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November 4, 1974

MEMORANDUM FOR:

MR. BUCHEN

SUBJECT:

Files of this Office re
Indians and Civil Rights

In accordance with your conversation with Mr. Garment, I think it will be cleaner and easier not to try to keep working papers from these files here, even though they may be duplicates.

Therefore as soon as we can we will box up the files described in the attachment to my memorandum of October 25 and send them to the proper White House depository.



Bradley H. Patterson, Jr.
Executive Assistant to
Leonard Garment

November 5, 1974

MEMORANDUM FOR: JERRY JONES

FROM: LEONARD GARMENT
Assistant to the President

SUBJECT: Request for boxes

Please send to my office (Room 182) fifteen (15) boxes for packing files. This is in compliance with the memorandum from Mr. Buchen dated October 24, 1974 requesting materials of the Nixon Administration.



November 7, 1974

Dear Mr. Clayton:

I appreciate being one of those invited to attend your Federal-State-Tribal Law Enforcement Meeting to be held in Aberdeen, South Dakota, on November 13, 1974, but I am unable to attend as I am soon beginning a new assignment here at the White House.

In accepting this new work, I will no longer be dealing directly with matters involving Indian people. I am of course delighted to see that you have invited Mr. Dennis Ickes, Director, Office of Indian Rights, Department of Justice; he is a responsible federal official and in a position to make a major contribution to your conference.

Cordially,

Bradley H. Patterson, Jr.

Mr. William F. Clayton
United States Attorney
231 Fed. Bldg. & U.S. Courthouse
400 S. Phillips
Sioux Falls, South Dakota 57102

bcc: Mr. Dennis Ickes



DRAFT

11-8-74



NATIONAL LEGAL AID AND DEFENDER ASSOCIATION CONVENTION

The past, present and future of legal services is a mixture of the familiar and unknowable. The idea of legal representation for the poor, of course, has deep roots in the American legal system. The assimilation of this tradition to the Federal program initiated in 1965 by OEO involved a unique and creative collaboration between bar and bureaucracy and produced the most effective of all OEO programs, genuinely acknowledged to be so by its critics and supported for its evident successes by persons and groups representing a wide band of institutions and ideology. At an early stage the problem of keeping legal services out of politics and standing off the politicians generated strong support for the idea--finally adapted from a proposal by the Ash Commission in 1971 that an independent Legal Services Corporation be created.

While I can understand some of the reasons for locating the Office of Economic Opportunity within the Executive Office of the President back

in 1965, none of those reasons ever applied very well to the Legal Services enterprise. The Ash Committee was right; there should have been more insulation and distance between the Legal Services work and the Office of the President.

As all here know, from 1971 to 1974 a series of erratic and prolonged legislative and executive branch battles were waged, which happily can now be regarded with nostalgia rather than fear, and on July 25, 1974, Public Law 94-393 was signed. It is rumored that a puff of white smoke was seen issuing from a White House chimney that day. But whatever the case, thousands of lawyers did in fact rejoice for at last we have a Legal Services Corporation, no longer part of the Executive Office but semi-independent in the Executive Branch itself. So far so good.

The statute is a compromise, hopefully and apparently a workable one. In the generality of its provision it necessarily incorporates a number of potential conflicting issues which are left for resolution by regulation of the Board of Directors of the Corporation.



It also provides for an all-member Board of Directors to be nominated by the President and confirmed by the Senate.

I suppose you hope at this point that I shall make the White House announcement as to who these 11 will be. Sorry. You will have to be patient just a few days longer. The matter is pending before the President and he has not yet made his final selection.

I would speculate in this way about the prospective Board: we should all recognize that it will probably reflect a compromise of competing interests. I am confident however that its members will be within acceptable limits of professional competence and personal commitment to the purposes of the new Act.

No, my task before you this noon is a different one. I would like to try to look ahead -- to between now and the end of the decade and examine the kind of American society in which the new Legal Services Corporation will be functioning -- the kind of human resources universe in which Project Directors and Staff Attorneys will be laboring -- and ask how they will interrelate.

