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## MIE INTERVIEW A CONVERSATION WITH HILLARY RODHAM CLINTON

By Victor Geminiani

*At the time of this interview, Victor Geminiani was the Executive Director of Legal Services of Northern California. He currently is Executive Director of Lawyers for Equal Justice. Victor may be reached at victor@lejehawaii.org.*



*Hillary Rodham Clinton was born in Chicago in 1947. She received her BA from Wellesley College in 1969 and her J.D. from Yale University in 1973. She first became involved with legal services while working in the Hartford Legal*

*Services program as a student intern. She also worked during the summer months at the Children's Defense Fund (CDF) in Washington, D.C., and upon graduation from Yale became an attorney with CDF. In 1974 she left Washington to teach at the University of Arkansas School of Law in Fayetteville where she also founded the Ozark Legal Services Program. In 1975 she was appointed to the Arkansas State Advisory Committee for the Legal Services Corporation and became deeply involved in extending legal services throughout the state. She was appointed to the Board of LSC in 1977, and became Chair from 1978 until 1981. Under her leadership, funding for LSC increased from \$125 million to \$321 million and access was achieved in all counties of our nation. She served as Chair of the Board of the Children's Defense from 1986 until 1991 and was Chair of the ABA Commission on Women in the Profession from 1987 until 1991. This interview took place in St. Petersburg, Florida on July 21, 1991 as part of the National Equal Justice Library's Oral History collection.*

### **VICTOR:**

I want to thank you on behalf the Southeast Legal Services Region and the National Equal Justice Library for making this opportunity available. You



have made major contributions to legal services for low income Americans through the years. We are very much interested in the stories and tales that you have from those years and most importantly the lessons that you can give us. Would you tell us a little about your background?

### **HILLARY:**

I was born in Chicago and raised in a suburb called Park Ridge and attended public schools there. I then went off to Wellesley College where I received a BA. I received my JD from Yale Law School. While at Yale I started working in legal services with the New Haven Legal Services Organization, which had been one of the very first Ford Foundation Model Projects. I guess I've been involved both directly and indirectly with legal services ever since.

### **VICTOR:**

What period of time are you referring to?

### **HILLARY:**

I graduated from Yale in 1973, so it was the late 1960's early 1970's.

### **VICTOR:**

Did you form any impressions of legal services during your time at Yale while working with the New Haven program?

### **HILLARY:**

Oh yes, I was very impressed by legal services. I was impressed by the commitment of the lawyers. It seemed to me that legal services represented what the profession should be about. There was a core of very good people who were full time legal aid lawyers in the office in New Haven and then there was a very active clinical program at Yale that interacted with them. It was very

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exciting and gave me a real insight into the problems of the low income and the way the legal system actually worked as opposed to what I was being told in the classroom. I learned a great deal and made a lot friends that I still have to this day.

**VICTOR:**

What did you do after graduation from Yale?

**HILLARY:**

When I graduated from Yale I went to work for the Children's Defense Fund (CDF). I had interned for CDF when it used to be the Washington Research Project. That was another way I was combining legal interest with my public policy interest. During my very first couple of months, while starting law school, I had met Marian Wright-Edelman who was also a graduate of Yale. I worked for her off and on during my time in law school. While at CDF I worked in several areas. We did education and juvenile justice law reform work in places like South Carolina and Massachusetts. I stayed with the Children's Defense Fund until January of 1974 when I received a call from John Doar, who had just been asked to head the Nixon impeachment inquiry staff for the House Judiciary Committee. Peter Rodino was the chairman of the committee. John was very close to Burke Marshall who had been on the faculty at Yale. He had called Burke and said he needed five or six grunt lawyers who are young and don't mind working 24 hours a day. Burke gave John my name and my husband's name — Bill Clinton, we weren't married then — and four or five of our other classmates. John called us and I went to work in Washington on the impeachment staff in January of 1974. That was an incredible experience. It had a profound effect on both my professional and political development. We really did often work 24 hours a day. When Nixon resigned, somewhat

