

THE WHITE HOUSE

WASHINGTON

March 4, 1997

LEADERSHIP CONFERENCE ON CIVIL RIGHTS MEETING

DATE: Friday, March 7, 1997
LOCATION: VP Ceremonial Office
TIME: 4:30 - 5:30 pm
FROM: Richard Hayes

I. PURPOSE

Your second meeting with the Executive Committee of the Leadership Conference on Civil Rights (LCCR) will offer you an opportunity to follow-up issues raised by the group in January and to continue a dialogue on other key policy issues. The meeting's second purpose is to introduce the President's new team at the Office of Public Liaison, who will be responsible for working with LCCR to carry out their agenda.

II. BACKGROUND

The Leadership Conference on Civil Rights is a "loosely" organized coalition of over 180 national organizations committed to the advancement of civil rights laws and policies. Founded in 1950 by A. Philip Randolph, Roy Wilkinson, and Arnold Aronson, LCCR represents minorities, women, labor, persons with disabilities, gays and lesbians, older Americans, and major religious organizations. Dr. Dorothy Height, President of the National Council of Negro Women, is LCCR's Chairperson and Wade Henderson, former Director of the Washington Office of the NAACP, is the Executive Director.

LCCR is the legislative arm of the civil rights movement, and should not be confused with the Black Leadership Forum (BLF), which consists of the leaders of the oldest and most influential civil rights and service organizations addressing the needs of the African-American community. The Honorable Joseph Lowery, President of the Southern Christian Leadership Conference, is BLF's Chairperson and Dr. Yvonne Scruggs, is the Executive Director. Membership of the two organizations overlaps to a small degree, but they are two separate and distinct groups.

You last met with LCCR on January 6, 1997, when they briefly presented their policy agenda for the 105th Congress, asked about the status of appointments in the second Clinton Administration, and presented you with a draft of their recently completed report on the rise of hate crime violence in the United States. You consented to holding this second meeting to further discuss their policy concerns. You also promised to follow-up on several issues they raised at the first meeting: (1) Employment Non-Discrimination Act; (2) INS disability and naturalization regulations; (3) White House conference on hate crimes and discrimination; and (4) second term appointments.

III. PARTICIPANTS

Event participants (Bios are included in Tab C)

Barbara Arnwine. Executive Director, Lawyers Committee for Civil Rights Under Law

Arnold Aronson. Chairprson. Leadership Conference Education Fund

Elizabeth Birch. Executive Director. Human Rights Campaign

Becky Caine. President. Leaque of Women Voters

Marty Corry, Federal Affairs Director, American Association of Retired Persons

Justin Dart, Chairman. President's Committee on Employment of People with Disabilities

Joe L. Ervin. Senior Policy Analyst, National Council of Senior Citizens

Matthew Finucane. President, Asian Pacific American Labor Alliance

Marcia Greenberger. President. National Women's Law Center

Penda Hair. Washington Regional Director, NAACP Legal Defense and Education Fund

Dorothy I. Height. Chairperson. Leadership Conference on Civil Rights

Wade Henderson. Executive Director, Leadership Conference on Civil Rights

Rebecca Issacs. Public Policy Analyst, People for the American Way

Elaine Jones. President. NAACP Legal Defense and Education Fund

Charles Kamasaki. Sr. Vice President, National Council of La Raza

Karen McGill Lawson. Executive Director, Leadership Conference on Education Fund

Judith Lichtman. President, Women's Legal Defense Fund

Harold A. McDougall. Washington Bureau Director, NAACP

Gerald McEntee. President. American Federation of State, County and Municipal
Employees

Laura Murphy. Washington Office Director, ACLU

Karen Narasaki. Executive Director, National Asian Pacific American Legal Consortium

Mark Pelavin. Associate Director. Religous Action Center. Union of American Hebrew
Congregations

Eula Tate. Legislative Representative, International Union, United Automobile Workers

Georgina Verdugo. Washigton Office Regional Counsel, Mexican American Legal
Defense and Education Fund.

Patricia Wright. Government Relations Director. Disability Rights Education and
Defense Fund

Raul Yzaguirre. President. National Council of La Raza

Nancy Zirkin. Government Relations Director. American Association of University
Women

IV. PRESS PLAN

Closed Press. Beverly Barnes will provide any additional information.

V. SEQUENCE OF EVENTS

- o You welcome participants, introduce new OPL team, and ask everyone else to introduce themselves.
- o Wade Henderson makes brief remarks regarding the purpose of today's meeting.
- o You make remarks, and report on the status of several issues: Alexis Herman and Frederico Pena nominations, balanced budget amendment, Employment and Non-discrimination Act, FY '98 civil rights enforcement budget, FDR memorial, affirmative action and personnel.
- o LCCR makes brief remarks about balancing the budget and the poor.
- o You ask Ken Apfel to respond.
- o LCCR makes brief remarks about welfare reform.
- o You ask Ken Apfel to respond.
- o LCCR makes brief remarks about immigration
- o You ask Steve Warnath to respond.
- o LCCR makes brief remarks about a White House Conferenc on Hate Crimes and Discrimination.
- o You ask Maria Echaveste to respond.
- o You close meeting, again thanking them for their support, and encouraging them to stay in close contact with Maria and her staff.

VI. REMARKS

Talking Points attached (Tab A)

VI. ATTACHMENTS

Additional background material (Tab B)

TAB A
ERSKINE BOWLES TALKING POINTS

1. INTRODUCTIONS
2. ALEXIS HERMAN AND FEDERICO PENA NOMINATIONS
3. BALANCED BUDGET AMENDMENT
4. EMPLOYMENT AND NON-DISCRIMINATION ACT
5. CIVIL RIGHTS ENFORCMENT BUDGET FOR FY'98
6. AFFIRMATIVE ACTION
7. FDR MEMORIAL
8. PERSONNEL
9. IMPACT OF BALANCED BUDGET ON THE POOR
10. WELFARE REFORM
11. IMMIGRATION
12. WHITE HOUSE CONFERENCE ON HATE CRIMES AND DISCRIMINATION

