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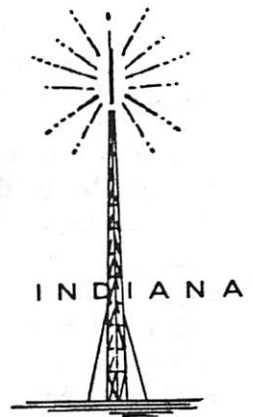
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DEAN MANION

# MANION

*Forum*  
SOUTH BEND, INDIANA



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## "PUBLIC MONITOR"

### A Practical Plan To Put A Check-Rein On The Run-A-Way Federal Bureaucracy

MR. HOWARD PHILLIPS  
Former Acting Director of O.E.O.

DEAN MANION: Last September 2, I introduced you to Mr. Howard Phillips, who had recently relinquished his Acting Directorship of the Office of Economic Opportunity. His description of that organization produced a flood of enthusiastic correspondence from people who wanted to hear more from and about Mr. Phillips. He is now directing Public Monitor, a most interesting project just launched by the American Conservative Union in Washington. Tell us about that, Mr. Phillips, and welcome back to the Manion Forum.



HOWARD PHILLIPS

Office of Economic Opportunity—O.E.O. During that period of time it became increasingly clear to me that elected officials in Congress and top Presidential appointees were largely uninformed regarding the great preponderance of bureaucratic activity, even that within their specific area of operations. I found that most of the decisions about the expenditure of thousands, even millions, of dollars are made without their knowledge by bureaucrats over whom they have little actual control.

MR. PHILLIPS: Thank you for having me with you again, Dean Manion, and giving me this chance to talk about Public Monitor, the new project on which I am working in connection with the American Conservative Union. The main objective of Public Monitor is to research and expose bureaucratic abuse. To the extent that our resources allow, we intend to monitor specific programs of the Federal government, to stay in touch with private citizens who will keep us informed of questionable activities which they have observed in their areas, to bring lawsuits to prevent wrongful practices and to lobby for changes in the law where they seem to be necessary to assure citizens greater control over the operations of their government.

You may ask why I happened to become involved in this area and how Public Monitor got started. Beginning in 1969, I spent nearly four years with the Federal government, concluding my service with five months as Acting Director of the U.S.

These decisions involve not merely the implementation of policies established by elected officials or by appointees accountable to them, but they instead deal with the setting of policy. The setting of policy by career civil servants who have partisan views of their own and who, because of civil service laws, are largely immune to discipline or dismissal.

Even worse than the fact that the bureaucrats can draft regulations and establish policies, they have great discretion to fund favored private groups, groups which are even less accountable to the public than they are, and which engage in a wide range of policy advocacy activities promoting concepts, ideas, policies that they happen to favor, irrespective of what the people of their area may favor or recipients of their services may favor or the Federal government itself—the people

whom we elect to run the Federal government and the people we elect to Congress—may favor.

The worst example of this bureaucratic non-accountability that I have come across is with the O. E. O. Legal Services Program. This operation spends more than 71.5 million dollars each year to subsidize a nationwide network of more than 250 legal services projects with more than 2,200 full-time, salaried attorneys, in addition to several thousand other employees who work in about 900 different offices around the country.

Because they have guaranteed annual salaries, the attorneys in these legal services programs are not subject to the same kind of market constraints that govern lawyers in private practice. They are able to use clients to further their own objectives for social reform. The client has no bargaining power. He knows that if he doesn't do that which the legal service attorney prefers, he may be without a lawyer. So very often he will acquiesce in something about which he is not particularly enthusiastic, and because there is no cost factor involved, because the attorney's salary is assured in any event, he has the time to organize test cases, to organize appeals, organize class action suits which may not be in the interests of particular clients but which the attorney believes are of collective value in furthering the social objectives which he favors.

Even worse than this kind of freedom from market constraints is the fact that the projects which have been funded by O. E. O. have been mandated by legal services officials in Washington, not simply to represent individual clients but to represent and, indeed, in some cases to organize groups, not just groups and individual poor people with a particular consumer problem or tenant problem, but groups of a political character, such as the National Welfare Rights Organization, the Black Panthers, the American Indian Movement, the National Tenants Organization.

