Georgetown University Law Center
National Equal Justice Library Oral History
Interview with Tom Ehrlich (TE)
By Alan Houseman (AH)
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Alan Houseman: Hello, I am Alan Houseman. I am Director of the Center for Law and Social Policy. This is Thursday, May 27, 2004. I will be interviewing today Tom Ehrlich, who was the first president of the Legal Services Corporation.

Tom, let’s begin with your background before coming to the Legal Services Corporation.

Tom Ehrlich: Yes, I was on the faculty at Stanford Law School from 1965 to 1975 when I started at the Legal Services Corporation. Before that, I had worked in the State Department first, for one of my former professors at Harvard Law School, Abe Chayes, as his assistant in the Legal Advisor’s Office, and then for George Ball when he was Under Secretary of State. I came to Stanford in 1965 to teach international law, contracts, legal process, and some other courses. And I became dean in 1970, and was dean until I came to the Legal Services Corporation in 1975.

AH: So, why did you become interested in the presidency of LSC?

TE: I knew by 1973 or 4 that I wasn’t going to be a dean for a long period of time. It happened that there were a set of particular challenges at the Stanford Law School. One was to go out and raise the funds for a new set of buildings and to build up the endowment. A second was to structure a set of curricular programs to serve the needs of students. But as a dean, one of the challenges is to look out 5 or 10 years into the future and say what are lawyers going to be doing and how are they going to serving the needs of their clients? And so I started to look in a much more systematic way than I ever
had before and to work with others around the country, and I realized for the first time that a very sizeable share of our population was simply not served at all: poor people. Then, 30 some million poor people were deprived of any legal services at all, and I became increasingly concerned that our legal system was, in my view, dangerously skewed away from opportunities to serve poor people. And at that time, the whole legal services movement that had started many, many decades before that had gained momentum in the war against poverty. It was just going through the struggle to establish a new entity called the Legal Services Corporation. I knew that such a climate offered a prime set of opportunities to help in an arena that I had come to view as enormously important. At the same time, the set of challenges that I had seen as dean of the Stanford Law School were being not completely resolved, though we did build the new buildings, structure the new curriculum, and make a number of significant faculty hires. The opportunity to be involved in Legal Services Corporation, if that proved possible, seemed to me to have really interesting potential. I’d been in Washington before, I knew something about being involved in policy and policy-making and I wanted the chance, particularly, to be the first head of an entity that had been battered and beaten under the Nixon and Agnew administrations. It had a chance to grow and develop, I thought. Fortunately for me, a former faculty member at Stanford Law School, then a dean at University of Utah Law School, Sam Thurman, was on the board of the new corporation and I talked to him, and suggested that I would be really interested. He was quite excited about hearing that, and he talked to the then-chair of the board, Roger Cramton, who was himself a dean at Cornell Law School whom I knew, although not as well as I knew Sam. But those two entrees, Cramton on the one hand and Thurmond on the other were enough
to put my name in active involvement and, fortunately for me, it was the right set of circumstances. The Board was not looking for someone coming from a background of legal services. They wanted someone with some independence of perspective and I was lucky enough to be that person.

**AH:** After you became president, or about that time, you wanted to have as vice president Clint Bamberger. Would you describe what happened and why you wanted Clint and what happened during all that with the Board.

**TE:** Well, part of the challenge, I thought, of being the first president of the legal services program, taking over a set of responsibilities for helping to provide the funding (and I thought from the outset not just the funding but the support in terms of research, training, and other support for lawyers in the field) was that I came from a law school background. I had been involved in government but not involved in legal services. Yet, there were thousands of legal services lawyers, and thousands of paralegals, and, literally, millions of clients who had been grappling with the issues I would be moving into everyday. Who was this guy, coming from Stanford Law School, from an ivory tower, who hadn’t really been in the trenches? So, it seemed to me that a key move had to be to involve someone who was himself or herself close to legal services over a significant period of time, whom I knew and trusted and could work with, who could be my partner as we began to build this new entity based on the pieces of the programs that were there and trying to strengthen them. Fortunately for me, one of my friends was Clint Bamberger who had been the head of OEO Legal Services, who was dean of Catholic Law School, and who was stepping down from the position, or maybe he had stepped down, and had accepted my invitation to come spend time…a summer or semester, I
can’t remember at Stanford Law School. We were very close friends. And Clint was exactly the right person. He would, I knew, give immediate legitimacy to this brand new kid on the block, and at the same time was somebody in whose judgment I had complete trust and confidence. So, I said very early on to Roger Cramton that I very much wanted to be the president of the Legal Services Corporation. I wanted to do the job. I would do it full throttle, as best as I possibly could. But I knew myself, and I knew enough about my own limitations that it was clear to me that if I were to do the job, I needed a partner. And Clint was exactly the right partner. He would send that message to those in the field that we were legitimately interested and concerned with lawyers, paralegals, and clients. We were going to strengthen the programs. We weren’t going to dismantle what had been done. We were going to take, build on, and try to strengthen and cohere those efforts. And Roger Cramton said, “what a good idea that is.” He knew and I knew that Clint was a liberal democrat. I’m a liberal democrat. But Roger Cramton, a lifetime active Republican who had been in the Nixon administration in the Justice Department, also knew that when both of us would be in Legal Services we wouldn’t be there in partisan positions, we would be there to promote the best interests of poor people and their access to justice. And he said that’s fine, that makes a lot of sense, do it. We told a couple of board members early on that that was the plan. We didn’t make a big deal out of it because it seemed like such a clear idea. And as the day came closer, the Board first informally agreed that I would be a good president. Then, closer to the time I was to take over, informally agreed that Clint Bamberger would be a good executive vice president. And my deal with Clint was that he would be my alter ego, and we would do everything together. He had strengths, and I hoped I had some. I could do some things, perhaps,
more effectively, and he could do some other things, and we’d work through exactly how those arrangements would work. But, essentially, we would be partners in this enterprise. And that was the arrangement from the outset.

