

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	Carol H. Rasco to Christopher F. Edley, Jr. Re: Civil Rights (2 pages)	6/15/1994	P5
002. memo	Carol H. Rasco to Christopher F. Edley, Jr. Re: Civil Rights Working Group (1 page)	1/11/1994	P5
003. memo	Christopher F. Edley, Jr. to Carol H. Rasco re: Civil Rights Working Group (1 page)	1/12/1994	P5
004. memo	Jeremy D. Benami to Stephen C. Warnath re: Korematsu Event (1 page)	11/1/1994	P5

COLLECTION:

Clinton Presidential Records
 Domestic Policy Council
 Stephen Warnath (Civil Rights)
 OA/Box Number: 9590

FOLDER TITLE:

Civil Rights Working Group [1]

ds50

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 advise 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]
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- 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]

SENT BY:

1-11-94 : 9:23AM :

EEOC-OCLA-

202 456 7028:# 2



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

January 10, 1994

**MEMORANDUM FOR DESIGNATED AGENCY HEADS
(SEE ATTACHED DISTRIBUTION LIST)**

**FROM: Robert C. Demus (R.D.)
Acting General Counsel**

**SUBJECT: Proposed Memorandum Entitled "Civil Rights Working
Group"**

Attached is a proposed memorandum entitled "Civil Rights Working Group," that was prepared by this office.

On behalf of the Director of the Office of Management and Budget, I would appreciate receiving any comments you may have concerning this proposal. If you have any comments or objections, they should be received no later than 12:00 noon Tuesday, January 11, 1994. Please be advised that agencies that do not respond by the January 11, 1994 deadline will be recorded as not objecting to the proposal.

Comments or inquiries may be submitted by telephone to Mr. Mac Reed of this office (Phone: 395-3563; Fax: 395-7294).

Thank you.

**Attachments - Distribution List
Proposed Memorandum**

**cc: Alice Rivlin
Chris Edley
Gordon Adams
John Angell
Martha Foley
T.J. Glauthier
Joe Minarik
Isabelle Sawhill
Nancy-Ann Min
Sally Katzen
Steve Kelman
Barry Toiv
Jim Murr**

SENT BY:

1-11-94 : 9:23AM :

EEOC-OCLA-

202 456 7028:# 3

DISTRIBUTION LIST

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Department of State

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Honorable Henry G. Cisneros
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Honorable Hazel O'Leary
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SENT BY:

1-11-94 : 9:24AM :

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202 456 7028:# 4

Honorable Jesse Brown
Secretary
Department of Veterans Affairs

Honorable Carol M. Browner
Administrator
Environmental Protection Agency

Honorable R. James Woolsey
Director
Central Intelligence Agency

Honorable James B. King
Director
Office of Personnel Management

Honorable Tony E. Gallegos
Chairman
Equal Employment Opportunity Commission

Honorable Mary Francis Berry
Chairman
Commission on Civil Rights

Honorable John Gibbons
Assistant to the President
for Science and Technology Policy

Honorable Bernard W. Nussbaum
Counsel to the President

Honorable John Podesta
Assistant to the President
and Staff Secretary

Honorable Jack Quinn
Chief of Staff to the Vice President

SENT BY:

1-11-94 : 9:24AM :

EEOC-OCLA-

202 456 7028:# 5

DRAFT

January 8, 1994

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

I write concerning our responsibility to promote equal opportunity for all Americans. As we celebrate the contributions of Dr. Martin Luther King on the occasion of his birthday, we recall that Dr. King dreamed of a society that included all Americans. His dream inspired us to begin the process of opening our hearts to the humanity of every person and opening our eyes to the injustices around us. Twenty-six years after his death, Dr. King's legacy endures and his hopes remain our hopes.

Throughout the nation, all of us must rededicate our efforts to promote an open and inclusive society, and those of us who enjoy the honor of being public servants have a special duty in that regard. At the Federal level, we must reevaluate Federal agency civil rights missions, policies and resources and to improve and expand government-wide coordination, and ensure that agencies carry out their missions in a manner consistent with our commitments to equal opportunity and access. In reviewing our activities, we must seek not only to eliminate barriers but also to identify opportunities for innovation. And we should encourage State and local governments use Federal funds to do the same.

SENT BY:

1-11-94 9:24AM

EEOC-OCLA

202 456 7028:# 6
11.59 NO.022 P.06

Today, I have issued an Executive Order establishing a Fair Housing Council, chaired by the Secretary of Housing and Urban Development. Working across agencies and programs, this group will bring new focus to one of the most difficult and critical elements of the opportunity agenda. Because there are additional areas in which we must similarly search for more creative and effective means of exercising leadership, I hereby establish a Civil Rights Working Group to evaluate and improve the effectiveness of Federal civil rights missions, policies and enforcement activities. Operating under the umbrella of the Domestic Policy Council, the Civil Rights Working Group will identify barriers to equal access, impediments to effective enforcement of the law, and opportunities to promote tolerance in our communities and workplaces. Most important, I expect the Working Group to develop, collaborate on, and implement new approaches to address these concerns.

The principal focus of the Working Group will be our civil rights enforcement efforts. We must recognize, however, that public and private enforcement resources will never be fully adequate to the task. All of the remaining obstacles to opportunity cannot be removed through litigation alone. I therefore direct the Working Group, among its tasks, to identify innovative strategies that will leverage our limited resources to provide new avenues for equal opportunity and equal rights. Among those potential strategies are new measures relying on public education and affirmative voluntary efforts to involve citizens and the public and private organizations in overcoming the effects of past discrimination and denial of civil rights. The new program strategies should be designed to complement an improved, reinvigorated enforcement effort.

SENT BY:

1-11-94 : 9:25AM :

EEOC-OCLA-

202 456 7028:# 7

The Attorney General and the Director of the Office of Management and Budget will co-chair the Working Group. The following Administration officials will serve as members: the Secretary of the Treasury, the Secretary of Commerce, the Secretary of Agriculture, the Secretary of the Interior, the Secretary of Education, the Secretary of Health and Human Services, the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Transportation, the Administrator of the Environmental Protection Agency, and the Chair of Equal Employment Opportunity Commission. I also have invited the Chair of the Civil Rights Commission to participate in this crucial endeavor, on an informal basis respectful of the independent and critical voice we expect of that Commission. Finally, this membership list is not exclusive. I invite and encourage all Cabinet officers and agency heads to participate in the Working Group.

The Working Group will advise me and appropriate Administration officials on how we might seek to modify Federal laws, rules and regulations and on how to improve coordination among the vast array of Federal programs affecting civil rights, directly and indirectly. I direct the Working Group to provide me with a progress report no less than every six months. I specifically charge the Working Group to:

- (a) examine each Federal agency with a significant civil rights mission and provide me with an evaluation of how that mission is being implemented. These analyses shall determine whether each agency uses the experience gained from enforcement efforts of other agencies and other levels of government.

SENT BY:

1-11-94 ; 9:25AM ;

EEOC-OCLA-

202 456 7028:# 8

Counterproductive and inconsistent practices should be identified and proposals for change recommended;

(b) examine cross-cutting civil rights enforcement challenges (such as environmental justice, patterns of metropolitan segregation, voting rights), and identify innovative means of coordinating and leveraging resources;

(c) develop better measures of performance for Federal civil rights programs, which should take into account the real impact of programs on the daily lives of our people;

(d) support and enhance the efforts of all agencies as we reinvent our strategies for the promotion of an open and inclusive society.

With this interagency Working Group, I underscore the commitment of this Administration to bring new energy and imagination to the promotion of an open and inclusive society. In departments and agencies throughout the Federal government, this work has already begun. The Working Group will provide a mechanism to expand and accelerate that vital work. And that work will be among our most important contributions to the people we serve.

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

16-Nov-1994 02:57pm

TO: Susan M. Carr
TO: Adrien L. Silas
TO: Stephen C. Warnath
TO: Margaret R. Shaw

FROM: Lori L. Victor
 Office of Mgmt and Budget, EG

SUBJECT: Civil Rights Deputies Meeting

Has been scheduled with Deval Patrick for 11/30 from 3:00 to 4:30 pm (although we have reserved 2 hours on their calendars, assuming the meeting will go over).

Patrick's office should be handling invites. I am in process of trying to get a conference room.

Please let me know what your needs are in respect to prebriefs.
Thanks.

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

30-Nov-1994 02:35pm

TO: Christopher F. Edley, Jr
FROM: Margaret R. Shaw
Office of Mgmt and Budget, HTS
CC: Stephen C. Warnath
CC: Susan M. Carr
CC: Lori L. Victor
SUBJECT: MFBerry & Civil Rights WG

FYI. Berry called last night for a quick update on civil rights WG process. [She thought she'd missed a meeting.] Her Board members were asking for an update, and she didn't know what to say.

I told her that you, Warnath, and Patrick were meeting on the 12th to plan the agenda for a principals meeting this month (currently not scheduled). I asked if she wanted to attend on the 12th; she said she wasn't "looking for meetings" but would be happy to act as counselor/sounding board and review anything the trio produced.

Steve/Chris, let me know what the plan is for relevant agencies, and Susan, Adrien and I will pass it on. Steve, do you need anything?

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

30-Nov-1994 03:02pm

TO: Margaret R. Shaw

FROM: Lori L. Victor
 Office of Mgmt and Budget, EG

CC: Christopher F. Edley, Jr
CC: Stephen C. Warnath
CC: Susan M. Carr

SUBJECT: RE: MFBerry & Civil Rights WG

The meeting on the 12th is a deputies meeting of the Civil Rights WG. Helaine, Deval Patrick's office, is coordinating invites.

THE WHITE HOUSE

WASHINGTON

TO: Robert G. Damus
Acting General Counsel
OMB

ATTN: Mac Reed

FROM: Carol H. Rasco 

SUBJ: Proposed Memorandum on Civil Rights

DATE: January 11, 1994

I am seriously concerned that a memo has been distributed outlining a working group to be under the umbrella of the Domestic Policy Council and (1) we at DPC had no knowledge of the proposed working group and (2) we weren't even included in the distribution list of the proposed memo. Only because an agency called to discuss it with us did we learn of the memo this morning.

We wish to register serious objections to the process used thus far and to the establishment of the group until further substantive discussions can be held on the matter.

Thank you.

cc: Leon Panetta
Alice Rivlin
John Podesta

bcc: Donsia Strong

Carol -
It's 9p, I'm heading home. Plz call if you
need.

P6(b)(6)


The White House
Washington

FAX COVER SHEET

OFFICE OF DOMESTIC POLICY

Old Executive Office Building
Washington, DC 20500
FAX: (202) 456-7028

TO: Carol

FAX No. 703 370 1340

FROM: Dorise PHONE: _____

DATE: _____

NUMBER OF PAGES (Including cover sheet) _____

COMMENTS:

I believe Chris has purposely misconstrued your comments to the General Counsel and to him. Also, I provided comments regarding the Fair Housing Council EO which Roberta Attenberg specifically requested. Also, she is on the job and capable of providing policy guidance from HUD.

I don't believe it is fair to discuss the Working Group w/ the AG and Stephanopoulos w/o resolving this issue w/ DPC. It is inappropriate if the conversations took place later today and certainly if they took place prior to today (which he suggested earlier hadn't happened).



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

ASSOCIATE DIRECTOR
FOR ECONOMICS AND GOVERNMENT

January 11, 1994

MEMORANDUM FOR CAROL RASCO

FROM: Christopher Edley, Jr. *CEJ*

SUBJECT: Civil Rights Working Group

OMB General Counsel Bob Damus gave me a copy of your note (attached) objecting to the proposed Civil Rights Working Group; or the process for developing the initiative; or DPC's role in the proposed group; or all of the above.

1. I apologize for the surprise and for any miscommunication. Frankly, this has been moving on an accelerated time frame -- essentially, since last Thursday night, aiming for MLK's birthday. In essence, however, this is a revival of an effort begun last spring and tabled pending completion of the Presidential appointments.
2. Our intention was to forward the proposal to senior White House Staff today for your formal reaction, but I did not want to send it to the White House for blessing without getting reactions from the affected agencies. That is what the clearance process is for.
3. There is no need to create the working group as a sub-entity of the DPC. That was our invention in order to help support your role as policy coordinator; it would be just as easy to make the Working Group a free floating enterprise or an NEC project. You should also know that the Vice President's staff has the draft and is checking to see whether the Vice President would like to chair the effort. *Then she should be the decider*
4. I'd like to see you or speak with you as soon as possible about this, and my assistant has called your office to request an appointment. Meanwhile, we will rewrite the draft memorandum to eliminate references to the DPC, and incorporate any suggestions from the Departments.
5. I have spoken with Leon, who is aware of your objections, as I understand them.

Again, my apologies for the rough edges in the process.

Attachment

cc: The Director
Bob Damus

01/11/94 18:23

SENT BY: Xerox Telecopier 7021 : 1-11-94 : 3:15PM :

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004

SENT BY: Xerox Telecopier 7020 : 1-11-94 : 1:10

The White

The White House: # 3

THE WHITE HOUSE
WASHINGTON

TO: Robert G. Danus
Acting General Counsel
OKB

ATTN: Mae Reed

FROM: Carol M. Rasco

SUBJ: Proposed Memorandum on Civil Rights

DATE: January 11, 1993

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We wish to register serious objections to the process used thus far and to the establishment of the group until further substantive discussions can be held on the matter.

Thank you.

cc: Leon Panetta
Alice Rivlin
John Podesta

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

11-Jan-1994 04:09pm

TO: Christopher F. Edley, Jr
FROM: Carol H. Rasco
Economic and Domestic Policy
CC: Donsia Strong
Rosalyn A. Miller
SUBJECT: Civil Rights Working Group

Thank you for your fax. I would appreciate the opportunity to talk with you about this matter. While it might very well belong in the Domestic Policy Council I felt it should have been run by us before it went to those departments. I question how smart it is to set up such a group and open ourselves in the Administration to even more criticism since the appointments within this area are not complete. Also, should not those appointees guide the formation of such a group?

Anyway, there may have been lots of thought put into this and sensible answers that can be given to my questions/concerns but to assume a group belongs within a certain area before including that area is somewhat puzzling to me.

I look forward to hearing from you.

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

11-Jan-1994 07:43pm

TO: Carol H. Rasco

FROM: Donsia Strong
Domestic Policy Council

SUBJECT: civil rights

1. While the effort to catalog the civil rights budget (as it was presented last spring) and enforcement efforts was broached last spring, under no circumstances were we aware or informed that the effort was proceeding and a proposal developed. In addition, when the decision was made to move forward on a mechanism for developing civil rights policy, DPC could have been notified at that point.

2. If the intent were to clear the proposal with agencies outside the WH why were other senior officials such as Quinn, Podesta and Nussbaum notified to the exclusion of policy offices. Also, how does a proposal develop in OMB, an office in EOP, and circulate throughout agencies without any heads up to the affected WH entities or personnel? How are we expected to field questions and comments? Typically, the clearance process includes every USG office, including all WH offices.

3. I think the suggestion that a civil rights coordinating entity, if established, be placed anywhere other than DPC is ludicrous. Additionally, if the intent in creating the entity as a sub-group of DPC were truly to support you as the policy coordinator we must again question the lack of consultation. Does the move suggest that an inadequacy in DPC's ability to work with DOJ to coordinate this important area? Also, the move to inquire as to the Vice-President's desire to coordinate civil rights policy seems highly suspect.

4. Why is Edley's office calling to schedule the appointment? Why did Edley respond to a memo addressed to the General Counsel? We should strongly object to any draft memorandum prepared with input from Bush holdovers in critical departments (EEOC). I don't think he addressed your concern about establishing the group free standing or otherwise without further substantive discussions and the guidance of specific appointees to guide the group's formation.

Why would OMB co-chair a policy developing group? This is not and should not be their role.

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

11-Jan-1994 08:46pm

TO: Carol H. Rasco

FROM: Christopher F. Edley, Jr
Office of Mgmt and Budget, EG

CC: Donsia Strong
Rosalyn A. Miller

SUBJECT: RE: Civil Rights Working Group

I'm trying to get an appointment with you. Meanwhile, Leon may raise it at the Senior Staff meeting tomorrow (Wednesday), lest we lose the any chance at all of getting this out. The proposed memorandum has been rewritten to eliminate references to DPC.

On the "merits," the logic is not unlike the logic of going ahead with the Executive Order creating a Fair Housing Council -- this Administration is moving ahead on the Civil Rights agenda, not stalled while we wait for every vacancy to be filled. It is for that reason that the Attorney General, Leon and George Stephanopolous are excited about moving on this quickly.

I hope you will reconsider, and I look forward to talking with you.

