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M E M O R A N D U M

TO : Board of Directors
From: Linda Flores, President
Re : President's Report
Date: March 28, 1986

This memorandum provides highlights on activities of the Fund since the January 17, 1986 Board of Directors' Meeting and includes a discussion of program, administration and management and fundraising efforts over this period:

I. Programmatic Operations

A. Legal Division

U.S. v. Yonkers Board of Education

The Fund has moved to intervene on behalf of the Organization of Hispanic Parents of Yonkers and individual parents in a case in which the Court has found the defendants liable for racial discrimination in both the operation of the public school system and the housing policies of Yonkers. The Fund has moved to intervene on behalf of Hispanic parents because the desegregation plan proposed by the Yonkers Board of Education places the burden of desegregation more heavily on Hispanic children, while also failing to detail plans for preserving existing bilingual education programs. The motion to intervene will be argued on April 2nd.

U.S. v. Yvonne Melendez-Carrion

With the approval of the Litigation Committee and the Chairman of the Board, the Fund joined with several other civil rights and civil liberties organization as amicus curiae in challenging the Bail Reform Act of 1984, which establishes a system of preventive detention based upon a finding of undefined potential danger to the community.

In the instant case, defendants were indicted for non-capital crimes. The Court conducted hearings on the issue of detention in which evidence presented through FBI agents included opinion evidence, hearsay testimony based upon documents not disclosed, and wiretapping interceptions without the traditional identification of the voice of the overhead.

The indictment aside, the court made no finding that any defendant was planning, preparing or attempting a specific crime. The Court's opinions did not identify any individual likely to be endangered or the particular damage which would confront "the community" if the defendants were released. The essential foundation of the Court's opinion appears to be membership in "Los Macheteros" alleged to be "a clandestine terrorist organization committed to the overthrow of the United States Government in Puerto Rico.

The Court then ordered the defendants imprisoned pending trial, in some cases overruling a magistrate's recommendations for their release, on the ground inter alia that the detention was necessary for the "safety of any other person and the community."

Their imprisonment may likely continue for at least a year since the complexity of the legal and factual issues presented by the case make it impossible for the trial to begin in a time period contemplated by the drafters of the Speedy Trial Act. During this long period, the defendants remain incarcerated in federal prisons separated from their families and from potential witnesses located in Puerto Rico, since most of the defendants were moved over their objectives from Puerto Rico to Connecticut before they could have hearings on the detention issue.

Cooper Square Community Development Committee
v. The Community Development Agency

Cooper Square is a not-for-profit corporation within the State of New York whose aim and purpose is to promote the interest of low and moderate income of the multi-ethnic community population. It develops and preserves affordable housing on the Lower East Side of New York City through community organizing and planning, as well as, direct counseling and referral services.

Cooper Square had successfully challenged the process for granting awards by the defendant. Thereafter, through an aberrational RFP process, Cooper Square submitted a funding application to the CDA office. Upon arrival, a CDA receptionist took the application and provided a receipt after inspection of the application. Because three copies of the application were not submitted, the application was returned and the receipt was taken back. Cooper Square sought immediately to make copies but upon their return the office was closed.

Because of procedural irregularities in the funding process, the case was accepted, with Chairman Glickstein's consent, and an Article 78 proceeding was instituted and steps taken to enjoin the distribution of funds. On March 3rd, the preliminary injunction was denied and the Article 78 proceeding was dismissed. The decision below was successfully appealed and the stay granted, conditioned upon perfection of the appeal. A decision will likely be rendered later in the Spring.

The issue in this case deals with whether CDA, the respondent, violated a prior order of the Court to remand petitioner's funding application to the local Area Policy Board (APB) and whether CDA violated their own regulations by issuing a new RFP without the consent or recommendation of the APB or the withdrawal power of the Mayor.

B. Education Division

The Education Division is gearing up for its 1986 admission program, including the conduct of LSAT preparatory courses, financial aid workshops, law day and related activities. For your information and review, attached please find a copy of the 1986 Calendar of Events for the Division.

In addition, the Mentor Program reception was successfully held on February 21, 1986 at Brooklyn Law School. Some thirteen students are participating and each has been assigned two mentors for the Spring '86 academic term to serve as role models, counselors and otherwise provide individual support to students. We have received expressions of interest from other schools and students in the program and will discuss the possibility of expansion with the Education Committee of the Board.