

Leadership Conference Education Fund

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INSIDE....

AFFIRMATIVE ACTION CONTINUES TO BE A HOT-BUTTON ISSUE

There was a lot of activity on affirmative action on the national and local levels at the end of 1997. On the national level, the first session of the 105th Congress ended with the misnamed Civil Rights Act of 1997 (H.R. 1909) being tabled in the House Judiciary Committee. At the state level, voters in Houston, Texas defeated an initiative that would have ended the city's affirmative action contracting program.....2

BILL LANN LEE NOMINATION WRAPPED UP IN AFFIRMATIVE ACTION POLITICS

On December 15th, President Clinton named Bill Lann Lee Acting Assistant Attorney General for Civil Rights. Opting against the more controversial recess appointment, which many Senate Republicans vowed would have brought certain retaliation and would have allowed Lee to retain his position only to the end of the 105th Congress, Clinton vowed to continue pressing for Senate confirmation of Lee when the Senate returns from its recess.....9

AFFIRMATIVE ACTION IN THE STATES

The passage of California's Proposition 209 in 1996 led to efforts in other states and some cities to pass similar initiatives, but with little success so far.....13

CONTROVERSY SURROUNDING THE 2000 CENSUS

The 21st count of the nation's population is just over two years away and Congressional conflicts over the Census Bureau's plans for the 2000 census and the recent resignation of the Census Bureau's Director Martha Farnsworth Riche have caused many stakeholders to worry about the accuracy of the 2000 count. These problems come as the Census Bureau enters a year in which it will undertake two "dress rehearsals" and also begin address-list development and community outreach efforts.....15

SENATE HOLDS FIRST CONGRESSIONAL HEARING ON ENDA

The Senate Labor and Human Resources Committee held the first Congressional hearing on legislation protecting individuals from discrimination based on sexual orientation. The bill, S.869, commonly referred to as ENDA -- the Employment Non-Discrimination Act -- is needed because it is currently legal to fire or fail to hire or promote an individual solely on the basis of their sexual orientation (real or perceived) in forty states across the nation.....19

Civil Rights Monitor

ARNOLD ARONSON AWARDED PRESIDENTIAL MEDAL OF FREEDOM

On January 15, 1998, Dr. Martin Luther King, Jr.'s Birthday, President Clinton awarded the Medal of Freedom -- the nation's highest civilian honor -- to Arnold Aronson, co-founder of the Leadership Conference on Civil Rights (LCCR) and President of the Leadership Conference Education Fund (LCEF).....22

LCEF RELEASES MAJOR REPORT ON IMPROVING INTERGROUP RELATIONS WITHIN INSTITUTIONS

The Leadership Conference Education Fund has completed work on a major study on improving intergroup relations within institutions for the Charles Stewart Mott Foundation with the publication, *Building One Nation: A Study Of What Is Being Done Today In Schools, Neighborhoods, and the Workplace*.....24

LCEF WORKS WITH WHITE HOUSE INITIATIVE ON RACE ON OUTREACH TO YOUNG PEOPLE

Through his Initiative on Race, One America In The 21st Century, President Clinton will focus particularly on young people, the leaders of the next century, through a special outreach effort. In a letter to young people, the President has asked them "to help your community by joining One America's youth outreach effort, 'Keeping It Real.' I hope to rely on you and others like you to lead your communities in their efforts to talk, listen, teach and act." LCEF is assisting in those efforts.....26

AFFIRMATIVE ACTION CONTINUES TO BE A HOT-BUTTON ISSUE

There was a lot of activity on affirmative action on the national and local levels at the end of 1997. On the national level, the first session of the 105th Congress ended with the misnamed Civil Rights Act of 1997 (H.R. 1909) being tabled in the House Judiciary Committee. Thirteen Democrats joined with four Republicans to prevent the bill's advancement. In the Senate, Senator Mitch McConnell (R-KY) was poised to offer an amendment effectively eliminating an affirmative action contracting requirement in the reauthorization of a transportation bill, however, the vote was delayed until the next session.

At the same time, nine Republicans on the Senate Judiciary Committee announced their opposition to the confirmation of Bill Lann Lee, primarily because of his strong support for affirmative action, thereby effectively killing his chances for confirmation in 1997 as the next Assistant Attorney General for Civil Rights. Recognizing they did not have the requisite votes to report Mr. Lee's nomination to the full Senate, Judiciary Committee Democrats delayed the vote and during the holiday recess President Clinton appointed him Acting Assistant Attorney General for Civil Rights.

In early November 1997, the Supreme Court refused to hear a case challenging the constitutionality of Proposition 209, the anti-affirmative action ballot initiative passed by California voters in 1996. Later in November, affirmative action supporters avoided a potentially damaging decision when a settlement was reached in the *Taxman v. Piscataway* case. New lawsuits have been filed challenging the constitutionality of affirmative action in the education context.

At the state level, voters in Houston, Texas defeated an initiative that would have ended the city's affirmative action contracting program. Opponents of affirmative action, however, were successful in gathering enough signatures to advance an anti-affirmative action initiative in Washington state.

The following affirmative action update provides detailed accounts of congressional and judicial activities. Separate articles report on the Bill Lann Lee nomination, and state activities.

Anti-Affirmative Action Legislation Before the U.S. Congress

Sweeping anti-affirmative action legislation was re-introduced in the House and Senate in the first session of the 105th Congress. H.R. 1909 and S. 950 are similar to the anti-affirmative action bills introduced in the 104th Congress by Rep. Charles Canady (R-FL) and then-Senate Majority Leader Robert Dole (R-KS). Like its counterpart in the 104th Congress which was referred to as the "Equal Opportunity Act" by its supporters, the anti-affirmative action legislation in the 105th Congress, sponsored again by Representative Canady, and Senator Mitch McConnell (R-KY) has the misnomer of the "Civil Rights Act of 1997." The legislation not only would rescind Executive Order 11246, issued by President Johnson and strengthened by President Nixon, but would also override three decades of carefully crafted Supreme Court decisions on affirmative action. The bill has ninety-five co-sponsors, all Republicans.

In July, the bill was reported out of the House Constitution Subcommittee of the Judiciary Committee on a strict party vote and was scheduled for mark-up before the full Judiciary Committee on November 6, 1997. The day was strategically chosen as Bill Lann Lee, President Clinton's nominee for Assistant Attorney General for Civil Rights, was expected to be voted down by the Senate Judiciary Committee. Just two days earlier, the Supreme Court decided not to review the constitutionality of Prop. 209.

Civil rights activists and grassroots supporters of affirmative action packed the House Judiciary Committee room on the day of the scheduled vote to express their strong opposition to the bill and continuing support for affirmative action as a remedy to address discrimination. Moments after the committee was called to order by Rep. Henry Hyde (R-IL), Chair of the Judiciary Committee, Rep. George Gekas (R-PA) offered a motion to table (temporarily kill) the bill. Thirteen Democrats joined four Republicans in supporting the Gekas motion and H.R. 1909 was set aside. Many of the affirmative action activists and grassroots supporters attending the hearing cheered and embraced one another after the Committee's action.

