- RUSH -

DOCUMENT NO. 068027PD

OFFICE OF POLICY DEVELOPMENT STAFFING MEMORANDUM

DATE: 4/16/82 ACTION/CONCURRENCE/COMMENT DUE BY: 4/27/82

SUBJECT: EEO Policy

	ACTION	FYI		ACTION	FYI
HARPER	☐	☐	SMITH	☐	☐
PORTER	☐	☒	UHLMANN	☒	☐
BANDOW	☐	☐	ADMINISTRATION	☐	☐
BAUER	☐	☐	DRUG POLICY		
BOGGS	☐	☐	TURNER	☐	☐
BRADLEY	☐	☐	D. LEONARD	☐	☐
CARLESON	☐	☐	OFFICE OF POLICY INFORMATION		
FAIRBANKS	☐	☐	GRAY	☐	☐
FRANKUM	☐	☐	HOPKINS	☐	☐
HEMEL	☐	☐	OTHER		
KASS	☐	☐	_____	☐	☐
B. LEONARD	☐	☐	_____	☐	☐
MALOLEY	☐	☐	_____	☐	☐

REMARKS:

EDWIN L. HARPER
ASSISTANT TO THE PRESIDENT
FOR POLICY DEVELOPMENT

THE WHITE HOUSE

WASHINGTON

April 16, 1982

MEMORANDUM FOR MIKE UHLMANN

FROM: EDWIN L. HARPER

SUBJECT: EEO Policy

Ed Meese has asked that the Cabinet Council on Legal Policy review the Administration's EEO policy on an expedited basis.

One of the things we need to facilitate this discussion is a relatively brief and simple statement of our position on goals, quotas and so forth. I have attached a first draft paper which might be a place to start.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

MEMORANDUM April 16, 1982

TO: Ed Harper

FROM: MH Michael Horowitz/Michael McConnell MM

SUBJECT: Affirmative Action Policy Statement

A. GENERAL COMMENT

It would be difficult to exaggerate the importance to this Administration and to the country of setting forth a clear, principled, and unequivocal statement of its views on racial discrimination and preferential treatment. In the absence of such a statement, each individual civil rights related controversy is blown up into an individual crisis: each time, the officials involved tend to vacillate between yielding to political and media pressure and standing up for a system of color blind racial justice; each time, the Administration is clobbered in the press for a new "retreat on civil rights," but fails to draw a clear and defensible line; each time, Administration officials are placed on the defensive without a statement of principle on which to rely.

In this office alone, pressing and controversial questions in the area of civil rights are currently raised by our review of EEOC's Uniform Employee Selection Guidelines, Justice's Coordination Regulations for Title VI, Justice's Coordination Regulations for Section 504 of the Rehabilitation Act, and Labor's affirmative action regulations for federal contractors. The media offensive on each of these projects has already begun, and is sure to intensify. It would simplify matters greatly if the Administration were to articulate and defend a statement of principle which would enable us to recapture the "moral high ground," instead of fighting it out in the trenches on each of these projects.

The disheartening state of Administration civil right policy is eloquently described and diagnosed by Chester Finn in the April issue of Commentary magazine. The picture he draws is bleak indeed:

> "Whither civil rights under Ronald Reagan? ... [I]t seems to depend more than it should on what day it is, who is in charge of a particular decision, what constituency is

raising the loudest ruckus, which agency is responsible for formulating the alternatives in executing the decision. The most ideological Administration in recent history seems not to have its ideas sorted out...."

To set a new course in the area of civil rights requires, in Finn's words, "a coherent, alternative vision, a steady hand, personnel of unimpeachable character and competence, and the courage to rebuff all who seek government sanction for discriminatory practices, whether their intentions are benevolent or malign."

B. APRIL 12th DRAFT

Thus while we applaud the proposal to issue a statement of principle distinguishing "permissible affirmative action" from "impermissible preferential treatment and/or quotas," the draft statement circulated on April 12 requires significant modification. It is internally inconsistent and can neither serve to unify currently diverse Administration positions nor assist in explaining Administration positions to the country at large. Civil rights, as Finn points out, "is not a policy domain that takes well to pragmatism, compromise, or vacillation. It demands firm ideas, constancy, and high principle."

- The proposed statement is defensive in tone, and fails to state the animating principle behind the Administration's policy: commitment to nondiscriminatory, color-blind treatment of individuals, as opposed to race-conscious attempts to redistribute social, economic, political, and educational resources among groups. Indeed, at a rhetorical level the statement's very use of language implies acceptance of the group-based view of the world. For example, it refers to individual persons as "minorities," and it states that "groups" can "acquire or develop skills, abilities and talents."

- The proposed statement fails to distinguish between prohibiting, encouraging, and requiring various forms of affirmative action. Are there forms of affirmative action that are illegal, which EEOC and Justice should take legal action to prevent? Are there forms of affirmative action which the Administration encourages as a voluntary matter but will not require? What forms of affirmative action, if any, will be enforced by OFCCP? By Justice? By EEOC? Having failed to make these distinctions — and indeed having used internally inconsistent language to describe

the issue -- the proposed statement is not very useful as a guide to specific regulatory questions.

• The statement fails to make necessary distinctions between federal contractors (who are subject to affirmative action obligations under Executive Order 11246), private employers not proven to have engaged in discrimination (who have no affirmative action obligations under current law), and private employers found guilty of discrimination (who bear a variety of administratively and judicially imposed obligations). The concepts of nondiscrimination and preferential treatment have quite different applications in each of these contexts.

• The statement is internally inconsistent. It sets up two dichotomies—between "quotas" and "goals and timetables" and between "recruitment" and the "actual decision to hire, assign, promote, etc."--without relating the two. In its second and third paragraphs, the statement seems to take the position that permissible affirmative action means only "special recruitment efforts" to ensure that the pool of persons considered for hiring and promotion reflects the numbers of qualified minority and female candidates available for the positions in question. It states that "the actual decision to hire, assign, promote, etc., [must be] made without regard to race, sex, or ethnicity." This is also the line that the Justice Department has attempted to draw, and that Brad Reynolds has so commendably defended before Congress, the courts, and the press. However, in the third paragraph, the statement takes the inconsistent position that permissible affirmative action includes "special efforts" in "hiring, job assignment,...promotion or other aspects of employment." [Emphasis added] Either affirmative action is limited to recruitment efforts -- which do not infringe on the rights of non-minority workers -- or it extends to actual decisions to hire, fire, or promote. It is not possible to straddle these two inconsistent positions.

