

EXECUTIVE OFFICE OF THE PRESIDENT

31-Oct-1994 07:31pm

TO: Carol H. Rasco

FROM: Stephen C. Warnath  
Domestic Policy Council

SUBJECT: civil rights mtg

Carol --

I am waiting to hear from the Attorney General's office and Alice's office about whether they can meet tomorrow.

If Tuesday's meeting of the principals occurs, it is mostly to have a last get-together prior to the start of the work of the Group as a whole.

There are several matters that should be talked about. The main problem is that we have wanted to have the benefit of using Deval's strategic plan as the framework for our work and Justice has not released a draft of it to us. I have been told that it is in Jamie's office now. So the first matter to discuss would be when we can get a copy of the plan or at least relevant points from the plan that would permit us to go forward as we anticipated. If this meeting does not occur, we need to push a little bit to get this thing released. I told them today that even if they cannot get this thing officially cleared, they should provide me with the relevant draft recommendations for internal discussion purposes so that we can proceed.

In lieu of that, OMB staff has put together what they call an "issue menu" of possible areas that the working group could address initially. This is loosely based upon discussions that I have been involved in although it is really just a laundry list of possible topics. I have been told that you should get this list tonight or tomorrow morning after Alice looks at it. The list is of limited help though because it merely lists issue topics.

I think that we want to address Title VI issues. Title VI is an underutilized civil rights tool that is intended to prohibit discrimination on the basis of race, color, or national origin in federally assisted projects and programs. It applies to recipients of federal funding. Obviously, there is a lot that could theoretically be done here. I know that Deval also wants to do this.

PHOTOCOPY  
PRESERVATION

The biggest question then is what else to begin to focus the Working Group on immediately. I am certainly willing to defer largely to Deval's opinion on this. Obviously, whatever we identify to focus on immediately will not preclude our working on other important issues beginning in the next few months as we see how best to use this interagency mechanism.

The Presidential Memorandum directs the Working Group to present to the President and Cabinet a "brief progress" report at least every six months. If the Memorandum is the starting date for the first six months then the first report is due in February.

We need a final determination of who is allowed to attend Working Group meetings. The Memorandum calls for agency heads. I recommend that the Working Group insist on attendance of principals because we want high level attention to these issues. If a principal cannot make it to a particular meeting then they could designate an Assistant Secretary to take their place for that meeting. Agency civil rights experts would participate as members of the subgroups that will do the work and present their work product to the Working Group. Do you agree that this is the best way to ensure that civil rights gets the proper level of agency attention? This subject should be resolved at the Tuesday meeting.

Unless there is an objection, we should schedule the working group meeting within 2 1/2 weeks. Even if it is just to get together and presentations by Deval and perhaps Gil Casellas.

Deval and Chris will be attending with the A.G. and Alice if the meeting goes forward.

Thanks. Steve.

EXECUTIVE OFFICE OF THE PRESIDENT

24-Oct-1994 08:57am

TO: Christopher F. Edley, Jr  
FROM: Stephen C. Warnath  
Domestic Policy Council  
CC: Lori L. Victor  
SUBJECT: RE: Civ Rts mtng

Chris -- Let's do it. I know that Justice wanted to have a full meeting before the end of the month and we held off because the November 1st meeting was billed as a planning meeting. So if we can pull this together properly in a week, let's do it. Otherwise let's definitely do it the following week. I know OMB is crazy busy now with budget development, so what will work best for you?

Justice has asked us not to get any subcommittees underway before the first meeting so this meeting would necessarily be introductory and informational. I think that Justice would describe their civil rights activities and their strategic plan. Perhaps we could also have Gil come and talk about his vision for making the EEOC better fulfill its mission.

The announcement/invitation should be from the collective group of Carol, The A.G. and the Director and on White House letterhead or W.H. fax sheet. This will enhance the likelihood that the Working Group will receive the attention from the agencies that will be required to make this work. Also, the Memorandum identifies the members of the Group as the agency heads, and I assume that we want them, not stand-ins, to be at the meetings of the Working Group as a whole -- is that right?



U.S. Department of Justice  
Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

FAX TRANSMITTAL SHEET

Date: 3/17/95

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

FROM: Name Deval Patrick  
Organization \_\_\_\_\_  
FAX Phone # \_\_\_\_\_  
Office Phone # 514-2151

SUBJECT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Steve,

The following is a list of attendees, along with their dates of births, for the Civil Rights Working Group meeting on Monday. Also attached is the memo that was sent to them. Please clear them in for the meeting. Thank you.

Achtenberg, Roberta  
Anderson, Bernard  
Califa, Antonio  
Cantu, Norma  
Cosellas, Gilbert  
Gonzales, Claire  
Hyashi, Dennis  
Igasaki, Paul  
Taylór, Burton  
Vargyas, Ellen  
Wilcher, Shirley  
Williamson, Thomas  
Winston, Judith

P6/(b)(6)

P.S.

I will need to get Roberta's on Monday. Thanks!

Florence



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

MAR 17 1995

MEMORANDUM

**TO: WORKING GROUP ON CIVIL RIGHTS**

**FROM: DEVAL L. PATRICK,  
ASSISTANT ATTORNEY GENERAL FOR CIVIL RIGHTS**

**RE: MEETING ON MONDAY, MARCH 21, 3:00 P.M.  
ROOM 472 OEOB**

We will meet on Monday, March 20, 1995, at 3:00 p.m. in Room 472 of the OEOB. We will try to ensure that everyone is cleared in.

