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REMARKS BY THE HON. LEONARD GARMENT, SPECIAL
CONSULTANT TO THE PRESIDENT, TO THE EQUAL EMPLOYMENT
OPPORTUNITY OFFICERS OF THE DEPARTMENT OF THE INTERIOR
WASHINGTONIAN MOTEL - GAITHERSBURG, MARYLAND
MARCH 21, 1973

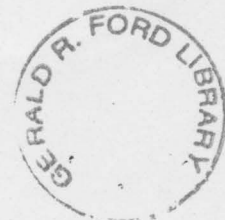
GARMENT REMARKS TO INTERIOR EEO OFFICERS

What I would like to do is use this occasion to discuss a policy position in an important EEO area; namely the federal government's developing relationship with State and local governments in making sure that the latter bring their own personnel systems up to the EEO standards required by law.

What I am going to say represents something more than a casual statement of my personal views. It is based on an agreement worked out with care among representatives of the various Executive Branch agencies which have responsibility in this area. Inevitably, the more authoritative a statement is, the duller it is -- and while I will try to minimize this problem, I hope you will recognize that it is unavoidable.

The Federal Government is involved with State and local governmental personnel systems in a number of ways.

First, the new amendments to Title VII of the Civil Rights Act, known as the Equal Employment Opportunity Act of 1972, give the EEOC and the Department of Justice new enforcement responsibilities for eliminating discriminatory employment practices among State and



local governments, including authority for the EEOC to seek Court enforcement of its decisions and authority for the Department of Justice to bring civil actions against State or local governments.

Second, under the Intergovernmental Personnel Act, the Civil Service Commission assists State and local governments; for instance the Commission gives grants to improve testing and selection procedures. One of the Commission's objectives in this assistance is to help ensure nondiscrimination in the various State and local personnel systems.

Third, the federal government pays the expenses of some State and local service-delivery systems, e.g. the U.S. Employment Service, in which the local workers remain local, rather than federal, employees. Regulations under these laws require that such local systems be operated on a non-discriminatory basis.

Fourth, state and local governmental units, insofar as they may be contractors with the federal government, are covered by Executive Order number 11246, which forbids discrimination on the part of the federal contractors.

We thus have four separate government agencies -- EEOC, the Civil Service Commission, Justice and Labor -- directly involved in advising (or in some cases instructing) State and local governments



as to how to discharge their legal responsibilities to ensure nondiscrimination in their personnel systems. When it is a matter of arguing cases in court or drafting consent decrees -- as frequently occurs -- the Department of Justice must speak for the entire Federal Executive Branch in defining what are acceptable or unacceptable remedies on the part of State or local governments which have been delinquent in their equal opportunity responsibilities.

The moment we have four different agencies which deal with State and local governments in the same operational field, we have the challenge of making sure that each of the four follows the same policies and guidelines as to proper and improper ways to move from a discriminatory to a nondiscriminatory personnel system. Nothing is more frustrating to State and local officials than to get conflicting "signals" and advice from different sources in the Federal Executive Branch. Every reasonable effort must be made in this particularly complex and sensitive area to avoid multiple interpretations and the ensuing confusion.

The policies I am about to discuss reflect an attempt at a unified approach on the part of the four Federal agencies just mentioned.



All four agencies agree that there is no conflict between a true merit selection system and equal employment opportunity laws -- because each requires nondiscrimination in selection, hiring, promotion, transfer and layoff, and each requires that such decisions be based upon the person's individual ability and merit, not on the basis of race, color, national origin, religion or sex.

All four agencies recognize that goals and timetables are appropriate as a device to help measure progress in remedying discrimination. Furthermore, all four agencies recognize the basic distinctions between permissible goals on the one hand and impermissible quotas on the other. Let me elaborate on these points of agreement specifically.

In the employment context, a quota would mean the application of a fixed number or percentage of persons of a certain group that would have to be hired; the crucial consideration would be whether the mandatory numbers of persons had in fact been hired or promoted. The fixed number would have been derived from the population in the area or some other numerical base, regardless of the number of vacancies or the number of potential applicants who would meet necessary qualifications. If the employer failed to meet the fixed requirement, he would be subject to sanction. It would be no defense,



under a quota arrangement, for the employer to argue that the quota may have been unrealistic to start with, that there were insufficient vacancies or that there were not enough qualified applicants available although he tried in good faith to obtain them through appropriate recruitment methods.

A goal, on the other hand, is a numerical objective, fixed realistically in terms of the number of vacancies expected, and the number of qualified applicants available in the relevant job market assuming affirmative recruitment efforts. An employer is not expected to displace existing employees or hire unneeded or unqualified applicants to meet a goal. If the employer has demonstrated a good faith effort in advertising and recruiting eligibles under an affirmative action program, but still cannot find enough qualified applicants to meet his goal, he is not subject to sanction.

Under a system of goals, therefore, an employer is not required to hire a person who does not have qualifications needed to perform the job successfully; an employer is not required to hire an unqualified person in preference to another applicant who is qualified; an employer is not required to hire a significantly less qualified person in preference to a better qualified person, provided that the qualifications used to make such relative judgments realistically measure the person's ability



to do either the job in question, or other jobs to which he is likely to progress.

Unlike quotas, therefore, which call for a preference for the unqualified over the qualified, or of the significantly less qualified over the better qualified to meet whatever is the numerical requirement, a goal recognizes that persons are judged on individual ability, and therefore the setting and fulfilling of goals is consistent with the principles of merit hiring.

In sum, goals, timetables and affirmative action programs are a process designed to work toward the elimination of discrimination by breaking down barriers of habit, attitude and training which prevent the recognition of individual merit. Quota systems, on the other hand, can actually compound discrimination by establishing arbitrary numbers that take no account of individual merit. Under the quota system, the individual qualities of particular employees virtually disappear; what counts are those attributes which the employee happens to share with some larger group -- even though these attributes are unrelated to the work in question.

Making all these distinctions work in practice is bound to be delicate and a difficult task. Dissatisfaction with particular applications by one



side or the other is inevitable. This is the case with most of the important questions of public administration in our complex society. Determining just what constitutes good faith, for example, can be a subtle process involving highly subjective considerations and difficult questions of fact. But each day administrative officials must make thousands of controversial judgments concerning other highly discretionary areas of social policy.

In the absence of sensitive administration, affirmative action plans can quickly be transformed into de facto quota systems. It is easy and tempting for those who enforce such plans to substitute arbitrary quantitative measurements for more complex criteria in measuring compliance, to give undue weight to proportional representation in working out goals and timetables, and to allow the goal of advancement for every person on the basis of individual merit to yield to the effort to vindicate group rights.

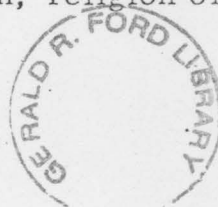
When these things happen, the reaction is inevitable: resentment and resistance builds against the whole idea of affirmative action. It is seen as a sham, a semantic trick for disguising what turns out to be a quota system after all. And out goes the proverbial baby with the bath water.



The President has reaffirmed his support for affirmative action programs and his opposition to quotas. The apparent deterioration of the distinctions discussed above, prompted his instruction to federal officials last August to re-examine their procedures and to take whatever remedial actions are necessary. What I am reporting on today is part of that continuing process.

