

Bush Presidential Records  
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Subject File - General

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Alpha Name (if Alpha File):  
WHORM Category Name:

WHORM Category Code: **HU010**  
Document Number / Range: **221126CU to 225007CU**  
Equality

Processed for: 2007-0758-S

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**3rd FOIA Number:**

**4th FOIA Number:**

**5th FOIA Number:**

# FOIA MARKER

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<b>Record Group:</b>	Bush Presidential Records
<b>Office:</b>	Records Management, White House Office of (WHORM)
<b>Series:</b>	Subject File - General
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**WHORM Category Code:** HU010  
**WHORM Category Name:** Equality

**Document Number:** 221126CU to 225007C Entire Category Processed  
**Alpha File Name:**

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ID # 221126 CU

**WHITE HOUSE  
CORRESPONDENCE TRACKING WORKSHEET**

HUCIE

- O - OUTGOING
- H - INTERNAL
- I - INCOMING  
Date Correspondence Received (YY/MM/DD) 1 1

Name of Correspondent: Beverly Ward

MI Mail Report User Codes: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

Subject: Civil Rights legislation

**ROUTE TO:**

**ACTION**

**DISPOSITION**

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
	<u>Cuezo</u>	ORIGINATOR	<u>9/10/08</u>			<u>C 9/10/08 CB</u>
	<u>Cuotio</u>	Referral Note: <u>A</u>	<u>9/10/08</u>			<u>C 9/10/08 CB</u>
		Referral Note:	<u>1 1</u>			<u>1 1</u>
		Referral Note:	<u>1 1</u>			<u>1 1</u>
		Referral Note:	<u>1 1</u>			<u>1 1</u>

**ACTION CODES:**

- A - Appropriate Action
- C - Comment/Recommendation
- D - Draft Response
- F - Furnish Fact Sheet to be used as Enclosure

- I - Info Copy Only/No Action Necessary
- R - Direct Reply w/Copy
- S - For Signature
- X - Interim Reply

**DISPOSITION CODES:**

- A - Answered
- B - Non-Special Referral
- C - Completed
- S - Suspended

**FOR OUTGOING CORRESPONDENCE:**

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: \_\_\_\_\_

Keep this worksheet attached to the original incoming letter.  
 Send all routing updates to Central Reference (Room 75, OEOB).  
 Always return completed correspondence record to Central Files.  
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

REQUEST FOR CLEARANCE - COMMENTS

TO: Nelson Lund *Close out*

Counsel's Office

DATE DUE: 3/13 TYPE OF RESPONSE:  Multiple Mailing  Form Reply  One-Time Reply

SUBJECT: Civil Rights legislation .

REQUESTED BY/ADDRESSED TO: Beverly Ward

BACKGROUND:  
The attached would be used to respond to general public mail about civil rights legislation -- 1991 Civil Rights Bill, or those who talk about quotas. It was written from the WH fact sheet on Expanding Choice and Opportunity, and the AG press release on civil rights legislation.

*Thanks for your Review*

SIGNATURE: *Beverly Ward* DATE: 3/8/91

Presidential Messages  
Old Executive Office Building  
Room 94  
(202) 456-7610

Your Recommendation/Comments:

APPROVED \_\_\_\_\_ One change is marked on the attached hard copy. Also, I would suggest enclosing a copy of the Attorney General's transmittal letter (attached) along with the robo and White House fact sheet.

DISAPPROVED \_\_\_\_\_ Nelson Lund *NL* 3-11-91

COMMENTS:

SIGNATURE: DATE:

--DRAFT CIVIL RIGHTS LEGISLATION--

BW/SMG

Dear:

On behalf of President Bush, thank you for your message about civil rights legislation. The President believes that every individual should have an equal opportunity to participate fully in our society and that no one's race, color, national origin, religion, sex, or disability should be a barrier to advancement. To that end, the Administration is committed to strengthening the power and opportunity of individuals and families, to breaking down barriers to independence and self-reliance wherever they exist, and to providing hope to distressed individuals and communities.

Based on his belief that "the strength of democracy is not in bureaucracy -- it is in the people and their communities," President Bush has announced his domestic agenda for expanding opportunity and for promoting choice for individuals. Specifically, the President has called for Congressional action on eight major initiatives: educational choice; educational flexibility; homeownership for low-income persons; enterprise zones; anti-discrimination laws; community opportunity areas; the social security earnings test; and anti-crime efforts.

The sum of these initiatives is opportunity, and the door to opportunity must not be barred by discrimination. To guarantee every American enjoys equality of opportunity and access, the Administration has worked vigorously to enforce existing laws

against discrimination. Further, where anti-discrimination laws need improvement, the President has said, "I am committed to refining them."

Consistent with that pledge, President Bush has asked Congress to strengthen employment discrimination laws to remove consideration of factors such as sex, race, religion, or national origin from employment decisions. A major objective of his proposal is assuring that employers are both encouraged and required to provide equal opportunity for all workers without resorting to quotas or ~~preferential treatment~~ <sup>unfair preferences.</sup> In addition, the proposal provides strong new remedies to serve as a deterrent against sexual harassment in the workplace, and it expands prohibitions against racial discrimination in the performance of contracts.

President Bush believes that we can eliminate job discrimination without departing from the principles of fairness that apply throughout our legal system and without creating a litigation bonanza that brings more benefits to lawyers than to victims. He also believes that it is time for Congress to bring itself under the same anti-discrimination requirements it prescribes for others.

The President appreciates your sharing your views with him, and in light of your interest, I am enclosing material that I hope you will find informative. With the President's best wishes,

Sincerely,

SMG

ENCLOSURE: WH Fact Sheet



Office of the Attorney General  
Washington, D.C. 20530

March 1, 1991

Honorable Thomas S. Foley  
Speaker  
United States House of Representatives  
Washington, D.C. 20515

Dear Mr. Speaker:

I am pleased to transmit a legislative proposal to make several significant improvements in our Nation's employment discrimination laws, along with a section-by-section analysis explaining the proposal. This bill reflects the President's longstanding commitment, recently reaffirmed in his State of the Union Address, to strengthening the legal tools designed to eliminate the intolerable blight of discrimination from our society. This package will accomplish the four major objectives the President set out in his address to civil rights leaders on May 17, 1990.

First, as the President has said, any civil rights bill must "operate to obliterate consideration of factors such as race, color, religion, sex, or national origin from employment decisions." Under this proposal, employers will be encouraged and required to provide equal opportunity for all workers without resorting to quotas or other unfair preferences. The bill codifies a cause of action for "disparate impact," as recognized in Griggs v. Duke Power Co., 401 U.S. 424 (1971), which outlawed certain practices that unintentionally but disproportionately exclude individuals from certain jobs because of their race, color, religion, sex, or national origin. With respect to these "disparate impact" cases, the bill places the burden of proof on the employer to demonstrate "business necessity," thereby overruling a contrary ruling in Wards Cove Packing Co. v. Atonio, 109 S. Ct. 2115 (1989).

The bill greatly expands the prohibition against racial discrimination in the performance of contracts under 42 U.S.C. 1981, and overturns the decision in Patterson v. McLean Credit Union, 109 S. Ct. 2363 (1989). In addition, this proposal amends Title VII to eliminate a needless and unfair limitation on the time for filing challenges to discriminatory seniority systems, overruling Lorance v. AT&T Technologies, Inc., 109 S. Ct. 2261 (1989). Similarly, in the interest of ensuring that legitimate

claims can be pursued, the bill extends the time for filing a Title VII claim against the Federal government from 30 to 90 days.

The bill also permits the courts to make awards to prevailing parties for the fees of expert witnesses, and authorizes the award of interest in actions against the Federal government on the same terms on which such awards are available against other parties.

The second requirement established by the President is that a bill must "reflect fundamental principles of fairness that apply throughout our legal system." Accordingly, this bill expressly provides that the Federal Rules of Civil Procedure shall apply in determining who is bound by an employment discrimination decree, just as they apply in other civil causes of action. This provision ensures that the standard rules of joinder and intervention will operate to give all victims of illegal discrimination a fair opportunity to protect their constitutional and civil rights in court.

The third essential element of a civil rights bill is a provision to ensure that Federal law provides an adequate deterrent against sexual harassment in the workplace. Under current law, the only judicial remedy for many cases of such harassment is a directive to refrain from such conduct in the future. This cannot provide adequate deterrence. In order to rectify this shortcoming, the bill makes available new monetary remedies for the victims of illegal harassment under Title VII.

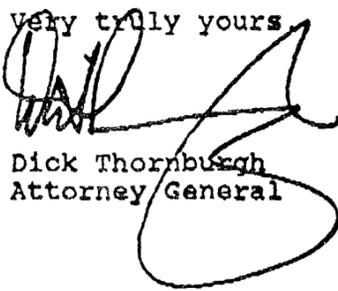
The President has also insisted, however, that our civil rights laws not be "turned into some lawyer's bonanza, encouraging litigation at the expense of conciliation, mediation, or settlement." Accordingly, this proposal for the creation of a new monetary remedy under Title VII provides for bench trials, and it caps the monetary award at \$150,000. The bill also includes special incentives for employers to develop and implement meaningful internal complaint procedures for harassment claims, while allowing employees to obtain emergency relief from the courts when employers fail to respond quickly and effectively to complaints of illegal behavior. More generally, the bill encourages the use of alternatives to litigation in resolving disputes under our civil rights laws.

Fourth, the President has said that the Congress should live by the same requirements it prescribes for others. Accordingly, this bill eliminates the congressional exemption from Title VII of the Civil Rights Act of 1964, and gives congressional employees the same fundamental protections that employees of the Executive branch have enjoyed for many years. The bill gives the

Executive no role in enforcing the law against the Congress, allowing the Congress to establish its own mechanisms for enforcement. Congressional employees, like employees of the Executive branch, will be able to maintain a private right of action upon exhaustion of their administrative remedies.

Finally, the President has observed that the Congress must also take action in other areas to enhance equal opportunity. The elimination of employment discrimination, which is the aim of this bill, will have little meaning unless jobs are available and individuals have the skills and education needed to fill them. Nor can we expect young people to achieve their full potential if they grow up in neighborhoods and schools permeated by violence, drugs, and hopelessness. The Administration is proposing several initiatives to enable individual Americans to claim control over their own lives and futures. Enactment of those initiatives, along with this bill, will achieve real advances for the cause of equal opportunity.

Very truly yours

  
Dick Thornburgh  
Attorney General

170 44

THE WHITE HOUSE  
Office of the Press Secretary

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Embargoed for Release  
Until 11:05 a.m. EST  
Wednesday, February 27, 1991

February 27, 1991

FACT SHEET

EXPANDING CHOICE AND OPPORTUNITY  
FOR INDIVIDUALS, FAMILIES, AND COMMUNITIES

In his State of the Union Address, the President said: "The strength of democracy is not in bureaucracy. It is in the people and their communities....We must return to families, communities, counties, cities, states and institutions of every kind the power to chart their own destiny, and the freedom and opportunity provided by strong economic growth."

The Administration is committed to strengthening the power and opportunity of individuals and families, to breaking down barriers to independence and self-reliance wherever they exist, and to providing hope to distressed communities.

This means giving people access to jobs and the ability to make choices that will better their lives and the lives of their families. People with access to housing, jobs, and quality education have a stake in their community, and a greater incentive to lead productive lives. More important, people with economic opportunity have hope for the future -- an important and powerful weapon against poverty and despair.)

The Administration seeks to use numerous administrative, regulatory, and budgetary means to expand economic opportunity for low-income individuals. In addition to these continuing efforts, the President today announced that he will seek Congressional action to promote choice and opportunity on several fronts:

1. educational choice;
2. educational flexibility;
3. homeownership for low-income persons;
4. enterprise zones;
5. anti-discrimination laws;
6. community opportunity areas;
7. the social security earnings test; and
8. anti-crime efforts.

Legislation, where required, will be transmitted to Congress in the next several weeks to implement these proposals.

- o Enterprise zones would reduce Federal tax revenues by \$1.8 billion over five years.

STRENGTHENING AND ENFORCING ANTI-DISCRIMINATION LAWS:

A vital element in the effort to protect the civil rights of all Americans is the vigorous enforcement of existing anti-discrimination laws. Over the past two years, the Bush Administration has moved aggressively to fight hate crimes and combat discrimination in housing, voting, employment, and education. A few examples:

- o Enactment of the Americans with Disabilities Act in July 1990 was one of the most important expansions of civil rights protections in a quarter of a century. The Administration is now pursuing swift implementation of the landmark law.
- o The Department of Housing and Urban Development (HUD) is aggressively enforcing the 1988 Fair Housing Amendments which prohibit housing discrimination on the basis of race, color, national origin, religion, sex, familial status, or disability. The Bush Administration has resolved nearly 12,000 of the almost 16,000 fair housing cases.
- o In 1989, the Justice Department prosecuted more than twice as many hate crimes cases as in any previous year. In 1990, the Justice Department had a 100 percent success rate in prosecuting hate crimes.
- o In 1990, the Department of Education received and resolved more civil rights complaints than in any previous year of its history -- and in record time.
- o The largest settlements in the history of the Department of Labor's Federal Contract Compliance cases have been achieved during the Bush Administration. A single case involving employment discrimination against women and minorities resulted in a payment of \$14 million. In another case, a back pay settlement of \$3.5 million will benefit approximately 1,000 women who were discriminated against in hiring.

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The Administration is committed to strengthening the strong employment discrimination laws that now exist. These improvements will remove consideration of factors such as sex, race, religion, or national origin from employment decisions. This can be done without encouraging the use of quotas or preferential treatment, without departing from the fundamental principles of fairness that apply throughout our legal system, and without creating a litigation bonanza that brings more benefits to lawyers than to victims.

- o A major objective of the Administration is to ensure that Federal law provides strong new remedies for harassment based on sex, race, color, religion, or national origin.
- o The Administration will propose to codify a cause of action for "disparate impact," involving employment practices that unintentionally exclude disproportionate numbers of certain groups from some jobs. The burden of proof will be shifted to the employer on the issue of "business necessity."
- o The time has come for Congress to bring itself under the same anti-discrimination requirements it prescribes for others.
- o Other improvements, including changes in certain provisions affecting statutes of limitations and encouragement for the use of alternative dispute resolution mechanisms, will also enhance the administration of our comprehensive civil rights laws.

**REDUCING FEDERAL BUREAUCRACY AND ESTABLISHING OPPORTUNITY AREAS:**

Programs providing social, welfare, health, education, and nutritional services are often delivered in fragmented ways. Allowing services to be integrated will better serve the recipients of these programs and promote self-sufficiency and opportunity.

- o The Community Opportunity Act of 1991 will enable local communities to develop "community opportunity systems" and allow them to restructure Federal programs to provide services and benefits in the way the community deems best to meet the needs of the individuals and families served.

JH  
Perez

ID# 222055

THE WHITE HOUSE  
CORRESPONDENCE TRACKING WORKSHEET

INCOMING

DATE RECEIVED: MARCH 20, 1991

NAME OF CORRESPONDENT: THE HONORABLE GERRY E. STUDDS

SUBJECT: REQUESTS THAT THE PRESIDENT PUT AN END TO THE  
DISCRIMINATION OF GAYS AND LESBIANS IN THE  
MILITARY

ROUTE TO: OFFICE/AGENCY	(STAFF NAME)	ACTION		DISPOSITION	
		ACT CODE	DATE YY/MM/DD	TYPE RESP	C COMPLETED D YY/MM/DD
FREDERICK MCCLURE		ORG	91/03/20	Fm	91/02/26
	REFERRAL NOTE:				
	REFERRAL NOTE:	A	9/1/1	A	9/1/01 03TC
	REFERRAL NOTE:	I	1/1/1		
	REFERRAL NOTE:	A	9/1/1		9/1/01 09 TC
	REFERRAL NOTE:				
	REFERRAL NOTE:				

COMMENTS: Letter was in response

ADDITIONAL CORRESPONDENTS: 39 MEDIA:L INDIVIDUAL CODES: 1230 1240

MAIL USER CODES: (A) (B) (C)

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*ACTION CODES:          *DISPOSITION              *OUTGOING                *
*                       *                                     *CORRESPONDENCE:        *
*A-APPROPRIATE ACTION  *A-ANSWERED                *TYPE RESP=INITIALS    *
*C-COMMENT/RECOM       *B-NON-SPEC-REFERRAL      *           OF SIGNER   *
*D-DRAFT RESPONSE      *C-COMPLETED              *           CODE = A     *
*F-FURNISH FACT SHEET  *S-SUSPENDED               *COMPLETED = DATE OF   *
*I-INFO COPY/NO ACT NEC*                                     *           OUTGOING    *
*R-DIRECT REPLY W/COPY *                                     *                       *
*S-FOR-SIGNATURE        *                                     *                       *
*X-INTERIM REPLY        *                                     *                       *
*****

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REFER QUESTIONS AND ROUTING UPDATES TO CENTRAL REFERENCE  
(ROOM 75, OEOB) EXT-2590  
KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING  
LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO RECORDS  
MANAGEMENT.



FORCE MANAGEMENT  
AND PERSONNEL

THE OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301-4000

SAMPLE LETTER

3 MAY 1991

Honorable Gerry E. Studds  
House of Representatives  
Washington, D. C. 20515

Dear Mr. Studds:

Thank you for your letter of March 15 to President Bush concerning the exclusion of homosexuals from the Military Services. I have been asked to reply.

It has long been Department of Defense (DoD) policy that homosexuality is incompatible with military service. There are numerous reasons for this policy, including the necessity to maintain good order, morale and discipline; foster mutual trust and confidence among Service members; recruit and retain members of the Military Services; and maintain the public acceptability of military service.

There is a fundamental difference between this policy and the racial segregation that existed in the military before 1948. Racial discrimination is unlawful because it judges people based upon the color of their skin. Societal attitudes about homosexuals, however, derive from conduct that defines the class, not from a neutral characteristic such as skin color.

Federal courts have upheld the military's homosexual exclusion policy and accepted its rational relationship to legitimate military purposes. In fact, since the current DoD policy on homosexuality became effective in 1982, every court that has ruled finally on the issue has held that the homosexual exclusion policy is constitutional. We do not plan to reassess the Department's policy on homosexuality.

I have forwarded identical letters to each signer of your correspondence to the President.

Sincerely,

T. D. Keating  
Captain, JAGC, USN  
Director, Legal Policy  
Requirements & Resources

W 30737

91 MAR 29 AM 9:48

060  
WHITE HOUSE LIAISON

T H E W H I T E H O U S E O F F I C E

REFERRAL

MARCH 28, 1991

TO: DEPARTMENT OF DEFENSE *4*

ACTION REQUESTED:  
APPROPRIATE ACTION

DESCRIPTION OF INCOMING:

ID: 222055  
MEDIA: LETTER, DATED MARCH 15, 1991  
TO: PRESIDENT BUSH  
FROM: THE HONORABLE GERRY E. STUDDS  
U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON DC 20515

SUBJECT: REQUESTS THAT THE PRESIDENT PUT AN END TO THE  
DISCRIMINATION OF GAYS AND LESBIANS IN THE  
MILITARY

PROMPT ACTION IS ESSENTIAL -- IF REQUIRED ACTION HAS NOT BEEN  
TAKEN WITHIN 9 WORKING DAYS OF RECEIPT, PLEASE TELEPHONE THE  
UNDERSIGNED AT 456-7486.

RETURN CORRESPONDENCE, WORKSHEET AND COPY OF RESPONSE  
(OR DRAFT) TO:  
AGENCY LIAISON, ROOM 91, THE WHITE HOUSE, 20500

SALLY KELLEY  
DIRECTOR OF AGENCY LIAISON  
PRESIDENTIAL CORRESPONDENCE

W30737  
W30737

March 26, 1991

Dear Congressman Studds:

Thank you for your recent letter to the President, cosigned by 39 of your colleagues, regarding the treatment of gay and lesbian soldiers in the military.

We appreciate the interest which prompted you to write. Please know that your correspondence has been directed to the appropriate Administration officials for their careful review and consideration.

Thank you again for your interest in writing.

With best regards,

Sincerely,

Frederick D. McClure  
Assistant to the President  
for Legislative Affairs

The Honorable Gerry E. Studds  
House of Representatives  
Washington, D.C. 20515

FDM:JHH:jfc (3FDMGA)  
SoldierH.pf

bcc: w/copy of inc to Dept of Defense - for appropriate action

bcc: w/copy of inc to NSC - FYI

GERRY E. STUDDS  
1-7TH DISTRICT, MASSACHUSETTS

COMMITTEES  
MERCHANT MARINE AND FISHERIES

CHAIRMAN  
SUBCOMMITTEE ON FISHERIES AND WILDLIFE  
CONSERVATION AND THE ENVIRONMENT

ENERGY AND COMMERCE

FOREIGN AFFAIRS

SELECT COMMITTEE ON AGING



Congress of the United States  
House of Representatives

2.2205  
WASHINGTON  
237 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
202-225-3111

GREATER NEW BEDFORD  
POST OFFICE BUILDING  
NEW BEDFORD, MA 02740  
508-999-1251

SOUTH SHORE  
BARSTOW'S LANDING, SUITE 6  
TWO COLUMBIA ROAD (ROUTE 53)  
PEMBROKE, MA 02359  
617-826-3866

CAPE AND ISLANDS  
146 MAIN STREET  
HYANNIS, MA 02601  
508-771-0666

March 15, 1991

Dear Mr. President:

We are writing to express to you our whole-hearted support for each and every American soldier, sailor, airman and Marine who served so well in the Persian Gulf. As you have said so many times, every one of them has performed magnificently and deserves our respect and gratitude.

We support all our military personnel in the Gulf -- including some fifty thousand gay and lesbian soldiers who have served and are continuing to serve so valiantly.

We believe that these gay and lesbian soldiers are facing unusual pressures. While enduring the same hardships of war as their non-gay colleagues and making the same sacrifices, gay and lesbian service members must hide an integral part of themselves. While a non-gay soldier can take comfort in a photograph or letter from a spouse, a gay soldier must deny the very existence of his or her loved-one. When others talk about their homes and families, gay soldiers must remain silent.

This painful denial is made necessary by the Pentagon's archaic and destructive policy of barring all gays and lesbians from the military, regardless of ability. Those already serving who are discovered to be gay are summarily discharged, years of loyal and competent service notwithstanding.

As his ships deployed to the Persian Gulf last fall, Admiral Joseph Donnell, Commander of the Navy's Surface Atlantic Fleet, issued a confidential memo describing lesbians as "hard-working, career-oriented, willing to put in long hours on the job and among the command's top professionals." He then directed his officers to immediately discharge all lesbians. Though its own studies -- as recently as January, 1989 -- have repeatedly urged its rescission, the Defense Department continues to vigorously and brutally enforce the anti-gay ban.

Many patriotic gays and lesbians choose to enter the military anyway, concealing their sexuality in order to serve. Thousands of these brave men and women were part of Operation Desert Storm. They have risked

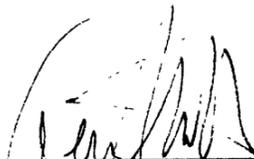
their lives for our country while being told in no uncertain terms that "if the Iraqis don't get you, the U.S. military will."

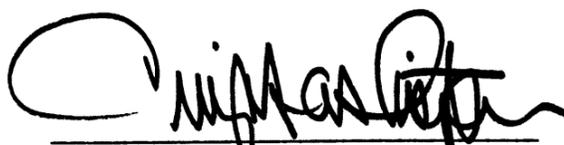
In 1948, after serving valiantly in World War II, African Americans were finally given equal status in the military. Despite the Pentagon's strident claims that racial integration would cripple the military, President Truman issued an Executive Order compelling the Defense Department to end racial discrimination. No one would argue with his decision today.

We submit that discrimination on the basis of sexual orientation is as wrong as discrimination on the basis of race. The only difference is that gay people cannot be detected simply by the color of their skin. Gays always have and always will serve in the U.S. military -- the only question is when they will be allowed to do so with dignity.

Mr. President, you have praised our service personnel and encouraged us to support each and every one of them fully and proudly. We urge you to afford our gay and lesbian troops that same well-deserved respect and to end the military's shameful discrimination.

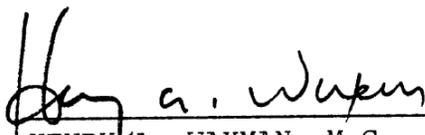
Sincerely,

  
\_\_\_\_\_  
GERRY E. STUDDS, M.C.

  
\_\_\_\_\_  
CRAIG A. WASHINGTON, M.C.

  
\_\_\_\_\_  
MEL LEVINE, M.C.

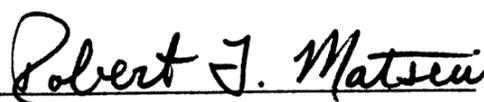
  
\_\_\_\_\_  
TED WEISS, M.C.

  
\_\_\_\_\_  
HENRY A. WAXMAN, M.C.

\_\_\_\_\_  
PETER H. KOSTMAYER, M.C.

  
\_\_\_\_\_  
BILL GREEN, M.C.

  
\_\_\_\_\_  
BARNEY FRANK, M.C.

  
\_\_\_\_\_  
ROBERT T. MATSUI, M.C.

  
\_\_\_\_\_  
WILLIAM LEHMAN, M.C.

Don Edwards

DON EDWARDS, M.C.

George Miller

GEORGE MILLER, M.C.

Charles B. Rangel

CHARLES B. RANGEL, M.C.

James H. Scheuer

JAMES H. SCHEUER, M.C.

Pat Schroeder

PATRICIA SCHROEDER, M.C.

Les AuCoin

LES AUCOIN, M.C.

Ronald V. Dellums

RONALD V. DELLUMS, M.C.

Vic Fazio

VIC FAZIO, M.C.

Chester G. Atkins

CHESTER G. ATKINS, M.C.

Nancy Pelosi

NANCY PELOSI, M.C.

Howard L. Berman

HOWARD L. BERMAN, M.C.

John Miller

JOHN MILLER, M.C.

Barbara Boxer

BARBARA BOXER, M.C.

Thomas Andrews

THOMAS ANDREWS, M.C.

Jim McDermott

JIM McDERMOTT, M.C.

Eleanor Holmes Norton

ELEANOR HOLMES NORTON, M.C.

Stephen J. Solarz

STEPHEN J. SOLARZ, M.C.

Mike Kopetski

MICHAEL J. KOPETSKI, M.C.

Jolene Unsoeld  
JOLENE UNSOELD, M.C.

Connie Morella  
CONNIE MORELLA, M.C.

Neil Abercrombie  
NEIL ABERCROMBIE, M.C.

Tony Beilenson  
ANTHONY C. BEILENSON, M.C.

Maxine Waters  
MAXINE WATERS, M.C.

Gary L. Ackerman  
GARY L. ACKERMAN, M.C.

Joseph P. Kennedy II  
JOSEPH P. KENNEDY II, M.C.

Ron Wyden  
RON WYDEN, M.C.

Alan Wheat  
ALAN WHEAT, M.C.

Lane Evans  
LANE EVANS, M.C.

Eliot L. Engel  
ELIOT L. ENGEL, M.C.

Peter DeFazio  
PETER DEFAZIO, M.C.

