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THE WHITE HOUSE
WASHINGTON

Date May 30, 1995

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MEMO FROM MAGGIE WILLIAMS

TO: Alexis Herman Potus

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Advice

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COMMENTS:

HARVARD UNIVERSITY
JOHN F. KENNEDY SCHOOL OF GOVERNMENT
CAMBRIDGE, MASSACHUSETTS 02138



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AN OPEN LETTER TO SPEAKER NEWT GINGRICH

May 19, 1995

Honorable Newt Gingrich
The Speaker
U.S. House of Representatives
Washington, D.C. 21515

Dear Speaker Gingrich:

I congratulate you on your election as Speaker of the United States House of Representatives. For now, you are probably the most powerful Speaker this country has known in half a century. Power as great as yours brings terrible responsibilities. Because I care about this country and because I believe you do too, I write to you about your power and your responsibility.

As passed during the 100-day whirlwind session of the House of Representatives, the first draft of the Contract With America weakens the poor, the powerless and minorities. It has frightening implications that remind me as to how, in the past, the state rights doctrines were used to make African Americans and the poor almost powerless under the dominance of arbitrary state governments. Because of political spins and distortion, you and your colleagues have often branded the critics of your Contract as irresponsible "Liberals" detached from the real America. As Barbra Streisand has said: *"I am worried about the name calling, the stereotypical labeling. It was dangerous when Newt Gingrich developed a strategy in the last campaign of pitting President Clinton against so-called 'normal Americans.'* The new

scapegoats are members of what Gingrich calls the 'Counterculture McGoverniks.'" Liberals are now typecast as some non-normal, almost diseased, Americans. McGovern, the son of a Republican Methodist minister, has been married to the same woman for 51 years. He flew 35 combat missions in World War II. It is absurd that his patriotism is disputed or that he is branded as "counterculture" by a person who never served in the military and whose own family history can hardly be called exemplary.

To deal with those who might seek to besmirch me because of my condemnation of some aspects of your Contract, let me give my personal family history. I am a sixty-seven year old African-American man. For twenty-nine years, I served my country as a federal judge. I come from modest circumstances. My mother was a domestic, my father a laborer. Like them, I believe in the work ethic and that all able bodied adults should work when jobs are available and that people should go on welfare only when it is a rational alternative to their plight. We are not -- and never have been -- soft on crime, and we are advocates of fair and vigorous law enforcement. We always supported our church and family values. My parents were hard-working people, but the condition of their lives was limited. In their time, most African-Americans were treated like second-class citizens, and many poor people, despite their best efforts, could not survive without welfare assistance. These facts have shaped my life and my values and my concern about the poor. I am a survivor of segregation. I have been an architect and a beneficiary of the civil rights movement of the 1950s and 1960s, and a witness to its legacy.

In 1899, the United States Supreme Court had a simple case of racial discrimination against blacks in your state of Georgia. *Cumming v. County Board of Education*. The Richmond School Board closed the high school for blacks, claiming they could not afford a high school for 60 blacks and, at the same time, provide an elementary education for 400 black children. Despite alleged funding problems, the Richmond School Board made certain that *all* white children had options for a high school education; they provided a high school education for all white girls and they subsidized a high school education within the county for all white boys. The Supreme Court did not find unconstitutional the invidious discrimination of the Richmond County Board of Education.

In 1915, South Carolina was spending an average of \$23.76 on the education of each white child, and \$2.91 on that of each black child. As late as 1931, Georgia and five other Southern states (Alabama, Arkansas, Florida, and North and South Carolina) spent less than one-third for each black child as it did for each white child, and ten years later, this figure had risen to only 44%. At the

time of the 1954 decision in *Brown v. Board of Education*, the South, as a whole, was spending, on the average, 43% more a year for a white pupil than it was for a black pupil.

