



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20502

January 7, 2000

MEMORANDUM FOR THE PRESIDENT

FROM: NEAL LANE *neal*
CC: JOHN PODESTA
SUBJECT: OSTP WEEKLY REPORT

THE PRESIDENT HAS SEEN

1-10-00

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Canadians Reconsider Denial of Mouse Patent

In 1998 a Canadian court disallowed a patent on a genetically altered mouse, holding that the transgenic mouse did not meet the definition of an invention because it is a complex life form that "cannot be easily or predictably reproduced." The decision raised trade concerns related to use and sale of U.S. patented plants and animals in Canada without proper compensation. As you know, U.S. patent law allowed a patent for Harvard's "oncomouse" in 1987. The Canadian court has decided to reconsider its ruling and could render a decision as early as February 2000. Observers expect the case to make its way to the Supreme Court of Canada.

Industry Supportive of Information Infrastructure Protection Request

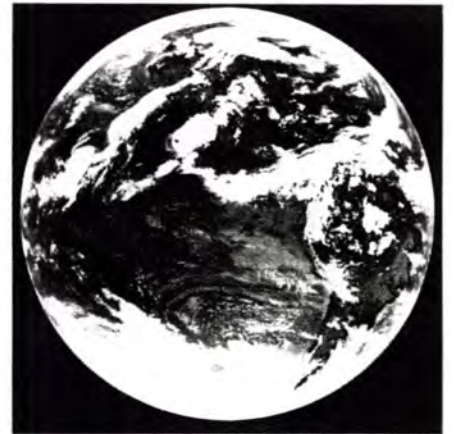
John Young, PCAST co-chair, and Norm Augustine, who chairs the PCAST Security Panel, were very gratified to hear of your announcement today that you will request \$50 million in the FY01 budget to create an Institute for Information Infrastructure Protection. I expect your proposal to win the strong support of key information and communications corporations such as IBM, AT&T, Microsoft, and Cisco. Such an impressive response by the Administration solidly demonstrates your commitment to addressing some of the key R&D shortfalls that PCAST had identified, such as intrusion and malicious code detection, human interfaces with complex systems, and system reconstitution/recovery. I appreciate the work that Sandy Berger and the NSC put into this; his support was essential in bringing it to fruition. I will continue to work closely with him, PCAST and key technology leaders in the private sector to get this Institute off to a running start and positioned to use this \$50 million most effectively.

Hubble Space Telescope Repair Mission Successful

The Hubble is expected to begin gathering data again this Sunday (1/9), and images will be publicly available approximately 7 to 10 days later. Hubble has traveled 1.4 billion miles since its launch in 1990, giving the public an unprecedented look at colliding galaxies, star formation, and the remnants of events that occurred early in the history of the universe. Two more Hubble service missions are planned in Spring, 2001 and 2003. NASA hopes to keep the telescope working until 2010 - 5 years longer than originally planned.

Satellite Observations Improving

NASA launched the Earth Observing System (EOS) satellite, Terra, December 18, 1999. Beginning January 20th, it will record images that will aid the study of clouds, water vapor, small particles in the atmosphere, trace gases, land surface and oceanic properties as well as the interaction between them and their effects on the Earth's climate. EOS consists of a total of 20 satellites (to be launched into low Earth orbit between 1999 and 2005) that support interdisciplinary science investigations of the global climate by providing a 15-year data set of key parameters and processes.



THE WHITE HOUSE

WASHINGTON

January 7, 2000

THE PRESIDENT HAS SEEN
1-10-00

MEMORANDUM FOR THE PRESIDENT

FROM: Mickey Ibarra *Mickey*

SUBJECT: Office of Intergovernmental Affairs Weekly Report – January 7, 2000

Y2K – LOCAL/STATE GOVERNMENT OPERATIONS

IGA worked very closely with the Information Coordinating Center (ICC) and the PCY2K during the Y2K roll-over period. The White House office of IGA was staffed for 28 hours, December 31 – January 1, to be available to state and local elected officials and the ICC if needed. As you are aware, few glitches were reported. However, KARK 4 of Little Rock, reported that Conway and 21 additional Arkansas counties experienced problems. (See attached story.)

GOVERNORS

Governor Gray Davis (D-CA): In his State of the State speech on January 5, Governor Davis outlined an ambitious agenda for the 2000 legislative session, with the majority of his address centering on education. The Governor issued a "call to arms" to recruit and train new teachers for what he called "the war on mediocrity" in the State's public schools. His proposal focused on the need to recruit teachers for public schools that rank in the bottom 50 percent based on students' standardized test scores. Governor Davis' plan would provide forgivable student loans, teaching fellowships, and salary bonuses for teachers who commit to teach in those schools. Vice President Gore called the Governor to congratulate him on the speech.

Governor Tom Carper (D-Del): On January 6, Governor Carper spoke with Nancy Ann Min DeParle, HCFA Administrator, and John Podesta regarding the possible decertification by Medicare and Medicaid of Delaware's only psychiatric hospital. HCFA investigators have found serious violations by the facility, including overcrowding, insufficient treatment, inadequate staff training, and inadequate responses by the hospital's management. Governor Carper's staff is working directly with HCFA to address the problems. Based on progress made today, HCFA has granted Delaware another week to address the remaining violations or face decertification, January 14. IGA will continue to monitor the situation.

National Governors Association (NGA): Continuing our effort to seek the views of state and local officials, IGA and OMB met with Ray Scheppach, Executive Director of NGA, to discuss NGA's budget priorities for fiscal year 2001. Among their priorities are full funding for the Social Services Block Grant, TANF, and the SCHIP program.

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CITIES/ COUNTIES

United States Conference of Mayors' (USCM) Winter Meeting: We have informed the USCM that you will host them at the White House on January 28. Over 200 mayors are expected. The following Cabinet members will address the plenary sessions of the USCM's winter meeting, January 25-28: Summers, Cuomo, McCaffrey, Reno, Herman, and Babbitt.

San Francisco – Hunters Point Naval Shipyard: On December 29, IGA and NEC hosted a meeting with representatives from the City of San Francisco and the Navy to discuss the cleanup of the Hunters Point Naval Shipyard. Mayor Brown had written to you on December 2, 1999, asking for your assistance in expediting the cleanup efforts. The shipyard closed in 1974 and is now a Superfund site that must be cleaned up before the shipyard is transferred to the City for redevelopment. The cleanup had stalled due to a dispute between the Navy and the City. Since the meeting, the Navy has reported some progress in reaching a compromise with the City. We are eager for the Navy to resume its cleanup rapidly so that the redevelopment of at least a portion of the shipyard can begin. *This is a Superfund site. Cleanup must be completed by 2001.*

Seattle, Washington: Thank you letters have been sent to Mayor Paul Schell (D-Seattle) and the Seattle City Council for hosting the World Trade Organization Ministerial. Mayor Schell continues to be heavily criticized. Projected costs for the WTO now exceed \$9 million. Mayor Schell is expected to seek additional federal assistance to help defray those costs.

Sacramento, California: IGA and OMB met with Sacramento city officials regarding their FY 2001 flood control project requests. Last year's federal budget provided the full \$35 million they requested. Their FY 2001 request exceeds \$62 million. We will continue to work closely with OMB and Congressman Matsui to address the city's requests.

INSULAR AREAS

Vieques Bombing Practice: Governor Pedro Rossello (D) credited you, Secretary Cohen, Secretary Danzig and other White House staff for the progress that has been made on the Vieques issue. He also denounced Navy Operations Chief Johnson and Marine Corps Commandant Jones for blocking resolution of the matter. Chief Johnson and Commandant Jones insist that any agreement must provide the Navy an opportunity to resume the use of live ordnance. Meanwhile, Secretary Cohen and Secretary Danzig continue to discuss with Johnson and Jones the draft agreement that was reached with Governor Rossello several weeks ago. They have yet to reach a consensus. The Governor is growing more frustrated daily.

The head of the Independence Party resigned his Senate seat to continue leading the "live-in" on the range, where protesters now are building permanent housing.

Millennium Celebration: IGA worked with the White House Millennium Council to fulfill Governor Carl Gutierrez's (D-Guam) requests for participation in the Millennium Around the World event on December 31. The Governor was very pleased with the recognition he received and enjoyed participating in events throughout the weekend.

Y2K Bug Bites 22 Counties

Story by Alice Stewart (KARK - 4) (NBC Affiliate)

(From the KARK Website: <http://www.kark.com/story5x.html>)

A WEEK INTO THE NEW YEAR AND SOME OF THE STATE'S SMALLER COUNTIES ARE FINDING OUT THAT THEIR COMPUTERS ARE NOT READY FOR THE NEW MILLENNIUM. AND IT COULD AFFECT HOW HUNDREDS OF PEOPLE ARE PAID WITHIN THE NEXT FEW WEEKS.

BEVERLY PALADINO SAYS THERE ARE SOME COMPUTER PROBLEMS AT THE CONWAY COUNTY COURTHOUSE. CLERKS ARE WORKING WITH SOFTWARE DESIGNED BY THE UNIVERSITY OF ARKANSAS. IN ORDER TO WORK NOW- THEY'VE TURNED BACK THE COMPUTER CALENDAR TO DECEMBER 31, 1999. THAT'S BECAUSE IT WON'T WORK IN THE YEAR 2000.

CONWAY COUNTY IS NOT ALONE. THEY ARE PART OF THE COUNTY MANAGEMENT INFORMATION SYSTEMS ASSOCIATION. 22 COUNTIES HAVE THE SAME SYSTEM. ALL REPORT SOME TYPE OF PROBLEM THEY HOPE TO HAVE FIXED IN TIME FOR PAYROLL AND THEY'VE BEEN ASSURED BY THEIR VENDOR THAT THEY'LL BE "READY TO GO."

THAT VENDOR IS RELATIONAL MANAGEMENT SERVICES OF DALLAS WITH AN OFFICE IN CONWAY. JACK McCOWN IS SOLELY RESPONSIBLE FOR ALL 22 COUNTIES...AND McCOWN SAYS HE'S DOING ALL HE CAN TO CORRECT THE DATA. HE SAYS IT'S A "MASSIVE PROJECT."

McCOWN ASSURES THE COUNTIES THAT ALL PAYROLL WILL BE MADE. HE SAYS THAT MOST OF THE PROBLEMS CAN BE FIXED WITH A SIMPLE PATCH THAT CAN BE DOWNLOADED ON A MODEM. BUT ALL OF THAT TAKES TIME.

MANY OF THE COUNTIES SAY THEY WILL ISSUE CHECKS BY HAND, WHICH WILL BE VERY TIME CONSUMING. THAT'S NOT THE ONLY AREA AFFECTED. SOME COUNTIES SAY THEY ARE HAVING PROBLEMS ISSUING CHILD SUPPORT AND SETTLEMENT CHECKS THAT WOULD ORDINARILY COME OUT OF THE COUNTY TREASURY OFFICE. THEY'RE HOPING THINGS ARE REPAIRED SOON.

WATCH NEWS 4 FOR MORE ON THIS STORY TONIGHT AT 5:00, 6:00 AND 10:00.

THE PRESIDENT HAS SEEN

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THE WHITE HOUSE

WASHINGTON

January 7, 2000

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pg 7 - HRC/
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pg 10 - Reed/
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pg 12 - HRC/
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MEMORANDUM FOR THE PRESIDENT

FROM: THURGOOD MARSHALL, JR. **T.M.**
KRIS M. BALDERSTON

SUBJECT: Summary of Cabinet Weekly Reports
December 18 - January 7, 2000

DEPARTMENT OF TREASURY

- **Asia Trip:** On January 16-23, Secretary Summers will lead an inter-agency delegation to India, Indonesia and Japan. From January 17-19, Secretary Summers will visit Bombay, where he will deliver a speech and meet with U.S. and Indian business groups: New Delhi, where he plans to meet with Prime Minister Vajpayee, Finance Minister Sinha, and visit an NGO poverty reduction project; and Bangalore, India's high-tech center, where he will visit a micro-credit project, a high-technology site, and meet with Indian business leaders. On January 20, Secretary Summers, accompanied by Assistant Secretary of State Roth, will visit Jakarta, where he plans to meet with President Wahid, Coordinating Economic Minister Kwik, and other members of the Indonesian economic team. He will deliver a speech on the Indonesian economy. On January 21-23, Secretary Summers will visit Tokyo for a meeting of the G-7 Finance Ministers and Central Bank Governors.

HIPC Initiative: During the second and third weeks of January, teams from Treasury and State will visit the first four countries likely to receive debt relief under the enhanced HIPC Initiative: Bolivia, Mauritania, Mozambique and Uganda. The purpose of the visit is to demonstrate U.S. support for debt relief to the world's most heavily indebted nations and to assess progress on reforms countries are undertaking prior to receiving debt relief.

- **Pennsylvania Avenue:** As a result of concerns expressed by DC Mayor Williams regarding the continued closure of Pennsylvania Avenue, Under Secretary for Enforcement Johnson, Assistant Secretary for Enforcement Bresee, and U.S. Secret Service Director Stafford will conduct a classified briefing at Secret Service Headquarters for Mayor Williams and his security director on January 10. Pennsylvania Avenue was originally closed as a result of the White House Security Review's recommendations.

- **Public Disclosure Requirements:** During the week of January 10, Treasury will issue final regulations setting parameters for publicly disclosing private foundations' tax exemption and annual information returns. By increasing the disclosure requirements of private foundations, and thereby enhancing the public's understanding of charitable activities, the regulations advance a goal of last year's White House Conference on Philanthropy.

DEPARTMENT OF JUSTICE

- **Panama Canal:** Barr v. Albright. Representative Barr joined a tugboat operator in seeking injunctive relief to block the effect of treaties and legislation that authorized the transfer of the Panama Canal. The expedited motions and subsequent appeals were denied.
- **U.S. Customs Arrestee Indicted:** A federal grand jury in the Western District of WA returned a five-count indictment against a defendant who was arrested by U.S. Customs agents in Port Angeles, WA, on December 14. The defendant was charged with making a false material statement to U.S. Customs officials upon entering the U.S. from Victoria, B.C., by using an assumed name. He is also charged with knowingly and fraudulently bringing into the U.S. merchandise forbidden by law-- a nitroglycerine equivalent, knowingly possessing a firearm not registered to him in the National Firearms Registration and Transfer Record, and knowingly carrying an explosive during the commission of a federal felony. He faces up to 40 years in prison if convicted.
- **Former FBI Agent Indicted:** A former FBI Special Agent was charged in a five-count indictment alleging RICO and obstruction of justice violations. The former FBI agent and his co-defendants are believed to have operated a RICO enterprise whose purpose was to protect their criminal activities, included illegal gambling, loan-sharking, extortion, and bribery, in the Greater Boston Area. The criminal activities allegedly occurred both during and after the time one of the defendants was an FBI agent and while two other defendants were FBI informants.
- **Continued Confinement for Suspected Nazi Criminal:** On December 13, 1999, a District Court in FL denied the motion of Vytautas Gecas to terminate his confinement for civil contempt. In May, the court found Gecas, a permanent resident alien residing in Sunny Hills, FL, in civil contempt of court. Gecas has been in U.S. Marshals Service custody since May 1999 for refusing to answer questions posed by the Office of Special Investigations (OSI) in connection with its investigation of Gecas' wartime activities. During World War II, he allegedly was a member of the Nazi-sponsored 2nd Lithuanian *Schutzmannschaft* Battalion. The Battalion took part in the mass murder of some 20,000 Jews and suspected communists in Lithuania and Byelorussia (now Belarus) during the fall of 1941.

- **Crimes Against the Elderly:** On January 9, DOJ's Bureau of Justice Statistics expects to publish *Crimes Against Persons Age 65 or Older, 1992-97*. The report presents data compiled on crimes against the elderly from the National Crime Victimization Survey. The elderly made up 15 percent of the population age 12 or older, but were the victims of seven percent of measured crimes. When compared to other age groups, the elderly were disproportionately affected by property crimes, and crimes against the elderly were more likely to occur in or near their homes, and during daylight hours.
- **Juvenile Justice Publications:** During the week of January 10, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) is expected to release *Teenage Fatherhood and Delinquent Behavior*. The bulletin describes OJJDP research on delinquency in Rochester, NY and Pittsburgh, PA. The bulletin finds that early involvement in delinquency and drug use is highly correlated with subsequently becoming a teen father. During the week of January 10, OJJDP also expects to publish *Effective Strategies for Prosecuting Juvenile Firearm Offenders*. This bulletin describes steps taken by the Seattle, WA, Police Department and the Prosecutor's Office in King County, WA, to strengthen the investigation and prosecution of juvenile firearm offenders. Also during the week of January 10, OJJDP is expected to release two bulletins in the Youth in Action series, produced for youth ages 12-19. *Arts and Performances for Prevention* describes how youth can use arts to draw attention to community problems and the benefits of crime prevention. *Raising Awareness and Educating the Public* describes how youth can start public awareness and education projects.

DEPARTMENT OF INTERIOR

- **Marshall Islands Bank Loans:** According to a just-released audit by DOI's Inspector General, the Marshall Islands Development Bank policies resulted in a loss of nearly \$14 million in loans, violating Federal and Marshall Islands banking laws and the Compact of Free Association. The IG concluded that political influence from the Republic of the Marshall Islands' cabinet caused the bank to issue loans that could not be collected.
- **Virgin Islands Financial Problems:** The critical financial condition of the U.S. Virgin Islands (USVI) could worsen before the end of the first quarter of this year, according to a recent warning from the USVI Director of Management and Budget. The USVI's Director believes that unless drastic steps are taken to reduce the size of government, the local government may be unable to pay its bills after the money from a recent \$300 million loan is spent.
- **Water Transfer Guidelines:** Revised draft water transfer guidelines for the Central Valley Project of CA have been published by the Bureau of Reclamation and are available for public comment through January 10. These revisions are linked to

provisions that have been sunsetted since the guidelines were first published in 1993. The guidelines, developed under the Central Valley Project Improvement Act, will provide for more efficient and effective water usage.