After making the motion to table the "Civil Rights Act of 1997," Rep. Gekas (R-PA) issued the following statement: "The concept of racial preferences, set-asides, and quotas clash with the foundation on which our country was built. However, rushing head-long into the issue without building a national consensus will only be seen as political and divisive...The thrust of this bill is commendable but I fear that forcing this issue and this time could jeopardize the daily progress being made in ensuring equality."

Rep. Canady (R-FL), chief-sponsor of the legislation, said: "I am disappointed that some members of Congress still do not understand that preferences violate the fundamental American principle of respect for individual rights...After the House returns for its 1998 session, I look forward to another opportunity to vote on ending preferences." The press has reported that following the Committee's action Rep. Gekas announced his willingness to work on a compromise with Rep. Canady.

Affirmative Action in Government Contracting ISTEA and the Disadvantaged Business Enterprise (DBE)

Some affirmative action opponents in the U.S. Congress have made it clear that they will attempt to eliminate affirmative action programs every chance they get. One example of this came during the first session of the 105th Congress when conservatives attacked the Disadvantaged Business Enterprise (DBE) program, part of the massive transportation program known as the Intermodal-Surface and Transportation Efficiency Act (ISTEA) that is scheduled to be reauthorized in the 105th Congress.

What is ISTEA?

Federally funded highway and other transportation programs traditionally are authorized under multi-year, multi-billion dollar acts of Congress. The last time these programs were reauthorized in 1991, the act was referred to as the Intermodal-Surface and Transportation Efficiency Act (ISTEA).

What is the DBE Program?

When federally funded highway programs were reauthorized as part of the Surface Transportation Act of 1982 (P.L. 97-424), Congress created the Disadvantaged Business Enterprise (DBE) program to increase the share of qualified "socially and economically disadvantaged" firms in transportation construction industries [Section 105 (f)]. The DBE program established a goal of awarding not less than 10 percent of the amount authorized under the bill to qualified (certified) businesses owned by "socially and economically disadvantaged individuals." Qualified women-owned business enterprises (WBEs) were added to the DBE program when the Surface Transportation and Uniform Relocation Assistance Act (STURRA) was reauthorized in 1987 (P.L. 100-17). The DBE program was reauthorized in 1991 with the passage of ISTEA (P.L. 102-204) and is scheduled to be reauthorized under the Building

Efficient Surface Transportation and Equity Act in the House and ISTEA II in the Senate.

ISTEA's authorization expired on September 30, 1997, but because of many contentious issues, including the DBE program, Congress passed a six-month extension of ISTEA and delayed the reauthorization until the second session of the 105th Congress. Senator Mitch McConnell (R-KY) has announced that when the reauthorization is considered he will offer an amendment to eliminate the affirmative action components of the DBE program.

Critics of the DBE program assert that the Supreme Court's 1995 *Adarand Constructors, Inc., v. Peña* decision found such programs unconstitutional. The Department of Transportation, however, has revamped the rule-making procedures for the DBE program to tailor it more narrowly. The new program will:

- Give race-neutral measures a priority in meeting the overall DBE goals;
- Improve DBE certification standards, with more focused tests to assure participants are disadvantaged, and a trigger for firms to leave the program if they grow too large;
- Ensure that goals are based on the proportion of DBEs available in relevant industries, and that over-concentration of DBEs in certain specialty areas is not fostered;
- Make waivers and exemptions more readily available;
- Involve periodic review by Congress and by funding recipients (e.g. state transportation agencies) of whether race-conscious measures are still needed.

Affirmative Action in the Courts

Proposition 209

Proposition 209, the California initiative narrowly passed by voters in November 1996 to eliminate all state affirmative programs, was immediately challenged in federal court after its passage. On November 3, 1997, the Supreme Court declined to review a court of appeals decision upholding the constitutionality of Prop 209, thereby permitting the ruling that the proposition was constitutional to stand.

According to Mark Rosenbaum, Legal Director of the ACLU Foundation and lead attorney on the case, the Supreme Court's decision not to review the case does not settle the constitutional question of Proposition 209 and like measures:

“Because denial of review by the Supreme Court is not a ruling on the legal substance of a case, the question of the constitutionality of Prop. 209 and copycat measures must await another day for definitive ruling from our highest court. It

may well be, as the proponents of 209 argued to the court, that the justices believed that the case against Prop. 209 should be argued in the context of a particular program that has been closed down. In any event, the courts have not seen the last of Proposition 209.”

Taxman v. Piscataway

The *Taxman v. Piscataway* affirmative action case, scheduled for oral argument before the Supreme Court in January 1998, was settled in mid-November. This settlement resulted in removal from the Court’s docket of a case that civil rights advocates feared might strike a major blow to affirmative action programs nationwide despite the case’s uniqueness. The Black Leadership Forum, a coalition of civil rights organizations, agreed to pay 70 percent of the \$433,500 settlement amount agreed to by the Piscataway School Board and Ms. Taxman, the plaintiff in the case. An adverse ruling by the Court in this case, civil rights attorneys argued, would have set a precedent that might have been applied to other affirmative action cases with very different facts.

Civil rights leaders note that the Piscataway case was not representative of affirmative action plans commonly adopted by American business and education institutions and that affirmative action is too important an issue to be tested by an unusual case. In the first place, affirmative action generally addresses hiring and promotion decisions and the Piscataway case involved a layoff decision. Also, layoff decisions are rarely made between employees of identical seniority and similar qualifications as was the case in Piscataway. In addition, civil rights lawyers were concerned that the Piscataway Board had done little to make a record to support its decision.

Background

In 1989, a high school in Piscataway, New Jersey was forced to lay off one teacher in its business department. The two most junior teachers had been hired on the same day and were determined to be similarly qualified (the African American teacher has a Master’s degree in Business Education). Faced with this difficult decision, the school board chose to retain the black teacher, Debra Williams, over the white teacher, Sharon Taxman, in an effort to preserve the staff’s diversity. Ms. Williams was the only African American teacher in the business department. On an employment discrimination (Title VII of the Civil Rights Act of 1964) claim that Ms. Taxman filed with the U.S. Equal Employment Opportunity Commission, the United States filed suit in federal district court. Ms. Taxman intervened under Title VII and a comparable state law. The district court found violations of Title VII and the New Jersey statute. On appeal, the United States reversed its position and sought to file a brief in support of the school district. This request was denied, and the court treated the U.S. as having withdrawn from the case. The Third Circuit sitting en banc affirmed the lower court decision by a vote of 8-4.

The case was before the U.S. Supreme Court when the settlement was reached. Since there was no longer a live controversy, there was no basis for the Supreme Court to hear the case. (For

further discussion of this case, see CIVIL RIGHTS MONITOR, vol 9, no. 1 and nos. 2&3.) Both MONITORS are available on our website, civilrights.org.

Lawsuits Filed Challenging Affirmative Action In Education

Opponents of affirmative action continued their legal assault on the higher education front, challenging the constitutionality of the University of Michigan's undergraduate and law school admissions policies.

Background

In *Regents of the University of California v. Bakke* (1978), the Supreme Court by a 5-4 vote ruled that the rigid admissions program in effect at the University's medical school at Davis violated Title VI of the Civil Rights Act of 1964 (requires non-discrimination in activities or programs receiving federal funds.) Pursuant to the program, 16 of the 100 spaces for entering students were reserved for minority students. In striking down the University's affirmative action program, the Court also stated that race lawfully could be considered as one of the criteria of qualified candidates for admission to the medical school. Justice Powell's plurality opinion held that "race or ethnic background may be deemed a 'plus' in a particular applicant's file..." 438 U.S. 265 (1978) at 317.

