

provided for appeal within that agency rather than get into a lawsuit as such.

You cited the one case in Connecticut where you had the constitutional decision that was just handed down regarding the resident requirement. What kind of other cases do you have with reference to welfare?

Mr. JOHNSON. First, let me put the matter—the first part of your question in perspective.

Mr. BURTON. Excuse me, at this moment will you yield?

I am sure the gentleman from New York understands that a welfare program is not technically a suit against the Federal Government, but a local, because these programs are administered entirely through state agencies, so for purposes of classifying whether this is a suit against the Federal Government or not, I think it should be understood that this is not in any technical sense, certainly not in a substantive sense, a suit against the Federal Government, be it against a local agency of a Federal, State, or local program.

Mr. GOODELL. There is a great deal of money involved in funding the agency, I agree with that. I am not distinguishing here a suit technically against a State, local, or Federal Government. What I am interested in is a suit against a government where it is a program of aid or welfare for the individuals involved.

Mr. JOHNSON. Most of the legal problems that involve either State or Federal agencies involve representation by a legal services lawyer in the administrative proceedings of that agency, not in a separate court suit brought against that agency.

In other words, most of the State and local welfare cases are cases in which a legal services lawyer is representing a local recipient in a hearing conducted by the welfare agency, not in bringing some suit in Federal court or State court against that kind of agency.

The Hartford kind of case is the exceptional case in the welfare area.

Mr. GOODELL. First of all, do you have legal services boards in areas where you do not have a community action board?

Mr. JOHNSON. We have a very few single-purpose legal service agencies. We, for instance, have a statewide program in Montana which is administered by the State Bar of Montana and which covers all of the cities and towns plus some of the rural areas of Montana, although there is coordination with the community action agencies in those cities in Montana which have them, it is basically a single-purpose agency.

Mr. GOODELL. Where there is a community action board, I take it it's your procedure to have the legal services board created by the community action board and your funds come through the community action board?

Mr. JOHNSON. Yes, almost without exception. I can think of only one place where there is a community action agency where a legal services program is funded separately and not through the community action agency.

Mr. GOODELL. And you have the representation on the legal services board and, as I understand it, have developed in most instances a high degree of independence as to policymaking on the legal services board itself?