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**Collection/Office of Origin:** Speechwriting, White House Office of  
**Series:** Speech File Draft Files  
**Subseries:** Chron File, 1989-1993

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**OA/ID Number:** 13531  
**Folder ID Number:** 13531-008

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**Folder Title:**  
Meeting with National Commission on Civil Rights 5/17/90 [OA 5374] [2]

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<b>G</b>	<b>26</b>	<b>16</b>	<b>3</b>	<b>2</b>

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THE WHITE HOUSE

WASHINGTON

May 15, 1990

MAY 15 P4: 12

MEMORANDUM FOR CHRISS WINSTON

FROM:

JIM PINKERTON

SUBJECT:

National Commission On Civil Rights Draft

This is a tremendous draft which will take new ground in the public debate. The four principles and the explanation of opposition to Kennedy-Hawkins will get the attention, but these would not be nearly as effective had not the draft presented them in context with other powerful themes, e.g., America as a model to the world; the importance of individual choice; individual empowerment, etc.

pg. 1, para. 3, line 1 "Around the world, people wary of state control, economies weary of bureaucratic central planning, all are looking to America as reason for hope...."

The America as model theme is particularly powerful and is played out adroitly over the next two pages. Making the implicit connection between the New Breeze and the barriers to progress for minorities is a profound point because it points to the similarities in both the problem -- centralized, bureaucratic methods -- and the solutions: decentralization, choice, empowerment, market forces, and "output" oriented policies. This is a New Paradigm thought that is a good opener.

6,4,2 "And that means new ideas, like school vouchers to give poor parents the power of an alternative, and choice in where to send their kids -- so that all can have access to the best."

The Administration does not favor vouchers at this time, but it does, of course, favor greater choice in education. Also, mention of Polly Williams is fair game. Thus, we suggest rephrasing the sentence to read:

2-2-2

"And that means new ideas, symbolized in people like Polly Williams, a former welfare mother from Milwaukee, who led a grass-roots, inner city movement to demand a choice in where their children could attend school. So when I say new ideas it means ideas like greater choice in education for parents."

We also suggest the mention of the President's Crime Bill and the catchphrase "take back the streets," as elements of increasing opportunity by increasing individual and community security.

7,2,3 "Because as labor markets tighten, people of every walk of life, of every kind, all will be in growing demand in this new decade. All will be needed."

This seems an appropriate place for the President to take credit for his establishment of the Minority Business Development Commission under Josh Smith. E.g.,

"Partly for that reason, I established at the very beginning of this Administration, the President's Minority Business Development Commission under the leadership of a tremendously able and successful black entrepreneur, Josh Smith."

###



3842

Document No. 140 899

# WHITE HOUSE STAFFING MEMORANDUM

DATE: 05/14/90 ACTION/CONCURRENCE/COMMENT DUE BY: 4:00 p.m. Tuesday 05/15

SUBJECT: PRESIDENTIAL REMARKS: NATIONAL COMMISSION ON CIVIL RIGHTS  
(05/14 5:00 p.m. draft)

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MCCLURE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SUNUNU	<input type="checkbox"/>	<input type="checkbox"/>	NEWMAN	<input type="checkbox"/>	<input type="checkbox"/>
SCOWCROFT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	PORTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROGICH	<input type="checkbox"/>	<input type="checkbox"/>
BATES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	UNTERMEYER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>ROGERS</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CICCONI	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>PINKERTON</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DEMAREST	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>WINSTON</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FITZWATER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GRAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HAGIN	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

90 MAY 15 PM 4:22

**REMARKS:**

Please provide any comments/recommendations directly to Chriss Winston by 4:00 p.m. on Tuesday, 05/15, with a copy to my office. Thanks.

**RESPONSE:**

May 15, 1990

TO: CHRISS WINSTON  
NSC concurs, with changes.

Brent Scowcroft

cc: James W. Cicconi

**James W. Cicconi**  
Assistant to the President  
and Deputy to the Chief of Staff  
Ext. 2702

(Lange/Cawley)  
May 14, 1990  
5:00 P.M.  
[AFFIRM.DOC]

1990 MAY 14 PM 5:48

PRESIDENTIAL REMARKS: NATIONAL COMMISSION ON CIVIL RIGHTS  
[ 450 OEOB ]  
THURSDAY, MAY 17, 1990  
[ TIME ]

Thank you all. Arthur Fletcher, Mary Frances Berry, Esther Gonzalez-Arroyo Buckley, Blandina Cardenas Ramirez, Russell Redenbauch; Dick Thornburg, Secretary Cavazos; Regional directors and State Advisory Committee Members...

It's an honor to have you here today. We meet on an auspicious day -- the anniversary of the landmark Brown v. Board of Education decision. And we meet at a very hopeful moment worldwide. A time when the thundering cry for freedom is being heard and answered from Panama to Johannesburg to Warsaw.

Make Stronger  
Around the world, <sup>peoples warring against tyranny, citizens</sup> ~~(people)~~ wary of state control, economies weary of bureaucratic central planning, all are looking to America as reason for hope -- the bright star to follow as they chart their course to freedom.

Democracy wasn't "born in USA"  
So it's all the more crucial now, that we look carefully to the kind of country we are -- to the state of democracy here in the land of <sup>liberty</sup> ~~(its birth)~~. Whatever the nations of the world decide about their futures, We are called upon to ensure that this democracy means opportunity, for all who call it home. \\  
C

No one in America -- no one -- has worked harder to deliver the promise of democracy, to make an enduring dream a living reality, than the men and women in this room today.

From its earliest origins, the Commission on Civil Rights

has been an independent, bipartisan voice for justice. The Commissioners, Directors, and volunteers who serve on Advisory Committees, all share an intellectual caliber, a moral conviction, and a cultural diversity that are truly America's best. **These men and women have earned our admiration. Today, they deserve our thanks.**

Over the last few days I've met with leaders representing America's rich tapestry of cultural, religious, and ethnic diversity. I got, as I knew I would, a great deal of sound advice -- and as I imagined I would, just a little constructive criticism. But these leaders, this Commission, and this Administration, all share a common conviction for equal opportunity. It's a responsibility I have always taken very seriously -- and it's especially serious now, when our most vital export to the world is democracy.

We must make sure that we as a nation lead by example. We must see that affirmative action is not reduced to a slogan -- and that the principle of equal opportunity has real, living meaning, for all Americans.

To the Civil Rights leadership assembled here today: I have offered you my hand, and my word, that together we will make America "open and equal to all." Today, I want to explore in greater depth our commitment to equal opportunity.

To begin with, this administration is committed to action that is truly affirmative -- positive action, in every sense -- to strike down all barriers to advancement, of every kind, for

all people. We will tolerate no barriers, no bias, no inside tracks, no two-tiered systems, no glass ceilings, and no rungless ladders. \\ Now, let me tell you what we're against. \\

We're against any action or lack of action that would perpetuate or exacerbate injustice. And I know the leadership in the Congress shares this conviction.

This nation's progress against prejudice -- from the 1964 Civil Rights Act, to the Voting Rights Act, to the Fair Housing Act, to the Age Discrimination in Employment Act -- it has all hinged on the principle that no one in this country should be excluded from opportunity.