• The statement appears to disregard the realities of the civil rights enforcement world. For example, it purports to permit employers to enforce "qualifications," but with a significant caveat: "provided the qualifications used to make such relative judgments realistically measure the person's ability to do the job in question." This statement does not take into account the fact that the

validity of employment tests and other measures of qualifications is itself one of the most significant and controversial of civil rights issues.

• Related to this is the statement's failure to recognize the connection between quota-based remedies and a false, result-oriented concept of discrimination. If non-discrimination is perceived as being based on statistical outcomes rather than unbiased processes, then it does not matter what the Administration may say about racial quotas; racial quotas will be the consequence.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

August 18, 1981

TO: MARTIN ANDERSON
THRU: RONALD FRANKUM

FROM: MELVIN BRADLEY MB

SUBJ: Permissible Affirmative Action vs. Impermissible Preferential Treatment and or Quotas

This document sets forth a proposed statement of policy which re-emphasizes the propriety of affirmative action goals and timetables, reaffirms the impropriety of preferential treatment, including employment quotas, and makes a distinction between the two concepts. It also anticipates and answers several major questions on the subject.

The failure of the Federal government in recent years to clarify the matter has led to a widely held notion that there is no distinction between affirmative action and preferential treatment, and or quotas. The belief that the two are synonymous concepts is dangerous. If that mispereeption is allowed to continue, it can only encourage resentment and resistence of such magnitude as to destroy the entire concept of affirmative action. Such a development, combined with what is already perceived as an Administration "turning the clock back," would signal an end to the Federal government's commitment to equal employment opportunity. For this reason this document might serve as a basis for an appropriate public statement from the President.

OFCCP which administers programs requiring affirmative action in employment by Federal contractors should be directed to re-examine its compliance procedures and incorporate measures which will maximize compliance with permissible affirmative action principles and which will minimize the possibilities of preferential treatment. To the extent that the Equal Employment Opportunity Commission (EEOC) has an affirmative action enforcement mandate, it should be directed to undertake a similar re-examination. Both EEOC and the Department of Justice should be guided by this statement of policy. Finally, the principal equal employment opportunity officials of all three agencies should be notified that there is not to be the slightest diminution in efforts to achieve equal employment opportunity.

bcc: Dan Smith
Mike Uhlmann

Proposed Statement of Policy

Affirmative action programs, including a system of goals and timetables, can be a very significant, legitimate mechanism for redressing the adverse employment circumstances of minorities and women. In the proper context and with appropriate safeguards, such programs should be encouraged and, indeed, they should be broadened and strengthened. On the other hand, where goals and timetables are used in such a way as to overshadow valid considerations of relative qualifications, abilities and merit, they raise questions of preferential treatment and quotas. Such systems are to be avoided.

It is appropriate for employers to engage in special recruitment efforts, both externally and within their own work forces, to ensure that the pool of persons from which employees are selected contain qualified minority and women candidates in numbers which are meaningful in relation to their availability for the jobs in question. Such outreach efforts assist in assuring that minorities and women receive fair consideration for jobs. They also create a demand for minorities and women in non-traditional fields and endeavors and, in so doing, they encourage these groups to acquire or develop skills, abilities and talents which for them were heretofore non-marketable.

These special efforts to assist in assuring fair and full consideration of minorities and women, whether in recruitment, hiring, job assignment, training, promotion or other aspects of employment do not in and of themselves constitute preferential treatment. The test is whether, after these special measures are taken, the actual decision to hire, assign, promote, etc., is made without regard to race, sex, or ethnicity. If so, the affirmative action effort is within acceptable bounds of fairness. However, if the selection procedures are based upon a perceived need to meet a numerical standard without regard to valid considerations of individual abilities, qualifications or merit, the special efforts take on the characteristics of preferential treatment and or quotas. Such preferential treatment is impermissible and is to be avoided. However, it should be unmistakably clear that this Administration will tolerate no retreat from legitimate affirmative action principles.

Questions and Answers

How are qualifications taken into consideration in meeting goals? -- In seeking to meet goals, an employer is never required to hire or promote a person who does not have qualifications needed to perform the job successfully; and an employer is never required to hire or promote such an unqualified person in preference to another candidate who is qualified; nor is an employer required to hire a less qualified person in preference to a better qualified person, provided the qualifications used to make such relative judgements realistically measure the person's ability to do the job in question. Unlike quotas which may call for a preference of the less qualified over the better qualified, a goal recognizes that persons are to be judged on individual ability. Therefore, the setting and fulfilling of goals is consistent with merit principles.

What about sanctions? Does the government impose sanctions in all circumstances in which goals are not met? -- No. If an employer has demonstrated a good faith effort through special outreach and other positive measures to consider qualified minorities and women, but has been unable to do so in sufficient numbers to meet its goal, it is not subject to sanction. On the other hand, if an employer fails to meet its goals in the face of an adequate pool of qualified minorities and women, it should examine its selection procedures for consistency with principles of nondiscrimination. Also, if an employer fails to meet its goals and fails to demonstrate a good faith effort to include reasonsable levels of minorities and women in the pool from which selections are made, it may be called upon to justify those failures.

Which Federal agencies are engaged in the process of enforcing goals and timetables and how can the Federal government assure itself that these agencies will adhere to its fundamental policy on this subject? -- The Office of Federal Contract Compliance Programs (OFCCP) has the primary responsibility for administering the nondiscrimination and affirmative action obligations of Federal contractors. OFCCP has been directed to re-examine its compliance systems and procedures and to incorporate measures which will ensure strict adherence to the Administration's policy on affirmative action goals and timetables. The Equal Employment Opportunity Commission (EEOC) has jurisdiction over the affirmative action obligations of Federal agencies. The Commission has also been directed to undertake measures to prevent preferential treatment.

In addition, there are instances in which EEOC and the Department of Justice may seek goals and timetables in conciliation agreements and settlements which provide relief for victims of systematic discrimination in cases involving private employers and state and local governments arising under Title VII of the Civil Rights Act of 1964, as amended. In arriving at these agreements and settlements both agencies are to be guided by the principles and concepts contained in this policy statement.