- **Columbia River Deepening:** The U.S. Army Corps of Engineers plans to deepen the Columbia River shipping channel, after winning approval from DOC's National Marine Fisheries Service. The estimated project cost is \$196 million and includes a requirement of restoring more than 3,000 acres of tidal wetlands that must not negatively impact salmon and steelhead trout protected by the Endangered Species Act. The Corps will remove approximately 22 million cubic yards of sand, gravel, and silt and retrofit tidegates on streams to open 39 miles of spawning habitat to salmon and steelhead.
- **Discovery Center at MLK Site:** On January 13, a Discovery Center exhibit that interprets segregation and the Civil Rights Movement from a child's perspective will be dedicated at the Martin Luther King, Jr. National Historic Site. Expected to be on hand for the dedication are Mrs. Coretta Scott King, Congressman John Lewis, NPS Director Stanton, and officials from the Coca-Cola Foundation, which funded the exhibit, and the National Park Foundation.
- ✓ **Everglades Farm Bill Money:** On December 30, 1999, Secretary Babbitt obligated the remaining \$33.2 million of the 1996 Farm Bill funds available to the Secretary to conduct Everglades ecosystem restoration in South FL. A total of \$200 million was spent under the Farm Bill.

UNITED STATES DEPARTMENT OF AGRICULTURE

- **Emergency Farm Assistance:** On December 28, Secretary Glickman announced that USDA will pay out \$328 million to compensate tobacco growers and quota holders for reductions in the 1999 crop quota, as provided for in the FY2000 emergency farm aid package. As of December 28, USDA had approved requests to make ranchers in 1,264 counties in 35 states eligible for compensation through the Livestock Assistance Program for grazing losses attributed to natural disasters in 1999.
- **USDA Accomplishments:** On January 10, Secretary Glickman will hold a news conference on 1999 accomplishments and priorities for 2000.
- **New Antibiotics:** USDA scientists searching for natural compounds to control fungi in plants have discovered new antibiotics that control human infections of streptococcus and staphylococcus bacteria. This new family of antibiotic compounds are not related to penicillin, and are thus potentially of widespread use, since 80 percent of all strains of staphylococcus are resistant to penicillin and its derivative forms.

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- **Commodity Markets:** Wheat prices were unchanged, as a slowdown in exports was offset by concerns over dry conditions in parts of the Plains. Corn prices were nudged higher by continued strong exports and dry conditions in South America, but competition from China held gains in check. Rain in soybean-growing areas of South America depressed soybean prices. Rice cash prices held steady, but futures fell on large global supplies. Cotton prices received a boost as China estimated its 1999 cotton crop to be much smaller than previously thought. Cattle prices rose slightly in a slow week. Hog prices fell as slaughter schedules were curtailed. Broiler prices were marginally lower as production slackened. Cheese prices were up in sluggish activity. Butter prices dropped modestly.
- **New Meat Inspection Rules:** On January 25, USDA will complete implementation of its new science-based meat and poultry inspection system -- known as HACCP, for hazard analysis and critical control point -- on the third and final class of plants, very small plants, which are those with fewer than ten employees or sales under \$2.5 million annually, and which number approximately 3400 federally-inspected facilities and 2300 state-inspected plants.
- **Possible E. coli Contamination:** On December 25, Supreme Beef Processors, Inc., of Dallas, TX voluntarily recalled approximately 180,000 pounds of ground beef that may have been contaminated with E. coli O157:H7 following discovery of the pathogen during routine USDA sampling. This is the same plant that was the first in the nation to fail to meet USDA's salmonella performance standards in three consecutive sets, and follows a recent federal court decision granting Supreme Beef a preliminary injunction preventing USDA from removing its inspectors from the Dallas plant. This recall generated extensive press coverage, as has the entire dispute with the company, and the case will likely continue to generate media until its final disposition.

DEPARTMENT OF COMMERCE

- **Makah Whaling:** The Ninth Circuit Court of Appeals has scheduled oral argument in a case in which Representative Metcalf (R-WA) and other plaintiffs challenged the U.S. role in facilitating the subsistence hunt of gray whales by the Makah Indian Tribe. The appeal of the opinion upholding the U.S. actions will be heard February 8 in Seattle, WA.
- **U.S. Medical Exhibit in Cuba:** Last year, the Department of the Treasury permitted a U.S. company to organize an exhibition of U.S. medical items in Havana, Cuba. The exhibition is scheduled for late January. The Bureau of Export Administration is handling the licensing for the temporary export of items to be exhibited. To date, almost 40 companies have applied, with perhaps another 20 expected. DOC anticipates that the exhibition will result in a number of export license applications to sell or donate items in Cuba.

DEPARTMENT OF LABOR

- **At-Home Workers:** OSHA has responded to more than 150 press inquiries regarding OSHA's coverage of at-home workers. The Secretary has conducted on-camera interviews and DOL has released two press statements about the issue of the home as a work site. OSHA received a letter requesting its policy on telecommuting from an employer and it is OSHA's November 1999 response to this request that triggered the controversy. The letter explains OSHA's requirements since the OSHA Act went in to effect in 1971. DOL withdrew the November response letter on January 5 and will pursue a national dialogue to determine what the rules and policies should be for America's workers, given the changing nature of work in the 21st Century.
- **Collective Bargaining Update (Auto Industry):** United Auto Workers at Saturn/GM plants in Michigan and Tennessee ratified a new agreement on December 19 providing 12 percent wage increases over four years and a one-time lump-sum payment of \$1,350. It amended the open-ended agreement that does not expire but can be re-opened by either labor or management. The "risk-or-reward" productivity sharing provisions, by which a percentage of pay can be withheld based on productivity, was reduced from 12 percent to 5 percent.
- **Collective Bargaining Update (Farm Workers):** Hundreds of farmworkers in Immokalee, FL, have left the tomato fields in a work stoppage until employers agree to talk with the Coalition of Immokalee Workers (CIW) over wage increases. Workers were given a nickel-an-hour raise last year, giving them about 40-45 cents for every bucket of fruit picked. The CIW claims that 75 cents approaches more of a living wage. The walk-out effects the crops at their peak time of harvest and involves some of the largest growers in the area including Pacific Tomato Growers, Nobles Farms, and Red Star Farms. FL police have arrested several protestors and organizers for disruptive behavior. The CIW, not affiliated with the United Farm Workers (AFL-CIO) or independent Farm Labor Organizing Committee (FLOC), has appealed to Governor Jeb Bush for assistance.
- **Migrant Youth Grants:** DOL expects to announce the award of the first Workforce Investment Act (WIA) grants. Youth Opportunity Grant funds are the only Fiscal/Program Year 1999 funds that are available under the WIA authority. Under these grants, ten migrant and seasonal farmworker program organizations will be selected to receive the first of two grants under the Migrant and Seasonal Farmworker Youth Program. The total funding amount for the first of the two-year designation periods will be \$10 million. Individual grants will range from \$200,000 to \$2,650,000.

- **CA Grant:** DOL expects to announce the award of a grant of up to \$3 million (with \$1.75 million allocated immediately), to provide job training and other services to nearly 500 workers dislocated by the closure of the Del Monte cannery located in San Jose.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

- **Olmstead Ruling:** During the week of January 10, the Health Care Financing Administration and the Office of Civil Rights tentatively plan to send state medicaid directors a guidance letter outlining the provisions of the Olmstead ruling. The recent Supreme Court decision in the Olmstead case provides an important legal framework for efforts to enable individuals with disabilities to live in the most integrated settings appropriate to their needs.
- **Rules for Claims on Dietary Supplements:** On January 6, the FDA published its final rule that defines the types of statements that can be made concerning the effect of a dietary supplement on the structure or function of the body pursuant to the Dietary Supplement Health and Education Act of 1994. Under the Act, dietary supplements may bear "structure/function" claims -- claims that the products affect the structure or function of the body -- without prior FDA review. They may not, without prior FDA review, bear a claim that they can prevent, treat, cure, mitigate or diagnose disease (a disease claim).
- **Secretary's Advisory Committee on Genetic Testing:** On January 27, the Secretary's Advisory Committee on Genetic Testing will hold a day-long meeting to gather public perspectives from diverse communities on issues related to the oversight of genetic testing.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

- **Increase in FHA Mortgage Loan Limits:** On January 1, HUD began insuring home mortgage loans of up to \$121,296 in communities where housing costs are relatively low, and loans ranging up to \$219,849 in communities where housing costs are higher. This is the first nationwide increase in the loan limits since January 1, 1999. The increased loan limits are part of a new, regular annual adjustment HUD will make to account for rising home prices.


 **HUD Computer Centers in Every State:** Secretary Cuomo announced that more than 550 Neighborhood Networks computer centers are now serving low-income residents of HUD-subsidized housing in every state, helping adults to get jobs and children to do better in school. The Neighborhood Networks centers serve residents of privately owned housing subsidized or insured by HUD for low-income families. With recent openings in Montana and South Dakota, the centers have expanded to all 50 states, DC, and Puerto Rico. Another 700 centers are in various stages of planning.

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- **New York City Homeless Grants:** In testimony before two committees of the New York State Assembly, Secretary Cuomo announced that HUD will bar New York City from administering millions of dollars in HUD homeless grants because the City has acted improperly to block funds to groups that have criticized City policies. HUD has taken the action in response to a judge's ruling and several complaints accusing New York City of retaliating against non-profit groups by denying them HUD funds after they criticized City policies on homelessness and other issues.
- **Service Summit:** On January 16, Secretary Cuomo will travel to Atlanta to deliver the closing keynote address to the Martin Luther King, Jr. Service Summit.

DEPARTMENT OF TRANSPORTATION

- **Y2K:** On January 3, Secretary Slater announced that all U.S. transportation systems successfully made the Y2K transition and were functioning normally as the world entered the new millennium. Secretary Slater offered special thanks to Deputy Secretary Downey, who led DOT's four-year Y2K effort involving more than 3,000 people and costing more than \$440 million. DOT's 609 mission-critical systems, including the FAA's air traffic control system and the U.S. Coast Guard's search-and-rescue system, all successfully made the transition with no significant problems.
- **Motor Carrier Safety:** On January 1, the Federal Motor Carrier Safety Administration became the newest operating agency within DOT as a result of the Motor Carrier Safety Improvement Act of 1999. The tentative date for a ceremony and press event to announce the new organization is January 25, 2000.
- **Improved Screener Performance:** During the week of January 2, the FAA proposed a rule to improve the performance of screeners at airport security checkpoints. This proposed rule responds to a 1996 recommendation by the White House Commission on Aviation Safety and Security to enhance the professionalism of airport security screeners. It would require FAA certification for companies hired to perform security screening at airports. It would also establish uniform standards for screening company performance, strengthen training and testing standards for screeners, and impose more stringent experience and training requirements on screening company managers and instructors.
- **Tennis Stars Urging Motorists to "Buckle Up":** On December 21 in Palm Beach, FL, Secretary Slater welcomed tennis stars Venus and Serena Williams to a partnership with DOT in efforts to persuade motorists to use seat belts and unveiled a new "Buckle Up America!" television and radio public service announcements featuring the Williams sisters. This will help contribute to DOT's 85 percent seat belt usage goal by 2000.

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- **Garrett A. Morgan Technology and Transportation Futures Program:** Since the beginning of the current school year, 40 first-year cadets at the U.S. Coast Guard Academy have been corresponding with 40 seventh-graders at Bonnie Dover Jackson Middle School in New London, CT on an English project designed to improve student writing skills. The students plan to show pictures of ships, provide information about shipping companies, describe the history of the Seaway, and create a question and answer section for general access by Internet users.
- **Funding for Millennium Trails:** During the week of January 3, Secretary Slater will announce that \$3.6 million in Federal Highway Administration discretionary funds will be provided to four trails associated with the Millennium Trails initiative. The four trails projects receiving funds are the Juan Bautista de Anza National Historic Trail in CA, which received \$200,000; the historic Columbia River State Highway Trail in OR, which received \$435,500; and the Blackstone River Bikeway in RI, which received \$1.7 million; and the Teton Pass Trail in ID and WY, which is expected to be nominated as one of 2,000 Community Millennium Trails, received \$1.3 million.
- **Proposed Rule on Train Horns at Public Highway-Rail Grade Crossings:** During the week of January 10, Secretary Slater will announce a proposed rule that deals with the possibility of ending the sounding of train horns at public highway-rail grade crossings. The proposed rule is in response to a law enacted by Congress in 1994 that requires train horns be sounded when a train approaches and enters a public highway-rail grade crossing unless certain exceptions are met to establish a quiet zone. The proposed rule describes the safety measures that a community would need to use that includes four quadrant gates, channelization devices, photo enforcement or crossing closures before a quiet zone could be established. The rule also proposes that an upper limit noise frequency be placed on train horns.

DEPARTMENT OF ENERGY

- **International Financial Assistance to Russia for Plutonium Disposition:** Representatives from a "core group" of nations, including Russia, France, Germany, Japan, and the U.S., are meeting in Brussels during the week of January 10 to continue dialogue regarding structures, mechanisms, and commitments for international financial assistance to carry out plutonium disposition in Russia. The U.S. will be represented by officials from State and DOE.
- **U.S.-China Forum on Environment and Development:** From January 11-14, the U.S.-China Forum and its four working groups (Energy Policy, Environmental Policy, Science for Sustainable Development, and Commercial Cooperation) will meet in HI. The Forum plenary will be co-chaired by OSTP Director Neal Lane and the Chinese Minister of Science and Technology. DOE will co-chair the Energy Policy Working Group meeting.

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The meeting of the Forum will provide an opportunity to advance deliverables in support of sustainable development in China and associated opportunities for U.S. industry. DOE is hoping to reach agreement on two protocols at the meeting: a revised Fossil Energy Protocol and a protocol on Energy Information Exchange.

- **Oak Ridge Chemical Explosion:** An investigation to evaluate the December chemical explosion at DOE's Oak Ridge facility Y-12 plant was reconvened on January 3. The explosion was attributed to a mixture of potassium hydroxide, sodium hydroxide, and mineral oil. A final report is expected to be completed on February 18.

DEPARTMENT OF EDUCATION

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THE PRESIDENT HAS SEEN

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Cabinet Weekly Report, December 18 - January 7, page 11

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What are we going to keep

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to HRC

your visit to upstate NY last summer. In Syracuse, the Assistant Administrator met with Congressman James Walsh; representatives of the NY Department of Environmental Conservation; County Executive Nicholas Pirro; Same Sage, President of the Atlantic States Legal Foundation (a local environmental group); and scientists from the Upstate Freshwater Institute. The Assistant Administrator will be reporting to CEQ and to Congress regarding his recent visit, including select recommendations regarding ongoing lake cleanup efforts.

UNITED NATIONS

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- **AIDS in Africa:** On January 10, the Security Council will hold an unprecedented Open Meeting on the impact of AIDS in Africa. USUN hopes to draw attention to the long-term economic and security effect of this health problem by discussing ways to help Africa. Vice President Gore will chair the discussion as President of the Security Council. He will be the first U.S. Vice President to serve as President of the Security Council. This will also be the first time in history that the Security Council addresses a health issue.
- **Iraq:** Discussions continue between the Secretary General, the Secretariat, and Security Council members regarding the Executive Chair of the new UN Monitoring, Verification, and Inspection Commission (UNMOVIC), the follow-on to UNSCOM. The selection of the UNMOVIC Executive Chair is an important first step in implementing UNSCR 1284 on Iraq; the resolution calls for an appointment by January 16.

UNITED STATES TRADE REPRESENTATIVE

- **EU Bananas:** U.S. endorsement of a Caribbean proposal to resolve the U.S.-EU Banana Dispute has had the desired effect of solidifying support amongst Latin American countries and putting the EU, and Ecuador, on the defensive. The EU is seeking informal consultations but continues to insist upon allowances for WTO-inconsistent licenses for its companies. USTR is exploring possible dates for a meeting with the Commission.
- **Japan Deregulation:** From January 12-13, bilateral energy deregulation talks will be held with Japan in Washington, DC. The two sides will discuss Japan's March 20 plan to deregulate its electric utility sector.
- **Mexico Land Transportation:** On January 7, USTR will travel to Mexico City to hold consultations, under NAFTA Dispute Settlement procedures, to present U.S. concerns that Mexico has not honored its commitments regarding cross border trucking, bus, and investment. Concurrently, Mexico is pursuing its own case which also alleges U.S.-non compliance in the NAFTA transport sector.

OFFICE OF NATIONAL DRUG CONTROL POLICY

- **Trip to Lausanne, Switzerland:** From January 11-13, Director McCaffrey will travel to Lausanne, Switzerland to serve as the U.S. observer at the first meeting of the new World Anti-Doping Agency (WADA). He will also meet, along with the governmental representatives from Canada and Australia with IOC President Samaranch—the three nations are serving as representatives of 26 nations who are part of the newly formed Sydney Consultative Group.

1-10-00

SMALL BUSINESS ADMINISTRATION

- **Microloan Program:** Over \$700,000 in microloan grant approvals has been issued this fiscal year. SBA has approved a new microlender for southwestern VA. The lender will serve five counties, four of which are wholly rural, one of which includes the cities of Roanoke and Salem. In addition, SBA will participate in a Microloan Meeting in Worcester, MA on January 13. This meeting is a followup to a field hearing Senator Kerry held in Boston. Senator Kerry's Small Business Committee is conducting this meeting to discuss possible expansion of the microloan program.