This effort is not a retreat from strong affirmative action programs. There is no truth to the rumors which predict such a retreat. There is, however, every reason to work to protect true affirmative action programs by preventing their fatal transformation into de facto quota systems. For if that happens, the crucially important struggle for equal opportunity will inevitably be set back. State and local governments must be able to count on not only the senior officers of the EEOC, the Civil Service Commission, the Department of Labor and the Department of Justice, but also each and every one of their representatives in the field, to recognize and respect these distinctions and to carry out the President's policy in a unified and consistent fashion.

Turning now to specifics, the question is this: when a State or local personnel system has been challenged on grounds of discrimination involving race, color, national origin, religion or sex, and has been



found by the EEOC, the Civil Service Commission, the Department of Labor, the Department of Justice or the Courts as having in fact used such discriminatory practices, what are the proper remedies to be sought, either administratively or in Court?

In other words, in light of my previous general discussion of agreed principles relating to goals and quotas, to what extent should the responsible federal agencies attempt to intervene and alter State and local governmental personnel systems? What specific steps should they take or argue that Courts take in such interventions?

There are some cases where administrative agencies or Courts find that the patterns and practices of discrimination have been deep and persistent. (The particular factual circumstances are most important; no case stands apart from the months and years of history of personnel administration in the particular State or municipality.)

The four agencies — Justice, EEOC, Labor and the Civil Service Commission — agree that if a State or local government's personnel system is administratively or judicially found to be discriminatory, that system must be changed and that the following remedies are appropriate means to do so:

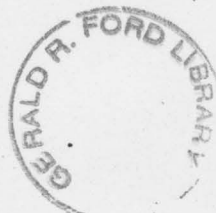


First, where an individual person has been found to be the victim of an unlawful employment practice, he or she should be given priority consideration for the next expected vacancy, regardless of his or her relative "ability ranking" at the time the new hire is made - because were it not for the act of discrimination, he or she would in fact be on the job.

Second, affirmative action plans need to be utilized to fill additional available vacancies, and the key to such plans is often an imaginative program of advertising and recruitment in order to open up sources of eligible applicants which had simply never been sought out before.

Third, numerical goals should be utilized, the President having characterized them as "an important and useful tool to measure progress which remedies the effect of past discrimination".

Fourth, if necessary, it is appropriate for a court to order an employer to make a good faith effort to meet the goals and timetables, and for a court to impose hiring goals on an employer who has engaged in racial or ethnic exclusion or other unconstitutional or unlawful employment practices. In some job classifications, in which the



newly hired person learns, on the job, the skills required, and where there is no extensive education, experience or training required as prerequisite to successful job performance, many applicants will possess the necessary basic qualifications to perform the job. While determination of relative ability should be made to accord with required merit principles, an employer should be expected to meet the goals if there is an adequate pool of qualified applicants from the group formerly discriminated against from which to make selections. If the employer in these circumstances do not meet the goal, he has the burden to justify his failure.

Fifth, the four agencies agree that in State or local governmental employment cases where selection procedures are alleged to be structured on a merit basis but are in fact discriminatory, such procedures must be changed. The State or local government will be expected to devise or borrow a selection procedure which is as objective as possible, and is likely to be proved valid, and is not likely to perpetuate the effects of past discrimination. If the hiring goal, referred to in step 4, is not being met because of this interim selection procedure, that procedure and other aspects of the affirmative action program will have to be revised and in such a way that the procedures which are used do not raise artificial or unnecessary barriers.



Sixth, it is agreed that under any interim selection procedures, it will not be fair to impose on those persons who have been excluded from employment because of past discrimination new tests or standards more severe than those used by the employer in selecting from the previously eligible groups, unless the new standards are required by business necessity.

Finally, it is agreed that administratively or through the courts we will urge and we will help the State or local employer to develop a valid, job-related, merit selection procedure as rapidly as circumstances permit.

At the very heart of a merit system, of course, is a set of selection procedures which allow applicants for a new job or a better job to be objectively rated and scored. Once there are scores, there is a rank order "ladder" and merit principles demand that the rank ordering be respected. It is essential of course, that if such ladders are going to be used in that fashion, the tests or other selection procedure on which those all-important scores are based must be devoid of discrimination with respect to race, color, national origin, religion or sex. In the words of the Supreme Court, the Civil Rights Act --

"prescribes not only overt discrimination but also practices that are fair in form but discriminatory in operation. The touchstone is business necessity. If an employment practice which operates to exclude Negroes cannot be shown to be related to job performance, the practice is prohibited."

and, further, that:

"... good intent or the absence of discriminatory intent does not redeem employment procedures or testing mechanisms that operate as 'built-in headwinds' for minority groups and are unrelated to measuring job capability."



A task to which the Civil Service Commission expects to give high priority is that of aiding State and local governments to improve all aspects of their personnel administration so that discrimination is eliminated from all their selection procedures. If it has engaged in a pattern of discrimination in the past, of course, the employer has an obligation to take affirmative steps to eliminate the present effects of that discrimination. Such steps may include recruiting, and setting goals and timetables.

When progress has been made to eradicate the effects of such practices, and selection procedures can be developed and put into effect which meet the Supreme Court's standard, then a true merit system exists. When that happens, as I said at the beginning, there is no conflict between a true merit system and the Civil Rights Act since both of them include nondiscrimination as a sine qua non.

The general principles which I have discussed and the specific steps which the EEOC, the Civil Service Commission, the Department of Labor and the Department of Justice have concurred in, constitute a framework of reasonable certainty on which State and local government can rely in their developing relations with the Federal Government.

Future interagency differences will almost inevitably arise -- but these will be identified and discussed; we hope State and local governments will call cases to our attention where this process of coordination needs sharper focus and better definition. Although the Courts may go further than these

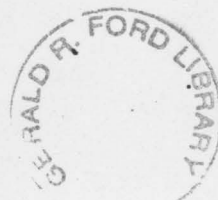


principles and strike out in direction of their own, as of today there is yet no great inconsistency between what the Courts have said and what we have spelled out here.

With general revenue-sharing now a reality and with special revenue sharing bills pending for Congressional consideration, the several States and the many municipalities -- and we ourselves in the federal government -- all want to make sure that State and local personnel systems are models of fairness.

We also wish to ensure that the principles we apply to our efforts to eliminate discrimination at all levels of public employment are consistent with our efforts vis a vis private employment. These remarks have the added objective of aiding in that coordination process as well.

I repeat: difference of interpretation will almost certainly continue to arise. There are many words of art in the interagency agreement which forms the basis for this speech this morning -- words which will require men of wisdom and good will in cooperating institutions at every level of our federal system to work together to find more precise definitions which define general principles in the light of concrete experience and common sense.

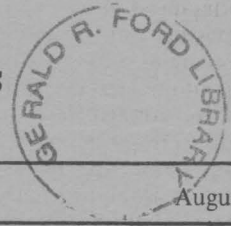
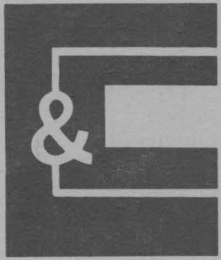


State and local governments can be assured of cooperation by the affected federal agencies in moving toward this objective. The process will be what Reinhold Niebuhr described in defining democracy which he characterized as the constant seeking after "proximate solutions to insoluble problems."

The first step in this process of course is for us in the federal Executive Branch to work with one another. If we fail to do that, our own disagreements will simply become magnified as they get farther from Washington - and the resulting confusion and reverse discrimination will produce a backlash which will prevent us from achieving even the most modest objectives.