That's why I remain firmly committed to the enactment this year of **landmark legislation to extend protections to those Americans with disabilities**. \\ And we're committed to new measures, like the Hate Crimes Statistics Act, fair housing initiatives, and revitalized enforcement of restrictions against employment bias.

Many of this Administration's proposals, in fact, share common goals with the legislation being offered by Senator Kennedy and Representative Hawkins -- goals of equal opportunity and equal protection under the law. So we've supported efforts to ensure an individual's ability to challenge discriminatory seniority systems. We've also moved to stiffen the penalties for racial discrimination in setting or applying the terms and conditions of employment.

**Today, as we work to ensure that America represents**

democracy's highest expression, I want to offer four principles that ought to guide any amendments to our civil rights laws.

These principles are firmly rooted in the spirit of our current laws -- and after the extensive discussions we've had this week, I think they're principles on which we all of us -- including the leadership on the Hill -- can agree. So I will enthusiastically support legislation that meets these principles.

First, civil rights legislation must operate to obliterate consideration of race, color, religion, sex, nation of origin, age, or disability from employment decisions. As you know, Title VII encourages hiring on the basis of ability and qualifications, not race or religion.

Some provisions of the Kennedy-Hawkins bill, with the best of intentions, still have an unintended consequence: they encourage employers to make decisions on the basis of these irrelevant characteristics. In spite of recent amendments, the bill encourages employers to base hiring decisions on the very considerations our civil rights laws direct them to ignore.

So we seek civil rights legislation that is more effective, not less. Because the focus of employers in this country must be on providing equal opportunity for all workers -- not on developing strategies for avoiding litigation -- strategies that are likely to result in quota schemes violating the most basic principles of our civil rights tradition, and the promise of democracy.

The surest, most insidious symptom of the perpetuation of

injustice was well understood by Martin Luther King in 1962. He knew then, as Americans of all walks of life know today, that quotas are wrong. He wrote, in fact, that "tokenism can now be seen not only as a useless goal, but as a genuine menace. It is a palliative which relieves emotional distress, but leaves the disease and its ravages unaffected."

**We want to eradicate the disease.** And America's minority communities deserve more than symptomatic relief. They deserve systematic solutions -- through strategies that transcend statistics and quotas.

Rather than perpetuate the demoralizing stigma of preferential distinctions, we should empower and ennoble our minority communities. Rather than sowing the seeds of self-doubt and questions of competence in anyone's heart, we should seek systematic change that allows every American to excel. And I'm confident the leadership will work with me to craft a bill, in the spirit of our record of civil rights legislation, that moves us toward this goal.

Second, civil rights legislation must reflect fundamental principles of fairness: individuals who believe their rights have been violated are entitled to their day in court, and an accused is innocent until proven guilty. In every case of civil rights dispute, constitutional protections must be preserved.

Third, Congress must subject itself to the same requirements it prescribes for others. In 1972, the Civil Rights Act of 1964 was justly applied to executive agencies and state and local

governments. Congress, however, is not yet covered. This inconsistency must be remedied, to give Congressional employees and applicants the full protection of the law. These people, too, are entitled to their rights, and the Congress should join the Executive Branch in setting an example for private employers.

And fourth, Federal law should provide an adequate deterrent to sexual or religious harassment on the basis of disability in the workplace, and ensure a speedy end to such discriminatory practices. In improving the remedies, however, our civil rights laws should not be turned into a bonanza for lawyers, encouraging litigation at the expense of conciliation, mediation, or settlement. Ultimately, cooperation will serve the interests of all parties far better than litigious conflicts.

Arthur Fletcher said recently, "I'm looking for a more comprehensive response. You can't go a quarter-mile in this time in our nation's history when the full mile is needed." I agree. A moment ago, I spoke of my conviction that America's minority communities deserve more than symptomatic relief. I believe they deserve systematic solutions -- an agenda of change that transcends statistics and quotas.

We seek strategies that work -- putting power where it belongs: in the hands of people. And that means new ideas, like school vouchers to give poor parents the power of an alternative, and choice in where to send their kids -- so that all can have access to the best. It means more tenant control and ownership of public housing. Tax credits for child care without restrictions

?  
Not clear

of any kind, to give parents more flexibility and choice. And policies that underwrite prosperity, by encouraging capital flow to build more businesses in poor neighborhoods.

Affirmative action and equal opportunity must be more than issues of social responsibility, and more than matters of legal compulsion. Because as labor markets tighten, people of every walk of life, of every kind, all will be in growing demand in this new decade. All will be needed. In any field, those who know how to apply sources of talent once left untapped; who know how to recruit, how to train, re-train, and retain talent; how to educate, how to motivate, and promote -- those with that knowledge will prosper.

This broader agenda must be part of a more comprehensive effort of affirmative action. The interests of economics and justice are coinciding now like never before. The door is open wider now than it has ever been -- and we can open it still wider.

So let us look past the superficial differences that divide us, to the shared principles and better natures we have within us. Now is the time to extend a hand to all that struggle on the other side -- and to devote our energies to a broader agenda of empowerment, that all might join in this new age of freedom.

Thank you, and God bless you all.

# # #

## WHITE HOUSE STAFFING MEMORANDUM

DATE: 05/14/90 ACTION/CONCURRENCE/COMMENT DUE BY: 4:00 p.m. Tuesday 05/15

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(05/14 5:00 p.m. draft)

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SUNUNU	<input type="checkbox"/>	<input type="checkbox"/>	NEWMAN	<input type="checkbox"/>	<input type="checkbox"/>
SCOWCROFT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	PORTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROGICH	<input type="checkbox"/>	<input type="checkbox"/>
BATES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	UNTERMAYER <i>W/C</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CICCONI	<input type="checkbox"/>	<input checked="" type="checkbox"/>	PINKERTON	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DEMAREST	<input checked="" type="checkbox"/>	<input type="checkbox"/>	WINSTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FITZWATER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GRAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HAGIN	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

**REMARKS:**

Please provide any comments/recommendations directly to Chriss Winston by 4:00 p.m. on Tuesday, 05/15, with a copy to my office. Thanks.

**RESPONSE:**

James W. Cicconi  
 Assistant to the President  
 and Deputy to the Chief of Staff  
 Ext. 2702

(Lange/Cawley)  
May 14, 1990  
5:00 P.M.  
[AFFIRM.DOC]

1990 MAY 14 PM 5:48

PRESIDENTIAL REMARKS: NATIONAL COMMISSION ON CIVIL RIGHTS  
[ 450 OEOB ]  
THURSDAY, MAY 17, 1990  
[ TIME ]

Thank you all, <sup>Chairman?</sup> Arthur Fletcher, <sup>Commissioners</sup> Mary Frances Berry, Esther  
Gonzalez-Arroyo Buckley, Blandina Cardenas Ramirez, <sup>and</sup> Russell  
Redenbauch, <sup>Attorney General</sup> Dick Thornburg, <sup>Willie Gonzales</sup> Secretary Cavazos, Regional directors  
and State Advisory Committee Members...

It's an honor to have you here today. We meet on an auspicious day -- the anniversary of the landmark Brown v. Board of Education decision. And we meet at a very hopeful moment worldwide. A time when the thundering cry for freedom is being heard and answered from Panama to Johannesburg to Warsaw.

