, carrying out the--the  
5 embodiments of legislation.

6 Now that--lack of policy can enter in in terms  
7 of shaping, channeling, directing, and recommending, but  
8 whimsical desires--that you know, you don't like it, or  
9 Howie Phillips doesn't like it--that doesn't determine  
10 what is law in that sense.

11 MR. HARVEY: Alright, any other memebers of  
12 the Board with questions, comments, observations, or  
13 dialog with Chairman Crampton?

14 Chairman Crampton, I want to thank you for  
15 coming here today. I find your comments to be very  
16 informative, eradiate, well on target. I said,  
17 incidentially, before you arrived, that after my  
18 selection as the initial, permanent Chairman of the  
19 Board, I would prepare some remarks for statement  
20 tomorrow, at the openning of our public meeting, and I  
21 would be very pleased if, upon delivery of those remarks,  
22 if you would give me your analysis, I will send you a  
23 copy.

24 You are, obviously an inveterate reader of Law  
25 Reviews, and have written some of your own, and I would

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1 like to have your commentary, comments, and your  
2 assistance, as well as all of the persons who are  
3 interested in this program.

4 And so, on behalf of the Board, and President  
5 Bradley, I express to you my sincere thanks and  
6 appreciation for your attendance today.

7 Previously--

8 MR. CRAMPTON: Mr. Chairman--

9 MR. HARVEY: Yes?

10 MR. CRAMPTON: My thanks for the invitations,  
11 for that opportunity.

12 I want to apologize for not being here tomorrow  
13 and for your--willingness to accommodate my class  
14 schedule. I have three hours of class tomorrow, and the  
15 notion of requiring law students to make up those three  
16 hours of classes. I was willing to reschedule one for  
17 today, but not three for tomorrow. But I thank you for  
18 accommodating that convenience.

19 MR. HARVEY: Thank you.

20 MR. DEMOSS: Mr. Chairman, will Dean Crampton's  
21 remarks be incorporated in the minutes, in some way?

22 MR. BRADLEY: Yes, they will.

23 MR. CRAMPTON: Thank you very much--

24 MR. HARVEY: Thank you Mr. Chairman.

25 Now, the members of the Board, pursuant to the

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1 action previously taken by the Board, under item three,  
2 of the adopted agenda for today, the Board will now  
3 stand in recess, and go into it's executive session,  
4 this afternoon, and reconvene then tom--at ten o'clock,  
5 tomorrow morning.

6 Thank you ladies and good afternoon.

7  
8 (Whereupon, at 3:28 p.m., the meeting recessed  
9 until Friday morning, March 5, 1982, at 10:00 A.M.)  
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