

Ralph Abascal According to the New York Times

By TIM GOLDEN

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Ralph S. Abascal, a pioneering legal-services lawyer in California who won landmark decisions on behalf of farm workers, welfare recipients and undocumented immigrants, died on Monday at his home in Berkeley. He was 62 and had been suffering from cancer.

Mr. Abascal, a rumped, soft-spoken man whose manner sometimes belied a disciplined legal mind, was for more than 20 years the general counsel and guiding spirit of California Rural Legal Assistance, one of the largest of the 280-odd programs endowed by the Federally financed Legal Services Corporation.

He was among the first and most vigorous combatants in environmental law, winning cases that forced an end to the agricultural use of DDT and other pesticides. He also fought successfully to block state efforts to cut welfare benefits in the 1970's, becoming a particular nemesis of the administration of Gov. Ronald Reagan. Soon after becoming President in 1981, Mr. Reagan tried to halt all Federal financing for the legal services program.

To Mr. Abascal's conservative critics in the California capital and in Washington, he epitomized what was wrong with the legal services organization: He viewed himself more as a civil rights activist than a social worker. He worked closely with liberal politicians. And he offered no apology for his focus on sweeping class actions that sought to change the lives of thousands of people, some of whom were only dimly aware of what he was doing.

Mr. Abascal also inspired a generation of young law-school graduates, many of whom forsook the promise of more lucrative careers so they could serve poor clients in farm towns in the Central Valley of California.

"He was the quintessential public-interest lawyer," said Al Meyerhoff, a senior attorney for the Natural Resources Defense Council who frequently worked with Mr. Abascal. "If you look at how the Legal Services Corporation has been under siege for all these years, it has been because of lawyers like Ralph Abascal."

The grandson of a stonemason from the Spanish seaport of Santander, Mr. Abascal said he had inherited some of his liberalism from his father, Manuel, who lost three brothers in the Republican cause in the Spanish Civil War. As a young man, Manuel Abascal traveled to Cuba, helped build a railroad in northwestern Mexico and then walked across the border to San Diego. He settled in San Francisco, where his son Ralph Santiago was born on May 31, 1934.

Mr. Abascal, whose mother came from a family of immigrant fruit-pickers, did not start learning English until he was almost 5. He once said he had spent much of his youth haunting pool halls, but he became serious enough about his studies to earn a master's degree in business and pursue a doctorate in economics at the University of California at Berkeley.

Then, he recalled in an interview last year, he saw the 1960 film "Inherit the Wind," which depicted the debate over evolutionary

theory waged by Clarence Darrow and William Jennings Bryan in the 1925 Scopes trial. That helped shift the focus of Mr. Abascal's studies, first toward the Progressive Era in American history, then to the law. He quit economics for the Hastings College of Law at the University of California, graduating in 1968.

Mr. Abascal went to work immediately as a staff lawyer for California Rural Legal Assistance, one of the many legal-services programs born of the War on Poverty. He started out in Salinas, quickly joining forces with the leaders of California's nascent farm workers' union, Cesar Chavez and Dolores Huerta.

Their collaboration resulted in several groundbreaking cases. One led to a ban on the use of the short-handled hoe, a symbol of harshness in the lettuce fields that allowed foremen to assume that their laborers were slacking off if they were not hunched over. In another, more contentious case, 19 farm workers represented by Mr. Abascal challenged the right of the University of California to conduct publicly financed research intended to develop labor-saving farm machinery.

Branded by his adversaries as a Luddite, Mr. Abascal responded that Congress had never meant to save money for big agribusiness enterprises. Rather, he said, it had intended to support "the little person, the person most in need."

Mr. Abascal's defense of that constituency led him into frequent battles with California's biggest farmers. A suit filed in 1969 on behalf of six nursing mothers who were working in the fields eventually led to the banning of DDT. Two decades later, two other cases in the Federal courts led to limits

on dozens of pesticides thought to cause cancer.

In 1970, Mr. Abascal moved to the San Francisco Neighborhood Legal Assistance Foundation, where he filed dozens of lawsuits on behalf of welfare recipients whose benefits were threatened by Governor Reagan's early efforts to cut the welfare rolls.

Years later, he described those efforts to fight poverty by preserving entitlements as fundamentally misguided.

"We should have been strong advocates of getting people into work," he said after President Clinton signed the welfare legislation last year. "Had we done that then, we would not have had this welfare bill now."

Mr. Abascal served on the boards of many legal and public-interest organizations and received many awards for his work, including the American Bar Association's Thurgood Marshall Award in 1995 and the Kutak-Dodds Prize of the National Legal Aid and Defender Association and the Robert Kutak Foundation.

The latter prize came with a \$10,000 check, which Mr. Abascal put toward a small Chrysler convertible. Mr. Abascal, who once shared a single pair of wingtip "court" shoes with another lawyer whose feet were roughly the same size, had to stop himself in the interview from apologizing for the luxury.

