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Affirmative Action memo (1 and 2)

CHARLES R. STITH

THE PRESIDENT HAS SEEN

3.21.95

For GS-FH
1-1-95
R

TO: The Honorable William J. Clinton,
President of the United States

FR: CRS

RE: Affirmative Action/ Memo 2

Mr. President:

I regret we weren't able to get together last week, while I was in D.C., to discuss the previous memo I sent to you on Affirmative Action. If we had gotten together there were three things I would have emphasized that need to be central to your deliberations and the definitive statement you will be making on this subject.

The first is that despite the pressure, within and outside the Administration, to find the **political center** on this issue you must stake out the **moral center**. Your political and policy position must clearly and unequivocally reflect a moral position on the issue of Affirmative Action. There are those who've tried to frame this debate in political terms; i.e., one's position on Affirmative Action reflects whether you are for or against white males. The heart of this issue is that we must be against discrimination; clearly people of color and women disproportionately bear the burden of discrimination. Again, at stake in this debate is do we return to an era of "separate, but (un)equal" or do we continue to try realize the "dream of blacks and whites together."

PHOTOCOPY
WJC HANDWRITING

Secondly, in emphasizing that this debate is taking place in a context of discrimination and economic dislocation you need to point out that many of those who have now jumped on anti-affirmative action bandwagon have little moral authority to do so. On the one hand, they've tended to provide weak leadership, at best, in enabling the nation to deal with the problem of discrimination. And, on the other hand, they have provided no leadership as it relates to a strategy for economic growth; which would result in Americans having economic opportunities at a living wage.

The third point which you need emphasize is that overagainst acrimony and cacaphony, commonsense and compassion need to rule the day as we work toward a solution to this problem. On the point of commonsense, there are obviously mistakes that have been made in the implementation of affirmative action. In some cases it has been a matter of persons doing the wrong thing for the right reasons; and in some cases it has been some people doing the wrong thing for the wrong reasons. But, in the overwhelming percentage of cases we have had decent and honest Americans, black and white, trying to use an imperfect tool to deal with a horrendous problem. Had we not had this tool we would not have come as far as we've come; even though we still have a ways to go before equal opportunity is a reality in America.

As it relates to the issue of compassion, it is important to lift up that as Americans we must never forget "we are our brothers and sisters keeper." Especially when times are tough, we need to turn to each other and not on each other.

There are some additional things that I'd like to talk to you about on this subject (I don't think it would be appropriate to put them in a memo.) I will be in Washington from Monday afternoon, March 20 to Tuesday evening March 21 for a FannieMae Advisory

Board meeting. If you have any time to meet during this period a message can be gotten to me at the Four Seasons Hotel (342-0444) or at Fannie Mae (752-7120).

Obviously, if the above time is inconvenient I would be more than willing to make a special trip down to D.C. to discuss this matter with you further. My continued best wishes to you and the family. Take Care.

CHARLES R. STITH

TO: The Honorable William J. Clinton

President of the United States

FR: CRS

RE: Affirmative Action

Mr. President:

There are several things you need to consider as you move to provide some leadership on the issue of affirmative action. Before detailing the specific actions you might take let me start by offering a context for framing your position in the present debate about affirmative action.

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* First of all, while the debate about affirmative action qua set -asides has always been in the background; what has thrust this issue to the foreground is the present economic climate. This issue has taken on the present sense of urgency because of the downsizing taking place in the private sector and the downsizing taking place in the public sector, and the downsizing of people's paychecks. Because of these phenomena people are rightly concerned, anxious, and fearful about their economic prospects. There are a couple of relevant points that flow from this premise. One is that just as affirmative action did not cause the downsizing problem; ending affirmative action won't end the problem of

downsizing. The second point proceeding from this premise is that the present debate is fueled as much by who gets to keep their job and contract as by who gets the job or contract. If we focus for a minute on the issue of who gets to keep their job or contract, it enables us to zero in on a number of issues critical to coming to a position on the affirmative action question.

If we acknowledge that as a matter of custom and because of the entire complex of "Jim Crow" laws blacks were prevented from entering the mainstream of American economic life before affirmative action; it then requires acknowledging that whites start with the advantage of access. If whites were then the first hired and that becomes the basis for determining who is the last fired; blacks as the last hired are going to be distinctly disadvantaged. Unless some provisions are made to insure that blacks and other minorities do not disproportionately bear the burdens of layoffs we will find ourselves on a slippery slope leading us back to the pre-Civil Rights era when blacks were absent from the workplace and marketplace. Obviously this is not something we want to do. Too many blacks and whites sacrificed that our country would change.

