

**NLWJC - Kagan**

**DPC - Box 054 - Folder-008**

**Race - Race Initiative Report and  
Hard Questions [2]**

# Withdrawal/Redaction Sheet

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	Phone No. (Partial) (1 page)	09/04/1998	P6/b(6)

**COLLECTION:**

Clinton Presidential Records  
 Domestic Policy Council  
 Elena Kagan  
 OA/Box Number: 14370

**FOLDER TITLE:**

Race - Race Initiative Report and Hard Questions [2]

2009-1006-F

jm21

**RESTRICTION CODES**

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 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. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

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 concerning wells [(b)(9) of the FOIA]

August 20, 1998

**THE PRESIDENT'S REPORT ON RACE  
CHAPTER ON ADMINISTRATION ACCOMPLISHMENTS**

**Goals**

1. Convey Administration's key principles (e.g. opportunity, responsibility, community, etc.) and describe successes, occasional missteps, and hard choices in carrying them out.
2. Use this chapter to tell a compelling story rather than provide a comprehensive list of every accomplishment. Resist making every Administration accomplishment a race accomplishment.
3. Act as a bridge between chapters on our past history and our future direction. Organizing themes need to be consistent with chapters which precede and follow.
4. Be honest rather than excessively celebratory.
5. Show the right level of detail without being boring.

**Organization of Chapter**

This chapter would be organized chronologically by looking at the key themes of the Clinton Administration beginning with the campaign and following each year in office. For each year or logical period of time, we would describe the values that were at the core of the policy-making decisions, such as opportunity, responsibility, and community. We would also examine the key struggles and hard choices made, especially those which have an impact on race issues. Finally, we will describe the outcomes of the policy decisions and how they affect race issues. Resource documents will include State of the Union addresses and supporting documents, speeches, DPC/NEC accomplishments documents, and personal interviews with staff.

**Personal Stories**

In addition to the historical narrative, this chapter could contain some short anecdotes, set off in separate boxes, of people or organizations whose lives were transformed by Clinton Administration policies and initiatives. For example, one story might describe a revitalized urban community which was turned around by a series of policies such as Empowerment Zones and increased lending to minority businesses. Another story might describe a high school with a large Latino population which has benefited by increased Title I funding, bilingual education programs, after school initiatives, and school to work programs. A third story might describe a middle class family's search for housing and the increasing opportunities for home ownership made available by Administration policies. A fourth story might describe a mother's chance to get off welfare, obtain job training, and start a new job.

**Content Issues**

1. *Bipartisanship*. This should not be simply a self-congratulatory document. Rather it should include a discussion of difficult issues and of successes and failures. It is important to appeal to a bipartisan audience so all of America is interested in the issue or at least in the document. We might consider a report on the *nation's* accomplishments rather than solely the

President's accomplishments.

2. *Role of government.* The chapter should discuss the role of government in addressing races issues
3. *Macro policies.* We will need to decide whether to include macro policies such as the impact of economic growth on race issues.
4. *Race-neutral policies.* Should we include policies which are intended to be race neutral but which have a disproportionate impact on minorities, whether negative or positive, in areas where disparities exist? Policies of this type would include: the EITC, minimum wage increases, increased funding for Head Start.
5. *Race-targeted policies.* It seems obvious that we would include policies that are specifically-designed to assist minority groups. This might include policies such as the Hispanic Education Initiative, loans to minority businesses, eliminating ethnic health disparities, etc.

### **Research Outline**

For each year, examine:

- a. key values promoted
- b. tough struggles, especially related to race
- c. outcomes

Campaign:

Year 1:

Year 2:

Year 3:

Year 4:

Election themes and promises:

Year 5:

Year 6:

Year 7:

Year 8:



"Christopher Edley, Jr." <edley @ law.harvard.edu >  
08/26/98 08:44:08 AM

Record Type: Record

To: Michele Cavataio/PIR/EOP, Scott R. Palmer/PIR/EOP, Michael Wenger/PIR/EOP  
cc: See the distribution list at the bottom of this message  
Subject: progress

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At dinner meeting last night with Maria and Elena, went through a number of things concerning the book. (Sidney Blumenthal had to cancel at last minute due to injury.) We agreed on the following:

1. On accomplishments chapter, instead of chronological, it should be organized more thematically in parallel with the workplan chapter. Needs to be general, not detailed. Thematic, as we planned. Somewhat "national", but disproportionately about the Federal activity. "Here's what we've been trying to do, and here's some of the complementary state and local and private developments." Bipartisan where sensible -- don't strain. In particular, don't make up stuff about GOP Congress, but certainly recognize GOP governors, mayors, etc., where it makes sense.

2. Ongoing structure -- HERE ARE THE THREE OPTIONS:

?? OPTION A is your Option 1; OPTION B is a combination of the in-staff options -- "a small staff unit reporting jointly to DPC and the Office of the Chief of Staff" -- with two suboptions. B1 adds an external, voluntary Advisory Committee to help leverage non-federal engagement; B2 is without a formal Advisory Committee (which can be a pain in the ass). OPTION C is the private mechanism, with suboptions C1 to work to stimulate creation of such an entity (One America Foundation) now, and C2 to delay until 2000 so that the activity might be part of the Clinton Library.

3. Awards program -- we draft the September 10 memo with one option -- the Ford Foundation Innovations model, with sectoral subelements. (Civic League might be subcontractor for the government sector work?) If the clearance process generates strong dissent, we add an option and make it a decision issue for POTUS.

4. Scott [and Michele in our hearts]: share the crime and education framework documents with our DPC/OMB collaborators for reactions. Emphasize how preliminary it is, and it's just to keep the conversation going.

IN GENERAL: Both Maria and Elena are concerned that we work even harder to prevent the book turning into a 1000 page laundry list of every conceivable good idea. That means really distilling and prioritizing. I'm trying to figure out how to do that, because just generalizing to all-embracing categories doesn't do it. Perhaps we need to be tough and affirmatively say "These are the three most important issues (e.g., teachers, curriculum),

and these are the 17 issues we recommend not mentioning -- or mentioning only in a run-on sentence." See if POTUS agrees with the recommended emphases?

Finally -- Scott, please work with Jacinta (assuming she is swamped on Advisory Board report) so that I have something good to work with on Civil Rights by end of the day. PLEASE.

Thanks!

Message Copied To:

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Maria Echaveste/WHO/EOP  
Elena Kagan/OPD/EOP  
Michael Cohen/OPD/EOP  
Jose Cerda III/OPD/EOP  
Paul J. Weinstein Jr./OPD/EOP  
Jacinta Ma/PIR/EOP  
Marjorie Tarmey/WHO/EOP

▶ **Julie A. Fernandes**  
08/25/98 05:35:36 PM  
.....

Record Type: Record

To: Elena Kagan/OPD/EOP  
cc: Laura Emmett/WHO/EOP  
Subject: Race report -- accomplishments chapter

Elena,

I spoke with Michele Cavataio about the chapter on Administration accomplishments for the President's report. Michele has forwarded to me her proposal for how to organize the chapter. The idea is to organize it according to themes of the Administration and use specific policy accomplishments (over the last 5 1/2 years) to illustrate these themes. Edley has also asked Paul W. to review the proposal and to think about identifying themes. Edley also wants this chapter to include discussions of how various policy initiatives were developed and the tensions presented by some of the choices.

It is unclear precisely how this will develop, but Michele and Edley have suggested that we (including other WH folks, like Michele Waldman) should work to identify themes and policies to discuss and use to illustrate those themes. Michele can then take the lead (as Chris's staff person) in turning this into text. I have suggested that she and I (and perhaps Edley and Paul) meet to discuss the particulars of this early next week.

julie

Andrea Kane

Record Type: Record

To: Paul J. Weinstein Jr./OPD/EOP  
cc: Jonathan Orszag/OPD/EOP, Julie A. Fernandes/OPD/EOP, Cynthia A. Rice/OPD/EOP, Elena Kagan/OPD/EOP  
bcc:  
Subject: Re: Themes For Edley's Book

Sorry I missed the discussion this a.m. -- late yesterday I learned about a meeting I needed to attend at HHS at the same time. These themes generally sound good to me.

Based on the meeting Julie and I were just in w/ Chris on family & children topics, it sounds like he's also thinking about including something on welfare reform definitely within accomplishments, but possibly also under the Workplan chapter, under the subchapter on Economic Development and Job Opportunities. Apparently he mentioned this when he talked to Elena last night. If it does go in the Workplan, and I'm not convinced it should, I agree this is the best place for it. It sounds like he's thinking of a theme such as "Ensuring welfare reform works for all families". I suggested the strategies we are already pursuing along those lines: Access to Jobs transportation grants, Welfare-to-Work housing vouchers, and the \$3 billion Welfare-to-Work grants which are targeted at the hardest-to-serve/communities with concentrated poverty. Since the WTW funds are currently set to end after FY 99, and they represent a significant strategy and investment in helping those who are disproportionately minority make a successful transition from welfare to work, this might be a place to call for continued funding (subject of course to our budget/policy process). Obviously Bruce will need to weigh in on the general issue of how welfare reform is addressed.

Chris also seemed intrigued by working in fatherhood, though exactly how and where it fits still needs more thought. It may be under a theme of strong and healthy families or under addressing disparities in family structure.

Paul J. Weinstein Jr.

▶ Paul J. Weinstein Jr.  
08/26/98 03:17:40 PM  
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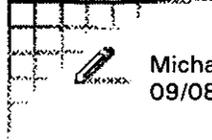
Record Type: Record

To: Jonathan Orszag/OPD/EOP, Julie A. Fernandes/OPD/EOP  
cc: Andrea Kane/OPD/EOP  
Subject: Themes For Edley's Book

1. Continue policies to raise the employment rates for minorities;
2. Continue policies to insure that no family with a working parent lives below the poverty line;
3. Assure that every American family has the opportunity to purchase a home or rent

affordable housing in areas where there is a source of jobs;

4. Continue policies to reduce the disparities in access to capital, credit, and financial services from traditional and non-traditional sources of finance.



Michael Cohen  
09/08/98 12:05:00 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Bruce N. Reed/OPD/EOP  
cc: Laura Emmett/WHO/EOP  
Subject: Reactions to Edley's paper

Overall I think Chris' education section is ok, for as far as it goes. I have the following observations/reactions, based on my quick reading:

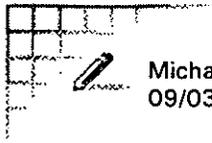
1. As we insisted, Chris has coupled efforts to close the achievement gap with efforts to closing the opportunity gap. As I read his discussion, it hit me that for message purposes we have to be clear about what it means to close the achievement gap: we should mean that race/ethnicity would no longer be a significant predictor of achievement, though there would still continue to be individual differences in achievement. Often the rhetoric about closing achievement gaps is misunderstood to mean that all kids will now achieve at the same level--a goal that will be accomplished either by holding down the performance of high achievers, or by lowering standards and then ignoring performance that is above the standard.

2. Chris has included the idea of an Education Bill of Rights. Good enough for now, though I assume there will be a lively debate over what level of government, if any, funds and guarantees these rights. In addition, there are several things left off his list that we should insist be added. In particular-- (1) after-school and summer-school programs to provide kids who need it with extra help; and, (2) small classes with qualified teachers. There are several items on Chris' list that I have concerns about. (1) equitably funded schools and (2) the right to choose racially and ethnically schools. With regard to equitable funding--what makes funding important is what it buys--small classes, good teachers, after-school programs, a well rounded instructional program, safe schools, etc. If the bill of rights "guarantees" these opportunities, then I don't think we also need to get into finance equity, and there are many down sides for going down that road. With regard to choice--I think we want to guarantee parents the right to choose good public schools. Its ok if they choose diverse, integrated schools, but we can do a whole lot more to guarantee that there is a good supply of high quality schools from which to choose, than we can guarantee schools that are racially integrated. In many places, geography and demographics will simply make that impossible.

3. Under his accountability section, Chris raises the issue of governance and accountability. I believe what he is getting at here is: if, in order to guarantee finance equity or racially integrated schools we must get rid of local districts and local school boards, we should do so. While I find this an intriguing idea (I actually raised it in one of our brainstorming sessions), it has the potential to create a needless controversy that may not be central to accomplishing most of what we want to get done. It's ok with me if Chris wants to raise this in the memo, but I think he should be far more explicit about what he has in mind.

4. The emphasis in the education section is overwhelmingly on K-12. In the main, this is right--we won't solve access to higher education concerns unless we fix the schools that minority students attend. That notwithstanding, I think there needs to be somewhat greater attention to higher education (particularly to show recognition of the affirmative action issues) and to pre-school,

because the kids we are most concerned about need help starting as early as possible.



Michael Cohen  
09/03/98 10:38:42 AM

Record Type: Record

To: Bruce N. Reed/OPD/EOP  
cc: Elena Kagan/OPD/EOP  
Subject: Re: Draft Education Outline

FYI.

Lest you be suspicious at Chris' positive response to my comments on his draft, the attached demonstrates that I actually gave him the feedback we discussed! Nonetheless, it does make me wonder if I made a mistake someplace.

----- Forwarded by Michael Cohen/OPD/EOP on 09/03/98 10:37 AM -----



"Christopher Edley, Jr." <edley @ law.harvard.edu>  
09/03/98 10:00:38 AM

Record Type: Record

To: Scott R. Palmer/PIR/EOP  
cc: Michael Cohen/OPD/EOP  
Subject: Re: Draft Education Outline

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EXTREMELY helpful comments. And, I think, persuasive.

Re: policy detail, I'll comment later.

At 07:30 PM 9/2/1998 -0400, you wrote:

- > FYI: Mike Cohen's comments.
- > ----- Forwarded by Scott R. Palmer/PIR/EOP on 09/02/98
- > 04:27 PM -----
- >
- >
- >
- >
- > Michael Cohen
- > 09/02/98 04:23:14 PM
- >
- > Record Type: Record
- >
- >

>

>To: Scott R. Palmer/PIR/EOP

>

>cc:

>Subject: Re: Draft Education Outline (Document link not converted)

>

>I gather that Chris has scaled back his expectations for the content and  
>level of policy detail for next week's memo. Without second guessing that,  
>I presume he has also scaled back his expectations for the kind of guidance  
>and feedback the President will provide. If this means there will be any  
>other changes in the schedule or process for moving forward, it would be  
>good to know sooner rather than later.

>

>By way of substantive reaction, I have two key points:

>

>1. I continue to think it is a big mistake to make a distinction between  
>opportunity and achievement, for a number of reasons. First, this is  
>ultimately a false distinction--you raise achievement and close the gap  
>only by providing greater opportunities in schools that now provide few,  
>and you hold schools accountable for delivering results. You've got to do  
>both at the same time or neither approach works. Second, in the framework  
>you've proposed, the only other steps to discuss regarding racial  
>disparities in academic performance -- if you've taken expanding  
>opportunity off the table in that context -- is launch a bunch of Title VI  
>investigations triggered by test score disparities. That is clearly the  
>wrong direction in which to go.

>

>Put another way, for 6 years the President's entire K-12 agenda has been  
>about raising standards and expanding opportunity, together. You set the  
>standards high, you give kids the opportunities they need to meet  
>them--including provide extra oppotunities to those who need more time or  
>extra help. You fight to secure those opportunities because we must give  
>everone an equal shot at meeting the high standards And you insist that  
>everyone--administrators, teachers, students and parents, be responsible  
>for making the most of these opportunities. To make sure that happens, you  
>hold them accountable for results. It's all a package deal.

>

>From this perspective, if you and Chris want a separate section on  
>opportunity, then the other section ought to be one on demanding  
>responsibility: holding schools, teachers, and students accountable;  
>insisting that parents get involved in their children's education; making  
>sure that government holds up its end of the bargain by cracking down on  
>discrimination; etc. However, I think these same points can just as easily  
>be made under the formulation I proposed, of keeping all this in one piece.

>

>2. With regard to integration and diversity, I think it is important to  
>indicate that at least one of the long term strategies for reducing racial  
>isolation among schools is to turn schools that are currently both  
>isolated and bad into good schools (on a large scale and in a systematic  
>way, rather than through a few magnet schools) which can then attract a  
>more diverse student body.

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>

▶ **Paul J. Weinstein Jr.**  
09/08/98 01:52:23 PM  
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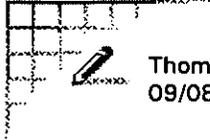
Record Type: Record

To: Laura Emmett/WHO/EOP

cc:

Subject: Re: Race Comments Now Due by 2:00!!!!!!! 

It seems Mr. Edley has neglected to include his section on Community Empowerment in his latest draft. My main comment therefore is directed to his proposal to create an office, similar to CEO, for Race Relations with a staff. Seems unnecessary and burdensome, and would overlap with the work of the NEC and DPC. I prefer the foundation idea, closer to Eli Segal's approach on welfare to work. May actually get something done.



Thomas L. Freedman  
09/08/98 02:32:01 PM

Record Type: Record

To: Elena Kagan/OPD/EOP  
cc: Laura Emmett/WHO/EOP, Mary L. Smith/OPD/EOP  
Subject: Edley Report

Two Possible additions:

1. Native Americans-- This seems to be missing and Mary will contact Julie F. to suggest achievements and tasks.
2. Civil Rights Backlog-- the report mentions the backlog but does not devote even a bullet to our Civil Rights Enforcements Initiative.

below is the bullet's we used...

**Civil Rights Enforcement Initiative.** The Administration proposed in its Fiscal Year 1999 budget a package of civil rights enforcement initiatives that places new emphasis on prevention and non-litigation remedies for discrimination and strengthens civil rights agencies' ability to enforce anti-discrimination law. The plan promotes prevention by providing increased resources for compliance reviews and technical assistance, and offers an alternative to expensive litigation by funding a dramatic expansion of alternative dispute resolution (ADR) mechanisms. The plan also sets specific performance goals for the Equal Employment Opportunity Commission (EEOC) to speed processing of complaints and reduce case backlog, and provides for greater coordination across federal agencies and offices. The Clinton Administration's Fiscal Year 1999 balanced budget contains \$602 million for civil rights enforcement agencies and offices -- an increase of \$86 million, or more than 16 percent, over last year's funding.