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c.c. Dick Cheney  
Colin Powell

JH  
Present

ID# 222055

THE WHITE HOUSE  
CORRESPONDENCE TRACKING WORKSHEET

HU 010

INCOMING

DATE RECEIVED: MARCH 20, 1991

NAME OF CORRESPONDENT: THE HONORABLE GERRY E. STUDDS

SUBJECT: REQUESTS THAT THE PRESIDENT PUT AN END TO THE  
DISCRIMINATION OF GAYS AND LESBIANS IN THE  
MILITARY

ROUTE TO: OFFICE/AGENCY (STAFF NAME)	ACTION		DISPOSITION	
	ACT CODE	DATE YY/MM/DD	TYPE RESP	C COMPLETED D YY/MM/DD
FREDERICK MCCLURE	ORG	91/03/20	Fm	A91/03/26
99000 REFERRAL NOTE: _____	A	91/03/17		1/1
NCS REFERRAL NOTE: _____	I	91/03/17		1/1
REFERRAL NOTE: _____		1/1		1/1
REFERRAL NOTE: _____		1/1		1/1
REFERRAL NOTE: _____		1/1		1/1

COMMENTS: Letter sent to CC. signers.

ADDITIONAL CORRESPONDENTS: 39 MEDIA:L INDIVIDUAL CODES: 1230 1240  
MAIL USER CODES: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

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*ACTION CODES:          *DISPOSITION          *OUTGOING          *
*                      *                      *CORRESPONDENCE:  *
*A-APPROPRIATE ACTION  *A-ANSWERED          *TYPE RESP=INITIALS *
*C-COMMENT/RECOM       *B-NON-SPEC-REFERRAL *      OF SIGNER    *
*D-DRAFT RESPONSE      *C-COMPLETED        *      CODE = A    *
*F-FURNISH FACT SHEET  *S-SUSPENDED        *COMPLETED = DATE OF *
*I-INFO COPY/NO ACT NEC*                      *      OUTGOING   *
*R-DIRECT REPLY W/COPY *                      *                      *
*S-FOR-SIGNATURE       *                      *                      *
*X-INTERIM REPLY       *                      *                      *
*****

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REFER QUESTIONS AND ROUTING UPDATES TO CENTRAL REFERENCE  
(ROOM 75, OEOB) EXT-2590  
KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING  
LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO RECORDS  
MANAGEMENT.

March 26, 1991

Dear Congressman Studds:

Thank you for your recent letter to the President, cosigned by 39 of your colleagues, regarding the treatment of gay and lesbian soldiers in the military.

We appreciate the interest which prompted you to write. Please know that your correspondence has been directed to the appropriate Administration officials for their careful review and consideration.

Thank you again for your interest in writing.

With best regards,

Sincerely,

Frederick D. McClure  
Assistant to the President  
for Legislative Affairs

The Honorable Gerry E. Studds  
House of Representatives  
Washington, D.C. 20515

FDM:JHH:jfc (3FDMGA)  
SoldierH.pf

bcc: w/copy of inc to Dept of Defense - for appropriate action

bcc: w/copy of inc to NSC - FYI

GERRY E. STUDDS  
17TH DISTRICT, MASSACHUSETTS

COMMITTEES  
MERCHANT MARINE AND FISHERIES

CHAIRMAN  
SUBCOMMITTEE ON FISHERIES AND WILDLIFE  
CONSERVATION AND THE ENVIRONMENT

ENERGY AND COMMERCE

FOREIGN AFFAIRS

SELECT COMMITTEE ON AGING



**Congress of the United States**  
**House of Representatives**

222055  
WASHINGTON  
237 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
202-225-3111

GREATER NEW BEDFORD  
POST OFFICE BUILDING  
NEW BEDFORD, MA 02740  
508-999-1251

SOUTH SHORE  
BARSTOW'S LANDING, SUITE 6  
TWO COLUMBIA ROAD (ROUTE 53)  
PEMBROKE, MA 02359  
617-826-3866

CAPE AND ISLANDS  
146 MAIN STREET  
HYANNIS, MA 02801  
508-771-0666

March 15, 1991

Dear Mr. President:

We are writing to express to you our whole-hearted support for each and every American soldier, sailor, airman and Marine who served so well in the Persian Gulf. As you have said so many times, every one of them has performed magnificently and deserves our respect and gratitude.

We support all our military personnel in the Gulf -- including some fifty thousand gay and lesbian soldiers who have served and are continuing to serve so valiantly.

We believe that these gay and lesbian soldiers are facing unusual pressures. While enduring the same hardships of war as their non-gay colleagues and making the same sacrifices, gay and lesbian service members must hide an integral part of themselves. While a non-gay soldier can take comfort in a photograph or letter from a spouse, a gay soldier must deny the very existence of his or her loved-one. When others talk about their homes and families, gay soldiers must remain silent.

This painful denial is made necessary by the Pentagon's archaic and destructive policy of barring all gays and lesbians from the military, regardless of ability. Those already serving who are discovered to be gay are summarily discharged, years of loyal and competent service notwithstanding.

As his ships deployed to the Persian Gulf last fall, Admiral Joseph Donnell, Commander of the Navy's Surface Atlantic Fleet, issued a confidential memo describing lesbians as "hard-working, career-oriented, willing to put in long hours on the job and among the command's top professionals." He then directed his officers to immediately discharge all lesbians. Though its own studies -- as recently as January, 1989 -- have repeatedly urged its rescission, the Defense Department continues to vigorously and brutally enforce the anti-gay ban.

Many patriotic gays and lesbians choose to enter the military anyway, concealing their sexuality in order to serve. Thousands of these brave men and women were part of Operation Desert Storm. They have risked

Page Two

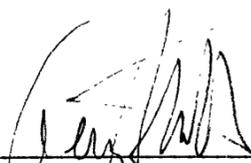
their lives for our country while being told in no uncertain terms that "if the Iraqis don't get you, the U.S. military will."

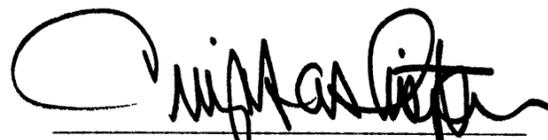
In 1948, after serving valiantly in World War II, African Americans were finally given equal status in the military. Despite the Pentagon's strident claims that racial integration would cripple the military, President Truman issued an Executive Order compelling the Defense Department to end racial discrimination. No one would argue with his decision today.

We submit that discrimination on the basis of sexual orientation is as wrong as discrimination on the basis of race. The only difference is that gay people cannot be detected simply by the color of their skin. Gays always have and always will serve in the U.S. military -- the only question is when they will be allowed to do so with dignity.

Mr. President, you have praised our service personnel and encouraged us to support each and every one of them fully and proudly. We urge you to afford our gay and lesbian troops that same well-deserved respect and to end the military's shameful discrimination.

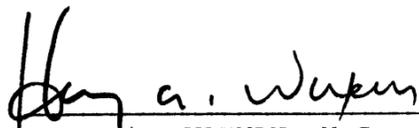
Sincerely,

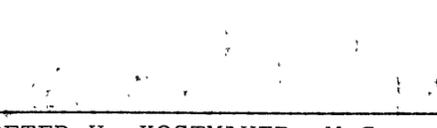
  
\_\_\_\_\_  
GERRY E. STUDDS, M.C.

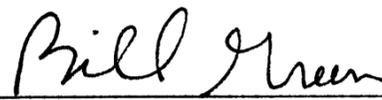
  
\_\_\_\_\_  
CRAIG A. WASHINGTON, M.C.

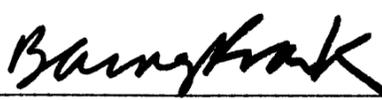
  
\_\_\_\_\_  
MEL LEVINE, M.C.

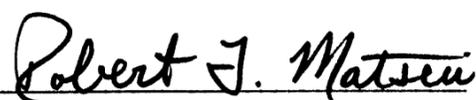
  
\_\_\_\_\_  
TED WEISS, M.C.

  
\_\_\_\_\_  
HENRY A. WAXMAN, M.C.

  
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PETER H. KOSTMAYER, M.C.

  
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BILL GREEN, M.C.

  
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ROBERT T. MATSUI, M.C.

  
\_\_\_\_\_  
WILLIAM LEHMAN, M.C.

PHOTOCOPY  
MISC. HANDWRITING

*Don Edwards*

DON EDWARDS, M.C.

*Charles B. Rangel*

CHARLES B. RANGEL, M.C.

*Pat Schroeder*

PATRICIA SCHROEDER, M.C.

*Ronald V. Dellums*

RONALD V. DELLUMS, M.C.

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CHESTER G. ATKINS, M.C.

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HOWARD L. BERMAN, M.C.

*Barbara Boxer*

BARBARA BOXER, M.C.

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JIM McDERMOTT, M.C.

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STEPHEN J. SOLARZ, M.C.

*George Miller*

GEORGE MILLER, M.C.

*James H. Scheuer*

JAMES H. SCHEUER, M.C.

*Les AuCoin*

LES AUCOIN, M.C.

*Vic Fazio*

VIC FAZIO, M.C.

*Nancy Pelosi*

NANCY PELOSI, M.C.

*John Miller*

JOHN MILLER, M.C.

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THOMAS ANDREWS, M.C.

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*Mike Kopetski*

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Jolene Unsoeld  
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NEIL ABERCROMBIE, M.C.

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ANTHONY C. BEILENSON, M.C.

Maxine Waters  
MAXINE WATERS, M.C.

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c.c. Dick Cheney  
Colin Powell

PHOTOCOPY  
MISC. H/ WRITING

HOUSE ALPHA LIST  
(03/08/91)

1.	Neil Abercrombie	D/HI	51.	Beverly B. Byron	D/MD
2.	Gary L. Ackerman	D/NY	52.	H. L. Callahan	R/AL
3.	Bill Alexander	D/AR	53.	David Camp	R/MI
4.	Wayne Allard	R/CO	54.	Ben Nighthorse Campbell	D/CO
5.	Glenn M. Anderson	D/CA	55.	Tom Campbell	R/CA
6.	Mike Andrews	D/TX	56.	Benjamin L. Cardin	D/MD
7.	Robert E. Andrews	D/NJ	57.	Thomas R. Carper	D/DE
8.	Thomas Andrews	D/ME	58.	Bob Carr	D/MI
9.	Frank Annunzio	D/IL	59.	Rodney Chandler	R/WA
10.	Beryl Anthony, Jr.	D/AR	60.	Jim Chapman	D/TX
11.	Douglas Applegate	D/OH	61.	William Clay	D/MO
12.	Bill Archer	R/TX	62.	Bob Clement	D/TN
13.	Richard Armev	R/TX	63.	William F. Clinger, Jr.	R/PA
14.	Les Aspin	D/WI	64.	Howard Coble	R/NC
15.	Chester G. Atkins	D/MA	65.	E. Thomas Coleman	R/MO
16.	Les AuCoin	D/OR	66.	Ronald Coleman	D/TX
17.	Jim Bacchus	D/FL	67.	Barbara-Rose Collins	D/MI
18.	Richard H. Baker	R/LA	68.	Cardiss Collins	D/IL
19.	Cass Ballenger	R/NC	69.	Larry Combest	R/TX
20.	Doug Barnard, Jr.	D/GA	70.	Gary Condit	D/CA
21.	William E. Barrett	R/NE	71.	John Conyers, Jr.	D/MI
22.	Steve Bartlett	R/TX	72.	Jim Cooper	D/TN
23.	Joe Barton	R/TX	73.	Jerry Costello	D/IL
24.	Herbert H. Bateman	R/VA	74.	Lawrence Coughlin	R/PA
25.	Anthony C. Beilenson	D/CA	75.	Christopher Cox	R/CA
26.	Charles E. Bennett	D/FL	76.	John Cox	D/IL
27.	Helen Delich Bentley	R/MD	77.	William J. Coyne	D/PA
28.	Douglas K. Bereuter	R/NE	78.	Robert E. (Bud) Cramer	D/AL
29.	Howard L. Berman	D/CA	79.	Philip M. Crane	R/IL
30.	Tom Bevill	D/AL	80.	Randall Cunningham	R/CA
31.	James H. Bilbray	D/NV	81.	William E. Dannemeyer	R/CA
32.	Michael Bilirakis	R/FL	82.	George W. Darden	D/GA
33.	Ben Blaz	R/GU	83.	Robert W. Davis	R/MI
34.	Thomas J. Bliley, Jr.	R/VA	84.	Peter A. DeFazio	D/OR
35.	Sherwood L. Boehlert	R/NY	85.	E "Kika" de la Garza	D/TX
36.	John Boehner	R/OH	86.	Rosa De Lauro	D/CT
37.	David E. Bonior	D/MI	87.	Tom DeLay	R/TX
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39.	Frederick C. Boucher	D/VA	89.	Ron de Lugo	D/VI
40.	Barbara Boxer	D/CA	90.	Butler Derrick	D/SC
41.	Bill Brewster	D/OK	91.	William L. Dickinson	R/AL
42.	Jack Brooks	D/TX	92.	Norman D. Dicks	D/WA
43.	William S. Broomfield	R/MI	93.	John D. Dingell	D/MI
44.	Glen Browder	D/AL	94.	Julian C. Dixon	D/CA
45.	George E. Brown, Jr.	D/CA	95.	Brian J. Donnelly	D/MA
46.	Terry L. Bruce	D/IL	96.	Calvin Dooley	D/CA
47.	John Bryant	D/TX	97.	John T. Doolittle	R/CA
48.	Jim Bunning	R/KY	98.	Byron L. Dorgan	D/ND
49.	Dan Burton	R/IN	99.	Robert K. Dornan	R/CA
50.	Albert G. Bustamante	D/TX	100.	Thomas J. Downey	D/NY

101.	David Dreier	R/CA	151.	Fred Grandy	R/IA
102.	John J. Duncan, Jr.	R/TN	152.	William H. Gray III	D/PA
103.	Richard J. Durbin	D/IL	153.	Bill Green	R/NY
104.	Bernard Dwyer	D/NJ	154.	Frank J. Guarini	D/NJ
105.	Mervyn M. Dymally	D/CA	155.	Steve Gunderson	R/WI
106.	Joseph D. Early	D/MA	156.	Ralph M. Hall	D/TX
107.	Dennis E. Eckart	D/OH	157.	Tony P. Hall	D/OH
108.	Chet Edwards	D/TX	158.	Lee H. Hamilton	D/IN
109.	Don Edwards	D/CA	159.	John Paul Hammerschmidt	R/AR
110.	Mickey Edwards	R/OK	160.	Melton D. "Mel" Hancock	R/MO
111.	Bill Emerson	R/MO	161.	James V. Hansen	R/UT
112.	Eliot L. Engel	D/NY	162.	Claude Harris	D/AL
113.	Glenn English	D/OK	163.	J. Dennis Hastert	R/IL
114.	Ben Erdreich	D/AL	164.	Charles Hatcher	D/GA
115.	Michael Espy	D/MS	165.	Charles A. Hayes	D/IL
116.	Lane Evans	D/IL	166.	James A. Hayes	D/LA
117.	Eni Hunkin Faleomavaega	D/AS	167.	Joel Hefley	R/CO
118.	Dante B. Fascell	D/FL	168.	W. G. "Bill" Hefner	D/NC
119.	Harris W. Fawell	R/IL	169.	Paul B. Henry	R/MI
120.	Vic Fazio	D/CA	170.	Wally Herger	R/CA
121.	Edward F. Feighan	D/OH	171.	Dennis M. Hertel	D/MI
122.	Jack Fields	R/TX	172.	Peter Hoagland	D/NE
123.	Hamilton Fish, Jr.	R/NY	173.	David Hobson	R/OH
124.	Floyd H. Flake	D/NY	174.	George J. Hochbrueckner	D/NY
125.	Thomas M. Foglietta	D/PA	175.	Clyde C. Holloway	R/LA
126.	Thomas S. Foley	D/WA	176.	Larry J. Hopkins	R/KY
127.	Harold E. Ford	D/TN	177.	Joan Kelly Horn	D/MO
128.	William D. Ford	D/MI	178.	Frank Horton	R/NY
129.	Barney Frank	D/MA	179.	Amory Houghton, Jr.	R/NY
130.	Gary Franks	R/CT	180.	Steny H. Hoyer	D/MD
131.	Martin Frost	D/TX	181.	Carroll Hubbard, Jr.	D/KY
132.	Jaime B. Fuster	D/PR	182.	Jerry Huckaby	D/LA
133.	Elton Gallegly	R/CA	183.	William J. Hughes	D/NJ
134.	Dean A. Gallo	R/NJ	184.	Duncan Hunter	R/CA
135.	Joseph M. Gaydos	D/PA	185.	Earl Hutto	D/FL
136.	Sam Gejdenson	D/CT	186.	Henry J. Hyde	R/IL
137.	George W. Gekas	R/PA	187.	James M. Inhofe	R/OK
138.	Richard A. Gephardt	D/MO	188.	Andy Ireland	R/FL
139.	Pete Geren	D/TX	189.	Andrew Jacobs, Jr.	D/IN
140.	Sam Gibbons	D/FL	190.	Craig T. James	R/FL
141.	Wayne T. Gilchrest	R/MD	191.	William J. Jefferson	D/LA
142.	Paul E. Gillmor	R/OH	192.	Ed Jenkins	D/GA
143.	Benjamin A. Gilman	R/NY	193.	Nancy L. Johnson	R/CT
144.	Newt Gingrich	R/GA	194.	Tim Johnson	D/SD
145.	Dan Glickman	D/KS	195.	Harry A. Johnston	D/FL
146.	Henry B. Gonzalez	D/TX	196.	Ben Jones	D/GA
147.	William F. Goodling	R/PA	197.	Walter B. Jones	D/NC
148.	Bart Gordon	D/TN	198.	James Jontz	D/IN
149.	Porter J. Goss	R/FL	199.	Paul E. Kanjorski	D/PA
150.	Willis D. Gradison, Jr.	R/OH	200.	Marcy Kaptur	D/OH

201.	John R. Kasich	R/OH	251.	Bob McEwen	R/OH
202.	Joseph P. Kennedy II	D/MA	252.	Raymond J. McGrath	R/NY
203.	Barbara B. Kennelly	D/CT	253.	Matthew F. McHugh	D/NY
204.	Dale E. Kildee	D/MI	254.	J. Alex McMillan	R/NC
205.	Gerald Kleczka	D/WI	255.	Thomas McMillen	D/MD
206.	Scott L. Klug	R/WI	256.	Michael R. McNulty	D/NY
207.	Jim Kolbe	R/AZ	257.	Jan Meyers	R/KS
208.	Joseph P. Kolter	D/PA	258.	Kweisi Mfume	D/MD
209.	Mike Kopetski	D/OR	259.	Robert H. Michel	R/IL
210.	Peter H. Kostmayer	D/PA	260.	Clarence E. Miller	R/OH
211.	Jon Kyl	R/AZ	261.	George Miller	D/CA
212.	John J. LaFalce	D/NY	262.	John Miller	R/WA
213.	Robert J. Lagomarsino	R/CA	263.	Norman Y. Mineta	D/CA
214.	Martin Lancaster	D/NC	264.	Patsy Mink	D/HI
215.	Tom Lantos	D/CA	265.	Joe Moakley	D/MA
216.	Larry LaRocco	D/ID	266.	Susan Molinari	R/NY
217.	Greg Laughlin	D/TX	267.	Alan B. Mollohan	D/WV
218.	Jim Leach	R/IA	268.	G. V. Montgomery	D/MS
219.	Richard Lehman	D/CA	269.	Jim Moody	D/WI
220.	William Lehman	D/FL	270.	Carlos J. Moorhead	R/CA
221.	Norman F. Lent	R/NY	271.	James Moran	D/VA
222.	Sander Levin	D/MI	272.	Constance A. Morella	R/MD
223.	Mel Levine	D/CA	273.	Sid Morrison	R/WA
224.	Jerry Lewis	R/CA	274.	Robert J. Mrazek	D/NY
225.	John Lewis	D/GA	275.	Austin J. Murphy	D/PA
226.	Tom Lewis	R/FL	276.	John P. Murtha	D/PA
227.	Jim Ross Lightfoot	R/IA	277.	John T. Myers	R/IN
228.	William O. Lipinski	D/IL	278.	David R. Nagle	D/IA
229.	Bob Livingston	R/LA	279.	William H. Natcher	D/KY
230.	Marilyn Lloyd	D/TN	280.	Richard E. Neal	D/MA
231.	Jill Long	D/IN	281.	Stephen L. Neal	D/NC
232.	Bill Lowery	R/CA	282.	Richard Nichols	R/KS
233.	Nita M. Lowey	D/NY	283.	Eleanor Holmes Norton	D/DC
234.	Charles Luken	D/OH	284.	Henry J. Nowak	D/NY
235.	Ronald K. Machtley	R/RI	285.	Jim Nussle	R/IA
236.	Thomas J. Manton	D/NY	286.	Mary Rose Oaker	D/OH
237.	Edward J. Markey	D/MA	287.	James L. Oberstar	D/MN
238.	Ron Marlenee	R/MT	288.	David R. Obey	D/WI
239.	David O'B. Martin	R/NY	289.	James R. Olin	D/VA
240.	Matthew G. Martinez	D/CA	290.	Solomon P. Ortiz	D/TX
241.	Robert T. Matsui	D/CA	291.	William Orton	D/UT
242.	Nicholas Mavroules	D/MA	292.	Major R. Owens	D/NY
243.	Romano L. Mazzoli	D/KY	293.	Wayne Owens	D/UT
244.	Al McCandless	R/CA	294.	Michael G. Oxley	R/OH
245.	Frank McCloskey	D/IN	295.	Ron Packard	R/CA
246.	Bill McCollum	R/FL	296.	Frank Pallone, Jr.	D/NJ
247.	Jim McCrery	R/LA	297.	Leon E. Panetta	D/CA
248.	Dave McCurdy	D/OK	298.	Mike Parker	D/MS
249.	Joseph M. McDade	R/PA	299.	Liz J. Patterson	D/SC
250.	James A. McDermott	D/WA	300.	L. William Paxon	R/NY

301.	Donald M. Payne	D/NJ	351.	Dan Schaefer	R/CO
302.	Lewis F. Payne, Jr.	D/VA	352. ✓	James H. Scheuer	D/NY
303.	Don J. Pease	D/OH	353.	Steven Schiff	R/NM
304. ✓	Nancy Pelosi	D/CA	354. ✓	Patricia Schroeder	D/CO
305.	Timothy J. Penny	D/MN	355.	Richard T. Schulze	R/PA
306.	Carl C. Perkins	D/KY	356.	Charles E. Schumer	D/NY
307.	Collin Peterson	D/MN	357.	F. James Sensenbrenner, Jr.	R/WI
308.	Douglas "Pete" Peterson	D/FL	358.	Jose E. Serrano	D/NY
309.	Thomas E. Petri	R/WI	359.	Philip R. Sharp	D/IN
310.	Owen B. Pickett	D/VA	360.	E. Clay Shaw, Jr.	R/FL
311.	J. J. Pickle	D/TX	361.	Christopher Shays	R/CT
312.	John Edward Porter	R/IL	362.	Bud Shuster	R/PA
313.	Glenn Poshard	D/IL	363.	Gerry Sikorski	D/MN
314.	David E. Price	D/NC	364.	Norman Sisisky	D/VA
315.	Carl D. Pursell	R/MI	365.	David Skaggs	D/CO
316.	James H. Quillen	R/TN	366.	Joe Skeen	R/NM
317.	Nick Joe Rahall II	D/WV	367.	Ike Skelton	D/MO
318.	Jim Ramstad	R/MN	368.	Jim Slattery	D/KS
319. ✓	Charles B. Rangel	D/NY	369.	D. French Slaughter, Jr.	R/VA
320.	Arthur Ravenel, Jr.	R/SC	370.	Louise M. Slaughter	D/NY
321.	Richard Ray	D/GA	371.	Christopher H. Smith	R/NJ
322.	Jack Reed	D/RI	372.	Lamar Smith	R/TX
323.	Ralph Regula	R/OH	373.	Larry Smith	D/FL
324.	John J. Rhodes III	R/AZ	374.	Neal Smith	D/IA
325.	Bill Richardson	D/NM	375.	Robert F. Smith	R/OR
326.	Tom J. Ridge	R/PA	376.	Olympia J. Snowe	R/ME
327.	Frank Riggs	R/CA	377. ✓	Stephen J. Solarz	D/NY
328.	Matthew J. Rinaldo	R/NJ	378.	Gerald B. Solomon	R/NY
329.	Don Ritter	R/PA	379.	Floyd Spence	R/SC
330.	Pat Roberts	R/KS	380.	John Spratt	D/SC
331.	Robert A. Roe	D/NJ	381.	Harley O. Staggers, Jr.	D/WV
332.	Timothy Roemer	D/IN	382.	Richard Stallings	D/ID
333.	Harold Rogers	R/KY	383.	Fortney H. Stark	D/CA
334.	Dana Rohrabacher	R/CA	384.	Clifford B. Stearns	R/FL
335.	Ileana Ros-Lehtinen	R/FL	385.	Charles W. Stenholm	D/TX
336.	Charles Rose	D/NC	386.	Louis Stokes	D/OH
337.	Dan Rostenkowski	D/IL	387. ✓	Gerry E. Studds	D/MA
338.	Toby Roth	R/WI	388.	Bob Stump	R/AZ
339.	Marge Roukema	R/NJ	389.	Don Sundquist	R/TN
340.	J. Roy Rowland	D/GA	390.	Richard Swett	D/NH
341.	Edward R. Roybal	D/CA	391.	Al Swift	D/WA
342.	Marty Russo	D/IL	392.	Mike Synar	D/OK
343.	Martin Olav Sabo	D/MN	393.	Robin Tallon	D/SC
344.	Bernard Sanders	I/VT	394.	John Tanner	D/TN
345.	George E. Sangmeister	D/IL	395.	Billy Tauzin	D/LA
346.	Richard John Santorum	R/PA	396.	Charles H. Taylor	R/NC
347.	Bill Sarpalius	D/TX	397.	Gene Taylor	D/MS
348.	Gus Savage	D/IL	398.	Craig Thomas	R/WY
349.	Thomas C. Sawyer	D/OH	399.	Lindsay Thomas	D/GA
350.	H. James Saxton	R/NJ	400.	William M. Thomas	R/CA

401.	Ray Thornton	D/AR	420.	Henry A. Waxman	D/CA
402.	Esteban Torres	D/CA	421.	Vin Weber	R/MN
403.	Robert G. Torricelli	D/NJ	422.	Ted Weiss	D/NY
404.	Edolphus Towns	D/NY	423.	Curt Weldon	R/PA
405.	James A. Traficant, Jr.	D/OH	424.	Alan Wheat	D/MO
406.	Bob Traxler	D/MI	425.	Jamie L. Whitten	D/MS
407.	Morris K. Udall	D/AZ	426.	Pat Williams	D/MT
408.	Jolene Unsoeld	D/WA	427.	Charles Wilson	D/TX
409.	Fred Upton	R/MI	428.	Bob Wise	D/WV
410.	Tim Valentine	D/NC	429.	Frank R. Wolf	R/VA
411.	Guy Vander Jagt	R/MI	430.	Howard Wolpe	D/MI
412.	Bruce F. Vento	D/MN	431.	Ron Wyden	D/OR
413.	Peter J. Visclosky	D/IN	432.	Chalmers P. Wylie	R/OH
414.	Harold L. Volkmer	D/MO	433.	Sidney R. Yates	D/IL
415.	Barbara Vucanovich	R/NV	434.	Gus Yatron	D/PA
416.	Robert S. Walker	R/PA	435.	C.W. Bill Young	R/FL
417.	James T. Walsh	R/NY	436.	Don Young	R/AK
418.	Craig Washington	D/TX	437.	William H. Zeff	R/NH
419.	Maxine Waters	D/CA	438.	Richard A. Zimmer	R/NJ

###

ID # \_\_\_\_\_ CU

1100 R: 3/25

**WHITE HOUSE  
CORRESPONDENCE TRACKING WORKSHEET**

O - OUTGOING

H - INTERNAL

I - INCOMING

Date Correspondence Received (YY/MM/DD) 1/1

Name of Correspondent: Harold R. Sims

MI Mail Report User Codes: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

Subject: Urges President to convene a White House Conference on Civil Rights, Economic Opportunity and Community Development

ROUTE TO: Office/Agency (Staff Name)	ACTION		DISPOSITION	
	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
<u>Cuok</u>	ORIGINATOR	<u>91,03,19</u>		<u>C 91,03,27</u>
<u>CUAT 10</u>	<u>A</u>	<u>91,03,19</u>	<u>NLO</u>	<u>C 91,03,27</u>
			<u>Note to Watkins</u>	
		<u>1 1</u>		<u>1 1</u>
		<u>1 1</u>		<u>1 1</u>
		<u>1 1</u>		<u>1 1</u>

**ACTION CODES:**

- A - Appropriate Action
- C - Comment/Recommendation
- D - Draft Response
- F - Furnish Fact Sheet to be used as Enclosure

- I - Info Copy Only/No Action Necessary
- R - Direct Reply w/Copy
- S - For Signature
- X - Interim Reply

**DISPOSITION CODES:**

- A - Answered
- B - Non-Special Referral
- C - Completed
- S - Suspended

**FOR OUTGOING CORRESPONDENCE:**

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: \_\_\_\_\_

Keep this worksheet attached to the original incoming letter.  
Send all routing updates to Central Reference (Room 75, OEOP).  
Always return completed correspondence record to Central Files.  
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

THE WHITE HOUSE  
WASHINGTON

Date: 3/27/91

TO: Joe Watkins

FROM: NELSON LUND  
Associate Counsel  
to the President

As we discussed, I'd  
be grateful if you could  
respond to the attached.  
Thanks.



