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In answer to questions raised by the District Attorney of Imperial County, Robert Johnstone, of CRLA's El Centro Office, sent a letter to the El Centro Press, openly stating his support of UFWOC, but claiming that all of his activities were on his own time. He wrote to the Editor:

"In regard to Mr. Hamilton's question about me supporting the Chavez movement, he is absolutely right. I have never made any secret of the fact that I support Cesar Chavez in his attempt to bring the basic rights of collective bargaining to farm laborers. This is particularly so in the absence of any meaningful legislation governing farm labor organization.

However, anything I do for Cesar Chavez is entirely on my own time. Our office records reflect that so far this year at different times and at varying intervals I have taken a total of 11 days of my 15 day annual vacation to work for Mr. Chavez, and no other vacation whatever.

There are tremendous social conflicts in this country today and if I choose to spend my free time working for social issues in which I believe while Mr. Hamilton and others are sitting around sipping cocktails and wondering what the world is coming to, that is my business." (Exhibit 03-0176)

-- In August, 1970, Judge Warren C. Conklin was assigned to the Municipal Court in Salinas during the lettuce strike called by UFWOC. Judge Conklin describes the representation provided UFWOC members by CRLA attorneys"

"While this strike was in progress, 3 women were arrested for trespassing. While I was in my chambers, prior to noon, I was contacted by an

individual who stated that he was an attorney for CRLA, however, he also stated that he was not representing CRLA. This person, a male caucasian, light brown hair, afro-style, approximately 5'8", 140 to 145 lbs., dressed in a sports jacket, pants, tie and wearing saddle shoes, stating that he was making a courtesy appearance for William Carder, attorney for UFWOC, who was making a court appearance in Fresno, California. This CRLA attorney asked me if I would arrange bail for the 3 women or release them on their recognizance. I advised this attorney that I would arraign these women if the charges were filed. My normal position in these matters is that I would not release anyone prior to arraignment before I had a chance to read the police report. That afternoon, Mr. Carder returned and the 3 women were arraigned and released. Shortly after lunch of the same day, I was contacted by another attorney who claimed to be from CRLA who was making a courtesy appearance on behalf of Mr. Carder and requesting release of 10 men who had been arrested for, I believe, blocking a driveway. This individual, as with the first attorney, stated that he was not representing CRLA but was doing this on his own time. I explained my position to this attorney as I had done with the first attorney. This attorney made it quite clear that he was not representing the defendants in any court action and therefore he could make no commitment on behalf of UFWOC. When I was advised of this, I stated to this attorney that I was not interested in releasing these 10 men without receiving some type of commitment from UFWOC that UFWOC would influence their people against using violence, and would control their pickets. I cannot, at this time, recall the physical description of the second attorney. At a meeting held later in the day, attended by myself, the first attorney from CRLA, a Mr. Kahn, Mr. Ross and attorney William Carder from UFWOC, it was resolved that the 10 men would be released on reduced bail. (Exhibit 03-0162).

Brice Bonnard, Ranch Manager for Cel-A-Pak, told of his experience with CRLA during the recent UFWOC strike in the Salinas area:

"Originally, when some of our workers went on strike here, who are living in our own housing units, I came down with two of the foremen one day early in the year and requested - went door to door, and requested - of each member of the family that was striking that we couldn't continue to give them free housing unless they showed up for work, which I thought was reasonable. And about that time a couple of gentlemen approached us with quite a following behind them, and they were from the CRLA, two attorneys, and they did not state at first who they were. And he asked me, he said, "what are you telling these people?" Well, when somebody asks you that, you know, on your own ranch and you're talking to your own personnel, that sort of gets your ire up a little bit. So I told him, I said, well, I said, it's none of your business, and with that...

Frane: Did they identify themselves?

Bonnard: Well, he did, he said I'm with the CRLA.

Frane: Did he give you a name?

Bonnard: Yes, he did.

Frane: Will you quote the name, please?

Bonnard: Levy.

Frane: Levy?

Bonnard: Levy was the only name I remember; I can't remember his first name. And with that he turned around and told all the people, he said, don't listen to this man and don't pay any attention to this man at all. He says, I'm going to represent you. And with that I just told him to turn around and get off the ranch, and with that he wheeled around and left. And then after that was when we were served with an injunction, which stated that we couldn't bother or harass any of the people in our apartments - we weren't harassing them - we were merely asking them if we were going to give them free housing they had to show up for work.

Frane: This housing is actually free?

Bonnard: That's right, that's right.

Frane: To your employees?

Bonnard: To our employees. And we've never had any problems in the past about this.
(Exhibit 03-0181)

During the same strike in Salinas, Silvio Bernardi stated:

"I observed eight to ten pickets at the Apollo Ranch Company on Preston Road on August 26, 1970. The pickets have threatened workers of Apollo Ranch Company by telling them that if they worked they would be hurt and that the pickets would get them after work. The pickets have gone into the fields of Apollo Ranch Company and prevented new workers from working. The attorneys for the pickets, the California Rural Legal Association, have come on to my property to contend that I have shut off water, gas and electricity of my workers, which is untrue." (Exhibit 03-0182-09)

A prominent attorney who has represented a number of grower defendants in actions carried by CRLA has commented upon the relationship between CRLA and UFWOC. He has noted especially the "orchestration" between CRLA and UFWOC in the organizing activities of UFWOC and the suits filed by CRLA.

Naturally, during a time of strike, any narrowing of reduction of the available labor force serves to put additional pressure upon employers to recognize a union in order to be assured of adequate labor supply. In the case of Diaz v. Kay-Dix Ranch (Sacramento County Superior

Court No. 194357), CRLA sought to preclude the hiring of wetbacks by placing the responsibility for determining citizenship status upon employers prior to hiring of labor. The allegation was that wetbacks constituted unfair competition with U. S. Citizens in agricultural work. The case was commenced on meager evidence, lost in the trial court and subsequently lost on appeal. However, the timing of this case is what may be paramount. As the prominent attorney suggests:

"...The Diaz v. Kay-Dix Ranch case and six other like cases involving 16 grower defendants were filed during approximately the same period and in the same area that UFWOC was actively engaged in a campaign to organize agricultural workers and to force growers to sign union contracts without elections, etc. Also, UFWOC was using the pesticide issue in its organizational campaign in California and boycott activities in eastern markets, and the Bravo and Atwood Aviation cases were efforts to assist unions in that direction."
(Exhibit 03-0177-01)

(Note: The citations on the above cases are: Bravo v. Althouse Groves (Tulare County Superior Court No. 69754), and Atwood Aviation v. C. Seldon Morley (Kern County Superior Court No. 103595).)

(5) Conclusion.

It now appears clear that CRLA's conduct with respect to agriculture in California does not consist of simply isolated actions and cases helping individual poor farm workers and their families with their problems.

There is, in fact, a grand strategy, which, until one has an opportunity to view the scene from a State-wide perspective, is only a concealed agenda.

This grand strategy is to organize and unionize the farm workers in California into a labor monolith - a monopoly union - under the control and direction of UFWOC. The means of accomplishing this objective are:

(1) assistance to UFWOC's activists - pickets, demonstrators, organizers - and its rank and file members (and, therefore, necessarily, to the union itself); and

(2) diminution or destruction of the major obstacles in this path. These obstacles are the Farm Labor Service of the State of California and the farm labor contractors who operate throughout the State, both of which constitute competition for UFWOC in providing employment opportunities for farm workers.