**Reforming and Strengthening the EEOC.** The centerpiece of this initiative expands the EEOC's ADR program over three years to allow as many as 70 percent of all complainants to choose mediation, rather than the lengthy process of investigation and litigation. In the first year of this expansion, the EEOC will provide ADR in a projected 16,000 cases -- 20 percent of all incoming cases and double the number currently sent to mediation. The Administration's budget also sets specific performance goals for the EEOC to reduce its backlog. Through a combination of the increased use of mediation, improved information technology, and an expanded investigative staff, the EEOC will reduce the average time it takes to resolve private sector

complaints from over 9.4 months to 6 months, and reduce the backlog of cases from 64,000 to 28,000, by the year 2000. In total, the budget requests \$279 million for the EEOC for FY 1999 -- \$37 million or 15 percent more than the enacted 1998 budget. More than one-third of the proposed increase (\$13 million) goes to expansion of the agency's ADR program.



Jose Cerda III

09/08/98 02:45:35 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Laura Emmett/WHO/EOP

cc: Leanne A. Shimabukuro/OPD/EOP

Subject: Race/Crime Outline

Elena:

My comments/edits to the Crime section of Edley's document:

- 1. Overemphasizes "fairness issues," underemphasizes "victimization."** The truly "bold" approach to Race/Crime is not to focus so much on those issues that are already part of Washington's polarized debate on Race/Crime (i.e., police brutality, death penalty disparities), but on clearly defining and making the case for how the criminal justice system "underserves" minority communities. While there is much less literature and data on how minority communities are underprotected, there is ample evidence of its existence -- and the President's One America report could be the document that finally energizes leaders at all levels, and from all races, to come together on take on the issue of crime in minority neighborhoods.
- 2. Should include discussion of firearms violence in victimization section.** Guns and the high victimization rates for young minority males go hand-in-hand, and offer a powerful example of how the Race/Crime discussion does not always include critical issues.
- 3. Discussion of responsibility, adults and non-governmental response to keeping young minorities out of the criminal justice system.** The introduction of Chris' memo talks about the importance of non-federal and non-governmental challenges that should be included in the report. I would suggest that this section is perfect for such suggestions. For instance, what more can communities, local leadership, minority leadership, business, etc., be doing to keep young minorities from coming into contact with the criminal justice system. This might also be a good opportunity to discuss the Chicago Study, which found that communities of all races with certain informal social controls -- i.e., adults intervening to reinforce certain behaviors/standards -- had 40% lower rates of violent crime. How can non-government entities strengthen and support these social controls -- and, thus, reduce crime, violence and the number of minority kids coming into contact with the criminal justice system.
- 4. Think about toning down language on racial profiling, police brutality and misconduct.** It seems to me that Chris' language here may be problematic. First, these issue deserves serious thought and action, but I don't see how we propose "zero tolerance" against these practices when there is little consensus on what all of these terms mean. We should by all means be tough on brutality, but misconduct and racial profiling are much broader categories that means different things to different people. We need to think about exactly what law enforcement will be prohibited from doing before we propose "zero tolerance."
- 5. Miscellany.** I think it's a great idea to talk about a "right" to community safety, as Chris suggests. I think "coerced abstinence" -- or drug testing and treatment -- is worth talking about in the incarceration section. And my reaction is that most of what needs to be done in this section will fall on state and local governments, not the feds.

September 10, 1998

MEMORANDUM FOR THE PRESIDENT

From: Christopher Edley, Jr.  
Professor of Law

Through: Maria Echaveste  
Deputy Chief of Staff

Re: What Kind of Race Report Do You Want to Deliver?

Despite our earlier discussions, your staff remains divided about whether your report should be:

- the 75-page "Presidential Essay Model" favored by Michael Waldman and Ann Lewis (and at least somewhat appealing to several others); or
- the "Book Model" reflected in outlines presented to you at intervals over the past year.

Several points are not in dispute: The report must be personal in tone, emphasizing themes, values and challenges, drawing heavily on your experiences (and those of the First Lady, the Vice President, Mrs. Gore and the Advisory Board), and incorporating diverse voices we have heard through correspondence and events. It must avoid language that might seem platitudinous, and avoid a laundry list of small-to-modest programs. Beyond that, the models differ in scope and goals.

In deciding between these two, you might consider which model is more likely to:

- say something interesting and command near-term attention and readership?
- be an enduring document, and make a difference?
- be "presidential" by showing leadership and mastery of powerful moral and historical currents?
- be more feasible to produce?
- be more enjoyable for you to work on?

**THE PRESIDENTIAL ESSAY MODEL\***

The best chance for writing a book that has a chance to make a significant impact is to write a short and powerful narrative -- an extended essay of, say, 75 printed pages. This is the format used by President Reagan when he wrote his brief book on abortion, *Abortion and the Conscience of a Nation*, which included a 33 page essay by him on abortion, and afterwards by two other authors. A longer book would be closer to the format used by the First Lady when she

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\* MICHAEL WALDMAN WROTE THIS SECTION.

wrote *It Takes a Village*. The book could also include texts of the town meetings you conducted.

As in those books, this format would enable you most effectively to speak from the heart. It will be an ideal format to discuss what has been learned during the Race Initiative, deploy anecdotes about promising practices, and grapple with tough, nongovernmental issues. Policies would be used to illustrate a point. For example, a ten page discussion of education could talk about its role as the key to opportunity, use your personal history, review the achievements of the administration and highlight a few illustrative policies -- such as charter schools and educational opportunity zones -- that can address educational disparities.

Michael Waldman, among others, believe that this shorter format, and only this shorter format, is actually achievable in the limited time available to us. He strongly believes that it is highly unlikely that -- given the pressure of the elections, Social Security conference and Congressional negotiations, State of the Union, and other matters -- you will be able to put a sizeable personal stamp on a document much longer than this.

If a book, rather than a traditional governmental report, is the route chosen, this is the most appropriately Presidential way to proceed.

## **THE BOOK MODEL**

In this model, the personal, narrative style would extend to teaching the nation some background information, and include substantial attention to promising practices and a workplan for the nation, so that the audience will hear, in your voice, ideas about what the nation should do and what each of *them* should do. Details would be relegated to an appendix or to stand-apart textual boxes. The principal elements would be:

- An introductory essay and summary (which might be quite similar to what Michael Waldman proposes).
- Authoritative social scientific background information on demographics, disparities, discrimination, and intergroup relations;
- Your vision of One America in the 21<sup>st</sup> century. Why your conceptions of racial justice and equal opportunity are preferable to some alternatives that are implicit in public discourse, and how the motivation for that vision is rooted in our history and cherished ideals, and in your personal experiences;
- Modeling how we can constructively engage one another on *hard questions*, by applying your vision and values to concrete situations that will grab the reader – such as human stories about school integration, profiling, or bilingual education.
- Promising practices that may build bridges connecting people across lines of color and class;
- A workplan for the nation – not just what the Federal government should undertake this year and next, but what *all* of us can do together and individually; Federal, state and local governments; private sector and voluntary sector; in our public lives and our personal lives, to help build One America.

A summary chapter outline of this is attached. Gene Sperling recently suggested reorganizing much of the same material around a series of hard questions. If feasible (I'm not sure it is), this alternative would be a more creative way to engage readers. Whatever the organization, however, discussion of each issue should start with a pointedly human situation – the family struggling in a housing project, not a statistic about affordable housing.

More fundamentally, however, the issue is not the organization of the book, but rather its scope and ambition.

**DECISION**

Presidential Essay Model

Book Model

Let's discuss

**WHITE HOUSE STAFFING MEMORANDUM**

Date: 9/5 ACTION / CONCURRENCE / COMMENT DUE BY: 9/7

Subject: President's Race Report

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	McCURRY	<input type="checkbox"/>	<input checked="" type="checkbox"/>
BOWLES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NASH	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PODESTA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	REED	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ECHAVESTE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RUFF	<input checked="" type="checkbox"/>	<input type="checkbox"/>
LEW	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SMITH	<input type="checkbox"/>	<input type="checkbox"/>
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BLUMENTHAL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	STEIN	<input type="checkbox"/>	<input type="checkbox"/>
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IBARRA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	STRETT	<input type="checkbox"/>	<input type="checkbox"/>
KLAIN	<input type="checkbox"/>	<input type="checkbox"/>	VERVEER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
LANE	<input type="checkbox"/>	<input type="checkbox"/>	WALDMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
LEWIS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	YELLEN	<input type="checkbox"/>	<input type="checkbox"/>
LINDSEY	<input type="checkbox"/>	<input type="checkbox"/>	<u>Kagan</u> → <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARSHALL	<input type="checkbox"/>	<input type="checkbox"/>	<u>Mathews</u> <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MOORE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Weinstein</u> <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
McGINTY	<input type="checkbox"/>	<input type="checkbox"/>	<u>Kepken</u> <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<u>Cohen</u> <input checked="" type="checkbox"/>		
			<u>Shirman</u> <input checked="" type="checkbox"/>		
			<u>Correia</u> <input checked="" type="checkbox"/>		

REMARKS: Comments to Maria Echaveste (see cover note)

RESPONSE: \_\_\_\_\_

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	Phone No. (Partial) (1 page)	09/04/1998	P6/b(6)

### COLLECTION:

Clinton Presidential Records  
Domestic Policy Council  
Elena Kagan  
OA/Box Number: 14370

### FOLDER TITLE:

Race - Race Initiative Report and Hard Questions [2]

2009-1006-F  
jm21

### RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 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. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

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 concerning wells [(b)(9) of the FOIA]

September 4, 1998

To: Colleagues and Comrades

Through: Phil Caplan  
Staff Secretary

From: Christopher Edley, Jr.  
Professor of Law

RE: Draft Memorandum on the President's Race Report: Background

As most of you know, we are scheduled to give the President by September 10<sup>th</sup> the first of several memos on the evolving content of his report to the nation on race – a.k.a., the race book. The attached draft still has some holes, but I wanted to make it available for the weekend.

I am especially interested in reactions to the “workplan” elements that are outlined. These ideas reflect a lot of conversations and meetings with NEC, DPC, OMB and WH Counsel staff – though not as many as we would have liked, due to vacation schedules. As the memorandum indicates, this is an evolving process, and more specificity about the themes, options and program details must come over the next two months.

Maria Echaveste has called a meeting for Tuesday at 4 p.m. to collect and discuss reactions to this draft. I and the team working with me would be delighted to hear from people before or after then. In particular, the following contacts are good for providing your reactions:

Christopher Edley ([edley@law.harvard.edu](mailto:edley@law.harvard.edu));  
Michele Cavataio, John Goering, Scott Palmer, PIR

P6/(b)(6)

[001]

**Principal contacts with whom we are working:**

DPC	Kagan, Weinstein, Cerda, Cohen, Orzag, Fernandes
NEC	Sperling, Kaplan, Rouse, Parker, Shireman
Counsel	Ruff, Correia
OMB	Mathews, Gotbaum, Deich, Wachino, Barry White, Redburn
OPL	Moore
IGA	Ibarra, Cutler
Communications	Lewis, Blumenthal, Waldman
CEA	Blank
Other	Echaveste, Begala

*Draft v6*

September 9, 1998

## **MEMORANDUM FOR THE PRESIDENT**

**From:** Christopher Edley, Jr.  
Professor of Law

**Through:** Maria Echaveste  
Deputy Chief of Staff

**Re:** Progress Report on the Race Book, and Request for Interim Guidance

This memorandum is organized in the following sections:

- I. Introduction, process and organization of the effort
- II. The Vision (book chapter 2), and basic themes
- III. The Workplan (book chapter 6)
- IV. Leadership (book chapter 7)
- V. Next steps, and summary of decisions requested

### **I. INTRODUCTION, PROCESS AND ORGANIZATION OF THE EFFORT**

The purpose of this memorandum is to review our progress, confirm our general direction, and solicit interim guidance on a few substantive matters. Most important, Part II is a first attempt to sketch your "vision" of One America with racial justice and equal opportunity in the 21<sup>st</sup> century. Then, Part III adds some flesh to key portions of the "workplan" chapter outline you have already seen, offering a partial menu of ideas.<sup>1</sup> We want to know if this conceptual framework makes

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<sup>1</sup>The current detailed (and daunting) outline of the book is at Tab A. The chapter outline is:

Introduction: One America in the 21<sup>st</sup> Century  
Chapter 1: Where Is America On Race, And Where Are We Going?  
Chapter 2: More Than A Dream: Racial And Ethnic Justice In The 21<sup>st</sup> Century  
Chapter 3: Wrestling Lessons: Honest, Constructive Engagement Of Our Vexing Differences  
Chapter 4: Promising Practices: How To Build Bridges That Connect People Across Lines Of Class And

sense, and if we are heading for the right mix of bold and pedestrian, thematic and programmatic. White House policy staff are fully engaged and have both contributed to this workplan material and reviewed this memorandum. Important disagreements and special concurrences are noted in this document or accompanying memoranda.

We hope to complete the workplan menu within two weeks and, based on your tentative approval of several ideas, proceed with more detailed policy development between now and early November. This is key: I want these first stages of developing the workplan to emphasize thoughtfulness and boldness in the selection of the challenges, goals, themes and general strategies, connecting those to the vision. The next step, for greater detail over the next two months, is to figure out more concretely what ought to be done by whom (federal government? parents?). Throughout, Maria Echaveste will ensure that the interests of the policy councils are well regarded, that the formal clearance process is used when appropriate, and that I can appeal to you with any conflicts we cannot resolve in a timely way.

We have four working groups to help prepare the policy, or "workplan" chapter. These are co-led by the appropriate NEC or DPC staff and me. As yet, they do not span the entire range of subjects you may want to cover, but they are a good start:

- Education
- Economic Development and Employment Opportunity
- Criminal Justice and Community Security
- Civil Rights Enforcement

We also have less elaborate collaborative discussions moving forward on: Health, Strengthening Families, Native Americans, and Democracy/Civic Engagement. The "book team" includes a handful of PIR staff, and the addition soon of Terry Edmonds. I'm confident that several White House and OMB staff will also play critical roles, as they have in preparation of this document.

**Outreach:** Finally, Maria has assigned Minyon Moore and OPL the overall responsibility for coordinating external consultations by the outreach offices and, through Cabinet Affairs, conversations with key appointees in the agencies. Throughout September, many members of your staff will be making calls or conducting meetings with some 400 individuals, asking about the proposed framework for your report, the most important actions you should take after the Advisory Board's work, and any elements they think it is especially important for you to communicate in your report. We will share some of the substantive responses with you, but all of them will be weighed by the book team.

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Chapter 5:	Color, Creating Community And Opportunity
Chapter 6:	The Record Of The Clinton-Gore Administration
Chapter 7:	A Workplan For Our Nation
Chapter 8:	Leadership For One America
	Conclusion

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## II. THE VISION CHAPTER, AND BASIC THEMES

This section summarizes my best sense of your central vision for the book -- chapter 2 in the current outline. It builds on earlier material sent to you by Sidney Blumenthal and by me, as well as previous statements by you. In the book, the vision discussion will be preceded by an introduction and by the chapter describing where America has been and is on race, including demographics, discrimination, disparities, and intergroup relations. While not yet in your language, what follows is an effort to capture the key ideas and their interrelationships. At the end of the section, we also want to engage you on some cross-cutting questions, such as the role of government.

### (a) Why is this subject so important for us to tackle?

- *Renewing America for the new century:* For six years, I have worked to prepare America for the challenges of the 21<sup>st</sup> century. We have put our fiscal house in order, taken important steps to strengthen the international economic system, worked at home and abroad to create a post-cold war national security framework, launched an investment program in vital areas of education, training, new technologies and environmental protection. One additional area, without which we cannot succeed in the decades ahead, is overcoming the divisions of race and ethnicity so that we can be One America, united in a web of mutuality that gives us the strength to be our best as individuals, as communities and as a nation.
- *Global and historical context:* The difficulty of the problem is evident not only from our own national history, but from events around the world – even today. The conflict is commonplace, as differences give rise to hatreds and then bloodshed. As President, I've seen it over and over again, and struggled to find ways that, through our actions and example, this nation could help troubled societies see their shared humanity and find peace. But make no mistake: This struggle to build peace and strength out of differences is a struggle against deep failings and sinfulness that seem inherent in the human spirit. In my own religious tradition, sin can be overcome through struggle and faith, and it is a never-ending struggle. We should expect no easier a task when it comes to dealing with our differences here in America. | Yuch
- *The stakes:* On a more practical plane, making diversity a source of strength rather than division promises great rewards in social peace and home and economic success globally.
- *New complexity:* The civil rights movement of three and four decades ago was largely framed in black and white, but led to bursts of energy and progress for other minorities

and for women. Today's diversity gives us great opportunities, but also more complex challenges.

- *Cause for confidence:* There is cause for confidence, because our ideals and values are far more than words locked behind glass in the National Archives. They are an incandescent beacon for peoples worldwide, and the lodestar by which we chart our own course and criticize our missteps. Our noblest moments and wisest leaders are marked not by the exploitation of difference, but by recalling us to the commitments of equality, tolerance, opportunity and justice. In my life, I have seen this most profoundly in the struggle against racial segregation and bigotry. No nation matches our capacity for moral greatness.
- (b) **What would it mean to have a full measure of racial justice and opportunity in America? What would our relationships be like, and what would society look like?**
- *Vision of community:* [Celebration of our diversity, not mere tolerance of our differences; building inclusive communities and organizations to take advantage of the benefits and strengths that flow from diversity. (Examples from forums, correspondence, etc.)]

“One America” does not mean that we lose our ethnic identities, becoming some homogenized undifferentiated mass. We can be proud of our cultural identities and distinctiveness, and at the same time be proud of and loyal to America – indeed, that is one of the most important elements of our nation's greatness.