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unexpectedly, on August 8, 1974 I decided that I would leave the east coast and not commit to doing anything for a while. I had been dating Bill and I visited him in Arkansas. He had gone right home to Arkansas when he graduated and began teaching at the law school. He had decided not to come to Washington to work on the impeachment staff. I had visited him once and had met the dean of the law school at a dinner party and the dean in a very expansive moment said, "Well, if you ever want to teach, call me." So about August 9th or 10th I called him and said, "Do you remember when I was in Arkansas at that dinner party? Is it a serious offer? Would you like me to come teach?" He said, "Sure, sure." I said, "What would I teach?" He replied, "I'll tell you when you get here." Three weeks later I show up and he said, "Well, I want you to teach criminal law and I want you to run a legal aid clinic. I also want you to run prison projects that provide legal assistance to prisoners in the federal and state penitentiaries. And by the way, I also want you to teach a trial advocacy course." I said, "Oh great, fine, when do I start?" He said, "Tomorrow." Several lawyers whom I had been introduced to that day took me to a bar meeting. I was being introduced to all the people when I was brought up to this legendary judge. The lawyer introducing me said, "Well, Judge this is the new lady law professor. She's going to teach criminal law and she's going to run a legal aid clinic." The judge looked at me and he said, "Well, I don't have any use for either lady law professors or legal aid clinics." I thought, "Good, here I'm really starting off on the right foot." The judge and I later had some real running battles. He's a man of very strong convictions and he didn't believe in legal services. He found all kinds of ancient statutes, I think going back to before the Magna Carta, which conclusively proves that you couldn't provide pro bono services for civil matters. We had all kinds of interesting encounters, but he gradually became used to the fact that legal services was there and was going to stay and grow. That was my introduction to teaching at the law school at Fayetteville, Arkansas.

**VICTOR:**

Did you ultimately receive funding from the Legal Services Corporation in order to begin the legal aid clinical program at Fayetteville?

**HILLARY:**

Yes. We started off with just the law school clinical program. It was on very shaky financial grounds. One of the first things I did was to go to the Arkansas Bar

Association to ask for financial support. We wanted to expand the legal services program with law students and add a couple of part-time lawyers if we could figure out how to afford that. It was very controversial. I had to speak before the executive committee and my friend the judge was there to speak against it. I was really heartened by the response of the bar, including a man who later became my law partner, Vince Foster. He was one of the main supporters of that very first request to the Arkansas Bar Association for funding. Once the law school program was on a firm footing, we began to gain acceptance from the local and state Bars. We then put in our application to receive LSC funding for legal services, and eventually the program became the Ozark Legal Services. The program was really built on the strength of the bar support for what we were doing at the law school.

**VICTOR:**

Was it difficult to begin a permanent legal aid program staffed with lawyers in that area?

**HILLARY:**

Yes, it was difficult. It was difficult for a lot of reasons. It's hard now to understand why we were so controversial, but there were people like the judge who were just philosophically opposed to legal services for the poor. There were some lawyers who were worried about competition for clients from the program although that fear was clearly unfounded. There were other lawyers who were worried about the salary I paid the clerical help in my legal services operations. I paid what I considered to be a fair wage, which was higher than what the market was paying elsewhere in the private sector. There were all kinds of concerns about government interference, economic pressures, and philosophical concerns that were expressed, but we just gradually built a very strong constituency. I did a lot of work speaking to bar and civic groups, and did a lot of interviews. We made a point of going out of our way to explain what legal services was and why it was really a fundamental right for people to have. We couldn't have done it in Arkansas or nationwide without the support of some enlightened and progressive bar leaders like we had when I started.

**VICTOR:**

Was there a reaction to the type of litigation that was proposed to be done by the legal aid programs?

**HILLARY:**

There was in other parts of the country. The battles in California and then later in Texas were particularly prominent. In Arkansas, however, we were just trying to get our foot in the door. We still had judges who wouldn't let us represent domestic or tenant matters. It was very tough at times. I remember one judge found a statue that had been on the books for over 100 years which said that if a litigant had more than ten dollars worth of assets then he couldn't be represented by any public money. We used to have to go in and argue all the time about the assets of clients. It took an enormous amount of effort just to get the concept of free legal services accepted. That was really the first part of our struggle. We didn't even get into a lot of the other issues about class actions or larger issues affecting peoples rights.

**VICTOR:**

When the Legal Services Corporation came into effect in 1975 each state formed a State Advisory Committee. I understand that you became a member by appointment to the Arkansas Committee.