In 1996, the U.S. Court of Appeals for the Fifth Circuit ruled the admissions policy at the University of Texas Law School amounted to unconstitutional discrimination against whites. The Supreme Court refused to grant review of the case thereby leaving the ruling intact for the Fifth Circuit (Texas, Louisiana, Mississippi), *Texas et al. V. Cheryl J. Hopwood et al.* The Fifth Circuit decision, stating a belief that the current Supreme Court would no longer adhere to Justice Powell's opinion in *Bakke*, ruled that race could never be considered a factor in a University's admissions process, even to serve the state's interest in diversity. Supporters of affirmative action noted that the Supreme Court's denial of review was not a judgment on the merits of affirmative action in higher education nor did it in any way signify that the Fifth Circuit's decision would become the law of the land. (For further discussion, see CIVIL RIGHTS MONITOR, Vol. 8, nos. 5&6, also available on our website, civilrights.org.)

University of Michigan

The Washington-based Center for Individual Rights (CIR), the organization that successfully challenged the affirmative action admissions policy at the University of Texas, has filed two lawsuits against the University of Michigan (UM), contending its affirmative action policies in the undergraduate college of Literature, Sciences, and the Arts (LSA), and its law school illegally discriminate on the basis of race. Separate lawsuits were filed because the law school admissions' process differ from the undergraduate procedures and because they are administered by different personnel. Both lawsuits are class action suits, filed on behalf of all applicants denied admissions in the last three years allegedly due to its affirmative action admissions policies.

The undergraduate lawsuit, filed on October 17, 1997, alleges that during 1995 and 1996, UM "used different admissions standards based on each student's self-identified race" thus giving minority students a greater chance of admission than white students. The plaintiffs further claim that race was not used as a "plus" factor "or as one of many factors to attain a diverse student body" but was the predominant factor in combination with high school grades and standardized admission test scores. Implementation of affirmative action policies at Michigan has raised minority undergraduate enrollment from 12% to 25% over the past decade, and the University is considered a model in its efforts to create an environment that allows minority students to succeed.

In addition to suing UM, CIR is suing, and seeks damages from former UM President James Duderstadt and current UM President Lee Bollinger in their individual capacities. Bollinger is the former dean of the Law School. Under federal law, officials who have reason to know that their actions violate the civil rights of others are liable for damages in their individual capacity. Michael McDonald, president of CIR said:

"This lawsuit should serve notice on college presidents everywhere that they will be held individually liable under federal civil-rights laws if they do not act now to bring their admission policies into compliance with the law."

Nancy Castor, provost at UM said that the lawsuit misrepresents UM's admissions policies. Referring to a table that delineates the full range of standardized test scores and grade point averages of applicants to the undergraduate school, and the suggestion that white applicants must fall in the top roll to be admitted while minority in the middle and bottom roles are admitted, she said:

"What they have done is simply pull out a particular representation of a very complicated admissions process. We do not have separate systems of admission. These are broad guidelines that admissions counselors can use."

In a companion lawsuit against the law school, CIR is also suing officials responsible for the law school admissions program in their individual capacities: Lee Bollinger, current president and former Dean of the UM Law School; Jeffrey Lehman, current Dean of the Law School; and, Dennis Shields, current Dean of Admissions of the Law School. The law school suit alleges the school "used different admissions standards based on each applicant's race."

BILL LANN LEE NOMINATION WRAPPED UP IN AFFIRMATIVE ACTION POLITICS

On December 15th, President Clinton named Bill Lann Lee Acting Assistant Attorney General for Civil Rights. Opting against the more controversial recess appointment, which many Senate Republicans vowed would have brought certain retaliation and would have allowed Lee to retain his position only to the end of the 105th Congress, Clinton vowed to continue pressing for Senate confirmation of Lee when the Senate returns from its recess.

Background

In June of 1997, President Clinton nominated Bill Lann Lee, Western Regional Counsel for the NAACP Legal Defense and Education Fund, to be Assistant Attorney General. The position has been vacant since Deval Patrick resigned at the end of President Clinton's first term. In the interim, Isabelle Pinzler has served in an acting capacity.

The Assistant Attorney General for Civil Rights is the most powerful civil rights law enforcement position in the United States, as manager and supervisor of the work of the civil rights division at the U.S. Department of Justice. The Division is made up of ten sections and a special office with responsibility for immigration related employment issues. The sections have responsibility for challenging unlawful discrimination in such areas as disability rights, education, employment, housing, and voting rights. (For a further discussion of the Civil Rights Division, single copies of a Leadership Conference on Civil Rights report, "AND JUSTICE FOR ALL: The Civil Rights Division at Forty" (23 pp) are available by writing to C. Dennard, LCCR, 1629 K Street, N.W., Suite 1010, Washington, D.C. 20006.

Bill Lann Lee's Confirmation Hearing

On October 22, 1997, the focus of the Senate Judiciary Committee's confirmation hearing quickly turned from a discussion of Bill Lann Lee's qualifications to a debate on affirmative action. Mr. Lee's opponents, led by Senator Orrin Hatch (R-UT), Chair of the Judiciary Committee, announced they were going to use Mr. Lee's nomination as a venue for a broader debate on the future of affirmative action.

As Chair of the Judiciary Committee, Senator Hatch (R-UT) raised the issue of affirmative action in his opening remarks:

"...the Civil Rights Division stands at a crossroads. While to this very day individual victims of discrimination continue appropriately to demand moral outrage, and to test our nation's commitment to its highest ideals, the Civil Rights Division's agenda has too often veered into advocacy for constitutionally suspect preferential policies and the elevation of groups rights above individual rights. With today's hearing, I hope and expect to have Mr. Lee's views on the

proper priorities of the Civil Rights Division, and his thoughts about the legal, constitutional and political limitations on the Division's efforts."

Senator Edward Kennedy (D-MA) spoke admiringly of Lee, referring to him as "living proof of the American Dream." The Senator also noted the broad bi-partisan support Lee has received which he suggested demonstrated Lee was a "bridge-builder" in race relations. Senator Kennedy announced that Lee's nomination was endorsed by retired Gen. Colin Powell as well as Republican Mayor of Los Angeles Richard Riordan.

Following the opening remarks of committee members, a panel of Senators from New York where Lee was born and raised, and from California his state of residence, and a representative of the congressional Asian Pacific American Caucus formally introduced the nominee to the committee as is customary. Senator Alfonse D'Amato (R-NY) said he shared Lee's belief in not judging others by their skin color. The Senator stressed that although Lee had been subjected to racial slurs and discrimination throughout his life, he never gave up on the American ideal of equal opportunity.

Senators Barbara Boxer and Diane Feinstein, both Democrats from California, also voiced their support for the nominee. Senator Feinstein commented: "Our nation is best served by those who heal rather than wound." Senator Daniel Akaka (D) of Hawaii and member of the Asian Pacific American Caucus noted that Bill Lee is the first Asian Pacific American to be nominated for the highest civil rights enforcement position in the nation.