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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

Mr. Stephen Warnath
Domestic Policy Council
The White House
Washington, D.C. 20500

Dear Mr. Warnath: *Deval*

As you likely already know, Deval L. Patrick, the Assistant Attorney General for Civil Rights, has announced his resignation, effective January 20, 1997. His colleagues here in the Division are planning a farewell celebration in his honor on January 16, 1997 which we hope you will attend. Your invitation should arrive during the first week in January. Please feel free to have your office contact us at 202-514-2151 if you have not received it.

In advance of that party, we are preparing a book for him that we hope will contain letters, remembrances, messages, and even artwork or poetry, from his friends, colleagues and mentors. We are writing to ask you to contribute to this effort by submitting, whether in the form of a letter to Deval, or some other format, your thoughts about his tenure here in Washington, his effect on the Division, the Department, your life, whatever. We have no rules, only the hope that Deval will be able to take away with him some lasting memories of his time here, of the people whose lives he has touched, and of the good friends he has made.

Our timeline is, of course, tight. So we ask that you fax your submissions as soon as possible, but no later than Tuesday, January 14th, to our attention at 514-0293. Feel free to call either one of us (Lisa Winston at 616-2732 or Helaine Greenfeld at 514-6860) if you have any questions. We thank you in advance for taking the time to let Deval know how much he will be missed.

Sincerely yours,

Lisa Winston
Lisa Winston
Helaine Greenfeld
Special Assistants to the
Assistant Attorney General
Civil Rights Division

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

November 14, 1996

STATEMENT BY THE PRESIDENT

It was with regret that I accepted today the resignation of Deval Patrick, Assistant Attorney General for Civil Rights at the Department of Justice, who has decided to return to private life. Throughout his tenure, Deval was one of my closest and most trusted advisers in the area of civil rights. He brought to his job a love of his country and an unflagging commitment to equal opportunity for all Americans.

The country will miss his able service, but we can all be proud of the many accomplishments he leaves behind, including his work at the forefront of my Administration's effort to reform affirmative action programs in federal procurement. Deval took to heart my admonition to mend affirmative action, not end it. The intelligence and sensitivity he brought to this difficult job has paid off with solid results.

Another hallmark of his tenure was his stewardship of the interagency task force created to investigate the rash of fires threatening our nation's places of worship. Deval was instrumental in leading the fight to protect these institutions and to bring perpetrators of the burnings to justice.

I will always appreciate the sacrifice Deval's wife, Diane, and their children made so that Deval could provide this service to his country.

-30-30-30-

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

09-Aug-1994 03:24pm

TO: Alice M. Rivlin

FROM: Carol H. Rasco
 Economic and Domestic Policy

CC: Stephen C. Warnath

SUBJECT: Civil Rights working group

I have learned from Staff Secretary here that the order/memorandum/whatever was signed last week. He is sending me a copy and I will route one to you. In the meantime, Janet Reno had answered my previous memo to her and Leon on the matter that she didn't see a need for the principals of the leadership to meet but that our staffs meeting first would be fine. If that is okay with you I will ask my staff person to call a meeting to start the organizational procedure...we could ask staff to draft a memo outlining the process to follow, timelines, etc.? I will wait to do anything further until I hear from you.

Thank you.

PHOTOCOPY
PRESERVATION

CIVIL RIGHTS

1993 - 1994

Civil Rights Nominee Testifies

*Patrick Tells Panel
He's a Pragmatist*

Reuter

President Clinton's nominee for assistant attorney general for civil rights, Deval Patrick, received a warm welcome from the Senate Judiciary Committee yesterday and appeared headed for easy confirmation.

Patrick replaced Lani Guinier as nominee for the Justice Department post.

The 37-year-old Boston lawyer portrayed himself "as neither a so-called liberal, nor a so-called conservative—but as a pragma-

*Patrick's
nomination was
applauded by civil
rights advocates.*

tist with very high ideals." He said he hoped to use his post, which has been vacant since Clinton came to the White House, as a "bully pulpit to speak out against bigotry."

He said he believed the term "racial quotas" meant numerical straitjackets and would be unlawful. He said a more subtle way of dealing with discrimination was through affirmative action and stressed it had to be flexible. He also said he had strong reservations about the death penalty and whether it could be applied fairly.

Patrick worked as staff attorney for three years with the NAACP's Legal Defense and Educational Fund. His nomination was applauded by civil rights advocates and members of the Congressional Black Caucus. He is a graduate of Harvard University and earned his law degree at Harvard University Law School.

The Judiciary Committee could approve his nomination next week and send it to the full Senate.

... B FRIDAY, MARCH 11, 1994 A28

AGE

Blacks and Women Face Bias in Md., Lawmakers Assert

From news services

ANNAPOLIS, Oct. 25—Black lawmakers issued a report today alleging that blacks and women are victims of widespread discrimination in state government.

Members of the Maryland Legislative Black Caucus said they will offer legislation next year to try to reduce the discrimination and will keep the heat on state agencies that are not providing equal treatment for all employees.

"The caucus is going to use whatever means necessary . . . to eliminate this terrible, terrible discrimination that continues to exist in the State of Maryland," said Sen. Ralph M. Hughes (D-Baltimore).

The caucus report was based on testimony of 130 witnesses who spoke at public hearings last winter about instances of discrimination and harassment against them.

An investigation revealed that most complaints were justified, caucus members said.

Among other actions, the report recommends surveying state employees to measure their understanding of racism, sensitivity training and establishing an Equal Employment Opportunity Office at the state level.

Caucus members said some agencies have responded to complaints. The Mass Transit Administration, under its new director, John Agro, was singled out for praise for moving to improve conditions for black employees.

Funding Summary for Civil Rights Enforcement Programs
(in millions of dollars)

"CLOSE HOLD"

Agency	1996	1997	1998 Request	1998 Passback	Delta: Request to 1997		Delta: Passback to 1997	
					Dollars	Percent	Dollars	Percent
U.S. Commission on Civil Rights								
Budget Authority.....	8.75	8.74	13.26	9.00	4.52	52%	0.26	3%
Outlays.....	7.88	7.86	11.93	8.10	4.07	52%	0.24	3%

The Commission received a 3 percent increase over the 1997 level in their OMB passback.

Equal Employment Opportunity Commission

Budget Authority.....	233.00	240.00	307.00	240.00	67.00	28%	0.00	0%
Outlays.....	232.00	242.00	306.00	239.00	64.00	26%	-3.00	-1%

A \$12 million addback to the target level funds the EEOC at the 1997 level and provides additional resources to assist in reducing the 85,000 plus backlog of employment discrimination charges pending before the Commission.

**Department of Housing and Urban Development
Fair Housing and Equal Opportunity**

Budget Authority.....	30.00	30.00	45.00	28.50	15.00	50%	-1.50	-5%
Outlays.....	24.90	29.80	31.40	32.75	1.60	5%	2.95	10%

The overall program level is cut 5 percent below 1997. However, an increase for the Fair Housing Initiatives Program was provided in passback. A decrease to the Fair Housing Assistance Program was recommended due to an estimated decrease in the number of discrimination charge receipts.

**Funding Summary for Civil Rights Enforcement Programs
(in millions of dollars)**

<u>Agency</u>	<u>1996</u>	<u>1997</u>	<u>1998 Request</u>	<u>1998 Passback</u>	<u>Delta: Request to 1997</u>		<u>Delta: Passback to 1997</u>	
					<u>Dollars</u>	<u>Percent</u>	<u>Dollars</u>	<u>Percent</u>
Department of Justice Civil Rights Division								
Budget Authority.....	62.55	62.42	67.55	64.34	5.13	8%	1.92	3%
Outlays.....	62.20	77.45	68.19	65.39	-9.26	-12%	-12.06	-16%

Passback includes small adjustments to base, but no program increases.

**Department of Labor, Office of Federal
Contractor Compliance Programs (OFCCP)**

Budget Authority.....	56.17	59.06	90.16	63.73	31.10	53%	4.67	8%
Outlays.....	50.55	53.15	81.14	57.36	27.99	53%	4.20	8%

All Department of Labor enforcement agencies were provided with increases, averaging 5 percent. The OFCCP program received 8 percent.

**Department of Education
Office For Civil Rights**

Budget Authority.....	55.00	55.00	62.00	60.00	7.00	13%	5.00	9%
Outlays.....	57.00	55.00	59.00	59.00	4.00	7%	4.00	7%

The passback provides additional resources for estimated increases in investigations, reviews, and to complete a survey/report that is overdue.

Funding Summary for Civil Rights Enforcement Programs
(in millions of dollars)

Agency:	1996	1997	1998 Request	1998 Passback	Delta: Request to 1997		Delta: Passback to 1997		
					Dollars	Percent	Dollars	Percent	
Department of Health and Human Services									
Office of Civil Rights									
Budget Authority.....	19.71	19.53	22.30	20.53	2.77	14%	1.00	5%	
Outlays.....	19.77	19.55	22.20	20.49	2.65	14%	0.94	5%	

A \$1 million increase was provided to the Office to respond to health related immigration issues and HIV/AIDS issues.

Department of Transportation
Office of Civil Rights

Budget Authority.....	5.63	5.57	5.43	4.93	-0.15	-3%	-0.65	-12%
Outlays.....	5.06	5.58	5.44	4.96	-0.13	-2%	-0.62	-11%

The Office of the Secretary has an unallocated amount which could be used to increase funding for the Office of Civil Rights.

Total Funding for Civil Rights Enforcement Programs

Budget Authority.....	470.80	480.32	612.70	491.03	132.38	28%	10.71	2%
Outlays.....	459.37	490.39	585.30	487.04	94.91	19%	-3.35	-1%

**Funding Summary for Civil Rights Non-Enforcement Programs
(in millions of dollars)**

Agency	1996	1997	1998 Request	1998 Passback	Delta: Request to 1997		Delta: Passback to 1997	
					Dollars	Percent	Dollars	Percent
Department of Commerce								
Minority Business Development Agency								
Budget Authority.....	32.00	28.00	36.10	27.50	8.10	29%	-0.50	-2%
Outlays.....	39.80	34.50	32.80	28.50	-1.70	-5%	-6.00	-17%

While proposed as a decrease from the 1997 level, the passback provides some adjustments to base and an additional \$300,000 to increase the number of Community Based Enhanced Service Centers.

**Department of Labor
Women's Bureau**

Budget Authority.....	7.74	7.74	16.64	7.57	8.90	115%	-0.17	-2%
Outlays.....	6.97	6.97	14.98	6.81	8.01	115%	-0.16	-2%

This agency's passback includes a small addback from within the Department's allocation over the 5 percent cut.

Directorate of Civil Rights

Budget Authority.....	4.54	4.54	4.59	4.42	0.06	1%	-0.11	-2%
Outlays.....	4.08	4.08	4.13	3.98	0.05	1%	-0.10	-2%

This agency's passback includes a small addback from within the Department's allocation over the 5 percent cut.

**Funding Summary for Civil Rights Non-Enforcement Programs
(in millions of dollars)**

Agency	1996	1997	1998 Request	1998 Passback	Delta: Request to 1997		Delta: Passback to 1997	
					Dollars	Percent	Dollars	Percent
Department of Transportation								
Minority Business Resource Center								
Budget Authority.....	2.90	2.90	3.00	2.76	0.10	3%	-0.15	-5%
Outlays.....	1.90	1.90	1.90	1.81	0.00	0%	-0.10	-5%
Passback provides the target level of funding, 5 percent below 1997.								
Small Business Administration 8(a) and 7(j) Programs								
Budget Authority.....	6.20	6.50	24.60	11.30	18.10	278%	4.80	74%
Outlays.....	7.40	6.40	21.30	10.50	14.90	233%	4.10	64%
The 74 percent increase over 1997 supports an anticipated increase in workload following the decision in <u>Adarand v. Pena</u> .								
Department of Justice								
Community Relations Service								
Budget Authority.....	5.32	5.32	7.50	5.50	2.18	41%	0.18	3%
Outlays.....	5.30	5.66	7.14	5.44	1.47	26%	-0.23	-4%
Total Funding for Civil Rights Non-Enforcement Programs								
Budget Authority.....	58.70	55.00	92.43	59.05	37.44	68%	4.05	7%
Outlays.....	65.45	59.51	82.25	57.03	22.73	38%	-2.48	-4%

Short term agenda for the Civil Rights Enforcement Working Group

Select a cross-cutting issue subject to study

- . Title VI

- . Employment Opportunity (If having Working Group involvement at this point is helpful to Gil) (Multiple responsibility and completely unacceptable backlog)

- . Other possibilities: Housing, voting, education, credit, health and safety

Develop consensus on shared goals and performance measures

Focus enforcement review on tools and strategies

Prepare first progress report

- . Updating and expanding Civil Rights Fact Sheet

First mtg.

Discuss Presidential Memorandum's call for action

Especially report requirement

Title VI

Equal Employment Opportunity backlog

- . July 14, 1994 Memorandum from Attorney General to all Federal agencies with Title VI enforcement responsibilities.
- . Working group Presidential Memorandum
- . Fair Housing enforcement Executive Order
- . NPR report language -- EEO; procurement, housing
- . Justice draft regulations re: Title VI
- . Title VI -- What is the existing mechanism(s) for assessing compliance? Enforcement monitoring is done by relevant agencies, correct? How effective? Proper resources dedicated, etc.?
- . What is status of Title VI actions? How are they selected?
- . Did all the states file compliance reports required as of June 1994?

Title VI is intended to prohibit discrimination on the basis of race, color, or national origin in federal assisted programs. It applies to discrimination by all nonfederal recipients of federal assistance. It applies even if federal money comprises only a portion of the programs budget.

It is the responsibility of A.G. to coordinate the implementation and enforcement by executive agencies of Title VI. Also in consultation with affected agencies to: prepare a plan for implementation of rules; develop standards for taking enforcement action; issue guidelines for establishing time limits on efforts to secure voluntary compliance; establish a schedule for the review of agencies' regulations; establish guidelines for the development of effective record keeping by executive agencies; and establish training, information, and cooperative programs.

- . Cabinet that looks more like America.
- . Appointed aggressive advocates of civil rights as Assistant Attorney General, Deval Patrick, and Chair of the EEOC, Gil Casellas

Created Civil Rights Enforcement Working Group

More minorities and women appointed as judges

Signed Fair Housing Executive Order

ECs/EZs

General:

- . Motor voter
- . Family and Medical Leave Act
- . Increased funding for Head Start
- . Passed National Service
- . Promoting strength of family
- . Fighting for Health care for the uninsured

Effective civil rights policy requires tough enforcement of existing civil rights laws. That is the basis of our country's citizenship and a mature society.

But it is more. The absence of discrimination is not the same as

the presence of opportunity. [Pres. Clinton]It includes efforts to create opportunity and foster individual empowerment for all Americans. This Administration seeks to create economic and educational opportunities for all and to empower people to take advantage fo the opportunities.

Poverty fight

Voting Rights Act

Develop and fulfill the promise of the Americans with Disabilities Act

Concepts of justice, opportunity and empowerment

Short term agenda

- . Updating and expanding Civil Rights Fact Sheet

First mtg.

Discuss Presidential Memorandum's call for action

Especially report requirement

Title VI

Equal Employment Opportunity backlog

- . July 14, 1994 Memorandum from Attorney General to all Federal agencies with Title VI enforcement responsibilities.
- . Working group Presidential Memorandum
- . Fair Housing enforcement Executive Order
- . NPR report language -- EEO; procurement, housing

- . Justice draft regulations re: Title VI

- . Title VI -- What is the existing mechanism(s) for assessing compliance? Enforcement monitoring is done by relevant agencies, correct? How effective? Proper resources dedicated, etc.?

EXECUTIVE OFFICE OF THE PRESIDENT

01-Nov-1994 10:53am

TO: Stephen C. Warnath
FROM: Carol H. Rasco
Economic and Domestic Policy
SUBJECT: RE: civil rights mtg

I assume these issues will be forwarded to the agenda for the next meeting if /when it is held. As to whom attends meetings I don't know that I have a strong opinion and would be interested in the opinions of the two co-chairs.

EXECUTIVE OFFICE OF THE PRESIDENT

03-Mar-1997 11:40am

TO: warnath_s
FROM: Sharon Thomas
CC: thomass
SUBJECT: Civil Rights Working Group

The following are the current participants:

The Honorable Gilbert Casellas, Chairman
Equal Employment Opportunity Commission (EEOC)
1801 L Street, Room 10004 N.W.
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The Honorable Paul Igasaki, Vice-Chair
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Ms. Claire Gonzales, Director of Communications
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The Honorable Ellen Vargyas, Legal Counsel
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Ms. April Marchese, Acting Deputy Director
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The Honorable Dennis Hayashi, Director
U.S. Department of Health and Human Services, Office of
Civil Rights
330 Independence Avenue, 5400 Cohen Bldg., Room 5400, S.W.
Washington, D.C. 20201
(202)619-0403 fax-(202)619-3437

The Honorable Judith Winston, General Counsel
U.S. Department of Education

**PAD Review
for
Civil Rights Agencies**

FY 1996 Budget

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Introduction

The approach used for this review of Civil Rights programs is intended to serve as an initial baseline for further analysis of Civil Rights agencies. It will focus on several agencies engaged in activities under the following programmatic areas:

- Commerce, Housing, and Credit
- Employment
- Public Safety and the Administration of Justice
- Environment

Programs in the Educational area are not analyzed in this review.