Mr. Abascal is survived by his wife, Beatrice A. Moulton, a law professor at Hastings; their daughter, Pilar C., of Berkeley; two brothers, Manuel, of

Santa Fe, N.M., and Richard, of Fremont,
Calif., and a sister, Mary Jo, of San Diego.

RESUME

RALPH SANTIAGO ABASCAL

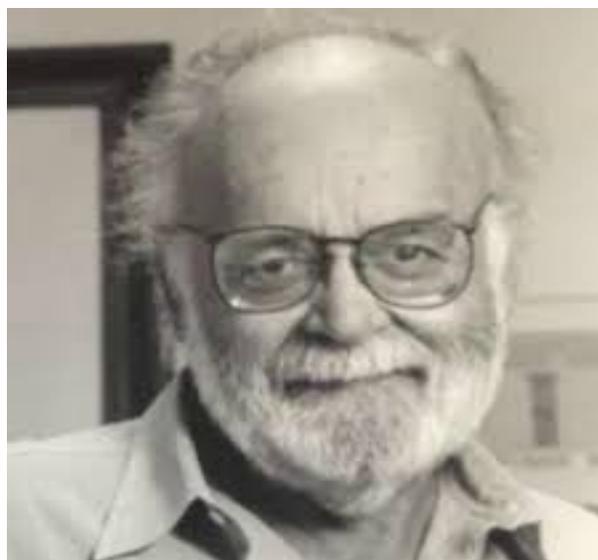
PERSONAL: Born - May 3, 1934, San Francisco, CA

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Wife - Beatrice Ann Moulton, Professor of Law, University of California,
Hastings College of the Law

Children - Pilar Cristina Abascal, age 12



EDUCATION:

University of California, Hastings College of Law, San Francisco, J.D. (1968); Snodgrass Fellowship (1966-1968);

Chair, Law Students' Civil Rights Research Council, Hastings, 1966-68; Commerce Clearinghouse Award in Federal Taxation.

University of California, Berkeley, M.B.A. (1962); Ph.D. Candidate in Economics (1962-1964); research assistant, Institute of Industrial Relations (1962-1963); research assistant to Professor Robert Aaron Gordon, Chairman, Department of Economics (1963-1964). Principal fields of interest: economic development of Latin America; economic theory of human capital (abandoned dissertation subject).

San Jose State College, B.S. (1961).

PROFESSIONAL EXPERIENCE:

General Counsel, California Rural Legal Assistance (March 1975 to the present).

Executive Director, Center on Race, Poverty, & Environmental Law, CRLA Foundation, San Francisco, CA (June 1992--present)

Director of Litigation, San Francisco Neighborhood Legal Assistance Foundation (1970 to March 1977)

Directing Attorney, CRLA, Marysville, California (1969-1970).

Staff Attorney, CRLA, Salinas, California (1968-1969).

Law Clerk, CRLA, Madera, Modesto and Los Angeles, California (full-time) (1967-1968).

TEACHING:

Assistant Professor of Law, University of California, Hastings College of the Law, San Francisco,

Visiting Public Interest Scholar, Golden Gate University School of Law, 1992-93.

Wasserstein Fellow, Harvard Law School, Spring, 1993.

Lecturer in Law, University of California, Davis; Martin Luther King School of Law, 1972-1973.

Lecturer in Science and Technology, Massachusetts Institute of Technology, Cambridge; MASS, November, 1981.

GTE Foundation Lecturer on The Impact of Technology on Work, Webster University, St. Louis, MO, April 1-2, 1986.

PUBLICATIONS:.

Abascal "Quantitative Cancer Risk Assessment, Reductionism, Synergism, and Folly: Multiple Carcinogen Exposure and Singular Analysis," forthcoming.

Abascal and Kramer, "Presidential Impoundment, Part I: Historical Genesis and Constitutional Framework," 62 Georgetown Law Journal 1549 (July 1974).

Abascal and Kramer, "Presidential Impoundment, Part II: Judicial and Legislative Responses," 63 Georgetown Law Journal 149 (Oct. 1974).

Abascal, "Municipal Services and Equal Protection: Variations on a Theme by Griffin v. Illinois," 20 Hastings Law Journal 1367 (1969).

Abascal, "The Structure and Operation of the Supplemental Security Income Program and Their Impact on Disabled and Blind Children," National Symposium on SSI for Children, Nov. 18-20, 1976, Wash., D.C., sponsored by the National Council of Organizations for Children and Youth, 80 pp., mimeo. (The subject of the paper was that later resolved favorably for such children in Sullivan v. Zebley, 110 S.Ct. 885 (1990).)

Abascal, "On Agricultural Poisons," 4 Clearinghouse Review 172 (1970).

PUBLIC SERVICE

1993 Recipient, Kutak-Dodds Prize, an annual national \$10,000 award given by the National Legal Aid & Defender Association and the Robert Kutak Foundation to a legal services lawyer or public defender "for inspiring leadership, dedicated advocacy and extraordinary vision in the struggle to improve the life of the underprivileged and insure access to the justice system by the poor."