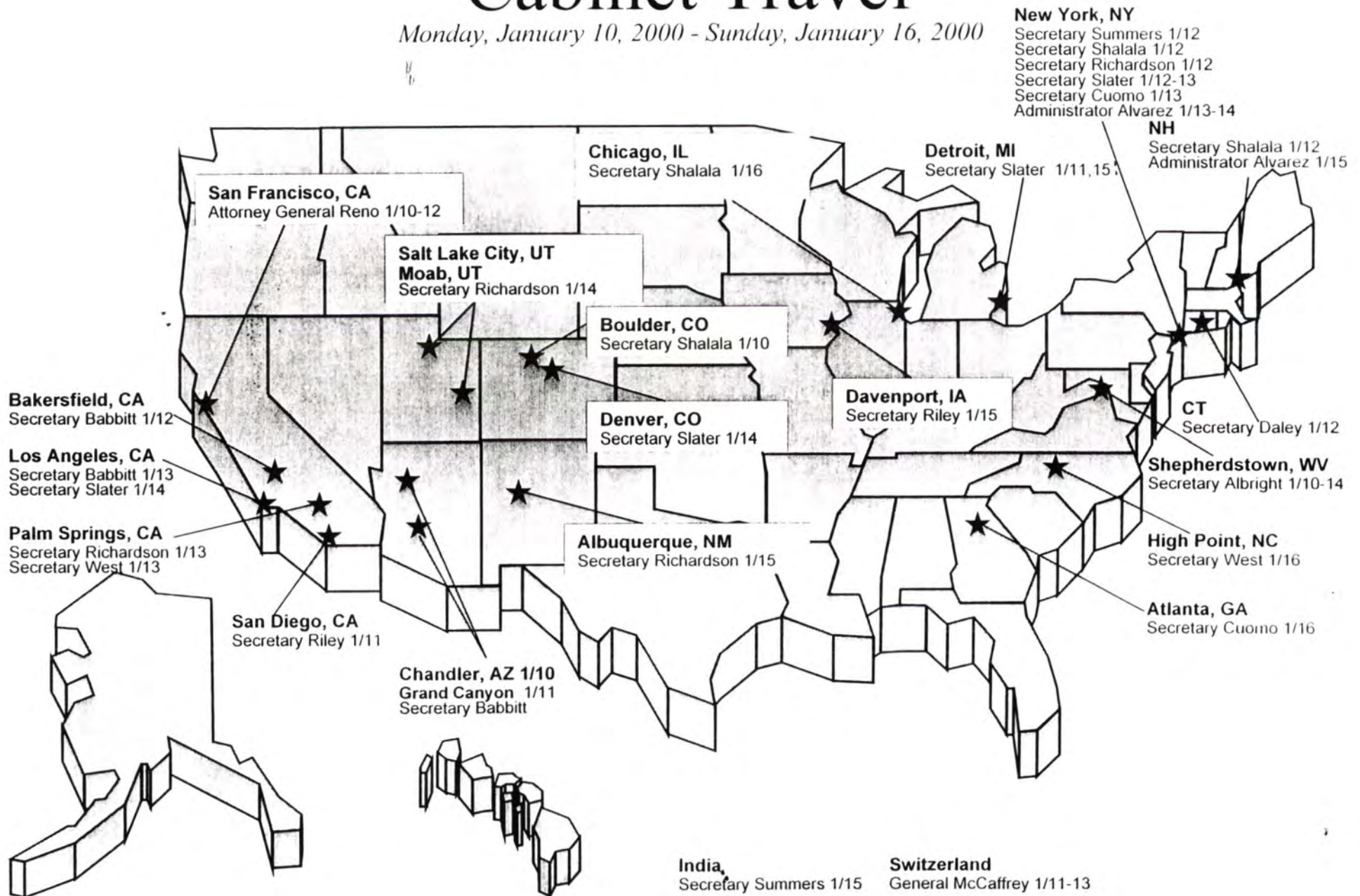
SOCIAL SECURITY ADMINISTRATION

- **"Reach Out" Partnerships to Enroll Dual Eligibles:** On January 11-12, SSA's San Francisco Regional Office and HHS Health Care Financing Administration and Health Resources and Services Administration will jointly host a regional training conference in San Francisco, CA. The conference will focus on developing partnerships to enroll low-income Medicare beneficiaries who are eligible for help with Medicare expenses—the dual eligibles (eligible for Medicare and Medicaid) and the social marketing practices that can be employed to make partnership strategies more effective.

→ *add in recommendations*

Cabinet Travel

Monday, January 10, 2000 - Sunday, January 16, 2000



cc:

The Vice President
John Podesta
Martin Baily
Sandy Berger
Sidney Blumenthal
Chuck Brain
Charles Burson
Mary Beth Cahill
Maria Echaveste
George Frampton
Mickey Ibarra
Ben Johnson
Joel Johnson
Janis Kearney
Neal Lane
Jack Lew
Ann Lewis
Joe Lockhart
Buddy MacKay
Sean Maloney
Minyon Moore
Bruce Reed
Steve Ricchetti
Doug Sosnik
Gene Sperling
Lauren Supina
Loretta Ucelli
Melanne Verveer

provisions that have been sunsetted since the guidelines were first published in 1993. The guidelines, developed under the Central Valley Project Improvement Act, will provide for more efficient and effective water usage.

- **Columbia River Deepening:** The U.S. Army Corps of Engineers plans to deepen the Columbia River shipping channel, after winning approval from DOC's National Marine Fisheries Service. The estimated project cost is \$196 million and includes a requirement of restoring more than 3,000 acres of tidal wetlands that must not negatively impact salmon and steelhead trout protected by the Endangered Species Act. The Corps will remove approximately 22 million cubic yards of sand, gravel, and silt and retrofit tidegates on streams to open 39 miles of spawning habitat to salmon and steelhead.
- **Discovery Center at MLK Site:** On January 13, a Discovery Center exhibit that interprets segregation and the Civil Rights Movement from a child's perspective will be dedicated at the Martin Luther King, Jr. National Historic Site. Expected to be on hand for the dedication are Mrs. Coretta Scott King, Congressman John Lewis, NPS Director Stanton, and officials from the Coca-Cola Foundation, which funded the exhibit, and the National Park Foundation.
- ✓ **Everglades Farm Bill Money:** On December 30, 1999, Secretary Babbitt obligated the remaining \$33.2 million of the 1996 Farm Bill funds available to the Secretary to conduct Everglades ecosystem restoration in South FL. A total of \$200 million was spent under the Farm Bill.

UNITED STATES DEPARTMENT OF AGRICULTURE

- **Emergency Farm Assistance:** On December 28, Secretary Glickman announced that USDA will pay out \$328 million to compensate tobacco growers and quota holders for reductions in the 1999 crop quota, as provided for in the FY2000 emergency farm aid package. As of December 28, USDA had approved requests to make ranchers in 1,264 counties in 35 states eligible for compensation through the Livestock Assistance Program for grazing losses attributed to natural disasters in 1999.
- **USDA Accomplishments:** On January 10, Secretary Glickman will hold a news conference on 1999 accomplishments and priorities for 2000.
- **New Antibiotics:** USDA scientists searching for natural compounds to control fungi in plants have discovered new antibiotics that control human infections of streptococcus and staphylococcus bacteria. This new family of antibiotic compounds are not related to penicillin, and are thus potentially of widespread use, since 80 percent of all strains of staphylococcus are resistant to penicillin and its derivative forms.

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- **New York City Homeless Grants:** In testimony before two committees of the New York State Assembly, Secretary Cuomo announced that HUD will bar New York City from administering millions of dollars in HUD homeless grants because the City has acted improperly to block funds to groups that have criticized City policies. HUD has taken the action in response to a judge's ruling and several complaints accusing New York City of retaliating against non-profit groups by denying them HUD funds after they criticized City policies on homelessness and other issues.
- **Service Summit:** On January 16, Secretary Cuomo will travel to Atlanta to deliver the closing keynote address to the Martin Luther King, Jr. Service Summit.

DEPARTMENT OF TRANSPORTATION

- **Y2K:** On January 3, Secretary Slater announced that all U.S. transportation systems successfully made the Y2K transition and were functioning normally as the world entered the new millennium. Secretary Slater offered special thanks to Deputy Secretary Downey, who led DOT's four-year Y2K effort involving more than 3,000 people and costing more than \$440 million. DOT's 609 mission-critical systems, including the FAA's air traffic control system and the U.S. Coast Guard's search-and-rescue system, all successfully made the transition with no significant problems.
- **Motor Carrier Safety:** On January 1, the Federal Motor Carrier Safety Administration became the newest operating agency within DOT as a result of the Motor Carrier Safety Improvement Act of 1999. The tentative date for a ceremony and press event to announce the new organization is January 25, 2000.
- **Improved Screener Performance:** During the week of January 2, the FAA proposed a rule to improve the performance of screeners at airport security checkpoints. This proposed rule responds to a 1996 recommendation by the White House Commission on Aviation Safety and Security to enhance the professionalism of airport security screeners. It would require FAA certification for companies hired to perform security screening at airports. It would also establish uniform standards for screening company performance, strengthen training and testing standards for screeners, and impose more stringent experience and training requirements on screening company managers and instructors.
- **Tennis Stars Urging Motorists to "Buckle Up":** On December 21 in Palm Beach, FL, Secretary Slater welcomed tennis stars Venus and Serena Williams to a partnership with DOT in efforts to persuade motorists to use seat belts and unveiled a new "Buckle Up America!" television and radio public service announcements featuring the Williams sisters. This will help contribute to DOT's 85 percent seat belt usage goal by 2000.

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The meeting of the Forum will provide an opportunity to advance deliverables in support of sustainable development in China and associated opportunities for U.S. industry. DOE is hoping to reach agreement on two protocols at the meeting: a revised Fossil Energy Protocol and a protocol on Energy Information Exchange.

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Cabinet Weekly Report, December 18 - January 7, page 11

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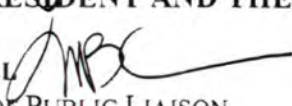
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THE WHITE HOUSE

WASHINGTON

January 7, 2000

MEMORANDUM FOR THE PRESIDENT AND THE VICE PRESIDENT

FROM: MARY BETH CAHILL 
DIRECTOR, OFFICE OF PUBLIC LIAISON

SUBJECT: WEEKLY REPORT (January 3 - January 10, 2000)

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I. ACTIONS SUPPORTING PRESIDENTIAL INITIATIVES:*CHINA PNTR*

Business Community begins to organize around US-China Vote. Steve Ricchetti, Chuck Brain and I met with representatives from the US Chamber of Commerce, the Business Roundtable and corporate representatives to review Administration and private sector strategies in preparation for the China vote(s). The corporate community has planned several days of briefings for congressional staff and two CEO fly-in days for corporate executives to lobby members directly. The business community urges you to appoint a "China Czar" and to use the State of the Union address to push for China PNTR.

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to early vote -

II. CONSTITUENT OUTREACH AND OTHER ISSUES:*GAY/LESBIAN OUTREACH*

"Don't Ask, Don't Tell" : The military trial surrounding the beating death of Private Winchell will resume tomorrow as his roommate, Spec. Justin Fischer, has been charged as an accomplice. We expect a fresh round of media interest in the story and that activists will begin to press in earnest for someone in the military to be held accountable for this tragedy. In addition, the family and activists are going to call on the military to explain why a climate of underage drinking, rough housing and harassment were tolerated.

The parents of Barry Winchell are expected to make a statement when the trial ends and have been extremely articulate spokespersons against the "Don't ask, don't tell" policy. Barry's parents will be in Washington, DC this Monday and Tuesday. The Vice President called them before Christmas to offer condolences and they have yet to receive a call from DOD.

JEWISH OUTREACH

Jewish Delegation Presses Costa Rica and El Salvador to keep Embassies in Jerusalem: A delegation from the Conference of Presidents of Major American Jewish Organizations met with officials from both countries to persuade them to keep their embassies in Jerusalem (the only two countries whose embassies are located there) rather than move them to Tel Aviv, as had been

rumored. Critics of the recently invoked national security waiver are pointing to the example the US is setting for other countries' embassies to stay in or move to Tel Aviv.

RELIGIOUS OUTREACH

Archbishop McCarrick's Replacement. Having completed his term McCarrick has been replaced by Cardinal Law of Boston as Policy Chair of the US Catholic Conference's Committee on International Affairs. We anticipate that Law will be less accessible and concern himself with fewer issues than McCarrick. McCarrick will continue to serve on the International Religious Freedom Commission.

Religious Community Support for Hunger Relief Act. The religious and non-profit advocacy communities are rallying strongly behind this act, noting particularly that the working poor are increasingly in need of food assistance. The communities are pushing hard for \$400-\$500 million in your budget and mention in the State of the Union as the only way for the issue to be taken seriously on Capitol Hill.

WOMEN'S OUTREACH

Women's Community support Saturday's Radio Address. The Women's Office held a conference call with the core family planning constituent leaders to highlight the radio address on family planning. They were extremely pleased with the proposed funding levels.

Women's Office Hosts CEDAW Strategy Session . On Thursday the Women's Office convened a strategy session with key members of the NGO community as well as representatives from the White House, NSC and Congress on CEDAW status. The group will focus on igniting interest in this issue as lack of public attention is expected to be the main hindrance in ratification.

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THE WHITE HOUSE
WASHINGTON

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January 7, 2000

MEMORANDUM FOR THE PRESIDENT AND VICE PRESIDENT

FROM: BEN JOHNSON

SUBJECT: OFFICE ON THE PRESIDENT'S INITIATIVE FOR ONE AMERICA
WEEKLY REPORT

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ACTIONS

Chase Manhattan Bank Diversity Initiative: The Los Angeles Urban League, the Chase Manhattan Bank and several community-based organizations in Houston, New York City and Los Angeles have formed a partnership called the Consumer Credit Card Education Program. The program is designed to educate minorities on the importance of maintaining responsible credit management and foster wealth creation in underserved communities. The program includes seminars, educational videos and articles targeted to minority publications. In this effort, Chase Manhattan recognizes both the business imperative of tapping the growing purchasing power of minorities, and the moral imperative of closing opportunity gaps for minorities by increasing access to credit and credit education.

Television Diversity Initiative: The NAACP and NBC have reached an agreement to begin a variety of diversity initiatives. Under the agreement, NBC will increase programming deals with minority-owned production companies; expand its "associates" training program to its entertainment division; make hiring in all divisions contingent on documented proof that minorities have been interviewed; institute a formal mentoring program for minority hires; and increase support for writing, directing and talent development by minorities. ABC is expected to reach a similar agreement with the NAACP in the next few weeks.

CONSTITUENT OUTREACH

Washington Center for Internships and Academic Seminars (Center): We participated in the Center's seminar for college students held at the U.S. Chamber of Commerce. I spoke to 250 students from across the country about the Administration's efforts to combat racism and close the opportunity gap between the races. It was clear from the questions that a number of the participants were young Republicans. We still feel we made a breakthrough with the students when we described our comprehensive education efforts and cited it as a cornerstone for building One America.

CABINET RACE INITIATIVE WEEKLY

Department of Education

High Rate of School Disciplinary Actions for Black Students: A new nationwide study of high school disciplinary practices shows that in the two years since "zero tolerance" policies were popularized in the wake of highly publicized school shootings, black students have been expelled or suspended at a rate that is disproportionate to their numbers. The study by the Applied Research Center of Oakland, CA, while encompassing a relatively small sample of school districts (10), is the first conducted since schools began implementing tougher policies. In some cases, black students were removed from school at three to five times the rate of white students.

Appeals Court Ruling Limits DOEd's Civil Rights Enforcement: On December 22, the Third Circuit Court of Appeals ruled that the NCAA may not be sued by private plaintiffs under Title VI of the Civil Rights Act based on a claim that its eligibility criteria for participation in intercollegiate athletics and athletic scholarships have a disparate impact on minority students. The court found that when Congress amended Title VI and other civil rights statutes in the Civil Rights Restoration Act of 1987 to bar discrimination by recipients of Federal funds on an institution-wide basis, that amendment applied only to discrimination under the statutes.

The court ruled that the failure of executive branch agencies to amend their regulations to reflect the broader language of the Civil Rights Restoration Act means that the regulations only bar discrimination in the particular program or activity that receives Federal aid. Unless the Supreme Court overturns the decision, the Department's civil rights enforcement of disparate impact discrimination complaints in the Third Circuit will be limited.

Access to Higher Education: On January 9-11, in San Diego, 400 educators, public officials, and representatives from community organizations and nonprofits will gather in San Diego at a conference to create a national framework designed to increase postsecondary opportunities for our nation's students. DOEd is one of the event's sponsors. The Department hopes to raise awareness of GEAR UP, Think College Early, and other ways the Federal government is working to improve access to college.

Department of Health and Human Services

White House Initiative on Asian Americans and Pacific Islanders Coordinating Committee: On January 21, the Asian American and Pacific Islanders (AAPI) inter-agency working group will meet to assess and improve current federal programs in terms of AAPI participation level.

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Department of Housing and Urban Development

HUD Computer Centers Now In Every State: Secretary Cuomo announced that more than 550 Neighborhood Networks computer centers are now serving low-income residents of HUD-subsidized housing in every state, helping adults to get jobs and children to do better in school. The Neighborhood Networks centers serve residents of privately owned housing subsidized or insured by HUD for low-income families. With recent openings in Montana and South Dakota, the centers have expanded to all 50 states, the District of Columbia and Puerto Rico. Another 700 centers are in various stages of planning. HUD began opening centers in 1995.

HUD's original goal was to create 500 Neighborhood Networks centers by the year 2000. In 1996, 40 Neighborhood Networks centers opened. By August 1997, the number increased nearly six-fold to 225 centers in operation. One year later, upward of 390 centers had started up. More than 100 centers opened in 1999.

Department of Interior

Dedication of Discovery Center at MLK Site: On January 13, a Discovery Center exhibit that interprets segregation and the Civil Rights Movement from a child's perspective will be dedicated at the Martin Luther King Jr. National Historic Site. Funded by the Coca-Cola Foundation, the interactive exhibit will occupy most of the lobby in the park's visitor center. Expected to be on hand for the dedication are Mrs. Coretta Scott King, Congressman John Lewis, NPS Director Robert Stanton, and officials from the Coca-Cola Foundation and the National Park Foundation.

Comprehensive Records Assessment: The BIA Navajo Region has completed a comprehensive records assessment at each of the five Agency offices in the area of their trust records as required by the Assistant Secretary - Indian Affairs. In addition, Navajo Region with the assistance of the University of NM Assessment Team successfully transferred 566 cubic feet of records to a more secure Regional building in Gallup, NM.

Department of Labor

Migrant Youth Grants: DOL expects to announce the award of the first Workforce Investment Act (WIA) grants. Youth Opportunity Grant funds are the only Fiscal/Program Year 1999 funds that are available under the WIA authority. Under these grants, ten (10) migrant and seasonal farmworker program organizations will be selected to receive the first of two grants of the Migrant and Seasonal Farmworker (MSFW) Youth Program. The total funding amount for the first of the two-year designation periods will be \$10 million. Individual grants will range from \$200,000 to \$2,650,000.

Social Security Administration

Annual Dr. Martin Luther King, Jr. Commemorative Breakfast: On January 13, SSA will host its annual Dr. Martin Luther King, Jr. Commemorative Breakfast at SSA's headquarters in Baltimore. The program will focus on promoting and encouraging Dr. King's principles of racial equality and nonviolent social change. Dr. Robert B. Hill, a researcher at Westat in Rockville, MD, will serve as the keynote speaker.