The reason that I started on this point is that it points us to an obvious problem of most of the politicians that have been quick to jump on the "bash affirmative action" bandwagon; and that is, we are where we are on this issue because of the lack of economic growth resulting in fewer economic opportunities. This reflects the failure of leadership on the part of many now knocking affirmative action. If they had offered the kind of leadership that would have resulted in a growing economy we might not be embroiled in the present controversy surrounding affirmative action; or at least, the climate for discussion would be a lot more reasonable.

Having made this point, it is important to address the most obvious point in this discussion around affirmative action and that is, affirmative action is necessary because discrimination is still a reality in America. Because of this reality and the advantage of access that it translates into for whites; unless affirmative action is taken, blacks and other minorities won't have a chance in maintaining our present economic standing much less improving on it. It is also important to appreciate that it is the reality of discrimination and the advantage of access that whites have because of it that make the claim of reverse discrimination untrue. The facts bear it out. (see attachments)

Against this backdrop, I'd recommend several courses of action:

- The first thing you should do is begin trying to impact on the present climate in which this debate is taking place. There is a profound moral and political issue at stake, "a house divided against itself cannot stand." You should schedule an address at a white church and black church in California where you would give the same sermon on the same day. The moral and historical issues relevant to this discussion must get as much attention as the economic issue at stake. Taking such a tract also enables you to talk about and affirm the efforts on the part of whites to make America more just and fair; as well as talk about the progress we've made and the need to not give up in the struggle to finish what we started. (Eventhough you fashion yourself as a "Closet-preacher" - smile, you could probably use a Reverend's touch on such a piece; I'd be willing to help. In addition, I'd be willing to help identify some appropriate churches for such a sermon; and I'd be willing to travel with you.)

These sermons should be scheduled before the release of any specific recommendations on affirmative action laws or regulations

I would also add that the moral and political principle at stake here is one that you should make reference to in every speech you give on domestic policy. We are venturing very close to a return to the Plessy v. Ferguson "separate but equal" era. We are at what well could a defining moment in American History. To leave a nation so divided is not the legacy you want to leave; particularly in light of the fact that there is no single politician today that could lay a greater claim than you to being able to occupy the highground of calling this nation together across color and class lines.

• Secondly, as you have your staff doing the inventory of affirmative action programs you should also have them look at how laws, programs, and regulations originally intended to provide greater opportunities for blacks has resulted in greater opportunities for others including working class whites. This is a way of punctuating a fundamental premise of the Civil Rights Movement - the lack of opportunity for anybody means a threat to opportunity for everybody.

• Thirdly, you must be careful that you do not let this debate on affirmative action get defined as simply a matter of economic need. The reality of racial and sexual discrimination, which limits economic options for blacks (other minorities and women), is staggering. The statistical evidence should not (and cannot) be ignored.

The lack of economic opportunity for working class whites and poor blacks is a problem reflecting the lack of economic opportunity because of the lack of economic growth. Having made this point, this leads me to the fourth thing that needs to be on your agenda.

• You need to really take it to the Republicans who have bounced on this issue for political gain. They need to be taken to task; instead of offering **real help** to those

✓ } concerned about their economic future they are offering a false hope by pitting whites against blacks. The key to a more secure economic future is a growing economy. In a global economy where the rules are defined by GATT and NAFTA our diversity is our strength. It is that which potentially positions us to play and win on this new playing-field. (John Sasso mentioned to me that he has also encouraged you to take the position of the economic populist on this issue. He is right!)

I will be in Washington D.C. on Thursday and Friday, maybe we can get together for a few minutes to talk in more detail on this subject.

CHARLES R. STITH

An assault on fairness

In 1965 President Lyndon Johnson signed Executive Order 11246 mandating "affirmative action" as a way to ensure equal economic opportunity for minorities and women. At no time since then has affirmative action been under greater assault than it is now.

It is under assault philosophically by those who wrongly call it reverse discrimination.

It is under assault politically, with the most organized effort now taking place in California by referendum.

And it is under assault legally and practically. The present Supreme Court has decided to take up the issue soon, and given the court's composition, we should be worried.

The principles and policies of affirmative action are being violated on a daily basis as minorities disproportionately bear the burden of layoffs when companies downsize.

In the face of these assaults, we do not need to turn back the clock to pre-1965. We must protect the principle of affirmative action because it works. While it has not been a panacea, it is clear that without it this nation would not have made the progress it has in becoming more fair and providing greater opportunity for all.

From 1960 to 1990, African-Americans in the work force increased by 35 percent; the number of women increased by 23 percent; the statistics for Hispanics and Asians are even more dramatic.