Where is our social order going in the next six years?

Perhaps I should just start and then also stop with Oregon Gasset's quote of _____: "We don't know what is happening to us -- and that is what is happening to us." (check exact language)

But if I just stop there I am not even earning my lunch ticket, so with some temerity I will go on a bit more.

All of us in the present and recent past have been observers of and in fact participants in the engine of the American social system. I have watched this engine, and in fact have pushed and pulled on some of its levers and buttons, from the top down, so to speak ^(from a chair) in the White House.

You have also been pushing and pulling on the social levers from the bottom up, in the indispensable work you do with disadvantaged people trying to get access upwards in that same social engine.

From our different perspectives, though, I suspect we may share some similar observations on what kind of a social engine it is that we are dealing with.

It's a pluralist engine, full of contending forces. If I were to keep with a mechanical metaphor, it is an engine full of pistons firing up and down in cylinders all ~~away~~^{away} from each other and with no crankshaft.

Business groups and unions, consumer groups and the elderly, milk and cattle, sugar and grain lobbyists, mayors and county officials, organized women, blacks, Indians and Spanish. And within these factions, contending sub-factions: urban Indians versus Reservation Indians, the National Tribal Chairmen fending off the A. I. M.

These groups individually, and especially when looked at en masse, exemplify that familiar and apt description of the American scene so often used: the revolution of rising expectations. The revolution is in part one of sheer numbers: one, two or three decades ago, hundreds of today's special interests groups didn't even exist; the American Indian Movement is only four years old. In the bountiful American social testtube, groups like these are forming and subdividing like cells in warm sugar water. And

let none of us be under any illusions that the "rising expectations" are slowing down either. Just a week ago, when I began preparing this speech, the Wall Street Journal reported that labor lobbyists now want a law guaranteeing state and local government employees the right to strike, the National Council of Senior Citizens wants to make the Social Security Administration independent of any federal budget restrictions, mass transit advocates want a \$12 billion aid package, and that the National Educational Association is calling for school aid to go up an additional \$25 billion in the next five years.

In a perceptive article in the current Public Interest, scholar

Daniel Bell describes this cacaphony of demands:

"Today... the satisfaction of private wants and the redress of perceived inequities are not pursued, individually, through the market, but politically by the group, through the public household... The modern appetite wants to enhance some individuals, at the expense of others, and to aggrandize all, through the public household. But the difficulty is that the public household in the 20th century is not a community but an arena, in which there are no normative rules -- other than bargaining -- to define the common good and adjudicate the conflicting claims on the basis of rights."

The question before all of us social philosophers is: if there are no normative rules, how does that bargaining get resolved?

You, the present members and associates of the National Legal Aid and Defenders Association, and you wherever you are, the future recipients and staff associates of the new Legal Services Corporation, have, I ~~would~~ think, a rather vivid interest in this question of social allocation. You have been on the front lines of the allocation struggle for more than fifty years; the Executive Office of the President itself has been in that struggle with you for the last 9.

Perhaps it would be relevant, as we stand together at this new transition point, to try to peer ahead and see what the alternative models might be of the social decision-making process in the near future.

I can conceive of perhaps three models.

Model I is a straight-line extension of what is happening in the present: pluralist factions better and better organized and thus more and more strident in the bargaining process. The locus of decision-making

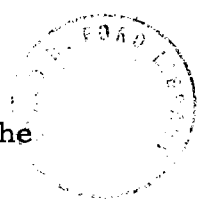
would lie

somewhere among a set of fractured political parties, a beleaguered Presidency, a pressured Congress and overloaded Courts, all four of which profess not to be moved by, but actually are acutely aware of *such* tragicomedies *(as the)* guerilla theater at Wounded Knee, anti-bussing mobs in Boston or food distribution to the poor by the Symbionese Liberation Army.