The plan was that the Board was meeting in 1974. I think it was ’74, ’75—

**AH:** ’75.

**TE:** -’75. Sorry, 1975 – in October ’75. I was to actually start full time in January ’76 but I was flying back-and-forth from Stanford to Washington quite regularly, coming back a couple of times each month. Clint and I would both be sworn in immediately after the Board meeting one day in October ’75. We planned as a way to highlight this new beginning, a party at a big Washington hotel, and we invited some five or six hundred people. The Board was to meet at lunch to have their public meeting to vote on my appointment and Clint’s and then Justice Byron White -- who was a friend of mine from days we had spent together at Salzburg Seminar -- would swear us in and we’d have this party and everything would go smoothly. Well, it happened that about 10 days or so before the scheduled event in October, James Kilpatrick who was then a very well-known conservative columnist publicized in a good many hundreds of papers wrote a column about the new Legal Services Corporation. He said that Tom Ehrlich was bad enough – the idea of this left-wing guy being the head of the Legal Services Corporation was pretty bad but, after all, maybe it was all right, but it was dangerous to have Clint Bamberger, who was a “real pinko” as executive vice president. This would be totally disastrous for the whole program and it could be just part of the overall left-wing effort to take over. And the Board, if it had any gumption at all, would reject this crazy idea. The Board, I should have stressed, was appointed by Gerald Ford after the Nixon Board aborted. And
it had, on the whole, in my view, a majority of decent, good people led by Roger Cramton who was a terrific leader. It had Democrats and Republicans. The Democrats, with a couple of exceptions, were pretty conservative, and the Republicans were more conservative. But my general sense from talking to them before this October session was that they believed that access to justice was an important right for every American and that if this country wanted to avoid blood on the streets, we’d better have a functioning, ongoing system to provide legal services for poor people. And that’s what the legal services program was all about. And we should do that in the most effective and efficient way as we could. If we could find some ways to make it more effective, that was all to the good. That we could engage in law reform efforts, that was fine, but only as long as we kept the realistic understanding that it was real people with real problems - legal problems - that were at the core of what we were about. All that made perfect, good sense to me. Substantively, it made good political sense to me, too. In all events, the Kilpatrick article, all of a sudden, threw everything up in the air. And, I knew there was some tension as a result of it but, I thought, frankly, that Kilpatrick mouthed off about his perspective all the time and the fact that Clint and I were involved shouldn’t change anything, and I didn’t expect that it would. The Board met at lunch. Clint and I were waiting outside for them to formally say we’re all set, go ahead, when Roger Cramton came out maybe an hour or two after they started the luncheon and said, “Tom, we have a problem. There’s no question the Board wants you to be president, but I think a majority of the Board - not everybody – do not want Clint to be executive vice president.” I had announced, of course, that I was resigned from being dean of Stanford. My wife and I were set to move with our kids to Washington. But I knew instantly what I had to do. So I
said to him, “You have to make that judgment, you and your colleagues on the board. If you decide you don’t want me, then I will do everything I can to help you find the right person and in the interim I will do everything I can to support legal services. But I’m absolutely clear that if you want me, you’ll have to have Clint Bamberger too because I can’t do this job that you want me to do without Clint. I’ve given him my word and, no less important, it’s the right thing to do. And Roger, to his great credit, never suggested to me that in the greater interest of the organization or anything else I back away from that position. Rather, he immediately understood, and I think agreed that that was right. He said, “Well, let me see what I can do.” And he went into the room, closed the door with the board at maybe 2 or 2:30. We had been set for Justice White to come at 5:00 to swear us in. When 4:00 came I called up Justice White and said, “Justice, you won’t believe what’s going on here, but here it is.” And he said, “Gee, Tom, I hope it works out all right.” And we cancelled that and then we tried to use a telephone tree to get word to people, the 500 or so people who were coming to the party not to come. Of course, we had mountains of food there waiting for them. And 5:00 came and went, and 7:00. Clint and I had a late dinner there. It was just the two of us, plus a few of the people who had been helping with the Corporation. It wasn’t until late that night, I think 10:30 or so when the eleventh of the eleven Board members Revius Ortique, flew in from an appointment he had during the day and broke the tie vote. It had been 5 to 5 as to whether or not to approve us. Revius Ortique, who was a wonderful African American lawyer, then judge from New Orleans, came in and voted in favor and that carried the day, and we became the president and executive vice president of the Legal Services Corporation.
**AH:** When you first took over, what were the major challenges you faced and what did you do about it?

