Howard C. Westwood

Conducted by Clinton Bamberger

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CB: This is an interview with Howard C. Westwood of Covington and Burling. Howard was a member of the Legal Aid Society of the District of Columbia before the OEO Legal Services program started and in that early formative period and for some years after that both as counsel for the National Legal Aid and Defender Association and acting in the interest of the country was a great influence in the formation of the legal services program and I am Clinton Bamberger. This interview is being conducted on October 6, 1992. Howard, will you start to talk about your involvement with the old legal aid and then proceed.

HW: Well I will try. I wish that I could remember things more exactly and vividly now than I find myself able to. The legal aid here in the District of Columbia, organized legal aid, started about 1931 or ’32 or thereabouts and there was an organization I think was called the Legal Aid Bureau. It is now called the Legal Aid Society. It was a single office that was downtown, had a few lawyers who were volunteers on the staff, they would serve a little bit each week. It had a very, very limited activity and next to no money. The bar generally paid no attention to it. Its annual clientele was very, very
limited. Such support as it had was mainly from white lawyers. It had very little relationship with the blacks in the community and the extent of its service to people was so limited that it was hardly to be noticed.

**CB:** When did you start to practice in D.C., Howard?

**HW:** I started to practice in D.C. in 1934. I had been with Justice Stone as his law clerk for a year and then came to the Covington firm in September of 1934. Now I became very busy very quickly and I can recall absolutely nothing in connection with my own activities here that involved any relationship with this Legal Aid Bureau or Legal Aid Society. I’m not sure I had even heard of it. And the fact of the matter is that on occasion I would get assigned to a case down at the court because I wanted to get some experience in trials or at least in actual active court proceedings. And on occasion even when I was down there at the courthouse in connection with some assignment, I don’t believe I had ever [heard] of this Legal Aid Bureau or what later became the Legal Aid Society. Now I mention all this by way of indicating simply that in those early days legal aid in the District of Columbia really didn’t amount to anything and the bar generally paid no attention to it. I think oh I think even many years later its total annual income was I don’t know something less than $15,000 or $20,000 if even that. Well it happened that in 1955 this was after the war, I think it was in
1955 or ’56 the president of the local bar association well anyway he was a good friend of mine and there is a vacancy on the board of the bar association and he appointed me, I never could have been elected to it, he appointed me a member of the board of the bar association. This was as I say I don’t recall now whether it was 1954 or 1955 but along that time. Well it happened when I got on that board that I saw an opportunity for things to be pushed effectively locally here in a good way and this chapter was the president of the association at that time was a very, very vigorous and forward-looking person and I got curious about legal aid and as I say I had been on the legal aid board just very briefly and what I did was to propose to the board of directors of the local bar association that there be what would amount to a study of legal aid and its needs here. And that proposal was quickly adopted and the net of it was that a committee or a commission was designated consisting of I think seven people and I was made one of them to conduct or to engineer a survey or study

**CB:** Did you chair it?

**HW:** No I didn’t chair it, it was called the Commission on Legal Aid of the Bar Association of the District of Columbia and it was chaired by Nathan Caton.

**CB:** Is that a report of that you’re referring to?
HW: Yeah. This was fairly early in the year of the time when this resolution was adopted. The year began as I remembered in September and one of the very first things of importance that the board of directors of the association did in that year was to adopt a resolution setting up this commission for an examination of the needs and so on of legal aid in the District of Columbia. The resolution was adopted on December 9, 1955 and then in due course a seven-man commission was created. I was made a member of it and we began right away casting about to see just what kind of program should be followed. Well the net of it was that finally was decided and this involved a lot of examination of just what legal aid had amounted to in the District of Columbia, what the needs were and so on, what evolved was a decision to create a commission that would make a real extensive detailed study of legal aid, of the need for it in the District of Columbia, of just what had happened of the old Legal Aid Society or Legal Aid Bureau whatever it was called and where money might come from and so on. And we had the bar association of the District of Columbia at a special meeting provide for a commission on legal aid to make this study and evolve a report of recommendations and so on. And they provided money to hire a staff to make an intensive study.

CB: Were you on that commission?
HW: No, I was not on that commission. Well I was on the commission but I mean the association provided for the funds and so on for this commission to set up a staff who would make this study. The net of it was that a staff very carefully was selected of several lawyers, I’ve forgotten just how many. This was a paid staff. This was not simply a do-good exercise, it was a very intensive study and it took a long time and the report that finally evolved, oh incidentally the staff head making this study was David Atchison, son of Dean Atchison, who at the time was an employee of our firm and ultimately what occurred and this was in October of 1958 was a publication of a report by this commission that I think is one of the very key documents in the history of the development of legal aid in the United States. I don’t know that a great deal of attention has ever has been paid to it by scholars but it was an incredibly extensive and detailed and very, very, very competent study of what was done in the District of Columbia, what was done elsewhere, what was needed, the extent to which the bar as well as communities were falling short of meeting the need and demand for legal aid, and made recommendations as to what ought to be done. Well now the net of it all was

CB: When was that published Howard?
HW: It was published in October 1958. And it was a report that well it’s a nearly 200-page report, very, very important document, heavily footnoted and really one of the most important documents I think in the history of the development of legal aid in our nation. Well the net of all this was that it was evident or made evident to the bar generally that something had to be done in the way of really getting behind legal aid in an effective way.