*B. Gray*  
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*(enclosure for 11/16/90)*  
**National Black Republican Civil Rights Task Force**

1333 H Street, N.W.  
2nd Floor - West Wing  
Washington, D.C. 20005  
(202)898-0749

The Honorable George Bush  
President, The United States  
The White House  
Washington, D.C.

March 6, 1991

REFERENCES: (1) Your Message to participants in the March on Washington dated August 27, 1988, (2) My letter to you dated January 15, 1989, (3) My letter to you dated October 15, 1990 and (4) Your letter to me from Ms. Shirley M. Green, w/enclosure, dated November 16, 1990 (attached).

Dear President Bush,

I was deeply moved by the eloquence and sincerity in your tribute to the historic and intrepid contributions of the Black American Soldier during last month's White House ceremony in celebration of African-American History. I have also been deeply moved and inspired by your courageous appointment of my former Regular Army contemporary, General Colin Powell, as Chairman of the Joint Chiefs of Staff. The infectious example of mutual respect, interracial teamwork and professionalism displayed between Defense Secretary Cheney and General Powell set a new standard for affirmative action.

I am especially proud that the efficient, swift and decisive victory by the U.S. lead, combined, multi-racial and multi-national forces in North Africa and The Middle East, proved beyond any doubt, that through interracial sharing, cooperation and fairplay at every level of responsibility, greatness can be greater and achievements, legendary. Congratulations to you for your leadership par-excellence and thank you for your trust and faith in the wisdom and skills of our Generals and their troops at every level of command.

You may recall from the letter and enclosures I sent you on January 15, 1989, I was deeply involved in the expansion of equal opportunity for the minority soldier and larger Black community. The issue, however, is greater than the "Military's" current role as our "Nation's" leading equal opportunity employer. It is its historic role as the barometer of social change, the shield for our nations values and the laboratory for testing our ability to overcome class and caste in American life. Before the American Constitution was an effective, defacto document and the original colonies a true Republic, the first Black American's liberated, en mass, from slavery came as a direct result of their patriotism in both the American and British Armies during our Revolutionary War.

Perhaps it was providential that the war in the Persian Gulf began during the celebration of Martin Luther King, Jr's birthday and ended successfully during African-American History and Brotherhood Month. It is equally providential and ironic that this ending came as we were celebrating the birthdays of the greatest black-white team in American Political History, Frederick Douglass and Abraham Lincoln - the Father and God-Father of the Republican Party. With the mandate and approval given you by the American



## National Black Republican Civil Rights Task Force

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(202)898-0749

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PAGE TWO OF LETTER TO PRESIDENT BUSH FROM H.R. SIMS dated March 6, 1991.

People and the world as a result of the singularly outstanding performance of the Nation's most totally integrated and inclusive military force, you have an opportunity, as no President before you, to fulfill Lincoln's prophesy "that this nation, under God, shall have a new burst of Freedom" by realizing Douglass's blueprint for a Republic, "based upon the eternal principles of truth, justice and humanity, with no class having cause for complaint or grievance," that "will stand and flourish forever." Moreover, your Gargantuan strides towards "A New World Order" cannot be sustained without a healthy and unified domestic team, as tenacious in its war against crime, ignorance, poverty and disease as it was against Saddam Hussein...a team that is bi-partisan, multi-racial, ecumenical and non-sexist.

As a first step Mr. President, I strongly urge you convene a White House Conference on Civil Rights, Economic Opportunity and Community Development. The objectives of such a conference might be to assess the progress of these three components since 1954, to evaluate the impact of the remedies used, real and perceived, on all segments and regions of our society and fashion a strategy for a new national order by the 21st Century. Since this is the 20th anniversary of Whitney Young's tragic death in Nigeria (my mentor and friend), I would suggest, in his honor, the overall Goal would be to develop and implement his pioneering call for a Domestic Marshall Plan - a massive, public-private effort on the (relative) scale taken by our nation to rebuild the ruined remnants of Post-World War II Europe - an undertaking that led to booming economies, full employment and new housing in the cities of our former enemies. Only with such a massive and cooperative reordering of national priorities with all relevant segments involved can we win the war against poverty, greed, racism and violence.

On August 27, 1988 you reminded us that "civil rights is not just a matter of social policy, but a fundamental right -- the inherent equality of all men and women. The evil pains of inequality and bigotry must be left behind us as we embark upon a new century. "We have to" you reasoned "continue to do more than protect rights, we must create opportunity..." "As we prepare for the year 2000 let's work together" you challenged us "and forge ahead with a new agenda -- one that will address the social and economic rights of all Americans. Martin Luther King's 'dream' of the future must be continued." In conclusion you reaffirmed that..."our society - historically, economically and politically - is built on inclusion. Everyone should have a chance to take part in all that is good about this (our) country...."

Black America responded to the persuasive power of your words and gave you the highest approval rating of any Republican President since Eisenhower. Inherent in this was a need to depoliticize the black agenda by making it the common concern of both Political parties. We resented very much being ignored by one political party while being taken for granted by the other.



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PAGE THREE OF LETTER TO PRESIDENT BUSH FROM H.R. SIMS dated March 6, 1991.

We understand that the problems confronting this nation are universal and urgent and that they require no less than the kind of visionary, tenacious timely and urgent leadership exhibited by you during The Crisis in The Middle East.

Most of all Mr. President, the Domestic Marshall Plan not only meets the standards set in your August speech but it allows you to use the comprehensive task force approach which worked so effectively in the Persian Gulf. It will also permit you to again excite the minority and female electorate with a positive rather than a negative program without undermining the security of White male America. We salute you Mr. President and await your call to domestic action with deep humility and great respect! E Pluribus Unum! Novus Ordo Seclorum!

Inclusively and respectively yours,

Harold R. Sims  
Consultant/Historian

### Enclosures

As stated

### CC Ed. Brooke (Sen)

John Wilks  
Howard Baker (Sen)  
Shirley Green (Sp. Asst)  
Tom Kean (Gov)  
Jeri Crisman  
Colin Powell (Gen)  
Leonard Coleman (Com)  
Gloria Toots, Esq  
Arthur Fletcher (Hon)  
Connie Newman (Hon)  
Ophelia DeVore (Hon)  
Sam Cornelius  
Lionel Hampton  
Robert Maule  
Stanley Scott

HAROLD R. SIMS  
1274 CARLISLE ROAD  
NORTH BRUNSWICK, NEW JERSEY  
January 15, 1989

The Honorable George Bush  
President-Elect-U.S.A.  
The White House, 1600 Pennsylvania Ave.  
Washington, D.C. 20500

Dear Mr. Bush,

Due to circumstances beyond my control, I am unable to personally join in the celebrations honoring your inauguration as the 41st President of these United States of America. Nevertheless, I wanted to personally extend my best wishes and some thoughts about my hopes and aspirations for your Presidency.

Ever since our mutual friends, Stan Scott & Bob Maule, shared with me their personal convictions years ago about your ability and commitment, I have respected your promise as a healing and inclusive force for our nation, the world & the Republican Party. As Connie Newman & Lee Atwater can attest, I tried very hard during the recent campaign to persuade your election team to let us undertake certain steps to personally expose your warmth and sensitivity to the minority electorate which we believed would have increased your share of the minority vote. These steps were not based on theory but on the experience I gained as a part of Governor Tom Kean's Advisory Team under the leadership of Lenny Coleman & his assistant, Jeri Crisman. We proved that sensitive & committed Republicans can attract minorities w/o alienating whites.

In this regard, I attended the Republican National Convention to support Governor Kean in his keynote address & meet with several key minority Republican leaders. While there I attended a moving luncheon tribute to Mrs Bush & witnessed the eloquence of your acceptance speech. I also had the honor, through LaGree Daniels efforts, of personally meeting & conversing with your brother & sister. These exposures reenforced my belief that your Presidency could tangibly answer Abe Lincoln's challenge in his 2nd Inaugural address for a hate-free, caring and all-inclusive America, which affords all of us an "unfettered start and a fair chance in the race of life."

In closing, I do so with the conviction that the enormous problems confronting our world can only be effectively solved when both major political parties foster an environment which competitively attracts, equitably includes & cooperatively uses & inspires Americans of all races & classes to work together for mutual solutions to common problems. As the first and to date only, Vietnam Veteran to lead a major Civil Rights Organization, I experienced the greatness of multi-racial teamwork despite the unpopularity of the war in 1964-65 while "Mississippi was Burning" & Alabama was in defiance. It was ironic to me that while Americans were violently & non-violently confronting each other for the rights we were fighting in Indo-China to achieve, America's finest & first truly intergrated Armed Force was practicing Brotherhood on the

Ltr to Pres-Elect Bush

2.  
HAROLD R. SIMS  
1274 CARLISLE ROAD  
NORTH BRUNSWICK, NEW JERSEY

Battlefield with intrepidity & valor-never losing a single campaign.

Two years later, I sacrificed 10 1/2 years of an accelerating and pioneering Regular Army career to translate that experience into the larger battle for our Nation's soul--working in the Executive Office of the White under both President's Johnson & Nixon before I answered the call to be Whitney Young's Chief Disci-ple-20 years ago next September. I did this in the memory & legacy of my Father-an Old Guard, Lincoln-Douglass Republican to the end of his days. Were he alive today, he would ask you to remind America:

-that true conservatism protects & promotes those values on which the nation was founded,

-that the Republican Party was born, fashioned & shaped out of the bloody struggle from within for a unified & inclusive America.

-that the Republican Party eliminated the legal supports to institutional slavery. & created the constitutional & legislative foundation upon which the civil rights movement is built.

-that the Republican Party gave birth to Universal Public Education & the Land Grant college.

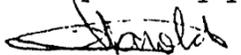
-that Republicans gave the first national recognition to the African-American fighting man & created the famed Army Regiments which have forever enshrined him in the annals of the West & South.

-that a Republican led Supreme Court rendered the decision which constitutionally launched the modern day civil rights movement

-that the first Congressional Black Caucus embraced those 23 Black Republicans who served in the Congress between 1868 & 1895 & that the only Black Senator since Reconstruction was a Republican.

Finally Mr. President-elect, my father would ask you to remind the world that two of the most brilliant & courageous statesmen in our Nation's history-Abraham Lincoln & Frederick Douglass; one white the other black, one a lawyer the other a journalist; one a laborer the other a businessman, one born free the other a slave, yet both born poor, both self-educated, both reared in Border states & matured in the trials & challenges of Northern Lands yet both are the rocks on which the foundation of the Republican Party was laid. Therefore, my father would conclude, the Republican Party during its earliest beginnings, represented the ultimate fulfillment of the American Dream. Then he would pray for your wisdom, health, understanding and courage in the difficult days ahead & join with you in fulfilling Dr. King's Dream as an extension of the fundamental values which gave life & immortality to the Republican Party at its birth. IN HIS LEGACY MR. PRESIDENT, MAY YOU TRIUMPH FOR US ALL SO THAT DR.KING'S CHALLENGE TO TAKE THE RACE OUT OF POLITIC'S CAN BE FULLFILLED IN OUR TIME!

Respectfully yours,



Harold R. Sims  
cc. s/l

PS Dad would also remind us that despite rethotic to the contrary, Blacks never deserted the Republican Party but the Party abandoned them a trend he would urge you to reverse.



*National Black Republican Civil Rights Task Force*

1333 H Street, N.W.  
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(202)898-0749

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October 15, 1990

Honorable George Bush  
President of the United States  
The White House  
Washington, D. C.

Dear Mr. President:

On behalf of the Black Republicans Civil Rights Task Force, an organization dedicated to keep the general public aware of the historical leadership role of the Republican Party in civil rights, I write to strongly urge that you support the Civil Rights Bill of 1990, which has been passed by the Congress. As your long time supporters, we are aware, Mr. President, that you personally know more Black Americans than any person who has ever occupied the esteemed office of the Presidency, and we are therefore hopeful that you will find among them persons whose honor and judgment you can trust with regard to these issues so central to our survival in particular and the racial harmony of the Nation in general. It is disturbing to note at this late date how much weight is given to the opinions of those who continue to oppose this Civil Rights Bill in view of their personal limited experience as compared with persons and organizations whose priority for existence has been to eradicate the historic injustice in our society up from slavery that brought about a need for the government to provide legal protection for African American citizens.

We believe Mr. President that those who advise opposition to this Bill which essentially restores rights that existed over the past 18 years, lack the sensitivity to see the destructive implications of such an action to the thirty to forty percent Black military personnel poised for war in the Middle East. This clearly is an open invitation for the enemy to exploit through propaganda techniques.

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Honorable George Bush  
October 15, 1990  
Page Two

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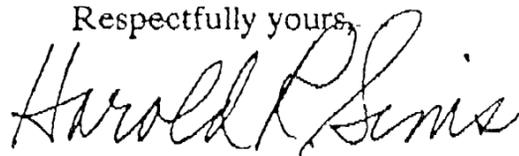
Mr. President, you personally, through your constructive sense of purpose, your appeal to the Thousand Points of Light has earned the approval of all Americans. Black Americans, for the first time in the history, are giving you, a Republican, the same approval rating as are other Americans.

As Black Republicans we know that it was a Republican led Supreme Court which launched the modern day civil rights movement, and a Republican, President Eisenhower, who enforced its implementation. Therefore, we welcome your politics of inclusiveness which has gained favor with all Americans.

To veto this Civil Rights Bill would be a setback for your constructive leadership in the eyes of many Americans and would be disastrous with Black Americans.

Black Americans understand that quotas are restrictive and therefore would be the first to resist any such mandate. The Civil Rights Bill of 1990 holds no restrictive threats but rather is a safeguard against discrimination. Again, Mr. President we urge you to sign this Bill. To do otherwise would send the wrong signal to the Nation and the world and particularly to the Third World.

Respectfully yours,



Harold R. Sims  
Historian

HHS  
tbw

Nov 21,90 04:11 P.02

THE WHITE HOUSE  
WASHINGTON  
November 16, 1990

Dear Mr. Sims:

On behalf of President Bush, thank you for your message concerning the Kennedy-Hawkins Civil Rights Act of 1990, legislation the President deeply regrets that he could not sign.

Equality of opportunity is a fundamental value Americans hold dear, and President Bush believes that every citizen is entitled to fair treatment -- a fair chance. As the President has said, "Discrimination, whether on the basis of race, national origin, sex, religion, or disability is worse than wrong. It is a fundamental evil that tears at the fabric of our society, and one that we should and must oppose."

Kennedy-Hawkins did contain provisions that the President strongly endorsed. There were, however, fatal flaws in the bill. Despite the use of the term "civil rights" in its title, that bill actually employed a maze of highly legalistic language that would have introduced the destructive force of quotas into our Nation's employment system. Kennedy-Hawkins contained several other unacceptable provisions, including some that would have insulated illegal quota schemes from legal challenge by those individuals they impact, and others that would have created inappropriate incentives for costly litigation.

A central goal and, indeed, a promise of the Bush Administration has been equal opportunity and equal protection under the law. When legislation, however well-intentioned, has the impact of leading employers to adopt hiring and promotion quotas, equal opportunity is not advanced, rather it is thwarted.

President Bush is committed to ensuring that all American workers will be judged on their skills and their work, not on the color of their skin or their gender. That very commitment to equality, fairness, and justice is the reason that he was compelled to veto the bill approved by the Congress, since any bill that results in quotas is contrary to those very principles. To demonstrate his commitment to the stated purposes of Kennedy-Hawkins, the President sent to Congress a sound civil rights bill, containing all of the main provisions in Kennedy-Hawkins, but which accomplished its goal of

Nov 21, 90 04:12 P.03

2

lessening employment discrimination without resort to hiring quotas. Unfortunately, the Congress adjourned without acting on the President's bill.

In light of your interest, I am enclosing a copy of a statement by the President, which explains the Administration's bill, the legislation he vetoed, and his views on both in more detail.

Sincerely,

*Shirley M. Green*

Shirley M. Green  
Special Assistant to the President  
for Presidential Messages  
and Correspondence

Mr. Harold R. Sims  
Historian  
National Bank Republican  
Civil Rights Task Force  
2nd Floor- West Wing  
1333 H Street, N.W.  
Washington, DC 20005

Enclosure: 10/20/90 Statement by the President

# Bush & Quayle

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733 15th Street N.W.  
Suite 800  
Washington D.C. 20005  
202 342 1988

A Message to  
the Participants in the March on Washington  
August 27, 1988

Your presence here today demonstrates that the spirit and dream of the late Dr. Martin Luther King remains alive. I support you in your efforts to make the dream become a reality.

It is hard to believe that a quarter of a century has passed since thousands of Americans assembled at this very site to proclaim justice and equality and to listen to Dr. King's memorable "I Have a Dream" speech. His "dream" is alive today. --and our task is to keep it alive.

Although we have traveled a long road since the original march, much remains to be accomplished. We've reduced the poverty rate significantly since 1963 -- but it's still too high -- and we can do better.

America has been another name for opportunity: and we believe it must always be. We have been building a strong record of economic success -- the longest peacetime economic expansion we have ever enjoyed. More Americans are working than ever before. Employment for black teenagers is increasing at twice the rate of the rest of the population. But the Bush Administration wants to create more new jobs in the next eight years -- and more income for Americans. A strong and growing economy is the key to creating opportunity in America. And a

strong and growing economy will be the top priority of a Bush administration.

Opportunity for black America is growing. Unemployment among blacks has fallen by 7 points in the last 5 years. There has been an explosive growth in the black middle class. Today, a third of all black families earn more than \$25,000 a year. But these gains are fragile and there is much left to be done. I am running because I can do better.

I'd start with education -- because the seeds to opportunity are sown early in life. I would increase Headstart - an outstanding program that helps youngsters get that equal place at the starting line. The program is working, but it is not reaching enough of our young people, and it must be expanded. After all, knowledge is power, and our world is evolving rapidly into a high-tech, information-based workplace that demands a good education. Today's youth must be trained and prepared to survive in tomorrow's society. I would improve our schools, by rewarding excellence and encouraging great teachers. And, I would make it easier for families to save for college by establishing College Savings Bonds.

Although a large number of Black Americans have become homeowners during the past 25 years, we need to continue our

efforts to help more people experience the pride and dignity of home ownership, to have a piece of the American dream. Every American deserves decent, affordable housing.

Martin Luther King knew and believed in the importance of strong families. He knew that children are our future and understood that providing education and training, along with teaching self-responsibility were the first steps to getting the next generation out of poverty and also to breaking the cycle of dependency. We must respond to families in need in a generous way, and bring people who can care for themselves into the mainstream, not because we want to save money, but because it is morally right, and because it works. We cannot allow families to be forever welfare dependent. We must help welfare families move from a status of dependence to one of independence of welfare and into the world of work. We must help parents juggle the demands of work and family; and that's why I have proposed a comprehensive child care plan. Furthermore, federal law must insist that the absent parent fulfill his responsibilities to his kids and spouse. I am sure this was a part of Dr. King's dream.

Our young people can no longer have their lives snuffed out because of the drug problem. They should be allowed an opportunity to rise and prosper on the basis of talent and grit. Martin Luther King probably did not foresee a future in which the

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lives and minds of this generation of young black Americans would be destroyed by the greed of urban terrorists. These children must be saved!

And lastly, civil rights is not just a matter of social policy, but a fundamental right -- the inherent equality of all men and women. The evil pains of inequality and bigotry must be left behind us as we embark upon a new century. We have to continue to enforce and uphold the existing laws and do more than protect rights, we must create opportunity. I believe this is the type of justice Dr. Martin Luther King was seeking.

As we prepare for the year 2000 let's work together and forge ahead with a new agenda -- one that will address the social and economic rights of all Americans. Martin Luther King's "dream" of the future must be continued.

My friends, our society - historically, economically and politically - is built on inclusion. Everyone should have a chance to take part in all that is good about this country. We have to continue to carry out Martin Luther's King's legacy and "dream" of the future.

Thank you and may God bless and keep each and every one of you.

George Bush

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WHITE HOUSE  
CORRESPONDENCE TRACKING WORKSHEET

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Name of Correspondent: Phil Bradley

MI Mail Report User Codes: (A)          (B)          (C)         

Subject: Remarks delivered at the markup of the civil rights legislation in the House Judiciary Committee on Henry Hyde

ROUTE TO:	ACTION	DISPOSITION
Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD
<u>Cuyc</u>	ORIGINATOR	<u>9/103/21</u>
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- D - Draft Response
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- R - Direct Reply w/Copy
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THE WHITE HOUSE  
WASHINGTON

3/21/91

**TO:** BOYDEN GRAY

**FROM:** PHILLIP D. BRADY  
Assistant to the President and  
Staff Secretary

The attached has been forwarded  
to the President

THE WHITE HOUSE  
WASHINGTON

91 MAR 21 AM 8:22<sup>3/20</sup>

TO: THE PRESIDENT

FROM: FRED McCLURE   
Assistant to the President  
for Legislative Affairs

- FYI
- Comment
- Action

The attached remarks were delivered at the mark-up of the civil rights legislation in the House Judiciary Committee by Henry Hyde. I thought that they were worthy of your having an opportunity to review them.

Statement by U.S. Rep. Henry J. Hyde  
House Committee on the Judiciary - Markup of HR 1  
March 19, 1991

Mr. Chairman:

The issues that we debate today are of transcendent importance because they involve the heart and soul of our constitution - equal protection of the law.

Before we discuss substance, I should like to comment about a unilateral effort to structure the vocabulary of debate about HR 1. The first politically correct notion is to avoid the "Q" word - quotas. We who believe this is a quota bill, not a civil rights bill, have been warned that we will be held accountable for using what one member has called the new snarl word, quotas. There exists a whole menu of epithets such as racist, sexist, euro-centrist which can be used as a substitute for debate on the merits, but at the risk of being called all of the above and more, I propose in the few minutes that I have, to candidly analyze HR 1.

In the early and middle years of the civil rights movement, it sounded a battle cry that all fair-minded citizens - the overwhelming number of Americans - could respond to - the

essentially moral argument that race must not be a source of advantage or disadvantage to anyone. This claim sought to shatter what Shelby Steele has called "the corrupt union of race and power" with principles of fairness and equality. Back then color preference was known as "white supremacy," and we thought we had delegitimated color preference in 1964. Americans supported, and still support, the Civil Right Act of 1964 because we recognized racial power as the enemy and used moral power as the weapon.

The Civil Rights Act was about unifying people - But I fear that HR 1 in its consequences, if not its intention, is about dividing people - Balkanizing our society - and in the end, when its complexities are understood at the employment offices of countless businesses and factories, it will not have the support of the American people, but their resentment and indignation.

Under HR 1, civil rights is no longer about equal opportunity - it has become a contest of statistics - the notion of equality has been subsumed into the concept of proportionality. I would advise all employers to abandon the outdated claim, An Equal Opportunity Employer, for the more honest claim, A Statistically Proportional Employer and I would recommend all help wanted signs revert to the old "Irish need not apply" signs in 19th Century Boston, and perhaps advertisements can specify: "Help Wanted, four women, two African-American males and one Hispanic needed."

My reading of the Constitution is that the 14th Amendment's promise is equal protection, not proportional protection of the law.

I oppose HR 1 because while it enriches contingency fee lawyers, it impoverishes the principle of the equality of all Americans. The practical and predictable consequences of this bill - notwithstanding its contrary assertions - is to institutionalize color, ethnic and gender preferences under the false flag of civil rights. By stacking the deck against employers they have made this a quota bill, and as Lady Macbeth once complained, all the perfumes of Arabia will not sweeten it. This bill will accomplish precisely what the 1964 Civil Rights bill stood foursquare against - a color conscious society.

Now proponents can point to alleged exculpatory language on quotas as their argument that quotas are not required nor encouraged - and they can point to a too clever by half paragraph that says statistical imbalances in an employer's workforce are not "alone sufficient" to show disparate impact (Notice that it is silent about any disparity between the available labor pool and this workforce). But the reality of this legislation is that it creates a presumption of guilt based only on crude race or gender statistical imbalances in the workplace as compared with the available labor force - and then forces the employer to rebut

that presumption under a standard of proof that rules out excellence as a defense, and is almost impossible to meet.

This bill re-writes 20 years of civil rights law in its definition of "business necessity" (distorting it from the definition in the Griggs case - from having a "manifest business relationship to the job in question" to having a "significant relationship to the successful performance of the job." Incidentally, I strongly suggest you review the ethnic, racial, religious and gender makeup of your office and committee staffs - and should you be hiring or promoting, consult the raw statistics - don't bother measuring skills, experience, training or quality of education, motivation or anything else - forgo the search for excellence, or you'll be personally sued. That's what we're imposing on the rest of the country and that's what we're imposing on ourselves. (And, by the way, what labor force do you measure against? The District of Columbia? Your home district?)