DOCUMENT NO. 071743PD

OFFICE OF POLICY DEVELOPMENT STAFFING MEMORANDUM

DATE: 4/23/82 ACTION/CONCURRENCE/COMMENT DUE BY: 4/30/82

SUBJECT: Letter from Chester Finn

	ACTION	FYI		ACTION	FYI
HARPER	☐	☐	SMITH	☐	☐
PORTER	☐	☐	✓UHLMANN	X	☐
BANDOW	☐	☐	ADMINISTRATION	☐	☐
BAUER	☐	☐	DRUG POLICY		
BOGGS	☐	☐	TURNER	☐	☐
BRADLEY	☐	☐	D. LEONARD	☐	☐
CARLESON	☐	☐	OFFICE OF POLICY INFORMATION		
FAIRBANKS	☐	☐	GRAY	☐	☐
FRANKUM	☐	☐	HOPKINS	☐	☐
HEMEL	☐	☐	OTHER		
KASS	☐	☐	✓Mike Horowitz	X	☐
B. LEONARD	☐	☐	_____	☐	☐
MALOLEY	☐	☐	_____	☐	☐

REMARKS:

I would appreciate your comments on Checker's 4 suggestions.

EDWIN L. HARPER
ASSISTANT TO THE PRESIDENT
FOR POLICY DEVELOPMENT
(X6515)

VANDERBILT UNIVERSITY

NASHVILLE, TENNESSEE 37212 TELEPHONE (615) 322-7311

Institute for Public Policy Studies •1218 18th Avenue South • Direct phone 322-8540

Center for Education Policy

Yes X

No ___

April 19, 1982

Mr. Edwin L. Harper
Assistant to the President
for Policy Development
The White House
Washington, D.C.

Dear Ed:

Many thanks for your nice note. I certainly share your hope that a year hence we'll all "find more to praise" in this area but, as you know better than I, it's perhaps the most hazardous and thankless domain within domestic social policy.

I would enjoy seeing you sometime, and I do get to Washington once in a while. Perhaps the next good bet would be sometime on May 17 or 18, if your schedule permits. I am supposed to spend both days with a panel of fellow proposal-readers in a windowless room somewhere at the National Endowment for the Humanities, but I imagine Bill Bennett would let me leave for an hour in order to see you. If this turns out to be convenient for you, just ask your secretary to give me a ring at this number.

In the meantime, I have four fairly straightforward suggestions for you:

First, send someone you trust, and who understands what's at stake, to supervise the process whereby the O.F.C.C.P. is (currently) weighing the comments on its draft affirmative action regulations and revising them accordingly. Everything I read and hear suggests that the "final" regulations are apt to be more onerous than the draft version aired last August, primarily because (as I said in the article) the folks in charge are trying to reduce the paperwork burden while adhering to the principle of "goals and timetables" when what should be changed is the principle.

Second, put some more first rate people onto the Civil Rights Commission (and change its staff--the root of much evil--while you're at it). Black, white, men, women, whatever. People like John Bunzel (now at Hoover), Diane Ravitch (Teachers College, Columbia), Charles Hamilton (distinguished Columbia political scientist, also black), Don Stewart (young president of Spelman College, also black), Midge Decter, etc. It's not necessary to look to the civil rights "establishment" to find respected and respectable people of sound character and principle.

Third, give serious consideration to the proposal by several Republican Congressmen to reorganize and consolidate all civil rights matters in the Justice Department. While there are some problems with that approach, there

are also great advantages over the present disarray and bureaucratic fragmentation.

Fourth (though doubtless first in importance), the administration really should articulate a civil rights policy--a clear and comprehensive statement of what it believes, what it stands for, what it proposes. It should be (in my view) tied firmly to the ideas of color-blindness and non-discrimination. It should be vigorous, principled, yet humane. And it should emanate from the President's own mouth, preferably over national television, so that ordinary people can hear and think about it themselves rather than only getting the filtered version accompanied by editorial denunciations and interest group reactions. I strongly suspect that about 85 percent of the American people believe that civil rights ought to mean the protection of the individual against discrimination, not the advancement of group interests. And that a clear statement to that effect by The Great Communicator himself could do a lot of good.

Cordially,

Chester E. Finn, Jr.
Professor of Education
and Public Policy

CEF:kmr

DOCUMENT NO. 071935PD

OFFICE OF POLICY DEVELOPMENT STAFFING MEMORANDUM

DATE: 5/4/82 ACTION/CONCURRENCE/COMMENT DUE BY: 5/10/82

SUBJECT: Civil Rights Activity Quantification

	ACTION	FYI		ACTION	FYI
HARPER	☐	☐	SMITH	☐	☐
PORTER	☐	☐	UHLMANN	☒	☐
BANDOW	☐	☐	ADMINISTRATION	☐	☐
BAUER	☐	☐	DRUG POLICY		
BOGGS	☐	☐	TURNER	☐	☐
BRADLEY	☐	☐	D. LEONARD	☐	☐
CARLESON	☐	☐	OFFICE OF POLICY INFORMATION		
FAIRBANKS	☐	☐	GRAY	☐	☐
FRANKUM	☐	☐	HOPKINS	☐	☐
HEMEL	☐	☐	OTHER :		
~~GUNN~~	☐	☐	Mike Horowitz	☒	☐
B. LEONARD	☐	☐	_____	☐	☐
MALOLEY	☐	☐	_____	☐	☐

REMARKS:

EDWIN L. HARPER
ASSISTANT TO THE PRESIDENT
FOR POLICY DEVELOPMENT

THE WHITE HOUSE

WASHINGTON

May 4, 1982

MEMORANDUM FOR MIKE UHLMANN
MIKE HOROWITZ

FROM: EDWIN L. HARPER

SUBJECT: Civil Rights Activity Quantification

Attached is a memorandum from Brad Reynolds, prepared at my request, quanitifying the Civil Rights Division's activity levels in the first year of the Reagan Administration versus the first year of the Carter Administration.

The numbers suggest to me that we may be doing a little bit more in the criminal/civil rights area and in the area of public education. In the housing and voting rights fields, it appears that we may be doing a little bit less.

However, overall, the numbers suggest there isn't much quantitative difference in the two Administrations. Would this be your reading of the data?

