Dennis Bricking:

This is an oral history interview of John Rosenberg. It is being taken on Tuesday, July 23rd, 1991, in St. Petersburg, Florida. My name is Dennis Bricking. I'm the director of the Legal Aid Society, of Louisville, Kentucky, and I am conducting this interview. The topic of the interview is the early OEO days from approximately 1969 to 1973 with emphasis on John's interaction with OEO and the Appalachian Research and Defense Fund program in West Virginia and Kentucky. John, first of all, please tell us a little about your background before you became involved in legal aid work.

John Rosenberg:

From 1960 to 1970, I worked for the civil rights division of the department of justice. After finishing law school at University of North Carolina, litigating voting and desegregation school cases, criminal cases involving deprivations of civil rights, primarily in the South, some in the western part of the United States. I was a trial attorney. I left as a section chief in August 1970.

Dennis Bricking:

Where, how, and why did you first get involved in legal aid work?
John Rosenberg:

When we -- when we left the Department of Justice in 1970, I interviewed a few law firms. We went a long camping trip up the northeast and trying to decide what we would do with our lives. I was married and had a son who had been born in April of 1970. And we were on a -- while we were on this camping trip, Terry Lenzner, who had worked with me in the civil rights division, who was then the director of legal services at OEO, tracked me down and suggested that we should stop in Charleston, West Virginia while we were on this camping trip and talk to Paul Kaufman, a lawyer who with three other lawyers had started a public interest law firm in Charleston to deal with coal-related problems. And Terry was considering providing that firm, along with some lawyers who were -- had come to eastern Kentucky and were working with some welfare rights groups -- funding under -- to fund the legal services agency. And Terry got a hold of us. And we said we were up in the northeast at the time. After having been through Canada -- in Canada camping. And we were on my way to Florida to visit my mother and dad for the Jewish holidays. So we said we'd stop by, and we went to visit Paul in Charleston. Paul was a -- a lawyer who'd practiced 20 -- probably 25 years in Charleston, had been a fairly well-known political figure, run for Congress, and was interested -- and I think -- and had gotten together with three other lawyers. And they wanted to fund -- to do some public interest work around the issues that were -- the coal-related issues that basically were responsible for this enormous poverty rate in the coal fields. Out-of-state land ownership, large out-of-state
corporations that weren't paying taxes that owned much of the minerals in eastern Kentucky and West Virginia. Occupational disease and black lung disease, surface mining problems related to strip mining, and generally the issues that resulted in Appalachia being often compared to a colony or a third world country.

**Dennis Bricking:**

So -- so Kaufman and others were interested in having Lenzner fund a grant to get this work started in both West Virginia and Kentucky; is that correct?

**John Rosenberg:**

That's right. Yeah. I mean, what he wanted -- what they saw potentially was a regional law firm, a regional public interest firm, because the problems in Eastern Kentucky and West Virginia, and even Tennessee in these heavily -- in this very poor, coal-related area -- in the central Appalachian coal area were very much the same, and he saw them as the same. And that -- a legal -- a firm that would deal with grassroots groups and educate local citizens, community education, and attack these broader issues would be able to do -- make some -- provide some meaningful help to local citizens.

**Dennis Bricking:**

Were there Kentucky groups or West Virginia groups that were already involved in this work when you arrived?

**John Rosenberg:**

Well, the firm -- Paul's group had been in existence for about a year. And I think they had gotten some church money and started -- and had gotten some cases
underway, but they really needed money. In Kentucky, there were some welfare
rights groups. And what was left of the Appalachian volunteers who had had quite
a bit of money, I think, at one point -- federal money from OEO until Governor
Nunn had vetoed the grant. And a few of those people who had been in Johnson --
their headquarters in Johnson City, Tennessee had made their way to Prestonsburg.
And there was a welfare right's group, some of the anti-strip mining groups, and
there were a few lawyers working with them in Prestonsburg. The director then
was Howard Thorkelson. The other lawyer -- I think he was the only one who had
been licensed. There were several other lawyers who were not licensed and who
had started doing -- who had been working with the welfare right's group doing
some individual Social Security cases, AFDC cases, and working on strip-mining
problems with those groups. I wasn't quite as aware of it at the time, but there was
a real philosophical difference between those -- the folks in Kentucky and the
folks in West Virginia. And I think they were -- the Kentucky folks were more
interested in organizing work and helping the groups work on these issues than
doing pure legal work. Except maybe for Howard, who I think had filed a couple
of lawsuits, and was I think -- as I say -- the only one who had been licensed.
Nevertheless, Terry wanted to try -- Terry wanted to bring these two groups
together and liked the idea of a regional organization. There was also a problem in
that both governors at West Virginia and Kentucky at the time -- Arch Moore and
Louie Nunn -- were not supportive of these anti-poverty programs. And those
programs were subject to gubernatorial veto unless -- well, not 'unless' -- they were subject to gubernatorial veto.