CB: And you were still on the board of the local society.

HW: I was on the board only during this term. I think I was on there only until the end of that particular year, I think the vacancy ended that year and I would never be elected to anything, but I remained extremely active in connection with this legal aid proposal. And then ultimately the matter came before a meeting of the bar association and in the meantime various interests had been excited in legal aid going way beyond the traditional limits and I actually had become a member of the board of the Legal Aid Society and we had begun to develop much more in the way of activity and more extensive interest than had prevailed heretofore. Now mind you this had nothing to do with any kind of national movement. I had hardly heard of the National Legal Aid and Defender Association I’m not sure that I had heard of it at all although I suppose I had but I paid no attention to it and that association was
paying very little attention to what was happening here and we simply were going along on our own and building up interest and the possibility of really doing something on a scale that would come somewhere near meeting a need for legal aid that nobody seemed ever to have recognized and at which on just a little poking around one could see was very apparent. Well ultimately what happened was that there was a danger that the bar association itself which often times became a very conservative group depending on the makeup of its board from time to time or the nature of its president from one year to another. Ultimately it became apparent that it might be that the bar association would not back fully everything that ought to be done in the way of extending the program of legal aid in the District of Columbia. And I may say that what we became concerned with was not only civil legal aid but criminal legal aid. Now ultimately there was adopted by Congress as a result of our agitation what became known as the Public Defender and this was by statute of Congress here in the District of Columbia, which was extraordinary and local bar interest had never even conceived any such thing as that. All this stemmed you see basically from this report and what we had thought of initially and we were able to develop more support through the Judicial Conference than through the local bar association and Chief Judge Prettyman was the head of the Judicial
Conference you see, he was the chief judge of the court of appeals here. What we had hoped to do finally was instead of really getting anything done by the bar association was through the Judicial Conference seeking we felt that there would have to legislation by Congress setting up a comprehensive legal aid program here but we found in Congress that there was not much interest or likelihood anything being done in the way civil legal aid but that there was real interest in the possibility of something being done on the criminal side and so and I don’t remember the dates just when it happened but what happened was that we actually got a statute setting up the Public Defender system but this left the

CB: It was actually called Legal Aid then I think. I think it was called Legal Aid Agency because didn’t want

HW: Legal Aid Agency

CB: That’s right Legal Aid Agency because that was a term more familiar to Congress, and the Congress wasn’t it wasn’t because they were so happy with the idea of providing representation for persons accused of crimes.

HW: Well they would do on the criminal side there were a lot of them who were interested in having a so called public defender whereas they wouldn’t have the government get involved on the civil side because they
figured the civil side that was something that was just for the private agencies but something was in the nature of a public defender they recognized as an acceptable government activity.

**CB:** And *Gideon* had been decided.

**HW:** Yeah but this term Legal Aid Agency I think stemmed from the fact that as the proposal as we had originally been making the proposal we called it Legal Aid Agency or a comprehensive term because as what we had hoped for was something that would embrace not only criminal but civil. Then it later became known as the Public Defender Agency. Well in any case, that got off to a good start in the course of time but there remained on the civil side still evidently something that just had to be done. Well what we finally when we realized that we couldn’t get legislation setting up public support or public financing of a decent legal aid society what we decided to do was to inaugurate fund-raising among the bar and again it was Chief Judge Prettyman who was leading the way and I worked very closely with him and at the same time that Congress was adopting this Public Defender Agency we were getting underway a program for real solicitation of funds for civil legal aid. And in due course a fund-raising activity that had been sponsored by the Judicial Conference was undertaken. The bar association while not really itself doing it didn’t resist but there came to be a kind of
informal understanding among all the lawyers and law firms locally that there should be an annual kind of a tax on lawyers and on law firms for legal aid. I think we may actually have worked out some sort of formula but it was amazing in a quiet kind of way without any kind of formality but with the very active involvement of the Judicial Conference and the passive acquiescence of the bar association and with all stemming from the leadership of Chief Judge Prettyman. There was as I say a kind of tax that was recognized as being due from law firms and lawyers on an annual basis to finance civil legal aid that would somehow or other begin to meet needs. Now we underestimated the needs because all we really knew about civil legal aid at the time was the Legal Aid Society and later we were to find that Legal Aid Society had not amounted to much. Well the net of this kind of activity was that we had a lot of growing interest here in the District of Columbia both in legal aid on the criminal and the civil side and on the civil side a very, very great change in the extent of lawyers generally in organized legal aid, something that simply not existed earlier at all. Now the time came as I remember it the time came when the

**CB:** Are we up to the Ford Foundation days yet?

**HW:** Well I don’t remember exactly now the sequence and just who was involved where but I know by the let’s see LBJ became president in
when was it 1963 was it, and he had been president I may be a year or so off in my recollections I’m not quite sure, but in any event when LBJ after he had been president for a while he had begun to push a number of sort of reform activities and there had been established here in the District of Columbia and I don’t know whether it was a national arm or a local arm an agency known as the United Planning Organization. Now we in the meantime we had had this legal aid thing expanding and developing and so on and we paid no attention to this United Planning Organization but somehow or other and I knew nothing about all this, I had never heard of UPO and I didn’t pay any attention to what LBJ was doing in the way of his national reform activities because we were going right ahead. My interest was legal aid and we were going ahead and making tremendous progress as compared as what had been done historically and furthermore we were getting results, it wasn’t just a lot of speeches and what not, we were getting real results. But somehow or other this UPO got a hold of us and they had the idea that there ought to be some neighborhood legal aid offices instead just the single downtown legal aid office that we had had.