Does this help the poor? Does this provide legal services for the disadvantaged in rural areas? Or is this legal services at taxpayers' expense to favor a labor organization?

And what about the long run? Inevitably, on the heels of the union comes mechanization. Of course, only those who have the capital necessary to mechanize may do so, and the marginal farmers simply cannot compete. With mechanization and a reduction in the number of farms

comes the inevitable reduction in farm labor jobs. It is an unfortunate fact that the knowledge and skill level of most of those displaced does not auger well for their re-training potential. Probably, permanent exclusion from gainful employment will be the lot of many farm workers. In the name of the poor, the number of poor will have been increased.

VI. A CASE OF NON-COMPLIANCE

A. Criminal Representation

CRLA is prohibited from representing criminals (except in very special and restricted instances). This provision has been made to assure that CRLA's resources will not be dissipated where other Legal Services, such as those of the Public Defender, are already available to the indigent in California.

"The grantee shall not provide legal assistance in ... the defense of persons indicted or proceeded against by information for the commission of a crime, except in extraordinary circumstances where, after consultation with the court having jurisdiction, the Director of OEO has determined that adequate legal assistance will be available for an indigent defendant unless such services are made available; ... "

(CRLA Grant, Special Condition, 6a)

(1) The Honorable Claude J. Miller, Judge of the Yuba Judicial District, Yuba City, stated in affidavit:

"...During the past year, 1970, there has been at least five criminal cases that have come before me in which the defendant was represented by CRLA attorneys. ... The types of criminal cases that are handled by CRLA were disturbing the peace. Two of these cases occurred in July, 1970, when on two different and separate occasions two individuals were brought before me for vulgarity. Both the defendants were colored people. One, a Mr. Goodwin, had called the Police "dirty fu-king pigs" at the Sutter County Fairgrounds. He was represented

by Peter Haberfeld of the CRLA. Mr. Haberfeld represented the defendant in my court. Mr. Goodwin was later held to answer in the higher court (Superior Court). The other vulgarity case was Beatrice Johnson, a colored woman. She was also represented by Peter Haberfeld through completion of the case by trial when she was found guilty. The only other case that I can recall was a welfare fraud case. Mr. Rogers of CRLA represented Mr. Whitney through the entire court process. This case occurred in September, 1970. ... It is my opinion and observation that any of the criminal cases that were handled by CRLA would have been handled by the public defender's office."

(2) James W. Houlihan, Deputy District Attorney of Santa Barbara County, stated that CRLA attorneys had been involved in the following criminal cases:

People v. Angel de Jesus, (a criminal failure to provide for minor children); People v. Santiago Arquiyo (another criminal failure to provide case); Tiburcio Cardoza v. Guadalupe, Justice Court (a criminal matter in which CRLA is attempting to have a guilty plea set aside).

The CRLA paid staff attorney named by the affiant as handling the criminal cases for the above clients is Donald W. Haynes, of the Santa Maria CRLA office.

(Exhibit 01-0004)

(3) Eugene Grady, Jr. (alias Eugene Four X Brady) was arrested by the California Highway Patrol, August 5, 1966, at the intersection of Lakeview and Brundage in Bakersfield. Grady, Jr., was charged with a violation of PC 370 (selling the Black Muslim newspaper, "Muhammed Speaks"). Grady, Jr., had an arrest record of 33 previous arrests.

After a three-day trial, Grady, Jr., was found guilty. His defense attorney was one Carol Ruth Silver, a paid staff member of the CRLA office in McFarland.

(Exhibit 01-0006)

(4) Martha White was found guilty of a violation of Section 242 CPC - assault on plaintiff Sam Evans (Case No 8725, Justice Court, El Centro, California, December 6, 1966). In February, five paid CRLA attorneys, Don B. Kates, Frank N. Denison, L. Harold Chaille, James D. Lorenz, Jr., and Robert E. Burke, undertook the representation of Martha White, alleging by way of habeas corpus that her jail sentence on the misdemeanor was unconstitutional.

(Exhibit 01-0008)

(5) In April and May of 1970, CRLA attorneys Dan Lowenstein and Phil Neumark represented initially 42, but ultimately only 3, demonstrators who had been charged with trespassing at the district offices at the Modesto Unified School District. (Exhibit 01-0010) The problems for the poor people represented in criminal cases by CRLA attorneys are illustrated in the following statement by a private attorney representing one of the co-defendants during the trial that followed:

"This trial consumed eight days. Mr. Neumark and Mr. Lowenstein had represented all of the defendants originally and represented approximately five of the defendants who actually went to trial.

"During the course of the trial I felt that Mr. Neumark and Mr. Lowenstein did not exhibit the professional competence necessary to adequately represent the defendants. Further, during the course of the trial, while engaged in conferences with all of the defendants and all of the attorneys, I was given the impression that Mr. Lowenstein and Mr. Neumark had given their clients erroneous advice before the sit-in demonstrations took place in that the section of the Penal Code with which

we were dealing, namely, Section 602(p) of the Penal Code had been twice tested and found constitutionally valid prior to the time these incidents arose.

(Exhibit 09-0143-28)

(6) Juan Riveria Lopez and Alberto Treillous Lopez. Both entered a plea of guilty to battery in Municipal Court in Salinas, (Municipal Court Trial No. 60492.), April 18, 1970. Juan Lopez pleaded guilty to the charge and was sentenced to 90 days. Alberto Lopez was referred to juvenile officer.

Mr. Maurice Jourdane, a paid attorney in the Salinas CRLA office, represented both brothers.

(Exhibit 01-0011)

(7) Maria Castro Reyes stood trial at Soledad Justice Court October 1, 1970 (Case No. 40965) involving two Vehicle Code violations (CVC 22350 and CVC 21950). Attorney of Record for Reyes was Dennig Powell, CRLA Salinas office, directing attorney.

(Exhibit 01-0012)

(8) Ramon Mazon and Carlos Bowker were arrested on June 13, 1970, and charged with the violation of an Imperial County ordinance that prohibits the use of a sound equipped vehicle without a permit.

Mazon and Bowker were represented in the criminal action by the CRLA El Centro Office.

(Exhibit 01-0014)

(9) Roger Goodwin was arraigned in the Yuba City District Court on August 4, 1970, for attacking Sutter County Sheriff Deputy Stephen Sizelove with a piece of pipe at the intersection of Franklin Road and Garden Highway in Marysville.

Goodwin's attorney of record in this criminal action was CRLA attorney Peter Haberfeld of the Marysville CRLa office.

(Exhibit 01-0005)

(10) Trinidad Segovia (alias Trinidad Perez) was arrested and tried for a violation of Section 11482 of the Welfare and Institutions Code relative to welfare fraud. On January 27, 1969, she was found guilty of the charge in Superior Court, Madera County, No. 3572.

Trinidad Segovia's defense attorney of record was a Dennis R. Powell, a paid staff attorney for the CRLA office, Madera.

(Exhibit 01-0015)

(11) On January 3, 1968, Gary Bellows, a CRLA attorney with the McFarland office, successfully petitioned the Municipal Court to dismiss proceedings against Samuel R. Florez and Frank Espinozo, who on October 16, 1969, had been convicted by a jury of resisting arrest.