1983 Recipient, Loren Miller Legal Services Award, awarded annually by the State Bar of California

to one of its members "in recognition of outstanding leadership in extending legal services to the poor of California".

1992 Public Interest Clearinghouse Honoree.

1991 Unity Award, Bay Area Minority Bar Coalition.

Member, Board of Directors, University of California, Hastings College of the Law, 1981-1993; Chair, Dean Selection Committee; Chair, By-Laws Committee; Chair, Community Relations and Development Committee.

Chair, National Agricultural Research and Extension Users Advisory Board, a 21-member body established by 7 USC §§ 3100-08 to advise the President and the Congress on agricultural research education, and extension policy and budget priorities, Washington, DC, 1977-82. The User's Board was a working board, meeting 4-6 times annually, each meeting of 2-3 days duration.

Member, Police Review Commission, City of Berkeley, 1981-1982.

Member, Joint AT&T/California Community Council on the Universal Availability of Emerging Technology, 1995-2000.

Member, Board of Directors, Greenlining Institute (an advocacy group that directs its efforts toward the business world to increase racial diversity in lending, employment, and services), 1994-present.

President of the Board of Directors, 1993- present, and Member, Board of Directors, Latino Issues Forum, San Francisco, CA, 1987-93. LIF is a coalition of the major Latino organizations in California.

Member, Board of Directors, Bar Association of San Francisco, 1987-89.

Member, Executive Committee, Section on Litigation, State Bar of California, 1991-92.

Co-Chair, Committee on Pro Bono and Public Interest Representation, Section on Litigation, American Bar Association, 1992-95.

Member, La Raza National Lawyers' Association, 1972-present.

Vice-Chair, EDGE, 1991-present. EDGE is a coalition of environmental organizations (e.g., NRDC, Sierra Club) and organizations representing people of color (e.g., Latino Issues Forum, NAACP) that is a forum to advocate policy issues of mutual interest and to engage in public education regarding a broadened definition of "environmentalism" that emphasizes environmental justice and equity.

Member, Board of Directors, Pesticide Action Network (PAN), USA, San Francisco, CA, 1992-present. PAN is an international public interest organization which seeks to reduce pesticide use and abuse and foster sustainable agriculture.

Member, Board of Advisors, Urban Habitat Program, Earth Island Institute, San Francisco, 1994-

Member, RiskAssessmentCommittee, Keystone Center Dialogue on Food Safety, 1991-92. The Center

undertakes a somewhat unusual form of "alternative dispute resolution." They bring together various factions that populate major public policy disputes in an effort to try to find some degree of consensus. The Food Safety Dialogue is a two-year series of meetings, totaling about 20-25 days of meetings, with about 50 people from the chemical industry, all facets of agribusiness, farmers, consumers, and environmentalists (the category in which I served). The group's report was published in September, 1993.

Member, Board of Directors, National Coalition for Universities in the Public Interest, Washington, DC, 1987-present.

Member Board of Directors, Center on Constitutional Law and Human Rights (formerly, National Center for Immigrants' Rights), Los Angeles, 1980-Present.

Member, Consumers' Union of the U.S., Credit and Finance Project Advisory Committee, 1989-present.

Member, Board of Directors, California Legislative Council for Older Americans, San Francisco, 1990-present.

Member, Board of Directors, National Health Law Program, Los Angeles, 1974-79.

Member, Board of Directors, Center on Social Welfare Policy and Law, New York City, 1971-75.

Member, Board of Directors, San Francisco Neighborhood Legal Assistance, 1986-88.

Member, Legal Committee, American Civil Liberties Union of Northern California, 1972-77.

Member, Board of Directors, Martin Luther King Hall Legal Foundation, U.C. Davis School of Law, 1980-81.

Member, Board of Directors, Hastings Public Interest Law Foundation, 1982-85.

Member, Advisory Committee, Law Students Civil Rights Research Council, Western Regional Office, 1974-80.

Member, Board of Directors, Center for Independent Living, Berkeley, California, 1982-87.

Member, Board of Directors, Center for Rural Studies/Earthworks, San Francisco, 1979-81.

Member, Rural Realignment Project Working Group, Family Farm Organizing Resource Center, Inc., Minneapolis, Minn.

Member, University of California, Division of Agriculture and Natural Resources, Affirmative Action Task Force, 1988.

Member, U. S. Department of Labor, Advisory Committee, National Agricultural Workers Survey, 1988-90.

Member, Carter-Mondale National Committee on Food and Nutrition, 1976.

Member, Director's Advisory Committee on the State Health Plan, California Office of Statewide Health Planning and Development, 1978-1983.

Consultant and Lecturer, Legal Services Corporation, and its predecessors, Legal Services Training Program, Catholic University of America, 1972-75, and National Institute for Education in Law and Poverty, 1969-72, Chicago, Illinois, on housing, health, welfare, food, rural issues, disability, federal practice, etc.