Around the world, people wary of state control, economies weary of bureaucratic central planning, all are looking to America as reason for hope -- the bright star to follow as they chart their course to freedom.

So it's all the more crucial now <sup>x</sup> that we look carefully to the kind of country we are -- to the state of democracy here in the land of its birth. Whatever the nations of the world decide about their futures, **We are called upon to ensure that this democracy means opportunity, for all who call it home.** \\

No one in America -- no one -- has worked harder to deliver the promise of democracy, to make an enduring dream a living reality, than the men and women <sup>assembled here</sup> in this room today, <sup>and particularly those men and women behind me.</sup>

From its earliest origins, the Commission on Civil Rights

Document Originally  
Attached to  
Following Page

(A) We intend to leave  
nothing to chance, and no  
stone unturned, as we  
work to move America's civil  
rights agenda forward.

has been an independent, bipartisan voice for justice. The Commissioners, <sup>the</sup> Directors, <sup>the</sup> and volunteers who serve on Advisory Committees ~~X~~ all share an intellectual <sup>and</sup> ~~caliber,~~ a moral conviction, and a cultural diversity that are truly America's best. **These men and women have earned our admiration. Today, they deserve our thanks.**

*insert?*

*to discuss pending civil rights legislation*

Over the last few days I've met <sup>with</sup> leaders representing America's rich tapestry of cultural, religious, and ethnic diversity. I got, as I knew I would, a great deal of sound advice -- and as I imagined I would, just a little constructive criticism. But these leaders, this Commission, <sup>the Congress</sup> and this Administration, all share a common conviction for equal opportunity. It's a responsibility I have always taken very seriously -- and it's especially serious now, when our most vital export to the world is democracy.

*Stet?*

We must make sure that we as a nation lead by example. We must see that ~~affirmative action~~ <sup>is</sup> is not reduced to ~~a slogan~~ <sup>an empty</sup> slogan -- and that the ~~principle of equal opportunity~~ <sup>has</sup> has real, living meaning, for all Americans. *insert A*

*move to p. close*

To the Civil Rights leadership assembled here today: I have offered you my hand, and my word, that together we will make America "open and equal to all." ~~Today, I want to explore in greater depth our commitment to equal opportunity.~~

~~To begin with,~~ this administration is committed to action that is truly affirmative -- positive action, in every sense -- to strike down all barriers to advancement, of every kind, for

INSERT A

Civil Rights Commission speech Insert for page 2  
Michael P. Jackson, OCA

~~With several recent appointments, we now have a rejuvenated  
Civil Rights Commission -- eager to continue its important work.~~

~~My friend of many years, Art Fletcher, has become Chairman,  
Willie Gonzales has joined the Commission as staff director and  
we have two excellent new commissioners, Carl Anderson and  
Russell Redenbauch.~~

I know that Bob Dole joins me in being especially proud of  
Russell -- a man <sup>of</sup> ~~who brings to the Commission~~ impressive  
credentials, ~~and an impressive drive to excell.~~ As Russell knows,  
and as I want all Americans to know, physical disability will not  
constitute a barrier to service in my Administration. ~~No one in~~  
~~this country should be excluded from opportunity.~~

That is why I remain firmly committed to the enactment this  
year of landmark legislation to extend protections to those  
Americans with disabilities. [check with Office of Legislation  
for additional sentence or two -- I understand ADA may be voted  
upon in the House tomorrow].

Canby?

Bob expects  
Fletcher " more about we a few  
2-3 Q's  
pleased to have new invigorated board  
new chairman known # yrs.  
Redenbauch - blind  
esp. pleased add new  
A.S.A. Board invigorated dir. sensitivity  
mention Bob Hilling to Commission work.

all people. We will tolerate no barriers, no bias, no inside tracks, no two-tiered systems, no glass ceilings, and no rungless ladders. \\ ~~Now, let me tell you what we're against.~~ \\

~~We're against any action or lack of action that would perpetuate or exacerbate injustice. And I know the leadership in the Congress shares this conviction.~~

This nation's progress against prejudice -- from the 1964 Civil Rights Act, to the Voting Rights Act, to the Fair Housing Act, to the Age Discrimination in Employment Act -- it has all hinged on the principle that no one in this country should be excluded from opportunity.

~~That's why I remain firmly committed to the enactment this year of landmark legislation to extend protections to those Americans with disabilities.~~ \\ <sup>Today,</sup> And we're committed to new measures, like the Hate Crimes Statistics Act, fair housing initiatives, <sup>the HOPE legislation</sup> and revitalized enforcement of restrictions against employment bias.

?  
Many of this Administration's proposals, in fact, share common goals with the legislation being offered by Senator Kennedy and Representative Hawkins -- goals of equal opportunity and equal protection under the law. So we've supported efforts to ensure an individual's ability to challenge discriminatory seniority systems. We've also moved to stiffen the penalties for racial discrimination in setting or applying the terms and conditions of employment.

**Today, as we work to ensure that America represents**

democracy's highest expression, I want to offer four principles that <sup>must</sup> ~~ought to~~ guide any amendments to our civil rights laws.

These principles are firmly rooted in the spirit of our current laws -- and after the extensive discussions we've had this week, I think they're principles on which we all of us -- including the leadership on the Hill -- can agree. So I will enthusiastically support legislation that meets these principles.

First, civil rights legislation must operate to obliterate consideration of race, color, religion, sex, nation of origin, age, or disability from employment decisions. As you know, Title VII <sup>of the Civil Rights Act of 1964</sup> encourages hiring on the basis of ability and qualifications, not race or religion.

[Some provisions of the Kennedy-Hawkins bill, with the best of intentions, still have an unintended consequence: they encourage employers to make decisions on the basis of these irrelevant characteristics <sup>to avoid costly litigation.</sup> In spite of recent amendments, the bill encourages employers to base hiring decisions on the very considerations our civil rights laws direct them to ignore.]

~~So we seek civil rights legislation that is more effective, not less.~~ ~~Because~~ the focus of employers in this country must be on providing equal opportunity for all workers -- not on developing strategies <sup>to</sup> for avoiding litigation. ~~strategies that are likely to result in quota schemes violating~~ the most basic principles of our civil rights tradition, and the promise of democracy.

The surest, most insidious symptom of the perpetuation of

No one in this room would want me to sign a bill whose unintended consequences are quotas because quotas violate... moart C

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injustice was well understood by <sup>Dr.</sup> Martin Luther King, ~~in 1962.~~ <sup>Nearly 30 years ago,</sup> He knew then, as Americans of all walks of life know today, that quotas are wrong. He wrote, in fact, that "tokenism can now be seen not only as a useless goal, but as a genuine menace. It is a palliative which relieves emotional distress, but leaves the disease and its ravages unaffected."

**We want to eradicate the disease.** And America's minority communities deserve more than symptomatic relief. They deserve systematic solutions -- through strategies that transcend statistics and quotas.