Tab A

ERSKINE BOWLES TALKING POINTS

1. INTRODUCTIONS

- ✓ I want to thank everyone for coming today.
- ✓ I have been looking forward to this meeting so that we could continue with the dialogue that we started when we met in January and began discussing some of your policy priorities and concerns, such as the status of appointments. I also promised to follow-up of on several issues, which I would like to briefly update you on this afternoon.
- ✓ Before doing that, I think we should go around the table and introduce ourselves. I am Erskine Bowles, Chief of Staff at the White House and with me today are a number of the senior White House staff, who will introduce themselves. I would like to begin by introducing the President's new team at the Office of Public Liaison who will carry on the work so ably done by Alexis Herman, who will soon be our next Secretary of Labor.
- ✓ Maria Echaveste, who I am sure many of you know, is already in place as Assistant to the President and new Director for Public Liaison. Ms. Echaveste joins the White House from the Department of Labor, where she was Wage and Hour Administrator. Before joining the Labor Department, Ms. Echaveste was Deputy Director of Personnel during the Clinton transition. Before that she worked as a lawyer.
- ✓ Also in place at OPL is another well-known supporter, Ben Johnson, whom we have promoted to the position of Deputy Assistant to the President and Deputy Director for Public Liaison. Mr. Johnson has been Special Assistant to the President and Associate Director in the Office of Public Liaison. Mr. Johnson served on the staff of the Mayor of the District of Columbia before joining the White House. He also served the District of Columbia government as Administrator of the Housing and Environmental Administration and as Administrator of the Business Regulation Foundation.
- ✓ Maria's other Deputy is also an old friend, Doris Matsui, who held the same position when Alexis was here.
- ✓ I also want to introduce Richard Socarides, who many of you already know. Richard has rejoined the White House staff as Special Assistant to the President and Senior Advisor for Public Liaison. He will work on gay and lesbian issues, among others. Richard is an attorney, had previously worked for Senator Harkin and was our White House Liaison at the Labor Department.

- ✓ The President and I both have a great deal of confidence in this new team and I encourage you to work closely with them in the future as they serve as the eyes and ears of the President. My door is always open to you, as are the members of my immediate staff, but I encourage you to call upon Maria and her team when you have issues of concern. I don't think you will be disappointed.

[Continue with introductions and make opening remarks.]

2. **ALEXIS HERMAN AND FEDERICO PENA NOMINATIONS**

- ✓ Before we start, I really want to thank all of you for the support you so generously provided on behalf of the President's nominee to be the next Secretary of Labor, Alexis Herman, and the next Secretary of Energy, Federico Pena.
- ✓ The White House has been working tirelessly for these nominees, and our effort -- along with your support -- is beginning to pay off. As you know, Senator Jeffords has set a hearing date of March 18 for Alexis and Mr. Pena's nomination was voted out of subcommittee yesterday and we expect it to be taken up by the full Senate in the near future. Both of these candidates are superb choices and I look forward to working with them as a member of the President's Cabinet.
- ✓ While I fully expect that we will be victorious, we are not completely out of the woods yet. As such, I ask you to continue your efforts. I certainly am.

3. **BALANCED BUDGET AMENDMENT**

- ✓ The President is very pleased that the Senate defeated the Balanced Budget Amendment earlier this week.
- ✓ The amendment could have caused or worsened recessions. It would have permitted a minority of legislators to hold the America's creditworthiness hostage, involved judges in spending and tax policy, and threatened Social Security and other benefits. The Balanced Budget Amendment was bad public policy, and Congress was right to defeat it.
- ✓ Now it's time to move onto the hard work of balancing the budget. The President wants to build on the spirit of bipartisanship we saw in Congress last year by reaching agreement on a balanced budget plan this year.
- ✓ He submitted a balanced budget plan to Congress last month, one that reaches balance in five years, while protecting investments in education and other critical

areas and giving working Americans targeted tax relief.

- ✓ I know you have some concerns about the impact of a balanced budget on the poor and we talk more about that in a minute. However, I want to assure you that that is not what the President intends or has proposed.

4. EMPLOYMENT AND NON-DISCRIMINATION ACT

- ✓ We at the White House appreciated the discussion at our last session about the Employment Non-Discrimination Act (ENDA).
- ✓ As you all know, both the President and Vice-President feel strongly about this legislation and personally talked to individual Senators last year leading-up to the historic 49 to 50 Senate vote.
- ✓ And I want to take this opportunity to thank LCCR for the leadership it has shown here. This is not easy stuff for a good number of people who would consider themselves quite fair minded. We believe, as you do, that the struggle for equal rights for gay and lesbian Americans is important. This effort is part of the last frontier of the civil rights movement and we applaud you for your leadership.
- ✓ Richard Socradies will be heading up our effort to put us over the top on this important effort. Last year he and George had the lead on our ENDA effort.
- ✓ I know he is already working with a number of you in putting the finishing touches on our initial plan around the ENDA roll-out, probably in April when I understand the legislation will be introduced in both houses of Congress.

5. CIVIL RIGHTS ENFORCMENT BUDGET FOR FY'98

- ✓ At January's meeting, we were not able to tell you how much of an increase the President was proposing for civil rights enforcement in his FY '98 budget, but we can happily do so today.
- ✓ Relative to FY '97 enacted, the President's FY '98 budget proposes a \$49 million, or 9 percent increase in budget authority for the major civil rights offices. Significant increases are proposed for nearly every agency. Among the highlights:
 - 26% increase for the U.S. Commission on Civil Rights (to \$11 million), including funding for a two-year national fact finding project on the extent and economic consequences of various forms of discrimination.

- 30% increase for fair housing activities at HUD (to \$39 million.)
- 16% increase for the Department of Labor's OFFCP (to \$69 million.)
- 11% increase for the Department of Education's Office of Civil Rights (to \$61 million.)
- 154% increase for SBA's 8(a) and minority small business programs (to \$17 million), reflecting primarily the increased workload for SBA in overseeing minority contracting in a post Adarand environment.

6. **AFFIRMATIVE ACTION**

- ✓ I wanted to say a few words about affirmative action, but not get into the substance of the issue today. Sylvia Mathews, on my staff, is heading up a White House workgroup that includes among others, Richard Hayes in the Office of Public Liaison, to implement the Justice Department's proposal to "mend, but not end affirmative action programs." As part of this effort, we have been working with Wade, Hill staff, and various outside interest groups to devise a proposal that is workable but that also comports with the Supreme Court's Adarand decision.
- ✓ You will be hearing more about this effort as we move forward with implementing this proposal and also such efforts as President Clinton executive Order launching an Empowerment Contracting program. This program will offer incentives for government contracting awards to businesses located in distressed communities or that hire residents living there
- ✓ We will also be working hard to reauthorize the Intermodal Surface Transportation Efficiency Act (ISTEA), and SBA 8(a) program, which expire this year. Both programs represent a major source of funds for women and minority-owned business engaged in government contracting.
- ✓ The main point I want to leave you with is that President Clinton remains committed to affirmative action and will work with you to protect these programs in the Congress and defend them before the courts.

7. **FDR MEMORIAL**

- ✓ I also want to say a few words about the FDR Memorial controversy that members of the disability community and others have raised.

✓ Last May, the President spoke out publicly on this subject, saying that he hoped the Memorial would show the American people, "that this great, great President was great with his disability."