**CB:** And they had money from the Ford Foundation didn’t they and Gary Bellow was here then in the Public Defender Office.
HW: Well I don’t know I think Gary Bellow was actually on the staff of the Public Defender.

CB: I think he was.

HW: But again I’m fuzzy about the time but I know that

CB: You’re right it was about ’63 -’64 in there.

HW: It was somewhere in there. And I think it was in the fall of whatever year it was, must have been the fall of ’64 it was decided to set up an organization locally here that with money from the Ford Foundation and I guess maybe there was some money from elsewhere but this UPO was the one that was really behind it and there was some talk about the Legal Aid Society being brought into the act but that didn’t really develop and there was in a funny kind of way there seemed to be an opposition on the part of UPO to having anything to do with the Legal Aid Society and the Legal Aid Society on its side was kind of suspicious of this UPO and then I think there was also some racial tensions. The UPO had blacks involved and blacks were interested whereas the Legal Aid Society was more respectable whites involved with only a limited amount of any black interest. But in any case here was an opportunity to do something in bringing legal aid into neighborhood offices and a number of us thought gee this is a great idea because we found that doing legal aid in an effective organized way cost a
lot more money than any of us had dreamed and whereas at one time we thought if we got $100,000 for the Legal Aid Society that is all that will ever be needed and we were discovering that it costs a lot more than that to do anything that was really comprehensive.

CB: Do you remember a lawyer named Grinker, G R I N K E R who worked for UPO?

HW: No I don’t, I don’t remember that.

CB: But Gary was then the deputy director of the Public Defender and Gary wrote a proposal, Grinker hired Gary as a consultant to write a proposal for this new legal aid, do you remember that?

HW: No.

CB: Judge Bazelon I think appointed you on a committee, I think Bazelon had then become the chairman of the Judicial Conference and I have some memory that Judge Bazelon appointed you to a committee to look at this proposal of Gary’s and it had a lot of social science jargon in it so you proceeded to direct an effort to rewrite it and probably make it look like what you all were trying to do anyway.

HW: Yes I do remember that. We wanted something that would be real law.

CB: Judge Skelley Wright chaired the committee.
HW: Yeah, yeah that’s right. And I was involved and Skelley Wright of course was a great help. Yeah I was involved but the net of it was that somehow or other still however still only thinking about the District of Columbia somehow or other under UPO there was set up a Neighborhood Legal Services Program, I think we had maybe three offices. Now several of us were kind of disappointed that it wasn’t the Legal Aid Society that was involved in this but we figured well what the hell eventually we’ll get them merged. Those of locally who were really getting this done had paid no attention to any kind of national UPO legal aid program or anything of the sort but we did find that we had here’s some money to set up these neighborhood legal organizations and we saw that by getting offices established in neighborhoods we could do a much more complete and effective legal aid job than was possible from the limited resources of the Legal Aid Society with a single office downtown and so on. Well the net of it was that we got something going. I think maybe we had our first meeting organization meeting of this neighborhood legal services organization I think it must have been in December of 1964, 1965 was that it.

CB: Were on the board of the new organization?

HW: Yeah. I was on the board of the new organization and either immediately or very shortly thereafter to my surprise and amusement I found
that it was insisted that if I were to stay on the board of the new organization I had to get off the board of the Legal Aid Society which to me it was perfectly apparent that what this reflected was an attitude on the part of the people who were really pushing the new organization that the Legal Aid Society was suspect, that it was in the hands of conservative bar types who were not interesting in changing the law but just in doing charity to a limited extent. Whereas, the new organization was something that was interested in aggressively changing the law, the needs of society and the needs of the poor and so on. Well I was amused at this idea that in order to stay on the board of the new organization it was demanded that I resign from the board of the Legal Aid Society and what I figured was that all right sure I’ll do it but we’ll get the two merged in the course of time. And I did resign then from the board of the Legal Aid Society and I became very actively involved in the NLSP but up until June of whatever that year was, you say it 1965

**CB**: I think it’s ’64 - ’65 it’s in that winter of ’64 - ’65.

**HW**: All right then along about June it must have been June of ’65 there was a meeting that was being held in Washington of some group and I never did understand what the group was, or some combination of groups or a whole bunch of societies or organizations getting together and if I plowed
into literature I could find out what that meeting was but it was something I had paid absolutely no attention to and there came to me one day to my office out of the blue the Philadelphia lawyer

**CB:** Ted Voorhees?

**HW:** Ted Voorhees and he said this meeting was going on, I think it was over the Mayflower Hotel and he was very worried about it and that he was afraid that what was evolving was a development of an attitude toward legal aid that would make it a radical reformist aggressively active agency instead of an agency that was devoted to providing legal services to people who needed it but who couldn’t pay for it.

**CB:** He was then the president of the National Legal Aid and Defender Association.

**HW:** I’ve forgotten if he was the president at that time or not but in any event, now I hardly knew the guy but he came to me because I guess he knew of me that I had been very active locally and I can’t remember now whether as of that I had ever heard, I guess I had heard of the National Legal Aid and Defender Association but I had had nothing to do with it because we were occupied locally. Well anyway he came to me for the purpose of apparently of getting me interested in what was being threatened on sort of a national basis and here I would be located in Washington and here we had
something to do with this UPO that was federally financed and had something with it.