~~Rather than perpetuate the demoralizing stigma of preferential distinctions,~~ we should empower and ennoble our minority communities. ~~Rather than sowing the seeds of self-~~ <sup>resentment and</sup> ~~doubt and questions of competence in anyone's heart,~~ <sup>stet</sup> we should seek systematic change that allows every American to excel. And I'm confident the leadership will work with me to craft a bill, in the spirit of our record of civil rights legislation, that moves us toward this goal.

Second, civil rights legislation must reflect fundamental principles of fairness; <sup>that apply throughout our legal system:</sup> individuals who believe their rights have been violated are entitled to their day in court, and an accused <sup>r must shoulder the burden of proof.</sup> is innocent until proven guilty. <sup>Involving a</sup> In every case <sup>of due process</sup> of civil rights dispute, constitutional protections <sup>1</sup> must be preserved.

Third, Congress must subject itself to the same requirements it prescribes for others. In 1972, the Civil Rights Act of 1964 was justly applied to executive agencies and state and local

governments. Congress, however, is not yet covered. This inconsistency must be remedied, to give Congressional employees and applicants the full protection of the law. These people, too, are entitled to their rights, and the Congress should join the Executive Branch in setting an example for private employers.

And fourth, Federal law should provide an adequate deterrent to sexual or religious harassment, <sup>or harassment</sup> on the basis of disability in the workplace, and <sup>should</sup> ensure a speedy end to such discriminatory practices. In improving the remedies, however, our civil rights laws should not be turned into a bonanza for lawyers, encouraging litigation at the expense of conciliation, mediation, or settlement. Ultimately, cooperation will serve the interests of all parties far better than litigious conflicts.

~~Arthur Fletcher said recently, "I'm looking for a more comprehensive response. You can't go a quarter-mile in this time in our nation's history when the full mile is needed." I agree. A moment ago, I spoke of my conviction that America's minority communities deserve more than symptomatic relief. I believe they deserve systematic solutions -- an agenda of change that transcends statistics and quotas.~~

We seek strategies that work -- putting power where it belongs: in the hands of people. And that means new ideas, like ~~school vouchers to~~ <sup>ing</sup> give poor parents the power of an alternative, and choice in where to send their kids -- so that all can have access to the best. It means more tenant control and ownership of public housing. Tax credits for child care ~~without restrictions~~

of ~~any kind~~, to give parents more flexibility and choice. And policies that underwrite prosperity, by encouraging capital flow to build more businesses in poor neighborhoods. ~~R~~

? Affirmative action and equal opportunity must be more than issues of ~~social responsibility~~, and ~~more than~~ matters of legal compulsion. Because as labor markets tighten, people of every walk of life, of every kind, all will be in growing demand in this new decade. All will be needed. In any field, those who know how to apply sources of talent once left untapped; who know how to recruit, how to train, re-train, and retain talent; how to educate, how to motivate, and promote -- those with that knowledge will prosper.

*optimistic*  
 This broader agenda must be part of a ~~more comprehensive effort of affirmative action~~. ~~The interests of economics and justice are coinciding now like never before~~. The door is open wider now than it has ever been -- and <sup>together</sup> we can open it still wider.

So let us look past the ~~superficial~~ differences that divide us, to the shared principles and better natures we have within us. ~~\*~~ Now is the time to extend a hand to all that struggle on the other side -- and to devote our energies to a broader agenda of empowerment, that all might join in this new age of freedom.

Thank you, and God bless you all.

# # #

THE WHITE HOUSE

WASHINGTON

May 15, 1990

MEMORANDUM FOR CHRISS WINSTON  
DEPUTY ASSISTANT TO THE PRESIDENT  
FOR COMMUNICATIONS

FROM: FREDERICK D. NELSON *F.D.N./K.R.M.*  
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Draft Presidential Remarks on Civil Rights

I provide a few thoughts on the draft civil rights remarks.

On page 2, I would add the word "true" before "affirmative action" in the second full paragraph so as clearly to link the phrase to the concept discussed at the bottom of the page.

On page 3, I would amend the first sentence of the last paragraph to read: "Some of the Administration's proposals share common ground with the legislation being offered by Senator Kennedy and Representative Hawkins." Our complaint with the Kennedy-Hawkins legislation is precisely that it hinders equal opportunity and equal protection under the law; whatever the intention of the bill's authors, we should not confuse the issues by ascribing to the whole legislation so specifically "goals" that we later say it may undermine. After describing the efforts that we do support in common with Kennedy-Hawkins, we could conclude the paragraph with a sentence like: "Such measures advance the goals of equal opportunity and equal protection toward which we must always strive."

At the top of page 4, I would state that the four principles "must" (rather than "ought to") guide any amendments. I would also think about deleting the last line of the first full paragraph on the page, or changing "enthusiastically support" to "seriously consider"; it seems rather unwise to offer a commitment so open-ended that we do not know what we are endorsing. ✓

In the first paragraph on page 4, I would limit the categories mentioned to those covered by Title VII: race, color, religion, sex, and national origin. Age and disability are covered elsewhere in the statutes and in these remarks. ? ✓

The sentence after the principle "second" on page 5 seems a bit too limiting. I would suggest something like: "These principles are basic to our legal system, as is the general rule that a plaintiff must establish harm in order to collect damages." Given the distinction between civil and criminal cases, I would reward the second part of that principle to say "an accused should be presumed innocent until proven otherwise."

There also appears to be a typographical error in the fourth principle (page 6): the words "or harassment" should be added after the word harassment.

Thank you for the opportunity to review this matter.

cc: James W. Cicconi  
Assistant to the President and  
Deputy to the chief of Staff

**WHITE HOUSE STAFFING MEMORANDUM**

*Fried  
cel*

DATE: 05/14/90 ACTION/CONCURRENCE/COMMENT DUE BY: 4:00 p.m. Tuesday 05/15

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(05/14 5:00 p.m. draft)

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MCCLURE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SUNUNU	<input type="checkbox"/>	<input type="checkbox"/>	NEWMAN	<input type="checkbox"/>	<input type="checkbox"/>
SCOWCROFT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	PORTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROGICH	<input type="checkbox"/>	<input type="checkbox"/>
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CARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>ROGERS</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CICCONI	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>PINKERTON</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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FITZWATER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
<del>GRAY</del>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HAGIN	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

**REMARKS:**  
 Please provide any comments/recommendations directly to Chriss Winston by 4:00 p.m. on Tuesday, 05/15, with a copy to my office. Thanks.

**RESPONSE:**

James W. Cicconi  
 Assistant to the President  
 and Deputy to the Chief of Staff  
 Ext. 2702

(Lange/Cawley)  
May 14, 1990  
5:00 P.M.  
[AFFIRM.DOC]

1990 MAY 14 PM 5:48

PRESIDENTIAL REMARKS: NATIONAL COMMISSION ON CIVIL RIGHTS  
[ 450 OEOB ]  
THURSDAY, MAY 17, 1990  
[ TIME ]

Thank you all. Arthur Fletcher, Mary Frances Berry, Esther Gonzalez-Arroyo Buckley, Blandina Cardenas Ramirez, Russell Redenbauch; Dick Thornburg, Secretary Cavazos; Regional directors and State Advisory Committee Members...