In addition, many of these local legal services projects are governed by policy advisory boards which have among their membership, required in their bylaws, representatives of such groups as the National Lawyers Guild and the American Civil Liberties Union, groups which are by no means impartial in their social policy objectives.

Many of these legal services attorneys have been involved in registering voters, in lobbying for their points of view at public expense, not

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simply by drafting legislation, not simply by lobbying legislators and state legislatures and in the halls of Congress, but by working through private lobbying groups which organize direct mail campaigns, sponsor demonstrations, engage in boycotts and sometimes get involved in questions of serious civil disorder. For example, although this wasn't a group, it is true that legal services attorneys represented several hundred people who were arrested during the May Day disorders in Washington, D. C., and they represented them as juveniles, of all things.

### Promote Radicalism

These legal services programs publish partisan newspapers advancing their ideas. They are able to print them free—free to them but at taxpayer expense—distribute them widely through the mails, and they are able to use Federal funds to travel all over the country for purposes of organizing, training, having conferences and meetings. They are able to devote their tax resources to cases which will push causes like forced busing and quota systems. Some of them have followed a conscious policy of loading up the welfare rolls. In some cases children have been represented against their own parents in questions of whether or not the parents have the right to open their children's mail.

The attorneys have been involved in assisting student demonstrators, not just on college campuses but in high schools. They have been active in the prisons—flooding prisons in some cases with the most radical literature, organizing and assisting prisoners' rights groups and in a whole variety of other ways working to promote radical social change at the expense of American taxpayers. I think that if ever voters and taxpayers had a right to be outraged by a Federal program, this is the one.

But I am glad to say that there is still time to do something about it, Dean Manion, because on January 28 the United States Senate is going to be taking up a bill—S2686, the Nelson-Javits Bill—for a legal services corporation, which would ratify and even make worse the kind of abuses which have characterized too many of O. E. O.'s legal services activities. This Nelson-Javits bill should be defeated and replaced with one like the Brock-Helms plan, which would eliminate legal services abuses, make the program locally accountable, and make it one which is responsive to

individual clients rather than to the objectives of the attorneys who are paid to run the program.

I sincerely hope that each of your listeners will write to his or her senator urging defeat of S2686, the Nelson-Javits Bill, and support the Brock-Helms plan, which is a revenue-sharing approach to legal services which would place the greater opportunity for participation in the private bar. I hope your listeners will also urge President Nixon to veto any liberal legal services corporation bill which may reach his desk. The action on this in the Senate could occur very quickly.

Speaking again about Public Monitor, I'd like to point out that one of the disadvantages which Conservatives face in the area of public policy is that people on the liberal side of the spectrum have an almost automatic check-off of funds which is available to subsidize their activities. For example, Ralph Nader and some of his activities and groups have been subsidized by check-offs of student fees on college campuses. Labor unions are able to underwrite their political activities through the check-offs of union dues, and even groups like Common Cause, which rely principally on private funds, are able to manipulate the expenditure of Federal resources by the membership of key officials of their organizations on the boards of directors of Federal grantees.

For example, the Appalachian Research and Development Fund in West Virginia and Kentucky, which is an O.E.O. legal services program, has as its vice chairman, a top official of Common Cause. At his disposal would be the attorneys who are full-time employees of the Appalachian Research and Defense Fund, and I am sure that he and other members of that board of directors have an opportunity to set the priorities for that private grantee, which is funded with Federal funds, to further the policy notions in which they are interested.

Contrasted with that situation where so many of the liberal groups have access to public funds and have their organizations and their newsletters and their lawsuits subsidized by the Federal government, the Conservatives, whose views, I believe, are representative of those of a majority of the American people, have to raise funds on their own. The typical bureaucrat, in an agency like O.E.O. or H.E.W., has free access to materials, secretarial services, photographic and reproductive equipment and the like, all at taxpayer

expense. Organizations like Public Monitor have to rely on private contributions to pay secretarial help, to purchase typewriters, to pay for postage stamps.