In religion, for example, scholars tell us that we are the most observant of developed nations, and that freedom of religion and separation of church and state are important parts of the explanation. We are a nation full of religious individuals, yet we do not all worship in the same way. Indeed, our civic values are that we tolerate and respect different religious traditions, and celebrate the legal and civic values that make diversity possible. We are proud of that diversity, and together with tolerance, recognize it as a defining greatness of America. And much of the rest of the world recognizes this too.

So, too, with our racial and ethnic diversity. Our greatness in the decades ahead depends not merely on overcoming prejudice and bigotry rooted in our differences, and not only in tolerating differences. We must instead celebrate those differences as a source of richness and strength. Our personal lives are enriched by this diversity, and our society and economy are strengthened by it.

In the community of America, the things that connect us must be stronger than those that divide us. A “community” means shared interests. But we must also have a shared concern for our collective advancement, and mutual concern for each other. Transcending differences, while respecting them, is part of creating such a community.

So there is a delicate balance, because we have far too much to lose if we retreat into ethnic enclaves – walled off from one another by prejudice, stereotypes or even simple ignorance and misunderstanding. We sacrifice greatness and goodness, richness and riches, if by circumstance or choice we separate ourselves into subcommunities along the very fracture lines that have traced our national racial tragedies since Europeans arrived on these shores.

- *Vision of opportunity:* [Opportunity enjoyed so equally that there is no discernable legacy of slavery, colonization or conquest; of Jim Crow or internment. (Examples from forums, correspondence etc.)]

We have legacies of slavery, conquest and colonialism; of Jim Crow and racist immigration quotas. The inheritance is evident in the patterns of our lives: the racially isolated communities, the gaping disparities in educational achievement, employment, criminal victimization and wealth; the still too-rare close friendships across lines of race. This inheritance is a burden to our spirits and a tax on our prosperity. Perhaps most tragically, for too many of our fellow citizens, the legacy has shackled dreams that are every American's inalienable right. This is wrong, and we can do better.

One way our children and grandchildren will know when we have achieved racial justice and opportunity is that the evidence of America's legacy of inequality will be found only in history books, and not in brutal social and economic disparities surrounding them.

- *Vision of responsibility:* Responsibilities of citizenship; responsibility to reach out to others; responsibility of each of to combat whatever stereotypes and fears we may have; and responsibility to take advantage of opportunities. (Examples from forums, letters, etc.) We must do this for our children and their children. We must do this to honor those who have sacrificed over the generations in earlier battles, including civil rights battles, to put our sacred civic values into practice. And I believe we must do this to honor the God who has created us all equal, and blessed our nation in so many countless ways.

**(c) Why is this vision preferable to alternative, competing visions?**

- Why embracing "equal opportunity" is necessary, but insufficient alone to produce a full measure of justice and fairness in One America.
- Why color blindness makes sense, and why it doesn't.
- Why assimilation as Americans is important, but not an assimilation that seeks to erase our diverse identities. Is tolerance of differences sufficient, or must there be more?

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### III. THE WORKPLAN CHAPTER

The purpose of this chapter is to explain the most important steps the nation must take over the next decade in pursuit of your vision of racial justice and opportunity, as described earlier in the book. As with the promising practices chapter, you want to provide inspiring “news you can use” to people in communities and organizations across the nation who are looking for ideas. The workplan is organized by policy sectors, and within each sector it will contain federal, state, local, private and personal elements. This is *not* just about the federal government, or government generally. Few items will have FY 2000 budget impacts, although several will have “down payments” in Administration accomplishments and earlier proposals. (The ideas which follow reflect substantial contributions from DPC, NEC and OMB; this memorandum has been through an accelerated clearance process. Comments from your advisors are noted in this document or in appended memoranda.)

The book should be highly thematic, avoiding an exhaustive and mind-numbing recitation of comprehensive programmatic details. But it must contain just enough pointed recommendations to leave the reader with a sense that you have provided concrete direction, not just rhetoric. This also entails being very selective – not *every* good idea for addressing *every* important problem. In areas where thoughtfulness or clarity requires more program detail, the final document can use textual boxes set apart from the flow of the narrative.

Two final points. The boldness you have requested in policy ideas seems in some cases to come in the statement of a national goal (“close disparities in education achievement by X percent”), and in other cases may not be evident until we offer specific public or private interventions to advance the goal. Relatedly, in the stating the goals we have repeatedly between brave aspirations and statements that are more cautious and achievable. We need your general guidance on this. | ?

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#### § 6.2 THE EDUCATION SECTION OF THE WORKPLAN

Apart from the economy, I assume that education will be the clear first-among-equals in your workplan for the nation, receiving disproportionate emphasis throughout the book. Despite improvements over the last several decades, racial disparities in opportunity and achievement persist throughout the education pipeline, and these disparities are powerful obstacles to achieving your vision. We’ve tolerated it for too long. It is wrong. Therefore, the workplan focuses on areas of significant disparity that have the greatest impact on educational outcomes. It also emphasizes the instrumental and ethical necessity of heightened responsibility and accountability.

In addition, racial isolation, often in combination with poverty concentration, remains a problem both among and within our schools, presenting barriers to achievement, excellence, and to your vision of mutual understanding and community. This is the third pillar of the education workplan.

*– Outline of the section*

**Introduction/Context**

- Education is primary [only central?] to achieving my vision. This requires:
  - (1) eliminating racial disparities in educational opportunity and achievement;
  - (2) reinforcing responsibility and strengthening accountability for administrators, teachers and students, as well as for the political institutions governing education; and
  - (3) promoting racial and economic integration in education.
- These problems have long gone unsolved because they are difficult and because race has divided us, but also because we need to reassess the roles of the different levels of government and of the family in education. The old formulas need revision, the old problems need new thinking, and the old values need new life.
- We need to provide every family, regardless of race or zip code, with an Education Bill of Rights.<sup>2</sup>

(a) **Close the racial gap in opportunity and achievement.** Notwithstanding important progress, significant racial disparities in achievement persist. We must close these gaps and raise the bar for everyone. This means overcoming racial disparities in the

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<sup>2</sup> Such a Bill of Rights might include the following:

- (1) Every child shall have a parent or other adult actively engaged in his/her learning and have access to support services to help that child achieve to his/her full potential.
- (2) Every child shall have access to early learning opportunities.
- (3) All parents have the right to send their children to equitably funded schools that are accountable for their child's learning.
- (4) Every child shall have access to high-quality teachers.
- (5) Every child shall be held to high expectations and standards and have access to challenging curricula.
- (6) Every child shall have access to adequate facilities and modern technology.
- (7) Every LEP child shall have access to the tools necessary to help him/her learn English within three years.
- (8) Every child shall learn in a safe environment.
- (9) All parents and children shall have the right to choose to attend racially and ethnically integrated schools.
- (10) Every high school graduate shall have the financial support and opportunity to go to college.

educational opportunity available to every child – including both resources and expectations – and simultaneously insisting on high standards for achievement. Beyond this, we must improve our ability to make targeted, individualized efforts to ensure that every child succeeds to his or her full potential. Among the key elements of an education bill of rights for equal opportunity and achievement:

- *Parenting and early childhood:* Ensure that every child has a parent or other adult actively engaged in that child's learning, and that every young child has access to early learning opportunities.
  - *Teaching:* Improve the quality of teacher training, ensure that high-quality teachers are equitably distributed, and ensure that teachers promote high expectations for students of all races.
  - *Curriculum and standards:* Ensure that every child has access to challenging curricula tied to high standards, and that tracking does not prevent any child from achieving his or her full potential. Students of color are often tracked into special education and out of honors courses.
  - *English acquisition:* Guarantee each LEP child an effective opportunity to master English, and hold students and educators accountable for success.
  - *Infrastructure:* Close the racial disparity in full access to adequate facilities and modern technology.
  - *Post-secondary attainment:* Overcome racial disparities in high school graduation rates, and in college participation, retention and graduation rates.
- (b) **Institute greater accountability and heightened responsibility for administrators, teachers, students and public officials.** Without much stronger mechanisms for accountability, the goals of closing disparities in opportunity and achievement are mere aspirations, not commitments. Moreover, to break the back of inertia and complacency we will have to design interventions that target the political, bureaucratic and jurisdictional impediments to sustained reform. The Voluntary National Test is such an intervention, as is public school choice, and we must build on such approaches while providing needed safeguards against abuses.
- *Tests and accountability:* Use the best assessment methods, including national tests, to build broader and deeper systems that will hold administrators, teachers, and students accountable for educational achievement. The accountability should flow “up” from parents and “down” from Federal taxpayers and presidential leadership. The range of tools, both carrots and sticks, should stretch from more effective parental action, to

political mobilization, to school reconstitution or receivership, to fiscal incentives – and everything in between.

*none*

- *Governance and leadership:* If eliminating the disparities in opportunity and achievement require modifications of our traditional structure of roles and authority, so be it. We need new ways to think about old problems.
  
- (c) **Promote integration and diversity in education to enrich the learning experience for all students.** We also care about integration, so that students have the opportunity to learn together in ways that dissolve stereotypes and improve race relations. Parents and students should have a right to chose an integrated education. But, after a burst of progress in the late 1960s and early 1970s, segregation in K-12 education is worsening. For example, a recent study reports that one-third of black and Hispanic students attend schools with more than 90 percent minority enrollment, and almost nine in 10 of those schools are predominantly poor. High-quality integrated schools provide a more complete educational experience for all students than high-quality segregated schools. Conversely, ineffective, racially isolated schools in high-poverty areas present our greatest obstacle to closing the disparities in opportunity and achievement.
  
- *Educate the public on the value of inclusion, diversity and integration -- reviving that ideal:* An inclusive community of students and educators can: improve teaching and learning by enriching the learning environment with diverse perspectives; strengthen students' critical-thinking skills by challenging their existing perspectives; teach students how to interact comfortably with people different from themselves and thereby how to function as good neighbors, colleagues and citizens in our diverse democratic society; improve students' preparation for employment by teaching them the value of diverse perspectives, how to function in diverse business settings, and how to communicate effectively in our increasingly diverse domestic marketplace and the expanding global marketplace; and foster the advancement of knowledge by spurring study in new areas of concern.
  
- *Reduce racial segregation and isolation among schools:* This is not a call for massive, federally mandated strategies where there is no constitutional violation demanding court-supervised remedies. Instead, parents and educators should make use of a range of measures such as magnet schools, multidistrict transfer programs, and so forth. Most important, we must better appreciate the important stake we have in making diversity work in the world of our children. Schools of unquestioned excellence are the easiest to make and keep diverse.
  
- *Reduce segregation within schools:* Even in diverse schools, evidence shows that students are often resegregated into racially homogenous classes through tracking and other mechanisms, thereby reducing their opportunities to learn together and have

positive cross-racial interactions.

- *Inclusion in higher education:* Promote access and diversity in higher education, and foster the educational benefits of diversity. Mend, don't end, affirmative action. And wherever possible, use creative race-neutral mechanisms in admissions and in the K-12 pipeline. Ensure that in sustaining the crucial role of HBCUs, HSIs, and Tribal colleges (which are integrated) we don't "excuse" historically white institutions from the principle of excellence-through-inclusion.

*– Discussion issues on the education workplan*

- Are you comfortable with the three major pillars: closing the race gap in opportunity and achievement; accountability and governance; attacking racial isolation?
- Do the bulleted items capture your personal priorities? Are any high priorities missing? Can any of them be demoted for attention in textual boxes rather than in your narrative?
- Can we explore some rethinking of the federal role in order to tackle these disparities?

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**§ 6.4 CRIMINAL JUSTICE AND COMMUNITY SECURITY**

From hate crimes to crack houses, from police misconduct to police hiring, from disparate incarceration rates to racial profiling -- barely a week goes by without some aspect of crime and criminal justice standing as a lightning rod for racial and ethnic tensions. No area is more freighted with divisive stereotypes and misunderstanding. Yet it must be tackled with vigor because victimization and criminality destroy communities and families, just as they fuel alienation and division.

*– Outline of the section*

**Introduction/Context**

- Racial disparities exist in both the realities and perceptions of crime and the administration of justice: communities of color disproportionately bear the social, economic, and personal costs of crime, and, according to polls, have less confidence in the fairness of the criminal justice system than do whites.

- Building One America requires building a criminal justice system that serves and treats Americans of all races fully and fairly, and thereby closes the trust gap while making community security a right enjoyed equally.

(a) **Community Security: Eliminate racial disparities in victimization.** The right to be secure cannot be discounted by race. Every American is entitled to live in a safe community, and the race of residents shouldn't tell us the crime rate. From 1992 to 1997, rates of violent crime in America have decreased, but disparate victimization rates persist. Tackling this problem directly is part of the opportunity agenda, as well as a matter of decent fairness. The Administration's record has numerous elements, which we can build upon and target to close the disparities.

(b) **Keep young people out of the criminal justice system, and for those who have contact with it, make it their last.** Racial minorities, especially young, black males, are more likely than whites to be both the offenders and victims of certain crimes, including violent crimes. Furthermore, one third of young, black men are presently under the supervision of the criminal justice system (on probation, in prison, or on parole), and the chance that a young, black male will go to prison during his lifetime is nearly 30%. The realities are flatly inconsistent an American vision of racial justice and equal opportunity.

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(c) **Build greater fairness and trust in the criminal system.** Several past and present factors contribute to mistrust in our criminal justice system among persons of color, including negative interactions, disparities in the administration of justice (incarceration, sentencing, death penalty), and lagging diversity in law enforcement (police, prosecutors, judges, juries). Without more trust, creating safe communities is impossible, because legitimacy, support and cooperation don't come free.

- *Prohibit the use of racial profiling.*<sup>3</sup> No American should be subject to disparate application of the state's policing power because of his/her race. Statistically efficient allocation of resources, some claim, justifies impositions on innocent persons, while perpetuating stereotypes and contributing to tensions. Targeting based on color, without individualized evidence, is rarely if ever fair and just.

process?

- *Pursue zero tolerance for racially suspect police misconduct and brutality:* While the vast majority of police are dedicated public servants who deserve our respect and support, several high-profile cases illustrate that incidents of police misconduct and brutality motivated by racial animus still occur. We are deeply divided in perceptions of the magnitude of the problem.

<sup>3</sup>Profiling will also be considered in the "Wrestling Lessons" chapter, as one of the hard questions that forces us to think about differences in values and perceptions.

- *Eliminate racial discrimination and unjustified disparities in incarceration, sentencing, and imposition of the death penalty.*
- *Increase diversity and representation in the criminal justice system.*

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***– Discussion issues on the criminal justice workplan***

- Can we speak of community safety as a “right”, and the racial disparities in victimization as flatly inconsistent with your vision? If so, are disparities a fair index of this aspect of racial justice and opportunity?
- Should we “prohibit” racial profiling, or “restrict” it?
- Similarly, should we tackle disparities in rates of incarceration, presumably with targeted attention to prevention, diversion and post-incarceration?
- Can we assume that the primary public sector role is state and local, or do you envision continued growth in the federal role?

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**§ 6.7 THE CIVIL RIGHTS ENFORCEMENT SECTION OF THE WORKPLAN**

We have considered distributing the civil rights law enforcement issues in several sectoral subsections – as components of the education or jobs strategies, for example. But for now, I want to press ahead as sketched below because the audience will appropriately expect some attention to the traditional antidiscrimination enforcement agenda. This also permits you to teach about this unfinished work. Moreover, the best opportunities for boldness are in cross cutting issues, among them: policy judgments about the lawfulness under Title VI of persistent resource disparities; retooling agency enforcement strategies to emphasize proactive technical assistance and voluntary action; and rethinking the legal framework and enforcement priorities to reflect our 21<sup>st</sup> century diversity.

We are joined at the hip with Chuck Ruff, and will cooperate in his effort to put before you suggested civil rights enforcement priorities for the next two years.

***– Outline of the section***

**Introduction/Context**

- Persistence of discrimination, and of enforcement backlogs.

- We have opportunities to strengthen and more aggressively enforce civil rights principles, and also support appropriate voluntary actions that promote equal opportunity and access. This includes defending disparate impact doctrine, and defending affirmative action.
  - The traditional agenda needs renovation to (i) increase its efficiency at handling the retail problem of discrimination; (ii) contribute more directly to the opportunity agenda in education, jobs and community economics; (iii) reflect our 21<sup>st</sup> century diversity.
- (a) **Overcome racial disparities in opportunity by expanding the use of civil rights enforcement.** Civil rights enforcement can play an especially important role in overcoming barriers to educational and economic opportunity, and we should strengthen and focus civil rights enforcement to complement the opportunity agenda.
- *Strengthen antidiscrimination laws and enforcement procedures:* For example, we could amend Title II, which prohibits discrimination in public accommodations, to include businesses that provide goods and services. At present, racial discrimination in retail sales (e.g., the Eddie Bauer case in which a black teenager was ordered by a security guard to strip off his shirt because he did not have a sales receipt) does not raise a strong federal cause of action. We nearly abandoned pattern and practice investigations during the 1980s. That was wrong.
  - *Use Title VI to address racial disparities:* No federal money should be spent in a manner that supports unjustified racial disparities in opportunity. For example, in education, Title VI prohibits policies and practices that have an unjustified disparate impact on select racial groups in terms of access to educational resources, tracking into challenging courses, the use of unvalidated high stakes tests, and more. We should strengthen Title VI enforcement.
  - *How much discrimination is there?* We should expand research on the extent of racial discrimination, using the best available methodologies (testers where appropriate), in such areas as employment, housing, and access to capital. The results of such testing should be published in an annual report card.
- (b) **Fully address all forms of discrimination affecting our increasingly diverse population by strengthening civil rights laws and enforcement.** We must retool our civil rights laws and refocus enforcement efforts to fully address civil rights issues affecting our diverse citizenry.
- *New immigrants:* Strengthen laws and enforcement to promote the rights of new immigrants. For example, in immigration and employment, we could expand enforcement against labor abuses in “sweatshops,” the victims of which are often new immigrants of Hispanic or Asian origin, and amend present laws to stabilize the

immigration status of persons who report labor abuses so those persons do not fear reprisal, official or private.