It's an honor to have you here today. We meet on an auspicious day -- the anniversary of the landmark Brown v. Board of Education decision. And we meet at a very hopeful moment worldwide. A time when the thundering cry for freedom is being heard and answered from Panama to Johannesburg to Warsaw.

Around the world, people wary of state control, economies weary of bureaucratic central planning, all are looking to America as reason for hope -- the bright star to follow as they chart their course to freedom.

So it's all the more crucial now, that we look carefully to the kind of country we are -- to the state of democracy here in the land of its birth. Whatever the nations of the world decide about their futures, We are called upon to ensure that this democracy means opportunity, for all who call it home. \\

No one in America -- no one -- has worked harder to deliver the promise of democracy, to make an enduring dream a living reality, than the men and women in this room today.

From its earliest origins, the Commission on Civil Rights

has been an independent, bipartisan voice for justice. The Commissioners, Directors, and volunteers who serve on Advisory Committees, all share an intellectual caliber, a moral conviction, and a cultural diversity that are truly America's best. These men and women have earned our admiration. Today, they deserve our thanks.

Over the last few days I've met with leaders representing America's rich tapestry of cultural, religious, and ethnic diversity. I got, as I knew I would, a great deal of sound advice -- and as I imagined I would, just a little constructive criticism. But these leaders, this Commission, and this Administration, all share a common conviction for equal opportunity. It's a responsibility I have always taken very seriously -- and it's especially serious now, when our most vital export to the world is democracy.

We must make sure that we as a nation lead by example. We must see that affirmative action is not reduced to a slogan -- and that the principle of equal opportunity has real, living meaning, for all Americans.

To the Civil Rights leadership assembled here today: I have offered you my hand, and my word, that together we will make America "open and equal to all." Today, I want to explore in greater depth our commitment to equal opportunity.

To begin with, this administration is committed to action that is truly affirmative -- positive action, in every sense -- to strike down all barriers to advancement, of every kind, for

all people. We will tolerate no barriers, no bias, no inside tracks, no two-tiered systems, no glass ceilings, and no rungless ladders. \\ Now, let me tell you what we're against. \\

We're against any action or lack of action that would perpetuate or exacerbate injustice. And I know the leadership in the Congress shares this conviction.

This nation's progress against prejudice -- from the 1964 Civil Rights Act, to the Voting Rights Act, to the Fair Housing Act, to the Age Discrimination in Employment Act -- it has all hinged on the principle that no one in this country should be excluded from opportunity.

That's why I remain firmly committed to the enactment this year of landmark legislation to extend protections to those Americans with disabilities. \\ And we're committed to new measures, like the Hate Crimes Statistics Act, fair housing initiatives, and revitalized enforcement of restrictions against employment bias.

Many of this Administration's proposals, in fact, share common goals with the legislation being offered by Senator Kennedy and Representative Hawkins -- goals of equal opportunity and equal protection under the law. So we've supported efforts to ensure an individual's ability to challenge discriminatory seniority systems. We've also moved to stiffen the penalties for racial discrimination in setting or applying the terms and conditions of employment.

Today, as we work to ensure that America represents

democracy's highest expression, I want to offer four principles that ought to guide any amendments to our civil rights laws.

These principles are firmly rooted in the spirit of our current laws -- and after the extensive discussions we've had this week, I think they're principles on which we all of us -- including the leadership on the Hill -- can agree. So I will enthusiastically support legislation that meets these principles.

First, civil rights legislation must operate to obliterate consideration of race, color, religion, sex, nation of origin, age, or disability from employment decisions. As you know, Title VII encourages hiring on the basis of ability and qualifications, not race or religion.

Some provisions of the Kennedy-Hawkins bill, with the best of intentions, still have an unintended consequence: they encourage employers to make decisions on the basis of these irrelevant characteristics. In spite of recent amendments, the bill encourages employers to base hiring decisions on the very considerations our civil rights laws direct them to ignore.

So we seek civil rights legislation that is more effective, not less. Because the focus of employers in this country must be on providing equal opportunity for all workers -- not on developing strategies for avoiding litigation -- strategies that are likely to result in quota schemes violating the most basic principles of our civil rights tradition, and the promise of democracy.

The surest, most insidious symptom of the perpetuation of

injustice was well understood by Martin Luther King in 1962. He knew then, as Americans of all walks of life know today, that quotas are wrong. He wrote, in fact, that "tokenism can now be seen not only as a useless goal, but as a genuine menace. It is a palliative which relieves emotional distress, but leaves the disease and its ravages unaffected."

**We want to eradicate the disease.** And America's minority communities deserve more than symptomatic relief. They deserve systematic solutions -- through strategies that transcend statistics and quotas.

Rather than perpetuate the demoralizing stigma of preferential distinctions, we should empower and ennoble our minority communities. Rather than sowing the seeds of self-doubt and questions of competence in anyone's heart, we should seek systematic change that allows every American to excel. And I'm confident the leadership will work with me to craft a bill, in the spirit of our record of civil rights legislation, that moves us toward this goal.

Second, civil rights legislation must reflect fundamental principles of fairness: individuals who believe their rights have been violated are entitled to their day in court, and an accused is innocent until proven guilty. In every case of civil rights dispute, constitutional protections must be preserved.

Third, Congress must subject itself to the same requirements it prescribes for others. In 1972, the Civil Rights Act of 1964 was justly applied to executive agencies and state and local

governments. Congress, however, is not yet covered. This inconsistency must be remedied, to give Congressional employees and applicants the full protection of the law. These people, too, are entitled to their rights, and the Congress should join the Executive Branch in setting an example for private employers.

And fourth, Federal law should provide an adequate deterrent to sexual or religious harassment on the basis of disability in the workplace, and ensure a speedy end to such discriminatory practices. In improving the remedies, however, our civil rights laws should not be turned into a bonanza for lawyers, encouraging litigation at the expense of conciliation, mediation, or settlement. Ultimately, cooperation will serve the interests of all parties far better than litigious conflicts.

Arthur Fletcher said recently, "I'm looking for a more comprehensive response. You can't go a quarter-mile in this time in our nation's history when the full mile is needed." I agree. A moment ago, I spoke of my conviction that America's minority communities deserve more than symptomatic relief. I believe they deserve systematic solutions -- an agenda of change that transcends statistics and quotas.

We seek strategies that work -- putting power where it belongs: in the hands of people. And that means new ideas, like school vouchers to give poor parents the power of an alternative, and choice in where to send their kids -- so that all can have access to the best. It means more tenant control and ownership of public housing. Tax credits for child care without restrictions

of any kind, to give parents more flexibility and choice. And policies that underwrite prosperity, by encouraging capital flow to build more businesses in poor neighborhoods.

Affirmative action and equal opportunity must be more than issues of social responsibility, and more than matters of legal compulsion. Because as labor markets tighten, people of every walk of life, of every kind, all will be in growing demand in this new decade. All will be needed. In any field, those who know how to apply sources of talent once left untapped; who know how to recruit, how to train, re-train, and retain talent; how to educate, how to motivate, and promote -- those with that knowledge will prosper.

This broader agenda must be part of a more comprehensive effort of affirmative action. The interests of economics and justice are coinciding now like never before. The door is open wider now than it has ever been -- and we can open it still wider.

