

LEGAL SERVICES CORPORATION  
BOARD OF DIRECTORS MEETING

**RETURN TO CORPORATION  
SECRETARY ARCHIVES FILE**

August 28, 1987

Seattle Sheraton Hotel & Towers  
Metropolitan Ballroom  
1400 6th Avenue  
Seattle, Washington

Present:

Clark Durant, Chairman  
LeeAnne Bernstein  
Pepe Mendez  
Claude Swafford  
Robert Valois

Hortencia Benavidez  
Paul Eaglin  
Lorain Miller  
Basile Uddo  
Michael Wallace

John Bayly, President

**Diversified Reporting Services, Inc.**

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WASHINGTON, D.C. 20005

(202) 626-2121

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PROCEEDINGS

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## P R O C E E D I N G S

1  
2 CHAIRMAN DURANT: As usual the Board of Directors  
3 Meeting for the Legal Services is now in session. We will begin  
4 as we always do with a prayer. We have asked Sister Mary Rhody  
5 of Heritage College here in Washington, who is assisting in a  
6 Legal Services project, to offer the invocation.

7 SISTER MARY RITA: Let us pray.

8 Gracious God, you who created each of us and who has  
9 plans for us to be stewards of your earth and to care for each  
10 other, we ask your blessing on this meeting. We ask your  
11 special blessing on the poor folks of our state, those who have  
12 various needs. We ask always that you might do your will. We  
13 pray this in the name of Jesus, your son. Amen.

14 CHAIRMAN DURANT: The first thing that I would like to  
15 do is we have had a number of people ask to offer some brief  
16 introductory welcoming remarks. L.B. Fletcher, who is here on  
17 behalf of the Washington State Bar Association, is here.

18 L.B., the floor the is yours. It is nice to see.

## S T A T E M E N T O F L . B . F L E T C H E R

19  
20 My name is L.B. Fletcher and I am also the president  
21 of the board of directors of Evergreen Legal Services here in  
22 Washington State. I assure you, all of you, that the weather is

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1 not always this fine in Seattle. It does rain.

2 On behalf of my board, I welcome you to Washington  
3 State, the namesake of our state is plain. I also welcome you  
4 to King County, named after Dr. Martin Luther King, Jr. the  
5 guardian of the American civil rights movement. Finally, I  
6 welcome you to the city of Seattle, named for a great Indian  
7 leader, whose people once were the sole inhabitants of this very  
8 wonderful and special place.

9 The very backgrounds of the names of this state  
10 reflect its cultural, ethnic and economic diversity. Sharing my  
11 welcome to you today, also, is Jack Dean of Spokane, the  
12 president-elect of the Washington State Bar Association. Mr.  
13 Dean regrets that he cannot be here this morning because of his  
14 schedule of these two weeks preceding his installation as  
15 president of the state bar.

16 He asked that I tell you of his strong support for  
17 increased funding of LSC field operations and that he also is a  
18 fan of Evergreen Legal Services and its work in this state. I  
19 might add that Mr. Dean has been able to do more than voice his  
20 support for our program.

21 He is a former chair and member of the Legal  
22 Foundation of Washington. He advocated and awarded funding to

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1 Evergreen and other legal service providers in this state.

2 Please do not think that the vibrancy of our downtown  
3 accurately reflects the way that all people in this state live,  
4 because it is not. We are in the midst of radical changes in  
5 the economy in this state. Wrenching changes have been made and  
6 historical employment and wage patterns continue to be made.

7 Hourly wages for many have declined drastically.  
8 Traditional job opportunities have declined or disappeared.  
9 Some of our counties cannot afford around the clock enforcement  
10 because the tax base has so contracted.

11 Residents are unprotected in their homes in some of  
12 these communities from midnight until eight in the morning. In  
13 1986, 21 of 39 counties reported unemployment rates in double  
14 digits. Three of those counties have rates above 18 percent.

15 As president of the board of Evergreen Legal Services,  
16 let me share with you some of my concerns because of that  
17 position. First regarding monitoring. I welcome it. It is a  
18 useful tool for you, it is a useful tool for us.

19 We have an excellent program at Evergreen. I am proud  
20 of it. I want people to know about it. However, we do not know  
21 how our program has faired with the Legal Services Corporation.  
22 The final monitoring report from 1984, has never been disclosed

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1 to us.

2 A preliminary report was shown and it was positive in  
3 most respects. We are told that the final report cannot be  
4 found. Thus, my board is unable to assess the corporation's  
5 evaluation of us from 1984. Because of that, we are unable to  
6 make improvements or changes necessary for future monitoring  
7 reports and or future conduct under your regulations and under  
8 the law.

9 Last month, ten monitors were here for five days. We  
10 responded to 68 document requests while the monitors were on  
11 site. Most of what we produced had been produced and copied in  
12 1984. The cost to our program, and we assume the cost to the  
13 corporation is high. However, the benefit gained from the  
14 resources used for such a massive undertaking is, I suspect,  
15 marginal.

16 Evergreen, as you know, has an active foreign worker  
17 division. The program stands to gain, under allocation formulas  
18 recommended by the Martin-Holt Study -- which has you have  
19 propounded -- yet our clients perhaps may be worse off because  
20 of the decline in legal services in the states where they  
21 actually live as opposed to where they work.

22 Because of the failure of the study to include large

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1 segments of migrant workers in its overall formula. In the  
2 state, large numbers of migrant workers must urinate and  
3 defecate in the open and without benefit of wash areas in the  
4 field.

5 They risk infection and contamination from pesticides  
6 and herbicides. Youngsters in the field are especially effected  
7 by this. Our program has provided counsel to migrants and  
8 brought actions challenging the practices of some growers -- a  
9 minority of growers I add -- who brought -- who impersonate law  
10 enforcement personnel in order to intimidate some their workers.

11 We have been successful, extremely so, in state court  
12 and in federal court, in these actions and in others vindicating  
13 important substantive legal rights of our migrant clients.

14 With me today are Evergreen Legal Services management  
15 and staff people. We asked for the opportunity to respond to  
16 any questions or concerns raised in the course of your meeting  
17 today having to do with the conduct of our program.

18 I also have brought with me for distribution to you a  
19 brochure -- we have copies, I think, for each of you and for LSC  
20 staff -- describing our program, some of what we do, who is in  
21 it and the work of the lawyers. I have those with me up here  
22 and I will happy to bring them forward.

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1 I also have a letter from a board member, Robert  
2 Patrick of the Spokane area -- Colfax actually -- of Washington,  
3 east of the mountains as we say here, that he asked to be  
4 distributed here today to you, giving you some of his views that  
5 he shares as a fairly recent board member in the past year and a  
6 half. Again, I have the original and copies perhaps you might  
7 wish to review.

8 Here today in the audience are people connected with  
9 other legal services foundations in this state or programs in  
10 this state. John Bell, the director of Puget Sound Legal  
11 Assistance Foundation. Jim Bamberger, the Spokane Legal  
12 Services Center. Ada Sanjaffe, who is the director of Evergreen  
13 Legal Services.

14 I believe Barbara Clark is here or will be here today.  
15 She is the executive director of the Legal Foundation of  
16 Washington.

17 Also here with me are some other individuals who have  
18 travelled here from various parts of the state to make some  
19 brief comments to you. They have asked that you listen to them  
20 and they have asked that I introduce them to you.

21 These people are State Representative June Leonard  
22 from the 11th Legislative District of the State of Washington

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1 and vice chair of the Washington Housing Committee; Sister Mary  
2 Rita, whom you have met already, vice president for development  
3 and community relations at Heritage College in Topanik,  
4 Washington and Mr. Hector Gonzalez, executive director of the  
5 Washington State Commission on Hispanic Affairs in Olympia,  
6 Washington.

7 If it is all right with you, I would ask that Ms.  
8 Leonard approach and make her remarks?

9 CHAIRMAN DURANT: Kelby, I have no objection, that is  
10 fine.

11 MR. WALLACE: Can I ask a question before we get on to  
12 the next speaker, Mr. Chairman?

13 CHAIRMAN DURANT: Sure. Mr. Wallace?

14 MR. WALLACE: I would appreciate it if you would  
15 clarify and maybe you have clarified it as much as you can on  
16 the status of your 1984 monitoring report. I have read the  
17 submissions that our staff sent to congress with regard to some  
18 monitoring reports.

19 They say that on some of them -- back in the '83-  
20 '84, the work was substandard and we simply decided not to issue  
21 the report. Is that what happened here or is it just the case  
22 that there was a report and they cannot find it?

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1 MR. FLETCHER: I cannot answer that question. I can  
2 tell you what I know and that is that some time ago I think we  
3 made a request to the corporation for a copy of the final  
4 report. In turn, we were, I think, referred to the chief of the  
5 monitoring team.

6 We contacted the chief of the monitoring team who  
7 again referred us back to legal services corporation. So, I  
8 cannot tell you which of those situations may or may not have  
9 existed. I do not know.

10 MR. WALLACE: Mr. Bayly, can we get him an answer to  
11 his question within a week? If the thing exists he ought to  
12 have it.

13 MR. BAYLY: We can surely do it certainly tonight, Mr.  
14 Wallace.

15 MR. WALLACE: Would you please send a copy to the  
16 board members, too?

17 MR. MENDEZ: I suspect the answer has already been  
18 given. I am hopefully positive about it. I will no elaborate  
19 on it now because I am not entirely sure. I suspect that the  
20 matter has already been disposed of, at least from the  
21 corporation's point of view.

22 MR. FLETCHER: I am talking about now, I should

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1 correct myself, I misspoke. I am talking about the final 1986  
2 report, sir.

3 MR. WALLACE: Oh, I am sorry. The 1986 report.

4 MR. BAYLY: That is something else.

5 (Simultaneous conversation.)

6 MR. FLETCHER: I apologize, I misspoke.

7 MR. WALLACE: That is one of ours then.

8 MR. FLETCHER: I apologize. I do not know who's it  
9 is, but --

10 CHAIRMAN DURANT: You say you have not received that?

11 MR. FLETCHER: We do not have the final report. We  
12 saw the preliminary.

13 CHAIRMAN DURANT: Was the preliminary the one that was  
14 sent to you for comment?

15 MR. FLETCHER: It was sent to comment. Board members  
16 have seen it.

17 CHAIRMAN DURANT: When did you get it for comment?

18 MR. FLETCHER: I cannot answer that because I did not  
19 bring all of my files with me as far as what day. I do not have  
20 it.

21 MR. WALLACE: Was it the first of the month?

22 CHAIRMAN DURANT: Ada, do you know the answer to that?

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1 MS. SANJAFTE: October of 1986 and we commented in a  
2 timely fashion. The visit was in February of 1986.

3 CHAIRMAN DURANT: So your comments would have been  
4 within say two months within that time frame?

5 MR. FLETCHER: Yes, sir.

6 MS. SANJAFTE: Thirty days.

7 CHAIRMAN DURANT: You have no response to that yet?

8 MS. SANJAFTE: No.

9 MR. FLETCHER: This comes up at our board meeting  
10 typically in the final meeting of the year following a  
11 monitoring. Thank you very much.

12 CHAIRMAN DURANT: State Representative Leonard, nice  
13 to see you.

14 REPRESENTATIVE LEONARD: Thank you.

15 STATEMENT OF STATE REPRESENTATIVE JUNE LEONARD,  
16 ELEVENTH DISTRICT

17 I am June Leonard. I represent the 11th District in  
18 the State of Washington, which is just south of the city of  
19 Seattle primarily a valley that contains a couple of Boeing  
20 plants and no migrant workers to the best of my knowledge.

21 However, I was asked to vice chair of the housing  
22 committee this past year as we went into session. We decided on

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1 the housing committee we were going to take a look at the  
2 housing needs generally in the state. We had never one here in  
3 the State of Washington and felt it was time for the state to  
4 possibly determine some policy and look at quite a few of the  
5 issues.

6 We have a very large problem with homeless, not only  
7 here in Seattle, but throughout the state. One of the major  
8 housing problems that we were looking at, not only from a  
9 philanthropic viewpoint of taking care of those, some 25 percent  
10 of the homeless are families, but also a very practical  
11 standpoint.

12 In our state agriculture is our major industry. This  
13 past year we had a major problem with not enough migrant workers  
14 coming into the state, for various reasons, to help pick a  
15 cherry crop. We have an apple crop coming up in which we will  
16 need about 40,000 pickers. We have a major problem. We  
17 probably housing for less than 10,000.

18 Probably another 10,000 who may live here in the  
19 state, but we have a major problem. So, it became very  
20 necessary for the housing committee to take a look at that.  
21 Because of that, then, we travelled to Yakima, which is one of  
22 the major produce areas in the state.

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1 I am not sure if you are familiar with our state, but  
2 this is the south central part of the state in a very rich  
3 valley. While we were there, we listened to quite a few of the  
4 workers, the migrant workers, some of those who are permanently  
5 housed on Washington State, a few who have travelled from  
6 California or Texas talked to us.

7 We have some deplorable conditions in this state that  
8 we hope to address. We have been meeting, the chair of the  
9 housing committee and myself, have been meeting now for several  
10 months with various people that we think are going to be  
11 critical toward helping us with the problem.

