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THE WHITE HOUSE
WASHINGTON

June 13, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: SYLVIA M. MATHEWS *SM*

SUBJECT: Ward Connerly

Attached is the letter from Ward Connerly to you. We suggest that when you see Connerly on stage you use the following talking points.

- Thank you for your letter. It is an important part of the dialogue.
- I'm glad that you agree that focussing on race relations at this time is important.

Dawn Chirwa and Richard Hayes will draft a more detailed response reinforcing our affirmative action position and explaining that your Initiative is broader, although it includes affirmative action.

Attachment

cc: Joe Lockhart

*Sylvia will give
this directly to
POTUS on AF1*

*Phil
6/13*



June 11, 1997

The Honorable William Jefferson Clinton
President
United States of America
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear President Clinton:

I want to commend you for calling our nation's attention to the topic of "race relations" and for proposing a national dialogue on this subject, which is so critical to the present and future well-being of America.

Because of the attention which I have devoted to this subject during the past nearly three years, and because of what I have learned as a result of my travels throughout the nation discussing this subject with my fellow Americans, I thought it might be useful if I shared my thoughts with you.

Throughout my lifetime, I have been told that skin color and ethnic background should neither be used to benefit nor to disadvantage any American. The words of President John F. Kennedy, when he addressed the nation about race on June 11, 1963, still ring in my ears: "Race has no place in American life or law."

For the past twenty years, however, "race" has been a factor in virtually every facet of American life and law. Race has dominated our college admissions process; it rears its ugly head in the selection of our juries and the verdicts which they render; it is a major factor in government hiring decisions, as we try to develop a work force that "looks like America."

Positions sometimes remain vacant because government agencies can't find the right Latino or black candidate or they can't decide which minority group should be "represented" to fill the vacancy. Low-bid contract proposals are occasionally rejected because procurement officers conclude that the low bidder doesn't have enough minority preference points. Competitive examination lists

are canceled because the pool of finalists is not diverse enough.

Instead of governing ourselves as President Kennedy counselled, for nearly twenty years we have consciously experimented with the philosophy that "race matters," that we are obliged to use race to get beyond race. What we have learned from this experiment is that the use of race is addictive. Once you use it, you don't get beyond it. You end up increasing the dosage until the body politic finds itself incapable of kicking the habit. That is the condition which now afflicts us.

Mr. President, the desire to "build diversity" and to practice the "politics of inclusion" has become an excuse to discriminate. If our nation is to improve race relations, we cannot escape addressing the damage that is being done to race relations by our preoccupation with race, and by the discrimination that is often occurring in the name of affirmative action.

For the past three years, the people of California have been having the dialogue which you are proposing for the nation. This past November, we closed off our statewide debate and the voters expressed in clear and unmistakable terms their deep and abiding desire to prohibit government agencies from using race to "build diversity" - that is, to discriminate against or grant preferential treatment to any individual.

The majority of Californians (indeed, the majority of Americans according to a recent survey) regret that you have used your good offices to delay our efforts in bringing our state into compliance with the philosophy expressed so eloquently by President Kennedy. We hope that the prior conduct of your administration with respect to Proposition 209 does not suggest a closed mind on this critical aspect of the race relations problem.

If the opponents of 209 will listen to the voices of Californians, as we explain our rationale for enacting this Initiative, instead of lecturing us - the most diverse state in America - about the virtues of diversity, then the dialogue can be a constructive one.

There are those who state, in their defense of affirmative action, that my fellow black Americans are entitled to affirmative action (preferences) because of what our ancestors suffered during the days of slavery and segregation. Deep in my soul, Mr. President, I am convinced that our nation and all its people can never come together as long as there is a "debtor" race and a "creditor" race.

No American should be expected to pay a debt that he or she did not incur. Nor should any American be entitled to start life with a credit having been posted to his or her American citizenship account as a result of skin color or ethnic background.

As you convene your "blue ribbon" commission of academicians and other high-priced brain power to develop their position papers on this subject, please don't forget "Joe and Jane Six-Pack" - those average Americans whose views and attitudes about race matter far more than those of any academician. In fact, it is because of some of the academicians and their "race matters" philosophy that the average American is becoming so frustrated with regard to the subject of "race."

Putting those who many of us believe are largely responsible for creating the mess in which we now find ourselves in charge of analyzing the problem and developing solutions can be likened to assigning the fox with the duty of guarding the hen house.

It is the academicians who have been using race in the obscene manner that is now coming to light at UC Boalt Hall and UT Austin Law Schools. It is the academicians who gave birth to separate ethnic and race-based graduation ceremonies, race-based scholarships and outreach activities, resegregated dormitories, and the proliferation of ethnic studies programs which sometimes amount to segregated curricula.

For the American experiment with democracy to succeed and for every American having an equal chance to compete to fulfill our dreams, it will be necessary for the factory worker, the bus driver, the police officer, the fire official, the secretary, and all other Americans to embrace the principle of equality and to believe fervently in the proposition that "race has no place in American life or law." The academicians and high-profile public figures can't do this for us. Only the American people can make this happen and we must now rely on their goodwill.

I would be remiss if I did not share with you my belief that most Americans have a strong abhorrence to the counting-by-race phenomenon which currently exists. Most of us resent checking the silly little boxes which classify us and then having our government decide how much federal money our communities receive on the basis of how many of certain boxes are checked, having the boxes determine which schools our children can attend, who gets awarded a contract, and who gets hired. We urge you to confront this issue in the context of its effect on race relations.

Discrimination based on race, and to a lesser extent ethnicity and gender, continues to contaminate our experiment with democracy. As we approach the 21st Century, we must acknowledge, however, that white Americans do not hold the monopoly on discrimination. In America, racism and hate are not terms that can be used conterminously with "white." I have learned painfully that even those who should know better - as a direct result of their personal experience with skin color racism - can be hate predators. In our nation, THERE CAN BE NO TOLERANCE OF DISCRIMINATION.

The American people are confronted with a clear choice: The race matters philosophy or "Race has no place in American life or law." According to every public opinion poll I have seen, according to the trend of the courts, and according to the electorate representing one eighth of the American population, we yearn for a return to the philosophy about race articulated by President Kennedy. Our experiment with "race matters" has proven to be unsuccessful and inconsistent with the civic values of the overwhelming majority of Americans. The consequences of that philosophy are too dangerous for us to continue down that path.

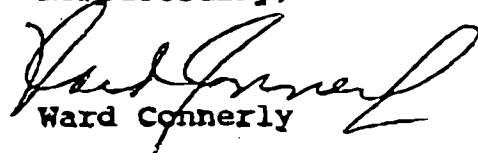
If your legacy is to be that of a president who provided leadership in improving race relations among our people, I respectfully submit, Mr. President, that it must be as one who smoothed the transition from the race matters ideology to a less race- and color-conscious America, and eventually to a nation where race and skin color are as irrelevant as our blood type in American life and law.

On the other hand, a legacy of leading the resistance to the transition which the majority of Americans seek - particularly when that objective represents all that is good about America - is not the course which history will judge favorably, with all due respect. The choice is yours: race matters or it doesn't.

For the sake of the nation, I pray that yours is a wise choice. Having it both ways, by not choosing at all, is not an option. We cannot defend racial and ethnic discrimination, and we should not "mend" that which we cannot defend. We must end it.

Again, I commend you for venturing into this territory. It is fraught with difficulties. But, if we do it right, future generations will praise your courage and leadership. All of us who want a better America wish you well in this endeavor, and will put aside our differences on other issues to ensure the success of this pursuit.

Respectfully,



Ward Connerly

222800 SS
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THE WHITE HOUSE
WASHINGTON

September 10, 1997

Mr. Ward Connerly
American Civil Rights Institute
Post Office Box 188350
Sacramento, California 95818

Dear Ward:

Thank you for your recent letters regarding my race-relations initiative.

I appreciate knowing your concerns about this important effort, and I have passed them along to my Advisory Board on Race. It is critical that we hear from a broad range of Americans on the issues, as we pursue our efforts to achieve one America, and I am certain that the Board will give your thoughts careful consideration.

I am grateful that you took the time to write, and I hope that you will continue to share your views with the Advisory Board and me.

Sincerely,

Bill Clinton

970911

September 10, 1997

Mr. Ward Connerly
American Civil Rights Institute
Post Office Box 188350
Sacramento, California 95818

Dear Ward:

Thank you for your recent letters regarding my race-relations initiative.

I appreciate knowing your concerns about this important effort, and I have passed them along to my Advisory Board on Race. It is critical that we hear from a broad range of Americans on the issues, as we pursue our efforts to achieve one America, and I am certain that the Board will give your thoughts careful consideration.

I am grateful that you took the time to write, and I hope that you will continue to share your views with the Advisory Board and me.

Sincerely, **BILL CLINTON**

BC/KMB/RLM/JAD/emu-ws (Corres. #3614893)
(8.connerly.w)

cc: Beverly Barnes, WW, Maria Echaveste, 2FL/WW, Elena Kagan, 2FL/WW, Ann Lewis, WW, Cheryl Mills, 2FL/WW, Sylvia Mathews, WW, Andrew Maycock, WW, Dawn Chirwa, 130, Richard Hayes, 111.5, Ben Johnson, 122, Joe Lockhart, 161, Minyon Moore, 115, Ann Walker, 197, Rob Weiner, 128, Dan Burkhardt, 94, Jim Dorskind, 94, Kyle Baker, 93, Judith Winston, NEOB

Xeroxed copy of personally signed original to NH through Todd Stern

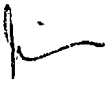
CLEAR THRU TODD STERN
PRESIDENT TO SIGN

970911

THE WHITE HOUSE
WASHINGTON

September 9, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: JIM DORSKIND 
SUBJECT: WARD CONNERLY
CORRESPONDENCE

The attached draft, which replies to two letters from Mr. Connerly, has been cleared by Sylvia Mathews, after seeking comment from, among others, Ann Lewis, Maria Echaveste, Elena Kagan, Cheryl Mills, and Minyon Moore.