Following the Senators introductory remarks, Mr. Lee read a personal statement of his own:

"I am the son of a Chinese laundryman, William Lee. His faith in America has shaped much of my life. He never taught my brother or me how to iron, although we wanted to learn in order to help out. His reasoning was that laundry was a stopping place in the journey of our family. He did not want us to follow him in the laundry. He figured if we did not know how to iron, we would not be tempted to succeed him. To make sure we got the point, he would only let us do what was most unpleasant, sorting the dirty clothes."

Lee also acknowledged how grateful he was that he had been given the opportunity to study at Yale through the university's affirmative action admissions program. Graduating Phi Beta Kappa and *magna cum laude* in 1971, Lee went on to Columbia Law School. In his testimony, Lee documented his twenty-five career as a civil rights lawyer, representing African-Americans, Asian-Americans, Latinos, poor whites and women. Lee emphasized his devotion to finding "pragmatic solutions under the law to real life problems of discrimination and exclusion, to advising clients, to dealing with courts and counsel, to litigating complex cases with many lawyers..."

Following his testimony, Lee answered numerous questions from the members of the committee. The debate largely centered on the issue of affirmative action.

Senator Hatch (R-UT) opened the questioning by asking Lee about his stance on two affirmative action lawsuits, the legal challenge to Proposition 209, the ballot initiative passed in California abolishing state affirmative action programs, and *Adarand v. Pena*, the 1995 Supreme Court decision raising the standard by which the constitutionality of race-conscious programs are measured.

Lee answered that he agreed with the Clinton administration's position that Proposition 209 was unconstitutional. He further testified that affirmative action programs were constitutional so long as they were "narrowly tailored to achieve a compelling government interest," the standard set by the Supreme Court in *Adarand*.

Senator Richard Durbin (D-IL) also discussed the issue of affirmative action with Lee. Referring to Colin Powell as a model product of affirmative action programs in the military, Durbin asked Lee if he ever felt "second class," being a "product" of affirmative action programs. Lee responded in the negative, expressing his feelings of honor and gratitude at having the opportunity to prove himself at Yale University and Columbia Law School.

Senator John Ashcroft (R-MO) was particularly critical in his questioning of Lee, first asking the nominee whether he believed in equality. After Lee answered in the affirmative, Ashcroft then asked if he felt a government contract should be given to the lowest bidder, or whether some groups should be given preference over others. Lee responded that he agreed with the Supreme Court's decision in *Adarand v. Pena* that narrowly tailored affirmative action programs were necessary and legal to ensure equal opportunity.

Following Lee's testimony and questioning, the committee heard from a panel of four witnesses, two in favor: Andrew C. Peterson, a partner in the Los Angeles office of Morgan, Lewis & Bockius LLP, and Barbara Towers, a former client of Bill Lann Lee and two opposed to Lee's nomination: Susan Au Allen, President, U.S. Pan Asian American Chamber of Commerce, Gerald A. Reynolds, President, Center for New Black Leadership,

Andrew Peterson, who was the opposing counsel on a discrimination case which Lee argued, remarked:

"...(the) cases involved allegations of race and national origin discrimination by large supermarket chains. However, the employer... was not required to hire or promote unqualified persons. The consent decrees specifically provided that the employer was not required to grant preference to any particular individual Black or Hispanic."

Gerald Reynolds, who admitted he had never met Mr. Lee, argued that racial discrimination

was “no longer an insurmountable obstacle for Blacks” and said “Mr. Lee’s conduct over a twenty-year period suggests that he has adopted the late Malcolm X’s phrase ‘By any means necessary.’”

Barbara Towers, who identified herself as a conservative Republican, spoke in support of Lee’s nomination:

“My first exposure to Mr. Lee was a phone conversation in which he raised no question about age, race, religion, etc., but rather zeroed in on pertinent facts that would ensure the rights of ordinary people against an agency with a seemingly limitless source of funds....

Through the aid of the NAACP LDF and specifically through the vigilant efforts of Mr. Lee, our side won the lawsuit, and our home and the homes of thousands of our neighbors were spared demolition by a city bent on removing homes to make way for more lucrative commercial development.”

The final witness, Susan Au Allen who also admitted to never having met Mr. Lee, stated her objection to Lee’s alleged use of “preferences and quotas.”

First Judiciary Committee Vote On Bill Lann Lee

In the weeks after Bill Lee’s confirmation hearing, nine of the ten Senate Judiciary Committee Republicans announced their intention to vote against Mr. Lee’s nomination thus preventing the nomination from going to the full Senate for a vote. There are 18 members on the committee and ten votes (a majority) are needed to vote the nomination out of committee. Senator Arlen Specter (R-PA) was the one Republican on the committee who expressed support for the nominee, thus creating a 9-9 with all 8 Democrats supporting the nomination.

Senator Orrin Hatch (R-UT), Chair of the Senate Judiciary Committee, scheduled a vote on Bill Lann Lee’s nomination on the same day (November 6, 1997) the sweeping anti-affirmative action bill was scheduled to be marked up in the House Judiciary Committee. Recognizing they did not have the requisite votes to report the Lee nomination out of committee, Judiciary Committee Democrats invoked a parliamentary procedure that allowed for a delay of the vote for one week, and additional lobbying of committee Republicans.

President Clinton responded to the controversy by asking Judiciary Committee members to report the nomination out of committee without a recommendation so the full Senate could vote, asserting that his nominee was entitled to a floor vote. Supporters were confident that if the nomination was presented to the full Senate for a vote he would win a bi-partisan majority of the Senate.

Supporters of Bill Lee further stepped up lobbying efforts including a rally at the Lincoln Memorial on the day before the committee’s second scheduled vote. Speakers at the rally

included Senators Kennedy, Feinstein and Leahy, and the Chairs of the Congressional Black and Hispanic Caucuses, Representatives Maxine Waters and Xavier Becerra, respectively.

Second Judiciary Committee Vote On Bill Lann Lee

On Thursday, November 13, the Senate Judiciary Committee held an "executive meeting" to vote on the confirmation of Mr. Lee. Once again, nine Republican Senators on the committee were poised to vote against Lee, thereby preventing a full Senate vote on the confirmation. While the Committee could have reported Lee's nomination to the Senate floor without a recommendation or with a negative recommendation, the nine Republican Senators refused. Not wanting the confirmation to die, Committee Democrats once again invoked a parliamentary procedure putting off the final vote on Bill Lee until Congress's return from recess.

President Clinton Appoints Bill Lee Acting Assistant Attorney General

Given the committee's action and no indication that any votes were changeable, President Clinton considered whether to put Lee in the job as recess appointment or as acting attorney general. Appointing Lee as a recess appointee would allow him to serve until the end of the 105th Congress. While recess appointments are not uncommon, they rarely arise in such controversial circumstances and in this instance some Senate Republicans vowed to "punish" the president if he chose this course of action, and to hold frequent oversight hearings of the Department of Justice thus requiring Mr. Lee to spend a lot of time testifying on the hill.

The less confrontational alternative which the President chose was appointing Mr. Lee Acting attorney general. In this capacity, government lawyers contend that Lee can remain on the job for the duration of the Clinton Administration so long as he is renominated every 120 days.

At a White House ceremony announcing the appointment, Clinton noted two objectives in taking the "acting" route rather than the "recess appointment" route: "One is to get Mr. Lee into the leadership of the civil rights division as soon as possible, and the other is to maximize the chances that he can be confirmed in the coming year in the Senate," he said.