Co-chair with Rev. Bob Davidson of the Joint Strategy and Action Committee, a broadly-representative group of Northern California churches, of the Northern and Southern California Conferences on Federalization of Welfare for the Aged, Blind and Disabled, Berkeley, and Los Angeles, December 1973.

Consultant, U.S. Civil Rights Commission, Hearings on Women In Poverty, 1974-75.

ADVOCACY EXPERIENCE:

Apart from extensive legislative and administrative agency advocacy, which is not readily summarizable, I have served as counsel or co-counsel in over 200 major poverty law cases, involving labor, voting rights, civil rights, environmental quality, student rights, food, health, housing, immigration, pesticides, income maintenance, etc. at all levels of state and federal courts and, in addition, I have performed in a consultative role in many other such cases. Some litigation examples follow:

Jesus Doe v. Board of Regents, S.F. Superior Ct. No. 965090; Pedro A. v. Dawson, S.F. Superior Ct. No 965089; these cases challenge the Provisions in Proposition 187 excluding undocumented students from the State's K-12 and higher educational systems. A TRO was issued on the day after the election; it will continue in effect until February 8, 1995 hearing on preliminary injunction.

El Pueblo Para El Aire y Agua Limpio v. County of Kings and Chemical Waste Mgmt. Sacramento Superior Court; this case challenges the Kings County's Environmental Impact Report permitting construction of California's first hazardous waste incinerator, one which will burn 200,000,000 million pounds of such effluvia each year. It would be located in Kettleman City, a small farmworker community, 95% of whose residents are Latino, on the west side of the Central Valley. The Court invalidated the EIR on a variety of traditional grounds and also, significantly, because the County refused to translate the EIR documents into Spanish. This is the first such holding in the U.S. The case became moot in September, 1993 when Chem Waste withdrew its application to build the incinerator.

AFL-CIO v. Deukmejian, Sacramento Superior Court; these three cases, all with the same name and all successful, challenge three different aspects of the implementation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986. The first was affirmed on appeal, 212 Cal.App.3rd 425 (1989); the second was settled favorably and the Governor dropped his appeal; the third was not appealed by the Governor.

California Labor Federation, AFL-CIO v. California Occupational Safety and Health Standards Board, 221 Cal.App.3rd 1547 (1990). This original writ proceeding required that the State CAL/OSHA occupational toxic hazard communication program adopt the far, far more stringent Proposition 65 standards, markedly increasing the degree of protection from exposure to cancer and birth-defect causing chemicals for 8 million California working men and women.

The second opinion in the same case, at 6 Cal.App.4th __, 7 Cal. Rptr. 399 (1992), invalidated the Legislature's annual Budget Act' limit of \$125 hourly payment in public interest attorneys' fee awards as a violation of the State Constitution's Single Subject rule.

Les v. Reilly, 967 F.2d 985 (1992), a companion case to People v. Reilly (see next paragraph). The U.S. Court of Appeals for the Ninth Circuit invalidated EPA's "de minimis" exception to the anti-cancer Delaney Clause of the Federal Food, Drug & Cosmetic Act. The Chairman of the House Government Operations Committee has recently called this the most important pesticide suit in the last 20 years. This case and People v. Reilly will drive dozens of cancer-causing pesticides off the market.

People of the State of California v. Reilly, before the U.S. District Court in Sacramento. This case sought to enforce of anti-cancer Delaney Clause of the Federal Food, Drug and Cosmetic Act as applied to pesticides and other additives in processed foods. EPA's motion to dismiss was denied at 750 F.Supp. 433 (E.D. Cal. 1990). After extensive discovery proceedings and litigation, the case was settled when EPA agreed to our proposed schedule for full implementation of the Delaney Clause.

Salinas v. Voss; Ramirez v. Voss, Sacramento Superior Court. These cases seek to enforce major provisions of California's Pesticide Contamination Act of 1985, which is a comprehensive statute designed to protect the State's groundwater resources from further pesticide contamination. The cases challenge two key regulatory interpretations of the Act that fundamentally undermine its objectives.

Environmental Defense Fund v. HEW, 428 F.2d 1083 (D.C. Cir. 1970)--initially, this was brought as an administrative petition before HEW on behalf of six nursing farmworker mothers to ban the agricultural use of DDT. HEW refused to grant a hearing, the Court of Appeals reversed, and in the process significant procedural aspects of early environmental law were established. The litigation resulted in the elimination of DDT use in agriculture. This case and its companion case, EDF v. Hardin, 428 F.2d 1093 (D.C. Cir. 1970), spawned a host of other environmental law cases.

National Agricultural Chemicals Assn. v. Rominger, 500 F. Supp. 465 (E.D. Cal., 1980)--successfully defeated a challenge to California's stricter-than-the-federal-government pesticide regulatory program; NACA, and 15 major chemical companies, unsuccessfully contended that federal law preempted California's more stringent policies.