Sylvia thought it best not to engage Mr. Connerly directly, but rather to let the Advisory Board address the merits of his concerns. Accordingly, the letter thanks Mr. Connerly for sharing his concerns and suggests that the Board will give them careful consideration.



James A. Dorskind

08/28/97 11:42:11 AM

Record Type: Record

To: Eileen M. Upperman/WHO/EOP

cc:

Subject: Re: The Ward Saga

Could you please turn the attached letter into a BC sig draft (i.e., approp. margins and no date), and get it to me on Azure? Thanks much!

JD

----- Forwarded by James A. Dorskind/WHO/EOP on 08/28/97 11:41 AM -----



James A. Dorskind

08/25/97 05:13:22 PM

Record Type: Record

To: Andrew J. Mayock/WHO/EOP

cc:

Subject: Re: The Ward Saga 

How about this:

DRAFT -- DRAFT -- DRAFT [REVISED 8/25/97 p.m.]

August __, 1997

Mr. Ward Connerly
American Civil Rights Institute
P.O. Box 188350
Sacramento, California 95818

Dear Mr. Connerly:

Thank you for your recent letters *regarding my race-relations initiative.*

I appreciate knowing your concerns about this important effort, and I have passed them along to my Advisory Board on Race. It is critical that we hear from a broad range of Americans on the issues, as we pursue our efforts to achieve one America, and I am certain that the Board will give your thoughts careful consideration.

I am grateful that you took the time to write, and I hope that you will continue to share your views with the Advisory Board and me.

DRAFT OF BC LETTER

INITIALS: BC / kmb / *rmw 8/11*

DOCUMENT TITLE: /slr/p/connerly.w.kb

DRAFT DATE / LETTER DATE: Aug 08 1997 /

CORRESPONDENCE #: 3614893

CLEAR WITH:

WHCC:

CC: Beverly Barnes, WW
Dawn Chirwa, 130
Maria Echaveste, 2 FL/WW
Richard Hayes, 111.5
Ben Johnson, 122
Elena Kagan, 2 FL/WW
Ann Lewis, WW
Joe Lockhart, 161
Cheryl Mills, 2 FL/WW
Minyon Moore, 115
Ann Walker, 197
Rob Weiner, 128
Dan Burkhardt, 94
Jim Dorskind, 94
Kyle Baker, 93
Sylvia Matthews, WW
Andrew Maycock, WW
Judith Winston, NEOB

CORRESPONDENCE ADDRESSED TO:

APPROVAL/ENCLOSURES/SPECIALINSTR:

Mr. Ward Connerly
American Civil Rights Institute
Post Office Box 188350
Sacramento, California 95818

Dear Ward:

Thank you for your recent letters supporting my call for a national dialogue over the next year on issues of race and reconciliation. I share your admiration for President Kennedy and his philosophy of equality among and between the races.

Of all the challenges this country faces, building one America is one of our most important undertakings. My ~~initiative~~ *One America* in the 21st Century, *On* combines constructive dialogue, study, and action to address this critical issue. Through the initiative, we are

initiative

AUG 11 REC'D

examining the current state of race relations and our common future,
~~as well as~~ ^{while also} looking at the laws and policies that can help to ensure
that we remain one America. ~~Also~~ ^{In addition,} we are working to enlist indi-
viduals, communities, businesses, and all levels of ~~the~~ government
in ~~an~~ ^{the} effort to understand our differences ~~so that we can better~~ ^{so that we can better} appreciate the
values that unite us. Through this dialogue, study, and action,
we will increase our understanding of race and propose and
promote policies and solutions that can make a difference.

~~Your letter, in particular, addresses affirmative action, which while~~ ^{Although} ~~not perfect,~~ ^{it} has been one of the most effective tools used to achieve
diversity within institutions and to address problems concerning lack
of equal access to opportunity. As I stated in my commencement
address to the graduates of the University of California-San Diego,
our society cannot avoid the unfortunate fact that racial, ethnic,
and gender discrimination continues ~~to exist.~~ We also see continuing
evidence of the enormous benefits that diversity brings, ~~making it~~
~~crucial~~ ^{and we must} to preserve the gains made ~~at those~~ ^{by} institutions that have
shown progress in achieving diversity. ~~As I have stated,~~ ^{continue to} I welcome
suggestions regarding other measures that we might take to combat the
effects of past and current discrimination, but I do not believe that
ending affirmative action at this time would achieve the ends
we all seek. I am committed to ensuring that affirmative action,
particularly when undertaken by the federal government, is fair,
balanced, flexible, and extended only to qualified candidates.

I firmly believe that diversity and excellence go hand in hand. I am
proud to say that the quality of the appointees in my Administration,

as well as the judges I have nominated, fully bears out this belief.

Again, thank you for writing. I will share your letters with my Advisory Board. It is critical that we hear from a broad range of Americans on the issues as we pursue our efforts to achieve one America.



FACSIMILE

If you have any problems receiving this facsimile, please call (916) 444-2278

Date: July 30, 1997

To: President William J. Clinton
c/o Chief of Staff Erskine Bowles

Fax Number: 202-456-2883

From: Ward Connerly

Pages: 13

Message:

American
Civil Rights
Institute

July 30, 1997

The Honorable William Jefferson Clinton
President
United States of America
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear President Clinton:

When you delivered your "race relations" speech at the University of California (UC) on June 14, 1997, I, like most Americans, listened with an open mind to your message. You rightfully pointed to race relations as one of America's greatest challenges. While you and I do not agree about how to heal race tensions, I believed that our goals for our nation and its people were shared ones.

When you announced the appointment of your Presidential Advisory Panel on Race, although I was deeply concerned about the one-sided composition of that panel, I essentially reserved public comment because of your assurance that the panel would "listen to Americans from all races" and "promote a dialogue in every community" as well as "help educate Americans about the facts surrounding the issues of race."

Yet, in the weeks following your San Diego speech, you, your panelists, and members of your administration, have given speeches and made public remarks which demonstrate that this endeavor is anything but open-minded and objective.

Let me give you some examples. First, during your San Diego speech and your recent appearances before the National Association for the Advancement of Colored People (NAACP) and the National Association of Black Journalists (NABJ), you made highly critical remarks about California's Proposition 209, as well as about the proponents of that Initiative.

Those of us who voted for Prop. 209 know why we supported this measure. For you to tell the nation that the vast majority of Californians voted for the measure "with a conviction that discrimination and isolation are no longer barriers to achievement"

is just plain wrong. Your statement to the NABJ -- "I don't know why the people who promoted 209 in California think it's a good thing to have a segregated set of professional schools"-- is just plain irresponsible.

No one "promoted" 209 more than I, so I believe it is fair to assume that you are characterizing me as a proponent of racial segregation. This is not my position nor that of anyone I know who was involved in the Prop. 209 campaign. We do not believe a segregated set of professional schools is a "good thing"; that is why we are the ones in this debate who are fighting to unify Americans by having our government treat everyone as equals regardless of race--as the U.S. Civil Rights Act of 1964 intended. We acknowledge that discrimination still exists and we call on you to strengthen the enforcement of those anti-discrimination laws that are on the books.

No one of goodwill wants our public institutions segregated. Yet, under your leadership the federal government continues to give financial support to historically black colleges. Are you not offended by government supporting the segregation manifested in these schools? Wouldn't your leadership be better demonstrated by encouraging those black students who were admitted to Boalt Hall, but who chose not to attend, to enroll at Boalt.

You know as well as I that few public institutions -- even those with a prestigious reputation like Boalt -- can compete with the financial packages offered by Yale, Harvard, Columbia, Duke and the other private schools which most of those fourteen black students admitted to Boalt will be attending. The only way we can come close to matching such packages is to provide massive race-based scholarships -- and, this we will not do.

Instead of making inflammatory statements about "resegregation," why aren't you talking about what America needs to do to make black and Latino students competitively admissible without the need for "bonus" points based on race, or without our having to lower or change the academic standards for students based on race? Wouldn't it be more productive to engage the nation in a discussion on school reform -- including the benefits of magnet schools, charter schools and school choice?

You went on to say, in speaking to the NABJ, "It would seem to me that, since these professionals are going to be operating in the most ethnically diverse state in the country, they would want them to be educated in an environment like they're going to operate." Of course, we do. But, we are not prepared to abandon our commitment to the moral principle of equal treatment under the law in order to achieve that diversity.

I am including in this transmittal a paper written by one of the most preeminent political science professors at the UC Berkeley

Graduate School of Public Policy, Martin Trow. Trow's paper - Racial and Ethnic Preferences in Admissions to the Law School of the University of California, Berkeley (Boalt Hall) in 1996 and 1997 - should dispel any doubt about the extent of the discrimination against Asians and whites which has been occurring at Boalt Hall in the name of "diversity."

If after reading this report you are still inclined to blast Prop. 209 - which hasn't even taken effect, due to efforts on the part of your administration to thwart implementation of the measure - then I can only assume that you are, indeed, a proponent of preferences and discrimination.