CB: You were in the enemy’s camp.

HW: Yeah. So I said well sure I’ll try to find out what’s going on and see what I can do about it. Well that led to my getting over into UPO and talking to them and finding out what UPO was or a little bit more than UPO up to that point all I cared about was getting their money for this neighborhood legal services operation and the net of it was that I saw that it would be very desirable for me to become somewhat interested in and involved with the National Legal Aid and Defender Association which was headquartered in Chicago and here I was in Washington and I could on a sort of day to day basis do things that would be helpful and be sure that legal aid was kept going in the right direction and was not being converted into some kind of element that instead of being designed to help poor people it was intended to bring about some social revolution in the society generally. Well the net of it was I think what evolved was that I was made a sort of lobbyist for the National Legal Aid and Defender Association, lobbyist in the sense that I would be working on or keeping an eye on the UPO and the nationally financed

CB: I think HEW had been involved.
**HW:** Yeah HEW that’s right and it was in other words it was important for NLADA to have what would amount to a lobbyist able to deal with on a day to day basis the federal agency that was the source of funding.

**CB:** Department of Justice HEW had had a conference, the Department of Justice had a conference so there was much things beginning to happen nationally they were happening here in Washington.

**HW:** That’s right. Well there was very quickly my recollection is that Voorhees had come to me I think there had been a meeting maybe in June here and I think it was in June that he came to me and literally now mind you up to that point I didn’t have the foggiest notion of what was going on nationally and I didn’t care because we had a big job to do and we were doing it and we were getting away with it in good style here in this community.

**CB:** You had the Ford money so you weren’t involved with federal government money.

**HW:** No. Well the net of it was that after Voorhees got me interested in the NLADA and NLADA was seeking my help in keeping an eye on what was going on here I became a sort of lobbyist for local lobbyist for the NLADA in dealing with this developing federal government agency. And it
happened that the ABA’s meeting that summer, when was it, was it in August

**CB**: It was in August of 1965

**HW**: At Miami

**CB**: At Miami, in the winter meeting which was in January or February of ’65 the ABA board of governors had approved this federal proposal and agreed to cooperate with it. And then in August ’65 was the meeting in Miami.

**HW**: You see what they had done in December I didn’t know anything about it, hadn’t been involved, but by the August ’65 meeting here I was had become this sort of local lobbyist for the NLADA and the net of it was that the NLADA was having a meeting of its board which would be in Miami at the time of the ABA meeting and it was designed to coordinate and develop a relationship, the direction of a relationship between the NLADA and the ABA and increasing support from the ABA and so on and as the lobbyist I was asked to go to the meeting in Miami. Well now I had never paid much attention to the ABA, I don’t think I had ever been to an ABA meeting. I always had had a kind of feeling that the ABA really didn’t amount to very much except as a kind of trade association for the lawyers, that didn’t do an awful lot that was socially good but just liked to sound off
and build up the standing of lawyers in any community and make sure that fees could be charged to make wealth well-to-do. I really hadn’t paid any attention to them. But I got down there and my job of course was to report to the NLADA board as their local lobbyist just how things stood in Washington. And since they were meeting down there at the time the ABA met I would be floating around among a lot of lawyers. Well

**CB:** Lewis Powell was the president of the ABA.

**HW:** And he was a pretty good guy. Well, there were several people in the ABA at that time who were really pretty good and I was to find in due course that I had underestimated the possibility of getting good direction and good support from ABA circles for legal aid and for what the NLADA was trying to accomplish. Well down there in Miami I told the NLADA board how things stood up here in Washington with this new activity. I by that time was realizing that there was a good deal more to what was being pursued than simply an organization in Washington and maybe one or two others that there was really a program that was national in scope and it was intended to provide neighborhood legal services offices all around the country, something initially I had had no idea

**CB:** Like you were doing here.
HW: Yeah. And that it was very important that the NLADA board meeting in Miami at the same time the ABA was having its meeting, it was very important that the NLADA board have a good feeling about just how things were developing in Washington and be able to get the maximum kind of support and direction and drive from the ABA, and that is really an important reason for the NLADA to having this meeting in Miami at that time, at the time of the ABA meeting, and it was a reason for my being down there with them to mainly in order for them to have a kind of reflection of what was going on day to day here with this new federal agency. Well of course I didn’t spend all my time in Miami just with the members of the NLADA board and on one occasion around mid day I was floating around in the hotel down there and ran across this guy, forgotten his name, Bamberger I think was his name.

CB: You went to I think that morning there was a panel discussion with Mr. Justice Powell, Shriver and it was a major program of the ABA, it was a discussion about this federal program Voorhees spoke and Pye spoke and Shriver and you went to the thing or you should have gone.

HW: Yeah that was the one. And at the end of that I was at loose ends I had to pick up some lunch somewhere but somehow or other I don’t
remember how I happened to run in this guy Bamberger but he was a strange looking character.

**CB:** Before this there had been some discussion, you were aware of some discussion between ABA and NLADA about what kind of staff this OEO effort should have.

**HW:** That’s right. It was obvious that OEO was evolving and what I had originally thought of simply as UPO that was only a manifestation of something that was more fundamental and was nationwide, was the Office of Economic Opportunity and it was all way beyond anything I had had in mind or thought about six months before that.