Dennis Bricking:

Like the vista program was vetoed.

John Rosenberg:

Like the vista program. So I'm getting a little ahead of myself. But then my family and I went on after we talked to Paul about his vision of what this program would do and told us about the grants, about what was expected. Terry had come down there before on a trip I think with Dan Bradley and Bucky Askew and had traveled through the area before I came and got some firsthand idea of what the problems were.

Dennis Bricking:

Young OEO staffers, Bradley and Askew, huh?

John Rosenberg:

And Askew. That's what Bucky told me actually on this trip. I'm not really -- didn't know when -- I knew that he'd been there, but I didn't know when. So Terry -- they had been through that area and talked to Charleston and talked to the fellows in Kentucky before I came. And so, we went down there, and we went to Prestonsburg. Drove in there late at night, camped in the campground outside of Prestonsburg. And then we met with the few folks who worked with the lawyers -- with Howard and two or three of these other fellows who were there -- Larry Norton, Tom Place, David Wilderman. Tom's a professor now at Dickinson. I
think Larry Norton is still in legal services. And David Wilderman is working for
-- I think with the union up in Pennsylvania. And they were very cordial and
supportive of our coming. I think Paul had indi -- we -- Paul had sort of offered
me the job if I were interested. And so, we sort of came through without really
any commitment. And then we went on to Florida on our camping trip and
decided -- and we're trying -- and decided subsequently that we would take the job.
And, in the meantime, they were funded. Terry had gone ahead and made this
grant effective August the first to the West Virginia Technical Institute. The
Institute was an educational institution, and therefore, Terry could fund a grant to
them without being subject to gubernatorial veto. There was also some basis for
that in that the engineering -- in that the Institute, I think, committed itself to have
some of its engineering staff and other people give technical assistance in strip-
mining cases. But, in any case, the grant came. And then I decided -- I called Paul
and told him -- when we got down to Florida and thought about it for a while and
talked about whether going to private practice and do public interest work. And I
thought -- we both agreed it would be a much better way to spend our lives to,
after having been in the civil rights division at justice -- that is my wife Jean and I
-- that we would enjoy -- that there was a real need for lawyers in the area who
could help low-income citizens and groups try to attack some of these systemic
problems and provide them with legal assistance. And that we would go back and
see what -- how we could help.
Dennis Bricking:

Now, did Bucky and Dan come back on one other occasion to try to smooth the way -- make sure everybody was pulling in the same direction?

John Rosenberg:

Well, when I came back after talking to Paul -- and I wasn't as fully aware -- or wasn't really aware of how different the difference in views between these two groups -- that is, Mountain Legal Rights really wanted to be funded separately. That was what it was about. It was understandable, although it wasn't as understandable to me at the time that they wanted to be funded separately. So they weren't happy with this single funding through the Tech Foundation. But basically, it was the only way they were going to get the money, or that Charleston was going to get the money. And since the governor of these states was going to -- would have vetoed any direct grants, they really had no choice. Then I had come up with the idea, after talking with Paul, that what we needed also was an office in Lexington, where the campus of University of Kentucky was, and we're closer to the administrative agencies -- and that sort of thing -- which was sort of rubbing in the salt from the wounds as far as they were concerned. They thought I would be taking the program from the mountains to the bluegrass. So there was a short -- there was a period there where we had a little bit of a hornet's nest as many other -- when I was talking to Bucky on this trip, he said that was one of many hornet's nests where they were funding programs not being entirely as clear about what the local agenda was. And we all sort of learned the hard way. But I took the job, and
then decided that the best place to be would be in Prestonsburg. And, shortly after
I came, as soon as we got started, even though they had their own agenda, the
Hyden mine disaster came along in December, and we were very much involved
in that working with the congressional committee in that particular event. And it
started to -- we got busy doing what we had to do. Several of the lawyers who
were with the mountain people's rights group really were very dissatisfied with
what had happened. And some of them left. And I hired some new -- I hired new
lawyers to come to Prestonsburg. And from then on, we went forward.

Dennis Bricking:

Is it true that at that time, through this technical grant, OEO began to fund legal
services in the mountains? And shortly after that -- tell us a little bit about the
conflict you had representing a client against the interest of OEO.