Office of the Assistant Attorney General *Washington, D.C. 20530*

April 30, 1982

MEMORANDUM TO: Edwin L. Harper
Assistant to the President
for Policy Development
White House Office Staff

FROM: Wm. Bradford Reynolds WBR
Assistant Attorney General
Civil Rights Division

SUBJECT: Civil Rights Activity Quantification

In response to your memorandum of March 23, 1982, I am enclosing a chart showing the comparative levels of civil rights activities during the first year of the Reagan Administration and the first year of the Carter Administration. If you have any questions, or need further information, please give me a call.

cc: Michael H. Uhlmann
Annelise G. Anderson

CIVIL RIGHTS DIVISION ACTIVITY LEVELS

ACTIVITY	PERIOD	
	First Year Of Ronald Reagan (1/20/81-1/20/82)	First Year Of Jimmy Carter (1/20/77-1/20/78
Criminal Civil Rights		
Cases Filed	52	30
Trials Conducted	29	32
No. Pending Investigations	3203	3285
FBI Budget for Investigations	$4,152,972	$3,628,638
Employment		
Cases of Public Employers Filed	6	8
Suits Authorized and Not Filed	8	6
Public Education		
Cases Obtained Relief In Investigations of Quality of Black Education	18 5	8 1/ -
Equal Credit Opportunity		
Cases Filed	0 2/	0 3/

1/ Number includes one "Higher Education" and one "Bilingual" case.

2/ A consent decree was obtained in this area in one of the Housing cases.

3/ No cases were filed during the period January 1977-78 because:

The AG was not given enforcement authority until 1976; racial provision was not added until 1977; and it took approximately 1 year to develop cases.

Housing		
Cases Filed	1 4/	11 5/
Rights of Institutionalized Persons		
Cases Filed	-	6 6/
Consent Decrees Obtained	4	2
Orders Obtained	5	3
Ongoing Investigations Under 42 U.S.C. 1977	15	N/A
Voting Rights		
Court Cases	27	43
Electoral Changes Received	8,400 7/	4,000
Objections Filed to Redistricting		
- States	6	-
- Localities	4	3
Total Number of Objections to Changes (See Attachment)	29	52

4/ Six consent decrees were also obtained during this period.

5/ Twenty-one consent decrees and 1 order were also obtained during this period.

6/ Does not include 11 cases filed alleging violations of Title II of the Civil Rights Act of 1964 (Public Accommodations).

7/ In 1980, the method for counting changes was revised to more accurately reflect the number of changes submitted.

NUMBER OF CHANGES*/ TO WHICH OBJECTIONS HAVE BEEN INTERPOSED**/
BY STATE AND YEAR, 1965 - DECEMBER 31, 1981

STATE	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	TOTAL
ALABAMA	0	0	0	0	10	1	2	9	1	4	15	17	2	3	1	5	7	77
ALASKA	-	-	-	-	-	-	-	-	-	-	0	0	0	0	0	0	0	0
ARIZONA	-	0	0	0	0	0	0	0	0	0	1	2	0	0	0	0	0	3
CALIFORNIA	-	-	-	-	-	-	0	0	0	0	0	2	3	0	0	0	0	5
COLORADO	-	-	-	-	-	-	-	-	-	-	0	0	0	0	0	0	0	0
CONNECTICUT	-	-	-	-	-	-	-	-	-	0	0	0	0	0	0	0	0	0
FLORIDA	-	-	-	-	-	-	-	-	-	-	0	0	0	0	0	0	0	0
GEORGIA	0	0	0	6	0	0	10	16	15	18	43	13	17	2	9	11	5	165
HAWAII	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
IDAHO	-	-	-	-	-	-	0	0	0	0	0	0	0	0	0	0	0	0
LOUISIANA	0	0	0	0	2	0	19	10	6	8	6	52	1	2	0	0	0	106
MAINE	-	-	-	-	-	-	-	-	-	-	0	0	0	-	-	-	-	0
MASSACHUSETTS	-	-	-	-	-	-	-	-	-	0	0	0	0	0	0	0	0	0
MICHIGAN	-	-	-	-	-	-	-	-	-	-	-	0	0	0	0	0	0	0
MISSISSIPPI	0	0	0	0	5	1	16	3	5	2	16	7	7	3	6	3	5	79
NEW HAMPSHIRE	-	-	-	-	-	-	-	-	-	0	0	0	0	0	0	0	0	0
NEW MEXICO	-	-	-	-	-	-	-	-	-	-	0	0	-	-	-	-	-	0
NEW YORK	-	-	-	-	-	-	0	0	0	6	1	0	0	0	0	0	2	9
NORTH CAROLINA	0	0	0	0	0	0	7	0	0	0	6	0	1	3	1	1	3	22
OKLAHOMA	-	-	-	-	-	-	-	-	-	-	0	0	0	0	-	-	-	0
SOUTH CAROLINA	0	0	0	0	0	0	0	7	7	34	4	10	9	8	4	0	1	84
SOUTH DAKOTA	-	-	-	-	-	-	-	-	-	-	-	0	0	1	1	0	0	2
TEXAS	-	-	-	-	-	-	-	-	-	-	1	47	12	20	29	17	4	130
VIRGINIA	0	0	0	0	0	1	4	1	0	2	1	0	0	0	1	1	2	13
WYOMING	-	-	-	-	-	-	0	0	0	0	0	0	0	0	0	0	0	0
TOTALS	0	0	0	6	17	3	58	46	34	74	94	150	52	42	52	38	29	695

*/ The number of changes objected to is greater than the number of objection letters sent to jurisdictions. For example, if a letter to a jurisdiction states that we object to 2 annexations and a change in the location of a polling place, it is counted as 3 changes objected to (2 under annexation; 1 under polling place).

**/ All figures exclude changes for which objections were withdrawn based on new information or a reconsideration of existing information. The figures include, however, objections withdrawn after a jurisdiction made a change in its election procedure which removed the basis for the objection.

DOCUMENT NO. 072084 PD

OFFICE OF POLICY DEVELOPMENT

STAFFING MEMORANDUM

DATE: 5/17/82 ACTION/CONCURRENCE/COMMENT DUE BY: 5/20/82

SUBJECT: Tuition Tax Credit Anti-Discrimination Language

	ACTION	FYI		ACTION	FYI
HARPER	☐	☐	DRUG POLICY	☐	☐
PORTER	☐	☐	TURNER	☐	☐
BARR	☐	☐	D. LEONARD	☐	☐
BAUER	☐	☐	OFFICE OF POLICY INFORMATION		
BOGGS	☐	☐	GRAY	☐	☐
BRADLEY	☐	☐	HOPKINS	☐	☐
CARLESON	☐	☐	OTHER		
FAIRBANKS	☐	☐	_____	☐	☐
GUNN	☐	☐	_____	☐	☐
HEMEL	☐	☐	_____	☐	☐
B. LEONARD	☐	☐	_____	☐	☐
MALOLEY	☐	☐	_____	☐	☐
SMITH	☐	☐	_____	☐	☐
UHLMANN	☒	☐	_____	☐	☐
ADMINISTRATION	☐	☐	_____	☐	☐

Remarks:

What are the results of your checks with civil rights groups and the Hill on what is the minimum direction we can get away with from "Bob Jones language."