✓ The FDR Memorial Commission has taken some steps to highlight FDR's disability in the Memorial including; displaying a replica of FDR's wheelchair, displaying two photographs of FDR in his wheelchair in the entry building, and including discussion of FDR's disability in the National Park Service handout literature.

✓ But the President is aware of the continued concern both within the disability community and beyond that the Memorial fails to depict FDR in his wheelchair. We look forward to working with you to find a solution to this issue.

8. **PERSONNEL**

✓ We are still plugging away on identifying people to join a second Clinton Administration. While we have not made as much progress as we would like, the President and I remain committed to having both the White House and the Cabinet look like America.

✓ I know that you have expressed an interest in several positions, and I don't want to get specific today with respect to where we are on filling those jobs, but your recommendations are important to me and the President and will be taken seriously as we move forward.

[Note: They are particularly concerned about three positions at this time: (1) Susan Daniels, who is disabled, for the Deputy Commissioner of SSA job -- Peg Clark in Presidential Personnel has interviewed here; (2) Bill Lee for Deval Patrick's old job -- he is the consensus candidate for the civil rights community; and (3) Eric Holder for Deputy Attorney General.]

9. **IMPACT OF BALANCED BUDGET ON THE POOR**

✓ Ask Ken Apfel to respond.

10. **WELFARE REFORM**

✓ Ask Ken Apfel to respond.

11. **IMMIGRATION**

✓ Ask Steve Warnath to respond.

12. **WHITE HOUSE CONFERENCE ON HATE CRIMES AND DISCRIMINATION**
✓ Ask Maria to respond

Tab B:

BACKGROUND MATERIALS

1. BALANCED BUDGET AMENDMENT CONSTITUTIONAL AMENDMENT
2. EMPLOYMENT NON-DISCRIMINATION ACT
3. CIVIL RIGHTS ENFORCEMENT BUDGET
4. FDR MEMORIAL
5. PROTECTING VULNERABLE AMERICANS WITHIN A BALANCED BUDGET
6. IMPLEMENTING WELFARE REFORM -- HELPING STATES MOVE PEOPLE FROM WELFARE TO WORK
7. IMMIGRATION
8. RECOMMENDATIONS: HATE CRIMES IN AMERICA

Tab B:

BACKGROUND MATERIALS

**1. BALANCED BUDGET AMENDMENT CONSTITUTIONAL AMENDMENT
THE PRESIDENT ALREADY HAS A DETAILED PLAN TO BALANCE THE
BUDGET IN 5 YEARS.**

Protect and Strengthen Medicare & Medicaid. Extend the life of the Medicare Trust Fund well into the next century. Protect the fundamental guarantee of health benefits for the disabled, nursing home residents, & strengthen health coverage for children.

- ✓ Invest in Education --our nation's number 1 priority for preparing for the next century.
- ✓ Strengthen environmental protections.
- ✓ Build on the Vice-President's efforts to make our government work better and cost less.
- ✓ Provide middle-class tax relief to pay for education, health care, to help raise a child and buy and sell a home.

BUILD ON PRESIDENT CLINTON'S RECORD ON DEFICIT REDUCTION.

- ✓ We have cut the deficit by 63% after it had quadrupled during the previous 12 years.
- ✓ We now have a smaller deficit as a share of GDP than any other major country in the world.
- ✓ FY98 budget builds on this progress and reaches balance by 2002 while investing in the future.

TAX CUTS FOR FAMILIES WHEN THEY NEED IT MOST.

The President's budget provides about **\$100 billion of tax cuts over the next five years** to help families raise their **children** (\$500 per child), Send them to **college** (\$1,500 HOPE Scholarship and \$10,000 tuition tax deduction), and Save for the **future** (penalty-free withdrawals from IRAs for education and first homes; tax-free savings for education through combined use of the tuition tax deduction and education IRA). It would also help families buy and sell their homes **by the exclusion of \$500,000 of capital gains** on the sale of the home: **Move from welfare to work with tax incentives to businesses, by**

allowing employers a 50% credit on the first \$10,000 of annual wages that they pay to long-term welfare recipients; and give tax incentives to boost **investment** in distressed areas and promote hiring of the economically disadvantaged.

PRESIDENT CLINTON HAS ALREADY CUT THE DEFICIT DRAMATICALLY

- ✓ **President Clinton Has More Than Cut The Deficit in Half.** When President Clinton took office, the deficit was a record \$290 billion. Last year, the deficit was \$107 billion - a 63% reduction in the four years the President has been in office.
- ✓ **The Deficit Exploded Between 1981 and 1986 under a Republican-Controlled White House and Senate.** The dramatic increase in the deficit occurred under a Republican-controlled White House and Senate -- the deficit nearly *tripled* in just three years, from \$74 billion in FY1980 to \$208 billion in FY1983.

According to Robert Bork, "The results of such an amendment would be hundreds, if not thousands, of lawsuits around the country..." [Senate Judiciary Committee Report accompanying S.J. Res. 1985.]

2. EMPLOYMENT NON-DISCRIMINATION ACT

- ✓ The Employment Non-Discrimination Act ("ENDA") would outlaw discrimination against gays and lesbians in the workplace.
- ✓ The President endorsed this legislation on October 19, 1995 in a letter to its chief Senate sponsor, Senator Kennedy and thereafter the Administration worked aggressively for its passage. It failed in a straight up or down vote in the Senate by one vote (50-49) on September 10, 1996. The Senate vote was historic; it was the first time a piece of free-standing civil rights legislation covering gay and lesbian Americans was brought to the floor of either chamber and the closeness of the vote was a result of personal appeals by both the President and the Vice-President to individual Senators.
- ✓ No member of the Senate who voted for ENDA and stood for re-election in 1996 was defeated. The House did not take action on ENDA in the 104th Congress and its prospects in that body during the 105th Congress are not as bright as in the Senate.
- ✓ The Administration's strong support for this legislation had the effect of blunting criticism from gay and lesbian supporters of the President's signature of the anti-gay marriage bill on September 20, 1996 (the marriage bill was passed in the Senate on the same day as the ENDA vote).
- ✓ During the campaign, on September 23, 1996, the President stated in a videotaped address: "I support the Employment Non-Discrimination Act -- we came very close to passing it in the Senate this year -- and I have asked Congress to do everything it can to pass it early next year." In his September 20, 1996 statement accompanying his signing of the marriage bill, the President called upon the next session of Congress to pass ENDA "expeditiously."