John Rosenberg:

Well, I think one -- I think you have to think back a little, Dennis, too -- a lot of it
is forgotten about the fact that in those -- in early days it was -- I mean, AppalReD
was set up basically to do test case litigation and to address these larger issues.
And to -- even with all the knowing there would be a very large client demand
think the judgment was made that it would be more useful to be able to bring
lawsuits that challenge practices and had wider impact and working with groups
than doing day-to-day kinds of work. At least that was the purpose of the initial
grant. Of course, when you set up an office in a place like Prestonsburg and
people just start coming in and you see a lot of these day-to-day programs, you
start to do some balancing. But nevertheless, when I went back and started to think about this time and was looking at some of our materials, I realize that with a very small legal staff in 1971 -- we started late 1970 -- we brought four or five, maybe even more, major lawsuits. We brought a suit to stop the strip-mining in Robinson Forest on behalf of an anti-strip mining group. Citizens League to Protect Surface Rights. First time someone had done -- first time lawyers had done that. It was a pristine forest owned by the university. And it was an out-of-state strip-mining organization with a very bad record. We brought a lawsuit to challenge the state criteria for providing Medicaid to what we call the "working poor." If you worked more than 30 hours a week, you couldn't get a medical card. We filed a complaint against the way the -- the -- in fact, Medicaid recipients couldn't get payments for transportation. We filed a very large lawsuit to revoke the permits of 30 coal companies who had been repeated violators of the strip-mining laws. And that -- those were fairly highly-publicized actions. Kentucky law said they shouldn't issue permits to repeated violators of the strip-mining statutes. And strip-mining is a devastating environmental problem. Then I think the case that you had reference to, we had in our area in those early OEO days was really in some of our areas real pork barrel project. And one of the projects that had gotten funded in our area was a health care program to provide supposedly medical care to poor people. In fact, it was turning into a program that would put money in the pockets of local doctors. The program was funded by OEO, and they hired a medical director. And then the board itself
that was running the program and the local doctors basically prevented this fellow from getting a license. And even though the program had trailers to do -- provide medical service on an outreach basis in various parts of the county, the local doctors wouldn't allow anyone to be treated at these trailers. They would basically -- the clients would go there, and then would be taken by taxis or by whatever transportation there was to town to be treated by local doctors. And so, after a while, the local welfare rights group became so dissatisfied with this program realizing that it wasn't providing any direct services. It was funded to treat people in the rural area, but the doctors were being taken into town. So they asked us to look into this. And then we, as a result -- and we agreed with their concerns, that it was basically a program that was just putting monies into local doctor's pockets and wasn't providing services to people locally. So we filed a complaint on behalf of the welfare right's group with OEO in Washington to have them essentially terminate funding. And it was very -- it was, I think, a hard choice for the welfare right's group, because basically there were some services being provided even though they weren't great. And we then went to Washington with Eula Hall, who's the director of the -- now the Mud Creek Clinic -- and was, I think, the chair of the welfare rights group at the time. And we had a hearing -- we had a short hearing, which resulted in a hearing officer being appointed. I can't remember if he came -- if he came down to Kentucky, but the result of that suit was that, during the hearing, there was a settlement in which the program was reorganized and there was an interim grant made and a new board constructed. But there was a furor
during all of this locally, because we took on the local community action agency, which was the vehicle for funding this program.

Dennis Bricking:

OEO funded vehicle.

John Rosenberg:

Right. Through the community action agency. And there was a lot of furor about our getting involved in that. And they complained -- local officials complained to Congressman Perkins. And he asked for a GAO investigation. To me he said we shouldn't really worry about it, because it was a way of getting them off his back. And then he was sure the investigation would turn out just fine.

Dennis Bricking:

This was in the first months of your presence there, in the first months of the program's existence, you had this GAO investigation.

John Rosenberg:

Well, that's right. So 1971 was quite a year as I thought back on it. The GAO was there -- and I think they came like in August of ’71. And by that time, after these lawsuits had been filed, we also had a lot of opposition from the bar itself.

Dennis Bricking:

Talk a little bit about the state and local bar association opposition at the same -- at that time.
John Rosenberg:

Well, I wasn't aware of how bad it was really until I had been there for a little while. But the -- the president of our state bar association at the time in 1970 was a fella named Henry Stratton who represented the local hospital and many -- whose firm represented coal companies. When they saw the application, even from the West Virginia Technical Institute, that somebody had sent them, he wrote -- he wrote a letter in the Kentucky Bar Journal -- an open letter, which I won't -- which I have with me. But, just after reading part of the application and referring to the fact that we were going to work with groups and organizations in the -- composed primarily of residents of the target area who were eligible for assistance, he characterized that by saying, "This strikes me as simply a formal funding by the United States on a collectivist basis of legal services to people who may or may not have a legitimate complaint, but who, by mutual dissatisfaction, perhaps induced by the propaganda program, desire to harass local officials, the people charged with the responsibility of enforcing the laws, and other officials." And it's just a vitriolic letter. It says, "The United States government has been requested to donate $500,000 to a propaganda organization whose avowed purpose is essentially propagandizing so-called 'problems' in Appalachia." It's a very long letter. Of course, he takes issue with the fact that we represent environmental -- that we were concerned about environmental problems, and that there were regional issues of -- involving occupational disease.
Dennis Bricking:

He urged someone or some groups to basically defund your organization.