California Agrarian Action Project v. Bd. Of Regents of the Univ. Of Calif., 210 Cal.App.3rd 1245 (1989); this famed "agricultural mechanization" case, successful after nine years in the trial court, required UC to restructure its agricultural research system to assure that it operates to achieve the Congressional goals of aiding, not undermining, the interests of the small family farmer, farmworkers, all the residents of rural areas, generally, and the rural environment. The California Court of Appeal reversed the trial court. Congress thereafter adopted part of the trial court's requirements in the 1990 Fann Bill.

NRDC v. Duvall, 777 F.Supp. 1533 (E.D. Cal. 1991). This case successfully challenged the 1987 comprehensive regulations of the U.S. Bureau of Reclamation governing provision of federally subsidized water to the seventeen western states under the Reclamation Act of 1902. The court ruled the regulations invalid because of the failure to prepare an EIR of the impact of the regulations.

Ixta v. Rinaldi (1987) 197 Cal.App.3rd 886, 241 Cal.Rptr. 144. This case blocked the Governor's attempt to abolish CAL/OSHA through the use of the item veto. In the Fall of 1988, the Governor's appeal to the California Supreme Court became moot upon the passage of Proposition 97, an initiative

by which voters acted to restore the agency.

Catholic Social Services v. Meese, 813 F.2d 1500 (9th Cir. 1987), opinion vacated, 820 F.2d 289 (9th Cir. 1987); 664 F.Supp. 1378 (E.D.Cal. 1987), 685 F.Supp. 1149 (E.D.Cal. 1988) (nationwide preliminary injunction, May 4 1987), affirmed, 956 F.2d 914 (9th Cir. 1992), vacated & remanded for further litigation, 113 S.Ct. 2485 (June 18, 1993) – this class action challenged a number of INS regulations and policies adopted to implement the Immigration Reform and Control Act of 1986 (IRCA), popularly known as the Simpson-Rodino bill. In June, 1988, the court ruled in favor of our clients and ordered that the application period for amnesty be extended for all class members. (Presently, over 325,000 class members have come forward and sought stays of deportation and work authorization.) Five other cases, all of which are on appeal to the Second, Ninth, and District of Columbia Circuits, have adopted the reasoning and the remedy granted in this case. On June 18, 1993, the U.S. Supreme Court ruled in favor of our clients with a bit of work to be done on remand. Fourteen months of settlement negotiations with the Clinton Administration were abandoned when the Administration told us they no longer were willing to settle. The case is now in a full litigation mode and is set for trial on January 16, 1996.

United Farmworkers of America, AFL-CIO v. L'JS, U.S. Dist. Ct., Sacramento; this case sought to enforce several of the provisions of IRCA were intended to liberally grant amnesty to 800,000 undocumented farmworkers. After a preliminary injunction was granted, the case was settled on very favorable terms for the plaintiffs.

DeCanas v. Bica, 424 U.S. 351 (1976)--successfully upheld a California statute barring employment of undocumented aliens.

Califano v. Aznavorian, 439 U.S. 170 (1978)--the District Court, 440 F.Supp. 788 (S.D.Cal., 1977), easily held unconstitutional a federal statute, which terminated Supplemental Security Income benefits to the aged, blind and disabled when they travel out of the U. S. as a violation of the right to travel. The U.S. Supreme Court reversed, unanimously. Sic transit gloria.

Committee to Defend Reproductive Rights v. Myers (1981) 29 Cal. 3d 252 (1981); 125 Cal.App. 3d 341 (1981); 132 Cal. App. 3d 852 (1982); 151 Cal.App. 3d 83 (1984); annual unreported decisions, 1985-90--overturned the California Legislature's prohibition of MediCal-funded abortions. Every year since the 1981 Supreme Court decision, the Legislature had defied the Court by adding the restrictions to the annual Budget Act; every year we filed an original writ in the Court of Appeal which, every year, struck the restriction down. Every year, the Department of Health Services appealed to the Supreme Court, which, every year, turned the request down, without comment. In 1990, the charade stopped when the Legislature finally gave up.

Carroll v. State Bar of California (1985) 166 Cal.App. 3d 1193, cert. den. sub. nom. Chapman v. State Bar of Calif. U.S. ___, 106 S.Ct. 142 (1985)--represented California Legal Services Programs as defendant intervenors to uphold California's IOLTA program against a constitutional challenge. The IOLTA program last year provided \$21 million for legal services to the poor in California.

Guadamuz v. Ash, 368 F.Supp. 1233 (D.D.C. 1973) (per Flannery, J.)--primary test case regarding Presidential power to impound Congressionally-appropriated funds. The court enjoined the impoundment of \$382 million for the Rural Environmental Assistance Program and the Federally Assisted Code Enforcement Program. The brief in this case was the basis for the two Georgetown Law Journal articles

cited on p. 2, above.

Regents of the University of California v. Bakke, 438 U.S. 265 (1978)--amicus curiae brief on behalf of 16 civil rights organizations which urged remand to the California Supreme Court for the taking of further evidence in this notorious "reverse discrimination" case.