Within the Federal Government's own civil service system, the Civil Service Commission is by law the agency responsible for ensuring the steady progress of our own equal employment opportunity program. The principles enunciated here of course apply to our own Civil Service system. We uncover problems too -- and we are addressing them with good results. We shall continue that forward motion with the help and dedication of men and women like yourselves.





EMPLOYMENT BARRIERS: The Enduring Consequences of a Brush With the Law

"When a releasee is denied the means of making an honest living, every sentence becomes a life sentence."

—former U.S. Attorney General
John Mitchell, 1971

With so many people in official top positions now being implicated in high crimes, it is an appropriate time to assess the barriers these persons may face to future employment. These barriers are the same barriers society has long tolerated for its less advantaged members. It is now time to re-examine the rationale behind restricting employment to those with "clean records", as well as the extent of such employment barriers.

Arrest Records

The potential damage that an arrest record may have on employment possibilities affects most people, and especially males, in today's society. According to the President's Crime Commission, the probability of being arrested is 60% for white urban males, and 90% for black urban males. The widespread prevalence of arrest records and its impact on the disadvantaged has already hindered the success of some programs to hire the hard-core unemployed. In one OEO program, it was found that 50% of the re-

cruited candidates faced the barrier of admitted criminal records.

When this barrier is erected, it is inequitable for a number of reasons. For many years, blacks were subject to "investigative arrests", which, studies showed, bore little relationship to actual criminal conduct. Moreover, other studies show that high proportions of males who have never been arrested admit to having committed acts for which they could have been arrested. If employers used polygraph tests rather than arrest records to screen candidates, it would be much more difficult to fill any position. An illustration points up a final reason for the inequity of screening employees with arrest

The National Conference on Citizenship is sponsoring a meeting to explore evolving concepts of citizenship in America, September 16-17, 1973 at the Statler Hilton Hotel in Washington, D.C. Cooperating organizations include PAC, the American Bar Association, the AFL-CIO, and the National Council of Churches. For more information on registration, contact Ms. Rochelle Brewer of the Public Affairs Council.

records. A personnel audit of a Chicago firm that refused to hire anyone with an arrest record revealed that the vast majority of its most successful employees had in fact been arrested. Though there are justifications for restricted use of arrest records, especially of information regarding uncleared arrests, the blanket application of this employment test seems less justified.

Regarding the extent of the arrest record as an employment barrier, Herbert Miller, Associate Director of the Institute of Criminal Law and Procedure at Georgetown University concludes in his recent book, *The Closed Door*, "There can be no doubt that the existence of arrest records and their use is all-pervasive in our society and that millions of individuals may be hampered in their efforts at finding jobs and pursuing careers because of their records." Their

use, however, is probably more pervasive among public agencies than it is among private employers. Studies of the late sixties found that 70-80% of private employers excluded employment candidates who had arrest records. The number of large corporate employers in New York asking for arrest record information on employment applications fell from 70% in 1967 to about 45% in 1972, according to a study by the New York City Urban Coalition. This survey, however, does not include verbal requests for such information. Moreover, despite this particular study, Neal Miller, a consultant to the American Bar Association, concludes in an unpublished study that, on a nationwide basis, "most employers, particularly smaller firms and public agencies, utilize arrest records in their decision-making. In part, this occurs because most employers are not aware of its illegality; the exception to this rule being the large corporations which can afford house counsel, and where we have already noted the trend away from asking about arrest records."

Among current restrictions on the use of arrest records, Illinois adopted a law forbidding its written use in employment applications in 1971, and Massachusetts adopted a stricter Antidissemination Act in 1972. A number of other jurisdictions, including Ohio, Iowa, Minnesota, Michigan, and California, have interpreted their fair employment laws and anti-discrimination provisions to forbid arrest record questions. The impact of such state laws and interpretations is somewhat mitigated, however, by the fact that these records are regularly supplied to the FBI, which makes them accessible to potential employers in other states.

Court decisions have more clearly made the use of arrest records by private employers illegal. Under a theory of right to privacy, *Menard v. Mitchell*, 328 F. Supp. 718 (D.D.C. 1971) enjoined the FBI from disseminating arrest records beyond the federal government or local law enforcement agencies. More importantly, an interpretation of Title VII of the Civil Rights Act of 1964 has directly outlawed *See EMPLOYMENT BARRIERS* (page 3)

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MINORITY ENTREPRENEURSHIP
IN PHILADELPHIA

Black Business Digest's new editorial department—Social/Economic Audit—has constructed a statistical model of minority business in the Philadelphia, Pennsylvania—New Jersey Metropolitan Statistical Area. They have also drawn a statistical comparison of majority/minority business relationships in that area.

The tables, even more than the words, of "Pennsylvania's Economy Booms—for Whites Only" are a scathing indictment of the commitment by government and American business to accept a larger share of the responsibility for helping minority businessmen. Table 1, a comparison of firms and receipts of majority/minority owned firms, shows 57 black wholesalers comprising .77% of wholesale firms and gathering .1% of wholesale receipts. This ties with manufacturing receipts for the lowest percentage of receipts in six categories. The highest, Selected Services, garners 1.9% of receipts through 2,674 black firms, 10.6% of the total number of firms dealing in selected services. Table 2 gives selected statistics for minority-owned firms in the Philadelphia SMSA by standard industrial codes.

The figures, say the Digest, indicate that "[a]s far as blacks are concerned, the nation's economic forces are too hung up over the ramifications of the Watergate expose to get on with the task of helping minority businesses to survive. The public consciousness is all about political hi-jinks in high places rather than with how the second biggest economic boom in history is bypassing the minority entrepreneur."

"[T]he outlook", continue the editors, "is agonizingly bleak for minority businessmen in Philadelphia . . . Economic exclusion and residual racism has created a class of consumers which neither manufactures nor vends enough goods to sustain even the most rudimentary economy. This exploited laboring class has been constrained to searching for employment parity, rather than being encouraged to become equal opportunity employers."

Copies of the July issue are available for \$1.00 from Black Business Digest, 3133 North Broad Street, Philadelphia, PA 19132.

THE BALTIMORE CITY FAIR
WORKS—AND HOW!

The Baltimore City Fair has become an annual event in Maryland's largest city. Successful by every measure, it drew 1.3 million people last year. The crowds, always friendly, responded to the format of an old-fashioned country fair, which

features the neighborhoods, institutions, cultural attractions and culinary specialties of the Harbor City.

The gigantic effort, involving the work of more than 10,000 Baltimoreans, is coordinated by 40 volunteers in six months of spare time activity. Only the secretary has a paid staff position. An executive director has been loaned by large corporations for the past two years. Corporate monetary support over the past three years has come to more than \$150,000, which represents the fair's total financing.

The result is a three-day festival of city life, a festival that is both fun and enormously successful. The trepidation with which it was approved three years ago has long been replaced by enthusiastic support. Without rhetoric, the Fair provides people of diverse backgrounds—Poles, Greeks, Italians, Blacks, Slavs, Jews and others—the opportunity to work together and to come to know each other.

For further information about the Baltimore City Fair, contact Ms. Sandy Hillman, Baltimore Promotion Council, Inc., 102 St. Paul Street, Baltimore, MD 21202. (301) 727-5688.

MORE ON TRANSPORTATION

Some recent publications on traffic and transportation have reached our desks since "Corporations Battle Auto Smog" was printed in last month's C&C.