This bill's presumption of guilt and its high hurdle of proof will force employers to hire by the numbers, promote by the numbers - and the imposition of the tort system (you know how well the tort system works for medical malpractice, for products liability, don't you?) and the possibility of jury damages of unlimited amount, both compensatory and punitive - will drive any sane employer to quotas or bankruptcy - but either way, the country and the cause of civil rights is set back 30 years.

Dr. Martin Luther King expressed his dream as living in a society where people would be judged not by the color of their skin, but by the content of their character. This bill is a quantum leap back from his dream, and that's a real pity.

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THE WHITE HOUSE  
WASHINGTON

February 22, 1991

Dear Jack,

Thank for sharing with me your speech referring to the "civil rights revolution."

I think you're right on target!

Regards,



John H. Sununu  
Chief of Staff

The Honorable Jack Kemp  
Secretary of Housing and Urban Development  
Washington, D.C. 20410

Governor -



THE CHIEF of STAFF  
has seen

Here are the remarks I made  
last March for Pete Wilson's  
campaign on Chapter II of  
the Civil Rights Revolution. They may  
→

Provide some ideas for  
our efforts to stress opportunity,  
education, homeownership & jobs as  
the Bush Admin.'s contribution to a  
"New Chapter" →  
Regards, Jack

Remarks by  
Secretary Jack Kemp  
U.S. Department of Housing and Urban Development

before the  
California Republican Party State Convention

Saturday, March 10, 1990  
Santa Clara, California

What a thrill it is to stand before the great men and women from my home State of California. I've been privileged to be back here many times.

I am proud to serve with this President at this revolutionary moment in history. I believe Abraham Lincoln's axiom that we serve our Party best by serving our country first. In 1990, particularly here, we can serve our country best by electing Pete Wilson the next Governor of California.

I have learned that the greatest speeches in history are the shortest speeches. Mr. Lincoln's Gettysburg address was five minutes long. His second inaugural was three and a half minutes long. Washington's second inaugural was eight minutes long. John F. Kennedy's "Ich bin ein Berliner" speech was eleven minutes. William Henry Harrison was sworn in as President of the United States in 1841 on a cold March day. He spoke three and a half hours in 6 above zero weather, caught pneumonia and died.

My speech may not be short enough for greatness; but I'll keep it brief enough for our mutual health.

A few weeks ago a New York Times editorial said, "If a man from Mars came to the earth today and said take us to your leader, we, the New York Times, would have to take him to meet Gorbachev." I want to say that if a man from Mars had come to earth in the 1980s we would have taken him to meet Ronald Reagan and, if he came today in the '90s, we would have to take him to meet President George Bush. And by the way, if Jerry Brown ever

comes back to earth, and wants to be taken to California's leader, we'd have to take him to Sacramento to meet, Governor Pete Wilson!

I believe we're living in the most exciting time in the history of this beloved Nation. It's as if its 1776 all over again, except this time there's one huge difference; today we have television sets and we can watch Thomas Jefferson speak his own words, "We hold these truths to be self evident that all men are created equal, endowed by their creator with certain inalienable rights that among these rights are life, liberty and the pursuit of happiness." And what makes this even more exciting is that you can listen to Jefferson in Chinese, in Russian, in Polish, in Lithuanian, and you can see and hear it in the Ukraine and from Bucharest Square and Sofia Square to Wenceslas Square and downtown Managua Square.

No where in the world are people quoting Marx, Lenin, or Mao Tse-tung, except maybe in Cuba and North Korea. Today, young people are quoting Jefferson and Patrick Henry. They're saying "Give me democracy or give me death." The inalienable rights -- human rights, civil rights, legal rights, and voting rights -- and the boundless opportunities that are ours by virtue of our birthright, are now increasingly recognized as the birthright of men and women all over the globe.

Mr. Lincoln founded our Republican Party on an idea -- the idea that the great promises of the Declaration of Independence belonged to all people for all time, not just for some men at one

time in history; the idea that human freedom is an inalienable God-given right. It was a radical idea in 1776. In Latin, of course, "radical" means going back to the roots. Our Republican Party must be radical in our commitment to the idea that all people have talent, potential, and possibility. We must guarantee that every child of God has the equality of opportunity to be what he or she was meant to be.

Mr. Lincoln said before his first inaugural, "I would rather be assassinated on this spot than give up my beliefs in the Declaration of Independence." That passion, that belief, was our Party's moral foundation -- and at the same time a very practical idea for human progress. Indeed, it made our Party the majority Party.

Up until the 1980s, there had been three great political realignments in our Nation's history.

The first began when Mr. Jefferson's party, the Democratic-Republican Party, defeated the Federalists in 1800. By the way, I like that phrase, "democratic republican," small "d" of course. It means a fundamental belief in people, a belief in markets, a belief in human potential. Our Party must be the party that believes in possibilities, not limits; in people, not elites; in democracy, not bureaucracy.

The second great political realignment was Mr. Lincoln's realignment -- the founding of the Republican Party out of the old Whig Party. Do you know why the Whig Party died? It stood for nothing. It couldn't decide whether it was for slavery or

against slavery. It collapsed. It had no heart, no soul, no moral compass. It stood for nothing - no guiding moral or political principles.

Mr. Lincoln founded our Republican Party on the profound ideas of freedom and emancipation; and within four years our Party became the majority party. I am convinced that the reason he was so successful and the reason that so many listened to him, was that they knew he believed, people knew he cared. You see "people don't care how much you know until they know that you care."

The third great political realignment took place when Mr. Roosevelt led the Democratic Party to majority status in 1932.

And today, I believe we are living in the midst of the fourth great political realignment in America's history. It began in 1980 when Ronald Reagan was elected president, and is based on the idea of peace through strength, restoring economic growth, and entrepreneurial opportunity to our Nation. While Ronald Reagan may not have been Time's Man of the Decade, his accomplishments make Man of the Century!

Today, President George Bush is deepening that realignment, extending it and expanding it. And ladies and gentlemen, we must advance this economic growth and opportunity into every single pocket of poverty and despair in the United States of America, and indeed the whole world.

As the Berlin wall comes down President Bush, has suggested that other walls need to come down, too, -- the walls of

prejudice and the walls of poverty and despair and dependency that keep many poor people from realizing their dreams and aspirations.

And how can we tell the world that democracy is the preferable political, economic and social development tool for them if we can't make it work right here at home, in our own communities, in the urban and rural pockets of poverty, where the incentives are the reverse of everything that needs to be done to create productive human behavior and wealth

As in all great revolutionary times as Dickens writes, it can be both the best of times and the worst of times. Today, it's the best of times in terms of the great national recovery of both our spirit and our economy.

But there's so much more to be done. As de Tocqueville taught us, the greatness of America is not only in her fertile fields and boundless prairies, in her ample harbors and great rivers -- it can't be measured by GNP. The ultimate strength and genius of America is people -- their talents, their ideas, their hopes, their ambitions, and most importantly their goodness.

Some call the 80s the decade of greed. I say it's been a decade of renewal and opportunity. But not for everybody. That's what I want to speak about for just a moment. Because candidly, it's the worst of times for people who are without homes; the worst of times for people who can't afford to buy their first home; the worst of times for people without jobs who are living in despair. It's the worst of times for some in

California, where only 10 percent of the people can afford a medium-priced home.

What can we, as a Party, do about these problems? The first thing we can do about it is realize that problems, after all, are opportunities, and that we can do something positive to combat poverty, despair, and hopelessness. Secondly, our Party must return to our roots -- dug deep by Abraham Lincoln and Thomas Jefferson -- and wage an all-out war on poverty using the tools of democracy, private property, and free-enterprise. And this time we have to win the war on poverty. We can't afford to lose. It helps to know what went wrong and why.

We have learned all too well how to create poverty. First, create a very steeply graduated income tax system, and then rely on inflation to push all working men and women up into higher tax brackets.

Then, if you want to create more poverty, reward welfare and unemployment more than you reward working and being productive.

If you want to create even more poverty, reward the families that break up more than you reward the families that stay together.

If you want to create still more poverty, reward people that stay in public housing and on welfare rather than those who move through welfare, out of public housing, and up the ladder of economic opportunity. Believe or not, when I came to HUD, I found that families who had stayed the longest in public housing were getting awards from the agency. Well, we've cancelled those

awards!

Allowing rewards for illicit capitalism out on the street to be greater than the rewards for the entrepreneur who creates wealth and jobs legally will create more poverty.

And lastly, if you really want to expand poverty, weaken the link between effort and reward.

So what must we do? First of all realize that our Party has been given a second chance by history.

There was a great civil rights revolution in this country in the Fifties and Sixties. It was led by a woman named Rosa Parks on Cleveland Avenue in downtown Montgomery, Alabama in December of 1955. It started a flame that has grown and has inspired people all over this country. It was sparked by Doctor King, who said he dreamed that one day we would judge all children not by the color of their skin but by the content of their character. We weren't there for the first civil rights movement, but we're here now.

So I want to outline the second great civil rights revolution in America. This one is about economic opportunity for all - the dream of owning a home, owning a piece of property, having a chance to get a good education, living in a drug-free neighborhood and community, being able to own a stake in the system. It means each of us having the opportunity to be what God meant us to be.

There are positive and progressive ways to combat poverty. We know intuitively and historically that jobs, home ownership,

housing, education, and freedom of enterprise work. To help eliminate poverty and despair, President Bush has launched a program called HOPE. HOPE stands for Homeownership and Opportunity for People Everywhere. I believe it's the most incentive-oriented, populist, private enterprise approach to fighting poverty ever offered.

The President has rightly called for a lower capital gains tax, not to help the rich, but to help the poor who want to become rich or at least richer. Not to help the people who've established existing wealth, but to help those who want to create new wealth.

And then he proposes to eliminate capital gains tax in the pockets of poverty so that men and women with entrepreneurial skills and ideas can create jobs and new wealth. He believes everyone can contribute to the wealth of our cities and to the great wealth of our country. In short, President Bush wants to greenline the inner cities of America. Greenlining our inner cities will allow venture capital to flow into minority businesses. Frankly, there are not enough minority business men and women in America -- less than 500,000 black-owned businesses in America and not enough hispanic-owned businesses in America. There are 14.1 million small businesses in America, and we want minority businessmen and women to have the same opportunity to realize their dreams that other Americans in the free-enterprise system have.

We must concern ourselves, in this new war on poverty, with

the mother on welfare struggling to make it, who faces the highest marginal income tax in the United States of America, higher, incidentally, than any man or woman in this room. Because when she takes a job at McDonald's or McDonnell Douglas in Southern California, the government both takes away welfare and taxes her income. We should work to eliminate the tax on the first several rungs of the ladder, so that the reward for working is much greater than the reward for not working or being on welfare.

Basically, the Democratic Party sees itself as an agent of redistributing America's wealth. They believe that the only way you can help some is to take it away from others -- that life, or at least the economy, is a giant zero sum game. But ladies and gentlemen, that's not the America Dream. We can't allow an America in which only the fittest survive. Republicans must bring more chairs to the table, and build a bigger table.

The centerpiece of the President's HOPE package is to help not only restore low income housing opportunities in America, but also give more people the chance to own their own home. We must take public housing in America and give residents the opportunity to homestead, to manage, and to control their own destinies. It's a radical idea, but has deep roots in our Party's history.

Mr. Lincoln suggested that we carve out of the wilderness opportunities for people to own a piece of land, to own their property, to own a home, no matter how humble. He said, "every man should have the means and opportunity of benefitting his

condition ... I am in favor of cutting up the wild lands into parcels so that every poor man may have a home." We must now homestead in urban America by giving public housing residents a chance to own their own homes and get a stake in our democratic system.

Some have said the only thing to do in public housing is blow it up. But President Bush and I want to build, not tear down. We want children raised in an America that exalts their boundless potential instead of imposing limits. We want people treated as resources, not as a drain on resources. We want children in the inner city to have the same opportunity to realize their dreams as children in the suburbs.

I've been in inner city ghettos and barrios of America, and I've seen the talent that is there waiting to be tapped. I've seen what happens in public housing communities when human potential is liberated. I've visited Alicia Rodriguez at Estrada Court in East L.A., and Kimi Gray at Kenilworth-Parkside in Washington, D.C. I've talked to Loretta Hall and Bertha Gilkey in St. Louis, with Irene Johnson in Chicago.

And what a thrill it was to be at Garfield High School in East L.A. yesterday and Jaime Escalante. He cares! Boy does he care! There's a huge sign on the wall of his classroom that says "ganas" -- that's Spanish for desire. Escalante teaches that any student with desire, ambition, aim, i.e. "ganas," can succeed. This is the possibility and potential that our Party must celebrate, encourage, and hold out to all Americans, in contrast

to the welfare dependency and despair that liberals offer. We must not treat poverty as a perpetual condition. It is an opportunity to defeat and overcome.

Our Party wants to get the private sector back into the housing market by incentivizing the tax code. The low income housing tax credit needs to be extended and expanded.

Our Party wants first-time homebuyers to be able to use their IRA's as down payments on their homes. The President has asked Congress to allow families to use IRAs without penalty to purchase that first home.

Our Party wants to eliminate the local and federal barriers to affordable housing, whether they are exclusive zoning, development fees, no-growth policies or rent control. Our Party must be the Party that creates housing opportunity zones to remove those barriers and help make housing and homeownership more affordable for every single man and woman in this country.

The Federal Housing Administration is now back in the business of helping low and moderate income people have a chance to own a home. It is helping the first-time home buyers, not building or insuring swimming pools, golf courses, and vacation sites.

Our friends on the left in Congress want day care credit only for those who go out to work, but with all due respect, day care credit and an earned income tax credit should go to all families, to all women -- those who work and those who stay at home and take care of their children. We need a pro-family child

care system in America.

Finally, schools and public housing need to be drug-free. Many influential business men and women have told elementary school students, "If you study, stay in school and get good grades, you can go to college." I believe this country is affluent enough for the public and the private sectors to guarantee a college education to every boy and girl in America who stays in school and gets the grades no matter how low their income level. I know America can do it, and we Republicans must advance equal opportunity of higher education.

All of these proposals are based on a radical idea: our goal of strengthening the link between effort and reward, especially for those in need. The Democratic Party measures compassion in America by how many people need welfare and food stamps and government assistance. Let our Party measure the welfare and the compassion of America by how few people need it because they have moved from public assistance to economic independence.

As President Bush has said, "while we can have our disagreements, the unity of our Party does not require unanimity." We don't have to look alike or say it all the same way; but we must have a common purpose, a common foundation, a common goal of recapturing the American Dream for all people everywhere. Mr. Lincoln laid that foundation. He taught us that we can only be the majority party if we act on behalf of the hopes and dreams and aspirations of every single person.

I believe the greatest target of opportunity for our Party

today is in the inner cities of America among those who might never have voted GOP, but because of President Bush's leadership are looking to us as never before. We must go into pockets of poverty and help unleash that untapped human potential -- that caged eagle of human talent that is just ready to soar. Let us be the party that recognizes the wisdom of the Talmudic philosopher Maimonides, who said that "the noblest charity is to prevent someone from having to take charity."

In ancient Jerusalem there was a Housing Secretary by the name of Nehemiah. He rebuilt the city of Jerusalem, he did not turn his back on it. Our Party today should be builders like Nehemiah. We must rebuild our cities, rebuild families, build better education, build housing and opportunity for those in need. We can rebuild America, but this time with democracy and free-enterprise, not central planning and dependency.

Yes, we will have our critics just as Nehemiah had Sanballat and Tobiah and Geshem who ridiculed him; but he never gave up, he never left the wall, he never quit.

We have such a man in Pete Wilson. We have such a man in President George Bush. And I believe we're building that city on a hill that John Winthrop and, yes, President Reagan talked about. Never has it been more important to this country to fulfill its promise, because the whole world today is looking to us for that type of leadership.

The greatest leadership the world has ever known, is to lead by example -- to do the right thing for the right reason at the

right time in history. That's why the emerging leaders today like Vaclav Havel, Lech Walesa, President Lansbergis, Andre Sakharov, Natan Sharansky, Violetto Chamarro, and the students in Tiananmen Square, are not just quoting America's founding fathers -- they're looking to us for the model on democratic capitalism and freedom.

Right here in California we have a chance to carry on the great legacy of President Ronald Reagan and a great California governor, George Deukmejian. Pete, we wish you Godspeed; you've got a great team and a great cause. I can't think of a better way to help America, and show the world the right way, than to recapture that dream right here in the State of California under your leadership. God bless you. Thank you very, very much.

##

## Withdrawal/Redaction Sheet (George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
01. Memo	Case Number 222969SS From C. Boyden Gray to POTUS RE: Civil Rights (1 pp.)	03/22/91	P-5	

**Collection:**

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**Office:** Records Management, White House Office of (WHORM)  
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THE WHITE HOUSE  
WASHINGTON  
March 22, 1991

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Lamar A.  
CS-3-25

91 MAR 22 AM 11:57

MEMORANDUM FOR THE PRESIDENT

FROM: C. BOYDEN GRAY *cmh*

THE PRESIDENT HAS BEEN

22296935

SUBJECT: Civil Rights

70010

Your speech introducing your civil rights and economic opportunities program has been recognized as an eloquent statement of principles (see attached Wall Street Journal story). Unfortunately, the speech happened to be scheduled for the day the war ended. Nonetheless, intellectual progress is being made as opinion leaders gradually begin to catch up with the public. The attached William Raspberry column is important because of who he is. The attached Washington Post/ABC poll, and the attached story about the civil rights groups' private study of American attitudes, suggest that you have already generated strong support beyond the Beltway.

Every indication is that we are in a stronger position on the Hill than we were last year. Kennedy is having trouble finding co-sponsors, for example, and hasn't even introduced a bill. As your views on this issue become clearer and more persuasive, we may well see increasing attacks from our opponents. If this happens, it will reflect their weakness more than their strength.

I believe that education reform should continue to be the flagship of your equal opportunity package. This is consistent with your goals as the Education President, and it makes sense as policy: improvements in education promise to have the most direct and lasting effects on the problems that the Democrat civil rights bill pretends to address, namely, full and equal participation in the job market.

For example, every increment of additional schooling translates directly into better employment prospects for blacks and whites. What's more, as education levels go up, the absolute differences between black and white unemployment rates narrow; for college graduates, black and white unemployment rates are almost identical.

The chance to make real progress is therefore enormous. Fewer than one-fourth of the students who enter the D.C. public schools ever graduate from the 12th grade. Bill Coleman told me this is why he wants a civil rights bill that forbids employers to require high school diplomas. Catholic schools, however, do much better with all children, including minorities. One study, for example, showed that black seniors at Catholic high schools were three times more likely to graduate from college than black seniors at public schools. Colin Powell therefore seems to have a more positive approach than Bill Coleman when he tells every kid who writes to him, "Stay in school" (see attached excerpt from U.S. News & World Report).

All of this is well-known as a matter of education policy, of course. The important thing is to make it clear that the best educational policy is the best civil rights policy as well.

THE WHITE HOUSE  
WASHINGTON

DATE: 03/26/91

NOTE FOR: BOYDEN GRAY

The President has reviewed the attached, and it is  
forwarded to you for your:

Information

Action

Thank you.

PHILLIP D. BRADY  
Assistant to the President  
and Staff Secretary  
(x2702)

cc: Ede Holiday (ACTION) --  
for forwarding to Lamar Alexander

## A Very Popular President Now Faces Plenty of Troublesome Domestic Issues

By ALAN MURRAY and DAVID WESSEL  
Staff Reporters of THE WALL STREET JOURNAL  
WASHINGTON — Welcome home, Mr. President.

The successful conclusion of the Persian Gulf war means President Bush can now turn his attention to problems at home—problems that critics from both ends of the political spectrum say he has ignored for too long.

"We can congratulate ourselves on a brilliant war abroad," says Stuart Eizenstat, domestic policy adviser in the Carter administration. "It's now time to win the battle at home."

Adds Stuart Butler, who heads up domestic policy for the conservative think tank Heritage Foundation, "So far, the president has showed his attention and interest on the domestic side is clearly lower than on the international side. But who knows? Maybe he has found himself in the last few months."

With public opinion soaring behind him, Mr. Bush will have a chance to use his popularity to push a domestic agenda on issues from civil rights to bank reform.

Whether he will do so, however, remains in doubt. "There's never been a better opportunity to be aggressive as far as his own legislative agenda," Republican pollster Richard Reed of Market Opinion Research says confidently. But pressed to define Mr. Bush's top three domestic priorities, Mr. Reed acknowledges, "I'm not sure it has crystalized yet as far as the White House is concerned."

Among the issues waiting to be addressed:

### THE ECONOMY

The Bush administration has disavowed any effort to fashion anti-recession policies, arguing that the recession will end before such efforts could take effect. That bet may prove correct; already, there are tentative signs the slump may be bottoming out.

Even if it is, the longer-term health of the economy remains a serious concern. U.S. wages continue to be stagnant, U.S. companies continue to lose market share to foreign rivals, and some economists argue that any recovery may be a sluggish one. President Bush hasn't provided a clear recipe for economic growth. So far, his main economic policy prescription—a cut in the capital-gains tax—has been stymied.

At the same time, the president must defend last year's hard-fought deficit-reduction law as congressmen from both parties seek to evade its constraints—and advocates for everything from shelters for the homeless to federal aid for airlines ask why Mr. Bush can tackle foreign emergencies but won't see domestic problems as emergencies. One tough test for the White House will be handling popular but costly bills to improve veterans benefits.

### HEALTH CARE

Budget Director Richard Darman has pinpointed health care as one of the nation's most pressing problems. Health-care costs have soared from 6% of the nation's output 20 years ago to 12% today and are

growing at double-digit rates. Yet more than 30 million people lack health insurance.

Many businesses, pounded by these costs, are pushing for reform. Although many members of Congress seem eager to address the issue this year, President Bush and his administration have shown little inclination to tackle the issue now.

"He's got to take the initiative, rather than let Ted Kennedy run with the ball," says Mr. Butler.

### BANKING

Mr. Bush's Treasury Department has proposed the most sweeping restructuring of the banking system in half a century, and portions of the plan have been applauded by bank analysts. But the proposal will face rough sledding in Congress, and President Bush's personal involvement may be needed to ensure its success.

"If he really wants this, he may have to twist a lot of arms," says Robert Litan of the Brookings Institution. The administration also faces the lingering—and politically charged—problem of financing the savings and loan cleanup at the same time as it needs to shore up the fund that insures banks deposits.

### CHOICE & OPPORTUNITY

The Bush administration has said it plans to make "choice" and "opportunity" the bywords of its domestic agenda, and has proposed measures to encourage home ownership among the poor and allow parents more choice among schools. But even advocates concede Mr. Bush hasn't yet made a persuasive public case for the measures.

The president's most eloquent speech on the subject was made on Wednesday—the same day the war ended—ensuring that it got almost no public attention. "The issuance of the domestic agenda the very day he's announcing the end of the war is another indication of a kind of blind spot this administration has for domestic leadership," claims Mr. Eizenstat.

Democrats are pressing their civil rights bill again, the same one that Mr. Bush vetoed last year. The White House has yet to find a successful way to advance its counter-proposal without appearing insensitive to minorities.

Wall Street Journal  
3-1-91

000241

THE WHITE HOUSE  
WASHINGTON

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Comments:

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WASHINGTON Post 3-12-91  
William Raspberry

## Why Civil Rights Isn't Selling

*Too many people just don't  
believe in this bill.*

The American civil rights leadership reminds me of the American automobile industry: hoping for a return to the days when its products had worldwide appeal, playing with nameplates and psychological gambits, willing to do almost anything to restore consumer interest. Anything, that is, except the one thing that might work: a better line of products.

The Civil Rights Act of 1991, whose passage the civil rights establishment has declared as its No. 1 goal for the year, illustrates the point.

It is a slightly reworked (not to say improved) version of last year's model, vetoed by President Bush, who insisted it was a "quota bill." This year's effort to enact it—over another veto if necessary—has begun with a change of the nameplate. It is no longer a bill for blacks, designed to restore civil rights law to what it was before a series of Supreme Court decisions made it harder to sue for discrimination. It is now a bill for the disabled, for working people and, oh yes, of course, for women.

It is all those things, in fact. But the point is that instead of trying to show that the legislation is important to interests Americans care about, or working to make it more acceptable to business leaders who really do fear it could lead to racial quotas, the civil rights establishment is trying to sell the bill by changing the ad copy.

The tactic would be questionable enough if the bill were perfect. It isn't. And if the Leadership Conference on Civil Rights will forgive me, in the context of the problems confronting black America, it may not be all that important.

Yes, that 1989 series of court decisions made it harder for minorities to win class-action discrimination suits and called set-aside contracting programs into question. And yes, it would be helpful to go back to where we were

before those decisions—not to quotas but to fairer access to opportunity. The Civil Rights Act of 1991 ought to be enacted.

But are the rules governing "disparate impact" suits and minority set-asides of such overriding importance that they should constitute the No. 1 priority of our leaders? I don't think so. The problems most critically affecting black America are the joblessness and despair of our young people, the academic indifference of our children, the dissolution of our families, the destruction (by crime and drug trafficking) of our neighborhoods, the economic marginality of our people. And the Civil Rights Act of '91 won't do a blessed thing about these problems.

Worse, it threatens to divide America along racial lines, when—in my view, at least—white America stands ready to support racial programs and policies it believes to be fair.

An unpublicized survey commissioned by the Leadership Conference on Civil Rights, a coalition of civil rights, labor, women's and disabled organizations, makes the point. White Americans, that survey revealed, see the black leadership as no longer concerned with fairness but only with group advantage. These whites—including such key swing-vote groups as blue-collar workers, lower-income youthful voters and the economically insecure—do not see themselves as racists, or as opponents of equal opportunity and fundamental fairness. What they oppose are efforts to provide preferential benefits for minorities, which they see as the main commodity of the civil rights leadership.

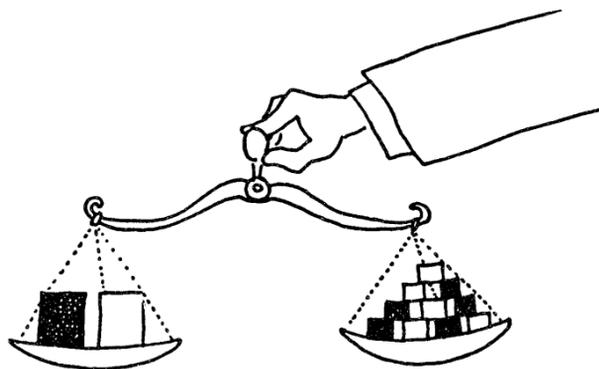
They aren't buying. How could we expect them to buy a product we have spent 400 years trying to have recalled: race-based advantage enshrined in the law?

The black consensus is that white resistance to the agenda of the civil rights leadership is nothing more than latter-day racism, a new mean-spiritedness that is 180 degrees away from the attitudes that helped to produce earlier civil rights legislation. My own view is not that white people have changed but that black people's goals have been transformed. We still say we want to be judged by the "content of our character," but our agenda is based on the color of our skin.

Well, suppose we came up with another product line based on the ideals we hold in common: equal opportunity, equitably enforced; programs designed to heal the crippling effects of past discrimination; hiring and promotion and college placement based on individual achievement and potential, sensitively evaluated; policies to enhance the academic and career prospects of young people who have had too little opportunity.