John Rosenberg:

Well, the -- he didn't want -- so "The program which sends lawyers hunting causes, propagandizing and soliciting clientele, runs counter to every tradition of the legal profession and should not be countenanced." This was printed in the October '70 Kentucky State Bar Journal. Then one of the faculty members of the -- at the law school, Alvin Goldman, who's still there, in September '70 wrote a response which went to Mr. Stratton, but the Kentucky bar -- a very articulate response -- taking issue with the article -- but the bar at the time refused to print the response.

Dennis Bricking:

Mm-hmm.

John Rosenberg:

At the same time -- you were asking me about bar hostility -- we were having some difficulties locally. And in 1971 towards the end of the year, I asked the local bar -- I sent a letter to the local bar association president and I called him and said that we needed to find a good way -- a fair system for referring clients to local attorneys if they weren't eligible for our services. His name was Cliff (?)Lata(?); he's still there. And so, he wrote me back and said gee, he thought that was a good idea, and he would appoint a bar committee to look into that. And he did. And so, the bar committee met. And, instead of coming back with a resolution about how we were going to resolve these problems, they resolved that we should not -- we
should not be authorized to practice law in Floyd County without their approval and that of the state bar association. So that was a rocky start. And then in 1971 -

**Dennis Bricking:**

Were you a member of the Kentucky bar at that point?

**John Rosenberg:**

Yeah.

**Dennis Bricking:**

Okay.

**John Rosenberg:**

Oh yeah. Yeah. Well, we were practicing in their courts. Our lawyers -- by then the lawyers I hired were J.T. Begley and Mort Stan were practicing in Floyd County. We weren't having any difficulties. Although these problems were there, and they were the philosophical difficulties. And I think having filed these major lawsuits, especially those involving the coal companies, were -- that's what we were seeing. There were also older lawyers, who'd been there for a long time, who -- like those in other parts of the country -- would argue that all the problems of the poor can be taken care of by them and that they provide free legal services all the time. Then in '71, they also sent -- the bar sent up a letter opposing the re-funding of our -- the first year's grant was for -- the first grant was for 15 months. And in '71, after that, we were -- AppalReD was re-funded again for one year into 1972. But they did float the application around as a result of this -- these
complaints from the bar as much as anything. There were some other meetings with local bar -- with state bar leaders about the bylaws of AppalReD in West Virginia, and that sort of thing. And they did send the application out to the various OEO-funded agencies and the state agency. And in one of the other -- after this OEO election -- after this OEO program I was telling you about that we had rep -- the welfare rights program -- one of the things that was supposed to be done was, the new board was supposed to have client board members who were democratically elected. And, when they came around to those elections, they were going to be sponsored by the state OEO office. And they sort of picked and chose, and they had an election without any notice. So we filed a lawsuit against the state OEO office -- this was the end of 1971 -- to require them to give adequate notice to everybody and to set up fair procedures for having this election. Well, they were -- and we got a consent decree in Franklin Circuit Court requiring these procedures to be set out. Well, they weren't very happy about that. So they wrote another nasty letter to Washington. So they had had --

Dennis Bricking:

I thought you were supposed to be on their side on all things because you were funded by the same source.

John Rosenberg:

That's right.

Dennis Bricking:

Mm-hmm.
John Rosenberg:

That's right. You know. So '71 was a fairly rocky year in that sense.

Dennis Bricking:

Well, under Nixon, obviously OEO went through a lot of changes -- the legal services program phase of OEO -- and you've mentioned Lenzner already. Are there others that come to your mind in terms of the interaction with your program and with legal services in general that you are aware of -- up to and including one of the more visible fellows, Howie Phillips, who I think came to the front in '72 or '73.

John Rosenberg:

'72. Well, probably after Terry, I think the next -- Fred Speaker took -- I think Terry and Frank Jones were fired by Donald Rumsfeld over various matters that are probably better discussed by others who were witnesses to all of that. In 1971, really not long after I came to Appalachia. And Fred Speaker, though, I think was a -- was still pretty supportive. And I was looking through some of these records - - through some of my old papers. And, even as late as November of '71 in an NLADA conference in Denver, he said, "Law reform must be a first mission, because the statute says so giving us the charge to eliminate the paradox of poverty." And in that he was promoting law reform, litigation, and legislative advocacy as being important for legal services to do. He didn't last much longer. I think he resigned. I'm not quite sure, but he was replaced by Ted Tetzlaff. And in 1972, as a result of various complaints from coal companies and others, about this
direct funding to the West Virginia Technical Institute that Terry had promoted, the -- these pressures caused OEO to start putting the pressure on to have us apply for funding directly. And so, in December of 1972, the AppalReD board, which was in West Virginia -- and also had some Kentucky members. Harry Caudill was on the initial board. David Short, who worked in my office and who was with air pollution at the time. It was a regional board. It had clients and attorneys from both states. Met in Kentucky. And at that time decided that they would apply directly to OEO knowing about this problem with the West Virginia Technical Institute. And there's a -- Ken (?Guido?), who was a faculty member at UK, subsequently became general counsel at Common Cause, went to Washington and talked to Tetzlaff and found that they would be sympathetic to a direct application. The problem, of course, already was that then it would have to be approved by Governor Moore. And -- but in Kentucky in 1972, we elected Governor Ford, now Senator Ford. So Ted Tetzlaff was replaced by -- was -- then Phillips came in to replace Rumsfeld. And he brought in Lawrence McCarty as the acting director of OEO.