(Exhibit 01-0016)

(12) Judge Howard T. Hudson, Judge in the King City Judicial District, Monterey County, California, states:

"I have been a judge for six (6) years. I have had knowledge of California Rural Legal Assistance CRLA since its inception. On numerous occasions I have had personal contact with attorneys from CRLA who represented individuals regarding civil action in unlawful detainer cases. Approximately three (3) years ago, in Soledad Judicial District, an attorney defended an individual in a criminal matter, violation of section 12500 California Vehicle Code which is operating a vehicle without a valid driver's license. I cannot recall the name of the case or the attorney; however, I do

recall that he was a member of CRLA. This attorney stated that he was appearing for the defendant as a private attorney and not as a member of CRLA. In the matter of the People vs. Manuel Echavarria, Burton Fretz appeared as counsel for the defendant; however Mr. Fretz made it a point to state that he was defending Echavarria as a private attorney and not as a member of CRLA. Several weeks ago, Mr. Fretz appeared in the Grover City Judicial District, San Luis Obispo County, to defend an individual and again stated that he was appearing on behalf of the defendant as private counsel and not as a member of CRLA. In both of these incidents in the Grover City Judicial District, Mr. Fretz has appeared before me during the normal hours the court is in session. These hours are normally 9:30 a.m. to 5:00 p.m., Monday through Friday. Mr. Fretz appeared in this court on four (4) different occasions with respect to Echavarria matter. Mr. Fretz appeared in court on July 31, 1970 to file a motion to disqualify me on the grounds that I was lay judge, on August 6th and August 7th, 1970 for the trial, and on October 5th, 1970 to prepare a settled statement. Mr. Fretz also appeared in the Superior Court, San Luis Obispo, after October 5th, 1970, to argue the case on appeal. Mr. Fretz has also appeared in this court on other occasions with regard to this matter. However, I was not present on these occasions and I do not know the exact dates. (In my opinion the original concept of CRLA is a valid one; however, CRLA, during recent months appears to be more concerned with filing suits in class action suits as opposed to representing underprivileged individuals in civil matters)."

(Exhibit 01-0017)

(13) Louis Gordan was charged with the misdemeanor of disturbance of the peace and failure to disperse in the Yuba City District Court in August, 1970. Gordan was arrested for disturbance at the Sutter County Sheriff's Office when he was demanding the release of a prisoner held on an assault with a deadly weapon charge.

(Exhibit 01-0007)

(14) Dolores Duarte Padilla, Delano, was arrested on September 1, 1967, for double parking, resisting arrest and reckless driving. She was convicted of resisting arrest and entered a plea of guilty to reckless driving.

Dolores Duarte Padilla was represented in court by a paid CRLA staff member, Carol Ruth Silver, of the McFarland office.

(Exhibit 01-0013)

(15) CRLA attorney Burton Fretz of the Santa Maria office defended one Pedro Castillo Ybarra on a drunken driving charge (violation of CVC 232102a). When Fretz was asked by Deputy District Attorney R. A. Carsel his reason for taking this case in light of the OEO restrictions, Fretz (on or about 12/7/70) replied he had received a special dispensation "because the issues presented were of great significance to large numbers of persons on a class action basis."

(Exhibit 01-0049)

(16) Jorge Jarpa was listed as a community worker for the Santa Maria CRLA office. He was arrested on February 21, 1970, by the California Highway Patrol on a charge of possession of marijuana.

Jarpa was defended in this criminal action by Burton D. Fretz, listed as a paid associate attorney for the Santa Maria CRLA office. Although no longer on the staff, Jarpa remained in the employ of CRLA for more than six months after his arrest.

(Exhibit 01-0138)

(17) People v. Art Bryant, Bakersfield Municipal Court, charge of disturbing the peace, to wit, allegedly mouthing obscenities at a police officer on a college campus in the presence of female students - represented by Martin Spiegel, CRLA attorney, Santa Rosa.

(Exhibit 01-0021-01)

Contrary to the claim of CRLA, as contained in its 1971 Refunding Proposal, - narrative and budget, in which on page 33 thereof is claimed, "CRLA has never been formally accused of violating the conditions of its grant with regard to handling of criminal cases." (11-0171). It is obvious that CRLA attorneys have ignored the pro-
scription as to representation of those accused of crimes. The record is replete with such representations. The District Attorney of Sutter County, Mr. David Teja, indi-
cates that he has given up objecting to representation of criminals by CRLA attorneys. Several District Attorneys have shifted the focus of their concern about CRLA's representing criminal defendants from concern about violations of CRLA's grant conditions to the quality of representation that criminal defendants are receiving from CRLA attorneys. CRLA's indifference to complaints about criminal representation has successfully deterred people from complaining about that. But these District Attorneys continue to be concerned about the quality of representation, because of their deep concern that the poor receive quality service. One District Attorney we spoke to said he felt uncomfortable having to assist CRLA attorney in criminal defense, when his office was supposed to be on the other side of the case. He said his office continued to do it reluctantly, because of his fear that otherwise the defendants

would not receive adequate counsel.

When the fact of CRLA attorneys representing clients in criminal actions has been brought to the attention of CRLA Management in San Francisco, the Central Office inevitably responds by saying that the erring attorney has provided representation "on his own time, at his own expense, and without charging a fee." (See letter of Richard Petherbridge, Chairman, CRLA Board of Trustees, to James R. Hanhart, District Attorney, Madera County, December 23, 1969 (Exhibit 01-0199).

In response to this claim, Mr. Hanhart declared, "This is ridiculous...to say that an attorney working for a corporate law firm may take on clients which are prohibited to him during the regular working day. To follow this to its logical conclusion, then a District Attorney might well represent a lucrative personal injury case or rich criminal defendant on internal "days off". It may be that neither CRLA nor Mr. Spiegel has given this matter any close thought." (Exhibit 01-0199)

See also the affidavit of Reverend Monroe Carter Taylor, commenting on the participation of CRLA attorneys in the Modesto school demonstrations, and their claim that it was all "on their own time." (Exhibit 09-0143-18)

Eligibility

Eligibility as per OEO Instruction 6004-1b
(December 1, 1970) is as follows:

OEO Poverty Guidelines for All States Except
Alaska and Hawaii:

| <u>Family Size</u> | <u>Nonfarm Family</u> | <u>Farm Family</u> |
|------------------------|---------------------------|------------------------|
| 1 | \$1,900 | \$1,600 |
| 2 | 2,500 | 2,000 |
| 3 | 3,100 | 2,500 |
| 4 | 3,800 | 3,200 |
| 5 | 4,400 | 3,700 |
| 6 | 5,000 | 4,200 |
| 7 | 5,600 | 4,700 |

For families with more than 7 members, add \$600 for each additional member in a non-farm family and \$500 for each additional member in a farm family.

(Exhibit 11-0172)

This office, during our recent evaluation, never saw any grave concern in any CRLA office that this guideline be adhered to. Busy as so many CRLA offices are with their class action law suits, representation of school demonstrators, harassing local and governmental agencies, and generally doing their "legal thing," they neglect monumentally their obligation to conform with the guidelines for poverty qualifications for free legal services.

1. OVER \$100,000 NET WORTH AND GETS CRLA LEGAL AID

James T. May and Margaret H. May were co-plaintiffs in a lawsuit filed against Emmett Gene McMEnamin, County

B. ELIGIBILITY STANDARD FOR CRLA ATTORNEYS

There is a requirement for CRLA that clients meet a prescribed income eligibility standard, so that those, in fact, able to pay for an attorney will do so and will not utilize the limited resources of CRLA.