Welfare Recipients League v. Woods (1987) unpublished opinion of the California Court of Appeal overturned restrictive AFDC regulations that narrowed the circumstances under which applicants in "immediate need" could obtain advances against their first AFDC payment. The case was settled on very favorable terms in November 1990. The class will receive up to \$120 million in back payments and, as part of the settlement, and the law has been amended so that future applicants will receive an additional \$40+ million annually. This latter part of the settlement restores the legislative victory that was thwarted by Harbor v. Deukmejian (1987) 43 Cal.3rd 1078.

Villa v. Hall (1971) 6 Cal.3rd 227 (per Mosk, J.), vacated, 406 U.S. 965 (1972), on remand, 7 Cal.3rd 926 (1972). The 1971 California Supreme Court opinion invalidated the principal provision of the Welfare Reform Act of 1971, 7-0. The U.S. Supreme Court vacated the judgment on the basis of its 5-4 opinion in Jefferson v. Hackney, 406 U.S. 535 (1972), the first case argued to newly appointed Justices Rehnquist and Powell. Again, Sic transit gloria.

California League of Senior Citizens v. Brian, 35 Cal. App. 3d 443 (1973) (per Janes, J.)--in early September 1973, the California Legislature adjourned, unable to reach agreement on legislation to implement the Supplemental Security Income (SSI) Program for the state's 500,000 aged, blind and disabled poor. Shortly thereafter, the Governor announced plans to implement SSI, by regulation, at levels substantially below those proposed by the primary Legislative proponents. The Governor's regulatory program would have resulted in no increased expenditures above those incurred in 1973. The Court held the regulations invalid, and interpreted then existing legislation to require an SSI program that would cost \$350 million per year more than the Governor's program. Within days, the Legislature convened in Special Session and passed legislation (with substantial input from the numerous organizations represented in this case) which has cumulatively added over six billion dollars in benefits above the 1973 expenditure level.

Ramos v. County of Madera, 4 Cal. 3d 685 (1971) (per Peters, J.)--this "forcible grape" case established a tort damage remedy against government officials who deny welfare assistance in violation of the law. County welfare officials had required that all AFDC children, age 10 and over, work in an emergency grape harvest; when 20 families refused, their AFDC grants were terminated. The case created a still unrealized, exciting potential. See Note, "Scaling the Welfare Bureaucracy: Expanding Concepts of Governmental Employee Liability," 21 U.C.L.A. Law Review 624 (1973).

Cooper v. Carleson and Waits v. Carleson, (both per Tobriner, J.) 11 Cal.3d 856 and 11 Cal.3d 887, cert. denied, 419 U.S. 1022--these two cases overturned attempts by California to reduce AFDC grants to 60,000 poor families that shared housing with other people in order to save money for other critical survival needs.

California Welfare Rights Organization v. Carleson, 4 Cal.3rd 445 (1971) (per Burke, J.)--class action on behalf of 800,000 AFDC recipients resulting in a 21 A% increase in AFDC grant levels, an annual increase in income of \$165 million.

California Welfare Rights Organization v. Brian, 11 Cal. 3d 237, (per Tobriner, J.) cert. denied, 419 U.S. 1022 (1974)-- overturned California's practice of reducing grants to a pregnant AFDC mother based upon the notion that the fetus was receiving "in-kind" income from her in the form of "free rent, utilities, clothing and food." This "value" was given a precise dollar amount and the AFDC grant was reduced accordingly!

California Welfare Rights Organization v. Richardson, 348 F.Supp. 491 (N.D. Cal. 1972)--unsuccessful attempt to invalidate HEW's approval of a demonstration project under the Social Security Act for co-payments in the MediCal program.

California Welfare Rights Organization v. Department of Social Welf. (California Court of Appeal, 1972)--prevented the termination of AFDC to 30,000 poor families with children over 18 enrolled in vocational training programs or in college.

Conover v. Hall, 11 Cal. 3d 842 (1974) (per Tobriner, J.)-- overturned California's attempt to severely restrict the amount of earned income to be disregarded for 40,000 AFDC families headed by single-parent working women. The decision preserved a meaningful work incentive in the California AFDC system, until the Governor became President.

Guerrero v. Carleson, 9 Cal. 3d 808 (1973), (per Mosk, J.) cert. denied 414 U.S. 1137 (1974)--an unsuccessful attempt to secure due process rights of AFDC recipients, literate only in Spanish to be notified of grant reductions or terminations in the Spanish language. This case has spawned numerous law review articles supportive of the unsuccessful objective, which was achieved in settlement of a later CRLA case, Association Mixta v. HEW.

Collins v. Roch!, 7 Cal. 3d 232 (1972)--expansion and clarification of class-action law in damage actions for fraud. This was a companion case to the more well known case, Vazquez v. Superior Court, 4 Cal.3rd 800 (1971); they arose simultaneously out of two different CRLA offices.