**TE:** Well, the first, as one could imagine, was that I wasn’t at all sure, having been voted in 6 to 5 after 6 or 10 hours of debate, whether this was going to work at all. Fortunately, it was as though that was the only really tough issue with the Board. That was very tough. But once that was done, the Board was very supportive of virtually everything that Clint and I tried to do together. We did face a series of big policy issues that we grappled with, but we grappled with them together and the Board was supportive of what were doing. One of the first that we had to deal with was over the so-called Green Amendment. Edith Green, a quite unpleasant congresswoman from Oregon, as I remember, decided that the various centers that had been established around the country were unnecessary. The centers were doing law reform work on the one hand, as well as providing the intellectual and thoughtful analytic underpinnings for the work of legal services lawyers in the field in such areas as health and family law and a variety of others. These centers were, in my view, absolutely key to the success of the legal services program and the success of giving individual attention to individual clients where lawyers in the field simply couldn’t be expected to have the background in some of these fields that they would need. And these centers, called “back-up centers,” could provide that. Edith Green put forth a piece of legislation that essentially said there would be no more back-up centers. And to make what was a very long story short, we decided as a matter of policy that, yes, we wouldn’t have back-up centers but we would have what we called “support centers.” And it just so happened that those support centers looked very much like the old back-up centers. As, indeed, they were except for the name and a few shifts.
We did bring training in-house which was a shift because that was, as I recall, at least a part of the Green Amendment, and there were some other minor shifts. It was the first big battle, I recall, with the conservative group in Washington. I knew from my days at Stanford that the California Rural Legal Assistance Program had run afoul of then-governor Reagan because it had been doing its job well. And I knew there were people like Reagan who didn’t believe that poor people were entitled to legal services at all. But the struggle to re-create the back-up centers as support centers and to have an effective network was the first battle, and it’s an example of one where, insofar as I remember at least, on the whole, with a couple of exceptions, the Board was very supportive. The second big policy issue, certainly in terms of impact on the most people, was that we needed a strategy. I love institutional architecture and we had to build up the organization and strengthen it. But we had figure how to deal with the reality that the Northeast, on the one hand, the West and some other big cities, and to a much lesser extent the Midwest and South had functioning, active legal services programs, while much of the South, Southwest, and parts of the Midwest were really, virtually, or completely devoid of legal services. So there were some places where a poor person was totally screwed over by the legal system and some places where they still didn’t get an even break but at least there was a legal services operation. Were we going to say let’s hold up until we can fill in the gaps or were we going to strengthen the programs that were there but had been under the gun for all the years of Nixon/Agnew (and Agnew was particularly vicious about legal services)? Where did we want to be in 5 years and how were we going to get there? Fortunately, we had the help of wonderful a man named Alf Landon [Alf Corbett], the only one who really stayed inside the bureaucratic network through all the dark days of
Nixon/Agnew. He, more than anyone else, came up with the idea of minimum access. And we did some computations that suggested that for the public, generally, I think there were 11 lawyers per 10,000 poor people so we should have at least 1 lawyer per 10,000 poor people. And it turned out that was probably one of the most effective steps we took because it sounds pretty good to say that, well the public generally has 11 lawyers and all we’re asking for is one. And what we said was that we would focus on getting one lawyer for the 10,000, at the same time we will also work to strengthen the program. And we developed essentially a 3-year plan to provide minimum legal access across the country. And I can’t remember what the funding dollars had been when we started but they had been cut way back and then frozen for many, many years. And we put in a very substantial increase in our request for that first year backed completely by the Board and said we would come back the next year and the next year and ask for even more. And fortunately, we had some key Republicans like Tom Railsback, who were Republicans who believed in very few of the things that I cared about in terms of social welfare programs generally, but did believe strongly in legal services. Some of them had been in legal services. And they helped us in the House and the Senate build the base that brought Congress to support us. Those two were two key policy issues.

AH: When you came you also had to develop a staff, a senior staff at the Corporation that didn’t have any employees. Tell us a little about the people you hired and why you hired them.