Suppose we ended production of the old model, which, designed to appeal to white guilt, no longer is selling and replaced it with a new model whose chief marketing points would be its orientation toward solutions (as opposed to blame-assignment) and its unambiguous fairness.

I, for one, think it would sell. I think it would do more for those most in need of society's help. And I think that America would be a better place because of it.



BY T. GIBSON

23

**Q** Now I want to ask you about a few issues facing the country. Please tell me whether you think the country is making enough progress or is not making enough progress on each one.

(Figures show only the percentage who think the country is "not making enough progress.")

	Mar. 4
Federal budget deficit	81%
Poverty	81
Crime	79
Illegal drugs	75
Health care	73
State of the country's economy	71
Public schools and education	70
Environment	61
Race relations	46
Respect for the United States abroad	26

**Q** Do you think the Congress is able to deal with the big issues facing this country, or not?

**Q** Do you think Bush is able to deal with the big issues facing this country, or not?

	Mar. 4, '91	Oct. 7, '90		Mar. 4
Yes	60%	54%	Yes	84%
No	37	42	No	15
Don't know	3	4	Don't know	1

**Q** Do you think you have a good idea, just some idea or not much of an idea of where Bush plans to lead the nation in the next two years?

	Mar. 4, '91	Feb. 4, '90	Apr. 3, '89	Jan. 16, '89
Good idea	22%	21%	19%	22%
Just some idea	37	44	31	30
Not much of an idea	40	34	48	45
Don't know	1	1	2	3

**Q** Has the war with Iraq made you more confident in the ability of Bush to handle the country's other big problems, less confident, or hasn't it made much of a difference?

	Mar. 4
More confident	70%
Less confident	5
Not made much difference	24
Don't know	1

**Q** When you think of the kinds of things you would like to see done in Washington, which of the following is closest to your view:  
 A) President Bush will do the things that are needed but Congress won't; or  
 B) Congress will do the things that are needed but President Bush won't?

	Mar. 4
Bush will do what is needed but Congress won't	60%
Congress will do what is needed but Bush won't	28
Neither of those things	5
Both of those things	5
Don't know	2

Note: Figures do not add to 100% in the first question because the percentage "don't know" is not shown. March 4 figures are based on a nationwide Washington Post-ABC News telephone poll of 1,215 randomly selected adults conducted March 1-4. All other polls are Washington Post-ABC News polls with samples ranging from 758 to 1,518. Margin of sampling error is plus or minus 3 percentage points for the March 4 poll, and plus or minus 3 to 5 percentage points for the other polls. Sampling error is, however, only one of many potential sources of error in these or any other public opinion polls. Interviewing was conducted by International Communications Research of Media, Pa., and Chilton Research of Radnor, Pa.

## Rights Drive Said to Lose Underpinnings

*Focus Groups Indicate Middle Class Sees Movement as Too Narrow*

By Thomas B. Edsall  
Washington Post Staff Writer

Key civil rights leaders are struggling to develop strategies to counter findings of a private voter study they commissioned that shows the civil rights movement has lost the moral high ground with key segments of the white electorate.

The study, according to one of its authors, Celinda Lake, found that "the civil rights organizations and proponents of civil rights were no longer seen as . . . addressing generalized discrimination, valuing work and being for opportunity. The proponents weren't seen as speaking from those values."

The study, commissioned by the Leadership Conference on Civil Rights, a coalition of labor, civil rights, women's and liberal organizations, found strong support for such basic principles as equal opportunity, promotion for merit and hard work, and for fairness in the workplace. But the study also found that many white voters believe civil rights advocates are pressing for special, preferential benefits instead of such goals as equal opportunity.

The conference, which declined to release the written reports or the poll data, is seeking to develop a strategy to win approval of the Civil Rights Act of 1991. The organization is particularly concerned because racial issues contributed to President Bush's victory in 1988, and the issue of "quotas" helped produce Republican victories in the 1990 California gubernatorial contest and the North Carolina Senate race.

Bush vetoed last year's civil rights bill because he said it would result in quotas, and congressional Democrats were unable to overturn it. The administration is ready to make a similar argument this year, and Democrats are looking for a way to defuse what has become a politically persuasive issue.

Ralph Neas, executive director of the conference, said, "We want to particularly stress that the bill is an inclusive bill, that it is a bill for racial minorities, it is a bill for women, it is a bill for persons with disabilities, it is a bill for all working Americans."

This strategy, according to the study, faces some hurdles. There is a strong receptivity to Bush's argument that the civil rights legislation will result in quotas.

"Voters believe that business will implement this bill as quotas," Lake said. "Whenever legislation or policy distinguishes among groups [blacks, white, Hispanics, men, women], business, just to get it done, will implement quotas." These findings are especially damaging to efforts to counter the Bush administration's portrayal of pending civil rights legislation as promoting quotas. "There is no resistance to the Bush notion about quotas," one source said.

Another damaging finding of the study was that advocates of civil rights "have lost the advantage," Lake said. "It's a tremendous loss in terms of moving an agenda forward." She based her comments on the study for the leadership conference and on work her firm, Greenberg-Lake, has done in the past decade.

Lake said the problem facing civil rights proponents is that such advocacy is now seen as pressing the "narrow" concerns of "particularized" groups, rather than promoting a broad, inclusive policy of opposing all forms of discrimination.

The study found that many white voters believe there is pervasive reverse discrimination in the workplace and that civil rights leaders are more interested in special preferences than in equal opportunity, according to persons involved in the research.

The study, which included a national poll and focus groups held in white working-class and southern communities, did not find intensified racism or opposition to fundamental principles of equality. Instead, it showed strong support for basic egalitarian principles, including equality of opportunity and the obligation of employers to give everyone a fair chance.

In addition, the study found strong opposition to discriminatory practices based on race, gender, age or disability, according to Lake and Geoff Garin of Garin-Hart Strategic Research, another Democratic polling firm.

Garin would not make as strong a judgment of the difficulties facing the civil rights movement, but, he said, "at some point the civil rights community needs to restate its claim to the idea of a level playing field, and that means in part being more forthcoming in saying that reverse discrimination is unacceptable."

Neas contended that the most troublesome conclusions voiced by Lake were not based on the poll data, but on the focus groups, for which voters averse to civil rights had been purposefully selected, and on the basis of other work by the Greenberg-Lake firm, which has specialized in studying working and lower-middle-class white voters the past decade.

Lake said the critical views of the civil rights movement are held most strongly by key swing votes in the electorate—"blue-collar voters, economically marginal younger voters, ticket-splitting, swing white Southern voters"—who in any election are critical to the strategies of both parties to "add up enough voters to get to 51 percent."

"It is a broad-based problem," she added, with similar, if less intense, views held by many other white voters.

Among some of the other findings from the voter study, according to on-the-record interviews and background information provided by those familiar with it:

- Many white voters see the work force as a hierarchy, in which many hiring and promotion decisions are based as much, if not more, on race and gender as on merit and performance.

Civil rights laws are seen by a substantial number of voters as creating unfair advantages, setting up "rank orders of privilege in the labor market," one source said.

- Public support of egalitarian principle is closely tied to a strong belief that a primary responsibility of elected officials is to support the mainstream goals and values of the middle class.

Voters want politicians who represent them to "address the middle class, those who work hard and pay all the taxes," Lake said.



tober as they tour the Vietnam Memorial.



1989, and Desert Storm boss, 1990.

er relatives always lived with them, giving the children a strong sense of security and discipline. "We were never alone; we were always closely supervised," remembers Marilyn. Neighbors looked out for each other's children, and "when you walked down the street, you had all these eyes watching you." When he was about 8 years old, Colin played hooky from school one day but estimated the time wrong and came home too early. A family friend was caring for the children that day, and she nabbed the young truant cold. "It was a big deal," says his older sister. "Colin was taken to school by the hand for

quite a while after that and deposited at the room door."

Powell moves easily through the white world today because he has always lived in it. In the '50s, the South Bronx was no ghetto. His school friends were mainly Jews and Poles and Italians, and he worked after school at Sickser's, a store selling baby furniture to a largely Jewish clientele. The Jamaican culture, too, was an ethnic and racial tapestry, and his mother's maiden name, McKoy, reflects at least one Scotch-Irish ancestor. An immigrant's son like Powell, argues Watson, his cousin, is not as burdened as other African-Americans by the legacy of slavery and racism. He has no sense of himself as a victim or a belief "that somebody owes him something."

Even as a youngster, Powell could project an impressive air of authority. Marilyn Berns remembers her wedding day, when Colin was 16, and the wedding party was stopped for speeding. As the cop approached the car, the brother of the bride rolled down the window, snapped off a salute, and said: "Wedding party, sir." The policeman let the car go.

At New York's City College, Powell chalked up straight C's but discovered an enduring passion for education. In a recent article for the *American School Board Journal*, the general wrote that CCNY represented "an unwritten but intuitively understood three-way bargain"—that the kids would work hard, the parents would support them and the schools would teach them. Today, Powell writes, preserving that bargain "is the single most important building block of our future," and even now, when he gets 300 letters a day, he tries to answer the ones from children himself. On the bottom he always writes: "Stay in school."

The young college student discovered another passion at CCNY—the Reserve Officers Training Corps. Looking back, Marilyn Berns is not surprised at her brother's choice of a career: "I think the structure had something to do with it. We came from a very structured home, and it gives you guidelines. You know where you're going."

The Army sent Powell many places, and each one helped shape and expand his view of the world. At Fort Benning,

Ga., he got his first taste of the American South and encountered racial discrimination when his white buddies had to browbeat bartenders into serving a black man. At Fort Devens, Mass., he met Alma Johnson, a speech pathologist, on a blind date. Devoted to the idea of family, he married her a few months later. They have three children: Michael, a law student; Linda, an actress now appearing in her first Broadway role and Anne-marie, a student at William and Mary.

In Vietnam, Powell learned the horrors of an endless, futile war, winning a Purple Heart after stepping on a Viet Cong booby trap and a Soldier's Medal

for pulling two comrades out of a burning helicopter.

After 14 years on active duty, in 1972 Powell was named a White House fellow and assigned to work for Frank Carlucci, who was then deputy director of the Office of Management and Budget, and Caspar Weinberger, then budget director. The two became Powell's champions in Washington's power circles, and since then, he has oscillated between military and political jobs, often as an aide to one of his mentors, rising rapidly through the ranks, making the right contacts, learning the right bureaucratic skills. He served as national-security adviser during Reagan's last year in office, and in October 1989 President Bush named him to head the Joint Chiefs.

**Extraordinary place.** Still, his friends describe Colin Powell as down-to-earth, sometimes playing Carly Simon videos in his Pentagon office while the rest of the world was glued to CNN. He hates sports—one friend tried to teach him tennis and gave up. "I'm sure," says one friend, "that he pinches himself periodically, amazed at where he's gotten."

But this modest man has risen to an extraordinary place. He is the first black in the nation's history to sit at the table when the gravest decisions of war and peace are made. He has become a fusion of two noble national goals, racial progress and military power. The question is whether the call of duty—and the nation's adulation—will eventually pull him, as it did Dwight Eisenhower, into a run for the White House. ■

BY STEVEN V. ROBERTS  
WITH BRUCE B. AUSTER AND GARY COHEN



7 and counting. With mother, Maud, and sister Marilyn

ID# 223084

THE WHITE HOUSE  
CORRESPONDENCE TRACKING WORKSHEET

INCOMING

DATE RECEIVED: MARCH 22, 1991

NAME OF CORRESPONDENT: MR. ED FOGLIA

SUBJECT: URGES THE PRESIDENT TO END DISCRIMINATION  
AGAINST GAYS AND LESBIANS IN THE MILITARY

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		ACT CODE	DATE YY/MM/DD	TYPE RESP	C COMPLETED D YY/MM/DD
DEPARTMENT OF DEFENSE		ORG	91/03/27		A 9/1/04 0 2LJ
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*C-C-COMMENT/RECOM      *B-NON-SPEC-REFERRAL *      OF SIGNER      *
*D-D-DRAFT RESPONSE     *C-COMPLETED        *      CODE = A      *
*F-F-FURNISH FACT SHEET *S-SUSPENDED         *COMPLETED = DATE OF *
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*R-R-DIRECT REPLY W/COPY *                      *                      *
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MANAGEMENT.



FORCE MANAGEMENT  
AND PERSONNEL

THE OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301-4000

08 APR 1991

Ed Foglia  
President  
California Teachers Association  
1705 Murchison Drive  
Burlingame, California 94011-0921

Dear Mr. Foglia:

Thank you for your letter of March 15 to President Bush concerning the exclusion of homosexuals from the Military Services. I have been asked to reply.

It has long been Department of Defense (DoD) policy that homosexuality is incompatible with military service. There are numerous reasons for this policy, including the necessity to maintain good order, morale and discipline; foster mutual trust and confidence among Service members; recruit and retain members of the Military Services; and maintain the public acceptability of military service.

Federal courts have upheld the military's homosexual exclusion policy and accepted its rational relationship to legitimate military purposes. In fact, since the current DoD policy on homosexuality became effective in 1982, every court that has ruled finally on the issue has held that the homosexual exclusion policy is constitutional. We do not plan to reassess the Department's policy on homosexuality.

Military personnel discharged due to homosexuality are currently eligible for benefits administered by the Department of Veterans Affairs. These benefits are based upon the character of their discharge.

Sincerely,

  
James R. Schwenk

Lieutenant Colonel, USMC  
Deputy Director, Legal Policy  
Requirements & Resources

W 30741  
910329014

91 MAR 29 AM 9:47

THE WHITE HOUSE OFFICE OF  
WHITE HOUSE LIAISON  
REFERRAL

MARCH 28, 1991

TO: DEPARTMENT OF DEFENSE

ACTION REQUESTED:  
DIRECT REPLY, FURNISH INFO COPY

DESCRIPTION OF INCOMING:

ID: 223084  
MEDIA: LETTER, DATED MARCH 15, 1991  
TO: PRESIDENT BUSH  
FROM: MR. ED FOGLIA  
PRESIDENT  
CALIFORNIA TEACHERS ASSOCIATION  
POST OFFICE BOX 921  
BURLINGAME CA 94011

SUBJECT: URGES THE PRESIDENT TO END DISCRIMINATION  
AGAINST GAYS AND LESBIANS IN THE MILITARY

PROMPT ACTION IS ESSENTIAL -- IF REQUIRED ACTION HAS NOT BEEN  
TAKEN WITHIN 9 WORKING DAYS OF RECEIPT, PLEASE TELEPHONE THE  
UNDERSIGNED AT 456-7486.

RETURN CORRESPONDENCE, WORKSHEET AND COPY OF RESPONSE  
(OR DRAFT) TO:  
AGENCY LIAISON, ROOM 91, THE WHITE HOUSE, 20500

SALLY KRILEY  
DIRECTOR OF AGENCY LIAISON  
PRESIDENTIAL CORRESPONDENCE

W30741



*California  
Teachers  
Association*

1705 Murchison Drive  
P.O. Box 921  
Burlingame, California  
94011-0921  
Phone 415-697-1400

March 15, 1991

President George Bush  
The White House  
1600 Pennsylvania Ave., NW  
Washington, DC 20500

Dear President Bush:

I am writing at the behest of the State Council of Education of the California Teachers Association. In a New Business Item at its January Meeting, the State Council requested that I urge you to issue an executive order that:

1. Extends the right to participate in G.I. benefits to all lesbian and gay military personnel.
2. Ends the discriminatory policy that bars gays and lesbians from serving in the Armed Forces of the United States.

I am sure you are aware that while the government's formal policy excludes lesbian and gay citizens from military service, many have served in Operation Desert Storm without recognition. They deserve the same applause that you have given to all military personnel during the Gulf War.

Thank you for your prompt attention to this matter.

Sincerely,

*Ed Foglia*  
Ed Foglia  
President

EF:TWH/hlb

cc: D.A. ("De1") Weber  
Ron McPeck  
Ralph Flynn  
Records Center

ID# 223332

THE WHITE HOUSE  
CORRESPONDENCE TRACKING WORKSHEET

INCOMING

DATE RECEIVED: MARCH 25, 1991

NAME OF CORRESPONDENT: THE HONORABLE MILTON MARKS

91 MAR 29 PM 2:43

SUBJECT: OPPOSES THE DEFENSE DEPARTMENT POLICY  
PROHIBITING LESBIANS AND GAY MEN IN THE  
MILITARY; URGES THE END OF THIS ARBITRARY  
DISCRIMINATION

ROUTE TO: OFFICE/AGENCY	(STAFF NAME)	ACTION		DISPOSITION	
		ACT CODE	DATE YY/MM/DD	TYPE RESP	C COMPLETED D YY/MM/DD
MARY MCCLURE		ORG	91/03/25	<del>A</del> C	91/03/27
<i>MOSTER</i>	REFERRAL NOTE:	A	91/03/27	C	91/03/29
<i>DOD</i>	REFERRAL NOTE:	A	91/03/29	A	91/04/02
	REFERRAL NOTE:		/ /		/ /
	REFERRAL NOTE:		/ /		/ /

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ADDITIONAL CORRESPONDENTS: 8 MEDIA:L INDIVIDUAL CODES: 2200 \_\_\_\_\_

IG MAIL USER CODES: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

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*ACTION CODES:          *DISPOSITION          *OUTGOING          *
*                       *                       *CORRESPONDENCE:  *
*A-APPROPRIATE ACTION  *A-ANSWERED          *TYPE RESP=INITIALS *
*C-COMMENT/RECOM       *B-NON-SPEC-REFERRAL *      OF SIGNER     *
*D-DRAFT RESPONSE      *C-COMPLETED        *      CODE = A     *
*F-FURNISH FACT SHEET  *S-SUSPENDED        *COMPLETED = DATE OF *
*I-INFO COPY/NO ACT NEC*                       *      OUTGOING    *
*R-DIRECT REPLY W/COPY *                       *                       *
*S-FOR-SIGNATURE       *                       *                       *
*X-INTERIM REPLY       *                       *                       *
*****

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REFER QUESTIONS AND ROUTING UPDATES TO CENTRAL REFERENCE  
(ROOM 75, OEOB) EXT-2590  
KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING  
LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO RECORDS  
MANAGEMENT.

039755



FORCE MANAGEMENT  
AND PERSONNEL

THE OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

02 APR 1991

Honorable Milton Marks  
Room 5035  
State Capital  
Sacramento, California 95814

Dear Mr. Marks:

Thank you for your letter of March 18 to President Bush concerning the exclusion of homosexuals from the Military Services. I have been asked to reply.

It has long been Department of Defense (DoD) policy that homosexuality is incompatible with military service. There are numerous reasons for this policy, including the necessity to maintain good order, morale, and discipline; foster mutual trust and confidence among Service members; recruit and retain members of the Military Services; and maintain the public acceptability of military service.

Federal courts have upheld the military's homosexual exclusion policy and accepted its rational relationship to legitimate military purposes. In fact, since the current DoD policy on homosexuality became effective in 1982, every court that has ruled finally on the issue has upheld the homosexual exclusion policy. We do not plan to reassess the Department's policy on homosexuality.

Please be assured that the Department has not suspended its homosexual policy for the duration of military operations in the Persian Gulf. Recent statements contained in news reports do not accurately reflect Department of Defense policy. Persons identified as homosexual will continue to be separated from the Military Services as promptly as circumstances allow.

Sincerely,

T. D. Keating  
Captain, JAGC, USN  
Director, Legal Policy  
(Requirements & Resources)

11 30755

SACRAMENTO ADDRESS  
ROOM 4033  
STATE CAPITOL  
SACRAMENTO, CALIF. 95833  
PHONE (916) 445-1311  
NORTH BAY ADDRESS  
THE VANDERBILT-SAVENET  
SUITE 400  
94007  
PHONE (415) 431-0108  
MARIN ADDRESS  
400 N. SAN PEDRO AVE. SUITE 100  
SAN RAFAEL, CA 94901  
PHONE (415) 479-6412



SENATOR  
MILTON MARKS

THIRD SENATORIAL DISTRICT

REPRESENTING

SAN FRANCISCO - MARIN

IN THE

**S e n a t e**

CHAIR

Senate Majority Caucus  
and

Senate Committee on Elections and Reapportionment

March 18, 1991

The Honorable George Bush  
President of the United States  
The White House  
1600 Pennsylvania Avenue  
Washington, D.C. 20505

Dear Mr. President:

We are writing to join in opposition to the Defense Department policy prohibiting lesbians and gay men in the military, and to encourage you to end this arbitrary and capricious discrimination.

As long-time advocates of equal rights, we find this policy objectionable. However, we firmly believe that this policy must be changed in light of the courage and selflessness demonstrated by the thousands of lesbian and gay soldiers in Operation Desert Storm. We find it deeply objectionable to place the lives of these soldiers at risk, only to reject them as unfit after they have served our country.

Clearly, the participation of lesbians and gay men in Operation Desert Storm calls into question the justification for an ongoing exclusion. If lesbians and gay men are qualified to be stationed in conservative Islamic countries during wartime, they are more than qualified for military service in peacetime. Military need does not justify an on-again, off-again policy of arbitrary discrimination.

22332

STANDING COMMITTEES  
ELECTIONS AND REAPPORTIONMENT (CHAIR)  
BUSINESS AND PROFESSIONS  
HOUSING AND URBAN AFFAIRS  
JUDICIARY  
NATURAL RESOURCES AND WILDLIFE

SUBCOMMITTEES  
RIGHTS OF THE DISABLED (CHAIR)  
ADMINISTRATION OF JUSTICE  
MINORITIES AND WOMEN AND THE  
1990 REAPPORTIONMENT  
OFFSHORE OIL AND GAS DEVELOPMENT

SELECT COMMITTEES  
MARITIME INDUSTRY (CHAIR)  
AIDS  
CITIZEN PARTICIPATION IN GOVERNMENT  
FAIR TRADE  
SMALL BUSINESS ENTERPRISES  
VETERANS RIGHTS

JOINT COMMITTEES  
ARTS AND CULTURE  
LEGISLATIVE BUDGET COMMITTEE  
POPULATION AND COOPERATIVE DEVELOPMENT  
STATE ECONOMY

COMMISSIONS  
CALIFORNIA STATE GOVERNMENT  
ORGANIZATION AND ECONOMY  
STATISTICS OF WOMEN

The Honorable George Bush  
Page Two  
March 18, 1991

In California, an executive order prohibits discrimination on the basis of sexual orientation in all state service, including the National Guard. We ask that you implement such a policy in federal military service.

Cordially,

Mittie North Donald R. Hunt Gary Hart  
Harold Rosenthal Art Owen Nicholas C. Petri  
Glenn E. Watson Henry J. Hall Mike Thompson

ID# 223827

THE WHITE HOUSE  
CORRESPONDENCE TRACKING WORKSHEET

INCOMING

DATE RECEIVED: MARCH 26, 1991

NAME OF CORRESPONDENT: MR. ROBERT P. MARASCO

SUBJECT: EXPRESSES THE SUPPORT OF THE THE NEWARK  
MUNICIPAL COUNCIL FOR THE CIVIL RIGHTS AND  
WOMEN'S EQUITY IN EMPLOYMENT ACT OF 91

ROUTE TO: OFFICE/AGENCY (STAFF NAME)	ACTION		DISPOSITION	
	ACT CODE	DATE YY/MM/DD	TYPE RESP	C COMPLETED D YY/MM/DD
BILL CANARY	ORG	91/03/26	WC	A 91/4/15
99 Justice REFERRAL NOTE:	J	91/4/15	C	1/1
REFERRAL NOTE:				

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ADDITIONAL CORRESPONDENTS: MEDIA: L INDIVIDUAL CODES: 2600 \_\_\_\_\_

IG MAIL USER CODES: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

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*ACTION CODES:          *DISPOSITION          *OUTGOING          *
*                       *                       *CORRESPONDENCE:  *
*A-APPROPRIATE ACTION  *A-ANSWERED          *TYPE RESP=INITIALS *
*C-COMMENT/RECOM       *B-NON-SPEC-REFERRAL *      OF SIGNER    *
*D-DRAFT RESPONSE     *C-COMPLETED        *      CODE = A     *
*F-FURNISH FACT SHEET *S-SUSPENDED        *COMPLETED = DATE OF *
*I-INFO COPY/NO ACT NEC*                       *      OUTGOING    *
*R-DIRECT REPLY W/COPY *                       *                       *
*S-FOR-SIGNATURE      *                       *                       *
*X-INTERIM REPLY      *                       *                       *
*****

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REFER QUESTIONS AND ROUTING UPDATES TO CENTRAL REFERENCE  
(ROOM 75, OEOB) EXT-2590  
KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING  
LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO RECORDS  
MANAGEMENT.

THE WHITE HOUSE  
WASHINGTON

April 15, 1991

Dear Mr. Marasco:

On behalf of President Bush, thank you for your message about civil rights legislation. The President believes that every individual should have an equal opportunity to participate fully in our society and that no one's race, color, national origin, religion, sex, or disability should be a barrier to advancement. To that end, the Administration is committed to strengthening the power of and opportunities for individuals and families to break down barriers to independence and self-reliance, wherever they exist, and to providing hopes to distressed individuals and communities.

Based on his belief that the strength of democracy is not in bureaucracy -- it is in the people and their communities -- President Bush has announced his domestic agenda for expanding opportunity and for promoting choice for individuals. Specifically, the President has called for Congressional action on eight major initiatives: educational choice; educational flexibility; homeownership for low-income persons; enterprise zones; anti-discrimination laws; community opportunity areas; the Social Security earnings test; and anti-crime efforts.

The sum of these initiatives is opportunity, and the door to opportunity must not be barred by discrimination. To guarantee that every American enjoys equality of opportunity and access, the Administration has worked vigorously to enforce existing laws against discrimination. Further, where anti-discrimination laws need improvement, the President has said, "I am committed to refining them."

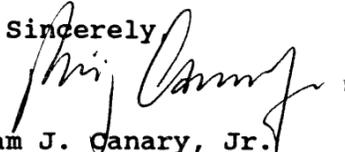
Consistent with that pledge, President Bush has asked Congress to strengthen employment discrimination laws in order to remove consideration of factors such as sex, race, religion, or national origin from employment decisions. A major objective of his proposal is to ensure that employers are both encouraged and required to provide equal opportunity for all workers without resorting to quotas or unfair preferences. In addition, the proposal provides strong new remedies as a deterrent against sexual harassment in the workplace, and it expands prohibitions against racial discrimination in the performance of contracts.

President Bush believes that we can eliminate job discrimination without departing from the principles of fairness that apply throughout our legal system and without creating a litigation bonanza that brings more benefits to lawyers than to victims. He also believes that it is time for Congress to bring itself under the same anti-discrimination requirements that it prescribes for others.

I have taken the liberty of forwarding a copy of your letter to the Justice Department for their further review and consideration.