12 Foremost among the groups that we have been meeting  
13 with are the Evergreen Legal Services because they have been a  
14 part of trying to solve some of the problems for several years  
15 here in our state. We have developed some -- what we think,  
16 with very good expertise, some good reports that tell us the--  
17 some of the focus of the focus of the problem.

18 We have also been meeting with the employment security  
19 department, the folks who represent the labor and industries  
20 department, the state health board -- the chair of the state  
21 health board has meeting with us, and several other folks who we  
22 feel can help us look for a resolution.

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1           A few of us intend to go, in about three weeks time,  
2 to Sacramento to meet with some of the folks in the California  
3 to see what they have been able to do about the housing problems  
4 and some of the other problems that migrant workers face.

5           We hope with the participation of all these people to  
6 come up with some reasonable solution to what we consider a very  
7 major problem the governor has been involved in looking at the  
8 problem. If we do not get the apples off the trees, that means  
9 your crop is of no use to us.

10           We desperately need the migrant workers to come into  
11 the state to help us. Some of the conditions they come into, as  
12 I have said earlier, are just deplorable. One of the people who  
13 I thought to be particularly sensitive to what we were looking  
14 at said, "Well, conditions probably are not any worse than they  
15 are in Mexico."

16           All I could say to him was, "This is not Mexico, this  
17 is Washington State. I do not think we as legislators should  
18 allowed these conditions to exist."

19           Evergreen Legal Services has been helping us to try to  
20 use legal means to protect some of these folks. Kelby has  
21 already told you about some of the conditions. We saw houses  
22 that had absolutely no sewage systems at all; bare wires coming

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1 down from telephone poles to one light in the small shack;  
2 several people living in those shacks; the fields where the  
3 children play were sewage ditches.

4 This is not acceptable. Somehow or other we need all  
5 lean to put all the forces we can to make sure that something  
6 happens to alleviate some of these conditions. We are going to  
7 try our darndest to do that. We need a lot of help to do that.

8 I ask you that you continue to give adequate funding  
9 to Evergreen Legal Services so that they can help us in this  
10 project that we have very lately come upon. We are late comers  
11 and we need a lot of help. These are the folks who have been  
12 helping us.

13 I think I have indicated all of it. I am new to the  
14 field. As I say, I have homeless folks in my district, but  
15 nowhere the problems of the families that are involved of the  
16 migrant workers that we need to take a look at. I have a son  
17 and daughter who live in Yakima who are very familiar with the  
18 problems and have kept me informed as to what is going on.

19 My daughter happens to be a television reporter in  
20 that area and has seen some really scary kinds of things. We  
21 need all the help we can. I promise you the state will be  
22 involved in working with this and developing it. We will see it

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1 through to the end, but we need a lot of help. I ask you to  
2 continue that help for us.

3 CHAIRMAN DURANT: Thank you, Representative Leonard.  
4 Any questions of any board members?

5 Mr. Valois?

6 MR. VALOIS: Ms. Leonard, I feel a little bit  
7 confused. I thought I understood Mr. Fletcher to say that under  
8 our adoption of the Martin-Holt report, it would result in us  
9 increasing the amount of funds which would go to Evergreen?

10 REPRESENTATIVE LEONARD: Right.

11 MR. VALOIS: I also thought I heard him say that they  
12 did not want to happen. Did I misunderstand you?

13 MR. FLETCHER: Is that a question directed to me?

14 MR. VALOIS: Yes, sir.

15 MR. FLETCHER: My concern, sir, is that our clients  
16 may not have adequate representation in their home states as  
17 opposed to the states where they work. It is my understanding  
18 that some of the options chosen under Martin-Holt that the  
19 impetus seems to be count and to allocate funding dollars on the  
20 basis of where certain people are actually working.

21 That could, in dollar terms, benefit this program. I  
22 do not know for the fact, of course, I have not seen final

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1 allocation.

2 My concern is whether these people, when they go back  
3 to their home states, if their home state is not Washington  
4 State, if funding levels have declined in those home states,  
5 whether these people are going to have their concerns taken care  
6 of for housing, health, sanitation, whatever, in those areas  
7 where they spend more time than they do in Washington State.

8 MR. VALOIS: I guess that is where I get a little bit  
9 confused because Ms. Leonard, I think, just made a pitch to us  
10 for more money where the apples are, and that is where they work  
11 in this context. This is where they work, in the apple groves.

12 REPRESENTATIVE LEONARD: What I am asking for is  
13 continued funding.

14 MR. VALOIS: I understand that. So, you see the bit  
15 of a dilemma you all place us in?

16 MR. FLETCHER: I am not sure it is a dilemma, sir.

17 MR. VALOIS: If there is unlimited money it is not a  
18 dilemma. We put lots of money in where the apples are and where  
19 people live, but there is not unlimited money.

20 MR. MENDEZ: Do most of the migrants that come here  
21 are they from California?

22 REPRESENTATIVE LEONARD: I am not sure of that. I

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1 understand that there is -- that they come from two places,  
2 primarily, California and Texas. Is that right?

3 MR. FLETCHER: I believe so, yes.

4 MR. MENDEZ: Do you have any statistics on that?

5 REPRESENTATIVE LEONARD: I am sure there are  
6 statistics. We were in the process of preparing a farm worker  
7 report that should be available within the next couple of weeks.  
8 If you would like, I would make sure that you get a copy of that  
9 report.

10 MR. MENDEZ: Absolutely.

11 REPRESENTATIVE LEONARD: It is a significant effort  
12 that the groups that I have been talking about have been working  
13 on. It builds on a report that was made in 1984, that was  
14 essentially ignored. The housing committee now is going to  
15 assure that this 1987 report will not be ignored and we will be  
16 glad to forward a copy to you. That has those kinds of  
17 statistics in it.

18 CHAIRMAN DURANT: Mr. Fletcher?

19 MR. FLETCHER: I would also add, if I might at this  
20 time, I asked Ada to have one of our management people from the  
21 program who deals with farm workers, Dan Ford, to be here today,  
22 who has more precise knowledge on the statistical basis say of

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1 the employment security department, workers' comp issues and  
2 things of that sort. I think he can handle those questions far  
3 better than I in terms of preciseness.

4 CHAIRMAN DURANT: Mr. Mendez?

5 MR. MENDEZ: I have got one follow up. I have been  
6 reading Colorado is seeing all of your problems with regard to  
7 the apples affecting -- what sort of direction is the  
8 legislature here taking? What are they going to do alleviate  
9 that or have they addressed that concern here?

10 REPRESENTATIVE LEONARD: We have not addressed that  
11 concern yet. That is why we are actually working on, as I said,  
12 there are three of us, one who represents the Yakima area and  
13 the chair of the housing committee and myself and some staff are  
14 going to Sacramento in a couple weeks to meet with Sacramento  
15 legislators because they have done -- the California legislature  
16 it is my understanding, have set up several camps that seem to  
17 be working well.

18 We have had terrible experiences with camps here in  
19 this state. We are going to go down and see what we can do. We  
20 have not developed a policy. We hope to be able to come up with  
21 some kind of work plan from the study that we are in the process  
22 on putting together right now.

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1           We have excellent support in the Speaker of the House  
2 of Representatives and a lot of interest from the senate. We  
3 are pretty confident we are going to be able to come up with  
4 something, but we do not have a plan yet.

5           MR. MENDEZ: Have you talked to Evergreen Legal  
6 Services about giving a list of some of the migrants that they  
7 have and some of the crew leaders?

8           REPRESENTATIVE LEONARD: We have been working with  
9 Evergreen Legal Services; yes. They are part of the group that  
10 is doing the report. The Evergreen Legal Services  
11 representatives in Yakima County are primarily involved. The  
12 major problems are in Yakima County right now.

13           MR. WALLACE: Mr. Chairman, I have got a couple of  
14 questions.

15           CHAIRMAN DURANT: Mr. Wallace?

16           MR. WALLACE: This goes to either of you who knows the  
17 answer. You discussed that Evergreen is helping you in the  
18 formulation of housing policy. Can you or Mr. Fletcher tell me  
19 exactly what it is that Evergreen is doing? What form does the  
20 help take?

21           REPRESENTATIVE LEONARD: Help primarily is part of our  
22 process; gathering information, putting together the report,

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1 hopefully giving us some recommendations as to what the future  
2 plan should be, giving us information, showing us what is going  
3 on. We asked them to help us and they have been very receptive  
4 in helping.

5 We originally brought -- we asked them to come in and  
6 talk to us about what some of the problems were. They brought a  
7 couple of people with them and talked to us about what was going  
8 on. We also heard from the growers.

9 We have got growers meeting with us. I neglected to  
10 mention that. There are several growers who are very much  
11 involved in this. They have been meeting right along with us to  
12 prepare this report. Growers are obviously as concerned as the  
13 state is. It is their crops that need to be picked and they  
14 want and need to be a part of whatever policy we come up with.

15 MR. WALLACE: What is your board's policy on giving  
16 assistance to elected officials in formulation of public policy?

17 MR. FLETCHER: We have a written policy, sir, I think  
18 that was produced in the monitoring, that I am familiar with.  
19 We do so at the request of elected officials or other officials  
20 who seek our input in matters before the legislature and matters  
21 before a committee and matters before an administrative agency.

22 MR. WALLACE: Is the staff required to respond to

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1 every request or does the staff have discretion in deciding  
2 which elected officials to assist?

3 MR. FLETCHER: It depends. I cannot tell you  
4 precisely because I do not have that policy here. I think every  
5 request is responded to in some way, depending upon time.

6 If you are having a hearing at 6:00 in the morning in  
7 Olympia preceding the third reading of a bill and somebody asks  
8 for a body to appear for a hearing, it is going to be a  
9 different type of input than you are going to get for the report  
10 that Representative Leonard is talking about.

11 MR. WALLACE: Let's stay in the area of housing.  
12 Suppose you got a request from an official who wanted you to  
13 examine -- I am not an economist, but certainly Mr. Durant  
14 understands all of this stuff.

15 There are arguments that have been made that control,  
16 tenant protection bills of various descriptions actually harm  
17 the poor by restricting their right of free choice; restricting  
18 the supply of rental property and driving up the right of rental  
19 property.

20 If you got a request from the member of the  
21 legislature to work on a task force to determine whether the  
22 constitutional of rights of poor people had been impaired by

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1 tenant protection and rent control laws, how would respond to  
2 that sort of a request?

3 MR. FLETCHER: I am assuming that there would be a  
4 representative of Evergreen either on that committee or  
5 providing assistance to it.

6 MR. WALLACE: So, you would respond basically without  
7 regard to the philosophical orientation of the request. If  
8 somebody came in and said we want you on a task force about poor  
9 people and it is an elected official, you would participate?

10 MR. FLETCHER: Yes, sir.

11 MR. WALLACE: I am concerned, of course, after seeing  
12 your policy, I have not seen the monitoring report. I am very  
13 concerned whether all of this is consistent with the existing  
14 statutory and regulatory restrictions on lobbying in the  
15 assistance and formulation of public policy. That is a very  
16 tight set of restrictions.

17 MR. FLETCHER: I am aware of that.

18 MR. WALLACE: Has your board investigated to determine  
19 that your policy is, in fact, in line with the presently  
20 existing 1986 regulations?

21 MR. FLETCHER: We have revised our policy manual from  
22 time to time and reviewed and compared it to what the

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1 regulations state. We believe that it is in compliance. Nobody  
2 has told me or any other board member that it is not.

3 That is one of the reasons why I feel somewhat  
4 frustrated when I do not have a final monitoring report to tell  
5 me hey, you are wrong here you guys need to change the way you  
6 act. I want to do something about it so that I do not have to  
7 come up before you and answer out of ignorance as to whether I  
8 am or am not in compliance.

9 MR. WALLACE: I share your frustration. You certainly  
10 -- you obviously have a policy. I do not know whether it  
11 complies with the regulation or it does not, but you ought to be  
12 told. I hope you will be seeing it.

13 MR. FLETCHER: Thank you.

14 CHAIRMAN DURANT: Any other questions?

15 Ms. Leonard?

16 REPRESENTATIVE LEONARD: Let me assure you that the  
17 requests that we made are strictly committee requests. I am not  
18 as a legislator -- we do not work things that way in this state  
19 generally.

20 The committee, through staff, makes the requests for  
21 testimony to either the whole committee or a designated  
22 subcommittee of the committee so that the work we are doing is

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1 strictly bipartisan committee work. Our staff, our non-partisan  
2 staff, and all of our meetings are open, available to anyone who  
3 wants to come in.

4 Our state is a very open meeting state. You are not  
5 allowed to have any private meetings. All things are done, all  
6 hearings, there is no intent on the part of legislature or the  
7 part of legal services to be coming up with anything that would  
8 be anymore than factual information.

9 CHAIRMAN DURANT: Mr. Fletcher, you have mentioned  
10 three other people that you wanted to bring forward. Could you  
11 have all three come forward now so we can do them all at the  
12 same time?