**CB:** Were there some differences of opinion between the ABA and NLADA types say on one hand and the OEO types, well I shouldn’t say that, let me put it another way, did you have some impression of the kind of leadership the ABA NLADA people thought that the program should have?

**HW:** Well

**CB:** You were already aware of the tension between the Neighborhood Legal Services here and the Legal Aid Society.

**HW:** Yeah there was tension here but that was a different kind of thing.

**CB:** I see that wasn’t reflected nationally.
HW: No, no. Here the Legal Aid Society locally here was a conservative group that had been in the act for a long time. They had their office downtown, they never thought in terms of going out into the various places around in the community and aggressively pushing legal aid, they didn’t have much money, although they had a lot more money than they had originally as a result of the efforts that we had engaged in. But it was mainly a difference simply in aggressiveness and drive. There wasn’t any real philosophical difference. And in a sense I suppose that Alan Fisher who was the head of the local Legal Aid Society and who kept the thing going all during the lean years by his own personal great sacrifice I think in a sense he was afraid that if he got too much involved with this neighborhood legal services operation that he might lose his kingship, it may be an injustice to think of it in those terms but I had that impression. I was pretty close to him and knew quite a bit about it at the time. There wasn’t any real basic philosophical difference and when we were developing under UPO developing this neighborhood business it still as far as I was concerned and as far as others were concerned who were from the bar generally whom we were getting interested in it we were still interested in making sure people who needed legal help got legal help. We were not seeking to revolutionize society or get involved in purely sociological activity or anything of that
sort. What we wanted was aggressive, competent, very diligent legal services to people who needed lawyers. Whatever direction or whatever the nature of the people was that if they needed lawyers and weren’t able to get their own lawyers they ought to have some provision made by the community for them to have the legal help and that was it. We weren’t trying to revolutionize society or anything else.

**CB**: Can I go back Miami. Now six months had gone by since the Board of Governors or rather House of Delegates of the ABA had approved given their imprimatur to this government effort and still Shriver and the OEO had not yet set up the program and I think that there was some discussion of that I suppose at the NLADA meeting and with the ABA leadership and I say that the tension that you had described here in D.C. wasn’t that somewhat reflective in that some of the NLADA people and the ABA people wanted an experienced legal aid person to be heading this up. So there was that and on the other hand I think some of the new breed, some of the OEO people, wanted to have some distance from the old Legal Aid and they didn’t maybe trust some old experienced legal aid people to put their new ideas into action.

**HW**: I think there was a certain amount of that kind of division of attitude and feeling but the impression I had in my position as this sort of
lobbyist the impression I had was that mainly what was needed was a staff that would be strong and aggressive and that any differences in aim or ideas as to what aim should be could be worked out to the important thing was to get a staff that would be strong and aggressive, and I knew that the OEO although this fellow Sargent Shriver was a fine guy I knew that they had gotten sort of bogged down with sociological debate and so on and what they didn’t realize was that lawyers deal with problems not with sociology and that the important thing was to provide legal service and to provide it in an effective aggressive way and not get all bogged down in

CB: There was a part of your past that ought to be recorded here because all of these statements that you just make are coming from a man who I understand when he was a law student at Columbia University had a little wooden box that he carried around and gave stump speeches for Socialist candidates.

HW: Oh sure.

CB: You had matured I take it.

HW: No, no, I was still a Socialist, I was a left wing Socialist and every once in a while I nearly became a Communist but that was different from being a lawyer.
CB: Oh I see. This has gone on a while, it’s been wonderful but I don’t’ want you to get too tired. Would it be inappropriate for us to switch to a period about which we know so little which is maybe like three years later when Richard Nixon had been elected president and he was in the act of dismantling the Office of Economic Opportunity which was the home of the Legal Services program as we knew it then and there was let me just lead it into a bit and you please talk but there was a man named Chuck Edson, Charles Edson who is a lawyer here n Washington, worked with OEO and he was recruited I think by the American Bar Association and maybe NLADA too, to write a proposal for a new home for this legal services program and he came up with the concept that it would be a kind of quasi-government agency, that it would be something like public radio and you had much to do with the birth of that. Can you talk about that and your dealings with the White House.

HW: Yeah.

CB: Were you acting for NLADA?

HW: Well I was originally I was acting for NLADA. My recollections really are foggy and I can’t swear that I recall everything accurately to say nothing of being able to recall it in detail but I think I can generally give you a pretty good idea of how at least I was involved. As
things had moved along with the OEO and so on it was quite apparent [END OF SIDE ONE OF TAPE] . . . . that OEO was a kind of temporary activity. LBJ was president but it was not at all clear that LBJ would continue as president. It was very possible that Republicans, however dastardly and dreadful Republicans might be, would come to power. It was also apparent that the Republican who might come to power was this fellow Nixon who was really completely unsuited to doing anything that would further the welfare of the nation. Moreover, the important thing was in any event to get legal services set up on a basis that was independent of and quite separate from something that was in effect a social reformist enterprise or series of enterprises, and although I and others interested in legal aid had welcomed the opportunity through the OEO because it meant sources of money and so on, we welcomed the opportunity to build up legal aid we never were entirely happy about legal aid being kind of tied in with a general social reform program because legal aid was not social reform, legal aid was something that was supposed to be whatever the state of social reform, it was supposed to meet people’s needs for lawyers.

