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Interview with

Michael Bennett

Conducted by Alan Houseman

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AH: This is an interview by Alan Houseman with H. Michael Bennett on Thursday, May 27. We’ll begin with the background. I’m going to call him Mickey Bennett because that is what how I know him. So Mickey, tell us a little bit about your background and how you came to be involved with California Rural Legal Assistance which we will call CRLA.

MB: I was involved with Martin Luther King’s efforts in Alabama and southern Virginia in the summer of 1965 at the same time Watts was blowing up out here. I came back from that experience and wanted to have some kind of ongoing relationship in civil rights, economic rights movement and I was put in touch by Assemblyman Shumaker with an organization in Los Angeles called Emergency Committee to Aid Farm Workers. It was a number of Jewish, liberal labor folks that were trying to support Caesar Chavez and out of that emergency committee, there were two of us on the staff basically a fellow named Dan Lund and me, and we were joined by a fellow named Jim Lorenz who had graduated from Harvard Law School the previous June and had gone to a firm O’Melveny and Myers in Los Angeles, one of L.A.’s biggest if not the biggest law firm. He continued to work there
as he worked with the committee but he was basically bored and he said in 1966 legal services grants had become available under the OEO and so then Dan Lund and Jim Lorenz and I, led by Jim of course, the lawyer, put together a grant. We asked for $700,000 and we got a million two back and so we were sitting in Los Angeles with this money and chance to set up nine rural offices in California. I think a lot had to do with support for Caesar Chavez not that we were officially in any way associated with him but certainly what we were doing was supportive of farm workers and he had made the private farm workers just start to be very visible among liberal forces and people like Sargent Shriver were very supportive. So that is how I then went on to be the administrator of the program and Jim was the executive director and Dan Lund headed up the community workers part of the program and we went about to research these various places like El Centro and Madeira to set up office there and I remember going into El Centro, Madeira actually had one originally down in McFarland which is near Delano that is as close as we got to Caesar Chavez actually he was just a few miles away and we would do sort of a make on the community, what was the bar association, could we expect any kind of support and usually the answer was really no absolutely in these places. What was the local congressional delegation like, usually there was a congressman that was
focused in each one of these communities and they were not very supportive ether. And we would find out where farm workers were supported in the community and rely on them to tell us what where the best place to put offices and who could hire as community service people and then we did all our hiring of attorneys centrally and we would send out young attorneys into these areas. In a couple of cases there were some local attorneys hired but usually these were attorneys coming into the area because the local attorneys just weren’t sympathetic to the kind of legal services that we wanted to do. I don’t know if I should try to go on from there.

AH: Well how did you organize the offices, did you have advisory councils, how did you try to become accountable to the people you were serving?

MB: We would definitely have in each case an advisory council made up of poor people. We would have these community workers who were from usually we had them if they weren’t then migrant workers themselves not migrant workers but had worked in the fields themselves and had come to settle in these particular communities, and we would get a little teeny bit of support we could usually find somebody in the bar that would be supportive but there were these groups that would give advice to the local attorney, the head managing attorney there was an attorney in charge of these offices that
person would have then under them the other legal staff and community workers and this there would be this advisory council of essentially poor people who we felt we should follow in terms of the priorities of the office.

**AH:** What interest opposed CRLA? You mentioned that there was little bar support but after you got set up there was certainly opposition to CRLA and describe a little bit about that.

**MB:** Well we did some things, particularly two law suits in 1967 which both raised the adamant opposition of the governor’s office and Senator Murphy, United States Senator at the time, but also turned out to be salvation because of the opposition that we got in these cases made us a national entity and the cases were first of all to soothe the United States Department of Labor with respect to the . . . program where workers were being brought in from Mexico and of course putting domestic workers out of work, driving up welfare costs, etc. Another case was brought against Governor Reagan with regard to his cutting back illegally the courts found of medical program so these two cases had Reagan going to Murphy to say legal services people are getting money from the federal government and they are turning around and suing the federal government and they are suing the state government which is absolutely abusive of the system. But then the AGA weighed in and other legal entities around the country nationally
including editorial writers and the Post Dispatch and Washington Post and New York Times and that kind of thing and made the program sort of a national cause and so the very thing that got us into so much trouble was also our salvation in the long run.

**AH**: You mentioned Senator Murphy right after these two law suits he introduced an amendment in Congress I don’t know if you remember this, describe it a little bit and talk about it and

**MB**: Well the first Murphy amendment was, as I mentioned, to prevent the legal services attorneys, this would have been nationally but it was clearly leaned toward CLRA from bringing any actions against any governmental entity especially federal agencies and I believe it would have prevented actions against state agencies too, I’m not absolutely sure. And then that didn’t even get out of the Senate, although the vote was 52 to 44 or something like that. A couple of years later he tried another tact. See that was in 1967, the second one he tried to again very much aimed at CRLA tried to give governors absolute veto power over legal services programs, maybe all of OEO programs, I’m not sure of that.