In your speech to the NAJB, You said that "...a lot of people who even voted for Proposition 209 have been pretty shocked at what happened, and I don't believe the people of California wanted that to occur. I think the rhetoric sounded better than the reality to a lot of people."

What "shocks" us, Mr. President, is finding out that the magnitude of the preferences has been so obscene. What "shocks" us is that you and others are so content to allow so many black and Latino students suffer the illusion that they were academically competitive when they were not. What "shocks" us is the predisposition of some, led by you, to maintain this fraud without honestly confronting the problem.

What "shocks" me is that the President of the United States and his Education Department believe that race-neutral criteria (such as grade point averages and standardized tests) are discriminatory solely against blacks and Latinos - a position which the Sacramento Bee characterizes as "an Orwellian misreading of the law." I am "shocked" that your administration would foster the notion that black and Latino high school and college graduates should not have academic criteria applied to them, and that they are incapable of competing in an open academic competition against Asians and white applicants?

As the dean of admissions at UCLA law school, Michael Rappaport, said, "I hope ... the federal government is not suggesting an academic institution can't use academic criteria when evaluating candidates for its academic programs?" And, yet, that is precisely what you are suggesting, and it is truly "shocking."

Yes, I am "shocked" that an American President would say that he is looking for "ways to get around" a vote of the electorate (Prop. 209) and a decision of a Circuit Court (Hopwood).

Which brings me to my concern about your race panel. Recent statements by the panel, including "one of America's greatest scholars, Dr. John Hope Franklin," give an indication that this panel is not, in fact, approaching its task with open minds.

For example, Dr. Franklin, upon learning of your scheduled appearance at the NAACP conference, said, "The white side (emphasis added) has been in control of everything, so they're the ones who need educating on what justice and equality mean." Do you seriously think comments like this will inspire all Americans -- including white Americans -- to join in this "great and unprecedented conversation about race?" I think not.

I am not the only one who is recognizing a bias on the part of your race panel. Ronald Brownstein of the Los Angeles Times reported last week that the message coming from the first meeting of the race panel was that "America is a racist country. Deeply, broadly racist. Perhaps irredeemably racist."

Angela Oh, the only Californian on the panel - and one whose views do not represent the mainstream of her state on this subject - commented that the panel should not waste its time documenting the extent of discrimination because, in Brownstein's words, "it is so widespread." Oh herself said, "I don't need the data. I don't think any of us need the data; we know it's there." How does that square with your statement that this panel will help "educate Americans about the facts surrounding issues of race?" Clearly, at least one member of your advisory board is not interested in facts.

Dr. Franklin then described American culture as pervasively racist. "Our whole country, our whole practices are suffused with it," he said. "...Wherever you go, you are going to see this." I and the majority of Americans take great issue with this comment. America is not a racist nation. We surely have people--of all colors--who are racists, but our nation is not racist.

These statements confirm that you and your panel seem to be less concerned with improving race relations than you are with derailing the national movement to eliminate affirmative action preferences. This has to be what you meant when you called on the NAACP to help you "turn this thing around."

On the day that you told the NABJ and the NAACP that you were trying to get around Prop. 209, the UC Regents approved a plan, developed by a Task Force which my resolution (SP-1) created, to improve the academic performance of black and Latino students so that they won't need preferences based on their skin color and ethnic background. Why can't you applaud our efforts to engender diversity at UC the right way instead of complicating them?

I sent you a letter before your speech in San Diego which articulated a perspective shared by the supporters of Prop. 209. It is clear from your comments of late that either you did not read the letter or that you simply chose to ignore the alternative perspective presented (a perspective, I might add, that is shared by a majority of Americans).

One paragraph from that letter bears repeating: "If your legacy is to be that of a president who provides leadership in improving race relations among our people, I respectfully submit, Mr. President, that it must be as one who smoothed the transition from race matters ideology to a less race- and color-conscious America, and eventually to a nation where race and skin color are as irrelevant as our blood type in American life and law."

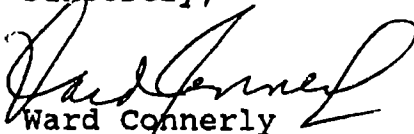
Until now, I have been hopeful that your 11th-hour entry into the debate about race in America would advance the issue and move us forward toward one nation, as you profess. Now, I pray that at the end of this year-long project that matters will not be worse as a result of your efforts. To accuse a majority of the people in the state which represents one-eighth of the nation's population of promoting racial segregation is not my idea of improving race relations. To describe this nation as a racist nation is neither productive nor true. To the contrary, it is a sure-fire formula for heightening resentment, bitterness and polarization.

From the beginning, many have said that your panel is not balanced enough to reflect the different American perspectives on this issue. If you are truly interested in having this panel's work taken seriously, I strongly suggest that you expand the panel to include an equal number of those with views different from those presently represented. People like Shelby Steele, Linda Chavez, William Bennett, Anita Blair of the Independent Women's Forum, Sally Pipes of Pacific Research Institute, Abigail Thernstrom, and Ed Koch, a former Mayor of New York come to mind.

Further, if you want to advance the dialogue about race relations, and if you want to know what prompted the people of California to approve Prop. 209, I invite you to come to California to an audience of my choosing and make your NAACP/NABJ speech, and I will go to one of your choosing and make the case for Prop. 209. It is no act of courage for any of us to appear before crowds that are selected for their affection toward our respective positions and tell them what they want to hear.

Above all, for the good of the nation, I plead with you and your advisors to discontinue using inflammatory rhetoric suggesting that the proponents of 209 want to "resegregate" America. This most assuredly will divide us into separate camps that will be more polarized at the end of this dialogue than we were at the beginning.

Sincerely,


Ward Connerly
Chairman

Racial and Ethnic Preferences in Admissions to the Law School of the University of California, Berkeley (Boalt Hall) in 1996 and 1997

Martin Trow
Graduate School of Public Policy
U.C. Berkeley, 94720

Affirmative Action and Discrimination at Boalt

In all the talk about affirmative action we hear a good deal more rhetoric than facts. There were very few facts during the President's speech in San Diego on June 8, but he, along with many others, have made reference to Berkeley's Law School (as well as to the Law School at the University of Texas) as evidence of the bad effects of the abolition there of what is called "affirmative action." What almost no one has talked about are the effects of the old ethnic and racial preferences in admissions on those excluded as well as on those admitted. But it might be useful to actually look at the patterns of racial and ethnic preference based on information about the applications and admissions to Boalt Hall in 1996 provided by the School itself, that is, the patterns in place before the new policies passed by UC's Regents in July 1995 were put into effect there.¹ What we see in these figures is a pattern of discrimination based on racial and ethnic preferences that far exceeds almost everyone's notions about the nature and effects of affirmative action, which most of its supporters have imagined to refer to a marginal advantage given to members of some groups over others of roughly equal ability and qualification. What we see in these data are not marginal advantages to disadvantaged social groups, but gross preferences that can only reflect a pattern of racial and ethnic bias.

Admissions to Boalt has been organized around placing applicants into one of four ability Ranges, A through D, from the highest scores to the lowest, defined by a combination of the student's grade point average and scores on the LSAT.² In 1996 only 855 students were admitted to Boalt out of 4684 who applied.³ But the proportions admitted were very different among the different ethnic and racial groups and in the different ranges.

¹ These data were obtained by Mr. Dan Guhr, a graduate student at Oxford University doing his dissertation on comparative patterns of access to higher education in several advanced societies. We want to thank the Office of Admissions at Boalt Hall for making these data available to us.

² For example, the chart for California residents defines Range A as including stepped combinations of GPAs from 4.00 to 3.80 and LSATs from 167 to 178. So a GPA of 4.00 and LSATs of 167 to 171 are included, as are a GPA of 3.80 and a LSAT score of 178.

³ In both 1996 and 1997 fewer than 1 applicant out of every 5 were admitted by Boalt, (18.2% in 1996 and 19.9% in 1997).

Let us first look at those students whom we can call "Asian," made up of those who identified themselves as of Chinese, Japanese, Korean, Vietnamese, East Indian and Pacific Island origins; then at students in four groups -- Blacks, Chicanos, Puerto Ricans and Native Americans -- whom we can refer to as "Affirmative Action," or A.A., groups, who were the objects and beneficiaries of racial and ethnic preferences before the Regents' action of July 1995; and then at the group of applicants who are "Caucasians."⁴ Each cell in Table 1 shows the numbers in a specific ethnic and ability Range group who were admitted to Boalt as a fraction of the number from that group who applied, with the ratio of those numbers in percent below.

Table 1
Ratio of Applications to Admissions, UC Berkeley Law School, by
Ethnic or Racial Group and Ranges, 1996

ethnic group	Ability Range			
	A (high)	B	C	D (Low)
	admit/app ratio	admit/app ratio	admit/app ratio	admit/app ratio
Asian	36/37 = 97%	59/85 = 69%	24/127 = 19%	2/492 = .4%
A.A. group	2/2 = 100%	15/16 = 94%	27/35 = 77%	100/696 = 14%
White	157/166 = 95%	182/295 = 62%	101/607 = 17%	19/1223 = 1.5%

⁴ Five applicant groups reported by Boalt are omitted from these tables and discussion. Students classified as "Foreign," "Other," and "Declined to Answer" were clearly treated in 1996 as not eligible for affirmative action preferences -- with admission/applications ratios much like Caucasians and Asians. We also omit the small groups of "Pilipino and "Latino" applicants, who were admitted at slightly higher rates than Caucasians and Asians, but were not accorded the same affirmative action preferences as were the four groups that we include in that category. The key is in the proportions admitted from Range D applicants: in 1996 only 4 out of 111 Latinos and 2 out of 64 Pilipinos who were Range D applicants were admitted.