The Highway Research News, No. 50, carries an abstract of an article which says free bus service holds the solution to much of the urban transportation problem. The researchers claim free rides will make public transportation economically feasible and thus attractive to both present users and to auto riders. They base this claim on the results of a test of the economic feasibility of free public transit through mathematical calculations and on the results of a public survey. Copies of HRN, #50, can be obtained for 50¢, prepaid, from the Highway Research Board, 2101 Constitution Avenue, N.W., Washington, D.C. 20418. The entire research study may be ordered for \$2.54, prepaid, from the Board. Ask for Research Record #427.

The U.S. Department of Housing and Urban Development has released a report on another aspect of transportation. "Vehicle-Free Zones in City Centers" finds that pedestrian streets and vehicle-free zones show not only decreased air and noise pollution, but also increased use of the area for leisure time, with the possibility of revitalizing the inner city. The experiences of five cities in which the experiment has been tried are described.

The report can be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, for 40¢. Ask for "HUD International Brief No. 16", stock order #2300-0194.

A four-page summary of the transportation situation, including the above studies and EPA's thoughts on the matter is contained in the June 26, 1973 issue of Corporate Responsibility, available from the International Arts and Sciences Press, Inc., 901 North Broadway, White Plains, NY 10603.

A UNIQUE DONATION FROM
AMERICAN FAMILY LIFE TO
BIG BROTHERS OF AMERICA

American Family Life Insurance Company of Madison, Wisconsin has donated a television commercial to Big Brothers of America. Big Brothers, which had seen the commercial when it carried the insurance company's message, approached American Family Life, requesting the commercial and asking that the voice be changed. American Family Life responded gladly.

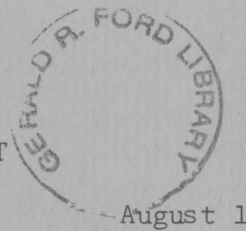
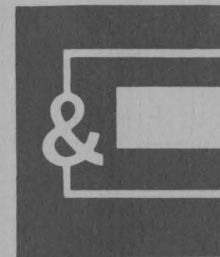
The commercial, which has been running for the past few months, shows a boy and his father playing together in a rural setting to the rhythm of a heart beat. Suddenly the heart beat stops and the father fades from the picture. As the boy's face saddens, an announcer tells of the pain of losing a father but that the loss is made easier if the boy can turn to a Big Brother—and "a man never stands so tall as when he stoops to help a boy."

W. Robert Koch, president of American Family Life, believes this to be the first case of a company donating a television commercial, but hopes that other companies will soon be searching their commercial files for the same purpose. American Family Life, which spent about \$12,000 to produce the original commercial, also contributed staff time and another \$1,500 to change the announcer's message, make 25 prints for Big Brothers and arrange the necessary Screen Guild releases.

For further information concerning this unique donation, contact W. Robert Koch, President, American Family Life Insurance Company, 3099 East Washington Avenue, P.O. Box 471, Madison, WI 53701. (608) 249-2111.

OF CORPORATE INTEREST

Exxon Company, U.S.A. is producing a beautifully done and interesting in-house publication. The second quarter 1973 issue of Exxon USA contains,



CONGRESSIONAL DISTRICTS IN THE 1970s is a most valuable resource and reference book, recently published by Congressional Quarterly. It contains a complete demographic and economic profile of every congressional district in the nation, including: a percentage breakdown for race and ethnic groups in the district; a listing of the cities, and their populations, in the district; the universities, and their enrollments, in the district; every newspaper, along with its circulation; commercial television stations; and MOST IMPORTANTLY, EVERY PLANT AND OFFICE IN THE DISTRICT, ALONG WITH THE PRODUCT PRODUCED AND EMPLOYMENT. This is an up-to-date reference work, based on the 1970 census, and with a 1973 copyright date.

This book is available from Congressional Quarterly, 1735 K Street, N.W., Washington, D.C. 20006 for \$10.00.

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THE USE OF LAND: A CITIZENS' POLICY GUIDE TO URBAN GROWTH contains 63 recommendations of the Task Force on Land Use and Urban Growth of the Citizens' Advisory Committee on Environmental Quality. Outstanding members of the task force included Laurence S. Rockefeller, Dr. Paul N. Ylvisaker, the Honorable John F. Collins, Walter E. Hoadley, Vernon E. Jordan, and John R. Price. The Task Force expresses the conviction that: "There is no need for people or their governments to accept a future of relatively continuous urbanization in which individuals and communities lose their identities. Nor is there need to put up with some of the suburban barriers that limit the mobility of people of modest means. Nor is there need to accept development stretching along the edges of roads and sprawling across scenic hills and valleys, forests, and farms. There is opportunity, in short, to have urban regions that contain natural beauty, to have new urbanized areas which are more varied and satisfying than those we are familiar with."

The Task Force surveyed major reports on land use and conducted field studies in Florida, Long Island, New York, Colorado, and California. They conclude that "no growth" is not a viable option, but make the following suggestions:

1. Local governments should require developers to contribute open space sufficient for the needs of their developments.
2. Enact a National Land Use Policy, encouraging state regulation to recognize both environmental and developmental priorities.
3. Public land should be acquired and development rights purchased to insure adequate open space and buffer zones between urban areas.
4. Restrict the use of privately owned land.
5. Reexamine earlier Supreme Court precedents, requiring a balancing of public benefit against land value loss, and giving priority to public benefit, so "a mere loss in land value will never be justification for invalidating the regulation of land use."
6. Apply the environmental impact statement process to the discretionary review of conduct by development agencies.
7. Enact state and local laws which would disqualify state and local officials from voting or participating in any regulatory decision whose outcome could confer

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upon them financial benefit. Officials should also be required to file financial disclosure statements.

8. Governments should channel as much development as possible into new communities and growth units.

9. The states should establish government entities, comparable to New York's Urban Development Corporation. These entities should have a full range of power of eminent domain, the power to override local land-use regulations, and the power to control the provision of public utilities.

10. Congress should enact a National Land Use Policy Act authorizing federal funding for states to assert control over land use of state or regional impact or concern.

The Use of Land: A Citizens' Policy Guide to Urban Growth will be available in September from its publisher Thomas Y. Crowell Company, New York, and from some bookstores. The cost is \$10.00 in hardcover and \$3.95 in paperback.

* * *

EMPLOYMENT AND ADDICTION: OVERVIEW OF ISSUES by Hugh Ward is an invaluable 55-page booklet that offers a concise, but comprehensive, review of current literature in the field of drug-employment-treatment programs. Mr. Ward refers the reader to other valuable books, including the American Management Association's Drug Abuse and Your Company, by Susan Halpern. "Employers wishing to develop policy statements and programs will find this book valuable." Mr. Ward also refers to a study by Ira Goldenberg, Employment and Addiction: Perspectives on Existing Business and Treatment Practices, the most comprehensive work produced so far. Goldenberg, who studies the situation in the greater Boston area, concludes that employers and treatment programs are completely out of touch.