- *Language acquisition:* Promote the rights of LEP populations. For example, in education, we could develop regulations to clarify the *Lau* standard concerning what legal requirements schools must meet in educating LEP students.
  - *Learning your rights:* Educate immigrant and LEP populations about civil rights laws and mechanisms. We should promote outreach to immigrant and LEP populations whose rights are protected but who are underutilizing civil rights laws.
- (c) **Address discrimination and disparities by promoting voluntary efforts in conjunction with enforcement of civil rights laws.** In addition to reacting to civil rights complaints, civil rights enforcement agencies should act proactively to encourage and support voluntary compliance with civil rights laws and values.
- *Expand civil rights consultations and clarify legal standards:* There are civil rights areas where both the law and policy are unclear and where people of good will may be managing inappropriate programs. We should act to clarify legal standards and to encourage actors to seek guidance concerning their civil rights obligations. We could promote laws or regulations encouraging voluntary consultations with civil rights agencies. If an actor voluntarily submits his/her practice for civil rights review, he/she is safe harbored and/or any agreement approved by the civil rights agency following that review would be defended by the federal government if later challenged by a third party.
  - *Expand proactive enforcement:* Absent a formal complaint, where potential civil rights violations are discovered, civil rights agencies should follow up with the party to correct the injustice. If discussions are not fruitful, the enforcement agency reserves the right to launch a more formal civil rights enforcement examination. For example, in education, the Department of Education's Office of Civil Rights (OCR) recently learned of a Georgia education policy that placed students into gifted and talent programs based solely on IQ test scores, despite the fact that the IQ test was not validated for that purpose nor validated to be the *sole* factor for any purpose. This policy led to a disproportionately low number of minority students being admitted to gifted and talented programs. OCR consulted with Georgia officials, and the policy was properly amended.
- (d) **Mend, don't end, affirmative action as enforcement remedy and voluntary measure to promote access and inclusion**
- (e) **[Hate crimes.]**

*-- Discussion issues on the civil rights workplan*

- After further interagency discussion, we will need policy guidance about a number of Title VI issues.
- Should we develop a package addressing “the new diversity”?
- How much technical assistance should be done proactively to implement “mend don’t end” in various sectors?

\*\*

#### IV. THE LEADERSHIP CHAPTER

Following the workplan chapter, you can challenge leaders in a range of sectors to do their part, and combine this with a vision of locally-based efforts to use the promising practices and devise locally-oriented workplans. Finally, in this chapter you should describe the ongoing mechanism within the White House to help support the sectoral leadership, community-based leadership, and the Federal government elements of your workplan.

##### (a) Challenges for sectoral leadership

We expect, by the publication date, to have worked successfully with leadership groups in a few sectors, prompting them to develop a list of action steps tailored to their sector, and a practical strategy for implementation. A brief status report on what we have initiated follows.

- *Higher Education:* With staff support from the American Council on Education, a core group of college and university presidents is working to establish a broader coalition that will lead a coordinated campaign to educate the public about the value of diversity in higher education and to share campus practices that promote diversity. We expect them to launch the effort, designed with Frank Greer as lead consultant, sometime this fall. (There is a possibility of using a White House event to bless the undertaking.)
- *Faith Community:* Sandy Cloud of the National Conference for Community and Justice has agreed to lead a steering committee in convening, on October 22 and October 23, an implementation summit at which a group of faith leaders will write and commit to a practical work plan for both national and community-based action, and devise a coalition mechanism for follow through. This will include special efforts to reach those faith communities that have not traditionally been leaders in racial justice. In addition, at your September 11 breakfast for religious leaders, you will have an opportunity to mention

Sandy Cloud's leadership, and encourage those in the room to respond positively to the effort.

- *Corporate:* Secretary Daley will informally convene a group of CEOs in October to identify the most appropriate elements of a corporate sector initiative, and strategies for enlisting support from key executives. In preparation for that session, White House and agency staff will brainstorm with some current and former Administration officials in corporate leadership.
- *Youth:* We are organizing a team of White House staff and representatives from national youth-oriented organizations to prepare a workplan intended for widespread endorsement and dissemination. (The outside collaborators will include USSA, Young Democrats, Young Republicans, the youth divisions of the NAACP, Urban League, La Raza and the Congress of Asian Pacific American Youth.) Tentatively, we think the plan's three major components will be: (i) a national campaign to educate the youth sector about the intricacies and history of race and racism; (ii) an initiative to improve race-related curriculum and teaching in grades K-16; and (iii) a mechanism to ensure youth sector involvement.

**(b) Options for an ongoing structure to carry out your work plan**

While the work plan is not yet completed, we know that there will be some general components which will require continuity and should compose the major responsibilities of the new entity:

- ▶ Policy making (including research and data collection)
- ▶ Outreach and leadership development (including technical assistance to communities)
- ▶ Communication campaign (including an awards program)
- ▶ Support for promising practices (such as a clearinghouse, conferences, grant funding)

The work plan lays out an ambitious agenda that will require the involvement of several players. With such an extensive scope of work, a coordinating body for the federal sector, and for liaison with non-federal actors is needed to ensure continued momentum and follow up from outside efforts. Non-federal leaders engaged on the workplan will expect a central point of contact and technical assistance.

**Option A: President's Council for One America**

***A1: President's Council for One America Plus an External Advisory Committee***

The continuing effort could take a form similar to the Council for Environmental Quality or the Office of Science and Technology Policy. This arrangement would be short of the ONDCP model which has a large staff, a significant budget, and substantial operating

authority. The council, created by Executive Order, would be run by an Assistant to the President (as Executive Director) with a small staff and a blue ribbon advisory committee. A council staff should include a policy component, which would work with existing White House policy offices and federal agencies to promote data collection and research and to develop and monitor policies to overcome disparities and eliminate discrimination. It would also have a communications component, which would help lead a public education campaign, support a promising practices clearinghouse, and conduct outreach to help improve race relations.

- Pros:
- Location places the Presidency squarely behind racial reconciliation effort
  - Relatively stable structure
  - Staff appointed by you ensures White House control
  - Advisory committee offers opportunity for showcasing diverse leadership, provides credibility in building partnerships
- Cons:
- Location and staffing make the stakes high
  - Advisory committee requires support and nurturing; the familiar headaches

**A2:** *President's Council for One America, No Advisory Committee*

This option would be the same as option A1 but it would not include an Advisory Committee.

- Pros:
- Staff would not be distracted by the day-to-day demands of managing an Advisory Committee
- Cons:
- Lacks the outside validation that an Advisory Committee can provide

**Option B: Dedicated Staff reporting to the Office of the Chief of Staff**

An Assistant to the President with a small staff, reporting to the Chief of Staff's office, could take responsibility for managing Administration efforts.

- Pros:
- Closely linked to you and the White House
  - At the center of activity
- Cons:
- Not a formal structure, may not be stable
  - May not be viewed publicly as a significant enough commitment

**Option C: Private Foundation Model**

**C1:** *One America Foundation*

The structure could take the form of a private foundation, established at your urging and supported to varying degrees by the federal government, similar to the Points of Light Foundation. The goals of the foundation could include promoting research on issues of race, promoting a public education campaign to support racial reconciliation, and supporting community efforts to improve race relations. Such a foundation could perhaps best complement a separate policy-making effort within the federal government.

- Pros:
- Serves as umbrella to coordinate several areas of activity
  - Independence
  - Ability to raise money
- Cons:
- May not be viewed as closely connected to the White House
  - Requires someone's time and attention to pull together

**C2:** *Clinton Library Model*

This option is similar to the Foundation model above except that it would be an endeavor for you after your final term ends, possibly as part of the Clinton library. Staff could begin immediately to design the structure.

- Pros:
- More time to put together the funding and structure
  - You will have more time to devote to it
- Cons:
- Delays significant Presidential involvement for a few more years
  - May be partisan resistance to participating in activities because of close alignment with this Administration

## V. NEXT STEPS

...

**Attachments:**

- Current book outline.
- NEC memorandum on employment issues
- ???



"Christopher Edley, Jr." <edley @ law.harvard.edu >  
08/09/98 04:22:51 PM

Record Type: Record

To: Maria Echaveste/WHO/EOP, Elena Kagan/OPD/EOP, Edward W. Correia/WHO/EOP, Joshua Gotbaum/OMB/EOP

cc: See the distribution list at the bottom of this message

Subject: book working groups -- RETRANSMIT

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Sorry -- hit the send button before I was done.

Maria, Elena, Mike, Joshua:

Here's where we are and where I'd like to go w.r.t. bold idea working groups for the workplan chapter of the book.

[[MARIA: After reading this, I'd like you to send an email to all addresses conveying your sense of the process, the priority you want DPC, NEC and OMB to assign to this, and what you want me to do if and when those offices decide [as seems inevitable, in my experience] they are too busy to engage. I'd like everyone on the same page process-wise. Thanks. ]]

1. Working groups in Education, Criminal Justice, Economic Development and, sort of, Civil Rights Enforcement. [perhaps additional topics later] My partners on each topic are, respectively, Elena/Mike on education, Elena on crime, Josh on economic development, and Eddie on enforcement.

2. For the time being, at least, working with me as staff are: Michele Cavataio (K-12); Scott Palmer (higher ed, and criminal justice); John Goering (economic dev); and Jacinta Ma (civil rights).

3. Near-term goal is an abbreviated piece of Think Paper with four headings: (a) major Administration accomplishments; (b) pending hot/important policy problems that may need to be addressed before or in the book; (c) ideas or problems in addition to the above that are "out there" that are candidates for discussion in the book, even if there is no policy exigency or, even, policy decision -- the so-called "hard-questions"; (d) bold ideas, including state, local and private measures.

4. CIVIL RIGHTS: I'd like to have initial meetings of these working groups ASAP. Eddie is trying to arrange Civil Rights for Monday around 3:30 pm; Jacinta is working with him on the Think Paper. I suggest that Mike Cohen attend that meeting because of education overlaps.

5. EDUCATION: Mike Cohen agreed to organize the Education meeting this coming week. [Not Wednesday. I suggest Thursday, any time other than 2pm, when Maria has another race mtng scheduled. Mike, please invite Eddie, as well as Shireman. Invite Josh, but because Josh and Barbara Chow are scheduled to be on vacation, Josh wants you to invite Barbara's career dputy, Barry White. I concur. I've known him for 20 years. I've asked Scott Palmer and Michele Cavataio, working with Mike or his designee, to start on the Think Paper.

6. ECONOMIC DEVELOPMENT: On economic development, Josh is away, but I'll work with OMB staff to get the thing started, along with John Goering, so that when Josh returns that work group can get going in high gear. I will also ask Sperling who he wants involved.

7. CRIMIINAL JUSTICE, ETC.: Elena, will you please take the lead in convening a group? I've asked Scott Palmer to start on a TThink Paper, but it needs DPC input ASAP. Who is Scott's cotact? Jose? Can you please set something up this coming week? Again, not Wednesday (I must be in Boston).

MY GOAL: is to get some preliminary thinking to POTUS [and VPOTUS] within a couple of weeks, for his quick reaction, to calibrate our boldness, and to help us set priorities in further, detailed idea development. Also, remember that those few ideas that may have budgetary implications will have to feed into that process.

Thanks one and all.

Message Copied To:

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Judith A. Winston/PIR/EOP  
Marjorie Tarmey/WHO/EOP  
Michele Cavataio/PIR/EOP  
Scott R. Palmer/PIR/EOP  
Jacinta Ma/PIR/EOP  
John M. Goering/PIR/EOP  
Jane T. Price-Smith/PIR/EOP

Michele Cavataio

07/30/98 02:01:48 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc: Julie A. Fernandes/OPD/EOP, Robert Wexler/PIR/EOP

Subject: Administration accomplishments for President's report on race

Chris Edley asked me to work with you on drafting some options for how to present the chapter on Administration accomplishments in the President's report. He said that you were going to pull together folks from OMB and NEC to think begin thinking it through. I wanted to offer my help and see if you would like to get a small group together next week? Thanks.

Julie -

What's the best way to do this? Please coordinate and let me know.

-Elena



"Christopher Edley, Jr." <edley @ law.harvard.edu >  
07/30/98 01:48:14 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc: Michele Cavataio/PIR/EOP

Subject: POTUS Race Book "Accomplishments" chapter

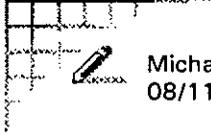
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I have a team of PIR staff helping me with the book, and Michele Cavataio has agreed to be the "project manager" for this little part of the exercise. But DPC, NEC and OMB are, obviously, the real contributors here. What I envision is that Michele will help me make sure that the help we need from those offices doesn't fall through the cracks in the press of ordinary business. I'm looking to you, however, as the senior person to be most involved in ensuring that the White House story is developed. Make sense?

If so, then the question is, with whom in your shop should Michele work as a point of contact? (And will you instruct that person accordingly, if it isn't you.) Can you also please identify an appropriate person at NEC? -- But I'd really rather just work with you on this.

As a first step, Michele is going to (a) put together a couple of options for how the accomplishments chapter might be structured, and (b) build a file of existing Administration Accomplishments documents. When she's completed the options (in a couple of days), perhaps the three of us should have a conference call to discuss the right structure, and then strategize about a production process?

Also -- how would you feel about involving my dear friend Josh? He has lots of horses at his disposal, and might be feeling a bit underutilized.



Michael Cohen  
08/11/98 09:13:33 AM

Record Type: Record

To: Elena Kagan/OPD/EOP  
cc:  
Subject: hi there

The more I think about Chris's calls for brainstorming meetings, the less clear I am about its purpose:

1. Is the thinking that POTUS will put out a race book sometime this fall with "bold new proposals" in education, crime, etc? If so, how would this fit with (1) last year's bold new proposals that haven't been enacted yet (e.g., class size, zones) (2) the bold ideas from the year before that haven't been enacted yet and may or may not be before Congress adjourns (e.g., school construction, America reads), (3) the bold new ideas we will invent this Fall, as part of the Budget process, and as part of the effort to reauthorize all federal K-12 education programs? Brainstorming without understanding how what we do would fit into this context isn't going to get us very far.

2. I know from my brief conversation with him that Chris is thinking about Presidential challenges to states along two related lines: (1) school finance equity and (2) opportunity-to-learn standards, by which he means having states in some fashion define and guarantee to provide the necessary inputs to education (qualified teachers, textbooks/ computers, safe buildings, etc.). Do you know if he has anything else in mind?

3. More generally, is there any guidance on the extent to which this book is supposed to be programmatic vs bully pulpit?

----- Forwarded by Michael Cohen/OPD/EOP on 08/11/98 09:02 AM -----



"Christopher Edley, Jr." <edley @ law.harvard.edu>  
08/11/98 08:22:18 AM

Record Type: Record

To: Elena Kagan/OPD/EOP, Michael Cohen/OPD/EOP  
cc: Maria Echaveste/WHO/EOP  
Subject: hi there

---

I'm anxious about getting the brainstorming efforts on crime and education going this week. I'm in Boston on Wednesday, back Wednesday evening.

We don't have tons of time, but DPC has the lead on these issues, so . . . .



"Christopher Edley, Jr." <edley@law.harvard.edu>  
08/19/98 09:58:40 AM

Record Type: Record

To: Elena Kagan/OPD/EOP  
cc: Maria Echaveste/WHO/EOP  
Subject: book

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Elena:

1. My understanding is that you and Maria have spoken again about DPC engagement on ideas for the workplan chapter. Mike Cohen is fully engaged, and I'm really pleased at how that effort is moving along thus far.

2. CRIME: I've suggested that Scott Palmer contact Jose Cerda directly to get the criminal justice piece moving, because we are running out of time. Scott has drafted something to help get the juices flowing.

3. HEALTH: On Health, it seems to me we have to do something, but the question in my mind is whether there anything to be said in the workplan chapter beyond recapitulation of the Health Disparities initiative announced a couple of months ago. I've suggested that David Campt of PIR raise this with Chris Jennings before reaching out to HHS and outside experts for their thoughts. Unless people feel there are substantial possibilities on this front, it doesn't seem like it deserves a workgroup effort comparable to education, economic development, crime, or even civil rights.

The particular wrinkle I suggested to David Campt, as he studies the documents and chats with Jennings, is whether the Health Disparities initiative contains a comprehensive set of non-federal elements. It probably does. Just a question to explore.

PLEASE SAY SOMETHING TO JENNINGS SO HE HAS CONTEXT FOR THIS. Thanks.

4. SOCIAL SERVICES: I haven't given much thought to this general programmatic area. [I assume that we will handle job training stuff either in the economic opportunity working group or the education working group -- which ever makes sense to you and Sperling.] Unless you have feel otherwise, let's not attempt any serious work on this front for now. Child care can be handled as an adjunct of job strategies.

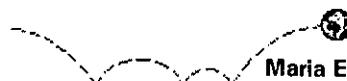
5. DEADLINE: Maria has, I hope, said something about the 9/10 deadline for my memorandum to POTUS. Getting that written, vetted, cleared and submitted by 9/10 will be tough.

So, tell me honestly: Are you on board, or are you "actively skeptical"?

ciao

Rauluis Report

Bruce -  
FYI

 Maria Echaveste

08/19/98 05:24:33 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: Judith A. Winston/PIR/EOP

Subject: Race Book--Sept 10 Deadline

FOLks--we're really committed to trying to have a memo to the president with policy ideas by 9/10 so that we can meet with him in the week following. That means people need to meet and discuss in the next three weeks--I'm counting on you--You all wanted to be sure that the Policy Councils were fully integrated in the development of policy for the Race Book--the time is now--THANKS.

Message Sent To:

Elena Kagan/OPD/EOP  
Gene B. Sperling/OPD/EOP  
Michael Cohen/OPD/EOP  
Jose Cerda III/OPD/EOP  
Jonathan A. Kaplan/OPD/EOP  
Joshua Gotbaum/OMB/EOP

**Very Rough Draft Outline for  
One America in the 21st Century:  
Report of the Advisory Board to the President's Initiative on Race**

Note: This is a very brief outline of subjects for the Advisory Board report which would accompany individual Board members' contributions. We hope that this outline will help focus Board members on the areas in which we believe the Advisory Board can make the greatest contributions to the President's final report to the American People. It may also help organize individual members' ideas for what they might structure their own reports.