"The grantee shall not provide legal assistance in . . . representation in any case where the applicant exceeds the financial eligibility standard where a private attorney is willing to provide representation and the client and private attorney are able to reach an agreement on representation. In all cases exceeding the financial eligibility standard, the applicant shall be referred to the local lawyer referral panel in order to obtain representation. In the event the lawyer referral panel is unable to make satisfactory arrangements for representation, the grantee shall consider the following factors in order to determine whether representation shall be provided: (1) the amount of the fee likely to be charged the applicant by a private attorney; (2) the extent to which the income of the applicant exceeds the financial eligibility standards; (3) the debts and obligations owing by the applicant; (4) the amount of real and personal property owned by the applicant; (5) the urgency of the applicant's problem; (6) the relationship of the nature of the applicant's legal problem to the general legal problems of the low income community intended to be served by the grantee.

"If private counsel can be obtained for representation at any time during the case proceedings, without jeopardizing the client's interest, the grantee shall terminate its representation of said client."

CRLA Grant, Special Condition
6c

Clerk Registrar of Voters for Monterey County, for injunctive relief after McMenamain discharged the Mays as deputy registrars (civil action number 68060 - August 25, 1970, Monterey County Superior Court.)

James T. May, co-plaintiff, is a supervising accountant for Kaiser Refractories at Moss Landing, with a salary in excess of \$1,000 per month. Further, James T. May has property in Monterey County with an approximate market value in excess of \$75,000. A credit source in Salinas, California, indicates May's net worth is in excess of \$100,000.

It must be assumed that CRLA attorneys Dennis Powell, Maurice Jourdane, Richard A. Gonzales, David H. Kirkpatrick, and Neil M. Levy (all of the Salinas CRLA office) felt that the Mays qualified for poverty law legal service. To be sure, the Mays in their lawsuit had the whole CRLA office in Salinas at their disposal for legal services free of charge. (Exhibit 06-0050-01)

2. CRLA REPRESENTS SELF

CRLA, on October 16, 1970, represented themselves (CRLA, et al, versus Eugene Zanger, et al, U.S. District Court, Northern District of California, No. C702236GSL) in a complaint for injunction, damages, and declaratory relief, for a violation of the plaintiff's civil rights.

Plaintiffs (including the following CRLA Gilroy

office staff members: Jose Chapa, Senior Investigator, annual salary - \$8,250; Brian Paddock, Associate Attorney, annual salary - \$14,000; and Don B. Kates, Directing Attorney, annual salary - \$17,500) claimed their civil rights were violated while attempting to visit a farm labor camp on defendant Zanger's property, and that they were unlawfully detained by deputy sheriffs, who were also listed as co-defendants. CRLA, Incorporated, has an annual budget in excess of \$1,500,000 a year and the Gilroy office of CRLA, one of the plaintiffs of this cause in action, has an approximate budget in excess of \$80,000 a year. It is only for us to speculate how any of these named plaintiffs or CRLA, Incorporated, qualified for a poverty lawyer or rural legal assistance. (Exhibit 06-0051-01 through 48)

3. ANOTHER CLEAR-CUT CASE

Attorney Elmer L. Winger of Modesto, in an affidavit dated December 11, 1970, discusses a lawsuit in which CRLA attorneys of the Modesto office defended one Roy T. Hodge during the month of March 1968, in a civil matter, wherein Hodge was being sued for delinquent payments on outstanding obligations.

Hodge lost the case and immediately paid his creditors. Hodge owned his own home, his wife was employed, he owned an automobile and a Dodge mobilehome valued at

\$20,000. Hodge's net worth barred him from free legal services of CRLA, as stated in the guidelines, yet he was provided those services by CRLA. (Exhibit 06-0052-01 through 03)

4. SOME WEALTHY ORGANIZATIONS GO TO CRLA

Prior to February 1970, the Chowchilla, California, School District had a disciplinary policy that demanded suspension of students guilty of using vile and profane language on the school grounds.

According to Edward Chidlaw, President of the Madera County Bar Association, CRLA attorneys came to Chowchilla to organize the Chowchilla Committee for Better Schools -- an organization that purported to be involved with equitable treatment of students in the above matters of discipline. The legal counsel for the committee was a CRLA attorney, Fred J. Hiestand, who was the attorney of record as legal counsel for the committee.

In his affidavit, Mr. Chidlaw states that the treasurer of the Chowchilla Committee for Better Schools was worth in excess of \$250,000, and that the main members of the committee were financially above the proscribed guidelines for eligibility to receive free legal aid (Exhibit 06-0053-01 through 08).

5. CRLA AND THE ROCK FESTIVAL

CRLA has acted as attorney for entrepreneurs who staged a rock festival in El Centro on December 15, 1970, at Buckland Park. According to news reports, an estimated 800 persons attended the rock festival.

Bob Johnstone, of the CRLA office in El Centro, acted as legal representative of the entrepreneurs who staged this rock festival, which does not conform with eligibility guidelines for the CRLA in the opinion of this office. (Exhibit 06-0129-01 and 02)

6. CAUSES ARE CONSIDERED MORE OFTEN THAN GUIDELINES BY CRLA

The representation of Steve Smith and Kieth Jeffers by the Marysville CRLA office in a suit against the Yuba City Unified School District over dress regulations as regards the length of male students hair, according to Don Soli, Vice-Principal of Yuba City High, may well have been in violation of CRLA's financial eligibility guidelines. Mr. Soli reports that the father of Steve Smith is an electrician. He further states that the father of Kieth Jeffers is retired from the Air Force and is now employed by a newspaper and that Jeffers mother is a bookkeeper at a bank. Exhibit 09-0103

7. ELIGIBILITY IS OF LITTLE CONCERN TO CRLA

An article in the Los Angeles Times, July 30, 1968,

discusses a complaint filed by two attorneys for CRLA, in which two teachers at Seaside, California, High School, Bedford and Wilhelmina Vaughn, are plaintiffs against a Seaside landlord for refusing to rent a house to the couple. Despite the merits of the case, the Vaughns have only two children, and it would certainly appear that their combined salaries as high school teachers places them above the eligibility standards for service to the rural poor. (Exhibit 21-0196)

8. CRLA SUES FOR POLITICAL ORGANIZATIONS

News article from the Wall Street Journal dated November 16, 1970, states that CRLA filed a suit against Human Resources Development on behalf of five organizations:

American G.I. Forum

Spanish Speaking Surnamed Political Association

Mexican-American Political Association

League of United Latin American Citizens, District 10

Chicano Law Students Association

The suit charges discriminatory employment practices by the California Department of Human Resources Development toward California's three million Spanish surnamed residents.

All five above-named organizations are political in nature and CRLA is prohibited from representing political organizations.

9. CONCLUSION

There seems to be a total disregard for assessing eligibility guidelines as per the CRLA grant as a matter of course in all CRLA offices.

It seems apparent that CRLA offices accept or reject clients on the particular whim of the local office. There is no doubt in our mind that cases are accepted that tend to reflect the dramatic, the political and tend to conform with the cause in vogue of the individual CRLA office involved.

C. SOLICITING CLIENTS AND STIRRING UP LITIGATION.

Lawyers are prohibited from soliciting clients and stirring up litigation or cases.