Dr. Hill has served on several high profile panels such as the U.S. Bureau of the Census Advisory Committee and the White House Conference on Aging. Additionally, he has authored a number of publications, books and various articles reflecting many years of research and dedication on discrimination issues affecting various ethnic groups. SSA has invited the Maryland Congressional Delegation, the Governor of Maryland, the Mayor of Baltimore, advocates from national ethnic minority organizations, the SSA Baltimore Federal Credit Union, AFGE Local 1923, and SSA's Alumni Association and Employees' Activities Association to the breakfast program.

NAACP Federal Sector Task Force Summit II: On January 15, Paul Barnes, SSA's Deputy Commissioner for Human Resources, will conduct a seminar on the status of African-American employees at SSA during the NAACP's Federal Sector Task Force Summit II. Mr. Barnes, a lifetime member of the NAACP, will highlight SSA's exemplary record with respect to African-Americans. African-Americans make up 27 percent of the SSA workforce compared to 11 percent of the Civilian Labor Force and 17 percent of all Federal employees. Additionally, the Senior Executive Service corps at SSA is composed of over 22 percent African-Americans compared to 6.1 percent in the Government as a whole.

Department of Transportation

"Buckle Up America!": On December 21 in Palm Beach, FL, Secretary Slater welcomed tennis stars Venus and Serena Williams to a partnership with DOT in efforts to persuade motorists to use seat belts and unveiled a new "Buckle Up America!" television and radio public service announcements featuring the Williams sisters. This will help contribute to DOT's 85 percent seat belt usage goal by 2000.

THE WHITE HOUSE
WASHINGTON

THE PRESIDENT HAS SEEN
1-10-00

January 7, 2000

copied
Cutler
Podesta

WEEKLY MEMORANDUM FOR THE PRESIDENT

THROUGH: JOHN PODESTA

FROM: LYNN CUTLER *Lynn*

CC: MARIA ECHAVESTE

SUBJECT: INDIAN COUNTRY AND EAST ARKANSAS

INDIAN COUNTRY

Visitor's Center At Pine Ridge

- We met today for an update on the proposed Visitor's and Cultural Center that you announced at Pine Ridge last summer. The planning is moving along--a site has been selected, and several agencies are pitching in to make this a reality. It is the one piece that is really going forward and will be a great boon to tourism for the tribe. Construction should take place in 2002.

*Call it in
Haiti
Wiley to Wiley*

Small, But Exciting Development

- One of the Navajo Nation's most remote chapters is being turned into a "smart community" with telephone service, televideo conferencing and multi-media computer learning capacity. Forest Lake, a 500 member community in Northeastern Arizona, is the site of a cooperative venture between the school district, the Navajo Communications Company, Peabody Western Coal Company, and USDA's Rural Utilities Service. Only 1.6 million dollars and six years of planning is bringing telephone service to a community where there had been only one phone. There is a virtual classroom with 15 computer work stations, enabling students to link with their teachers who are 60 miles away. This has opened new worlds for these children who make a three hour round trip each day to school in Kayenta, traveling on dirt roads.
- I wanted to tell you about this to underscore how right you are to deal with the Digital Divide and to help bring the world to these people.

John

MEMORANDUM FOR THE PRESIDENT
PAGE TWO

Good News On Bureau Of Indian Affairs

- Fully 90% of the employees of the Bureau are American Indian or Alaska Natives, a situation that has never existed in the history of the Bureau. It's a big deal.

Micro-Lending, Access To Assistance In Indian Country

- Under the leadership of the NEC, we've been meeting with several of the agencies to explore the best ways to expand micro-lending in Indian Country. We also have been seeking ways to get technical assistance and information out to the tribes. The agencies involved have been: Agriculture, SBA, Treasury (CDFI), Commerce and Interior. We began by talking about the 2001 budget, but now are seeking resources in the 2000 budget to "take the word" out on the road. I think there are real possibilities of this coordinated outreach being ready by spring.

Good
He.
August

FY 2001 Budget

- Most of the work is done on the Indian Country Initiative and you should have it soon. I think we've done well within the constraints of the overall budget. Most of the agencies have really come through. Along with the ongoing support of Maria Echaveste, Gene Sperling, Mary Smith of the DPC, and OMB have been great.

January 7, 2000

1-10-00

MEMORANDUM TO THE PRESIDENT AND VICE PRESIDENT**FROM:** Minyon Moore**SUBJECT:** Weekly Political Report**ARKANSAS**

Governor Huckabee seeks party advice on filling two vacant state legislative seats. On Wednesday, Governor Mike Huckabee (D) asked the state's two major political parties to decide how they want to fill the 31st Senate district seat of former Senator Nick Wilson (D) and the 89th House district seat of former Rep. Keith Davis (D). Both legislators resigned their seats December 31. Davis, who served only one year, announced in December that he plans to take a job as an insurance agent. Wilson, who served 29 years in the legislature, resigned after having been convicted by a Little Rock jury on November 4 of two counts of tax evasion and one count of conspiracy. He faces a February trial on federal corruption charges. Huckabee asked the state Democratic and Republican parties whether they want a special primary election or a caucus and to notify his office of their decision within 10 days. Democrats have solid majorities in both the House and Senate, and both districts lean Democratic. Two Democrats, Penny Wolf and Jamie Darling, have already announced their candidacies for the 89th House district seat.

CALIFORNIA

Governor Davis delivers state of the state address. In his second state of the state address delivered on Wednesday, Governor Gray Davis (D) declared a war on mediocrity in the public schools, calling for greater incentives to increase the number of skilled teachers, particularly in low performing schools. He pledged to spend the bulk of the expected \$3 billion budget surplus on public education. Governor Davis also called for improving care for the elderly, speeding construction of transportation projects and strengthening local police and sheriff's departments. The governor's address was widely praised, even by Republicans who backed many of his reward-for-performance themes.

ILLINOIS

Hastert endorses in Republican primary. In a surprise move on Tuesday, House Speaker Dennis Hastert (R) publicly endorsed State Rep. Bill Brady (R) in his bid to replace retiring congressman Tom Ewing (R). The endorsement is controversial because Sam Ewing (R), the son of Rep. Tom Ewing, had been endorsed by Rep. Ewing and other party leaders in his bid to replace his father. Hastert said that the reason he is inserting himself into the primary is due to his fears that if the strongest Republican candidate fails to win the March primary, Democrats might have a chance to win the traditionally Republican seat. In response to Hastert's announcement, Rep. Ewing said that Hastert made a costly error and several members of Congress told him if Hastert could betray a friend, then no one in his caucus is safe from his power.

Most Democratic insiders think that this seat is solidly Republican and that Democrats have little chance of gaining the seat. Democrats vying for this seat are '98 Democratic nominee Laurel Prussing and Illinois State University Professor Mike Kelleher.

Copied
Moore
Podesta

INDIANA

Attorney General Modisett to resign. On Wednesday, Attorney General Jeff Modisett (D) announced his plans to resign his position. Modisett has accepted another job in California. In September, national Democratic Party Chairman Joe Andrew named Modisett as Deputy CEO and General Counsel for the 2000 national convention in Los Angeles. Governor Frank O'Bannon (D) has not yet named a successor.

KANSAS

Rep. Tiahart's office is accused of unfair treatment of female staffers. On Wednesday, it was reported that the resignation of a top female aide to U.S. Rep Todd Tiahart (R) has triggered a barrage of anonymous e-mails and phone calls from a group calling itself the "Tiahart Outcasts." The group is charging that the lawmaker's top aides have treated women unfairly. Tiahart's office has vigorously denied the charges.

MISSISSIPPI

Musgrove officially elected Governor by the state House of Representatives. On Tuesday, the state House of Representatives elected Ronnie Musgrove (D) the state's new governor by a vote of 86-36. The special House election was necessary because the state's constitution decrees that if neither candidate receives at least 50% of the popular vote, the election must be decided in the House of Representatives. Musgrove received 49.6% of the vote and former Congressman Mike Parker (R) received 48.5% in November. The election would not have gone to the House had Parker conceded to Musgrove, but he refused, drawing criticism from both Republicans and Democrats alike because he moved blocked Musgrove from putting together a transition team. The inauguration ceremony is scheduled for January 11.

Former Governor Fordice barred from making final address. On Wednesday, Mississippi lawmakers snubbed Governor Kirk Fordice (R) by barring him from making a final address to the state legislature. A Senate drawn resolution that would have allowed Fordice to speak to a joint session of the legislature died for lack of action in the House.

MONTANA

Gubernatorial candidates post campaign finance figures. On Wednesday, 1999 year-end financial reports filed by the gubernatorial candidates showed State Auditor Mark O'Keefe (D) and Lt. Governor Judy Martz (R) continuing to lead the campaign finance race among the five gubernatorial candidates. The figures are as follows.

	<u>Raised</u>	<u>Spent</u>
State Auditor Mark O'Keefe (D)	\$189,250	\$51,440
Lt. Governor Judy Martz (R)	\$154,830	\$48,496
Attorney General Joe Mazurek (D)	\$114,885	\$37,445
Secretary of State Mike Cooney (D)	\$ 95,919	\$36,853
Professor Robert Natelson (R)	\$ 41,984	\$6,869

NEW HAMPSHIRE

Humphrey within striking distance of Governor Shaheen. A poll conducted for the exploratory campaign of former Senator Gordon Humphrey (R) shows him within 10% of Governor Jeanne Shaheen (D). Humphrey, 58, was elected to the U.S. Senate in 1978 and reelected in 1984, defeating Norm D'Amours (D) 59%-41%. In 1990, Humphrey lived up to a pledge he made to serve no more than 12 years and retired. The poll also shows Shaheen with a comfortable lead over state Senator Mark Fernald (D) in the Democratic primary.

1-10-00

General Election Matchup

Shaheen 47%
Humphrey 39%

Primary Election Matchup

Shaheen 57%
Fernald 26%

NEW JERSEY

U.S. Senate: Gormley leads Republicans in cash race. On Monday, the Republican candidates for U.S. Senate announced their fundraising totals for the year. State Senator William Gormley (R) leads with \$1.5 million cash-on-hand. Rep. Bob Franks (R) announced \$750,000, Essex County Executive James Treffinger (R) has \$625,000, and 1998 Libertarian gubernatorial nominee Murray Sabrin has \$40,000. The two Democratic candidates, former Governor Jim Florio and former Goldman Sachs CEO Jon Corzine declined to release their financial estimates.

NEW MEXICO

Clinton friend considers congressional race. On Tuesday, Georgetown presidential classmate and U.S. Attorney John Kelly (D) resigned his post to test the waters for a potential challenge against Rep. Heather Wilson (R-01). Kelly is expected to announce his decision in the next two weeks. The announced Democrats include former Albuquerque City Council Member Sam Bregman (who lost his City Council seat last October), attorney John Wertheim and former state Rep. Bob Perls.

*He's a
Gormley
Murray*

NEW YORK

Democratic Councilman may challenge Rep. Crowley (D). On Wednesday, Queens City Councilman Walter McCaffrey (D) announced that he has formed an exploratory committee to begin raising money for a primary challenge to Rep. Joseph Crowley (D) in the solidly Democratic 7th congressional district. McCaffrey and others were angered by the process by which Crowley became the Democratic candidate in 1998, when then-Rep. Thomas Manton (D) timed the announcement of his retirement so it would be too late for a primary and pushed Crowley through as the party's nominee. Rep. Crowley will have Manton and the Queens County Democratic Party behind him, which gives him a big advantage over any challenger. Crowley is also reporting that he has raised over \$500,000.

NORTH DAKOTA

Senator Conrad draws Republican challenger. On Monday, former submarine sailor Duane Sand (R) said he will challenge Senator Kent Conrad (D). Sand has also said he will walk across the state this month to publicize the farm crisis. Two other men, state representative Al Carlson (R) and R.D. "Dick" Knutson (R), are also considering running for the Republican nomination. At this point, however, it looks like Conrad should have little trouble winning reelection.

OHIO

Senator DeWine draws two additional challengers. On Thursday, NRA advocate and former Congressman Frank Cremeans (R) said that he plans to challenge Senator Mike DeWine (R). Cremeans' most recent bid was in 1998, when he failed to win the 6th congressional district Republican nomination. Cremeans defeated incumbent Rep. Ted Strickland (D) in 1994, then narrowly lost the rematch in 1996. Gun-show promoter Ronald Dickson is the other Republican challenger.

Also on Thursday, real-estate broker Ted Celeste (D) announced that he will challenge Senator DeWine and immediately became the Democratic frontrunner. Celeste is the brother of former Governor Dick Celeste (D) and plans to use his brother's high name ID to rally support. Other

Democrats in the race include former state representative and '98 attorney general nominee Richard Cordray and popular African American Rev. Marvin McMickle, who ran in the 11th District congressional primary in 1998. Today was the deadline to file candidacy petitions for the state's March 7 primary. DeWine is favored to win the primary and the general election.

PENNSYLVANIA

Kostmayer drops out of Senate race. On December 20, former Rep. Peter Kostmayer (D) ended his campaign for the U.S. Senate. Kostmayer reported that he would return to his post as executive director of Zero Population Growth, but would remain in Bucks County, PA, rather than move back to Washington, D.C. Kostmayer said he had raised \$400,000 but doubted he could raise enough to win the Democratic primary.

Schwartz's finance chair resigns. On January 6, Peter Buttenweiser, a DNC Trustee and the Finance Chairman for state Senator Allyson Schwartz's (D) U.S. Senate campaign, resigned. Buttenweiser had been negotiating a deal with former Rep. Marjorie Margolies-Mezvinsky (D) in which the two candidates would give all of their polling, financial, and organizational information to a neutral arbiter. Based on that information, the arbiter would determine who would make the strongest candidate, and the candidate who was not chosen would drop out of the race. Schwartz refused to go along with the plan, so Buttenweiser resigned.

RHODE ISLAND

Senator Chafee leads challengers. On Thursday, the National Republican Senatorial Committee (NRSC) released a poll showing Senator Lincoln Chafee (R) garnering over 50% of the vote against either Rep. Bob Weygand (D) or former Lt. Governor Richard Licht (D). The survey also tested former Attorney General Arlene Violet, who is running as an Independent.

General Election Matchups

Chafee	50%	Chafee	59%	Chafee	35%
Weygand	32%	Licht	20%	Violet	26%
				Weygand	24%

Democrats move convention. On Wednesday, the Rhode Island Democratic Party announced they are moving up the date of their endorsement convention from the last week in June to April 3. This move is seen as a boost to Licht, who is supported by many Party insiders, including Rep. Patrick Kennedy (D) and House Speaker John Harwood (D).

TEXAS

Dems field candidates for only three of nine statewide posts. Monday was the candidate filing deadline for the March 14 primary. Democrats produced candidates for only three out of nine statewide races and news reports proclaimed that the Democratic party is dead in Texas. State Democratic party officials responded that they are focusing their resources on state legislative races because of its impact on redistricting and election outcomes for the next 12 years.

Former Clinton aide raises half million for 5th District race. Year end FEC reports for attorney and congressional candidate Regina Montoya Coggins (D) show that she has raised \$550,000 for her campaign against Rep. Pete Sessions (R). She has \$440,000 cash-on-hand. Sessions won his last race with less than 60% against schoolteacher and '96 Senate nominee Victor Morales (D) 56%-43%. Year-end FEC reports for Sessions are not available yet, but his June 30 report showed he had \$256,805 cash-on-hand.

REPUBLICANS

State of the Union response. U.S. Senators Bill Frist (R-TN) and Susan Collins (R-ME) were chosen to deliver the Republican Party response to President Clinton's State of the Union address on January 27. Senate Majority Leader Trent Lott said that Frist and Collins were chosen because of their leadership on health care and education.

Tobacco industry to give \$7 million in soft money to GOP committees. According to the *Wall Street Journal*, tobacco-company executives say the industry will donate at least \$7 million toward the 2000 elections, mostly in 'soft money' contributions to Republican Party committees. The *Journal* added, "The largess signals that the industry is still wary about the hostility of anti-tobacco Democratic lawmakers and Clinton Administration officials." A tobacco executive said the industry "has no plans" to run 'issue' advertisements praising or attacking particular candidates this year.

U.S. HOUSE

Democratic candidates have slight edge in generic congressional matchups. A Zogby poll of 879 likely voters conducted January 3-5 showed Democrats and Republicans polling almost even in a generic congressional matchup. 37% would choose a Democratic candidate, 36% would choose a Republican candidate, 3% would choose neither party, and 24% were not sure. A Garin-Hart-Yang/Lake, Snell, Perry & Associates poll of 1,202 voters conducted December 7-14 for Emily's List, showed that 38% would choose a Democratic candidate, while 35% would choose a Republican candidate. The Emily's List poll surveyed twice as many women as men.

CLINTON JOB PERFORMANCE

The Zogby poll and Emily's List polls mentioned above also found that the President's personal and job performance ratings (Zogby expressed as "favorable/unfavorable") are both at 50% favorable or better.

<u>Zogby</u>	<u>1/00</u>	<u>9/99</u>	<u>5/99</u>	<u>4/99</u>	<u>3/99</u>	<u>2/99</u>	<u>1/99</u>
Clinton	50/47	48/49	47/53	53/46	54/46	55/44	61/38
Personal							

Clinton Job	52/48	45/50	47/50	55/44	51/47	55/44	51/46
Performance							

Clinton Job Performance (for Emily's List)

	<u>All</u>	<u>Men</u>	<u>Wom</u>
Strongly Approve	24%	24%	25%
Somewhat Approve	37%	36%	38%
Somewhat Disapprove	15%	16%	14%
Strongly Disapprove	22%	23%	21%

WHITE HOUSE 2000

Bush continues fundraising dominance, Gore and Bradley remain even. Year-end campaign fundraising numbers showed Bush way out in front, and Bradley and Gore raising the same amount of funds, with Bradley having more cash on hand.

	<u>Raised</u>	<u>Spent</u>	<u>Cash on Hand</u>
Bush	\$67M	\$36M	\$31.4M
Gore	\$28M	\$22.7M	\$5.3M

Bradley	\$28M	\$20.4M	\$7.6M
McCain	\$15.6M	\$14M	\$1.6M

FEC matching funds approved. On Monday, the U.S. Treasury started paying out \$34.1 million in matching funds to eight presidential candidates for the 2000 election. Due to the fact that there are insufficient funds to pay all of the 2000 money right now, the Treasury will disburse reduced amounts until the fund has been replenished by future check-offs on 1999 tax returns. On December 22, the Federal Election Commission had certified the following amounts for payment.