A glance at this table shows dramatically the workings of affirmative action as it was exercised at Boalt Hall before the application of the new Regents' policies, a pattern of very large differences between these groups in the ratios of admissions to applicants within the three of the four ability ranges. Only 18 applicants from the AA groups fell into the top two ability Ranges, and all but 1 of them were accepted. And that is true for the other two groups: almost all applicants from Range A were admitted. But substantial differences in admission rates begin to appear among applicants from Range B (69% and 62% for Asians and Whites respectively, versus 94% for AA groups), and are very large in the lower two ability Ranges C and D. Of the 124 Asian applicants in Range C, only 24, or 19%, were admitted; and of the 607 whites in that range, 101, or 17%, were admitted. But of the 35 members of Affirmative Action groups in that Range, 27 or fully 77% were admitted. And in the lowest ability Range D, only 2 out of 492 Asian applicants were admitted (.4%), as compared with 100 out of 696 (14%) Affirmative Action applicants. The proportion of Whites admitted from that ability Range, 19 out of 1223, or 1.5%, was almost as low as among the Asians.

When we look at specific ethnic groups, not shown in this table, the differences are even more striking. In ability Range C, 10 students of Japanese origins applied; an equal number of Blacks applied for admission in that same Range. All 10 Black applicants in that Range were accepted, not one of those of Japanese origins. Of the 384 Black applicants in Range D, 62 were admitted. By contrast, of the 174 applicants of Chinese origins in that same ability Range, not one was admitted to Boalt Hall.

Changing Patterns in 1997

The application of the new Regental rules had a noticeable effect on these discriminatory patterns of admissions. In 1997, the corresponding numbers and ratios for these groups look as follows (Ranges A and B are combined for simplicity) in Table 2:

Table 2
Ratio of Applications to Admissions, UC Berkeley Law School,
by Ethnic or Racial Group and Ability Ranges, 1997

ethnic group	Ability Range		
	A + B(high) admit/app ratio	C admit/app ratio	D(low) admit/app ratio
Asian	75 / 79= 95%	35 / 81= 43%	4 / 282= 1.4%
A.A. group	15 / 14= 100% ⁵	9 / 20= 45%	26 / 461= 5.6%
White	326 / 380= 86%	134 / 515= 26%	23 / 978= 2.3%

While in 1997 traces of racial/ethnic preference are still to be seen in the admissions patterns -- the distinctly lower proportions of Whites admitted in Ranges A through C than of the other two groups, and the higher proportions of A.A. groups admitted in Range D -- still the contrast with the patterns of 1996 is clear: the inequities in admissions ratios among the several groups are greatly reduced. The impact of the Regents' policies abolishing race and ethnic preferences is visible in the figures, and take on added significance when we see what inequities they were addressing in Table 1.

On the decline in minority admissions between 1996 and 1997

Various observers of the changes in the pattern of admissions to Boalt Hall between 1996 and 1997, including the President of the United States, have noted that when the new rules were put into effect in UC, Black and Chicano enrollments in Boalt fell dramatically. And that is in fact the case. We might ask how that decline came about, and in what portion of the applicant pool it was most pronounced?

Between 1996 and 1997 the applications to Boalt by Blacks fell from 401 to 254, a drop of over a third (37%). The number of Blacks admitted to Boalt in those years fell from 77 to 18, an even bigger decline of over three-quarters

⁵ This anomaly exists in the original data; we have just treated the ratio as 100%.

(77%). Similarly the number of Chicano applicants to Boalt fell from 283 to 195, a drop of nearly a third (31%), and of admits from 53 to 27, a drop of nearly half (49%).

Where did these declines come from -- among the ablest or least highly qualified applicants?

First, let us look at the changes in applications and admissions of Blacks in the three higher ability Ranges between 1996 and 1997. In 1996 15 Black students in those Ranges applied, and 15 were admitted. In 1997 11 applied and 7 were admitted. So there were only 4 fewer Black applicants between those years, and 8 fewer admits in those higher Ranges. However, in Range D, where almost no Asian or Whites are admitted (see Tables 1 and 2), the sharpest declines in both Black and Chicano applications and admissions occurred. Between 1996 and 1997 there was a decline in Range D Black applications from 384 to 239, and of admissions from that Range of from 62 to 11. Thus, of the total decline of 59 in the number of Blacks admitted to Boalt between 1996 and 1997, 51, or 86% were from the ability Range D, where few non-AA students were admitted in either year. One can at least raise the question of whether so many of those students should have been admitted on affirmative action preferences in 1996.

Among Chicanos in Range D, the decline in applications between 1996 and 1997 was from 250 to 175, a drop of nearly a third (31%), and of admits from 53 to 27, a fall of nearly half. But again, the decline came largely though not entirely from Range D candidates. Of the whole decline of 26 Chicano admits between those years, 12 were in Ranges A through C, and 14 in Range D. So a little over half (54%) of the decline in Chicano admits came from applicants in Range D.

If we were to add in the smaller AA categories, Native Americans and Puerto Ricans, the figures do not change much. In 1996 18 applicants from these two group were admitted as compared with only 4 in 1997. Of the difference of 14 applicants, 5 came from the higher three Ranges, and 9 from Range D, nearly two-thirds (64%) of the total decline in admits from those groups between those years.

If we combine these AA groups, as we did in the Tables 1 and 2, we see that there was a decline of 99 persons from these four AA groups admitted to Boalt between 1996 and 1997. Of these, 74 represented a decline in admissions of applicants from ability Range D, or almost exactly three-quarters (74.7%). These were applicants who probably would not have been admitted in 1996 if they had been Caucasian or Asian, or had "Declined to Answer" the question about their ethnicity, or in fact in any other than the four AA categories.

Conclusion

After all the talk about diversity and excellence, we see in the 1996 figures the true face of "affirmative action," a pattern of gross racial and ethnic discrimination that reminds us of past patterns of academic discrimination against Blacks and Asians, Jews and Irish, and others. No rhetoric can justify these patterns; and the Regents were right to abolish those practices, as also were the California voters who passed Proposition 209 in November 1996. Much of the justification for racial and ethnic preferences has pointed to its supposed advantages for the preferred groups — "advantages" which may include the stigmatizing of all the members of those groups, including those who gain admissions to universities on their own merits. But almost nothing is said about the costs to the non-preferred groups, many of whom also suffered discrimination in the past and who now suffer the new forms of discrimination that "affirmative action" has institutionalized.

The Sacramento Bee

OPINION

Tuesday, July 29, 1997

Racial cynicism

Clinton probe of UC admissions ignores the law

Judith Winston, general counsel of the U.S. Department of Education, apparently believes that federal civil rights law requires the University of California to do what the U.S. Supreme Court and the law barely permit: Grant racial preferences in admissions. Alarmed that black and Hispanic enrollment at University of California law schools is falling in the wake of the university's decision to end racial preferences in admission, her department's Office of Civil Rights is now investigating UC on the theory that using academic standards in admissions is a form of racial discrimination.

That is an Orwellian misreading of the law. Equally important, the investigation is an abuse of federal power, designed to punish California and its citizens for making a decision on affirmative action that, however overbroad it may have been as a matter of policy, is plainly within the scope of the Constitution.

In comments to the Los Angeles Times, Winston said that, in dropping racial preferences and relying on individual grades and test scores, California may have broken the law. She implied that if UC's use of academic standards in admissions worked to exclude minorities, the burden would fall to the university to prove "those are the best measures" for selecting students and "no other nondiscriminatory alternatives" are available.

What next? Will the Clinton administration also decide to investigate Cal and UCLA because their use of such criteria as scoring averages and rebounding prowess, which have worked to exclude whites, Asians and Hispanics from their basketball teams,

are also racial discrimination?

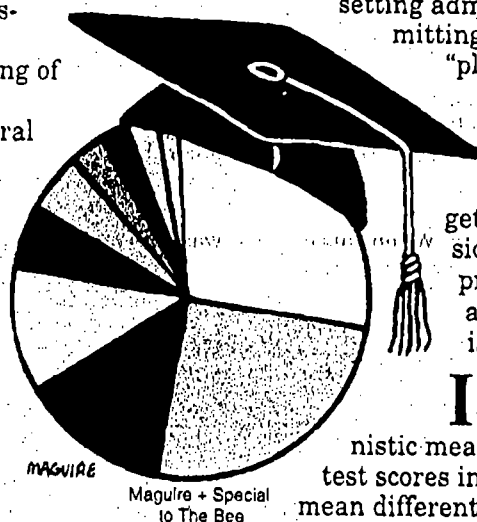
In cases involving employment, the Supreme Court has indeed held that employment standards that have a disparate impact on minorities and women must be justified. That has properly allowed job-seekers to challenge job requirements, such as minimum height requirements for firefighters, that aren't relevant to the job and were used to exclude women.

But in the 1978 Bakke case, which upheld affirmative action at UC, the U.S. Supreme Court gave broad deference to universities in setting admission policies, even per-

mitting the use of race as a "plus" factor. The theory behind the Clinton administration investigation turns Bakke on its head: Universities get no deference in admissions, an always subjective process, and racial criteria are mandatory. And peace is war and love is hate.