**CB:** Social reform was a byproduct of that.

**HW:** Well the net of it was that when under the Republican regime that was brought into power under Nixon the net of it was that we in
involved in legal aid saw an opportunity maybe to get legal aid really finally set up on an independent on a basis independent of social reform. And I think at some point along the way I think maybe I had become a member of the board of the National Legal Aid and Defender Association. I know I would be attending meetings out in Chicago and so on. In any case, it was decided that as it became apparent that OEO was going to be disappearing it was decided that this really gave us an opportunity to see to it that there would be set up permanently independently a federally financed or federally helped financed federally a program of true legal aid for the indigent, having nothing to do with social reform or the revolution in society or anything like that and we got very excited about that. And so we began working hard toward trying to get the Republicans, and ultimately Nixon of course, interested in carrying forward that kind of development. Well partly and maybe well very considerably because of my membership in the Burning Tree Club I knew well and played golf with all kinds of people, conservatives, liberals, what not and Burning Tree was a marvelous organization

CB: Not much further west than that

HW: Burning Tree is a wonderful organization because it is devoted simply to golf, one did not discuss business or anything. If one tried to
discuss business or do any lobbying or anything of that sort he might be thrown out of the club. Well the result was I had been a member of the Burning Tree Club since I was 30 or 31 years old and I played golf with conservatives, I made clear to them that I was a Communist and we got along in great style.

**CB:** How was our golf game?

**HW:** I was fairly good in those days. Well the result was I knew a lot of these guys and I saw an opportunity maybe to violate a basic rule at Burning Tree that there should be no lobbying by doing a little lobbying.

**CB:** In the public interest.

**HW:** In the public interest and it was really wonderful. I got away with it. And I would become very friendly with some of the conservative right wing Republicans both in the House and in the Senate who were at Burning Tree. We were good buddies and I would see them at Burning Tree, I would tell them a little bit about what ought to be done on the Hill with respect to legal aid and every once in a while I would go down to the Hill and maybe do a little lobbying.

**CB:** There was a senator from the southwest who was involved am I right?
HW: Well gosh on the Republican side he was not a senator he was in the House.

CB: Rhodes, John Rhodes

HW: Yeah, from Arizona, yeah he and I were very good friends and there couldn’t have been anyone any two people who were farther apart in their political and social views than he and I but we were real, real good friends. His locker wasn’t far from mine and he was interested in things that were going on and of course actually became the Republican leader on the House side and he was so nice to me and I made no bones about it, I violated the local rule of Burning Tree right and left in telling him what was up and what ought to be done and so on and he responded. And here was a guy who had a vote against us who was very, very conservative both in his own beliefs and in his political posture but at the same time would see to it that I had an opportunity to get things get a point of view expressed and so on and even though I found that there were aspects of what ultimately went on and he had to vote against when it came down to a vote but which in the meantime he had not been affirmatively helping in sense of being lobbying but making clear that I and those that were working with me were not in any way impeded in pushing our point of view. And that was true not only of Johnny Rhodes but a number of others on the conservative Republican side.
CB: The Secretary of Defense then was Melvin Laird.

HW: Yeah in the first Nixon administration he was Secretary of Defense. Now not only Mel Laird a Burning Treer but I had been exposed to Mel Laird a little bit in some other connections and he was not a sort of right win Republican you know, Mel Laird was a fellow who had some really some fine ideas, who was from Wisconsin, he was not a product of the right wing Republican element in any sense. He had obviously been involved in quite a number of things, of course, anyone from Wisconsin was likely to have been involved in a number of things, after all there were people named LaFollette who at one time had been Republicans. Laird had a very, very open mind and somehow or other and I don’t how this happened, he as Secretary of War under him there got started a legal aid operation in the War Department, I mean Secretary of Defense, all the armed forces a legal aid operation, this isn’t anything I had anything to do with, it was all independent of anything that I had anything to do with or as far as I know anything that the National Legal Aid Society or the other civilian organizations, I think it was all a product of Mel Laird and a few others. And it was a terrific operation with very effective and very extensive and something that something that apparently went way beyond the dreams of any of the Democrats under LBJ or LBJ’s predecessor.
CB: Another name that comes to my mind at that time and this is returning a bit to the effort to create this new home for legal aid, was Leonard Garment who I think was counsel to the president for Nixon.

HW: He was certainly on the staff over there and he was extremely helpful. For the life of me I don’t remember how I happened to get to be sort of buddies with Leonard Garment but I did and he was wonderfully helpful and was very, very, very much in the middle of things in the White House.

CB: There was a legislative proposal which ultimately became the Legal Services Corporation Act that created this

HW: Well as the Republicans had come in and as it was apparent that OEO would be disappearing and that something would have to be done if legal aid was to be preserved, the NLADA had me seek to develop connections on the Republican side and connections with the White House and I worked at this and

CB: Pro bono.

HW: Oh yeah and what I found ultimately was that there were some people on the White House staff I’m talking about people down the ladder who were very competent and very good and were not likely to get pushed around by purely political interests or objectives but who were eager to see to it that a good job was done with good solid aims involved instead of just
simply trying to pick up some votes somewhere. I also found that I could work with these people that I could get ready access to them. But there was one thing I soon discovered that would not be helpful and that is if I operated as the lobbyist for the National Legal Aid and Defender Association. Indeed if I were a representative of any kind of other organization of any kind of organization I would have trouble in dealing with the White House which was critical because it would appear that I was really working for someone else.