So let us look past the superficial differences that divide us, to the shared principles and better natures we have within us. Now is the time to extend a hand to all that struggle on the other side -- and to devote our energies to a broader agenda of empowerment, that all might join in this new age of freedom.

Thank you, and God bless you all.

# # #

# WHITE HOUSE STAFFING MEMORANDUM

DATE: 05/14/90 ACTION/CONCURRENCE/COMMENT DUE BY: 4:00 p.m. Tuesday 05/15

SUBJECT: PRESIDENTIAL REMARKS: NATIONAL COMMISSION ON CIVIL RIGHTS  
(05/14 5:00 p.m. draft)

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MCCLURE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SUNUNU	<input type="checkbox"/>	<input type="checkbox"/>	NEWMAN	<input type="checkbox"/>	<input type="checkbox"/>
SCOWCROFT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	PORTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROGICH	<input type="checkbox"/>	<input type="checkbox"/>
BATES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	UNTERMAYER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>ROGERS</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CICCONI	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>PINKERTON</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DEMAREST	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>WINSTON</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FITZWATER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GRAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HAGIN	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:  
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RESPONSE:

*Please see Comments*  
*5/15/90*

James W. Cicconi  
Assistant to the President  
and Deputy to the Chief of Staff  
Ext. 2702

\* Invitations extended to Senators Mitchell, Dole, Speaker Foley, Rep. Bob Michel, and the chair and ranking members of 4 committees (12 total)

(Lange/Cawley)  
May 14, 1990  
5:00 P.M.  
[AFFIRM.DOC]

1990 MAY 14 PM 5:48

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[ 450 OEOB ]  
THURSDAY, MAY 17, 1990  
[ TIME ]

*Members of Congress;*

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*Civil Rights Commission*

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*Check location  
Rose Garden?*

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Rather than perpetuate the demoralizing stigma of preferential distinctions, we should empower and ennoble our minority communities. Rather than sowing the seeds of self-doubt and questions of competence in anyone's heart, we should seek systematic change that allows every American to excel. *During my meetings this week, I challenged the civil rights leadership to*  
~~And I'm confident the leadership will~~ work with me to craft a bill, in the spirit of our record of civil rights legislation, that moves us toward this goal. *I am confident that this can be done.*

Second, civil rights legislation must reflect fundamental principles of fairness: individuals who believe their rights have been violated are entitled to their day in court, and an accused is innocent until proven guilty. In every case of civil rights dispute, constitutional protections must be preserved.

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Thank you, and God bless you all.

# # #

*See A<sup>2</sup> -  
 "Make sure we have 1 strong passage on  
 unintended consequences"*

Document No. 140 899

**WHITE HOUSE STAFFING MEMORANDUM**

DATE: 05/14/90 ACTION/CONCURRENCE/COMMENT DUE BY: 4:00 p.m. Tuesday 05/15

SUBJECT: PRESIDENTIAL REMARKS: NATIONAL COMMISSION ON CIVIL RIGHTS  
(05/14 5:00 p.m. draft)

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MCCLURE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SUNUNU	<input type="checkbox"/>	<input type="checkbox"/>	NEWMAN	<input type="checkbox"/>	<input type="checkbox"/>
SCOWCROFT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	PORTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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HAGIN	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:  
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RESPONSE: *major comments*

06:24 PM 15 MAY 90

James W. Cicconi  
 Assistant to the President  
 and Deputy to the Chief of Staff  
 Ext. 2702

(Lange/Cawley)  
May 14, 1990  
5:00 P.M.  
[AFFIRM.DOC]

1990 MAY 14 PM 5:48

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*bracket*

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injustice was well understood by Martin Luther King in 1962. He knew then, as Americans of all walks of life know today, that <sup>That's why</sup> ~~quotas are wrong.~~ *No one here today would suggest I sign a quota bill.* He wrote, in fact, that "tokenism can now be seen not only as a useless goal, but as a genuine menace. It is a palliative which relieves emotional distress, but leaves the disease and its ravages unaffected."

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And fourth, Federal law should provide an adequate deterrent to sexual or religious harassment on the basis of disability in the workplace, and ensure a speedy end to such discriminatory practices. In improving the remedies, however, our civil rights laws should not be turned into a bonanza for lawyers, encouraging litigation at the expense of conciliation, mediation, or settlement. Ultimately, cooperation will serve the interests of all parties far better than litigious conflicts.

Arthur Fletcher said recently, "I'm looking for a more comprehensive response. You can't go a quarter-mile in this time in our nation's history when the full mile is needed." I agree. ~~A moment ago, I spoke of my conviction that America's minority communities deserve more than symptomatic relief. I believe they deserve systematic solutions -- an agenda of change that transcends statistics and quotas.~~

We seek strategies that work -- putting power where it belongs: in the hands of people. And that means new ideas, like school vouchers to give poor parents the power of an alternative, and choice in where to send their kids -- so that all can have access to the best. It means more tenant control and ownership of public housing. Tax credits for child care without restrictions

of any kind, to give parents more flexibility and choice. And policies that underwrite prosperity, by encouraging capital flow to build more businesses in poor neighborhoods.

Affirmative action and equal opportunity must be more than issues of social responsibility, and more than matters of legal compulsion. ~~Because~~ as labor markets tighten, <sup>were finding that</sup> people of every walk of life, of every kind, all will be in growing demand in this new decade. All will be needed. In any field, those who know how to apply sources of talent once left untapped; who know how to recruit, how to train, re-train, and retain talent; how to educate, how to motivate, and promote -- those with that knowledge will prosper.

~~This broader agenda must be part of a more comprehensive effort of affirmative action.~~ The interests of economics and justice are coinciding now like never before. The door is open wider now than it has ever been -- and we can open it still wider.

*insert from p. 2.*

So let us look past the superficial differences that divide us, to the shared principles and better natures we have within us. Now is the time to extend a hand to all that struggle on the other side -- and to devote our energies to a broader agenda of empowerment, that all might join in this new age of freedom.

Thank you, and God bless you all.

# # #

*this is backwards this were not doing this because of tight labor markets we are doing this because it's tight - tight labor markets are one more reason to move forward*



Document No. 140 899

# WHITE HOUSE STAFFING MEMORANDUM

DATE: 05/14/90

ACTION/CONCURRENCE/COMMENT DUE BY: 4:00 p.m. Tuesday 05/15

SUBJECT: PRESIDENTIAL REMARKS: NATIONAL COMMISSION ON CIVIL RIGHTS  
(05/14 5:00 p.m. draft)

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MCCLURE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SUNUNU	<input type="checkbox"/>	<input type="checkbox"/>	NEWMAN	<input type="checkbox"/>	<input type="checkbox"/>
SCOWCROFT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<del>PORTER</del>	<del><input type="checkbox"/></del>	<input type="checkbox"/>
DARMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROGICH	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BATES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	UNTERMEYER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>ROGERS</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CICCONI	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>PINKERTON</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DEMAREST	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>WINSTON</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FITZWATER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GRAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HAGIN	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

**REMARKS:**

Please provide any comments/recommendations directly to Chriss Winston by 4:00 p.m. on Tuesday, 05/15, with a copy to my office. Thanks.