**AH**: All of OEO.
**MB:** All of OEO not just legal services. That one actually didn’t get out of the Senate but those were the two Murphy amendments that were definitely stimulated by opposition to CRLA.

**AH:** There were a number of efforts by Governor Reagan to eliminate, reign in, change CRLA in the beginning I guess initially in 1968 but

**MB:** Yeah ’68 he tried to put various restrictions on the grant and there were various negotiations and frankly I’m a little vague on those things because they paled compared to what he did at the end of 1970 when he vetoed the program. Now the . . . the director of OEO could override that veto but the political circumstance looked very bleak for us because this was a time a year and a half let’s see 1972 Nixon, that was the president, obviously could control anything the national OEO director did and he was going to be going up for election again. Reagan was extremely popular in California and would lead the Republican delegation so Nixon certainly could not afford to be offending Reagan and so we were faced with the situations where we had to get Republican Nixon to override a veto by Republican Reagan and that was something. Reagan had actually spent had a fellow named Uhler who had formerly been with the John Birch Society, putting together a report on us. It was 283 pages as I recall and it had
something 150 or so specific charges everything from we were involved
with Angela Davis the Communist leader to organizing riots in the Soledad
prison to there was even illusions to homosexual things that CRLA attorneys
sometimes carry their purses into court and just crazy stuff generated almost
entirely out of the farm bureau California farm bureau whose constituency
the big agri business were of course greatly offended by what CRLA was
doing in trying to get enforced the law already on the California books in
agriculture. And so this controversy which was essentially being played out
between Reagan and Nixon took what six-seven months it was finally settled
in the Nixon administration. Basically being managed I think by Ehrlichman
that our best information, he set up a commission of Supreme Court justices
from throughout the states, the former chief justice of the main Supreme
Court and several other Colorado, Oregon and there was one change I’m not
recalling they came out to California to look into this the charged Reagan
and made and Reagan used Uhler who was representing Reagan refused to
participate in any opening hearings. Reagan was demanding that if they were
going to have any hearings, they would do them closed and that if they
weren’t going to be closed the governor’s office wouldn’t participate. So the
farm bureau attorneys came in and basically represented Reagan all his
charges against CRLA, there were something like I believe 16 hearings,
something like 165 witnesses, I believe in every one the places we had offices certainly if was not every one it was just about every one and there were three months, four months, five months of horrible press for Reagan as the commission in community after community said there is no merit to the charges against CRLA and in fact CRLA is showing exemplary behavior as attorneys under the laws of ethics and under the terms of the grant and finally of course Reagan had to have face saved some way and the way the thing was finally worked out was that CRLA was granted actually a year and a half a 17-month grant instead of a just a year, and the veto was withdrawn by Reagan and Reagan was given $2.5 million to run a judicare program which actually never even got off the ground because of other internal problems. I presume in other interviews you explained what a Judicare program is so I wont’ try. So that was that and that was made obviously the need had already been recognized to get the legal services programs out of the position where they could be vetoed by governors and that’s the Legal Services Corporation Act came in.

**AH:** Just before we get to that, I just want to point out you wrote an article I think it was the first article in the Chicano Law Review, which I have no idea if that still exists, you and Cruz Reynoso who was the head of CRLA wrote an article that described in great detail all of this that you have
summarized here for us, just so it’s on the record here. A couple of things just to mention about this, could you describe some of the major figures who were involved in this controversy on the Washington side who later became and still are major national figures today. For example Don Rumsfeld who is now the Secretary of Defense, Frank Carlucci who was Secretary of Defense in the Bush administration, were players in this.

**MB:** Rumsfeld was head of OEO and Carlucci was head of OEO actually when we were going through our thing and he was the poor guy caught between the White House and Reagan who had to be some way placated enough so that he wouldn’t come out against Reagan in later convention but yeah so the Department of Defense got the later got the benefit or the liability at least that is what I would say currently of former OEO directors.

**AH:** And wasn’t Rumsfeld playing some role after he left OEO he went to the White House and he was linked somewhere there while Carlucci was

**MB:** I’ll tell you I’m not remembering exactly what Rumsfeld was doing during our thing. Carlucci was the guy we were dealing with directly. This is from the days perspective this entire battle with CRLA just seems amazing that this legal services program was becoming a major, major issue
in presidential politics at the highest levels between Governor Reagan who Nixon thought he needed California to win and California being the largest state and here is a potential adversary to him on the conservative side, this is an extraordinary kind of story it seems to me.