**Dennis Bricking:**

Legal services.

**John Rosenberg:**

Of legal services. And Phillip set forth on this agenda to dismantle the Office of Economic Opportunity and had McCarty as his henchman so to speak at Legal Services. What they first went after, of course, were the back-up centers. And
what we did -- what AppalReD did then -- while it sent this direct application forward, it asked for an extension to the Institute so that there would be some funding. Phillips had set forth this agenda of dismantling OEO and had written a memo that said that programs would be getting getting -- given termination grants. And so, we got an extension granted for the Institute to keep going. We characterized this direct application for AppalReD for the two states as a re-funding application, not as a new application. But there were lots of delays, and the program was running out of money. And so, we got this extension for four months. There were lots of calls to congressional people, visits to McCarty's office, and this four month's grant was coming to a close and would have come to a close in May '73. Then McCarty -- all the congressmen kept getting in touch with McCarty's office, see what's happening with this funding -- direct funding application. And I found there was a letter from McCarty in May '73 basically that characterized -- I thought I had it with me -- it characterized AppalReD as a back-up center and that they were only going to fund programs that provided services to individual clients. Interestingly enough, I guess I did -- I found this very nice memo, which is really a year earlier, but sort of tells you the beginning of the story from Howard Phillips to Ted Tetzlaff, which I think is worth reading. It says --

**Dennis Bricking:**

What's the date on it?
**John Rosenberg:**

Now, this is dated May, 22, 1972. It was actually a year earlier, but it tells you what was about to come. It says "Pursuant to your conversation on Friday, I reviewed the AppalReD grant package over the weekend. My main concern at this point relates to the fact that the work program materials concentrate on strip-mining, which is the principle issue in the West Virginia gubernatorial campaign. The Democratic nominee, J. Rockefeller, has a position almost identical with that of AppalReD, a position at direct odds with that of Governor Arch Moore." So there were political considerations in the works. And, of course, then Phillips went forward. And McCarty, they were basically, after -- I mean, their idea was not to go -- was not to re-fund us.

**Dennis Bricking:**

So was your funding suspended, or was it temporarily cut off -- or what happened?

**John Rosenberg:**

Well, during this four-months extension as the monies were running out, our lawyers were on half-salaries to try to stretch it out. We then -- in both states -- we then got Steve Pollock, who was my former boss in the Civil Rights Division at Justice -- former Shea & Gardner. We retained him as counsel. It was pro bono. And he sent a notice letter basically threatening OEO to re-fund the grant. The argument being that this was a re-funding application, not a new application. They characterized the application that had been made for direct funding as a new application. The negotiations that followed basically resulted in the split of our
program -- that Kentucky and West Virginia would be funded separately. There were -- it was fairly clear that the grant that Governor Moore had said had made it clear he would veto a grant. At least he didn't say it directly, but that was fairly clear to the parties. And -- whereas Governor Ford was fairly supportive. Larry Greathouse, who had worked for me in our program, was now then the legislative assistant to Governor Ford. He worked for him in the campaign. And we -- and the governor was sympathetic to getting us funded in Kentucky. And in West Virginia, the result was that West Virginia AppalReD was also funded at a much lower level. And they also funded at a higher level the beginnings of West Virginia Judicare, which were much more in keeping with the philosophy of doing individual cases. This period of May of ’73 also -- between May and July -- was the period that -- of the federal court hearing in which the federal judge invalidated all of Phillip's regulations and efforts to begin to do away with all these programs.

**Dennis Bricking:**

As well as his appointment.

**John Rosenberg:**

As well as his appointment. Invalidated -- said his appointment was illegal. There are these memos that he and McCarty had written that said that these original goals of legal services programs would be -- would no longer be enforced. I thought it was interesting, because it's worthwhile even thinking today that these original goals of the program -- law reform, economic development, group
representation, individual legal services, and community education -- are really
good goals to keep in mind today.

Dennis Bricking:

Those were the original goals that Sargent Shriver put in.