**RESPONSE:**

*Good*  
*S.R.*

SO MAY 15 3 03 PM '90

James W. Cicconi  
Assistant to the President  
and Deputy to the Chief of Staff

(Lange/Cawley)  
May 14, 1990  
5:00 P.M.  
[AFFIRM.DOC]

1990 MAY 14 PM 5:48

PRESIDENTIAL REMARKS: NATIONAL COMMISSION ON CIVIL RIGHTS  
[ 450 OEOB ]  
THURSDAY, MAY 17, 1990  
[ TIME ]

Thank you all. Arthur Fletcher, Mary Frances Berry, Esther Gonzalez-Arroyo Buckley, Blandina Cardenas Ramirez, Russell Redenbauch; Dick Thornburg, Secretary Cavazos; Regional directors and State Advisory Committee Members...

It's an honor to have you here today. We meet on an auspicious day -- the anniversary of the landmark Brown v. Board of Education decision. And we meet at a very hopeful moment worldwide. A time when the thundering cry for freedom is being heard and answered from Panama to Johannesburg to Warsaw.

Around the world, people wary of state control, economies weary of bureaucratic central planning, all are looking to America as reason for hope -- the bright star to follow as they chart their course to freedom.

So it's all the more crucial now, that we look carefully to the kind of country we are -- to the state of democracy here in the land of its birth. Whatever the nations of the world decide about their futures, We are called upon to ensure that this democracy means opportunity, for all who call it home. \\

No one in America -- no one -- has worked harder to deliver the promise of democracy, to make an enduring dream a living reality, than the men and women in this room today.

From its earliest origins, the Commission on Civil Rights

has been an independent, bipartisan voice for justice. The Commissioners, Directors, and volunteers who serve on Advisory Committees, all share an intellectual caliber, a moral conviction, and a cultural diversity that are truly America's best. These men and women have earned our admiration. Today, they deserve our thanks.

Over the last few days I've met with leaders representing America's rich tapestry of cultural, religious, and ethnic diversity. I got, as I knew I would, a great deal of sound advice -- and as I imagined I would, just a little constructive criticism. But these leaders, this Commission, and this Administration, all share a common conviction for equal opportunity. It's a responsibility I have always taken very seriously -- and it's especially serious now, when our most vital export to the world is democracy.

We must make sure that we as a nation lead by example. We must see that affirmative action is not reduced to a slogan -- and that the principle of equal opportunity has real, living meaning, for all Americans.

To the Civil Rights leadership assembled here today: I have offered you my hand, and my word, that together we will make America "open and equal to all." Today, I want to explore in greater depth our commitment to equal opportunity.

To begin with, this administration is committed to action that is truly affirmative -- positive action, in every sense -- to strike down all barriers to advancement, of every kind, for

all people. We will tolerate no barriers, no bias, no inside tracks, no two-tiered systems, no glass ceilings, and no rungless ladders. \\ Now, let me tell you what we're against. \\

We're against any action or lack of action that would perpetuate or exacerbate injustice. And I know the leadership in the Congress shares this conviction.

This nation's progress against prejudice -- from the 1964 Civil Rights Act, to the Voting Rights Act, to the Fair Housing Act, to the Age Discrimination in Employment Act -- it has all hinged on the principle that no one in this country should be excluded from opportunity.

That's why I remain firmly committed to the enactment this year of landmark legislation to extend protections to those **Americans with disabilities**. \\ And we're committed to new measures, like the Hate Crimes Statistics Act, fair housing initiatives, and revitalized enforcement of restrictions against employment bias.

Many of this Administration's proposals, in fact, share common goals with the legislation being offered by Senator Kennedy and Representative Hawkins -- goals of equal opportunity and equal protection under the law. So we've supported efforts to ensure an individual's ability to challenge discriminatory seniority systems. We've also moved to stiffen the penalties for racial discrimination in setting or applying the terms and conditions of employment.

Today, as we work to ensure that America represents

democracy's highest expression, I want to offer four principles that ought to guide any amendments to our civil rights laws.

These principles are firmly rooted in the spirit of our current laws -- and after the extensive discussions we've had this week, I think they're principles on which we all of us -- including the leadership on the Hill -- can agree. So I will enthusiastically support legislation that meets these principles.

First, civil rights legislation must operate to obliterate consideration of race, color, religion, sex, nation of origin, age, or disability from employment decisions. As you know, Title VII encourages hiring on the basis of ability and qualifications, not race or religion.

Some provisions of the Kennedy-Hawkins bill, with the best of intentions, still have an unintended consequence: they encourage employers to make decisions on the basis of these irrelevant characteristics. In spite of recent amendments, the bill encourages employers to base hiring decisions on the very considerations our civil rights laws direct them to ignore.

So we seek civil rights legislation that is more effective, not less. Because the focus of employers in this country must be on providing equal opportunity for all workers -- not on developing strategies for avoiding litigation -- strategies that are likely to result in quota schemes violating the most basic principles of our civil rights tradition, and the promise of democracy.

The surest, most insidious symptom of the perpetuation of

injustice was well understood by Martin Luther King in 1962. He knew then, as Americans of all walks of life know today, that quotas are wrong. He wrote, in fact, that "tokenism can now be seen not only as a useless goal, but as a genuine menace. It is a palliative which relieves emotional distress, but leaves the disease and its ravages unaffected."

**We want to eradicate the disease.** And America's minority communities deserve more than symptomatic relief. They deserve systematic solutions -- through strategies that transcend statistics and quotas.

Rather than perpetuate the demoralizing stigma of preferential distinctions, we should empower and ennoble our minority communities. Rather than sowing the seeds of self-doubt and questions of competence in anyone's heart, we should seek systematic change that allows every American to excel. And I'm confident the leadership will work with me to craft a bill, in the spirit of our record of civil rights legislation, that moves us toward this goal.

Second, civil rights legislation must reflect fundamental principles of fairness: individuals who believe their rights have been violated are entitled to their day in court, and an accused is innocent until proven guilty. In every case of civil rights dispute, constitutional protections must be preserved.

Third, Congress must subject itself to the same requirements it prescribes for others. In 1972, the Civil Rights Act of 1964 was justly applied to executive agencies and state and local

governments. Congress, however, is not yet covered. This inconsistency must be remedied, to give Congressional employees and applicants the full protection of the law. These people, too, are entitled to their rights, and the Congress should join the Executive Branch in setting an example for private employers.

And fourth, Federal law should provide an adequate deterrent to sexual or religious harassment on the basis of disability in the workplace, and ensure a speedy end to such discriminatory practices. In improving the remedies, however, our civil rights laws should not be turned into a bonanza for lawyers, encouraging litigation at the expense of conciliation, mediation, or settlement. Ultimately, cooperation will serve the interests of all parties far better than litigious conflicts.

Arthur Fletcher said recently, "I'm looking for a more comprehensive response. You can't go a quarter-mile in this time in our nation's history when the full mile is needed." I agree. A moment ago, I spoke of my conviction that America's minority communities deserve more than symptomatic relief. I believe they deserve systematic solutions -- an agenda of change that transcends statistics and quotas.