**HILLARY:**

That's right. We began talking around the state with supportive private attorneys as to how we could expand legal services statewide. The Advisory Committee was in place and we began to work through that structure to expand legal services. At that time we had very scarce coverage. Most areas of the state had no legal services program. We had to really work together on the State Advisory Council to try to come up with the support that we needed to be able to expand the program throughout Arkansas.

**VICTOR:**

Were there any other goals of the State Advisory Council?

**HILLARY:**

I think our first goal was to try to provide access and at the same time ensure quality representation. We were really at the very beginning of making sure that we could deliver on what legal services initially promised which was that people would have their legal needs met. We wanted that available regardless of where someone lived. We were intent upon recruiting and retaining good lawyers and on building the private sector support. Those were the initial goals that we had. I think all of those have been achieved over time in our

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state and I would guess probably nationwide. Once we established the kind of infrastructure that was required, people who were doing the work full time started thinking about more creative ways to use the resources to handle more problems than we could on just an individual case by case basis. All kinds of issues about class actions and other sorts of remedies began to come to the forefront. We never had the level of intense opposition in Arkansas toward those remedies that a lot of other states have had and I think we are lucky for that. Maybe we avoided some of it by building the kind of private attorney support that we've had. We've spent a lot of time recruiting people to be on the advisory council, and visiting people who were not lawyers, but who had leadership positions and needed to understand what legal services did. We tried to shore up our strong support so programs could take a stance that might be unpopular but necessary. We spent a lot of time explaining why certain actions were taken.

**VICTOR:**

Shortly after this, you had the great distinction of being appointed to the Legal Services Corporation Board by President Carter. This was a very important transitional period for legal services in general. Can you tell me how your appointment came about?

**HILLARY:**

I think it came about because both my husband and I got to know Jimmy Carter and worked for him in his 1976 presidential campaign. Actually, I worked full time after the nomination until the general election, as did my husband. We had known him since probably 1973 or 1974 and had met his key advisors, Jody Powell and Hamilton Jordan. After the election I was approached to see whether I wanted an appointment that would fit with my work. By then I was a private lawyer and living in Little Rock. An appointment to the Board of the Legal Services Corporation just seemed like a perfect match for me.

**VICTOR:**

In 1978, you succeeded Roger Cramton as Chairperson of the Legal Services Corporation. Can you tell me whether there were issues involved in that transition that you remember?

**HILLARY:**

When I joined the Board in 1977, it would probably superficially have looked like a split Board because there were a number of appointees like Roger or Glee Smith who had been appointed by either President Nixon or President Ford. Most were Republicans and they were conservative. I found them extraordinarily helpful and useful in my transition coming on to the Board. I thought that they really had the right attitude toward legal services. They may have approached their position with whatever conservative political philosophies they brought to the Board, but foremost, they were lawyers with a sense of professional responsibility. I found working with them very gratifying. I didn't really think that either the transition onto the Board or the transition from Roger's chair to my chair opportunity was at all rocky for the Corporation. It's been a great regret to me that the Reagan and Bush administrations have gone out of their way to find people who didn't have the same kind of commitment to legal services. It was a real gratifying experience for me.

**VICTOR:**

Did you have a particular vision or particular goal you wished to accomplish when you took over as Chairperson?

**HILLARY:**

We all wanted to expand services. We still had not reached the point where access was a reality to most people in the county. The entire expansion effort that we undertook was aimed at providing that. We were also very interested in making sure that the delivery systems in place were the best ones available and that they were the most cost effective. We wanted them to provide quality services for clients, meet clients needs, and be rooted in the communities in ways that would withstand any political pressure. We were looking at access, and at quality, and we were also concerned about trying to figure out how to support the lawyers. There was a tremendous amount of discussion when I was on the board about the whole support system, the national centers, and how we would provide the expertise that lawyers on the front line needed to do their jobs. That focus was part of the quality and expansion debate because we believed it important not to spread the program so thinly while we were trying to provide access. However, if we were to hold up expansion until we were absolutely sure that the quality was in place and the backup systems were available, then that didn't make sense either. Meshing those two goals together was really what we spent our time doing.

**VICTOR:**

You were chair during the most dramatic period of legal services growth in our nation's history. I think Gerald Ford's budget for LSC was \$96 million. During the four Carter years the budget went from \$96 to \$321 million. Can you remember any particular issues that arose because of that dramatic expansion effort?