It can hardly be said that because of affirmative action minorities and women have an unfair advantage in the economy. The reality is staggering: African-Americans and other minorities are still unemployed at almost twice the general rate and are paid a bit more than half as much when we are employed. Whites own 30 times more businesses than blacks. Where is the unfair advantage blacks and other minorities are supposed to hold?

The charge that affirmative action gives minorities and women an unfair



JOHN OVERMYER ILLUSTRATION

advantage is fallacious on another front. It implies that every white in the job market is better qualified than everyone else, that everyone should be able to get the exact job they want and when they want it, and that every minority has the job of their choice.

Obviously this is not true. The legitimate job crunch that whites are feeling is not because of blacks; blacks are feeling it, too. The job crunch is the result of businesses and government downsizing. The issue is what does this nation do about this problem while maintaining a commitment to the principles of fairness and opportunity for all.

In a world marketplace defined by NAFTA and GATT, our diversity is a potential advantage that could clearly establish this nation as the leader in this new global economy. Affirmative action is one strategy to ensure that we harness that potential. The choice seems simple. We can continue to fight over our diminishing share of the global economic pie and watch the world pass us by, or we can utilize all the talent we possess and compete and win. It is this second choice that the nation needs to make.

The assault on affirmative action is not simply an assault on fairness and opportunity for minorities and women; it is an assault on the future. The battle needs to be fought to ensure fairness and opportunity for all Americans – and to save the soul of this nation.

Rev. Charles R. Stith is the president of the Organization for a New Equality.

**PHOTOCOPY
WJC HANDWRITING**

The Rev. CHARLES R. STITH

Set-aside program can be made to work

Dear Gov. Weld: With the recent Herald expose on fraud in the minority and women business program, I think it is going to be impossible to ignore this problem any longer. I and others have talked to you about this problem previously, and, quite frankly, not much has happened. Thank God, the Herald brought this story to light.

These set-aside programs were developed to give disadvantaged businesses run by minorities and women a fair shot at the American Dream. With the Boston Harbor cleanup and the Central Artery/Third Harbor Tunnel projects totaling billions of dollars, hopes were high that the dream, our dream of economic opportunity, would become real. Instead, it has become a nightmare!

Because of fraud initiated by large white-owned contracting firms, there are fewer minority contractors in business now than before the set-aside program started. The commonwealth has been ripped off for hundreds of millions of dollars, and the legitimate aspirations of genuine minority and female-headed businesses have been frustrated.

Now, there are some who will argue that the quickest and most effective way to end the fraud is to end the program. But that would simply victimize the minorities and women who have been victims of discrimin-

atory treatment which made the set-aside programs necessary in the first place. To end the program would, in effect, reward those large white-owned firms that were so greedy they could not be satisfied with over 80 percent of the business of the commonwealth. They had to have it all.

The fair, decent, and honorable thing to do is to fix the program and respond to the fraud and abuse which has occurred. Here is a 10-point plan to clean up this mess:

1.) Immediately review the policies, procedures, and personnel of the State Office of Minority and Women Business Assistance (SOMBWA). This review process should include minority and women business owners who know what it takes to run the program honestly and effectively.

2.) Institute a better process for monitoring compliance with set-aside goals and *enforce* penalties against violators. This might require hiring more monitors; it definitely requires better training for those responsible for this area.

3.) There must be criminal prosecution of the general contractors who arrogantly and willfully defrauded the taxpayers of Massachusetts of millions of dollars. (Immunity might have to be given to some subcontractors to build the case; if so, it should be done.) Governor, you've gone on record as being tough on crime in

the streets; you can demonstrate that you're equally committed to being tough on crime in the suites.

4.) General contractors who are found guilty of defrauding the commonwealth and violating state statutes should be fined and permanently barred from bidding for business with the state.

5.) The revenues generated from fines could be used to support programs providing technical assistance to minority and women-owned businesses and expanding the bonding capacity for such businesses. (Whether fines levied can be used for such purposes or not, the state needs to expand its commitment in this area.)

6.) The state should go back and capture penalties that should have been levied against abusers of the system.

7.) Contracts on which the general contractors are suspected of violating the contract and defrauding the state should be reopened to bid.

8.) Minority and women-owned businesses that cannot demonstrate independence should be decertified by SOMBWA. In order to insure that husbands and fathers don't set up their wives and daughters in the business simply to win set-aside contracts, being *disadvantaged* should be a main consideration for certification.

9.) The process of certification needs to be depoliticized. Politicians should not be able to

call demanding that certain businesses be certified or use their office to intimidate SOMBWA officials. SOMBWA must operate as a semi-autonomous agency if it is to be fair, effective, and fraud free.