TE: I was the first employee of the Legal Services Corporation, and Clinton Bamberger was the second. We took over from Lou Oberdorfer who had been the interim leader chosen by the Board and now a wonderful judge, district court judge in
Washington. David Tatel, now a Court of Appeals judge in Washington was the general counsel for Lou. And, I might say, a third big policy issue was the decision to sue the President of the United States on behalf of the Legal Services Corporation for trying to take money that had been obligated to the Corporation. The White House tried to take back, I don’t know if the President was personally involved in it, but the Office of Management and Budget refused to release much of the appropriation. And, again, with support of the Board, we sued and won and got the money back. That said a lot about the independence of the Corporation from the White House. It said, right from the start, that this was an independent corporation, that the mandate of Congress to act independently was clear, and even though every other entity in Washington had to not only go through the Office of Management and Budget but the Office of Management and Budget at any time could hold up any of its money, it couldn’t do that for the Legal Services Corporation. That was a key issue as well.

Clint and I were the first two staff members. I had known, I believe at least, a fellow named Arnie Miller, who was later one of the heads of the Personnel Office in the Carter Administration. He helped in the search process. We had a group of program heads. There was an active union of legal services lawyers that helped, too. I knew we wanted a diverse staff. We wanted women. We wanted African-Americans. We wanted Hispanics. We certainly wanted some Republicans. It turned out that the last group was the hardest in which to find the right person. Over the course of the first few months, most of the time was spent picking the key senior staff. Some were relatively easy to identify. Alan Houseman was a leading person in legal services and research in the area, and his appointment was obvious. Others hadn’t been involved directly in legal services
but had been involved in programs for poor people in other arenas: Alice Daniels who came as general counsel; Mary Burnett who came to help on the Hill along with Judy Riggs. I don’t think either one of them had been involved directly in legal services before but they’d all had some experience. We thought it was important to have somebody from one of the regional offices. It turned out that a southern region, I’m not sure it’s the only one, had Clint Lyons and Bucky Askew who came, as did Charles Jones from Los Angeles. And we needed somebody in public affairs. Fortunately, much of our success was thanks to networking. Of course we had ads but it was much more networking and Arnie Miller’s help that got people like Harriet Ellis and numbers of others. One of the biggest challenges was to have a serious, sound, sensible Republican that was seen as a visible, conservative Republican. Buck Hennigan worked for Senator Hruska. One of the most able board members named Bob Kutak, who had also worked from Nebraska, built one of the most successful and largest law firms in the country out of his basement in Lincoln, Nebraska, and knew Hennigan, who was then one of the Senator’s staff, and suggested him as controller. And he came just about from the first and was terrific. He gave us legitimacy in places where I wouldn’t have been allowed in the door without him. He did this without ever doing anything other than supporting the interests, principles, and purposes of legal services. So, he was a big help. There were a number of other people as well. But over the first year we built that staff. Immodestly, I thought they were terrific.

**AH:** The Corporation undertook a number of studies, some required by Congress, some not, on research on the delivery of legal services. Could you talk a little about the
delivery (unintelligible) studies, the (unintelligible) studies and others that you remember
and just a little bit about it?

TE: Well, let me start, at least, with the legal services delivery study as I
remember it. One of our mandates from Congress was to look seriously at whether or not
the delivery system that we had, which relied almost exclusively on staff attorneys, was
the most efficient and effective way to deliver legal services. And one advantage of
coming from a university background was that actually seemed to me to be a good idea.
There had been no large-scale, real look at the program and I thought we could learn
something at minimum and it might be an opportunity to get better. Not everyone agreed
with that view. Some viewed it as a way for Congress to try to put in place a delivery
system that relied primarily on private lawyers and didn’t use staff attorneys. And some
said well, in theory it might be good but we’re still battling the forces of darkness and so
forth and it’s too dangerous to do. But it was clear to me, to Alan Houseman, I believe,
and to certainly a majority of the Board, that we ought to do a serious, direct study
without trying to pre-judge what the answers would be. We didn’t have anybody on the
very small staff who had ever done a research study like this, and in some sense there had
never been a research study like this that had been done before as far as we could find
out. We hired a lady named Leona Vogt from the Urban Institute, as I recall, and she was
a full-time professional researcher and had done studies in, at least, related fields, and we
gave her the task of conceptualizing what it would look like to study the work of staff
attorneys on the one hand and delivery systems that would rely on private attorneys on
the other. And in the course of that I got to know a young lawyer named Joel Hyatt who
had started a quite successful legal services program for middle class people called Hyatt
Legal Services. He had impressed me by what he had done and how he had done it in Florida, as I recall, where we did have some programs to provide legal services through staff attorneys. In any event, we worked out through Leona’s leadership a study protocol that would evaluate the work product of staff attorneys and the work product of attorneys who were doing comparable cases in private practice. And that’s the first time I really became familiar with what I subsequently saw as an interesting set of insights -- that if you get a group of reasonably capable and experienced lawyers, 2 or 3 of them, give them a set of files and they get a chance to talk about enough of them, very quickly they can come in and judge the work product of a lawyer even if they haven’t had a background in a particular locality. And that set in motion this study that took a real period of time. It was tactically, I thought, a very good thing because it gave us a chance to say to those in Congress we’re open to getting better. We’re open to using private lawyers if it turns out that in some cases that works better. While the study was going on, we could say we’re developing as best we can the best modes to be efficient and effective which is what your mandate to us was. As it turned out, at the end of the day this study said, on balance, that staff attorneys are the way to go, though not in all circumstances and situations, and the results of it really weren’t threatening at all to the basic integrity of the staff-attorney model. But, I think the study gave it a sense of legitimacy that, without it, I think it might not have had in some eyes. We did some other studies as I recall. And when I said poor people, I should have added that one of the policy issues that we had to face almost immediately was what we meant by poor people because the statute didn’t define it. And we said fairly quickly that poor people meant those below the poverty line as determined by federal standards even though there was a substantial argument that it could well be
significantly above that and still include people unable to deal with problems of legal care and family law, administrative law, and housing law that they were dealing with. And might I also say that another key policy set of issues were summarized with the question, “Why legal services?” Is this primarily to help those who are the clients do whatever they want to do? Is it primarily to make sure the whole legal system is functioning properly? And we had a long retreat with the Board of Directors on “why legal services?” We hypothesized, I remember, four possible approaches and answers and we tried to spell those answers out, and there was quite a set of arguments. Not that it was resolved. I never thought it would be resolved but it helped to enrich the discussion, and led to key policy judgments that were very controversial at the time: that clients should be the ones to set the priorities for programs and legal services. Up to then, in many locales, the Boston Legal Aid Society is one that I remember, the lawyers set the priorities. Of course, they’re the ones who know anything about the law. And we said, as a matter of policy, if you want to receive funding from the Legal Services Corporation, you need to have clients involved. And there needs to be a clients’ council, and the priorities need to be set so that in Boston it may be housing, while in Hawaii it was native land claims, and in some other locality it was something else.