Please return this tracking sheet with your response.

Edwin L. Harper
Assistant to the President
for Policy Development
(x6515)

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

May 13, 1982

What are the results of your checks with civil rights groups & the Hill re what is the minimum deviation we can get away with from "Bob Jones language"?

FOR: EDWIN MEESE III
EDWIN L. HARPER

FROM: MICHAEL M. UHLMANN

SUBJECT: Tuition Tax Credit Anti-discrimination Language

After several weeks of wrestling with the anti-discrimination language needed in the tuition tax credit bill, it has become apparent that it is impossible to draft language which will not result in some political flack from either civil rights organizations or Catholics and conservative Protestants who strongly support tuition tax credits.

It is clear that we can not insert the Bob Jones language into the legislation. Doing so would not only cause opposition from evangelicals but also from Catholics who know that such language will doom the bill in Congress. The one clear signal we have received in two weeks of consultation with Congress is that the Bob Jones language in the tuition tax credit bill is the equivalent of a "death sentence" for the legislation. <u>This is not an option.</u>

It must be realized that the bulk of civil rights organizations are opposed to tax credits on principle, even though urban blacks will be major beneficiaries of the legislation. It is possible that some of these groups may use <u>any</u> freshly-drafted language (no matter how well-crafted) as a basis for attacking the bill and charging that the deviation from Bob Jones language represents an Administration softening on civil rights.

If we are willing to take <u>some</u> criticism from civil rights organizations we can draft language that will do three things:

1. Makes absolutely clear that we do not want credits to go to parents who send their children to schools that discriminate;

2. Limits the authority of IRS to harass schools in the process of determining whether they discriminate; and

3. Makes clear our bill does not contemplate the use of quotas, etc.

The language would be fully consistent with the President's

strong pro-civil rights beliefs and his natural mistrust of excessive government power. Such language will bring the great bulk of Christian evangelical schools in support of the legislation as well as the Catholic constituency that traditionally supports tuition tax credits. There will be some opposition from the more conservative evangelicals who, like the civil rights organizations, will not support the bill under any circumstances.

A vast number of pro-tax credit groups are chiefly concerned with putting statutory limits on IRS enforcement discretion. Many of these groups are insisting that we explicitly address such matters as burden of proof, venue, etc., in the legislation. This will naturally highlight the fact we are deviating substantially from Bob Jones language; however, failure to include these restrictions will assure vocal criticism of the Administration from this constituency.

The second option is to do nothing in the bill other than state that a school must be a 501(c)(3) and that it may not discriminate. This language has the effect of leaving the matter open until the Supreme Court makes a decision on the larger issue of IRS authority. Legislation with this provision is likely to result in no action on the legislation in Congress this year since both conservatives and liberals would not want to take a stand on the bill until they know what the Supreme Court has decided. This will play into the hands of those who contend we are not serious about quick passage of the legislation.

Please provide some guidance.

Tuition Tax Credit Legislation

Tuition tax credit legislation should be introduced within the next two weeks to avoid charges that you are not serious about this issue and to have any chance of a vote before the elections.

OPD has completed drafting a tuition tax bill in close consultation with other White House offices; the Justice, Treasury, and Education Departments; and various concerned private groups. The draft bill is being circulated to senior White House staff early this week.

The draft bill has a strong, double-barrel anti-discrimination provision:

- It requires that schools have tax exempt status under 501(c)(3). This means they are subject to IRS's administrative anti-discrimination enforcement procedures.

- It adds another layer of anti-discrimination requirements that will be enforced by the Attorney General through the Civil Rights Division.

The current draft is favored by virtually all the leaders who favor enaction of a bill -- Protestant, Catholic, Jewish, and non-sectarian.

The major civil rights groups have told us that they are against tuition tax credits on principle and will attack any Administration bill. Some will charge that the bill's anti-discrimination provisions are insufficient and represent Administration softening on civil rights. However, the draft bill does, in fact, provide adequate legal safeguards against discrimination and can be convincingly defended by you and the Administration. The civil rights groups are demanding draconian enforcement procedures which go far beyond what any group in the pro-credit coalition is willing to accept.

It is important to gain outspoken and unequivocal Catholic support for the bill's anti-discrimination provisions. Such support would preempt efforts by civil rights groups to exploit the racial issue. We have had reports that the staff of the U.S. Catholic Conference (liberal Democrats), while publicly stating that the anti-discrimination provisions of the bill are "strong", will seek even stronger provisions once the bill has been introduced. This could embarrass the Administration, break up the coalition, and scuttle the legislation. Your direct intervention with high church leaders may be necessary to firm up Catholic support.

OFFICE OF POLICY DEVELOPMENT

STAFFING MEMORANDUM

DATE: 5/21/82 ACTION/CONCURRENCE/COMMENT DUE BY: 5/27/82

SUBJECT: Communications Meetings, May 21, 1982

	ACTION	FYI		ACTION	FYI
HARPER	☐	☐	DRUG POLICY	☐	☐
PORTER	☐	☒	TURNER	☐	☐
BARR	☐	☐	D. LEONARD	☐	☐
BAUER	☐	☐	OFFICE OF POLICY INFORMATION		
BOGGS	☐	☐	GRAY	☐	☐
BRADLEY	☐	☐	HOPKINS	☐	☐
CARLESON	☐	☐	OTHER		
FAIRBANKS	☐	☐	_____	☐	☐
GUNN	☐	☐	_____	☐	☐
HEMEL	☐	☐	_____	☐	☐
B. LEONARD	☐	☐	_____	☐	☐
MALOLEY	☐	☐	_____	☐	☐
SMITH	☐	☐	_____	☐	☐
UHLMANN	☒	☐	_____	☐	☐
ADMINISTRATION	☐	☐	_____	☐	☐

Remarks:

Mike,

Thanks you for sending the paper!

(Please see attached questions)

Please return this tracking sheet with your response.