The old, accustomed political and social bargaining process *would* continue, in this model, *part* in the elections just held, *through* the political and economic jockeying during the next two years, *(and into)* what ~~promises~~ promises to be turbulent political conventions, at least for the Democrats, of 1976 and *to* in the elections that Fall.

The result, in this model, is more of what we have had for the past ten years: no one group gives up anything substantial for any

other group. They simply agree that the federal government *should* will supply the *most* needs of *(unanimously stated)* ~~both~~ *everybody.* Black colleges will get more, and so will the Indians.



Cattlemen and sugar growers will be pacified, and food stamps will increase in value. The "wants" of yesterday will become the entitlements of tomorrow: guaranteed education (at government subsidy), guaranteed employment (if necessary by the government itself.) But ~~the~~ the wants and appetites are limitless; the various groups ^{are} increasingly ^(voracious -- and) efficacious, in their "demands" and in their appeal to mass media. ^{then,} Where is the end of all this, given the much more finite limits to the revenues which can be extracted from taxpayers?

Suppose real economic growth slows down and with it the ability to tax and pay for constantly increasing increased governmental services without cutting into that growth still further? Without normative rules, and with the federal government perhaps much less able directly to provide all the services so stridently demanded, how will the bargaining be done and the compromises be reached? I hear talk that our Bicentennial celebration may be marred again and again by confrontation tactics on the part of factious groups who, poignantly, will want to use the 200th anniversary of our nation to provide that the social processes of that very nation do

not work fast enough to suit them. I even hear discussion of the need to safeguard our nuclear weapons storage sites not against any foreign enemy, but against domestic guerillas who might be tempted to engage in what might be called ultimate social bargaining.

Scare stuff, I suppose, but where does our Model I social order go after Wounded Knee and South Boston? And in this milieu what contribution can Legal Services lawyers make? Like PR men for the sugar lobby or the National Rifle Association, ^(do you just) add to the cacophony?

(Parenthetically, this discussion reminds me of a sign which after only a few months in the White House I ordered my secretary to make and hang on my wall. It read: Patience --- NOW!)

There is a second model one might describe. In fact it has been described by Hans Morthenthau in the current issue of The New Republic.

"One realizes", he says,

"that the crisis of democratic governments is but a special case of the crisis of government as such. That is to say, contemporary governments--regardless of their type, composition, program, ideology -- are unable to govern in accord with the three requirements of legitimate government. They are no longer able to protect the lives, to guarantee the liberty,

and to facilitate the pursuit of happiness of their citizens. Governments are thus incapacitated because their operations are hopelessly at odds with the requirements or potentialities of modern technology and the organization it permits and requires.

It has become trivil to say -- because it is so obvious and has been said so often -- that the modern technologies of transportation, communication and warfare have made the nation-state, as principle of political organization, as obsolete as the first industrial revolution of the steam engine did feudalism. While the official governments of the nation-states go through the constitutional motions of governing, most of the decisions that affect the vital concerns of the citizens are rendered by those who control these technologies, their production, their distribution, their operation, their price. The official governments can at best marginally influence these controls, but by and large they are compelled to accommodate themselves to them. They are helpless in the face of steel companies raising the price of steel or a union's striking for and receiving higher wages. Thus governments, regardless of their individual peculiarities, are helpless in the face of inflation; for the relevant substantive decisions are not made by them but by private governments whom the official governments are unwilling or unable to control. Thus we live, as was pointed out long ago, under the rule of a 'new feudalism' whose private governments reduce the official ones to a largely marginal and ceremonial existence. "

Morthenthau concludes:

"The decline of official government, both in general and in its democratic form, has still another consequence, ~~transcending form, has still another consequence, transcending~~ the confines of politics. In a secular age men all over the world have expected and worked for salvation through the democratic republic or the classless society of socialism rather than through the kingdom of God. Their expectations have been disappointed. The charisma of democracy, with its faith in the rationality and virtue of the masses, has no more survived the historic experience of mass irrationality and the excesses of fascism and of the impotence and corruption of democratic government, than the charisma of Marxism-Leninism has survived the revelations of the true nature of Communist government and the falsity of its eschatological expectations. No new political faith has replaced the ones lost.