Mr. Ward also traces the course of the corporate reaction to drug problems over recent years. "In some sense", he claims, "1970 was the year of panic and prevention for employers. In 1971, however, a different approach emerged. Employers began to provide treatment for currently employed drug abusers--as they were already doing for alcoholics. Mr. Ward's review of treatment programs is confined to the New York scene. In Chapter V he even offers a cogent and critical dissent to Eli Ginzberg's recent book, New York is Very Much Alive. In Chapter IX, entitled "Getting Jobs", he has good words for the job development approach, which is gaining in acceptance and tries to bring the shared objectives of the employer, the treatment program, and the prospective employee into accord. Though such companies as Metropolitan Life, Chemical Bank, Consolidated Edison, and Gimbel's have been in the forefront of hiring ex-addicts, Mr. Ward finds that overall progress among large employers has been slight, with most addicts hired by small firms. He does not place blame on the large employer, however, and in fact criticizes the Temporary State Commission on Drug Abuse for chastizing the major companies.

The tone of the review is best exemplified by this statement from Mr. Ward's "Summary of Recommendations": "Those in the treatment community must stop viewing employers, public and private, as the enemy and must begin to work constructively to form a partnership which will be mutually beneficial". It should be noted that Mr. Ward worked for the Equitable Life Assurance Society for eight years.

Employment and Addiction was published in June and may be obtained from the Drug Abuse Council, 1828 L Street, N.W., Washington, D.C. 20036. The cost is \$1.25 per copy, or 75¢ per copy for all orders of ten copies or more.



among others, articles on ecology and conservation. Balanced and informative, two of the three most significant articles cover the history and philosophical origins of the environmentalist movement, analyzing its political significance; and identify five economic realities which environmentalists must recognize if they wish to succeed in conserving the environment. "An End to Us Versus Them", describes the San Francisco Bay Area Environmental Information Clearinghouse, the first organization in the country which is 1) serving as a central clearinghouse for environmental information; 2) establishing communications between groups concerned with environmental matters; and 3) providing a mechanism to bring businessmen and environmentalists together on projects of mutual interest. This article alone makes the issue worth obtaining. For copies contact the Public Affairs Department of Exxon Company, U.S.A., P.O. Box 2180, Houston, TX. 77001.

First Pennsylvania Bank has printed a "Social Scorecard" which gives figures for the Bank's activities in areas of corporate responsibility for the years 1971 and 1972, with a plan for 1973. In releasing the figures, Bank President James F. Bodine commented that public disclosure by one company "encourages disclosure by others and stirs up the natural business instincts to do better than the competition." In describing the need for a social audit President Bodine also touched on the changing nature of the corporate urban affairs/social responsibility function. "It appears", he said, "that the next few years will be marked not by a new round of innovative social programs, but by a quiet assessment of those that are in process." For copies of "Social Scorecard", contact Ms. Jean C. Hayes, Assistant Director, Public Relations, First Pennsylvania Bank, Fifteenth & Chestnut Streets, Philadelphia, PA 19101. (215) 786-5000.

The Challenge of Youth Service Bureaus is a new publication from the Department of Health, Education and Welfare. Compiled by the Youth Development and Delinquency Prevention Administration of the Social and Rehabilitation Service, this work studies 222 youth service bureaus throughout the United States. The general findings cover typical programs, patterns of organization, funding and staffing, participants and primary objectives. "Program Examples" is, perhaps, the most interesting chapter, citing such programs as drug abuse, hotlines, runaway services, youth-

police relations, advocacy and others, as they are practiced at specific centers. An interesting conclusion the study draws is that "Who sponsors the youth service bureau is less important than whether or not the sponsoring body has enough power and commitment to see the program carried through." An address list of the 222 responding youth service bureaus, of the 262 identified by the national census conducted during the course of the study, is included in the booklet. Corporate urban affairs officers interested or involved in youth services will find this study both interesting and informative. Copies of "The Challenge of Youth Service Bureaus" are available from the U.S. Dept. of Health, Education and Welfare, Washington, D.C. 20201. Cite DHEW Publications No. (SRS) 73-26024 when ordering.

* * *

"THE URGENT NEED: FISCAL PLUS SOCIAL RESPONSIBILITY"

From an address by E. Sherman Adams, Senior Vice President and Economist, The Fidelity Bank, Philadelphia, at the 80th Session of the Conference of National Organizations, Williamsburg, Virginia, May 10, 1973.

(Copies of the entire address may be obtained from Mr. Adams at the Fidelity Bank, Broad and Walnut Streets, Philadelphia, Pennsylvania 19109.)

* * *

... It is important to all Americans, therefore, that fiscal policy should be both fiscally and also socially responsible.

At the risk of sounding reasonable, I would say that revenue sharing is likely to work out well in some cases but not in others...

... Local governments have often proven less responsive to the needs of the poor than to the established, influential elements in the community. To put it more bluntly, they have shirked paying a fair share of the cost of coping with their own social problems...

At the present time, we simply do not know which level of government performs which functions best. My own feeling is that we should experiment with revenue sharing on a smaller scale until experience has demonstrated in what fields it may work well and how it should be organized...

... The Office of Management and Budget has stated that "The 1974 budget incorporates the results of an intensive effort to identify programs that could be reduced, terminated or reformed." But there is little evidence that this kind of zeal was applied to the defense budget. It certainly ought to be.

EMPLOYMENT BARRIERS (continued)

a private employer's request for arrest record information. In Gregory v. Litton Systems, Inc., 316 F. Supp. 401 (C.D. Cal. 1970), it was held that a request for such information implicitly discriminates against black persons. Taking note of statistics showing that a disproportionately greater number of blacks were arrested than whites, the court held that "an apparently racially neutral questionnaire actually operated to bar employment to black applicants in far greater proportion than to white applicants." In a decision that enjoined a municipal fire department from asking applicants for information concerning prior arrests, Carter v. Gallagher, 452 F.2d 315 (8th Cir. 1971), reached a similar result on due process grounds. In addition to the foregoing cases, there is strong dicta in the job-ability test case of Griggs v. Duke Power Company, 401 U.S. 424 (1971) that requests for any type of information from a job applicant must be job related. The Gregory case applied this dicta in ruling that an employer must demonstrate a "reasonable business purpose", when it requests information.

The writing of EEOC guidelines or federal statutes may develop more adequate enforcement mechanisms against the actual dissemination of arrest records. A review of such statutes is contained in the handbook, Removing Offender Employment Restrictions, published by the American Bar Association in January 1973. In the meantime, private employers have been able to circumvent existing restrictions on the use of arrest records. Phillip F. Fishman, Senior Staff Attorney for the St. Louis Legal Aid Agency has found in a recent study that even though it was the practice in New York City, San Francisco, Los Angeles, Chicago and Boston not to release arrest records for private use, "it appears that influential employers may often obtain such information." Private employers must now realize, however, that such conduct now makes them vulnerable to damage suits. One major company recently reached a modest out-of-court settlement of \$4,000 with an employee in Philadelphia. If settlements are made by court decision, however, they grow to higher amounts if the employer's conduct is continuous.

Obviously, a better course to pursue would be the drafting of voluntary guidelines as a new corporate policy statement. A number of organizations have drafted such guidelines, including the Los Angeles County Commission on Human Relations. However, the latest guidelines, accommodating the interests of both the employer and job applicant, have been drafted by the New York City Human Rights Commission. These guidelines,



viewed favorably by some corporations considering them, may be obtained by writing the Commission, at 80 LaFayette Street, New York, NY 10013.