Taylor v. Martin, 330 F.Supp. 85 (N.D. Cal. 1971), aff'd, 404 U.S. 980 (1971)--decision barred termination of AFDC grants of mothers who failed to "cooperate" by suing absent fathers for non-support and refusing to undergo extremely personal and offensive interrogation into their private sex life.

O'Connor v. Weinberger, (U.S. District Court, Washington, D.C.)--in April 1974, the Court issued a nationwide temporary restraining order on behalf of 3,000,000 poor aged, blind and disabled Supplemental Security Income (SSI) recipients prohibiting all terminations or reductions of aid in the program because the written notice of such action completely failed to advise recipients of the manner of invoking that the SSI appeals process. The case settled soon after the TRO issued.

Abascal v. Weinberger (U.S. D.C., N.D. California, 1973)--Freedom of Information Act case which sought to require that HEW provide Legal Services Program attorneys, senior citizens and other SSI recipient organizations with the 13-volume SSI Claims Manual, the comprehensive set of rules governing the SSI program. A settlement reached in May 1974 resulted in the permanent distribution of 1,500 copies, plus periodic amendments, to Legal Services' attorneys throughout the nation.

Cardinale v. Weinberger, 399 F.Supp. 1163 (D.D.C. 1975)--this nationwide class action on behalf of 3,000,000 SSI recipients, successfully invalidated the exceptions to notice and opportunity for an

administrative hearing in the SSI program. These exceptions nearly consumed the whole of the rule of Goldberg v. Kelley.

Wheeler v. Montgomery, 397 U.S. 280 (1970)--companion case to Goldberg v. Kelly, 397 U.S. 254 (1970). My involvement occurred during the four-year proceedings in the District Court following remand from the U.S. Supreme Court.

Other reported decisions include, among others:

Mathews v. Eldridge, 424 U.S. 319 (1976) (Social Security) (amicus).

Knebel v. Hein, 429 U.S. 288 (1977) (Food Stamps) (amicus).

Weinberger v. Salfi, 422 U.S. 749 (1975) (Social Security) (amicus).

Bryant v. Yellen, 447 U.S. 352 (1972) (western water policy) (amicus).

In re Sands (1977) 18 Cal.3rd 851 (AFDC) (amicus).

Amador Valley School Dist. v. State Board of Equalization (1978) 22 Cal.3rd 208 (Proposition 13) (amicus).

Legislature of the State of California v. Eu (1991) 54 Cal.3d 492 (Prop.140--tenn limits) (amicus)

Association for Retarded Citizens v. Dept. of Developmental Services, 38 Cal. 3d 384 (1985) (services for the developmentally disabled) (amicus).

Madrid v. Justice Court (1975) 52 Cal.App. 3rd 819 (AFDC) (amicus).

People v. Coleman (1983) 38 Cal.3rd 69 (alien rights) (amicus).

Long v. City and County of San Francisco, (1978) 78 Cal.App. 3rd 61 (General Assistance) (amicus).

City and County of San Francisco v. Superior Court (1976) 57 Cal.App. 3rd 44 (General Assistance) (amicus).

Bryant v. Carleson, 444 F.2d 111 (9th Cir. 1971), cert. den. 404 U.S. 967 (1971) (AFDC).

Bryant v. Carleson, 465 F.2d 111 (9th Cir. 1972) (AFDC).

Yee-Lit v. Richardson, 582 F.2d 1290 (9th Cir. 1978), on contempt, 342 F.Supp. 996 (N.D. Cal. 1973), a'ffid. 412 U.S. 924 (1973) (AFDC).

Anderson v. Butz, 550 F.2d 459 (9th Cir. 1977) (Food Stamps).

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Smock v. Carleson (1975) 47 Cal.App. 3rd 960 (AFDC).

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Webb v. Swoap (1973) 40 Cal.App. 34 191 (AFDC).

Leach v. Swoap (1973) 35 Cal.App. 3rd 685 (In-Home Supportive Services for the aged and disabled).

Wheat v. Hall (1973) 32 Cal.App. 3rd 928, cert. den. 415 U.S. 925 (1974) (AFDC).

Carleson v. Superior Court (1972) 27 Cal.App. 3rd 1 (AFDC).

Mooney v. Pickett (1972) 26 Cal.App. 3rd 431 (General Assistance).

Employment Development Dept. v. Superior Court (1982) 30 Cal.3rd 256 (Unemployment Insurance).

Green v. Obledo (1981) 29 Cal.3rd 126 (AFDC).

Diaz v. Kay-Dix Ranch (1970) 9 Cal.App. 3rd 588 (employment rights).

Maria P. v. Riles (1987) 43 Cal.3rd 1281 (alien rights).



RALPH SANTIAGO ABASCAL

You've counted on him, you've co-counseled with him, you've even cursed at him (occasionally) - now,

COME CELEBRATE WITH HIM!!!

CRLA'S RALPH SANTIAGO ABASCAL is the 1995 recipient of the American Bar Association's Thurgood Marshall award. Join CRLA and the San Francisco Neighborhood Legal Assistance Foundation in honoring one of the giants of the legal community.