10.) Last, but by no means least, you need to put the full weight of your office on the line to make this program work. I am not talking simply about fulfilling your legal obligations as the chief executive officer of the commonwealth, but seeing and seizing the moral imperative to stand up for fairness and opportunity.

It would be ironic if this program continued to limp along or died on your watch. It's about making opportunity real, so folks can pursue the dream of entrepreneurship. It's about creating jobs so that those on welfare roles move onto payrolls. It's an agenda that's as Republican as apple pie is American.

I hope to meet with you in a few days to discuss this matter further.

Sincerely,

Rev. Charles R. Stith

P.S. You might want to give Attorney General Scott Harshbarger a call; he should be very interested in some of this.

Dr. Charles R. Stith is national president of the Organization for a New Equality, an eight-year-old civil rights organization based in Boston which focuses on economic opportunity issues.

PHOTOCOPY
WJC HANDWRITING

Virginia's Wilder says airport guard choked him

By Desda Moss
USA TODAY

A guard at Raleigh-Durham International Airport who former Virginia governor Douglas Wilder says put a choke hold on him is out of a job.

"He was off the premises before lunch," said airport spokesman Rick Martinez.

Wilder complained that he was attacked by the security guard about 7:30 a.m. Tuesday as he was returning to Richmond after giving a speech at Duke University in Durham, N.C.

The guard, who had been on the job less than a year, was employed by Globe Security, a private firm based in Irving, Texas, under contract to USAir, the carrier with the most flights at the airport.

He was not identified. The company issued a statement saying it is investigating, but it did not return phone calls.

The guard was white. Wilder said he did not know whether the incident was racially motivated.

Wilder, the first black elected governor in the USA, told listeners on his weekday radio show on WRVA-AM in Richmond that he was going through a security checkpoint

when metal in his suspenders set off a metal detector. While searching him with a handheld magnetometer, the guard shoved him, Wilder said.

When Wilder turned to look at the guard's name tag, "he charged me and choked me with both hands around my neck and said, 'I don't like you. Don't try to get my name,'"

Wilder said.

Lisa Thanauser said she saw the guard come after Wilder twice "to the point where he had to be sort of dragged off out these double doors to get him away from (Wilder)," according to Durham station WTVD-TV.

Martinez also confirmed

Wilder's account.

"When the governor reached for the guard's badge to get his name, the guard grabbed the governor around the neck."

Wilder said he was not injured, but "it was long enough for me to be shocked."

"We're looking into it because we don't tolerate that kind of behavior, whether the customer is Doug Wilder or Doug Smith," Martinez said. He said airport officials had apologized, "just as we would apologize to anybody this happened to."



Reuters

WILDER: Airport officials apologize

March 8, 1995

**NATIONAL
AFFIRMATIVE ACTION
SUMMIT**

3/21/95
George S.
was sent
all the
original
Booklets

Sewagnew

The Statement



In Observance of the 30th Anniversary of
Executive Order No. 11246

January 13, 1995
Georgetown University Law Center
Washington DC

Convened by:



Organization for a New Equality

Rev. Charles R. Stith, National President
364 Boylston Street, Third Floor
Boston, MA 02116
(617) 424-6631

Co-conveners:

Lawyers Committee for Civil Rights

**Georgetown University
Student Bar Association**

The Statement



The Constitutional Scholars
Conference on Affirmative Action
After Croson

March 30, 1989
African Meeting House
Boston, MA



Convened by:
The Organization for a New Equality
485 Columbus Avenue
Boston, MA 02118
(617) 424-6631

“The Pastoral Epistle on Opportunity in America”



The Religious Leaders'
Conference on Affirmative Action
After Croson

May 3, 1989
African Meeting House
Boston, MA



Convened by:
The Organization for a New Equality
485 Columbus Avenue
Boston, MA 02118
(617) 424-6631



O.N.E. *Outlook*

A Newsletter of The Organization for a New Equality

◆ Vol. 2 No. 1, Spring 1990

The CALL for Racial Harmony, Justice, and Equality



On December 14, 1989 from the west steps of the U.S. Capitol in Washington, D.C., O•N•E launched The CALL for Racial Harmony, Justice, and Equality, a national awareness campaign designed to bring attention to the rise of incidents of racial violence and harrassment.

Believing that the nation needed to rededicate itself to the fight against racism, Reverend Charles Stith, President of the Organization for a New Equality, organized The CALL as a series of candlelight vigils in cities and on college campuses across the country.