"Stirring up litigation, directly or through agents. It is unprofessional for a lawyer to volunteer advice to bring a lawsuit ... Stirring up strife and litigation is not only unprofessional but it is indictable at common law. It is disreputable to hunt up ... causes of action and inform thereof in order to be employed to bring suit or collect judgment, or to breed litigation by seeking out those with ... grounds of action in order to secure them as clients, or to employ agents or runners for like purposes ... A duty to the public and to the profession devolves upon every member of the bar having knowledge of such practices upon the part of any practitioner immediately to inform thereof, to the end that the offender may be disbarred."

Canons of Professional Ethics
of the American Bar Association,
Rule 28.

"A member of the State Bar shall not advise the commencement, prosecution or defense of a case, unless he has been consulted in reference thereto..."

Rules of Professional Conduct,
California State Bar, Rule 10

The issue of stirring up litigation is a particularly sensitive one, because of the extent to which litigation of any sort, particularly suits alleging exploitation between one group and another, tend to stir hostilities and tensions between them. This is especially dangerous in

race relations, where tensions and hostilities may already be aggravated to near violence.

The importance of keeping controversies at the lowest level is vital with respect to the poor. The greater the publicity suggesting exploitation, the more the individual poor person is apt to feel he has no real control over his own life and his own chances for personal fulfillment. Consequently, there are here opportunities for a very special kind of exploitation of the poor - - one which promotes psychological dependency by the poor person on the individual raising the complaint.

Settling a problem at the lowest level of controversy does not compromise the material solution. But the quieter the solution, the less apt it is to encourage and aggravate the psychological dependency that may make it virtually impossible for "poor people to help themselves." It is for this reason that the following section is so important: because it illustrates the depths of the exploitation that is taking place in CRLA's relations with its clients and constituents.

The dangers in the situation are explored with sensitivity and depth in the 1970 Introduction to Nathan Glazer's and Daniel P. Moynihan's classic Beyond the

Melting Pot (Joint Study for Urban Studies of the Massachusetts Institute of Technology and the President and Fellows of Harvard University):

(page XVI of "Beyond the Melting Pot")

"... but we do not feel, on balance, that the primary failure (in race relations) was in the political response of government to recognized need...

"We would point to two other areas of failure, at least as important. One was the failure of intellectuals and the mass media to report and analyze what was happening. ...The intelligencia, as it so often has, lusted after the sensational and the exotic. The hard work of politics and social change bored it. An increasingly dangerous romance with social brinkmanship and violence developed. The main task of individuals, keeping the channels of thought and of communication honest, was increasingly abandoned. Thus, until the rise of Black militancy a few years ago, it was typical for the intelligencia to argue that whatever the shape of race realtions, whatever the conditions of Negroes, it was fully and exclusively to be ascribed to Whites. ...This was an exaggerated and distorted view of the situation even 5 and 10 years ago."

(page XVIII)

"The point is that the political failures of the 1960s also include a failure by intellectuals and by the mass media they increasingly influenced to give a true and honest account of the situation. Lies started, and they were not stopped, because those whose task was to monitor words and ideas had less and less interest in doing so. It was no wonder that, even while progress was substantial, fears of genocide rose."

The point to be emphasized here is that by escalating their charges of exploitation, the intelligencia

(and here CRLA) tended to render the constituents psychologically impotent to control their own affairs and to "help themselves." A New Exploitation was at hand, and the result was to make the poor more helpless than ever. It was difficult to avoid the tragic irony of the situation which occurred as the agents of the Economic Opportunity Act, which had been charged with promoting independence, in fact set about to produce the most aggravated and intractable dependency the poor had yet known.

(1) CRLA's Passion for Controversy.

CRLA's passion for controversy and litigation are captured in the following incident, described by Detective C.E. Brown of the Delano Police Department.

On May 8, 1970, Patrolman Brown stopped a vehicle driven by two Mexican-Americans in their early 20's for running a stop light. Because of a call on his Police radio, the Patrolman warned the driver but did not issue a traffic citation for the violation. He describes the incident as follows:

"I was standing talking with the driver when a vehicle pulled up across the street and stopped. A MMA (Mexican-American) got out of the vehicle and walked over to the officer and traffic violator saying in Spanish 'what's the trouble,

brother?' I thought the two subjects were relatives and advised him that there was no trouble and that the vehicle had run a stop sign. I also advised him that the subject had received a verbal warning and that no traffic citation was being issued.

"At this point the MMA identified himself as John Ortega (CRLA attorney in the McFarland office), stating that he was an attorney and was there to give the driver legal advice. I asked Mr. Ortega for one of his business cards, whereupon he stated, 'I wouldn't give you cops the time of day,' and walked around to the passenger side of the vehicle and began talking with the other passenger. I asked the driver if he knew this subject and he stated, 'No, but he sounds like some type of nut.' Again Ortega approached the undersigned, demanded my name and badge number, saying, 'We'll see you in court.' The driver told him there was no problem and that he did not need an attorney, whereupon Ortega stated, 'Don't say anything, I'll represent you free.' It appeared to me this subject was attempting to cause a confrontation and to antagonize the undersigned. I advised Mr. Ortega of Penal Code Section 148 (interfering and delaying a Police Officer), again stating there was no citation being issued and no need for his presence. He turned and put his face close to mine and shouted, 'You had better read the Constitution, if you can read.' The driver was advised he was free to go, and drove away. Ortega stood and looked at the undersigned for several moments, muttered to himself and walked back to his vehicle."

(Exhibit 17-0080.)

The Patrolman's recollection of the incident is supported by the affidavit of Jerry Silva Hernandez, attached here as Exhibit 17-0080-08, which he signed July 21, 1970, more than two months after the incident.

(2) "Looking" for a Woman on Welfare.

Another incident reveals the general orientation.

In 1969 Mr. Fred Hiestand, a paid CRLA staff attorney, informed Mr. Herbert E. Bartow, a private attorney in Madera, that CRLA was "looking" for a woman Welfare recipient who had been requested to take a polygraph examination by the Madera County District Attorney's office, so that they could take legal action. Mr. Bartow mentioned to Mr. Hiestand that he had talked to just such a woman recently, but when Hiestand asked him to furnish him with her name and address, Mr. Bartow refused. (Exhibit 07-0086.)

(3) One Class Action Needed ... Call CRLA.

The CRLA local office in El Centro solicited clients to make complaints against feed lots in the Calexico area in a newspaper article in the Imperial Valley News of February 3, 1967. The CRLA attorney soliciting clients in this matter was Frank Dennison. Dennison said in his news article that he "needs a - class suit - to work with a group of people to bring an action ..." The article goes on to state that complaints may be made to Dennison at the legal assistance office in El Centro. (Exhibit 07-0089.)

(4) A CRLA Either-Or Lawsuit.

The experience of Rachel Hubbard with the CRLA Marysville office combines an illustration of CRLA's insensitivity to poor people with their passion to stir up litigation. As discussed in other sections,

Mrs. Hubbard went to the Marysville office shortly after the death of her husband to finalize adoption proceedings for the child she had brought up since he was three days old. Mrs. Hubbard found the maximum grant of \$150 that she was able to receive from Welfare was insufficient to raise her child, but in order to qualify for the Social Security payments from her late husband's account, she had to have adoption papers for the child. Mrs. Hubbard went to CRLA for assistance with the adoption, but CRLA told her they would help her only if she agreed to act as a plaintiff in a suit against the Sutter County Welfare Department. Mrs. Hubbard refused to be a party to CRLA's scheme, and she left the office. She states, in affidavit, that CRLA attempted to contact her five times on the telephone, offering to assist her with her adoption proceeding if she would sue the Welfare Department. She said their particular interest in this case came from the fact, described by a CRLA attorney over the phone to her, that this was "the best case they had come across." (Exhibit 02-0018.) She continued to refuse to submit to this form of extortion, even though it meant she had to do without the Social Security payments that would otherwise have been coming to her.