Though, throughout Georgia, there were many public high schools accessible to whites, there was *not even one* public high school for blacks until the 1920s. Thus, perhaps the distant past and the "good old days" were relatively good for many whites who didn't care about excluding their fellow citizens from equal options, but those days were profoundly tragic for blacks and the poor. And, in many ways, even today we are suffering the consequences of the devastating inequalities that have been imposed by the education system short-changing blacks generation-by-generation-by-generation in thousands of school districts. I would have hoped that Congress would now be dealing with those past inequities by spending even disproportionate amounts of revenue to aid those who are weak and poor and who have had the maximum disadvantages in our society.

All of these *contracts* are permanently filed in the consciousness of this nation. So, there is no need to belabor the point. What all these contracts of the past have in common is that whenever politicians purported to enter into a "Contract With America," it seems that most often the weak and the powerless were not the beneficiaries of it.

No better example can be found than in your book, *Contract With America*. You devote a whole chapter noting your important concerns in enhancing "Fairness for Seniors." However, you have no chapter on enhancing fairness for *children*, and your first 100-day legislative program was an assault on federal entitlements for *children*. You propose letting the states decide their own standards for programs designed to help poor children, such as the school lunch program and aid to families with dependent children. If the concept of letting states determine the allocation of such vital financial benefits is so sound, then perhaps you and your colleagues should consider turning over the entire Social Security system to the states as well. If your proposed system of block grants is so good for poor children, then our senior citizens should not be deprived of its advantages. I suspect that you are willing to let the states do as they will with children, but not with senior citizens, because children do not vote and do not have political power, whereas senior citizens vote and have powerful lobbies.

Yet, surely politicians and academicians as informed as you and your colleagues must know, as the American Bar Association and the Children's Defense Fund have reported, in today's America, our children are at great and grave risk:

- More than 9.4 million children had no health insurance in 1993, an increase of more than 800,000 from 1992.
- A higher proportion of babies are born at low birthweight in the United States than in 31 other countries, including Romania, Greece, Turkey and Portugal.
- The United States ranks 19th among developed countries for infant mortality rates.
- The United States ranks 17th among all nations in the percentage of one-year-olds who are fully immunized against polio, behind Romania, Albania, Greece, North Korea and Pakistan. Our polio immunization rate for children of color ranks us 70th in the world.
- One in four children, or nearly 16 million children, live below the poverty line. In 1994, one in four homeless people was a child under the age of 18.
- 5,379 children and teens were killed by gunfire in 1992 -- one child every 98 minutes.
- A record level of 14.2 million children relied on food stamps to eat in 1993 -- up 51% since 1989.

I cite this data because of my concern about the welfare for all of America's poor children. I trust that Congress and more persons will come to grips with the hard core fact that there are more poor white children in this country than there are poor black children. Thus, any program that helps the poor benefits all Americans, regardless of their race, religion or national origin. Given these statistics, one then begins to wonder why this 100-day legislative program seems to ignore or victimize children.

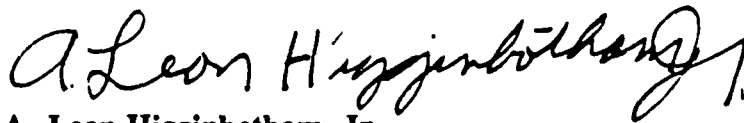
Abraham Lincoln closed his first Inaugural Address by stating, "*We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection.*" He prayed that: "*The mystic chords of memory . . . will yet swell the chorus of the Union when again touched, as surely they will be, by the better angels of our nature.*" In applying Lincoln's words to the challenges of today, in seeking justice for the poor, minorities and women, "*we must not be enemies,*" whether one is white or black or any shade in between,

whether one is male or female, whether one is rich or poor, or Republican or Democrat, and we must exemplify the "*better angels of our nature*." Yet, I fear that some aspects of the recent legislative program has awakened the worst forces of our nature and has set them loose. These forces overshadow the lives of the poor, the weak and the powerless, and threaten to beat them down, back to the great miseries of the Great Depression. If this continues, then history will not place you along with your hero Abraham Lincoln. Rather, your place will be with Rutherford B. Hayes, who betrayed blacks in the 1877 Compromise to win nineteen electoral votes from the South and Oregon for the Presidency. After Hayes agreed with Southern Democrats to withdraw federal protection of former slaves, the Chairman of the Kansas Republican State Committee summed up their faustian pact as follows:

As matters look to me now, I think the policy of the new administration will be to conciliate the white men of the South. CARPETBAGGERS TO THE REAR, AND NIGGERS TAKE CARE OF YOURSELVES.