**CB**: Too linked to the past.

**HW**: Right. So what I did early on was to inform the National Legal Aid and Defender Association that I was no longer their lobbyist, I was not working for them and this was genuine, this was true and I decided that I would just entirely on my own seek to develop contacts and seek to get things done that I thought ought to be done and I never hid from anybody that I was a left wing Socialist, everybody knew that, but it was apparent

**CB**: No everybody believed it.

**HW**: It was apparent that I was not it had always been apparent that I was not pushing legal aid as an instrument of the left wing Socialist party. But the net of it was that fairly early on in the Nixon administration and with an obvious interest in legal aid because of what Mel Laird was doing over in
Defense it was fairly apparent early on that something really might be worked out and I got quite close to these guys on the White House staff, I don’t remember their names now for the life of me, I got very close to them and they took an interest in me, these were young guys and I gave them a full history of the way legal aid had developed and they understood that and they understood the importance of getting it put on a permanent basis that would have nothing to do with the liberals or conservatives or what not but that would be an arm of society that would be just basic to society and not simply a political instrument of some kind. These guys were marvelous and it was by working with them I got exposed to Leonard Garment and I found that Leonard Garment had very much the same ideas and aims and he and I became I won’t say buddies but he and I became very close and with my friendships and contacts on the Hill things were really moving in a good direction and to the amazement of everybody by the end of the Nixon administration, the first of Nixon’s administrations, I can’t remember now I think we had actually gotten legislation through the House and it was still pending in the Senate or maybe through the Senate and pending in the House, I’ve kind of forgotten what it was, but this was something that couldn’t be done overnight, it took time and had to be worked out carefully. Every once in a while there would some idea that would be advanced by oh
maybe a particular member of Congress that wouldn’t quite fit in and in a careful way you had to do a lot of maneuvering to get that idea if not just quelled at least so formulated that it could be made to fit in. I can’t now remember but I would say that there we must have had an intensive effort going on for well over a year before the end of Nixon’s first administration and were really making headway and it looked as though we were ultimately going to get some good legislation that would put legal aid on a permanent basis that would have nothing to do with this sort of social reform type of thing which had been very much to the fore in LBJ’s regime. Well in due course of course Nixon’s first term came to an end, he had been re-elected and see he was re-elected, his second term began in 1973 yeah, in the summer of 1973 was a summer I had spent a couple of months in Europe and that is when I had my senator here John Sherman Cooper

CB: Who had left the Senate and was here at counsel to the firm.

HW: And he was very, very good and of course he was a Republican of some very great distinction because he had been the only Republican who had been elected in Kentucky in a hell of a long time and he had been elected I think his last senatorial election was with an overwhelming vote that had never been thought of as possible in the state of Kentucky. But he had retired from the Senate and had come with our office and he and I had
become quite close and he got very much interested in this legal aid thing. I had told him what was going on and was quick to help and during that summer when I was gone he did a number of errands for me and kept me posted by correspondence that pushed the thing on the Republican side in both the White House and on the Hill and was really quite helpful. Well in the meantime of course what’s his name, the Secretary of Defense

**CB:** Mel Laird

**HW:** Mel Laird you see Mel Laird had ceased being Secretary of Defense at the end of the first administration, he was going with this Reader’s Digest activity of his but Nixon had him on a kind of special basis for quite some time in his second administration. I don’t believe that at any time it was full-time but he was very actively involved over at the White House for quite a long time in Nixon’s second administration and doing a lot of different things and in the meantime with the younger people on the White House staff I had worked out or we had worked out together this proposal and had actually, as I say had gotten it through one house either the House or Senate I now can’t remember for setting legal aid up on a basis that was separate from the war on poverty or anything of that sort. And what I did after I got back from Europe I went on working with both these young people on the White House staff mainly with them but seeking to combat
some right wing conservative Republicans who at a higher level in the White House were really trying to scratch this whole thing. It was terribly funny, I have forgotten their names, there were a couple of guys who were oh they were awful but with the

**CB:** Was it Howard Phillips?

**HW:** I think Howie Phillips was very much involved but with the great help of not Mel Laird, the other one that we were just talking about

**CB:** Leonard Garment

**HW:** Of Leonard Garment, I was able to keep these right wingers who were trying to scratch the whole thing I was able to try to keep them from pulling things off. Now it would have been absolutely impossible for me to have gotten to first base if I had been a representative of the NLADA or any other, the only way I could do all this was entirely on my own and it had to be understood that it was entirely on my own and as a matter of fact oftentimes when the debate was going on and this was particularly true on the House side the debate was going it as apparent to me that the liberals never in the world could have gotten things through, they just had no, all they wanted to do was make speeches, they just wanted to be regarded as next to God, they had no conception of getting things done and I used every once in a while there was a debate in the House I would sit up in the balcony
there listening to it and I just couldn’t help but laugh. These guys, men who were regarded as leading liberals around the country they never in the world would have gotten things done because they were interested in was making speeches but the way to get things done was quietly move ahead and not necessarily although I didn’t care whether anybody knew I was a Socialist or a left wing Communist or anything, all I wanted was that people would understood that I was trying to get something done that had merit and that I was not trying to do it for somebody else. It was only trying to do for its merit. And I was kind of fascinated by this because I knew a lot about lobbying and I had been very much up to my ears in the law practice in a lot of different ways, a lot of different kind of clients over a long period of time. I at one time had been up to my ears in lobbying for the airline industry. I knew a lot about political manipulation and so on and I got fascinated on finding how genuinely true it was that if you had a cause that had merit and if you could get people to listen to the merit and realize that you were not trying to sell a bill of goods but were simply bringing forth the merit of something I got fascinated at how effective one could be.