The funding summaries presented are broken out into two categories: 1) enforcement agencies evaluated and 2) non-enforcement agencies. The programmatic evaluations consist of all of the enforcement agencies. Additional agencies were chosen for this review because they are engaged in activities to promote fair lending. Performance measures for the enforcement agencies are also discussed. Finally, current policy initiatives worth noting for this review are evaluated.

We also hope that this review provides useful information to the Civil Rights Working Group.

Funding and FTE Summary for Civil Rights Enforcement Programs
(funding in millions of dollars)

Commission on Civil Rights

Budget Authority.....	5.7	5.7	7.1	7.2	7.8	7.8	10.2	10.0	12.8
Outlays.....	5.9	5.1	6.3	7.4	8.0	7.8	9.9	10.0	12.4
FTEs.....	66	64	72	76	84	92	117	123	131

Equal Employment Opportunity Commission

Budget Authority.....	180.7	184.9	201.9	211.3	222.0	230.0	233.0	240.0	293.0
Outlays.....	182.0	180.8	192.1	208.8	218.0	228.4	232.0	243.0	293.0
FTEs.....	3,170	2,853	2,796	2,791	2,831	2,850	2,834	3,019	3,359

Department of Housing and Urban Development:

Fair Housing and Equal Opportunity

Budget Authority.....	10.0	12.4	12.4	13.0	15.0	20.5	33.4	27.2 1/	45.0
Outlays.....	6.0	5.3	10.8	11.6	8.9	7.7	28.4	29.9 1/	21.3
FTEs.....	637	697	740	724	729	772	783	785	785

Department of Justice:

Civil Rights Division

Budget Authority.....	27.8	32.5	44.2	47.6	52.7	55.6	62.7	74.6	74.6
Outlays.....	27.4	31.8	42.6	46.9	52.0	55.1	61.7	69.1 1/	71.7
FTEs.....	394	427	433	483	496	529	577	587 1/	587

Department of Labor:

Office of Federal Contractor Compliance Programs

Budget Authority.....	52.0	53.0	53.0	55.0	56.0	56.0	59.0	60.0	69.0
Outlays.....	52.0	53.0	52.0	54.0	55.0	56.0	59.0	60.0	69.0
FTEs.....	980	940	900	880	855	830	810	820	820

Total Funding and FTE levels for Civil Rights Enforcement Programs 2/:

Budget Authority.....	276.2	288.5	318.6	334.0	353.5	369.8	398.3	411.8	494.4
Outlays.....	273.3	276.0	303.8	328.8	341.9	355.0	391.0	412.0	467.4
FTEs.....	5,247	4,981	4,941	4,954	4,995	5,073	5,121	5,334	5,682

1/ Guidance not provided at this level of detail. The ratio of total agency increase or decrease of FY 1996 OMB Planning Guidance from FY 1995 Enacted was used.

2/ Numbers may not add due to rounding.

Funding Summary for Civil Rights Non-Enforcement Programs
(funding in millions of dollars)

	FY 1989 Actual	FY 1990 Actual	FY 1991 Actual	FY 1992 Actual	FY 1993 Actual	FY 1994 Actual	FY 1995 Enacted	FY 1996 Guidance	FY 1996 Request
Department of Commerce:									
Minority Business Development Agency									
Budget Authority.....	39.7	39.7	40.5	42.5	37.9	41.6	43.8	53.4	53.4
Outlays.....	39.6	37.7	38.6	39.7	42.6	42.0	48.0	48.6	48.6
Department of Education									
Office For Civil Rights									
Budget Authority.....	42.0	45.0	48.0	54.0	56.0	57.0	58.0	59.2 1/	65.0
Outlays.....	44.0	44.0	45.0	52.0	52.0	55.0	58.0	61.6 1/	65.0
Department of Health and Human Services									
Office of Civil Rights									
Budget Authority.....	16.0	17.3	17.1	18.3	18.3	18.3	18.4	18.5	18.7
Outlays.....	15.5	17.0	17.9	18.3	18.1	18.1	18.2	18.5	18.7
Department of Labor:									
Women's Bureau									
Budget Authority.....	6.0	7.0	7.0	8.0	8.0	8.0	8.0	8.0	10.0
Outlays.....	6.0	6.0	7.0	8.0	8.0	8.0	8.0	8.0	10.0
Directorate of Civil Rights									
Budget Authority.....	4.0	4.0	4.0	5.0	5.0	5.0	5.0	5.0	5.0
Outlays.....	3.0	4.0	4.0	4.0	5.0	5.0	5.0	5.0	5.0
Small Business Administration:									
Minority Small Business Development Program									
Budget Authority.....	24.0	25.6	27.2	28.5	28.2	29.6	32.1	33.0	35.0
Outlays.....	23.5	25.1	26.6	28.0	27.6	29.0	31.4	32.3	34.3
Department of Transportation:									
Office of Civil Rights									
Budget Authority.....	5.0	5.0	5.0	2.0	2.0	2.0	9.0	9.0	15.0
Outlays.....	4.0	4.0	3.0	5.0	7.0	3.0	9.0	9.0	15.0
Minority Business Resource Center									
Budget Authority.....	3.0	2.0	1.0	3.0	1.0	1.0	6.0	6.0	6.0
Outlays.....	3.0	2.0	1.0	3.0	0.0	1.0	6.0	6.0	6.0
Total Spending on Non-Enforcement Civil Rights Programs 3/:									
Budget Authority.....	178.7	195.4	221.7	274.6	276.6	314.0	360.1	385.8	406.1
Outlays.....	171.8	181.7	197.1	253.2	262.9	284.3	325.2	333.2	351.6

*ADA -
enforcement
by 1/1/89*

1/ Guidance not provided at this level of detail. The ratio of total agency increase or decrease of planning guidance from FY 1995 Enacted was used.

2/ The Education Branch does not believe any proxy is acceptable for determining guidance for this level of detail. These estimates are provided without their consent.

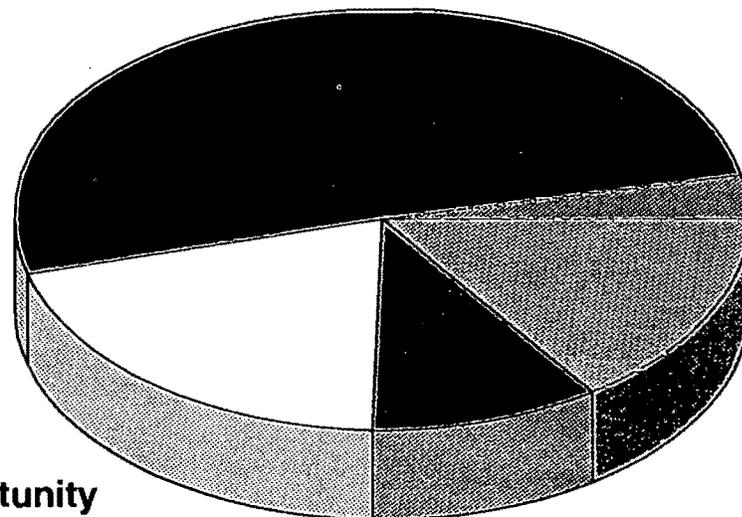
3/ Numbers may not add due to rounding.

Major Civil Rights Enforcement Agencies

Distribution of BA Growth

FY 1993 - FY 1996 Request

Equal Employment Opportunity Commission



Commission on Civil Rights

DOJ: Civil Rights Division

HUD: Fair Housing Equal Opportunity

DOL: Office of Federal Contractor Compliance

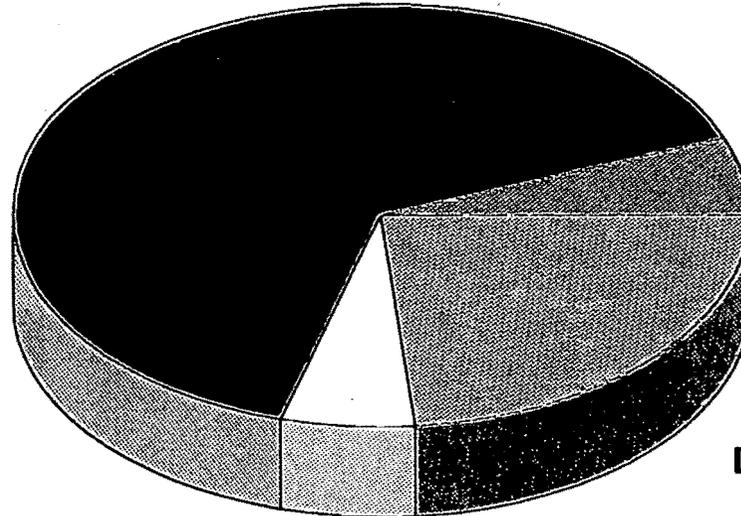
These five Civil Rights Agencies are requesting a 40 percent increase of budget authority over FY 1993.

Major Civil Rights Enforcement Agencies

Distribution of FTE Growth

FY 1993 - FY 1996 Request

Equal Employment Opportunity Commission



Commission on Civil Rights

DOJ: Civil Rights
Division

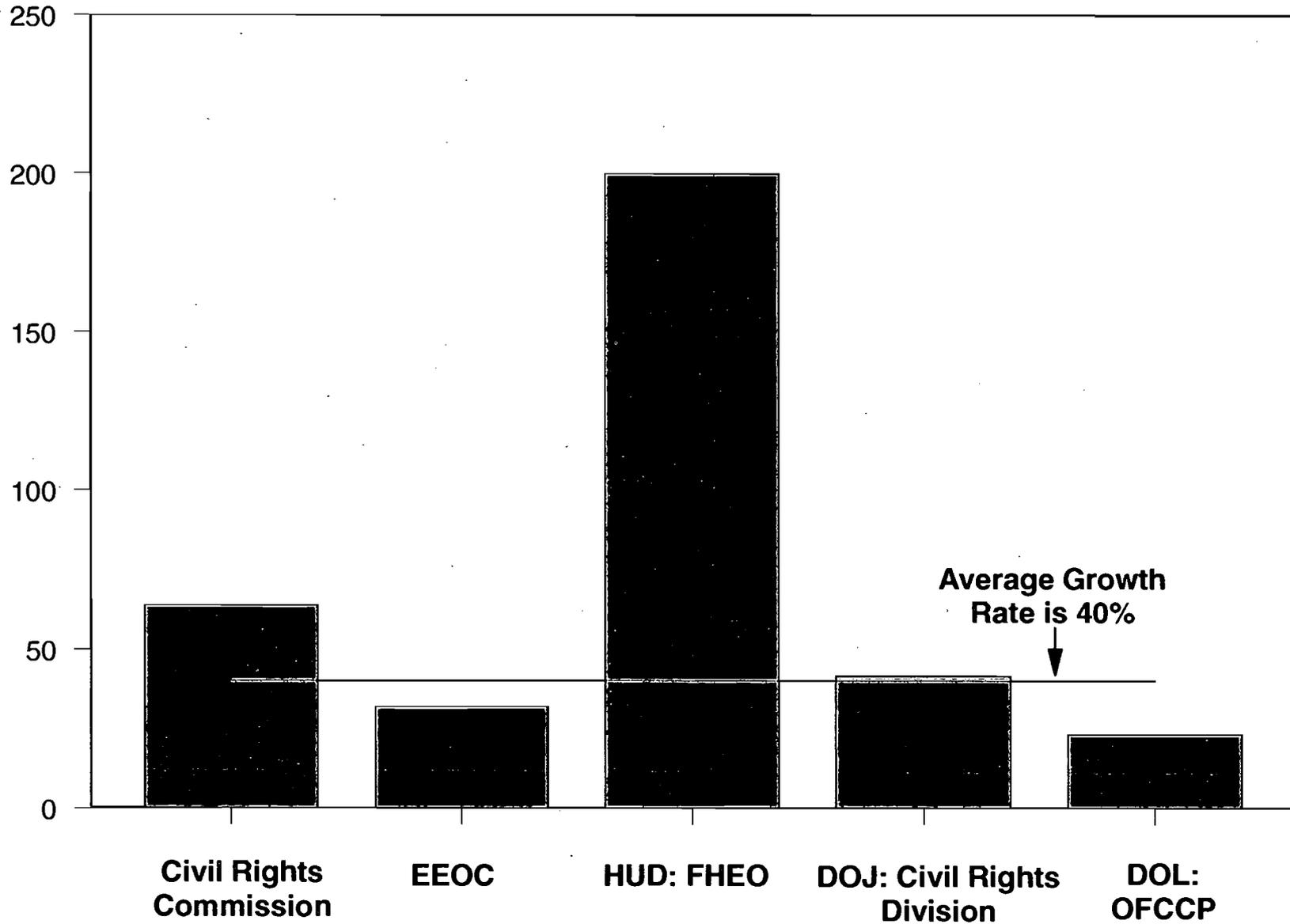
HUD: Fair Housing Equal Opportunity

NOTE: DOL's Office of Federal Contractor Compliance (OFCCP) request for FTEs falls 4% from FY 1993.

Growth Rates of Agency Budget Authority

1993 - 1996 Request

Percent Growth



**The Department of Housing and Urban Development:
Fair Housing Equal Opportunity**

	FY 1989 Actual	FY 1990 Actual	FY 1991 Actual	FY 1992 Actual	FY 1993 Actual	FY 1994 Actual	FY1995 Enacted	FY 1996 Guidance	FY 1996 Request
BA	10.0	12.4	12.4	13.0	15.0	20.5	33.4	*	45.0
OL	6.0	5.3	10.8	11.6	8.9	7.7	28.4	*	21.3
FTE	637	697	740	724	729	772	783	785	785

Background:

Housing trends have historically shown a wide gap between minority and non-minority homeownership rates, (see accompanying chart). Since 1920, this disparity has remained fairly constant. Moreover, as of 1991, it remains clear that homeownership disparities remain for married couples with children, *even after allowing for age and income factors* (see accompanying chart).

The Department of Housing and Urban Development (HUD) places a high priority on developing and implementing approaches to reverse, eliminate and prevent housing discrimination through its Fair Housing Equal Opportunity (FHEO) programs. The FY 1996 Budget contains four major areas in FHEO:

The Fair Housing Initiatives Program (FHIP). This program was established by the Housing and Community Development Act of 1987 for the purpose of eliminating and preventing housing discrimination through projects and activities designed to enhance compliance with the 1988 Fair Housing Amendments Act and substantially equivalent State and local laws. It is an effort to complement HUD's enforcement and compliance programs through a coordinated approach to: further the purposes of the Fair Housing Law; guarantee the rights of all Americans to seek housing in an open market free of discrimination; and, inform the American citizenry of its rights and obligations under the Fair Housing Act.

The Fair Housing Assistance Program (FHAP). The other major component of HUD's comprehensive fair housing strategy is FHAP, which is authorized by the Fair Housing Act of 1968, as amended. FHAP complements HUD's enforcement activities by providing financial assistance to state and local agencies administering fair housing laws and ordinances that are substantially equivalent to the Fair Housing Act. Resources are targeted for case processing, training and support services, incentive, and capacity building activities.

Choice in Residency. This new program will broaden the housing and locational choices of low-income families who hold Section 8 certificates.

Section 8 Units for the Disabled. Approximately half of non-elderly disabled persons face the highest incidence of acute housing problems among population groups. This new program will provide Section 8 certificates to persons with disabilities.

Additional programs in FHEO include the Voluntary Compliance Program and the Mortgage Lending and Property Insurance program. The Mortgage Insurance Program assists in eliminating racial isolation through an increased awareness of discriminatory lending and insurance practices; increased use of Secretary-initiated violation complaints; and the conduct of systemic investigations; and increased punitive monetary awards from housing discrimination cases. The Office of Investigations carries out fair housing complaint investigation activities which include the review of complaint processing efforts. The Office is also required to conduct fair housing investigations in the absence of complaints to determine if the Secretary will file a Secretarial-initiated complaint.