13 MR. FLETCHER: Sure.

14 CHAIRMAN DURANT: Thank you, Representative Leonard.  
15 I will let you select the order. You had three people, who --

16 MR. FLETCHER: I think those three people also  
17 included Representative Leonard.

18 CHAIRMAN DURANT: I have a Martinez, Sister Mary Rita  
19 and Mr. Gonzales.

20 MR. FLETCHER: I am informed that Mr. Martinez is not  
21 here today.

22 CHAIRMAN DURANT: Mr. Gonzales, nice to see you.

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## 1 STATEMENT OF SISTER MARY RITA RHODY

2 My name is Sister Mary Rita Rhody. I am the vice  
3 president for development and community relations at Heritage  
4 College, which is located in the heart of the Yakima Valley that  
5 June mentioned.

6 We only started our college seven years ago and we did  
7 it because in all of central Washington there was very little  
8 opportunity for people to be educated and you have a high  
9 Mexican population, Mexican-American population, and a high  
10 Indian population.

11 When we started that with some of the community  
12 members, I began a literacy and English program for many of the  
13 migrant adults. We were absolutely appalled at the migrants who  
14 knew no English, who did not know that even their own language  
15 of Spanish. Many of these were U.S. citizens and at least  
16 residents of our country.

17 Many of them came from Texas. A large, large number  
18 of the migrants coming into the Yakima Valley are from Texas.  
19 What happens when you are not educated, if any of you are  
20 educators, is you tend not to know what your rights are and then  
21 you do not know what to do if your rights are being taken  
22 advantage of.

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1           That is where I have been extremely grateful to the  
2 Evergreen Legal Services when we can finally get out of some of  
3 the migrants the conditions that they are in. Some are  
4 unbelievable if you have ever had the opportunity to visit the  
5 Yakima Valley, I think you would see that.

6           They need to be educated so they know they can find out  
7 what their rights are. Then they need to have somebody who can  
8 protect those rights and that is, for us, has been the Evergreen  
9 Legal Services. I think there is a great need for increased  
10 funding for Evergreen Legal Services.

11           I know personally a couple of lawyers and one who had  
12 not taken a day this summer -- had not like for three months--  
13 had one day off because she was so dedicated to working on the  
14 cases that she had. I do know the inner workings at all at  
15 Evergreen Legal Services, I just know her as a friend.

16           The other item, I understand that there might be a  
17 possibility of some cut in the funding for Evergreen and for  
18 legal services in Texas. I am extremely concerned about that  
19 because so many of our migrants do come from Texas. They come  
20 up for four or five months in the summer to work and go back  
21 there and there needs to be a continuation of services for them.

22           One of the things that has -- if any of you know any

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1 migrant workers -- very good people, very hard working, very  
2 bashful when it comes to their own rights and they need  
3 advocates for themselves. I would just add that in the Yakima  
4 Valley, without the migrants, the Yakima Valley could hardly  
5 exist.

6           It is an agricultural place. I have several friends  
7 who are growers. Some right now are concerned about strikes by  
8 farm workers if they do not have what they need to exist. If  
9 they cannot be drawn to the State of Washington to work, the  
10 State of Washington is in a very bad situation economically. I  
11 think probably the Yakima Valley is the hardest hit by those  
12 sorts of things.

13           One other item I would just like to mention I am  
14 personally aware of is the health situation. I have a couple of  
15 friends who are, again, just friends who are doctors and they  
16 see so many women who come in with -- who are dehydrated and  
17 have bladder infections because they will not drink so they do  
18 not have to go to the bathroom when they are out working because  
19 there are not facilities.

20           There are no toilets for them. It is a spin off. If  
21 they do not have -- supposedly they have the right to be able to  
22 relieve themselves and some water there and they do not have

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1 that. Therefore, they end up getting bladder infections and  
2 dehydrated from that.

3 Again, I know that Evergreen Legal Services has been  
4 involved in some of those cases. I know they exist and they  
5 exist in abundance and a lot of them are not even aware enough  
6 to know that they can do something about that.

7 My plea is for continued and increased funding for  
8 Evergreen Legal Services in Washington and also for continued  
9 and increased services for the State of Texas because that is  
10 where so many of our people come from.

11 Thank you.

12 MR. MENDEZ: Are there more people from Texas or from  
13 California.

14 SISTER MARY RITA: Somebody here probably has those  
15 statistics, like Hector, better than I do. From my personal  
16 experience is that they are coming from Texas. The ones that I  
17 know the majority come from Texas. That could be different, I  
18 do not know.

19 We are talking about thousands. The population of the  
20 little town that have resided in until recently when I moved to  
21 another one, practically doubled in the summer time with the  
22 migrants coming in.

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1           It needed to in order for the crops to be taken care  
2 of.    When you are talking about a population practically  
3 doubling, you are talking about a lot of folks coming in.

4           CHAIRMAN DURANT: I do not know what the situation is  
5 in Yakima Valley and I would like to come one day and find out.  
6 I spent some time in Belle Glade, Florida cutting sugar cane and  
7 lettuce and I know that -- I cannot imagine that anything is  
8 worse than Belle Glade, Florida. I would like to come to Yakima  
9 and I will do that.

10           CHAIRMAN DURANT: Mr. Gonzales?

11           MR. SWAFFORD: Could I ask a question?

12           CHAIRMAN DURANT: I am sorry, Ms. Swafford, I did not  
13 see you.

14           MR. SWAFFORD: I was looking at this formula that we  
15 had, this Martin-Holt formula and I was trying to determine how  
16 much money is going to be generated by the change if the Martin-  
17 Holt should be accepted. I do not know that it will be.

18           I was looking down here on the Evergreen legal  
19 services and maybe need the staff to help me interpret this. We  
20 just got it when we got here. There is going to be a  
21 considerable, depending upon the formula which we might accept,  
22 there is going to be a considerable improvement in terms of

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1 dollars that the Evergreen Legal Services would be getting.

2           Granted that is not exactly what you asked for, but it  
3 is half of what you asked for; is it not? In other words, it  
4 would go up from 8.72 per capita, to either 9.02 or 9.04; is  
5 that correct? I am asking?

6           MR. FLETCHER: Yes. Perhaps I can help there.

7           MR. SWAFFORD: I am sorry I do not know more about  
8 this, but we just got it handed to us.

9           MR. FLETCHER: Yes. I understand our migrant worker  
10 director also recently saw it. I assume at the same time you  
11 did. I understand, and again I may be wrong because I have got  
12 problems with numbers, but that under some of the proposals,  
13 Evergreen's farm worker division could be cut in the range of  
14 \$108,000 to \$145,000.

15           We could increase funding under some of the  
16 alternatives. Of course we do not know what alternative is  
17 going to be chosen, I assume you do not either.

18           MR. SWAFFORD: No.

19           CHAIRMAN DURANT: Like Washington State we are an open  
20 board and we do not always know those answers.

21           MR. FLETCHER: I assume that is true. What I am  
22 saying is that even though in theory we could be "winners" in

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1 increased funding because many of these people work here as  
2 opposed to live here, we could still have allocations reduced  
3 over our present level.

4 MS. BERNSTEIN: I think part of the problem in this  
5 instance is because of the way that this all worked into the  
6 agenda. This is your welcoming remarks. It turned into more a  
7 substantive discussion, which is difficult for any of us to work  
8 with since we have a presentation in front of us and we are all  
9 still in a process of evaluating it.

10 I think that is part of the problem and we appreciate  
11 your input in terms of the general problem.

12 MR. FLETCHER: Obviously we are, too. I might add,  
13 though, that one of our concerns beyond the basic level of  
14 funding is fluctuations in our funding level over time,  
15 depending on how the various census of migrant workers -- which  
16 census is used.

17 Those, as I understand the report, have shown drastic  
18 changes in the same state within relatively short periods of  
19 time as to the total number of migrants actually working in a  
20 state.

21 While we may be a short term winner in terms of  
22 increased funding for maybe a fiscal year, two years down the

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1 pike we could be substantially reduced using the same allocation  
2 formula based on this data which is so subject to fluctuation.

3 MR. SWAFFORD: Well, I think you are just going to  
4 have to always be subject to fluctuation if the people are not  
5 here. Obviously there have got to be changes in the funding if  
6 the people are here in bigger and more numbers, then there  
7 should be changes.

8 MR. FLETCHER: There are changes. What I am  
9 suggesting though, ma'am, is that some of the methodology of the  
10 census taker, whoever is the person counting for a particular  
11 statistical base, that may change over time.

12 The sample may be small, you may be looking at a small  
13 community which does not have a good crop one year and does not  
14 invite the migrants for that particular crop, say the cherry  
15 crop in Washington State which is subject to spring freeze,  
16 whereas you still have the same demand for migrants for the much  
17 larger apple crop the same year.

18 You may be inviting the same migrants in this state,  
19 but because the census taker is looking at who is in town on a  
20 particular crop today, say the cherry crop and there is no  
21 cherry crop because of a bad spring freeze, you are going to  
22 under estimate the people who are invited into the state as

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1 migrant workers.

2 That could then translate into a wild swinging  
3 funding level say in a future fiscal year. Even under a  
4 constant allocation formula.

5 MR. VALOIS: Mr. Fletcher, did any of that happen  
6 during the Martin-Holt study? Are you saying that happened or  
7 that might happen?

8 MR. FLETCHER: I believe it can happen and I believe  
9 it will happen in terms of the size of the statistical samples  
10 used for various sets of basis. I think that has been subject  
11 to comment before the board.

12 CHAIRMAN DURANT: You are not saying it did happen?

13 MR. VALOIS: You are not saying that is part of the  
14 Martin-Holt report?

15 MR. FLETCHER: No, I am not, sir. I am suggesting  
16 that in this state crop demands for migrants fluctuate wildly in  
17 two growing seasons, depending upon the viability of the crop  
18 due to weather. Although the crops may change and total  
19 production may change because of weather, the demand for  
20 migrants may be constant or may increase.

21 MR. VALOIS: I come from an area where they grow  
22 peaches, and that frequently happens, there is a spring freeze

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1 which completely -- in the last two years on one occasion,  
2 completely eliminated the peach crop, there wasn't any.

3 MR. FLETCHER: But in our state, we may have a peach  
4 crop in the valley area. We also have an apple crop, which is  
5 not so susceptible to the same problems. It still demands the  
6 same number of people.

7 CHAIRMAN DURANT: Mr. Mendez?

8 MR. MENDEZ: I understand the problem. What about if  
9 we just made a commitment to revisit it maybe every five years,  
10 because this has not been revisited since 1976. The fact that  
11 we would want to readjust it now because there may be some  
12 fluctuation in funding for some programs does not mean that we  
13 should not do that. After ten years, I think it is a fair time  
14 to revise it.

15 MR. FLETCHER: I would not suggest that the  
16 corporation adopt basis for the mode of operation. Rather, I  
17 see some problems with your operations in the field, which is  
18 going to affect the way the Corporation does business, because  
19 of potential swings in funding levels, which are going to affect  
20 the program. You are going to cut off people, you are going to  
21 increase staff.

22 MR. MENDEZ: But there is always potential swings in

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1 funding level, depending on what Congress does.

2 MR. FLETCHER: Absolutely, but this is independent,  
3 perhaps, of what congress does, just because of the census bases  
4 that are being used to determine which migrants are where at a  
5 given time.

6 CHAIRMAN DURANT: Mr. Fletcher, were you in favor of  
7 Simpson-Mazzoli?

8 MR. FLETCHER: I had no position on it, personally.

9 CHAIRMAN DURANT: None?

10 MR. FLETCHER: None. I only represented myself and  
11 two pro bono cases, two persons who had any remote connection  
12 with migrant workers, and so I really never was involved in that  
13 debate.

14 CHAIRMAN DURANT: It is a ridiculous bill.

15 MR. FLETCHER: It may be. I do not know enough about  
16 it, and I do not know enough about what it has wrought and what  
17 it has not wrought. I cannot tell you that.

18 A PARTICIPANT: You and Adam Smith, Mr. Chairman.

19 CHAIRMAN DURANT: That is right. It has closed out  
20 opportunities for people who want to find work.

21 MR. Gonzales?

22 STATEMENT OF HECTOR GONZALES

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1 MR. GONZALES: Yes sir, good morning. My name is  
2 Hector Gonzales. I am the Director of Washington State  
3 Commission on Hispanic Shares. That is a state agency  
4 statutorily created fifteen years ago by Washington's  
5 legislature to represent and advocate for the Hispanic community  
6 in Washington. Our agency is one of the oldest in the nation.

7 Our responsibility is to advise the governor, the  
8 legislature and other state agencies regarding the needs and  
9 concerns of Hispanics in our state.

10 There is probably no greater need or concern for  
11 Hispanics than those who are migrant farm workers here, because  
12 that is -- I guess the sense of us who work with the community,  
13 the largest part of our community, though we have no official  
14 data that confirm that, our population in this state of  
15 Hispanics is officially is about 132,000, about two percent of  
16 the state's population.

17 We have had a number of discussions with the U.S.  
18 Census Bureau regarding the accuracy of that figure,  
19 particularly because of what we feel to be the under counting of  
20 migrants in the 1980 census, and are working now with Census to  
21 assure a proper count of migrant population in the 1990 census,  
22 particularly in the Yakima Valley. That is something that the

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1 Census will be undertaking a test project in the Eastern  
2 Washington region to make sure that they have a proper  
3 methodology for counting both migrants and limited-English-  
4 speaking persons.