In other sections, we have discussed CRLA's

prosecution of the Santa Maria Berry Farm case, in which the CRLA Santa Maria office sued a local grower, alleging that he was spraying dangerous pesticides, but without bothering to communicate with him before the prosecution of the suit. As stated in his letter of dismissal, CRLA attorney Burton Fretz implicitly admits the only purpose of the litigation was to force the Department of Agriculture to make public information regarding the spraying of pesticides. CRLA imposed great costs both on the private defendant and on the Department of Agriculture in defending the suit, which was brought against a private defendant for the purpose of getting information from a public agency.

(5) Solicitation Before a Demonstration.

In the Modesto School demonstration incident, described at pages and herein, CRLA was responsible for organizing and directing a demonstration which resulted in the arrest and trial of some 42 demonstrators for trespass at the Modesto School District building in April, 1970. The affidavit of Rev. Monroe Carter Taylor, who is a member of the local CRLA Advisory Board and Director of Social Services at the King-Kennedy Memorial Center in Modesto, is especially important in description of this incident. Rev. Taylor states:

"... These two lawyers were all too active. First, they told the demonstrators that they would represent them legally in court if arrested. Second, they spent the entire day, day after day, at the City School's office, with the demonstrators, where in fact they should have been at their offices doing their official duties talking to clients. Thirdly, they did represent some of the demonstrators who were arrested, and the two, Lowenstein and Neumark, spent weeks in court defending the demonstrators."

CRLA's offer in advance to legally represent the demonstrators in court if they were arrested was part of CRLA's organization of the incidents that resulted in the arrests. It is notable that when the arrests actually took place, the two CRLA attorneys who had organized the demonstrations that led to them, had absented themselves and avoided the discomfiture they had caused for their followers.

Solicitation of cases is essential to CRLA's prison penetration, which is explored and revealed in Section V.A. hereof. In most of the affidavits we collected from prisoners at Soledad Prison and San Quentin, CRLA attorneys contacted them in a great many instances for the purpose of solicitation. See Section V. (A) for further discussion on this point.

(6) The "Hot Stove" Case.

The so-called "Hot Stove Case," described at page 60 hereof, indicates both CRLA's passion for litigation of

cases that have publicity value and for perpetuating litigation after a solution has already been found. In that case, CRLA claimed that the Welfare Department was withholding funds to meet unmet shelter needs of Welfare recipients. As pointed out above, the total moneys available to the Sutter County Welfare Department amounted to \$1200 (some State, some County and some Federal) - which were estimated by the Director of the local County Welfare Department to be sufficient to assist two families during the entire year when they were allocated. The Welfare Department was notified of the availability of these funds in December, and CRLA filed its suit in mid-January. No effort was made to negotiate the release of the limited funds. When a local merchant offered to provide a stove, for payment of which CRLA was suing the Welfare Department, CRLA asked the merchant to hold off until they could press the case to decision. The result delayed delivery of the stove to the Welfare family for between four and six weeks. The court sustained the Welfare Department's demurrer.

(7) T.V. Solicitation in Salinas.

In September, 1970, at 6:00 p.m. newscast on KSVW, Channel 8, in Salinas, described a UFWOC rally and CRLA's participation in it as follows:

"California Rural Legal Assistance Attorney Neil Levy asked that all workers return summonses from growers notifying them to leave the camp, so that they can be answered in court, adding that in that way he may be able to prolong the day of eviction."

(Exhibit 07-0088.)

His purpose is clearly to assist the organizing efforts of UFWOC by soliciting and stirring up litigation. This incident is dealt with at pages and hereof.

(8) Deluded into CRLA Suit.

Stirring up litigation often involves conscripting plaintiffs. In the case of Wolfin v. Vinson, discussed at page hereof, CRLA filed suit on behalf of 16 Indians against a local car dealer. When they were later questioned in depositions, 15 of the 16 plaintiffs denied that they had ever been requested to be part of the lawsuit. For more on this see page

(9) Conscripting of Plaintiffs.

Conscripting plaintiffs obviously goes considerably beyond mere solicitation, for solicitation implies some kind of consent by the plaintiff. Another blatant case of conscription occurred in the 250 Farm Workers case against the California Farm Labor Bureau, discussed herein at page

. The affidavit of one of the plaintiffs states as follows:

"On or about March 3, 1970, I attended an English class at the San Benito County High School ... A Mr. Del Buono of California Rural

Legal Aid spoke to the class. He asked the whole group to sign a petition to get the State Farm Labor offices closed. He said that these offices were not of any benefit to the worker and that the offices should be closed, because if they were closed then the workers could get higher wages. He recommended that if the offices were closed then the farmers could come to a union run by the workers or an agency run by the workers. Mr. Del Buono tried to get all of us to sign the petition. Everyone else signed it, but I did not.

(Exhibit

The conscripted plaintiffs' later surprise is recorded explicitly, for instance, in the affidavit of Felix Gusman Gaono:

"... A bearded man who said he was an attorney for the California Rural Legal Assistance came to my home inquiring of the people next door. With this man was a Mexican-American of approximately 25 years of age ... They said they were gathering signatures ... toward the protection and betterment of farm labor wages ... Approximately two weeks later the Mexican-American returned to my home with a typed statement for me to sign. He did not read the statement to me. He said the statement was for the protection of the farm laborer who worked by the hour or piece rate. The man who had me sign the statement did not tell me that the paper I was signing was a complaint against the Farm Labor Office. If I had known that it was, I would not have signed it, as I have no complaint whatsoever against the Farm Labor office."

(10) 'Manufactured Situations.'

In some ways, CRLA's passion for solicitation and stirring up litigation is best described in the affidavit of Mrs. Amelia Harris, who was employed by the CRLA Salinas

office from September, 1966, to June, 1969:

"Many cases were established as a result of manufactured situations. I mean by this that clients or potential clients were instructed in certain actions and dialog with agencies and private firms that would lead to litigation."

She goes on to describe several cases brought in response to manufactured situations. Mrs. Harris was treated summarily when she raised an objection to CRLA's conduct:

"After the California Rural Legal Assistance decided to drop domestic relations cases, consumer credit cases and automobile credit cases, I voiced the opinion that this was not correct procedure under the guidelines set forth and that acceptance of other types of cases outside the guidelines while not accepting cases inside the guidelines was wrong, morally and legally. I was discharged in June, 1969."

(11) CRLA Intolerant of Criticism - Private Law Firm.

CRLA is not tolerant of opinions that deviate from their own. Mrs. Harris was entitled to leave pay and severance pay at the time of her discharge, but CRLA forced her to go to the Labor Commissioner through an attorney:

"The Labor Commissioner ordered payment of the moneys due me plus punitive damages, and I was finally paid through the Labor Commissioner office." (Exhibit 09-0174)

Occasionally, an effort by CRLA to stir up litigation and solicit clients is foiled by a private attorney who

sadistically offers to donate time. This situation is frustrating enough for CRLA's attorneys, but it is intolerable when the attorney appears satisfied that the problem can be settled without filing a suit and going to court. It has been suggested by one observer that perhaps such insensitive behavior by the private bar ought to be expressly forbidden by OEO, or the Bar. The reasoning is that no experience is more frustrating for a poverty lawyer than judicial onanism.