AH: You mentioned earlier the minimum access claim. One of the most important things that happened during your tenure was the expansion of the program throughout the country and setting up of new legal aid programs. I don’t know if you remember to talk much about that but it was a major achievement and also very difficult.

TE: It was very difficult because we wanted to establish legal services programs in areas of Arkansas, Mississippi, and the South particularly as well as some in the
Southwest, too. For example, in Texas, where the notion of helping any poor person but particularly if he or she were black or Hispanic was viewed as crazy. And the idea that we would use government money, that we would use tax dollars so that their tenants in their slum, or the customer they had screwed over in their store could sue them, was beyond belief. We worked through bar associations, particularly, though not without some real problems. The relatively easier ones were in cities like Boston. The Boston Bar didn’t believe in having clients on the council, but basically they believed that poor people should have legal services. Quite different from Jackson, Mississippi, where I can remember visiting with the Bar and former Governor Ross Barnett and others who fundamentally opposed the notion of legal services for poor people. And there we just had to work with organizations outside the bar associations, often in conflict with the bar associations. And a lot of that was hard schlogging. Community by community, we worked with the American Bar Association which, fortunately, was very supportive. The National Legal Aid Defender Association strongly supported us, as did the ABA. I knew from my days as Dean Chesterfield Smith, and a number of the key members of other bar associations, and they were unfailingly supportive of what we were trying to do and the ways we were trying to do it. Usually it was possible to find at least some on a state level in Mississippi or Alabama who were supportive as well. The best thing was that there were extraordinarily dedicated women and men in legal services already who had been suffering under Nixon and Agnew efforts and saw this as a chance to strengthen and build the program. And many young lawyers who, fortunately, had stars in their eyes, and saw this as a chance to do something with their lives that was really worth doing and
went in to do that under the tutelage of some who had been there, some for a number of years and gave them wise counsel and mentoring.

AH: Before we go on, there are a couple of things...you mentioned earlier the structural decisions you made at LSC. Could you talk a little bit about what you tried to set up there in the office (unintelligible) support, how you tried to build the organization into something more than just a grant-making organization?

TE: One of the key issues that Clint Bamberger and Alan Houseman and others who were involved right from the outset saw was that none of us were interested in simply presiding over a bank that would channel money to programs. We wanted to do that and we saw a key part of our job as making an effective case to Congress. We knew we had to have a strong office of legislative services and go, literally, office by office, to every office in the House and Senate, which we did, to explain legal services and to try to get as much support as we could. And I learned a lot from Judy and Mary particularly in that effort. But we also thought from the start that legal services couldn’t be effective if we didn’t have a training program. We needed a continuing lawyer development program so that lawyers could re-educate and educate themselves and think in different kinds of settings that weren’t entirely on the front line with an enormous caseload that minute about strategies and means to be effective. So we established a research operation that would look at good practices, try to analyze what had been going on, what seemed to work, and where could we make the biggest impact. There were some tensions. For example, one extreme said that since legal services only has a very small amount of money, 35 million dollars for 33 million poor people, the only way was to focus exclusively on reform – reforming the legal system so it would be more useful and
supportive of the needs and interests of poor people in areas such as social security or housing. Instead of going one tenant at a time in a case, we should work to bring a set of key class actions so that landlords were forced to provide water and heat – the minimum issues. The other extreme said, lawyers for individual clients are okay, but you shouldn’t do anything by way of changing the legal system. We tried to have it both ways because I believed both were right. I believed we needed an effective effort to reform the legal system. I believed it was fundamentally flawed. I believed that there were areas where we could really change the system and make it work better for poor people. But I also believed that poor people had a right to an individual lawyer with their individual problems. Not necessarily for all issues but for their serious legal needs. The most effective ways to do that were through these support centers that we had and through a strong research program that could link those together and help be a listening post as well as a vehicle through which we could deliver research and insights from one program to another. Training was, as I recall, Dick -- I can’t remember his last name, Alan?