There exists then a broad and deep vacuum where there was once a firm belief and expectation, presumably derived from rational analysis.

No civilized government that is not founded on such a faith and rational expectation can endure in the long run. This vacuum will either be filled by a new faith carried by new social forces that will create new political institutions and procedures commensurate with the new tasks; or the forces of the status quo threatened with disintegration will use their vast material powers to try to reintegrate society through totalitarian manipulation of the citizens' minds and the terror of physical compulsion."

Suppose Morthanthau is right. Suppose both governments and their citizens, especially their most disadvantaged citizens, are indeed "compelled to accomodate themselves" to decisions made by mega-institutions like the

(Under this Model II)
global corporations. ^{is} is not the whole work of the Legal Services Corporation

then very much like what Marx called the role of the Church: merely the opiate of the people?

There may yet be a third model, and for this insight I am again indebted to Daniel Bell in his article "The Public Household" in the current ^{Public Interest} "Public Interest".

He starts with the Model I of today's pluralism. "The peculiar strength of a modern democratic polity", he observes, "is that is can



include so many interests. True, the very increase in their number, and their concentration in the political arena, lead to an overload, a fragmentation, and often a politics of stalemate. Yet the nature and character of the diverse group interests cannot be denied for that is the character of a contemporary democratic polity."

Bell makes another observation: no one of these pluralist contenders for public favor and the public purse can unite the others, or can claim an overriding priority. A nation at war might, I suppose, pose such an overriding priority, but after our Vietnam experience I am not even sure of that any longer.

Bell then turns to search ~~of~~ for a principle of allocation -- an alternative to the criterion of mere stridency which tends to be the end-point in Model I and to the totalitarian manipulation hinted at in Model II. He wants to find a statement of principle from which could flow the rules and rights of "the public household" (which of course is distinct from the domestic household and from the free enterprise marketplace).

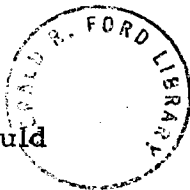
What Bell asserts is that that the social allocation process should be governed by what he calls the "principle of relevant differences". We treat some of our citizens differently because ^{some} ~~the~~ differences are relevant: the progressive income tax distributes a differential burden; the more lenient treatment of youthful offenders is another example; but there is a relevancy to each of those disproportionate obligations. Eight years ago the Selective Service System also tried to levy a disproportionate but relevant burden on young men but, as a Presidential Commission under Burke Marshall found, carried out its mandate in a way full of other disproportionalities which were irrelevant, ^{e.g.} ~~e.g.~~ as affecting students and minority and disadvantaged registrants.

The number and type of automobiles a man owns is and should be relevant to his income; the adequacy of his family's health care is probably irrelevant to his wealth.

Bending over backwards to attract minority candidates into medical school may be ^a differential but relevant treatment in the overall practice of medicine in the United States; but in the final licensing and examination of doctors as such, race is an irrelevant difference.

Bell, quoting Michael Walzer, sums it up by saying that "a relevant principle is 'the abolition of the power of money outside its sphere... a society in which wealth is no longer convertible into social goods with which it has no intrinsic connection.' " The example of the principle of relevant differences best known to all of us here is that of access to legal services: it should be irrelevant to wealth.

There may be other services and rights with which money should have "no intrinsic connection" I think it will be the task of the Legal Services community to help define those services and rights -- to help set forth the necessary distinctions between relevant and irrelevant differences. The ERA is an example of a current effort to set a new distinction. Once



those distinctions are more clear, a social allocation process among competing pluralist demands has a chance of being supported.

Relevant differences can be the cause of differential treatment, and be understood as such; ~~and~~ correspondingly, we can work more effectively to eradicate differential treatment which is based on only irrelevant differences.