**AH:** Yeah I think it was and again I would go back to those cases that you brought in ’67 they got people like Hubert Humphrey, Bobby Kennedy, Edward Kennedy, all those major newspapers, editorialists, all these people and institutions were aware of us, there were some I can’t remember exactly what the other issue was but several correctional offices were saying and they were outside of California that they were getting more mail out of CRLA than they were getting on a whole lot of other things both going on in their states and Vietnam which of course was an issue in this period of time too. So the very fact that the program was courageous enough to do what it did which we felt these things had to be done there was no way to piecemeal assistance to farm workers they were being put out of jobs by . . . . they were being cut off of medical services because of what Reagan was illegally doing to the medical program it was the only real way to represent people and it was the most efficient for the courts. And there was nothing radical about what we were doing because who made the decisions for the courts and so that really got the ABA and others behind us and that is what saved
the program then and made it strong enough to stand up for itself amidst this controversy between Nixon and Reagan. It was an amazing thing.

AH: You did have some Republican support.

MB: Oh absolutely. Yeah in fact I was personally that was the role I played, I was sort of the CRLA lobbyist in Washington for six months or five months while this whole thing was played out. We got a lot of help too I remember the fellows at AFL-CIO lobbyists saying hey there is Que over them, . . . Wisconsin I believe, Minnesota, head of appropriate committee which I can’t remember either it might have been welfare and he would have been the minority,

AH: He was minority of the Health Education Labor Committee

MB: But that was very significant and got him on one of the AFL-CIO guys said hey let’s he was just walking down the hall and he said I think I can get him today and he got him on a letter and that got a whole bunch of moderate Republican because of course it’s stupid to try to out and get Democrats especially people it was nice to Hubert Humphrey, it was nice to have the Kennedys along speaking for us publicly but having them have a letter to the White House would be anathema so we weren’t looking for Democrats at all, we were looking for moderate Republicans to get on letters to send to the White House and this AFL-CIO guy got Que on and then a
number of other moderate Republicans. Then Democrats of course Javits in
the Senate . . . he’s liberal Republican but he was very helpful and his staff
person and then when we got down to really among the Democrats people
like John Steinberg, Cranston and others were extremely helpful but we
were really had to get Republicans to go to the White House. It wasn’t
Democrats at that time.

**AH**: Finally on the CRLA things I’m not sure what we can draw but
there were all these charges and I remember the history they were all
essentially found by these three state prominent state Supreme Court judges
to be without basis. All of them essentially.

**MB**: Yes, there wasn’t anything, they did not well to the best of my
recollection . . . rather astounding too surely there was something we were
doing wrong but if they found it they chose not to talk about it because they
thought I think the whole thing was so unfair, had tied our program in knots
of course, while we defended ourselves successfully it really took our
attention away from the poor people that we would like to be representing
and so it was a very, very unjust and unfair thing and Uhler’s office itself
ended up getting investigated and their money was taken away by the
California legislature so it got reduced to one dollar and so that is what
happened to Uhler before the process was over itself.
AH: And in the end this of course created the Reagan hatred if you want for legal aid which played out in the early 1980’s when he became the president.

MB: Absolutely. He’s never got over that I’m sure and certainly throughout the rest of his public life he did what he could to get rid of legal services.

AH: And one other player that became relevant in the 80s for use in other interviews was Ed Meese who was working for Reagan in the governor’s office and later became the attorney general under Reagan.

MB: Right and he was the person in that office that we felt always was calling the final shots if it wasn’t Reagan itself and it wasn’t like it was Reagan himself very often and Ed Meese was the guy that really represented him.

AH: Let’s turn briefly to your life after CRLA struggle in Washington and your role in getting through the Legal Services Corporation Act. And as way of background there were two attempts to get the Legal Service Act through Congress. One in 1971 and President Nixon vetoed it and it was part of the Office of Economic Opportunity. The major concern of this veto of legal services was that the board of the Legal Services Corporation was not solely to be appointed by the president there were other
people who were involved in the appointment process. The bill went through in’72 again and at the end of ’72 it was quite clear that the president would insist on control over the board appointment and the legal services community decided to pull the bill, the legal service part out of the OEO re-authorization bill. And that left legal services quite vulnerable coming into 1973 after Nixon is re-elected before Watergate has really broken out and at that point in time you came back into the national picture and so why don’t we start where you come back into the national picture and what was going on and what you did.