We will focus on the ongoing discussions about affirmative action, and we will discuss the review currently underway.

We have been asked by the Affirmative Action Review Team to provide by Tuesday, March 21, a compilation of the positions on affirmative action already taken by the Administration. Could each of you please put together a list of positions that your agency has taken, in cases, policy guidances, or regulations, since the beginning of the Administration. We will compile the material and send it to the Review Team. If you have any questions about this request, please call Helaine Greenfeld (514-6860) or Susan Liss (514-4016).

**Distribution:**

- Achtenberg, Roberta
- Anderson, Bernard
- Califa, Antonio
- Cantu, Norma
- Cosellas, Gilbert
- Gonzales, Claire
- Hyashi, Dennis
- Igasaki, Paul
- Taylor, Burton
- Vargyas, Ellen
- Wilcher, Shirley
- Williamson, Thomas
- Winston, Judith

cc: Susan Liss  
Helaine Greenfeld

EXECUTIVE OFFICE OF THE PRESIDENT

09-Jan-1995 09:49am

TO: Heather Beckel

FROM: Carol H. Rasco  
Economic and Domestic Policy

CC: Stephen C. Warnath

SUBJECT: Message for George

George: Leon mentioned in the 8:30 a.m. meeting a group he has asked you to set up on the California Affirmative Action issue. Please make sure Steve Warnath of my staff is involved; he staffs for the DPC the Interagency Group on Civil Rights which was set up by E. O. of the President and is co-chaired by Justice and OMB. The issue of California has come up in some of those meetings.

Thank you.

PHOTOCOPY  
PRESERVATION

EXECUTIVE OFFICE OF THE PRESIDENT

12-Oct-1994 11:12am

TO: Stephen C. Warnath  
FROM: Lori L. Victor  
Office of Mgmt and Budget, EG  
SUBJECT: Civil Rights PAD Review

Chris will review the Civil Rights FY96 Budget on Oct. 24 from 4:30-6 in Edley's office. Deval Patrick will also be in attendance along with Chris' staff. Will you be able to make it?



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Washington, DC 20507

Office of  
the Chairman

March 16, 1995

Mr. Steve Warnath  
The White House Domestic Policy Council  
217 Old Executive Office Building  
Washington, D.C. 20500

*Steve*  
Dear Mr. Warnath,

I write to you because of your interest in the work of the EEOC, and to share with you where we are in the process of responding to the many challenges we face here.

As you know, when I assumed the Chairmanship on October 3, 1994, I was confronted with an agency beset with many significant and seemingly insurmountable challenges, including: a nearly \$5 million budget deficit for fiscal year 1995; an intractable labor-management relationship; nearly 100,000 unresolved private sector charges; a dedicated, but overwhelmed, staff; and four other Commissioners who were anxious to contribute to, but historically not included in, efforts at overcoming the agency's many challenges. Finally, Commission meetings were rarely held and the public's access to the agency had become limited.

I am pleased to report some significant progress. First, the budget challenges are being addressed aggressively. We began FY 95 with an appropriation that was \$5 million less than the projected costs we will incur in 1995. Approximately 90% of our projected costs are non-discretionary, that is salaries, rent and overhead. Thus, the bulk of the \$5 million deficit must come from the approximate \$20 million of "discretionary" funds. This discretionary budget includes those items essential to our work: litigation support, including transcript costs, travel, expert witness and the like; employee training; computer technology (which is currently antiquated or nonexistent); administrative travel and support; and education, outreach, and technical assistance.

We have implemented several cost saving initiatives such as reducing administrative travel, delaying equipment purchases, and limiting new hires. We requested and received approval from the Office of Personnel Management to offer an early out retirement

Mr. Warnath  
Page Two

opportunity for agency employees, thus providing an additional means by which savings could be realized. We are also giving favorable consideration to employee requests for part-time employment or extended leave without pay for personal/professional reasons.

Although these efforts have helped reduce costs, current estimates still reflect a significant agency shortfall for this fiscal year. Consequently, it is obvious that additional efforts must be made to achieve savings and eliminate the need for more extreme measures.

Second, the labor-management challenge is the one most successfully addressed to date. Upon my arrival, I began a dialogue with labor representatives that has resulted in resolution of all litigation relating to our invalidated employee performance appraisal system. In addition, 96 of the 98 pending employee grievances have been resolved through negotiation instead of litigation; a high-exposure dispute relating to overtime compensation has also been resolved through negotiation; and a process is in place for negotiating new provisions of our long-expired collective bargaining agreement and for a new performance appraisal system. These breakthroughs not only demonstrate our commitment to a true partnership with our employees, but our willingness to tackle seemingly impossible challenges and to overcome them.

Third, we have moved aggressively and creatively to address some of the underlying causes of our enormous backlog of pending charges. In November, I established 3 Commissioner-led task forces. This is the first time in the Commission's history that all Commissioners have been involved in leading such a fundamental review of policy and operations.