I would stress that what differentiates Model III from Model I is what I mentioned: that "principle of relevant differences". There are differences which ~~are~~ are relevant. I can share with you two poignant examples from my years in the White House.

We faced, as you remember, the question of what action to take when the Supreme Court in the 1970-71 period lost its patience with foot-dragging on school integration and mandated integrated schools in de jure areas "forthwith".

The irrelevant difference was black vs white: state-action segregation was unconstitutional no matter what color child was affected; the practice was to stop.

The relevant difference was between ^{these} school systems, unprepared for the courts' mandate and unsophisticated in how to integrate, vs systems, not under such pressure.

We resisted the pressure to mix up these distinctions; we worked assiduously with local citizen groups to make the courts' mandates a reality. But we also proposed -- and the Congress finally enacted -- a special aid program where federal funds went to those school districts under the gun, as differentiated from those which were not. The legislation, however, itself had a sharp edge: any community which itself acted as if that distinction did not exist and which let any of the aid money be used to support the irrelevant differences, was immediately ineligible.

The second example was in dealing with Indian militancy. There is no relevant difference between a demonstrator making his point graphically, to the full extent what our free speech doctrine will allow, and a soap-boxer at Columbus Circle.

On the other hand, ^(there) is a relevant difference -- which justifies differential treatment, between felonious and non-felonious conduct.

Which was the Indian occupation of Alcatraz? -- ~~including~~ ^{including as it}

^{did} embarrassing and in fact threatening antics, bordering on the felonious?

We determined that even this guerilla theater exhibited a difference between

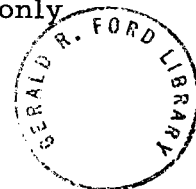
^(exercising) first amendment rights and the commission of felonies, and for a year

and a half let the demonstration go on, in the face of painful criticism

on the one hand that we were soft on criminals and, on the other hand, that

we did not sympathize enough with the Indian cause which was being only

innocently stated.



At Wounded Knee the issue was the same but the degree of intensity

far higher. Clearly the burning and sacking were felonious conduct, but

was it ^(an actual) ~~an~~ insurrection demanding a ^(formal) Presidential finding and the use of

federal troops? -- a relevant distinction of enormous consequence. We

determined that it was not of an insurrection character, withheld the use

of troops, ~~ended~~ ^{ended} the occupation by negotiation -- and then we went to trial later

on the felony indictments.

These examples point up a most important addendum to the principle of "relevant differences": determining which is which in a murky and chaotic factual ~~sit~~ situation is a special art in itself, and is an action which both Legal Services attorneys and government policy-makers are advised to enter into with especial perspicuity.

Turning again from examples to abstractions: ~~in the~~, in the Model III which Bell outlines and to which I subscribe, a "new social compact" is proposed, the core of which is "recognition of the limits of resources and the priority of needs, individual and social, over unlimited appetites and wants".

I should emphasize one other characteristic of this third model: movement toward governmental financing of but not actual provision of those social services which should be the entitlement of all, irrelevant to differences in wealth, race or sex. If the Great Society format was government housing, government hospitals and (for Indians) government schools, I think the model of community development and human resources

distribution into which we are moving now -- and which we should accelerate -- is one of basic rights and entitlements directly to the Individual -- ~~is one~~ often in the form of cash -- so that the individual can choose his own health, housing, educational and, yes, even someday his own legal services, without what Bell calls the "bureaucratic overload" of which goes with the government's furnishing these services itself.

If we should try to move toward the "new social compact" which Bell describes, what are the consequences of this movement for the new Legal Services Corporation and for legal aid and defender work in general?

First of all, it seems, to me, as human resources programs move from a discretionary meeting of wants to a mandatory meeting of entitlements, your job is made easier. OEO, and the whole human resources community, was so full of so many "experimental" and "demonstration" programs for so long; I am sure you and your clients often found it painful to try to get into Headstart classes or Job Corps camps or to try to get continuation for a second year of a program funded for a first-year-only,

only to be told that the enterprise in question was a "demonstration" project and that its admissions or continued funding were not a matter of your client's right, but were wholly discretionary. Hopefully the new Congress assembling in January will, in cooperation with our new President, make some progress in the areas of health insurance and income maintenance and move toward entitlement rather than discretion as the principle of program operations.