5 That gives you, I guess, a sense of how statistics,  
6 though, they may be used, may not always be reliable. Though I  
7 am not a statistician, I am not an expert, being a bureaucrat, I  
8 understand the use, manipulation and the value of data, and that  
9 it can be relative, given the way that it was created and the  
10 way that it is being used.

11 I guess here -- I am here really to talk to you about  
12 how much we really rely on Evergreen Legal Services as a  
13 resource for our community. My agency's real role, when it  
14 comes to dealing with our community, is to help them find help  
15 if they have a problem, as a referral.

16 Normally, most of our referrals are within the state  
17 government. If there is a problem, then we can refer someone to  
18 the appropriate state agency. Or if it is an issue that goes  
19 legislatively, then we can deal with individual legislators or  
20 committees to resolve it.

21 But in many cases, what we encounter are not problems  
22 that can be deal with within state government, but actually

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1 things that need to be dealt with outside, particularly problems  
2 that have to do with conditions in the fields and treatment of  
3 farm workers.

4 For us to be able to provide an avenue of redress for  
5 hispanic farm workers, the only source we have is to refer them  
6 to Evergreen Legal Services, which is an invaluable resource to  
7 have.

8 Without Evergreen Legal Services, it would be, I  
9 think, a void there for our community when it comes to problems  
10 that come out of our migrant farm worker community.

11 In our farm worker community, again, I have heard the  
12 question asked: "Where do they come from? California?" I  
13 myself -- I am from California, so I guess you can count me in  
14 that group.

15 My mother, though, is from Texas, so count her in that  
16 group. I have relatives who come from New Mexico, and you can  
17 count me in that group.

18 Actually, those would be the three major states that  
19 you would find the majority of our hispanics who have come here.  
20 It would be in reverse order, I think, and this is basically  
21 anecdotal, which I think -- we do not have statistics yet to  
22 confirm, though we are working on a number of various methods of

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1 gathering data, one of which would be through the migrant health  
2 clinics that provide assistance.

3 But basically annotated data that my agency is able to  
4 have access to, the majority of the people that we come in  
5 contact are from Texas, New Mexico and then a few from  
6 California.

7 But our population here is really in a state of flux,  
8 and I think that is another point, as I hear in discussion going  
9 as to the need to count migrants in order to make funding  
10 decisions.

11 Of course, you need to be able to decide what the  
12 numbers are out there, in order to make proper decisions on  
13 allocation of funds.

14 Of course, the question is how do you do it. Do you  
15 count them where they live? Do you count them where they work?  
16 Do you count them when they are traveling when they are going  
17 from where they live or to where they work?

18 The ideal, I think, would be obviously to count them  
19 where they live and work, because our people split a lot of  
20 their time between both their home base and their working  
21 locations.

22 It is very common for whole families and whole blocks

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1 of neighborhoods to come from Texas, to come in mass up here to  
2 work in the harvest for months and then to go back.

3 To say that their legal problems -- and once they  
4 leave Washington and do not return to Texas, I do not think is  
5 the case. It really is a matter of looking at the service that  
6 is provided to these people is not limited by state boundaries,  
7 but really a continuing network of services that go nationwide;  
8 and that the funding allocation has to keep that as a main  
9 consideration.

10 I guess the concern I have is that though Washington  
11 is, from what I can tell from the banter that was here as I was  
12 sitting here, and nothing better to do than to pay attention to  
13 what people are saying, Washington may come out ahead here.

14 In fact, that is not uncommon, given the fact that I  
15 am dealing with the immigration reform bill, and it is the -- I  
16 am assuming the Chair has already mentioned his distaste for the  
17 bill -- we are also dealing with federal funding based on that  
18 bill, where Washington would come out ahead also, based on the  
19 number of undocumented immigrant aliens.

20 But those of us who work within the state do not want  
21 to take a parochial point of view and simply say, "Washington  
22 first, to hell with the rest of the country. We got our piece,

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1 we want to keep it, and not be concerned about unmet needs in  
2 other states," because our population is truly migrant -- is  
3 transitory.

4 To say that the needs, as long as they are met in our  
5 state, we do not have a concern with what happens in other  
6 states, I think is shortsighted. We are not called the United  
7 States for nothing, and we think that should also hold true for  
8 the Legal Services funding allocations.

9 CHAIRMAN DURANT: Mr. Gonzales, could you send me a  
10 brochure, anything else, that deals with the kinds of problems  
11 or whatever that your particular agency deals with in terms of  
12 when you say you refer people off to other parts of state -- I  
13 mean, how do they come to you in the first place? What is it  
14 that --

15 MR. GONZALES: We have three methods of contact. I  
16 guess the most direct method is our -- we have eleven  
17 commissioners appointed by the governor to represent the  
18 hispanic community, and we have community public meetings every  
19 two months throughout the state, and we go to a different  
20 location each time in the state. We do go to eastern  
21 Washington. At least half of our meetings are in eastern  
22 Washington.

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1           We have an open part of our meeting to allow any  
2 concern of the community to be expressed. If there is a  
3 problem, such as "I didn't get my welfare check, and I don't  
4 know what I'm supposed to do;" or "My license was revoked by the  
5 department of license. I didn't understand the notice, because  
6 it was in English."

7           Those are the kinds of opportunities we give to people  
8 to express them to us at an open meeting, and then --

9           CHAIRMAN DURANT: Then what do you do?

10          MR. GONZALES: Then my staff takes the information,  
11 and then we follow up. We will call the Department of  
12 Licensing, we will find out why was that license revoked?

13          Is there a way to get the license returned because of  
14 failure to understand the notice? We also can help refer a  
15 person, if they have a welfare case, to the appropriate Legal  
16 Services organization, if they are an eligible client. So that  
17 is what we do there.

18          Then we also have people who will call our office  
19 directly and talk to us directly.

20          CHAIRMAN DURANT: Do you have something that describes  
21 that sort of thing?

22          MR. GONZALES: Yes.

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1 CHAIRMAN DURANT: Would you send that to me?

2 MR. GONZALES: I surely can. All I need to do is have  
3 an address.

4 CHAIRMAN DURANT: 400 Virginia Avenue, Southwest,  
5 Washington, D.C. 20024.

6 Thank you Mr. Gonzales. Mr. Mendez?

7 MR. MENDEZ: Mr. Gonzales, do you have any studies  
8 that indicate how many migrants you have here?

9 MR. GONZALES: Not from our agency. We have seen  
10 studies done by others, but these studies again are not direct  
11 survey, but actually secondary-source studies -- just looking at  
12 other people's studies and compiling them and bringing them  
13 together. The reliability of them, depending on what the  
14 sources that they looked at in the first place.

15 MR. MENDEZ: Based on the information that you have  
16 been able to accumulate and based on your experience in your  
17 position, how many migrants do you think you have here?

18 MR. GONZALES: One study that we do have looked at  
19 migrants and their dependents and estimated the number to be in  
20 the range of 230,000.

21 CHAIRMAN DURANT: Living or working, I mean in the  
22 sense --

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1 MR. GONZALES: Migrant seasonal farm workers and their  
2 dependents within our state.

3 CHAIRMAN DURANT: For a year, over a year?

4 MR. GONZALES: Within our harvest year.

5 MR. MENDEZ: What is the migrant season or the growing  
6 season here? How many months --

7 CHAIRMAN DURANT: The harvest year. How long are you  
8 talking about?

9 MR. GONZALES: The harvest year? It depends on what  
10 crop and what state, but I think the earliest you could start  
11 would be probably in March in the southeastern part of the  
12 state, and then it moves along into summer months as you -- into  
13 the central part of the state.

14 Then we, starting with asparagus and then your row  
15 crops, and then you start getting into the late summer, early  
16 fall, into the pruning and then the harvesting of apples, and  
17 then also berry picking will start in the northwestern corner of  
18 our state.

19 Then you can continue to harvest apples right into  
20 late October, even early November, with the last part of the  
21 harvest and thinning then, as well. So you can essentially work  
22 from March through November in this state.

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1           MR. MENDEZ: Do you have a lot of migrants that live  
2 here? We define a migrant -- let's just make sure that we are  
3 on the same wave length -- as someone who stays overnight in a  
4 county other than their own. I do not know if we are talking  
5 about the same thing, but do you have a lot of migrants that  
6 live here?

7           MR. GONZALES: I would say yes, very much so.

8           MR. MENDEZ: Would the majority of your migrants be  
9 living in Washington?

10          MR. GONZALES: When you say, "living," you mean --

11          MR. MENDEZ: Year round.

12          MR. GONZALES: Year-round living -- majority? That  
13 would just be an impression that I could give you, but I would  
14 say no. I would say the majority of our migrants are not  
15 continuously residing in our state. That is just my impression.

16          MR. MENDEZ: But would your impression be that the  
17 majority of the migrants are here more than ninety days, then?

18          MR. GONZALES: Again, qualifying my knowledge, the  
19 majority of our migrants are here more than ninety days?

20          MR. MENDEZ: Yes.

21          MR. GONZALES: Yes, I would say so. The harvest is so  
22 long that they could work one crop, finish it, and then move on

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1 to another, and continue their work without interruption.

2 MR. MENDEZ: I think there is a vast misinterpretation  
3 of what my -- at least my view of what the migrants -- what the  
4 different programs ought to be doing. I believe that migrants  
5 ought to be -- we ought to have funding in the areas where the  
6 migrants are working and rely on the local Legal Services  
7 programs in the areas where they are living.

8 This is my thought process. You tell me if I am  
9 making an error. The problems that are peculiar to the migrants  
10 are generally the problems that are based where they are  
11 working. The problems at the home base are generally similar  
12 problems that other poor people would have.

13 My view of it is that I want to have most of the money  
14 go to the area where the problems are peculiar to the migrants:  
15 the spraying, the lack of sanitation, the lack of facilities,  
16 that type of thing, would be more where they are working. That  
17 is my view of it. Tell me if I am mistaken in my impression.

18 MR. GONZALES: Well, I think the one concern there is  
19 whether the problems that they have when they are working, when  
20 they return home, if they are in the middle of whatever  
21 litigation, negotiation, discussions to resolve those problems  
22 -- if they were back home, then they have to have some means of

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1 being able to follow through where they are living, with whoever  
2 is their farm worker attorney representative where they were  
3 working.

4 That is where you need to have someone to provide the  
5 service, as well as where they live. The support service right  
6 there would be equally important.

7 MR. MENDEZ: I understand that, but I would be -- I  
8 think the -- let me see if I can draw a picture of what I  
9 believe the migrant funding is. We have two types of funding.  
10 We have funding for the general -- we have general grants for  
11 poor people. Then we have grants for migrants, specifically  
12 pointed towards migrants.

13 If we bring a case, for instance, if one of our groups  
14 brings a case here in Washington and it is a migrant, and it is  
15 somebody sprayed -- and the season ends, the case would be  
16 brought here. They can go back to Texas, and in Texas -- though  
17 the case is still here -- they can go and talk to the local  
18 program in Texas.

19 I am not talking about the migrant program. I am just  
20 talking about a local program in Texas, or a local program in  
21 New Mexico, or a local program in California. The issue was  
22 brought and being litigated here in Washington.

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1           The expertise we want to generate, it seems to me,  
2 would be the expertise of the person here in Washington, that we  
3 ought to give a lot of money to those people to create more  
4 expertise for them, because that is where the major problem was.

5           Now, if they've got a problem in Texas on rent control  
6 or some other problem that is similar to that, some collection  
7 problems, it seems to me that those types of problems can be  
8 adequately addressed by the local programs.

9           It seems to me when we create a migrant program, what  
10 we want to do is, we want to create the expertise in the problem  
11 that is unique to the migrant.

12           When we are creating a local program, and if the  
13 problem is not unique to the migrants, it is a problem of poor  
14 persons generally, we do not need to create a separate for that.  
15 What we need to create the program for is the unique migrant  
16 problem. It seems to me that that problem is when they are  
17 working and where they are working.

18           MR. GONZALES: Well, that was one heck of a question  
19 to follow. I guess, to pull out what I think you would like me  
20 to answer, is the -- I am assuming the funding -- I guess the  
21 funding arrangement is for separate programs; one for migrants  
22 and one for regular poor people.

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1 I guess your point being that there is a reason for  
2 this distinction, and that is to provide migrant funding, or the  
3 home base is going to really intrude on the funding that is  
4 provided for low income, then should more appropriately be going  
5 to those kinds of programs rather than for migrant programs?

6 MR. MENDEZ: Well, I think that the migrants, when  
7 they are in the low income, could fit in with that, and I would  
8 like to see some funding for that. Am I making a mistake?

9 MR. GONZALES: Well, I guess the only point again is  
10 that when the migrant comes back to Texas -- I guess there is  
11 one point right off the bat. We keep talking about, like, if  
12 there is nothing going on in Texas that they need to have  
13 migrant lawyers there for.

14 MR. MENDEZ: No, we are funding migrants in Texas. Do  
15 not worry about that. We've got migrant programs in Texas.

16 MR. GONZALES: But, the point being, is just looking  
17 at first when -- I guess when a problem -- I guess migrant farm  
18 worker problems -- not being a migrant farm worker attorney, the  
19 level of expertise that is required, I would think would be  
20 something that your local poverty law attorney is not going to  
21 be able to handle.