The Charge Processing Task Force, led by Vice Chairman Paul Igasaki, is charged with conducting a "clean sheet" review of our charge processing system, examining fundamental assumptions of how we do our core work. The task force has held meetings throughout the country with agency employees, charging parties, groups who represent the interests of charging parties, employer groups, and others. Commissioners R. Gaull Silberman and Paul Steven Miller chair the taskforce on Alternative Dispute Resolution (ADR) and are preparing a set of recommendations for the adoption by the Commission of appropriate forms of ADR to enhance the charge processing system. Commissioner Joyce E. Tucker is leading a task force examining our relationship with the state and local fair employment practices agencies searching for ways to improve upon the relationship with and the work performed by these agencies. The task forces have followed my recommendation that they seek input both within the agency and outside the agency from among the many groups and organizations that have a stake in what we do.

Mr. Warnath  
Page Three

Additionally, we have embarked on an aggressive effort to "reinvent" the Commission consistent with the principles embodied in the President's National Performance Review. By being open, accessible, and creating an environment in which bold ideas are encouraged, we are beginning to realize progress. Collectively, we are clarifying our mission; identifying methods to streamline our processes so that they are quality driven and result in increased efficiency and effectiveness; and creating a culture which values employees and embraces the principles of partnership and participatory management. My vision for the Commission is that it will preserve these organizational values and become a national model of commitment to continuous institutional improvement.

Finally, we have worked hard to reopen the Commission to the public. I have established regular monthly Commission meetings with increased outreach to the public, Congress, and the media. I have ordered the development of an aggressive education and outreach plan to reach historically underserved communities (Hispanics, Asian Pacific Americans, and Native Americans). I have also asked that quality customer service be a priority in all our dealings with the public.

These efforts have had a positive effect throughout the agency. Employees feel re-energized as we make sincere efforts to solicit their input. Our relationship with and involvement of our labor union in all of our efforts has engendered a sense of true employer-employee partnership. I hope that my visits to 9 of our field offices and personal contact with over 1100 of our 2900 employees has also assisted in that effort.

Much remains to be done but we have come a long way in fulfilling the pledges I made at last summer's confirmation hearings: that we are open for business and will be accessible and user friendly; that we will operate as a business, reinventing ourselves into an efficient and effective organization; and that we will remain a strong law enforcement agency that means business in vigorously enforcing the laws within our mandate.

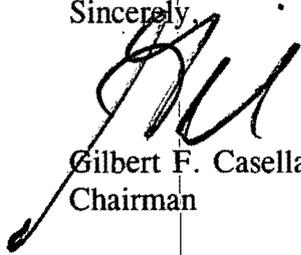
We still face an enormous budgetary challenge for the remainder of this fiscal year. We are encouraged for next year by President Clinton's 1996 budget which would give the agency a much needed 15% increase to \$268 million. This increase would fund the many positions for which we have been authorized for years, but have been unable to support. This increase will allow us to assign these additional personnel to the field, to implement an integrated information technology program, and to engage in the employee training so vital to accomplishing our mission.

Mr. Warnath  
Page Four

Our final and most formidable challenge is to remind the American public and our lawmakers that the tens of thousands of pending charges represent real people who seek nothing more than to avail themselves of the only process through which their rights to equal employment opportunity can be considered. What we do is indeed a noble mission. Unfortunately, the promise of equal employment opportunity remains unfulfilled.

We continue to value and welcome your input, suggestions, and support.

Sincerely



Gilbert F. Casellas  
Chairman

s/p:chairs.ltr  
3/12/95-2:20pm

EXECUTIVE OFFICE OF THE PRESIDENT

21-Oct-1994 03:20pm

TO: Stephen C. Warnath

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

SUBJECT: Civil Rights Crosscut



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

JUN - 1 1995

Mr. Stephen Warnath  
Domestic Policy Council  
The White House  
224 Old Executive Office Building  
Washington, D.C. 20500

Dear Mr. Warnath:

During the year or so since I have been on the job, the Civil Rights Division has broken nearly every record in its history in terms of cases filed, investigations opened and landmark advances in development of the law. I consider it a privilege to be serving with such a dedicated, hardworking and effective group of professionals in the Division.

It is with great pleasure that I invite you to join in our celebration of the achievements of the Civil Rights Division. The ceremony will take place on Friday, June 9, 1995 at 2:00 p.m. at the Department of Justice in the Great Hall.

Please have your staff contact Susan Liss or Juanita Hernandez in my office at 514-2151 with your response. Thank you.

Sincerely,

Deval L. Patrick  
Assistant Attorney General  
Civil Rights Division

PHOTOCOPY  
PRESERVATION

EXECUTIVE OFFICE OF THE PRESIDENT

21-Oct-1994 02:18pm

TO: (See Below)  
FROM: Elizabeth M. DiGennaro  
Office of Mgmt and Budget, HTF  
SUBJECT: Civil Rights Crosscut

There has been a slight change in plans regarding the Civil Rights Crosscut. Staff will meet on Monday, October 24 with Chris Edley for a planning session for 1/2 hour. The CR Crosscut PAD review is now scheduled for Friday, October 28th from 4:30pm - 6:00pm.

Thanks.