Gore	\$11.1 M
Bradley	\$ 8.3 M
McCain	\$ 4.2 M
Bauer	\$ 4.0 M
Buchanan	\$ 2.4 M
Quayle	\$ 2.1 M
Keyes	\$ 1.2 M
LaRouche	.7 M

Bradley proposes closing tax loopholes. On Tuesday, Bradley unveiled a proposal in New Hampshire to close \$125 billion in corporate tax loopholes over 10 years. The plan is designed to mute criticisms from Vice President Gore about how Bradley would pay for his health care proposal without imperiling other programs. Bradley proposed stronger enforcement of existing laws, including stepping up audits of large corporations, banning contingency fees for Federal tax advice and requiring companies to account for the differences between the income they report to shareholders and the income they report to the IRS.

Gore and Bradley debate again. On Wednesday, Gore and Bradley traded barbs over who would be the stronger, more decisive President. This was their third time debating in less than a month. Gore portrayed Bradley as too intellectually removed to deal with the real world problems a President would face, while Bradley suggested Gore is too timid and too in "the Washington bunker" to shake up the political status quo. The two renewed familiar arguments over health care, gun control and the conduct of their respective campaigns. In a new issue, however, both agreed they would require any appointee to the Joint Chiefs of staff to support a change in policy to allow gays to serve openly in the military. This position drew the criticism of Massachusetts Senator and Vietnam vet John Kerry (D), retired General Charles Krulak, and retired General Merrill McPeak, who served as Air Force chief when the Administration proposed the "don't ask, don't tell" policy.

McCain caught up in campaign finance controversy. Senator John McCain (R) continued to portray himself as the reform candidate this week even as he was called on to defend his recent intervention in a Federal Communications Commission (FCC) matter. McCain's advocacy on behalf of a major campaign contributor, Lowell Paxson, raised questions about his stand on campaign finance reform. McCain acknowledged that the perception looked bad and that he cancelled a weekend fundraiser at Paxson's home because if he did not, then it would be the focus of the campaign. However, McCain insisted that he merely asked the bureaucracy to rule on a long overdue regulatory matter.

Republicans candidates debate again. On Thursday at the University of New Hampshire, the six Republican candidates met for their fourth debate. George W. Bush went one step further than his father's 1992 "no new taxes" pledge and said, as he raised his right hand, "This is not only no new taxes, this is tax cuts, so help me God." Bush and McCain abandoned months of cordiality and sparred aggressively over their proposals for campaign finance and taxes. Bush has made his \$483 billion, 5-year tax cut plan a centerpiece of his campaign in New Hampshire, and McCain argued that the governor's proposal would go to tax breaks for the wealthy at the expense of money for Social Security. McCain offered that he would set aside 63% of the surplus to strengthen Social Security and also pay down the national debt before offering a massive tax cut.

Bush came under attack from all five of his rivals. Forbes charged that Bush had signed an anti-tax pledge in Texas and later broke it, a theme that is the subject of a television ad Forbes began to air on Friday. Alan Keyes argued that neither Bush nor McCain went far enough in rejecting Gore and Bradley's strong support for the right of homosexuals to serve openly in the military. Bauer challenged Bush on his commitment to issues of importance to conservative Republicans.

Endorsements

Gore: Senator Kennedy (D).

Bradley: U.S. Rep Luis Gutierrez (D), 50 local Massachusetts elected officials, and more than 600 pro-choice New Hampshire women.

Bush: Elizabeth Dole and Senator Charles Grassley.

Forbes: 33 anti-tax activists.

POLL UPDATE

Iowa Democratic Caucus

A PSI survey conducted January 3-4 shows Gore's lead at 13 percentage points. The lead still reflects Gore holding a solid margin over Bradley and analysts had expected the race to tighten. However, the current Gore 13-point lead is down 8 points since November and 13 points since June, when the Vice President was up to 58%. In the past three weeks, Bradley has poured resources into the state.

	<u>1/4</u>	<u>11/99</u>	<u>6/99</u>
Gore	45%	53%	58%
Bradley	32%	25%	19%
Undec./Other	22%	22%	23%

New Hampshire Democratic Primary

The Gore-Bradley race continues to be close, although a *Boston Herald*/WCTV poll shows Bradley starting to pull ahead again after the Wednesday debate. A recent American Research Group (ARG) poll showed Bradley and Gore within the margin of error and Gore closing the gap since the last ARG poll in mid-December that had Bradley with a 12 point lead.

	Herald/WCTV	ARG	ARG
	<u>1/5-6</u>	<u>12/29-31</u>	<u>12/17-21</u>
Bradley	44%	42%	48%
Gore	38%	39%	36%
Undec.	---	19%	16%

New Hampshire Republican Primary

The ARG poll also showed Bush closing his gap with McCain from 9 points to 3 points.

	ARG	ARG
	<u>12/29-31</u>	<u>12/17-21</u>
McCain	36%	39%
Bush	33%	30%
Forbes	11%	11%
Keyes	3%	4%
Bauer	1%	1%
Hatch	1%	1%
Undec.	15%	14%

Other State Primaries

Despite the tightening races in New Hampshire and Iowa, the party frontrunners continue to hold onto big leads in later primaries. Bush has a large lead over McCain in Montana, South Carolina and Virginia. Gore leads Bradley overwhelmingly in Montana and South Carolina, but holds a narrow 4-point lead in Virginia.

	MT	SC	VA
	Mason-Dixon	KPC Research	Richmond Times-Dispatch
	<u>12/13-15</u>	<u>12/6-19</u>	<u>12/11-19</u>
Bush	52%	54%	47%
McCain	22%	21%	23%
Forbes	6%	3%	3%
Bauer	3%	1%	1%
Hatch	1%	0%	2%
Keyes	1%	3%	0%
Undec.	15%	17%	14%
Gore	48%	52%	36%
Bradley	35%	11%	32%
Undec.	17%	32%	14%

National Polls

Two polls show Bush and Gore with big leads nationally. A Harris Interactive Poll conducted December 13-19 shows Bush and Gore with huge leads among party voters but with less substantial leads once independents are factored in. A Zogby International Poll conducted January 3-5 shows both Bush and Gore with similar leads in their primaries, but with Bush beating Gore by 11 points.

Republican Primary			Democratic Primary		
	<u>Harris</u>	<u>Zogby</u>		<u>Harris</u>	<u>Zogby</u>
Bush	42%	55%	Gore	49%	46%

McCain	18%	12%	Bradley	40%	26%
Forbes	7%	----			
Keyes	6%	----			
Bauer	1%	----			
Hatch	3%	----			

Two-Way Matchups

	<u>Harris</u>	<u>Zogby</u>
Bush	55%	50%
Gore	39%	39%
Bush	54%	46%
Bradley	37%	41%
McCain	52%	44%
Gore	40%	37%
McCain	44%	41%
Bradley	41%	36%

74% of Americans don't support a candidate for president. According to a poll conducted December 28, 1999-January 2, 2000 by Harvard's Joan Shorenstein Center on the Press, Politics and Public Policy for the Vanishing Voter Project, 74% say they support "No Candidate Yet" for President. This number has increased from 64% two months ago. Thomas Patterson, co-director of the Vanishing Voter Project said, "We had anticipated a decrease in the number of uncommitted citizens. Apparently, the upswing in the Bradley and McCain campaigns has served mainly to raise doubts about all the candidates. People are not flocking to support Bradley or McCain. Instead, they have increasingly declined to embrace anybody."

THE WEEK AHEAD

On Monday, the Vice President will travel to New York for United Nations meetings and a *Today* show forum.

Monday through Friday, the First Lady will be in New York attending events in Westchester County, Suffolk County, Nassau County, and Rochester.

On Tuesday, the President will travel to Houston, Texas, to attend a reception for Rep. Sheila Jackson Lee and a reception for the Texas Trial Lawyers Legislative Victory Fund.

On Tuesday and Wednesday, the Vice President will travel to Iowa for campaign events throughout the state.

On Wednesday, the President will deliver a speech hosted by the Democratic Leadership Council in Washington, D.C.

On Thursday, the President will travel to New York City for a message event in Brooklyn, a lunch and reception for the Wall Street Project, and two DNC events.

On Thursday and Friday, Mrs. Gore will travel to Iowa for events benefiting the Vice President's campaign.

On Friday and Saturday, the Vice President will travel to New Hampshire for campaign related events throughout the state.

Letter Kountoupes
would arrive on the
this letter is way too
diff to send to friends
Re

WHITE HOUSE
WASHINGTON

1/10/00
Back to EB
FOI2
RE-WRITE
B

November 29, 1999

Dumas Chamber of Commerce
Post Office Box 431
Dumas, Arkansas 71639-0431

Dear Friends:

Thank you for your letter and for inviting me
to visit Dumas.

The loss of residents and the unemployment rate
in Desha County are unfortunate and should be
looked into. I would be interested in visiting
at some point in the future and will alert my
schedulers about that possibility.

Have a good holiday season.

Sincerely,

Copied
Kountoupes

Dumas Chamber of Commerce
Post Office Box 431
Dumas, Arkansas 71639-0431

ED

A Rich Agricultural Area Devoted to Building Its Industry

DUMAS CHAMBER OF COMMERCE

165 South Main / P.O. Box 431
Dumas, Arkansas 71639-0431 • 501-382-5447

November 1, 1999

The Honorable William J. Clinton
President of the United States
The White House
Washington, D. C. 20500

Dear Mr. President:

We, the undersigned, are pleased to invite you to visit Dumas on a future tour of the Arkansas Delta. We have a fine community center which would accommodate a large, or smaller, attendance, and we would be delighted to welcome you here.

Dumas is a Delta city which is trying hard to lead with innovations and make substantive change in the economy, but we realize that the impact of the national government through a Delta Regional Authority and New Markets Initiative could greatly impact change throughout our region. We applaud your attention to our distressed area. In this decade, Desha County has lost more than 2,500 residents, the second highest loss among Arkansas counties. We add that Desha County has had unemployment of more than 10 percent – a fact which demands a course of action which will bring better opportunities for our citizens.

Moreover, many of your friends here have loyally supported your political career over the years and would be honored to have you visit Dumas.

We thank you for your leadership in behalf of the Delta, and hope for your visit.

Cordially,

Meric Peterson
Carolyn Foster
Jesse Knapp
John Walt
Charlotte Schenayder
President Dumas Chamber of Commerce

You'll enjoy living in or visiting Dumas -- A friendly, growing city in the Arkansas Delta!

A Rich Agricultural Area Devoted to Building Its Industry

DUMAS CHAMBER OF COMMERCE

165 South Main / P.O. Box 431

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Don McHan Dumas Schools
Selena Peterson
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Comona Weatherford
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You'll enjoy living in or visiting Dumas -- A friendly, growing city in the Arkansas Delta!

1-10-00

THE WHITE HOUSE
WASHINGTON

BK-

Another person
application that's
been in a long time

Marty Hughes,
Cleveland (?) X CEO
Official - I'm

interested in this -

Seems like the
right thing to do

copied
Lindsey
Podesta

BK

203007
DB 1/3/00
JCH

D. Jeffrey Hirschberg

December 14, 1999

The Honorable William Jefferson Clinton
The White House
1600 Pennsylvania Ave., NW
Washington, DC 20502

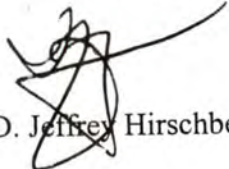
Re: U.S. Russian Investment Fund/ Lomonosov Porcelain Factory

Dear Mr. President:

Per our discussion Tuesday last, I have attached a draft of a proposed letter which you could send to Prime Minister Putin regarding an unfortunate course of conduct by the Russian Government. After you have reworked the comments to your satisfaction, would you kindly provide me with a copy of the executed letter so I may share it with the Board of the U.S. Russia Investment Fund.

Thank you for agreeing to send the letter.

As always, my personal best,


D. Jeffrey Hirschberg

cc: Steve Ricchetti

1/10/00
Send to USC?

Yes ☒

No ☐

1225 Connecticut Avenue, N.W.
Washington, DC 20036
C

DRAFT LETTER

December 14, 1999

My Dear Mr. Prime Minister:

I write today regarding a matter you and I and our respective governments have discussed in the past and where I believe we are in agreement: that investment in Russian business and industry by foreign entities is healthy, desirable, and further assists the Russian Federation in its transition to a growing, market economy. As we also know, only so much capital is available for investment abroad, and foreign managers of funds have a duty to their shareholders and investors to make certain that their investments are protected to the maximum extent practicable. Accordingly, whatever steps the Russian Federation takes to protect shareholder rights increases the amount of capital potentially available for investment in Russia, and understandably, whatever steps Russian ministries or courts take to detract from shareholder rights will serve to discourage such investment.

Therefore, I would strongly urge you to examine the manner in which two United States investors, the New York firm known as KKR, and the U.S. Russia Investment Fund, which was established by the U.S. Congress at U.S. taxpayers expense, have found themselves frustrated by the Ministry of State Property which has asked Russian courts to re-nationalize the investment they made in the Lomonosov porcelain factory in St. Petersburg.

Understandably, the plight of these investors, who enjoy a superb reputation in the United States and in the investment community generally, has been prominently featured in Western newspapers and magazines, leading to warnings by many Western financial experts against further investment in the Russian Federation. The best way to demonstrate Russia's commitment to a market economy could happen if you can encourage the Minister of State Property to ask the court to reverse the renationalization, and return the parties to "status quo ante."

The Russian Government would benefit enormously by sending clear signals that it understands that foreign investment is necessary to a vibrant and growing economy in the Russian Federation. An effort by you to restore the majority shareholders of Lomonosov their rights would be such a signal. I believe it is in the interests of both of our nations for you to become actively involved in making certain that the rights of shareholders are adequately protected in the Lomonosov case.

Sincerely,

50
Eugenie B.

F.O.B.

20 12/15/99

list

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D/FW METRO: 972-263-7452
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OF COUNSEL

TED Z. ROBERTSON
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THE PRESIDENT HAS SEEN
1-10-00

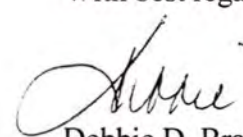
December 6, 1999

President Bill Clinton
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Clinton:

Please find enclosed the Law Review article written by Judge Griffin that I mentioned Friday night. Thanks for the invitation to the White House premiere of "The Hurricane." The movie was powerful and the company wonderful!

With best regards,


Debbie D. Branson

DDB\dh
enclosure

copied
Echeverria
Ben Johnson
Padesta
Burkhardt for
reply

Handwritten notes:
To Maria / RJ Johnson
Griffin is an old friend
showed 20 letters to him
on a table

Handwritten:
Let
her
see

Debbie D. Branson sends Law Review article that she mentioned by Judge Wendell Griffen, entitled "Race, Law, and Culture: A Call to New Thinking, Leadership and Action." Thanks for invitation to premiere of "The Hurricane." The movie was powerful and the company wonderful!

RACE, LAW, AND CULTURE: A CALL TO NEW THINKING,
LEADERSHIP, AND ACTION

Wendell L. Griffen*

It is encouraging that racial equity is receiving the honest attention that this symposium provides. Historically, talk about race and racial equity has involved conversation that the white majority finds palatable, if not comforting. That means that talk about race and racial equity has usually been based more on denial and myth than on truth. I will depart from that tradition in the interest of intellectual honesty.

Most Americans are in denial about racism and its pervasive influence on the legal system, our society, economy, notions of government, and definition of culture. Denial of racism has defined our history, impairs our ability to deal with current situations, and is likely to determine life in the 21st Century unless we make some drastic changes. Michael Eric Dyson described this denial tendency and its effects on racial equity from the black experience in his introduction to William Owens' bold book about the *Amistad* drama as follows:

It is not overstating the case to suggest that, when it comes to race, we are living in the United States of Amnesia. America cannot solve its race problem because it cannot afford to remember what it has been through, or more accurately, what it has made its Black citizens endure: the horrible, cowardly, vicious legacy of racial domination stroked by religious belief and judicial mandate. The willed forgetfulness of our racial past continues to trap us. It makes Whites repeat harmful cycles of guilt, denial, hostility, and indifference. It makes Blacks cling desperately to victimization, White hatred, self-doubting, and self-loathing. It appears easier for most Whites, and for many Blacks, to reenact a pantomime of social civility through comfortable gestures of racial reconciliation than it is to tell each other the

* Judge, Arkansas Court of Appeals, and Pastor, Emmanuel Baptist Church, Little Rock, Arkansas. I am grateful to Dean Rodney Smith, the faculty of the University of Arkansas at Little Rock School of Law, and the University of Arkansas at Little Rock Law Review for the opportunity to take part in this symposium. I also deeply appreciate the generous support given by Professor Cynthia E. Nance and Professor Robert Laurence of the University of Arkansas School of Law, as well as the research and editorial assistance provided by my law clerks (JoAnn Adcock, a 1998 graduate of the University of Arkansas School of Law, and John Bateman, a 1998 graduate of the Washington and Lee School of Law). Finally, this article is dedicated in memory of my father, Bennie L. Griffen, and in honor of my mother, Josephine Griffen, my wife, Dr. Patricia Griffen, our sons (Martyn and Elliott Griffen), my siblings (Bennie Sue Jennings and Danny C. Griffen), and my niece (Rhyann Jennings), with the fervent hope that they will be agents of the new thinking, new leadership, and new action so desperately needed if racial justice is to occur in the 21st Century.

story of the colossal breach of humane behavior and democratic practice that slavery represented.¹

The great need for our society regarding racial equity in the 21st Century is new thinking, new leadership, and new action about racism and racial justice. Without new thinking, new leadership, and new action about racism and its results, we will merely perpetuate past mistakes and re-institutionalize centuries of ingrained racism. The question is whether we, as a society, have the character to embrace new thinking, accept new leadership, and rise to new action concerning racism, an issue that has been always with us but about which we are virtually phobic.