22 I guess your assumption is that he can act in that

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1 capacity, though, if need be, by providing that follow-up  
2 assistance to a migrant attorney in another state. That may be  
3 the weak link right there that you provide in the  
4 representation.

5 MS. SWAFFORD: Did I understand you to say that a  
6 Legal Services lawyer in Texas would have no expertise to serve  
7 a person because they are a migrant worker who had gone off to  
8 Washington and got sick and came home, and it really evolved  
9 that they needed services down in Texas; that that Legal  
10 Services lawyer would not have the expertise because he was not  
11 a migrant lawyer?

12 Mr. GONZALES: Well, what I meant is that they do not  
13 have expertise in migrant farm worker law, Federal Fair Labor  
14 Standards Act law and Migrant Seasonal Farm Worker Protection  
15 Act and all those other things. That is what I mean, those very  
16 specialized statutes.

17 MS. SWAFFORD: Is it really that specialized? I am  
18 asking for help now. Is it really that specialized?

19 MR. MENDEZ: That is the reason we fund them and  
20 separately broke them out, because it is. I do not dispute  
21 that. I think it is. My whole point is, and the reason why I  
22 am so active in this area and have such an interest in here is

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1 that I think where the funding ought to be is where they are  
2 working, because I think that is where the problems arise. I do  
3 not think the problems arise in the local areas.

4 When we are talking about this, and I know you are  
5 sort of caught between these two groups, but one of the ideas  
6 that has happened, one of the things that happened, was that we  
7 created a step to see whether there has been changes in the  
8 migrant strains in the last ten years.

9 Well, our study indicates that the strains, the number  
10 of people in the strains in various areas have changed over the  
11 last ten years. There is some discussion about whether this  
12 study is accurate or not, but one of the things that we have  
13 looked at -- one of the principles we did with this study was  
14 say, "look, we want to know where the people are working."

15 Well, when we did that, we discovered that there are a  
16 lot more migrants working in Washington that we thought there  
17 were from before. There are a lot more migrants working in  
18 Florida than we thought there were.

19 We also discovered there are a lot less migrants in  
20 Texas than were presented last time. The state that has the  
21 biggest increase is California. There are more migrants in  
22 California than any place is.

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1           Now, the problem is, what do we do about this problem  
2 in Texas? Texas is coming in and saying -- or those that  
3 advocate another viewpoint -- that we should not harm these  
4 people in Texas, because that is where they reside.

5           That is fine. If that is where they reside, that is  
6 fine. I do not disagree with that. We are providing funding in  
7 Texas. We do have people in Texas. The question is, do you  
8 think it is more appropriate for us to fund the so-called base  
9 states, or do you think it is more appropriate for us to fund  
10 out in the field?

11           Well, I have come to the conclusion that I believe it  
12 is more appropriate to fund out in the field than in the so-  
13 called base states. Now, I do not know where you come with  
14 that, but I think that the issue is, that is one of the things  
15 we are asking about. Do you have that view, or do you believe  
16 that we should fund in the base state?

17           Let me give you another hypothetical. What would  
18 happen if we only funded Florida, California and Texas? Those  
19 are the so-called base states. Should we do that? Should we  
20 take all the funding away from Evergreen and only fund in those  
21 states?

22           MR. GONZALES: I do not think anyone was offering that

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1 solution, and it does not sound like a solution. It sounds like  
2 a death sentence.

3 MR. MENDEZ: Then what our job is, is to figure out  
4 the proper ratio between the states. Would you agree with that?

5 MR. GONZALES: Oh, absolutely. Well, maybe not. When  
6 you say "appropriate ratio between states," I think that is--  
7 as I was mentioning before, we do not -- we should not be  
8 preoccupied with state boundaries or state lines, because the  
9 migrant is not. He does not decide --

10 CHAIRMAN DURANT: Wait, wait, wait. All of this is  
11 fascinating, but it is really beyond the scope of what you are  
12 initially here for. I do not mind if you want to comment on  
13 this later on when we deal with the migrant stuff, but that  
14 really is beyond.

15 I have been very patient about all of this, but my  
16 Board has been asking an awful lot of questions. What I would  
17 like to do at this point is -- if we want to get into this at  
18 the migrant time, we can get into it at the migrant time. I  
19 appreciate it very much all of you coming. Thank you for those  
20 two-hour introductory remarks.

21 (Laughter.)

22 A PARTICIPANT: Hour and a half.

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1 CHAIRMAN DURANT: I appreciate it very much, and  
2 please send me that report on your office.

3 MR. MENDEZ: I am sorry, Mr. Chairman. I was very  
4 fascinated.

5 CHAIRMAN DURANT: I know you were. Well, you will get  
6 another chance to talk with Mr. Gonzales later, I am sure.

7 MR. MENDEZ: Hortencia even said she was fascinated.

8 CHAIRMAN DURANT: Good. Well, we all were fascinated,  
9 but we also have to work within a time frame.

10 MR. GONZALES: We welcome you again. The rain  
11 festival here begins in four weeks and ends the following July.

12 (Laughter.)

13 CHAIRMAN DURANT: The first item on our agenda is the  
14 -- well, let me just say, we had a meeting of the Board in  
15 Executive Session last night that has been recessed and not yet  
16 concluded, so there is no report on that at the moment. The  
17 item on our agenda is the approval of the agenda.

18 MS. BERNSTEIN: I have a motion to make with regard to  
19 that, Clark.

20 MOTION

21 I would move that we add an item after the approval of  
22 the minutes, which would be a report from the Audit and

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1 Appropriations Committee. Also I would suggest that we switch  
2 number five and seven because of timing, and to do more  
3 straightforward items first.

4 CHAIRMAN DURANT: Is there a second to that motion?

5 MS. MILLER: I second.

6 CHAIRMAN DURANT: Any discussion?

7 (No response.)

8 CHAIRMAN DURANT: All those in favor signify by saying  
9 "aye."

10 (A chorus of ayes.)

11 CHAIRMAN DURANT: Opposed?

12 (No response.)

13 CHAIRMAN DURANT: The motion carries. Any other  
14 amendments to the agenda? If there are none, I would appreciate  
15 a motion to approve it as amended.

16 MOTION

17 MR. VALOIS: So moved.

18 CHAIRMAN DURANT: Second? Is there a second?

19 MS. BERNSTEIN: Second.

20 CHAIRMAN DURANT: Any discussion?

21 (No response.)

22 CHAIRMAN DURANT: All those in favor signify by saying

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1 "aye."

2 (A chorus of ayes.)

3 CHAIRMAN DURANT: Opposed?

4 (No response.)

5 CHAIRMAN DURANT: The agenda will be as amended.

6 The next item is the approval of the minutes from the  
7 June meeting. Is there a motion to accept them?

8 MOTION

9 MR. VALOIS: So moved.

10 MS. SWAFFORD: Second.

11 CHAIRMAN DURANT: Any comments? Mr. Mendez?

12 MR. MENDEZ: Mr. Chairman, I have three different  
13 questions that I have written in my -- four -- five. The  
14 question states: what is the status with regard to various  
15 items contained in the minutes? I think the minutes are  
16 accurate, but I would like to do some follow-up on that.

17 CHAIRMAN DURANT: Well, can we wait until we deal with  
18 Mr. Bayly's report or whatever; or -- I mean this at the moment  
19 is just simply approval in terms of that they reflect what took  
20 place at the meeting.

21 MR. MENDEZ: Okay, I do not have any questions about  
22 that. Sooner or later I would like to find out what the status

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1 is.

2 CHAIRMAN DURANT: I have no problem with that, but  
3 let's do it at the right time.

4 Are there any other changes, corrections, additions,  
5 modifications?

6 (No response.)

7 CHAIRMAN DURANT: There has been a motion to approve  
8 the minutes, then, as prepared. All those in favor say "aye."

9 (A chorus of ayes.)

10 CHAIRMAN DURANT: Opposed?

11 (No response.)

12 CHAIRMAN DURANT: The minutes are approved.

13 The next item on the agenda is a report from the Audit  
14 and Appropriations Committee. Mr. Mendez?

15 REPORT OF AUDIT AND APPROPRIATIONS COMMITTEE

16 BY MR. MENDEZ

17 MR. MENDEZ: Mr. Chairman, there were several mistakes  
18 in some of the auditing provisions previously. The Audit and  
19 Appropriations Committee met this morning and passed three  
20 motions. I at this time would present them for the Committee  
21 and ask that they be approved. These are recommendations of the  
22 Audit and Appropriations Committee.

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1 CHAIRMAN DURANT: Let's do each individually, I  
2 assume.

3 MR. MENDEZ: All right. First there were some items  
4 contained in there -- the Audit and Appropriations Committee  
5 adopted the following: that refunds from corporate grantees  
6 from FY 86 be used to replace the misallocated funds that were  
7 set forth in the three documents that we received.

8 MOTION

9 I would move that we adopt the position of the Audit  
10 and Appropriations Committee.

11 CHAIRMAN DURANT: Is there a second to that?

12 A PARTICIPANT: I will second it, and I would like to  
13 make a friendly amendment that we ask to have added to the  
14 record that document, so that there will not be any confusion,  
15 since we are not going through all the details again at the  
16 Board meeting.

17 CHAIRMAN DURANT: As a part of the motion?

18 A PARTICIPANT: Yes.

19 CHAIRMAN DURANT: Do you accept that friendly  
20 amendment?

21 MR. MENDEZ: (Shaking head.)

22 CHAIRMAN DURANT: Any discussion on that motion?

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1 (No response.)

2 CHAIRMAN DURANT: All those in favor, signify by  
3 saying "aye."

4 (A chorus of ayes.)

5 CHAIRMAN DURANT: Opposed?

6 (No response.)

7 CHAIRMAN DURANT: The motion carries.

8 MR. MENDEZ: The next provision that the Audit and  
9 Appropriations Committee did was adopt a position that \$34,825  
10 be reallocated from FY 86 management and administration carry-  
11 over to the supplemental field programs to correct the  
12 misallocation of supplemental field program funds.

13 MOTION

14 I would ask this Board to approve that addition.

15 CHAIRMAN DURANT: Is there a second to that motion?

16 MS. BENAVIDEZ: I second it.

17 CHAIRMAN DURANT: Any discussion?

18 (No response.)

19 CHAIRMAN DURANT: All those in favor, signify by  
20 saying "aye."

21 (A chorus of ayes.)

22 CHAIRMAN DURANT: All those opposed?

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1 (No response.)

2 CHAIRMAN DURANT: The motion carries.

3 MR. GONZALES: The third provision that the Audit and  
4 Appropriations Committee did this morning was to move to  
5 allocate \$68,922 in the National Support category from FY 87  
6 funding base to correct a misallocated funds from FY 86 in the  
7 same line.

8 MOTION

9 I would ask that we adopt that position.

10 CHAIRMAN DURANT: Any second to that motion?

11 MS. BERNSTEIN: Second.

12 CHAIRMAN DURANT: Any discussion?

13 (No response.)

14 CHAIRMAN DURANT: All those in favor, signify by  
15 saying "aye."

16 (A chorus of ayes.)

17 CHAIRMAN DURANT: All those opposed?

18 (No response.)

19 CHAIRMAN DURANT: The motion carries. Any other  
20 items, Mr. Mendez?

21 MR. MENDEZ: No, I have nothing further, Mr. chairman.

22 MR. EAGLIN: Mr. Chairman, could I ask you just to

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1 return to the minutes for one second, the first page of the  
2 minutes should correct Bob's title, if that could be done. Then  
3 I think we will have the minutes correct.

4 CHAIRMAN DURANT: All right, Maureen, will you take--

5 MR. EAGLIN: It is listed as Vice President.

6 CHAIRMAN DURANT: All right, we will take care of  
7 that. Thank you.

8 MR. WALLACE: Mr. Chairman, as long as we are looking  
9 at that, I noticed one thing at the end of the minutes that I  
10 had not noticed before. In fact, when we adjourned -- this is  
11 page eighteen of the Board book -- we did not adjourn, but we  
12 recessed subject to the call of the Chair.

13 As you recall, there were matters which were discussed  
14 in Executive Session which we thought might require the Board's  
15 attention before the next scheduled meeting. That was the  
16 motion that was made, and that is what we did.

17 CHAIRMAN DURANT: What do the minutes say?

18 MR. WALLACE: It says we moved to discuss the  
19 remaining agenda and continue the Executive Session at the  
20 Board's next scheduled meeting. In fact, what we did was to  
21 recess subject to call of the Chair in case we needed to  
22 reconvene the Executive Session before the Board's next

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1 scheduled meeting. As it turned out, we did not do that.

2 We did not have to reconvene the Executive Session,  
3 but that was the motion and that is what we did. I haven't got  
4 any language to throw in here, but if the Board remembers it the  
5 same way I do, since I made the motion, I would like the  
6 Secretary to clean it up.

7 CHAIRMAN DURANT: I think we could treat that as a  
8 technical correction, although it is pretty close to  
9 substantive. Maureen, would you and Mr. Bayly, unless--  
10 without objection from the Board, any Board member, make the  
11 appropriate correction in the minutes.