Status:

- On January 17, 1994, President Clinton issued Executive Order No. 12892 and gave new visibility to fair housing enforcement by strengthening the coordination and implementation of Federal fair housing policy. On April 15, 1994, HUD began the implementation of a reorganization plan that will give the Assistant Secretary for Fair Housing and Equal Opportunity greater authority in supervising the processing of complaints. New regulations on disparate impact, insurance redlining, and mortgage discrimination are included. The issuance of this plan is scheduled for mid-December.
- The U.S. Commission on Civil Rights released in September, 1994, a report titled *The Fair Housing Amendments Act of 1988: The Enforcement Report*. The report assesses the fair housing activities of the Department of Housing and Urban Development and the Department of Justice, both of which have major responsibilities in the effort to combat housing discrimination. The report details 33 findings and recommendations in detail that address the problems associated with enforcement and implementation of fair housing laws.

- FHIP and FHAP program objectives for FY 1996 include:

- Bolster the activities of State and private organizations by funding grants, contracts, or cooperative agreements with 53 State or local agencies, public or private nonprofit organizations. This represents a 32.5-percent increase in the number of organizations in FY 1996 than in FY 1995.
- Fund 59 national education and outreach projects, a 13 percent increase than FHEO expects to fund in FY 1995.
- Ensure that 5,580 complainants who file with State and local agencies receive housing units, a 50 percent increase than is expected in FY 1995.
- Ensure that State and local agencies process 3,000 fair housing cases in a timely manner, a 100-percent increase over FY 1995.

- Through the Choice in Residency (CIR) counseling program, FHEO, along with PIH, plans to actively participate in the placement of minorities into neighborhoods with low minority concentrations. The FY 1996 Budget request of \$153 million for this program will:

- Bring intensive counseling and support to 50,000 Section 8 recipients.
- Provide mobility assistance to 2,000 persons on metro-wide assisted housing waiting lists.
- Allow FHEO to monitor the percentage change in the distribution of public housing units by racial composition track, as well as by income track.

- The \$205.7 million FY 1996 Budget Request for the Section 8 program will be used to:

- Double, to 10,000, the number of Section 8 certificates earmarked for persons with disabilities.
- Double from FY 1994, the number of Section 8 rental assistance programs with mobility counseling programs.
- FHEO will promote fair housing compliance in the private sector and with other Federal agencies through the Voluntary Compliance Program. FHEO intends to sign 100 best practice agreements with mortgage lenders in FY 1996, a 33 percent increase in agreements than is anticipated in FY 1995.
- FHEO will begin to track measures punitive monetary awards in the Mortgage Lending and Property Insurance program in FY 1996.

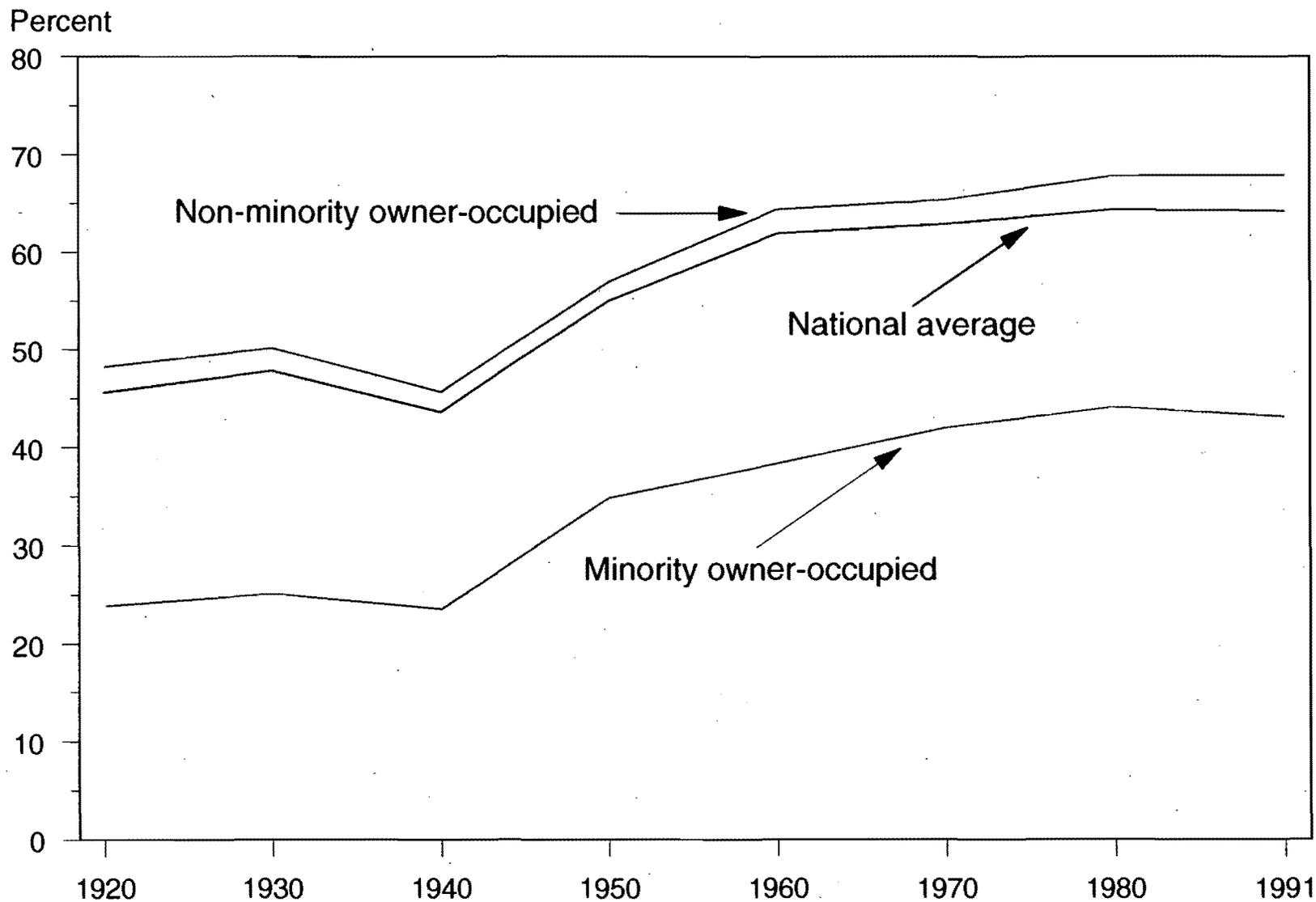
Performance measures:

Performance measurements have not been used extensively in this program area. The FHEO should develop strong and appropriate measures of performance to qualitatively assess not only the agency's process oriented work but measures that can be used to develop more fully analytical approaches to evaluating the status and perhaps causes of housing discrimination. Measures that track, for example, areas in which the nation is making progress toward eliminating housing discrimination, e.g., the rental market, mortgage lending, etc. would be effective in evaluating the status and trend of current housing discrimination and assist in allocating resources toward enforcement in these areas.

Recommendations and Questions:

- Propose the creation of a "performance fund", consisting of 10 percent of all grant funding to municipalities engaged in furthering fair housing goals. Municipalities who meet established criteria for satisfactory performance will receive their funds in the form of grants and those who perform unsatisfactorily will lose their 10 percent. Propose that remaining monies in the fund will be divided among the outstanding performers.
- Propose that HUD withhold grant fund monies from municipalities with a track record of blatant discrimination.
- The Assistant Secretary of FHEO issue and begin implementation of new regulations for the enforcement of disparate treatment and mortgage lending as soon as politically feasible.
- Review the findings and recommendations provided in the Civil Rights Commission's Report on the status of the Fair Housing Amendments Act of 1988.
- How do we determine, if "ABC" program is funded at "X" level, does it lead to a "Y" reduction in the incidence of housing discrimination, over "Z" time period? Will this help in determining where resources are best spent, i.e., on prevention programs or enforcement efforts? Is it necessary for an effective civil rights strategy?

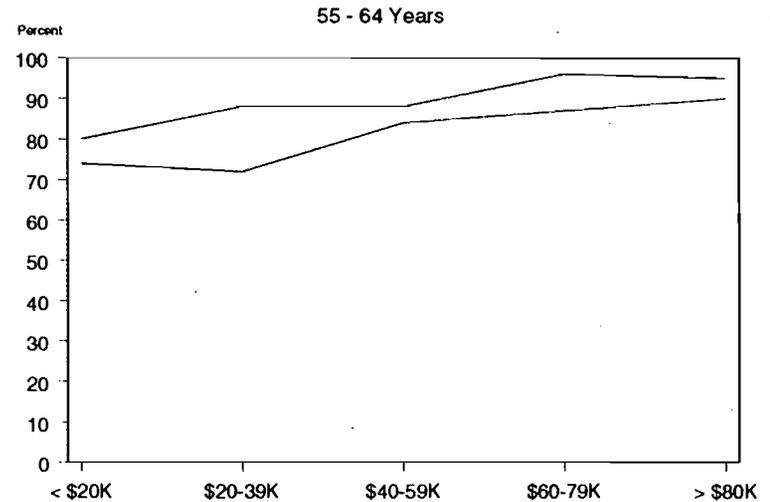
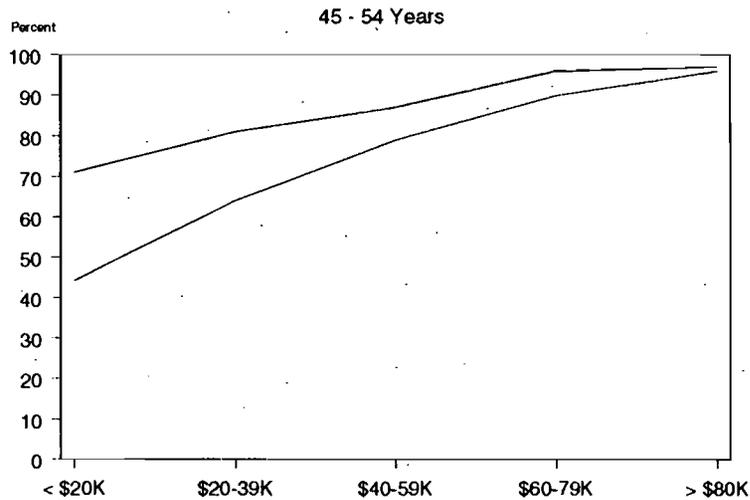
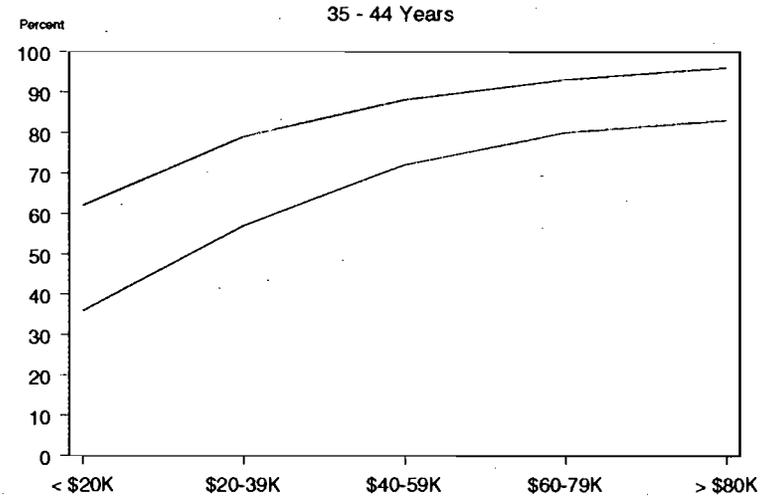
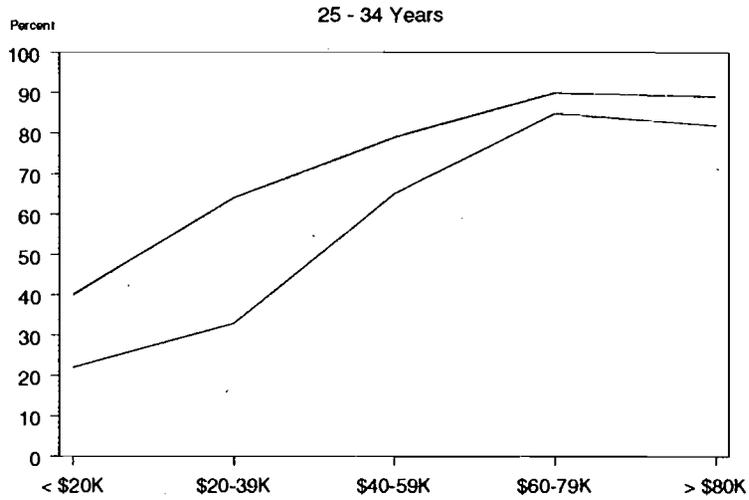
U.S. Homeownership Rates 1920-1991



Source: Statistical Abstract of the U.S., 1994

1991 Homeownership Rates of Married Couples, with Children

Minorities v. Non-minorities, by Age, by Income

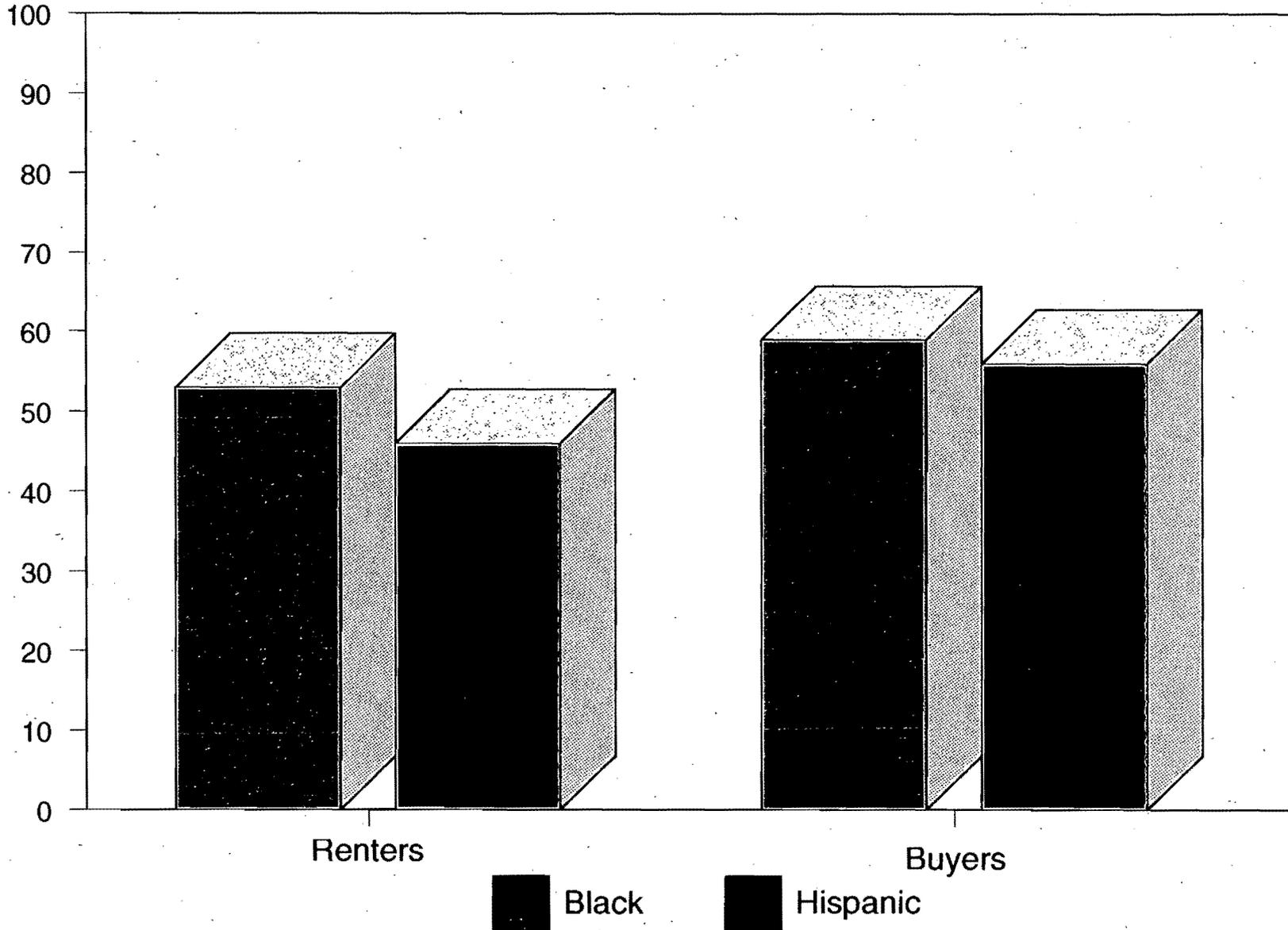


■ Non-minority ■ Minority

Percent of Black and Hispanic Homeseekers Experiencing Discriminatory Treatment

1991

Percent



Source: Turner, Struyk, and Yinger 1991.