**HILLARY:**

We wanted to be good stewards of both the services that were provided and the monies that were spent. We spent a lot of our time trying to make sure that we could spend the money that we were requesting in a really effective manner. When I left, the budget was at \$300 million and it still is approximately at \$300 million. I think that probably the thing that we accomplished best was to expand rapidly, but do it in a way that has withstood the political challenges of the last decade. As everyone knows, legal services has been the favorite whipping post of the Reagan and Bush administrations in terms of trying to decimate it, if not eliminate it. I'm very pleased that the way we expanded services, I think helped save legal services. What we were able to do was to expand broadly enough so that we gave many, many more people a stake in the future of legal services. We established services in all the congressional districts and we developed constituencies around legal services because of our expansion. We were then able to build a much stronger support for the program in the face of the incredible political attacks that it has undergone in the years since I left. I can't say that we sat down and foresaw Ronald Reagan and what his administration was going to try to do to legal services, but we did think through how we wanted legal services to be institutionalized, to be a part of as many communities as possible. The expansion was very important to achieving that. I'm really glad that we got it done as quickly as we did and we got it done with relatively little legitimate opposition. There was a lot of political back and forth and rhetoric. I think by and large it was done in a very professional manner and it was done in a way that really helped the program.

**VICTOR:**

Much of the expansion was in difficult areas to expand into because of the unserved areas that were existing in the country during your term. The southeast, midwest and much of the southwest was still uncovered. There was some political controversy as we moved, with such dramatic growth, into areas where opposition at sometimes had been strong.

**HILLARY:**

Yes there was. We had a number of marathon meetings with a lot of people showing up from communities, making their views known and repeating a lot of the objections that legal services had heard for years before. We were lucky in that, I don't think anybody could really accuse either the board or the LSC staff of being irresponsible in the way that we proceeded. There was a great deal of very thoughtful planning that went into the expansion. I think Tom Ehrlich, Dan Bradley, Bucky Askew, Clint Lyons, and the people who were there really had a good understanding of how to manage that kind of growth, especially in the areas that were not naturally friendly to the concept of legal services. We had a number of people like myself who had experienced expanding into an area where there was not a natural constituency. We'd learned a lot of lessons and we knew how to go about doing it. So, yes, it was hard. There was opposition, including speeches on the floor of the House and resolutions in local bar associations. Given the highly professional way the Corporation proceeded, fortunately we were able to deal with that. I give the staff a tremendous amount of credit for that accomplishment.

**VICTOR:**

Three of the four names you mentioned were people that had substantial field experience. Did the Board emphasize an attempt to bring people into the Corporation who were familiar with the delivery of legal services, and were they aware of the potential problems of doing the same?

**HILLARY:**

I think both. I think we wanted people who had a lot of experience, but we wanted people who knew how to place their experience in a broader context. It wouldn't have done us any good for someone to say, "Well, this is the way we've always done it in Fayetteville, Arkansas and this is the way it has to be done in Atlanta, Georgia and Albuquerque, New Mexico." We wanted people who were rooted in their experience, but had much broader horizons than that. We also wanted a mix of people who were not out of the legal services world. People who didn't have that immersion, who could look at it maybe with a little bit more objectivity and ask some of the hard questions. We looked deliberately for a mix and often debated that among ourselves. When we made the transition, for instance, from Tom Ehrlich as President to Dan Bradley we discussed at length what kind of person we wanted with what kind

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of skills. I think we were hoping to find somebody who had some experience in a lot of different arenas, not just in legal services, but who could handle the inevitable political issues arising from that kind of rapid expansion.

**VICTOR:**

There were at least two other major issues that the Legal Services Corporation Board dealt with during that period of time. There were the Delivery System Study (DSS) which analyzed a variety of different systems that may be possible for the delivery of legal services and the 1007(h) study, that was mandated by Congress to research the access problems of particular constituency groups, such as the Native Americans, the elderly and those in sparsely populated areas. On both DSS and 1007(h), do you have any memories of the Board deliberations, or of the issues that were considered as you progressed through those potential minefields?