But unlike people in the Federal bureaucracy, in some cases, we hope to make the most of the resources which are available to us, and to the extent that our resources permit, do what we can to make this United States government accountable to the people who pay for its operations. We hope to do that not simply by bringing lawsuits from a Conservative perspective, but by taking the opportunity to appear on programs like this and by having something that we call a Citizens News Service, which we will periodically publish and distribute to media sources throughout the United States. In that Citizens News Service we will document and list a series of facts about bureaucratic abuses which have somehow escaped attention in the major media outlets, such as the New York Times and the Washington Post, the wire services and the other network operations.

### Citizens Become Reporters

Since we cannot command the attention of the public through the mass media, we intend to go to the weekly newspapers, the radio stations and the small daily newspapers with the facts at our disposal, and hope that they will give some attention to them. One of the things which I discovered when I was at the Office of Economic Opportunity was that there is a surprisingly small amount of original investigative reporting going on in this country. As a consequence, many of the things which would underline and reaffirm the points being made by Conservatives throughout the country are ignored.

Since the liberal press is not doing the research, is not doing the investigating to dig out the facts which support our case, this is something that we have to do. We can't do it alone. The Citizens News Service will circulate the information which we find, but we are going to have to rely on individual people throughout the United States to send to us, through what we call our National Citizens Committee of correspondence, legal instances of bureaucratic abuse in their communities where they see a local community action agency or a legal services program or a H.E.W. project or housing project doing something of which they disapprove, or where they see it involved in lobbying activity or advocacy

activity. This kind of thing is against the law and it should be stopped.

Public Monitor will need the assistance of individuals throughout the nation. Here are some of the ways in which they can help. They can participate in our national committee of correspondence by sending pertinent information to Public Monitor in Washington; they can cooperate with our Citizens News Service by attempting to place Citizens News Service releases in publications with local media outlets; they can invite Public Monitor to send a speaker to a local organization; they can help us recruit attorneys who will volunteer some of their time to take part in taxpayers' suits against bureaucratic abuse.

DEAN MANION: Thank you, Howard Phillips,

for this good news about Public Monitor. If you ask me, this is exactly what our informed political doctors ordered long ago for the scientific disinfection of our bureaucratic public services. I want to commend you for the breadth of this clinical examination of the overweighted patient and for your concluding estimation of what is needed to effect the cure.

My friends, drawing upon his own intimate experience with it, Mr. Phillips has cased and measured the dimensions of what I and hundreds of other people have been complaining about for years and has come forward with a practical plan to do something constructively effective about it. Get a copy of this broadcast and follow his suggestions to the letter.



## MANION FORUM FOOTNOTE OF THE WEEK

After presiding over the funeral of the privately owned American Railway Industry, Congress now comes forth from the obsequies with a clever plan to dodge its responsibility for the death of the deceased. This pending bill creates something called the Federal National Railway Association. It turns out to be just another self-financing lending agency which will aim at raising one billion dollars in private capital markets in the form of tax exempt bonds. Thus, this is its own conservative estimate of the amount of money that Congress itself has drained out of the Railway stockholders' pockets by its regulatory strangulation of the American Railway system.

If Congress forthrightly appropriated one billion dollars to buy up the wreckage of the railroads from their

Trustees in bankruptcy, that would, of course, show up in the current budget as a badge of Congressional ineptitude, so the new Federal National Association is a Congressional ruse to get the money out of private investors with a hook baited with the magic of tax-exemption. No doubt the professional bond market men will gladly bally-hoo this big issue to the public as a tax saver, shelter, or whatever it takes to get the public to buy the remnants of the industry that Congress and the Interstate Commerce Commission helped to destroy. If it does, Congress will be encouraged to continue its death dealing regulating and subsequent bailing out the corpse according to the Federal National Railway formula.

But as my old friend Chick Sales said years ago, "That's a helluva way to run a railroad or anything else."

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