**Chapter 1. Introduction: The Advisory Board to the President's Initiative on Race**

- Why the President appointed an Advisory Board to his Initiative on Race - its mission
- Who are the individuals on the Advisory Board and their collective agenda
- What the Advisory Board set out to do during the Initiative year - challenges and opportunities, early decision to focus on education and economic opportunities, dialogue, promising practices, etc.
- Context that the Advisory Board is one element of a much larger Presidential Initiative which is lead personally by the President, involving the White House as well as the entire Administration

**Chapter 2. Advisory Board activities over the past year and lessons learned.**

Collective

- Advisory Board meetings - WH Conference Center, Mayflower, College Park, Fairfax County, Phoenix, San Jose, Denver, Newark, and Boston
- Little Rock Central High School
- Santa Fe Congress of American Indians
- University of Mississippi
- Children's Defense Fund
- Carnegie Meeting

Individual

- Two to three compelling examples from each board member

Lessons Learned (interspersed with events above)

- Complexity of issues, their range and their interconnectedness
- Summary of some of the most compelling facts and analysis from meetings dealing with education, economic opportunities, and stereotype issues
- Personal stories of challenges overcome and opportunities expanded

### **Chapter 3. Promising Practices and Dialogues.**

#### Promising Practices

- Brief description of some promising practices site visits in Phoenix, San Jose, Denver and LA
- Some common factors for why they work
- Programs may help shed light on larger policy prescriptions to improve race relations or reduce racial disparities
- Continuation or expansion of these program in the future to increase positive outcomes

#### Dialogue

- Brief description of most compelling public or private conversations that help advance state of race relations
- Elements that contribute to successful dialogues and strategies for replication
- Efforts to expand opportunities for productive dialogues that lead to concrete actions
- Reasons by dialogue leading to action is important

### **Chapter 4. Policy Recommendations.**

- Broadly, the 3-4 priority policy areas which most dramatically reduce disparities and promote equal opportunities (not specific or targeted program recommendations). This section will draw heavily from the existing letters from Dr. Franklin to the President following each of the Advisory Board meetings in the last 8 months. Additional ideas from the June meeting will also be incorporated in this section. Some examples may include:
  - Continuing FY99 increases for anti-discrimination enforcement strategies which include periodic audits of how the country is doing in areas such as housing, employment and public accommodations; vigorous educational efforts to prevent discriminatory practices and to increase victims' awareness of the laws; and expansion of existing prosecution efforts;
  - Closing the education gap through focus on some areas of K-12 education such as teacher training, early childhood education, language acquisition or mentoring;
  - Increasing opportunities for overall employment and economic growth through macroeconomic policies which sustain the current economic trends. In order to reduce racial disparities in economic opportunities, policy solutions must be broadly constructed to incorporate employment, housing, community development, transportation, training, child care and other related structural issues. Concentrated poverty issues must also be dealt with separately to help the most disadvantaged members of our society;
  - Reducing health disparities which most fundamentally affect people's chances to learn and earn

## **Chapter 5. Next Steps.**

- Some options for next steps may include:
  - Recruitment and engagement of leaders, both existing and new, who can continue the work started by Advisory Board members in the past year and how we can sustain and nurture their work;
  - Council for One America
  - Continuation of promising practices identification
  - Private foundation for One America
  - One America community partnerships
  - Advisory Board members' personal pledge to continue as advocates for the President's vision for One America
  - Challenge and opportunity of government to government relationship on American Indian issues
  - Other ideas for President on what he can ask of others when he reports to the American people at the end of the year

## **Chapter 6. Conclusion.**

- Unprecedented Presidential effort provided Board members incredible opportunities to travel country and touch people's hearts - Thank you to the President
- Have done a lot of work in this year - more than some expected, less than others
- But much more work remains which must involve President, Federal, state, and local governments, private sector, religious communities, schools, and individuals
- Towards a more perfect union - why the country will be better off in the next year and over the next 50 years because of what was started this year compared to not having this initiative

  
~~DRAFT~~/August 4, 1998

1

**PRESIDENT'S INITIATIVE ON RACE  
SUMMARY OF ADVISORY BOARD'S POLICY RECOMMENDATIONS TO THE PRESIDENT**

Following each meeting of the Advisory Board to the President's Initiative on Race, Dr. John Hope Franklin, Chairman of the Advisory Board, has sent a letter to the President on behalf of the full Board reporting on the meeting and providing preliminary policy recommendations on the substantive issues discussed. To date, Dr. Franklin has sent six letters to the President concerning the following substantive areas:

1. Civil Rights Enforcement (November 1997 meeting in College Park, MD)
2. Race and Education (December 1997 meeting in Fairfax, VA)
3. Race and Employment (January 1998 meeting in Phoenix, AZ)
4. Race and Poverty (February 1998 meeting in San Jose, CA)
5. Race and Stereotypes (March 1998 meeting in Denver, CO)
6. Race and Housing (April 1998 meeting with HUD in Newark, NJ)

In addition, Dr. Franklin will likely send additional letters to the President in the following areas:

7. Race and Criminal Justice (May 1998 meeting in Washington, D.C.)
8. Follow-Up on Education, Economic Development, Leadership, and Vision (June 1998 meeting in Washington, D.C.)
9. Race and Health (July 1998 meeting with HHS in Boston, MA)
10. The Immigrant Experience (July 1998 meeting with Carnegie Endowment for International Peace in Washington, D.C.)

In September, the Advisory Board will forward to the President its final report, which will likely reiterate and expand upon the Board's preliminary recommendations.

This document summarizes the policy recommendations made and likely to be made by the Advisory Board in each critical area listed above. Please note one overarching, high-priority recommendation in all areas:

- **Enhance Data Collection and Research:** Throughout the last year, the Advisory Board was challenged by limited data and research on critical issues, especially with regard to issues affecting Hispanics, Asian/Pacific Islanders, and American Indian/Alaska Natives. The Board believes that enhancing data collection and research, including data on racial disparities and testing on discrimination, is a crucial part of the policy-making process and is an especially appropriate role for the federal government. Furthermore, the Board believes that data collection and analysis should be done on a periodic basis to help measure our long-term progress toward addressing issues of race and building One America.

Bruce -  
FYI.

Race Initiative - Advisory Commission

**1. Civil Rights Enforcement**  
(PIR Staff: John/Scott)

✓	*	Advisory Board Recommendations	Administration Actions	Follow Up
✓	*	<b>Strengthen Civil Rights Enforcement:</b> "The data we have received and reviewed makes it clear that actionable illegal discrimination on the basis of race and national origin is still active and the source of harmful consequences. . . . [F]or the last two decades, civil rights enforcement agencies have had their budgets and staffing reduced while many of their responsibilities have been increased. . . . Strengthen[] civil rights enforcement throughout the United States: in the FY 1999 budgets, help create partnerships with States and localities that enforce comparable laws. . ." The Board has also recommended devoting additional resources to training staff and offering technical assistance to recipients of Federal funds to help prevent discrimination.	<ul style="list-style-type: none"> <li>Proposed \$86 million funding increase in FY 1999 budget</li> </ul>	
✓	*	<b>Expand Data Collection on Racial/Ethnic Discrimination:</b> "Expand[] and strengthen[] the Federal government's ability to collect, analyze, and disseminate reliable data on the nature and extent of discrimination based upon race and national origin. . ."	<ul style="list-style-type: none"> <li>Proposed \$10 million initiative to test for housing discrimination</li> <li>Proposal to increase data collection on hate crimes</li> </ul>	OMB CEA
✓	*	<b>Implement Initiatives from White House Hate Crimes Conference:</b> "Implement[] fully the series of bold new initiatives announced at the White House Hate Crimes Conference aimed at better data collection, enforcement, and prevention."	<ul style="list-style-type: none"> <li>Proposals to strengthen hate crimes laws and enforcement</li> </ul>	Richard S. DOJ
✓		<i><b>Promote Respect for International Human Rights Standards:</b> In 1994, the United States ratified the Convention on the Elimination of All Forms of Racial Discrimination (CERD). We urge you to take several steps to further support CERD, including submitting as soon as possible and periodically thereafter a state report to the CERD Committee as required under the Convention. In addition, we should incorporate CERD's standards into our domestic discourse. For example, we suggest that the Department of Justice reference CERD's provisions in its court filings and other documents where relevant.</i>	<ul style="list-style-type: none"> <li>Possible Executive Order concerning human rights treaties and creation of Working Group</li> <li>DOS CERD report</li> </ul>	NSC

✓ indicates recommendations discussed in last week's meeting on Advisory Board report. \* indicates Advisory Board's likely high-priority recommendations. Recommendations already made in letters to President appear in regular text; Recommendations likely to be added in Advisory Board's report appear in italics.

2. Race and Education  
(PIR Staff: Scott)

√	*	Advisory Board Recommendations	Administration Actions	Follow Up
√	*	<p><b>Promote Teacher Equity and Preparation:</b> "There seems to be substantial agreement that high-quality teachers are our most valuable educational resource. However, the data show that lesser-qualified teachers are overrepresented in high-poverty, high-minority communities. In addition, teachers are often ill-prepared to promote high expectations for students of all races, to create settings in which students of all races can learn effectively, and to teach in increasingly diverse environments. We recommend that you look at ways that the federal government can help bridge racial disparities in student access to quality teachers and support the professional development of teachers to serve minority students better." <i>Government and higher education leaders should work together to improve teacher education.</i></p>	<ul style="list-style-type: none"> <li>Initiative to Get Good Teachers Into Underserved Areas</li> <li>Bingaman/Miller amendment on teacher education</li> </ul>	Mike C.
√		<p><b>Develop Education Pipeline Programs:</b> "It is our understanding that programs that expose students at an early age to future educational opportunities and that provide mentoring, tutoring, and other support for students who aspire to take advantage of those future opportunities have shown positive results in improving educational outcomes for minority youth. We understand that you are presently considering a proposal to expand existing pipeline programs, such as the TRIO programs, and to promote new programs, such as college-school partnerships, to increase expectations, improve achievement, and increase college access for minority students. We want to offer our support for such a proposal." <i>Other efforts could include increasing the availability of advanced placement courses in high poverty, high-minority school districts and providing financial support, such as loans or grants, for college test preparation courses.</i></p>	<ul style="list-style-type: none"> <li>High Hopes Initiative</li> <li>Short- to mid-term efforts (e.g., AP courses, test preparation courses)</li> </ul>	Bob S. Eddie C.
√		<p><b>Teach Racial Understanding Through Diversity:</b> "As we saw firsthand during our visit to Annandale High School, many of our schools are rapidly becoming more racially diverse. This diversity can be a great asset in teaching students how to get along with people different from themselves and about how our cultural diversity enriches America. We have had the opportunity to learn about many programs, several of which the Initiative has featured as promising practices, that are working in our schools to teach children the tolerance and understanding necessary for them to function as good citizens in our multicultural, democratic society. . . . We must think of creative ways that the federal government can further support primary and secondary schools in their efforts to implement such programs and to promote understanding through diversity."</p>	<ul style="list-style-type: none"> <li>Promising practices</li> </ul>	DOEd.

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√	<p><b>Enhance Public School Choice:</b> “While many of us have substantial concerns about using public school money to fund private schools, there seemed to be some consensus among Board members and panel participants on the efficacy of exploring public school choice as one strategy for increasing educational opportunity and overcoming racial disparities in education. I know that you are a strong proponent of public school choice. We wish only to offer our support for your continuing efforts in this regard.”</p>	<ul style="list-style-type: none"> <li>• Education Opportunity Zones Initiative</li> <li>• Support for charter schools</li> </ul>	Mike C.
√ *	<p><b>Promote School Construction:</b> <i>Students cannot learn effectively in overcrowded schools with crumbling walls, old wiring, inadequate heat, and/or no air conditioning. Poor facilities hinder teaching and learning, limit access to technology, and dampen students' expectations and feelings of self-worth. Once again, these problems are most prevalent in minority communities where 42% of students (or 4.8 million students) attending schools that are majority of color are in schools with at least one inadequate building. It is estimated that building and renovating our public schools to adequately serve all students will cost more than \$100 billion. The federal government should take action in partnership with state, local, and tribal governments, the private sector, and the non-profit sector to address this need. Your proposed School Construction and Modernization Initiative, which would provide federal tax credits to pay interest on \$22 billion in bonds to renovate schools, is crucial, but it could be expanded by committing direct federal funds and requiring state matching funds, as with federal funding for highway construction. School construction must be made a national priority.</i></p>	<ul style="list-style-type: none"> <li>• School Construction and Modernization Initiative</li> </ul>	Mike C.
√	<p><b>Enhance Early Childhood Learning:</b> <i>Emerging evidence indicates that a child's development in the earliest years is crucial to his/her development throughout life. However, data indicate that racial disparities persist in terms of early childhood learning. For example, studies show that 89% of white children ages 3-5 are read to three or more times per week compared to 74% of black children and 62% of Hispanic children. The federal government should take action to help eliminate such disparities and enhance early childhood learning opportunities for children of all races.</i></p>	<ul style="list-style-type: none"> <li>• Initiative to Reduce Class Sizes in Early Grades</li> <li>• Early Learning Fund Initiative</li> </ul>	Mike C.

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**3. Race and Employment**  
(PIR Staff: John)

√	*	Advisory Board Recommendations	Administration Actions	Follow Up
√	*	<b>Evaluate the Effectiveness of Job Training Programs:</b> The Board recommended that the Department of Health and Human Services and the Department of Labor evaluate the relative effectiveness of various employment training programs for different minority and immigrant communities that will highlight the commonalities and, where they exist, the differences in their training needs.	<ul style="list-style-type: none"> <li>Welfare reform evaluations at federal and state levels</li> </ul>	NEC (John O.) DPC DOL
√	*	<b>Support Multiple Forms of Testing to Create a Citizens' Progress Report on Race:</b> The Board lent its support for a HUD-funded project to systematically measure racial discrimination through testing in the areas of employment, housing, credit and other areas of social life so that there is a periodic progress report on racial disadvantage and disparities.	<ul style="list-style-type: none"> <li>Proposed \$10 million initiative to test for housing discrimination</li> <li>HUD-funded conference</li> <li>DOL meeting</li> </ul>	OMB CEA See Urban Institute report
√	*	<b>Improve Racial Data Collection:</b> The Board advised that Federal statistical data gathering agencies make every effort to create large enough periodic samples of all minority groups so that post-censal information on race is systematically available for all groups. This could be achieved by over-sampling Asian-Americans and American Indians as part of such key annual data series as the Current Population Surveys.	<ul style="list-style-type: none"> <li>OMB plans meeting of statistical agencies</li> </ul>	OMB CEA
√		<b>Require the Bureau of Indian Affairs to Address Indian Economic Development Needs:</b> Of particular concern to the Board was the difficulty that tribes interested in economic development and access to credit continue to face in gaining access to credit and investment resources due to confusion by investors about the jurisdictional rules or conditions for adjudicating mortgages and foreclosure procedures. The Bureau of Indian Affairs needs to make every effort to address this issue through the voluntary cooperation of major lenders and secondary market actors, including Fannie Mae and Freddie Mac. Memoranda of Understanding could be executed with major tribal associations, as well as individual tribes, which foster the necessary long-term process of building programs to inform and educate investors and lenders about the range of realistic, culturally sensitive lending and investment opportunities available in Indian Country.	<ul style="list-style-type: none"> <li>Interagency conference to address tribal economies.</li> </ul>	DPC NEC

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4. Race and Poverty  
(PIR Staff: John)

√	*	Advisory Board Recommendations	Administration Actions	Follow Up
√	*	<b>Examine Income Inequality:</b> The Board heard evidence about long-term patterns of income inequality and suggested that the President initiate discussions among senior policy makers and congressional leaders, as well as the private sector, as to potentially available means to reduce the extremes of this persistent pattern of inequality that so notably limits this country's ability to reduce systemic poverty and concomitant racial disadvantage.		N/A
√		<b>Support Supplements for SBA Programs:</b> The Board learned of the importance of strong encouragement for tax credits and supports for corporations to provide philanthropic support for micro-credit development programs. Such financing is critically important since many, if not all, of the clients for such programs bring with them damaged or limited credit histories that prevent them from seeking funding from regular lending institutions or from the Small Business Administration.	<ul style="list-style-type: none"> <li>SBA innovations</li> </ul>	N/A
√	*	<b>Use the Current Economic Boom to Provide Necessary Job Training and Minimum Wage Increases/Promote Access to Jobs with Liveable Wages:</b> The Board found that it is important to take advantage of the current economic boom to reach out to, educate, train, and place as many people as possible for positions in the new economy as additional efforts aimed at welfare to work transition are put into place along with a commitment to higher minimum wages. <i>Minority workers must have access to jobs that pay a living wage, including benefits.</i>	<ul style="list-style-type: none"> <li>Administration support for minimum wage increase</li> </ul>	
√		<b>Evaluate Anti-Poverty Program Effectiveness:</b> The Board recommended the establishment of a White House task force involving those Federal agencies engaged in addressing various aspects of the anti-poverty problem to have them carefully and jointly assess and evaluate which of these current programs, or those programs which have recently lapsed, have proven utility in successfully reducing poverty on a sustained basis. They should use available data to assess whether programs are equally effective for all minority groups, and if not, why. This cross-agency evaluation would assess how better to coordinate or integrate local level programs so that tools managed by different agencies could have a better, cumulative impact when targeted in tandem rather than in isolation.		
√	*	<b>Protect and Strengthen Collective Bargaining and Unions:</b> <i>The Board will likely recommend that the Administration protect and strengthen collective bargaining and unions to help reduce wage disparities.</i>		NEC (John O.)