Distribution:

TO: Christopher F. Edley, Jr  
TO: Margaret R. Shaw  
TO: Kenneth F. Ryder, Jr.  
TO: Kenneth L. Schwartz  
TO: Susan M. Carr  
TO: Adrien L. Silas  
TO: Francis S. Redburn  
TO: Duane E. Jenkins  
TO: Bradley W. Kyser  
TO: Lori L. Victor

EXECUTIVE OFFICE OF THE PRESIDENT

21-Oct-1994 01:52pm

TO: (See Below)

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

SUBJECT: RE: Civil Rights Working Group Principals Mtg

For the Civil Rights Working Group meeting of Principals, I suggest that it be Principals plus one, except for the three co-chairs, who should feel free to bring as many as they want -- since those are the three who will have to drive this process.

By Principals-plus-one I mean that if the Principal can't come, just one person can come.

Warnath -- okay with you??

Distribution:

TO: Lori L. Victor

CC: Margaret R. Shaw  
CC: Adrien L. Silas  
CC: Susan M. Carr  
CC: Kenneth L. Schwartz  
CC: Bradley W. Kyser  
CC: Stephen C. Warnath  
CC: Rebecca A. Wayne  
CC: Patricia J. Watson  
CC: Anita D. Ford  
CC: Elizabeth M. DiGennaro

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

19-Oct-1994 10:22pm

TO: Stephen C. Warnath  
FROM: Carol H. Rasco  
Economic and Domestic Policy  
CC: Rosalyn A. Miller  
SUBJECT: RE: Civil Rights

Yes, 11 a.m. on Oct. 25 will work for the SSA/INS database meeting. Please work with Roz on people to be cleared in and/or invited if all invitations not yet extended. My office is fine. And yes, do include Mikva at this meeting...the sooner Gen. Counsel is involved in things like this in which he/they have interested, the better as far as I am concerned.

(NOTE TO ROZ: If this meeting sticks for 11 a.m. that day I imagine it will run at least an hour. I think we should - once this meeting is confirmed - push the intern lunch to 12:45 p.m. which still gives plenty of time for it.)

As to meeting on the 31st please get with Roz, Steve. Right now the calendar on my computer shows I am in a budget review at the time you indicate on the 31st....Roz: my calendar on 31st looks almost exactly like the 24th..please check that out.

Thanks for the note Steve...I am really excited about both these topic areas and look forward to this work---is that crazy to say that?

EXECUTIVE OFFICE OF THE PRESIDENT

19-Oct-1994 07:46pm

TO: Carol H. Rasco  
FROM: Stephen C. Warnath  
Domestic Policy Council  
SUBJECT: Civil Rights

Carol -- I am very pleased that you had such a good meeting with Deval. He is outstanding.

It turns out that we actually overlapped in law school and were in the same litigation class together. I recall watching him win the best oralist award in the school's moot court competition; it was obvious back then that he had a very bright future ahead of him. I have followed his work over the years from afar and thought that the President made an tremendous choice in selecting him. I don't know whether you have had a chance to spend a moment with Gil Casellas, but he is equally outstanding, and has been moving aggressively to turn around the problems at EEOC. Obviously, I believe that we have an opportunity to make a very positive contribution to encouraging the recognition of (and enforcing as necessary) a basic decency in how we all treat each other in our daily lives by working with and supporting as much as we can the work of these exceptional individuals.

I haven't seen Deval's strategic plan yet, but I have assumed that it will provide a valuable framework that the Working Group will be able to use as a point of focus for its activities. We just need to get this group meeting immediately and I think we will start to see some accomplishments in this area that hopefully will make a real difference in people's lives.

On immigration -- I have tentatively scheduled the interagency immigration working group meeting for October 31st at 10:30. Doris is generally unavailable for the rest of the month, but has some time that morning -- I am putting together the agenda and accompanying material now.

I am also trying to schedule the followup meeting regarding the INS/SSA database issues for October 25th at 11. Does your schedule permit this? Do you want this meeting in your office again? There has been 3-4 meetings between INS and SSA technical people already and I expect INS and SSA to be able to shed some very interesting light on the operational issues of the

EXECUTIVE OFFICE OF THE PRESIDENT

27-Feb-1995 12:40pm

TO: Stephen C. Warnath  
FROM: Carol H. Rasco  
Economic and Domestic Policy  
SUBJECT: FYI

I have sent George a quick note thanking him for his time with Gil and for asking for the memo....I don't know that expanded meetings will occur but will talk with George.

Do you know of any other follow up I should make to our meeting with Gil?

THE WHITE HOUSE  
WASHINGTON

FAX COVER SHEET

OFFICE OF THE ASSISTANT TO THE PRESIDENT FOR DOMESTIC POLICY  
SECOND FLOOR, WEST WING  
THE WHITE HOUSE  
WASHINGTON, DC 20500  
(202)456-2216 PHONE  
(202)456-2878 FAX

TO: Donsia Strong

FAX #: 67028

FROM: ~~CAROL H. RASCO~~ Roz

DATE: 1/31/94

NUMBER OF PAGES (including cover sheet): \_\_\_\_\_

COMMENTS: Please provide any comments to Galston who will answer on behalf of DPC

If you have any problems with the fax transmission, please call \_\_\_\_\_ at (202)456-2216.

The document accompanying this facsimile transmittal sheet is intended only for the use of the individual or entity to whom it is addressed. This message contains information which may be privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any disclosure, dissemination, copying or distribution, or the taking of any action in reliance on the contents of this communication is strictly prohibited.