3. CIVIL RIGHTS ENFORCEMENT BUDGET

FY 1998 Funding for Civil Rights Agencies				
Budget Authority				
(dollars in millions)				
Agency	1996 Enacted	1997 Enacted	1998 Request	% Chang. 1997-199
U.S. Commission on Civil Rights	8.8	8.7	11.0	26%
Equal Employment Opportunity Commission	233.0	240.0	246.0	3%
Department of Housing and Urban Development, Fair Housing	30.0	30.0	39.0	30%
Department of Justice, Civil Rights Division	62.6	62.4	65.5	5%
Department of Labor, Office of Federal Contractor Compliance	56.2	59.0	68.7	16%
Department of Education, Office for Civil Rights	55.0	55.0	61.2	11%
Department of Health and Human Services, Office of Civil Rights	19.7	19.5	20.5	5%
Department of Transportation, Office of Civil Rights	5.6	5.6	5.6	0%
<i>Civil Rights Enforcement Agencies</i>	470.9	480.2	517.5	8%
Department of Commerce, Minority Business Development	32.0	28.0	27.8	-1%
Small Business Administration, 8(a) and 7(j) Programs	6.2	6.5	16.5	154%
Department of Labor, Women's Bureau	7.7	7.7	7.6	-1%
Department of Labor, Directorate of Civil Rights	4.5	4.5	4.5	-0%
Department of Transportation, Minority Business Resource Center	2.9	2.9	2.9	0%
Department of Justice, Community Relations Service	8.6	5.3	7.5	41%
<i>Civil Rights Non-Enforcement Agencies</i>	61.9	54.9	66.8	22%
<i>Total Civil Rights Funding</i>	532.80	535.1	584.3	9%

Note: table does not include \$4.5 million in funding for the surveys of minority and women-owned business enterprises (SMOBE/SWOBE). These surveys will provide the data needed to defend the Administration's affirmative action procurement policy in a post-Adarand environment.

4. FDR MEMORIAL

- ✓ A decision memo is pending on whether the President should speak out on the FDR Memorial controversy and recommend to the FDR Commission that another statute be commissioned depicting FDR in his wheelchair.
- ✓ The President serves as Honorary Chair of the FDR Memorial Commission, which was authorized by Congress in 1955 to oversee the design of the FDR Memorial. During the past two years, the Commission has been criticized because the design does not depict FDR as a man with a disability. The Commission, chaired by Sen. Inouye (D-HI), has invited the President to speak at the FDR Memorial dedication on May 2, 1997. The disability community, which is dismayed that the statutes at the Memorial fail to depict FDR in his wheelchair, is planning a protest at the ceremony.
- ✓ The Roosevelt grandchildren are split on the subject. Curtis Roosevelt, in a letter to the Commission said, "Let me say quite emphatically that FDR would have been very disturbed. He was a very private person..." But Arnie Roosevelt, on behalf of herself and seven other grandchildren wrote, "Were he alive today we are convinced that he would wish to have the people of this country and the world understand his disability. He would be comfortable, possibly eager, in light of current increased understanding of disability issues, to share awareness ... While we wish no delay in the construction of the proposed memorial we urge adequate inclusion of all facets of the man as he was, not as some think he ought to have been."
- ✓ Senator Inouye, a disabled veteran from WWII, member of the Commission for the past 25 years, and current Chair of the Commission, has strongly opposed including a sculpture of FDR in a wheelchair. He stated, "I for one would not want to redo history. FDR was Commander-in-Chief of the greatest fighting force in the world and he wanted to be viewed as a strong leader. I would hate to see the man exploited after he was dead." But national opinion leaders, including President Bush, President Ford, Doris Kearns Goodwin, Hugh Sidey, George Will, and Maureen Dowd have voiced strong support for including FDR's disability in the Memorial. A Harris poll indicates that 73% of Americans said the Memorial should include "visible recognition of FDR's disability."
- ✓ In response to a weekly report from Interior on February 21 alerting him to the controversy, the President wrote, "They should have one in a wheelchair. Should I speak out on it." During the spring of 1996, in response to a memo from Carol Rasco on the subject, the President stated, "I agree...FDR was for continuous forward movement. In today's world, I think he would insist on being shown in his wheelchair." In May 1996, the President spoke out publicly on this issue in a speech to the President's Committee on Employment For People With Disabilities by stating, "I hope with Christopher Reeve, that as the Roosevelt Memorial becomes a reality, with your efforts to remove the stigma of disability, they'll find a way to make sure that the American people know that this great

great President was great with his disability.”

- ✓ The decision memo recommends that the President participates in the Memorial Dedication Ceremony on May 2, but calls upon the FDR Commission to design and incorporate into the Memorial a fourth statue of FDR in his wheelchair by a specific date.

5. PROTECTING VULNERABLE AMERICANS WITHIN A BALANCED BUDGET

From providing a second-chance to out-of school youth in the inner cities, to providing Medicaid benefits to disabled immigrant children, to helping children without families find a loving adoptive home -- the President's 1998 budget includes proposals to assist those Americans who may need the most help, but are often overlooked.

- ✓ **Welfare Reform.** As the President promised when he signed the welfare reform bill into law, the 1998 budget proposes to moderate overly harsh provisions that are not true welfare reform. Within a balanced budget, the President proposes investments of \$18 billion through FY2002 to moderate the impact of the harsh provisions.

The new welfare law makes deep cuts in Food Stamps that disproportionately affect those with high housing costs -- especially families with children. As the cost of living increases, these families' real benefits will erode -- forcing them to choose between paying the rent and eating. To help families with high housing costs, the President proposes to consider the full amount of their housing costs and to restore the link between benefits and rising living costs for all recipients.

The new welfare law also denies fundamental safety net programs to legal immigrants -- even though they are in the United States legally and are making every effort to become productive members of society. It makes short-sighted cuts barring immigrant children and immigrants who become disabled from cash and medical assistance. The 1998 budget proposes to revise the law so that legal immigrant children and legal immigrants who become disabled after entering the country are eligible for SSI and Medicaid benefits.

The 1998 budget also proposes to restore Food Stamps for those who actively seek work, but cannot find a job and for whom the State does not provide a work or training opportunity.

- ✓ **Adoption Initiative.** The Administration proposes a new initiative to move children more rapidly from foster care to safe, permanent homes. We want to double, by the year 2002, the number of children adopted or permanently placed annually. We propose making incentive payments to States that increase adoptions from the foster care system. The budget also includes \$21 million to reduce barriers that delay permanent placement of children and provide technical assistance and disseminate information to States.
- ✓ **Youth Opportunity Areas.** Recognizing the special problems of out-of-school youth, especially those in inner-city neighborhoods where jobless rates can exceed 50 percent, the 1998 budget proposes \$250 million for competitive grants to selected high-poverty rural and urban areas to raise overall youth employment levels.

11TH STORY of Level 1 printed in FULL format.

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SECTION: ECONOMY; Pg. D1

LENGTH: 670 words

HEADLINE: Patrick lands with Day Berry;
Former US civil rights official back in Boston, new partner at Hartford-based law firm

BYLINE: By Maria Shao, Globe Staff

BODY:

Deval L. Patrick, newly returned to Boston from his post in Washington as the nation's top civil rights enforcer, will become a partner at the law firm of Day Berry & Howard.