John Rosenberg:

Those were the original goals -- they were in the evaluation handbook, 1973
edition. I guess it did start with Sargent Shriver. And in this memo dated June 25,
1973, they were rescinded. I guess I might mention too that the GAO report,
which we had mentioned earlier, just to mention that -- came out as a very -- as a
very favorable report. And even the General Accounting Office in 1972 -- let me
see, where is that thing? Had said that we were meeting our goals of providing
quality legal services to the greatest possible number consistent with the size of
the staff, educating target-area residents to their legal rights and responsibility.
Ascertaining what rules of law affecting the poor should be changed to benefit the
poor and to achieve such changes through test case and appeal, statutorily reform,
or changes in the administrative process. Serving as an advocate for the poor in
social decision-making process, and assisting with formulation of self-help groups
such as cooperative purchasing organizations, merchandising ventures, and other
business ventures -- that this is the GAO recognizing these as legitimate objectives
of legal services programs.
Dennis Bricking:

Or at least following through by saying that that's what OEO had told programs to do up to that point and that you were doing that. And then you had this memo dated about the same time that rescinds all those objectives and basically, what does it replace it with, if anything?

John Rosenberg:

Oh. Well, it says the goals -- let's see, it says -- "Legal services program has only one major goal and therefore only one overriding objective for line attorneys and back-up attorneys employed in the program provide quality legal services in non-criminal matters to individuals who meet eligibility criteria established by the Office of Legal Services who are otherwise unable to afford counsel including education, advice, representation, litigation, appeal. Law reform will no longer be a primary or separate quote 'goal' of the program." And then it goes on.

Dennis Bricking:

Mm-hmm.

John Rosenberg:

But, of course, those -- luckily and happily those things were all invalidated. And, within a year, I think in May of '73, we were all hoping that by the end of the year we would have a Legal Services Corporation Act. As it turned out, the president vetoed it that year. And then we were -- the act was passed in July 1974. So that kind of takes us --
Dennis Brickling:

So you were right in the middle of the controversies that were swirling across the nation because of Phillip's efforts to completely defund the operation and to eliminate it, or at least to restrict its activities.

John Rosenberg:

Right. Yeah.

Dennis Brickling:

Now, are there other memories that you might have either about OEO or about the work of AppalReD as it developed into an independent Kentucky legal program that focused on the time -- '72, '73, '74 -- when OEO was still in charge of your funding?

John Rosenberg:

Well, as it was -- as you go back and start to look at this history, I realize I forgotten -- I've forgotten how concentrated a lot of this activity was and how -- and it was really, I think, amazing that the few lawyers at the time that we were able to do it. And the reason we were able to do it, I think, is that initially we had the support from Terry and we were independent and we were able to do these things, which is exactly what the Legal Services Corporation Act attempted to do. And I think it's interesting in this Fred Speaker speech where he goes -- promotes law reform and says, "You have to keep going." That he says, "Even the Act may not solve those problems for us; that they're going to continue to be with us; and that we're going to have to keep working on them." I was also -- I think the other
thing that going back brought into this period brought home to me is that many of those problems are still with us today -- certainly in Appalachia. I mean, we still have -- it's still a single-economy area. We have enormous poverty in these counties. We still have the environmental problems. We are slowly dealing with problems of out-of-state land ownership and fair ways of assessing unmined minerals and getting that money into the communities. And now where people 20 years later are calling for a trust fund to be set up by severance tax on coal -- which actually was one of the original AppalReD goals -- the -- I thought that these original goals, objectives, when AppalReD was begun in re-shaping institutions and organizations to serve the interest of the people or region, far-reaching and basic reforms to utilize enough of the wealth flowing from extraction of the nation's natural resources, to finance in so far as possible, institutions and services essential to a mature, dignified, comfortable and civilized society and an end to poverty, social injustice, discrimination, and the alienation of the poor, the black, the worker, and the young from American society.

**Dennis Brickling:**

Nothing timid about those goals, were they?

**John Rosenberg:**

No. No, they were just -- you can understand why Henry Stratton --

**Dennis Brickling:**

That's right.
John Rosenberg:

-- reacted to them.

Dennis Bricking:

Upset. Now, we talked a good deal about the controversy and the opposition. Tell us a little bit about then and since that time in terms of the allies you had at OEO - - and, for that matter, I know you remember well Dan Bradley, Clint Lyons, and Bucky Askew and their work at the Atlanta regional office. And how did that help you, and how did that sustain you over the years?

John Rosenberg:

Well, Dan -- as I said Dan and Bucky came down initially with Terry. So -- and helped really to -- helped get this program funded. And you asked me earlier if they'd come back. After I went to Florida and was thinking about coming, they did -- Bucky was telling me -- make another trip here to try to bring these two groups together and to negate some of this hostility that had developed in Kentucky. Then Dan was really -- and Bucky especially -- but Dan was -- initially when we first became independent in Kentucky, Dan, when he was the regional director and was very supportive -- and one of my first con --

Dennis Bricking:

Out of Atlanta?