Document No. 051869

### WHITE HOUSE STAFFING MEMORANDUM

DATE: 1-30 ACTION/CONCURRENCE/COMMENT DUE BY: 1-31 2pm

SUBJECT: Civil Rights Policy

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NUSSBAUM	<input checked="" type="checkbox"/>	<input type="checkbox"/>
McLARTY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	QUINN	<input type="checkbox"/>	<input type="checkbox"/>
LADER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<del>RASCO</del>	<del><input checked="" type="checkbox"/></del>	<input type="checkbox"/>
ICKES	<input type="checkbox"/>	<input type="checkbox"/>	RUBIN	<input type="checkbox"/>	<input type="checkbox"/>
PANETTA	<input type="checkbox"/>	<input type="checkbox"/>	SEGAL	<input type="checkbox"/>	<input type="checkbox"/>
BAGGETT	<input type="checkbox"/>	<input type="checkbox"/>	SEIDMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
EMANUEL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	STEPHANOPOULOS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
GEARAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TYSON	<input type="checkbox"/>	<input type="checkbox"/>
GERGEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	VARNEY	<input type="checkbox"/>	<input type="checkbox"/>
GIBBONS	<input type="checkbox"/>	<input type="checkbox"/>	WATKINS	<input type="checkbox"/>	<input type="checkbox"/>
GRIFFIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	WILLIAMS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HALE	<input type="checkbox"/>	<input type="checkbox"/>	<u>GALSTON</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HERMAN	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
LAKE	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
LINDSEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
McGINTY	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
MYERS	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

RESPONSE:

JOHN D. PODESTA  
Assistant to the President  
and Staff Secretary  
Ext. 2702

THE WHITE HOUSE  
WASHINGTON

94 JAN 29 P 5: 55

January 28, 1994

## MEMORANDUM FOR THE PRESIDENT

FROM: Alexis Herman *AH*  
RE: Civil Rights Policy

I. SUMMARY

For the past year the absence of an Assistant Attorney General for Civil Rights has heightened the discussion that the Administration lacks a coordinated civil rights policy. We have an opportunity to articulate a framework/philosophy when you announce the intent to nominate the Assistant Attorney General for Civil Rights next week. This memo suggests a possible approach on what the Administration's Civil Rights framework/philosophy should be.

II. DISCUSSION

Our nominee will be repeatedly asked the question: What is the Administration's civil rights policy? We need to be able to articulate a policy framework that is basic, easily understood and builds on the achievements to date of this Administration. We do not want the nomination to be viewed as the starting point of "finally getting on with the business of civil rights."

In your address at Howard University and in our subsequent discussions, you said: "The absence of discrimination is not the same thing as the presence of opportunity. It is not the same thing as having the security you need to build your lives, your families and your communities. So I say to you, it is our duty to continue the struggle that is not yet finished to fight discrimination. We will and we must. But it is not the same thing as the presence of opportunity."

This statement stresses both the need for antidiscrimination measures and a government that is committed to creating opportunity.

The use of the word opportunity in the context of your statement is more dynamic and communicates both action and change for the better.

Building on this thematic: our civil rights policy is not confined to a single position in a single department. Every department and agency is expected to develop, implement, and enforce civil rights policy.

Our policy is not confined to only enforcing existing civil rights laws, it embraces initiatives beyond enforcement to include efforts to create opportunity and fosters individual empowerment.

Therefore, the framework of our policy should stress three basic principles: JUSTICE, OPPORTUNITY AND EMPOWERMENT.

Justice involves the protection of civil rights by enforcing the existing civil rights laws.

Even after we eliminate barriers to justice and create opportunities, we must still empower people to help themselves. Community Development Banks, a strengthened Community Reinvestment Act, Empowerment Zones, health care, welfare reform and other initiatives will all enable an individual the opportunity to succeed.

III. CONCLUSION

We should use this nomination to articulate a policy framework for civil rights as well as restate our progress to date. Unlike previous administrations where the AAG was the sole or primary point person on civil rights, a number of high-level officials throughout this administration are actively involved in civil rights policy.

We have a story to tell.

IV. RECOMMENDATIONS

- 1. Agree on civil <sup>rights</sup> policy direction
- 2. Develop a message strategy to support the nomination of the Assistant Attorney General for Civil Rights
- 3. Convene a small working group to flesh out the principles.

*> after the Civil Rts nomination is made -*

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Further Action \_\_\_\_\_ See me \_\_\_\_\_

8:45-11:15p

-3-

cc: Mack McLarty  
cc: George Stephanopoulos  
cc: Mark Gearan  
cc: Phil Lader  
cc: Carol Rasco



# EEOC fax

U. S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
OFFICE OF COMMUNICATIONS AND LEGISLATIVE AFFAIRS  
1801 L STREET, N.W.  
WASHINGTON, D. C. 20507  
FAX: (202) 663-4912

DATE: 5/5/97 TIME: 11:20

TO: Steve Warnath

FAX NUMBER: 456 - 7028

SENDER: CLAIRE GONZALES

SENDER'S TELEPHONE NUMBER: (202) 663-4915

DOCUMENT:

NUMBER OF PAGES TRANSMITTED (INCLUDING COVER): 5

SPECIAL INSTRUCTIONS:

FBI - GPRA

Further reason to coordinate  
civil rights enforcement agencies'  
plans

PLEASE TELEPHONE SENDER IF YOU DO NOT RECEIVE ALL DOCUMENTS.

cc. to GIC  
10/10/97  
3/7

Congress of the United States

Washington, DC 20515

February 25, 1997

Franklin D. Raines, Director  
Office of Management and Budget  
17th and Pennsylvania Ave., NW  
Washington, D.C. 20503

Dear Director Raines:

This year implementation of the Government Performance and Results Act goes government-wide, as agencies are required to submit Strategic Plans to Congress by September 30, 1997. We have reviewed the requirements of this important act and would like to comment on the importance of agency consultations with Congress.