Patrick, 40, who served for three years in the Clinton administration as assistant attorney general for civil rights, is joining the Boston office of Day Berry, a Hartford-based firm that bills itself as one of the five largest in New England.

"I'm very excited about the next phase of my professional life, and I'm thrilled again to be home with my wife and kids," said Patrick, who had been commuting between Boston and Washington. "I'm looking forward to different kinds of challenges and some decompression."

The new job marks the attorney's second go-round in Boston's downtown legal community. Patrick, who rose to national prominence from an impoverished childhood on the South Side of Chicago, practiced law for eight years at Hill & Barlow following graduation from Harvard College and Harvard Law School.

He left Hill & Barlow for the Justice Department where he became head of the civil rights division after President Clinton's first nominee, Lani Guinier, was forced to step aside amid controversy over her writings on racial quotas.

In November, Patrick said he would leave the administration, citing a desire to return to Milton to join his wife and two daughters and the financial beating he took while working in government.

At Day Berry, Patrick will be a litigator, advising companies in employment, disability, fair lending and other civil rights matters. He also will work in the firm's recently expanded government investigations practice group.

Indeed, there may be a sort of role reversal. As a Justice Department official, Patrick was likely to oversee lawsuits alleging civil rights violations. Now, he'll more likely be defending corporate clients in civil rights and other matters.

"I'm going to wear an old shoe - like the shoe I wore in private practice before. I expect it to be a very broad and varied practice," he said.

The Boston Globe, January 31, 1997

Day Berry, founded in Hartford nearly 80 years ago, has 225 attorneys in Hartford, Boston and Stamford, Conn. Its Boston office, opened in 1981, has 50 attorneys.

"He could have joined any firm. We are delighted that he is joining us," said Lawrence Tafe, managing partner of the firm's Boston office. "When you can attract someone of the caliber of Deval Patrick . . . you can make strides in terms of the visibility of the firm in Boston and future growth."

Asked why he didn't rejoin Hill & Barlow, where he had been a partner, Patrick said: "The reach of my practice will be different than at Hill & Barlow. I was looking for more of a national practice than I had before."

Patrick is said to have talked with numerous downtown firms, including Brown Rudnick Freed & Gesmer; Choate Hall & Stewart; Foley Hoag & Eliot; Goulston & Storrs; and Ropes & Gray. Patrick declined to reveal firm names, saying only that he received offers from five firms. "Certainly, it's a handsome figure," he said of Day Berry's offer.

He said he picked Day Berry because of its support for his remaining active in public life and its decision to hire him as a full partner with an equity stake in the firm. "They have been incredibly supportive of my continuing to have public involvement. They have a vision that extends beyond Route 128," he said.

Patrick will have other commitments besides practicing law. He recently was named a "distinguished visiting professor" at Stanford University Law School in California, where he will teach a civil rights course two mornings a week for the spring semester. Next month, he will visit South Africa to consult with that country's government on drafting civil rights legislation. And he may play a role in the implementation of a recent settlement of a racial discrimination lawsuit at Texaco Inc.

The attorney lives with his wife Diane Bemus Patrick, an attorney at Ropes & Gray, and their two daughters, Sarah, 11, and Katherine, 7.

GRAPHIC: PHOTO, Deval Patrick

LANGUAGE: ENGLISH

LOAD-DATE: January 31, 1997

March , 1997

TO: ELENA KAGAN
FROM: Stephen Warnath
Subject: Civil Rights

INTRO

OUTLINE OF FORMS

LEGISLATION

FITTING INTO THEMES & STATEMENTS

WHO INVOLVED -- Special counsel etc.

INTRODUCTION

As we discussed, rightly or wrongly, the Administration is starting to be perceived as viewing affirmative action as the sole component of a full civil rights agenda. This perception is While establishing and implementing affirmative action policy properly held the Administration's attention for the past year and the work is not done, there is likely to be increasingly vocal criticism of our work regardless of what we do on affirmative action unless the other aspects of addressing civil rights issues are given equal and concurrent attention.

One example is employment discrimination against those who look or sound "foreign." While this has always been a concern, this concern has been heightened significantly recently for many U.S. citizens (an other legal workers) because the immigration bill established document and computer worker checks in at least five large states without any explicit statutory protections against discrimination (or privacy) violations. In fact, the bill essentially gutted the ability to demonstrate discrimination by changing present law to require a showing of intent to discriminate..

Concern about age discrimination grows as baby boomers advance past the age protected.

As you requested, I am writing this memorandum to outline some of the other areas that the White House must lead in addressing to be viewed as advancing a credible civil rights agenda, not just a credible affirmative action implementation plan.

TITLE VI

Title VI of the Civil Rights Act of 1964 prohibits actions that have the effect of discrimination on the basis of race, color, or national origin. Under title VI, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The underlying principle is that federal funds should not be used to subsidize discrimination. Approximately 30 Federal agencies provide Federal financial assistance in the form of funds, training, and technical and other assistance to State and local governments, and non-profit and private organizations. In calling for its enactment, President Kennedy identified "simple justice" as the justification.

An example of this would be in benefits. HHS Civil Rights Office

NATIONAL ORIGIN DISCRIMINATION AND IMMIGRATION-RELATED UNFAIR EMPLOYMENT PRACTICES

This is where a lot of attention will be paid. Citizens and other legal workers are protected from employment discrimination on the basis of national origin and citizenship status.

Language and accent discrimination, including speak-English-only rules in the workplace

VOTING RIGHTS

PROP 209 -- Any Administrative actions required?

EDUCATION

The big debate is in affirmative action and educational opportunity. However, in addition, educational opportunity and the ability to achieve one's own god-given potential should be explored in a broader civil rights context as well. A broader link should be explored between education and communities at the intersections of race and poverty -- racially segregated and poor. Racial and economic segregation that persists in our schools and communities -- harm to our children link between housing and education problems.

RACE AND GENDER RELATIONS -- POTENTIAL FISSURES IN THE DEBATE

Some may try to exploit and

Opportunity, Affirmative Action and Immigration

Many are predicting that while proposals to cut legal immigration were dropped from the Republican Congressional agenda for this year following the election, those proposals are likely to be considered next year. As the Administration continues work on the affirmative action issue, it should bear in mind that one of the arguments that is made against legal immigration is that immigration should be cut because it hurts African Americans. This divisive issue

Sexual Harassment and the Military

NAACP

race, ethnicity of doctors correlated with whether they served poor, minority and Medicaid populations -- a stronger correlation than just socio economic disadvantage

Ezs/ECs -- economic empowerment etc.