Lee praised the staff of the civil rights division. "I am honored to join and promise to continue their proud tradition of steadfast, nonpartisan law enforcement," Lee said. "With God's help, I pledge to enforce, without fear or favor, our nation's civil-rights laws on behalf of all of the American people."

AFFIRMATIVE ACTION IN THE STATES

The passage of California's Proposition 209 in 1996 led to efforts in other states and some

cities to pass similar initiatives, but with little success. Below, we summarize those activities in a few states. Readers interested in additional information, can visit our website, civilrights.org or write to LCCR for an Affirmative Action Manual that includes information on state activities, federal efforts, grassroots initiatives, polling information, etc. (Single copies are available for \$30).

HOUSTON, TEXAS

Almost one year to the day after Prop 209 was passed in California, voters in Houston, Texas voted against a similar ballot initiative (Proposition A) seeking to eliminate the City's current affirmative action contracting programs. By a 55-45 margin, Houstonians chose to preserve the programs and in doing so, slowed the momentum of anti-affirmative action initiatives.

Background

Ed Blum, a retired investment banker sponsored "the Houston Civil Rights Initiative" also referred to as Proposition A, which sought to eliminate the City of Houston's affirmative action contracting program. The proponents of the measure submitted 20,000 petitions to qualify for the November 1997 ballot. The language they submitted read:

The city of Houston shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or natural origin in the operation of public employment and public contracting.

In late September 1997, Houston Mayor Bob Lanier led a successful effort to change the measure's language to more accurately reflect what the measure would do. The new language read:

Shall the Charter of the City of Houston be amended to end the use of affirmative action for women and minorities in the operation of City of Houston employment and contracting, including ending the current program and any similar programs in the future?

On November 4th, the citizens of Houston defeated Proposition A by a 55-45% margin. Mayor Lanier played a leading role in the defeat of the anti-affirmative action initiative. In addition to changing the ballot language, Lanier spearheaded a drive to educate the citizens of Houston about the initiative, enlisting the assistance of a number of Houston-based corporations.

The civil rights community held up the Houston vote as a major victory and proof that when voters are clear about what they are voting on they do not support an end to affirmative action programs. It is notable that opponents of Proposition 209 in California were unsuccessful in their efforts to obtain a similar kind of clarification and this has been cited as one factor in the

differing outcomes. Wade Henderson, executive director of the Leadership Conference on Civil Rights, stated the Houston vote, "marked a remarkable turning point in the national debate over affirmative action. The citizens of Houston sent a strong message to the nation in support of equal opportunity: the momentum to end affirmative action stopped at the California border."

WASHINGTON STATE

An anti-affirmative action initiative is advancing in the state of Washington. Initiative 200 reads: "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."

Current Status

Opponents of affirmative action collected enough signatures to send I-200 to the state legislature for its 1998 term. If both houses approve the initiative without changes, it will automatically become law and will not need the governor's signature. If the legislature approves the initiative with changes, the amended initiative and the original initiative will go before voters in November 1998. If the legislature fails to act upon the initiative, the original initiative will go before voters in November 1998.

The state's Libertarian and Republican parties have both endorsed the measure. John Carlson, who has in the past successfully led other controversial initiatives, including the first "Three Strikes" measure in the country, now heads the Washington anti-affirmative action initiative. Ward Connerly, Chair of the California Civil Rights Initiative, has visited the state to lend his support to the initiative. Of the states with similar initiatives pending, Washington's I-200 campaign appears to be the strongest.

CONTROVERSY SURROUNDING THE 2000 CENSUS

The 21st count of the nation's population is just over two years away and Congressional conflicts over the Census Bureau's plans for the 2000 census and the recent resignation of the Census Bureau's Director Martha Farnsworth Riche have caused many stakeholders to worry about the accuracy of the 2000 count. These problems come as the Census Bureau enters a year in which it will undertake two "dress rehearsals" and also begin address-list development and community outreach efforts. The MONITOR provides the following update of census activities.

Background

Every ten years the Census Bureau undertakes the difficult task of counting the entire population in the United States. Census data is used to apportion congressional seats and electoral college votes within the states, carry out congressional, state and local redistricting, monitor compliance with a variety of civil rights statutes, and to allocate billions in federal funds. Given the high-stakes consequences of the census, ensuring as accurate a count as possible is crucial.

The precision of the census has decreased in recent years even as technological advances have honed statisticians' ability to count accurately. The 1990 census was the first census in five decades to be less accurate (and more expensive) than the preceding count, undercounting 4.7 million individuals in urban and rural areas. Those undercounted were disproportionately children, people of color, and the rural and urban poor, thereby decreasing assistance to and placing other burdens on the political jurisdictions where these individuals reside.

Addressing the Accuracy Issue

Upset with the results of the 1990 count, Congress instructed the Department of Commerce (who oversees the Census Bureau) to convene experts through the National Academy of Sciences to determine the best way to increase accuracy in the next decennial census. Guided by recommendations from independent experts, including three panels of the National Academy of Sciences, the General Accounting Office, and the Commerce Department's Office of Inspector General, the Census Bureau has researched, tested, and evaluated new census methods in devising its plan for the 2000 census.

The Census Bureau's plan for the 2000 count combines a more aggressive direct enumeration effort, including replacement questionnaires and multiple response options, with modern scientific sampling techniques to complete the count of the final non-responding households and to eliminate the pervasive differential undercount of children, people of color and the urban and rural poor.

Testifying before Congress, census experts agreed that the effort to count each and every American had reached its limits and that new methods were needed. One panel member from the National Research Council stated, "it is fruitless to continue trying to count every last person with traditional census methods of physical enumeration." Two expert panels from the National Research Council affirmed that the only way to increase the accuracy of the census while controlling its cost is to augment current enumeration efforts with statistical sampling. Charles L. Schultze, a senior fellow at the Brookings Institute, said, "It's one of the few cases where you can both save money and get higher quality."

Despite having the support of various professional statistical and scientific associations, the Census Bureau's plan has produced a heated debate in Congress where opponents of sampling, generally from the Republican Party, claim that scientific sampling is unconstitutional and opens

the census process to political manipulation. Supporters of sampling say Republicans are motivated by politics -- fearing that those who will be counted with sampling are more likely to vote Democratic. As a result, sampling opponents have attempted to prevent the Census Bureau from using sampling on several occasions.

Congressional Attempts to Restrict Sampling in the 105th Congress

In the early stages of the 105th Congress, GOP leaders attached anti-sampling language to a supplemental disaster relief bill for flood victims. The anti-sampling language would have prevented the Census Bureau from using any funds for sampling. The inclusion of this language was one reason why President Clinton vetoed the disaster relief bill. After weeks of party leaders accusing each other of delaying aid to flood victims, Republicans eventually conceded and withdrew the anti-sampling language. The relief bill signed by President Clinton required only that the Census Bureau report to Congress on its planned methodology.

In the Fall, Congress re-visited the sampling argument while debating the Census Bureau's funding for fiscal year 1998 as provided in the Departments of Commerce, Justice, and State Appropriations Bill. As reported out of committee, the bill would have withheld most of the Census Bureau's funding by preventing any funds from being used to implement statistical sampling. An attempt on the House floor to strip the anti-sampling language from the bill failed (197-228) on September 20, 1997. The dispute over sampling delayed passage of the FY98 Commerce, State, Justice appropriations bill until the last day of the 1997 session when a compromise finally was reached.