With the President's best wishes and my own,

Sincerely,



William J. Canary, Jr.  
Special Assistant to the President  
for Intergovernmental Affairs

Mr. Robert P. Marasco  
City Clerk  
City of Newark  
Newark, New Jersey 07102

THE WHITE HOUSE

WASHINGTON

April 15, 1991

Dear Mr. Marasco:

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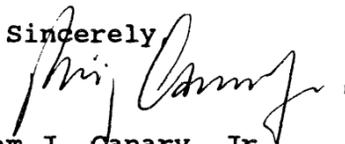
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With the President's best wishes and my own,

Sincerely,



William J. Canary, Jr.  
Special Assistant to the President  
for Intergovernmental Affairs

Mr. Robert P. Marasco  
City Clerk  
City of Newark  
Newark, New Jersey 07102



ROBERT P. MARASCO  
CITY CLERK  
NEWARK, NEW JERSEY  
07102

March 18, 1991

The Honorable George W. Bush  
President of the United States  
The White House  
Washington, D.C.

Dear Mr. President

At its regular meeting of March 6, 1991, the Newark Municipal Council adopted a **"MOTION" - SPONSORED BY COUNCILMAN-AT-LARGE GARY HARRIS - "HIGHLY CRITICAL OF AN ALTERNATIVE CIVIL RIGHTS BILL PROPOSED BY THE BUSH ADMINISTRATION WHICH MAINTAINS ITS PAST POSITIONS ON JOB DISCRIMINATION AND EMPLOYMENT PRACTICES THAT ARE BIASED TOWARDS MINORITIES AND WOMEN."**

The Newark Municipal Governing Body strongly feels that your recent, alternative piece of civil rights legislation bears no new or progressively innovative proposals in pressing for an end to employment discrimination against minorities and women. The Municipal Council, Mr. President, is of the opinion that your veto of the Civil Rights Act of 1990, which received bipartisan support on The Hill, remains a serious impediment to full human rights advancement in this nation.

Your recent, commendable White House recognition of African-American military heroes was undoubtedly earnest. However, it is difficult indeed to tell our proud and courageous minorities and females who gallantly restored a legitimate government to Kuwait that you are in favor of workers' rights, yet continue to ignore progressive civil rights legislation. Many of them will shortly be returning and entering this nation's workforce.

The Municipal Council, which endorsed The Civil Rights Act of 1990, wholeheartedly supports The Civil Rights and Women's Equity in Employment Act of 1991 and remains steadfast in its unwavering commitment towards such meaningful and sound civil rights legislation.

One particular portion of your bill, which still leaves the Council perplexed as to why it was announced by The Justice Department, is that you have set a \$150,000 limit on damage claims in cases of sexual discrimination or harassment in the workplace. There should be no limits on such harmful actions, according to the Municipal Council.

The Honorable George Bush  
March 18, 1991  
Page 2

The Municipal Council trusts that amidst the patriotic euphoria that is sweeping this nation after our resounding victory in The Gulf, that your Administration will be just as victorious on the domestic front, particularly, in your planned offensive against racial and gender discrimination. One victory, as this nation's Commander-In-Chief, is easily at hand, your signature in support of The Civil Rights and Women's Equity in Employment Act of 1991!

Respectfully

  
City Clerk

RPM/OTWpw

7Mo 030691

cc: The Members of the Municipal Council  
The Honorable Sharpe James, Mayor  
The Honorable Bill Bradley, United States Senate  
The Honorable Frank Lautenberg, United States Senate  
The Honorable Edward M. Kennedy, United States Senate  
The Honorable Donald Payne, United States House of Representatives  
Mr. Ralph Neas, Executive Director, Leadership Conference on Civil Rights

CS

ID # 223965 CU

WHITE HOUSE  
CORRESPONDENCE TRACKING WORKSHEET

HU010

- O - OUTGOING
- H - INTERNAL
- I - INCOMING  
Date Correspondence Received (YY/MM/DD)   /  /

Name of Correspondent: Stuart Gerson

MI Mail Report      User Codes: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

Subject: Draft Section 5 of the Civil Rights Bill of 1991 Re: Employee Anti-Harassment Act of 1991.

ROUTE TO: Office/Agency (Staff Name)	ACTION		DISPOSITION	
	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
<u>Cuofc</u>	ORIGINATOR	<u>910211</u> CS		<u>C 910219</u> CS
<u>Cuatio</u>	A	<u>910211</u> CS		<u>C 910219</u> CS
	Referral Note:	<u>Feb 1991 NL memo to the file.</u>		
		<u>  /  /  </u>		<u>  /  /  </u>
	Referral Note:			
		<u>  /  /  </u>		<u>  /  /  </u>
	Referral Note			
		<u>  /  /  </u>		<u>  /  /  </u>
	Referral Note:			

ACTION CODES

- A - Appropriate Action
- C - Comment/Recommendation
- D - Draft Response
- F - Furnish Fact Sheet to be used as Enclosure
- I - Info Copy Only/No Action Necessary
- R - Direct Reply w/Copy
- S - For Signature
- X - Interim Reply

DISPOSITION CODES.

- A - Answered
- B - Non-Special Referral
- C - Completed
- S - Suspended

FOR OUTGOING CORRESPONDENCE

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Keep this worksheet attached to the original incoming letter.  
Send all routing updates to Central Reference (Room 75, OEOB).  
Always return completed correspondence record to Central Files.  
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

THE WHITE HOUSE  
WASHINGTON

February 19, 1991

MEMORANDUM FOR THE FILE

FROM: NELSON LUND *N. Lund*  
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Draft Section 5 of the Civil Rights Bill of 1991  
Re: Employee Anti-Harassment Act of 1991"

I spoke with Stuart Gerson orally concerning the Civil Division staff's response to my memorandum concerning the captioned matter.

02/11/91 12:15 2025148071

CIVIL DIV. DOJ

001

FACSIMILE TRANSMISSION

Office of the Assistant Attorney General  
Civil Division  
U.S. Department of Justice  
Washington, D.C. 20530

Fax Number: (202) 514-8071 (Commercial)  
368-8071 (FIS)

FROM: STUART GERSON DATE/TIME: 2/11/91 11:20  
(Print Name)

TELEPHONE NUMBER: 202-514-3301

TO: NELSON LUND  
(Print Name)

DESTINATION'S FAX NUMBER: 456-7929

DESTINATION'S VOICE VERIFICATION NUMBER: 456-2896

NUMBER OF PAGES (EXCLUDING COVER SHEET): 2

Message/comments: This responds to your February 6 memo.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Withdrawal/Redaction Sheet (George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
02. Memo	Case Number 223965CU From Stuart Gerson (DOJ) to Nelson Lund RE: Comments on draft Section 5 of the "Employee Anti-Harassment Act of 1991" (2 pp.)	02/11/91	P-5	

**Collection:**

**Record Group:** Bush Presidential Records  
**Office:** Records Management, White House Office of (WHORM)  
**Series:** Subject File - General  
**Subseries:** Scanned  
**WHORM Cat.:** HU010  
**File Location:** 221126CU to 225007CU

Open on Expiration of PRA  
(Document Follows)  
By *JL* (NLGB) on 2.14.05

<b>Date Closed:</b> 1/7/1999	<b>OA/ID Number:</b> 00002-001
<b>FOIA/SYS Case #:</b> 1999-0285-F	<b>Appeal Case #:</b>
<b>Re-review Case #:</b>	<b>Appeal Disposition:</b>
<b>P-2/P-5 Review Case #:</b>	<b>Disposition Date:</b>
<b>AR Case #:</b>	<b>MR Case #:</b>
<b>AR Disposition:</b>	<b>MR Disposition:</b>
<b>AR Disposition Date:</b>	<b>MR Disposition Date:</b>

### RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P-1 National Security Classified Information [(a)(1) of the PRA]  
P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]  
P-3 Release would violate a Federal statute [(a)(3) of the PRA]  
P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]  
P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]  
P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Removed as a personal record misfile.

Freedom of Information Act - [5 U.S.C. 552(b)]

(b)(1) National security classified information [(b)(1) of the FOIA]  
(b)(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]  
(b)(3) Release would violate a Federal statute [(b)(3) of the FOIA]  
(b)(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]  
(b)(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]  
(b)(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]  
(b)(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]  
(b)(9) Release would disclose geological or geophysical information

The following embodies the comments of Civil Division staff regarding your draft section 5, the "Employee Anti-Harassment Act of 1991." Relevant paragraph numbers are annotated.

o It might be useful, at least in the history, to state that this section does not expand the remedies currently available under Title VII, but instead addresses a type of discrimination where the victim cannot receive direct personal relief under current law. See comments re (e)(1), infra.

o (c) This version eliminates terms regarding filing a complaint within 180 days or 30 days after a grievance procedure. We have some concern about permitting an employee to go directly to district court, particularly after as long as one year, without any prior notice to the employer or attempt at informal resolution. Allowing the employee to go to court directly also appears inconsistent with one of the statutory defenses that the employer remedied the situation quickly. He cannot remedy that of which he is not aware. Title VII's current 30 day notice provisions are intended to bring allegations to the employer's attention as soon as possible after the event and the entire administrative remedy scheme has the salutary purpose of encouraging informal resolution. Although the current formal administrative Title VII scheme may not be workable for these kinds of charges, it would be desirable to incorporate some notion of prior notice to the employer. The current draft also does not address situations where unions or other employment policies provide for a grievance procedure for these charges.

o (e)(1) The "appropriate circumstances" should be defined to exclude situations already cognizable under Title VII and elsewhere lest the provision read to open the door to making this legislation a general tort statute. Those who have been denied promotions or a job could argue that the denial is the result of harassment and seek to broaden available relief. It is inconsistent with the statutory purpose. If an employee is harassed and then denied a promotion, for instance, a remedy under Title VII is appropriate. On the other hand, if an employee is harassed and must endure a "hostile working environment," back pay is not likely to be an appropriate remedy absent some loss of opportunity.

o The staff, also notes that the (e)(2) "amount" of up to \$50,000 as an "equitable remedy" looks more than a little like compensatory or punitive damages and recognizes the reason for the wording of section (e)(3). Notwithstanding any of this, we do recommend striking the provision of a jury trial with respect to the government.

o (e)(4) The sentence beginning with the phrase "[i]t shall be the duty of a court" could be amended to read:

A court having jurisdiction over a request for temporary or preliminary relief pursuant to this section shall, to the

extent practicable, assign the case for hearing at the earliest possible date and cause such case to be expedited.

o (g) (1) As you thought we would, we recommend leaving in the language after "provided" to exempt government employees from personal liability. With regard to government employees, current law under Title VII is developing to provide the victim with relief. The FBI's Rochon case shows why. The act of denying promotions or employment is within the scope of official duties, and thus state law claims will be preempted as will Bivens claims. The issue is only whether the employment decision was made for impermissible reasons. Harassment, however, can more easily be viewed as outside the scope of employment. (i.e., the alleged hate mail in Rochon or sexually suggestive comments made to employees). Thus, courts have in these instances found such conduct outside the scope of employment and allowed state law and Bivens claims to proceed. The encompassing problem might be addressed if the definition of harassment were tightened to include only those acts which are directed to the protected status of the person. By this I mean comments, negative or suggestive, to or about women or comments which suggest the inferiority of a race.

Notwithstanding the above, I believe that a freestanding anti-harassment statute offers certain advantages over transmogrifying Title VII. In drafting it we should look to: tightening the definitions to prevent the statute from being construed to permit employment decisions now covered under Title VII from being swept under its umbrella. It would address those acts for which remedies are only now being carved out by the courts with state law and Bivens claims; (2) requiring compliance with some form of notice allowing cure or administrative procedure; and (3) exempting the government employee as individual defendant.

CS

ID # 224049 CU

HU010

WHITE HOUSE  
CORRESPONDENCE TRACKING WORKSHEET

- O - OUTGOING
- H - INTERNAL
- I - INCOMING

Date Correspondence Received (YY/MM/DD) 1/1

Name of Correspondent: Terrence Straub

MI Mail Report User Codes: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

Subject: info. on court ruling and settlement against usx in class action discrimination suit; also attached copy of letter to Don Edwards outlining complaints with the finding

ROUTE TO:	ACTION	DISPOSITION
Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD
<u>Cuco</u>	ORIGINATOR	<u>9/10/01</u>
<u>Cuat 10</u>	Referral Note:	<u>CBG signature</u>
<u>Cucray</u>	Referral Note:	<u>FOR CBG</u>
	Referral Note:	<u>Call to Terrence Straub</u>
	Referral Note:	
	Referral Note:	

- ACTION CODES:**
- A - Appropriate Action
  - C - Comment/Recommendation
  - D - Draft Response
  - F - Furnish Fact Sheet to be used as Enclosure
  - I - Info Copy Only/No Action Necessary
  - R - Direct Reply w/Copy
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  - X - Interim Reply
- DISPOSITION CODES:**
- A - Answered
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  - C - Completed
  - S - Suspended
- FOR OUTGOING CORRESPONDENCE:**
- Type of Response = Initials of Signer
  - Code = "A"
  - Completion Date = Date of Outgoing

Comments: \_\_\_\_\_

Keep this worksheet attached to the original incoming letter.  
Send all routing updates to Central Reference (Room 75, OEOB).  
Always return completed correspondence record to Central Files.  
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

CBG:NL:smm  
CBGray  
NLund  
Chron.

THE WHITE HOUSE

WASHINGTON

April 1, 1991

Dear Terry:

I enjoyed our lunch, and the materials you sent about the case that you recently settled are fascinating. Over the past year, I've observed that some of our country's largest companies have seemed unduly complacent about the threat posed by the Democrats' disparate impact proposals. Your case suggests that there should be plenty of cause for concern.

What struck me particularly were the indications that your company did not realize during the 1970's what the rules were under the law of disparate impact. If a firm with your resources could not find out what the law was, what position must the vast majority of American employers have been in? The uncertainty endemic in this area of the law has been one of its greatest defects, and the confusion that would be created by H.R. 1 -- or by some of the "compromises" that have been suggested -- would be far worse than what exists already. For that reason, I think we should all be very wary of attempts to paper over the deep differences that exist on the disparate impact issue with ambiguous and confusing "compromise" language.

Nelson Lund of my staff has been working on this issue, and I encourage you to have someone contact him so that we can coordinate our efforts. Again, I enjoyed talking with you and look forward to staying in touch.

Yours truly,

C. Boyden Gray  
Counsel to the President

Mr. Terrence D. Straub  
Vice President  
Public Affairs  
USX Corporation  
818 Connecticut Avenue, N.W.  
Washington, D.C. 20006

## Withdrawal/Redaction Sheet (George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
03. Memo	Case Number 224049CU From Nelson Lund to Boyden Gray RE: Terrence Straub Letter on USX Disparate Impact Case (1 pp.)	03/29/91	P-5	

**Collection:**

**Record Group:** Bush Presidential Records  
**Office:** Records Management, White House Office of (WHORM)  
**Series:** Subject File - General  
**Subseries:** Scanned  
**WHORM Cat.:** HU010  
**File Location:** 221126CU to 225007CU

Open on Expiration of PRA  
(Document Follows)  
By *JL* (NLGB) on 2.14.05

<b>Date Closed:</b> 1/7/1999	<b>OA/ID Number:</b> 00002-001
<b>FOIA/SYS Case #:</b> 1999-0285-F	<b>Appeal Case #:</b>
<b>Re-review Case #:</b>	<b>Appeal Disposition:</b>
<b>P-2/P-5 Review Case #:</b>	<b>Disposition Date:</b>
<b>AR Case #:</b>	<b>MR Case #:</b>
<b>AR Disposition:</b>	<b>MR Disposition:</b>
<b>AR Disposition Date:</b>	<b>MR Disposition Date:</b>

### RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P-1 National Security Classified Information [(a)(1) of the PRA]  
P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]  
P-3 Release would violate a Federal statute [(a)(3) of the PRA]  
P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]  
P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]  
P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Removed as a personal record misfile.

Freedom of Information Act - [5 U.S.C. 552(b)]

(b)(1) National security classified information [(b)(1) of the FOIA]  
(b)(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]  
(b)(3) Release would violate a Federal statute [(b)(3) of the FOIA]  
(b)(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]  
(b)(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]  
(b)(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]  
(b)(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]  
(b)(9) Release would disclose geological or geophysical information

THE WHITE HOUSE

WASHINGTON

March 29, 1991

MEMORANDUM FOR C. BOYDEN GRAY

FROM:

NELSON LUND 

SUBJECT:

Terrence Straub Letter on USX Disparate Impact Case

There are three interesting points to be drawn from this letter and the accompanying materials:

- (1) It tends to confirm the DOJ study, which shows that Wards Cove has not had any very striking effect in practice.
- (2) It shows that large companies, which tend to be less affected than small companies by the law of disparate impact because they are already pushed into using quotas by OFCCP, are not completely immune.
- (3) It provides added evidence that this is an area in which simple uncertainty as to what the law is creates some of the greatest problems. And H.R. 1, of course, would be a great breeder of uncertainty.

I've attached a draft response to Straub's letter.

Attachment

USX Corporation  
818 Connecticut Avenue NW  
Washington, DC 20006  
202 857 0300

Terrence D. Straub  
Vice President  
Public Affairs

224049a

**USX**

March 21, 1991

The Honorable  
C. Boyden Gray  
Counsel to the President  
The White House  
Washington, D.C. 20500

Dear Boyden:

I enjoyed the opportunity to talk with you over lunch last week. As promised, I am forwarding to you information on the court ruling and eventual settlement against USX in the class action discrimination suit on behalf of black applicants for entry level positions at our Fairless Works facility. Although this complaint covers the period of time from July 1972 through 1979, the settlement in the amount of \$41.9 million was only recently agreed to.

Attached for your review is a copy of our letter to Congressman Don Edwards, Chairman of the Subcommittee on Civil and Constitutional Rights, outlining our specific complaints with the finding. I am also attaching a chronology of events in the Green/Danley (our case) matter.

This turn of events has created a considerable amount of distress within the corporation and in particular to Chuck Corry, our Chairman. As I mentioned at lunch, we could be considered "Exhibit A" for the defense in the policy debate over the disparate impact provisions in the pending Civil Rights Bill. We have made several congressional visits on this matter to date and stand ready to articulate our concerns as the congressional debate evolves. I would appreciate any thoughts you may have as to how we can work with your office to assist in the execution of strategy to improve this onerous legislation.

I look forward to hearing from you and again thanks for your time and interest.

Sincerely,



Attachments



March 8, 1991

C. A. Corry

Re: Civil Rights Legislation

On Wednesday, March 6, Cy Clark, Terry Straub, John Shortridge and I met first with the Chief Counsel and two assistants for Congressman Don Edwards, Civil and Constitutional Rights Subcommittee of the House Judiciary Committee, and later with the Minority Chief Counsel for the Republican members of the Judiciary Committee. In advance of the first meeting I telecopied the attached letter summarizing the Green/Danley case to Congressman Edwards. This was in accord with the wishes of the Subcommittee's Chief Counsel who asked that our discussion be focused on Green/Danley and not on the broader issues of H.R. 1 which she felt had already been fully addressed in the complaints received from employer groups.

We contended the Green/Danley result was grossly unjust because our employment practices of the 1970's were judged by the standards of the 1980's and because the penalty we were required to pay for what was tantamount to an error in judgment was excessive. We suggested that consideration be given to a cap on damages in cases where the victims of the alleged discrimination could neither be identified nor made whole. In Green/Danley approximately 10,000 unsuccessful black applicants will be eligible to share in the backpay and benefits it was calculated that the additional 328 blacks we should have hired would have earned had they been hired. There is, of course, no way to determine who among the 10,000 would have been hired had we hired an additional 328 blacks.

At the staff's request we will determine what we would have paid in Green/Danley if the backpay and benefits which the Court awarded for periods ranging from 6 to 13 years had been limited to 5 years and if prejudgment interest had been similarly limited. My guesstimate is that the figure will be below \$10,000,000.

Page 2

Otherwise there were spirited discussions regarding jury trials and punitive damages at both meetings. The Minority Chief Counsel's view, which has been forged in the area of political reality, is that jury trials are acceptable if they are restricted to cases of harassment and if there is a cap on the amount the jury is permitted to award. The concern is that because there usually are no lost wages in harassment cases, a make-whole remedy is inapplicable and, therefore, there is no economic deterrent. There is strong feeling in Congress that in order to deter harassment a right to compensatory damages must be made available. Once this premise is accepted there is a very strong argument that there is a constitutional right to a jury trial.

As an alternative to a jury trial restricted to harassment cases together with a cap of damages, the Minority Chief Counsel suggests consideration be given to a civil penalty system where the action would be brought by a government agency, such as the EEOC, resolved before an Administrative Law Judge, and any penalty assessed paid to the government. It is difficult to imagine any civil penalty approaching the amount paid in Green/Danley.

  
William R. Hawkins

Attachment

cc: (w/attachment)  
D. B. King  
D. D. Sandman  
T. D. Straub  
J. G. Shortridge  
T. J. Usher



USS  
600 Grant Street  
Pittsburgh, PA 15219-4776  
412 433 2927

William R. Hawkins  
General Counsel

March 5, 1991

The Honorable Don Edwards  
Chairman  
Subcommittee on Civil and  
Constitutional Rights  
House Judiciary Committee  
2307 Rayburn House Office Building  
Washington, DC 20515-0510

Re: H R No. 1

Dear Congressman Edwards:

At a recent meeting between C. A. Corry, Chairman of the Board of USX Corporation, and Jack Brooks, Chairman of the House Judiciary, Mr. Corry expressed his distress over the court rulings rendered against USX in a class action discrimination suit filed on behalf of unsuccessful black applicants for entry-level production and maintenance positions at our Fairless Works, Fairless Hills, Pennsylvania, during the following periods: July 11-December 31, 1972; 1973; 1974; 1978 and 1979. Their conversation, not unnaturally, gravitated toward the above bill which is pending before your Subcommittee. Representative Brooks specifically asked that USX representatives meet with members of your Subcommittee's staff to discuss how HR 1 in its present form would have affected the Green/Danley litigation (the common name of the Fairless Works' case) were it enacted while the case was pending.

A summary of the events in the Green/Danley litigation is enclosed. What is most distressing to Mr. Corry, as well as all members of USX management, is that an employer earnestly attempting to comply with the civil rights laws should ultimately be required to pay \$41.9 million, exclusive of its own attorneys' and experts' fees, to resolve a claim of discrimination where it at all times pursued an aggressive affirmative action program that resulted in its hiring blacks at an appreciably higher percentage than they comprised of the available labor force. While it may have been apparent in 1983 when the district court issued its decision on liability that the proper measuring stick was applicant flow and not the



The Honorable Don Edwards  
March 5, 1991  
Page 2

available labor force it was not so apparent, if at all, in the 1970's when the hiring decisions which led to the finding of discrimination were made.

The court found that the only requirements for an entry-level production and maintenance position were that the applicant be 18 years of age, pass a physical, and be able to read safety signs. While this may be correct because all new hires begin as laborers, it would not be possible to operate a steel mill if all employees were only capable of meeting these three requirements. The steel industry is somewhat unique in that essentially everyone starts as a laborer and thereafter proceeds up lines of progression by bidding for promotional opportunities as they arise. There must be a sufficient number of trainable and motivated employees among each new group of hires to be capable of eventually performing the highly-skilled jobs in the mill, such as roller and melter.

It should be remembered USX was a primary party to the 1974 nationwide Steel Industry Consent Decree on equal employment and USX's labor agreements with the steelworkers historically have prohibited discrimination on the basis of race.

We have been asked by members of the Subcommittee's staff to restrict our comments on HR 1 to those that would have impacted the Green/Danley case. While we share the general concerns of employers with respect to many provisions of the bill, especially those concerning punitive damages and jury trials, we will abide by the staff's request. To that end we offer the following comments:

1. As painful as it is for us to acknowledge it, the Green/Danley case supports the contention of the opponents of those provisions of HR 1 which would overturn the decision of the United States Supreme Court in Wards Cove. Green/Danley demonstrates that plaintiffs can prove their cases even after that decision. Had HR 1 been enacted when the hiring decisions were made, the hiring would have been done on a quota basis, i.e., if 24% of the applicants were black then approximately 24% of the hires would also have been black.

2. Section 15 of HR 1 which makes its provisions overturning Wards Cove and other decisions of the Supreme Court retroactive to the date the decisions were rendered is highly prejudicial to employers. Much like we believe our conduct of the 1970's was judged by the standards of the 1980's, employers who relied upon rulings of the highest court in the land will find that they relied to their peril. Whatever changes HR 1 makes in the law as interpreted by Supreme Court decisions should be prospective from the date of enactment.



The Honorable Don Edwards  
March 5, 1991  
Page 3

As previously observed, HR 1 would have had little impact on the ultimate outcome in Green/Danley except to make that outcome far more predictable. What would have had an impact and what we would suggest be given serious consideration by the Subcommittee is a provision that would limit the period for which backpay and benefits can be awarded when the recipients are unsusceptible of identification. In Green/Danley backpay and benefits were awarded for periods varying from 6 to 13 years. An additional two years of front pay and benefits were added on. This backpay and benefits award was what would have been earned by the 328 additional blacks USX should have hired to avoid the finding of discrimination. The difficulty is that there were some 10,000 blacks who unsuccessfully applied for these 328 jobs. It is respectfully submitted that in such situations the award of backpay and benefits should be limited to a period of, for example, five years.

We look forward to discussing HR 1 and the Green/Danley case with members of the Subcommittee staffs.

Very truly yours,

A handwritten signature in cursive script that reads "William R. Hawkins".

William R. Hawkins  
General Counsel

Enclosure

Elbert G. Green and Robert Danley, Individually and  
as Representatives of Persons Similarly Situated, v.  
USX Corporation, formerly known as  
United States Steel Corporation  
C.A. No. 76-3673, USDC, E.Dist., PA

This is a class action suit involving a claim of racial discrimination by blacks who unsuccessfully applied for entry-level production and maintenance jobs at USX's Fairless Works in Fairless Hills, Pennsylvania. The racial discrimination is alleged to have occurred because the percentage of blacks hired was less than the percentage which applied.

On July 18, 1983, after a trial on liability, the United States District Court for the Eastern District of Pennsylvania, solely on the basis of gross statistics comparing the number of blacks ultimately hired with the number who initially applied and the mere elimination of chance as the cause of the disparity, held that a prima facie case of discrimination had been established under the disparate impact theory for the following periods: July 11-December 31, 1972; 1973; 1974; 1978 and 1979. In so holding the District Court found that while "The record is clear that, throughout the class period, USX hired minorities for entry-level P&M jobs at rates equalling or exceeding their representation in the geographical labor market, . . . actual applicant flow data is the preferred yardstick [for determining whether hiring practices have a disparate impact on blacks] because it compares those actually hired to those who actually offered themselves for hire, rather than to a hypothetical pool of those 'available'. . . ." The District Court additionally found that USX did not engage in intentional discrimination and that plaintiffs had "failed to make out a prima facie case that . . . [USX] discriminated . . . during the years 1975-77. . . ."

In the 1970's it was far less clear than it is today that applicant flow was the appropriate yardstick against which to judge whether there had been discrimination in hiring. USX was then as now subject to the affirmative action requirements imposed on Federal Government contractors and had worked closely with the Office of Federal Contract Compliance to establish minority hiring goals. The goal at Fairless Works was set at between 11% and 13% because during the 1970's blacks comprised from between 9.5% and 11.5% of the labor market in Bucks County, Pennsylvania, and Burlington and Mercer Counties, New Jersey. When USX hired blacks at a rate of approximately 15% of those who applied from July 11, 1972 through 1973 and at a rate of approximately 19% in 1978 and 1979 and it believed, albeit erroneously as events transpired, that it had satisfied all legal obligations. It is probable that blacks applied for employment at Fairless Works at a rate in excess of twice their representation in the local labor force due to their knowledge that USX was an affirmative action employer and consequently their prospects of being hired by USX were substantially greater than they were with other employers in the area.