John Rosenberg:

Out of Atlanta. And my first contact with the Southeastern Project Director Association where there was a meeting in 1973 -- either in late in '73 or early 1974.
And so, from then on, I was on the phone with Dan. And he had his ear full of our local problems. And, of course, from then on was so great at helping us minimize local opposition. I think you probably remember that in 1980. He came to Kentucky and we had a meeting with the bar leaders because -- to try to deal with continuing complaints about legal services. The expansion years -- when we expanded in 1978 from three offices in my program -- from three offices, well, by 1980 to the ten we have -- we had a lot of flack around the state. You remember western, getting Western Kentucky Legal Services started and the opposition by the then -- our President Bill Rummage and others. And there was a meeting that Dan came to, in which we basically decided to set up the public interest law section. And where I think there was an agreement that, if there were substantial complaints, they would be funneled to the programs. And there was this provision in the Legal Services Corporation Act to have an advisory counsel at each state level. And that we talked about getting that set up and using that as a mechanism to bring the complaints to us first to see if we could resolve them before they were sent on to Washington. And Dan had -- was really helpful with that. And Bucky, of course, came up to help us with the problems in getting Western Kentucky Legal Services started. You were at that meeting in Owensboro. You and I both had gone out with some others to start to set up a board for Western Kentucky Legal Services. And when Bucky got out to Owensboro, there was this hornet's nest to greet him -- they were opposing the start of that program.
Dennis Bricking:

They didn't want another AppalReD in that state I recall.

John Rosenberg:

Right. "What's an AppalReD?" I -- but there were people out there like John Stanley Hoffman, who'd been commissioner of reclamation in Kentucky, who had become really supportive of the program. And we, I think -- generally we had built a lot of support locally and even at the state bar level to what we were doing. I mean, the state bar support, as you know, has come really very slowly, but all the same when by -- I think Dan probably even helped us more than we knew through a lot of the basic on the telephone, talking to bar leaders, because eventually we did get these prog -- we did get all the programs set up. And get someone screened, he could listen to them and have this marvelous way of dealing with hospital people. I visited him, of course, later on several times after he became president of the corporation and sort of stayed in touch with him and admired him greatly -- as we all did -- Bucky and Clint first came to eastern Kentucky on -- well, I don't know "first came," because Bucky had already been there. But they came for a monitoring visit, I think in the late 70's. And I think it was an eye-opening experience for them. I took them out to David and to -- around the area. So they had pretty good knowledge of what we were doing. And I -- I think I probably will second what anybody else ever had to say about both of them as being such wonderful leaders and such a great influence and such support and always being so very helpful to us and being so understanding of what problems
we were having in the field. And, of course, you were in Kentucky when you and Jim (?Core?) and I put together this application for a state support grant. And either 1978 or 1980 when Bucky was regional director and funded that state support entity for the first time. It's still -- from that day on it has continued to do basically what we put forth in that application for training and legislative advocacy and for substantive work and energy and for task force development and for coordination.

Dennis Bricking:

Mm-hmm.

John Rosenberg:

So he has really done a great job. And, of course, I think the work he did in NLADA helping to have us be ready for monitoring visits, it's something that we'll probably never be able to repay him for.

Dennis Bricking:

Are there others -- other personalities that bring strong memories to your mind about people you worked with in the southeast region that you'd like to share with us?

John Rosenberg:

Well, I think the -- we've been really fortunate in Kentucky, I think, because all of us -- because some of us have been together for a long time. And I think the associationships that I've had with you and with Bill Mains, who used to work in my program as a director of northeast and Dick (?Culles?), who runs the northern
Kentucky program especially and even -- and then Scott Crocker, who's in Cumberland Trace, has been there for a long time now. I think the people who have been in my program over the years, the names would be -- it would take a long time to name them all, but several of them now are professors in law schools -- Chuck DiSalvo and Bob Bastress and Dean Rivkin -- who I'm happy to say are doing public interest work. They're teaching clinics. They're staying -- they're still involved with corporation work. I just talked to Chuck last week. We had a meeting with -- was in a meeting with Congressman Staggers and trying to get him off -- her last -- off those restrictions and helping -- and getting him to be a little more supportive of this -- of the current amendments. I don't know if I started mentioning them all. I noticed that we had Joan Lieberman on this list of people. And I think that she was a real revelation to me coming out from the department of justice and getting into legal services and having me and other managers develop some sensitivity about our thinking in terms of how we deal with staff and priority-setting. It seemed to me she put on several (?)sews?) -- that her presentations were so unique -- at least for me -- in terms of the way I could be, ought to be thinking about problems in my program and how to deal with them. And everything from interrelating staff or doing priority setting or the timeline that we did for the history of legal services at the project director's meeting here at the Don a few years ago. I was talking to Victor -- I think the timeline is from -- probably could go around this room, but where we sat around for an hour or two and did sort of what we're doing now and highlighting various important events in
the development of the legal services and what that should mean to us as -- currently. But I think that -- I haven't seen Joan in a number of years. But I think in terms of people who really sort of had a real influence on your management style or the way your program runs. I think she also did a -- was in charge of the first project on -- this training on non-profit accounting without financial managers when the '81 audit guide came in. It was really terrific.