A second type of movement in the human and community development resources area is a product of initiatives and legislation in the early '70's: revenue-sharing. Not only in general revenue-sharing, but in the areas of manpower and housing, decisions on programs and on the accompanying resources are being shifted from the banks of the Potomac to City Councils and County Commissioners. These officials are much more accessible to you and your clients: you can get to them easier and watch over them more directly. You can attend their hearings, speak up at their meetings (and your clients can vote for them, ^{often in} ~~some~~ settings where ^(thanks to the Voting Rights Act) their votes make a difference).

The poor citizen and his Legal Services lawyer will now tend to start off on a different footing together than was the case in 1965: the citizen with some resources of his own, with some clearer entitlements, and with his local government nearby itself provided with some of the extra resources he needs and to which he is entitled. Insofar as law reform may still need to be part of the Legal Services agenda, class action suits will be in this new setting of problems, rights and resources close at hand. It will be a home-town job.

Example: if there is a Legal Services job to do on the Pine Ridge Indian Reservation, it will be to help the poorest Oglalla Sioux Indian assert his rights vis a vis the Tribal Judge, the Tribal Courts, the Tribal Police and the Tribal Council in Pine Ridge; it will not be directed to the Commissioner of Indian Affairs in Washington or the Governor of South Dakota in Aberdeen.

If there is a disadvantaged client in Fresno who needs legal help, the forum of focus will likely be right there in Fresno, less likely in Sacramento and least of all in Washington.

There may be however, one area of exception to this principle: civil rights protections under general revenue-sharing. These protections are federal, they come under Title VI of the Federal Civil Rights Act and they are, in the end, federally enforced. As general revenue-sharing expands and is continued for another five years, Legal Services attorneys would do well to ~~xx~~ keep a special eye on the special "entitlements" which Title VI confers on the potential recipients -- and to be ready to bring them to the attention of both local and the Federal government if necessary.

You know, as I do, that these first nine years of Legal Services have been full of tumult and controversy. There have been times when you have taken local, State and Federal Governments to task.



In looking ahead, as I am trying to do, I see perhaps not less litigation, but more recognition of the value of that litigation by us administrators.

In preparing this speech I called up one of the federal government's

top operating executives. He told me of about several suits which had been brought against the Department of Labor, two, for instance, alleging that ~~the~~ State Employment Services were not delivering services to migrants according to the Employment Services' own plans of operations.

In both instances consent decrees were obtained, the Court set up Review Boards. It was painful for the government to admit error but the Review Boards are now going to see to it that a whole new series of actions are

taken so that the Federal and State officers live up to their own plans and promises. At first, I am told, the Federal agency people were

(The reforms mandated by the Review Boards)
miffed, but now they see ~~this procedure~~ as a model for their agency.

In the current legislative debate about the future of OEO, I was impressed by the numbers and kinds of communications coming into the Congress from State and local government officials: urging the Congress to extend the Community Action Program. The new Corporation thus begins, as I see it, with a sophistication and a degree of sensitivity on

on the part of Federal and local administrators which was not at all present nine years ago. Which of us would have thought in 1969 that one former OEO Administrator would now Under Secretary of HEW, and another would be Chief of Staff to the President of the United States?

There is one other function which I see Project attorneys and Defenders fulfilling (nothing new to you I am sure, but an indispensable task): being the first and closest source of information about clients rights and the operations of government. In these days of computers, instantaneous transmission of mega-information, retrieval and display systems, etc., one would think that Federal and State governments would have some system of communicating to their most disadvantaged citizens simple and comprehensive statements of their rights and eligibilities. Alas no. The rights are there, but it seems as though the people who are in charge of informing the poor are alumni of CIA's Division of Clandestine Services.