Licensing

In addition to the employment restriction long represented by an arrest record, a smaller, though still significant, number of people suffer from another restriction. Ex-offenders are excluded from employment in many occupations due to licensing restrictions. Of about 4,000 licensing statutes in all the states, almost half, or over 1,900, contain restrictions to the ex-offender. These statutes fall into three categories—those with outright restrictions, those providing for “good moral character”, and those with a standard against a “crime involving moral turpitude.” But the effect of all three types is the same—the ex-offender is excluded. A study titled *Laws, Licenses, and the Offender's Right to Work*, recently released by the ABA, finds that over 350 occupations, involving 7 million job positions, are not open to the ex-offender. Forty-three states restrict the ex-offender from becoming a barber. This type of statute has generated a law suit in Colorado, brought by an ex-offender who has just graduated from a barber training program in prison. Thirty-eight states similarly restrict the occupation of dental hygienist, while 49 states apply such restrictions to morticians. Seven states will not license an ex-offender as a plumber, while ten states—including New York and California—will not allow them to work for employers that manufacture, retail, wholesale or distribute alcoholic beverages. Occupations affected by these beverage control laws include waiters, waitresses, bartenders, dishwashers, and deliverymen.

Legislative movement in this area seems to be going both directions simultaneously. On the one hand, seven states have enacted laws providing that a person cannot be denied a license solely because of a criminal offense; six other states are now considering enacting such laws. On the other hand, state licensing of occupations is expanding, so ex-offenders, in some states, may face growing restrictions in additional occupational areas.

A model licensing statute developed by the Institute of Criminal Law and Procedure of the Georgetown University Law Center, as well as reform statutes in California, Florida, and the state of Washington are contained in the previously noted ABA study.

Bonding

In areas of the private employment market where there are no licensing restrictions, many employers believe there are other barriers to employing the ex-offender. Occasionally, however, these beliefs are erroneous. For instance, the reluctance of many bonding companies to bond an ex-offender has been met by a special Federal Bonding Program. This program, allowing a maximum bond of \$10,000, is sufficient to handle most situations. However, where bonding companies provide only “blanket bonds” (coverage of all employees working for a company), a special arrangement must be made by the employer. Some employers have even been able to persuade bonding companies to change this policy in order to retain the employer's business. These methods of acquiring bonding have led Hugh Ward, writing for the Drug Abuse Council, to conclude that “There are very few companies that can't get bonding to cover rehabilitated addicts with criminal records if they really wish to do so.”

Conclusion

For the ex-offender, and for those who have had less serious encounters with the law, unjustifiable barriers to employment exist. A small number of corporations have found that, in removing these barriers to employment or in helping to make them surmountable, they are serving their own interests as well as those of society at large. We will discuss some of these efforts in future issues of C&C.

Copies of any of the publications mentioned in this article may be obtained from the American Bar Association, National Clearinghouse on Offender Employment Restrictions, 1705 DeSales Street, N.W., Washington, D.C. 20036.

—John Holcomb

APPOINTMENTS TO THE BOARDS OF DIRECTORS OF MAJOR CORPORATIONS

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Samuel R. Pierce, Jr.

Published by
PUBLIC AFFAIRS COUNCIL
1601 18th Street, N.W.
Washington, D.C. 20009
Telephone: 232-8844
Subscription for 1 year is \$10.
Additional subscription to same
Company—\$5.

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Editor: Louise S. Gudac
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THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: February 20, 1975

Time: 11:00 a.m.

FOR ACTION: Pat Lindh
Stan Scott ✓
Fernando DeBaca
Max Friedersdorf
Phil Areeda

cc (for information): Warren Hendriks
Jack Marsh
Jerry Jones
Robert Hartmann

FROM THE STAFF SECRETARY

DUE: Date: February 24, 1975

Time: noon

SUBJECT:

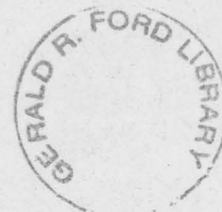
Memorandum to heads of departments and agencies
re Equal Employment in the Federal Government

ACTION REQUESTED:

☐ For Necessary Action☒ For Your Recommendations☐ Prepare Agenda and Brief☐ Draft Reply☒ For Your Comments☐ Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren R. Hendriks
for the President

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

JAN 31 1975

MEMORANDUM FOR WARREN HENDRIKS

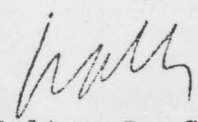
Subject: Memorandum from Chairman Hampton re Equal
Employment in the Federal Government

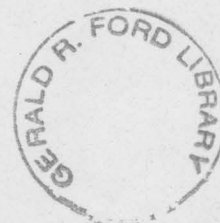
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We agree that no Executive Order is needed and that a strong statement by the President is the right approach. The tone of the CSC draft might be a bit too folksy and unnecessarily laudatory. The present grade distribution and work assignments of minorities and women does not indicate the rosy picture indicated in the draft and is an area where the Federal Government is most vulnerable to Court suit.

We suggest the following additions:

- a. The statement that "Our efforts must continue", would be strengthened by pinpointing areas where progress should be expected -- namely, minority and women employees at GS 13 and above.
(See our mark-up on Page 1.)
- b. Our review of the Federal EEO program over the last few years indicates that performance should be increased if additional emphasis is given to establishing accountability within the Federal service. Consequently, we suggest adding a sentence to this effect in the penultimate paragraph. (See our mark-up on Page 3.)


Walter D. Scott
Associate Director for
Economics and Government



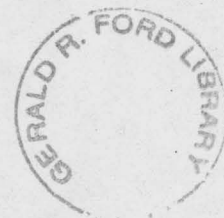
MEMORANDUM FOR HEADS OF DEPARTMENTS AND AGENCIES

Chairman Hampton of the Civil Service Commission recently reported to me on progress to assure equal opportunity in Federal employment. I have also reviewed the most recent statistics on the employment of minorities and women in the Federal Government.

Minorities and women have demonstrated their ability to compete successfully under merit principles. Over one-fifth of the jobs in Government agencies are held by Blacks, Spanish-speaking Americans, American Indians and Asian Americans. Nearly one-third of all Federal employees are women.

While I am encouraged by these figures, our efforts must continue. For example, within the general schedule and similar grade groupings, minorities represent only 5.2% and women only 4.5% (Federal employees at GS 13 and above). I therefore want you to know how I view equal employment opportunity. I urge you to provide strong leadership in your own organization.

Our Nation's strength is based upon the concept of equal opportunity for all our citizens. Decisions motivated by factors not related to the requirements of a job have no place in the employment system of any employer and particularly the Federal Government.



Moreover, men and women of all racial and ethnic backgrounds must be assured a fair opportunity to serve in positions where they can make a maximum contribution and participate in the decision-making process.

Equal employment opportunity doesn't just happen; it comes about because managers make it happen. I want equal opportunity to be reflected in every aspect of Federal employment. I have called on Chairman Hampton of the Civil Service Commission to keep me fully informed on the progress each Federal department and agency is making in this regard. Increased accountability on the part of Federal managers will help to promptly identify deficiencies and strengthen our EEO program at all levels.

Just as we will not condone preferences in employment decisions because of a person's race, ethnic origin or sex, we will not tolerate failure to vigorously carry out affirmative actions in support of equal employment opportunity. I am asking for your personal commitment and active cooperation in assuring that the American ideal of true equal employment opportunity is a reality in the Federal Government.

Please make my views known to all employees and managers in your organization. Their understanding of my objective is essential. Their support is required.