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**5. Race and Stereotypes**  
(PIR Staff: David)

√	*	Advisory Board Recommendations	Administration Actions	Follow Up
		<p><b><u>Hold a Presidential Event On Stereotypes and What Can Be Done About Them:</u></b> "The issue of racial stereotypes is a core element of the problems of racial division and the lack of inclusion. Stereotypes influence how people of different races and ethnicities view each other, and as a consequence, treat each other. . . . As the nation's leader and as a leading authority figure, you are in a unique position to underscore the link between racial discord in society and the stereotypes that lurk in the very private realm of our hearts and minds. . . . The event -- whether a speech, fireside chat, or other format -- would need to include a call to action. This call to action would remind people that all of us -- especially local leaders -- are in a position to advocate for changes in the ways that stereotypes become unconsciously institutionalized into virtually every organization in society."</p>		
		<p><b><u>Institutionalize the Administration's Promotion of Racial Dialogue:</u></b> "In a variety of ways, the Initiative is promoting involvement in small group racial dialogue. . . . In addition to helping Americans learn more about racial issues, these efforts help reduce stereotypes by creating interdependencies and a common mission between people of different racial groups. We urge you to continue your commitment to racial dialogue so that it is institutionalized after the end of the Initiative."</p>		
	*	<p><b><u>Convene a High-Level Meeting on the Problem of Racial Stereotypes with Leaders from the Media:</u></b> "The primary purpose of the meeting would not be to assign blame, but rather to focus Presidential and public attention on the role of the media in both helping and hindering societal progress about the issue of stereotypes. . . . During the meeting, you could encourage participants to pursue a number of strategies so that the media could play a more positive role with respect to stereotypes."</p>		
√		<p><b><u>Promote Inclusion of the American Indian Community:</u></b> The Board also made several recommendations to promote inclusion of American Indians in the Initiative and beyond, including conducting a Presidential visit to an Indian reservation, convening a White House Conference on economic development in Indian country, and/or convening a report on American Indian issues.</p>	<ul style="list-style-type: none"> <li>• Interagency conference to address tribal economies.</li> </ul>	

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6. Race and Housing  
(PIR Staff: John)

√	*	Advisory Board Recommendations	Administration Actions	Follow Up
√	*	<b>Continue to Use Testing to Develop Evidence of Continuing Discrimination:</b> The Board noted the persistence of discrimination in housing and the important role which Federally funded testing programs have played in combating overt and subtle forms of disparate treatment. The Board supports HUD's decision to double housing complaints processing by the year 2000.	<ul style="list-style-type: none"> <li>Proposed \$10 million initiative to test for housing discrimination</li> </ul>	
		<b>Highlight Housing Integration Efforts:</b> The Board learned of a small number of non-profit organizations dedicated to promoting integration through non-race based strategies of outreach. The Board recommends that these efforts be highlighted in the final report <i>and that the Administration further support these programs.</i>	<ul style="list-style-type: none"> <li>HUD regional mobility</li> <li>Title VI desegregation</li> </ul>	
	*	<b>Support the Increase and Targeting of Federal Funds for Urban Revitalization:</b> The Board supported the recommendations of the Eisenhower Foundation that stress the importance of linking federal and private sector funds to rebuild the core of inner city neighborhoods, many of which are home to minority and low-income families. The Board supported the type of targeting in HUD's HOME program and recommended an increase in overall levels of funding to meet the needs of such programs.	<ul style="list-style-type: none"> <li>HUD/DOT Hope via Homes</li> </ul>	
		<b>Support Community Development Corporations:</b> The Board is convinced that local neighborhood community development corporations offer key, sensible, cost-effective and locally legitimate programs that can improve conditions in minority communities in our inner cities. <i>Support is need for such programs and for related community and neighborhood efforts that work to reduce racial disparities and segregation within our metropolitan areas.</i>	<ul style="list-style-type: none"> <li>Federal agency use of non-profit CDCs for development, such as enterprise communities</li> </ul>	

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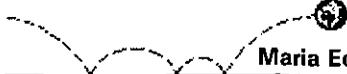
7. Race and Criminal Justice  
(PIR Staff: Scott)

√	*	Advisory Board Recommendations	Administration Actions	Follow Up
√	*	<i><b>Expand Data Collection and Analysis:</b> As in other subject areas, one point that clearly emerged from our readings and discussions was the lack of data that exist for some racial groups with regard to issues of criminal justice. For several reasons, much of the data that exist are restricted to blacks and whites, with little data available on issues affecting Hispanics, Asian Americans, or Native Americans. . . . We recommend that the Administration develop appropriate mechanisms to collect and analyze more complete criminal justice data for all racial and ethnic groups, so that issues of race can be better assessed and addressed.</i>		
	*	<i><b>Consider Restricting the Use of Racial Profiling:</b> Racial profiling refers to the use of race by law enforcement personnel as one factor in identifying criminal suspects. . . . We understand that the Department of Justice is presently examining the issue of racial profiling. We strongly endorse this effort and recommend that you and the Attorney General consider restricting and develop alternatives to racial profiling in federal law enforcement and encourage state and local governments to do the same. Such actions would send a powerful statement to persons of color that the federal government does not sanction the disparate application of policing powers by race.</i>	<ul style="list-style-type: none"> <li>• DOJ internal review of racial profiling</li> </ul>	
		<i><b>Eliminate Racial Stereotypes and Diversify Law Enforcement:</b> The Administration should develop and support efforts to eliminate stereotypes from the administration of justice. One strategy that experts and practitioners mentioned repeatedly during our May 19 meeting is enhanced training for law enforcement personnel. . . . Furthermore, it is crucial to promote diversity throughout the criminal justice system by increasing the number of persons of color serving as police, prosecutors, judges and more.</i>		
		<i><b>Reduce or Eliminate Drug Sentencing Disparities:</b> While there may be some justification for the differential treatment of crack versus powder cocaine offenders, all participants in our May 19 meeting agreed that the present 100:1 sentencing disparity is morally and intellectually indefensible and undermines confidence in the fairness of our criminal justice system. The Administration has recommended a reduction in the disparity to 10:1 by raising the amount of crack that triggers a mandatory minimum and lowering the amount of powder cocaine. We strongly support this action at a minimum. . . .</i>	<ul style="list-style-type: none"> <li>• Proposed reduction in sentencing disparity</li> </ul>	

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	<p><b><i>Promote a Comprehensive Approach to Keep Young People Out of the Criminal Justice System:</i></b> Many communities of color face concentrated disadvantage, which is linked to high rates of crime, including juvenile crime. Reducing crime and keeping young people in these communities out of the criminal justice system likely requires a coordinated approach to law enforcement, including education, economic, and criminal justice programs and involving all sectors of those communities. We support several Administration efforts to prevent and address youth crime in communities of color, including the enhancement of after school programs and support for community partnerships. We urge the Administration to further support coordinated efforts to address concentrated disadvantage and keep young people out of the criminal justice system...</p>	<ul style="list-style-type: none"> <li>• Increased support for after-school programs</li> <li>• Support for Values-Based Violence Prevention partnerships</li> </ul>	
	<p><b><i>Continue to Enhance Community Policing and Related Strategies:</i></b> Strategies that fall under the rubric of community policing have the potential to improve relations between law enforcement and communities of color, enhance confidence in law enforcement, and reduce crime. The federal government should continue to support community policing efforts in communities of color. . .</p>	<ul style="list-style-type: none"> <li>• Initiative to provide COPS grants to underserved cities</li> <li>• Initiative to fund community prosecutors</li> </ul>	
	<p><b><i>Support American Indian Law Enforcement:</i></b> There seems to be strong consensus that further resources are needed to adequately support criminal justice in Indian country. . . . We are pleased that your FY 1999 budget includes more than \$180 million to strengthen law enforcement in Indian country. The federal government should continue to take action to strengthen tribal law enforcement and justice systems in a manner that respects tribal sovereignty and preserves tribal justice practices.</p>	<ul style="list-style-type: none"> <li>• Proposed \$180+ million funding increase for criminal justice in Indian country</li> </ul>	
	<p><b><i>Support Initiatives that Improve Access to Courts:</i></b> The Administration should support initiatives to increase understanding of the way our criminal justice system operates and improve access to our courts. At a minimum, all judicial systems should provide the ability for limited English proficient users to access both the criminal and civil courts in their communities. Strategies that may be implemented include providing grants to community based organizations for outreach and public education, providing training for law enforcement personnel, including judges, about the changing demographics in the communities they serve, and making available court-certified interpreters.</p>		

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Maria Echaveste

08/11/98 07:45:01 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Bruce N. Reed/OPD/EOP, Gene B. Sperling/OPD/EOP  
 cc: Michael Cohen/OPD/EOP  
 Subject: Education Working Group

Elena, Bruce and Gene--I am forwarding this to you to underscore Edley's frustration and ask for assistance. I just had a very good conversation with Elena in which I relayed the gist of the conversation with Gene yesterday--I made very clear to Gene and to Christopher that we needed to accomplish two things in this book project: 1) we must respect the process needs of the policy councils to ensure that ideas presented to the President have in fact been considered and opined by all necessary and appropriate parties and, just as importantly, 2) we must respond to the President's desire that this book on race have some bold policy thinking and that can only happen if the policy councils are engaged in this process in a wholehearted way. Now Gene said he would task his staff to work with Christopher, while Gene's away. Elena has indicated that she's discussed with you Bruce how hard this is going to be but that DPC has to be fully engaged to ensure that the President really has the benefit of the diversity of opinions of his staff.

I suggested to Elena that the ambitious nature of this project requires some brainstorming and then some triage of ideas, otherwise there is simply too much on the plate. A suggestion I had that I give to all of you for consideration is that in each of the four areas: education, economic opportunity, criminal justice, civil rights, you should within two-three weeks identify the three/four big ideas that could then be developed through intensive policy process by end of September--keeping in mind that at the same time the policy councils will be working on budget/sotu and therefore, these ideas could be factored into that process as well. Thus, for example, you could, after some brainstorming, decide that in education the President should consider saying something about opportunity to learn standards, the advisability of continued efforts to integrate schools, school financing--and then engaged in intensive work that would present pros and cons for President's consideration.

At any rate--I ask that you work with me to try to achieve both of these goals--sooo, in that context, why does Christopher have to wait until Michael Smith comes back from vacation--wouldn't a meeting this week to set the universe of ideas and get some thinking about how to explore some of these ideas be useful--Michael Smith as well as other key folks will have opportunity to weigh in in the weeks ahead. What do you think?

----- Forwarded by Maria Echaveste/WHO/EOP on 08/11/98 06:47 PM -----



"Christopher Edley, Jr." <edley @ law.harvard.edu >  
 08/11/98 06:34:53 PM

Record Type: Record

To: Maria Echaveste/WHO/EOP  
 cc:  
 Subject: Education Working Group

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Maria --

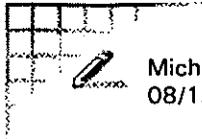
I'm forwarding this to you to present the predictable anxiety of DPC/Mike Cohen.

I think it is very important for you to have a conversation with Mike Cohen, Elena, Bruce and get this on track. This is, after all, your process, right?

Increasingly, I feel like this is impossible, and I'm be setting up for failure because I have no authority from the President to do anything except spin wheels.

Thanks much for whatever help you can provide.

> Date: Tue, 11 Aug 1998 18:15:25 -0400  
> Subject: Education Working Group  
> Sender: Scott\_R\_Palmer@pir.eop.gov  
> From: Scott\_R\_Palmer@pir.eop.gov  
> To: edley@law.harvard.edu  
>  
> I spoke with Mike Cohen today about the Education Working Group and your  
> interest in its meeting as soon as possible. Two issues:  
>  
> First, Mike Smith, who Mike Cohen would like to have participate, is on  
> vacation this week. Do you think we should hold our first meeting this  
> week anyway?  
>  
> Second, Mike Cohen indicated that he was a little unclear about how this  
> Working Group process to develop bold ideas fit in with other processes,  
> such as prior and upcoming budget processes. Mike sent an e-mail to Bruce  
> Reed to get clarification. I shared the draft Thinking Paper with Mike and  
> explained that there was room for discussion of Administration  
> accomplishments, etc. I also indicated that this process is different from  
> (though should complement) other processes in that (1) it focuses on the  
> most pressing issues of race in education, (2) it focuses on long-term as  
> well as short term ideas, (3) it focuses on actions by actors beyond the  
> federal government as well as by the federal government, and more. I  
> believe Mike is comfortable with this, but he still wants to hear back from  
> Bruce. I mention this because you and/or Maria may want to speak with  
> Bruce to cover the base. I don't think there is a conflict, but I'm not  
> sure how to read it.  
>  
> I'm following up with Mike tomorrow on a couple of things and will push him  
> on where we stand in terms of a meeting this week (unless you think we  
> should wait for Mike Smith).  
>  
>  
>



Michael Cohen  
08/12/98 02:32:36 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP

cc:

Subject: Education Working Group for race book

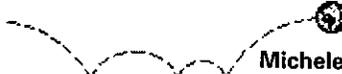
I gather from Maria's memo on this topic earlier today that there have been a series of discussions on how this process will unfold. I've called an education working group meeting for 10:30 tomorrow morning--and I've just been asked to join a meeting at 5:30 this afternoon with NEC staff and Chris Edley to discuss process issues. It would be helpful before these meeting occur to get your sense of these discussions, and how you would like me to proceed. In particular:

**1. What is the product I'm working towards?** If I follow Maria correctly, it appears to be a memo to POTUS (by late September) that would identify a number of possible "bold ideas" each of which could be further developed, depending upon his level of interest. Is that your understanding as well?

**2. Whose bold ideas will be included?** Are we working toward consensus or toward options? Is this a DPC process, a DPC/Edley process, or something else? Chris' bold ideas (e.g., opportunity-to-learn standards) are not likely to be ours. For example, I'd prefer to look at ways to seriously expand public school choice for kids in urban areas (e.g., why not encourage community colleges to offer rigorous high school courses for kids who's high school math teachers were English majors?) and in failing schools in particular.

**3. How will this fit into the budget process?** As best as I can tell, the FY 2000 budget will be an ideal time to propose bold new ideas--perhaps the last real chance in this term. Yet the caps for 2000 are more severe that for FY99, and we will have a few good ideas, such as class size and education opportunity zones, still on the table. Do you want to think of new budget initiatives that could compete with last year's unfinished business, or are we constrained to think only in terms of small new initiatives and bold ideas for the bully pulpit? Or do we just come up with the best ideas we can now, and worry about how to pay for them later?

**4. Are there particular ideas you want to make sure get included in this, and particular ways you want to stay involved?** How do you want me to relate to Maria and Chris throughout the process?

 Michele Cavataio

08/04/98 02:23:41 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: Julie A. Fernandes/OPD/EOP

Subject: options memo on President's report on race

Attached is an options memo for organizing a chapter in the President's report on race on Administration accomplishments. Chris asked me to send it to you all. I believe that the next step would be to meet and discuss, but please feel free to send any comments via email as well.



Thanks. ACCOMPS.W

Message Sent To:

Maria Echaveste/WHO/EOP  
"Christopher Edley, Jr." <edley @ law.harvard.edu >  
Sidney Blumenthal/WHO/EOP  
Elena Kagan/OPD/EOP  
Judith A. Winston/PIR/EOP

August 4, 1998

MEMORANDUM TO MARIA ECHAVESTE, CHRIS EDLEY, SIDNEY BLUMENTHAL  
AND ELENA KAGAN

CC: Judy Winston

FROM: Michele Cavataio

SUBJECT: Options for Organizing a Chapter on Administration Accomplishments  
for the President's Report on Race

### Goals

1. Convey Administration's key principles (e.g. opportunity, responsibility, community, etc.) and describe successes, occasional missteps, and hard choices in carrying them out.
2. Act as a bridge between chapters on our past history and our future direction. Organizing themes need to be consistent with chapters which precede and follow.
3. Use this chapter to tell a compelling story rather than provide a comprehensive list of every accomplishment. Resist making every Administration accomplishment a race accomplishment.
4. Be honest rather than excessively celebratory.
5. Show the right level of detail without being boring.

### Option 1: Organize by Topical Area

Description: The chapter could be divided into sections on education, economic opportunity, antidiscrimination efforts, public safety and the administration of justice, health, etc. Each section will begin with a macro level discussion of the key principles of the Administration. For example, the education section would begin with the overarching objectives of high standards and access to a high quality education for all students. The chapter would then address the key policies that have helped to meet these objectives for *all* students. Then, it would address policies that are specifically targeted to minority students. It could be interwoven with short, illustrative anecdotes.

Pros:

- Covers key areas.
- Easy to skim and go to area of interest.

Cons:

- May not clearly highlight Administration themes (opportunity, responsibility....)

- Boring.

### **Option 2: Organize by Themes or Values**

**Description:** This chapter could be organized around key themes of the Clinton Administration such as: opportunity, responsibility, and community. Or, the themes could cover the goals of the race initiative such as: reducing discrimination, overcoming disparities and improving race relations. Within each theme would be a chronological presentation of Administration policy highlights.

**Pros:** • Shows consistency throughout the six years of the Administration.

**Cons:** • Not as neatly organized. Difficult to figure out what to put where.

### **Option 3: Tell Personal Stories**

**Description:** This chapter would contain several short stories of people or organizations whose lives were transformed by Clinton Administration policies and initiatives. For example, one story might describe a revitalized urban community which was turned around by a series of policies such as Empowerment Zones and increased lending to minority businesses. Another story might describe a high school with a large Latino population which has benefited by increased Title I funding, bilingual education programs, after school initiatives, and school to work programs. A third story might describe a middle class family's search for housing and the increasing opportunities for home ownership made available by Administration policies. A fourth story might describe a mother's chance to get off welfare, obtain job training, and start a new job.

**Pros:** • Engaging. Easy for readers to relate.  
• Quality not quantity.

**Cons:** • Highlights only a few key policies.  
• May be too self-congratulatory.

### **Option 4: Organize Chronologically**

**Description:** This chapter would provide a description of Administration accomplishments in chronological order.

**Pros:** • Can be thorough.

- Can show consistency of Administration policies over time.

Cons: 

- May be boring.

#### **Option 5: Combination of Above Options**

Description: The chapter could combine several options described above. For example, within the thematic approach (option 2), it could be organized chronologically (option 4) and include personal stories (option 3).