AH: Dick Carter.

TE: Dick Carter, thank you, was the first head of training and he had been in some capacity involved in training before. He was a nice person, capable. But I became convinced with others over time that we needed a more aggressive set of program efforts. We hired a wonderful woman named Bea Moulton who had been involved with another wonderful faculty member named Gary Bellow at Harvard. I thought that we had a chance working particularly with Harvard to try to develop a model of effective integration of clinical education into the law school curriculum. We helped establish a program at Harvard which was quite controversial, because some people said, “Why in
the world would you do this at that snooty place called Harvard? Just because you went there, Ehrlich?” I said, no, it’s really because we had this powerful mind in Gary Bellow who was able to conceptualize what lawyers do and then translate it into legal education programs in ways that other people hadn’t been able to do. And Gary, I’m sure was not the only one, but in my experience at the time, he was the best. And he helped Harvard shape a clinical education program that had impact not just at Harvard, maybe not even primarily at Harvard -- but around the country. So that was an important effort although doing the training, as I recall, inside the Corporation and contracting it to others was always something of a tension.

**AH:** A couple more questions. During your tenure, the Legal Services Corporation came up for reauthorization. Re-upped, initially, in 1974 – that’s the year it came off the ground. It came up in 1977 and we went through all that again. You recall any of that history?

**TE:** Well, I certainly recall we saw being authorized by the time; I can’t remember the year that it was actually reauthorized.

**AH:** ‘77

**TE:** ‘77? That was going to be the first big test other than the appropriations, which was no small task. But Congress could do what it does so often which was simply postpone action. We saw a chance to reaffirm that legal service for poor people was here, was going to stay, that it was an important part of the basic rights. And I and many others thought it should be viewed as a constitutional right. We didn’t get there but we got to say in the reauthorization that it was established. So, I thought for the House and Senate to agree to it, in and of itself, was a major step. And then, as I recall, there were a series
of particular battles about potential restrictions, some of which subsequently came to the law again. But we had a series when we started, one of which was about selective service cases which, in the year 2004, doesn’t sound like much but in the period of the Vietnam War, was a hot button issue. And it was totally outrageous that legal services lawyers couldn’t represent poor people, as I remember it, in selective services cases, in abortion cases -

AH: School desegregation.

TE: -school desegregation. And we fought to get all the restrictions eliminated. And you would have to remind me what the scorecard was at the end of the day.

AH: Well, in 1977 we actually liberalized the act, permitting more legislative work, administrative work. Those three restrictions were but no other restrictions were put on, and the ???

TE: There was a significant share of Congress who thought the Legal Services Corporation was a terrible idea, it was a dangerously terrible idea because it had in it the seeds of their destruction, literally. They thought that this was the way they -- meaning Bamberger and Houseman and Ehrlich and others -- would take over the legal system and destroy their beings. That group certainly didn’t go away but I think we succeeded because we gave a sense of security to half of the Congress that was pretty much in the middle. It wasn’t on the extreme left but it was prepared to believe we were doing good things and reasonable things, as long as we didn’t have too many issues that exploded into the headlines. And, of course, with 6,000 lawyers and 6,000 paralegals and all the programs we did have a number of issues on an individual level but on the whole we established that sense of security – that we were reasonable people. One of the benefits
that I certainly didn’t realize and I suspect that most of those in programs around the country didn’t realize, was that it turned out to be an advantage to have a relatively conservative board at the start. Roger Cramton particularly was really what I call a thinking conservative, intellectually honest and honorable, and a man of great integrity. Roger and several of the others who would testify before the congressional committees with me always could look the Republicans in the eye and say this program is doing good things, I know you don’t believe in this social program or that one but this program is what basic constitutional rights and liberties are all about in our democracy and that is what we need to have. And that’s what they said over and over again and it turned out Republicans in the Senate as well as in the House paid attention to that and it was critical. In some ways, it became more difficult when the board shifted after Jimmy Carter became President and appointed my friends to the Board, like Mickey Cantor whom I admire, as well as some I didn’t know like Hillary Rodham Clinton, who was a wonderful Chair. It was harder then because there was less of a balance. It didn’t seem as clear to that same group in Congress that didn’t go away that we were still doing good things.

AH: You left the Corporation and went on to other fields. Before I ask my last set of questions, just begin by describing your career after you left the Legal Services Corporation.

