

## To Save Legal Services

If every American is to be assured of equal standing in the courts, it is essential that the attorney-client relationship be the same for an indigent person as for someone who can afford to engage a lawyer. That is basic in the canons of ethics and practice of every state and county bar association. It is at the core of numerous cases, civil and criminal, interpreting the meaning of due process of law under the Constitution.

Nearly ten years ago Congress authorized legal services programs to achieve this fundamental right with Federal funding. For the first time, millions of people were able to obtain adequate legal representation—directly as well as through class actions—provided by some 2,000 dedicated attorneys working in cities, rural areas and on Indian reservations. Legal services soon became the most successful Office of Economic Opportunity program in the country.

It filled a gap and was—and is—strongly supported by the American Bar Association, the major bar groups, and the law schools. Because of pressure by certain governors and Administration officials who sought to politicize and emasculate legal services, the Ash Commission on Executive Reorganization recommended that the program be removed from O.E.O. and be administered by a private nonprofit corporation. The fight in Congress now is two-fold: control of the corporation's membership and restrictions on the attorneys' ability to practice on behalf of the poor.

President Nixon vetoed an earlier version of the bill for a separate legal corporation because of limitations on his authority to appoint all its board members. In a major concession during House debate, the new bill would give him the right to appoint all eleven members of the Legal Services Corporation, subject only to Senate confirmation. This concession might be acceptable if the rest of the bill did not place a long list of don'ts on the rights of Federal anti-poverty lawyers to represent their clients.

Unless the Senate succeeds in stripping away these restrictions, future legal services lawyers will not be able to serve as real advocates for the poor. The House bill would bar such fundamentals as university-affiliated research and legal backup-centers for appellate work. The attorneys would not be able to represent clients in certain cases involving abortions, military service, school desegregation matters, voter registration and voter rights, or in the whole vague and political area of cases dealing with social reform.

If Federal attorneys are barred from legal activities on behalf of the aged, juveniles, consumer and welfare groups, agricultural and day care cooperatives, etc., they will be unable to live up to the canons of their profession. The corporation will become a shadow of its present self. The young attorneys who are willing to dedicate their careers to public service will turn away from community law. Without a strong effort in the Senate to create a true legal services corporation, the poor will be back where they were a decade ago—without equal justice under law.