**HILLARY:**

Yes. I remember the discussions around the two studies were endless. My memory is that we were being shipped thousands of pages to read on a regular basis. I think that 1007(h) was a real gift from the Congress to the Corporation because it basically defined the access problems and gave us an opportunity to say, "Well, gosh, the Congress wants to figure out how to take care of elderly people, or how to deal with Native American problems." That's part of our mandate because Congress asked us to figure out how to do a better job at serving those under-served groups. So, it really fit well with our expansion strategy. It also made us ask a lot of hard questions such as how do you serve people who were more difficult to serve and what can we learn from looking at this effort that would make our whole efforts at service better. So I always saw the 1007(h) study as a very useful tool in helping not only to guide our expansion efforts, but also to legitimize them. We used the study a lot in that manner.

The Delivery System Study was more internally generated. People wanted to know that the way that we were expanding legal services was the most effective way to deliver those services. Maybe we should look at some other models, or should try some hybrids. I don't know that anyone who comes to legal services with any preconceptions would ever be satisfied by any

kind of delivery system study. If you come believing that fulltime lawyers are necessary, back up centers are necessary and the whole support system is necessary, a study is not going to convince you that is not the case. If you come believing that all of that is nonsense then you wouldn't support it. So the delivery system study got really mired down in a lot of back and forth about what would and wouldn't work and how we were going to evaluate various models. At least it laid out a framework for thinking about the delivery issues. For me it was a very useful exercise. I always regretted that it wasn't continued, in what I would consider an objective manner, after the Reagan administration came in. I wouldn't mind trying some different kind of delivery system models. I wouldn't mind continuing to be entrepreneurial and experimental in how we deliver legal services. I would want the people doing it to be committed to the idea of delivering legal services and not viewing that as a way of beginning to eliminate the delivery of legal services. So the delivery system study never really filled the promise that it had from my perspective.

**VICTOR:**

There were a number of divisions within the Legal Services Corporation, including Office of Field Services, the Research Institute, the Office of Program Support, Government Relations, the Presidents office, and the General Counsel's office. Each had a variety of issues that they had to grapple with internally and with the Board of Directors. Did you have a view of staff relations and Board relations during that period of time?

**HILLARY:**

I thought they were pretty friendly and supportive. I didn't really believe there were any conflicts between the Board and the staff that were outside the ordinary sort of give and take that boards and staff have. I didn't see any effort by anyone undermining the work of the other. I didn't see any disrespect. I thought that the relationships among the Board members and the staff on the issues that we interacted together on were very good and on very positive terms. Partly, I suspect, because we were all "singing out of the same hymn book." We might have disagreements about the best way to deliver legal services but we all wanted to deliver legal services. That was our common bond. Even when we were a split Board in the sense that half of us were appointed by a Democratic president and half of us were appointed by a Republican president — that was all

part of it. We would have some great arguments and disagreements. I never felt that anybody was acting in bad faith during the time that I was on the Board. I never felt that any of the staff were doing their jobs for any reasons other than to promote legal services as they saw it. We might disagree, but I never had any opportunity to question anybody's motives. So that was very good for me.

**VICTOR:**

The President of the Corporation in your early years was Tom Ehrlich. Do you have memories of Ehrlich in terms of style, goals or vision?

**HILLARY:**

He was remarkable leader for legal services because at first blush he was the most unlikely person to be the President of the Legal Services Corporation. He was an academic who wore bow ties and he came out of a kind of eastern establishment view of the world. I'm sure people thought, "What is this fellow doing running legal services?" He had such a strong intellectual capacity to envision the whole concept of expansion which really helped shape and drive it when many others would have thought it was foolish to move at the pace we were moving. He had a very effective manner in dealing with problems and conflicts. He was very respectful of everyone, even if he thought that it was the dumbest idea that he'd heard all day. He was unfailingly respectful and very willing to listen for hours and hours. But he had a real backbone about what he wanted to accomplish. He was very intent upon achieving his goal for legal services, which was expansion with quality. He did an excellent job, I thought. I was very impressed by the way he handled himself all the way through my association with him.

**VICTOR:**

Dan Bradley, who had been a lifelong legal services attorney in a variety of different capacities, succeeded Tom Ehrlich as President of LSC. Did his style or his vision differ in any way?