It would be wrong for UC to rely entirely on mechanistic measures such as grades and test scores in admissions. Grades mean different things at different schools and tests cannot measure personal qualities such as initiative, empathy, leadership and creativity. And in fact, the UC law schools correctly used other criteria, including giving preferences to students from disadvantaged backgrounds, in picking their next class.

But the Clinton administration ignores that fact as blithely as it ignores the law. With its investigation, it courts minority voters by holding out the false hope of restoring affirmative action at UC. How does that kind of cynical politics lead to the racial healing the president says he seeks?





Kyle M. Baker

07/31/97 11:18:52 AM

Record Type: Record

To: Sylvia M. Mathews/WHO/EOP

cc: Andrew J. Mayock/WHO/EOP

Subject: Letter alert

6-6797


POTUS just received a letter on Proposition 209 from Ward Connerly, so I wanted to let you know and ask how it should be handled given its sensitivity.

Andrew J. Mayock
07/31/97 02:07:04 PM

Record Type: Record

To: Kyle M. Baker/WHO/EOP

cc:

Subject: Re: Letter alert 


Thanks. I am sure she would like to hold the current letter and review the latest one, then move forward. Where does the current letter stand?

Thanks.

 Kyle M. Baker

07/31/97 02:18:57 PM

Record Type: Record

To: Andrew J. Mayock/WHO/EOP
cc: Daniel W. Burkhardt/WHO/EOP
Subject: Re: Letter alert 

Dan Burkhardt informs me that the letter as Sylvia sent it over has been sent to numerous people for final clearance, only several of which have gotten back with him. Regardless, I'm assuming that the language is moot now, or at least subject to change, given the second letter's arrival. So I will collect from Dan all the background on letter #1 and hold it until you and Sylvia see a copy of letter#2 and advise how to respond.

Daniel W. Burkhardt

08/04/97 04:05:49 PM

Record Type: Record

To: Kyle M. Baker/WHO/EOP
cc: James A. Dorskind/WHO/EOP
Subject: Re: Connerly II

From Andrew's e-mail, it appears there won't be any substantial redraft. Can you please follow up with those who did not respond to the request for clearance that I sent? Thanks.

----- Forwarded by Daniel W. Burkhardt/WHO/EOP on 08/04/97 04:04 PM -----

Daniel W. Burkhardt

08/04/97 04:03:55 PM

Record Type: Record

To: James A. Dorskind/WHO/EOP
cc:
bcc: Records Management
Subject: Re: Connerly II

We got very little feedback before the second letter arrived on Thursday. I passed this project along to Kyle, who followed up with Andrew. At that point, Kyle was expecting some sort of redraft from Andrew. Since this now appears not to be the case, I'll pass this latest information along to Kyle and see how quickly we can get back the rest of the clearances.
James A. Dorskind



James A. Dorskind

08/04/97 03:59:51 PM

Record Type: Record

To: Daniel W. Burkhardt/WHO/EOP
cc:
Subject: Connerly II

fyi -- (What's the status of the earlier letter?)

JD

----- Forwarded by James A. Dorskind/WHO/EOP on 08/04/97 03:59 PM -----

Andrew J. Mayock
08/04/97 03:58:31 PM

Record Type: Record

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

cc: James A. Dorskind/WHO/EOP

Subject: Connerly II

You either have received or will soon receive Ward's latest dispatch. The preliminary recommendation for how to proceed is to go with the letter that was recently circulated by Presidential Correspondence (response to Connerly I) with a few modifications.

What say you? Please send comments by e-mail ASAP so that we can get it out to our friend.

Thanks.

Message Sent To:

Maria Echaveste/WHO/EOP
Elena Kagan/OPD/EOP
Dawn M. Chirwa/WHO/EOP
Richard L. Hayes/WHO/EOP
Robert N. Weiner/WHO/EOP
Minyon Moore/WHO/EOP
Ann F. Lewis/WHO/EOP
Ann F. Walker/WHO/EOP
Cheryl D. Mills/WHO/EOP
Robert B. Johnson/WHO/EOP
Beverly J. Barnes/WHO/EOP
Joseph P. Lockhart/WHO/EOP
Sylvia M. Mathews/WHO/EOP




Kyle M. Baker

08/04/97 04:08:44 PM

Record Type: Record

To: Daniel W. Burkhardt/WHO/EOP

cc:

Subject: Re: Connerly II 

What about the part that says "with a few modifications" ? I don't want to waste our time trying to get clearances if there will be some changes that need to be recleared....



Kyle M. Baker

08/04/97 04:56:49 PM

Record Type: Record

To: Andrew J. Mayock/WHO/EOP

cc:

Subject: Ward Connerly II

Dan Burkhardt and Jim Dorskind shared with me your recent email exchange with them about Connerly II and asked me to follow up with you to clarify a couple of points.

1) We noticed that you cc'd all the people on the original clearance in your email. Does this mean you are now following up with these staff members, or do you still want us to work with them to have the draft approved?

2) What are the changes you referred to in your email? We will be happy to incorporate them into the draft, but this should be done, obviously, before sending the new version around for clearance, if that is what you want us to do.

Just let us know and we'll do everything we can to get the letter out quickly.


Thanks so much,
Kyle

Andrew J. Mayock
08/08/97 04:54:01 PM

Record Type: Record

To: Kyle M. Baker/WHO/EOP

cc:

Subject: Re: Connerly letter 

Here it is - cleared by Sylvia. Give Ward my regards. Thanks. (Apologies if I got in your clearance way.)



CONNERLY.W

DRAFT -- DRAFT -- DRAFT

August ____, 1997

Mr. Ward Connerly
American Civil Rights Institute
P.O. Box 188350
Sacramento, California 95818

Dear Mr. Connerly:

Thank you for writing to support my call for a national dialogue over the next year on issues of race and reconciliation. I share your admiration for President Kennedy and his philosophy of equality among and between the races.

Of all the challenges this country faces, building one America is one of our most important undertakings. My initiative, "One America in the 21st Century," combines constructive dialogue, study, and action to address this critical issue. Through the initiative, we are examining the current state of race relations and our common future and looking at the laws and policies that can help to ensure that we remain one America. Also, we are working to enlist individuals, communities, businesses, and all levels of government in an effort to understand our differences as we appreciate the values that unite us. Through this dialogue, study, and action, we will increase our understanding of race and propose and promote policies and solutions that can make a difference.

Your letter, in particular, addresses affirmative action, which while not perfect, has been one of the most effective tools used to achieve diversity within institutions and to address problems concerning lack of equal access to opportunity. As I stated in my commencement address to the graduates of the University of California-San Diego, our society cannot avoid the unfortunate fact that racial, ethnic, and gender discrimination continues to exist. We also see continuing evidence of the enormous benefits that diversity brings, making it crucial to preserve the gains made at those institutions that have shown progress in achieving diversity. As I have stated, I welcome suggestions regarding other measures that we might take to combat the effects of past and current discrimination, but I do not believe that ending affirmative action at this time would achieve the ends we all seek. I am committed to ensuring that affirmative action, particularly when undertaken by the federal government, is fair, balanced, flexible, and extended only to qualified candidates. I firmly believe that diversity and excellence go hand in hand. I am proud to say that the quality of appointees in my administration, as well

as the judges I have nominated, fully bears out this belief.

Again, thank you for writing. I will share your letters with my Advisory Board. It is critical that we hear from a broad range of Americans on the issues, as we pursue our efforts to achieve one America.

Sincerely,

[The President]

THE WHITE HOUSE
WASHINGTON

July 28, 1997

MEMORANDUM FOR BEVERLY BARNES ✓

DAWN CHIRWA ✓

✓ MARIA ECHAVESTE ✓

✓ RICHARD L. HAYES ✓

ROBERT B. JOHNSON ✓

ELENA KAGAN ✓

✓ ANN F. LEWIS ✓

JOSEPH P. LOCKHART ✓

CHERYL MILLS ✓

✓ MINYON MOORE ✓

ANN F. WALKER ✓

ROBERT N. WEINER ✓

FROM:

DANIEL BURKHARDT *DB*
DEPUTY DIRECTOR OF CORRESPONDENCE

SUBJECT:

PRESIDENTIAL RESPONSE TO WARD CONNERLY

Sylvia Mathews has asked the you edit / approve the attached response from the President to Ward Connerly, of the American Civil Rights Institute, regarding race relations. A copy of Mr. Connerly's incoming is attached for your information. We would appreciate your edits or approval by **close of business, Tuesday, July 29, 1997.**

If you have questions, I can be reached at 6-5507. Thanks for your help.

July 25, 1997

Mr. Ward Connerly
American Civil Rights Institute
Post Office Box 188350
Sacramento, California 95818

Dear Ward:

Thank you for your recent letter supporting my call for a national dialogue over the next year on issues of race and reconciliation. I share your admiration for President Kennedy and his philosophy of equality among and between the races.

Of all the challenges this country faces, building one America is one of our most important undertakings. My initiative, "One America in the 21st Century," combines constructive dialogue, study and action to address this critical issue. Through the initiative, we are examining the current state of race relations and our common future and looking at the laws and policies that can help to ensure that we remain one America. Also, we are working to enlist individuals, communities, businesses, and all levels of the government in an effort to understand our differences as we appreciate the values that unite us. Through this dialogue, study and action, we will increase our understanding of race and propose and promote policies and solutions that can make a difference.

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ending affirmative action at this time would achieve the ends we all seek. I am committed to ensuring that affirmative action, particularly when undertaken by the federal government, is fair, balanced, flexible, and extended only to qualified candidates. I firmly believe that diversity and excellence walk hand in hand. I am proud to say that the quality of the appointees in my administration, as well as the judges I have nominated, fully bears out this belief.