According to the Results Act, "when developing a strategic plan, the agency shall consult with Congress." Because the act does not completely specify what constitutes consultations, we strongly encourage that OMB, in issuing further Results Act guidance to agencies, ensure that agencies are clear on what Congress expects during the coming year by way of these consultations.

In a November 12, 1996 OMB memo to the agencies on Results Act consultations, you stated: *"To make consultations as useful as possible... all substantive documents related to strategic plans should be provided to OMB beforehand, and OMB comments ensuring consistency with national program and budget policies should be incorporated before the documents are given to Congress."*

We hope that you will make it clear to agencies that OMB does not intend to establish a strict "clearance" process for any draft strategic plans meant to be used for discussions with Congress. Such a requirement would not only make the consultation process cumbersome, but does not reflect the iterative nature of government planning as envisioned by the Results Act.

As a result, agencies--and in many cases bureaus within each agency--should begin consultations with Congress as soon as possible and should try to complete the process before Congress' August recess. We believe such a time line will allow Congress sufficient time to have productive discussions with the agencies and give your office time to ensure the final versions of the Strategic Plans are consistent with national program and budget policies.

RECEIVED

MAR 4 1997

EEOC

Office of Communications

While each committee has the full discretion to handle consultations in a manner with which it is most comfortable, we believe the following guidelines will make the consultation process most productive:

Once they have their mission, long-term goals and strategies roughed out, agencies should submit a draft plan to the Chairman and Ranking Member of all major authorizing, appropriating, oversight and budget committees in the House and Senate with jurisdiction over their programs in advance of any consultations, allowing the draft document to serve as the starting point for discussions. The draft Strategic Plans should contain:

- A clear and concise mission statement based on statute;
- Tangible outcome goals for attaining the agency's mission;
- A coherent presentation and justification of the various strategies the agency plans to pursue to achieve each goal;
- An outline of various outcome-related performance measures that will be used to track goal and mission attainment;
- A description of how the activities of the agency relate to the activities of other agencies with similar programs, including specific plans for how such programs will be coordinated; and
- Indications of how the mission, goals, strategies, and performance measures will be represented in the agency's annual performance plans and reports.

Along with the submission of the draft Strategic Plans, agencies should request a meeting for consultation at a time convenient for each committee. To the maximum extent possible, we will attempt to coordinate all relevant committees with jurisdiction over each Department or agency so as to assist in the implementation of the Results Act and reduce the duplication and overlap that congressional committees can add to the process. However, at any time, agencies should be prepared to be called upon by a congressional committee to begin consultations.

Among other issues that may be raised during consultations, agencies should be prepared to:

- Discuss agency consultations with other committees, and the nature of comments received on the plan;
- Identify what stakeholders were consulted and what views they had on the Strategic Plan;
- Detail how the agency will coordinate its activities (especially for cross-cutting programs) with other federal agencies working in similar activities;
- Provide an overview of key strategic issues/challenges facing their programs and to what extent the strategic plan addresses them;
- State the priorities of the agency and identify where they are reflected in the Strategic Plan and to what extent they reflect the priorities of Congress;
- State what their "value" is to the American people and where and how it is

articulated in the plan:

- Discuss how their use of regulations or their reliance on tax expenditures will be used to achieve certain goals in the Strategic Plan;
- Come to a reasonable degree of agreement with the committees as to what performance measures will be used to gauge program success--especially outcome measures (In addition to a discussion of performance measures, agencies should recognize that outcome goals should be stated in a manner that allows for determination to be made whether the goal was achieved or not.);
- Identify to what extent the recognized end-outcomes of the agency can be attributed to agency activities and how external factors could impact performance;
- Explain how what the agency does is unique from activities of other federal agencies, state and/or local governments, and private or social-sector entities working in the same areas;
- Clearly outline the logic and thinking behind the goals and strategies laid out in the plan;
- Discuss areas where the agency is asking for increased flexibility to "break the mold" and pursue an "outside the box" strategy to meet a goal or execute a strategy;
- Discuss what type of formats for Strategic Plans, Performance Plans, and Performance Reports best meet the information needs of Congress, federal line managers, and the general public;
- Explain how plans and reports prepared under the Results Act will be used in the day-to-day management of the agency; and
- Detail how the goals, strategies, and performance measures will be linked to the annual budget request of the agency.

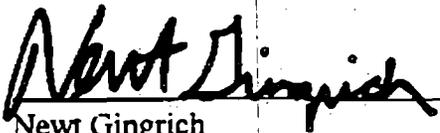
Agencies should modify their strategic plans throughout the consultation process, taking into account the comments received from the various congressional committees. As a result, agencies should continually work with relevant congressional committees on updated versions of the draft strategic plans.