Racial violence — ranging from anti-semitic grafitti to arson to murder— has been on the rise all over the country. In the past two years, over 250 college campuses have reported such incidents in the press. When 16

— continued on page 3



Washington D.C. Congressman Walter Fauntroy signs The CALL petition as HUD Secretary Jack Kemp and O•N•E President Rev. Charles Stith look on. Also pictured (l to r) are Synagogue Council of America representative Rabbi Richard Yellin, Anti-Defamation League representative Leonard Zakim, A.M.E. Bishop H. H. Brookins, and La Raza representative Lisa Navarrete.

O•N•E KEY TO \$460 MILLION INVESTMENT PACKAGE FOR MINORITY COMMUNITY

*National CRA Summit
Planned for Fall '90*

After seven months of negotiations involving over one hundred banks and community representatives, Reverend Charles R. Stith, President of the Organization for a New Equality, hosted a press conference on January 15th for the Massachusetts Bankers Association at which was announced the Massachusetts Bankers Association Community Investment Program.

The multimillion dollar statewide program will create revolving loan funds to increase affordable housing, improve access to mortgages and banking services, and provide capital to entrepreneurs in low-income and minority neighborhoods that have been historically underserved by the banks.

MBA President Robert K. Sheridan, acknowledged the critical behind-the-scenes role played by Reverend Stith in achieving consensus on the program by saying, "Throughout the process Reverend Stith continued to play the part of the carpenter to help build a permanent structure for community reinvestment and relationships and replace neighborhoods of despair with neighborhoods of dreams."

Reverend Stith emphasized his belief that the agreement reached represented a

— continued on page 4

CRA REGULATORY REFORM:

THE ILLUSION OF INCLUSION

Testimony for the
U.S. House of Representatives
Subcommittee on Credit,
and Insurance
of the Committee on Bank
Finance and Urban Affairs



By Rev. Charles R. Spurgeon
Organization for Economic Development

CS

CHARLES R. STITH

104445
HU012

TO: The Honorable William J. Clinton,
President of the United States

FR: CRS 

RE: Affirmative Action/ Memo 2

Mr. President:

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364 BOYLSTON STREET, THIRD FLOOR, BOSTON, MASSACHUSETTS 02116

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WJC HANDWRITING

Board meeting. If you have any time to meet during this period a message can be gotten to me at the Four Seasons Hotel (342-0444) or at Fannie Mae (752-7120).

Obviously, if the above time is inconvenient I would be more than willing to make a special trip down to D.C. to discuss this matter with you further. My continued best wishes to you and the family. Take Care.

STITH TRAVEL ITINERARY

I. Event: Fannie Mae Advisory Council Meeting Date: 3/20-21
Location: Fannie Mae 3900 Wisconsin Ave, NW Washington, DC 20016
street city, state, zip
Contact person: Nancy Poudrier (202) 752-7120
name phone
On-site contact: Nancy Poudrier (202) 752-7120
name phone
Sponsor: Fannie Mae Advisory Council
Format: Dinner / Meeting

II. Transportation/Accommodations

Destination: Washington, DC 3/20 MON.
Airline: USAir Flt #: 1639 2C Depart: 1:00pm Arrive: 2:40pm
Return: Boston - Logan 3/21 Tues.
Airline: USAir Flt #: 496 2A Depart: 6:00pm Arrive: 7:27pm
Hotel: Four Seasons Address: 2800 Pennsylvania Ave., NW
Reservation #: _____ Phone #: (202) 342-0444

III. Itinerary

MON. 3/20
2:40pm Arrive in DC - go to Four Seasons 2800 Pennsylvania Ave., NW
(202) 342-0444
4:00pm Meeting - Fannie Mae 3900 Wisconsin Ave., NW
(202) 752-7120
6:30pm Reception/Dinner (Fannie Mae)

TUES. 3/21
7:30am Meeting @ Fannie Mae 3900 Wisconsin Ave., NW (202) 752-7120
2:00pm Meeting Ends
6pm Flight leaves DC
7:27pm Arrive in Boston



3/20
✓ 1. CC [unclear]
2. [unclear]

FAX TRANSMISSION

To: (Name) Nancy Hernreich

(Office) White House

(FAX #) 202 - 456 - 6703

From: Rev. Charles R. Stith

Date: 3/20/95

Ref.: _____

Comments: _____

*Call to [unclear]
[unclear] to [unclear]
[unclear] to [unclear]*

cover page + 4 = 5 total pages

Organization for a New Equality

FAX # (617) 424-7693

Phone # (617) 424-ONE-1

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Rev. Emmanuel Cleaver
Ike Fields
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Dr. Deborah Prothrow-Stith
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