Again, thank you for writing. I will share your letter with my Advisory Board. It is critical that we hear from a broad range of Americans on the issues, as we pursue our efforts to achieve one America.

Sincerely,

BC/DWB/lynn (Corres. #3614893)
(7.connerly.w)



June 11, 1997

The Honorable William Jefferson Clinton
President
United States of America
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear President Clinton:

I want to commend you for calling our nation's attention to the topic of "race relations" and for proposing a national dialogue on this subject, which is so critical to the present and future well-being of America.

Because of the attention which I have devoted to this subject during the past nearly three years, and because of what I have learned as a result of my travels throughout the nation discussing this subject with my fellow Americans, I thought it might be useful if I shared my thoughts with you.

Throughout my lifetime, I have been told that skin color and ethnic background should neither be used to benefit nor to disadvantage any American. The words of President John F. Kennedy, when he addressed the nation about race on June 11, 1963, still ring in my ears: "Race has no place in American life or law."

For the past twenty years, however, "race" has been a factor in virtually every facet of American life and law. Race has dominated our college admissions process; it rears its ugly head in the selection of our juries and the verdicts which they render; it is a major factor in government hiring decisions, as we try to develop a work force that "looks like America."

Positions sometimes remain vacant because government agencies can't find the right Latino or black candidate or they can't decide which minority group should be "represented" to fill the vacancy. Low-bid contract proposals are occasionally rejected because procurement officers conclude that the low bidder doesn't have enough minority preference points. Competitive examination lists

are canceled because the pool of finalists is not diverse enough.

Instead of governing ourselves as President Kennedy counselled, for nearly twenty years we have consciously experimented with the philosophy that "race matters," that we are obliged to use race to get beyond race. What we have learned from this experiment is that the use of race is addictive. Once you use it, you don't get beyond it. You end up increasing the dosage until the body politic finds itself incapable of kicking the habit. That is the condition which now afflicts us.

Mr. President, the desire to "build diversity" and to practice the "politics of inclusion" has become an excuse to discriminate. If our nation is to improve race relations, we cannot escape addressing the damage that is being done to race relations by our preoccupation with race, and by the discrimination that is often occurring in the name of affirmative action.

For the past three years, the people of California have been having the dialogue which you are proposing for the nation. This past November, we closed off our statewide debate and the voters expressed in clear and unmistakable terms their deep and abiding desire to prohibit government agencies from using race to "build diversity" - that is, to discriminate against or grant preferential treatment to any individual.

The majority of Californians (indeed, the majority of Americans according to a recent survey) regret that you have used your good offices to delay our efforts in bringing our state into compliance with the philosophy expressed so eloquently by President Kennedy. We hope that the prior conduct of your administration with respect to Proposition 209 does not suggest a closed mind on this critical aspect of the race relations problem.

If the opponents of 209 will listen to the voices of Californians, as we explain our rationale for enacting this Initiative, instead of lecturing us - the most diverse state in America - about the virtues of diversity, then the dialogue can be a constructive one.

There are those who state, in their defense of affirmative action, that my fellow black Americans are entitled to affirmative action (preferences) because of what our ancestors suffered during the days of slavery and segregation. Deep in my soul, Mr. President, I am convinced that our nation and all its people can never come together as long as there is a "debtor" race and a "creditor" race.

No American should be expected to pay a debt that he or she did not incur. Nor should any American be entitled to start life with a credit having been posted to his or her American citizenship account as a result of skin color or ethnic background.

As you convene your "blue ribbon" commission of academicians and other high-priced brain power to develop their position-papers on this subject, please don't forget "Joe and Jane Six-Pack" - those average Americans whose views and attitudes about race matter far more than those of any academician. In fact, it is because of some of the academicians and their "race matters" philosophy that the average American is becoming so frustrated with regard to the subject of "race."

Putting those who many of us believe are largely responsible for creating the mess in which we now find ourselves in charge of analyzing the problem and developing solutions can be likened to assigning the fox with the duty of guarding the hen house.

It is the academicians who have been using race in the obscene manner that is now coming to light at UC Boalt Hall and UT Austin Law Schools. It is the academicians who gave birth to separate ethnic and race-based graduation ceremonies, race-based scholarships and outreach activities, resegregated dormitories, and the proliferation of ethnic studies programs which sometimes amount to segregated curricula.

For the American experiment with democracy to succeed and for every American having an equal chance to compete to fulfill our dreams, it will be necessary for the factory worker, the bus driver, the police officer, the fire official, the secretary, and all other Americans to embrace the principle of equality and to believe fervently in the proposition that "race has no place in American life or law." The academicians and high-profile public figures can't do this for us. Only the American people can make this happen and we must now rely on their goodwill.

I would be remiss if I did not share with you my belief that most Americans have a strong abhorrence to the counting-by-race phenomenon which currently exists. Most of us resent checking the silly little boxes which classify us and then having our government decide how much federal money our communities receive on the basis of how many of certain boxes are checked, having the boxes determine which schools our children can attend, who gets awarded a contract, and who gets hired. We urge you to confront this issue in the context of its effect on race relations.

Discrimination based on race, and to a lesser extent ethnicity and gender, continues to contaminate our experiment with democracy. As we approach the 21st Century, we must acknowledge, however, that white Americans do not hold the monopoly on discrimination. In America, racism and hate are not terms that can be used conterminously with "white." I have learned painfully that even those who should know better - as a direct result of their personal experience with skin color racism - can be hate predators. In our nation, THERE CAN BE NO TOLERANCE OF DISCRIMINATION.

JUN. 12. 1997

5:53AM

ACRI/ACRC

NO. 693

P. 5

The American people are confronted with a clear choice: The race matters philosophy or "Race has no place in American life or law." According to every public opinion poll I have seen, according to the trend of the courts, and according to the electorate representing one eighth of the American population, we yearn for a return to the philosophy about race articulated by President Kennedy. Our experiment with "race matters" has proven to be unsuccessful and inconsistent with the civic values of the overwhelming majority of Americans. The consequences of that philosophy are too dangerous for us to continue down that path.

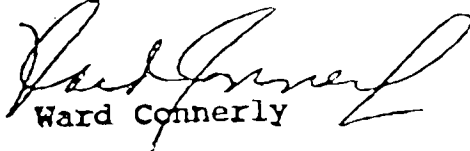
If your legacy is to be that of a president who provided leadership in improving race relations among our people, I respectfully submit, Mr. President, that it must be as one who smoothed the transition from the race matters ideology to a less race- and color-conscious America, and eventually to a nation where race and skin color are as irrelevant as our blood type in American life and law.

On the other hand, a legacy of leading the resistance to the transition which the majority of Americans seek - particularly when that objective represents all that is good about America - is not the course which history will judge favorably, with all due respect. The choice is yours: race matters or it doesn't.

For the sake of the nation, I pray that yours is a wise choice. Having it both ways, by not choosing at all, is not an option. We cannot defend racial and ethnic discrimination, and we should not "mend" that which we cannot defend. We must end it.

Again, I commend you for venturing into this territory. It is fraught with difficulties. But, if we do it right, future generations will praise your courage and leadership. All of us who want a better America wish you well in this endeavor, and will put aside our differences on other issues to ensure the success of this pursuit.

Respectfully,


Ward Connerly

107/24/9707:14:44 PM

» Connerly Letter for Circulation

7/28/97
To Kileen / Eunice / Lynn
As per my comment
Tx [Signature]
[Redacted]
Andrew J. Mayock
07/24/97 04:37:23 PM

Record Type: Record

To: James A. Dorskind/WHO/EOP
cc: Sylvia M. Mathews/WHO/EOP
Subject: Connerly Letter for Circulation

Attached is a letter for circulation which I discussed with Debbie and Phil.

Also, I am not sure to whom you would regularly circulate such a letter, but Sylvia asked that the following people be included on the circulation list in addition to the usual suspects.

Thanks.

- Maria Echaveste/WHO/EOP
- Elena Kagan/OPD/EOP
- Dawn M. Chirwa/WHO/EOP
- Richard L. Hayes/WHO/EOP
- Robert N. Weiner/WHO/EOP
- Minyon Moore/WHO/EOP
- Ann F. Lewis/WHO/EOP
- Ann F. Walker/WHO/EOP
- Cheryl D. Mills/WHO/EOP
- Robert B. Johnson/WHO/EOP
- Beverly J. Barnes/WHO/EOP
- Joseph P. Lockhart/WHO/EOP



CONNERLY.W

7/28

Jim -

This needs to get copied
and stuffed (along with
incoming Connerly letter)
to the highlighted people.

Touch base with me.

Tx

[Signature]

DRAFT -- DRAFT -- DRAFT

3614893

July __, 1997

Mr. Ward Connerly
American Civil Rights Institute
P.O. Box 188350
Sacramento, California 95818

Dear ^{Ward} Mr. Connerly:

Thank you for your recent letter supporting my call for a national dialogue over the next year on issues of race and reconciliation. I share your admiration for President John F. Kennedy and his philosophy of equality among and between the races.

Of all the challenges this country faces, building one America is one of our most important undertakings. My initiative, "One America in the 21st Century," combines constructive dialogue, study, and action to address this critical issue. Through the initiative, we are examining the current state of race relations and our common future and looking at the laws and policies that can help to ensure that we remain one America. Also, we are working to enlist individuals, communities, businesses, and government at all levels in an effort to understand our differences as we appreciate the values that unite us. Through this dialogue, study, and action, we will increase our understanding of race and propose and promote policies and solutions that can make a difference.