Pros: 

- Can show consistency of Administration policies over time.
- Engaging.

Cons: 

- May not be as tidy.

#### **Content Issues**

1. *Bipartisanship*. This should not be simply a self-congratulatory document. Rather it should include a discussion of difficult issues and of successes and failures. It is important to appeal to a bipartisan audience so all of America is interested in the issue or at least in the document. We might consider a report on the *nation's* accomplishments rather than solely the President's accomplishments.
2. *Macro policies*. We will need to decide whether to include macro policies such as the impact of economic growth on race issues.
3. *Race-neutral policies*. Should we include policies which are intended to be race neutral but which have a disproportionate impact on minorities, whether negative or positive, in areas where disparities exist? Policies of this type would include: the EITC, minimum wage increases, increased funding for Head Start.
4. *Race-targeted policies*. It seems obvious that we would include policies that are specifically- designed to assist minority groups. This might include policies such as the Hispanic Education Initiative, loans to minority businesses, eliminating ethnic health disparities, etc.

HARVARD LAW SCHOOL  
CAMBRIDGE MA

6/20/98

## MEMORANDUM FOR THE PRESIDENT

From: Christopher Edley, Jr.  
Professor of Law

Through: Erskine Bowles  
Sylvia Mathews  
Maria Echaveste

RE: Your Book on Race: Decisions on Process and Substance Issues

**I. What is the concept/ambition for the book?**

*Option A:* The appended book outline (6/19/98 version) is premised on the ambition for the book you tentatively endorsed last November, including:

- Authoritative social scientific background information on demographics, disparities, discrimination, and intergroup relations;
- Your vision of One America in the 21<sup>st</sup> century, and why it is preferable to some alternatives that are implicit in public discourse; how the motivation for that vision is rooted in our history and cherished ideals;
- Some models/examples of how we can constructively engage one another on hard questions, and the promising practices that may build bridges connecting people across lines of color and class; and
- A “workplan for the nation” – not just what the Federal government should undertake this year and next, but what *all* of us can do together and individually: Federal, state and local governments; private sector and voluntary sector; in our public lives and our personal lives, to help build One America with racial and ethnic justice.

*Option B:* Alternatively, the book could focus on the personal aspects of your vision and workplan, omit attention to background social science and policy context, and trim the presentation of materials on promising practices, Administration accomplishments and “hard questions.” We could separately publish some of this omitted material in a more “institutional” document, not in your voice.

*Analysis:* This decision, at bottom, is about what kind of product you believe is more likely to shape public understanding and debate – not just in December, but into the future. Your advisors disagree about what kind of product is “Presidential, non-academic, and non-political.” This is uncharted territory, because no sitting president has authored something like *Option A*. No one favors a lengthy social science exegesis. Edley believes, however, that solid references to the evidence will make the book a resource, in which you lend authority to the evidence and the

evidence lends weight to your prescriptions. Under *Option B*, favored by Ann Lewis, these less personal subjects would be covered in separate documents released along with your book.

*Recommendation:* (Edley) Head towards *Option A*, but be prepared to fall back to *B* if the evolving draft leaves you uncomfortable.

## **II. Who should be the central staff participants – the “Core Group”?**

Who do you want centrally involved in discussions with each other and with you? There will be a wider circle of insider and outsider involvement, but who are the handful of staff – the “Core Group”-- you want in the Oval Office presenting competing views about chapter 3, or reacting to your feedback on the draft of chapter 4? The book is personal, so your selection of interlocutors is, too. The attached checklist offers a menu.

Relatedly, as drafting proceeds we will involve knowledgeable people from your outside circle of friends and advisors, such as Taylor Branch, Tony Campolo and Vernon Jordan. But are there one or two “outside” individuals you want invited to make the considerable investment of joining regular meetings of the Core Group?

*Recommendation:* Erskine should discuss the issue of core group membership with you privately. The smaller the number the better.

## **III. Will the ordinary White House staff processes work well enough?**

To what extent should we rely on the usual White House staff processes? My three key concerns are: scheduling your time; the roles of the policy councils; and whether to hire an outside writer to help.

(A) *Priority scheduling of your time* – Should we schedule regular core-group discussions with you to review crucial choices and written drafts, *or* should we rely primarily on paper-driven interaction with you, plus schedule a few occasional discussions?

*Analysis:* The scheduling process requires wide staff participation in the allocation your time, balancing competing demands framed by particular offices and interests. Most priorities are contingent, not fixed. *If* you feel that your personal participation in argument and discussion with a few advisors is essential to producing the book you want, then the practical truth is that we need a rebuttable presumption of one session with you every 2-3 weeks over the next four months, assuming there is useful work to be done. *If* you believe a more removed, paper-driven process will suffice, then we will try to schedule occasional discussions as the ordinary process permits.

*Recommendation:* (Edley) Direct staff that this is a high priority that you want accommodated within reason, with penciled-in dates to drive it forward.

- (B) *NEC/DPC/OMB roles* – Should we rely primarily on the policy councils and their usual processes to develop the “workplan for the nation”, *or* should the book process drive the work of the policy councils in providing input for the workplan?

*Analysis:* Recall that the workplan is intended to reach beyond near-term Federal measures to include longer term goals and prescriptions for all levels of government, and for private individuals and institutions. The workplan must build on your record, tap staff expertise and be coordinated with ongoing Administration policy work, including the budget process. If we rely on the policy councils, however, then development of the workplan will likely suffer in the press of ordinary business, with consequences for the timeliness and boldness of the policy options presented to you. You augmented the White House staff with an Advisory Board in part because you believed an extraordinary mechanism was necessary to provide sustained focus and out-of-the-box thinking. Do similar considerations apply at the book-writing stage?

The alternative is to use the book process, overseen by Maria, to drive work from the policy councils and others that would flow into options for the workplan, through the Core Group (above).

Some perceive me as more progressive than many of your advisers and, accordingly, fear that I might attempt to hijack the values and policies in the book. In response: I don't hide my values, but I try to subordinate them to my professional commitment to help you and the Vice President formulate and execute *your* agenda, as advisor or honest-broker, depending on the circumstance. Specifically on race-related matters, I have a few differences with Administration policies and practices, but to my mind these differences arise either because you made choices without having a full set of considerations presented, or because subordinate officials are doing things with which you would likely disagree. On the race matters about which we have interacted, I have yet to detect any daylight between your views and mine. In any event, my name was not on the election ballot.

*Recommendation:* (Echaveste, Edley) Use the book process to drive preparation of the workplan, with full participation of the policy councils; ensure coordination and inclusion by relying on the Core Group, appropriate staff consultations, and decision memoranda to you.

- (C) *Writing* – In order to capture effectively your own voice, should we rely on the normal internal process of wordsmithing, *or* should we assume that I will be able to muddle through with *ad hoc* assistance from Michael Waldman, Sidney Blumenthal and others, *or* should we hire a writer-friend to work with us (*e.g.*, David Kusnet or Don Baer)?

*Analysis:* The nature and scope of this undertaking would severely tax the production capacity of the speechwriting staff. The State-of-the-Union process has a kitchen-sink quality that, while inclusive, would not produce a good book. The second alternative, with me holding the pen, would engage me in much negotiating over text to get the “voice” correct – time perhaps better spent on the ideas, policies and research. The last alternative, contracting with an ex-speechwriter, adds another player but would make the writing more efficient.

*Recommendation:* (Echaveste) Make Edley do the best he can, with liberal use of Waldman, Blumenthal and outside friends for *ad hoc* assistance.

**IV. Is the attached outline heading in the right direction?**

Attached is the current outline, to guide the intensive work now beginning. The outline is of topics and questions, offering neither answers nor felicitous language.

\*\*\*

**DECISIONS**

I. Concept/ambition

- Option A:* Broad ambition, with fallback (Edley), **OR**
- Option B:* Minimize social science and non-personal matters

II. Core Group participants

- Participants indicated on attachment, **OR**
- Discuss with us first

III. White House process

*(A) Scheduling*

- Priority scheduling of regular meetings with Core Group (Edley), **OR**
- Rely on regular scheduling process

*(B) Policy council roles in generating the "workplan"*

- Rely on regular staff process, **OR**
- Use the book/Core Group to drive the workplan (Echaveste, Edley)

*(C) Writing*

- Rely on regular speechwriting process, **OR**
- Rely on Edley to hold the pen, with *ad hoc* help, **OR**
- Recruit a familiar writer to hold the pen:
  - Baer
  - Kusnet
  - other/discuss?

IV. Is the outline heading in the right direction?

- Yes
- No
- Meet to discuss (recommended)

Version 4.b

**RACE, RECONCILIATION AND JUSTICE:  
ONE AMERICA IN THE 21<sup>ST</sup> CENTURY**

To: Sylvia, Maria

Re: Some strategic questions:

1. Is the book primarily about the values and ideas that *unite* us, occasionally engaging the values and perceptions that *divide* us? Or is it more evenly divided between easy and controversial subjects? (Recommendation: the latter.)
2. In terms of length, should we set a target, or let the book "write itself"? (Recommendation: It doesn't really matter. Whatever length it takes for the President to address the issues he wants to address.)
3. How much scholarly apparatus should there be – footnotes, citations to leading books etc., technical appendices? Should, perhaps, different chapters be handled differently in this regard – more scholarly for the exposition of background information, and less scholarly for the vision, values and prescriptions? (No recommendation.)
4. Can we agree on a October 15<sup>th</sup> target date, well in advance of budget appeals season, for presentation to POTUS of major ideas for federal policy changes? (Discussions with NEC/DPC before this date, of course.)
5. In the "accomplishments" chapter, what tone, comprehensiveness, and structure? What treatment of neutral measures with redistributive or disparate impacts – e.g., EITC, Headstart, minimum wage. What treatment for macro and aggregate accomplishments – e.g., job creation, income growth, welfare role reductions. What treatment for adverse developments – e.g., program reductions, greater income and wealth inequalities (by some measures), benefit cuts.
6. I continue to be worried about closure on several process issues, among them: time to engage POTUS; White House conference or comparable roll-out; staff support in the late summer and fall.
7. Who will work with me on outreach?? –
  - *wide outreach* to solicit ideas about what should be in the book;
  - *close outreach* to a more trusted audience who can react to pre-draft ideas (e.g., Advisory Board members; interested members of the Cabinet; friends and informal advisors of the President); and
  - *vetting* to a limited group who will review draft material.

\*\*

## **RACE, RECONCILIATION AND JUSTICE: ONE AMERICA IN THE 21<sup>ST</sup> CENTURY**

*Note: This is only an evolving outline of ideas and subjects. It is not an effort to capture the appropriate language with which to communicate the President's ideas to a general audience. It is only intended to guide research, outreach and deliberation.*

\*\*\*

### **Executive Summary**

#### **Chapter 1. Introduction: One America in the 21<sup>st</sup> Century**

1.1. Opening: Why, as the last President of the 20<sup>th</sup> century, I launched this initiative.

- America faces several challenges at home and abroad as we enter the new century; Among these is the challenge of making the most of the opportunities created by our growing diversity, while avoiding the tragic mistakes we've seen too often in our nation's history and around the globe.
- No subject has been more vexing – threatening our domestic tranquility, testing the sincerity of our deepest civic values, shaping our public policies and even our most private thoughts about one another. The difficulty and pervasiveness of the problem perhaps explains the temptation to let things drift along, absent an explosive crisis. Perhaps there's been too much of that in recent decades. But we cannot afford that any longer, if we ever could.

1.2. Summary of core themes and vision

- (a) What we mean by "race" [clarifying for purposes of scope]
- (b) *Vision of community*: Celebration of our diversity, not mere tolerance of our differences; building inclusive communities and organizations to take advantage of the benefits and strengths .
- (c) *Vision of opportunity*: Opportunity enjoyed so equally that there is no discernable legacy of slavery, colonization or conquest; of Jim Crow or internment.
- (d) We must do this for our children and their children. We must do this to honor those who have sacrificed over the generations in earlier battles to put our sacred civic values into practice. And I believe we must do this to honor the God who has created us all equal, and blessed our nation in so many countless ways.

### 1.3. Personal context

- (a) Observations from 1950s and 1960s: horror and hope
  - Personal impressions of the Civil Rights movement – what it meant to me then, and what it means to me today.
- (b) Gubernatorial experiences – not a record of accomplishments, but a few examples of challenge, struggle, failure or success, as a window on the post- civil rights movement evolution of our nation’s work on the issue.
  - Voting rights/districting; hiring/affirmative action? The politics of race.
  - Comparing notes with other political and civic leaders in the 1970s and 1980s.

1.4. What has been accomplished since launching this initiative – the work of the Advisory Board, the engagement of scores of thousands of people in communities and organizations around the nation. Appreciation to the Advisory Board, and to the many people throughout the nation who responded to our call to engage in a national conversation on race, or to redouble their efforts already underway.

### 1.5. What I hope to accomplish with this report/book:

- Authoritative social scientific background information on demographics, disparities, discrimination, and intergroup relations;
- My vision of One America in the 21<sup>st</sup> century, and why it is preferable to some alternatives that are implicit in public discourse, and how the motivation for that vision is rooted in our history and cherished ideals;
- Some models or examples of how we can constructively engage one another on hard questions, and the promising practices that may build bridges connecting people across lines of color and class;
- A workplan for the nation – not just what the Federal government should undertake this year and next, but what *all* of us can do together and individually. Federal, state and local governments; private sector and voluntary sector; in our public lives and our personal lives, to help build One America with racial and ethnic justice.

### 1.6. Some highlights of the report:

- (a) Headlines from promising practices and dialog efforts (chapter 5)
- (b) Headlines from the workplan: enforcement, education, criminal justice, health disparities, history initiative (chapter 7)
- (c) Headlines from leadership/next steps (chapter 8)

### 1.7. Closing message to the Congress, and to the American People.

## **Chapter 2. Where is America on race, and where are we going?**

### 2.1. The salience of race and ethnicity in our everyday lives

- (a) How it intrudes on us in various ways, explicitly or subtly.

- (b) For some of us, our communities are homogenous and we live in a racial or ethnic enclave with exposure to racial differences almost entirely through mass media. Others of us have constant reminders about the differences in America.
  - (c) For example .... [*real stories* ....]
- 2.2. Demographic history and trends
- (a) Population and population characteristics
- 2.3. Disparities, and what we know about the effectiveness of past policies intended to help
- (a) What the Kerner Commission said
  - (b) A survey of sectoral conditions: Socioeconomic indicators: income, wealth, business ownership, employment, education, housing, health, criminal justice variables, benefits program participation
    - The data
    - The broad sweep of social policies, and what conclusions to draw about their effectiveness
    - [An especially detailed look at education and economic mobility]
  - (c) Voting and civic engagement – voting rights, voter registration and participation, elected officials, other dimensions of participation
- 2.4. Discrimination: authoritative data using various methodologies: How much discrimination is there?
- (a) Definitions: not looking at mere disparities; considering both traditional econometric methods and the compelling evidence from “testers”
  - (b) Sectors: employment, housing, retail sales, credit, business/contracting
- 2.5. Intergroup relations: how integrated are our lives, how have attitudes and stereotypes changed, etc.
- (a) What is the significance of group separation or segregation? Why does it matter? Connection to the vision of One America; separateness of our communities leading to divisions in perceptions and even values, with implications for our broader sense of community and our ability to live and work together.
  - (b) One community, or many?
    - Patterns of residential, school and occupational segregation; trends and historical comparisons
      - Religious life
      - Other dimensions of social life
  - (c) Attitudes: tolerance, etc., over time.
    - Racial attitudes
    - Ethnic attitudes, e.g., Arab-Americans facing discrimination
- 2.6. Summation:

- (a) The effects of race on our civic discourse: how race poisons politics and policymaking, overtly or subtly; examples of how *not* to address issues of opportunity, responsibility and community.
- (b) Most salient elements of progress to date
- (c) Our most challenging work ahead

**Chapter 3. More than a dream: Racial and ethnic justice in the 21<sup>st</sup> century**

- (a) [The President's vision of One America with racial and ethnic justice in the 21<sup>st</sup> century, and why his vision is preferable to competing visions. Seeking clarity about our value commitments and ambitions for One America. This pivotal section is an elaboration of the framework sketched in speeches and in the introduction to this Report. The section should be significantly historical, illustrating the conceptual points with references to historical struggles and statements.]

3.2. Models: There several ways to think about national identity, and about racial and ethnic justice, each of which has valuable and even compelling claims on our values, but which ultimately are inadequate and/or unattainable:

- (a) *Neutral formalism*: Eliminate race-conscious barriers in law; achieve "colorblindness" in official and personal conduct: Martin Luther King, Jr.'s "I have a dream" formulation, as commonly misconstrued.
  - Clear problems as an instrumental prescription (MLK acknowledged this in his support for race-conscious measures), but what about as ideal, as vision?
  - Seems unattainable if there are group-correlated inequalities because these will fuel stereotypes and, in turn, be incorporated into attitudes, and from these into private practices and public policies.
- (b) *Assimilation*, with racial differences vanishing in importance.
  - May imply a radical kind of assimilation, in which I have to give up too much of who I am in order to be accepted in this One America. That's unacceptable.
- (c) *Celebratory pluralism*: Racial differences as analogous to religious differences.
  - Religious diversity analogy:
    - America is the most religious of industrialized nations, but we do not worship in the same way; indeed, some scholars assert that religion flourishes precisely because of religious freedom.
    - We do not merely tolerate this diversity, we celebrate it. It is one aspect of America about which we are intensely proud.
  - Fine, but needs an element of distributive justice as well.
- (d) *Rawlsian distributive justice*: Definition: no discernable evidence that America had a history of slavery, conquest or colonialism.

- For example, no inherited legacy of disadvantage as reflected today in, for example, the incredible wealth disparities.
  - Fine formulation, but incomplete: It needs an element to ensure *community*; interactions across lines of differences. Even if it were possible, we wouldn't want fully equal individuals separated from one other by walls and distance.
  - We care about *integration*. And we should. Because ....
- (e) *Clintonian Synthesis*, and its basic implications for policy and practice
- The sources of our values
    - Civic sources – Declaration of Independence, etc.
    - Family and communal sources
    - Spiritual sources
  - The connection between national identity and our conception of justice
  - What a just One America should and will look like.
  - Why I believe we can and must do it.