We seek strategies that work -- putting power where it belongs: in the hands of people. And that means new ideas, like school vouchers to give poor parents the power of an alternative, and choice in where to send their kids -- so that all can have access to the best. It means more tenant control and ownership of public housing. Tax credits for child care without restrictions

of any kind, to give parents more flexibility and choice. And policies that underwrite prosperity, by encouraging capital flow to build more businesses in poor neighborhoods.

Affirmative action and equal opportunity must be more than issues of social responsibility, and more than matters of legal compulsion. Because as labor markets tighten, people of every walk of life, of every kind, all will be in growing demand in this new decade. All will be needed. In any field, those who know how to apply sources of talent once left untapped; who know how to recruit, how to train, re-train, and retain talent; how to educate, how to motivate, and promote -- those with that knowledge will prosper.

This broader agenda must be part of a more comprehensive effort of affirmative action. The interests of economics and justice are coinciding now like never before. The door is open wider now than it has ever been -- and we can open it still wider.

So let us look past the superficial differences that divide us, to the shared principles and better natures we have within us. Now is the time to extend a hand to all that struggle on the other side -- and to devote our energies to a broader agenda of empowerment, that all might join in this new age of freedom.

Thank you, and God bless you all.

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(Lange/Cawley)  
May 15, 1990  
8:05 P.M.  
[AFFIRM.DOC]

PRESIDENTIAL REMARKS: NATIONAL COMMISSION ON CIVIL RIGHTS  
THE ROSE GARDEN  
THURSDAY, MAY 17, 1990  
10:00 A.M.

Thank you all. <sup>^</sup> Chairman Fletcher, Commissioners Buckley, Ramirez, and Redenbauch; Attorney General Thornburgh, Secretary Cavazos; Willie Gonzalez, Regional directors and State Advisory Committee Members...

It's an honor to have you here today. We meet at a very hopeful moment worldwide. A time when the thundering cry for freedom is being heard and answered from Panama to Johannesburg to Warsaw. Around the world, peoples <sup>stet</sup> ~~warring~~ against tyranny, citizens <sup>struggling against</sup> ~~wary of~~ state control, economies weary of bureaucratic central planning, all are looking to America as reason for hope -- the bright star by which to chart their course to freedom.

So it's all the more crucial now that we look carefully to the kind of country we are -- to the state of democracy here in the land of liberty. Whatever the nations of the world decide about their futures, **we are called upon to ensure that this democracy means opportunity, for all who call it home.** \\  
<sup>few have</sup>

~~No one in America -- no one --~~ has worked harder to deliver the promise of democracy, to make an enduring dream a living reality, than the men and women assembled here today -- and particularly, these men and women behind me.

From its earliest origins, the Commission on Civil Rights has been an independent, bipartisan voice for justice. The

Commissioners, the Directors, the Advisory Committees, all share a cultural diversity, and an intellectual and moral conviction, that are truly America's best. **These men and women have earned our admiration. Today, they deserve our thanks.**

Joining a new Chairman, and my friend of many years, Art Fletcher, are two outstanding additions: Carl Anderson and Russell Redenbauch. I know Bob Dole shares my admiration for Russell -- a man of impressive credentials -- who knows, as all Americans should know, that physical disability will not be a barrier to service in this Administration. That's why I **remain firmly committed to landmark legislation extending protections to those Americans with disabilities.** *the Americans with Disabilities Act to help ensure equal rights and opportunities for all Americans.*

Over the last few days I've met to discuss pending civil rights legislation with leaders representing America's rich tapestry of cultural, religious, and ethnic diversity. I got, as I knew I would, a great deal of sound advice, -- and as I imagined I would, ~~just a little constructive criticism.~~ **But** these leaders, this Commission, the Congress, and this Administration, all share a common conviction for equal opportunity. It's a responsibility I have always taken very seriously -- especially now, when our most vital export to the world is democracy.

We must make sure that we as a nation lead by example. We must see that **[true affirmative action]** is not reduced to an empty slogan -- and that this principle has real, living meaning, for all Americans. **We will leave nothing to chance, and no stone unturned, as we work to advance America's civil rights agenda.**

This nation's progress against prejudice -- from the 1964 Civil Rights Act, to the Voting Rights Act, to the Fair Housing Act, <sup>and</sup> to the Age Discrimination in Employment Act<sup>s</sup> -- it has all hinged on the principle that no one in this country should be excluded from opportunity.

<sup>So</sup> Today, we're committed to <sup>enacting</sup> new measures -- like the Hate Crimes Statistics Act, our fair housing initiatives, the HOPE initiative, and revitalized enforcement of restrictions against employment bias.

~~Many of this Administration's proposals, in fact, share common goals with the legislation being offered by Senator Kennedy and Representative Hawkins.~~ <sup>seeks</sup> ~~goals of equal opportunity and equal protection under the law.~~ <sup>for all Americans Goals that I know are shared by</sup> So we've supported efforts to ensure an individual's ability to challenge discriminatory seniority systems. We've also moved to stiffen the penalties for racial discrimination in setting or applying the terms and conditions of employment.

**Today, as we work to ensure that America represents democracy's highest expression, I want to offer four principles that must guide any amendments to our civil rights laws.**

These principles are firmly rooted in the spirit of our current laws -- and after the extensive discussions we've had this week, I think they're principles on which we all of us -- including the leadership on the Hill -- can agree. So I will **enthusiastically support legislation that meets these principles.**

First, civil rights legislation must operate to obliterate

consideration of race, color, religion, sex, nation of origin, age, or disability from employment decisions. [[ Some provisions of the Kennedy-Hawkins bill, with the best of intentions, still have an unintended consequence: they encourage employers to make decisions on the basis of these irrelevant characteristics to avoid costly litigation. () In spite of recent amendments, the bill encourages employers to base hiring decisions on the very considerations our civil rights laws direct them to ignore. ]]

**We seek civil rights legislation that is more effective, not less.** The focus of employers in this country must be on providing equal opportunity for all workers -- not on developing strategies to avoid litigation. No one here today would want me to sign a bill whose unintended consequences are quotas -- because quotas violate the most basic principles of our civil rights tradition, and the promise of democracy.

The surest, most insidious symptom of the perpetuation of injustice was well understood by Dr. Martin Luther King, Jr. Nearly 30 years ago he knew, as Americans of all walks of life know today, that quotas are wrong. He wrote, in fact, that "tokenism can now be seen not only as a useless goal, but as a genuine menace. It is a palliative which relieves emotional distress, but leaves the disease and its ravages unaffected."

**We want to eradicate the disease.** And America's minority communities deserve more than symptomatic relief. They deserve systematic solutions -- strategies that transcend statistics.

We should empower and ennoble our minority communities. We

*During my meetings this week, I ~~challenged~~<sup>invited</sup> the civil rights leadership to*

5

should seek systematic change that allows every American to excel. And I'm confident the leadership will work with me to craft a bill, in the spirit of our record of civil rights legislation, that moves us toward this goal.

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Third, Congress must subject itself to the same requirements it prescribes for others. In 1972, the Civil Rights Act of 1964 was justly applied to executive agencies and state and local governments. Congress, however, is not yet covered. This inconsistency must be remedied, to give Congressional employees and applicants the full protection of the law. The Congress should join the Executive Branch in setting an example for private employers.

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