^{which} Your letter, in particular, addresses affirmative action, which while not perfect, has been one of the most effective tools used to achieve diversity within institutions and to address problems concerning lack of equal access to opportunity. As I stated in my commencement address to the graduates of the University of California-San Diego, our society cannot avoid the unfortunate fact that racial, ethnic, and gender discrimination continues to exist. We also see continuing evidence of the enormous benefits that diversity brings ^{making it} ~~to institutions~~ ^{crucial} which demonstrate daily the need to preserve the gains made at those institutions that have shown ~~such~~ progress in achieving diversity. As I have stated, I welcome suggestions regarding other measures that we might take to combat the effects of past and current discrimination, but I do not believe that ending affirmative action at this time would achieve the ends we all seek. I am committed to ensuring that affirmative action, particularly when undertaken by the federal government, is fair, balanced, flexible, and extended only to qualified candidates. I firmly believe that diversity and excellence walk hand in hand. I am proud to say that the quality of the appointees in my administration, as well as the judges I have nominated, fully bears out this belief.

SEE

Again, thank you for ^{winning} your letter. I will share your letter with my Advisory Board. It is critical that we hear from a broad range of Americans on the issues ^{as} that impact our efforts to achieve one America.

Sincerely,

[The President]

Copied to Andrew Meyer 7/18

THE WHITE HOUSE
WASHINGTON

June 13, 1997

6/29/97

① Please copy
for Andrew
and red dot.

MEMORANDUM FOR THE PRESIDENT

FROM:

SYLVIA M. MATHEWS *SM*

SUBJECT:

Ward Connerly

Andrew in case
you need a
copy for
Richard.
TY
Smat

Attached is the letter from Ward Connerly to you. We suggest that when you see Connerly on stage you use the following talking points.

- Thank you for your letter. It is an important part of the dialogue.
- I'm glad that you agree that focussing on race relations at this time is important.

Dawn Chirwa and Richard Hayes will draft a more detailed response reinforcing our affirmative action position and explaining that your Initiative is broader, although it includes affirmative action.

② return
to my
action
folder


Attachment

cc: Joe Lockhart

7/17

111 2 9 1997

To: Daniel Burkhardt
Deputy Director of Correspondence

From: Ann Lewis 
Director of Communications

Date: July 29, 1997

Re: Connerly Letter

I recommend that any response to Ward Connerly include explicit reference to the President's commitment to expanding economic opportunity and the importance of education, as he did in San Diego .) To omit these important areas and speak only about affirmative action is to allow Ward Connerly to set the terms of debate.

Thus, I would insert a new third paragraph that speaks about economic policy and the achievements of this administration, and about education -- quality education, including standards . And perhaps the importance of enforcing anti-discrimination laws, since the Connerlys of the world claim to be equally opposed to discrimination.

cc: Sylvia Mathews
Andrew Mayock

*"Our copy" ...
did you ever
hear back from
all ...*



Richard L. Hayes

07/29/97 10:08:35 AM

Record Type: Record

To: Daniel W. Burkhardt/WHO/EOP

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

Subject: Ward Connerly Letter

Dan, I would like to suggest two edits to the draft letter. At the end of the first paragraph, add "Two areas that my Advisory board has initially chose to focus their attention is unequal education and economic opportunity. " In addition, in between the third and fourth sentence from the bottom of the third paragraph, add something like: "The precipitous drop off in minority enrollment at the university of California as a result of Prop 209 -- while it may not be completely understood at this time -- it would at least suggest that we have to be mindful of ending such programs without an adequate alternative." Otherwise, I am happy with what you have.

Message Copied To:

Dawn M. Chirwa/WHO/EOP
Beverly J. Barnes/WHO/EOP
Elena Kagan/OPD/EOP
Ann F. Lewis/WHO/EOP
Joseph P. Lockhart/WHO/EOP
Cheryl D. Mills/WHO/EOP
Minyon Moore/WHO/EOP
Ann F. Walker/WHO/EOP
Robert N. Weiner/WHO/EOP

Andrew J. Mayock

07/24/97 04:37:23 PM

Record Type: Record

To: James A. Dorskind/WHO/EOP

cc: Sylvia M. Mathews/WHO/EOP

Subject: Connerly Letter for Circulation

Attached is a letter for circulation which I discussed with Debbie and Phil.

Also, I am not sure to whom you would regularly circulate such a letter, but Sylvia asked that the following people be included on the circulation list in addition to the usual suspects.

Thanks.

Maria Echaveste/WHO/EOP

Elena Kagan/OPD/EOP

Dawn M. Chirwa/WHO/EOP

✓ Richard L. Hayes/WHO/EOP

Robert N. Weiner/WHO/EOP

✓ Minyon Moore/WHO/EOP

Ann F. Lewis/WHO/EOP

Ann F. Walker/WHO/EOP

Cheryl D. Mills/WHO/EOP

Robert B. Johnson/WHO/EOP

Beverly J. Barnes/WHO/EOP

Joseph P. Lockhart/WHO/EOP



CONNERLY.W

DRAFT -- DRAFT -- DRAFT

July __, 1997

Mr. Ward Connerly
American Civil Rights Institute
P.O. Box 188350
Sacramento, California 95818

Dear ^{Ward} Mr. Connerly:

Thank you for your recent letter supporting my call for a national dialogue over the next year on issues of race and reconciliation. I share your admiration for President John F. Kennedy and his philosophy of equality among and between the races.

Of all the challenges this country faces, building one America is one of our most important undertakings. My initiative, "One America in the 21st Century," combines constructive dialogue, study, and action to address this critical issue. Through the initiative, we are examining the current state of race relations and our common future and looking at the laws and policies that can help to ensure that we remain one America. Also, we are working to enlist individuals, communities, businesses, and government at all levels in an effort to understand our differences as we appreciate the values that unite us. Through this dialogue, study, and action, we will increase our understanding of race and propose and promote policies and solutions that can make a difference.

Connerly
Your letter, in particular, addresses affirmative action, which while not perfect, has been one of the most effective tools used to achieve diversity within institutions and to address problems concerning lack of equal access to opportunity. As I stated in my commencement address to the graduates of the University of California-San Diego, our society cannot avoid the unfortunate fact that racial, ethnic, and gender discrimination continues to exist. We also see continuing evidence of the enormous benefits that diversity brings ^{making it crucial} to institutions which demonstrate daily the need to preserve the gains made at those institutions that have shown such progress in achieving diversity. As I have stated, I welcome suggestions regarding other measures that we might take to combat the effects of past and current discrimination, but I do not believe that ending affirmative action at this time would achieve the ends we all seek. I am committed to ensuring that affirmative action, particularly when undertaken by the federal government, is fair, balanced, flexible, and extended only to qualified candidates. I firmly believe that diversity and excellence walk hand in hand. I am proud to say that the quality of the appointees in my administration, as well as the judges I have nominated, fully bears out this belief.

SEE

Again, thank you for ^{writing} your letter. I will share your letter with my Advisory Board. It is critical that we hear from a broad range of Americans on the issues, ^{as} ~~that impact~~ our efforts to achieve one America.

Sincerely,

[The President]

Copied for Andrew Meyer 7/18

THE WHITE HOUSE
WASHINGTON

June 13, 1997

6/29/97

① Please copy
for Andrew
and red dot.
Andrew in case
you need a
copy for
Richard.

MEMORANDUM FOR THE PRESIDENT

FROM:

SYLVIA M. MATHEWS *sent*

SUBJECT:

Ward Connerly

Attached is the letter from Ward Connerly to you. We suggest that when you see Connerly on stage you use the following talking points. *Richard. TM snat*

- Thank you for your letter. It is an important part of the dialogue.
- I'm glad that you agree that focussing on race relations at this time is important.

Dawn Chirwa and Richard Hayes will draft a more detailed response reinforcing our affirmative action position and explaining that your Initiative is broader, although it includes affirmative action.

② return
to my
action
folder

Attachment

cc: Joe Lockhart

7/17



June 11, 1997

The Honorable William Jefferson Clinton
President
United States of America
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear President Clinton:

I want to commend you for calling our nation's attention to the topic of "race relations" and for proposing a national dialogue on this subject, which is so critical to the present and future well-being of America.

Because of the attention which I have devoted to this subject during the past nearly three years, and because of what I have learned as a result of my travels throughout the nation discussing this subject with my fellow Americans, I thought it might be useful if I shared my thoughts with you.

Throughout my lifetime, I have been told that skin color and ethnic background should neither be used to benefit nor to disadvantage any American. The words of President John F. Kennedy, when he addressed the nation about race on June 11, 1963, still ring in my ears: "Race has no place in American life or law."

For the past twenty years, however, "race" has been a factor in virtually every facet of American life and law. Race has dominated our college admissions process; it rears its ugly head in the selection of our juries and the verdicts which they render; it is a major factor in government hiring decisions, as we try to develop a work force that "looks like America."

Positions sometimes remain vacant because government agencies can't find the right Latino or black candidate or they can't decide which minority group should be "represented" to fill the vacancy. Low-bid contract proposals are occasionally rejected because procurement officers conclude that the low bidder doesn't have enough minority preference points. Competitive examination lists

are canceled because the pool of finalists is not diverse enough.