Department of Justice

Funding History Civil Rights Division (Housing & Civil Enforcement Only)
(Dollars in Millions)

	<u>1989</u>	<u>1994</u>	<u>1995 Enacted</u>	<u>1996 Ceiling</u>	<u>1996 Request</u>
BA	2.1	9.3	10.0	***	10.4
OL	Not Available	Not Available	Not Available	***	Not Available
FTE	31	89	97	***	97

***The civil rights division is subject to a single set of resource ceilings that encompass the division as well as other organizations.

Background:

Since January of 1993, fair housing and fair lending enforcement has been on of the highest priorities of the Justice Department. Housing discrimination is at the root of many civil rights issues, as it is related to--and frequently the cause of--other forms of disadvantage. It limits job opportunities, increases segregation in schools, and fosters concentrations of disadvantaged people. The department's enforcement program is geared to attacking discrimination in both the rental and home ownership markets.

The Fair Housing Act of 1988 expanded protections against housing discrimination to include discrimination against the disabled as well as discrimination against families. It also expanded the Government's enforcement powers. Together, these changes dramatically affected the enforcement workload.

Previously, the Justice Department had brought "pattern and practice" fair housing lawsuits. The 1988 act authorized--and in fact, required--the department to bring suits in behalf of individuals. Those who obtained a HUD finding of probable cause that a violation of the Fair Housing Act occurred could elect to proceed in Federal court rather than in administrative proceedings at HUD. In this event, the Justice Department was required to defend them.

Authority expanded to indiv. lawsuits

The Civil Rights Division's Housing and Civil Enforcement Section handles fair housing cases for the Justice Department. The requirement of taking individual lawsuits increased the section's caseload from 13 new cases in 1988 to 176 new cases in 1994, *an increase of over 13 times*. Staff and funding increased five-fold from 1989 to 1994.

Performance Measures:

The Section uses performance measures summarized in the chart below.

Housing and Civil Enforcement Section Performance Measures

Productivity Measures	Efficiency Measures	Effectiveness Measures	Externalities
<ul style="list-style-type: none">• # mortgage lending cases filed• # cases filed based on housing testing• # non-discretionary cases filed		<ul style="list-style-type: none">• # precedent-setting cases	<ul style="list-style-type: none">• active participation of U.S. Attorneys in HUD referrals• available resources

Status:

- **Delegating to the field:** To manage its exploding non-discretionary caseload, the Attorney General in 1993 authorized the section to delegate fair housing cases to United States Attorneys' offices.
- **Mortgage lending:** The section recently has been very active in mortgage lending enforcement, *e.g.*, cases brought against Shawmut Bank in New England and Chevy Chase savings locally.
- **Property insurance:** The section recently litigated issues of discrimination in the provision of property insurance, as insurance is a prerequisite to the purchase of a home. Courts have held that this issue falls within the purview of the Fair Housing Act.
- **Testing program:** The section began a program to test for discrimination a few years ago. The program consists of five full-time test coordinators. The coordinators either contract with private fair housing groups for testing or use volunteers from the Justice Department staff. The program primarily tests the housing rental market. It is especially effective in communities where there has been little enforcement activity, such as recent testing in South Dakota for housing discrimination against Native Americans. The program has led to several cases the section considers very important.

- **Housing for the disabled:** The section recently has worked on issues involving group homes for the disabled, including those battling alcohol and drug addictions. Communities often are reluctant to accept these homes and zoning restrictions sometimes make their establishment difficult. Since homelessness intersects addiction, the issue has drawn the section into homelessness issues.

Recommendation and Questions:

A more fundamental change may be necessary to address the section's non-discretionary caseload. In 1993, these cases consumed about 80% of staff time. Since over one-half of the HUD-referred individual cases involve discrimination on the basis of familial status, the high volume of these cases may hinder the section's ability to address more fully the problems of race and national origin discrimination. It also moves the section away from pattern and practice cases, which have a larger impact in society.

It may be appropriate to explore homelessness as a civil rights issue further, in the context of transitional group homes.

Department of Commerce:
Minority Business Development Agency

	FY 1989 Actual	FY 1990 Actual	FY 1991 Actual	FY 1992 Actual	FY 1993 Actual	FY 1994 Actual	FY 1995 Enacted	FY 1996 Guidance	FY 1996 Request
BA	39.7	39.7	40.5	42.5	37.9	41.6	43.8	53.4	53.4
OL	39.6	37.7	38.6	39.7	42.6	42.0	48.0	46.6	48.6

Background:

The MBDA in the Department of Commerce (DOC) is the only federal agency specifically created to foster the establishment and growth of minority-owned businesses. There are, however, other agencies with specific programs that target comparable objectives, e.g., SBA's 8(a) and 7(j) programs.

MBDA's primary mission is to promote the establishment and growth of minority-owned businesses by providing management and technical assistance services and by fostering procurement and financial opportunities for minority business enterprises.

Status:

- Current research indicates that there are certain areas of the economy where the needs of minorities in overall economic maintenance and development are not being met. These include minority youth, minorities in rural America, and state and local government procurement and export trade targeted to minority populations. MBDA plans to provide assistance in these areas and further the impact on economic development to previously underserved populations with additional resources.
- The increased funding level for FY 1996 proposes to address concerns such as the long-standing need for additional business start-ups, capital availability, and minority business expansion. FY 1996 funding levels meet the OMB Planning Guidance. OMB has proposed an increase of \$9.6 million dollars, or 22 percent, in budget authority for FY 1996 from FY 1995 Enacted. This

increase is proposed to address needing funding for business start-ups, capital availability, and minority business expansion.

Performance Measures:

- MBDA currently uses the following criteria to evaluate overall program goals:
 - The number of clients assisted and the number of management and technical assistance hours provided
 - The number of business clients assisted and total number of paid employees in firms assisted
 - The number of contracts approved and the dollar value of contracts approved
 - The number of financial packages approved and the dollar value of those packages.
 - The number of newly started businesses and the number of employees in newly started businesses

The first four measures are process oriented; that is, they measure the efficiency of the organization to produce the output it is required to. The last indicator, however, is better oriented toward measuring the outcome of the program.

Recommendations:

- MBDA should develop additional measures of program effectiveness, designed to document the success and/or failures of minority businesses. This will assist in determining effective strategies for promoting access to credit and technical assistance to minority populations.

Small Business Administration:
Minority-Small-Business-Development-program

	FY 1989 Actual	FY 1990 Actual	FY 1991 Actual	FY 1992 Actual	FY 1993 Actual	FY 1994 Actual	FY 1995 Enacted	FY 1996 Guidance	FY 1996 Request
BA	24.0	25.6	27.2	28.5	28.2	29.6	32.1	33.0	35.0
OL	23.5	25.1	26.6	28.0	27.6	29.0	31.4	32.3	34.3

Background:

The Small Business Administration (SBA) is the largest, single lender of funds to small businesses in the country. The Small Business Administration (SBA) includes several programs to provide increased economic opportunity for previously underserved populations. The largest program is the Minority Small Business Development Program, also known as the Section 8(a) and 7(j) program, which supports minority businesses who are contracting with the government through its 8(a) and 7(j) programs. This program improves the competitive viability of minority firms by providing contract, financial, technical and managerial assistance.

Status:

- SBA's reform proposals for the Minority Small Business Development Program have been developed and are being considered on the Hill. Reform legislation may pass next year. These reforms would establish specified goals for 8(a) awards to allocate dollars that are set aside for specific industries. SBA believes that these set aside contracts would enable the SBA to award additional contracts in higher skill industries like construction and technology.
- As shown on the following chart, the value of loans to minority firms lags behind the number of loans made. However, it also appears that the gap is closing; that is the ratio of the value of loans to the number is closing. This chart also shows that the percentage of loans made to minority firms, about 15 percent in 1993, represents a return to the previously high level of 15 percent in 1984. Throughout this period, the percentage of loans to minority firms has not pushed through the 15 percent mark.

- Historically, SBA assists approximately 100 firms out of 4,000 available minority firms through the MSBDP. These 100 received roughly 50 percent of the \$4 billion dollars in procurement contracts issued by the federal government. SBA should work to increase the capacity of firms receiving 8(a) contracts by expanding technical assistance and training programs.

Performance Measures:

SBA's current performance measures include:

- the number of firms who get government contracts, and
- how long firms have been in the program.

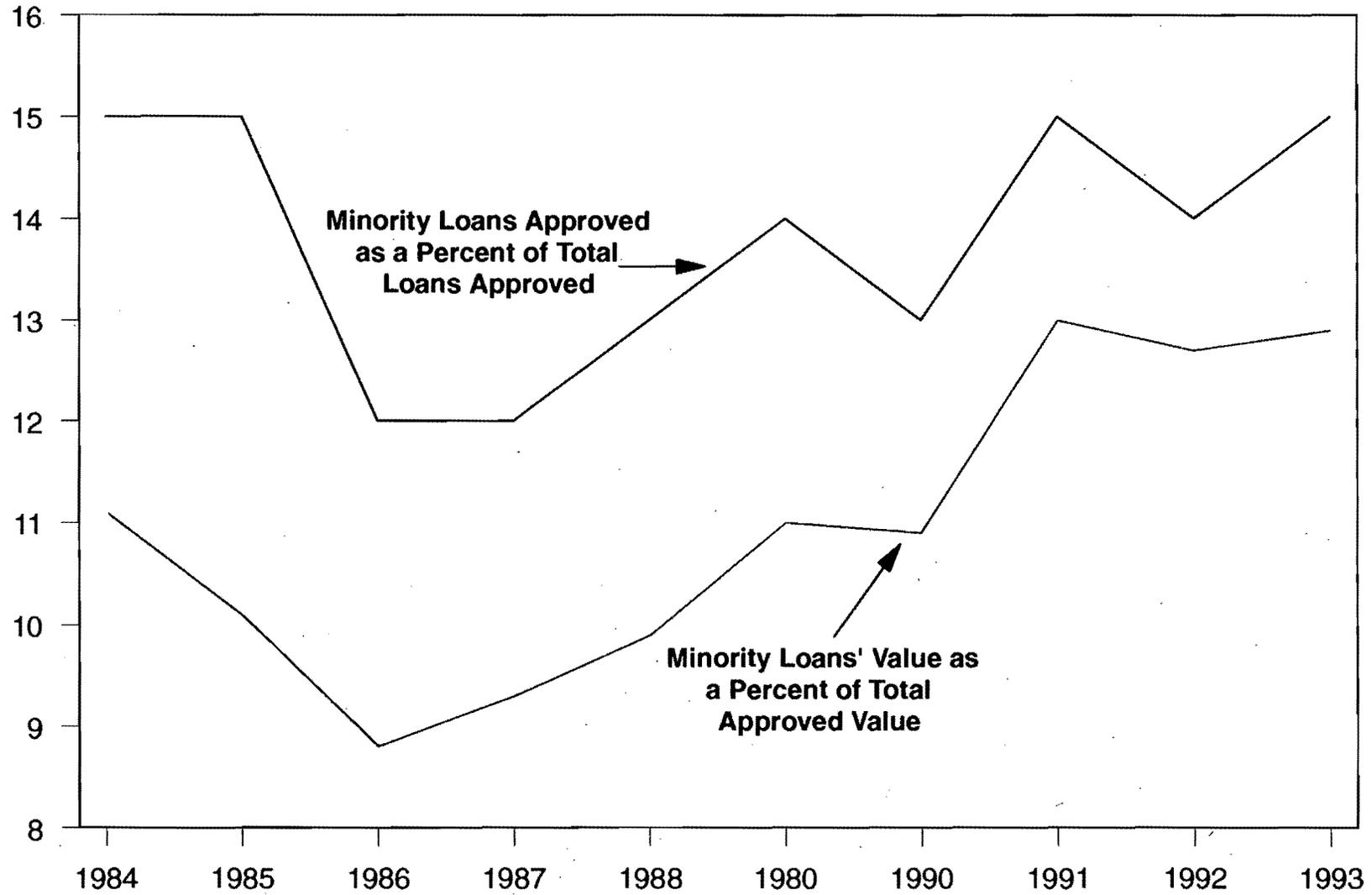
However, SBA has not, to date, used these performance measures to make program management decisions. Improved management, using program measures, is part of SBA's proposed reforms.

Recommendations:

- As with the Minority Business Development Center, SBA needs to develop its measures of program results. Only through adequate measures of program effectiveness can policy decisions be made on resource allocation among programs designed to promote economic opportunity for underserved populations and civil rights enforcement programs in preventing and reversing discrimination.

Small Business Administration Minority Loan Approval v. Loan Value Rates

Percent



Source: Statistical Abstract of the U.S., 1994

The Equal Employment Opportunity Commission

	FY 1989 Actual	FY 1990 Actual	FY 1991 Actual	FY 1992 Actual	FY 1993 Actual	FY 1994 Actual	FY 1995 Enacted	FY 1996 Guidance	FY 1996 Request
BA	180.7	184.9	201.9	211.3	222.0	230.0	233.0	240.0	293.0
OL	182.0	180.8	192.1	208.8	218.0	228.4	232.0	243.0	293.0
FTE	3,170	2,853	2,796	2,791	2,831	2,850	2,834	3,019	3,359

Background:

The Equal Employment Opportunity Commission (EEOC) is the federal agency charged with enforcing laws that prohibit employment discrimination based on race, sex, religion, national origin, age, or handicap status. These laws include the Age Discrimination in Employment Act of 1967; title VII of the Civil Rights Act of 1964, as amended; the Equal Pay Act of 1963; in the Federal sector only, section 501 of the Rehabilitation Act of 1963; the Americans with Disabilities Act of 1990; and the Civil Rights Act of 1991.

Status:

- Three new EEOC Commissioners were formally appointed by the President on Friday, September 30, 1994, including the Honorable Gilbert F. Casellas, Chairman. Mr. Casellas and his staff are currently undertaking a comprehensive review of the EEOC to improve enforcement of employment laws and to improve the organization's productivity.
- EEOC's workload inventory is escalating drastically. Already, there is a significant inventory of caseloads to process. Additionally, legislated mandates have increased EEOC's scope of responsibility and consequently have increased the number of private and federal sector cases which must flow through the EEOC. There has been no comparable increase in appropriated funding. The Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991 have increased the responsibility of EEOC to process complaint and hearings. Projected inventory backlogs are shown on the following charts.

*list of
cases &
backlog?
what are
FTE's
graded on?*

*Technical
by
attorney for
problem -
A more
effective
program?
to deal
backlog*

- There is no General Counsel. This position is the top authority for enforcement of equal employment opportunity laws.
- In FY 1995, the Commission on Civil Rights will complete a study on the enforcement of Title VI of the 1964 Civil Rights Act. It will also begin a study to evaluate the Federal Government's effort to eliminate employment discrimination through an examination of the policies and procedures of the Equal Employment Opportunity Commission and the Department of Justice.

Performance Measures:

Current performance measures used by the EEOC include:

Private Sector:

- number of charges received by enforcement units
- pending inventory of charges
- number of enforcement resolutions
- number of complaints forwarded
- months of pending inventory
- charges per investigator
- resolutions per investigator

Federal Sector:

- number of complaints received
- pending inventory of hearings and of appeals and reviews
- months of pending inventory
- number of hearings and appeals and reviews resolutions
- number of cases processed by its investigators.