It seems that in order to win the white male vote, you and your colleagues have formulated a conciliation policy for white males that says: "*poor people to the rear and minorities take care of yourselves*." It may be a successful political formula for the moment, but ultimately, this country will pay a heavy price for those unwise diversions. The weak and the poor will not long tolerate programs that give persons earning \$200,000 a year tax breaks, while school lunches, food stamps and other programs for the needy are cut back with block grants that have tens of billions of cuts. There is no moral or economic justification to dismantle and replace federal entitlements with unaccountable state block grants. The retrogression that your Contract has set loose will not only beat down the poor, it will, in time, engulf us all, leaving no safe haven for either the enforcers or the victims of their inequitable Contract With America.

Sincerely,

A handwritten signature in dark ink, reading "A. Leon Higginbotham, Jr." with a stylized flourish at the end.

A. Leon Higginbotham, Jr.
PUBLIC SERVICE PROFESSOR OF JURISPRUDENCE

Blacks remember other contracts put out on them

*Gingrich's pact
is aimed at the poor,
the weak, the powerless.*

By A. Leon Higginbotham Jr.

When I and many other African Americans listen to the rhetoric surrounding the Contract With America, we cannot help but be skeptical. Why? Because, in Justice Oliver Wendell Holmes' phrase, "a page of history is worth a volume of logic." We know the history of this country and, sometimes, the Contract With America authored by House Speaker Newt Gingrich sounds much too historically familiar.

It reminds how, in the past, states' rights doctrines were used to keep African Americans poor and almost powerless under the dominance of arbitrary state governments. African Americans have been the subject of many contracts with America.

The first colonists contracted to enslave blacks, because slaves were the ultimate form of cheap labor.

The founders of our nation contracted in the Constitution to condone slavery, because the South could not do without its slaves.

Reconstruction-era politicians contracted to relegate blacks to segregation, because whites had come to seriously believe in their "superiority."

Southern states contracted for separate and unequal treatment, so that whites would always receive the better options — in education, in jobs, in electoral politics.

In Gingrich's home state of Georgia, there were many public high schools accessible to whites, but not even one public high school for blacks until the 1920s. (In 1915, South Carolina was spending an average of eight times more on the education of each white child than it was on each black child.)

As late as 1931, Georgia and five other Southern states (Alabama, Arkansas, Florida and North and South Carolina) spent less than one-third for each black child than they did for each white child. Ten years after, this figure had risen to only 44 percent. At the time of the 1954 decision in *Brown v. Board of Education*, the South, as a whole, was spending on the average 43 percent more a year for a white pupil than it was for a black pupil.

Thus, perhaps the distant past and the "good old days" were relatively good for many whites who didn't care about excluding their fellow citizens from equal options, but those days were profoundly tragic for blacks and the poor.



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All of these contracts are permanently filed in the consciousness of this nation. And, even today, we, in many ways, are suffering the consequences of the devastating inequalities that have been imposed by the education system short-changing blacks generation-by-generation in thousands of school districts.

I would have hoped that Congress would now be dealing with those past inequities by spending money to aid those who are weak and poor and who have had the maximum disadvantages in our society.

But it seems that whenever politicians purport to enter into a "contract with America," the weak and the powerless are not the beneficiaries.

No better example can be found than in Gingrich's book on his contract. He devotes a

whole chapter to concerns about enhancing "fairness for seniors." However, he has no chapter on enhancing fairness for children, and his first 100-day legislative program was an assault on federal entitlements for children.