Instead of governing ourselves as President Kennedy counselled, for nearly twenty years we have consciously experimented with the philosophy that "race matters," that we are obliged to use race to get beyond race. What we have learned from this experiment is that the use of race is addictive. Once you use it, you don't get beyond it. You end up increasing the dosage until the body politic finds itself incapable of kicking the habit. That is the condition which now afflicts us.

Mr. President, the desire to "build diversity" and to practice the "politics of inclusion" has become an excuse to discriminate. If our nation is to improve race relations, we cannot escape addressing the damage that is being done to race relations by our preoccupation with race, and by the discrimination that is often occurring in the name of affirmative action.

For the past three years, the people of California have been having the dialogue which you are proposing for the nation. This past November, we closed off our statewide debate and the voters expressed in clear and unmistakable terms their deep and abiding desire to prohibit government agencies from using race to "build diversity" - that is, to discriminate against or grant preferential treatment to any individual.

The majority of Californians (indeed, the majority of Americans according to a recent survey) regret that you have used your good offices to delay our efforts in bringing our state into compliance with the philosophy expressed so eloquently by President Kennedy. We hope that the prior conduct of your administration with respect to Proposition 209 does not suggest a closed mind on this critical aspect of the race relations problem.

If the opponents of 209 will listen to the voices of Californians, as we explain our rationale for enacting this Initiative, instead of lecturing us - the most diverse state in America - about the virtues of diversity, then the dialogue can be a constructive one.

There are those who state, in their defense of affirmative action, that my fellow black Americans are entitled to affirmative action (preferences) because of what our ancestors suffered during the days of slavery and segregation. Deep in my soul, Mr. President, I am convinced that our nation and all its people can never come together as long as there is a "debtor" race and a "creditor" race.

No American should be expected to pay a debt that he or she did not incur. Nor should any American be entitled to start life with a credit having been posted to his or her American citizenship account as a result of skin color or ethnic background.

As you convene your "blue ribbon" commission of academicians and other high-priced brain power to develop their position-papers on this subject, please don't forget "Joe and Jane Six-Pack" - those average Americans whose views and attitudes about race matter far more than those of any academician. In fact, it is because of some of the academicians and their "race matters" philosophy that the average American is becoming so frustrated with regard to the subject of "race."

Putting those who many of us believe are largely responsible for creating the mess in which we now find ourselves in charge of analyzing the problem and developing solutions can be likened to assigning the fox with the duty of guarding the hen house.

It is the academicians who have been using race in the obscene manner that is now coming to light at UC Boalt Hall and UT Austin Law Schools. It is the academicians who gave birth to separate ethnic and race-based graduation ceremonies, race-based scholarships and outreach activities, resegregated dormitories, and the proliferation of ethnic studies programs which sometimes amount to segregated curricula.

For the American experiment with democracy to succeed and for every American having an equal chance to compete to fulfill our dreams, it will be necessary for the factory worker, the bus driver, the police officer, the fire official, the secretary, and all other Americans to embrace the principle of equality and to believe fervently in the proposition that "race has no place in American life or law." The academicians and high-profile public figures can't do this for us. Only the American people can make this happen and we must now rely on their goodwill.

I would be remiss if I did not share with you my belief that most Americans have a strong abhorrence to the counting-by-race phenomenon which currently exists. Most of us resent checking the silly little boxes which classify us and then having our government decide how much federal money our communities receive on the basis of how many of certain boxes are checked, having the boxes determine which schools our children can attend, who gets awarded a contract, and who gets hired. We urge you to confront this issue in the context of its effect on race relations.

Discrimination based on race, and to a lesser extent ethnicity and gender, continues to contaminate our experiment with democracy. As we approach the 21st Century, we must acknowledge, however, that white Americans do not hold the monopoly on discrimination. In America, racism and hate are not terms that can be used conterminously with "white." I have learned painfully that even those who should know better - as a direct result of their personal experience with skin color racism - can be hate predators. In our nation, THERE CAN BE NO TOLERANCE OF DISCRIMINATION.

The American people are confronted with a clear choice: The race matters philosophy or "Race has no place in American life or law." According to every public opinion poll I have seen, according to the trend of the courts, and according to the electorate representing one eighth of the American population, we yearn for a return to the philosophy about race articulated by President Kennedy. Our experiment with "race matters" has proven to be unsuccessful and inconsistent with the civic values of the overwhelming majority of Americans. The consequences of that philosophy are too dangerous for us to continue down that path.

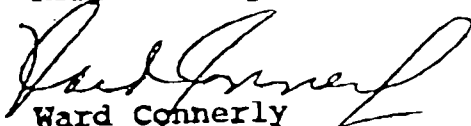
If your legacy is to be that of a president who provided leadership in improving race relations among our people, I respectfully submit, Mr. President, that it must be as one who smoothed the transition from the race matters ideology to a less race- and color-conscious America, and eventually to a nation where race and skin color are as irrelevant as our blood type in American life and law.

On the other hand, a legacy of leading the resistance to the transition which the majority of Americans seek - particularly when that objective represents all that is good about America - is not the course which history will judge favorably, with all due respect. The choice is yours: race matters or it doesn't.

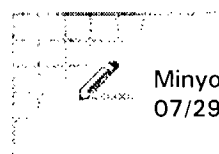
For the sake of the nation, I pray that yours is a wise choice. Having it both ways, by not choosing at all, is not an option. We cannot defend racial and ethnic discrimination, and we should not "mend" that which we cannot defend. We must end it.

Again, I commend you for venturing into this territory. It is fraught with difficulties. But, if we do it right, future generations will praise your courage and leadership. All of us who want a better America wish you well in this endeavor, and will put aside our differences on other issues to ensure the success of this pursuit.

Respectfully,



Ward Connerly



Minyon Moore
07/29/97 09:32:58 AM

Record Type: Record

To: Daniel W. Burkhardt/WHO/EOP

cc: Sylvia M. Mathews/WHO/EOP, Andrew J. Mayock/WHO/EOP

Subject: Connerly letter

Reviewed the updated version of the connerly letter. I personally think it fine and has the right tone if released to the press.



James A. Dorskind

08/25/97 05:13:22 PM

Record Type: Record

To: Andrew J. Mayock/WHO/EOP

cc:

Subject: Re: The Ward Saga

How about this:

DRAFT -- DRAFT -- DRAFT [REVISED 8/25/97 p.m.]

August __, 1997

Mr. Ward Connerly
American Civil Rights Institute
P.O. Box 188350
Sacramento, California 95818

Dear Mr. Connerly:

Thank you for your recent letters regarding my race-relations initiative.

I appreciate knowing your concerns about this important effort, and I have passed them along to my Advisory Board on Race. It is critical that we hear from a broad range of Americans on the issues, as we pursue our efforts to achieve one America, and I am certain that the Board will give your thoughts careful consideration.

I am grateful that you took the time to write, and I hope that you will continue to share your views with the Advisory Board and me.

Jim -
Letter seems ok, but
why did it go from a
long substantive letter to
a short one that says
nothing.

flaking file
Ward Connerly
letter
(w/ Mayock
for submission
of Sylvia)
2

DRAFT -- DRAFT -- DRAFT

August __, 1997

Mr. Ward Connerly
 American Civil Rights Institute
 P.O. Box 188350
 Sacramento, California 95818

Dear Mr. Connerly:

Thank you for your recent letters. I will share them with my Advisory Board on Race. It is critical that we hear from a broad range of Americans on the issues, as we pursue our efforts to achieve one America.

Sincerely,

[The President]

Q: I am certain that they will receive careful consideration.

on my recommendations, in fact,

I appreciate knowing your concern about this most important issue, and have passed along your letters along to

and I appreciate your taking the time to write.

I hope that your will continue to share your views with the Advisory Board and me.



James A. Dorskind

08/11/97 05:57:07 PM

Record Type: Record

To: Andrew J. Mayock/WHO/EOP
cc: Kyle M. Baker/WHO/EOP, Sylvia M. Mathews/WHO/EOP
Subject: Ward Connerly

I have just received the "cleared" draft, and I have some concerns that I'd like to discuss, especially as regards the effort to respond to his most recent letter. Please call me ASAP at 65460.

Among my concerns: we don't address his dissatisfaction with the make-up of the panel or some of the comments he attributes to some of its members; we don't address his concerns about ensuring that minorities *can* compete effectively (which Ann Lewis' proposed edits would have dealt with); and we probably insult him by starting off thanking him for his "letters supporting [P's] call for a national dialogue." Can his second letter really be read to do that?

Connerly can (and no doubt will) use the letter to argue that the President misses the point, is disingenuous, etc. Maybe there are reasons for letting it be, but I think we should at least discuss these issues before I forward this draft on. Also what about Richard Hayes' suggestions, which would have ameliorated some of my concerns, as well?

Thanks.

Jim

109/09/9708:50:50 AM


Re: Draft memo to POTUS

June G. Turner 09/09/97 08:12:18 AM

Record Type: Record

To: James A. Dorskind/WHO/EOP

cc:

Subject: Re: Draft memo to POTUS 

Sylvia said this was ok.

September 8, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: JIM DORSKIND

SUBJECT: WARD CONNERLY
CORRESPONDENCE

The attached draft, which replies to two letters from Mr. Connerly, has been cleared by Sylvia Mathews, after seeking comment from, among others, Ann Lewis, Maria Echaveste, Elena Kagan, Cheryl Mills, and Minyon Moore.

Sylvia thought it best not to engage Mr. Connerly directly, but rather to let the Advisory Board address the merits of his concerns. Accordingly, the letter thanks Mr. Connerly for sharing his concerns and suggests that the Board will give them careful consideration.