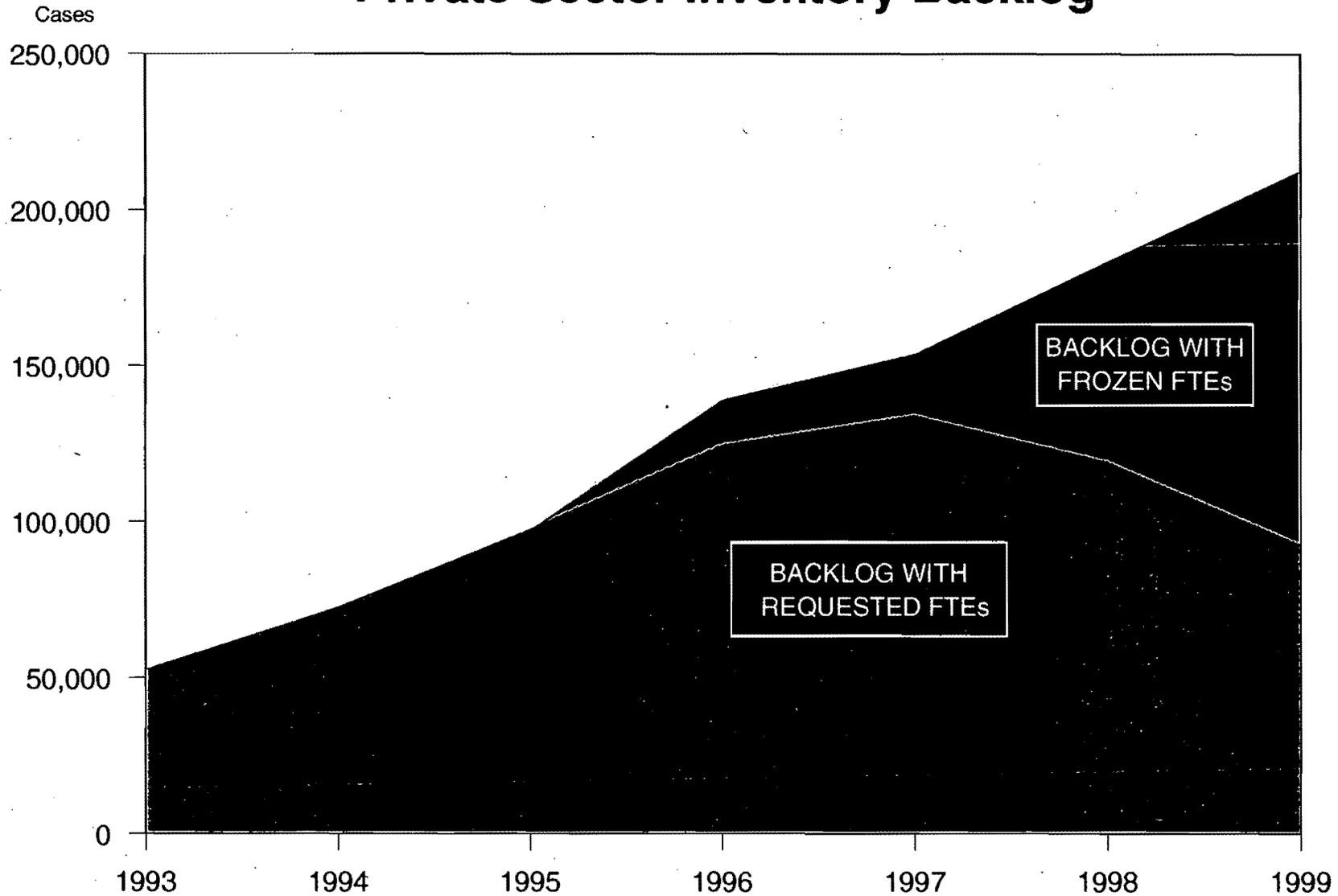
Recommendations and Questions:

- EEOC has not results oriented performance measures. The data collected, while necessary and important to measure administrative effectiveness in carrying out its mandates, says nothing about the status of employment discrimination in the country.
- Trend data should be developed to measure the number of cases processed under various laws to determine if growth is the

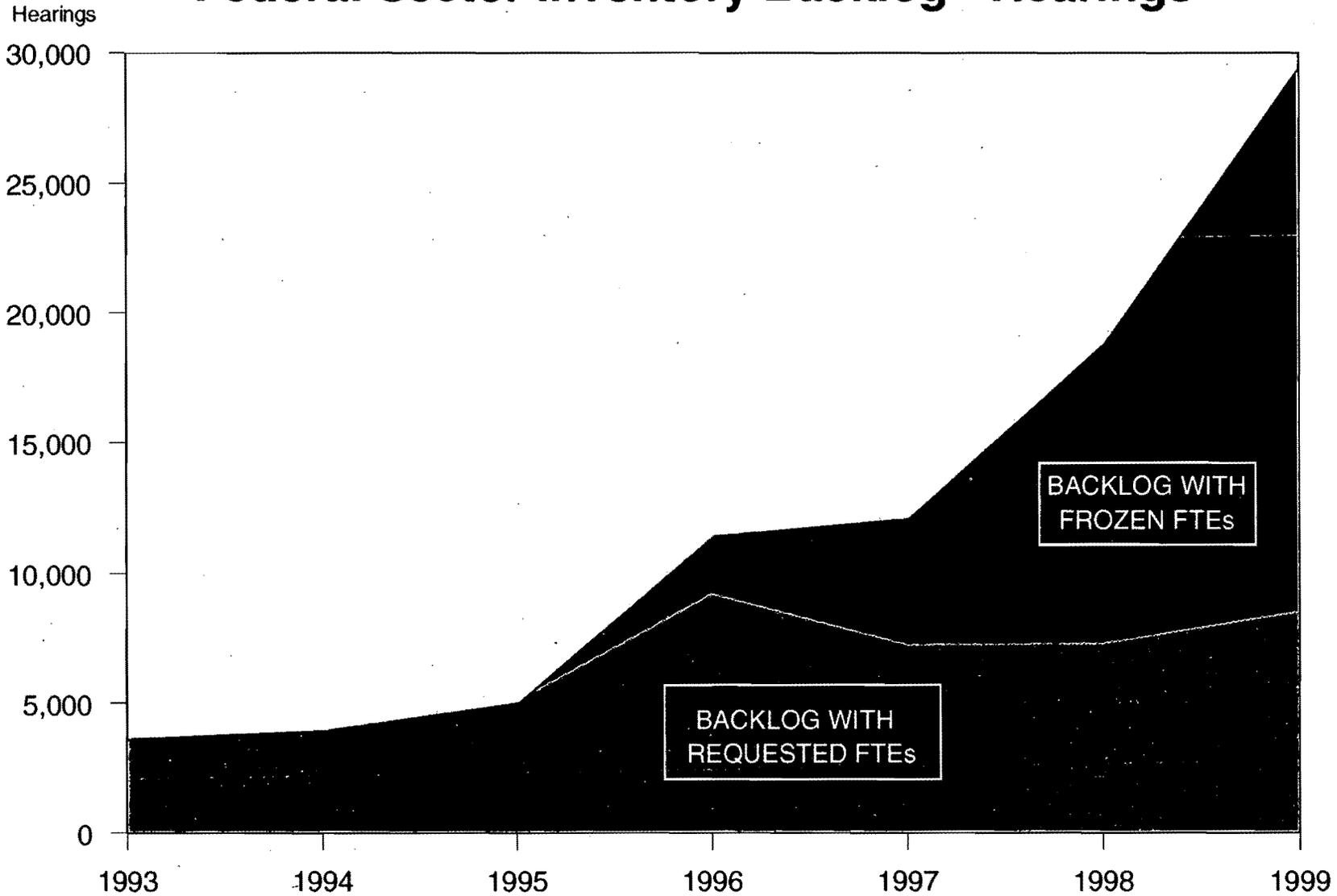
number of claims is increasing or decreasing. This may provide a better measure of where the agency is being more effective.

- Punitive monetary damages awards should also be tracked. Is there a correlation between the size of a judgement against a respondent and a drop in the number and kinds of claims?
- Is there a relationship between the kinds of claims and particular industries? particular geographic areas?
- Are the size of the awards simply not large enough to warrant serious attention?

Equal Employment Opportunity Commission Private Sector Inventory Backlog



Equal Employment Opportunity Commission Federal Sector Inventory Backlog - Hearings



Department of Labor:
Office of Federal Contractor Compliance Program (OFCCP)

	FY 1989 Actual	FY 1990 Actual	FY 1991 Actual	FY 1992 Actual	FY 1993 Actual	FY 1994 Actual	FY 1995 Enacted	FY 1996 Guidance	FY 1996 Request
BA	52.0	53.0	53.0	55.0	56.0	56.0	59.0	60.0	69.0
OL	52.0	52.0	52.0	54.0	55.0	56.0	59.0	60.0	69.0
FTE	980	940	900	880	855	830	810	820	820

Background:

The Office of Federal Contractor Compliance Program (OFCCP) in the Department of Labor (DOL) enforces regulations requiring Federal contractors to take affirmative action and eliminate discrimination from the workplace, and it seeks to obtain remedies for victims of discrimination. OFCCP enforces the nondiscrimination and affirmative action requirements of Executive Order 11246; Section 503 of the Rehabilitation Act of 1973; 38 U.S.C. 4212, the Vietnam Era Veterans' Readjustment Act of 1974; 29 CFR Part 30, the EEO provisions under the National Apprenticeship Act of 1937; and the Americans with Disabilities Act of 1990.

Status:

- Authority to enforce the above civil rights acts was consolidated into DOL in 1978 just prior to a drop in the emphasis placed by the Federal government on civil rights enforcement. The agency has just begun to come out of the subsequent twelve year dormant period and is experiencing the growing pains one would expect of a new agency. OFCCP is in the process of reworking its central civil rights authority and the regulations that implement E.O. 11246, which should be finished by the end of next year. Coupled with its streamlining and reinvention activities, this effort will make OFCCP a much more effective civil rights agency.

• OFCCP is in the process of reworking its performance measures to capture outcomes instead of the traditional workload measures. Likely future performance measures will be

- percent of contractor universe covered
- speed of case resolutions
- number of positive actions taken by contractors as a result of OFCCP reviews (back wage payments, rehires, etc.).

• OFCCP has requested streamlining and reinvention funds that will allow it to automate its field offices, cut out superfluous regional and field offices, and provide technical assistance to the contractor community, all to achieve increased efficiencies in the face of future reduced staffing levels. Given the work OFCCP is undertaking on the E.O. 11246 regulations and its performance measures, its effectiveness should improve whether increased funding is available or not.

Recommendations and Questions:

• As OFCCP expands, deliberate consideration should be given to the development of performance measures. OFCCP should enhance its baseline of measures to include data by the types of industries and level of punitive damages assessed against discriminatory federal contractors.

• Should there be any reason why a contractor convicted of discrimination continues to receive federal contracts?

• Are the size of the awards simply not large enough to warrant serious attention?



Hate Crime Enforcement

Department of Justice General Legal Activities, Civil Rights Division

Funding History (Civil Rights Prosecution Only) (Dollars in Millions)

	<u>1989</u>	<u>1994</u>	<u>1995 Enacted</u>	<u>1996 Ceiling</u>	<u>1996 Request</u>
BA	3.0	4.4	4.4	***	4.7
OL	Not Available	Not Available	Not Available	***	Not Available
FTE	41	48	47	***	48

***The Civil Rights Division is subject to a single set of resource ceilings that encompass the service as well as other organizations.

Department of Justice Community Relations Service

Funding History (Conflict Resolution Only) (Dollars in Millions)

	<u>1989</u>	<u>1994</u>	<u>1995 Enacted</u>	<u>1996 Ceiling</u>	<u>1996 Request</u>
BA	7.2	9.8	10.4	***	11.4
OL	6.4	10.9	10.6	***	9.6
FTE	90	90	100	***	105

***The Community Relations Service is subject to a single set of resource ceilings that encompass the service as well as other organizations.

Department of Justice Federal Bureau of Investigation

Available data is not specific to hate crime activity.

Background:

FBI Data

The Hate Crime Statistics Act of 1990 vests the FBI with the responsibility of collecting data on bias-related offenses. According to the FBI, in 1992, police received reports of over 8,900 "hate" crimes. Racial bias motivated six of every ten hate crimes, religious bias motivated two of ten, and ethnic and sexual orientation motivated one of ten. More specifically, anti-black offenses constituted 36% of reported bias offenses, anti-white offenses constituted 21%, and anti-Jewish offenses constituted 13%.

Of the over 8,900 offenses, 3,300 were intimidation, 2,000 were vandalism, 1,800 were simple assault and 1,400 were aggravated assault. Police suspected that 2,900 of the offenders were white and 1,500 were African-American. The race of 2,900 offenders was unknown. Agencies in New York and New Jersey reported the largest number of hate crimes 1,100 each.

It is impossible to know the number and composition of crime not reported to police. The Office of Justice Programs collects crime victimization data generally. But the Congress placed data gathering responsibilities with the FBI who generally tally only police reports.

No historical information was available for this report. However, the FBI reports that there has been an increase in right-wing terrorist activity in the United States. The activity has been particularly prevalent on the West Coast. Since 1987, in the Los Angeles, California, area there has been a rise in the number of racially motivated crimes perpetrated by various factions of Skinheads. The bureau reports an increase in anti-Semitic incidents in the United States during 1993.

Community Relations Service Data

The Community Relations Service helps communities resolve difficulties arising from discrimination based upon race, color or national origin. The service mediates disputes between community groups, assists groups in developing plans to avoid recurring sources of tension, and assists groups in preparing for events likely to generate tension. The service operates through ten regional offices and maintains a toll-free hot line. Although the service has no authority to investigate or enforce criminal statutes, it is active in preventing and addressing violence and the effects of criminal activity on the social fabric of the community. Through this activity, it accumulates information on hate crime.

Annually, the service responds to a number of incidents of cross-burnings at residences and distribution of hate-oriented flyers at schools, public places, and businesses. Frequently, the cross-burnings are related to interracial marriages or minority families--principally African-American families--moving into predominantly and demographically unchanging white neighborhoods. Of the 34 cases of organized hate group (not necessarily criminal) activity in which the service became involved in 1994, most occurred in the Midwest or the mid-Atlantic areas.

According to the service, the States that most frequently experience Ku Klux Klan and Skinhead activities are New Jersey, Maryland, Georgia, Missouri, Colorado, Texas, Idaho, Oregon, Washington, California, and Arizona. Many Skinhead activities in the West involve a very mobile group of Skinheads that operate out of Las Vegas, Nevada.

Where a community perceives law enforcement officers as using excessive force against members of a minority group, they often view it as a form of hate crime. These incidents can create high levels of racial tension and often precipitate wide-scale violence and community disorder. Since the beginning of fiscal year 1993, the service has logged 269 such cases.

Status:

In addition to collecting reports of hate crime, the FBI investigates them through two units: the Domestic Counterterrorism Section and the Public Corruption and Civil Rights Section. The counterterrorism section investigates offenses committed by groups that advocate violence to accomplish social change. The civil rights section investigates offenses committed by individuals unaffiliated with these groups. The section supervises field agents on civil rights matters within its jurisdiction. In the last three years, the civil rights section opened almost 500 hate crime cases and another 1,100 police brutality cases.

In addition to the activities of the FBI in collecting data and the Community Relations Service in lessening community tension, the civil rights division prosecutes violations of Federal civil rights laws. The division has prepared a draft strategic plan which may delineate the direction it proposes to take.

Performance Measures:

The chart below shows performance measures used by the agencies principally involved in controlling hate crime.

Hate Crimes Performance Measures

Section	Productivity Measures	Efficiency Measures	Effectiveness Measures	Externalities
FBI			<ul style="list-style-type: none"> • # State and local agencies responding with hate crime statistics 	
Community Relations Service	<ul style="list-style-type: none"> • # communities in which technical assistance/training provided to police and community leaders • # communities assisted during major conflicts 	<ul style="list-style-type: none"> • # joint projects with other DOJ components • % staff assigned computers • # staff training courses • % conciliation staff receiving skills development training 	<ul style="list-style-type: none"> • # of cases in which racial/ethnic tension reduced after intervention • average # racial groups involved in conciliation service • % favorable responses to customer surveys 	
Civil Rights Division, Civil Rights Prosecution	<ul style="list-style-type: none"> • # cases investigated • # cases filed • ratio of cases received to cases reviewed 		<ul style="list-style-type: none"> • # precedent-setting cases 	<ul style="list-style-type: none"> • inherent # and gravity of incidents reported • available resources

Recommendation and Questions:

The Community Relations Service has done an outstanding job of identifying performance measures. Both the FBI and the civil rights division could benefit by identifying more measures of effectiveness. All three agencies should fully identify externalities. This is absolutely critical. Failure to do so could undermine efforts to hold adopt meaningful, results-oriented measures.

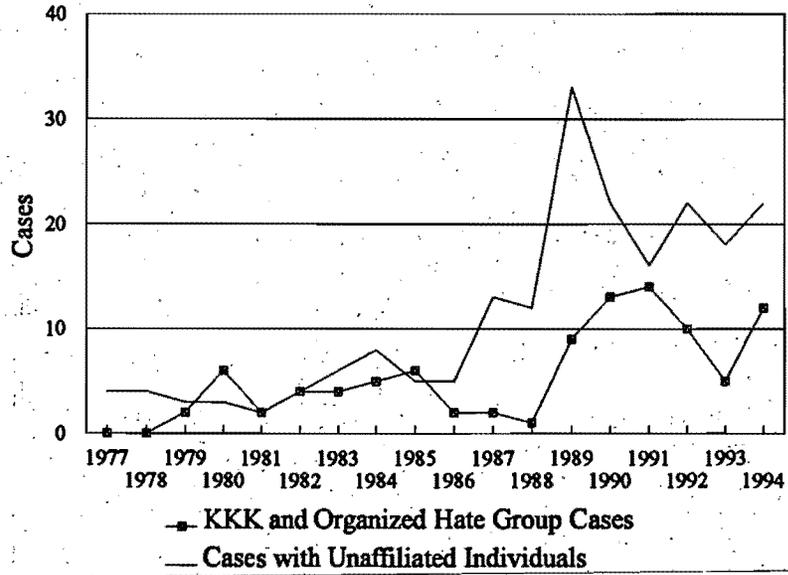
Together, these agencies have a discrete mission with respect to the outside world, preventing imminent hate crimes and responding to those that have occurred. Their performance measures should reflect the necessity they work together and make them accountable as a team. This will be a delicate matter since the Community Relations Service must retain its independence from civil rights enforcement in order to have legitimacy as a conciliator.