A poor person's transportation expenses to and from a hospital

(I am told)
can now be considered a proper Medicaid expense. How many Medicaid

recipients know this? Every Medicaid child *(I understand)* is entitled to a health screening

exam. How many of their parents know this? Nine years of individual

and class action lawsuits have defined and clarified one right after another

that poor people and/or minority have vis a vis governmental institutions

and services. But where is the tote-board, the display console, the

computer print-out of what these rights and entitlements are? I don't

think it exists. You, each of you, are the display consoles, the walking

computers, the information system between the government and the poor.

It is a task you have been performing for nine years and a task you must

continue to do; if you don't do, it, it doesn't get done.

I should not conclude without assigning you generally and this organization specifically, one more task. This is to help the new Corporation look ahead, to anticipate the initial policy questions with which the new Board of Directors will be faced, and to have ready for their consideration your own ideas of alternative and recommended directions.

The new Board will set the conditions of employment for its staff and this will in turn have a great deal of effect on those same conditions within each recipient project group. Tenure and salary level are crucial questions; the new Board should have your views. Each Governor will be appointing a State Advisory Council which is to "notify" the Corporation of any "apparent violation" of the new Statute or of the Board's rules. Suppose there is such a "notification". What comes next? What evidentiary requirements will be imposed on the State Advisory Councils to back up their findings? Where will lie the burden of proof if a recipient project is cast under such a cloud?



Under the final version of the law, the Corporation is to do its own research, training and technical assistance. What does NLADA consider are the high-priority areas for such research and training? What should the Corporation get into first?

The new Act mandates the Corporation to issue rules on a whole series of questions and issues: what will be the proper income levels for eligibility? What should be done to ensure that the neediest get the first crack at the available services? How are "frivolous" appeals to be defined? What is to be meant by "persistent incitement of litigation". Governors' comments are to be invited prior to starting up any project. Suppose they are negative? What weight is going to be assigned to them? The new Corporation is directed to make a study of "alternative and supplemental methods of delivery of legal services to eligible clients". What are NLADA's views on these alternative approaches and the pros and cons of each?



I note in the Executive Director's Annual October Report for 1974 that NLADA has already been gathering ideas and materials. You know what a timely enterprise this is and how important it will be for the new Corporation to have your analyses and recommendations.

Perhaps I should conclude with an apology: that my talk this noon has been so full of abstractions and deals so much with a murky analysis of future contingencies.

From out of these conflicting and portentous abstractions I have tried to look ahead a bit and identify the kinds of tasks which will fall on the shoulders of those of you will continue to labor in this all-important area.

The list, as I have indicated, is varied and long.

But if some of the foregoing analysis is murky, my concluding admonition is as clear as spring-water: you must work at them with the utmost professionalism.

The Congress has told you that you must put aside picketing, demonstrations, "frivolous" appeals and the "persistent incitement of litigation".

I will tell you that you must also put aside any residual temptation for malarchy or rhetoric, any secret desires to imitate either Sol Alinsky or Jane Fonda.

Representing an Executive Branch that has had its Watergate, not to mention its Kent State and Wounded Knee prosecutions, I am not sure how much clout my words this noon bring with them.

But, to reverse an older adage, watch what I say rather than ~~what~~ what we do. Do a razor-honed job in each of these areas of responsibility -- whether it is determining the limits of "relevant differences", or filing for a poor woman's divorce. It will be then your excellence, "playing in Peoria" which will at last illumine the play in Washington.

November 11, 1974

Dear Jerry:

Thank you for your note and its thoughtful and proocative attachments.

As of tomorrow morning, I shall be going on to a new assignment here in the White House not connected with Indian affairs. I want to wish you and your colleagues well and particularly thank you for your courtesies and special helpfulness.

Cordially,

Bradley H. Patterson, Jr.

Mr. Jerry Tuttle
12305 Eastridge Drive, N.E.
Albuquerque, New Mexico 87112

Central Files ✓

