



## **NY Times, Bob Barr, Chuck Colson and NCC Agree: it's time to stop restricting legal aid for low-income families**



New York, December 13 2005 – What do the New York Times, former Congressman Bob Barr, conservative commentator Chuck Colson and the National Council of Churches have in common?

Usually not much. But they do agree on one thing: it's time to end a law that restricts legal help for poor families.

The law prohibits the use of federal grant money for certain types of legal representation and prevents legal aid organizations from spending their own funds unless they establish a physically separate office with separate staff, office space, and equipment -- a prohibitively expensive proposition.

On November 29, the NCC and 30 faith groups wrote to the chair and ranking member of the House Appropriations Subcommittee to call for an end to the restriction on legal aids groups who work primarily with poor families. [Here is a copy of the letter to Congress.](#)

The House Appropriations Subcommittee allocates funds to the federal Legal Services Corporation (LSC) that funds legal aid groups that make these services available to the estimated 80 percent of poor people who can't afford a lawyer.

On December 6, New York Times weighed in with an [editorial](#) calling on a three-judge federal appeals panel to reject an appeal of a federal district court ruling that the "separate facilities" rule is unconstitutional.



"The fact that Washington provides money for legal representation does not give it unlimited authority to control what lawyers say or do, or to restrict the use of private money so severely," the Times wrote.

Immediately after the Times editorial appeared, the Rev. Dr. Eileen Lindner, deputy general secretary of the NCC for Research and Planning, wrote [a letter to the editor](#) pointing out that there is more than one remedy to the problem.

"Congress, too, can fix this dangerous rule, which forces cash-strapped nonprofits to waste charitable donations on separate offices instead of on assisting the needy," Lindner wrote. "By acting, Congress will ensure that many more vulnerable, low-income people have access to legal council."

"It's time for Congress to stand up for those who without a helping hand from legal services organizations and the shared blessings of others have no place else to turn for legal help."

Yesterday, Barr -- perhaps best known as the Republican Georgia Congressman who led the campaign to impeach President Bill Clinton in 1999 -- said he agreed with Lindner and the Times.

"As a member of Congress in 1996, I voted for a series of restrictions -- which President Clinton signed into law -- that put a severe damper on the controversial Legal Services Corp.," Barr wrote in LegalTimes.com.

Unfortunately, Barr said, the physical-separation requirement "limits the work LSC grantees can do . . . Because setting up a separate organization with its own office, executive director, computers, copiers, and personnel costs so much, few organizations can bear the financial burden of complying."

The result, Barr concluded, is that "lawyers fighting civil legal battles each year on behalf of our nation's low-income families must turn away thousands of poor Americans who need legal help." See Barr's essay [here](#).

The NCC and faith groups couldn't have put it better. "Our faith calls us to advocate for the 'least of these' within our society, and to seek the common good," said Lindner. "The protection of the access to legal counsel for rich and poor alike stands at the heart of the commonweal and is consistent with our moral precepts."

Last year Colson, who was jailed for his Watergate crimes and later founded Prison Fellowship International, reached a similar conclusion. Prison Fellowship sent a letter to Congress expressing concern about the physical separation requirement. "Clearly," Barr wrote, "it's time for the broader conservative community to mobilize against this pernicious restriction."

In the Nov. 29 letter to Congressmen Frank Wolf (R-VA) and Alan Mollohan (D-WV), respectively the Chairman and Ranking Member of the House Appropriations Subcommittee, the NCC and other faith-based groups restated the claim that the compulsory physical separation imposes unnecessary expenses on legal aid programs and creates costly obstacles to private philanthropy. As a result, legal aid organizations are unable to help low-income people in a number of important types of cases even with non-federal funds.

In addition to being troubled by the harm this law inflicts on low-income people, faith-based service providers are concerned that if the physical separation model were to be imported into faith-based settings (as may occur if the government continues to defend this model in litigation and policy debates), the result -- equivalent physical separation of secular and faith-based activities -- would undermine the public-private partnership model that delivers important social services to low-income communities.

The so-called "private money restriction" interferes with the ability of legal services lawyers to help low-income individuals and families in a wide array of cases, including unlawful evictions, prisoner reentry, religious asylum, domestic violence, predatory lending, disaster relief, and many others.

"Our faith calls us to advocate for the 'least of these' within our society, and to seek the common good," Lindner wrote to the Congressional representatives. "The protection of the access to legal counsel for rich and poor alike stands at the heart of the commonweal and is consistent with our moral precepts."

The parallel effort to fix the private money restriction in the courts is led by the Brennan Center for Justice at NYU School of Law, which is representing three New York legal aid programs to challenge the constitutionality of the physical separation requirement.

A federal District Court judge ruled last year that the application of the restriction to the three programs violated their First Amendment rights to advocate for their clients. But the government appealed the District Court ruling in the case -- *Velazquez v. LSC* -- so the future of legal services for the poor remains in jeopardy.

Since its founding in 1950, the National Council of the Churches of Christ in the USA has been the leading force for

ecumenical cooperation among Christians in the United States. The NCC's member faith groups – representing a wide spectrum of Protestant, Anglican, Orthodox, historic African American and Living Peace churches – include 45 million persons in more than 100,000 local congregations in communities across the nation.

For more information about the private money restriction or to join the growing campaign to restore justice to legal aid funding, go to [www.brennancenter.org](http://www.brennancenter.org).

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