HATE CRIME ENFORCEMENT 5

The service has no authority to address matters pertaining to sexual orientation, as arose in Ovett, Mississippi. In that incident, the Executive Director of the National Gay and Lesbian Task Force Policy Institute informed the service of a potentially violent situation arising from harassment of and threats of violence against two lesbian directors of a local feminist educational center, Camp Sister Spirit. Despite entreaties from Representative Don Edwards, the service had no authority to intervene. The service was able to become involved only because the women may have received a threat through the United States postal system and the Attorney General used her broad statutory authority to exercise all functions of the Justice Department and to delegate these functions to any agency officer or employer or employee of the Department. A lawsuit ensued which did not resolve the issue. A congressional hearing on expanding the service's mandate, originally scheduled to occur on October 5, 1994, was postponed.

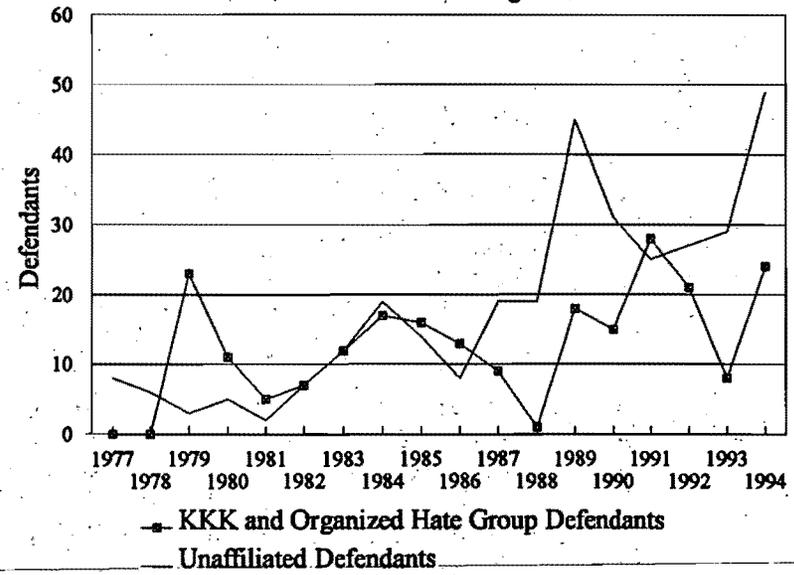
The Administration should consider whether current statutes governing hate crime jurisdiction are sufficiently broad.

**Civil Rights Prosecutions Involving Racial Violence
Cases Initiated**



Source: Federal Bureau of Investigation

**Civil Rights Prosecutions Involving Racial Violence
Defendants Charged**



Source: Federal Bureau of Investigation

Environmental Justice: Status of Implementation of E.O. 12898

Background:

Executive Order 12898 ("Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations"), which was issued February 11, 1994, requires all Federal agencies to assess whether their actions have disproportionate human health or environmental effects on minority or low-income populations.

The executive order is designed to focus Federal attention on the environmental and human health conditions in minority communities, promote non-discrimination in Federal programs substantially affecting human health and the environment, and improve access and public participation in human health and environmental matters. It covers agencies that conduct programs or activities that substantially affect human health or the environment. (OMB participates on the Interagency Working Group, but is not subject to the executive order's various reporting requirements.)

Status:

The Executive Order set out several specific requirements and deadlines. The major requirements and the status of achievement are set out below:

- Interagency Working Group. The executive order creates a 17-member (including OMB) interagency working group, chaired by the EPA Administrator, to provide guidance to agencies, coordinate data and implementation of the order, and collect and analyze data. The Working Group has been meeting on a regular basis since early May. Over 200 Federal agency staff are involved in the eight separate Task Forces set up under the Working Group to address specific implementation issues. Specific guidance has been issued on several implementation issues, including a "model" strategy that identifies a suggested form and content for agency environmental justice strategies and draft guidance on integration of environmental justice concerns into the National Environmental Policy Act ("NEPA") process.
- Development of Agency Strategies. Each Federal agency must finalize within one year (by February 11, 1995) an agency-wide environmental justice strategy. The strategy must identify and address disproportionately high and adverse effects of the agency's programs, policies, and activities on minority and low-income populations. The executive order set out several interim deadlines for agency plans. EPA reports that all agencies met the executive order's August deadline for completion of an outline of their strategies and that all agencies appear to be on schedule to meet the November deadline.

for submitting their strategies to the Working Group. (OMB is not an agency required under the executive order to prepare an environmental justice strategy.)

- Public Participation and Access to Information. In April, EPA established the National Environmental Justice Advisory Council (a FACA-chartered council), whose 25 members include representatives of community groups, business, industry, Federal and state government officials, tribal and local governments, universities, and environmental and other non-governmental groups. In addition, four subcommittees of NEJAC were set up with another 34 advisory positions. The NEJAC was established to advise the EPA Administrator on a wide range of environmental and environmental justice issues. The NEJAC has met once (in May) and is next scheduled to meet on October 25th to be briefed on progress of the Working Group and Task Forces and to address other issues.

Notable among other accomplishments is an inventory of about 30 specific environmental justice projects have been identified government-wide. Attached are descriptions of two such projects.

Funding:

The executive order explicitly requires Federal agencies to assume any financial costs of complying with the order, unless otherwise provided by law. In part because environmental justice activities permeate all facets of agency programs and cannot be separately identified, there has been no attempt to develop a government-wide accounting of these activities. EPA has developed a preliminary estimate of \$22 million in FY 1996 of EPA funds targeted specifically to its environmental justice activities and projects.

Performance Measures:

Environmental Justice Performance Measures - EPA's *Strategic Plan* identifies environmental justice as one of the seven guiding principles for how the agency will achieve its environmental goals. Although EPA still is working to refine the performance measures it intends to use for environmental justice activities, its *Strategic Plan* does set out a mix of preliminary output and outcome measures. These include measures related to specific deadlines in the executive order, e.g., "full implementation of the Agency's environmental justice strategy by February 1995", which should be relatively easy to monitor and evaluate. However, other measures to evaluate actual human health and environmental outcomes, e.g., "to show quantitative risk reductions through measures based on risk assessment methodologies that reflect the cumulative and synergistic effects of exposure, or multiple and different pathways of exposure") are not yet well developed for environmental justice activities (or for

most other EPA program areas). Development of the data and systems necessary to evaluate performance for these outcome measures will require more time and sustained effort by the agency.

Other agencies should develop similar means to evaluate their programs as part of the development of agency environmental justice strategies. There will be a better picture of the status of development of these measures when agency plans are submitted in November.

Recommendation and Questions:

There are no major implementation issues at this point. However, there is some concern in the agencies that tight budgets may affect their ability to comply with the order. EPA reports that the quality of agency environmental justice strategies is varied, but agencies have taken seriously the requirements of the executive order. Achievement of the executive order's deadlines for completion of agency environmental justice strategies appears to be on schedule.

Performance Measures Used in Civil Rights Enforcement Agencies

Most of the enforcement agencies have performance and program execution measures; in other words, they are process-oriented measures. Many of these focus on internal, administrative activities that are important determinants of organizational efficiency. The next step, however, is to focus on developing relevant measures that evaluate mission-oriented results.

Developing measures of results is often difficult, because the outcome of a federal agency is often a statement of basic expectation grounded in law. For the Civil Rights programs, the expected outcome of federal involvement is a major change in public behavior. Achievement often lags years after the funds are spent. Thus, it is difficult, when making public-policy decisions on the allocation of scarce resources, to know whether the funding is necessary, adequate, or not enough.

The development of performance measures that evaluate the effectiveness of outcomes or results are intended to provide the decision-maker with information from which to make choices amongst the most effective programmatic tools and techniques that must be used to combat discrimination. They can also be effective in determining, "are we doing enough?"

The table below provides measures of performance, both process- and outcome-oriented, for the five Civil Rights enforcement agencies discussed in this review.

Agency	Process-Oriented	Outcome-Oriented	Comments
Commission on Civil Rights	<ul style="list-style-type: none"> • List of accomplishments by year. Includes descriptions of research studies / reports that the Commission issues. 	None.	The Civil Rights Commission could assist agencies in developing better measures of successes and failures for all civil rights areas.

Performance Measures Used in Civil Rights Enforcement Agencies

Agency	Process-Oriented	Outcome-Oriented	Comments
Equal Employment Opportunity Commission	<p><u>Private Sector:</u></p> <ul style="list-style-type: none"> • # of charges received by enforcement units • Pending inventory of charges • # of enforcement resolutions • # of complaints forwarded • Months of pending inventory • Charges per investigator • Resolutions per investigator <p><u>Federal Sector:</u></p> <ul style="list-style-type: none"> • # of complaints received • Pending inventory of hearings / appeals and reviews (A&R) • Months of pending inventory • Hearings / A&R resolutions • Hearings / A&R complaints forwarded 	None.	EEOC needs to develop better measures of where employment discrimination is increasing or decreasing; and in what industries; in what geographic areas. As an enforcement agency, EEOC is involved after the alleged discrimination took place. Therefore, its refined measures of where discrimination exists should assist in developing preventative activities.

Performance Measures Used in Civil Rights Enforcement Agencies

Agency	Process-Oriented	Outcome-Oriented	Comments
HUD: Fair Housing and Equal Opportunity	<ul style="list-style-type: none"> • # fair housing complaints • # fair housing complaints processed • # fair housing complaints resolved • Time required for case resolution 	<ul style="list-style-type: none"> • Public awareness of discriminatory lending and insurance practices and their rights under the FHA • Levels of racial isolation for HUD-assisted housing recipients • # of Best Practices agreements with housing lenders • # and Level of punitive monetary awards 	FHEO has developed some excellent outcome-oriented measures. Surveys can provide a sense of public awareness on the issue of housing discrimination.
DOJ: Civil Rights Division -- Hate Crime Enforcement	<ul style="list-style-type: none"> • # communities provided technical assistance • # communities assisted during major conflicts • # cases investigated and filed • Ratio of cases received to cases reviewed 	<ul style="list-style-type: none"> • # State and local agencies responding with hate crime stats • # cases in which racial/ethnic tension reduced after intervention • average # racial groups involved in conciliation service • % favorable responses to customer surveys • # precedent-setting cases 	Excellent start. Proceed with identifying more measures of effectiveness.

Performance Measures Used in Civil Rights Enforcement Agencies

Agency	Process-Oriented	Outcome-Oriented	Comments
DOJ: Civil Rights Division -- Federal Appellate Activity	<ul style="list-style-type: none"> • # appellate cases filed • # amicus briefs filed 	<ul style="list-style-type: none"> • Success rate (benchmark 50%) 	
DOJ: -- Civil Rights Division -- Civil Rights Prosecution	<ul style="list-style-type: none"> • # cases investigated • # cases filed • Ratio of cases received to reviewed 	<ul style="list-style-type: none"> • # precedent-setting cases 	
DOJ: Civil Rights Division -- Special Litigation	<ul style="list-style-type: none"> • # investigations initiated • # affirmative CRIPA cases • # affirmative FACE cases • # institutional tours conducted • # consent decrees entered 	<ul style="list-style-type: none"> • # precedent-setting cases 	
DOJ: Civil Rights Division -- Voting	<ul style="list-style-type: none"> • # cases filed • # section 5 submissions reviewed • amount of outreach activity on Motor/Voter • # consent decrees entered 	<ul style="list-style-type: none"> • # precedent-setting cases 	
DOJ: Civil Rights Division -- Employment Litigation	<ul style="list-style-type: none"> • # cases investigated • # right-to-sue notices issued • # consent decrees entered 	<ul style="list-style-type: none"> • # precedent-setting cases 	

Performance Measures Used in Civil Rights Enforcement Agencies

Agency	Process-Oriented	Outcome-Oriented	Comments
DOJ: Civil Rights Division -- Housing and Civil Enforcement	<ul style="list-style-type: none"> • # mortgage lending cases filed • # cases filed based on housing testing • # non-discretionary cases filed 	<ul style="list-style-type: none"> • # precedent-setting cases 	
DOJ: Civil Rights Division -- Education Opportunities	<ul style="list-style-type: none"> • # language barrier cases filed • # judgments/agreements subject to monitoring • # consent decrees entered 	<ul style="list-style-type: none"> • # non-traditional cases filed. 	
DOJ: Civil Rights Division -- Public Access	<ul style="list-style-type: none"> • # cases filed • instances of ADA information dissemination • # regulations/policy documents developed 	None.	
DOJ: Civil Rights Division -- Office of Special Counsel	 <ul style="list-style-type: none"> • # investigations initiated • # formal settlements • # instances of public outreach 	None.	
DOJ: Civil Rights Division -- Management and Administration	<ul style="list-style-type: none"> • # organizational reviews 	<ul style="list-style-type: none"> • Scope of major policy initiatives • Level of division ADP capacity 	
DOJ: Civil Rights Division -- Coordination and Review	<ul style="list-style-type: none"> • # compliance reviews conducted • # policy documents developed or reviewed • # responses to inquiries under E.O. 12250 	<ul style="list-style-type: none"> • # recommendations resulting from compliance reviews 	

Performance Measures Used in Civil Rights Enforcement Agencies

Agency	Process-Oriented	Outcome-Oriented	Comments
DOL: Office of Contractor Compliance	None.	<ul style="list-style-type: none"> • Percent of contractor universe covered • Speed of case resolution • # of positive actions taken by contractors as a result of OFCCP reviews 	<p>A good start. OFCCP should try to undertake more refined outcome-oriented measures.</p> <p>Actions taken and the level of awards by contracting industry and location would be a suggestion.</p>

United States Commission on Civil Rights

	FY 1989 Actual	FY 1990 Actual	FY 1991 Actual	FY 1992 Actual	FY 1993 Actual	FY 1994 Actual	FY 1995 Enacted	FY 1996 Guidance	FY 1996 Request
BA	5.7	5.7	7.1	7.2	7.8	7.8	10.2	10.0	12.8
OL	5.9	5.1	6.3	7.4	8.0	7.8	9.9	10.0	12.4
FTE	66	64	72	76	84	92	117	123	131

Background:

The United States Commission on Civil Rights (the Commission) is an independent, bipartisan agency, originally established by the Civil Rights Act of 1957 (P.L. 85-315). Since 1957, the Commission has been charged with identifying the underlying causes of discrimination in our country, recommending solutions, and reporting the results to the President and to the Congress.

The Commission "appraise[s] the law and policies of the Federal government with respect to discrimination or denials of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or national origin or in the administration of justice". 42 U.S. C. Section 1975c(a)(3). It is "a national clearinghouse for information in respect to discrimination or denials of equal protection of the laws...including but not limited to the fields of voting, education, housing, employment, the use of public facilities, and transportation, or in the administration of justice". 42 U.S.C. Section 1975c(a)(4). The Commission must "submit at least one annual report that monitors Federal civil rights enforcement efforts in the United States to Congress and to the President". 42 U.S.C. Section 1975c(f).

Status:

- The Commission released its last broad evaluation of Government policy in 1983. That report analyzed Reagan Administration funding requests for agencies engaging in legal enforcement of civil rights. The report was highly critical of Reagan Administration policies and ceased being produced. Since 1983, the Commission has issued issue specific reports to

satisfy the requirement that it report annually.

- During the Reagan Administration, the Commissioners became highly controversial for their conservative philosophies and funding for the Commission fell from \$12 million in 1982 to \$5.7 million in FY 1988. Since then, the Commission has received a steady, but modest increase in funding. OMB guidance levels for FY 1996 are still short of funding received by the Commission in FY 1982.

- In FY 1995, the Commission will complete a study on the enforcement of Title VI of the 1964 Civil Rights Act. It will also begin a study to evaluate the Federal Government's effort to eliminate employment discrimination through an examination of the policies and procedures of the Equal Employment Opportunity Commission and the Department of Justice. A second study will be initiated to evaluate the efforts of the Department of Education and its Office for Civil Rights to enforce a variety of laws mandating equal educational opportunity.