Such a case as that described above was the case of Delfina Bocanegra, et al., v. Salinas Strawberries, et al., Superior Court, Monterey. The farm workers were represented in that case by Mr. W. F. Moreno, who described his contact with CRLA in a letter he wrote on May 5, 1970:

"You may not know that we received a telephone call just prior to the time when we contacted your office in that case and in this telephone conversation the CRLA tried to convince us that we did not want this case because of the fact (a) that the people could not get into our office during normal times; (b) that they did not speak English, and: (c) that it would not produce very much money.

"We insisted that we would make some special arrangements to have a meeting at a time convenient to the workers, that we could speak Spanish if no other interpreter was available, and that we were willing to donate our services.

"As it turned out, the CRLA had already prepared a complaint which they wanted us to file before even contacting the proposed

defendants. They requested permission to be associated with our office in the suit, and we denied them permission. It was obvious from the fact that appointments were not kept and other innuendos that they were not really happy that we had accepted this case. We believe that someone had required them to really go down the list of lawyers on the lawyers referral panel before they could take the case."

Mr. Moreno continues in his letter a description of the inappropriateness of litigation in this case:

"As you will recall, we contacted your office and demanded, and received, complete copies of all of the payroll records and we were able to resolve the matter to everyone's satisfaction. There were errors in the payroll and the back pay was collected. No suit was required. In the course of our investigation of the matter, we found that no attorney from the CRLA had ever talked to any of the proposed plaintiffs at any time, and as far as we know, even up to today. The entire matter was handled by one of the CRLA field workers whom we have information tending to indicate was also an organizer for the Chavez union."

Mr. Moreno ends his letter expressing the general helplessness that people in the communities feel against the poverty law establishment:

"Quite frankly, we are sending this information over to you, but we do not expect that you will have any luck in doing anything about the CRLA."

Mr. Moreno's letter is Exhibit 07-0180. (See also the affidavit of Mrs. Amelia Harris, Exhibit 09-0174.) Mrs. Harris indicates that CRLA set up the Salinas Strawberries case with a "contrived situation." At the time,

she was directing legal secretary for the CRLA Salinas office, which attempted to take the case. (As indicated in our discussion of Mrs. Harris' affidavit at pages and hereof, in recalling both the Salinas Strawberries case and the Martin Produce case, she evidently confused their respective facts, ascribing the Martin Produce facts to the Salinas Strawberries case. The significance of the testimony, however, is not compromised, in view of her charge that in both situations CRLA "contrived" the circumstances on which the suits were based.)

(12) Conclusion.

To end the discussion of solicitation and stirring up litigation by mere reference to the rules of professional conduct of the American Bar Association and the State Bar of California would be to miss the vital significance that those rules have where poor people are involved.

As we have said, the genius of the Economic Opportunity Act and its major innovation was its attempt to approach the problems of poverty by attacking poverty's psychological roots, which are buried in dependency. The issue is complicated, of course, because dependency has both material and psychological dimensions, which often conflict. Often, a material victory (reducing material dependency) may produce a psychological defeat (by

aggravating psychological dependency). This fact explains the critical importance of the Bar Associations' rules against solicitation and stirring up of litigation when they are applied to the poor. If a poverty lawyer spends all of his time telling an agricultural worker that he is being exploited by the grower, the lawyer is almost certainly exploiting the worker psychologically. For the result of this relationship will be to encourage the worker to resent the grower and depend on the lawyer, who has become at once his "champion" and exploiter.

We think the incidents cited above concerning CRLA attorneys soliciting cases and stirring up litigation reveal at best a blatant indifference to the needs of the poor, at worst a disposition to use their clients as ammunition in their efforts to wage ideological warfare.

D. A CASE OF NON-COMPLIANCE -- CONDUCT UNBECOMING
AN ATTORNEY

"He (an attorney) should strive at all times
to uphold the honor and maintain the dignity
of the profession . . ."

Canons of Professional
Ethics of the American
Bar Association, Rule 29

Professional behavior just as ethical behavior must have some objective yard stick of measurement. This is a factor not readily understood by the "new breed movement lawyer" who is more often than not the captive of a strong and dogmatic set of socio-political emotions that result in a behavioral myopia. Thus, a "movement lawyer" (As defined by Faye Stender) can, in the course of his legal profession write "F*ck Vietnam" on the blackboard in front of a junior high school class (as CRLA's Newmark did) and feel that his act is constructive and productive in its brash crudity and rote simplicity.

THE LEGAL STYLE OF THE "MOVEMENT LAWYER"

(1) On August 30, 1970, a telegram was sent to Dr. James Cavanaugh, Deputy Assistant Secretary for Health and Scientific Affairs, Department of Health, Education and Welfare in Washington, D.C. The telegram requested that Health, Education and Welfare funds for the Migrant Health Clinic in Brawley, California, not be

dealyed or its opening date postponed. This telegram was sent over the name of Dr. Elmer Werner, President, Imperial County Medical Association. The charge for the telegram was made to CRLA. On October 21, 1970, another telegram was sent to Dr. Cavanaugh stating in part the following:

"The telegram of August 30, 1970, over my signature was not sent by me and did not represent my opinion."

According to a letter of August 31, 1970, addressed to Dr. Werner, CRLA attorney John Denvir admits he sent out the original telegram without the approval of Dr. Werner. (Exhibit 14-0120)

(2) The Director of Legal Services of the State Bar of California, F. Jay Lutz, sent a letter dated October 26, 1970, to Cruz Reynoso, Director of California Rural Legal Assistance. In this letter Mr. Reynoso was

"advised that the committee (of the State Bar) has reviewed the application of California Rural Legal Assistance for OEO refunding for the year ending December 31, 1971, and has approved the same."

The letter stated further that "concurrently herewith . . . appropriate members of the staff of the Honorable Ronald Reagan are being advised of the foregoing."

In response to this routine approval by the State Bar, CRLA issued a press release beginning "In an unprecedented action," and suggesting that the Bar had

affirmatively urged the Governor to approve the program. The Sacramento Bee picked up the story and escalated the language, presenting an even stronger impression of the State Bar's action.

A member of our staff contacted the Chairman of the Bar's Committee on Legal Services, which was responsible for the approval, and asked (a) if it was true that the Bar was doing anything it had not done over the years for all programs, and (b) if the Bar was urging the Governor affirmatively to approve the program. The Chairman of the committee said on the phone emphatically that his committee had done no such thing, and that it would have been inappropriate for them to have done it, in any event.

It is interesting in this connection to consider the nature of the State Bar's approval of CRLA. In another conversation with a member of our staff, the same gentleman referred to above indicated a dissatisfaction with the amount of information they were given on the basis of which they had to approve or disapprove the program. In some respects, this latter point, no doubt true in view of the evidence collected in this report, suggests a possible area for reform in the way Bar Associations go about evaluating legal service programs.

(3) In an affidavit taken on December 23, 1970, Mr. Richard A. Weiss, Los Angeles attorney, attested to

three separate instances of "unprofessional conduct and frivolous waste of taxpayers' money by attorneys employed by the California Rural Legal Assistance." The first instance concerns the case of Dubney versus Harold L. Anderson, wherein Mr. Budney was represented by Mr. Weiss' firm, and Mr. Anderson was represented by CRLA attorneys Robert Bell and James A. Kealey. Mr. Weiss states that

"the CRLA attorneys represented Anderson for the sole purpose of filing a motion to transfer the Los Angeles Municipal Court case to Sonoma. . . . They lost their motion in the trial court. They appealed and lost their appeal. They then made a motion for a rehearing and lost that.