12 Thank you Mr. Wallace.

13 The next item on the agenda is an update on the  
14 Computer-Assisted Legal Research. Mr. Bayly, who do you have  
15 making the presentation on that?

16 MR. BAYLY: Mr. Elgin, Mr. Chairman, is here.

17 CHAIRMAN DURANT: Mr. Elgin, good morning.

18 STATEMENT OF ROBERT ELGIN

19 MR. ELGIN: Good morning. I am Robert Elgin, member  
20 of LSC staff. At the June 26th meeting of the Board of  
21 Directors, the Board directed the staff to implement option  
22 three, the Triton CALR Study, as outlined by staff at that

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1 meeting. Option three of the study entails the encouragement of  
2 individual program development and computer legal research  
3 capabilities, as such.

4 The Board adopted staff-proposed plan which would  
5 provide for technical assistance and training to field programs  
6 not currently using CALR due to either a lack of the necessary  
7 equipment or a lack of sufficient skills to perform such  
8 functions at the program level.

9 To determine a more exact number of programs falling  
10 into either of the programs indicated above, LSC staff initiated  
11 a field computer survey. The survey was mailed to field  
12 programs July 2nd. Recipients were asked to respond by July  
13 17th.

14 To date, all but seventy-eight programs have responded  
15 to the survey. Staff is currently tabulating the results of the  
16 information, cross-checking those results with information from  
17 other sources. Of the roughly 250 programs which have  
18 responded, 211 programs report having IBM PC-compatible  
19 computers, the standard the Corporation has encouraged in the  
20 past and is recommending currently.

21 At the same time the survey was initiated, the  
22 Corporation retained the former CALR study contractor to assist

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1 in drafting a request for proposals designed to obtain services  
2 from a contractor in training and technical assistance to those  
3 programs identified in the survey as needing such services.

4 The RFP, consisting of eleven tasks, was released to  
5 the public through a submission to the Commerce Business Daily  
6 August 20, 1987.

7 The critical tasks of the RFP are outlined in numbers  
8 one through four: One, to provide technical assistance and  
9 training to those programs identified by LSC as needing  
10 development, legal research capabilities; two, to deliver  
11 training at LSC-designated sites in those areas designated as  
12 needing training; provide telephone technical assistance where  
13 necessary; and, four, to respond to technical problems  
14 encountered by programs in the development of in-house CALR  
15 capabilities.

16 In addition to these specific tasks, the contractor  
17 under task five is required to collect and analyze data  
18 regarding CALR utilization and operation at the program level.  
19 It is anticipated that such information about in-house CALR will  
20 add to the Corporation's knowledge of program needs, and will  
21 assist in future CALR training activities.

22 Tasks six through eleven set-out schedules and

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1 reporting procedures. The deadline for proposal submission is  
2 September 18, and award is expected on or about October 1, 1987,  
3 with the contract performance as stated in the RFP to run  
4 approximately thirteen weeks.

5 Contractor selection criteria is essentially weighted  
6 toward those bidders that have requisite talent and experience  
7 in assisting in the development of CALR skills identified in the  
8 Triton study as useful for local program CALR capacity.

9 I would like to leave my remarks about the RFP with  
10 that. The RFP being out for public review right now, I do not  
11 want to go too far and possibly prejudice any of the results in  
12 the selection process, so I think that will suffice.

13 MS. BERNSTEIN: Could I ask you: one of the things we  
14 talked about before was getting certain information from the  
15 programs about what the status of the computer systems that they  
16 had are. You mentioned that the survey had been ongoing. What  
17 has the response been like?

18 MR. ELGIN: Well, we have a good response. We have  
19 gotten several letters from programs encouraging us to pursue  
20 this path. We do have seventy-eight programs we are still  
21 waiting for results on, and that will hamper our tabulation and  
22 response to potential bidders. We encourage programs to come

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1 forward and give us the information.

2 MS. BERNSTEIN: I am sorry, I do not mean to  
3 interrupt, but by waiting for the response, when did you ask  
4 them for the information?

5 MR. ELGIN: We asked for the information to be  
6 submitted to the Corporation -- well, let me step back. We sent  
7 the survey forms out July 2nd, and ask that they be returned to  
8 the Corporation by the 17th of July.

9 Most of the programs responded in a timely manner, and  
10 now we have had probably ten to twenty trickle in since the  
11 closing date, and we are still waiting for these seventy-eight.  
12 In fact, I called the office this morning. we had gotten two  
13 more in, but we are still waiting for approximately seventy to  
14 seventy-five.

15 MS. BERNSTEIN: Could you please enter into the record  
16 of this meeting -- if you do not have the list with you here we  
17 will not bother the Committee, or the Board with dealing with it  
18 -- but I would like to have entered in which programs have not  
19 responded. Have you asked these seventy-eight programs to  
20 participate?

21 MR. ELGIN: Yes, we followed up with a letter, and  
22 sent out an additional copy of the survey form to encourage

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1 programs to get the information back to us as soon as possible  
2 so that we can carry out the mandate the Board gave us at the  
3 last meeting.

4 MS. BERNSTEIN: I think that the second to the  
5 seventeenth of July seems to be quick, but we are now at the end  
6 of August, and that is an entirely different situation. So, I  
7 would ask that we have, as a matter of record of this Board's  
8 consideration and trying to work with this problem, the programs  
9 that have not cooperated with us, unless there is any objection  
10 by the other Board members.

11 CHAIRMAN DURANT: Any other questions?

12 MR. WALLACE: Mr. Chairman, I've got a request. Mr.  
13 Elgin, on this matter especially, which is something that I find  
14 a great deal of trouble understanding, I got to have a written  
15 report in the Board book. I mean, this whole Board book has  
16 little folders, has little dividers for where the reports go,  
17 and there ain't any reports.

18 Mr. Chairman, I would request to you and the President  
19 and the staff that all of this stuff get into the Board book so  
20 that we can read it before we get here.

21 MR. ELGIN: Yes sir.

22 MR. WALLACE: There is just nothing in this Board

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1 book, and I am going to have a hard time following not only your  
2 report, but everything else I get through the rest of the day,  
3 because I have not had a chance to review anything in advance.  
4 I am not passing the blame on you, because obviously you ain't  
5 the only one. But an empty Board book does not do me a lot of  
6 good in preparing for a Board meeting.

7 MR. ELGIN: Yes sir.

8 MS. SWAFFORD: Well, let me ask you, though. I  
9 certainly agree with everything you said, but have we not really  
10 had enough background on this computer -- this CALR program--  
11 that we really could take some action on this?

12 MR. WALLACE: We are not being asked to take any  
13 action.

14 CHAIRMAN DURANT: Stanley has not asked us to take any  
15 specific action at this meeting.

16 MS. SWAFFORD: Well, I know, but how many more reports  
17 are we going to have before we take some action?

18 CHAIRMAN DURANT: Mr. Bayly?

19 MR. BAYLY: Excuse me, I am sorry?

20 CHAIRMAN DURANT: What do you think of that?

21 (Laughter.)

22 MR. BAYLY: Well, I have thought of it long and hard,

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1 actually.

2 CHAIRMAN DURANT: Ms. Swafford has a question.

3 MS. SWAFFORD: Well, I know that we have acted on  
4 this, but I guess I -- go ahead.

5 CHAIRMAN DURANT: She wants to know are we getting on  
6 our CALR reports, are these just simply updates on things the  
7 Corporation is doing? Are you, at some point, going to ask us  
8 to take other action, other than action that we have already  
9 taken?

10 MS. SWAFFORD: Well, for example, these seventy-eight  
11 programs that have not responded. Do they not have any  
12 deadline?

13 MR. BAYLY: I do not envision suggesting any action  
14 with respect to them -- or their reports, whether they are tardy  
15 or not, or whether they are received or not. That is an  
16 informational adjunct that we would use in establishing the  
17 program.

18 I hate to refer it back to Mr. Elgin, but he could  
19 probably explain to you better than I the significance of  
20 gathering that information, whether or not it is crucial at this  
21 point that we have a certain number of reports or every report.

22 MR. ELGIN: I think it is important to enter it into

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1 the record as Ms. Bernstein has requested. Again, this was  
2 simply an information update that was requested of me at the  
3 last meeting, to keep the Board abreast of our progress in  
4 implementing their directive at the last meeting.

5 CHAIRMAN DURANT: Was it June we passed it?

6 MR. ELGIN: Yes sir.

7 MS. BERNSTEIN: In June we asked John to implement the  
8 CALR, and I have to say that I agree with Mike that it would be  
9 helpful to have even just a checklist of the things that you  
10 have done since, you know, or a brief memo to the Board that  
11 these are the things that we have done, and this is where we  
12 stand.

13 I appreciate, though, getting a copy of the request  
14 for proposals that you actually sent out. It sometimes seems  
15 like a fine line between what is really useful to reproduce en  
16 masse, and what we need, but I think an update would be helpful,  
17 just in a written form, so that we would know the areas that we  
18 need to explore.

19 CHAIRMAN DURANT: Mr. Bayly, while you were in  
20 conference a moment ago, Mr. Wallace -- and I think other  
21 members of the board agree too.

22 On some of these reports, if we could get them in the

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1 Board book before we get here, rather than the evening we arrive  
2 or whatever, it would be very helpful so that -- it does not  
3 usually happen, but it certainly has happened today. If we  
4 could just see that it gets in the Board book.

5 MR. BAYLY: Yes, I will try to have them in the Board  
6 books far enough in advance of the meeting that you are able to  
7 review them and have updated yourselves before the actual  
8 session.

9 CHAIRMAN DURANT: We were very good on the Martin-Holt  
10 stuff, getting that in advance, too.

11 Anything else, Mr. Elgin?

12 MR. ELGIN: No sir.

13 CHAIRMAN DURANT: Okay.

14 MS. VERDICK: Excuse me, Mr. Durant. Are public  
15 comments on this issue going to be taken now? I am here on  
16 behalf of the CALRs to briefly comment on the transition period.

17 CHAIRMAN DURANT: Why don't you do it now.

18 STATEMENT OF MARY VERDICK

19 MS. VERDICK: Thank you. My name is Mary Verdick. I  
20 am the Director of the Western Center on Law and Poverty in Los  
21 Angeles, which is one of the current CALR grant recipients.

22 At your June 26th meeting -- I have read the minutes

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1 of the meeting, and I understand that what you did was approve a  
2 transition period that would result in local programs being self  
3 sufficient to do their own CALR searches by January first, and  
4 at the same time decided to, effective January first, eliminate  
5 the regional CALRs, who are currently helping the local programs  
6 do their research.

7 I am not going to rehash the CALR arguments about  
8 whether there will always be a need for us, nor am I going to  
9 revisit the arguments that were made about whether six months is  
10 enough time to make a transition. I would just like to make  
11 some observations about how fast we are moving during this six-  
12 month period.

13 It has been two months since your June meeting, and  
14 the only document we have seen of the progress is the RFP which  
15 itself is now three weeks late going out.

16 We just got the RFP and have not had time to analyze  
17 it in depth, but we do note that the RFP calls for a contract  
18 that has three weeks of planning at the beginning, which hardly  
19 seems like enough time.

20 But obviously, there has to be time to develop a work  
21 plan in the beginning; and two to three weeks at the end for the  
22 creation of the final report and final debriefing.

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1           So basically what you have with your RFP is a call for  
2 a contractor who is going to cause transition to occur during an  
3 eight-week working period. Now, I know the Board was concerned  
4 about whether you can make a transition to local program self  
5 sufficiency in six months, and I thought that was not enough  
6 time.

7           I think there is no question it cannot be done in  
8 eight weeks, so I would ask you if you would reconsider your  
9 decision to eliminate the CALRs effective January one, given  
10 that now it appears that you will not have the local programs  
11 ready to go on their own by that date.

12           MR. VALOIS: What would you propose as a better  
13 schedule?

14           MS. VERDICK: I think in order to retain continuity,  
15 you should refund the CALRs next year for the grant year, go  
16 through your transition time, and see how the programs are  
17 working under the contract; that the RFP should be recalled, and  
18 perhaps a longer time frame analyzed.

19           As I said, we just got the RFP this week, and the one  
20 thing I know for sure is that January first you are going to  
21 have a problem at your local programs, and cannot be ready. It  
22 is no one's fault. It is not staff's fault, it is not going to

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1 be the contractor's fault. It just is not enough time.

2 MR. VALOIS: What is your next best proposal?

3 MS. VERDICK: I am not authorized to make a next best  
4 proposal. I truly believe that you need to keep the CALRs in  
5 place; you need to let the staff know that they have a job next  
6 year so that they can help the local programs with the glitches  
7 that they are going to have in learning how to do their own  
8 searches.

9 CHAIRMAN DURANT: Realistically, though, what kind of  
10 time frame do you think that is?

11 MS. VERDICK: I do not know. I think that you have to  
12 get your contractor in place and have that person start working.  
13 My experience is that when you get a computer and get people  
14 starting to work on it, everything takes four times longer than  
15 you think.