#### **Chapter 4. Wrestling lessons: What vexes us, and constructive engagement of our differences<sup>1</sup>**

##### 4.1. The unfinished agenda of combating discrimination, bigotry and exclusion:

- (a) How much does race still matter?
- What is discrimination, and how much of it is there?
  - How much observed disadvantage is fairly attributable to discrimination or its lingering effects? (Includes discussion of the “culture” critique.)
  - Absent specific discrimination, How important are diversity, inclusion and integration as ideals, and as social policy objectives? Why?
  - When we act in public and private life to close the opportunity gap, when is racial targeting appropriate, and when not? What are the moral, practical and legal considerations?
    - Since affirmative action is so controversial, should we abandon it? [Recapitulation of “Mend it, don’t end it.”]

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<sup>1</sup> The purpose of this chapter: Using just a handful from the menu of topics below, model how we can face up to some of the hardest questions dividing us in an honest and constructive way; teasing out the policy implications of the values and vision by grappling with some questions that animate the national conversation. Make use of short essays that will be contributed by a diverse group of “thinkers”, leaders and citizens; the essays will be separately published in a companion document.

List of topics for this chapter to be developed; the following items are among the menu of possibilities, for POTUS selection. The book’s discussion of each question would (i) respectfully note and engage a broad range of views, searching for the “kernel of truth” in opposing positions; (ii) develop the President’s view on the matter by reference to the Vision presented in Chapter 4; (iii) sketch the practical implications for public policies and private practices – with some of those implications detailed in later chapters of the book.

- Public policies: with, or without, racial targeting?
- (b) Profiling in the criminal justice system: where do we draw the line between efficient allocation of resources, and impermissible stereotyping?
- (c) What about “apologizing” for slavery, conquest, and colonization?

#### 4.2. The new agenda:

- (a) Do we still care about integration? What price, what burdens are we willing to bear?
  - Education
  - Housing
- (b) Identity politics and ethnic enclaves
- (c) Beyond the Black-White paradigm. What that means, and why it is necessary.
  - The distinctiveness created by colonization, conquest and culture; the importance, and limits, of the old model.
  - Immigration policy and attitudes – distinguishing a principled pursuit of One America from divisive and even nativist proposals.
  - Language, culture and subgroup identity – especially the issue of bilingual education and English acquisition.
  - Will other Americans accept a Spanish-speaking 51<sup>st</sup> state, if the people of Puerto Rico seek admission to the Union?
- (d) The special challenges of Native American justice. Tribal sovereignty: what it is, and what it must be in the 21<sup>st</sup> century.

### Chapter 5. Promising practices

5.1. Topic: examples of public and private efforts to promote racial reconciliation and racial justice

5.2. We need important changes in public policies and private practices to change the social and economic facts in people’s lives, but policy initiatives will founder and fail to command consensus unless build on a foundation of moral and political agreement. That kind of agreement requires that we feel more connected to one another, across our differences. So we need promising practices for how people can come together to improve understanding and, ultimately, to make a difference.

- (a) Criteria for making these judgments – although not every practice fits with every criterion :
  - Does it help build bridges across lines of class and color?
  - Is it action that improves people’s lives, or does it lead to such action?
  - Is it sustainable over time, and can it be used by others elsewhere?
- (b) The importance of effective dialogue
  - The work of the Advisory Board and its staff;

- Description of the guidelines for effective conversations on race, as developed by PIR staff in consultation with experts and practitioners
- (c) Examples of promising dialogue programs
  - Examples and descriptions from different sectors: government, business, the media, the faith community, education, nonprofit sector, etc. (Excerpting from the web site and from a separate, detailed backup volume we will publish)
    - City Year
    - Americorps
    - Search for Common Ground
    - Bell Atlantic, Levi Straus (?)
    - A World of Difference
    - Students Talking About Race (STAR)
    - Etc.
  - Unpromising practices: what doesn't work, and makes our problems worse

### 5.3. Establishing an ongoing program to recognize and replicate promising practices

- (a) Announce (pre-cooked) creation of a private program analogous to the Ford Foundation-funded Kennedy School program on Innovations in Government, which produces annual awards and publishes case studies

## Chapter 6. The record of this Administration

[Organized as historical narrative, rather than laundry list; programmatic details from NEC/DPC/agencies in an appendix. Presented to show debate and struggle (within the Administration and with Congress) over the conceptualization the Opportunity Agenda and the appropriate means; an overlay of debate about the role of government generally, and of the Federal government in particular.]

6.1. ....

6.2. ....

6.3. ...

## Chapter 7. A workplan for the nation over the next decade

[Workplan organized by sectors/subject matter; and including within each, federal, state, local, private and personal elements. To repeat: **This is not just about the federal government, and not just about government.**]

7.1. Education, employment and opportunity

- (a) Closing the opportunity gap in K-12 education
- (b) Closing the gaps in higher education and technical education
- (c) Leveling the economic development playing field, and affirmatively mitigating disincentives for job-creation in struggling communities.
- (d) Combating the twinned calamities of racial isolation and poverty concentration, in schools and in housing.
- (e) Building a stronger entrepreneurial class –initiatives in business formation and development (apart from government contracting programs, which deserve continued support to remedy discrimination where it exists).

#### 7.2. Antidiscrimination efforts

- (a) Improving enforcement -- federal and state, public and private
- (b) Data: authoritative time-series data measuring the extent of discrimination in various sectors and regions, using both statistical and “tester” methodologies

#### 7.3. Public safety and the administration of justice

- (a) The entitlement to a safe community
- (b) Just as we fund child nutrition to save lives, we must find a way to make the interventions needed to prevent the reckless or desperate turn to crime

#### 7.4. Health and Services

- (a) Health disparities
- (b) Initiative to assure equitable access to services

#### 7.5. Citizenship Civic Life

- (a) Voter registration and participation as civic obligation
- (b) Naturalization and immigrant integration
- (c) Understanding
- (d) The news and entertainment media – enormous power for good or ill; limited accountability to government because of the First Amendment, which if of course as it should be. But the media are accountable to us in a different sense, and have both rights and responsibilities. What are those in connection with the struggle for a racially just One America?
- (e) Bold initiative to expand/improve the teaching of history, viewing the study of history as instruction in dealing with difference; cf. NDEA/Sputnik.
- (f) Bold initiative to enlist the faith community in this work, tapping not just their resources in free basements and mailing lists, but their spiritual resources.

#### 7.6. Research needs

## **Chapter 8. Leadership**

- 8.1. I am issuing a call to action, appealing for the recruitment of a cadre of leaders from all sectors who will dedicate themselves to learning, teaching and practicing the difficult tasks of building One America for the 21<sup>st</sup> century.
- 8.2. A plan to sustain and expand the efforts now underway in communities and organizations around the country. I am assigning responsibility for nurturing this community-based engagement by explicitly challenging certain sectors, organizations and leaders.
- (a) Elected officials
  - (b) Faith community
  - (c) Corporate community
  - (d) Youth
  - (e) Educators
  - (f) Organized labor
  - (g) The media
  - (h) Others??
- 8.3. *In general terms*: Holding ourselves accountable for the quality of our leadership: creating effective watchdog and feedback mechanisms.
- (a) Strengthening the Civil Rights Commission and its state partners. A network of means to monitor the roles and activities of political leaders, corporate leaders, civic leaders, the media.

## **Chapter 9. Conclusion**

- 9.1. Reprise
- 9.2. Something about previous presidents – personalized examples of how some of them chose to move forward, and others didn't. Opportunities seized and squandered. Tragedies seeded or averted.
- 9.3. Something optimistic about the our ideals and our spirit.
- 9.4. Something about our standing in the eyes of the world, and in the judgment of historians. We must not be mere participants in the history of this struggle. We must be the authors of that history.
- 9.5. Something about our standing in the hearts of our children and grandchildren. What we owe them. We must lighten their burdens and brighten their futures, each and all.
- 9.6. Closing message: response to a letter from a grade school child; and a prayer.

# THE PRESIDENT'S REPORT TO THE AMERICAN PEOPLE: RACIAL AND ETHNIC JUSTICE FOR ONE AMERICA

Summary Outline

v.3

## **Introduction: One America in the 21<sup>st</sup> Century**

- Several challenges of preparing the nation for the 21<sup>st</sup> century; among them, racial and ethnic justice
- The core themes and vision, in summary (more detail in chapter 3, below)
- Personal context
- Some highlights of the report
- Appreciation to the Advisory Board, and the many people throughout the nation who responded to the call to engage in a national conversation on race
- This is not the end of our work.

### **1. Where is America on race, and where are we going?<sup>1</sup>**

- (a) Preliminaries: the "meaning" of "race"
- (b) Demographic history and trends
- (c) Disparities, socioeconomic indicators, economic mobility, opportunity measures
- (d) Discrimination: authoritative data using various methodologies -- How much discrimination is there?
- (e) Intergroup relations: how integrated are our lives, how have attitudes and stereotypes changed, etc.

### **2. Policy and racial justice // Equal Opportunity <sup>?</sup>**

- (a) What we know about the effects of key public policies and private practices on the state of racial justice today
- (b) The effects of race on our civic discourse: how race poisons politics and policymaking, overtly or subtly; examples of how *not* to address issues of opportunity, responsibility and community

### **3. Vision: Bill Clinton's vision of racial and ethnic justice in the 21<sup>st</sup> century, and why it is preferable to competing visions**

- (a) Seeking clarity about our value commitments and ambitions for One America
- (b) This pivotal section is an elaboration of the framework sketched in speeches and in the introduction to this Report

### **4. Wrestling lessons: What vexes us, and constructive engagement of our differences**

- (a) Modeling how we can face up to some of the hardest questions dividing us in an

<sup>1</sup> Summarizing and excerpting from detailed supporting NAS/NRC volume (forthcoming, spring 1999), and a companion overview by CEA..

- honest and constructive way (list to be developed)
  - (b) Applying the values and vision to address a few major issues (list to be developed); use and make reference to essays contributed on this topic by thoughtful people from a range of perspectives, under auspices of the Advisory Board
5. **Promising practices: examples of public and private efforts to promote racial reconciliation and racial justice, and some counterexamples of destructive practices<sup>2</sup>**
- (a) Criteria for making these judgments
  - (b) Examples from different sectors: government, business, the media, the faith community, education, nonprofit sector, etc. (Excerpting from detailed backup volume and web site.)
  - (c) Establishing an ongoing program to recognize and replicate promising practices
6. **A workplan for the nation over the next decade<sup>3</sup>**
- (a) Policy prescriptions building on the preceding sections, including action items for governments at all levels
  - (b) Practice prescriptions for private, voluntary, community and personal actions
7. **Call to Leadership**
- (a) Recruiting a cadre of leaders from all sectors who will dedicate themselves to learning, teaching and practicing the difficult tasks of building One America for the 21<sup>st</sup> century
  - (b) Involvement of public, private sector institutions; link to voluntarism and service

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<sup>2</sup> Summarizing and excerpting from detailed supporting volume and web site.

<sup>3</sup> Includes description of Administration accomplishments, policies announced during the race initiative. Discussion of relationship between race initiatives and the broader opportunity agenda. Sector-by-sector workplan – with thematic rather than programmatic emphasis. Clear measures and goals, and principles to guide us in pursuing them.

3/5/98

## ANALYTICAL AND OTHER TASKS IN SUPPORT OF THE PRESIDENT'S REPORT

<i>Chapter</i>	<i>Key supportive tasks (not book text)</i>	<i>Assignments</i>
1. <b>Report Card:</b> Where is America on race, and where are we going?	NAS/NRC studies	Rebecca Blank, Peter Rundlet, Lin Liu
	CEA overview chapter on social science	Rebecca Blank
	Attitudinal information	<i>Larry Bobo &amp; Ren Farley</i>
	Design of a time series "report card" for the nation	Lin Liu
2. <b>Policy Report Card:</b> How policy has historically (and presently) helped and hurt; how color influences policy discourse	Administration accomplishments to date; effects	DPC, NEC (Cabinet Affairs); CEA
	Significant recent State, Local & Private Sector Policies; effects	PIR staff, leveraging outside help
	Examples of policies, historically, and how they have helped or hurt	???
	<i>Food-for-thought</i> essays: How race poisons policy discourse	Edley
	Intellectual history of racial justice policy	???
3. <b>Vision:</b> Bill Clinton's vision of racial and ethnic justice in the 21 <sup>st</sup> century, and why it is preferable to competing visions	<i>Food-for-thought</i> essays from thinkers, leaders: conservative and progressive	Edley
	Speeches – past and current; compilation of key language and ideas	Waldman
	Essay on "One America" model of national identity	Blumenthal, Edley

<p>4. <b>Wrestling lessons:</b> What vexes us, and constructive engagement of our differences</p>	<p>Broad range of short <i>food-for-thought</i> essays by scholars, leaders, “regular folks”; <i>examples:</i></p> <ul style="list-style-type: none"> <li>• Bilingual education, identity, opportunity</li> <li>• Racial isolation in schools</li> <li>• Residential segregation</li> <li>• Nationalism and integration</li> <li>• Immigration</li> <li>• Native Americans and assimilation</li> <li>• Affirmative action</li> <li>• ... Etc.</li> </ul>	<p>Edley, Blumenthal</p>
<p>5. <b>Promising practices:</b> examples of public and private efforts to promote racial reconciliation and racial justice, and some counterexamples of destructive practices</p>	<p>Design screening mechanism/awards mechanism</p>	<p>Edley</p>
	<p>Refine web site and prepare publication</p>	<p>PIR/Liu</p>
	<p>Work with organizational partners</p>	<p>PIR/Wenger ???</p>
	<p>Draft descriptions of lead examples</p>	<p>PIR</p>
	<p>Destructive examples – identifying bad practices</p>	<p>???</p>
<p>6. <b>Workplan:</b> A workplan for the nation over the next decade</p>	<p>Federal initiatives -- near term budget and legislative</p>	<p>DPC/NEC/OMB</p>
	<p><i>Food-for-thought</i> essays by leading policy thinkers and distinguished current and former officials</p>	<p>Edley, Blumenthal</p>
	<p>Internal “Bold Ideas” exercise</p>	<p>Office of the Vice President</p>

7. <b>Leadership: Call to action</b>	Design of measure to recruit, train, deploy new leaders committed to building bridges across divisions of color and class. (Soldiers for Justice)	Edley, Winston
	Design connection between One America and voluntarism measures	DPC
	Language on service, leadership	Waldman??
8. <i>Other</i>	Analysis and Update on Kerner Commission	PIR/Lin Liu; CEA
	Solicitation, compilation and analysis of Congressional ideas	???
	<b>Compilation of informal recommendations and "findings" from members of the Advisory Board</b>	PIR, Edley
	<b>Compilation of papers/testimony received by the Advisory Board</b>	PIR

### Hard Questions

#### Goals:

- To demonstrate the President's leadership and commitment to lead public in race conversation at the broadest level on HARD questions
- President to serve as catalyst for further conversations to be lead by Advisory Board and other leaders
- To determine and announce policies and practices that could be could be strengthened

#### Process:

- Canvas past Presidential speeches on race to identify themes and issues that he has invited Americans to talk about
- Identify other tough questions and provide list of options to define agenda and message
- Quick research, analysis, and vetting on implications for discussing these tough questions
- Identify venues for these discussions
- Connect the dots - tie tough questions to concrete policy solutions - work with Cabinet agencies and DPC

#### Examples of tough issues:

- law enforcement discrimination, community needs, civil rights, profiling
- re-segregation, racial isolation, integration - costs and benefits
- Native American sovereignty? Special status
- is there cultural pathology in black and Hispanic communities?
- concept of merit and potential conflict with affirmative action
- class, not color
- problems with "color blind" vision
- red-lining, access to credit
- slavery and reparatons
- media and racial stereotyping
- national education testing and civil rights concerns
- schools and immediate impact of demographic changes
- aftermath of Hopwood and Prop. 209
- immigration, perception of competition and dilution of culture
- tolerance and support for language differences, bilingual education
- contemporary and institutional racism
- continued housing segregation, environmental racism

identity politics?

SD

#### Products:

- Policy announcement - coordinated with cabinet members
- Agenda for Presidential engagement and speeches
- Policy white papers
- Commissioned special essays by experts
- Field trips to spotlight particular issues
- Expert conferences and recommendations
- Define future research agenda - longer term

SD - 4 categories

Maximize

separate

non-seg

Don't

Ed by: test is - what illuminates diffts in values + perceptions?

Race initiative - report and  
hard questions

Edley draft, 10/5/97

## THE PRESIDENT'S REPORT TO THE AMERICAN PEOPLE

### CONTENT

1. Introduction & Summary
2. Report Card
  - a) demographics
  - b) disparities
  - c) discrimination
  - d) race relations
3. Policy & Race
  - a) effects of public policies on racial justice and the "report card"
  - b) effects of race on public and private policy & discourse
4. Vision — Clinton's Vision and Why it is Preferable to Others
5. Wrestling Lessons — Modeling Constructive Engagement on Hard Questions
6. Promising Practices — Public & Private
7. Call to Community, Challenge to Leadership

- *Back-up volume of essays, speeches and reports.*
- *Use backward mapping to set tasks for WH and Initiative staffs*

### PROCESS: Close and confidential; deliberative and collegial

1. confidential core group – the number you want in the Oval Office
2. confidential drafting team
3. inner and outer circles of friendly consultants/advisers
4. inner and outer circles for vetting
5. involve the Vice President
6. *hard issues go to POTUS, with advice; not mushed to death, by staff*

### TIMING:

1. Outline to POTUS each month from core group, progressively more detailed as to themes, etc.
2. Monthly meetings with POTUS to review outline, and to upcoming events
3. First outline to POTUS by October 30<sup>th</sup>?
4. Use outline process in combination with speeches to develop themes and bold concepts (which may or may not involve policy)