Gerald R. Ford



But more is required than non-discrimination^{and} prohibition of discriminatory practices. What is needed are strong affirmative actions to assure that all persons have an opportunity to compete on a fair and equal basis for employment and advancement in the Federal Government. Affirmative action includes recruitment activities designed to reach all segments of our society, fair selection procedures, and effective programs of upward mobility so that all employees have the opportunity to gain skills to enable them to compete for higher level positions. Such actions are under way in the Federal Government. They must be continued and expanded.

Although the Federal Government has employed large numbers of minorities and women, vigorous efforts to assure equal employment opportunity must continue, particularly in those geographical areas and agencies and installations where more progress is needed. There are program areas where special emphasis is needed. There is reason to believe, for example, that the skills of the Spanish-speaking as a group have not yet been fully tapped. Also, a much wider range of employment opportunities for women can be opened. We cannot and must not permit persons to be locked into jobs not commensurate with their potential. I am looking to you and to every manager in the Federal Government to assure that employees, without regard to their race, national origin or sex, have an opportunity for advancement in accordance with individual abilities.





CHAIRMAN

UNITED STATES CIVIL SERVICE COMMISSION

WASHINGTON, D. C. 20415

JAN 20 1975

MEMORANDUM FOR THE PRESIDENT

RE
The Federal Government, as an employer, has made and continues to make progress in assuring equal employment opportunity for all persons regardless of their race, color, religion, sex or national origin.

Attached are the most recent statistics on employment of minorities and women in the Federal Government. They show that over one-fifth of all Federal jobs are held by minorities and nearly one-third are held by women.

These overall figures reflect the success of broad-range programs of affirmative action to assure equal opportunity in Federal employment. As a result of expanded outreach recruitment efforts aimed at all segments of our society, large numbers of qualified minorities and women are coming into the Federal service at the entrance grades and pay levels and the statistics reflect this fact. They reflect also a decided trend of upward mobility; increasing numbers of minority group members and women are moving into the better paying and higher level jobs. In order to maintain and improve upon this progress, efforts must continue to assure that lower level employees, including those who need assistance to overcome the effects of past discrimination and disadvantage, have an opportunity to gain the skills necessary to compete for higher level positions.

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Attached is a proposed memorandum for your signature to accomplish this purpose. We have discussed the concept of this memorandum



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Robert Hampton
Robert E. Hampton
Chairman

Attachments



THE WHITE HOUSE
WASHINGTON

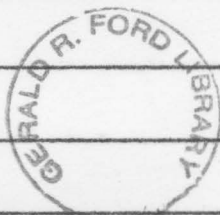
2/24/75
Date

TO: JOHN CALHOUN
HAZEL CORNWELL
PAT HUGHES

FROM: STANLEY SCOTT

ACTION:

*Xerox & return to
me ASAP for memo -*



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: February 20, 1975

Time: 11:00 a.m.

FOR ACTION: Pat Lindh
Stan Scott ✓
Fernando DeBaca
Max Friedersdorf
Phil Areeda

cc (for information): Warren Hendriks
Jack Marsh
Jerry Jones
Robert Hartmann

FROM THE STAFF SECRETARY

DUE: Date: February 24, 1975

Time: noon

SUBJECT:

Memorandum to heads of departments and agencies
re Equal Employment in the Federal Government

ACTION REQUESTED:

☐ For Necessary Action☒ For Your Recommendations☐ Prepare Agenda and Brief☐ Draft Reply☒ For Your Comments☐ Draft Remarks

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For the President



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OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

JAN 31 1975

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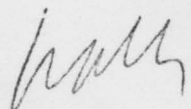
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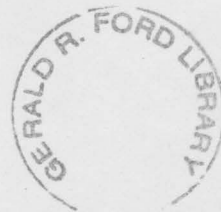
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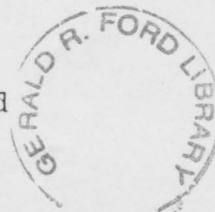
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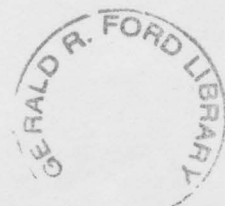
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CHAIRMAN

UNITED STATES CIVIL SERVICE COMMISSION

WASHINGTON, D. C. 20415

JAN 20 1975

MEMORANDUM FOR THE PRESIDENT

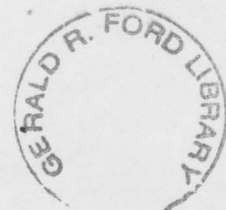
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Robert Hampton
Robert E. Hampton
Chairman

Attachments



Equal
Employment
Opportunity

U.S. Department of Labor
Manpower Administration

U.S. DEPARTMENT OF LABOR
MANPOWER ADMINISTRATION
WASHINGTON, D.C. 20213

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Washington, D. C. 20500

Equal Opportunity in Employment and Training

In the past if you were looking for work, for training to get a job with a future, or for services such as health or child-care to help you get or keep a job, chances are you'd have been referred to a Federal program like MDTA training, the Public Employment Program (PEP), or Neighborhood Youth Corps (NYC).

Those programs were helpful to thousands of poor, unemployed, and underemployed people. But sometimes programs operating out of Washington, D.C., have drawbacks. One is that people who are hundreds—or thousands—of miles away may not know as well or as quickly as local people what is happening in your community. Your community leaders, your mayor, your Governor, and you are in a better position to know what businesses are expanding, where jobs are opening up, which people need jobs, and what kind of training they need to qualify for jobs.

The New Law

In 1973 Congress passed the Comprehensive Employment and Training Act (CETA). This law provides funds for employment and training programs and puts them into your local community. Local government units operate their own programs. They—

- ☐ determine the job and training needs of the community,
- ☐ develop, and encourage industry to develop, job opportunities,
- ☐ provide or contract for services and training,
- ☐ pay allowances to workers in training,
- ☐ place people in jobs, and
- ☐ give workers help in keeping their jobs.

Change in Name

The programs you knew as MDTA institutional training or PEP may now have different names, since local manpower officials decide which programs to have and what they should be called.

But basically they will be doing the same things—furnishing help, training, and employment for jobseekers, and providing workers to employers who want to hire them.

No Change in Equal Treatment

There are some things the law does not change. And one of the most important is providing equal treatment and equal employment opportunity for all people regardless of race or color, creed, **handicap**, national origin, sex, political affiliation, or beliefs.

All the protections that were contained in previous legislation are included in the Comprehensive Employment and Training Act.

CETA strengthens the provisions against discrimination. The law was written to help the unemployed, the poor, the underemployed—the very people who are most often victims of discrimination. To assure that discrimination of any kind—whether conscious or unplanned—will not be practiced, Congress wrote into the act specific prohibitions against discrimination and artificial barriers to employment.

The main ones are:

Section 108 . . . a prime sponsor's plan will be revoked if the program practices discrimination or fails to give equal treatment to all the groups it should serve.

Sections 205 and 314 . . . programs must help eliminate artificial barriers to jobs and promotions; and the Secretary of Labor must provide guidelines for doing so.

Sections 208 and 603 . . . funds will not be given to any program unless the grant or contract contains a nondiscrimination clause.

Section 612 . . . the Secretary of Labor is authorized not only to withhold funds from programs which practice discrimination, but to take action under Title VI of the Civil Rights Act and other legislation.