Edwin L. Harper
Assistant to the President
for Policy Development
(x6515)

OFFICE OF POLICY DEVELOPMENT STAFFING MEMORANDUM

DATE: 4/26/82 ACTION/CONCURRENCE/COMMENT DUE BY: 4/30/82

SUBJECT: SECTION BY SECTION SUMMARY OF COMPROMISE AMENDMENT

	ACTION	FYI		ACTION	FYI
HARPER	☐	☐	SMITH	☐	☐
PORTER	☐	☒	UHLMANN	☒	☐
BANDOW	☐	☐	ADMINISTRATION	☐	☐
BAUER	☐	☐	DRUG POLICY		
BOGGS	☐	☐	TURNER	☐	☐
BRADLEY	☐	☐	D. LEONARD	☐	☐
CARLESON	☐	☐	OFFICE OF POLICY INFORMATION		
FAIRBANKS	☐	☐	GRAY	☐	☐
FRANKUM	☐	☐	HOPKINS	☐	☐
HEMEL	☐	☐	OTHER		
KASS	☐	☐	_____	☐	☐
B. LEONARD	☐	☐	_____	☐	☐
MALOLEY	☐	☐		☐	☐

REMARKS:

Please provide comments on t

already sent to Uhlmann -
ps send copy to Porter.

EDWIN L. HARPER
ASSISTANT TO THE PRESIDENT
FOR POLICY DEVELOPMENT

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

: Mike Uhlman
fr: Ed Harper
Thank you for the paper!

COMMUNICATIONS MEETING
FOR MAY 21, 1982

Potential Newsworthy Items

o Tuition Tax Credits

Legislation should be ready to send to the Hill by the end of next week or early in the week of the 31st. The most delicate item concerns the anti-discrimination provisions. Fielding and I are meeting this morning to discuss options; options paper will be sent to Harper/Meese by COB today. We will obviously want to avoid a replay of anything akin to the Bob Jones controversy, but some flak will be inevitable no matter what the form of the anti-discrimination language because traditional civil rights organizations oppose tuition tax credits in general.

Decision will have to be made next week on whether and how to highlight transmittal of the bill.

o Crime Program

DOJ has been working with Senate leadership to put together comprehensive crime package for floor action. The Administration has proposed a large number of bills, running the gamut from habeus corpus reform to capital punishment. We should know by COB today (a) how many separate bills will be included in the comprehensive crime package and (b) when Howard Baker plans to schedule floor time.

Good opportunity for the Administration to ballyhoo its crime intitiatives.

- Legis. timing?
- TT send to the Hill before Europe?
- Suggest Rmt it go before Urban Bldg statement
- When & how should we ballyhoo?
What events

April 23, 1982

Analysis of Proposed Language for Section 2 of the Voting Rights Act

The proposed bill would retain the current language of Section 2 of the Voting Rights Act as Section 2(a), and add an "explanatory" section 2(b). This clever piece of drafting would probably nullify all the efforts of those who have struggled for a strong Voting Rights bill, because the Supreme Court would likely construe it not as a return to a pre-Mobile non-intent test, but as a confirmation and clarification of the intent test, i.e., a codification of Justice Stewart's plurality opinion in Mobile.

This paradox comes about because of the peculiar use of White v. Regester. Whereas proponents of the "results" test in the House-passed bill have made it crystal clear that test means the test of White v. Regester and Zimmer v. McKeithen as those cases were universally understood for years -- no requirement of intent -- the new proposal co-opts particular language of White v. Regester for the erroneous claim of Brad Reynolds and Senator Hatch that White (and all the other pre-Mobile cases) required purpose always.

If this ambiguity is not eliminated, the whole purpose of returning to the White standard is undermined. This is why the "results" language of the House bill must be retained, and why out-of-context language must be avoided -- even if it is from a good case.

The basic problem is that the language of Section 2 that was interpreted by the Supreme Court in Mobile would remain unchanged (i.e., it would not have the "result" phrase inserted) It is a basic principle of statutory construction that where language that has been construed by a court remains unchanged, the court's interpretation is thereby ratified. In simple terms, if the language doesn't change, the meaning stays the same. This principle can be modified if language is added which clearly commands a different meaning of the language that has been construed, but the language in the proposed Section 2(b) does not do that at all. Rather, it simply amplifies the sentence construed in Mobile, thus suggesting the interpretation that Congress was simply clarifying the confusion of the multiple opinions in Mobile by codifying the Stewart plurality opinion.

discriminatory intent. (There was no proof of discriminatory intent in the case; courts and commentators universally viewed it as not requiring intent; and perhaps most telling, the Supreme Court Reporter did not see any such requirement, for his headnote read "3. The District Court's order requiring disestablishment of the multimember districts in Dallas and Bexar Counties was warranted in the light of the history of political discrimination against Negroes and Mexican-Americans residing, respectively, in those counties and the residual effects of such discrimination upon those groups. Pp. 9-14.").

Nonetheless, Justice Stewart's plurality opinion in Mobile, under judicial compulsion to reconcile new decisions with past cases, described White as "consistent" with an intent analysis (without quite claiming that proof of intent had been required in that case), and selected two specific sentences from White for support for this position. Those are the very same sentences inserted in the new proposal for a Section 2(b). Therefore, by repeating language which the plurality opinion in Mobile cited to support its "intent" holding (even though out of context), the proposed Section 2(b) would be interpreted as supporting, not changing, the "intent" requirement of Mobile. (If this language were included in the report, though, where it would be put in context by a fuller description of White, the danger could be minimized.)

The danger that the proposed language would be used to support a ratification of the Mobile plurality opinion is accentuated by the fact that Brad Reynolds and Senator Hatch have continually characterized White as an "intent" case; (Reynolds has even characterized Zimmer vs. McKeithen as an intent case, which no one else has ever done.) Senate testimony of Brad Reynolds, pp. 52, 73, 93, 113, 125 (March 1, 1982). Their position makes the proposed amendment even more dangerous, because of another settled doctrine of statutory construction: generally, only the explanations of a bill's supporters count, while the views of opponents are discounted for a variety of sound reasons. If the proposed bill were adopted with the support of Brad Reynolds and Senator Hatch, their explanations of it -- which would quite likely characterize it in purpose terms -- could count as much in setting the meaning of Section 2 as the views of the supporters of the House-passed bill, or even more, since with the crucial language in Section 2(a) unchanged from current law, the language would be theirs and and not ours.