Follow-up on Environmental Justice

committed to creating opportunity
fight discrimination
every department to develop, implement and enforce

Race and the criminal justice system -- enforcement, jury disparate punishment etc.
Building greater trust between law enforcement and minority communities
ATF "Good Ol' Boy Roundups"
Encouraging diversity in law enforcement

English-Only

IMMIGRATION

Employer Sanctions, Employing Legal Workers, (& possibly Welfare Reform) -- The INS and the Commonwealth of Virginia have an agreement
Exploring expanding to other States. An event could be based on this.

Access to Justice

The DPC has been working with the Department of Justice and the American Bar Association to put together an initiative to encourage and train volunteer lawyers to represent immigrants and improve access to justice for immigrants. This could include a range of matters from welfare to detention of asylum-seekers issues. This also is interagency because there would be a training component that would include, e.g. HHS, SSA, and the Department of Agriculture. The Attorney General and the ABA are very committed to this, but no public announcement has been made. We propose to have an event for the President to announce this. There might also be able to be an accompanying President's Memorandum.

Federal Contractors & Sweatshops Executive Order

Consider issuing an Executive Order that federal contractors and any subcontractors that they rely upon can not utilize sweatshop labor. Explore debarment as one sanction for violation.

The Sweatshop Report will be issued

4. Immigration and Women's Issues -- Violence against Women

5. Immigration, EZ/ECs, and Urban Economic Renewal

Many neighborhoods throughout the country have been economically revitalized by immigrants. The President or Vice President could visit one of these neighborhoods. An option would be to select an immigrant neighborhood that is in the process of renewal that has been designated as an EZ/EC to highlight the public/private partnership.

Employer Sanctions

Consulted with Kennedy who is ready to run with this on the Hill. Republicans have resisted.

Department of State & overseas checks for criminals & terrorists with new technology

Anti smuggling

Because the Southwest border has been tightened, illegal crossers must depend more heavily on smugglers (or "coyotes") for assistance in getting across the border. Because of this, the Administration is putting more emphasis on anti-smuggling initiatives. While these enforcement initiatives are directed at smugglers of people, it obviously ties into anti-drug efforts as well. Recent steps being taken include: We could highlight this with an Oval Office briefing from the Border Patrol officers, similar to the border briefing that the President received _____

Removals -- IHP or County Jails

INS has been doing a lot with removal of criminal aliens right after they have finished serving their sentence. option would connect to the County Jail

Detention increase for criminal aliens to facilitate deportation rather than release. E.g.

May be packaged with a governor's clemency and deportation initiative for nonviolent

Executive Order implementation -- knowing hires by federal contractor.

Immigration, the Global Economy, and Local Jobs

The President and /or Vice President could visit one of the country's successful high technology firms founded by an individual who immigrated to this country which epitomizes the economic and social contribution of legal immigrants. The economic angle would be both international because the firm would represent the forefront of new technology and local because the firm would have created jobs for a number of individuals.

Visa Overstayers initiative package:

worksite

Adopted Childrens Naturalization Ceremony in the Rose Garden

entry/exit controls
students

CIVIL RIGHTS

Women in College Athletics

Title IX requires equal athletic opportunity be provided to women in athletics.

June 23rd 20th Anniversary

Hate Crimes/ Interethnic and Religious Violence and Intolerance

Mediating Community Fissures -- The Department of Justice's Community Relations Service, which was create in 1964 as part of the Civil Rights Act, to seek out "community confilcts based on race, color, ethnicity or national origin" and to help the partice resolve their disputes outside the courthouse. Recent matters that the CRS has intervned in include:

Church burnings:

Destruction and Desecration
Overseas -- Sexual Harassment

Sexual harassmt in companies that have offices in other countries. President could issue a directive that federal contractors

Disability Discrimination - ADA

Brown v. Board of Education

May 17th is the Anniversary of Brown v. Board of Education

Age Discrimination

Fighting Discrimination at the Department of Agriculture/ & Minority Farmers

On the Hill, Dems trying to reestablish the Childrens' Caucus Johnson from Houston.

English-Only

January 3, 1995 -- 3:00 p.m.
Civil Rights Working Group
List of Names and DOBs

U.S. Department of Justice

Deval L. Patrick
Assistant Attorney General
Civil Rights Division

DOB - P6/(b)(6)

Helaine Greenfeld
Special Assistant to the
AAG

DOB - P6/(b)(6)

Isabelle Pinzler

P6/(b)(6)

Equal Employment Opportunity Commission

Gil Casellas
Chairman

DOB - P6/(b)(6)

Ellen Vargyas
General Counsel

DOB - P6/(b)(6)

Claire Gonzales

DOB - P6/(b)(6)

U.S. Department of Health and Human Services

Dennis Hayashi
Director of the Office for Civil Rights

DOB - P6/(b)(6)

U.S. Department of Housing and Urban Development

Roberta Achtenberg
Assisatnt Secretary for
Fair Housing and Equal Opportunity

DOB - P6/(b)(6)

MICHAEL LEVY

P6/(b)(6)

U.S. Department of Transportation

Tony Califa
Director of Civil Rights

DOB - P6/(b)(6)

Burton Taylor
Deputy Director of Civil Rights

DOB - P6/(b)(6)

U.S. Department of Education

Judy Winston
General Counsel

DOB - P6/(b)(6)

Susan Craig
Assistant General Counsel for the
Division of Educational Equity

DOB - P6/(b)(6)

Norma Cantu
Assistant Secretary for Civil Rights

DOB - P6/(b)(6)

Brian Ganson

DOB - P6/(b)(6)

Raymond Pierce

DOB - P6/(b)(6)

MEMORANDUM

FROM: Dennis Hayashi, Director, Office for Civil Rights,
HHS
Susan Liss, Deputy Assistant Attorney General,
Office of Policy Development, Department of
Justice

SUBJECT: Summary of First Interagency Work Group on
Interethnic Violence and Tension

The interagency work group on interethnic violence and tension held its first meeting on June 21, 1994. Representatives from the Vice President's Office, Justice, HUD, and HHS attended.

Dennis Hayashi, Director of the Office for Civil Rights at HHS and Susan Liss, Deputy Assistant Attorney General in the Office of Policy Development at DOJ headed the meeting. They opened up with an overview of the origin of the group and the direction that they anticipated it would take, as articulated in the background document distributed before the meeting.

Many issues were raised with regard to the problem of interethnic tension and violence, along with information about existing research and resources available within the different departments. Issues and ideas raised and information included the following:

- The need for federal intervention in major interethnic disputes because of the lack of resources and commitment of municipal and county agencies.
- The possibility of placing more emphasis on investigation and resolution of racial disputes through community policing.
- Utilizing existing resources within HUD, Justice and HHS, such as the Community Relations Service to address the issue.
- Increased attention to the problems facing Native

Americans on and off the reservation.