I. NEW THINKING ABOUT RACISM AND RACIAL JUSTICE

No intellectually honest person should deny that we need new thinking about racism and existing racial injustice to move toward racial equity in the coming century. By racism, I mean the belief system by which persons are subordinated, subjugated, and otherwise accorded inferior status and treatment due to race. Racism has infected American thinking concerning history, economics, law, culture, and religion from the time that the first European explorers arrived in what they termed the "New World," found non-white people living a culture that spanned back several centuries, and dared to claim the land for the European rulers who financed their travels rather than respect the presence and superior rights of the people they found on that land. What began as arrogant ignorance and sheer racism by Columbus regarding where he was and to whom that land belonged set the pattern for future dealings between white and non-white people in this country. White explorers took by force or stole millions of acres from the indigenous Native Americans. Africans were kidnaped by the millions and shipped across the Atlantic to provide a free labor force upon which the economy of the colonies was based.

The Revolutionary War began with a declaration that "all men are created equal;" in fact, the war merely gave white landowners political freedom from Great Britain. They used that political freedom to exploit Native American people (from whom they stole the land) and African people (from whom they stole the labor) to enrich themselves. The Constitutional Convention produced a document in 1787 that accommodated that theft of labor capital called slavery, included three-fifths of the enslaved population in the calculus for defining makeup of the House of Representatives, and thereby placed a constitutional stamp of approval on the racism that slavery

1. Michael Eric Dyson, *Introduction* to WILLIAM A. OWENS, *BLACK MUTINY* (Black Classic Press 1997) (1953).

represented while giving slave-holding states enhanced political representation to boot. The racism virus that Columbus brought to this land had now become institutionalized.

This nation has yet to officially admit—let alone remedy—the glaring reality that treaties with Native Americans were negotiated, broken with either the quiet assent or the open endorsement of the government, and that the thinking behind those actions is largely responsible for inequities facing Native Americans today. Haywood Burns wrote with forceful accuracy about this history in an essay titled *Racism and American Law* that was included in a book titled *Law Against the People: Essays to Demystify Law, Order, and the Courts*. Among other salient observations, Burns wrote:

As early as the seventeenth century, English settlers were setting up reservations for Indians in the environs. As early as the eighteenth century, legislative bodies were offering bounties for Indian scalps. On the question of Indian lands, the U. S. Supreme Court in *Johnson v. M'Intosh*, [8 Wheat 543] (1823) took the position that "discovery gave exclusive title to those who made it"—upholding the land claims of whites who "discovered" certain lands occupied by Indians, and denying the Indians right and power to dispose of the land.

A treaty, once ratified by the Senate, is entered in the U.S. Statutes at Large and becomes part of the law of the land. Some of the greatest instances of official lawlessness chronicled in our nation's past are found in the pattern of treaty making followed by treaty breaking in dealing with Indians. It is the story of one continuous forked tongue. In 1830 Congress passed the Indian Removal Act, which was designed to effect the transfer of the so-called "civilized tribes" from their homeland in the East to lands west of the Mississippi. In exchange for their homeland the Indians were to receive perpetual title to the Western lands. "Perpetuity" lasted only until white Americans decided that the vast territory west of the Mississippi was too valuable to remain in Indian hands and to wrench it from them. It was illegal white encroachments which generated most of the Indian wars of the nineteenth century. Western lands taken away from the Indians and made available to white settlers under federal land grant law formed the basis for many white Americans' growth to economic independence and well-being. Many of today's middle Americans who are the staunchest advocates of law and order and free enterprise are where they are because of a land base that was provided for their forebears through theft of Indian land and the largesse of a big government benefit program.

One of the more striking examples of the perversion of the legal process in dealing with Indian land is the ruse used against the California Indians. The Indians gave up more than half the state of California in exchange for perpetual ownership of 7,500,000 acres. Because of pressure

from white politicians, the Senate never ratified the treaties under which the Indians gave up their land in exchange for the 7,500,000 acres. The Indian Bureau, which had negotiated the treaties in 1851 with 119 California tribes, never told the Indians about the failure to ratify. The treaties stayed in the files of the Senate until 1905 when the 7,500,000 acres the Indians thought were theirs were sold to white settlers and land speculators.²

We have yet to admit the racism that resulted in Chinese exclusion laws in the West and acknowledge the fact that similar treatment was not applied to immigrants from Europe. Somehow our obsession with power and notion of manifest destiny made us oblivious to the blatant racism practiced against the Mexican people of Texas, New Mexico, Colorado, and Arizona during the last century that resulted in the loss of millions of acres of land that had been owned for generations. We forcibly removed American citizens of Japanese ancestry from their homes, communities, work, and businesses during World War II and interned them like prisoners of war solely because of their ancestry. The United States Supreme Court sanctioned that blatant act of institutional racism in *Korematsu v. United States*,³ just as it had sanctioned the institutional racism of slavery in *Dred Scott v. Sanford*,⁴ and racial segregation in *Plessy v. Ferguson*.⁵ Had the same reasoning been applied to American citizens of Italian and German ancestry, Joe DiMaggio and Dwight D. Eisenhower would have been interned. There was never a serious discussion about a threat to national security posed by having a person of German ancestry commanding Allied forces against the Third Reich, let alone being elected president within a decade of that war.

Unless and until we admit that racism produced these and countless other stubborn, stupid, and sick results we will not create a different society in the 21st Century. American law, history, economics, religion, social life, and culture have been so permeated by racism and racist thought for such a long time that nothing short of new thinking about that racism and its effects on our national life bodes real chance for producing racial equity in the new century.

Until American thinking about racism and racial justice is defined from the perspective of the historical victims of racism and racial injustice rather than from the perspective of the historical beneficiaries, we are doomed to

2. Haywood Burns, *Racism and American Law*, in *Law Against the People: Essays to Demystify Law, Order and the Courts* 38, 39-41 (Robert Lefcourt ed., 1971). The Treaty with the Si-Yan-Te, etc. of 1851 involved the California land fraud referred to in the final paragraph of the quotation.

3. 323 U.S. 214 (1944).

4. 60 U.S. (19 How.) 393 (1857).

5. 163 U.S. 537 (1896).

continue the sorry legacy of racism. We must shift our thinking about racism and racial justice from focusing on the benefits and comforts that have been enjoyed and may be reduced by racism's historical white beneficiaries to focusing on the costs, burdens, and consequences that have been suffered and will be endured by racism's historical non-white victims. We should admit that the new thinking is not likely to come from the same mindset that has produced so much of what we deem legitimate about American law and culture.

The prevailing thought in American law and culture regarding racism and racial injustice follows the ages-old presumption of white superiority over non-white people and what one social ethicist termed a belief in "the rightness of whiteness."⁶ Thus, the very mindset that produced the theft of Native American land, enslavement of Africans, discrimination against people of Asian ancestry, and belittling of the Hispanic culture (including the Spanish language) has driven and continues to dominate American thinking about religion, government, law, economics, education, and societal life in general.

II. NEW LEADERSHIP

Any contemplation about racism and racial justice must also admit that new leadership must emerge in the 21st Century. Otherwise, we will continue following the leadership that produced past and current racial injustices.

The new leadership about racism and racial justice must come from people with a world view defined by the experiences of the historical victims rather than a world view defined by the experiences of the historical beneficiaries of racism. Whatever their racial ancestry may be—and white people can and must become new thinkers about racism and racial justice—the new leadership must not approach questions of racism and racial justice with the time-worn views that helped establish, institutionalize, and perpetrate the legal system, social mores, political realities, and cultural patterns we face today. There are several reasons why they must not do so.

First, conventional leadership regarding race relations and racial justice has generally catered to the anxieties and aspirations of white Americans who have been more interested in asserting their presumed superiority and preserving their advantages than in achieving justice. This explains the dissonance between American rhetoric about individual liberty, social justice, and universal equality and America's record of race-based genocide, slavery, and discrimination. Thus, we witness the sad irony of a U.S. Supreme Court whose current justices profess inability to find "qualified" non-white law

6. See ROBERT W. TERRY, *FOR WHITES ONLY* 44-61 (1970, 1975).

clerks when most of the Justices have experienced minimal contact with non-white people in general and non-white lawyers in particular. A more recent instance of that sad irony is seen by the February 22, 1999, decision by U.S. District Judge Royce Lamberth that held Secretary of Interior Bruce Babbitt, Treasury Secretary Robert Rubin, and Assistant Interior Secretary Kevin Gorer in civil contempt for deliberately delaying to produce documents related to funds in trust accounts for Native American lands managed by the federal government for more than a century. One wonders why no Native Americans have led the Department of Interior and whether conventional white attitudes toward Native Americans contributed to the practices that triggered the lawsuit and Judge Lamberth's order.

Yet another example of the need for new leadership is seen by the refusal of white political officials to even utter an official apology for genocide perpetrated against Native Americans, enslavement of Africans, and discrimination practiced against Hispanic and Asian people. It is a profound statement about the insidious effect of racism on personal and national character that people who would not hesitate to apologize for coughing and sneezing around others deem apologizing for government-sanctioned racism and discrimination unnecessary, unbecoming, or otherwise inappropriate.

Second, the intellectual leadership that has defined American views on racism and racial justice is quickly running out of time. Unless conventional thinking about racism and racial justice changes—given its dominance and influence on social, political, legal, and cultural life—we face the frightening prospect that the American ideal of justice and social cohesiveness will dissolve in the face of centuries of pent-up rage from non-white people regarding white racism. Non-white people who will become the numerical majority in the United States during the first half of the 21st Century will not forget the institutional racism that produced California's Proposition 187 that permitted state government to withhold governmental services from illegal immigrants. They will not forget Proposition 207 that outlawed affirmative action measures for the historical victims of institutional racism. They will not forget that white racism has historically been at the root of efforts to prevent bilingual education from being successful. They will not forget that white hostility toward non-white people fueled a national immigration policy deemed hostile to non-white people, their hopes for freedom, equal opportunity, and justice. The images of Rodney King being beaten by police officers and the memories about the officers being found not guilty of criminal charges by an all-white Simi Valley, California jury will not soon be forgotten by young black Americans still seething about the dragging death of James Byrd in Jasper, Texas, the alleged brutalization of a Haitian immigrant by New York police officers last year, and the horrendous shooting of an unarmed

black immigrant in New York by police only weeks ago. Unless and until new thinkers appear to replace the traditional thinkers whose values and actions have perpetuated institutional racism rather than dismantle and eradicate it, the nation will likely face an era of racial conflict in the coming century unlike anything we have ever known as generations of non-whites appear who have little or no faith in the espoused American notions of freedom and justice for all.

Third, the ethnocentric world view responsible for institutional racism in this country will make it increasingly difficult for our nation to function in a global environment much less deferential toward notions of white superiority than in the past. White racism may have succeeded in turning popular sentiment against bilingual education for the time being, but bilingual education will be essential if the United States is to be effective in its dealings with Mexico and the nations of Central and South America where English is not the mother tongue. Racism has always produced flawed economics. That defect will become increasingly obvious as we deal with a much less Anglo-American and European dominated global economy.

The new leadership must move our institutions and processes away from practices and relationships that developed and flourished because of institutional racism. Instead, new leadership must pursue policies, practices, and relationships defined by genuine racial pluralism. White male notions about being either institutionally or inherently entitled to define how problems are understood and approached must be one of the first things challenged and changed. Regarding racism and racial justice, for instance, we will benefit from discarding the perhaps well-intentioned yet unfortunate notion held by the first Supreme Court Justice Harlan in his oft-referenced dissenting opinion in *Plessy v. Ferguson* that our policies and institutional actions should be "color-blind." While making for engaging rhetoric, the idea that a "color-blind" society will be stronger defies historical and biological realities. Anything blind is, by definition, impaired and, therefore, less capable of functioning properly, let alone repairing itself concerning issues driven by sight and color. It is interesting, therefore, that the idea of a "color-blind" society is somehow viewed as a virtue when it comes to racial justice, an issue where color awareness is essential if institutional racism and its injustice is to be corrected.

In 1987 Justice Bruce Wright of the New York Supreme Court wrote *Black Robes, White Justice*.⁷ In the introduction to his book, Justice Wright questioned the commonly-held presumption that white judges are competent

7. See BRUCE WRIGHT, *BLACK ROBES, WHITE JUSTICE* (1994).

to dispense justice, particularly in criminal cases, given their ignorance and alienation from the experience of non-white people.

Those of us called upon to sit in judgment of both laws and lawbreakers are not always qualified for such an onerous task. Most of the judges of America are male, white, middle-class, aloof and conservative. Brought before them is a parade of dark-skinned defendants, all alien to the concept the judges have of the way life ought to be.

In New York City, most judges have completed four years of college and three of law school. Presumably, such scholars are intellectuals of one kind or another. But more often than not, they are acquainted with no more than theories. Seldom do they have any personal familiarity with the reality and cruel adjectives which modify and diminish the lives of the poor. Such judges gaze upon the captives of the police across a vast expanse of social distance

My persistent concern has long been the white judges who, in their large numbers, are called upon daily to preside over the trials of black defendants accused of crime. Are they really qualified for such sociological tasks, only incidentally mixed with law? If so, what are the peculiar circumstances that define their competence? Is it the survival in them of some plantation concept of social divisions in life? What do they study in college or law school that might tend to qualify them to preside over the doom or liberty of strangers to their kinds of neighborhoods, of aliens to their way of life, of foreigners and outsiders to their clubs, their churches, their folkways? What magic abolishes color in their eyes and gives them instant objectivity and a license to analyze human foibles entirely divorced from the historical truth of racism. How, indeed, does one annul one's heritage and that of one's forefathers in this land or the land from which the family came?

Do white judges ever bring to bear a sober reflection on why there are so many black defendants in criminal cases? Do white judges ever wonder about why there are so few black lawyers appearing before them? Do they ever inquire about the history of bar associations that used to exclude Jews and blacks? Do they ever ponder aloud or in silence that there are so few black judges? Whenever I have raised the subject of bar association discrimination against blacks, my white colleagues profess never to have noticed any such thing.

For those in the inner city, as our dark enclaves are so euphemistically called, the judges are the assembly-line feeders of the prison system. Those in the system—whether prisoners, jailors or judges—who dare to speak of rehabilitation are regarded as wild-eyed speculators about the human spirit. They are accused of having more concern for the criminal than for the victims of crime. This abandonment of concepts of rehabilitation leads to society's preoccupation only with custody. This results in

warehousing of offenders. The mean neighborhoods from which they come are neighborhoods transferred to the prisons. Little wonder that one black survivor of the inmate rebellion at Attica could weep an unanswered, perhaps unanswerable question to the world. "How the hell we gonna be rehabilitated," he said, "when we ain't never been *habilitated* in the first place?"⁸

Justice Wright's incisive observations apply across our culture. What reason do we have to expect new and non-racist thinking and action from a leadership pool conditioned to view existing racial injustice and the advantages held by white people because of racism as how society is and how it ought to be? How can a political and economic system and societal culture dominated by people who either cannot or will not see the effects of institutional racism in the society and in their own success change without the emergence of a new leadership ethos and new leaders who intuitively and openly question the presumed "rightness of whiteness" that characterizes leadership in American government, business, law, education, and religion? And when will the American public realize that its tacit, yet intentional, preference for current leadership works to postpone, if not prevent, new leadership from developing and ascending to dominance?

One would have hoped that President Clinton's Race Initiative would have included a serious discussion of this issue. After all, the Initiative was launched out of a professed desire to create honest and intelligent conversations about racism, racial injustice, and the prospects for changing our regrettable tendency to perpetuate the inequities of our history. That the leadership question was not even addressed, either by President Clinton or in the several forums held across the nation, is more than a little disappointing. However, that omission proves that current leaders who perceive themselves and are perceived by others as progressive-minded are unwilling to even contemplate the urgent need for new leadership, let alone nurture it.

Two other areas of leadership that must change involve the so-called white "moderate" or "liberal" and the white religious community. Dr. Martin Luther King's April 16, 1963, *Letter from a Birmingham Jail* was written in a rare response (for King) to an open letter that eight prominent so-called "liberal" white Alabama clergymen had issued which called on King to cease his policy of non-violent civil rights demonstrations in Birmingham. King addressed the problem with these words:

I must make two honest confessions to you, my Christian and Jewish brothers. First, I must confess that over the last few years I have been

8. WRIGHT, *supra* note 7, at 12-13.

greatly disappointed with the white moderate. I have almost reached the regrettable conclusion that the Negro's great stumbling block in the stride toward freedom is not the White Citizen's Councilor or the Ku Klux Klanner, but the white moderate who is more devoted to "order" than to justice; who prefers a negative peace which is the absence of tension to a positive peace which is the presence of justice; who constantly says, "I agree with you in the goal you seek, but I can't agree with your methods of direct action;" who paternalistically feels that he can set the timetable for another man's freedom; who lives by the myth of time and who constantly advised the Negro to wait until a "more convenient season." Shallow understanding from people of good will is more frustrating than absolute misunderstanding from people of ill will. Lukewarm acceptance is much more bewildering than outright rejection.⁹

Let me rush on to mention my other disappointment. I have been so greatly disappointed with the white church and its leadership . . . I had the strange feeling when I was suddenly catapulted into the leadership of the bus protest in Montgomery several years ago that we would have the support of the white church. I felt that the white ministers, priests, and rabbis of the South would be some of our strongest allies. Instead, some have been outright opponents, refusing to understand the freedom movement and misrepresenting its leaders; all too many others have been more cautious than courageous and have remained silent behind the anesthetizing security of the stained-glass windows.

In spite of my shattered dreams of the past, I came to Birmingham with the hope that the white religious leadership of this community would see the justice of our cause, and with deep moral concern, serve as the channel through which our just grievances would get to the power structure. I had hoped that each of you would understand. But again I have been disappointed. I have heard numerous religious leaders of the South call upon their worshippers to comply with a desegregation decision because it is the *law*, but I have longed to hear white ministers say, "Follow this decree because integration is morally *right* and the Negro is your brother." In the midst of blatant injustices inflicted upon the Negro, I have watched white churches stand on the sideline and merely mouth pious irrelevancies and sanctimonious trivialities. In the midst of a mighty struggle to rid our nation of racial and economic injustice, I have heard so many ministers say, "Those are social issues with which the gospel has no real concern," and I have watched so many churches commit themselves to a completely otherworldly religion which made a strange distinction between body and soul, the sacred and the secular.