In short, this language could well simply codify the "intent" requiremetn of Justice Stewart's opinion in Mobile.

(Significantly, this language does not include the words "designedly or otherwise," which were in Fortson v. Dorsey, Burns v. Richardson, and Whitcomb v. Chavis, all of which were cited approvingly in White v. Regester).

Section 2

) No voting qualification or prerequisite to voting
standard, practice or procedure shall be imposed or applied by any State or political subdivision (1) to deny or abridge the right of any citizen of the United States to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2); or (2) in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2), as provided in subsection (b).

) A violation of subsection (a)(2) is established if, based on the totality of circumstances, it is shown that such voting qualification or prerequisite to voting or standard, practice, or procedure has been imposed or applied in such a manner that the political processes leading to nomination or election in the state or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a): that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. The extent which members of a protected class have been elected o office in the State or political subdivision is one "circumstance" which may be considered, provided that nothing in this section shall be construed to require that

members of a protected class must be elected in numbers equal to their proportion in the population.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

June 4, 1982

FOR: EDWIN L. HARPER

FROM: MICHAEL M. UHLMANN

SUBJECT: Senator Jackson's Letter re: A-76
(Reference #071797PD)

Attached for your signature is a response to Senator Jackson's letter concerning his constituent's request for information on OMB Circular A-76. The response has been cleared by Dave Baker in OMB's Office of Federal Procurement Policy. (FYI, the incoming letter was addressed to you as OMB Deputy.)

(Betty: Please note that copies of both the Senator's and the constituent's letters should be attached to ELH's response.)

THE WHITE HOUSE

WASHINGTON

June 4, 1982

Dear Senator Jackson:

I am writing in response to your letter of April 21, 1982, requesting information on OMB Circular A-76 on behalf of one of your constituents, Mr. John Hughes. (Copies of your letter and Mr. Hughes' letter are attached.)

For the past several years, OMB Circular A-76 has required that cost comparisons be conducted to determine whether services can be performed more economically by in-house forces or by outside contractors. Basically, the Circular contemplates that services should be shifted from an in-house force to an outside contractor, or vice versa, where such a shift would result in cost savings of 10% or more.

Your constituent's concern appears to relate to a recent suggestion made by an interagency committee that no cost comparisons should be conducted where services were "commercial/ industrial" activities and that, generally, such services should be performed by outside contractors. This suggestion is preliminary and does not now represent the position of OMB or the Administration. It is simply one of a number of proposals that will be under consideration in the months ahead.

OMB currently plans to issue for public comment a draft of a revised Circular A-76 by mid-summer 1982.

We are forwarding Mr. Hughes' letter to the appropriate OMB officials for their consideration.

If I can be of any further assistance to you, please let me know.

Sincerely,

Edwin L. Harper
Assistant to the President for
Policy Development

Henry M. Jackson, U.S.S.
802 United States Courthouse
Seattle, Washington 98104

DOCUMENT NO. 071797PD

OFFICE OF POLICY DEVELOPMENT STAFFING MEMORANDUM

DATE: 4/26/82 ACTION/CONCURRENCE/COMMENT DUE BY: 5/5/82

SUBJECT: Senator Jackson letter re A-76

	ACTION	FYI		ACTION	FYI
HARPER	☐	☐	SMITH	☐	☐
PORTER	☐	☐	UHLMANN	☒	☐
BANDOW	☐	☐	ADMINISTRATION	☐	☐
BAUER	☐	☐	DRUG POLICY		
BOGGS	☐	☐	TURNER	☐	☐
BRADLEY	☐	☐	D. LEONARD	☐	☐
CARLESON	☐	☐	OFFICE OF POLICY INFORMATION		
FAIRBANKS	☐	☐	GRAY	☐	☐
FRANKUM	☐	☐	HOPKINS	☐	☐
HEMEL	☐	☐	OTHER		
KASS	☐	☐	_____	☐	☐
B. LEONARD	☐	☐	_____	☐	☐
MALOLEY	☐	☐	_____	☐	☐

REMARKS:

Mike—

Please draft a response for ELH's signature.

Thanks.
E. Rock

EDWIN L. HARPER
ASSISTANT TO THE PRESIDENT
FOR POLICY DEVELOPMENT
(X6515)

HENRY M. JACKSON
WASHINGTON

ROOM 137
RUSSELL SENATE OFFICE BUILDING
WASHINGTON, D.C. 20510
(202) 224-3441

COMMITTEES:
ENERGY AND NATURAL RESOURCES
ARMED SERVICES
GOVERNMENTAL AFFAIRS
INTELLIGENCE

United States Senate

WASHINGTON, D.C.

April 21, 1982

Mr. Ed Harper
Deputy Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Harper:

The enclosed is respectfully submitted to you for every proper consideration.

Please provide me with a report in duplicate and send your response directly to my Seattle office at 802 United States Courthouse, Seattle, Washington 98104 (Telephone 206/442-7476, FTS 399-7476).

Sincerely yours,

/Henry M. Jackson

Henry M. Jackson, U.S.S.

HMJ:gb

Enclosure

MAR 8 9 45 AM '82

John Hughes
121 S. Havana
Spokane, WA 99202

Dear Sir:

I am presently a Government employee at the U. S. Court House in Spokane, Washington. I am a custodial worker and my job is for veterans. I am a veteran who has been employed in this capacity for a number of years. I had planned to retire from this position.

I am therefore, very concerned about OMB Circular A-76 and the impact it could have on my job and my future. I feel it is very unfair to uproot us, particularily at a time when the economy is gloomy and there just isn't any jobs available out there. I feel I am not qualified to seek other employment with the Government, thus I've wasted these years toward my retirement.

A-76 states that cost comparisons would be conducted to determine the most economical means of providing the services. At that it it would be determined if the work were to be contracted out or accomplished by in-house force account. Now, I have been told that cost comparisons for custodial work will not even be conducted. This makes me feel like I'm not given a fighting chance.

I would appreciate it if you will look into A76 and its impact on us. Anything you can do in our behalf will be appreciated.

Sincerely,

John Hughes

start early; Campaign Hard & Win

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

June 4, 1982

FOR: EMILY ROCK

FROM: MICHAEL M. UHLMANN

SUBJECT: Response to Human Resources Institute, Inc. (Reference #067680PD)

Attached is a copy of the letter that I sent Dr. Singer in response to his letter of March 24, 1982.