Finally, as previously specified in OMB guidance, agencies should send final versions of their Strategic Plans to both the Speaker of the House and President Pro Tempore of the Senate, in addition to the others specified in the Act, on or before September 30, 1997. In the transmittal letter, it would be helpful if agencies would note which committees were consulted. In addition, in an addendum, the agency should note what views or modifications suggested were not included in the final version of the plan, along with the rationale for not including them.

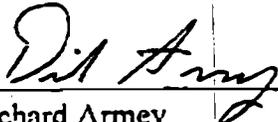
It is our hope that we have been able to provide additional clarity to the issue of Results Act "consultations" with Congress. We appreciate the work OMB has been doing to see that the implementation of the Results Act goes smoothly. For our part, we plan to encourage all House and Senate Committees to take an active role in consultations on agency Strategic Plans and continue to use general oversight hearings throughout the year to monitor progress on the Results Act within the agencies.

Thank you again for your work on implementation of the Results Act.

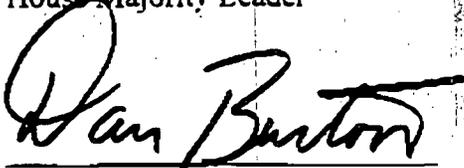
Sincerely,



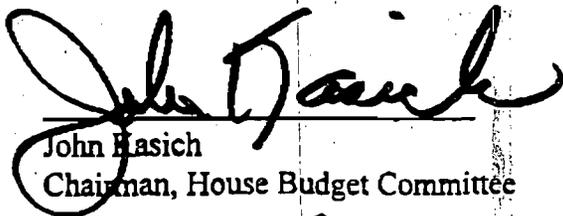
Newt Gingrich  
Speaker of the House



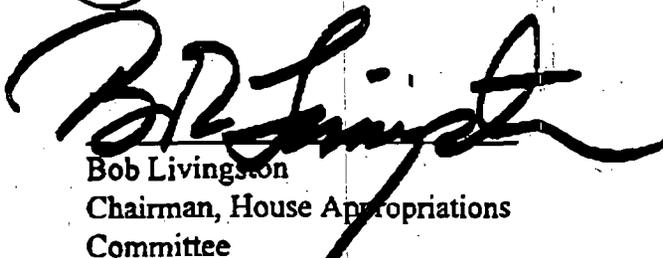
Richard Arney  
House Majority Leader



Dan Burton  
Chairman, House Government  
Reform and Oversight Committee



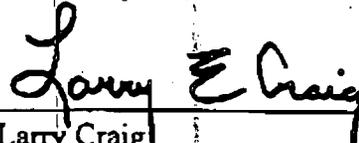
John Basich  
Chairman, House Budget Committee



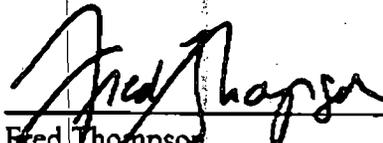
Bob Livingston  
Chairman, House Appropriations  
Committee



Trent Lott  
Senate Majority Leader



Larry Craig  
Chairman, Senate Republican  
Policy Committee



Fred Thompson  
Chairman, Senate Governmental  
Affairs Committee



Pete Domenici  
Chairman, Senate Budget  
Committee



Ted Stevens  
Chairman, Senate Appropriations  
Committee

cc: President and Vice President  
House Democrat and Republican Leadership, all House Committee Chairmen and  
Ranking Members  
Senate Democrat and Republican Leadership, all Senate Committee Chairmen and  
Ranking Members  
Cabinet Secretaries and Department heads

2 30-3p

EXECUTIVE OFFICE OF THE PRESIDENT

12-Apr-1994 10:44am

TO: Katherine L. Darwin

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

CC: Lori L. Victor  
CC: Margaret R. Shaw  
CC: Donsia Strong  
CC: Carol H. Rasco

SUBJECT: URGENT LADER mtng?

Missy --

To reintroduce myself, I'm the OMB Associate Director for Miscellany.

Carol Rasco believes we need an urgent but short mtng with Phil to handle a question of legislative strategy. Tomorrow morning there is a House Ed & Labor full committee mark up of a bill that will substantially revamp the administrative adjudication of EEO complaints by shifting more responsibility to the EEOC (as a facially neutral forum, away from the employee's agency. At a huge interagency meeting last night, I reached agreement with all concerned agencies to generally support the bill, with a set of principles we would like to communicate to Chairman Ford TODAY. The general context is that this bill is going to move with or without us, but we need to be on record with the modifications we hope to win when the bill is referred sequentially to the Civil Service Committee.

The problem is that, although everyone else is agreed to the principle of shifting more authority to the EEOC, WH Counsel staff, working with Watkins, believe that the President should retain control over resolution of EEO claims made by so-called Title 3 political appointees in the EOP. Carol believes that Phil should make the call on whether to communicate the interagency agreement to the Hill in light of the possible conflict with the preferred administrative approach of WH personnel managers.

Can we please have 15 minutes TODAY with Phil to discuss? Invitees should include:

Edley (OMB)  
Rasco and Donsia Strong (DPC)  
WH Counsel (staff: Cheryl Mills; Marvin Krislov)

Leg Affairs (Pat, Lorraine Miller)  
Watkins (Patsy)

Please let me know ASAP. Thanks.