9. Martin Luther King, Jr., *Letter from Birmingham City Jail*, in *A TESTAMENT OF HOPE: THE ESSENTIAL WRITINGS OF MARTIN LUTHER KING, JR.* 289, 295 (James Melvin Washington ed., 1986).

I have traveled the length and breadth of Alabama, Mississippi and all the other southern states. On sweltering summer days and crisp autumn mornings I have looked at her beautiful churches with their lofty spires pointing heavenward. I have beheld the impressive outlay of their massive religious education buildings. Over and over again I have found myself asking: "What kind of people worship here? Who is their God? . . ." ¹⁰

King's frustration and disappointment can be echoed with even greater force today, almost thirty-six years after his Birmingham experience. One watches in vain for an opinion editorial by a white moderate or religious leader that asserts the moral justice of affirmative action measures. White moderates and religious leaders were conspicuously invisible and suspiciously silent when President Clinton withdrew the nomination of Lani Guinier in 1993 to be Assistant Attorney General for Civil Rights in the Department of Justice in the face of deliberate distortions of her record and writings regarding affirmative action. We have seen few instances of concern, let alone moral outrage, expressed by white moderates and white religious leaders against the kind of police misconduct that Rodney King suffered and that is inflicted on non-white people many times more often than it is directed at the more numerous white majority. White religious leaders have been similarly absent from leadership in support of bilingual education, correcting the long and sad mistreatment of Native Americans, and other forms of racial injustice. The so-called evangelical Christian movement that prides itself as being the cornerstone for the Republican Party's core constituency has consistently aligned itself in favor of Propositions 187 and 209 in California and against affirmative action measures around the country. In short, white moderates and religious leaders have more often than not been pre-occupied with maintaining white advantage and privilege than in dealing with racism and racial injustice from the perspective of its historical victims. In view of that reality, it is not surprising that the consciousness and consciences of many white people are insensitive to racial injustice and the pervasiveness of racism in American life.

In contrast to King's disappointment, the Christian theologian Reinhold Niebuhr addressed the need for new thinking and action with refreshing clarity in an essay published in 1968 after the Kerner Commission (National Advisory Commission on Civil Disorders) issued its report on the underlying causes for the urban riots of 1967. Niebuhr's essay was titled *The Negro Minority and Its Fate in a Self-Righteous Nation*.¹¹ Contrast his perspective

10. King, *supra* note 9, at 298-99.

11. See Reinhold Niebuhr, *The Negro Minority and Its Fate in a Self-Righteous Nation*, in A REINHOLD NEIBUHR READER: SELECTED ESSAYS, ARTICLES, AND BOOK REVIEWS 118 (Charles C. Brown ed., 1992).

to the reaction that King received from the Birmingham clergy, as shown by the following excerpt from Niebuhr's essay.

The report of the National Advisory Commission on Civil Disorders clarifies many aspects of the tragedy of the relationship of the Negro minority to a complacent white culture. The Report neither condones the crime of these disorders nor accepts them as part of a genuine "Negro Revolution." Nor does it make the mistake of regarding these riots as the response of the Negro minority to the creative reforms of the national government for the correction of ancient wrongs. It merely records the historical facts which reveal that the riots were the response of poor Negroes, for whom the reforms came too late. Integrated schools and the right of suffrage might radically alter the place of the Negro minority in our American community, but the young unemployed and unemployable Negro was bound to express his alienation from our democracy by violence.

It is not, of course, the responsibility, or is it within the competence, of this political committee [the Kerner Commission] to inquire about the reasons for the tardiness of this self-righteous nation in meeting so obvious a responsibility toward a minority which labors under two disadvantages: the dreadful burden of its slave past and its obvious divergence in physiognomy from the dominant white majority. It is, therefore, important for all of us who are interested in establishing a common humanity and equal civil rights for the Negro minority to view our national tardiness in historical perspective. Then, we might realize that the sheer helplessness of the black minority is due to a complacent self-satisfaction about our American democracy.

This complacency is neither new nor recent, for it has attended our national history. Thus, when our nation was born our Declaration of Independence not only gave us our ideals but seemed also to guarantee their realization. Then, the Civil War, retrospectively, gave us the assurance that we had guaranteed justice when the slaves were emancipated. Finally, with the industrial expansion after the last world war when so many problems on the social and economic level were solved, the Negro problem remained unsolved.

We must examine the illusions of these periods in turn. In the first period, that of the childhood of our nation, we assumed that we were a "peculiar nation." Abraham Lincoln in his famous Gettysburg address, expressed the ideal of our national purpose in terms of the Declaration of Independence. He said, "... our fathers brought forth on this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal. Now we are engaged in a great civil war, testing whether this nation, or any nation, so conceived and so dedicated can long endure." It may be significant that Lincoln, though opposed to slavery, did

by

not emphasize the contradiction between the ideal of equality and the frightful inequality between the slave owner and the slaves.

Our founding fathers when confronted with the constitutional task of creating a new nation out of the 13 independent colonies, some slaveholding and some not, did not spend too much time in debating the slave issue. They were more concerned with the evils of "monarchy" than those of slavery. They were not Machiavellian, but they were not above beguiling the slave states into the union by giving them a bonus representation in the federal congress equal to three-fifths of the number of their voteless slaves. Thereby, they laid the foundation of the political power of the slave states. In its time that power threatened to impose slavery upon the territories or give them freedom to establish it. It was this which brought on the Southern secession defiance of the union, and not the Northern challenge to the slave institution. We may be grateful for the abolition movement, retrospectively, but it did not have the power to challenge slavery.

Lincoln, neither a racist nor an abolitionist, was quite honest when he wrote to Horace Greeley: "My primary purpose is to save the union." Lincoln may be described as a free soil, democratic nationalist. The Emancipation Proclamation was subordinate to the chief purpose of defeating the rebellion. According to the historian Richard Hofstadter, the Proclamation has "all the eloquence of a bill of lading." The plight of the Negro was not directly involved.

But the chief defect of an idealistic conception of emancipation was that the free slaves were given no livelihood in land ownership nor opportunity to exercise a craft. The same government which passed the Homestead Act and settled white farmers on the frontier with free land gave no land to the poor ex-slaves. They were reduced to the status of debt-ridden sharecroppers on their former plantations. "By the 20th Century," the Report notes, "the Negro was at the bottom of American society."

Nor were Negroes admitted to the craft unions, a deprivation which became an even more grievous source of poverty in the industrial era which we will consider presently. After the ratification of the Fifteenth Amendment, which did endow them with a vote, Congress enacted several laws to guarantee the "equal protection of the law." But they were defrauded of this precious democratic political power which the white industrial workers used to such good advantage in curing modern industry of its early injustices. For they were defrauded of the right to vote by various devices, such as the poll tax, economic intimidation, and unconstitutional tests which required them to recite the provisions of the Constitution. In the South, the Negro was practically disenfranchised. In Louisiana, the number of Negroes registered in 1896 was 130,344. In 1900, after the State rewrote the suffrage provisions of its constitution,

only 5,320 Negroes were able to be on the registration books. It was only in the Civil Rights Act of 1965 that provision was made for federal surveillance of voter registration, which eliminated the essential impotence of our Negro minority.

The climax of the contradiction in our national life which secured an affluent economy for the white man and increasing misery for the Negro minority occurred in our own period, in our industrial and technological era. In this era, we secured laborers for our burgeoning industry from all the poor of European origin and became famed as a "Melting Pot" of all nationalities; and . . . the industrial workers used their votes to force a reluctant middle class-culture to grant the workers the right "to organize and bargain collectively." Thus, an equilibrium of power in the industrial sphere increased the income of the workers . . . But . . . modern industry had as one of its products the mechanization of cotton farming, and this robbed the Negro agricultural laborer of the only employment for which his minimal skills were adequate. Facing starvation in the former slave states, he drifted to our large northern cities and was kept alive by a welfare system, which the National Commission now examines and finds inadequate. Among its deficiencies, it must be recorded that all welfare systems give first priority to abandoned or deserted mothers and their children. It becomes necessary, therefore, for the father, if still part of the family, to pretend desertion and absent himself before the visit of the inquiring social worker. He is thus robbed of his dignity before his children; and his pretended desertion increases the number of fatherless families, which makes for a matriarchal structure of the ghetto family, thus contributing to the delinquency of young Negro males. The National Advisory Commission finds in the ghetto crime which erupted in the riots of 1967 a high incidence among young males from 16 to 25 years of age.

The high rate of unemployment among Negroes is due in great part to their lack of skill in a highly technical industry. But a study of modern construction unions and firms, undertaken by *Fortune* magazine, indicates that it may be due, in part, to color prejudice of either unions or firms. This may be inferred by the fact that if Negroes were hired in proportion to their percentage of the population, Negroes would have 37,000 more jobs as carpenters, 45,000 more as construction workers, 97,000 more as mechanics, and 82,000 more as metal craftsmen. All these crafts require apprenticeship but no technical education. One must assume, therefore, that color prejudice among white workers and in firms accounts as much for the high rate of Negro unemployment as does the defective education of Negro youths. This is a case where one cause of Negro poverty has persisted since post-Civil War days but also has become more and more grievous in our own period of industrial unionism.

[O]nly the help of the whole national community can save the nation from the tragedy of a widening gap and contradiction between a free and

affluent white nation and the increasing misery of its Negro minority. A tardy nation finally turned its attention to the task of redemption of that racial injustice. It is certainly significant that the "Negro revolution" of today dates from the Supreme Court decision of 1954 and the Civil Rights Acts of 1964 and 1965. This suggests that revolutions are generated, not by pure desperation, but by a combination of hope and frustration. The Negro revolution, significantly, began on the one hand in Martin Luther King's boycott of the Montgomery busses; and, on the other hand, with the official action of the nation's courts and government It has been one of the weaknesses in the revolution that its only economic weapon has been the boycott. . . . It may be highly symbolic that the new Civil Rights Act, which included an open-housing provision, was secured only after the aura of martyrdom was attached to open housing by Dr. King's assassination in Memphis.

The revolution was thus a simultaneous birth of Negro discontent and of a new awareness in the nation of the flaws of injustice in a free society which had always prided itself on its democratic virtues. The Negro riots of 1966 and 1967 were not a part of that revolution; but they were an indication that the nation's new attitude had come too late to save the young unemployed Negroes who had no hope that new laws and court decisions could cure their hopeless frustration.

*We have analyzed the moral situation in our nation which was created because we awakened too late in the modern period to the contrast between the tragic misery of our Negro minority and the pretensions of our national ideology, which had regarded our open society of progressively solving all problems of racial justice through the moral idealism guaranteed at our birth by the Declaration of Independence, and allegedly also through the rebirth of our Civil War and emancipation. We have done this in order to give an adequate view of our contemporary "moral crisis," for it is the business of the church to remind the national community of its responsibilities, and to remind it of its sins of omission and commission*¹²

Niebuhr's essay then posed several suggested areas of needed action, including reform of the welfare system, the need for "witnesses of transcendence over racial lines," referring to integrating congregations (although not for "pietistic irrelevance" but for engaging in "the struggle for justice"), and integrated denominational and inter-denominational meetings. Niebuhr also proposed that the problem of what he termed "an economic impotent Negro minority" would be corrected by

12. Niebuhr, *supra* note 11, at 119-122 (emphasis added).

a system of scholarships for college students whose parents fall below the minimal poverty line and who show promise of intellectual leadership in the arts, in science, and in public life. These scholarships would be a solution to the problem of deprivation of our intellectual and technical resources which is revealed by the fact that parental poverty permits only 8% of our disadvantaged high school graduates to enter college.¹³

Finally, Niebuhr concluded his essay by addressing the suggestions contained in the Kerner Commission's report and the alternative to taking the report seriously.

The report of the Commission is full of suggested programs to alleviate the injustices this complacent nation has enforced upon its Negro minority. The Commission's priorities deserve to be the order of business for the returning Congress and the newly elected government. The alternatives to taking the Commission seriously is continued rioting. The rioting and ambushes of 1968 are even more ominous than those of 1967. The Commission has shown the way to correct the most grievous injustices, if the nation can muster the moral will realistically to meet the crisis.

All these old and new provisions could be negated because of expense. It is the high priority of an affluent society to lift the poor Negro minority from the vicious circle of technical ignorance, even illiteracy, sickness, and crime. It is certainly a higher priority than our military involvement in the civil war of an obscure nation. This futile war [Vietnam] is costing us billions, while the problem of a helpless Negro minority, costing us half as much, has not been met. After almost two centuries of broken promises and pledges our debt to our Negro minority is immense and obvious, and its burden lies heavy upon our consciences.¹⁴

It is a sad commentary on white religious leadership that Niebuhr's voice was not joined by religious leaders in mainstream denominations and congregations across the United States. Rather, white religious leadership has been virtually invisible concerning racism and racial injustice since Niebuhr's essay was published in October 1968. Concerning America's sordid tradition of racism and racial injustice, that leadership has rarely been found aligned with the plight of the historical non-white victims; instead, it has more often than not been either tacitly or openly supportive of the institutional racism that benefitted white people. At present, that leadership appears primarily interested in exercising political clout to advance an agenda that opposes affirmative action remedies, supports draconian criminal justice and welfare

13. Niebuhr, *supra* note 11, at 123.

14. Niebuhr, *supra* note 11, at 123-24.

reform measures, and pursues a flagrantly racist immigration policy. And while the Southern Baptist Convention and some other evangelical Christian groups have professed to apologize for the sin of slavery in recent years, the leadership of those groups at every level has shown little inclination to aggressively work to support affirmative action remedies, oppose so-called anti-crime measures that have disproportionately adverse impacts on non-whites, join with non-white people to combat environmental racism, or do much of anything else beyond pious grandstanding, as if their self-serving testimonials of goodwill will correct centuries of racism and racial injustice. Moreover, the issues currently accorded the most reflective attention in mainstream white religious groups involve such matters as personal spirituality, worship style, and "family values." Thus, America's religious leadership appears to have made little real progress about combating racism and racial injustice from where it was when Dr. King wrote his poignant indictment in the *Letter from a Birmingham Jail* thirty-six years ago. Even more sadly, there is little evidence to suggest a real prospect for change as the 21st Century approaches.

III. NEW LEADERSHIP MUST PRODUCE NEW ACTION

Finally, new thinking and new leadership must produce new action against racism and for racial justice defined from the perspective of the historical victims of racism and its injustice rather than from the perspective of the historical beneficiaries. Although many so-called conservative commentators—some of whom are not white, it must be admitted—speak about racial equity issues as if American society is a meritocracy, history clearly proves them wrong. White people enjoy superior access to education, employment, capital, political influence and power, and virtually everything else because policies and practices have historically been developed and employed to favor them at the expense of non-white people.

After 250 years of slavery, the enslaved Africans of the South were freed to earn wages for their work, but were shut out of the trades and crafts that they had practiced for the economic benefit of white society before emancipation. Thus, white tradespeople, craftsmen, and artisans enjoyed preferential treatment—often governmentally sanctioned preferential treatment—that gave them economic benefits for their families, superior education for their children, and stronger institutions for their lives. The Morrill Land Grant College Act of 1862¹⁵ created public institutions of higher education that, in most instances, denied admission to non-whites regardless of their academic

15. Act of July 2, 1862, ch. 129, 12 Stat. 503.

ability or potential. The Homestead Act of 1862¹⁶ encouraged white settlers to take and settle for little or no money western lands that belonged to Native Americans, while displacing the Native Americans and using black soldiers to ensure that the white settlers were protected. This pattern of governmental *affirmative action* in favor of the historical beneficiaries of institutional racism and racial injustice must be reversed if the 21st Century is to witness racial equity. Doing so will inconvenience the historical beneficiaries of white racism, but will create new opportunities for the non-white historical victims. That inconvenience and creation of new opportunity is essential if the historical victims of white racism and racial injustice are to achieve social equality. It is senseless to expect racial equity to occur otherwise.

Dr. Martin Luther King, Jr. addressed the need for action with optimism in an essay that was published posthumously and titled *A Testament of Hope*. His words are hauntingly profound:

Why is the issue of equality still so far from solution in America, a nation that professes itself to be democratic, inventive, hospitable to new ideas, rich, productive and awesomely powerful? The problem is so tenacious because, despite its virtues and attributes, America is deeply racist and its democracy is flawed both economically and socially. All too many Americans believe justice will unfold painlessly or that its absence for black people will be tolerated tranquilly.

Justice for black people will not flow into society merely from court decisions nor from fountains of political oratory. Nor will a few token changes quell all the tempestuous yearnings of millions of disadvantaged black people. White America must recognize that justice for black people cannot be achieved without radical changes in the structure for our society. The comfortable, the entrenched, the privileged cannot continue to tremble at the prospect of change in the status quo.

Stephen Vincent Benet had a message for both white and black Americans in the title of a story, *Freedom is a Hard Bought Thing*. When millions of people have been cheated for centuries, restitution is a costly process. Inferior education, poor housing, unemployment, inadequate health care—each is a bitter component of the oppression that has been our heritage. Each will require billions of dollars to correct. *Justice so long deferred has accumulated interest and its cost for this society will be substantial in financial as well as human terms. This fact has not been fully grasped, because most of the gains of the past decade were obtained at bargain prices.* The desegregation of public facilities cost nothing; neither did the election and appointment of a few black public officials.¹⁷

16. Act of May 20, 1862, ch. 75, 12 Stat. 392.

17. Martin Luther King, Jr., *A Testament of Hope*, in *A Testament of Hope: The Essential Writings of Martin Luther King, Jr.* 313, 314-15 (James Melvin Washington ed., 1986)

King's assessment is even more compelling as the 21st Century beckons. However, it is less certain whether his optimism can be maintained given the refusal by many white Americans to recognize that the radical change needed in our societal structure will not be cheap, comfortable, or convenient for those addicted to the benefits of historical racism and the advantages gained and enjoyed by racial injustice.

In *Black Robes, White Justice*, Justice Wright reflected on the remarkable disconnect that many white Americans have about the need for change as it applies to their own conduct in the following comment about the absence of black lawyers in the law firms of white people who profess to be liberated from racism.