The compromise allows the Census Bureau to use statistical sampling in trial runs of the 2000 census at two sites (one of which is an Indian Reservation), and calls for a third test run where only actual enumeration will be used. In addition, the agreement calls for expedited judicial review of the constitutionality of census sampling, creates a census monitoring board, and a new House Subcommittee on the census.

The census dress rehearsal in Sacramento, California will employ statistical sampling and the one in Columbia, South Carolina will rely on enhanced traditional counting methods including an increase in advertising, more mailings of census forms and additional head-counters going door to door. The Bureau will evaluate each method.

The compromise bill allocated \$390 million for census 2000 activities in FY98. The amount exceeded President Clinton's request of \$354 million by \$36 million. However, because Congress failed to fund the bill on time, some of the Bureau's 1998 activities are likely to be delayed. The extra funds allotted by Congress will most likely be cited by sampling opponents as a counter to charges that the Census Bureau does not have enough money to run a census without sampling.

The Census Monitoring Board will be made up of eight people, four members appointed by Republican House and Senate leadership and four members appointed by the President, two with

consultation from Democratic House and Senate leadership. The Board will have two co-chairs, will expire in 2001, and will have an annual appropriation of \$4 million. The Board's duties will include overseeing the preparation and implementation of the 2000 Census, however, some census stakeholders worry that sampling opponents will use the Board in conjunction with the new House Subcommittee to try and discredit the Bureau's plan for sampling.

Many census stakeholders expressed deep concern with the compromise, arguing that the agreement allows the Speaker of the House to file multiple lawsuits against the use of sampling on behalf of the House of Representatives. They charge it would only take a single court to grant an injunction prohibiting the use of sampling to stop the Census Bureau from proceeding with its plans for the 2000 count. Some stakeholders cite the compromise and the sampling controversy as a leading reason why Martha Farnsworth Riche, Director of the Census Bureau, abruptly announced her resignation in mid-January, effective January 31.

President Clinton now has to nominate a new Census Bureau chief subject to Senate confirmation. Representative Dan Miller (R-FL), chair of a new Government Reform and Oversight Subcommittee on the Census, has said he will encourage the Senate Governmental Affairs Committee, which will consider the nominee, to reject any nominee who supports sampling. In the interim, Jim Holmes, long-time Atlanta Regional Director for the Census has been named Acting Director.

Race and Ethnicity Update

As reported in the last MONITOR, a Federal task force expressly rejected the use of a "multiracial" category for the 2000 census, recommending instead that citizens be allowed to check multiple racial categories. The decision came after a three-year study by a inter-agency task force examining the federal policy directing how the government collects racial information. The Office of Management and Budget (OMB), which oversees all federal paperwork, published its final revisions to the task force's recommendations in the Federal Register on October 30, 1997.

The new standard for collecting racial and ethnic data will be used in the dress rehearsals scheduled for April 1998, in the year 2000 decennial census and will be adopted by other Federal programs no later than January 1, 2003.

Since 1977, OMB, the federal agency responsible for determining racial and ethnic classifications, has recognized Hispanic as one ethnic category, and Black, White, American Indian or Alaskan Native, and Asian or Pacific Islander as the four racial categories that make up the U.S. population. Some individuals were pressing for a new "multiracial" or a "multiethnic" category given the growing number of citizens of mixed origin. Between 1970 and 1990, the number of children born to interracial couples rose from 500,000 to 2 million.

The outstanding issue is how this information, once collected, will be tabulated. For example, how will an individual who reports she is African American and Caucasian be

counted? This determination is critical for the enforcement of anti-discrimination efforts, such as congressional redistricting under the Voting Rights Act and setting affirmative action goals.

Some civil rights groups have been very critical of the task force's decision to allow individuals to check more than one category. The National Asian Pacific American Legal Consortium (NAPALC), a coalition of Asian organizations, said OMB officials "are being grossly negligent in instituting this change when it has been unable to determine a fair and effective means to tabulate and report the results under the new system." OMB has acknowledged that permitting individuals to check more than one category might result in a significant undercount of Asian Americans.

Additional guidance on the tabulation of race and ethnicity data is expected by the Fall of 1998.

SENATE HOLDS FIRST CONGRESSIONAL HEARING ON ENDA

The Senate Labor and Human Resources Committee held the first Congressional hearing on legislation protecting individuals from discrimination based on sexual orientation. The bill, S.869, commonly referred to as ENDA -- the Employment Non-Discrimination Act -- is needed because it is currently legal to fire or fail to hire or promote an individual solely on the basis of his sexual orientation (real or perceived) in forty states across the nation. While a similar bill nearly passed the Senate during the 104th Congress (see MONITOR, vol.9, no.1), ENDA's passage remains a struggle as Republican leadership has lined up in opposition to the bill and will fight any attempt to bring the measure up for a vote.

Senate Hearing on ENDA

The ENDA hearing took place on October 23, 1997 before the Senate Labor and Human Resources Committee. Senator James Jeffords (R-VT), Chair of the Labor Committee and a lead-cosponsor of the legislation, was the lone Republican at the hearing as his Republican colleagues (supported by religious conservative activists) staged an unofficial boycott of the committee's proceedings.

Chairman Jeffords (R-VT) opened the hearing by stating the need for the legislation:

"This bill is about one simple thing--and that is that all Americans should be able to earn a livelihood. This nation's employees deserve to be judged on their ability to do their jobs. Unfortunately, too many hard working individuals continue to face discrimination in their workplaces based on nothing more than their sexual orientation."

In his opening statement, the Chairman also highlighted some of the minor revisions made to the bill in response to concerns raised by opponents of ENDA in the 104th Congress. One change addressed a concern that the Equal Employment Opportunity Commission (EEOC), in the course of enforcing ENDA, might use its authority to require employers to report statistics on the sexual orientation of their employees. The new version of the bill explicitly prohibits the collection of such statistics.

Another concern was that the EEOC might have the authority to enter into consent decrees that included quotas, or preferential treatment based on sexual orientation as potential remedies. While ENDA clearly prohibits this sort of activity, additional language principle precludes the EEOC from entering "into a consent decree that includes a quota, or gives preferential treatment to an individual, based on sexual orientation." As with the original bill, religious organizations are exempt from adhering to ENDA guidelines.

Senator Edward Kennedy (D-MA), ranking minority member of the Committee and fellow lead sponsor of the legislation, voiced his unabated support of ENDA remarking that "bigotry is not an American value." Kennedy emphasized the need for a bill to protect the rights of gays and lesbians from employment discrimination, and noted that ENDA is narrowly drafted and therefore, would not lead to a outpouring of litigation, as some ENDA critics have charged.

Following Kennedy's opening remarks, the committee heard from a panel of witnesses, each of whom testified in favor of the anti-discrimination legislation. Jeffords commented that while his staff had "scoured the country" in search of witnesses opposed to the bill, he was unable to locate any who were willing to testify.

Those testifying at the hearing included, Kendall Hamilton, of Oklahoma City, Oklahoma; David Horowitz, Esq., of Phoenix, Arizona; Raymond Smith, Chairman of the Board and Chief Executive Officer of Bell Atlantic Corporation; and, Thomas Grote, Chief Operating Officer at Donatos Pizza in Backlick, Ohio.