TE: Well, I loved being in legal services. It was most important because it taught me so much. I had never been in a room for a day or days at a time with people who are living below the poverty level. I had never been in a roomful of African-American people. And I visited almost every state in the Union over the course of my time in legal
services. I learned an enormous amount about life, about myself, about the human
condition, how important legal services were, and how responsive, if we worked at it,
lawyers could be. We made the argument extensively that private attorneys had an
obligation – not just an opportunity, but an obligation -- to give some of their time and
their talent pro bono to legal services. That, as a condition for having a monopoly, that’s
what lawyers had to do. I knew that argument wasn’t going to get adopted unanimously
by the bar associations but the nice thing was how many people said that sounds like that
is what we should do. And how supportive on the whole bar associations were, as well as
other groups that one might not have thought would stand up. Anyway, it was an
experience and most of all because of the extraordinary dedication of men and women in
legal services who had been in there slogging. Many of them, almost thirty years from the
time I began in legal services are still there in positions of importance helping make life
for people in extreme need a little better. I did think that if I had the chance to be in the
position to be reporting directly to the President of the United States, that it would be a
wonderful opportunity. And I wanted to do that. I knew because so many of my friends
had been out in Washington that it was a total craps game and it would be a lucky set of
circumstances if I ever had that opportunity. But I had come to know at Stanford, when I
was Dean of the law school, Warren Christopher who eventually became, when Jimmy
Carter was President, the Deputy Secretary of State. I knew Cyrus Vance who was
Secretary of State. Both of them had been very helpful when I was Dean and when I was
at Legal Services they both were very supportive. Vance was head of the Bar of the City
of New York, and Christopher and head of the Bar of the City of Los Angeles. Both were
very supportive of Legal Services. And one day Christopher called me and said we’re just
setting up a new agency that will have overall responsibility for all of foreign aid policy, report directly to the President, be independent of the State Department, and include AID, all policy-making, and all multilateral banks, including the World Bank and the regional banks. We’d like you to be head of that. We’d like you to come talk about that with President Carter, and I did. President Carter said I want you to do this. I want you to be in charge. I believe in long-term economic development, and that’s what I want you to focus on. I don’t want you to focus on short-term walking around money for some Sheik. I want you to give people in developing countries long-term assistance. That’s number one on my priority list and, number two I care deeply about human rights and I want you to make human rights an essential dimension of our foreign aid program. That sounded pretty good to me. I had taught development law and economics with an economics colleague when I was at Stanford. The President gave me a strong, clear mandate so I decided to do it, not because the job at Legal Services was done, it wasn’t done, it never would be done, though we had gone through a set of clear challenges. We had just gotten well under way a program called Next Steps which tried to look out over the next five years and say where we should be going. We held hearings around the country for the Next Steps program and had a pretty good idea what the next steps should be. That process was as much to be sure that we had a process in place for listening to views as it was to chart the exact course. While it wasn’t the perfect time to leave, it seemed like good a time. I also realized what a lucky phenomenon I had to lead this program and probably I would never have such a chance again. So I said yes, not realizing what was totally involved. It turned out there was a quite bloody fight before the umbrella agency that I was responsible for heading, for which I was actually approved by Congress by a
closed vote, particularly in the Senate. And it took some key Republicans, especially Javits, to make it happen. But I was approved and President Carter was unfailingly supportive through the time. Unfortunately, the last two and a half years of the Carter Administration were pretty much a bureaucratic nightmare inside Washington. President Carter was and is, I think, a truly remarkable man, a man of extraordinary moral stature and vision. He was not the most effective administrator. He did call me and to say what about this program in Mali or that program in El Salvador, but he wasn’t as effective overall politically as one might have hoped. In all events, even my friends Vance and Christopher in the State Department had different priorities on some occasions and focusing on long-term development and human rights was a tough sell. And the bureaucracy in the programs – 10,000 people, I think, working for aid programs -- was hard to move around even though I thought we did some important things. This was the one job I’ve had in my life that was not at all fun. Legal Services was wonderful fun. Not every minute of everyday but overwhelmingly, it was fun as well as interesting and informative and illuminating of the human spirit in important ways. Foreign aid was not fun at all. I learned a lot, I traveled to third world countries. Certainly to work directly and for the President was a privilege that I wouldn’t have given up.

Carter ran again and lost, of course, to Reagan, and Reagan quickly dismantled the things we tried to do in foreign aid effort, he viewed foreign aid as basically a means to give security dollars, as they were called then. He was not interested in any kind of long-term development and certainly wasn’t interested in human rights at home or abroad. As it happened the Reagan Administration went out after Legal Services, too, in a quite vengeful and vicious way. And I spent six months at the Brookings Institution in
Washington while our kids were finishing in school, thinking I’d go back to Stanford, to Stanford Law School. And one of the things I did at Brookings was to write a series of pieces about the importance of protecting the Legal Services Corporation and spent some time trying to defend and protect it. We were definitely in a defensive mode for the years of the Reagan Administration. That first period at the beginning was especially difficult.