**Dennis Bricking:**

With all of the opposition and crises during the beginning days of AppalReD and legal services in the mountains, what then -- and over the years -- has kept you interested in staying as a leader in this business of social justice?

**John Rosenberg:**

Well, I think probably two major things. One is, it's -- I don't know of a place where you can work with more committed people who are united in trying to make lives better for our clients. And in the work that we're doing. I mean, I think what we do is important, and I think that we can make a difference, without making that sound too vain. But I think this -- it is a wonderful way to spend your life and to see that you are helping clients -- helping our clients make their lives better. And then I think we're having some real effect in some of the -- particularly in the areas that deal with state agencies and governmental units that -- in making sure they do what they should be doing correctly. So I don't know of anything I guess I'd rather be doing than what I'm doing. And I'm not getting tired of it yet. I think it's the association that we have with our coworkers is really pretty unique. So.
**Dennis Bricking:**

That's good. Anything else you'd like to add at the end of this interview?

**John Rosenberg:**

Well, only I think that we haven't talked much about recent day -- about where we've come. And that, even though since the Reagan years we've shrunk, we're still at it. And we managed in my program to have these ten offices, which now maybe we'll get staffed up again. But that, despite everything, we're much bigger than we were in 1971. I think we have -- we've weathered the storm and legal services nationally. And we are getting still very exciting new people into legal services that are excited that want to do this work that are enthusiastic. And I'm pretty optimistic about the future. But I was -- I think it's really worth looking back at somebody like Fred Speaker, who was a Republican director of legal services but who was on the right side of things and who -- what he said in those days back then is still true today that we have to, even though we thought the Legal Services Corporation Act, when it passed in 1974, was a solution to our problem, would take care of it, here we are -- {audio cut off}. Well, this is just a little tail-end addition on Jan 24th. I'm without my glasses today, but I did want to add a few comments about some of the special people that I have been with -- had associated with -- and for whom I had great admiration. I think yesterday when the hour was almost up, you were -- I was asked about other memories. And there are so many over the 20 years that I've been in legal services that it's almost overwhelming to try to recreate and think back over all those and really look at
them in the detail that I try to look at for the early history of AppalReD. But I did want to mention that I think we all owe an enormous debt of gratitude to Alan Houseman who's been such an inspiration to me over the many years -- over all those years. Especially I think Alan is a lawyer's lawyer and in helping us to analyze the regulations and representing us in court and answering the many questions that have come up over the years. I think he's really a special figure that has sort of permeated all of the time that I've been in legal services all the way back to the regulation-writing days with the umbrella group in the 70's after the Corporation Act was passed. Thorns Craven has been an inspiration, I think, to all of us in this region. Going back through the early-year material looking back at the history of AppalReD, I came across those memos from Thorns in 1973 when we were -- when we had organized action for legal rights and were trying to pull together contributions from around our family to support Mickey Kenner and Mickey Bennett in Washington, who were our lobbyists on the spot representing the field trying to get the LSC Act passed and that's now been 18 years. And Thorns, I think, is someone that has also stayed with us through the years and been an example in an untiring way keeping that commitment going and keeping people in the field informed and being an example to everyone. There are certainly many others in the Southeast Project Director's Association with whom -- whom I admire. Ashley Wiltshire and Neil McBride among them. I've already mentioned the folks in Kentucky. Martha Bergmark for her special efforts both in our region and later as a -- the director of PAG and now being in the civil division. I was
thinking back to the early years when Dee Miller in New Jersey was such a leader in getting PAG off the ground and helping us mobilize as a community in the field. The same for Denny Ray when I first came to the southeast project director's meeting. I think Denny was already legendary here. I heard that he wrote -- read memos as he was driving in his car, because he never seemed to stop working and always was on top of the issues that were confronting all of us. So I -- I know that there are many people whom I have missed and that's the danger in asking someone about who their -- what their memories are. There are many of them in the later years that I don't think I'll go into today, but maybe we can have another session like this with perhaps a group of us to share those days that we talked about when we drew the timeline at the Don CeSar with Joan Lieberman those few years ago. And I just wanted to add that. I also wanted to add a very special thank you to Victor Geminiani for having gotten this project off the ground. Victor also was a real leader and seems to be able to fill in whenever something -- whenever a special person is needed even as the regional director in Atlanta for a number of years when we needed Victor. And I've always appreciated his support very much. And very much appreciate this project -- this oral history project that he's -- in many ways largely responsible for, since I know how important that has become even in my own area in Appalachia where oral history has been an important part of the preservation of that culture since I've been there. Thank you.