16 MS. BERNSTEIN: Especially when programs will not  
17 respond to a survey.

18 CHAIRMAN DURANT: I know when we put in computers on  
19 our railroad it took a little bit longer than we thought it was  
20 going to, to get it to work, and everybody responded on that  
21 one.

22 Mr. Mendez?

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1 MR. MENDEZ: Mr. Elgin, when do you think the contract  
2 will be signed?

3 MR. ELGIN: Well, we hope if we get the appropriate  
4 cooperation from the survey respondents, to have a contract  
5 signed the first of October.

6 MR. VALOIS: Mr. Elgin, I think it was fairly clear,  
7 and I think Ms. Verdick has accurately described our concern in  
8 June that we were trying to accomplish the impossible. I would  
9 like to know what alternatives we have to provide some relief,  
10 if we get into a terrible bind. Can we have a shorter contract?

11 MR. ELGIN: The RFP --

12 MR. VALOIS: -- start in March or February or  
13 something?

14 MR. ELGIN: The RFP -- you mean with our grantees?

15 MR. VALOIS: Yes.

16 MR. ELGIN: Yes, that is a possibility. If you deem  
17 it necessary, you could take a shorter grant approach, I  
18 presume.

19 MR. MENDEZ: At the next meeting, whenever that is, I  
20 would like to have another report; and, at that time, I would  
21 like to have a contingent plan made in terms of a short grant  
22 period for them, in case things are not working out right. For

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1 sure in October I want to have the grantee come in a speak to us  
2 and tell us how it is coming.

3 CHAIRMAN DURANT: Mr. Bayly?

4 MR. BAYLY: I think we can present that for Mr. Mendez  
5 and for the Board. I am very certain that we can make whatever  
6 accommodations are necessary in the event that the timetable,  
7 ambitious as it is, which we have set for ourselves, cannot be  
8 met.

9 MR. MENDEZ: One of the concerns the CALRs have is  
10 that they do not know what is happening, and we need to give  
11 them that advice as quickly as possible. I want to make sure  
12 that we do that.

13 CHAIRMAN DURANT: Mary, in your own words, what do you  
14 see specifically? Is it a problem in terms of the people who  
15 would then -- in the program -- simply not feeling comfortable  
16 in doing the work, or is it a program, I mean in the sense of  
17 computer program problem? In your own words, what do you see is  
18 that problem?

19 MS. VERDICK: Well, in terms of our own experience  
20 with bringing the computer in and doing the searches ourselves,  
21 for the programs, mechanical problems are tremendous. It always  
22 takes a long time to work out why your computer is glitching, so

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1 I think local programs are going to need a lot of one-on-one  
2 consultant assistance to get their computers going and their  
3 software going.

4 We have seen some of the responses programs sent in to  
5 the survey and I think something like, of the sample we saw,  
6 one-third of those who has the LSC computer have not made it  
7 work yet. So you will have mechanical problems.

8 Then there is also a problem that if a person goes to  
9 a training -- maybe a two or three-hour training on Lexis and  
10 then does one search a week, their capacity, their ability to do  
11 efficient searches is not very good.

12 You need a lot of time and a lot of intensive work on  
13 it before you get good at it. This is one of the reasons that I  
14 am not sure the programs will ever become self sufficient. In  
15 fact, you may find through this transition period that you do  
16 need intermediary assistance from CALRs. But you will not know  
17 that until you try to go to transition.

18 CHAIRMAN DURANT: Why don't you send to Mr. Bayly -- I  
19 think Mr. Valois' question to you is correct. You know, if you  
20 see your function as simply, well let's see what is the best  
21 deal we can get, then I do not think we will solve the problem.  
22 But I think if you have a constructive alternative that you want

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1 to suggest, why don't you let Mr. Bayly know what that is. Copy  
2 Mr. Elgin and other members of the Board.

3 MS. VERDICK: I can do that. Obviously I will have to  
4 talk to the other CALRs. I can say from our own experience,  
5 though, if staff is told you are going to get a month-to-month  
6 funding, or you are going to get two months funding or three  
7 months funding, if those staff people are funded solely by that  
8 grant money, you are going to start losing staff right away.

9 You are going to have dislocation, you are going to  
10 have upset. So I forewarn you that I very much doubt that I  
11 would come back from the CALRs and suggest you fund us for a  
12 month or two months or three months and see how things are  
13 going. Because from a personnel and management approach in the  
14 office, that will not work, I do not think.

15 MS. BERNSTEIN: To some extent I am a little bemused  
16 by my fellow Board members' approach here; because as I remember  
17 that meeting, we made a decision that because CALRs had been ill  
18 utilized -- non-utilized -- by the field, this was a waste of  
19 very precious dollars, and that we needed to make a transition  
20 as soon as possible.

21 Of course, those people that have a vested interest in  
22 their jobs next year are going to come to us and say, "Really,

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1 it is going to take a long time for us to do this, and you  
2 really need to look at this and study it and study it."

3           What I see here, and what Rob has done and what the  
4 staff has been able to put together is that they have pressed  
5 forward with implementing a reasonable transition as soon as  
6 possible.

7           I think that they are going the right approach. Now  
8 there is nothing to say that we cannot make whatever necessary  
9 adjustments are out there; maybe funding one CALR center for a  
10 period in order to take care of that transition.

11           I agree that we may have to consider that, but I think  
12 until we see what kind of response we get to these RFPs, that it  
13 is premature and to some extent it goes back on the entire  
14 detailed study that we accepted from Triton, in that it has been  
15 a waste of money for several years.

16           I think that that is what we have to look at right now  
17 and I do not disagree that we need to have some updates, but I  
18 really have to object to the tone of the questions that seem to  
19 indicate that the actual progression and the steps that are  
20 taken in order to get these computers right in the offices where  
21 the attorneys can use them.

22           Again, I think it is just ridiculous to think that

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1 attorneys cannot use a Lexis system. Now, there may be  
2 technical problems, but that is part of the RFP is to handle the  
3 technical problems and provide assistance.

4 Whether it is Lexis or Westlaw or Law Help or some new  
5 organization that has all these things data banked, we have to  
6 look at what we get in terms of our proposals before we can  
7 assume that gee, we had better go with the status quo again.

8 MR. MENDEZ: I do not think anybody is flirting with  
9 the status quo. I agree with you. All I want to make sure is  
10 that when we have the foresay on January one, that we are up and  
11 running on January one. If we are not up and running by January  
12 one I want our people to come in and tell us, if we are running  
13 late.

14 MS. BERNSTEIN: What is our fall-back position?

15 MR. MENDEZ: Yes, and that is the only reason that I  
16 wanted to have that, because it seems to me like we are cutting  
17 the line kind of fine. That is the reason I want to have that.  
18 I just want to make sure that we have got something.

19 MS. BERNSTEIN: But by the same token, we are not in a  
20 position to guarantee the CALRs, all the people, that they are  
21 going to have their jobs next year.

22 MR. MENDEZ: Oh, I do not know how everybody else

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1 feels, but I can state that this Board member will never vote  
2 for that.

3 CHAIRMAN DURANT: Mr. Elgin?

4 MR. ELGIN: The staff would be very able to provide  
5 the board with a contingency plan, and it is even written into  
6 the RFP that if necessary, we would extend our relationship with  
7 any contractor to fulfill the obligation on behalf of the Board  
8 in implementing this policy.

9 CHAIRMAN DURANT: Thank you, Mr. Elgin. Mary, thanks  
10 for coming.

11 The next item is -- Mr. Uddo, are you here?

12 Let me do this one quickly then we can go to lunch.

13 The next item on our agenda is an update simply on  
14 your subcommittee's efforts in the national and state support  
15 area. Do you want to just sort of give us a brief report?

16 UPDATE ON NATIONAL AND STATE SUPPORT

17 MR. UDDO: Yes, a brief report. We did hold our  
18 meeting in San Francisco -- I guess it was August 5th or 6th.  
19 We had presentations from a number of people at my request to  
20 bring us some information about the various functions that  
21 national and state supports serve, and what new technology or  
22 new approach is going to exist out there.

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1           We had, I thought, some very interesting and  
2 intriguing presentations, particularly from Professor Donald  
3 Trouten from the Harvard Law School, who is the founder of the  
4 Pericles Project, dealing with interactive video and interactive  
5 tax training.

6           We also had some reports from people in the Department  
7 of Justice and Department of the Air Force, with respect to  
8 their programs on not just computerized research, but  
9 computerized brief banks, computerized networks tying together a  
10 number of offices around the country and what they have been  
11 able to do with that.

12           We had also a presentation by Matthew Bender on their  
13 published materials, or potential publishable materials, in the  
14 area of Legal Services.

15           We are at the point where I hope to have some sort of  
16 a preliminary report to bring back to that subcommittee perhaps  
17 in September. There may be one or two other areas that I would  
18 want to get into with an additional set of hearings, but I do  
19 not know that just yet.

20           As soon as I do, I will make that report to the Board,  
21 but there is no action to be taken at this time, and I would  
22 hope in September I will have some more specific indication of

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1 where we are going to go with it.

2 MR. MENDEZ: Could I ask you when you are going to  
3 make up your mind what you want to do?

4 MR. UDDO: No, you cannot.

5 (Laughter.)

6 CHAIRMAN DURANT: The next item on the agenda --

7 MR. WALLACE: I have a question to the President.

8 CHAIRMAN DURANT: Yes, Mr. Wallace.

9 MR. WALLACE: At that last meeting in San Francisco, I  
10 read from some documents that Mr. Waystack asked to have copies  
11 of, and I asked whether we could look at whether they are  
12 confidential and can he have them.

13 What is the status of those documents? They did come  
14 from monitoring reports. They are recipient documents, but  
15 frankly I would like to put them on the front page of the paper.  
16 Can we give them to Mr. Waystack?

17 MR. BAYLY: I do not think at the present time we can,  
18 Mr. Wallace. There are several of them that are exceptions that  
19 I think can be made public, but the vast majority of them, at  
20 least at this time, cannot.

21 I did not know whether you had in mind to have a  
22 serial release of them, or you wanted to accumulate all of them.

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1 But most of them still remain in a nondisclosable and  
2 unpublishable form. There are several of them that can be  
3 disclosed, however.

4 MR. WALLACE: Well, I just read from two documents,  
5 and those were the ones he asked for. I will ask you to  
6 consider, since I understand this confidentiality comes from a  
7 commitment made by our staff to Congressman Kastenmeier, if we  
8 do not feel like we can give them to Mr. Waystack.

9 I would like to give them to Congressman Kastenmeier  
10 and tell Mr. Waystack to deal with him. I do not see any reason  
11 we should have any secrets from Mr. Kastenmeier. He can keep it  
12 confidential if he wants, but I am very strongly in favor of  
13 letting the public know what we are talking about.

14 CHAIRMAN DURANT: Any other questions or comments on  
15 Mr. Uddo's report?

16 MR. VALOIS: I mean, if they are confidential, I do  
17 not see that we can license any Congressman to make them public.  
18 I mean they are either confidential or not.

19 MR. WALLACE: Well, my understanding is there is no  
20 statute making them confidential. They are confidential because  
21 we made a commitment to Congressman Kastenmeier when he was  
22 asking us about monitoring, that we would not turn them loose.

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1           So I think that was a very unwise commitment to make,  
2 but the staff has made it. There is certainly no reason we  
3 cannot tell Congressman Kastenmeier what is going on, and let  
4 Mr. Waystack talk to him.

5           MR. VALOIS: In other words, the agreement was made  
6 with the Congressman and not with the person submitting the  
7 information.

8           MR. WALLACE: That is my understanding.

9           CHAIRMAN DURANT: Mr. Elgin, you are not leaving the  
10 room, are you?

11          MR. ELGIN: No sir.

12          CHAIRMAN DURANT: Good, because why don't you come on  
13 up here. We are going to do the migrant thing now.

14          A PARTICIPANT: Clark, I thought we were breaking for  
15 lunch.

16          CHAIRMAN DURANT: No, I just talked to Maureen, and  
17 the lunch is not until one.

18          A PARTICIPANT: Okay, well one of the reasons that we  
19 -- was because of the timing, so --

20          CHAIRMAN DURANT: We will do part of it now and part  
21 of it later.

22          Mr. Elgin, do you want to just -- the next item on our

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1 agenda is the Migrant Report, Analysis and Review.

2 MIGRANT REPORT, ANALYSIS AND REVIEW

3 BY MR. ELGIN

4 MR. ELGIN: Again, I am Robert Elgin, member of LSC  
5 staff. At the June 26th meeting of the LSC Board of Directors,  
6 the Board directed the staff to prepare a set of alternative  
7 fund scheme under the Martin-Holt Migrant Population  
8 Distribution.

9 Following outlines to several arrays generated, which  
10 illustrate how the migrant lines would be distributed if one of  
11 the various alternatives were chosen to replace the current  
12 funding configuration.

13 In addition, at the request of the Board, the staff  
14 has also prepared a sixty array of data which shows how migrant  
15 funds would be redistributed if the line were folded into the  
16 basic field line and redistributed according to a census-based  
17 formula. Now, I guess we will go through this chart for chart.