- In FY 1996, the Commission will issue reports from the FY 1995 hearings on racial and ethnic tensions in Miami and the Mississippi Delta, completing a multi-year project on Racial and Ethnic Tensions in American Communities. New studies planned for FY 1996 include such topics as:

- the enforcement of Americans with Disabilities Act at the Federal, State and local levels;
- the naturalization processes of the Federal Government;
- economic opportunities for minority youth;
- how Federal programs and policies help women, minorities and older persons participate in a changing, high technology economy;
- religious accommodation concerns in the public schools;
- an assessment of the funding of higher education for minority students;
- an analysis of recent court decisions on the Voting Rights Act of 1965; and
- a study of environmental justice.

Recommendations and Questions:

- Consider a discussion to assess the most effective role for a Civil Rights Commission is, including the development of objective measures of incidences of discrimination in each of the civil rights sectors. This may, perhaps, depend in large part of the statutory requirements for the composition of the board.

- Consider asking the Commission to report a status on "best practices"; that is, to highlight the progress made in particular civil rights programs and indicate techniques used by the federal government that seem to be working toward eliminating discrimination of any kind.

Department of Justice
 General Legal Activities
 Civil Rights Division

Funding History
 (Dollars in Millions)

	<u>1989</u>	<u>1994</u>	<u>1995 Enacted</u>	<u>1996 Ceiling</u>	<u>1996 Request</u>
BA	27.8	55.6	62.7	***	74.6
OL	27.4	55.1	61.7	***	71.7
FTE	394	529	577	***	587

***The civil rights division is subject to a single set of resource ceilings that encompass the division as well as other organizations.

Background:

The Justice Department's civil rights division litigates to enforce the nation's civil rights laws. It also administers some civil rights-related programs, such as clearance of new State and local election procedures for their civil rights implications or the program to compensate Japanese-Americans interned during World War II.¹ The division operates through eleven sections:

Federal-appellate-activity. This section handles or supervises the handling of all appeals from both favorable and adverse judgments of civil rights matters in which the Government participated. Supreme Court cases require coordination with the Office of Solicitor General. The section develops new legislation or modifications or amendments to existing legislation to protect civil rights. It provides legal counsel to Federal agencies responsible for the administration and development of programs with civil rights implications.

Civil rights prosecution. This section investigates and prosecutes violations of Federal criminal civil rights statutes. These statutes protect personal liberties, including religious freedoms, and prohibit involuntary servitude. About 3,000 of the complaints and inquiries received each year result in the

¹Funding for the civil rights division supports only the processing of payments. A separate appropriation funds the payments themselves. See generally, Civil Liberties Act of 1988, Pub. L. No. 383, 102 Stat. 903, 100th Cong., 2d Sess. (Aug. 10, 1988).

Federal Bureau of Investigation ("FBI") submitting investigative reports. Line attorneys and paralegals review the complaints and investigations and recommend further action. The section presents approximately 50 investigations to Federal grand juries each year for additional investigation or indictment. It tries approximately 25 cases annually. The section works closely with the Justice Department's United States Attorneys (the department's field attorneys) whenever its resources permit. Section attorneys are familiar with civil rights issues and assistant United States Attorneys are familiar with local court practices.

Special litigation. This section enforces the Federal Civil Rights of Institutionalized Persons Act ("CRIPA"), which authorizes the Attorney General to investigate and initiate civil actions in behalf of persons confined to publicly operated institutions in which they suffer flagrant deprivation of their constitutional rights. The section must afford State and local officials reasonable opportunity to remedy these conditions before initiating enforcement proceedings. CRIPA covers inmates of State prisons and local jails; clients of publicly operated mental health, mental retardation and juvenile detention centers; and residents of nursing homes, and facilities for the physically handicapped and chronically ill. The section also enforces Federal laws prohibiting discrimination in public facilities on the basis of a person's race, color, sex, religion or national origin. The section joins in litigation initiated by private parties to establish constitutionally acceptable conditions within an institution. The section monitors compliance with judgments by conducting on-site inspections, reviewing ordered by the courts, authorizing FBI investigations and maintaining contact with court-appointed compliance monitors.

Voting. Pursuant to section 5 of the Federal Voting Rights Act, the voting rights section approves new State and local election policies for 911 covered counties before the policies take effect. The purpose of the review is to prevent abridgment of the voting rights of racial or language minorities. The section defends lawsuits brought against the Government based upon the section's action in "pre-clearing" election policies. The section also ensures the assignment of Federal observers to polling places within these counties, where necessary to document voting irregularities or to ensure confidence in the electoral process. It provides alternative Federal voter registration where local election procedures discriminatorily abridge racial and language minorities' right to register. The section also monitors and remedies election policies that: a) dilute the voting strength of racial or language minorities; or b)

prevent full and fair participation by racial or language minorities, United States citizens overseas, or elderly, disabled or illiterate voters.

Employment litigation. This section enforces Federal laws prohibiting unfair discrimination in employment. These laws prohibit discrimination on the basis of race, color, religion, sex, national origin or disability. For public sector employment, the section enforces title VII of the Civil Rights Act of 1964, title I of the Americans with Disabilities Act of 1990 and the Civil Rights Act of 1991 through investigation, litigation and negotiating consent decrees. For both public *and* private sector employment, the section receives referrals from the Department of Labor's Office of Federal Contract Compliance Programs (for Federal contractors) and the Equal Employment Opportunity Commission. The section joins lawsuits affecting the development of employment discrimination law. It monitors and enforces existing employment discrimination court orders. It defends Federal civil rights programs affecting employment and disadvantaged businesses.

Coordination and review. This section coordinates the enforcement by Federal agencies of Title II of the Americans with Disabilities Act ("ADA") provisions prohibiting disability-related discrimination by State and local governments. The section investigates complaints for which the Justice Department has assumed administrative enforcement responsibilities. It ensures that all Executive branch agencies implement statutes prohibiting entities who receive Federal grants from discriminating on the basis of race, color, national origin, disability, religion or sex. Under Executive Order No. 12250, the section reviews all new civil rights regulations for consistency, adequacy and clarity, it assists agencies in developing civil rights plans, and offers agencies training and technical assistance to improve their civil rights enforcement programs. It promotes inter-agency cooperation in civil rights matters. It investigates complaints referred by the Justice Department's National Institute of Corrections concerning civil rights violations occurring in penal institutions that receive Federal financial assistance.

Housing and civil enforcement. This section investigates and litigates compliance with the Fair Housing Act of 1968 and the Equal Credit Opportunity Act. Upon referral from the Department of Housing and Urban Development, the section enforces the Housing and Community Development Act of 1974 against State and local governments. It enforces title II of the Civil Rights Act of 1964, relating to public accommodations.

Educational opportunities. This section litigates to bring about orderly desegregation of schools pursuant to Federal law, to eliminate the denial of equal protection of the law in educational institutions on account of sex, and to secure equal educational opportunities for students in public school systems and educational institutions receiving Federal financial assistance. It seeks supplemental judicial relief to eliminate the vestiges of racially dual school systems. It litigates to enforce assurances of nondiscrimination made by educational institutions receiving Federal funds to the Department of Education.

Public Access. This section litigates cases under Titles II (State and local government activities) and III (activities of places of public accommodation) of the ADA. It certifies State and local building codes for compliance with the ADA standards for accessible design. It disseminates technical assistance information and coordinates the technical assistance other agencies provide.

Office of Special Counsel. This section investigates and prosecutes employers charged with national origin and citizenship status discrimination under Section 102 of the Immigration Reform and Control Act of 1986 ("IRCA"). The Congress created this office because of concern that making employers subject to civil and criminal sanctions for knowingly hiring individuals unauthorized to work in the United States might result in discrimination, either against those who look or sound "foreign" or who are not United States citizens. In addition, the office conducts an outreach and education program to educate employers, potential victims of discrimination, and the general public about their rights and responsibilities under IRCA.

Management and administration. This section provides policy direction and administrative support to the division. It includes the Office of Redress Administration, which processes compensation payments to Japanese-Americans interned during World War II.

Performance Measures:

The division uses performance measures that vary with each section. The measures are summarized in the chart below.

Civil Rights Division Performance Measures

Section	Productivity Measures	Efficiency Measures	Effectiveness Measures	Externalities
Federal Appellate Activity	<ul style="list-style-type: none"> • # appellate cases filed • # amicus briefs filed (benchmark of 80 annually) 		<ul style="list-style-type: none"> • Success rate (benchmark 50%) 	<ul style="list-style-type: none"> • available resources
Civil Rights Prosecution	<ul style="list-style-type: none"> • # cases investigated • # cases filed • ratio of cases received to cases reviewed 		<ul style="list-style-type: none"> • # precedent-setting cases 	<ul style="list-style-type: none"> • inherent # and gravity of incidents reported • available resources
Special Litigation	<ul style="list-style-type: none"> • # investigation initiated • # affirmative CRIPA* cases • # affirmative FACE** cases • # institutional tours conducted • # consent decrees entered 		<ul style="list-style-type: none"> • # precedent-setting cases 	<ul style="list-style-type: none"> • available resources
Voting	<ul style="list-style-type: none"> • # cases filed • # section 5 submissions reviewed • amount of outreach activity on Motor/Voter • # consent decrees entered 		<ul style="list-style-type: none"> • # precedent-setting cases 	<ul style="list-style-type: none"> • available resources
Employment Litigation	<ul style="list-style-type: none"> • # cases investigated • # right-to-sue notices issued • # consent decrees entered 		<ul style="list-style-type: none"> • # precedent-setting cases 	<ul style="list-style-type: none"> • adequacy of testing programs • available resources
Coordination and Review	<ul style="list-style-type: none"> • # compliance reviews conducted • # policy documents developed or reviewed • # responses to inquiries under Exec. Order 12250*** 		<ul style="list-style-type: none"> • # recommendations resulting from compliance reviews 	<ul style="list-style-type: none"> • available resources

Civil Rights Division Performance Measures

Section	Productivity Measures	Efficiency Measures	Effectiveness Measures	Externalities
Housing and Civil Enforcement	<ul style="list-style-type: none"> • # mortgage lending cases filed • # cases filed based on housing testing • # non-discretionary cases filed 		<ul style="list-style-type: none"> • # precedent-setting cases 	<ul style="list-style-type: none"> • active participation of U.S. Attorneys in HUD referrals • available resources
Educational Opportunities	<ul style="list-style-type: none"> • # language barrier cases filed • # judgments/ agreements subject to monitoring • # consent decrees entered 		<ul style="list-style-type: none"> • # non-traditional cases filed 	<ul style="list-style-type: none"> • available resources
Public Access	<ul style="list-style-type: none"> • # cases filed • instances of ADA information dissemination • # regulations/ policy documents developed 			<ul style="list-style-type: none"> • available resources
Office of Special Counsel	<ul style="list-style-type: none"> • # investigations initiated • # formal settlements • # instances of public outreach 			<ul style="list-style-type: none"> • available resources
Management and Administration	<ul style="list-style-type: none"> • # organizational reviews 		<ul style="list-style-type: none"> • scope of major policy initiatives • level of division ADP capacity 	<ul style="list-style-type: none"> • available resources

*CRIPA: Civil Rights of Institutionalized Persons Act

**FACE: Freedom of Access to Clinic Entrances Act

***Under Executive Order 12250, the division coordinates the enforcement by Federal agencies of various statutes that prohibit discrimination in programs that receive Federal financial assistance and discrimination on the basis of disability in programs conducted by the Federal Government.

Status:

The division has proposed a 1995 reorganization which will create an additional Deputy Assistant Attorney General position, create a new legislative unit, consolidate all Americans with Disabilities Act responsibilities within one section, rename the Public Access Section the "Disability Rights Section", and make other minor changes to enhance the division's operational effectiveness and efficiency. The division recently completed a draft strategic plan for enforcing civil rights. The plan awaits approval by the Attorney General.

Recommendation and Questions:

A review of performance measures suggests that most measures relate to productivity rather than to efficiency, effectiveness and externalities. Improving measures of efficiency will be especially difficult because litigation is very staff intensive and casework varies greatly depending upon fact patterns and the activities of opposing counsel. It will be exceedingly difficult for the division to tie its performance to measures of effectiveness without first more precisely identifying the externalities that put these measures into perspective.

Release of the strategic plan will shape dialogue on other issues.

Title VI Enforcement

Department of Justice
General Legal Activities
Civil Rights Division

Funding History (Coordination and Review Only) (Dollars in Millions)

	<u>1989</u>	<u>1994</u>	<u>1995 Enacted</u>	<u>1996 Ceiling</u>	<u>1996 Request</u>
BA	2.5	3.2	3.3	***	3.5
OL	Not Available	Not Available	Not Available	***	Not Available
FTE	36	32	32	***	32

***The civil rights division is subject to a single set of resource ceilings that encompass the division as well as other organizations.

Background:

Title VI of the Civil Rights Act of 1964 prohibits discrimination in any program or activity receiving Federal financial assistance. That law authorizes Federal agencies, with the President's approval, to adopt rules implementing the prohibition. It authorizes agencies to terminate the assistance they provide if they are unable to secure voluntary compliance.

In Executive Order 12250, the President delegated to the Attorney General authority to coordinate the implementation of title VI. Pursuant to that order, the Civil Rights Division's Coordination and Review Section assures the consistent, effective and efficient enforcement of various civil rights laws that prohibit discrimination on the basis of:

- race, color, national origin, disability, sex, and religion by the more than 25 agencies that administer programs of Federal financial assistance
- disability in programs conducted by the more than 90 Federal Executive agencies.

The section serves as the Government's clearinghouse for complaints of discrimination against recipients of Federal assistance.

Performance Measures:

The Coordination and Review Section uses performance measures summarized in the chart below.

Coordination and Review Section Performance Measures

Productivity Measures	Efficiency Measures	Effectiveness Measures	Externalities
<ul style="list-style-type: none"> • # compliance reviews conducted • # policy documents developed or reviewed • # responses to inquiries under Exec. Order 12250 		<ul style="list-style-type: none"> • # recommendations resulting from compliance reviews 	<ul style="list-style-type: none"> • available resources

Measures specifically applicable to title VI were unavailable when during preparation of this document.

Status:

On July 14, 1994, in conjunction with the 30th anniversary of Title VI, the Attorney General signed a memorandum to all Federal agencies with Title VI enforcement responsibilities, reminding them that the "adverse effects" standard should be used, when appropriate, in conducting Title VI investigations. The memorandum stated that a showing of invidious intent is not required to establish a violation, and that the disparate impact provisions of existing regulations are an essential component of an effective compliance program.

The section recently completely a draft regulation that would update and otherwise improve coordination of compliance with title VI. In addition, it has reviewed annual implementation plans and performance and workload data submitted by Federal agencies describing their federally assisted civil rights program enforcement priorities, activities, and results. The section received 22 plans. Five agencies did not submit plans: the Department of Commerce; the Department of Defense; the Department of Health and Human Services, which submitted data only; the Department of State and the United States Information Agency. The section is maintaining an ongoing liaison program with each agency.

In recent years, the Coordination and Review Section has a large portion of its resources to implementing the Americans with Disabilities Act. The division has proposed a 1995 reorganization--which OMB has approved--which will create an additional Deputy Assistant Attorney General position, create a new legislative unit, consolidate all Americans with Disabilities Act responsibilities within one section, rename the Public Access Section the "Disability Rights Section", and make other minor changes to enhance the division's operational effectiveness and efficiency. This change will allow the section to sharpen its focus on ensuring agency compliance with title VI. The recently completed draft strategic plan for enforcing civil rights may affect the division's activities under title VI. The plan awaits approval by the Attorney General.

The Civil Rights Commission is conducting a study of the Government's activities under title VI and will review the section's activities as a part of that study.

Recommendation and Questions:

Release of the strategic plan will shape dialogue on title VI issues.

Withdrawal/Redaction Marker

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004. memo	Jeremy D. Benami to Stephen C. Warnath re: Korematsu Event (1 page)	11/1/1994	P5
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Clinton Presidential Records
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 Stephen Warnath (Civil Rights)
 OA/Box Number: 9590

FOLDER TITLE:

Civil Rights Working Group [1]

ds50

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 advise 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]

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

01-Nov-1994 10:58am

TO: Jeremy D. Benami
FROM: Carol H. Rasco
 Economic and Domestic Policy

CC: Stephen C. Warnath
SUBJECT: RE: Korematsu event

You or Steve should take the approach we discussed this a.m.,
Jeremy.

Thanks.

EXECUTIVE OFFICE OF THE PRESIDENT

26-Feb-1997 05:56pm

TO: warnath_s
FROM: Sharon Thomas
CC: thomass
SUBJECT: Civil Rights Working Group participants

Hi, I left you a detailed VM. List is forthcoming. This is a test to see if email to your address is workable like others within the WH complex. As I probably am one of the few at DoJ in the current century computer-wise. After 12 years within the White House complex, I thought DoJ's computer system is "the dark ages." smile. Let me know if this works and I will email list to you tomorrow morning for Helaine Greenfeld. Please note my email address as well. thanks.