MB: Well because I had carried out lobbying roles for CRLA when we were seeking to get that override of Reagan’s veto I was asked to take responsibility for lobbying for action for legal rights which I think you have an interview with Mickey Kantor who started Action for Legal Rights or certainly was its first executive director and it had worked on the previous bill. Mickey was at this point back in California and doing other things. So I actually arrived in Washington I think it was April 4, 1973 it was the night and the headlines in the Post the next morning I see Ehrlichman and Halderman had resigned it was that portion of the impeachment process and of course Halderman and especially Ehrlichman had become a very familiar person to me in the CRLA fight because we had always understood that
Nixon had given Ehrlichman the task of fashioning a compromise which would keep Reagan from attacking Nixon but would also do what had to be done with regard to CRLA when he knew there really weren’t any charges here worth anything alleged by Reagan. So I then was in charge of this Action for Legal Rights which basically was me and some a woman named Barbara Campbell who gave of our own time volunteer time to do a lot of editorial and secretarial and everything else to sort of be right hand person for me and what my job was basically to do was to organize the legal services community around the country and all of their contracts whether they be labor or Democrats or moderate Republicans whatever and bar people to put the kind of pressure on their representatives at the times when we needed votes. And other interesting things that I have a chance to watch and participate in that you played a big part in. There was a very interesting aspect of the rule of Congress at that time both I the House and Senate whereby the people from that representative the Senator or the House member’s office could turn in until any time till midnight on the day of debate on any particular issue on the floor that day remarks as if they had been spoken and the Congressional Record the next day it would not make distinctions between what was actually spoken that day and what were turned in by midnight. And so one strategy of devious people like you was to
have a lot of legislative history created in those midnight things of text remarks that were turned in they weren’t actually spoken but in later litigation by legal services attorneys they could be referred to as what the meaning of certain things that were having to do with legal services meant. And as I understand it some years later a lot of that was used to great success on the behalf of poor people by legal services so I though it was just a marvelous thing, I thought it was a crazy rule to allow and it has been as I understand it knocked out of both houses now you can’t do that any more but it was certainly one aspect of how legal services attorneys really did press to do the very best they could within the rules of the game for their clients and I was just amazed at that sort of thing.

**AH**: Let’s go in the last few minutes here quickly through what sort of happened in 1973-74. Nixon had introduced a new bill which gave the president complete power of appointment of the board and contained some restrictions that bill went through the committees in the Congress the House Education and Labor Committee, went to the floor, that committee kept the board appointment but eliminated some of the restrictions that Nixon had tried to get in and then it went to the floor in June and what happened when

**MB**: Well you’re talking about the House, what a disaster. That’s where the committees in the House had gotten much, most, practically all
the restrictions that the White House had put in the bill that they proposed
out but when we came into the House in a session that went until 1:00 or
1:30 that night 24 restrictive amendments were added so all the stuff that had
originally been in the bill came right back in and the forces that were
supporting legal services just couldn’t hold it. There was that much
antagonism toward legal services the House the bill went back over to the
Senate and that antagonistic material was pretty much taken out then it went
to conference and there were certain things that then started to get involved
with Nixon’s impeachment and if I’m recalling correctly the Green
amendment which was to prohibit the lobbying, am I getting that right

**AH:** It eliminated support centers

**MB:** Support centers, that’s right the backup centers. That apparently
some conservative members of Congress made that the cost to the Nixon
administration of not supporting his impeachment and so that came I guess
back from the White House as a must or he was going to veto it so the Green
amendment was put on. My understanding is later on it came to really no
effect although it was in the bill and I don’t know anything really about how
that

**AH:** Interview with Tom Ehrlich that talks specifically . . . and I
don’t know if you remember it but during the summer Senator Taft from
Ohio worked out language with the Democrats and ultimately got the White House to support the Senate bill.

**MB:** Summer of ’73

**AH:** And then that took a while to get to the floor, there was actually a mini filibuster on by the conservatives. It took us until January of ’74 . . . to get finally get the bill through.

**MB:** So this was a long, long difficult process and look back on I think a lot of people are rather amazed it Nixon stayed with it the way he did and to even get what we had gotten.

**AH:** Well let’s end this by just concluding what happened to you after your LSC experience in Washington, you come back to California and what did you do.

**MB:** Well I was first executive director of the Fair Political Practices Commission which was established in the wake of Watergate and another CRLA attorney Dan Lowenstein had been Jerry Brown who was then the secretary of state and became the governor his chief legal advisor and pretty much his wrote the Fair Political Practices Act which was a referendum 1974 and so Dan was asked to chair the commission and he came back to Washington and recruited me to be executive director. So we did that for
four years and I went off to be a psychotherapist and completely really left
the whole political field and that’s where I went.

**AH:** Right. One final thing you came back to us a little bit in 1981 I
don’t know if you remember this but you helped develop the California
effort when President Reagan was trying to eliminate legal services.

**MB:** Yes. I remember that but I remembered being again amazed by
the group and I wish I could remember his name, I can’t, who got something
like 80 judges in California to back the legal services program and I was just
maybe it was more than 80 but I couldn’t take responsibility for that it was
done under my authority I guess but when I came back there were younger
people doing just fantastic things and I never felt the leadership role that I
really felt earlier.

**AH:** Well thank you, this has been very helpful.

**MB:** And thank you for coming back to Washington and sleeping on
the floor of my little studio apartment and helping with all that lighting that
had to be done that I wasn’t capable of doing as you are so it’ great to see
you again.