On August 1, 1986, after a trial on damages, the same Court issued a decision awarding the class \$12,397,928 in compensatory damages plus \$4,896,434.38 in prejudgment interest from the date of its earlier decision on liability. The compensatory damages consisted of from 6 to 13 years of backpay and benefits for the 328 people comprising the shortfall. The "shortfall" is the difference between (1) the number of blacks hired and (2) a calculated number which is a standard deviation of 1.64 from the product obtained by multiplying the total hires by the percentage of blacks who applied.

USX appealed both decisions to the United States Court of Appeals for the Third Circuit which on March 29, 1988, not only affirmed the District Court's liability holding on the basis of the disparate impact theory, but also ruled that the bare statistical comparison was sufficient to show intentional discrimination. The Court further held the class was entitled to front pay and that prejudgment interest should not necessarily be restricted to the period following the date of the lower court's liability decision.

USX thereafter petitioned the United States Supreme Court for a Writ of Certiorari. Following briefing, but without oral argument, the Supreme Court on June 12, 1989, granted USX's Writ in its entirety, vacated the judgment and remanded the case to the Court of Appeals for further consideration in light of the Supreme Court's June 5, 1989, decision in the Wards Cove Packing Co. case.

On February 23, 1990, the same 3-judge Court of Appeals panel as before reversed its prior holding of intentional discrimination, but again held USX liable under the disparate impact theory finding that the class had identified the employment interview as the hiring practice responsible for the racial disparity. To reach this result the Court combined 10 steps in USX's 12-step hiring process, labeled them the "employment interview" and treated them as a single hiring practice.

USX again petitioned the U.S. Supreme Court for a Writ of Certiorari but on October 1, 1990, the Court denied the petition and remanded the case to the Court of Appeals for further proceedings. That Court in turn, on October 22, 1990, remanded the case to the District Court for further proceedings regarding prejudgment interest and front pay.

The original judgment amount of \$17,295,362.88 (including the prejudgment interest the District Court allowed in its decision of August 1, 1986) with post-judgment interest (a total of \$21,851,155) was paid on November 15, 1990.

The District Court referred the case to a U.S. Magistrate for a settlement conference regarding further prejudgment interest and front pay. As a result of the Magistrate's efforts the parties agreed on December 27 to resolve all remaining issues for \$20,000,000, including \$7,000,000 in attorneys' fees.

The settlement must be approved by the Court. The Court's tentative approval is expected to be received in March 1991. Following that tentative approval the class members will be notified of the settlement and afforded an opportunity to object. If, following a hearing on any objections, the settlement receives the final approval of the Court, the total amount paid by USX to the class and its attorneys will be \$41,851,155. In excess of one-half of the amount awarded the class represented prejudgment interest.

USX has still to pay the cost of notifying the class members of the settlement, processing their claims and distributing to them the proceeds. Although the distribution scheme has not yet been determined, these costs are expected to amount to several hundred thousand dollars.

3/5/91

CS

ID # 224663 CU  
R: 3/26

WHITE HOUSE HU 010  
CORRESPONDENCE TRACKING WORKSHEET

- O - OUTGOING
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Date Correspondence Received (YY/MM/DD) 1 1

Name of Correspondent: Phil Brady

MI Mail Report User Codes: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

Subject: Forwards the President's remarks on Civil Rights memo from CBG

ROUTE TO:

ACTION

DISPOSITION

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
	<u>Cude</u>	ORIGINATOR	<u>9/10/26</u>		C	<u>9/10/27</u>
	<u>Cuatlo</u>	Referral Note: <u>A</u>	<u>9/10/26</u>		C	<u>9/10/27</u>
	<u>Cugray</u>	Referral Note: <u>I</u>	<u>9/10/26</u>	<u>See comments</u>	C	<u>9/10/26</u>
	<u>Cuatoz</u>	Referral Note: <u>I</u>	<u>9/10/26</u>		C	<u>9/10/26</u>
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		Referral Note:				

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FOR OUTGOING CORRESPONDENCE:  
 Type of Response = Initials of Signer  
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Comments: Noted - Copies sent to Bill Kristol - Chackes

Kate & Lee Higman - This may be checked out. CS

Y. Lund 3/27/91

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THE WHITE HOUSE  
WASHINGTON

DATE: 03/26/91

NOTE FOR: BOYDEN GRAY ✓

The President has reviewed the attached, and it is forwarded to you for your:

Information  X  
Action

Thank you.

PHILLIP D. BRADY  
Assistant to the President  
and Staff Secretary  
(x2702)

cc: Ede Holiday (ACTION) --  
for forwarding to Lamar Alexander

Boydin  
Encouraging  
Please share with  
Lamar A.  
3-25

THE WHITE HOUSE  
WASHINGTON  
March 22, 1991

91 MAR 22 AM 11:57

MEMORANDUM FOR THE PRESIDENT

FROM: C. BOYDEN GRAY *cmh*

THE PRESIDENT HAS SEEN

SUBJECT: Civil Rights

Your speech introducing your civil rights and economic opportunities program has been recognized as an eloquent statement of principles (see attached Wall Street Journal story). Unfortunately, the speech happened to be scheduled for the day the war ended. Nonetheless, intellectual progress is being made as opinion leaders gradually begin to catch up with the public. The attached William Raspberry column is important because of who he is. The attached Washington Post/ABC poll, and the attached story about the civil rights groups' private study of American attitudes, suggest that you have already generated strong support beyond the Beltway.

Every indication is that we are in a stronger position on the Hill than we were last year. Kennedy is having trouble finding co-sponsors, for example, and hasn't even introduced a bill. As your views on this issue become clearer and more persuasive, we may well see increasing attacks from our opponents. If this happens, it will reflect their weakness more than their strength.

I believe that education reform should continue to be the flagship of your equal opportunity package. This is consistent with your goals as the Education President, and it makes sense as policy: improvements in education promise to have the most direct and lasting effects on the problems that the Democrat civil rights bill pretends to address, namely, full and equal participation in the job market.

For example, every increment of additional schooling translates directly into better employment prospects for blacks and whites. What's more, as education levels go up, the absolute differences between black and white unemployment rates narrow; for college graduates, black and white unemployment rates are almost identical.

The chance to make real progress is therefore enormous. Fewer than one-fourth of the students who enter the D.C. public schools ever graduate from the 12th grade. Bill Coleman told me this is why he wants a civil rights bill that forbids employers to require high school diplomas. Catholic schools, however, do much better with all children, including minorities. One study, for example, showed that black seniors at Catholic high schools were three times more likely to graduate from college than black seniors at public schools. Colin Powell therefore seems to have a more positive approach than Bill Coleman when he tells every kid who writes to him, "Stay in school" (see attached excerpt from U.S. News & World Report).

All of this is well-known as a matter of education policy, of course. The important thing is to make it clear that the best educational policy is the best civil rights policy as well.

THE WHITE HOUSE  
WASHINGTON  
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- Bill not scanned.

Comments:

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## A Very Popular President Now Faces Plenty of Troublesome Domestic Issues

By ALAN MURRAY and DAVID WESSEL  
Staff Reporters of THE WALL STREET JOURNAL  
WASHINGTON — Welcome home, Mr. President.

The successful conclusion of the Persian Gulf war means President Bush can now turn his attention to problems at home—problems that critics from both ends of the political spectrum say he has ignored for too long.

"We can congratulate ourselves on a brilliant war abroad," says Stuart Eizenstat, domestic policy adviser in the Carter administration. "It's now time to win the battle at home."

Adds Stuart Butler, who heads up domestic policy for the conservative think tank Heritage Foundation, "So far, the president has showed his attention and interest on the domestic side is clearly lower than on the international side. But who knows? Maybe he has found himself in the last few months."

With public opinion soaring behind him, Mr. Bush will have a chance to use his popularity to push a domestic agenda on issues from civil rights to bank reform.

Whether he will do so, however, remains in doubt. "There's never been a better opportunity to be aggressive as far as his own legislative agenda," Republican pollster Richard Reed of Market Opinion Research says confidently. But pressed to define Mr. Bush's top three domestic priorities, Mr. Reed acknowledges, "I'm not sure it has crystalized yet as far as the White House is concerned."

Among the issues waiting to be addressed:

### THE ECONOMY

The Bush administration has disavowed any effort to fashion anti-recession policies, arguing that the recession will end before such efforts could take effect. That bet may prove correct; already, there are tentative signs the slump may be bottoming out.

Even if it is, the longer-term health of the economy remains a serious concern. U.S. wages continue to be stagnant, U.S. companies continue to lose market share to foreign rivals, and some economists argue that any recovery may be a sluggish one. President Bush hasn't provided a clear recipe for economic growth. So far, his main economic policy prescription—a cut in the capital-gains tax—has been stymied.

At the same time, the president must defend last year's hard-fought deficit-reduction law as congressmen from both parties seek to evade its constraints—and advocates for everything from shelters for the homeless to federal aid for airlines ask why Mr. Bush can tackle foreign emergencies but won't see domestic problems as emergencies. One tough test for the White House will be handling popular but costly bills to improve veterans benefits.

### HEALTH CARE

Budget Director Richard Darman has pinpointed health care as one of the nation's most pressing problems. Health-care costs have soared from 6% of the nation's output 20 years ago to 12% today and are

growing at double-digit rates. Yet more than 30 million people lack health insurance.

Many businesses, pounded by these costs, are pushing for reform. Although many members of Congress seem eager to address the issue this year, President Bush and his administration have shown little inclination to tackle the issue now.

"He's got to take the initiative, rather than let Ted Kennedy run with the ball," says Mr. Butler.

### BANKING

Mr. Bush's Treasury Department has proposed the most sweeping restructuring of the banking system in half a century, and portions of the plan have been applauded by bank analysts. But the proposal will face rough sledding in Congress, and President Bush's personal involvement may be needed to ensure its success.

"If he really wants this, he may have to twist a lot of arms," says Robert Litan of the Brookings Institution. The administration also faces the lingering—and politically charged—problem of financing the savings and loan cleanup at the same time as it needs to shore up the fund that insures banks deposits.

### CHOICE & OPPORTUNITY

The Bush administration has said it plans to make "choice" and "opportunity" the bywords of its domestic agenda, and has proposed measures to encourage home ownership among the poor and allow parents more choice among schools. But even advocates concede Mr. Bush hasn't yet made a persuasive public case for the measures.

The president's most eloquent speech on the subject was made on Wednesday—the same day the war ended—ensuring that it got almost no public attention. "The issuance of the domestic agenda the very day he's announcing the end of the war is another indication of a kind of blind spot this administration has for domestic leadership," claims Mr. Eizenstat.

Democrats are pressing their civil rights bill again, the same one that Mr. Bush vetoed last year. The White House has yet to find a successful way to advance its counter-proposal without appearing insensitive to minorities.

Wall Street Journal  
3-1-91

WASHINGTON POST 3-13-91  
William Raspberry

## Why Civil Rights Isn't Selling

*Too many people just don't  
believe in this bill.*

The American civil rights leadership reminds me of the American automobile industry: hoping for a return to the days when its products had worldwide appeal, playing with nameplates and psychological gambits, willing to do almost anything to restore consumer interest. Anything, that is, except the one thing that might work: a better line of products.

The Civil Rights Act of 1991, whose passage the civil rights establishment has declared as its No. 1 goal for the year, illustrates the point.

It is a slightly reworked (not to say improved) version of last year's model, vetoed by President Bush, who insisted it was a "quota bill." This year's effort to enact it—over another veto if necessary—has begun with a change of the nameplate. It is no longer a bill for blacks, designed to restore civil rights law to what it was before a series of Supreme Court decisions made it harder to sue for discrimination. It is now a bill for the disabled, for working people and, oh yes, of course, for women.

It is all those things, in fact. But the point is that instead of trying to show that the legislation is important to interests Americans care about, or working to make it more acceptable to business leaders who really do fear it could lead to racial quotas, the civil rights establishment is trying to sell the bill by changing the ad copy.

The tactic would be questionable enough if the bill were perfect. It isn't. And if the Leadership Conference on Civil Rights will forgive me, in the context of the problems confronting black America, it may not be all that important.

Yes, that 1989 series of court decisions made it harder for minorities to win class-action discrimination suits and called set-aside contracting programs into question. And yes, it would be helpful to go back to where we were

before those decisions—not to quotas but to fairer access to opportunity. The Civil Rights Act of 1991 ought to be enacted.

But are the rules governing "disparate impact" suits and minority set-asides of such overriding importance that they should constitute the No. 1 priority of our leaders? I don't think so. The problems most critically affecting black America are the joblessness and despair of our young people, the academic indifference of our children, the dissolution of our families, the destruction (by crime and drug trafficking) of our neighborhoods, the economic marginality of our people. And the Civil Rights Act of '91 won't do a blessed thing about these problems.

Worse, it threatens to divide America along racial lines, when—in my view, at least—white America stands ready to support racial programs and policies it believes to be fair.

An unpublicized survey commissioned by the Leadership Conference on Civil Rights, a coalition of civil rights, labor, women's and disabled organizations, makes the point. White Americans, that survey revealed, see the black leadership as no longer concerned with fairness but only with group advantage. These whites—including such key swing-vote groups as blue-collar workers, lower-income youthful voters and the economically insecure—do not see themselves as racists, or as opponents of equal opportunity and fundamental fairness. What they oppose are efforts to provide preferential benefits for minorities, which they see as the main commodity of the civil rights leadership.

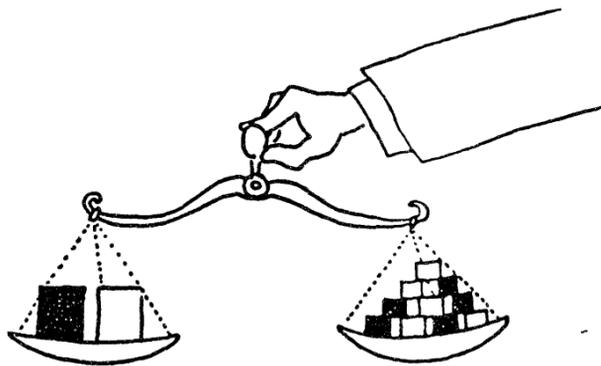
They aren't buying. How could we *expect* them to buy a product we have spent 400 years trying to have recalled: race-based advantage enshrined in the law?

The black consensus is that white resistance to the agenda of the civil rights leadership is nothing more than latter-day racism, a new mean-spiritedness that is 180 degrees away from the attitudes that helped to produce earlier civil rights legislation. My own view is not that white people have changed but that black people's goals have been transformed. We still say we want to be judged by the "content of our character," but our agenda is based on the color of our skin.

Well, suppose we came up with another product line based on the ideals we hold in common: equal opportunity, equitably enforced; programs designed to heal the crippling effects of past discrimination; hiring and promotion and college placement based on individual achievement and potential, sensitively evaluated; policies to enhance the academic and career prospects of young people who have had too little opportunity.

Suppose we ended production of the old model, which, designed to appeal to white guilt, no longer is selling and replaced it with a new model whose chief marketing points would be its orientation toward solutions (as opposed to blame-assignment) and its unambiguous fairness.

I, for one, think it would sell. I think it would do more for those most in need of society's help. And I think that America would be a better place because of it.



BY T. GIBSON

3,3

**Q** Now I want to ask you about a few issues facing the country. Please tell me whether you think the country is making enough progress or is not making enough progress on each one.

(Figures show only the percentage who think the country is "not making enough progress.")

	Mar. 4
Federal budget deficit	81%
Poverty	81
Crime	79
Illegal drugs	75
Health care	73
State of the country's economy	71
Public schools and education	70
Environment	61
Race relations	46
Respect for the United States abroad	26

**Q** Do you think the Congress is able to deal with the big issues facing this country, or not?

	Mar. 4, '91	Oct. 7, '90
Yes	60%	54%
No	37	42
Don't know	3	4

**Q** Do you think Bush is able to deal with the big issues facing this country, or not?

	Mar. 4
Yes	84%
No	15
Don't know	1

**Q** Do you think you have a good idea, just some idea or not much of an idea of where Bush plans to lead the nation in the next two years?

	Mar. 4, '91	Feb. 4, '90	Apr. 3, '89	Jan. 16, '89
Good idea	22%	21%	19%	22%
Just some idea	37	44	31	30
Not much of an idea	40	34	48	45
Don't know	1	1	2	3

**Q** Has the war with Iraq made you more confident in the ability of Bush to handle the country's other big problems, less confident, or hasn't it made much of a difference?

	Mar. 4
More confident	70%
Less confident	5
Not made much difference	24
Don't know	1

**Q** When you think of the kinds of things you would like to see done in Washington, which of the following is closest to your view:  
**A)** President Bush will do the things that are needed but Congress won't; or  
**B)** Congress will do the things that are needed but President Bush won't?

	Mar. 4
Bush will do what is needed but Congress won't	60%
Congress will do what is needed but Bush won't	28
Neither of those things	5
Both of those things	5
Don't know	2

Note: Figures do not add to 100% in the first question because the percentage "don't know" is not shown. March 4 figures are based on a nationwide Washington Post-ABC News telephone poll of 1,215 randomly selected adults conducted March 1-4. All other polls are Washington Post-ABC News polls with samples ranging from 758 to 1,518. Margin of sampling error is plus or minus 3 percentage points for the March 4 poll, and plus or minus 3 to 5 percentage points for the other polls. Sampling error is, however, only one of many potential sources of error in these or any other public opinion polls. Interviewing was conducted by International Communications Research of Media, Pa., and Chilton Research of Radnor, Pa.

## Rights Drive Said to Lose Underpinnings

*Focus Groups Indicate Middle Class Sees Movement as Too Narrow*

By Thomas B. Edsall  
Washington Post Staff Writer

Key civil rights leaders are struggling to develop strategies to counter findings of a private voter study they commissioned that shows the civil rights movement has lost the moral high ground with key segments of the white electorate.

The study, according to one of its authors, Celinda Lake, found that "the civil rights organizations and proponents of civil rights were no longer seen as . . . addressing generalized discrimination, valuing work and being for opportunity. The proponents weren't seen as speaking from those values."

The study, commissioned by the Leadership Conference on Civil Rights, a coalition of labor, civil rights, women's and liberal organizations, found strong support for such basic principles as equal opportunity, promotion for merit and hard work, and for fairness in the workplace. But the study also found that many white voters believe civil rights advocates are pressing for special, preferential benefits instead of such goals as equal opportunity.

The conference, which declined to release the written reports or the poll data, is seeking to develop a strategy to win approval of the Civil Rights Act of 1991. The organization is particularly concerned because racial issues contributed to President Bush's victory in 1988, and the issue of "quotas" helped produce Republican victories in the 1990 California gubernatorial contest and the North Carolina Senate race.

Bush vetoed last year's civil rights bill because he said it would result in quotas, and congressional Democrats were unable to overturn it. The administration is ready to make a similar argument this year, and Democrats are looking for a way to defuse what has become a politically persuasive issue.

Ralph Neas, executive director of the conference, said, "We want to particularly stress that the bill is an inclusive bill, that it is a bill for racial minorities, it is a bill for women, it is a bill for persons with disabilities, it is a bill for all working Americans."

This strategy, according to the study, faces some hurdles. There is a strong receptivity to Bush's argument that the civil rights legislation will result in quotas.

"Voters believe that business will implement this bill as quotas," Lake said. "Whenever legislation or policy distinguishes among groups [blacks, white, Hispanics, men, women], business, just to get it done, will implement quotas." These findings are especially damaging to efforts to counter the Bush administration's portrayal of pending civil rights legislation as promoting quotas. "There is no resistance to the Bush notion about quotas," one source said.

Another damaging finding of the study was that advocates of civil rights "have lost the advantage," Lake said. "It's a tremendous loss in terms of moving an agenda forward." She based her comments on the study for the leadership conference and on work her firm, Greenberg-Lake, has done in the past decade.

Lake said the problem facing civil rights proponents is that such advocacy is now seen as pressing the "narrow" concerns of "particularized" groups, rather than promoting a broad, inclusive policy of opposing all forms of discrimination.

The study found that many white voters believe there is pervasive reverse discrimination in the workplace and that civil rights leaders are more interested in special preferences than in equal opportunity, according to persons involved in the research.

The study, which included a national poll and focus groups held in white working-class and southern communities, did not find intensified racism or opposition to fundamental principles of equality. Instead, it showed strong support for basic egalitarian principles, including equality of opportunity and the obligation of employers to give everyone a fair chance.

In addition, the study found strong opposition to discriminatory practices based on race, gender, age or disability, according to Lake and Geoff Garin of Garin-Hart Strategic Research, another Democratic polling firm.

Garin would not make as strong a judgment of the difficulties facing the civil rights movement, but, he said, "at some point the civil rights community needs to restate its claim to the idea of a level playing field, and that means in part being more forthcoming in saying that reverse discrimination is unacceptable."

Neas contended that the most troublesome conclusions voiced by Lake were not based on the poll data, but on the focus groups, for which voters averse to civil rights had been purposefully selected, and on the basis of other work by the Greenberg-Lake firm, which has specialized in studying working and lower-middle-class white voters the past decade.

Lake said the critical views of the civil rights movement are held most strongly by key swing votes in the electorate—"blue-collar voters, economically marginal younger voters, ticket-splitting, swing white Southern voters"—who in any election are critical to the strategies of both parties to "add up enough voters to get to 51 percent."

"It is a broad-based problem," she added, with similar, if less intense, views held by many other white voters.

Among some of the other findings from the voter study, according to on-the-record interviews and background information provided by those familiar with it:

- Many white voters see the work force as a hierarchy, in which many hiring and promotion decisions are based as much, if not more, on race and gender as on merit and performance.

- Civil rights laws are seen by a substantial number of voters as creating unfair advantages, setting up "rank orders of privilege in the labor market," one source said.

- Public support of egalitarian principle is closely tied to a strong belief that a primary responsibility of elected officials is to support the mainstream goals and values of the middle class.

Voters want politicians who represent them to "address the middle class, those who work hard and pay all the taxes," Lake said.

**BEST AVAILABLE COPY**



tober as they tour the Vietnam Memorial.



1989, and Desert Storm boss, 1990.

er relatives always lived with them, giving the children a strong sense of security and discipline. "We were never alone; we were always closely supervised," remembers Marilyn. Neighbors looked out for each other's children, and "when you walked down the street, you had all these eyes watching you." When he was about 8 years old, Colin played hooky from school one day but estimated the time wrong and came home too early. A family friend was caring for the children that day, and she nabbed the young truant cold. "It was a big deal," says his older sister. "Colin was taken to school by the hand for

quite a while after that and deposited at the room door."

Powell moves easily through the white world today because he has always lived in it. In the '50s, the South Bronx was no ghetto. His school friends were mainly Jews and Poles and Italians, and he worked after school at Sickser's, a store selling baby furniture to a largely Jewish clientele. The Jamaican culture, too, was an ethnic and racial tapestry, and his mother's maiden name, McKoy, reflects at least one Scotch-Irish ancestor. An immigrant's son like Powell, argues Watson, his cousin, is not as burdened as other African-Americans by the legacy of slavery and racism. He has no sense of himself as a victim or a belief "that somebody owes him something."

Even as a youngster, Powell could project an impressive air of authority. Marilyn Berns remembers her wedding day, when Colin was 16, and the wedding party was stopped for speeding. As the cop approached the car, the brother of the bride rolled down the window, snapped off a salute, and said: "Wedding party, sir." The policeman let the car go.

At New York's City College, Powell chalked up straight C's but discovered an enduring passion for education. In a recent article for the *American School Board Journal*, the general wrote that CCNY represented "an unwritten but intuitively understood three-way bargain"—that the kids would work hard, the parents would support them and the schools would teach them. Today, Powell writes, preserving that bargain "is the single most important building block of our future," and even now, when he gets 300 letters a day, he tries to answer the ones from children himself. On the bottom he always writes: "Stay in school."

The young college student discovered another passion at CCNY—the Reserve Officers Training Corps. Looking back, Marilyn Berns is not surprised at her brother's choice of a career: "I think the structure had something to do with it. We came from a very structured home, and it gives you guidelines. You know where you're going."

The Army sent Powell many places, and each one helped shape and expand his view of the world. At Fort Benning,

Ga., he got his first taste of the American South and encountered racial discrimination when his white buddies had to browbeat bartenders into serving a black man. At Fort Devens, Mass., he met Alma Johnson, a speech pathologist, on a blind date. Devoted to the idea of family, he married her a few months later. They have three children: Michael, a law student; Linda, an actress now appearing in her first Broadway role and Anne-Marie, a student at William and Mary.

In Vietnam, Powell learned the horrors of an endless, futile war, winning a Purple Heart after stepping on a Viet Cong booby trap and a Soldier's Medal

for pulling two comrades out of a burning helicopter.

After 14 years on active duty, in 1972 Powell was named a White House fellow and assigned to work for Frank Carlucci, who was then deputy director of the Office of Management and Budget, and Caspar Weinberger, then budget director. The two became Powell's champions in Washington's power circles, and since then, he has oscillated between military and po-

litical jobs, often as an aide to one of his mentors, rising rapidly through the ranks, making the right contacts, learning the right bureaucratic skills. He served as national-security adviser during Reagan's last year in office, and in October 1989 President Bush named him to head the Joint Chiefs.

**Extraordinary place.** Still, his friends describe Colin Powell as down-to-earth, sometimes playing Carly Simon videos in his Pentagon office while the rest of the world was glued to CNN. He hates sports—one friend tried to teach him tennis and gave up. "I'm sure," says one friend, "that he pinches himself periodically, amazed at where he's gotten."

But this modest man has risen to an extraordinary place. He is the first black in the nation's history to sit at the table when the gravest decisions of war and peace are made. He has become a fusion of two noble national goals, racial progress and military power. The question is whether the call of duty—and the nation's adulation—will eventually pull him, as it did Dwight Eisenhower, into a run for the White House. ■

BY STEVEN V. ROBERTS  
WITH BRUCE B. AUSTER AND GARY COHEN



7 and counting. With mother, Maud, and sister Marilyn

February 21, 1991

224675  
Hu...

Dear Ms. Davis:

I have been asked to respond to your letter to the President requesting him to meet with the leadership of the National Bar Association to discuss the national issues that impact upon the livelihood of African Americans.

While the President deeply shares these matters of concern, the current schedule facing him now and in the months ahead make it impossible for him to consider your request.

The President regrets not being able to do as you ask and sends his very best wishes.