The Law Protects You

All people involved in training programs under CETA—from the Secretary of Labor to the local program manager—are obliged to see that trainees, jobseekers, and workers placed in jobs through CETA programs get a fair deal. You cannot be ignored, kept out of a job or training, or overlooked for promotion because of your color, religion, sex, political belief, or national origin or because of a handicap that does not interfere with your ability to do your job.

This is what the law says. It protects you. And the people who run the programs are obliged to honor it.

1975





DEFENSE SUPPLY AGENCY
HEADQUARTERS
CAMERON STATION
ALEXANDRIA, VIRGINIA 22314

IN REPLY
REFER TO DSAH-KL

7 MAY 1975

Honorable Stanley S. Scott
Special Assistant to the President
The White House
Washington, D. C. 20501

Dear Mr. Scott:

Attached for your information are three copies of letter sent by General Wallace H. Robinson, Jr., the Director of the Defense Supply Agency, to all subordinate commanders, managers, and supervisors on 2 May 1975. General Robinson transmits a copy of President Ford's EEO Memorandum of 6 March, with emphases added to call attention to those passages in which the President stresses the need for line managers to assume responsibility and provide leadership to assure progress toward the achievement of affirmative goals of the EEO program.

It has long been our conviction in DSA that progress toward our fundamental ultimate stated EEO objective, "a work force which is fully integrated at all levels" can only be accomplished if line managers can be persuaded or required to "make it happen." We are therefore, indebted to those who shared in the drafting of such a forceful and positive statement as that contained in the President's Memorandum of 6 March. It will be invaluable to us.

Sincerely,

Encl
a/s

G. F. BRENNAN
Staff Director
Civilian Personnel





DEFENSE SUPPLY AGENCY

HEADQUARTERS
CAMERON STATION
ALEXANDRIA, VIRGINIA 22314

IN REPLY
REFER TO

DSAH-K

2 May 1975

SUBJECT: President Ford's Message on Equal Employment Opportunity

TO: Heads of DSA Primary Level Field Activities
Heads of DSA Principal Staff Elements

1. The attached statement from President Ford calling upon us to do more to expand employment opportunities for minorities and women merits the widest circulation and the most thoughtful consideration of all DSA personnel. The attention of all managers and supervisors should be called to those passages which are underlined.
2. Our experience in DSA amply proves that impressive results toward fully integrating the workforce at all levels are achieved in those organizations where the line managers -- commanders and supervisors -- set realistic EEO goals and work hard to meet them. Conversely, in those organizations in which the line managers either ignore their EEO responsibilities or attempt to delegate them to Personnel Officers or EEO Officers, the levels of minority and female employment tend to remain static at low levels.
3. Our overall record for EEO affirmative action and performance in DSA is superior to that of any other major Government agency. But our minority employees still tend to be concentrated in the blue collar jobs and to be under-represented in the middle and high-grade white collar jobs. Women are greatly over-represented in every grade level below GS-7, and correspondingly under-represented in every grade above that level. A number of Government agencies have better records for employment of Spanish-Americans than DSA has. Minority and female employees still are under-represented in most DSA professional career fields, such as Quality Assurance, Procurement, Personnel, and Comptroller; and over-represented in the non-career fields, such as clerks, typists, warehousemen, forklift operators, and sewing machine operators. And finally, we still have a large number of organizational units with no minority employees, or with no women in jobs above the GS-6 level.



DSAH-K

SUBJECT: President Ford's Message on Equal Employment Opportunity

4. The DSA EEO Program is now covered, as a separate program, in the Agency's Annual Operating Program. The achievement of our EEO goals for the employment of minorities and women has recently been added as a separate project in the Agency-wide Command Objectives Program. Henceforth, I will receive a quarterly briefing on the progress of DSA PLFAs toward each of our Agency EEO goals. (This letter is a direct result of my first Command Objectives briefing.) A report of the accomplishments of DSAH PSEs in pursuit of their EEO goals will be made a part of future DSAH Monthly Management Reviews.

5. The President has made clear what he wants done. He has made it equally clear that he expects us and our subordinate managers to do it. Finally, he has asked that he be kept fully informed of the progress each Federal agency is making toward a fully integrated work force. We have the capability of compiling an EEO record which will demonstrate in the reports that are made to the President in 1975 and subsequent years that we possess the superior qualities of leadership which can bring about the results he is looking for. Let us make the most of that opportunity.

Wallace H. Robinson, Jr.

Encl

WALLACE H. ROBINSON, JR.
Lieutenant General, USMC
Director

THE WHITE HOUSE

WASHINGTON

March 6, 1975

MEMORANDUM FOR HEADS OF DEPARTMENTS AND AGENCIES

Chairman Hampton of the Civil Service Commission recently reported to me on progress to assure equal opportunity in Federal employment. I have also reviewed the most recent statistics on the employment of minorities and women in the Federal Government.

Minorities and women have demonstrated their ability to compete successfully under merit principles. Over one-fifth of the jobs in Government agencies are held by Blacks, Spanish-speaking Americans, American Indians and Asian Americans. Nearly one-third of all Federal employees are women.

While I am encouraged by these figures, our efforts must continue. For example, within the general schedule and similar grade groupings, minorities represent only 5.2% and women only 4.5% of Federal employees at GS 13 and above. I therefore want you to know how I view equal employment opportunity. I urge you to provide strong leadership in your own organization.

Our Nation's strength is based upon the concept of equal opportunity for all our citizens. Decisions motivated by factors not related to the requirements of a job have no place in the employment system of any employer and particularly the Federal Government.

But more is required than non-discrimination and prohibition of discriminatory practices. What is needed are strong affirmative actions to assure that all persons have an opportunity to compete on a fair and equal basis for employment and advancement in the Federal Government. Affirmative action includes recruitment activities designed to



reach all segments of our society, fair selection procedures, and effective programs of upward mobility so that all employees have the opportunity to gain skills to enable them to compete for higher level positions. Such actions are under way in the Federal Government. They must be continued and expanded.

Although the Federal Government has employed large numbers of minorities and women, vigorous efforts to assure equal employment opportunity must continue, particularly in those geographical areas and agencies and installations where more progress is needed. There are program areas where special emphasis is needed. There is reason to believe, for example, that the skills of the Spanish-speaking as a group have not yet been fully tapped. Also, a much wider range of employment opportunities for women can be opened. We cannot and must not permit persons to be locked into jobs not commensurate with their potential. I am looking to you and to every manager in the Federal Government to assure that employees, without regard to their race, national origin or sex, have an opportunity for advancement in accordance with individual abilities.

Moreover, men and women of all racial and ethnic backgrounds must be assured a fair opportunity to serve in positions where they can make a maximum contribution and participate in the decision-making process.

Equal employment opportunity doesn't just happen; it comes about because managers make it happen. I want equal opportunity to be reflected in every aspect of Federal employment. I have called on Chairman Hampton of the Civil Service Commission to keep me fully informed on an annual basis of the progress each Federal department and agency is making in this regard. Increased accountability on the part of Federal managers will help to promptly identify deficiencies and strengthen our EEO program at all levels.

Just as we will not condone preferences in employment decisions because of a person's race, ethnic origin or sex, we will not tolerate failure to

vigorously carry out affirmative actions in support of equal employment opportunity. I am asking for your personal commitment and active cooperation in assuring that the American ideal of true equal employment opportunity is a reality in the Federal Government.

Please make my views known to all employees and managers in your organization. Their understanding of my objective is essential. Their support is required.

Lyndon B. Johnson