In March of ’81 I was planning to head back to Stanford when I was asked by the search committee for the new Provost for the University of Pennsylvania to speak with them. I had talked to several other colleges and universities about being president, and thought that would be a fun job to do. I enjoyed the institutional architecture involved in Stanford Law School, in the Legal Services Corporation, and in foreign aid. The institutional architecture, as I call it, was really interesting. So I thought being a college or university president could present an exciting set of opportunities. The right one at the right time didn’t quite work before but all of a sudden being the Provost at the University of Pennsylvania was a real possibility and I was offered the position. There was a president for many years at the University of Pennsylvania before there was a president, in fact.

And it was a wonderful job offering the full range of activities – academic and student affairs. And a man who became a very, dear friend named Sheldon Hackney was the new president, and he chose me among those the search committee recommended. I came in with Ellen, spent six wonderful years in Philadelphia as provost while Hackney was president, and it really gave me insight into the whole of a university in ways that being the dean of a law school didn’t do because I had to deal with a wide range of issues from a veterinary school, and a medical school, and a business school, as well as the School of Arts and Sciences, and Social Work, Communications, as well as the law school. It
showed me how insular my life at Stanford Law School had been. It turned out in ways that surprised me that the experience of Legal Services really helped a lot because it helped me think about institutional planning. We did a lot of planning at the Legal Services Corporation because we were starting afresh, although we were building on an old base. But the experience was very helpful in being the Provost of the University of Pennsylvania. Over the course of my six years there I came to realize that if I had the opportunity to lead a public university I would do that. A public university ideally that was part of a whole state so I could really feel that it was the issues of access that I would be wrestling with, as well as the issues of excellence, which were the issues at the University of Pennsylvania. But a public institution has to provide access; it has to provide access just the way Legal Services Corporation had to provide access. When Indiana University was looking for a new president, its board chair came to me and after extended interviews offered Ellen and me the chance to go to Indiana. Our youngest child was just off to college and this seemed also a wonderful opportunity for Ellen and me to really do things as a team, to really get together as I had done when I had been Dean but had less opportunity at the other jobs in between. We had seven years in Bloomington and in Indianapolis and throughout the state of Indiana with 100,000 students, eight campuses. I loved that job, too. It was a warm, welcoming, and caring place and we stayed there until 1994. Our three children by then had all moved to the West Coast and thought anybody who didn’t live on the West Coast was kind of crazy. And we decided with grandchildren and our own children that we had best come back. And so I announced after seven years I’d leave Indiana University, and Ellen and I came back to California. Fortunately, we had kept our house there. I taught undergraduates in
community service learning courses at San Francisco State, helped the whole of the Cal State system build a community service learning program which is now a particularly strong one on the 23 campuses, and also taught a number of different undergraduate courses. Then, the Carnegie Foundation for the Advancement of Teaching chose its new leader, Lee Shulman, who succeeded Ernie Boyer, who led the Carnegie Foundation in Princeton. Shulman said I’ll be the president of the Carnegie Foundation if it moves to California near Stanford because I don’t want to move. Fortunately, the Board agreed. I started helping Lee informally and then became a senior scholar at the Carnegie Foundation, linked with a wonderful colleague named Anne Colby, who is a psychologist of moral development, and I had a chance to think about and write about what had been on my mind ever since I had been Dean at Stanford, which is how to promote moral responsibility and civic engagement among students – undergraduates and graduates. And so, in some sense, I’ve come full cycle as now I’m writing a book about just those issues that led me to the Legal Services Corporation all those years ago.

**AH:** One final thought. Do you have any concluding thoughts about the future of LSC?

**TE:** I love the legal services movement, and it really is a movement. That term “movement” is overused but in legal services it really is a movement. I was saddened to see much of the infrastructure that was created by lots of wonderful people in the 70s dismantled. I don’t think an effective program for legal services or any other kind of services can be provided just by passing out money. Money is enormously important but it also takes training, technical assistance, and assessment. It takes a series of efforts to provide the support for those who are giving the service so that they can do so
effectively, so they can live up to their own potential. There is no question in my mind that’s what legal services lawyers and paralegals – and their clients -- want and deserve. Sadly, some of the systems we had in place, which certainly weren’t perfect -- but were, I thought, pretty good -- were largely dismantled. Now, Legal Services is fractionated in lots of ways. My hope is that one day the conservative right will not only say that legal services is here to stay -- which I think is pretty clearly the case now -- but that as long as we’re going to have the program, we ought to have it work most effectively and efficiently. We might as well get our money’s worth, if nothing else, even if they don’t really believe in the underlying cause. And the only way for that to happen is to have good training, good technical assistance, good support networks, and to have continuous renewal so that legal services lawyers who have exhausting caseloads get a chance to be refreshed and rejuvenated, so there are good cadres of younger people coming into the program. All those things are not necessarily rocket science but if they don’t happen you won’t get good programs. I hope those will come back some day. And that would be a good day indeed.

AH: Thank you.