The second instance cited by Mr. Weiss was in the case of Creditors Service versus Fred Reed, wherein Mr. Reed was represented by the CRLA through Florence Bernstein, Barbara Sena, and Armando Rodriguez. This case was started in the Los Angeles Municipal Court and the CRLA attorneys filed in answer,

"A cross complaint for injunction and fourteen counts of punitive damages in the amount of \$2,000.00 per count and moved to transfer the case to the Fresno Superior Court."

"They then, in direct violation of the Code of Civil Procedure, paid the transfer fees. No notice was given to the plaintiff and within ten days after transfer caused the default of plaintiff to be taken. Despite telephone calls and letters they (the CRLA attorneys) refused to set aside the default. Plaintiff was forced to go to Fresno and move the court set aside the default. . . . At the same time the defendants made a motion to quash

a writ of attachment. At the time of making the motion there was no writ of attachment in existence. Their motion was denied. They filed an appeal. We filed a respondent's brief. They filed a reply brief. They then stipulated to dismiss their appeal.

The third instance also occurred in conjunction with the Reed case. Here, CRLA attorney Barbara Sena, in opposition to plaintiff's motion to vacate the default,

"contained several items that were absolutely false and that declarant knew or should have known were false." (Exhibit 14-0164)

(4) In an affidavit taken on December 23, 1970, Mr. Emil A. Markovitz, Manager and Corporate Secretary of Creditors Service of Los Angeles, states the following:

"I have been told by attorneys personally involved in cases where parties were represented by CRLA attorneys, that when the CRLA attorneys were informed that their clients owned assets which should disqualify them from receiving the services of CRLA, the informants were told that it was none of the informants' business that these persons owned these assets." (Exhibit 14-0164-04)

(5) In a letter to Lewis Uhler dated December 8, 1970, Mr. E. M. Azevedo, a Modesto attorney, relates and documents an instance of unprofessional conduct on the part of CRLA attorney Phil Newmark. The first point made concerns a letter written by Mr. Newmark which was sent directly to one of Mr. Azevedo's clients, Dial Finance Company, by-passing Mr. Azevedo altogether. Mr. Azevedo states that he was "quite shocked" to find from his client that Mr. Newmark had "communicated

personally with them." Another point Mr. Azevedo makes regarding Mr. Newmark's conduct is as follows:

". . . the tenor of Mr. Newmark's letter is obviously slanted towards a class action threat. They do not really seem to be concerned about the rights of the individual client. If they were I am sure they would have researched the law more carefully than they did to determine that they were in fact in error, or they would have at least made some kind of proposal to me that I could discuss with my client (emphasis added)." (Exhibit 14-0091)

(6) CRLA paid staff attorney Philip Newmark on invitation from the History Department at Grace Davis High School in Modesto, spoke on October 27, 1970, before an audience of juniors at that High School. The topic was "What are the legitimate limits of dissent in America today;" this talk brought an investigation by Mr. Pete Doane of the Stanislaus County District Attorney's office of the use of offensive language by Newmark during his presentation. Mr. Doane's report indicates that Mr. Newmark used the words "sh*t" and "fu*k" or forms thereof on three separate occasions during his speech and wrote the latter word on the blackboard. While one teacher "related that Newmark seemed to have gained rapport with a number of students by his use of the objectionable words," one must conclude that such conduct is hardly in keeping with an attorney's obligation to "maintain standards of appearance and decorum." (Exhibit 17-0136-01)

(7) On September 4, 1970, during a UFWOC rally in support of the union's lettuce strike in Salinas, a person identified as Neil Levy, who is listed as an attorney with the CRLA Salinas office, is reported by a newsman to have addressed the rally and offered the support of the CRLA Salinas office to defend against unlawful detainer actions. A television film clip in the possession of our office describes the scene as follows:

"California Rural Legal Assistance Attorney Neil Levy asked that all workers return summonses from growers notifying them to leave the camp, so they can be answered in court, adding that in that way he may be able to prolong the day of eviction."

Rule 13 of the "Rules of Professional Conduct for the State Bar of California" states, in part:

"A member of the State Bar shall not accept employment . . . solely for the purpose of . . . delaying another . . ."

Mr. Levy's actions in the case cited here appears to constitute a clear violation of this rule. (Exhibit 14-0130)

(8) On January 17, 1970, El Centro CRLA attorney Robert Johnstone was arrested for "willfully and unlawfully, as driver of a privately owned vehicle, keep . . . 7 partially filled 11 oz. bottles of beer which had been opened . . . and the contents of which had been partially removed . . . in a place other than the trunk

. . . while such vehicle was upon a highway. Johnstone forfeited \$50 bail on March 18, 1970. (Exhibit 17-0082)

(9) Mr. Frank C. Bosso, Department of Labor, at a San Benito County Board of Supervisors special meeting, June 25, 1970, entered the following into his report concerning the behavior of CRLA attorney Antonio Del Buono:

"As I was leaving my seat and walking to the door of the chambers, Antonio Del Buono, community worker for California Rural Legal Assistance, shouted that he wanted to talk to me, the man from the Labor Department, as he put it. I stated that I did not have anything to talk to him about. He replied that he had plenty to talk about to me. I suggested that if it concerned the farm labor services he should contact our legal staff in Sacramento for any discussion he may want to have with me. While proceeding to walk away from and out the door, he shouted 'on July 22nd we are going to close all the Farm Labor offices in the State.' He did not elaborate who 'we' were, but I presume he was referring to CRLA. I told him not to bother me anymore and that I did not have anything to discuss with him. Again I repeated that we had a legal staff who represented the Department in the main hearings and who I thought had done a good job of it. At this point, a Maria Martinez Rivera, who had been in the audience at the meeting, overheard my last comment to Mr. Del Buono. She intervened by making this statement, 'Good, I'm glad you're telling him off.' When he heard this remark he turned around and started to shout to her in Spanish. Several Mexican-American men who were nearby jumped to her rescue and the police were called. The evening ended with Mrs. Rivera signing a complaint against Mr. Del Buono for using vulgar and profane language in her presence. According to the police records four witnesses attested to the allegations." (Exhibit 17-0081)

(10) On or about March 27, 1970, Delano Police Officer, C. E. Brown, stopped a vehicle driven by Gerry S. Hernandez, who ran a stop sign. According to his 7/21/70 affidavit, Officer Brown issued a warning but no citation and was about to respond to a pending call when CRLA attorney John Ortega pulled up offering to give the driver legal advice. Brown explained that no citation was being issued and asked Mr. Ortega for a business card, whereupon Ortega stated, "I wouldn't give you cops the time of day." When Brown asked the driver if he knew Ortega, the driver said, "No, but he sounds like some kind of nut." Ortega demanded Brown's badge number, saying "We'll see you in court." When Brown advised Ortega of Penal Code Section 148 (interfering and delaying a public officer), Ortega shouted in Brown's face, "You had better read the Constitution if you can read," and left mumbling. Officer Brown's statement is sustained by the July 21, 1970, affidavit of Gerry Hernandez, who stated that Brown was ". . . courteous and friendly at all times," and that Brown treated Ortega ". . . with respect during the entire time."

Canon 28 of the American Bar Association's "Canons of Professional Ethics" states, in part, that: