

From *Washington Post* On Line

Higher Ed: Department of Education

By Kenneth J. Cooper

Washington Post Staff Writer
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Civil rights monitors at the Education Department say Florida Gov. Jeb Bush (R) can go ahead with his plans to abolish affirmative action at the state's once-segregated colleges and attempt to preserve campus diversity by considering the high school class rank and social backgrounds of applicants, instead of their race and ethnicity.

But the department's Office for Civil Rights also warns it will be keeping an eye on the bottom line: how Bush's plan affects the number of minority students enrolled at every one of Florida's 10 state universities. Currently, minorities make up 35 percent of the overall undergraduate enrollment.

Bullishly, Bush has predicted his semi-guarantee of admission to the top fifth of each high school class will increase minority enrollment. Federal monitors don't seem as sure about the outcome.

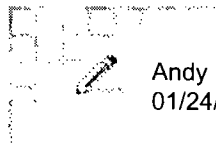
State college systems in Florida and five other states remain under federal scrutiny because for decades they operated separate but unequal colleges for whites and blacks. Civil rights reviews are under way in Maryland, Virginia and Texas. A recent agreement with Kentucky is prodding the state to fund \$12.5 million in renovations at historically black Kentucky State University and to step up recruitment of African American students at Northern Kentucky University. A pact with Pennsylvania was signed last year.

In Florida, the changes in admissions practices that Bush proposed last November raised a question about whether they comply with a civil rights agreement reached in 1998 between the Education Department and Bush's Democratic predecessor, Lawton Chiles.

The answer, delivered this month to Florida Chancellor Adam W. Herbert, is a tentative yes. Gary S. Walker, southern regional director for civil rights, wrote that in "our preliminary assessment," Bush's plans "can be reconciled . . . with the overall goal of expanding access for minority students in education."

Florida can remain in compliance with the five-year agreement because the pact doesn't dictate that affirmative action be used to improve minority access. Bush's "Talented 20" program and his willingness to let colleges consider social factors, Walker concluded, "add another avenue for admission" of minority students.

In two weeks, the state Board of Regents is scheduled to give final approval to the new policies, action that was postponed last month because of a sit-in by black legislators. Earlier protests prompted Herbert to delay for a year any changes in admissions policies for graduate programs.



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01/24/2000 07:33:24 PM

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cc:

Subject: OCR Communications RE: Florida 20% Plan: Background and Next Ste ps

probably more than you want to know but there are recommendations

----- Forwarded by Andy Rotherham/OPD/EOP on 01/24/2000 07:32 PM -----



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Subject: OCR Communications RE: Florida 20% Plan: Background and Next Ste ps

Per our discussions, I am writing to update you on the status of efforts to clearly communicate OCR's preliminary position with regard to Florida's proposed 20% Plan in light of Florida's Partnership Agreement. For your consideration, below is a summary of the present issue, some further background, and our recommended next steps. Please let me know if you have any questions or concerns.

The Issue:

* On January 14, at the request of Chancellor Adam Herbert of the Florida System, OCR provided preliminary feedback regarding the consistency of Florida's proposed Executive Order/Equity in Education Plan (the "20% Plan") with Florida's commitments under the Florida/OCR Partnership Report and Commitments (the "Partnership Agreement"). In a letter from Gary Walker, Director of OCR's Atlanta Office, OCR indicated, in sum:

* 1. Our "preliminary assessment" is that the 20% Plan "can be reconciled" with the Partnership Agreement's overall goal "of expanding access for minority students to higher education."

* 2. However, OCR continues to have some questions and concerns as to the implementation of the 20% Plan.

* 3. OCR will, therefore, continue to monitor and work with Florida to ensure that the 20% Plan is developed and implemented in a way that reinforces the goals of the Partnership Agreement.

* Based on OCR's letter, Governor Bush released a statement on January 18 indicating that the Clinton/Gore Administration had "approved" the proposed 20% Plan.

* To clarify the situation and reinforce OCR's earlier letter, Raymond Pierce, Deputy Assistant Secretary for Civil Rights, sent on January 19 a letter to Reps. Corrine Brown and Carrie Meek, at their request, indicating:

* 1. OCR's preliminary feedback was not an endorsement of the 20% Plan, but a preliminary assessment of the "important but narrow issue of Florida's obligations under its" Partnership Agreement.

* 2. The Department "strongly supports appropriately tailored affirmative action measures consistent with the President's policy of 'mend it, don't end it.'"

* 3. However, because the Partnership Agreement does not require the use of affirmative action to achieve Florida's desegregation obligations, OCR did not address this issue.

* This conflict in interpretation regarding our position and the Governor's statement has been mentioned briefly in a handful of articles in Florida newspapers, one AP story, and a Chronicle on-line article from today. The most recent articles are generally capturing OCR's position and the fact that our letter was not an "approval" of the Florida Plan. Importantly, the Department has received no press inquiries since last week.

* The issue is what, if any, action is appropriate to clarify OCR's involvement in and position toward Florida's 20% Plan.

Background:

* As Florida Chancellor Herbert explained in a recent presentation to the Florida Board of Regents, "[I]t is very important to recall the historical realities of racial discrimination in Florida. No one can be proud of this long record of discrimination. It was so deeply ingrained in Florida society that as recently as the 1970's, no single court decision or federal legislative act could remove it. This was particularly true in the State's higher education system."

* In 1992, the Supreme Court in *U.S. v. Fordice*, held that states that had operated prior de jure segregated systems of higher education have an affirmative duty to eliminate the vestiges of that prior segregation. In 1994, OCR published a notice in the Federal Register indicating that OCR would apply the Fordice standard to all relevant higher education desegregation cases. That same year, President Clinton committed to resolving these remaining cases. Florida is one of six states with open higher education desegregation cases.

* In 1995, Secretary Riley and OCR initiated a collaborative process with Florida to address its desegregation obligations per Fordice. This collaborative approach involved elements of traditional investigations, but was seen as more appropriate given Florida's shared goals of promoting access in higher education and the cost and difficulty of proving vestiges of segregation. The goals of the effort included examining the access of

racial minorities to Florida's state universities and developing solutions to identified challenges. The end result is a Partnership Agreement outlining state actions. Such agreements (including those in Florida, Ohio, and Pennsylvania) have earned the support of civil rights groups and have been touted as one of the major accomplishments of the Department.

* In 1998, OCR and Florida entered into a Partnership Agreement. The Partnership Agreement included a series of broad actions that Florida would take at the K-12 and higher education level to promote minority access to and success in Florida's colleges and universities, and to substantially increase support for the State's largest historically black university. This includes the use of "alternative admissions criteria" to "broaden the opportunities of students, including minorities, to attend" Florida's state universities. The Partnership Agreement did not require the use of affirmative action, but acknowledged that when race-based actions are used pursuant to the agreement, they will operate in conformity with existing legal standards, including Bakke. In fact, some Florida universities have been using race as one factor in their alternative admissions processes. Finally, each party agreed to notify the other of any substantial modification of its commitments under the Partnership Agreement.

* The Partnership Agreement remains in force until December 31, 2003, at which time it will be determined whether the commitments have been met. Meanwhile, the Partnership Agreement remains under OCR monitoring, and we continue to work as partners with Florida per OCR's commitments under the Partnership Agreement.

* On November 10, 1999, Carol Licko, Counsel to Governor Bush, informed OCR of Florida's proposed Executive Order/Equity in Education Plan. Central to that plan is the elimination of affirmative action in Florida university admissions and the establishment of a Talented 20% Program, which would guarantee (with some important requirements) admission to the Florida system to students graduating in the top 20% of their Florida high school class.

* As stated above, Chancellor Herbert asked OCR to provide comments for consideration by the Florida Board of Regents with regard to whether the 20% Plan was inconsistent with Florida's commitments under its Partnership Agreement. Again, our preliminary assessment is that the 20% Plan is not facially inconsistent with the Partnership Agreement, which does not require the use of affirmative action. However, there are several open issues that could affect Florida's broader commitments, and we will continue to work with Florida on those issues. For example:

* 1. How under the 20% Plan will students be admitted to individual Florida campuses, specifically the more selective campuses?

* 2. What about admissions to Florida's graduate and professional schools?

* 3. What will be done to ensure equal access to the secondary school curricular requirements that exist under the 20% Plan?

At this time, we remain confident that we can work with Florida at the staff level to address these issues.

Next Steps:

The short-term issue on the table is how to make clear OCR's preliminary and narrow position to stakeholders and avoid any future misstatements or misunderstandings. At the same time, we want to continue to address open issues at the staff level without inserting OCR into the broader public debate on the merits of the overall Plan. Given these goals, we are proceeding as follows:

1. Contact the relevant offices at the staff level (i.e., by phone) to clarify OCR's position and how it should be represented as appropriate. There are currently good staff relationships here. OCR staff have spoken with the Chancellor's staff about this issue, and the call was well received. We could also reach out to the Governor's Office via the Department's Office of Public Affairs or the Florida Partnership Team.
2. Use the existing letter from Raymond Pierce to Reps. Meeks and Brown as clarification of OCR's position as needed: This letter has already been written per the request of important and engaged parties and clarifies OCR's position. It has already been used to play this role in the press. It could be sent out as needed (along with a clearly worded cover note) to appropriate stakeholders, such as Wade Henderson, who recently contacted OCR and the White House regarding this issue. Raymond's letter could also be used in response to future press inquiries and could be sent to Florida's Chancellor and Board of Regents (perhaps copying the Governor's office) for clarification if further conflicts in interpretation arise.

As we discussed, more aggressive action does not seem appropriate at this time. Attention to OCR's role appears to be dying down and new action is likely to simply call additional attention to a conflict in interpretation that should not exist. However, if misstatements and/or misunderstandings continue to arise, an additional letter could be sent to Florida's Chancellor and Board of Regents (copying the Governor's office). Such a letter, like any additional comments on this issue, should likely reiterate three points:

* OCR's December 17 letter from Gary Walker to Florida's Chancellor provides preliminary feedback regarding the important but narrow question of whether the Florida Plan conflicts with Florida's Partnership Agreement, which was developed to help ensure that Florida meets its affirmative duty to eliminate the vestiges of prior segregation in its higher education system. Our preliminary assessment is that the Florida Plan can be reconciled with the Partnership Agreement. However, there are several open issues that raise concerns and must be worked through.

* Our preliminary assessment is not an endorsement or approval of the Florida Plan. OCR's review is concerned with Florida's ability to meet its obligations under the Partnership Agreement and, beyond that, is not a review of the merits of the Florida Plan.

* The Partnership Agreement does not require Florida to use any particular means, including affirmative action, to fulfill its duty to ensure minority access to higher education. Our comments, therefore, do not address the affirmative action issue. As the Partnership Agreement states,

however, OCR continues to support affirmative action, properly implemented, as one means by which Florida may choose to meet its obligations.

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**REMARKS BY
GOVERNOR BUSH**

**EQUITY IN
CONTRACTING**

**EQUITY IN
EDUCATION**

**EQUITY IN
HIRING**

**ONE FLORIDA
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Equity In Education - Executive Summary

All students in Florida, regardless of their race, ethnicity, gender, economic circumstances or zip code should have the opportunity to fully reach their highest educational aspirations. But today, that is not the case. Some schools are more equal than others. Generally, high performing schools offer tougher curriculums, more experienced teachers, and better opportunities while low performing schools offer lower standards, lower expectations, and fewer opportunities. Not surprisingly, the large majority of students attending these low performing schools are minority students from impoverished families.

As a result of our failure to provide many of these children with a quality education, we are forced to rely on social promotion and race and ethnic-based admissions policies to move these kids through the system. These well-intentioned policies are often supported in the name of diversity, but it is a false diversity - one that gets you in, but does not get you ready. In addition, it is a diversity that discriminates by ignoring hard work and performance. Underperforming students who are admitted to Florida's colleges and universities without the skills necessary to succeed are less likely to graduate, less likely to attain a high wage job and less likely to enjoy the quality of life they deserve.

Working closely with Chancellor Adam Herbert, governor Bush has developed a strategy for improving resources and opportunities in underperforming schools and for reforming university admissions practices.

- We will ensure more of the minority students who are entering our postsecondary system are prepared for what lies ahead.
- We will increase the number of minority college graduates.
- We will do more than any other state in the nation to enhance diversity at the post-secondary level without having to rely on the policies of the past.
- And we will ask the Legislature to increase funding for need-based aid by \$20 million. We will seek \$1.6 million to ensure all 10th grade children take the Preliminary Scholastic Achievement Test, \$2.4 million to expand Florida's On-Line High School to target students in D and F high schools, \$10 million for the Governor's Mentoring Initiative, and a \$1 million increase in funding for the College Reach Out Program. We will also pay teachers incentive bonuses for teaching Advanced Placement Courses in our low performing schools.

EXPANDING OPPORTUNITY FOR STUDENTS IN LOW PERFORMING SCHOOLS

1. Implementation of the A+ Plan. The A+ Plan for Education places a command focus on improving low performing schools serving low income and minority students, and promoting achievement among the bottom 25% in every school in the

state. The legislation calls for an end to social promotion, stringent accountability for failure of schools, incentives and rewards for improvement, and the resources and flexibility for schools to succeed. The Legislature appropriated \$527 million for students who need help meeting promotion and graduation standards. These funds provide for such programs as tutoring after school or at home; Saturday morning sessions; extended school year; and lowering class size.

2. Make PSAT Available to All Tenth Graders. As the gap in SAT scores between African Americans and whites has widened over the last decade, it has become increasingly obvious that few children in low performing schools are encouraged to take the Preliminary Scholastic Achievement Test (PSAT). In A and B schools four times as many students take the PSATs compared with students in our state's D and F schools. Governor Bush will recommend to the Legislature \$1.6 million in funding to pay for every high school 10th grader to take the PSAT in order to improve readiness for the SAT exam.

3. Partnership with the College Board. Florida will become only the fourth state in the nation to have a formal partnership with the College Board to assist in identifying, motivating, and better preparing students in low performing schools. Through this partnership, the College Board will provide training to all teachers in Florida's 65 D and F high schools. Schools will be provided with software that can be used to track performance, and they will receive assistance in offering pacesetter courses designed to improve academic readiness for college. These strategies have proven successful in significantly raising SAT achievement in inner city and high poverty schools.

4. Increase Availability of Advanced Placement Courses. Another inequity among high and low performing schools is the availability of Advanced Placement (AP) courses. These are college level courses taught in high school that enable students to earn college credit and save money on tuition. The College Board and admissions officers also recognize that such high level courses are among the best preparation for the SATs and success in college. However, AP courses are rarely offered in schools serving low income and minority populations. Schools that do offer AP courses receive approximately \$850 for every student who scores a three out of five or better on their AP tests. Teachers currently do not see this money. Governor Bush will recommend that AP teachers now receive 20% of the additional funds generated by students who score a three or better, and in D and F schools these teachers will receive 30%. This means that if half the students in a class of 16 pass the AP exam, the direct financial benefit to the teacher would be more than \$2,100. If that teacher teaches two AP courses, then the financial incentive would double. Such a direct financial boost will encourage teachers to recruit students and sponsor AP courses in low performing schools.

5. Target Utilization of Florida Online High School. Another means for providing advanced college preparatory coursework opportunities for students in low performing schools is to encourage greater use of Florida's Online High School. This network offers advanced courses for any student with access to a computer. While spaces are limited, Governor Bush will propose \$2.4 million for the Florida Online High School to target students attending D and F high schools.

6. Create Post Secondary "Opportunity Alliances." Each public and private university, college and community college in Florida will be challenged to adopt at least two low performing high school or middle schools and provide direct mentoring, tutoring, advanced courses, and recruitment programs to encourage students to strive for higher achievement. As has been demonstrated in California, this will increase outreach and recruiting efforts with minority students.

7. Mentoring Initiative. Governor Bush's Mentoring Initiative, announced in August, focuses on students in low performing schools in an effort to increase utilization of community resources for improving academic performance. The Governor will recommend \$10 million to help at-risk students be successful in school and prepared for postsecondary education.

8. Equity in Educational Opportunity Task Force. Governor Bush will create by executive order and name a 17-member task force that will be charged with evaluating the inequities in opportunity between schools. The task force will determine the extent to which some public schools receive less financial support and less intangible support than others. This will include looking at the experience level of teachers in a school, the levels of funding a particular school receives as

well as the disparity in opportunities among schools, such as AP courses.

EXPANDING DIVERSITY IN STATE UNIVERSITIES WITHOUT RACE OR ETHNIC-BASED PREFERENCES

1. Eliminate Race and Ethnicity as a Factor in Admissions Decisions.

Florida's state university system is committed to diversity. However, diversity can be achieved without having to make race or ethnicity a factor in admissions decisions. State universities now rely on other race-neutral socioeconomic factors in admissions decisions that can be indicative of race or ethnicity - factors such as income level, geography, special talents and whether an applicant is a first generation college student. Utilizing these factors without regard to race or ethnicity, Florida universities can continue to achieve the level of diversity desired, while providing a legally sound statewide policy of admissions.

2. The Talented 20 Percent. In a further effort to bolster diversity -- and to replace race and ethnic-based admissions policies with achievement-based admissions policies -- Florida will create the Talented 20 program. This initiative will guarantee admissions to one of our state universities to the Top 20% of each graduating public high school class in Florida without regard to SAT or ACT scores, and boost need-based financial aid by 43% -- a \$20 million increase. By casting this broad net, students attending low performing schools or schools with heavy minority enrollment will see their chances for admissions improve, and Florida's commitment to diversity will continue. As a result of the Talented 20 program, approximately 1,200 additional minority high school graduates will be given the opportunity to attend a state university. We already know that 410 of these minority students are qualified now by virtue of completing the required college preparatory curriculum. The remaining 800 will be admitted if they can complete missing threshold credits prior to admission. We will not penalize high performers who might not otherwise qualify for university admissions because they attend low performing schools.

No other state in the nation has taken such a bold step, and Florida will not shrink from its leadership role. This is only the beginning. Florida will become a model of opportunity for the rest of the nation.

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GOVERNOR BUSH'S EQUITY IN EDUCATION PLAN

Introduction

It's Florida's best-kept secret. In a system of equitable public education, some students are more equal than others.

Many of Florida's children, more than 500,000, attend low-performing schools that turn out large numbers of under-performing students ill-prepared for a rewarding higher education or work experience. More often than not, these under-performing students are disproportionately African American and Hispanic students from low-income families. In spite of an equitable state funding formula and the good faith efforts by many dedicated teachers and principals, these children are offered an unappetizing menu of lower standards, lower expectations, and fewer opportunities to learn. And three enablers -- the lack of accountability, social promotion, and preference policies based on race and ethnicity -- have unintentionally and unfairly perpetuated the low-performing status of these schools and their students. With these policies in place, there has been little impetus for change. Too many students drop out or are moved on and moved up until they reach the end of the line -- languishing in a competitive higher education environment or dropping out of college altogether.

Good intentions aside, we have failed too many children in the very institution designed to be the great equalizer -- public education. We make it harder for these young men and women to start a business, to keep a job, to succeed in college, to balance a family budget, or to enjoy the quality of life they deserve. But what is worse, we have swept the problem under the rug at every stage in the education system. Each subsequent level of education forgives poor performance at the previous level, and then passes it along to the next.

Diversity is an important state goal in our higher education system -- as it should be. It is important to have a college and university system that reflects the general population of Florida and to provide opportunity where it currently does not exist. But false diversity -- diversity that ignores hard work and performance -- masks our failure to prepare students for success in higher education.

Furthermore, diversity that disregards performance and focuses solely on race or ethnicity is wrong. It is discrimination. It does an injustice to those who work hard and are passed over, and it does an injustice to the students who benefit from these policies but often find themselves struggling without the basic skills to succeed. We need to graduate more students from low-performing schools who are prepared for higher education. False diversity gets you in, but it does not prepare you to survive. It also does little to guarantee full access to opportunity for all citizens of the state.

To achieve true diversity within our higher education system -- one that encourages performance and opportunity -- our schools must produce a heightened state of readiness for all students. Just as Florida focused last year on improving readiness of poor and minority children for entry into kindergarten, we must also turn our attention to creating a "readiness" program for the poor and minority students in our low-performing schools. We will get there with higher expectations, greater opportunities, more resources, and fewer excuses. We will bring Florida's schools serving low income and minority students in line with those in our more affluent communities. **Our high schools will graduate more minority students who are ready for college, more minority students who stay in college, and more minority students who leave college prepared for the challenges of life.**

Where Are We Now?

All students in Florida, regardless of their race, ethnicity, gender, economic circumstances or zip code, should have the opportunity to fully develop their educational potential. Yet true educational opportunity has become a luxury in too many Florida schools. There are tremendous gaps in performance among schools across the state. These differences are most dramatic in student test scores, out-of-school suspension rates, graduation rates, attendance rates and college readiness. In our A and B high schools, the dropout rate is only 1%, and 67% of students pass the reading component of the FCAT. Not so in our D and F high schools where dropout rates rise to 5.6% annually, and only 27% of students pass the reading component of the FCAT.

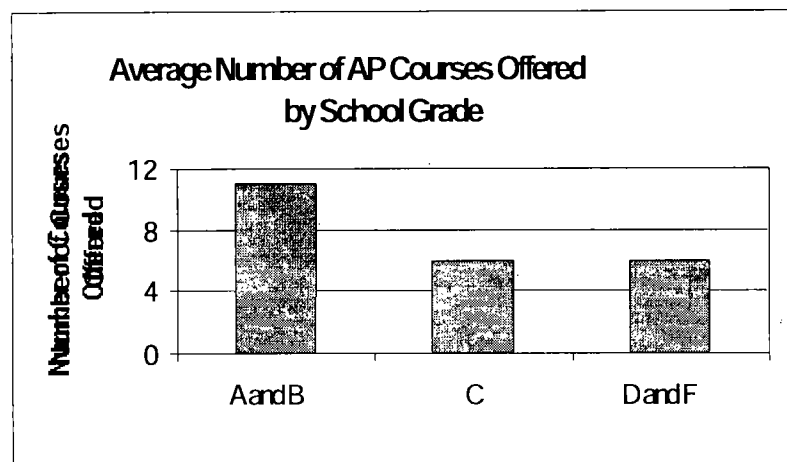
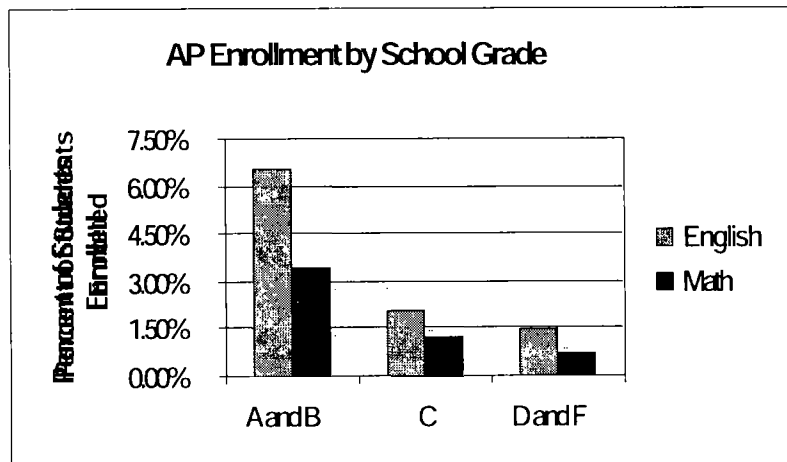
Among our 65 D and F schools, 72% of the enrolled students are African American and Hispanic, while 26% are white. Among our D and F schools, 70% of the students receive a free or reduced lunch -- a basic indicator of poverty.

Based on these numbers, it is obvious that minority and poor students are more likely to feel the impact of this gap. They are more likely to attend low-performing schools, where in many cases they have been assigned to less-qualified teachers, have had fewer curriculum opportunities, and have been *expected* to achieve less than students in higher-performing schools.

A generation ago, race and ethnic-based preferences were appropriate because segregation was a matter of policy. Now the gaps that have been created in education performance are more a result of the lack of opportunity than overt racial or ethnic discrimination. White students in D and F schools suffer just as much as African American and Hispanic students, just as in A and B schools African American, Hispanic and white students alike have a greater chance to be high performers. Today, the most glaring inequity is not overt race and ethnic discrimination, but the failure of school districts to equitably offer the same opportunities and resources to low-performing and high-performing schools alike.

One example of this involves Advanced Placement courses. Advanced Placement (AP) courses are college level classes offered in high school. They are generally rigorous preparation for higher education that includes an all-or-nothing standardized test given at the end of the course. For students who pass an AP course, it's money in the bank. Those who score above a certain threshold on the test earn credits for college that translate into monetary savings for students planning to attend college. Students can often bypass paying for an entire semester of college if they earn enough AP credits while in high school.

But not all schools in Florida offer AP courses, or have the same rates of AP enrollment. As the charts below demonstrate, students in Florida's A and B schools are four times more likely to enroll in AP English and five times more likely to enroll in AP math courses than students in D and F schools. Similarly, D and F schools offer far fewer AP courses on average compared with A and B schools. Twenty-five counties offer no AP courses at all.

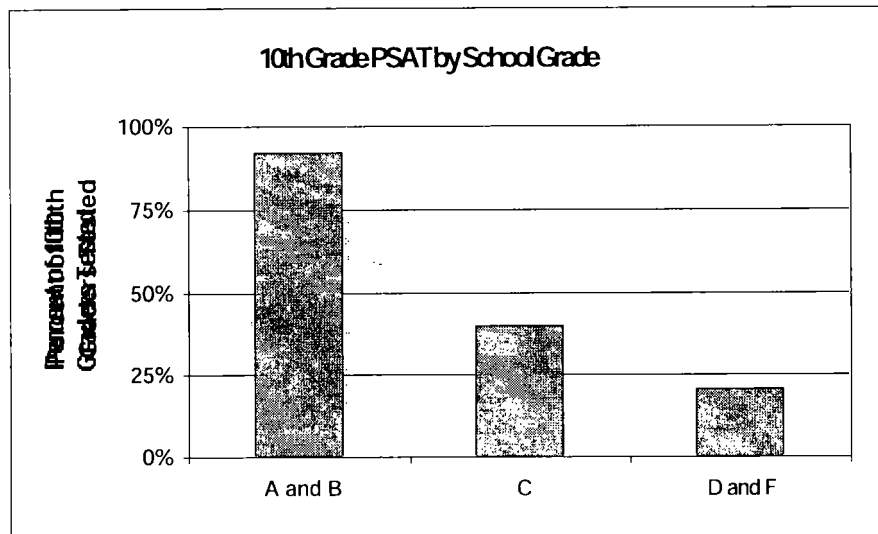


A recent *St. Petersburg Times* article concluded schools that offer fewer AP courses tend to be those with greater numbers of minority or low-income students. That's an ominous

observation, especially when the director of admissions at the University of Florida has said, "AP courses are just about the best preparation for college . . . [I]t forces students to work harder, so they're ready when they get here." The College Board has also determined that the lack of AP courses is one reason for the continuing gap between white and African American SAT scores. In California, parents of African American and Hispanic students have already filed a lawsuit based on the lack of AP courses in their children's schools.

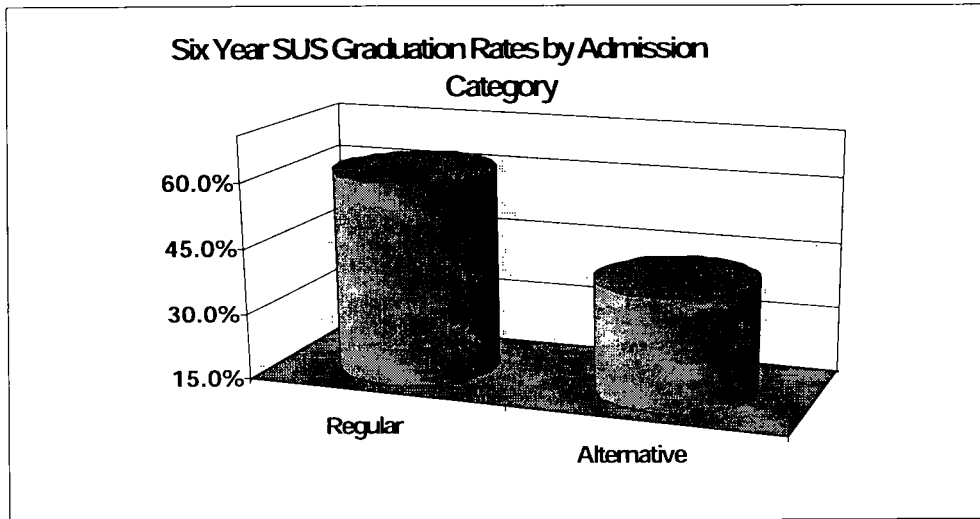
Another indicator of the lack of opportunity in our low-performing schools is the percentage of students in a high school who take the Preliminary SAT Test (PSAT), the precursor to the SAT. As was recently reported in the *Wall Street Journal*, the gap in SAT test results between whites and African Americans has actually widened by 10 points over the last decade. Students taking the SAT in Florida's D and F schools score an average of 152 points lower than the average Florida student.

High schools that effectively encourage students to prepare for college do so by encouraging them to take the PSAT in the 10th grade or earlier, an important step for SAT readiness. Students who wait until their junior or senior year to take the SAT have lower scores than those who have taken the PSAT. They are also poorer and largely minority. Last year in Florida's A and B schools, 92% of the students took the PSAT, while in our D and F schools, only 21% took the PSAT.



Finally, another obvious inequity among K-12 schools involves the experience level of teachers. While many of our D and F schools have talented, veteran teachers, they are also in many cases the training grounds for young and inexperienced teachers as well as the dumping grounds for tenured, less-qualified teachers from other schools. Again, the results speak volumes.

In the meantime, social promotion and race-based preferences for admissions to higher education have made the need to address these areas less urgent. These subtle tools have the unintended effect of enabling schools to pass some students along without addressing our failure to teach them the skills they need. They make it easier to overlook the disparity in opportunities, play down the pleas of help from these low-performing schools, and set these children up for failure. As the chart below shows, our state university system's graduation rates of those students admitted who did not meet basic admissions criteria are significantly less than that of well-prepared students.



We must break this cycle of failure. As of this year, social promotion in Florida's public schools has been prohibited. Governor Bush and Chancellor Herbert will recommend that, beginning with next year's entering freshman class, so will race and ethnic-based preferences in admission to state universities.

Florida can achieve diversity at our institutions of higher learning without race and ethnic-based preferences. And we have a plan to achieve that diversity. But more importantly, we must focus our attention on those minority and low-income students who are ill served by the low-performing high schools and middle schools they now attend. We must give those students, black, brown and white, greater opportunity to succeed in their school. And if they take advantage of opportunity and succeed, we will guarantee them admission to a state university.

Where Do We Want to Go?

We want an educational system that from early childhood through graduate school succeeds in educating all students for success at the next level of endeavor. To get there, we must provide the same level of high-quality services to all students and their

families, regardless of where they live, the wealth of their family or the color of their skin. That was the original promise of public education.

To that end, we want to equalize the resources and expectations among our primary and secondary schools so that failure, if it is to exist, will be the failure to take advantage of the opportunity created, not the failure of a system to provide opportunity. We want a level playing field among schools. Schools will no longer be haves and have-nots. We want the same high expectations, the same quality of teachers, the same level of accountability for the schools in our urban cores. We want to ensure achievement among those who are “bumped” through life. And we want policies that are fair, legitimate and legal.

We have a new plan of readiness utilizing a dual-strategy. **The first part of the strategy will deliver opportunity and a better shot at success for minority and low-income students attending our public schools.** This will include efforts to increase resources in low-performing schools, partnerships between low-performing schools and universities, private colleges and community colleges, and equalize opportunities to be prepared for college. Students graduating from our public schools will be prepared to take advantage of post-secondary opportunities and of the state’s generous scholarship programs.

We also want a postsecondary education system that is reflective of the rich diversity of our state through the use of race and ethnic neutral admissions policies. **The second part of the strategy will eliminate using race and ethnicity as a factor in state university admissions.** Instead, we will encourage the use of other socioeconomic factors such as income level, geographical diversity or whether a student is a first generation college applicant.

We will encourage active recruitment of students in our schools serving lower-income neighborhoods and recognize as a matter of policy that there are many students with great potential for whom our current public school system has limited their opportunity to be admitted to a quality college or university – we will not deny them that opportunity. **Governor Bush proposes to guarantee admission to one of Florida’s state universities to students who are ranked in the top 20% of their public high school senior class and who have completed a college preparatory curriculum.** To make this opportunity a reality, we will recommend to the Legislature that students in the top 20% who have need will be moved to the head of the line for need-based financial aid at universities and community colleges. And we will recommend that need-based financial aid be increased by more than 40% to accommodate these new achievers. We will be more diligent in investing in opportunity by ensuring that promising students are not denied a college education because of financial need.

This plan strengthens Florida’s commitment to diversity while eliminating some of the practices that have permitted failure and been found to be unconstitutional in other states.

How Do We Get There?

To achieve a new vision of opportunity and diversity, Governor Bush proposes a plan to target opportunity in low-performing K-12 schools and to expand access to higher education by recognizing achievement in spite of limited opportunity. Students who have worked hard and achieved within low-performing high schools will be given unprecedented access to higher education. Governor Bush's K-12 initiatives will be designed to enhance performance among minority and low-income students in our failing schools. These initiatives will be supported through unprecedented partnerships among public schools, community colleges, private colleges, universities, the College Board and others. Together with Chancellor Adam Herbert, Governor Bush will propose to the Board of Regents that the State University System and individual state universities no longer use race and ethnicity as a factor in admissions decisions, while at the same time, guaranteeing admission for all students who have achieved a public high school class ranking in the top 20 percent and have taken the required college preparatory curriculum.

Part I: Equalize Opportunities in Low-Performing Schools

Implementation of the A+ Plan. The A+ Plan for Education places a commanding focus on improving low-performing schools, mostly attended by poor and minority students, as well as the performance of the bottom 25% in every school in the state. This plan recognizes that attention and assistance must be given to under-performing students regardless of which high schools they attend. The legislation calls for an end to social promotion, stringent accountability for failure of schools, incentives and rewards for improvement, opportunity scholarships for students trapped in failing schools, and the resources and flexibility for schools to succeed. The Legislature appropriated \$527 million for students who need help meeting promotion and graduation standards. These funds provide for such programs as tutoring after school or at home, summer school, Saturday morning sessions, extended school year, and lowering class size. Working with the Department of Education and school districts, we will vigorously implement these reforms, ensuring that Florida realizes its vision of higher-performing schools.

Make the Preliminary SAT (PSAT) Available to All 10th Grade Students in Florida. As the gap in SAT scores between African Americans and whites has widened over the last decade, it has become increasingly obvious that few children in low-performing schools are encouraged to take the PSAT. In A and B schools four times as many students take the PSAT compared with students in our state's D and F schools. Governor Bush will recommend \$1.6 million in funding to pay for every high school 10th grader to take the PSAT in order to improve readiness for the SAT exam.

Partnership with the College Board. As of today, the state of Florida and the College Board have entered into a partnership agreement that will provide unprecedented assistance to students and faculty in low-performing high schools. One of only four states in the nation to be in partnership with the College Board, Florida will receive assistance in identifying, motivating, and better preparing students in under-performing schools. The College Board will provide training to all teachers in Florida's 65 D and F high schools in strategies to improve the academic development of their students. It will provide training on how to use achievement data from the PSAT to identify talented students and to target and remediate deficiencies. Schools will be provided with software that can be used to track performance, and they will receive assistance in offering pacesetter courses that are designed to improve academic readiness for college. These strategies have proven successful in significantly raising SAT achievement in inner city and high-poverty schools.

Expand Advanced Placement Course Opportunities in Florida High Schools. Another inequity among high and low-performing schools is the availability of Advanced Placement (AP) courses. AP courses are offered far less frequently in schools serving low-income and minority populations. In D and F schools, students are four times less likely to be enrolled in English AP courses and five times less likely to be enrolled in AP math courses compared with students in A and B schools.

The state currently provides schools approximately \$850 as an incentive for every student who scores a three out of five or better on their AP final exams. For a class of 16 where all students pass the AP exam, that is an additional \$13,000 dollars for the school. But teachers currently do not see this money, so they do not have the incentive to recruit students for and teach AP classes. Governor Bush will recommend to the Legislature that AP teachers in D and F schools receive 30% of the incentive funds generated by students who score a three or better on the final exam. Recognizing that more AP courses are also needed in C and better schools, teachers in other high schools will receive 20% of the funds generated. This means that if half the students in a class of 16 pass the AP exam, the direct financial benefit to the teacher would be more than \$2,000. If that teacher teaches two AP courses, then the bonus would double. Such an incentive will encourage teachers to recruit students, sponsor AP courses, and improve their success rate.

Expand Access to College Preparatory Courses through the Florida Online High School. Another way to provide advanced college preparatory coursework opportunities for students in low-performing schools is to encourage greater use of Florida's Online High School. This network offers advanced courses for any student with access to a computer. While spaces are limited, Governor Bush will propose \$2.4 million in increased funding for the Florida Online High School to target students attending D and F high schools. Through this appropriation, up to 50 students in each D and F high school can receive one additional online AP or college preparatory course next year.

Create Opportunity Alliances with Colleges and Universities. Governor Bush challenges each public and private university, college and community college in Florida to adopt at least two low-performing high schools or middle schools in their service area and provide direct mentoring, tutoring, advanced courses, and recruitment programs to encourage students to strive for higher achievement. This Opportunity Alliance program will affect at least 130 low-performing middle and high schools, and enhance recruitment and outreach efforts in schools that are often overlooked.

In California, where similar partnership programs are in place, college students at partner schools in the University of California system mentor students in low-performing schools. Public school teachers learn the latest techniques in education from their partner university. And university officials reach out to parents of low-performing K-12 students to teach them how to prepare their children for college.

Recruitment and outreach efforts to inner city high schools similar to those undertaken by Chancellor Adam Herbert in Jacksonville should be made throughout Florida. Chancellor Herbert, while serving as president of the University of North Florida, developed a Pathways to Success program of outreach to lower income, inner city high schools to recruit and help prepare aspiring young people to attend and succeed in college. The program has raised over \$12 million dollars for incentive scholarships for poor and minority students who worked to prepare themselves for college and wanted to attend the university. The retention rate at the University of North Florida among the students who went through the Pathways program exceeds 84% compared with a statewide university system retention rate of 71%.

Focus Statewide Mentoring Initiative on Low-Performing Schools. Governor Bush's Mentoring Initiative, announced in August, is already focused on students in low-performing schools in an effort to increase utilization of community resources for improving academic performance. Already, the Governor's office has adopted Sable Palm Elementary in Tallahassee, one of the state's low performing schools, as a mentor partner. Approximately 110 employees from the Governor's office are involved in the mentor program. Sable Palm has a minority enrollment that comprises 53.4% of the school. To help boost mentoring efforts in our low-performing schools, we will recommend an additional \$10 million for the Governor's Mentoring Initiative which will include various programs, such as Take Stock in Children, designed to help at-risk students be successful in school and prepared for a postsecondary education.

Appoint Equity in Educational Opportunity Task Force. Governor Bush will create by executive order and name a 17-member task force that will be charged with evaluating the inequities in opportunity between schools. The task force will determine the extent to which some public schools receive less financial support and less intangible support than others. This will include looking at the experience level and quality of teachers in a school, the quality of instructional materials among schools, the levels of funding a particular school receives as well as the disparity in opportunities among

schools, such as AP courses. The task force will also be charged with proposing solutions to close the equity gap.

Expand Efforts in Community Colleges to Increase the Number of Students Earning Associate Degrees and Transferring to Baccalaureate Programs. We must step up efforts to improve associate and baccalaureate degree attainment by our community college students. Currently, only one in eight students entering an associate of arts degree program earns an associate degree and matriculates to a four-year university. David Armstrong, the Executive Director of the Florida Community College System, has joined Governor Bush to challenge all 28 community college presidents to renew efforts to help students, especially our most under prepared ones, to succeed in their programs of choice. Such efforts will include bridge programs that help less prepared students while they are in high school, parent education programs to increase family support, and support programs for community college students who need to improve study skills and who need career planning and counseling services.

Governor Bush will recommend increased funding for the community college Dropout Prevention and Remediation Reduction Program supporting partnerships with public schools as well as incentive programs for community colleges to increase the number of associate of arts students who enroll in four year baccalaureate degree programs. We also will explore strategies for increasing dual enrollment courses offered to high school students. Supporting these efforts will allow our community colleges to fulfill their critical role in helping students transition from high school to baccalaureate degree attainment.

Part II: The Talented 20 and Elimination of Admissions Based on Race or Ethnicity

There was a time in our history when race and ethnic-based admissions policies served an important purpose. The Florida university system clearly did not provide equal opportunities for minority and female students. Courts of law and the federal Office of Civil Rights recognized this discrimination and issued mandates governing the state's admissions practices. In response, the university system adopted race and ethnic-based policies to foster inclusion among groups that were purposefully excluded.

Our state university system is now 32% minority, and the mission of achieving a diverse student body has been and continues to be an important goal of every university president. With this remarkable success, we are in a position to take the next step. Governor Bush and Chancellor Herbert believe we are at a point where race and ethnic-based admissions policies can be replaced with achievement-based admissions policies – and that this can be done while still improving and enhancing the diversity of our university system.

Today, the decision is ours -- we can cast the policies that will enable us to control our own future. Tomorrow is less certain. The race and ethnic-based admissions policies of yesterday are increasingly being ruled unconstitutional throughout the nation. Ballot initiatives in California and Washington have ended race-based policies in those states, while a court challenge was the catalyst for change in Texas. Lawsuits to end race-based admissions at universities and graduate schools are progressing in Michigan and Georgia. And more and more, the courts are agreeing with the challengers. Many of these states, such as Texas and California, have adapted with effective race-neutral policies that expand diversity.

In Florida, we can lead or be led.

Florida recognizes that we can achieve greater diversity in our institutions of higher education without the unnecessary battle. And from this position, we will demonstrate foresight without compromising our goal of diversity. In fact, we can and will do better.

- ☐ We will ensure that more poor and minority students entering our university system are prepared to meet the challenges that lie ahead.
- ☐ We will increase the number of poor and minority graduates.
- ☐ And we will do more than any other state in the nation to enhance diversity at the postsecondary level without having to rely on the policies of the past.

Eliminate Race and Ethnicity as a Factor in University Admissions Decisions.

Currently in Florida, race and ethnic background are used as a factor in admissions decisions at three levels. The first level allows students to be eligible for admissions to a state university even if he or she does not meet the State University System (SUS) threshold academic criteria for admissions. This is called "alternative admissions." Last year, of the 28,000 students admitted to a Florida state university, 3,270 of those students were alternatively admitted for reasons that included race, diversity, artistic and athletic ability, and a variety of other factors.

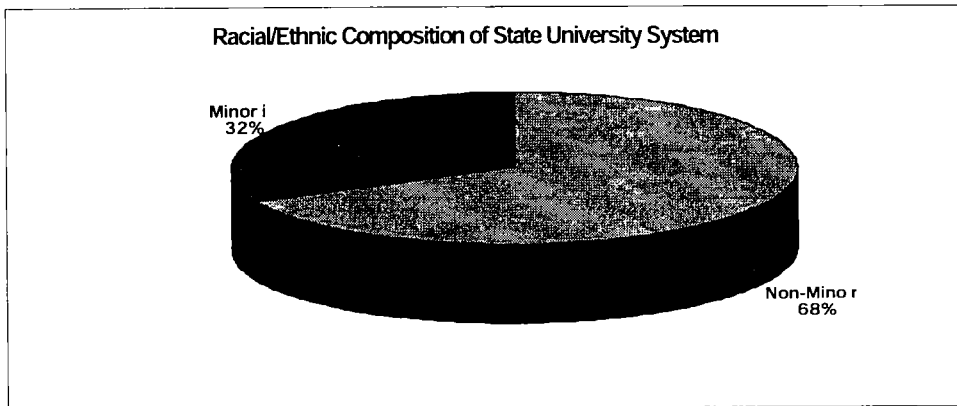
The second level allows our most selective universities such as the University of Florida or Florida State University -- those that have more applicants than admissions slots -- to accept minority and other students who do not meet the institution's own higher threshold criteria.

The third level allows Florida's most selective universities to use race or ethnicity as a factor to select among equally qualified students who meet all the criteria, both the SUS criteria and the institution's more rigorous criteria.

At the same time, under this plan, all Florida universities may adopt specific admissions criteria and may continue to use other race-neutral factors in admissions

decisions. For example, students may be admitted at any of the three levels mentioned above based on such factors as geography, socioeconomic status, or first generation college student. These race and ethnic-neutral factors can be effective tools in achieving greater diversity in our universities.

The Governor's Equity in Education Plan also recognizes the unique position that Florida A&M University has as a nationally recognized historically black university. The plan accommodates this unique role by allowing FAMU to continue as a state and national magnet institution for the production of baccalaureate and advanced degrees.

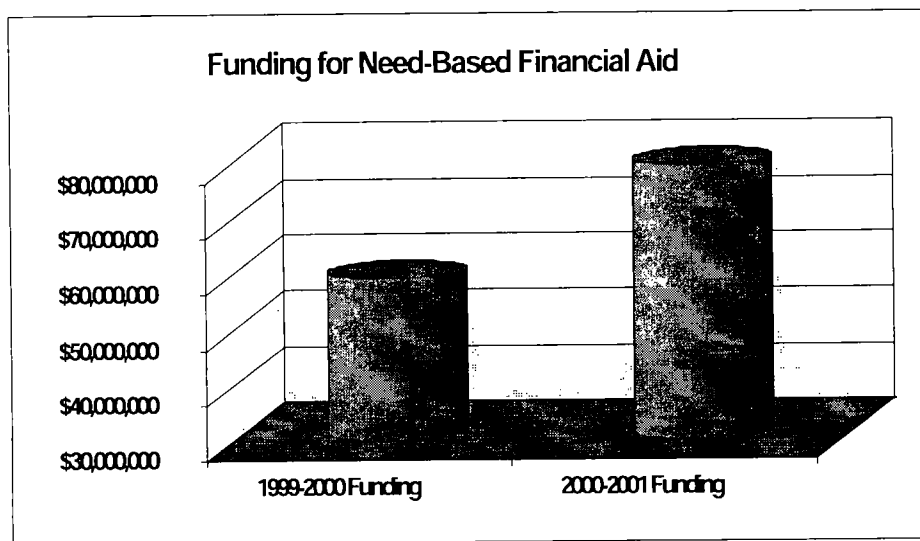
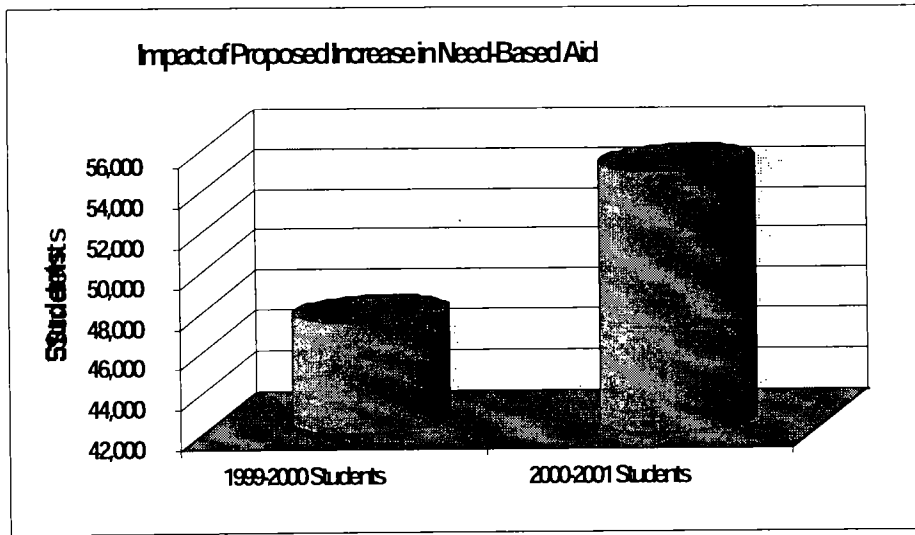


At the next Board of Regents meeting, Governor Bush and Chancellor Herbert will recommend a new system-wide admissions policy for undergraduate admissions and graduate admissions. Under this policy, race and ethnicity will no longer be a factor in admissions decisions in either our universities or professional schools. However, the new admissions policy will rely partly on the utilization of these additional factors in admissions decisions. Considering socioeconomic factors will enable admissions officers to recruit and admit underprivileged students who will also positively reflect the diversity of Florida.

Guaranteed Admission for the Talented 20 Percent. Additionally, through our proposed Talented 20 program, we will guarantee undergraduate admissions to students who succeed in their respective K-12 public schools -- be they high-performing affluent schools or low-performing schools in our urban cores and rural enclaves. The top 20% of each high school senior class will be guaranteed admissions into a state university in Florida and will receive preference in need-based financial aid awards. Governor Bush will recommend a \$20 million increase for the Florida Student Assistance Grant, the state's primary need-based aid program, an increase of 43%. This will fund 6,749 additional students with an increase in the average need-based award of 21%.

Together, the Talented 20 program and increased financial aid will not only improve diversity in the SUS, but it will go farther in providing real access by giving needy students the resources they need to take advantage of the opportunity. This increase in financial aid will also help community college students meet the challenges of financial need in pursuing a two-year or four-year degree. Florida will give a boost to

students who have excelled despite an impoverished background or learning environment.



For example, of the 22,647 public high school seniors in the top 20% of their class last year, 1,600 have below a 3.0 grade point average and most likely do not meet the current SUS admissions criteria. Of the 1,600, almost 75% are minorities and over half attend low-performing schools.

Under the current system, unless alternatively admitted, these students would not be able to benefit from admissions to a Florida state university, even though they have demonstrated promise by finishing near the top of their class. Through the revised admissions policy, however, approximately 1,200 additional minority high school graduates will be given the opportunity to attend a state university if they have completed

the 19 required high school academic units and graduated from their high school. We already know that 410 of these minority students are qualified now by virtue of completing the required college preparatory curriculum. For the remaining 800 minorities that are in the Talented 20, but have not satisfied the 19 academic units, Commissioner Tom Gallagher will work with public high schools to offer a chance to earn additional required credits so that they can take advantage of this new program. Also, those who lack only a foreign language or science credit may be admitted to a state university on the condition that they complete a foreign language or science program by the end of their sophomore year of college.

This proposed new policy of guaranteed admission to a state university is in itself ground breaking. It will particularly benefit poor and minority students because it does not require a particular score on the SAT or ACT exams. Traditionally, poor and minority students have scored lower on such tests. While most high school students in the top 20% of their class have high grade point averages, test scores have been a barrier to some talented students. Also, to gain entrance into a public or private university of choice, students must be high achievers in the classroom and on the SAT or ACT. We are committed to increasing student scores on these tests, enabling our students to become competitive at the highest levels.

With the creation of a Talented 20 program and the elimination of using race and ethnicity in admissions, the pool of eligible minority and low-income students will expand. And there will be less need to rely on the alternative admissions program, which currently accounts for 12% of total enrollment and has less of a connection to actual academic performance. Therefore, we propose capping alternative admissions at 10% of total enrollment system-wide, with the intent of continuing the state's trend of phasing alternative admissions down over a period of time.

Provide support for the proposed plan. Governor Bush will recommend funding to increase state university lower level enrollment growth by at least 2,000 students, to help accommodate increased demand for admission. Furthermore, he will recommend a 33% increase in funding for the College Reach Out Program which has been a successful effort to recruit underrepresented students into the community colleges and universities. Chancellor Herbert will work with university presidents toward enhancing student assistance programs that improve graduation rates for all university students.

Conclusion

Diversity remains a high and worthy goal of our education system and will continue to be a high and worthy goal. However, the current admissions policies in the State of Florida have not improved low-performing schools, have not ensured that minority students graduate at the same rates as non-minority students, and have not prepared to the extent needed minority students for a rewarding college experience. Furthermore, current race and ethnic-based admissions policies are unfair. Where once

these policies helped to address discrimination, now these policies promote it. We can do better.

The Governor's Equity in Education plan is a win/win situation for all. By focusing on achievement for minority and low-income students, we will expand opportunity, improve graduation and retention rates, and reward hard work and performance. Our public school system's new partnerships with the College Board and universities and colleges will further ensure that underserved students are ready for a higher education. Outreach and recruitment in our low-performing schools will be improved.

At the same time, we will expand higher education opportunities to a historic level. Through the Talented 20 program, we will enhance the diversity of our state university system by pulling in high-performing minority students who might not otherwise be eligible for admissions. And with an unprecedented 43% increase in need-based financial aid, we will ensure that the cost of tuition need not be a barrier to a higher education for those low-income students who show an effort and desire. The discriminatory practices designed to solve yesterday's problems will be replaced with practices that recognize achievement and effort.

No other state in the nation has taken such a bold step, and Florida will not shrink from its leadership role. This is only the beginning. Florida will become a model of opportunity for the rest of the nation.



REMARKS BY
GOVERNOR BUSH

EQUITY IN
CONTRACTING

EQUITY IN
EDUCATION

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Equity In Contracting Plan - Executive Summary

Under the One Florida Initiative, we are committed to a fair and equal opportunity for all to compete for State contracts. We are also committed to embracing diversity enthusiastically, so that vendors reflect the full diversity of our citizens. Our plan will:

1. Implement truth in measurement. The State presently has no way of measuring how much it spends with all minority businesses. Moreover, the State uses misleading spending goals which are calculated using a very small portion of overall State spending. We should eliminate these misleading goals, because they obscure the true picture and become an excuse for not doing better than we have. Instead, we must measure how much business the State does with all minority businesses, and gauge our success by the bottom line - total number of dollars spent in comparison to all available State spending. To do so, we must implement a simple, universal registration system that identifies all minority vendors and the amount of business they do with the State.

2. Reform procurement to encourage the pursuit of diversity. Much State business is done as the result of long-standing relationships between State procurement agents and vendors. As a result, minority businesses often find it difficult to break in. To encourage procurement agents to internalize our commitment to diversity and to be more proactive and intentional in their recruitment of minority businesses, all key procurement agents across State government will report directly to me, their agency heads, the Cabinet and other leadership on the amount of minority business spending for which they are personally responsible. And we will seek to reclassify these agents to positions other than Career Service, so that they will be directly accountable to our leadership. In addition, my agencies will explore ways to place more agents downstate, where most minority business owners live and work.

3. Cut the red tape in the certification process. Presently, the State only recognizes, and measures spending with, "certified" businesses, *i.e.*, businesses that undergo a cumbersome, complex process of certification. As discussed above, the State must implement a universal registration system where *all* minority business spending is tracked. But we must also keep the certification process, at least until race- and gender-based set-asides and preferences are entirely eliminated. While we have certification, we should make it easier to become certified. The process must be streamlined and the requirements made less rigid so that more businesses are encouraged to certify.

4. Reprioritize the Minority Business Advocacy and Assistance Office. This Office, presently at the Department of Labor and Employment Security, spends most of its time certifying businesses and setting the present misleading spending goals. Upon making certification easier and eliminating the percentage goal system, this Office will spend more time in the most productive activity possible - facilitating relationships between minority business owners and State procurement

agents, otherwise known as "matchmaking." And by moving the Office to the Department of Management Services, where the majority of procurement activities take place, the Office will be more successful in helping procurement agents find and recruit qualified minority businesses.

5. Boost the State's anti-discrimination efforts. Presently, there exists no well-defined mechanism for fielding and investigating complaints of race and gender discrimination by State procurement agents. We will support legislation setting up a system under which my Chief Inspector General, the agency Inspectors General and the Minority Business Advocacy and Assistance Office investigate complaints of discrimination. We will also support legislation banning from State contracts, when appropriate and just, businesses found guilty in court of race or gender discrimination.

6. End unconstitutional set-asides and price preferences. Set-asides and price preferences have failed. Under these measures, more money flows to businesses owned by white women than to those owned by racial and ethnic minorities. Set-asides and price preferences account for a relatively minuscule amount of money for racial and ethnic minority-owned firms - roughly half of 1% of all State spending, at the very most. In addition, set-asides at the Florida Department of Transportation and in Miami-Dade County have already been struck down by federal courts; legal counsel, based on the findings of professional consultants, warn that other agencies set-asides are vulnerable to challenge as well. The time has come to eliminate a legally suspect practice that never worked well to begin with. We propose in its place a race-neutral program of assistance to firms in economically disadvantaged areas. But nothing can substitute for direct and personal leadership on the part of myself and my agency heads to encourage procurement agents to proactively recruit business with more minority firms.

7. Enhance minority business development. My plan is not race-neutral. Diversity is something to be embraced, not excused. Race-consciousness is appropriate if State effort does not come at the direct expense of non-minorities, as it does with set-asides and price preferences. We will enhance financial and technical assistance programs that target the legitimate development needs of emerging minority businesses, minority construction firms, and minority franchisees, including the Bond Guarantee Program at Florida A&M University and the minority franchising program of the Black Business Investment Board. We will implement an aggressive diversity strategy for the \$8 billion Everglades Restoration Project, one of the largest public works projects in history. We will recognize private sector businesses that excel in diversity. And we will partner with Black Enterprise Magazine, the Florida Chamber of Commerce and the Florida Council of 100 in enhancing minority entrepreneurship opportunities statewide.

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REMARKS BY
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Governor Bush's Record On Equity In Hiring

Since his election, Governor Bush has worked hard to create a diverse administration and government workforce. His vision of diversity has been one that does not compromise quality, and one that brings new perspectives and new talent into government service. This is essential for good government, especially in Florida where we have one of the most diverse populations in the country. Utilizing strong leadership and outreach, Governor Bush has succeeded in this goal.

He has demonstrated unprecedented leadership by hiring many bright, energetic, and motivated women and minorities at the highest levels, including his Chief of Staff, Deputy Chief of Staff, General Counsel, Budget Director, Chief Inspector General, the Director of Office of Tourism, Trade and Economic Development (OTTED) and the Secretaries of the Departments of Labor, Lottery, Elder Affairs, Business and Professional Regulation, Children and Families, and the Agency for Health Care Administration. As this administration has recognized, there are many exceptional minority individuals to fill vacancies, but managers must first appreciate the advantages to having a diverse workforce and then commit to fill vacancies with a diverse group of people.

Outreach is second only to leadership. We should expect inefficient results if we do not add a degree of effort and sensitivity to our recruiting practices. If advertisements for positions within state government are advertised in local publications that are only read by a handful of individuals, or on websites that are only available to those who know it exists and have access to the Internet, then we probably are not reaching the majority of qualified minority individuals. We must aggressively reach out to minorities in order to tap into a wealth of potential that is missing in state government.

Governor Bush has implemented such a philosophy in his recruiting and hiring practices. Since taking office on January 5, 1999, Governor Bush's minority appointments have exceeded the state's demographic make up in many areas. Minority appointments made by Governor Bush are as follows:

- Since January 5, 1999, 59% of all new hires in the Executive Office of the Governor (EOG) have been women, 15% have been African-American, 13% have been Hispanic and 2% other minorities.
- African-Americans, Asian-Americans and Hispanics account for 30% of the Governor's Senior Management and Select Exempt staff in the EOG, as compared to only 22% one year ago. Since taking office, 39% of the Governor's new Senior Management and Select Exempt hires in the EOG have been African-American, Asian-American or Hispanic.
- Since January 5, 1999, 48% of the Governor's new appointments to Senior Management and Select Exempt positions in the EOG have been women. Overall, women represent 46% of all Senior Management and Select Exempt staff in the EOG.
- Appointments of African-Americans, Asian-Americans, Hispanics and

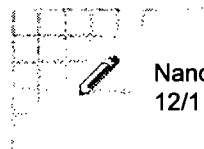
Native-Americans to boards and commissions since January 5, 1999, equal 22% of all boards and commissions appointments. During Governor Chiles' first year in office, 21% of all appointments to boards and commissions were minority individuals.

- **Judicial appointments of African-American and Hispanics total 40% of all judicial appointments. Also, women represent 40% of all judicial appointments.**

With Governor Bush's leadership and commitment, we intend to create a diverse workforce in state government by obtaining a commitment of leadership and outreach from all agency heads. Each state agency must evaluate their recruiting techniques and develop new, innovative methods to attract a pool of applicants. When this objective is achieved, the State of Florida will be considered a state of opportunity for all of its citizens.

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Subject: remarks to FL Dem Convention

THE WHITE HOUSE

Office of the Press Secretary
(Orlando, Florida)

For Immediate Release December 11, 1999

REMARKS BY THE PRESIDENT
TO FLORIDA STATE DEMOCRATIC CONVENTION

Wyndham Palace Resort
Orlando, Florida

10:10 A.M. EST

THE PRESIDENT: Thank you very much. Thank you. Now, folks, you all sit down now. Can you sit down? I'm a little hoarse, so I can't shout you down, and you won't be able to hear unless you sit down and relax here.

First of all, I want to thank my good friend, Charlie Whitehead, for inviting me here and for being willing to take the reins of this party again. I came here in 1981, 1983, 1987, 1991 -- only Arkansas have I visited the Democratic Convention more than I have in the state of Florida, and I thank you very much. (Applause.)

I want to thank Representatives Hastings, Brown, Meeks, former Congressman Smith, the wonderful Lt. Governor of Maryland and I think the finest Lt. Governor in the United States, Kathleen Kennedy Townsend, who spoke to you earlier today. (Applause.) And I want to say how proud I am that a person who has been a friend of mine a long time is going to be your next United States Senator -- Bill Nelson and Grace Nelson, thank you very much for your interest. (Applause.)

I also asked if Rhea Chiles was still here. It was almost exactly a year ago that Lawton Chiles passed away, and like his family and his friends and his beloved Floridians, I want you to know I still miss

him. He was my friend, he was my mentor, he was my ally. (Applause.) His legacy is alive and well in the good things he did in Florida and the good things that we're doing in the United States. And I'm honored to be here.

Now, let me tell you, I know you probably noticed we're about to get into an election season here -- (laughter) -- and you may have noticed that I can't run for anything this year. (Laughter.) So I want to tell you how come I came down here.

First of all, it was almost eight years ago exactly when the Democratic Convention in Florida in December of 1991 put my campaign on the map. And I came to say thank you. (Applause.) With your help, when I was running fifth in the polls nationally, we won a decisive victory over a majority in the straw poll here in 1991. It was the first evidence that Democrats were ready to take America in a new direction. And I got to thinking about that last night and this morning. You were very wonderful to me, but I also want you to know you were a hard sell. (Laughter and applause.)

I don't know how many times I've talked to Jeff Eller and Craig Smith, who were among those who worked this convention for me, and Hillary and I remembered how dog tired we were when we got back to our hotel room after the speech, and then we had to go and visit all these caucuses. We must have gone to a dozen caucuses. And we were asked the most detailed questions over the most wide array of issues, and I just hope you're putting this crowd this year through this. That's all I want to say. (Laughter and applause.) It was unbelievable.

But I must say, you know, I had been coming here -- I remember when then-governor, now Senator Bob Graham invited me in '81 and '83 and '87 -- I loved this convention and I loved that experience in '91. I love your energy, your intensity, your commitment, your caring about the issues and the future of this state and this nation. And if you can keep this energy -- don't forget, we won in '92, and in '96 we won again, and in '96, we carried Florida for the first time in 20 years -- you can win again here, and you can do it. (Applause.)

Every time I try to take a walk down Memory Lane, some of the political press says, oh, well, he's thinking about his term being over. Well, I'm not, either. I've got 14 months left, and I'm going to give it to them every day until I go. (Applause.) But since this is an election year, I think it's worth taking a little walk down Memory Lane.

In the 12 years before Al Gore and I took office, irresponsible policies in Washington piled up deficit after deficit. We quadrupled the national debt in 12 years. We had high interest rates, high unemployment, stagnant wages, growing inequality. By 1991, when I entered the race for President, we had economic distress, social decline, political division, and government was entirely discredited. And don't let anybody forget it.

Now, what a difference seven years of working for opportunity, responsibility, and community with all Americans make. (Applause.) We are ending the century on a high note. And you can take great pride in it because you had a not insignificant amount to do with it.

Just last week, we crossed a truly remarkable threshold: 20 million new jobs since January of 1993. (Applause.) And more and more, they're good-paying jobs on which you can support a family, buy a home, take a vacation, save for college and retirement.

So I just want to take a minute, here, and I'm going to give you a capsule of the last seven years. I want you to know it. I want you to take pride in it, because you were a part of it, and I want you to share it with your fellow citizens. The Republicans can have all the rhetoric they want. Let people choose between their rhetoric and our record. (Applause.)

Number one, economically, we have the longest peacetime expansion in our history. In February,

it will be the longest economic expansion in the history of our country, including that in World War II. We have a 30-year low in unemployment, a 32-year low in welfare, a 20-year low in poverty rates. We have the highest home ownership ever, the largest surplus ever, the first back-to-back budget surpluses in 42 years, with the smallest federal government in 37 years. (Applause.)

There's more. We have the lowest Hispanic and African American unemployment rates ever recorded -- (applause) -- the lowest Hispanic poverty rates in 25 years; the lowest African American poverty rates ever recorded; the highest rate of small business starts in history; the highest rate of minority business ownership in history; the lowest female poverty -- unemployment rate in 40 years; the lowest single parent household poverty in 46 years. We're going forward together. (Applause.)

Now, I might say -- I was going to save this for later in my speech, but I think we ought to insert it here -- and we've done it with the most diverse administration in history, the most diverse appointments to the judgeships, to the Cabinet, to the administration. (Applause.) And I think that the record -- not me, the record America has established in the last seven years proves that Mr. Connerly is wrong in wanting to end affirmative action. (Applause.)

Look, it's interesting, you know, affirmative action actually began under a Republican administration, back when both parties were really committed to civil rights. And like any system that went on for years unexamined, there were some problems with it and it needed to be fixed. And we worked very, very hard on "amend it, don't end it" policy that I'm proud of. But you cannot look at the record the American people have established in the last seven years -- where we made an effort to include everybody, and we made an effort to make sure our economic policies benefit everybody, our political policies benefitted everybody, our social policies benefitted everybody -- and make a serious case that we'd be better off if we were growing more divided by walking away from one of the tools that has helped to bring us together as a nation. Don't give up on affirmative action, and go out there and defend it. (Applause.)

Wait a minute. We're not done with the record yet. You all just relax. (Laughter.) I want you to remember this -- I'll send a copy of this to Mr. Whitehead and he can send it out. We have -- listen to this -- we have the lowest crime rate in 25 years -- 470,000 felons, fugitives and stalkers have not been able to get a handgun because of the Brady Bill. All the things the NRA -- (applause.) Let me tell you -- but the NRA was wrong. There's not a hunter in Florida that's missed a day of the hunting season because of the Brady Bill, but there are a lot of little kids in the inner city alive because of the Brady Bill today. It was the right thing to do. (Applause.)

Wait a minute. Over 20 million people have taken advantage of the Family and Medical Leave law, a bill which was vetoed by my predecessor. And it hasn't hurt the economy. Over 10 million people benefitted from the minimum wage increase. It hasn't hurt the economy. (Applause.) Over 7 million people, right now have claimed their Hope Scholarship tax cut to pay for community college or the first two years of college so that we can open the doors of college to everyone in the United States of America. (Applause.)

Over 2 million more kids have been insured since the Balanced Budget Act passed in 1997 under the Child Health Insurance Partnership between states and the federal government -- two million more kids. Over 90 percent of our children are immunized against serious childhood diseases for the first time in the history of the United States. (Applause.) Over 150,000 young people have served their communities in Florida and throughout the country in AmeriCorps, our national community service program. It took the Peace Corps 25 years to get the number of volunteers we've achieved in five years in AmeriCorps. (Applause.)

Now, these are just some of the facts. Let's talk about the environment. The air is cleaner. The water's cleaner. The food is safer. We have the lowest production of waste materials in our country in 20 years -- and 20 years ago we had 50 million fewer people. (Applause.) We've cleaned up three times as

many toxic waste dumps as the Republicans did in the 12 years before we took office -- three times as many. (Applause.) And we have protected more land -- from the Florida Everglades to the California Redwoods, to the 40 million roadless acres in the national forests -- more land than any administration in the history of this country except those of Franklin and Theodore Roosevelt. (Applause.)

Along the way we made a contribution to peace and humanity and democracy, in Northern Ireland, in the Middle East, in Bosnia, in Kosovo, in Haiti. (Applause.) We expanded trade with Latin America. We're trying to do so with the Caribbean. We're trying to be a good neighbor to our friends in the Caribbean, and to our friends in Africa.

We have reached out to reduce the nuclear threat, from Russia to North Korea; to establish a decent relationship with China, which is important to our future. And the world is a safer, stronger place than it was seven years ago.

Now, I say this to you to say not how great we were, but that we had good ideas, focused on giving the American people the conditions and the tools to make the most of their own lives; focused on creating opportunity for every responsible citizen; focusing on creating a community of all people in this country who are willing to work hard and be good citizens. And the American people did it. And I am very grateful. Hillary is very grateful. We are all very grateful. (Applause.)

But I want to say to you, I could not have done it, not any of it, without the Democrats in the Congress. And we need more of them, not fewer of them. Send Bill Nelson up there. (Applause.)

And I want you to know that it would not have happened without the Vice President. (Applause.) Again, I want you to listen to this -- and you can see, I'm a little hoarse, so I can't -- this is from the heart. Now, these are facts. From his vote to break the tie on the '93 budget -- which is what gave us the ability to balance the budget, got interest rates down, got the economy going -- to his vote to break the tie on the Senate's consideration of common-sense gun legislation, to close the loophole in the Brady Bill so we could also cover the gun shows, something you voted to do in Florida -- (applause) -- from leading our efforts to connect every classroom to the Internet.

Let me tell you what we've done. Five years ago, when Al Gore and I started working on this and I asked him to take it on, only 4 percent of the classrooms in the country were connected, and they were in 14 percent of the schools -- five years ago. Today, over 50 percent of the classrooms are connected to the Internet in over 80 percent of the schools. I think he's done a good job in helping this to happen. (Applause.)

From running our empowerment zone program to bring economic opportunity to poor areas, to supporting our policies and developing so many of our policies to strengthen the American family, to leading our reinventing government effort -- which has given us, I will say again, the smallest federal government in 37 years with a higher level of support for the American people -- to supporting every tough decision I have had to make as President, from guns and tobacco, to Bosnia and Kosovo, I can tell you that in the history of the country, he is the most effective and influential Vice President who has ever served. (Applause.)

Now -- he's got a lot of good ideas for the future, too. And now I want to talk about that. I just signed the first budget of the 21st century. Charlie said we had a do-nothing Congress. Well, that's not quite true. They tried to do something -- they tried to pass a tax cut so big that it would have kept us from ever paying down the debt and fixing Social Security and contributing to our children's education. And I vetoed that, and the Democrats stayed with me. That was a major achievement of the last Congress. (Applause.)

And then, when they got ready to go home, that's when the President and the Democrats acquired a little influence in the debate. So when we came out of the budget, even this year, we had a

continuing commitment to 100,000 teachers, to 50,000 more police, to 60,000 housing vouchers to help poor people move from welfare to work. We doubled the funds for after-school programs. We got the first money the federal government has ever appropriated for states to turn around or shut down failing schools, so that we can help all our kids get a good education, and still support the public schools and public school reform. (Applause.)

We had major advances on the environment, and we beat back major assaults on the environment. And we've paid our United Nations dues and agreed to help alleviate the debt of the poorest countries in the world. (Applause.) And we fixed some of the too-severe cuts in the Medicare law from the 1997 balanced budget, restoring funding to hospitals, to nursing homes, to other medical providers, needed to help the 39 million elderly and disabled Medicare beneficiaries.

We also passed a landmark bill I am immensely proud of, which allows people with disabilities to keep their Medicaid if they move into the work force so people can go to work, because they can't get private insurance. (Applause.)

Now, there's a lot of things we didn't do, and I'm going to be working to get it done. We didn't pass the patients' bill of rights, and we should. It's wrong, everybody should be guaranteed quality care. (Applause.) We didn't raise the minimum wage again, and we should. We didn't close the gun show loophole and require child trigger locks, and we should. (Applause.) We didn't pass the hate crimes legislation or the Employment Non-Discrimination Act, and I believe we should. (Applause.) We didn't pass my New Markets Initiative, which would give Americans the same tax incentives and loan guarantees to invest in poor areas in America they get to invest in poor areas in Latin America, or Asia, or Africa. And I think they should. (Applause.)

I hope that they will agree to let China join the WTO, and give them normal trading status. Why? Because you already know we've got a big trade deficit with China. This bill, this agreement I made, gives more options for American farmers, American manufacturers, American investors. All they get out of it -- and it's not insignificant -- they get to be in the World Trade Organization, where we'll all have to live by the same rules. But we get dramatically greater access to their markets. It means big, big jobs and incomes for farmers and workers in America. And I hope it will pass. (Applause.)

Most importantly, I hope we will find a way next year to protect Social Security and Medicare in the face of the baby boomers' retirements. (Applause.) Now, I want to talk a little more about that. And this is what I want to tell you about the election. We've got a great record. We -- you and me, all of us -- we've got good ideas. We ought to be winning every poll by 20 or 25 points in every race. Why aren't we? Well, they always have more money than we do. And they've been talking to a certain sector of our electorate for so long and telling them how terrible we are, some people probably believe it and forget to think before they vote. (Laughter.)

But you can change that. So I just want to leave you with this. This I want to be my gift to you. I will do everything I can for the next 14 months. But you have to be good citizens in this election season. And the future of America now is riding on how the congressional races and the governors' races and the presidential race and these other things come out.

Let me begin with a story. Over Thanksgiving, I got my whole family, my extended family, and gathered them up and took them to Camp David. Then after we stuffed ourselves on Thanksgiving, we had some more of our friends come up, and they had some little kids, too, to play with my two little nephews.

And on the Saturday after Thanksgiving, this beautiful little six-year-old girl looked up at me and she said, now, Mr. President, how old are you anyway? (Laughter.) So I said, well, I'm 53. And she said, that's a lot. That's a lot. (Laughter.) So I said, yes, it is a lot.

And let me tell you, from the perspective of those years, in my lifetime -- in my whole lifetime --

there has never been a time when America had this much prosperity, this much social progress, this much national confidence, with the absence of a crisis at home or a threat abroad.

Now, what does that mean? (Applause.) Wait, wait, wait, wait. We're done with the record. (Laughter.) I want you to think about this. What that means is that for the first time in my lifetime, on the edge of this new millennium, we actually have a chance to shape the future of our dreams for our children, in a way no previous group of Americans, in our whole lifetime, has had. And that imposes on us a terrific responsibility. You know, anybody can concentrate when their backs are against the wall. The great British essayist, Samuel Johnson, said, "Nothing so concentrates the mind as the prospect of one's own destruction." Your back's against the wall, you can focus.

When things are rocking along, hunky-dory, it's easy to get distracted. I was so proud of the American people for sticking with me when I vetoed that tax cut. I said, you know, you can understand it if people said, hey, man, we've been working hard out here. The '80s were tough, the '90s were tough. Cut us some slack, here. But they said, uh-uh, no, we don't want to go back to those old, bad days. We'll stay on the path we're on. That was good. (Applause.)

So I ask you, here's what will determine whether we win this election or not, from the White House to the Senate to all the other elections? What will determine whether we win is, what is it about? And if it is about our common responsibility as a people to meet the big challenges of the 21st century, because we ought to and because we can, now, for the first time in our lifetimes, then we will win.

What are they? We've got to deal with the aging of America. The number of people over 65 will double in 30 years. I hope to be one of them. (Laughter.) It is unconscionable that the baby boom generation will walk away again from the opportunity to take Social Security out beyond the life expectancy of the baby boomers, and to push the life of Medicare out there, and to add a prescription drug benefit for the people who cannot afford their medicine today. (Applause.)

Second, you look around Florida -- we've got the largest and most diverse student population in our history. We cannot walk away from our obligation to give all of these children a world-class education. We ought to pass my initiative to help people build or repair thousands of schools. We ought to keep on going until we connect them all to the Internet. We ought to give every child access to an after-school program. We ought to make sure the teachers are certified and well-trained and well-compensated. We owe that to these kids. Nothing is more important. (Applause.)

Third, we ought to do more to help people balance work and family. (Applause.) More child care. Insure all the kids with health insurance. Equal pay for equal work for women. We ought to do that. (Applause.)

Fourth, we ought to make sure that we can grow the economy and still improve the environment. The world is in a grip, still, of a very bad idea that's wrong. All over the world, including in Washington, D.C., people believe you can't get rich unless you put more coal and oil into furnaces or machines and burn them and pollute the atmosphere. It's not true anymore. It's not true anymore.

The farmers in Florida, I predict to you, within 15 years, will be saving all their waste products for biomass fuel. And you'll be able to use a gallon of gasoline to make eight or 10 gallons of biomass fuel with no greenhouse gas emissions. When that happens, the whole future of that will change. You can buy windows right now that let in five times as much light and keep out five times as much heat and cold.

We have undertaken to green the White House, and we have saved the equivalent of almost 700 cars on the highway by energy conservation at the White House. And it's working just fine. We're all warm in the winter and cool in the summer. It's a big deal. (Applause.) It will be a bigger deal to the future; you mark my words. If you don't want the Everglades to flood because of global warming, we better deal now with this. And we can do it. (Applause.)

So -- let me just mention one or two other things. We've got the crime rate down to a 25-year low; good -- murder rate down to a 31-year low; good. Does anybody think America is as safe as it ought to be? No, of course not. Now, when I took office, most people didn't believe you could drive the crime rate down. We all thought the crime rate just went in one direction -- up. So now we know it can be brought down.

So, I say to you, the reason I fight hard for this, these common-sense gun measures and the 50,000 more police in the high-crime areas, and more programs to keep kids out of trouble in the first place is I don't think it's good enough to say we've had crime go down seven years. I think the Democrats ought to say, okay, now we know we can do it; we have a new goal -- we want America to be the safest big country in the entire world, and we're going to keep working until we do it. (Applause.)

Now, I want to say something about the economy. I think it is terribly important that we keep our party front and center on keeping this economy going. How are we going to keep it going? Number one is, don't forget what brought us to the dance. We need to keep paying down this debt. You know that we can be out of debt in 15 years if we stay on my budget path. For the first time since 1835, America will be debt free. And we ought to do it. (Applause.)

Second, we've got to keep working within our party, within our country -- with labor, environmentalists, and businesspeople -- until we finally get it right on trade because, I am telling you, the world is better off today because there is 50 years of increasing trade. We are only 4 percent of the world's people; we've got 22 percent of the world's income. It just stands to reason that you can't hold that unless you sell something to the other 96 percent.

Furthermore, let me say something about imports. They are unpopular in general, and popular in particular. We don't like imports in general, but we all have them: we wear them, we drive them, you know. (Laughter.) What do they do for you? They keep inflation down with competition. That's why we've got the longest peacetime expansion in our history, because inflation didn't destroy it. So we've got to keep working until we get this right.

The third thing we've got to do -- and this is something I feel so strongly about -- if we can't bring economic opportunity to the poor areas of America that have not participated in this recovery now, we will never get around to doing it -- never. To Appalachia, to the Mississippi Delta, to the poor rural areas of America, to the inner cities, to the Native American reservations. We've got to do it. (Applause.)

And with economic opportunity we also have to keep our focus on doing everything we can at home and around the world to get people together, to get people over these conflicts they have over race and ethnicity and religion and sexual orientation. It's crazy. (Applause.)

You know -- let me just ask you to think about this. Don't you think it's interesting that whenever you read something about the new millennium, they talk about the wonders of the human computer, the wonders of the human genome. Hillary had some people at the White House the other night -- one of the guys that founded the Internet and one of the principal scientists working on the human gene. And the Internet guy actually sent the first e-mail 18 years ago, because he had a profoundly deaf wife and he wanted to talk to her at work, and she couldn't take hearing aids.

And he said, the intersection of the study of the gene and the study of computers means we can do things that we never could do before. And he had his wife stand up and she started speaking, and because she has a minor little computer chip stuck way down in her ear, she can hear for the first time in 50 years. (Applause.)

Now, last year we transplanted nerves from the legs to the spine of a laboratory animal for the first time and got movement in the lower legs. Some people think we'll be able to take a picture of spinal

cord injuries and just design a computer chip to go in and replace the electronic impulses that the spine used to provide. This is the kind of stuff we're talking about. (Applause.)

In a couple of years, young mothers will come home from the hospital with their babies and they'll have a little genetic map. And it will be a little scary. It will say, you know, your daughter has one of these genes that are predictors for breast cancer -- that's the bad news. The good news is you know it now and here are 10 things you can do that will cut her risk by 80 percent. A lot of my friends who are experts in the field really believe that sometime early in the next century American newborns will have a life expectancy of nearly 100 years. (Applause.)

Now, a lot of my other friends in the space program think we'll find out what's in the black holes in the universe. A lot of other people believe we'll continue to fight against war because we'll be more connected to the Internet around the world.

Let me ask you something. Don't you think it's interesting that in this most modern of times, the biggest problem in the world today is the oldest problem of human society: we don't trust people who are different from us. We fear them. It's easy to go from fear to dislike, from dislike to hatred, from hatred to dehumanization, and then to violence.

There was a picture yesterday morning in one of the big newspapers of a young gay soldier that was beaten to death with a baseball bat, and right next to him, the young soldier that beat him to death -- one 21, one 18. I was looking at these two kids thinking, you know, they're young enough that they could be my children. And both these young men put on the uniform of our country, and I could have sent them someplace to die. They both swore to go wherever I told them to go, and do whatever I told them to do. And I was aching for the young man who had died, and for the young man whose life is now destroyed -- who wasn't born hating that way; somebody had to teach him to do that. (Applause.)

And so I say to you, you want to know what makes us different? The best politics in 2000 is doing right by the big challenges of the country. If people believe the election is about who's got the best record and who's got the best vision for the big challenges, lifting us up and pulling us together -- listen, our crowd's going to do fine.

If we talk about the aging of America and Social Security and Medicare; if we talk about the education of our children; if we talk about growing our economy, and helping our agricultural and manufacturing sectors while improving the environment; if we talk about balancing work and family; if we talk about bringing economic opportunity to poor people and getting this country out of debt for the first time since 1835; and if we talk about the most important thing of all, which is manifested in the hate crimes in America, and in the continuing conflicts from the Balkans to the Middle East -- and thank God, in the peace agreement in Northern Ireland, and we hope there will be one between Israel and Syria soon, because they're coming to meet next week -- (applause.)

People have to find a way not just to tolerate, but to celebrate their differences, and to be secure in doing it because they believe, down to the core of their being, that what we have in common is even more important. We've got to let a lot of this stuff go. Our party can take the lead in doing that.

So go out there and talk to people about what's happened in this country in the last seven years. Even more important, go out there and say, do you really believe in our lifetime we've ever been in this kind of shape before? And if you don't, what are we going to do with it? Go up to total strangers on the street and say, you're a citizen; what do you think we ought to do with this time? I think we ought to make the most of it.

And ask them about the aging of America. Ask them about the children of America. Ask them about their parents struggling to balance work and family. Ask them about the economy and the environment. Ask them about bringing economic opportunity to poor places. And ask them about building

one America. You make this election season about that, and we'll have another celebration next year.

Thank you, and God bless you. (Applause.)

END

10:45 A.M. EST

Message Sent To: _____

Q's and A's
Governor Jeb Bush's Plan to Replace Affirmative Action

Q: What is your reaction to Florida Governor Bush's plan to eliminate the use of race and gender in higher education admissions but to use other steps to increase minority enrollment?

A: We should ensure that affirmative programs are carefully targeted and fair and that they meet legal requirements, but we should not eliminate altogether programs that have worked. The Department of Education is now reviewing the Bush plan to assess its impact on the enrollment of minorities and women. We have some concerns that the effect of the plan will be to reduce enrollment of these groups, particularly at Florida's leading universities.

Q: Are there aspects of the plan that you find promising?

A: Many of the steps that the Governor has proposed, including increasing support for inner city high schools and increasing the number of advanced courses offered in schools serving minorities and poor families, are steps we strongly support. We have proposed many of these same programs in the budgets we have sent to Congress.

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JEB BUSH
GOVERNOR

STATE OF FLORIDA

Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

FOR IMMEDIATE RELEASE
TUESDAY, NOVEMBER 9, 1999

CONTACT: JUSTIN SAYFIE
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(850) 488-5394

GOVERNOR BUSH ANNOUNCES HIS ONE FLORIDA INITIATIVE

--An Innovative Plan to Increase Opportunity and Diversity while Ending Racial Preferences and Set-Asides in State Contracting and University Admissions--

TALLAHASSEE - -Providing strong leadership to unite all Floridians behind a plan of opportunity, diversity and fairness, Governor Jeb Bush today announced his One Florida Initiative.

"With my One Florida Initiative, we can increase opportunity and diversity in the state's universities and in state contracting without using policies that discriminate or that pit one racial group against another," Governor Bush said. "Behind a common vision that unites us, we can ensure that the promise of Florida's future will be shared by all of Florida's residents, regardless of race, ethnicity, neighborhood, or background."

The education component of the One Florida Initiative includes the following elements:

- Eliminate race and ethnicity as a factor in university admissions.
- The "Talented 20" Program will guarantee state university admission to the top 20 percent of students in every Florida high school senior class. Even with the elimination of race and ethnicity as a factor in admissions, the "Talented 20" Program will result in a net increase in minority enrollment in the state university system.
- An increase in need-based financial aid by 43 percent, a \$20 million increase.
- Proposed funding to make the Preliminary Scholastic Achievement Test available to all Florida tenth-graders so that Florida's eleventh-graders will be better prepared to take the Scholastic Achievement Test.

(more)

ONE FLORIDA INITIATIVE- -Page Two

- Increased availability of Advanced Placement courses in low performing schools.
- A new partnership with the College Board to improve college preparation for students at low performing high schools.
- The creation of the Equity in Educational Opportunity Task Force to make recommendations on eliminating inequities in our K-12 educational system. Sen. Daryl Jones, of Miami, will serve as the Chairman of the Task Force.

The state-contracting component of Governor Bush's One Florida Initiative includes the following:

- The elimination of racial set-asides and racial price preferences. The time has come to eliminate these legally suspect practices that never fully achieved their goals. These programs are constitutionally suspect and account for a miniscule amount of money for minority businesses each year.
- Reform of the procurement process to encourage the pursuit of diversity by making the state's procurement agents more accountable for their purchasing decisions. Procurement officers will report directly to the Governor and their positions will be reclassified from career service to select exempt status.
- Reduction of the red tape in the minority certification process to encourage more minority businesses to become certified.
- Enhancement of minority business development through financial and technical assistance programs that target the legitimate development needs of emerging minority businesses, minority construction firms and minority franchisees.

"My initiative ends racial preferences, racial set-asides and race-based university admissions, not affirmative action properly understood," Governor Bush said. "The One Florida Initiative transcends traditional notions of affirmative action and increases opportunities for Floridians of all racial backgrounds in ways that unite us, not divide us."

Joining Governor Bush for today's announcement were the Chancellor of the State University System Adam Herbert, Speaker of the House John Thrasher, College Board President Gaston Caperton and D.J. Miller, president of D.J. Miller and Associates, the state's professional consultants.

Governor Bush also signed an agreement and two executive orders with Caperton. The agreement with the College Board will assist in identifying, motivating and better preparing students in low performing schools. Executive Order 99-281 reaffirms the Bush/Brogan administration's commitment to non-discrimination in state hiring, contracting, education, and directed the Governor's agency heads not to use optional race and gender set-asides and preferences in their agencies.

(more)

ONE FLORIDA INITIATIVE--Page Three

Executive Order 99-280 creates the Equity in Educational Opportunity Task Force.

"I firmly believe that with the One Florida Initiative, we can prevent our state from being divided along racial lines," Governor Bush said. "It is my hope that the One Florida Initiative can replace conflict with consensus in providing opportunity with diversity and fairness in our state."

For more information on Governor Bush's One Florida Initiative, visit the Governor's Website at www.flgov.com.



EXECUTIVE OFFICE OF THE GOVERNOR

Executive Order 99-281

WHEREAS, the Florida Constitution provides that all natural persons, female and male alike, are equal before the law and that no person shall be deprived of any right because of race or national origin; and

WHEREAS, Florida's government has a solemn obligation to respect and affirm these principles in its policies relating to employment, education and contracting; and

WHEREAS, the use of racial and gender set-asides, preferences and quotas is generally inconsistent with the obligation of government to treat all individuals as equals without respect to race or gender; and

WHEREAS, the use of racial and gender set-asides, preferences and quotas is considered divisive and unfair by the vast majority of Floridians, produces few, if any, long-term benefits for the intended beneficiaries, and is of questionable legality; and

WHEREAS, the laudable goal of increasing diversity in Florida's government and institutions of Higher Education, and in the allocation of state contracts, can and should be realized without the use of racial and gender set-asides, preferences and quotas; and

WHEREAS, the obligation of Florida's government to root out vestiges of discrimination can and should likewise be accomplished without resort to remedies involving the use of racial and gender set-asides, preferences and quotas.

NOW, THEREFORE, I, JEB BUSH, as the Governor of the State of Florida, by virtue of the authority vested in me by the Constitution and laws of the State of Florida, do hereby promulgate the following executive order effective immediately:

Section 1: Non-Discrimination in Government Employment

(a) It is the policy of my Administration to provide equal opportunity to all qualified Floridians, to prohibit discrimination in employment because of race, gender, creed, color or national origin, and to promote the full realization of equal employment opportunity through a positive, continuing program in each Executive Agency and the Office of the Governor. This policy of equal opportunity applies to every aspect of employment policy and practice in my Administration.

(b) It is the policy of my Administration to seek out employees for hiring, retention and promotion who are of the highest quality and ethical standards, and who reflect the full diversity of Florida's population.

* (c) Unless otherwise affirmatively required by law or administrative rule, neither the Office of the Governor nor any Executive Agency may utilize racial or gender set-asides, preferences or quotas when making decisions regarding the hiring, retention or promotion of a state employee. Any law or administrative rule requiring or allowing the use of racial or gender set-asides, preferences or quotas in hiring, retention or promotion shall be brought to the attention of my General

Counsel by any affected Executive Agency no later than
December 31, 1999.

Section 2: Non-Discrimination in State Contracting

(a) It is the policy of my Administration to provide equal state contracting opportunities to all qualified businesses, to prohibit discrimination in contracting because of race, gender, creed, color or national origin, and to promote the full realization of equal contracting opportunities through a positive, continuing program in each Executive Agency and the Office of the Governor. This policy of equal contracting opportunities applies to every aspect of contracting policy and practice in my Administration.

(b) Unless otherwise required by law or administrative rule, neither the Office of the Governor nor any Executive Agency may utilize racial or gender set-asides, preferences or quotas when making state contracting decisions. Any law or administrative rule requiring or allowing the use of racial or gender set-asides, preferences or quotas, or artificial, arbitrary goals in state contracting shall be brought to the attention of my General Counsel by any affected Executive Agency no later than December 31, 1999.

(c) The Department of Management Services and the Minority Business Advocacy and Assistance Office at the Department of Labor & Employment Security are hereby ordered to develop an implementation strategy for all other aspects of my Equity in Contracting Plan by January 31, 2000, and to present that plan to my Office of Policy and Budget for appropriate action.

Section 3: Non-Discrimination in Higher Education

(a) It is the policy of my Administration to support equal educational opportunities for all qualified Floridians, to prohibit discrimination in education because of race, gender, creed, color or national origin, and to promote the full realization of equal educational opportunities throughout the State.

(b) I hereby request that the Board of Regents implement a policy prohibiting the use of racial or gender set-asides, preferences or quotas in admissions to all Florida institutions of Higher Education, effective immediately.

(c) The Office of Policy and Budget is hereby ordered to develop an implementation strategy for all other aspects of my Equity in Education Plan by December 31, 1999.

Section 4: No Legal Cause of Action

Nothing in this Executive Order shall be construed to create a cause of action or any legal remedy not otherwise provided for by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 9th day of November, 1999.



Jeb Bush
Governor

ATTEST:
/s/ **Katherine Harris**
Secretary of State

OFFICE OF THE ATTORNEY GENERAL**THE CAPITOL****TALLAHASSEE, FLORIDA 32399-1050****ROBERT A. BUTTERWORTH***Attorney General
State of Florida*

November 23, 1999

The Honorable Major B. Harding
Chief Justice, and
Justices of The Supreme Court
of Florida
The Supreme Court Building
Tallahassee, Florida 32399-1925

Dear Chief Justice Harding and Justices:

In accordance with the provisions of Article IV, section 10, Florida Constitution, and section 16.061, Florida Statutes, it is the responsibility of the Office of the Attorney General to petition this Honorable Court for a written opinion as to the validity of an initiative petition circulated pursuant to Article XI, section 3, Florida Constitution.

On October 26, 1999, the Secretary of State submitted to this office an initiative petition seeking to amend the Florida Constitution to end governmental discrimination and preferences based on race, sex, color, ethnicity, or national origin in public education, employment or contracting. The full text of the proposed amendment states:

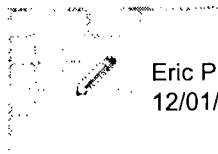
ADD SECTION 26 TO ARTICLE I, FLORIDA CONSTITUTION AS
FOLLOWS:

- 1) The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.
- 2) This section applies only to action taken after the effective date of this section.
- 3) This section does not affect any law or governmental action that does not discriminate against, or grant preferential treatment to, any

person or group
The Honorable Major B. Harding
Page Two

on the basis of race, sex, color, ethnicity, or national origin.

- 4) This section does not affect any otherwise lawful classification that: (a) Is based on sex and is necessary for sexual privacy or medical or psychological treatment; or (b) Is necessary for undercover law enforcement or for film, video, audio, or theatrical casting; or (c) Provides for separate athletic teams for each sex.
- 5) This section does not invalidate any court order or consent decree that is in force as of the effective date of this section.
- 6) This section does not prohibit action that must be taken to establish or maintain eligibility for any federal program, if ineligibility would result in a loss of federal funds to the state.
- 7) For the purposes of this section, "state" includes, but is not necessarily limited to, the state itself, any city, county, district, public college or university, or other political subdivision or governmental instrumentality of or within the state.
- 8) The remedies available for violations of this section shall be the same, regardless of the injured party's race, sex, color, ethnicity, or national origin, as are otherwise available for violations of then existing Florida antidiscrimination law.
- 9) This section shall be self-executing. If any part or parts of this section are found to be in conflict with federal law or the United States Constitution, the section shall be implemented to the maximum extent that federal law and the United States Constitution permit. Any provision held invalid shall be severable from the remaining portions of this section.



Eric P. Liu
12/01/99 03:01:33 PM

Record Type: Record

To: Irene Bueno/OPD/EOP@EOP

cc:

Subject: Florida/AA Mtg

Just a heads up that Eric may want you to attend this meeting on Friday if you are available.

----- Forwarded by Eric P. Liu/OPD/EOP on 12/01/99 03:00 PM -----

**LESLIE
BERNSTEIN**

12/01/99 02:39:14 PM



Record Type: Record

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

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

Subject: Florida/AA Mtg

There will be a meeting on Friday (12/3) at 3:30pm regarding
Affirmative Action in Florida in 472 OEOB.

Additionally, there will be a pre-meet in Maria's office at 3:15pm.

Outside attendees:

- ✓ Wade Henderson - Lawyer's Committee for Civil Rights
- ✓ Barbara Arnwine - Lawyer's Committee for Civil Rights
- ✓ Leon Russell, President Florida State NAACP and Chair FREE
- ✓ Toni Van Pelt - President Florida Chapter NOW, FREE Treasurer
- ✓ Anthony C. Hill - Secretary Treasurer Florida AFL-CIO and State Representative
- ✓ Hilary Shelton - NAACP Washington Director
- ✓ Brigid O'Farrell - Council of Women Presidents
- Florida State Senator Kendrick Meek

✓ *Sen Darryl Jones*

Please RSVP via email ASAP for both the meeting and the pre-meet.

For those who haven't seen it, attached is an interesting article for your perusal.



Miami Herald - Bush Plan

Thanks

Message Sent To:

Mary E. Cahill/WHO/EOP@EOP
Dawn M. Chirwa/WHO/EOP@EOP
Edward W. Correia/WHO/EOP@EOP
Lisa M. Brown/OVP@OVP
Robert B. Johnson/WHO/EOP@EOP
Minyon Moore/WHO/EOP@EOP
Eric P. Liu/OPD/EOP@EOP

Message Copied To:

Joseph D. Ratner/WHO/EOP@EOP
Karen D. Scott/WHO/EOP@EOP
Kathleen K. Ahn/WHO/EOP@EOP
Vincent Fry/WHO/EOP@EOP
Anna Richter/OPD/EOP@EOP
Elizabeth V. Katze/OVP@OVP

UF president slams governor's 'One Florida' plan

LESLEY CLARK AND PHIL LONG
lclark@herald.com

TALLAHASSEE -- The interim president of Florida's largest state university criticized Gov. Jeb Bush's "One Florida" racial diversity plan Tuesday, saying it will likely reduce, not increase, the number of minority students at the University of Florida.

In a Herald interview Tuesday evening, UF interim president Charles Young said his analysis shows there would be a decrease of black and Hispanic students at the Gainesville campus under Bush's plan, which has come under increasing attack from lawmakers and the public since it was announced earlier this month.

"It cannot help but hurt the level of diversity at the University of Florida," Young said, "or force UF to lower its standards dramatically to let in people who are not prepared to compete in this environment."

A spokesman for Bush said the governor found the remarks "curious and surprising" and noted that Florida State University President Talbot "Sandy" D'Alemberte and Florida A&M University president Fredrick Humphries backed Bush's plan. The One Florida initiative would end the use of race as a factor in admissions, but guarantee admission to the state's top 20 percent of high school graduates.

"It's not clear to us [that Young] has fully analyzed the impact race-neutral policies will have on student diversity," said Bush spokesman Justin Sayfie. "It's hard to understand how they arrived at their numbers."

Said D'Alemberte on Tuesday: "Nothing in the governor's plan threatens our programs, and we are confident that we can continue to increase diversity at FSU."

Young said his "biggest concern" is with the speed that this is going. Bush's plan got Board of Regents approval last week. A spokesman for the regents said they support the plan and want to take advantage of it in the fall of 2000.

BUSH PLAN BACKED

Young, a former chancellor of the University of California at Los Angeles, said Bush's plan may be better than an anti-affirmative action campaign being waged in Florida by California businessman Wade Connerly.

Attorney General Bob Butterworth predicted Tuesday that the Connerly campaign to put a constitutional amendment on affirmative action before voters won't make it to the ballot next November because it won't pass muster with the Florida Supreme Court.

The proposal, which seeks to wipe out race and gender preferences in public hiring, contracting, and university admissions, covers too much ground and the language is misleading, Butterworth said.

Butterworth handed the initiative off to the high court, which will hold hearings on the debate before it decides whether the measure can go before voters in November 2000.

Butterworth said past case law indicates that it can't.

"The Florida Supreme Court would have to reverse itself in order to get these petitions on the ballot," Butterworth said. "If they follow precedent, this will not be on the ballot."

Connerly's Florida-based campaign director said the language was written to pass review in Florida and Connerly expects it to satisfy the justices.

"We're entirely within the constitutional guidelines and would expect the court to rule as such," said Herb Harmon. "It would be hard to understand that a government will no longer discriminate or give preferential treatment could be misunderstood."

To go before voters, proposed amendments to the constitution must pass two basic tests: They must cover a single subject, and the title and summary -- which are printed on the ballot -- must accurately reflect the outcome of the proposal.

Butterworth said Connerly's proposal does neither.

PROPOSAL CRITICIZED

He said the proposal violates the constitution's one-subject law by applying to all levels of government -- from universities to elementary schools -- and by including race, color, ethnicity and national origin.

"A voter who may wish to remove such preferential treatment in higher education, but is opposed to such limitations in elementary schools, does not have the opportunity to independently express approval or disapproval," Butterworth said in his petition to the court.

The Supreme Court in 1994 blocked a proposed anti-gay ballot amendment from

reaching voters, finding that the proposal was worded too broadly, and that it addressed more than one subject.

Bush, who has been criticized for proposing his own One Florida initiative as an effort to blunt Connerly's bid, said he welcomes any effort to keep the proposal off the ballot.

Connerly's proposal "is very divisive," Bush said. "It's so easy to inflame people's passions on this, and good faith and the best of intentions sometimes get pushed aside when we get into issues as sensitive as race. I know this initiative would be divisive. I'm opposed to it for that reason. If it's not on the ballot, that'd be great."

A coalition that plans to counter Connerly with its own petition to preserve affirmative action also applauded Butterworth.

"We believe the attorney general has correctly advised the court that the Connerly petitions encompasses more than a single subject," said Joseph Hatchett, a former Florida Supreme Court justice and general counsel for Floridians Representing Equity & Equality.

Affirmative Action Ban Meets a Wall in Florida

A Businessman's Campaign is Unwelcome

By RICK BRAGG

MIAMI, June 4 — Ward Connerly, who campaigned successfully to end affirmative action in government hiring and school admissions in California and Washington State, has now aimed his crusade at Florida, to the sound of slamming doors.

Political leaders here, Democratic and Republican, black, white and Hispanic, do not want Mr. Connerly, a conservative black businessman, in Florida. And they definitely do not want his initiative on the ballot in the 2000 elections.

Mr. Connerly, who has managed to draw together the political elite in this racially diverse and often discordant state, said Florida political leaders were behaving like ostriches "with their heads in the sand."

Black political leaders and many Hispanic leaders across the country see Mr. Connerly as a pariah, a traitor who plans to amend the Florida Constitution to stop preference programs, based on race, sex or ethnicity, in government hiring and contracts and college admissions, robbing them of one of the results of the civil rights struggle.

But Republican leaders, in Florida and around the country, have another reason for turning their backs on Mr. Connerly. He has brought his divisive issue to the doorstep of Gov. Jeb Bush just as his older brother, Gov. George W. Bush of Texas, is preparing to enter the race for the Republican Presidential nomination.

The issue could, political experts say, create cracks in the national Republican Party's ranks, just as the Bush brothers are working to unify them, and hamper efforts to attract disaffected Democrats in time for the election.

The timing of his campaign was no coincidence, concedes Mr. Connerly, 60, the chairman of the American Civil Rights Institute and a regent of the University of California system.

"If we can bring Florida into the 'win' column, we will have brought a major player in the national scene into the family," Mr. Connerly said in a recent telephone interview from his office in Sacramento, Calif., "and will be well on our way to declaring victory in the nation."

"There is no better forum" for debating affirmative action, he said, "than a Presidential campaign."

Mr. Connerly, who ignored pleas from Republican leaders and black officials to keep his crusade out of Florida, said that he needed the street-level voters, not their leadership, to pass his initiative, and that he was confident that working people in Florida would vote for it as they did in California four years ago, and a year later, in Washington.

In Florida, pollsters and political experts agree that he has a good chance of getting his initiative approved, if he succeeds in getting the question on the ballot.

To do so, Mr. Connerly must gather the signatures of about 430,000 registered voters. Political experts in Florida say the effort can cost \$1 to \$2 a name, money that would probably come from supporters of the proposition. The battle against affirmative action in California cost about \$6 million, with the Republican Party putting up \$2.5 million and other backers raising \$3.5 million.

"Once it gets on there, it will pass," said Dario Moreno, a professor of political science at Florida International University who has studied the state's political makeup.

But at stake in the battle, Professor Moreno said, may be more than a program that has opened doors for minorities and women in business, government work and universities.

While it would certainly not be the deciding issue in the 2000 campaign, the initiative could create political problems for the Bush brothers, say experts and Mr. Connerly himself.

The brothers ran campaigns that "reached out to people" other than the white, conservative Republicans, even as they tried to retain the party's core supporters, Professor Moreno said. If the proposition gets onto the ballot in Florida, he said, it would "undermine the Bush message, by both brothers, at the national level."

But Mr. Connerly said: "I want this to be part of the Presidential debate. It scares the hell out of Jeb Bush, because he doesn't want it on the ballot when his brother runs for office."

So far, the brothers are snubbing Mr. Connerly. But Jeb Bush, who counts on conservatives as a major pillar of support, has written Mr. Connerly, saying: "Dear Ward, I oppose rigid quotas and set-asides."

But Mr. Bush also said "a bitter political campaign that divides Florida by race or ethnicity" would keep the state political leadership from focusing on "more pressing issues."

Mr. Connerly said that he expected to battle the state's black leadership but also accused the Republican leadership of playing politics while ignoring many Republican voters' opposition to affirmative action.

"I don't see why that is controversial," he said of his position.

But affirmative action is an issue that people argue from the head and heart, and he has become its lightning rod.

Mr. Connerly, perhaps one of the best-known black conservatives in the United States, besides Justice Clarence Thomas of the Supreme Court, has provoked the disdain and outright dislike of many blacks and political leaders by asserting that affirmative action has gone too far. He has been called an Uncle Tom and protesters have hurled rocks at his office. Instead of correcting the prejudices of the past, he says, affirmative action has become just another form of discrimination.

Mr. Connerly has the support of Florida's builders' associations, which are weary of rigid affirmative action requirements in contracts, but there was no grass-roots anti-affirmative action movement in Florida, political experts say, until he began his drive for an initiative a few weeks ago. Since then, he has been featured in newspapers and television programs, and black newspaper columnists have criticized his plans.

But despite the opposition Mr. Connerly has found among the political leadership and others, polls in Florida have shown that many voters believe that affirmative action has crossed the line from an advantage to reverse discrimination.

Jim Kane, editor in chief of The Florida Voter, a polling service based in Fort Lauderdale, said a recent poll showed that 84 percent of more than 600 voters surveyed by telephone would vote for a ban on

affirmative action similar to Proposition 209, the measure that was passed in California in 1996, if it was worded similarly. The survey had a margin of sampling error of plus or minus 4 percentage points.

The California initiative said "the state shall not discriminate against or grant preferential treatment to anyone based on race or sex."

"The language that's being proposed here is exactly like Proposition 209," Mr. Kane said. "I'm not optimistic that the political elite here can defeat it."

But the Florida survey found that when residents were asked whether they would support an initiative that would "prohibit affirmative action" for women and minorities, only 42 percent said they would vote for it.

There seemed to be stronger support in the state for another statement in The Florida Voter poll. The poll said: "Irish, Italians, Jewish and many other minorities overcame prejudice and worked their way up. Blacks should do the same without any special favors."

When asked for a response, 52 percent strongly agreed and 29 percent somewhat agreed.

Countering the arguments of his opponents, Mr. Connerly says affirmative action creates a society in which those who get an unfair advantage will live their lives doomed to feelings of inferiority.

Mr. Connerly is ignoring the realities of racism, his critics say.

"Minority communities across the nation are reeling in poverty, disinvestment and red-lining, and racism is still deeply imbedded in our minds and manifested through a lack of educational and professional opportunities," said Alicia Hughes, a second-year law student at the University of Miami and president of the Black Law Student Association.

"As long as there is a slanted scale," Ms. Hughes added "it is necessary that there are programs like affirmative action."

Mr. Connerly expects more hurdles to getting his proposition on the ballot, including state election guidelines insisting that such initiatives be on a single subject. Calling for an end to affirmative action on the basis of race and sex could violate that rule.

But those are just details, for a true believer.

The New York Times

MONDAY, JUNE 7, 1999

Gore Argues the Case For Affirmative Action

Bias Still Exists, Latino Executives Told

By WILLIAM BOOTH
Washington Post Staff Writer

SAN DIEGO, Sept. 16—Speaking before an audience of Latino business executives, Vice President Gore today offered a passionate defense of affirmative action, saying past injustices and discrimination did justify programs to lift more minorities into positions of power and affluence.

At the town hall forum of the type so popular with President Clinton, a questioner asked Gore how many Hispanics a Gore administration would appoint to high office. The Democratic front-runner said it was natural for all citizens—of all races and ethnicities—to seek out those who look like they do. But that as Americans, Gore said, we must “break loose those blinders” and “break down the barriers.”

“Affirmative action is really good for our country,” Gore said. “That’s the strength of the United States of America,” and his closing remarks were followed by a standing ovation.

Stepping away from the lectern and speech notes, Gore said that he has heard the arguments that “we’ve made so much progress we don’t need” affirmative action any longer—“that there’s no discrimination, no prejudice anymore.” Then he paused, tilted his head in a pantomime of puzzlement and, said, “Hello?” That was followed by “Hola?”

Gore pointed out that wealth passes down through the generations and that past discrimination hurts minorities today. He said a young white entrepreneur might simply call up his or her parents and relatives for a loan. That is not an option, Gore said, for many young Latinos. The vice president said that the average Latino family’s wealth is one-tenth of the average for white families.

Gore offered his defense of affirmative action, which has essentially been dismantled in the arenas of higher education and state contracting in California, before the annual Hispanic Chamber of Commerce meeting here.

Both Gore and the Republican front-runner, Texas Gov. George W. Bush, have been aggressively wooing the Latino electorate, which is a growing force in important battleground states such as California,

Texas, Florida, Illinois and New York.

Bush made his first major policy speech, about education, before a Latino Business Expo in Los Angeles two weeks ago. And this has been a virtual Latino Week for Gore. On Monday, he addressed the National Hispanic Foundation for the Arts; on Tuesday, he launched his *Ganamos con Gore* or “We Win with Gore” campaign, accepting the endorsements of hundreds of Latino leaders and activists; and on Wednesday, he appeared at the Hispanic Congressional Caucus gala in Washington.

At the Hispanic Chamber of Commerce meeting here today, Gore focused mostly on the importance of education for lifting people up from poverty.

He told the audience that both his mother and father, who later became a senator, were born into poor families. “My father grew up in a place called Possum Hollow, Tennessee. When he was 18, he went to work as a teacher, in a one-room schoolhouse, in a small mountain community called Boozie. That was not its official name.”

Gore also offered that his mother worked her way through college as a waitress, “making 25-cent tips,” and that she brought her blind sister Thelma with her to college, taking notes for her and reading aloud their lessons.

Gore then attacked the proposal offered by Bush to cut off federal funding to failing schools and give parents money to pay for private schools. “I think we should strengthen and not weaken our public schools,” he said.

Gore also said that “we must treat teachers like professionals,” paying them more competitive salaries; that class size should be reduced to 18 children; that “we need a renewed focus on discipline, character and the right values;” and finally that “we should insist on a policy of zero tolerance toward guns in our schools.”

Like Bush, who also speaks basic Spanish, Gore sprinkled his remarks with Spanish words and sentences. “In America,” he said, “words like *familia*, *comunidad*, *opportunity* and *educacion* are not just *palabras* [words], they are the values that guide our lives.”

First Lady's Brothers Drop Export Venture in Republic of Georgia

By CHARLES BABINGTON
Washington Post Staff Writer

Under White House pressure, first lady Hillary Rodham Clinton's two brothers pulled out of a \$118 million proposed business venture in the former Soviet republic of Georgia last night, only hours after saying they would carry it through. National security adviser Samuel R. “Sandy” Berger had urged Anthony D. Rodham and Hugh Rodham to drop the venture last week because it involved a controversial

Georgian political figure who had suggested that the deal might bring him political support from President Clinton.

The brothers initially rejected the request. They issued a statement yesterday afternoon saying they had no reason to believe that their associates are involved “in any illegal activities.” But they added that they would withdraw if “rumors or allegations” of wrongdoing were proven.

A few hours later, the Rodhams’ Washington lawyer, James Hamil-

ton, said the brothers were withdrawing because they did not want “to do any harm to the first lady or the administration.”

A source familiar with the situation said White House officials contacted the Rodham brothers last night to express concerns after learning they had rejected Berger’s request.

The Rodham brothers traveled to Georgia last month to promote their plan to invest \$118 million in growing and exporting hazelnuts. Joining them at a rally for the ven-

ture was Aslan Abashidze, a local political leader who is a rival to Georgian President Eduard Shevardnadze. The United States considers Shevardnadze’s government an ally.

The Rodhams’ venture was first reported in a column on yesterday’s Washington Post op-ed page.

Intelligence and press accounts have linked Abashidze to an alleged mobster named Grigori Loutchansky. The State Department refused to grant Loutchansky a visa to the United States in 1995.

National Security Council officials say they were unaware of the Rodham brothers’ visit to Georgia until Shevardnadze’s government complained Aug. 17 that the Americans had planned to head straight to Batumi, Abashidze’s stronghold. The Clinton administration became more concerned Aug. 31, when Abashidze made a statement that the Rodhams’ visit might portend “political support rendered to him by U.S. President Bill Clinton.”

Berger subsequently placed at

least one phone call to Anthony Rodham, “advising the brothers they should withdraw from the deal,” said Berger’s spokesman, David Leavy. The White House said President Clinton and the first lady had approved the call in advance.

A spokesman for Hillary Clinton’s exploratory Senate campaign in New York said the first lady had no comment.

Hugh Rodham did not return phone calls yesterday to his Florida home and workplace.

Q Greetings from the Golden State of California, Mr. President.

THE PRESIDENT: Hello.

Q We applaud your recent announcement to create a commission to study race relations in our country. However, we are increasingly concerned about the effects of California's Proposition 209, which eliminated affirmative action programs in our community. What actions are you taking to lessen or to reverse the effects of Proposition 209, which have already drastically lowered Hispanic enrollment in higher education within the university system of California?

THE PRESIDENT: Well, Micki, first of all, I've tried to continue to speak out in favor of affirmative action as I have been, as you know, for the last several years, to discourage anyone else from doing the same thing. I think that's very important.

Secondly, I have asked the Domestic Policy Council to coordinate a review by the Justice Department and the Education Department on the impact of Proposition 209 and the Hopwood decision in Texas. We need to make sure that we do everything we can to keep the doors of higher education open to all Americans, including all minorities. We are looking for specific things that we can do to ensure that higher education does not become segregated, or that the progress we've made over the last 20 years is not reversed.

Secondly, I think we need to do more in secondary schools to prepare young people for college. If we can really implement the standards movement that I'm pushing for over the country and get all the schools, like the San Antonio district, to participate, what we will see is that we will do a better job of giving our young people the tools they need to get into college in the first place.

One of the things that I have noted is that so many affirmative action students have done very, very well in the universities of our country. They've also improved the quality of education there for other students by diversifying the student body. And because they do well it means that they could have done better on the entrance test, they could have done better in the beginning if we, their parent's generation, had provided them a finer elementary and secondary education. So I think that's a big part of this answer, too.

But I'm not willing to give up on affirmative action and education. I'm not about to give up on it. And we are expl

oring what our legal options are, as well as what policies we might implement to try to stop public higher education in America from becoming resegregated. (Applause.)

MS. RUBLES: Thank you, Mr. President. And at this time may I introduce to you the LULAC national vice president for the Southwest from Dallas, Texas, Mr. Hector Flores (phonetic).

Q Thank you, Madam Chair. Good morning, Mr. President.

THE PRESIDENT: Good morning, Hector.

Q Mr. President, your scholarship proposal notwithstanding, there is still an assault on affirmative action in this country. In my home state of California in the wake of Proposition 209 and last year's vote by the University of California Board of Regents, minority applications and enrollment in the UC system this year are down. There will be not one new black student enrolled at the prestigious Bolt Hall School of Law at the University of California this fall. What specific programs, scholarship program notwithstanding, do you propose to stem this tide and make sure that there is diversity in higher education in this country? (Applause.)

THE PRESIDENT: First of all, I think we need to make sure that we continue to use federal law to the maximum extent we can to promote an integrated educational environment -- (applause) -- so that we have to review, whether in the Education Department, in the Justice Department, whether there are any further actions we can take legally to promote an integrated educational environment in higher education in the states where these actions have been taken.

Secondly, I think we need to look at whether there is some way by indirection to achieve the same result. I know that the legislature in Texas, in an attempt to overcome the impact of the Hopwood decision in Texas, just passed what they call the "Ten Percent Solution," which would be to guarantee admissions to any Texas public institution of higher education to the top 10 percent of the graduating class of any high school in Texas. And because of the way the African Americans and Hispanics living patterns are in Texas, that may solve the problem. Whether that would work in California, I don't know. I haven't studied the way the school districts are organized enough. But I think we have to come up with some new and fairly innovative ways to do that.

Thirdly, I think, on the professional schools, my own view -- I'm a little stumped here. We have to really -- we're going to have to reexamine what we can do. I don't know why the people who promoted this in California think it's a good thing to have a segregated set of professional schools. 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. I don't understand that. (Applause.)

But there may be some ways to get around it, and we're looking at it and working on it. But I think it's going to be easier to stop it from happening at the undergraduate level than at the professional school level. And we're going to have to really think about whether there is some way around it, whether it would be some sort of economic

designation or something else. But we're working on that.

And finally, let me say, I think we need to continue to provide more resources, because one of the real problems we have is, even in the last five years, when we've had economic recovery, the college enrollment rates of minorities in America have not gone up in an appropriate way. And in this budget that I'm trying to get passed through Congress, we've got the biggest increase in education funding in 32 years, the biggest increase in Pell Grant scholarships in 20 years, another huge increase in work-study funds, and the tax proposal, as we structured them, would, in effect, guarantee two years of college to virtually everyone in America and help people with two more years of college.

We've got a huge dropout problem in higher education among minorities that I think is having an impact on then what happens in the graduate schools and in the professional schools. I don't think there is a simple answer. And I think, frankly, the way 209 is worded, it's a bigger problem even than the Hopwood case in Texas. But I can tell you we're working on it: first, is there anything the Justice Department or the Civil Rights Office of the Education Department can do? We're examining that. Second, is there a specific solution like the Texas "Ten Percent Solution" that would overcome it at least in a specific state. Third, come up with some more funds and some more specific scholarship programs to try to overcome it.

It's a great concern to me, and I think it is moving the country in exactly the wrong direction. And I might say, if you look at the performance of affirmative action students, it doesn't justify the action that was taken. That's another point that ought to be made.

So the one thing that I believe is, I believe that the rather shocking consequences in the professional schools in both Texas and California will have a deterrent impact on other actions like that in other states. And I believe you will see more efforts now to avoid this. I think a lot of people who even voted for 209 have been pretty shocked at what happened and I don't believe the people of California wanted that to occur. And I think the rhetoric sounded better than the reality to a lot of voters.

So I can tell you that, while I'm very concerned about it, I think if we all work on it, we can reverse it in a matter of a couple of years. And we just have to hope we don't lose too many people who would otherwise have had good opportunities because of it. But it is an urgent matter of concern to me. (Applause.)

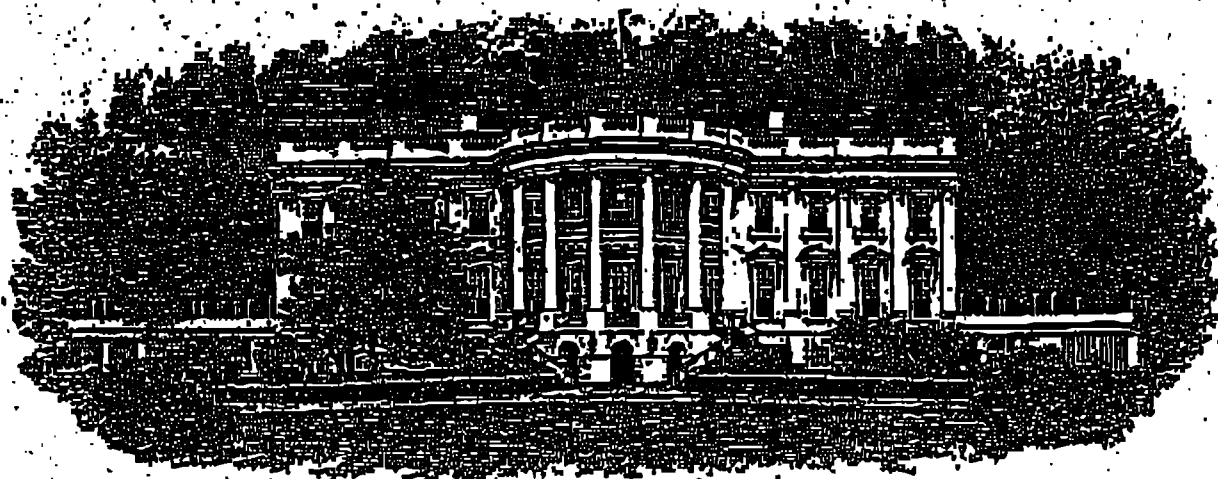
Q Good afternoon, Mr. President.

THE PRESIDENT: Good afternoon.

Q My question also has to do with education for more at a high school and middle school level. The dropout rate, crime, and drugs are more prevalent in inner city schools than in suburban schools, consequently leading to a lower quality education in many inner city schools. What will your administration do through government-aided programs or initiatives to combat these problems and ensure everyone in America is receiving a comparable education? (Applause.)

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THE WHITE HOUSE



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- we need affirmative action
guidance

Time, July 5, 1999

July 5, 1999

SECTION: NATION; Pg. 30

LENGTH: 2071 words

HEADLINE: When The Field Is Level;

In California, minority students are "cascading" out of top schools and into the second tier. Is this good for them?

BYLINE: Adam Cohen/Irvine

BODY:

The African-American science majors eating lunch in a University of California Irvine dining hall are on the brink of brilliant careers. Aisha Kennedy, a chemistry major, has done ozone research with a Nobel-prizewinning professor. John Williams, a biology major, is off to Kenya this summer for a project on malaria transmission. And Brian McCurtis, a computer-science major with a summer job at Novell, is seeing years of hard work pay off. "I'd say my biggest problem is sifting through the job offers," he says. "There's been no job hunting for me."

It seems things have never been better for minorities on this picturesque campus 40 miles south of Los Angeles. Freshman enrollment in the past two years has jumped 45% for Hispanics, 47% for blacks, and Irvine is becoming known as a powerhouse for minority scientists-in-training. Many blacks and Hispanics say it's a far more supportive place than other U.C. campuses with bigger names and better reputations. "We're a hidden secret," says Genae Jefferson, an African-American physics major who chose Irvine over UCLA. "But a lot of people don't realize it until they get here."

If it all looks so good, why are some people saying that what is going on at U.C. Irvine is a disaster for minority education? The problem is, the rising minority enrollment at Irvine is largely a result of California's two-year-old ban on affirmative action at public colleges. As preferences were removed that had helped minorities qualify for the top U.C. campuses, notably Berkeley and UCLA, students who once would have gone there were redistributed down to such less selective campuses as Irvine. In California it is known as cascading, because minorities are sliding down from high-ranked schools to lower-ranked ones.

Supporters of Proposition 209, California's controversial 1996 ballot initiative ending racial preferences, say cascading is good: It means U.C. applicants are finally being judged on their abilities, not the color of their skin. Advocates go a step further, saying that it even benefits the minority students who end up being turned away by more prestigious campuses. Students are better off, the argument goes, when they attend colleges

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that match their academic level.

Those who disagree say cascading is just a nice way of saying minorities are being shut out of the best U.C. campuses. And it means that fewer minorities will graduate with the elite credentials that would help them become top doctors, lawyers and business leaders. "Some people don't believe African-American and Mexican-American students deserve to be at these institutions," says Ted Shaw, associate director-counsel of the NAACP Legal Defense and Education Fund. "That should be refuted."

For now, this post-affirmative action world of cascading exists mainly in California and Texas, where the University of Texas, responding to a federal court order, has also stopped considering race in admissions. But other suits challenging racial preferences are under way elsewhere in the U.S., notably at the University of Michigan. Other states are considering Prop. 209-style initiatives, among them Florida, where a drive is on to put an anti-affirmative action referendum on the 2000 ballot. If cascading goes national, what impact will it have on America's college students? The answer is unfolding in California, on campuses like Irvine.

The U.C. system can be divided, by general consensus, into three tiers of quality. At the top are Berkeley, UCLA and fast-rising U.C. San Diego. In the middle are Irvine, Davis and Santa Barbara. And then there are Santa Cruz and Riverside. The rollback of affirmative action has had only a small impact on admissions to U.C. as a whole—the eight U.C. campuses took 47,804 students this year, 7,439 of them black, Hispanic and Native American—only 27 fewer minority students than in 1997, the last year race was part of the process. But the new rules have caused a lot of cascading down the U.C. pecking order. At the most selective campus, Berkeley, freshman enrollment of Hispanics has fallen 34% in the past two years, and it's down 57% for blacks. The least exclusive campus, Riverside, has seen black admissions rise more than 54% and Hispanics 66%.

Could this ethnic rearrangement be a good thing? Yes, says Abigail Thernstrom, a senior fellow at the Manhattan Institute and a leading affirmative-action critic. Thernstrom argues that minorities suffer when affirmative action puts them on campuses that otherwise wouldn't have admitted them. The dropout rate of black U.C. undergraduate students back in the days of affirmative action was 42%—twice the rate of whites. That stands to reason, Thernstrom says, because blacks and Hispanics were forced to compete against whites and Asians who came to the same schools with higher test scores and grade-point averages. "As students are better matched to their institutions, as they cascade to places where they are prepared to the average level, the graduation rates should go up for minorities," she says.

Minorities will also do better, supporters of cascading say, because they will end up on campuses like Irvine that may be more socially welcoming than pressure cookers like Berkeley or UCLA. It's a view some minority students at Irvine share. "A lot

of my friends said, 'Berkeley, Berkeley, Berkeley,'" Tiger Dunams, a junior at Irvine, recalls of her college-choosing days. "I went there and looked at it, and it didn't seem like it was the thing for me. My friend goes to Berkeley, and she doesn't really meet people. I'm interacting with professors and graduate students, and I've met the chancellor. You can tell the faculty is really reaching out to students." Melissa Marchand says she chose Irvine over UCLA in part because 34,000-student UCLA struck her as big and impersonal. "At UCLA, a biology class could be 500 people, while here 200 people is huge," she says. "My major is bio, and I didn't want not to be able to go up to a professor with a question."

Irvine students say that although the education is rigorous, the atmosphere is supportive. "A lot of universities, including Berkeley, have a cuthroat attitude--I'm going to do well and I don't care about you," says Karen Flaming, a black sophomore who went to Irvine after turning down Berkeley. "This campus has more of a family feeling." Irvine students say minorities on campus pull for one another, both informally and formally, through the Irvine chapter of the California Alliance for Minority Participation, a program, funded by the National Science Foundation, for minorities in the sciences. "At Berkeley and Los Angeles, there's so much competition, even between black bio majors," says Marchand. "That's not how it's supposed to be--we're supposed to be helping one another out."

But don't students take themselves off the fast track by going to Irvine rather than Berkeley or UCLA? Many Irvine faculty and students say it isn't so. They point out that Irvine grads are admitted to the nation's top graduate schools and get jobs at top corporations alongside graduates of the more selective U.C. campuses. "I know it's not what the public thinks, but it's not true that you have to go to only a few schools to make it," says James Fallon, a professor at Irvine's medical school and chairman of the U.C. Irvine academic senate. "It used to be that way, but it's not today."

Then why are critics of cascading so strongly against it? The hard truth, they say, is that the status of a college still matters. And students from the more selective U.C. campuses will, on average, get into better graduate schools, get better jobs and have more influence in society. "Education has become more and more a credentialing process," says the NAACP's Shaw. "What is at stake is access to the corridors of power and influence."

That was the argument of a recent book co-authored by former Harvard University president Derek Bok. In *The Shape of the River*, Bok wrote that minorities who attend choicer colleges are likely to do better for themselves and for society than ones who go to less exclusive schools. "If there weren't some positive differences with selective colleges, they wouldn't be so hard to get into," he says. It's the prestige of the name, the access to informal job networks and the higher expectations for success, as much as the education, that make the difference, says Bok.

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"Students' aspirations are very much shaped by the aspirations of their peers," he says. "When you go to a very selective school like Berkeley, you probably set your sights higher."

Critics of cascading also say it hurts the whole U.C. system by stripping it of ethnic diversity at the upper levels. The entering class at Berkeley this fall will be only 9% Hispanic and 3% black (in a state that's 29% Hispanic and 7% black). That deprives students of a chance to learn in the kind of diverse environment they'll have to navigate when they graduate. It also means California's premier public university isn't serving the whole state. Says Juan Lara, assistant vice chancellor at U.C. Irvine: "If the diversity of the state is reflected in the U.C. system, but only in what you would call the third-tier campuses, then this university would have failed in its mission."

Still, cascading is a new fact of life, and it is not likely to end any time soon. Perhaps the clearest sign that California is entering a post-affirmative action era is how civil rights groups have responded to cascading. Their flagship lawsuit, *Rios v. Regents of the University of California*, doesn't bother trying to restore affirmative action. Instead it argues that if the U.C. system is going to use race-blind admissions criteria, it really has to be race-blind. In calculating GPAs, Berkeley gives extra weight to grades in advanced-placement classes. The problem is, more than half of California schools—many in poor and minority areas—don't even offer these classes. A student who takes every class offered in his high school in the barrio and ends up with 4.0 could lose out to a student from Beverly Hills who gets A's in advanced-placement classes and graduates above 4.0. It's not a bad argument. But the fact is, even if U.C. cleaned up its criteria, as long as race is not considered, the number of blacks and Hispanics at the top campuses is not likely to go up much.

Then what is the solution? Surprisingly, there is one point of agreement for both sides in the debate over cascading. The low number of minorities at top-tier campuses should be a wake-up call about the need to improve K-12 education for all children (see the accompanying story). The racial gap in academic achievement starts in the earliest grades and grows worse. Among California 10th-graders, 88% of Asians and 76% of whites go on to graduate, but only 61% of blacks and 58% of Hispanics do. Thernstrom and civil rights groups both say the early grades are where the most work needs to be done.

One other sign that California is entering a new era on race is the attitude many young people seem to have about affirmative action. A lot of black and Hispanic students strongly opposed Prop. 209, and many still insist affirmative action is needed as much as ever. But the black science students gathered around the U.C. Irvine dining-hall table were confident that whatever the rules are, they can succeed under them. So is Elizabeth Lomeli. A Hispanic graduate of Santa Ana High School, she will attend Irvine in the fall after being rejected by UCLA. There's no way she'll ever know if she'd have got into UCLA under affirmative

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action, but she isn't upset about how things have worked out. "I just cared about the U.C. part—I didn't care about the Los Angeles or the Irvine," she says. "I think it's going to help me do what I want to do." Lameli will be the first person in her family to enter college.

BOX STORY:

WHERE MINORITIES ARE MOVING

Percent change in enrollment from 1997 to 1999

	Blacks	Hispanics
BERKELEY	-57%	-34%
UCLA	-35%	-20%
RIVERSIDE	54%	66%
IRVINE	47%	45%

GRAPHIC: COLOR PHOTO: ANNE HAMEVSKY FOR TIME, Without Preferences: U.C. Irvine
is just fine, thank you (see NATION), [T of C]; **COLOR PHOTO: ANNE HAMERSKY FOR**
Time, July 5, 1999

TIME, SUPPORTIVE CAMPUS: Many minority students at U.C. Irvine say the school has an edge over top-tier schools like Berkeley; **COLOR PHOTO: ANNE HAMERSKY FOR TIME, CUTTING EDGE** U.C. Irvine student Aisha Kennedy has worked with a Nobel laureate; **COLOR PHOTO: ANNE HAMERSKY FOR TIME, HEAD START** Elementary and middle school students get a tour of the Irvine campus

LANGUAGE: ENGLISH

LOAD-DATE: June 28, 1999

UNIVERSITY OF WASHINGTON SCHOOL OF LAW POLICY STATEMENT REGARDING ADMISSION TO ENTERING CLASSES OF THE J.D. PROGRAM.

§1. The objective of the admissions program is to select individuals who have the highest potential for achievement in and contribution to the legal profession, legal scholarship, or law-related activities. The Law School has determined that this objective is best attained by the selection of individuals who have demonstrated the greatest capacity for high quality academic work at the Law School and who, as described in Section 3 below, will contribute to the diversity of the student body.

§2. In measuring academic potential, the Law School relies primarily on the applicant's undergraduate grade-point average and performance on the Law School Admission Test (LSAT). The weighting of these two indicators is determined statistically by reference to past experience at this school. For most applicants, the ranking that results is the most nearly accurate measure of relative academic potential. In cases where numerical indicators do not appear to be an adequate measure of academic potential, the admission decision will be affected by consideration of other factors. They are:

- a. the difficulty or ease of the undergraduate curriculum and the scholastic quality of the school;
- b. the nature and attainment of an advanced degree;
- c. the applicant's post-college experience as it relates to the applicant's academic potential;
- d. any substantial changes in the applicant's health or economic position as they would affect academic performance;
- e. the quality and strength of recommendations which address the applicant's academic potential;
- f. variations in the level of academic achievement over time;
- g. social or economic disadvantage experienced by the applicant that may have affected past academic performance; and
- h. any other indicators that may aid in the determination of academic potential.

With respect to applicants from schools that do not use grade point system and whose records therefore do not yield to the statistical weighting described above, primary reliance is placed on the LSAT and on descriptions of the quality of prior academic work. Where appropriate, the factors listed above are also considered.

§3. In selecting the entering class, the Law School does not make all of its admission decisions solely on the basis of predicted academic performance. Important academic objectives are furthered by classes comprised of students having talents and skills derived from diverse backgrounds believed to be relevant to rich and effective study of law. Factors that indicate this diversity include, but are not limited to, racial or ethnic origin, cultural background, activities or accomplishments, career goals, living experiences, such as growing up in a disadvantaged or unusual environment or with a physical disability, or special talents. This list is not exhaustive, and the factors are not of equal weight; moreover, no single factor is dispositive. Furthermore, no factor will confer admission on an academically unqualified applicant.

Applicants are invited to describe these and other aspects of their backgrounds that would benefit the diversity of the law school community.

§4. Consideration is given to past evidence of a lack of scholarly integrity if it seems there is a strong likelihood that the applicant could not be relied upon to maintain the integrity necessary to the administration of the Law School (e.g., cheating in examinations). Admission may be denied in such cases. No applicant is denied admission on this basis without first being informed of the grounds for the possible denial and being given the opportunity to respond.

Residency

It is the faculty policy that approximately 70% be established as a target for the percentage of Washington state residents in the entering class.

Affirmative Action - Univ. of Washington
March 13, 1998

Jan 1999
trial date

2 challenges

① Bakke no longer the law

② Wants to place limits on what you can do under the Harvard plan

→ 4th highest enrollment of minorities in the country

Center for Individual rights

① Law school has to prove that needed to use race to get academic diversity.

② Law School has given too much weight to race.

Want race to have "rough equivalence" to other "diversity" factors.

(like being an athlete).

of Blacks who score over Univ. of Wash mean SAT score = 200 nationwide

→ Enroll far more whites on diversity criteria

94 offers to

63 W
9 B

 w/ scores below mean (IT'S)

97 offers to

116 W
5 B

 w/ scores below the mean

State is 10% Asian

70/175 target for in-State

Applicant pool is > 10% minority

1st step: look @ top 10% by #s

2nd step: Admissions Dean

looks @ all the rest

Can admit/deny/defer to full committee

3rd step: The committee (9 people (3 students))

60%
of those
she admitted
are minority
Admissions
Committee

② Supposed to stop taking race into account once you have ~~to stop~~ enough diversity to achieve & educational benefits of diversity (?)

It will struggle with how we know how much diversity is enough
What are the bounds (?) to taking race into account?

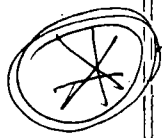
→ What about this as a First Amendment
(Academic freedom)
issue?

- Powell based a lot of his
opinion on this

- BUT - we have a lot of narrow tailoring
jurisprudence

How we tie use of race to the goal → narrow tailoring

CR → Diversity needs ^{to be} more than the minority percentage.



Interesting: being a member of a ^{racial or ethnic} group is not enough.

Would have to show some connxn to this community to get the ⊕ factor for race.

DOJ (?)

① Defense of Bakke

② Title VI stuff

Its argue that damages need to be assessed against univ., even if program blessed by Exec. branch.

Late summer
→ summary judgment

⊕ ② a reasonable applicant
of the plan
consistent w/ the
Constitution

Intervene?

③ Witnesses
(from the PIR?)