WHEN: JULY 28, AT 5:30 P.M.

WHERE: CRLA - 631 HOWARD STREET, STE. 300

RSVP: CRLA (415) 777-2752 OR SFNLAF 627-0200

Anti-poverty warrior dies

* * Wednesday, March 19, 1997 A9

Ralph Abascal was lawyer who 'took on the giants'

By Claire Cooper
Bee Legal Affairs Writer
and Marcos Breton
Bee Staff Writer

Ralph Santiago Abascal, one of the nation's top anti-poverty strategists, died of cancer Monday at his home in Berkeley. He was 62.

Abascal engineered the coalition of aged, blind and disabled people that lobbied 25 years ago to create the federal Supplemental Security Income welfare program.

A decade later he was a key organizer of the grass roots business and professional support that persuaded Congress not to go along with then-President Ronald Reagan's plan to de-fund legal aid to the poor.

As the general counsel of California Rural Legal Assistance, Abascal envisioned lawsuits that succeeded in restricting use of



Associated Press file photograph
Ralph Santiago Abascal was recalled as a tireless champion of the poor.

nearly 100 cancer-causing pesticides.

But even before his tenure at CRLA, in 1970, he went to court for six nursing farm-worker mothers and won a historic ban on DDT in agriculture, setting ground rules for the environmental law movement.

Please see ABASCAL, page A9

Abascal: He united the struggles for civil rights, environment

Continued from page A1

One of his most recent legal victories was a state court injunction that has blocked enforcement of Proposition 187, the 1994 immigrant-control initiative, in the public schools.

Abascal believed in institutional change, and to accomplish it, "he took on the giants," CRLA Executive Director Jose Padilla said Tuesday.

Padilla recalled an image that Abascal would draw for young lawyers. If people were drowning, he would say, the lawyers could stand on the river bank and throw life preservers, or - far better - they could go to the bridge and stop the people who were throwing the others into the river.

"If Don Quixote came to life, he would be Ralph Abascal," Padilla said.

But Alan Houseman, director of the Washington-based Center for Law and Public Policy, said Abascal's contribution was realistic strategy, not dreaming the impossible - "helping figure out how we win battles, not tilt at windmills."

Luke Cole, coordinator of the Center on Race, Poverty and the Environment of the CRLA Foundation, called Abascal a "creative genius."

He was one of the first to grasp a connection between civil rights and the environment, two formerly antagonistic legal and social movements, Cole said.

Abascal also had the practical ability to establish and get funding for a program to stop air and water pollution in poor communities.

"He was the heart and soul of the legal services community, a genius as a lawyer (who) dedicated all that genius to representing people who didn't have money and power," said CRLA Sacramento lobbyist Ralph Lightston.

U.S. Rep. Howard Berman of Los Angeles, a former state legislator, called knowing Abascal "one of his most profound experiences

of my time in public office."

Berman said Abascal's rare personality often made a difference in Washington and in Sacramento, motivating "the bureaucrats and the administrators" to respect the rights of poor people.

"The man truly dedicated his life to helping people who needed help, and yet there was no sanctimony, no condescension in working with people who might not have been so dedicated," said Berman.

Kevin Aslanian, executive director of the Coalition of California Welfare Rights Organizations, recalled Abascal's power to motivate in a more personal way. He said he was a welfare recipient until Abascal encouraged him to become self-sufficient.

Abascal received the American Bar Association's Thurgood Marshall civil rights award in 1995, the California State Bar's 1983 award for legal services to the poor and a similar award from the Mexican American Legal Defense and Educational Fund.

He was born in San Francisco to Spanish immigrant parents. He had a master's degree in business administration from the University of California at Berkeley and was working on a doctorate in economics when, inspired by the movie "Inherit the Wind," he changed course to pursue a law degree from Hastings College of the Law in San Francisco.

He is survived by his wife, Hastings law Professor Beatrice Moulton, and a daughter, Pilar Abascal, both of Berkeley; a sister, Mary Jo Abascal-Hildebrand of San Diego; two brothers, Dick Abascal of Fremont and Manuel Abascal of Berkeley; and a stepson, Jeff Field of Folsom.

A memorial service is scheduled for 3 p.m. Saturday at Glide Memorial Church in San Francisco.

Donations may be made to the Ralph Abascal Fellowship in care of the Impact Fund, 1604 Solano Ave., Berkeley, 94701.



Please join us at a
Memorial Service for

RALPH SANTIAGO ABASCAL

3:00 P.M.
Sunday, March 22, 1997
Glide Memorial Church
330 Ellis Street, San Francisco

The Abascal-Moulton family asks that you commit your memories of Ralph to paper and send them to Pilar Abascal, 2436 Russell Street, Berkeley, CA 94706, so that a lasting tribute to Ralph can be assembled.

Please send donations to the Ralph Santiago Abascal Fellowship in Public Interest Law, c/o The Impact Fund, 1604 Solano Ave., Berkeley, CA 94707.