Additionally, the following research is being or has been conducted:

The National Institute of Justice has produced or is in the process of producing the following research:

- An ongoing study of victimization against immigrant groups in Miami and New York.
- A 1987 study with the National Organization of Black Law Enforcement (NOBLE) to examine police intervention with hate crimes. This study resulted in training handbook.
- A review of hate incidents and their impact on victims in New York City and Baltimore, where there are strong anti-hate crime units. Victims were interviewed, and comparisons were made between hate crime victims and other crime victims.
- A study of ethnic tensions in the work place.

The Office of Juvenile Justice Delinquency Prevention (OJJDP) is conducting the following research:

- A hate crime study, expected to be completed in September 1994.
- A study on the disproportionate number of minority youth in confinement.

The issue of whether the group was going to focus on prevention or law enforcement was raised. It was agreed that prevention would be the primary focus with the recognition that effective law enforcement is a prevention mechanism.

By agreement, the next meeting will finalize goals and timetable for the group, and group work assignments will be made.

Bias a Perennial Crop for Black Farmers

Lawsuits and Complaints Blame USDA for Foreclosures, Dwindling Ranks

By Michael A. Fletcher
Washington Post Staff Writer

BASKERVILLE, Va.—After years of searching for a way to give up welding and get into farming full time, Willie L. Crute Jr. thought he had finally hit pay dirt.

Perdue Farms was recruiting farmers to raise chickens, an opportunity that Crute knew could enable him to turn a comfortable profit working 385 acres here in the rolling meadows of southern Virginia.

But Crute, 38, says his dream was shattered by the federal agency established to help keep farmers in business. He says the Department of Agriculture deliberately delayed his application for a \$119,000 loan to finance a new poultry house simply because he is black. The charge has been upheld by federal officials.

Crute is among hundreds of black farmers who have filed administrative complaints or lawsuits charging that USDA loan officials discouraged, delayed or rejected their loan applications because of their race. In many cases, the charges have been acknowledged by top USDA officials.

The farmers say such discrimination is a major reason that the nation's already tiny corps of black farmers is dwindling at three times the rate of farmers nationwide. Some call USDA "the last plantation."

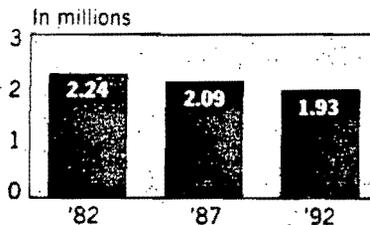
"It's hard enough to make a living farming without adding discrimination to your problems," said John W. Boyd Jr., who faces foreclosure on his 173-acre Baskerville farm because of problems with USDA-administered loans. "It's not just one farmer here and another one there; it's happening all over."

The discrimination, department officials say, is not overt or blatant. Instead, it unfolds in a sprawling, decentralized bureaucracy, the cumulative result of hundreds of decisions made by USDA supervisors in 2,500 state, district and county offices across rural America. While business reasons are invariably cited, the net result is that black farmers wait far longer for loan decisions, and are far more likely to be rejected for loans, than their white counterparts.

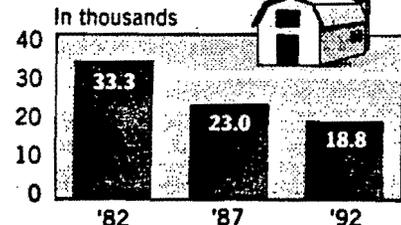
Government studies show that minority farmers are underrepresented on the local committees that make loan decisions, particularly in the South. One internal USDA probe found that local officials were "rude and insensitive to black farmers," that their projected crop

FEWER FARMS

While the number of U.S. farms fell 14 percent in a decade ...



... the number operated by blacks fell 43 percent.



SOURCE: U.S. Agricultural Census

BY JOHN ANDERSON—THE WASHINGTON POST

yields were calculated differently from those of white farmers and that blacks were sometimes rejected because of "computation errors." The Civil Rights Commission, which studied the problem in the 1980s, said black farmers believe they "are subjected to disrespect, embarrassment and humiliation" by USDA officials.

Boyd, president of the National Black Farmers Association, is leading a demonstration at the White House on Thursday in an effort to publicize the issue. In anticipation of the protest, Agriculture Secretary Dan Glickman yesterday ordered his inspector general to investigate the department's huge backlog of discrimination complaints. Glickman also said he plans to hold a "national forum" on the issue early next year.

"I am committed to creating an environment in which every customer who comes to one of our offices is treated fairly, effectively and efficiently," he said.

Glickman's statement did little to please members of the black farmers association, which is demanding that foreclosed farms be returned, pending foreclosures suspended and damages paid to farmers who have suffered discrimination. "The department has acknowledged discrimination, but they have not paid anyone to compensate for it," Boyd said. "They have not settled any of the cases."

Tom Amontree, a USDA spokesman, said some discrimination findings have prompted the firing or demotion of local officials, although he could not provide numbers.

The farmers' charges come just months after the department's Coalition of Minority Employees accused the agency of widespread racial discrimination. Lawrence Lucas, president of the coalition, said that the 90,000-person federal agency has been hit with "many class-action lawsuits and a host of individual discrimination actions" by employees.

cont. 2

Financing is the lifeblood of farming, whose practitioners generally take out large loans, based on the next crop, to cover their considerable operating expenses. Farmers who cannot obtain financing face bankruptcy, and the USDA is the lender of last resort for those shut out of the private credit market.

Last week, Grant Buntrock, administrator of the Farm Service Agency, which succeeded the old Farmers Home Administration, admitted there has been discrimination in the department's loan programs.

"We recognize there have been instances of discrimination in responding to requests for our services in the past, and we deplore it," he said in a statement. Buntrock added that the agency is intensifying its civil rights compliance and loan outreach efforts to farmers.

Crute's problems are typical. His loan was granted in January 1994—a full year after he began his application. By then, the opportunity with Perdue had passed. "That was my ticket," said Crute, who sued the department last summer. "And they caused me to lose it."

In making a discrimination finding in Crute's case, USDA investigators said that white farmers in his county

typically waited 84 days for loan decisions, while black farmers had to wait an average of 222 days. Investigators also found that 84 percent of the white applicants had their loan applications approved, while only 56 percent of the black applicants were granted loans.

For years, farm advocates, federal civil rights officials and some members of Congress have cited discrimination in the USDA's huge loan programs as a major factor in the disappearance of many of the nation's black farmers. Between 1982 and 1992, the number of black farmers in the United States dropped by 43 percent, from 33,250 to 18,816.

A 1990 House committee report said black farmers are on the verge of extinction. At the time, blacks made up roughly 1 percent of the nation's farmers and were disappearing at a rate almost five times greater than whites.