Sincerely,

KATHERINE L. SUPER  
Deputy Assistant to the President  
for Appointments and Scheduling

Ms. Algenita Scott Davis  
President  
National Bar Association, Inc.  
3340 South MacGregor Way  
Houston, Texas 77021

KLS:abc

APPOINTMENT

SCHEDULE

THE WHITE HOUSE  
WASHINGTON

RESPONSE DUE DATE: February 11, 1991

*Regret*  
*Per Kathy*  
*2-20-91*

REQUEST FOR SCHEDULING RECOMMENDATION

MEMORANDUM FOR:

<input type="checkbox"/> GOVERNOR SUNUNU	<input type="checkbox"/> PHILLIP BRADY
<input type="checkbox"/> ANDREW CARD, JR.	<input checked="" type="checkbox"/> DAVID DEMAREST <i>R</i>
<input checked="" type="checkbox"/> ROGER PORTER <i>R</i>	<input type="checkbox"/> MARLIN FITZWATER
<input type="checkbox"/> SIG ROGICH	<input type="checkbox"/> FREDERICK MCCLURE
<input type="checkbox"/> SUSAN PORTER ROSE	<input type="checkbox"/> J. BONNIE NEWMAN
<input type="checkbox"/> EDE HOLIDAY	<input type="checkbox"/> BRENT SCOWCROFT
<input type="checkbox"/> CHASE UNTERMAYER	<input checked="" type="checkbox"/> C. BOYDEN GRAY <i>R</i>
<input type="checkbox"/> GREGG PETERSMEYER	<input type="checkbox"/> ED ROGERS

FROM: KATHY L. SUPER  
PRESIDENTIAL APPOINTMENTS AND SCHEDULING

Please provide your recommendation on the following scheduling request:

EVENT: Meet with the leadership of the National Bar Association  
DATE: Open  
LOCATION: The White House

Additional information concerning this event is attached.

YOUR RECOMMENDATION:

Accept <input type="checkbox"/>	Regret <input type="checkbox"/>	Surrogate <input type="checkbox"/>	Message <input type="checkbox"/>
		Priority <input type="checkbox"/>	Video <input type="checkbox"/>
		Routine <input type="checkbox"/>	Written <input type="checkbox"/>

*Lucy*  
*Will you regret*  
*please.*  
*R*

reasons below:

PLEASE RETURN TO WINDY WHITE, ROOM 182, OEOB, BY THE RESPONSE DUE DATE ABOVE  
SO THAT YOUR COMMENTS MAY BE CONSIDERED AS WE PROCEED WITH THIS REQUEST.  
THANK YOU

APPOINTMENT

SCHEDULE

*Joseph*

THE WHITE HOUSE  
WASHINGTON

RESPONSE DUE DATE: February 11, 1991

REQUEST FOR SCHEDULING RECOMMENDATION

MEMORANDUM FOR:

<input type="checkbox"/> GOVERNOR SUNUNU	<input type="checkbox"/> PHILLIP BRADY
<input type="checkbox"/> ANDREW CARD, JR	<input type="checkbox"/> DAVID DEMAREST
<input checked="" type="checkbox"/> ROGER PORTER	<input type="checkbox"/> MARLIN FITZWATER
<input type="checkbox"/> SIG ROGICH	<input type="checkbox"/> FREDERICK MCCLURE
<input type="checkbox"/> SUSAN PORTER ROSE	<input type="checkbox"/> J BONNIE NEWMAN
<input checked="" type="checkbox"/> EDE HOLIDAY	<input type="checkbox"/> BRENT SCOWCROFT
<input type="checkbox"/> CHASE UNTERMAYER	<input type="checkbox"/> C BOYDEN GRAY
<input type="checkbox"/> GREGG PETERSMEYER	<input type="checkbox"/> ED ROGERS

FROM: KATHY L SUPER  
PRESIDENTIAL APPOINTMENTS AND SCHEDULING

Please provide your recommendation on the following scheduling request

EVENT: Meet with the leadership of the National Bar Association

DATE: Open

LOCATION: The White House

Additional information concerning this event is attached

YOUR RECOMMENDATION:

Accept

Regret

Surrogate

Priority

Routine

Message

Video

Written

BK -

*While this organization is sincerely concerned about a number of important issues (such as crime, drugs and education), it is my sense that civil rights would ~~dominate~~ dominate any discussion that they had here w/ POTUS or staff.*

*Recommend ~~that they~~ that they see the Atty. General (instead of POTUS) to talk about crime + drugs.*

*CONCUR Bobbick Joe W.*

*Regret*

APPOINTMENT

SCHEDULE

THE WHITE HOUSE  
WASHINGTON

RESPONSE DUE DATE: February 11, 1991

REQUEST FOR SCHEDULING RECOMMENDATION

MEMORANDUM FOR:

_____	GOVERNOR SUNUNU	_____	PHILLIP BRADY
_____	ANDREW CARD, JR	<input checked="" type="checkbox"/>	DAVID DEMAREST
<input checked="" type="checkbox"/>	ROGER PORTER	_____	MARLIN FITZWATER
_____	SIG ROGICH	_____	FREDERICK MCCLURE
_____	SUSAN PORTER ROSE	_____	J. BONNIE NEWMAN
<input checked="" type="checkbox"/>	EDE HOLIDAY	_____	BRENT SCOWCROFT
_____	CHASE UNTERMAYER	<input checked="" type="checkbox"/>	C BOYDEN GRAY
_____	GREGG PETERSMEYER	_____	ED ROGERS

FROM: KATHY L. SUPER  
PRESIDENTIAL APPOINTMENTS AND SCHEDULING

Please provide your recommendation on the following scheduling request:

EVENT: Meet with the leadership of the National Bar Association

DATE: Open

LOCATION: The White House

Additional information concerning this event is attached.

YOUR RECOMMENDATION:

Accept \_\_\_\_\_

Regret

Surrogate \_\_\_\_\_

Message \_\_\_\_\_

Priority \_\_\_\_\_

Video \_\_\_\_\_

Routine \_\_\_\_\_

Written \_\_\_\_\_

If your recommendation is to accept, please cite reasons below:

There is no compelling reason, in my view, for the President to meet with this group.

*RBP*

PLEASE RETURN TO WINDY WHITE, ROOM 182, OEOB, BY THE RESPONSE DUE DATE ABOVE  
SO THAT YOUR COMMENTS MAY BE CONSIDERED AS WE PROCEED WITH THIS REQUEST  
THANK YOU

59  
**NBA**

Reply To:  
NBA President  
3340 South MacGregor Way  
Houston, Texas 77021  
(713) 236-4057

January 16, 1991

Algenita Scott Davis  
*President*

Sharon McPhail  
*President-Elect*

Paulette Brown  
*Vice President*

W. Harold Flowers, Jr.  
*Vice President*

Ernestine S. Sapp  
*Vice President*

Allen J. Webster  
*Vice President*

Andrea Pair Bryant  
*Secretary*

Joseph Hairston  
*Treasurer*

Evelt L. Simmons  
*Assistant Secretary*

Frank Seales, Jr.  
*Assistant Treasurer*

Shelvin L. Hall  
*General Counsel*

Malcolm S. Robinson  
*Associate General Counsel*

Carolyn Y. Howard  
*Parliamentarian*

Hon. Alice A. Bonner  
*Associate Parliamentarian*

John Crump  
*Executive Director*

President George Bush  
United States of America  
The White House  
Washington, D. C.

Dear Mr. President:

The National Bar Association is continuing its effort to address the advancement of jurisprudence, the protection of civil and political rights and the honor of the legal profession. Your kind words of greeting to the National Bar during its 65th Annual Meeting served as an inspiration to our membership and the general community whom you addressed by video tape during our Opening Session last August.

There are many vital concerns which members of the Association desire to discuss with you. The National Bar is committed to the diversity of the federal judicial system. We know that this is one of your goals. We wish to express our concerns about inclusion of qualified candidates from all segments of our national population. The commitment of your administration in this area has also been reiterated by Attorney General William Thornburg when he addressed our affiliate chapter, the Houston Lawyers Association, during my tenure as its President.

Our organization is also extremely concerned about other national issues that impact upon the livelihood of African Americans. These include the drug epidemic, crime in the streets, and, most seriously, the lack of educational incentives and opportunities, which is the root cause of most of the problems in our communities today. We have determined these to be key domestic issues and have focused on them through our resolutions and task forces.



President George Bush  
January 16, 1991  
Page Two

I am writing to ask that you meet with the leadership of the Bar Association to see how we can jointly address these serious matters of concern. If there are any questions, I may be reached at (713) 236-4057 and fax number (713) 236-4979.

Your favorable response is solicited. The National Bar Association looks forward to working with you and serving as a resource on legal and other issues.

Sincerely,



Algenita Scott Davis

cc: U. S. Attorney General William Thornburg  
John Crump, Esq., Executive Director

ID # 225007 CU  
HU010152 rec'd  
 3/28/91

**WHITE HOUSE**  
**CORRESPONDENCE TRACKING WORKSHEET**

- O - OUTGOING  
 H - INTERNAL  
 I - INCOMING  
 Date Correspondence Received (YY/MM/DD) 1 / 1

Name of Correspondent: Janet Rice Forsgren

MI Mail Report User Codes: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

Subject: Civil Rights Draft Bill - United States Commission on Civil Rights Act of 1991

ROUTE TO: Office/Agency (Staff Name)	ACTION		DISPOSITION	
	Action Code	Tracking Date YY/MM/DD	Type of Response Code	Completion Date YY/MM/DD
<u>CUofc</u>	ORIGINATOR	<u>91 03 28</u>		<u>91 04 08</u> CS
<u>CUAT 10</u>	A	<u>91 03 28</u>		<u>91 04 08</u> CS
<u>rest of 12 Jan 91</u>	A	<u>91 03 28</u>		<u>91 04 08</u> CS
		<u>1 1</u>		<u>1 1</u>
		<u>1 1</u>		<u>1 1</u>

**ACTION CODES:**  
 A - Appropriate Action  
 C - Comment/Recommendation  
 D - Draft Response  
 F - Furnish Fact Sheet to be used as Enclosure  
 I - Info Copy Only/No Action Necessary  
 R - Direct Reply w/Copy  
 S - For Signature  
 X - Interim Reply

**DISPOSITION CODES:**  
 A - Answered  
 B - Non-Special Referral  
 C - Completed  
 S - Suspended

**FOR OUTGOING CORRESPONDENCE:**  
 Type of Response = Initials of Signer  
 Code = "A"  
 Completion Date = Date of Outgoing

Comments: Close out 4-8-91 CS\*  
Addressed during mtg. in Roger Porter's o/c

Keep this worksheet attached to the original incoming letter.  
 Send all routing updates to Central Reference (Room 75, OEOB).  
 Always return completed correspondence record to Central Files.  
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

03/26/91

10:27

OMB LRD/LWP

001

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
Washington, D.C. 20503

MAR 27 1991

LEGISLATIVE REFERRAL MEMORANDUM

14 pgs  
**SPECIAL**

LRM #D-185

TO: Legislative Liaison Officer:

JUSTICE - Paul McNulty - 514-2061 - 217  
OPM - James N. Woodruff - 606-1424 - 331  
EEOC - James C. Lafferty - 663-4900 - 213  
OGE - Jane Ley - 523-5377 - 261

SUBJECT: CIVIL RIGHTS Draft Bill -- United States  
Commission on Civil Rights Act of 1991.

DEADLINE: APR 01 1991

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

Questions should be referred to **Suzanne DUVAL (395-3923)**, the legislative analyst for this bill.

*Janet Rice Forsgren*  
JANET R. FORSGREN (for)  
Assistant Director for  
Legislative Reference

CC:  
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03/28/91

10:28

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UNITED STATES  
COMMISSION ON  
CIVIL RIGHTS

1121 Vermont Avenue, N.W.  
Washington, D.C. 20425

The Honorable Thomas S. Foley  
Speaker of the House  
of Representatives  
Washington, D.C. 20515

Dear Mr. Speaker:

On behalf of the members of the Commission of the U.S. Commission on Civil Rights, I am pleased to transmit the agency's draft amendments to its reauthorization statute which were adopted at its March 1, 1991 meeting. The draft amendments are a result of discussions held on February 1, and March 1, 1991 and they represent a consensus of the members of the Commission. I request that these draft amendments be referred to the appropriate committee and promptly enacted.

As we approach the 21st Century, America is becoming the most racially and culturally diverse nation the world has ever known. Regrettably, our diversity is also arousing new racial tensions and conflicts among groups. The Commission has never been more vital to ensuring sustained progress toward true equality and indeed, the socioeconomic well-being and security of our nation than it is today.

The draft amendments would reauthorize the U.S. Commission on Civil Rights with some changes. A section-by-section analysis is also enclosed for the convenience of congressional review. The following summarizes the major changes:

- (1) The draft amendments would authorize the Commission, through its attorneys, to file Amicus Curiae briefs before the U.S. Supreme Court upon matters within the agency's jurisdiction. This provision is intended to reinforce the Commission's independence by providing for such authority.
- (2) The draft amendments authorize appropriations for the Commission for 25 years, a quarter of a century, from FY 1992 through FY 2016. However, the draft amendments do not contain a termination provision. The Commissioners, after considerable discussion, concluded that it would not set a time for the agency's authorization to expire to project to the public that they consider the Commission to be a vital and necessary agency.

THE WHITE HOUSE

WASHINGTON

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Comments:

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## A BILL

To extend the United States Commission on Civil Rights,  
and for other purposes

1 *Be it enacted by the Senate and House of Representatives*

2 *of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "United States Commission on Civil  
5 Rights Act of 1991."

6 **SEC. 2. ESTABLISHMENT OF THE COMMISSION.**

7 Section 2 of the United States Commission on Civil Rights Act  
8 of 1983 (hereinafter referred to as the Act) is amended as follows--

9 (1) Sec. 2(a). After ". . . Rights", add "an independent,  
10 bipartisan, factfinding agency of the Federal Government"  
11 and before "(hereinafter in . . .)"; and

12 (2) Sec. 2(c). After the last sentence, add "In the absence  
13 of a Chairman and a Vice Chairman, the senior member  
14 the Commission will serve as Acting Chairman".

15 **SEC. 3. COMPENSATION OF MEMBERS OF THE**  
16 **COMMISSION.**

1 Section 4 of the Act is amended as follows--

2 (1) Sec. 4(a). After "... prorated on", change "a daily" to  
3 "an hourly. . .", and after "...for each", change "day" to  
4 "hour"; and

5 (2) Add a new subparagraph:

6 "Sec. 4(c). The total amount that each member of the  
7 Commission may receive under subparagraph (a) in any one  
8 calendar year shall not exceed one half of the total annual  
9 compensation of a Level IV of the Federal Executive Salary  
10 Schedule."

11 **SEC. 4. DUTIES OF THE COMMISSION.**

12 Section 5 of the Act is amended as follows--

13 (1) In subparagraphs (1),(2),(3) and (4) after "... age" and  
14 before "... or national. . ." "handicap" is changed to  
15 "disability";

16 (2) Subparagraph (d) of the current statute is deleted;

17 (3) A new subparagraph (d) is added:

18 " Section 5(d). The Commission attorneys may submit an  
19 amicus curiae brief to the Supreme Court of the United  
20 States on any matter within the jurisdiction of the  
21 Commission, if a majority of the members of the  
22 Commission approve the submission of such brief."; and

1 (4) Subparagraph (f) of the current statute is deleted.

2 **SEC. 5. POWERS OF THE COMMISSION**

3 Section 6 of the Act is amended as follows--

4 (1) Sec. 6(a)(1). Redesignate paragraph 6(a)(1) as  
5 6(a)(1)(A). The title of "Staff Director" is changed to  
6 "Executive Director";

7 (2) Add a new subparagraph 6(a)(1)(B):  
8 "Sec. 6(a)(1)(B). The Executive Director will serve as the  
9 chief operating officer of the Commission and shall be  
10 responsible for the day-to-day operations of the agency  
11 including matters pertaining to employment, use and  
12 expenditure of funds, and general administration, consistent  
13 with policies determined by the Commission.";

14 (3) Add a new subparagraph 6(a)(1)(C):  
15 "Sec. 6(a)(1)(C). In the event of a vacancy in the position of  
16 Executive Director, the Chairman shall designate, with the  
17 concurrence of a majority of the members of the  
18 Commission, an employee of the Commission to serve as  
19 Acting Executive Director.";

20 (4) Sec. 6(a)(2)(A). Change "November 29, 1983" to  
21 "October 1, 1991" and delete " . . . (other than Staff  
22 Director and the members of the Commission) . . . .";

- 1 (5) Sec. 6(a)(2)(B). Delete " . . . (other than the Staff  
2 Director or a member of the Commission) . . . ", and change  
3 "1983" to "1991" before " . . . The Commission . . . ", and at  
4 the end of the subparagraph change "1983" to "1991" and add  
5 "or immediately prior to the day before the effective date of  
6 this Act.";
- 7 (6) Sec. 6. (b)(1). Redesignate subparagraph (b) as (b)(1)  
8 and add "Except as provided in 5 USC 3111, " before "The  
9 Commission . . . ";
- 10 (7) Add a new subparagraph:  
11 "Sec. 6(b)(2). Not more than .1 per centum of the total  
12 amounts due to the Commission in each fiscal year may be  
13 used for official representation and reception.";
- 14 (8) Add new subparagraph:  
15 "Sec. 6(b)(3). The Commission may accept and utilize  
16 services, goods and facilities of Federal, State and local  
17 agencies, organizations, and individuals appointed pursuant  
18 to Section 2(b)(1) and Section 6(c) from time to time, as  
19 may be necessary, to further the objectives of the  
20 Commission.";
- 21 (9) Add a new subparagraph:  
22 "Sec. 6(b)(4). Subject to subsection (b)(5) below and in

1 accordance with the policy and program direction  
2 established by the members of the Commission and the  
3 clearinghouse function of the agency, the Commission may  
4 execute agreements to cooperate with Federal, State and  
5 local agencies in public information programs, including but  
6 not limited to forums, conferences or other educational  
7 events, and such other activities as, from time to time, may  
8 be necessary to further the objectives of the Commission  
9 pursuant to Section 5 of this Act.";

10 (10) Add a new subparagraph:

11 "Sec. 6(b)(5)(A). To the extent it does not create the  
12 appearance of a conflict of interest because of the nature of  
13 the activities, entities or their affiliates, the Commission may  
14 accept and utilize gratuitous services, goods and facilities of  
15 Federal, State and local agencies, organizations and  
16 individuals as provided in (b)(3) above and participate in an  
17 agreement or activity with a Federal, State or local agency,  
18 as provided in (b)(4) above.";

19 (11) Add a new subparagraph:

20 "Sec. 6(b)(5)(B). To the extent that it does not constitute or  
21 imply an endorsement by the Commission of the products or  
22 services of the other entity, the Commission may accept and

1 utilize gratuitous services, goods and facilities or enter into  
2 such agreements or activities as provided in (b)(3) and  
3 (b)(4) above.";

4 (12) Add a new subparagraph:

5 "Sec. 6(b)(5)(C). To the extent it does not constitute or  
6 imply an endorsement by the Commission of, or give undue  
7 recognition to the entity involved, the Commission shall  
8 ensure that it receives appropriate recognition in all such  
9 cooperative arrangements and activities as provided in (b)(4)  
10 above.";

11 (13) Sec. 6(c) becomes Sec. 6(c)(1). After ". . . States",  
12 add: "the District of Columbia, Puerto Rico, and  
13 commonwealths and territories of the United States," before  
14 ". . . as it deems. . .";

15 (14) Add a new subparagraph:

16 "Sec. 6(c)(2). An advisory committee established under  
17 subparagraph (c)(1) shall have the same investigative  
18 authority as the Commission has under Section 3 except that  
19 such committee shall not subpoena witnesses.";

20 (15) Add a new subparagraph:

21 "Sec. 6(c)(3). Members of the advisory committee are not  
22 "employees" under sections 2104 and 2105 of Title 5 of the

1 United States Code.";

2 (16) Add a new subparagraph:

3 "Sec. 6(c)(4). Each member of advisory committees shall

4 receive reasonable allowances for necessary expenses for

5 travel, lodging and subsistence incurred in attending

6 advisory committee meetings and activities of the

7 Commission when away from the member's usual place of

8 residence in amounts that shall not exceed the maximum

9 fixed by subchapter 1 of chapter 57 of Title 5 United States

10 Code, for officers and employees of the United States."; and

11 (17) Sec. 6 (i)(2). After " . . . were in effect. . . "

12 delete "September 30, 1983" and add: ". . . on the day prior

13 to the effective date of this Act."

14 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

15 Section 7 of the Act is amended as follows--

16 (1) After " . . . appropriated", delete "\$12,180,000 for the

17 fiscal year 1984" and insert "to carry out this Act" and after

18 "each" delete "succeeding" and add "of the" before "fiscal"

19 and delete "year ending prior to October 1, 1989" and insert

20 "years 1992 through 2016".

21 **SEC. 7. TERMINATION.**

22 Section 8 of the Act is deleted.

## SECTION BY SECTION ANALYSIS

### SECTION 1. SHORT TITLE.

This states that this bill if enacted, would be the United States Commission on Civil Rights Act of 1991.

### SEC. 2. ESTABLISHMENT OF COMMISSION.

Section 2 of the Act is amended as follows--

- (1) Sec. 2 (a). This section states affirmatively that this Reauthorization Act is establishing an independent, bipartisan, fact-finding agency.
- (2) Sec. 2 (c). This subparagraph is a new provision designed to provide an orderly process for designating an Acting Chairman when there is a vacancy in both positions, a situation that occurred at the Commission between December 1989 and February 1990. The "senior member" of the Commission is defined as the member with the longest continuous date of service based on last appointment. In the unlikely event two members have the same appointment date, the swearing-in date would be used to determine the "senior member".

### SEC. 3. COMPENSATION OF MEMBERS OF THE COMMISSION.

Section 4 of the Act is amended as follows--

- (1) Sec. 4 (a). This is essentially the same language as Sec. 4(a) of the current statute, however, it been changed to being prorated on an "hourly" basis instead of a "daily" basis to reflect the actual practice.
- (2) Sec. 4 (c). This subparagraph is new and provides a limit in the authorization statute on the total salary compensation of the members of the Commission to reflect the fact that the positions continue to be intermittent and other than full-time.

### SEC. 4. DUTIES OF THE COMMISSION.

Section 5 of the Act is amended as follows--

- (1) Sec. 5 (a) (1),(2),(3),(4) and (5). The language is the same as Sec. 5(a) (1),(2),(3),(4) and (5) of the current statute, except that in subsections (1),(2),(3) and (4) "handicap" has been changed to "disability" to reflect the terminology in the Americans with Disability Act of 1990.
- (2) Sec. 5 (d). The original subparagraph (d) is deleted because the definition of "handicap"

is no longer necessary.

- (3) Sec. 5 (d). This subparagraph is a new provision. Unless there is a specific authority in the authorization statute, the Commission cannot file *amicus curiae* briefs. It is also intended to reinforce the Commission's independence by giving it the authority to unilaterally file such briefs.
- (4) Sec. 5 (f). This subparagraph regarding "members of eastern and southern European ethnic groups" in Sec. 5(f) of the current statute has been deleted. The Commission complied with this provision by issuing a report, *The Economic Status of Americans of Southern and European Ancestry* (October 1986), and a consultation report on Civil Rights of Euro-Ethnic Americans in the United States: Opportunities and Challenges. (December 1979).

#### SEC. 5. POWERS OF THE COMMISSION.

Section 6 of the Act is amended as follows--

- (1) Sec. 6 (a)(1). Subparagraph 6 (a)1 is redesignated as 6 (a)(1)(A). The title of "Staff Director" is changed to "Executive Director" to be consistent with comparable positions at most other Commissions and Boards.
- (2) Sec. 6 (a)(1)(B). This subparagraph is new and reflects the actual day-to-day operating responsibilities and authorities of the Executive Director.
- (3) Sec. 6 (a)(1)(C). This subparagraph is new and reflects the past practice for filling a temporary vacancy in the Executive Director position and gives it a statutory basis.
- (4) Sec. 6 (a)(2)(A). This is similar to the language in Sec. 6(a)(2)(A) of the current statute but the date has been changed to October 1, 1991 and the transfer exception for the Staff Director and the members of the Commission has been deleted. It is intended that there be an orderly transition in leadership for the current members of the Commission and the former Staff Director to the retitled position of Executive Director. The members will serve out their current terms.
- (5) Sec. 6 (a)(2)(B). This is a technical change to the date to reflect the current authorization extension to 1991.
- (6) Sec. 6 (b)(1). Subparagraph (b) is redesignated as (b)(1). The exception in this subsection provides for utilization of student volunteers appointed pursuant to 5 U.S.C. 3111. According to Commission and GAO interpretations of the current statute, this is permitted now, but nevertheless should be explicitly stated.
- (7) Sec. 6 (b)(2). This provision is new and permits limited expenditures for refreshments by the Commission at such activities as State Advisory Committee (SAC) meetings.
- (8) Sec. 6 (b)(3). This provision is new and is intended to permit the acceptance of modest

gratuitous services, goods and facilities from Federal, State and local agencies, organizations, and Commissioners or SAC members, as is required to carry out the Commission's activities. For example, acceptance of a room or refreshments for a Commission or SAC meeting. These must be accepted in accordance with the disclaimers in subsections (b)(5)(A) and (B) below. Funds have been intentionally excluded from this provision.

- (9) Sec. 6 (b)(4). This provision is new and permits the Commission as part of its clearinghouse function in Sec. 5(a)(4), to enter into agreements with Federal, State and local agencies to conduct joint seminars, conferences, briefings, etc. However, such cooperation agreements and activities must be approved by the members of the Commission and be in accordance with the disclaimers in subsections (b)(5)(A)(B) and (C).
- (10) Sec. 6 (b)(5)(A). This provision is new and is intended to ensure that neither the acceptance of gratuitous services, goods and facilities nor the entering into agreements or activities for cooperation create the appearance of a conflict of interest. This disclaimer ensures that the Commission maintains its independence.
- (11) Sec. 6 (b)(5)(B). This provision is new and is intended to ensure that neither the acceptance of gratuitous services, goods and facilities nor the entering into agreements or activities for cooperation will constitute or imply an endorsement of products or services of the other entity.
- (12) Sec. 6 (b)(5)(C). This provision is new and is intended to ensure that the entering into agreements or activities for cooperation does not constitute or imply an endorsement or give undue recognition to the participating Federal, State or local agency. This disclaimer ensures that the Commission maintains its independence.
- (13) Sec. 6 (c)(1). Subparagraph (c) is redesignated as (c)(1). This subparagraph is essentially the same language as the language in Sec. 6 (c) of the current statute, however, it clarifies that statute to provide for establishing SACs in the District of Columbia, Puerto Rico, and other United States' commonwealths and territories.
- (14) Sec. 6 (c)(2). This provision is new and clarifies the current statute to state what has been the past practice of the SACs with respect to investigative authority.
- (15) Sec. 6 (c)(3). This provision is new and is intended to clarify the existing statute as to the legal status of members of the SACs.
- (16) Sec. 6 (c)(4). This provision is new and is intended to state the past practice of paying travel expenses for members of Advisory Committees to attend SAC activities.
- (17) Sec. 6 (i)(2). This is essentially the same language as in Sec.6(i)(2) of the current statute but the September 30, 1983 date has been changed to the "... day prior to the effective date of this Act" to reflect the amendment and extension of the current statute.

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**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

Section 7 of the Act is amended as follows--

This provides for authorization for appropriations for twenty-five fiscal years from FY 1992 through FY 2016.

**SEC. 7. TERMINATION.**

Section 8 of the Act is amended as follows--

Sec. 8 of the current statute is deleted so that the Commission will not have to be terminated at the end of the proposed 25-year reauthorization period.