The first witness, Kendall Hamilton, told of his personal experience with job discrimination when the company for which he had worked for five years, the restaurant chain Red Lobster, denied him a promotion to a management position due to his sexual orientation. The position was offered to a less qualified employee of nine months who Hamilton had trained.

The witness stated that a leading civil rights attorney in Oklahoma City advised him that under current Oklahoma state and federal law, there was absolutely no legal recourse available to him. Worse still, the attorney could not assure Hamilton that this would not happen again so long as there was no federal law protecting individuals from employment discrimination based on sexual orientation.

The next witness, David Horowitz, a lawyer, related his personal account of job discrimination on the basis of sexual orientation. Horowitz's story had a better ending, however, as the Arizona State Bar Board of Governors decided to include sexual orientation in its non-

discrimination policy and therefore, Horowitz now enjoys a level of job security he never did before. He stated:

I take great comfort in the fact that my job security stems from my ability to do excellent work and is in no way dependent upon my sexual orientation I find it disheartening that I did not get a job because I'm gay--particularly since the decision-makers had already objectively decided that I met all of the qualifications and subjectively decided that I was the best person for the job. They were enthusiastic enough about my talent, skills and ability to contact me. Yet the words "I'm openly gay" changed all that.

The third witness was Raymond Smith, Chairman and CEO of Bell Atlantic Corporation. Smith added his support for the passage of ENDA, stating Bell Atlantic's Equal Employment Opportunity (EEO) policy does not tolerate any form of discrimination against or harassment of Bell Atlantic employees. He noted that barring discrimination based on sexual orientation had been added to the company EEO policy in 1993.

Smith commented that he would not be serving the interests of his shareholders if he allowed any employee to be discriminated against because of their sexual orientation. He added, "No company can afford to waste the talents and contributions of valuable employees as we compete in the global marketplace. It is good business, and it is good citizenship."

Smith's presence at the hearing and his praise for the legislation demonstrated how some corporate leaders are well ahead of the Congress on the issue of protecting individuals from job discrimination based on sexual orientation. Not only do approximately 50 percent of Fortune 500 companies have equal employment policies that embrace sexual orientation, but companies such as Microsoft, Harley Davidson and Quaker Oats have specifically endorsed ENDA, according to an official with the Human Rights Campaign.

The final witness to testify was a small business owner, Thomas Grote, of Denatos Pizza in Ohio. Grote stated that it was his restaurant's mission to, "promote good will through product, principle, and people, and therefore, the restaurant "would never think of firing someone simply because they are a different race, religion, sex, or sexual orientation." Grote's testimony demonstrated that many of the nation's small businesses also support broadening the nation's anti-discrimination laws to include sexual orientation.

The *MONITOR* will keep you updated on further movement on this bill.

ARNOLD ARONSON AWARDED PRESIDENTIAL MEDAL OF FREEDOM

On January 15, 1998, Martin Luther King Jr.'s Birthday, President Clinton awarded the Medal of Freedom -- the nation's highest civilian honor -- to Arnold Aronson, co-founder of the Leadership Conference on Civil Rights (LCCR) and President of the Leadership Conference Education Fund (LCEF). The tribute to Arnold Aronson reads:

A quiet hero of our nation's civil rights movement for more than fifty years, Arnie Aronson deserves our lasting gratitude for his selfless efforts to achieve equality between all in America. As co-founder of the pioneering Leadership Conference on Civil Rights, driving force behind the lobbying that led to passage of the landmark civil right legislation of the 1950s and 1960s, and longtime President of the Leadership Conference Education Fund and Program Director for the National Jewish Community Relations Council, he has shown us what can be accomplished through cooperation between the communities that make up our society. We all are better because Arnie Aronson has lived among us.

At the ceremony, President Clinton quoted Clarence Mitchell, Jr., former chair of LCCR and former Washington director for the NAACP who said of Arnold: "There would not have been a civil rights movement without the Leadership Conference and there would not have been a Leadership Conference without Arnie Aronson."

The LCCR, founded in 1950 by giants of the Civil Rights Movement -- A. Philip Randolph, Founder and President of the Brotherhood of Sleeping Car Porters; Roy Wilkins, Executive Secretary of the National Association for the Advancement of Colored People (NAACP); and Arnold Aronson, Program Director of the National Jewish Community Relations Advisory Council -- was created to become the legislative arm of the Civil Rights Movement. It was Aronson who put the coalition together and helped staff it during the many years in which it operated on a shoestring budget. For more than forty years, LCCR has led the legislative fight for equal opportunity and social justice, coordinating the passage of every major civil rights law passed in this century.

From 1950 to 1980, Aronson served as Secretary of LCCR helping to coordinate the campaigns that led to the enactment of the first civil rights laws since Reconstruction: the Civil Rights Act of 1957; the Civil Rights Act of 1964; Voting Rights Act of 1965; and the Fair Housing Act of 1968. Through the years, he nurtured and supported the LCCR, produced a good part of its written product, helped hold it together in tough times, asked the difficult questions, and helped make the difficult decisions. Mr. Aronson continues to serve on the Executive Committee of LCCR.

In 1985, Aronson assumed the presidency of the Leadership Conference Education Fund (LCEF), the research and education arm of the civil rights coalition. As LCEF President, he has

focused increasingly on educational programs aimed at developing positive intergroup attitudes among young children.

It is particularly fitting that Aronson received the Presidential Medal of Freedom on the birthday of Dr. Martin Luther King, Jr. The two men worked together on the 1963 March on Washington and other campaigns, and devoted their lives to prodding our nation to honor its promises to all its people.

Aronson was honored along with 14 other Medal of Freedom award recipients. Six of the other awardees share a connection with Mr. Aronson and the Leadership Conference:

James Farmer, a civil rights activist who founded the Congress of Racial Equality and was an active player in the civil rights coalition also is a recipient of the LCCR Hubert H. Humphrey Civil Rights Award (1987). The Humphrey Award is the LCCR's highest honor.

Justin Dart, Jr. an advocate for the rights of the disabled for more than 40 years whose work resulted in the passage of the Americans with Disabilities Act, a legislative priority of the Leadership Conference. Dart received the LCCR Hubert H. Humphrey Civil Rights Award for selfless devotion to civil rights in 1993.

Fred Korematsu, whose legal challenges to civilian exclusion orders during World War II helped spur the redress movement for Japanese Americans. LCCR worked with the Japanese American Citizens League, a founding organization of LCCR, and other organizations on enactment of the Civil Liberties Act of 1988, which authorized restitution payments of \$20,000 to living Japanese-Americans interned during World War II.

Mario Obledo, a longtime Latino civil rights advocate and a founder of the Mexican-American Legal Defense and Education Fund, a member organization of the LCCR whose President/Counsel Antonia Hernandez is a vice chair of the LCCR Executive Committee.

Albert Shanker was President for more than twenty years of the American Federation of Teachers, a member organization of the LCCR.