EXECUTIVE OFFICE OF THE PRESIDENT

12-Apr-1994 09:30am

TO: Carol H. Rasco

FROM: Donsia Strong  
Domestic Policy Council

SUBJECT: eeoc; immigration; ihs

Just a few issues I need you to be aware of:

1. You may recall late last fall I spoke about a bill which would move all agency eeo offices into eeoc but declined to provide for additional or reallocation of funding and which allowed federal employees to go directly to federal court. Contrary to the assurance we received from Leg Affairs that the bill would not move, it is being marked up in committee tomorrow and will be referred to another committee and voted upon fairly quickly. The Administration proposes to talk with the committee staff director and provide him with written principles the legislation should contain. Current eeo processes allow agencies to reject eeoc's decision and replace it with their own. The bill would change that and we agree it should. WH counsel, however, believes that the EOP should be allowed to reject the eeoc's decision and substitute the President's own. The bill would not pull in the EOP. WH counsel is concerned that in their zeal -- once the EOP policy (in draft form, sets up an entity other than eeoc to receive EOP concerns and allows the President to reject that entity's decision) is announced-- Congress will either criticize the President or write in a provision to cover the President.

Should we hold off talking to the committee because we would be on the record as against agency review of decision or allow the legislation to proceed without our input? I believe much more is at stake by allowing the legislation to move without weighing in and would suggest weighing in.

2. Tom Epstein is concerned about our immigration efforts in California. has heard from the California democrats who are very upset about the newspaper article I shared with you and wondered why the WH task force had not asked to meet with them; why the WH had not endorsed any of the legislative package and why immigration is not a priority with the WH.

I explained to him that no one who knows or understand immigration policy believes much more legislation is needed. What is needed is money. (INS' budget is \$1billion -- that is about one of the State Dept.s programs.) He believes we should support the California legislative package wholeheartedly. If we do, then Republicans will only counter with something more drastic. He would like the POTUS to give an immigration speech--Rahm believes he should ask the VP. Any thoughts?

3. I met with OMB staff last week with Jennifer and John Hart. OMB staff

explained that the recommendation for cuts came from HHS Dr. Lee. They admitted they had not anticipated such an outcry and that similar proposals had been made before. I explained the expectations among the Indians and the Administration were different than in the past.

I met with Nancy Ann Min yesterday who explained that the problem may be resolved. The Sec'y may ask for a budget amendment which would take a 1% across the board cut to restore all of the service cuts and 1/2 of the facilities money. This will not take place until after Weds when the Sec'y testifies before chairman Yates. If this happens, something should be said in the speech.

Also, we will have to defend ourselves against other programs which will have a 1% cut.

Thanks for listening.

EXECUTIVE OFFICE OF THE PRESIDENT

12-Apr-1994 10:12am

TO: Donsia Strong

FROM: Carol H. Rasco  
Economic and Domestic Policy

CC: Rosalyn A. Miller

SUBJECT: RE: eeoc; immigration; ihs

1. It sounds to me like you need to have a quickly set meeting with legislative affairs folks, general counsel's office and yourself along with anyone else you feel appropriate (Phil Lader for sure and perhaps David Watkins -ask Phil's office for advice) to do a decision memo to perhaps Mack..again, ask Phil for appropriate person to do final sign off on this procedure and then as to legislative strategy I think we would rely heavily on leg. affairs input along with rest of you from meeting. Keep me posted on this.

2. IMMIGRATION: I will send you a cc of mail message I did to Rosalyn last night that describes the meeting she will be setting up that I was asked to put together by Mack. This should answer that part of your memo. This meeting will be CRITICAL as to portraying the administration as DOING things on immigration.

3. Let me know if anything further I need to do on IHS. If this becomes a "go" then you should brief Alan for the speech inclusion.

ROZ: This is sent to you FYI so that you will see in number 2 that I am sending Donsia the cc of my message from last night on the immigration meeting you all need to set up. Thanks.

PHOTOCOPY  
PRESERVATION

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-Feb-1996 12:27pm

TO:           (See Below)

FROM:        Ingrid M. Schroeder  
              Office of Mgmt and Budget, LRD

SUBJECT:     Justice draft bill - Civil Rights in Public Accomodations

We are winding down to the last stages of the clearance process on the Justice draft bill- Civil Rights in Public Accomodations Act (circulated on 1/30/96 under LRM #3442).

The bill would amend Title II of the Civil Rights Act of 1964 by expanding the covered classes to include gender. In addition the draft bill would apply Title II to (1) "any store, office, shop, market or shopping mall, or any other entity that sells, rents, or provides goods and services;" and (2) taxicab firms and related entities. Finally the draft bill would provide monetary damages to aggrieved parties and civil penalties for Title II violations.

Please let me know by COB today if you plan on commenting on this draft bill - otherwise we will assume that you have no objection.

Call with any questions.

Thanks

Distribution:

TO: Marvin Krislov  
TO: Kumiki S. Gibson  
TO: Steven D. Aitken  
TO: Stephen C. Warnath  
TO: Peter Jacoby  
TO: Michael Waldman

CC: James J. Jukes