18 Yes, sir?

19 MR. BAYLY: Maybe I could inquire, Mr. Chairman,  
20 whether or not the staff has made a copy of the arrays that Mr.  
21 Elgin will be referring to, to all the members of the Board. Is  
22 there any Board member here who does not have these arrays?

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1 MR. ELGIN: Yes sir, I have provided -- they have been  
2 provided with the arrays of data. I left them in their mail  
3 boxes the day before yesterday -- or yesterday morning.

4 Now, we will go from chart one and proceed from there.  
5 Chart one illustrates alternatives one through three of five  
6 possible allocations under the Martin-Holt Migrant Population  
7 Distribution.

8 Alternative one, the dollar figures which are given in  
9 column four, chart one, would provide for a direct shift from  
10 the current migrant allocation to a one-hundred-percent Martin-  
11 Holt formula, excepting the funds from Puerto Rico and certain  
12 unexpended funds in our budget that we left out of consideration  
13 here. The reason we left Puerto Rico out of consideration was  
14 because it was not covered in the Martin-Holt Study.

15 Alternative two, given in column six -- the funds  
16 which are given in column six -- would distribute seventy-five  
17 percent of the migrant funds under consideration according to  
18 the Martin-Holt formula, or roughly seventy-five percent, under  
19 the Martin-Holt formula, and hold the balance of funds in a  
20 contingency reserve to be distributed on a more discretionary  
21 basis.

22 Alternative three, funds of which are given in column

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1 eight, would distribute roughly sixty-seven percent of migrant  
2 funds under consideration according to the Martin-Holt formula,  
3 and would hold the balance of funds in a contingency reserves  
4 for the same reasons as given for alternative two.

5 In chart two, we have alternative four, and this  
6 alternative would provide for a four-year phase-in of the  
7 Martin-Holt formula. Under this alternative, Martin-Holt would  
8 be applied to twenty-five percent of the relevant funds in year  
9 one, and each year thereafter in twenty-five-percent increments,  
10 achieving a one-hundred-percent Martin-Holt allocation in year  
11 four.

12 Chart three illustrates alternative five, which would  
13 provide for a three-year phase in of the Martin-Holt formula.  
14 Under this option, the Martin-Holt formula would be applied to  
15 roughly -- well, actually thirty-three-and-a-third percent in  
16 year one, and each year thereafter in thirty-three-and-a-third-  
17 percent increments, achieving a one-hundred-percent Martin-Holt  
18 allocation by year three.

19 Those are the alternatives that we have provided that  
20 are strictly relevant to the Martin-Holt formula.

21 Now the additional alternative that has been provided  
22 the Board is one which would take the migrant line and fold it

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1 into the basic field line. If you will notice, in your last set  
2 of data under column four, you have a formula one total cost.

3 That shows the entire migrant line folded into the  
4 basic field and distributed to programs according to their  
5 current proportionate share of the total basic field line.

6 MR. VALOIS: Not every -- I do not understand that.  
7 Not every program in the country actually has to deal with  
8 migrants.

9 MR. ELGIN: That is correct.

10 MR. VALOIS: So somebody is getting a windfall there,  
11 if we go this way.

12 MR. ELGIN: That is correct.

13 Now, in a later column, column six, you see the same  
14 redistribution formula applied only to those funds that were  
15 considered under the first five alternatives that we presented  
16 you, again leaving out the Puerto Rico and unexpended funds.

17 MR. VALOIS: Start out where you were, just at the  
18 time I interrupted you.

19 MR. ELGIN: Okay, column four, that last set of data.

20 MR. VALOIS: The last set being the fold-in?

21 MR. ELGIN: The fold-in option. Did you want me to  
22 respond further to your question?

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1 MR. VALOIS: No. I had lost you, after I had  
2 interrupted you.

3 MR. ELGIN: Okay. Again, column four deals with a  
4 strict fold-in of the entire migrant line, including Puerto Rico  
5 and those funds which are held out as unexpended in our current  
6 budget.

7 Column six deals with just the amount of funds that we  
8 have used in the formulation of the redistribution scheme that  
9 we provided in the first five alternatives -- the funds  
10 excepting the Puerto Rico and unexpended monies back out.

11 MR. VALOIS: I am having difficulty why we are even  
12 talking about this, unless --

13 MR. ELGIN: I was just asked to present a set of  
14 alternatives and I did so.

15 MR. VALOIS: Okay. That is a good reason.

16 Let me ask you this, because I have problems either  
17 giving people windfalls or creating shortfalls. I do not see  
18 that this has any meaning. I mean --

19 MR. ELGIN: We will go back to the Martin-Holt  
20 alternatives, if you would like.

21 MR. VALOIS: Are we able to identify the fold-in  
22 notion where we give money to real grantees who are in

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1 geographical areas where migrants live? Are we able to identify  
2 those grantees?

3 MR. ELGIN: We could, given some time, identify such a  
4 distribution.

5 MR. VALOIS: If there are any migrants who go home to  
6 Alaska after picking -- I mean, I do not think we have anything  
7 like that, do we? That is what I am saying. Why do we want --

8 MR. ELGIN: I am not competent to answer that  
9 question.

10 MR. VALOIS: I do not see why we want to give money to  
11 Alaska if there is nobody that lives there during the winter, so  
12 he can go south in the summer. I think the whole -- I  
13 understand we asked you to do this, and you did as we asked, but  
14 I do not know it makes as much use.

15 MS. BERNSTEIN: Are we in the process of examining all  
16 of the field programs' priorities to see which programs do have  
17 migrant --

18 MR. ELGIN: To my knowledge, we are.

19 MR. MENDEZ: When will they have that report for us?

20 MR. VALOIS: What I understood Pepe to be talking  
21 about this morning was we somehow try and figure out in which  
22 geographic areas of regular grantees, if I may call them that,

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1 migrants go to live after they have worked.

2           So, then we are able to identify the two areas that  
3 Pepe talked about: where they live and where they work. Then  
4 we make some distribution -- as a possibility, as an alternative  
5 -- based upon where they live and where they work. Now, they do  
6 not live in every geographic area of every grantee we've got,  
7 and they do not work in every geographic area of every grantee  
8 we've got.

9           That to me makes this absolutely meaningless, other  
10 than if everybody worked and lived in the geographic area of  
11 every grantee, this is what would happen. Am I understanding  
12 this right?

13           MR. ELGIN: Well, I would not say it is meaningless.  
14 I would say that it gives you just what it does, a  
15 redistribution according to the basic field line.

16           MR. VALOIS: But the basic assumption is that people  
17 are distributed equally among, or in proportion to the dollar  
18 grants of all the grantees. Isn't that the underlying  
19 assumption when we talk about this?

20           MR. ELGIN: No.

21           MR. MENDEZ: I think the underlying assumption is,  
22 when you talk about that, if you are talking about, they have

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1 distributed according to the Martin-Holt, and they are doing it  
2 by state.

3 If you do it by state, the underlying assumption is  
4 that is where the people are working in that ratio; and  
5 therefore that the grantees ought to receive those monies in the  
6 ratio in which they are working, and that is what those dollars  
7 are.

8 Now, the question.

9 MR. ELGIN: If I could respond please, first to Mr.  
10 Valois, and it is well taken, because you are asking me what  
11 relevance does this redistribution alternative have to Martin-  
12 Holt. Am I correct?

13 MR. VALOIS: This one, yes.

14 MR. ELGIN: It has none whatsoever.

15 MR. VALOIS: Okay. This is just an arithmetic  
16 exercise almost. Okay.

17 MS. BERNSTEIN: Bob, I appreciate what you are saying,  
18 and I agree from the standpoint that as far as distributing the  
19 migrant funds. The only one I found useful in it, although it  
20 is not as I consider even to be considered as an option, it is  
21 useful as a comparison only to see what kind of differences this  
22 would make if the money were all distributed evenly, just as

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1 basic field.

2 MR. VALOIS: Let me take the simplest example and see  
3 if I am understanding what Pepe was talking about this morning.  
4 Let's assume we had a million dollars to fund migrants, and  
5 let's assume further that they all live in Texas and they all  
6 work in Oregon.

7 We could give five hundred thousand dollars, for  
8 instance, to Texas and five hundred thousand to Oregon, we would  
9 have them covered, where they work and where they live.

10 We would give half of it to some local program or  
11 programs in Texas, and we would give the other half to  
12 Evergreen's equivalent in Oregon, and they take care of them  
13 while they are working and the other folks take care of them  
14 while they are at their home base. That is the simplest way I  
15 can understand what you were trying to get at.

16 It is not quite that simple, because they don't live  
17 both only in Texas and work only in Oregon. What I am trying to  
18 ask Rob is, are we able to identify either a formula or  
19 construct something from Martin-Holt which would permit us to  
20 have a bifurcated distribution, if you like.

21 MR. MENDEZ: Well, I do not know how the rest of the  
22 Board feels, but I know that this Board member does not believe

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1 that it is appropriate to fund in the base states. This Board  
2 member feels that it is only appropriate to fund where they are  
3 working.

4 In the base states where they live, the local programs  
5 ought to take care of those people, because the major problems  
6 in the base states are the problems in common with all other  
7 poor people.

8 MR. VALOIS: To the extent, Mr. Mendez, that that  
9 might affect an increase in services provided by the local  
10 service, would you give them any money out of the migrant line?

11 MS. BERNSTEIN: They are already being counted in the  
12 census data at home. That is the whole point. They are part of  
13 the per capita.

14 MR. MENDEZ: That is the whole point that we have not  
15 really ever discussed. They are in the census data in their  
16 base state. they have been counted in the census in their home  
17 state.

18 MR. VALOIS: So basically you would redistribute it on  
19 the basis of where they work, period?

20 MR. MENDEZ: That is my view, and that is the way I  
21 believe, because they have already been counted at their home as  
22 a poor person in their home state. I think it is a tragedy that

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1 the local programs have not emphasized the migrant, and have not  
2 taken that into account.

3 MR. VALOIS: All right, Rob. Sorry, we have  
4 interrupted you again.

5 MR. ELGIN: That is fine.

6 MR. UDDO: Let me ask a question, because it was a  
7 part of that discussion. Do we have any data on the number of  
8 intensity of migrant cases that arise in the base state, as  
9 compared to those that arise in the work state?

10 MR. ELGIN: Well, migrant monitoring --

11 MR. MENDEZ: I think that would be impossible to  
12 determine.

13 MR. UDDO: Let me hear what he has to say, because it  
14 is important to me to know whether we can assume that the kinds  
15 of cases or the intensity of cases in the home state are -- (a)  
16 the ordinary kind of cases that poor persons in those states  
17 have; or (b) of such an intensity that it would not justify  
18 migrant funding on those states.

19 MR. ELGIN: The monitoring division is in the process  
20 of tabulating survey data that they had requested of the forty-  
21 two migrant programs.

22 I have just received this report from monitoring that

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1 they had sent out the survey instrument on the twelfth of  
2 August, and on that same date called the migrant program  
3 directors to indicate to them the type of survey that they were  
4 issuing and to help them get started on that.

5 It was hoped that we could get some more conclusive  
6 data by this meeting, but we do expect that given some time, we  
7 will be wrapping up an analysis of this survey instrument and be  
8 able to provide the Board with some good information in this  
9 area.

10 MR. UDDO: Do I have a copy of that survey? Do we  
11 have copies of the survey -- the questionnaire?

12 MR. ELGIN: No, you do not.

13 MR. UDDO: Is it going to ask the kinds of --

14 MR. ELGIN: It is going to ask locational questions,  
15 state the residence of the migrant, residence of the alleged  
16 violator, the state where the action was brought -- questions  
17 like that. that is what you are going to get.

18 MR. UDDO: So you think that that will produce some of  
19 the information that I am talking about?

20 MR. ELGIN: It will produce some of the information.

21 MS. SWAFFORD: Will you be able to make a  
22 recommendation, say, when?

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1 MR. ELGIN: When I can put together the case service  
2 data with the results of Martin and Holt and other alternatives  
3 that we might be able to come up, based on Martin and Holt, then  
4 I think I would be capable of making a more informed  
5 recommendation.

6 MR. VALOIS: Some of that, Rob, is calculated to  
7 determining venue of actions which arise out of the work place.  
8 It would seem to me that if there is some member of the public  
9 that is going to speak this afternoon, we can probably elicit  
10 some of that.

11 MR. ELGIN: Yes sir.

12 MR. UDDO: One other question, Rob. It was sent out  
13 August 12th. Are you getting responses?

14 MR. ELGIN: Yes, and I do have a little list here from  
15 the monitoring division that says --

16 MR. BAYLY: If I may interrupt, I do not want to hold  
17 this information from the Board, but I think it might be  
18 misinformation.

19 MR. UDDO: All I want to know, I want to know two  
20 things: One is, are people responding?

21 MR. ELGIN: Yes, about half the programs have  
22 responded to date, as of August 25th.

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1           MR. UDDO: Are they responding substantively? Are  
2 they supplying the information?

3           MR. ELGIN: In the majority, yes. They are supplying,  
4 from what I understand -- I have just talked with monitoring  
5 today. From what I understand, we are getting useful  
6 information.

7           CHAIRMAN DURANT: We are going to recess for lunch,  
8 and we will reconvene at 3:30.

9           (Whereupon, the Board of Directors meeting recessed.)

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