He proposes letting the states decide their own standards for programs designed to help poor children, such as the school lunch program and Aid to Families With Dependent Children.

If the concept of letting states determine the allocation of such vital financial benefits is so sound, then perhaps Gingrich and his colleagues should consider turning over the entire Social Security system to the states as well. Our senior citizens should not be deprived of its advantages. I suspect that they are willing to let the states do as they will with children, but not with senior citizens,

because children do not vote and do not have political power, whereas senior citizens vote and have powerful lobbies.

Yet, Gingrich must know, as the American Bar Association and the Children's Defense Fund have noted, that our children are at great and grave risk: One in four children, or nearly 16 million children, live below the poverty line. One in four homeless people is a child. A record level of 14.2 million children relied on food stamps to eat in 1993 — up 51 percent since 1989. A higher proportion of babies are born at low birthweight in the United States than in Turkey, and nearly 10 million lack health insurance. Moreover, our children are increasingly threatened by street violence — in 1992, 5,379 children and teens were killed by gunfire.

I cite these statistics because of my concern about the welfare for all of America's poor children. I trust that Congress and more persons will come to grips with the hard-core fact that there are more poor white children in this country than there are poor black children. Thus, any program that helps the poor benefits all Americans, regardless of their race, religion or national origin.

I speak as a 67-year-old African American man.

For 29 years, I served my country as a federal judge. I came from modest circumstances. My mother was a domestic, my father a laborer. Like them, I believe in the work ethic and that all able-bodied adults should work when jobs are available and that people should go on welfare only when it is a rational alternative to their plight.

I am not — and never have been — soft on crime, and my family and I are advocates of fair and vigorous law enforcement. We always have supported our church and lived by a code of values. My parents were hard-working people, but the condition of their lives was limited.

In their time, most African Americans were treated like second-class citizens, and many poor people, despite their best efforts, could not survive without welfare assistance. These facts have shaped my life and my values and my concern about the poor. I am a survivor of segregation. I have been an architect and a beneficiary of the civil rights movement of the 1950s and 1960s, and a witness to its legacy.

Yet when I and others rise to question Gingrich's contract, we are derided as some non-normal, almost diseased Americans.

Abraham Lincoln, contemplating the Civil War, closed his first inaugural address by stating, "We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection." He prayed that: "The mystic chords of memory . . . will yet swell the chorus of the Union when again touched, as surely they will be, by the better angels of our nature."

In applying Lincoln's words to the challenges of today, in seeking justice for the poor, minorities and women, "we must not be enemies," whether one is white or black or any shade in between, whether one is male or female, whether one is rich or poor, or Republican or Democrat, and we must exemplify the "better angels of our nature."

*The party of
Abraham Lincoln
is not listening to
the "better angels
of our nature." It
is going back to the
inequalities of
the past as our
worst forces
are unleashed.*

Yet, I fear that some aspect of the recent legislative program has awakened the worst forces of our nature and has set them loose. These forces overshadow the lives of the poor, the weak and the powerless, and threaten to beat them down, back to the great miseries of the Great Depression.

If this continues, then history will not judge Gingrich along with Lincoln. Rather, his place will be with Rutherford B.

Hayes, who betrayed blacks in the 1877 compromise to win 19 electoral votes from the South and Oregon for the presidency. After Hayes agreed with Southern Democrats to withdraw federal protection of former slaves, the chairman of the Kansas Republican State Committee summed up their Faustian pact as follows:

"As matters look to me now, I think the policy of the new administration will be to conciliate the white men of the South. Carpetbaggers to the rear, and niggers take care of yourselves."

It seems that in order to win the white male vote, Gingrich and his colleagues have formulated a conciliation policy for white males that says: "poor people to the rear and minorities take care of yourselves."

It may be a successful political formula for the moment, but ultimately, this country will pay a heavy price for those unwise diversions.

A. Leon Higginbotham is a former chief judge of the U.S. Court of Appeals and is the Public Service Professor of Jurisprudence at Harvard University.