The report cited a lack of technical training among black farmers, the tendency of blacks to own much smaller, less efficient farms and a declining interest in farming among young blacks. But it also pointed to problems with programs to ensure fair treatment of minority farmers.

Over the years, black farmers have complained that they were denied the opportunity to submit loan applications, that their loan amounts were almost always smaller than what was requested and that repayment schedules were often accelerated without explanation.

The discrimination continues despite a slew of USDA programs aimed at stamping it out. The agency has given civil rights training to managers. A small loan program for socially disadvantaged farmers has been started, and the agency has contracted with historically black colleges and local nonprofit groups to spread the word. But USDA officials acknowledge that these efforts have had little impact.

In counties with at least a 20 percent minority population, USDA has added a minority adviser to the three-member local committees that make recommendations on loan applications. Nonetheless, farmers say the discrimination persists.

"Every case you run into is basically the same, because you're confronted with the same good-old-boy network," said Tim Pigford, who worked 350 acres in Riegelwood, N.C., before his home was sold from under him last year after he was refused new federal loans. "That's why they call the Department of Agriculture the last plantation."

Sylvester Warren, 72, a father of 14, has raised peanuts, cotton, soybeans and corn on his 240-acre farm in Southampton, Va., for half a century. For years he received private financing—until he complained about a teacher's refusal to seat a white child next to his daughter at a local elementary school in 1970. Soon afterward, the bank called his loan.

Without private financing, Warren turned to the USDA. The government gave him operating loans until 1985 when, he says, he was unfairly cut off because his county supervisor suddenly determined that his crop plan "wasn't feasible."

Since then, Warren has struggled to keep the farm going. His loan discrimination complaints against the department have been pending for four years without a decision. Meanwhile, his children pitch in to pay for equipment and help do the paperwork for their father, who cannot read or write.

"One thing I know how to do is farm," Warren said. "Nobody can tell me I can't do that. I would love for my children to take this over, but if they look at what I'm going through, I can't blame them if they want to do something else."



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

FAX TRANSMITTAL SHEET

Date: 11/22/94

TO: Name Steve Warnath
Organization
FAX Phone # 456 7028
Office Phone #

FROM: Name Helaine Greenfeld
Organization
FAX Phone #
Office Phone # 514-6860

SUBJECT: Here's the lunch list
and the missing agencies -
H

Number of pages transmitted (including this sheet) 3
(max. trans. 30 sheets)

- Old List -

LIST OF PARTICIPANTS FOR INTERAGENCY CIVIL RIGHTS LUNCHEON AT THE OFFICE FOR CIVIL RIGHTS, U.S. DEPARTMENT OF EDUCATION
330 C ST S.W., RM 5000

White House

Bill Galston Deputy Assistant to the President for
456-5390 Domestic Policy

U.S. Department of Justice

Deval Patrick Assistant Attorney General
514-2151

Equal Employment Opportunity Commission

Gil Casellas Chairman for E.E.O.C.
663-4002

U.S. Department of Health and Human Services

Dennis Hayashi Director of Office for Civil Rights
619-0403

Omar Guerrero Deputy Director
619-0403

U.S. Department of Agriculture

David Montoya Director of Office for Civil Rights
720-5212 Enforcement

Jetie Wilds Deputy Director

U.S. Department of Housing and Urban Development

Paul Williams Deputy Assistant Secretary for Fair
708-4252 Housing and Equal Opportunity

Roberta?

U.S. Department of Transportation

Tony Califa Director of Civil Rights
366-4648

Burton Taylor Deputy Director
366-4648

456 5576

7028 f.

U.S. Department of Education

Judy Winston
401-6000

General Counsel

Susan Craig
401-6000

Assistant General Counsel for the Division
of Educational Equity

Norma V. Cantu
205-5413

Assistant Secretary for Civil Rights

Raymond Pierce
205-9556

Deputy Assistant Secretary

Art Coleman
205-5413

Senior Policy Advisor to the
Assistant Secretary for Civil Rights

+ OMB

Chris Edley

+ Treasury

+ Commerce

+ Interior

+ Labor

+ Veterans Affairs

+ EPA

+ Assis. to POTUS - Econ. Policy

+ Public Liaison

+ Commiss. on CRTs.

PRINCIPLE THAT DRIVES US TO PROHIBIT DISCRIMINATION AGAINST PERSONS WITH DISABILITIES.

IN SHORT, WE MUST INVEST IN EACH OTHER'S CIVIL RIGHTS.

SO WHEN A SELF-ADVOCATE STANDS UP FOR THE CHANCE TO LIVE INDEPENDENTLY IN HIS COMMUNITY, HE STANDS UP FOR ALL OF US. WHEN A PARENT OF A CHILD WITH MENTAL RETARDATION STANDS UP FOR AN INTEGRATED EDUCATION FOR HER CHILD, SHE STANDS UP FOR ALL OF US. WHEN AN AFRICAN AMERICAN STANDS UP FOR THE RIGHT TO FAIR HOUSING, HE STANDS UP FOR ALL OF US. WHEN A LATINA STANDS UP FOR THE RIGHT TO ELECT THE CANDIDATE OF HER CHOICE, SHE STANDS UP FOR ALL OF US. WHEN A JEW STANDS UP AGAINST THOSE WHO VANDALIZE HIS PLACE OF WORSHIP, HE STANDS UP FOR ALL OF US.

BECAUSE WE ALL HAVE A STAKE IN THE STRUGGLE FOR EQUALITY, OPPORTUNITY AND FAIR PLAY. FOR CIVIL RIGHTS IS NOT ABOUT DECIDING WHO GETS THE SPOILS. IT IS ABOUT RECLAIMING OUR FUNDAMENTAL VALUES AND ASPIRATIONS AS A NATION. IT IS ABOUT MAKING A COMMITMENT OF CONSCIENCE -- A SOLEMN COMMITMENT THAT EVERY PERSON IN OUR SOCIETY SHOULD HAVE A TRULY EQUAL OPPORTUNITY.

IT IS NOT EASY TO KEEP THIS COMMITMENT. THE SACRIFICES ARE OFTEN GREAT, THE CHOICES ARE OFTEN DIFFICULT, AND IT SOMETIMES SEEMS THAT TOO LITTLE EVER COMES OF THE STRUGGLE. BUT KEEP IT WE MUST. AS YOU WELL KNOW, TANGIBLE, POSITIVE RESULTS FOLLOW ONLY WHEN WE COLLECTIVELY INSIST THAT OUR NATION ADHERE TO ITS HIGHEST IDEALS AND WHEN WE RESIST THE ENTICEMENT TO DISSOLVE INTO MUTUALLY ISOLATED, MUTUALLY DISTRUSTFUL GROUPS. WE MUST CONTINUE