**HILLARY:**

I think Dan was a very different kind of leader than Tom. I think he was equally effective under some very hard circumstances. Tom had helped lay the ground work for this tremendous expansion. Dan came in when a lot of the implementation had to be done and also a lot of the justification. I think that a lot of people in Congress woke up and said, "My gosh, we've qua-

drupled their budget. Who are these people?" Dan had to spend countless hours walking around the halls of Congress. He spent a lot of his time and energy justifying what we had done and explaining it to people. Dan was a passionately committed person to justice and fairness and really lived that. His sense of personal involvement in legal services was much more on the line than Tom's more objective view about what needed to be done. They were really a contrast, but they really complemented each other. This is especially true with Tom leading the way with the conceptualizing and the planning, and then Dan understanding the nitty gritty and trying to make it happen, and then going around defending it when necessary. So I thought that I was really lucky to have served with both of them.

**VICTOR:**

Were there any other particularly strong memories you have of any other individuals? I know you met so many during that period, does any one individual really stick in your mind?

**HILLARY:**

I have so many mental pictures. I remember so many long meetings that our Board had. They were better than the long meetings that are currently held by the Corporation. We spent our time listening to people and learning from them. I can remember some marathon meetings that we had at George Washington University and San Diego, and all over the country. I just had a lot of respect for the people who were out in the field at this time because the changes that were occurring were difficult for everybody to deal with. There was just a lot going on. The Corporation had to demand a new set of management responsibilities and performance requirements because of all the money that was rapidly being spent. We had to make sure that we could justify how it was being spent. A lot of people had some hard transitions to go through. I remember a lot of the folks that were out there. Probably the people that I've spent the most time with were people who were on the staff trying to help manage this incredible expansion. I've already mentioned Bucky and Clint, who did superb jobs. I thought Mary Bourdette was a wonderful lobbyist for the Corporation during some very, very hard times. There were so many people there who, I thought, worked just above and beyond the call.

**VICTOR:**

Bill McCalpin, who was on the Board succeeded

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you as chair. Were there transitional issues that you saw occur during that period of time?

**HILLARY:**

In my view Bill McCalpin is just one of the heroes of the legal services movement. He has, as much as any private lawyer in the whole country, assured that legal services always had a hearing at the bar, at the Congress or in the state legislatures. I don't think anybody missed a beat when he moved from being on the Board to being Chair of the Board. He was so extraordinarily well prepared and committed to legal services. I just can't say enough about him. I think he has continued to play a very active role in defending and representing legal services. I don't know an adequate way to ever justly reward him for what he's done for legal services all these years. I wish that he or people like him had been permitted to continue on the Board because they really represented the best of the private bar.

**VICTOR:**

As you think back over the 20 years that you've been involved, from clinical courses at Yale, all the way through till today, can you tell me any final impressions you have about the strengths and weaknesses of legal services as it exists today? Are there things that you wish we would improve on or build upon?

**HILLARY:**

I think the most remarkable accomplishment to me is that in only 20 years legal services is so institutionalized and it has withstood the kind of political attacks that have gone on for half of its existence. I think that's a real tribute to the idea behind it and all of the people who've played a role in executing it over all these years. Its real strength has been the way it responded to a very significant need in society, but did so in a very effective and professional manner so that we were able to keep on doing business — and nobody has been able to stop us from doing that. The only kind of weakness that strikes me is the weakness that always happens

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anytime you have a large enterprise. You have to continually be willing to ask yourself hard questions about how can we do it better? Just because it worked in the 1970's doesn't mean it's going to work in the 1990's or the 21st century. Because we have been prevented from growing in legal services, there may not be as much new blood and new thinking as the enterprise may require going into the future. I would just hope that we would be able to continue to withstand the political heat and we would have an opportunity at some point to grow to meet the need that is still out there. The demand for legal services today is so much greater given the economic pressures in our society. I would also hope that we would have room for new people with new ideas so that we would always ask ourselves the hard questions that we tried to ask in the delivery system study: What's our purpose? How are we doing it? Are we doing it the best way we can? Are we meeting our clients needs both on an individual level and on a larger social level? As long as we have people who are willing to ask that, then I think we're in good shape.

**VICTOR:**

I want to thank you very much. You are a hero of mine. While I had the privilege of working in the Legal Services Corporation I observed you many times as you lead the Board through a number of very difficult decisions. You were a critical leader in a transitional point in our history and I very much appreciate your opportunity to tell us what was in your mind during those years and goals that you had. Thank you very much.