This should close out the action item. If Bob Carleson wants to get in touch with Singer, he can do so.

DOCUMENT NO. 067680PD

OFFICE OF POLICY DEVELOPMENT STAFFING MEMORANDUM

DATE: 3/31/82 ACTION/CONCURRENCE/COMMENT DUE BY: 4/7/82

SUBJECT: RESPONSE TO HUMAN RESOURCES INSTITUTE INC. LETTER

	ACTION	FYI		ACTION	FYI
HARPER	☐	☐	SMITH	☐	☐
PORTER	☐	☐	UHLMANN	☒	☐
BANDOW	☐	☐	ADMINISTRATION	☐	☐
BAUER	☐	☐	DRUG POLICY		
BOGGS	☐	☐	TURNER	☐	☐
BRADLEY	☐	☐	D. LEONARD	☐	☐
CARLESON	☐	☐	OFFICE OF POLICY INFORMATION		
FAIRBANKS	☐	☐	GRAY	☐	☐
FRANKUM	☐	☐	HOPKINS	☐	☐
HEMEL	☐	☐	OTHER		
KASS	☐	☐	_____	☐	☐
B. LEONARD	☐	☐	_____	☐	☐
MALOLEY	☐	☐	_____	☐	☐

REMARKS:

Please analyze and draft a response.
Interesting Idea.

EDWIN L. HARPER
ASSISTANT TO THE PRESIDENT
FOR POLICY DEVELOPMENT
(X6515)

THE WHITE HOUSE

WASHINGTON

June 4, 1982

Dear Dr. Singer:

The President has forwarded to me for consideration your letter of March 24, 1982, concerning your foundation's Youth Conservation Corps Center pilot program.

Your proposal contains a number of interesting ideas, and I have referred it to my colleague, Robert Carleson, Executive Secretary to the Cabinet Council on Human Resources.

Thank you for sharing this idea with us.

Sincerely,

Michael M. Uhlmann

Michael M. Uhlmann
Special Assistant to
the President
Executive Secretary to
the Cabinet Council
on Legal Policy

Henry A. Singer, Ed.D., Ph.D.
Executive Director
Human Resources Institute, Inc.
Woodland Drive
Westport, CT 06880

Human Resources Institute Inc. WOODLAND DRIVE, WESTPORT, CONN. 06880 203-227-4549

AN AFFILIATE OF **The Diebold Institute for Public Policy Studies, Inc.**

John Diebold, M.B.A.
Chairman

Henry A. Singer, Ed.D., Ph.D.
Executive Director

March 24, 1982

President Ronald Reagan
The White House
1600 Pennsylvania Avenue N.W.
Washington D.C. 20500

Dear Mr. President:

These are difficult times and you have displayed extraordinary courage in facing many unpopular choices in trying to make government work. Your effort to hold down Federal costs without sacrificing security seems almost impossible. Yet, you continue to try. Holding down crime and helping the underprivileged get on their feet are among your priorities.

In this regard, our Institute, a public foundation, would also want to serve your cause. To this end, we have designed a Youth Conservation Corps ~~Center pilot program~~. It could mark your administration with the same historic impact of FDR's CCC program during his administration's trying times.

This YCC would not require additional Federal funds. The pilot program would work with some 300 selected first offenders under 18. In addition, to salvaging these human resources, the program would do the same for deteriorating military bases. Some are falling apart and may yet cost additional unnecessary funds if not rehabilitated soon.

Recently, Chief Justice Burger called for using some correctional institutions as vocational training centers so that those who commit crimes pay for their own incarceration. In addition, most of these inmates would learn a usable trade skill, eventually becoming taxpayers rather than more skillful criminals. The building craft skills for rehabilitation and repair in our cities has become high paying growth fields.

Our proposal combines many of these features, plus some other unique qualities. We would have leading sports figures, especially retired heros and minority sportsmen as role models. They would provide volunteer sports, having combined with the vocational training programs. For the large number of minority youthful offenders, this would be especially important.

The Youth Corps participants would be trained on the job at the closed down military base to restore the property. And, they would initially do so within the funds already set aside on Federal, State and local levels for warehousing our youthful offenders.

The recent New York Times series on Youthful Crime in America suggested that this accounts for the most violence against life and property. The average annual correctional cost is over $20,000 per inmate, more than to educate a physician at Harvard.

The proposition is simple, but it needs a Presidential Task Force to design enabling legislation to transfer existing correctional funds to this project. Although he is a Democrat, Bill Bradley, the Rhodes scholar and All-American basketball star, would be an ideal member, along with Congressman Kemp of New York, a former football star, Justice White and Chief Justice Burger might be other members.

RECAPITULATION:

1. Youth Conservation Corps Center - a pilot rehabilitation program for 300 selected youthful first offenders with an aptitude and potential for property rehabilitation training.

2. Presidential Task Force to outline Presidential order enabling correctional funds for Federal and State correctional institutions to be earmarked in the same proportion for 300 juvenile inmates.

3. Pilot program participants screened by Federal agencies as those with most chance of success in such a program.

4. Sports figures recruited by Task Force to run sports clinics for boys at Center as part of recreational therapy program.

5. Building Trades Unions participate on Task Force as coordinators of building trade apprentice trainers assigned to supervise and organize rehabilitation work on military base buildings and property. A combined part-volunteer, part-base union scale for building trade foremen in specialties.

6. Assign outstanding Federal employees in correctional field as security and supervisors. Appoint a coordinator to administer overall program. The Institute would hope to play a role in this area, as well as with the Task Force.

7. The Institute would assist through fund-raising from private sources for any additional funds necessary for the start-up operation. The Defense Department would also earmark materials and supplies currently in reserve for such purposes.

Our Institute, its resources and contacts are available to carry this project forward and help in your campaign to make government work, reduce crime and assist those in urgent need of help. Our credentials in this regard are listed in Who's Who in America.

Respectfully,

Henry A. Singer, Ed.D., Ph.D.

HAS/bkr

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

June 4, 1982

FOR: EDWIN L. HARPER

FROM: MICHAEL M. UHLMANN

SUBJECT: Planning for the Bicentennial of the Constitution (Reference #067774PD)

I have met with several private groups concerned with planning for the Constitution's Bicentennial and am in touch with AEI (which is developing a plan). I am working with outside groups on appropriate draft legislation to facilitate planning and implementation of the Bicentennial.

I plan to have a proposal to you during the week of June 21.