It is notable that the life work of several other awardees included a commitment to racial understanding and equality: Robert Coles, a gifted psychiatrist, teacher and writer has documented the perils of poverty and racism; Frances Hesselbein as Chief Executive Officer of the Girl Scouts of America helped increase the participation of minority young women threefold; Wilma P. Mankiller, first female chief of a Native American tribe, made it her mission to bring opportunity, a higher standard of living, improved health care and quality education to Native Americans; and Admiral Elmo R. Zumwalt Jr. as Chief of Naval Operations devoted himself to eliminating discrimination in the Navy.

Wade Henderson, Executive Director of the LCCR, applauded the presentation of the award and said: "The nation owes Arnold Aronson a tremendous debt of gratitude for the wisdom he and his

co-founders, all giants of the civil rights movement, demonstrated in creating the Leadership Conference on Civil Rights. It was the nation's first civil rights coalition --America's "Coalition of Conscience." And Arnie has continued to support and nurture the LCCR over these many years, always available to lend a hand when needed. We move into the next century, much more hopeful of our future because of the life work of this man."

Karen McGill Lawson, Executive Director of LCEF, said: "This is a most fitting honor for a modest man who has always shunned the spotlight but whose work has helped transform the nation and the lives of countless Americans. In Arnie's 74th year he took on the Presidency of LCEF and has provided invaluable advice and counsel to the staff."

In a special tribute to Arnold at LCCR's annual dinner in May, 1997, William Taylor, vice-chair of the LCCR and vice president of LCEF, said: "In my opinion there is no more challenging or needed profession than that of coalition-builder. Arnold Aronson holds a doctorate in coalition building. Indeed, you could say he wrote the book. As we look back at the achievements of the LCCR as a coalition, one can say without exaggeration that they would not have been possible without the work of Arnold Aronson."

LCEF RELEASES MAJOR REPORT ON IMPROVING INTERGROUP RELATIONS WITHIN INSTITUTIONS

The Leadership Conference Education Fund has completed work on a major study on improving intergroup relations within institutions for the Charles Stewart Mott Foundation with the publication, *Building One Nation: A Study Of What Is Being Done Today In Schools, Neighborhoods, and the Workplace*.

In December of 1995 the Leadership Conference Education Fund (LCEF) received a grant from the Charles Stewart Mott Foundation to examine the dynamics of race and intergroup relations within three major realms in American society—educational institutions, neighborhoods, and the workplace. Systemic problems would be addressed, and effective programs that promote constructive race relations would be explored. The goal of the project was to assist the Mott Foundation and other funders in their work on race relations by identifying strategies that reduce prejudice and promote intergroup understanding.

Through roundtables on education and integrated neighborhoods and community programs, interviews with academicians and practitioners, site visits, and an extensive literature review, we collected information on the current state of intergroup relations and how to promote positive interaction within each of the three major societal institutions. *Building One Nation* presents a summary of the research and a series of snapshots of successful programs in schools, neighborhoods, and the workplace.

The programs discussed in the report epitomize the broad spectrum of efforts under way nationwide to improve group interactions, programs that exist because of the hard work of dedicated people committed to shaping a country that values the richness of its diversity. In our research we found countless other Americans who are interested in connecting across racial and ethnic lines but have not yet found a forum. Through the publication we seek to highlight effective programs, to provide guidance for organizations that want to establish similar efforts, and to help link people with the programs that will work for them. We also seek to encourage people to begin or continue a personal journey of discovery and understanding toward becoming activists in building, in the words of President Clinton on June 6, 1997, the world's first "truly great multicultural, multiethnic, multireligious democracy."

The report establishes a context for the discussion of intergroup relations and examines the topic's complexity. Research on the development of racial attitudes is presented as well as separate chapters on improving intergroup relations within the institutions examined (schools, neighborhoods, and the workplace) and community programs. We offer our final thoughts and suggestions for next steps, an extensive bibliography and a list of organizations around the country working on improving intergroup relations.

While applauding the programs and the dedicated people who make them work, the report cautions that such programs will succeed and flourish only if there is strong leadership backed by public policy and resources on the national and local levels. Such leadership must recognize the interconnectedness of intergroup relations, poverty, and discrimination, and must be prepared to take action on all fronts. Without a national strategy, the programs discussed will stand as isolated—if sometimes heroic—efforts. Only wider replication of them will offer hope for lasting institutional change. As the sociologist Larry Bobo wrote in *What Do We Think about Race?* (1997):

Attitudes are most likely to change when the broad social conditions that create and reinforce certain types of outlooks change and when the push to make such change comes from a united national leadership that speaks with moral conviction of purpose. That is, it is essential to speak to joblessness and poverty in the inner city, to failing schools, and to myriad forms of racial bias and discrimination that people of color often experience, but have not yet effectively communicated to their fellow White Americans.

A complementary copy of the report will be sent to all MONITOR subscribers. For information on ordering multiple copies at cost, contact Constance Dennard, LCEF, 1629 K Street, NW, Suite 1010, Washington, D.C., 20006.

LCEF WORKS WITH WHITE HOUSE INITIATIVE ON RACE ON OUTREACH TO YOUNG PEOPLE

Through his Initiative on Race, One America In The 21st Century, President Clinton has committed to engage the American people in a dialogue about our diversity as he presents "his vision of a stronger, more just and more united American community offering opportunity and fairness to all Americans." His efforts will focus particularly on young people, the leaders of the next century, through a special outreach effort. In a letter to young people, the President has asked them "to help your community by joining One America's youth outreach effort, 'Keeping It Real.' I hope to rely on you and others like you to lead your communities in their efforts to talk, listen, teach and act."

LCEF is assisting in his call to action through:

- **The development of a public service announcement** with the Ad Council for television to carry the message of One America in the 21st Century. The PSA will be widely distributed in January. It will carry LCEF's 1-800 number and the White House web site.
- **Production of a fulfillment booklet** that will include:
 - information on how individuals can become more involved,
 - a forum for viewers to share their ideas,
 - facts about race relations,
 - suggestions for action, and
 - examples of what some young adults are doing to promote race relations.

Callers to LCEF's 1-800 number will receive the booklet.

- **Updating our web site** to include the PSA, booklet, and information about the President's Initiative on Race. LCEF will be listed on the White House Initiative on Race web site as a national organization working on improving race relations and equality of opportunity. LCEF also plans to develop a nationwide database of initiatives to improve intergroup relations accessible through our web page.
- **Developing radio spots** to carry the message and encourage leadership. Radio spots have proven to be particularly effective with this age group and are very popular with college stations. We will be able to target speciality stations, e.g., country and western, jazz, rap etc. that have a youthful listening audience.
- **Developing print ads** for newspapers and magazines whose readership is of this generation of young people. We are also planning to develop op eds and essays that highlight the project research that shows young people are more open and celebratory of differences. We will highlight the progress we have made as a country and call for continued vigilance.

Beyond the White House Initiative

Beyond the television campaign, the PSA and booklet will be made available to organizations that work with young people on improving race relations. The images and comments presented through the PSA will provide a wonderful ice-breaker for dialogue groups. The booklet will be widely distributed on college campuses including community colleges, libraries, high schools, churches etc.

The PSA can also be used by local organizations to advertise their work on race relations, solicit volunteers, etc. The format of the PSA allows for easy modification to include a local tag line, and telephone number. Thus, the PSA will serve a second useful purpose following the President's Initiative. We will work with the 180 organizations of the civil rights coalition to distribute the PSA and booklet broadly.

Monitor/win-spr/final