**CB:** While this was going on of course Watergate was

**HW:** Well it was developing, it was developing and fortunately Mel Laird was a great help and all these guys and the big problem for quite a
while had been Howie Phillips but I finally got him kind of sidetracked. We had gotten as I say we had gotten through at the end of Nixon’s first administration we had gotten through one house and we still had to get through the other. Well we did. Then the big question of course was whether Nixon sign it. By that time the Watergate business had considerably developed and I was very nervous but fortunately Mel Laird was still there and fortunately Mel Laird was damn interested in getting this thing done. And the fact of the matter is that after we finally got things through the other the House or Senate whichever it was and got a final piece of legislation the fact of the matter is that it was Mel Laird who saw to it that instead of vetoing it Nixon approved it. And I think it was damn near Nixon’s last official act. It was almost and may well have been his last official act.

CB: I think it might have been.

HW: But it was a close call. But it was solely on the merits and something that very few people have any comprehension of is that it was Mel Laird who brought it about.

CB: And Howard Westwood.

HW: Well I was simply a person who had kind of kept this thing . . . but Mel Laird it was purely a response by him to the merit of the thing and he’s the guy who did it and really there are very, very few people who have
any comprehension of that or any realization of just how significant and important and critical he was.

**CB:** Well Howard there is so much more I would like to ask you but I think we may have over-extended our stay with you. We’ve been going for more than an hour and maybe we can come back sometime because there is so much that I remember of your work during the time of OEO. I remember can we just talk about one other subject. Let’s talk about Scottsdale. I was appointed in I think of August of ’65 ’64 anyway about that time and in November there was a meeting of the National Legal Aid and Defender Association then in Scottsdale, Arizona and we were asked to come and talk about legal aid, do you remember that day?

**HW:** Yeah. I very much remember Scottsdale but it’s like so much else, although I remember vividly being there and I remember vividly you being there and being exposed to these people for really the first time to any significant extent I’ll be darned if I an recall the details of how things developed.

**CB:** I remember in the morning you spoke, I spoke and the chairman of the board of the D.C. Legal Aid Society, the one you had formerly been on the board of, he expressed at least misgivings about this federal program if not downright opposition for it. And Alan Fisher, a man named Shine was
chairman of the board and at lunch Earl was to speak in the afternoon and we huddled at lunch and you helped Earl, gave Earl some suggestions.

**HW:** Well I remember

**CB:** But Earl spoke and Alan Fisher passionately opposed NLADA’s

**HW:** It was at this time Alan Fisher it was sort of pitiful, I was surprised because I had known Alan Fisher pretty well and actually as we had way back some years before as we had begun to get the Legal Aid Bureau and then what became the Legal Aid Society as we began to get it with some income, assessments on the lawyers locally and so on, as we began to get it away from being just an Alan Fisher one-man operation into something that was significant, he and I had gotten along quite well. But when this OEO UPO sponsored neighborhood offices thing got underway the reason that my initial aim to have the Legal Aid Society and the neighborhood legal services program merge into one the reason that had no occurred was Alan Fisher. And Alan Fisher obviously I think, I may do him an injustice, but I think he felt that somehow or other that his place in the world would just disappear if there were the kind of merger that I was seeking to bring about, that it was kind of pitiful but at the time I figured well Alan Fisher isn’t going to live forever, he can be taken of for a while but in due course he’ll pass on and we’ll then get everything set up in a right
way. And I was surprised there in Scottsdale when Alan Fisher began in
effect it seemed to me as trying to organize some kind of opposition to this
OEO operation. It never had occurred to me that Alan Fisher would try to
make a movement of his opposition to this local thing here and would try to
head up or stimulate a sort of general legal aid society in the conventional
sort to oppose what OEO was building up as neighborhood legal services, I
was absolutely amazed and I knew we could take care of Alan Fisher locally
here but that thing in Scottsdale, he had a lot of connections among
conventional Legal Aid Society people and I was a little worried because
you guys were just starting out and I wanted to be damn sure that you guys
had a good beginning and that there would not be built up an impediment to
the development of neighborhood legal services around the country by the
conventional legal aid societies so I knew I could handle Alan Fisher locally
that was no problem there but he did have connections nationally and he did
date as I say he started out here locally back in 1932 and kept legal aid a
legal aid society in existence at a time when God he didn’t have more than
nickel to spend and I took my hat off to him. But I knew I could handle him
locally but there at Scottsdale I was kind of troubled because he did have
these national relationships and I was afraid he might somehow or other
build up what would amount to an opposition on the part of conventional
legal aid societies to this federal financing and federal sponsoring of a good effective genuine legal aid operation.

**CB:** Well Howard, we’re very grateful to you, thank you, I think we’ve taken enough of our time. Maybe we can come back some other time and talk about some other things.