The National Lawyers Guild was founded by lawyers who were dissatisfied with the exclusionary establishment. They regarded the American Bar Association as a symbol of toryism. The guild has fought for racial equality throughout the years. Its most successful members, however, have shown little or no interest in having blacks join their firms. At a meeting of the guild to honor one of their founders, Hope Stevens, the black guest speaker publicly mentioned the problem. He reminded the gathering of liberals and left-of-center lawyers and their guests that their proud liberalism and heroic fealty to the civil rights movement had not gone so far as to welcome black lawyers to their law firms. His remarks were received with the stunned silence and embarrassment of a donor of alms who sees the beneficiary of his generosity curse the giver and his gift. It was as though a profane clamor had trespassed in a temple. The brief and hesitant applause that followed was a mere Pavlovian response of an audience programmed to clap at the end of any speech.

No one stood up to challenge Stevens. The membership had no desire for public self-examination or for those dedicatory pledges that spring with guilt. The audience was plainly embarrassed. It was a tribute to the candor of their inbred dedication to the American way of life that none made any false promises to do better. The largely Jewish audience seemed more content to believe that most of them were minorities and that retarding circumstance had not stopped their own progress and that, therefore, blacks should not whine or whimper but do exactly as they had done. Such an angry reaction ignored the fact that Jews, no matter what else Christian Americans may think of them, have protective coloration, the most blessed of American physical characteristics. It was simply that the audience was humiliated for a moment by the harshness of the truth to which its members had contributed. It was almost as though Stevens had

(emphasis added).

undraped an indecent statute in the presence of prudes who did not realize that they were the sculptors.

Whites, even liberal whites, are weaned on racism. They live and breathe the superiority of options, choices, and opportunities that are available to those who wear the white skin.

When most white students study sociology, it is little more than an academic subject to be passed. The black victims of that social science may be deplored briefly, but they are not to be associated with, understood, or invited to join clubs and fraternities. When they graduate into professional schools and careers, whites carry these exclusions into their professions.¹⁸

The separate observations of Dr. King and Justice Wright are readily verified across our society. During the Little Rock Central crisis of 1957 the Women's Emergency Committee to Save Our Schools, a group of women married to some of the most prominent lawyers, doctors, and business leaders in Little Rock, secretly worked to resist the demagoguery and senseless bigotry that Governor Orval Faubus practiced to prevent nine black children from attending high school with white children in obedience to the second *Brown v. Board of Education*¹⁹ decision. Over the years since 1957, the existence of the Women's Emergency Committee became known, but its membership remained more or less secret until 1998 when the members were publicly introduced and honored in ceremonies that featured an appearance by First Lady Hillary Rodham Clinton in Little Rock. One reads the membership list and gains new admiration for the WEC members, especially if one recalls that Little Rock's social echelon has been small, if not intimate. Yet it is ironic that the doctors, lawyers, and other captains of commerce who were married to these women, who knew about and supported their efforts, and who took pride in being associated (if only because of marital status) with their progressive-minded stance, managed over the course of four decades to keep black doctors, lawyers, and entrepreneur-minded people out of their medical practices, law firms, and businesses. That irony brings to mind the remark made more than two hundred years ago by Horace Walpole, the fourth Earl of Orford, that "This world is a comedy to those that think, a tragedy to those that feel."

Sadly, we seem much too eager to celebrate what we deem progress in race relations without facing the disconnect between the professed liberality of many white Americans and their failure to put that liberality into action in the spheres where they exercise the most influence, their own business and

18. WRIGHT, *supra* note 7, at 52-53.

19. 349 U.S. 294 (1955).

professional dealings. Emerging non-white professionals receive a rude awakening to that reality when, after studying with white colleagues for years to attain professional status, they find themselves facing a professional color barrier every bit as real and effective as anything witnessed during the Jim Crow era in this country and the period of apartheid in South Africa. Somehow, the conscience and consciousness of white Americans has not been awakened and raised to the extent that they can do any more than claim that America has come a long way but still has progress to make. Non-whites might find that statement sincere if we could see that its proponents are making change happen in their own spheres of influence. The painful truth is that we find scarce evidence to that effect. The presidents of bar associations, medical societies, and other professional groups who profess dedication to racial diversity and promoting equal opportunity may do so in their public declarations, but those declarations ring hollow when made by people whose law firms, medical practices, and businesses include few non-white professionals, if any. Refusal to do what one can do says more about what one wants to do than does high-sounding rhetoric about how far we have come and the need for progress that even the speaker refuses to make in his own office.

Across this nation, white Americans are making little effort to infuse non-whites into their businesses. They apparently do not realize that their refusal makes them hypocrites in the minds of many non-whites who understand all too well that for white lawyers, doctors, and entrepreneurs to recruit, hire, mentor, retain, and promote non-whites would break the exclusive franchise that white people hand their children in controlling law, government, business, and the rest of American life. Excluding non-whites guarantees continued dominance by whites no matter how incompetent they may be. Thus it is ironic that as more non-white students are applying for and graduating from law, medical, accounting, and engineering schools across the country, the people responsible for setting admission standards to the professional schools and the leaders of professional licensing boards have begun speaking with heightened intensity about the need to raise admission standards to avoid what they claim is an oversupply of people in their professions. The standards deemed adequate to admit a formerly all-white elite are now said to be inadequate, when non-whites meet them in growing numbers.

The clamor to raise standards is merely another ploy to preserve white privilege and avoid taking the affirmative action required to eradicate racism and remedy racial injustice. We do not have too many lawyers graduating from law school, too many doctors graduating from medical school, or too many other professional graduates. Rather, the historical beneficiaries of

white racism and racial injustice are responding to the threat posed to their exclusive franchise by growing numbers of the non-white historical victims.

But there would be no threat if so-called progressive whites would practice what they preach. Non-white professionals and entrepreneurs who are purposely and fairly *included* into professional firms and businesses bring their assets to those enterprises and make them more profitable, as Justice Cruz Reynoso shared in his remarks. It is the purposeful and unfair *exclusion* of non-whites by white Americans who hold the power to take the actions needed for change that compels non-whites to become competitors rather than colleagues. Until white Americans abandon the zero sum game perspective that defines non-white gains as inevitably harmful for whites based on the racist concept of white privilege and the "rightness of whiteness," American culture will remain racist and unjust. To the extent that this imposes on white Americans a greater and heavier burden for effecting and accepting the actions necessary to create racial justice and eradicate racism, one must remember the words of Jesus: "From everyone to whom much has been given, much will be required; and from the one to whom much has been entrusted, even more will be demanded."²⁰

IV. CHARACTER IS THE ISSUE

Frederick Douglass, the black abolitionist of the last century, once said, "There is no Negro problem. The problem is whether the American people have loyalty enough, honor enough, patriotism enough to live up to their own Constitution." History shows that America has not demonstrated those attributes. We show little encouraging evidence of developing them as the new century approaches.

As a member of the last generation of historical victims of racism and racial injustice with firsthand experience and knowledge of racial segregation and the invidious ways that white racism operates, I make that statement with sadness. As much as I applaud the social changes that have occurred in my lifetime and this century, I am not fooled by how little relative change has occurred in so many areas. Forty-two years after the Little Rock Central incident, the leading media outlets of this state remain dominated by a virtually all-white male oligarchy. Forty-two years later, only two of the major law firms in Arkansas have admitted non-whites to their partnerships, and only one firm currently has a non-white partner.²¹ There are few, if any,

20. Luke 12:48 (New Revised Standard Version).

21. My investigation revealed that the first inter-racial law partnership in Arkansas was the firm of Walker and Chachkin, a Little Rock firm organized in 1968 by John Walker and Norman Chachkin with support and encouragement from the NAACP Legal Defense Fund. The

non-white partners now in the major privately-owned medical clinics, accounting, engineering, architectural, and business firms of this state. Black judges were elected to our trial courts only as part of a race discrimination lawsuit settlement; none have been elected to our appellate courts. This is not merely true for Arkansas; it is true throughout the nation. Sadly, too many people act as if it should and must be how our culture operates.

In our haste to celebrate a supposed racial conciliation in September 1997 on the fortieth anniversary of the Little Rock Central crisis, Arkansas and the nation succumbed to one of the oldest lies of American racism, that of confusing time for distance. You will recall from grade school that the formula for calculating distance is $D=RT$ (distance equals rate of speed multiplied by time traveled). Only the insanity of racism can explain our gullibility for the plainly wrong-headed view that traveling haltingly ("all deliberate speed") or even backwards multiplied by mere time equals progress in racial justice.

Dr. King's vision for a society and world where people of diverse languages, cultures, religions, races, and incomes would live and work

firm disbanded in 1978, but not before including Burl C. Rotenberry, Philip Kaplan, John T. Lavey, Perlesta E. Hollingsworth, and Richard Mays in the partnership.

In June 1979, I joined Wright, Lindsey & Jennings of Little Rock as the first black associate hired by a formerly all-white firm; I became a partner in January 1984. Anna Hirai Gibson became an associate at Wright, Lindsey & Jennings in 1984, entered the partnership in 1990, but has since withdrawn from the firm.

In May 1985, Jerry L. Malone joined Friday, Eldredge & Clark of Little Rock as an associate; he was elevated to that firm's partnership in January 1991 (Malone is currently General Counsel to the U.S. Secretary of Transportation). In 1986, Eddie H. Walker, Jr., a black lawyer, joined Will Morris to form an inter-racial law partnership in Fort Smith, Arkansas. That firm now exists as Walker, Shock, Harp & Hill PLLC. In January 1995, Troy A. Price was elevated from associate to partner at Wright, Lindsey & Jennings. Eugene Hunt, a black attorney practicing in Pine Bluff, employed a white associate named Lisa Kelly in September 1985. On April 1, 1990 Hunt made Kelly his law partner, and the firm name was changed to Hunt & Kelly. Kelly handled labor and civil rights matters, including work on *Hunt v. Arkansas*, No. PB-C-89-406 (E.D. Ark. 1992), a federal civil rights lawsuit that she prepared along with Arkie Byrd, a black lawyer from Little Rock, that alleged race discrimination in the Arkansas judicial system and featured Eugene Hunt as the plaintiff and Governor Bill Clinton as lead defendant. That lawsuit and its settlement produced the current number of black elected trial judges in Arkansas. Kelly withdrew from the partnership in December 1994 when she joined the faculty of West Virginia University School of Law. She remains a tenured professor there as of this writing. I have found no evidence regarding inter-racial law firms elsewhere in Arkansas.

The Arkansas experience appears typical for the legal profession throughout the nation insofar as private law practice is concerned. According to an article in the February 1999 issue of the ABA Journal, blacks account for only one percent of 40,000 law firm partners listed in the 1997-98 National Directory of Legal Employers. Overall, non-whites—blacks, Asian/Pacific Islanders, Hispanics and Native Americans—comprise 2.95 percent of partners nationwide. See Wendell LaGrand, *Getting There, Staying There*, A.B.A. J. Feb. 1999, at 54.

together toward commonly held purposes was a dream that Gene Roddenberry brought to our television screens when he introduced "Star Trek." Star Trek challenged us to imagine a workplace where women shared the responsibilities of command and leadership. Star Trek dared us to contemplate a crew of people on a five-year mission to explore the universe. This crew was not all-white or all-male. It was not all-American or all-Russian. It was not even all-human. No, Star Trek brought us to see a Russian named Chekov in charge of a weapon system far more destructive than nuclear missiles at the very time that the United States and the Soviet Union were engaged in a cold war that threatened the whole planet. The spaceship Enterprise was commanded by a white American (James T. Kirk) whose first officer (Spock) was from another world at a time when humans had not even placed a person on our own moon. The medical doctor (McCoy) was from the American South, and his prejudice against the Vulcan named Spock was a recurring fact in the series. The Enterprise had a communications officer named Uhura—an African woman—whose very presence at the decision-making level was a dramatic contrast to the way that black people and women were treated in the United States. The chief engineer was a hearty-drinking and colorful Scotsman named Scott. The helmsman/navigator was a man of Asian ancestry named Sulu at a time when the prevailing image of Asians was as laundry workers and coolies. This was the vision of diversity that Roddenberry and Star Trek offered as an alternative to the divisiveness, racism, sexism, bigotry, and cross-cultural distrust that dominated our society and world.

The mission of the Enterprise and its crew was to go where no one else had gone before in a spirit of cooperation and peace. Yet the mission was constantly beset with challenges. The tension between McCoy and Spock caused by McCoy's bigotry toward the Vulcan was a constant undercurrent that Kirk had to address. Something was always going wrong with the propulsion system (the "dilithium crystals") so that Scott, the engineer, was fashioning creative ways to power the spaceship across the galaxy. The Enterprise constantly faced threats from the Klingons, a warrior society, and from the Romulans, a society that mastered the interplay of intrigue and war.

Star Trek offered the people of my youth a working model of Dr. King's dream. Although most people probably saw the television show as mere entertainment, it was truly a well designed exercise in working diversity. The crew of the Enterprise had a common purpose that transcended their separate histories and identities. Yet that transcendent purpose did not demand that the crew deny their separate histories and identities. We saw that women are capable of exercising leadership, and that being white, male, or even human (witness Spock) was not a prerequisite for nobility, valor, integrity, or compassion. And we saw that diversity is constantly faced with challenges.

Some of those challenges can be met with tactful and honest communication. Yet *Star Trek* showed us that there are some challenges to diversity that must be met by forceful action to back up our moral commitment for goodwill and cooperation.

Our challenge as a society is to become the Enterprise and make life imitate art so that people fulfill their roles in society and within our institutions based on what they can contribute, not based on our traditions of non-white exclusion and white privilege. And our challenge is to exercise the moral will and institutional force needed to overcome the people and policies that hinder or frustrate that goal. If our society is to be more like the Enterprise and less like the divided culture that our racist history and current plight of racial injustice demonstrates, we must develop new thinking, create and follow new leadership, and pursue new actions.

Diversity pronouncements and policies must become institutional practices and personal patterns. *The mission of the Enterprise on Star Trek was not to talk about going places or even to hold meetings on going places. The mission was to go where no one had gone before in the spirit of intergalactic peace and cooperation. The Enterprise had to get somewhere.* Its performance was not based on how much history had passed in the age of space travel, but was based on travel really taking place. Travel is always about *distance* and the experiences that we have while dealing with distant personalities and situations. No matter how much or how little time may pass, if our diversity efforts don't take us beyond where we are, then we do not travel, we merely age in place.

We must insist on something more than history lessons and commemorative events, with all their value, if we hope to take our society to the place Dr. King envisioned and *Star Trek* modeled. Diversity in our leadership and management circles and across our business, professional, and cultural relationships must be our destination. We are not there yet, and we are much too content about traveling slowly and fitfully. It is a sad irony that in the less than half-century since the *Brown v. Board of Education* decision, we have developed breakthrough treatments for disease, moved from stereophonic sound to compact disc and fiberoptic forms of communication and entertainment, and have sent spacecraft to explore distant planets in our solar system. However, our private sector remains virtually the way it looked in 1954. We hire, promote, and do business in ways that exclude diversity until and unless we are faced with legal action; then we do as little as we can as slowly as we can to comply with the law.

The challenge before us is to decide that we really want to become the society that Dr. King envisioned and *Star Trek* modeled. Then we must engage our faculties and forces to get there. Everything and all the people

who resist getting there must be confronted and overcome. We must stop talking about time. The issue for us is distance and the speed we are willing to travel to reach the racial justice destination we profess to seek.

The last Star Trek movie featuring the Enterprise crew that we came to know in the late sixties was titled, "The Undiscovered Country." That movie saw the Enterprise crew engaged in a mission to save the Klingon society that it had warred against so long. Some members of the crew openly distrusted the mission; Captain Kirk had lost his only son to the Klingons. The mission was fraught with difficulties arising from the resentments and resistance that always accompany change. But the movie ended with a historic peace accord following a decisive battle against forces that were determined to continue the history of distrust and exclusion. The Enterprise teamed with a sister spaceship commanded by a Captain named Sulu and won that battle. Sulu, the former helmsman, had become a starship captain like Kirk, no doubt in large part because of the great experience he gained as helmsman on the Enterprise under Kirk's command years earlier. He was not Kirk's competitor, he was his partner.

I learned from that movie, from the Star Trek series, and from Dr. King's vision that human understanding and cooperation is the "Undiscovered Country" that we must explore. Our racist history and ongoing predicament of exclusion, injustice, and distrust is the distance we must overcome. We must travel to that Undiscovered Country and conquer that racism, distrust, and exclusion with all our might, as fast as we can, and using every action necessary to do so.

That is why I am calling for new thinking, new leadership, and new action regarding racism and racial justice. I do not know if anyone will heed my call, or whether they will have the courage and conviction to act on it if they do. But I am convinced that we have witnessed enough of the old thinking, old action, and old leadership to know that we cannot afford to carry them into the 21st Century. Furthermore, I fear that if we do take them into the new century, our future as a society looks grim indeed.

THE PRESIDENT HAS SEEN
1-10-00

Put note on
letter for BMC



GENE GRIESSMAN Ph.D.

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For more information, visit our website www.president...com

to enclose book

November 29, 1999

President Bill Clinton
c/o Mr. Joe Lockhart
Press Office
The White House
1st Floor West Wing
1600 Pennsylvania Ave. NW
Washington, D.C. 20502

202-456-2580

*Doximity
New film
New sign copy of
very book
BSC*

Dear President Clinton:

You are much like our beloved Abraham Lincoln when you urge estranged people to learn to forgive. Thankfully the media, which too often focuses on negatives, is picking up on this theme. Again and again, you are described as urging forgiveness, giving up old resentments.

I thought your remarks to the troops in Kosovo were splendid.

The enclosed book—The Words Lincoln Lived By—tells how Lincoln felt about the subject. I have taken the liberty of marking several passages that you may find interesting and perhaps quotable.

I voted for you twice. The world is a safer and better place because of your remarkable ability to create positive chemistry with a wide range of world leaders. But your Presidential ministry of reconciliation is what is so striking.

(On a much smaller stage I emphasize reconciliation in my writings and with my one-man play on Lincoln, which I perform for corporations, associations, and schools.)

May the Almighty bless you for the many good things you have done for us.

Best regards,

Gene Griessman, Ph.D.

I am enclosing a copy of THE WORDS LINCOLN LIVED BY and THE INSPIRATIONAL WORDS OF ABRAHAM LINCOLN. Here also is an autographed copy of my poem "Diversity" which has become rather well known.

1-10-00

To Eugene for reply?
Yes ☒ No ☐

Well-chosen words can enable you to rise to heights you may
now only dream of.

Words can paint dreams, correct errors, and pass along
truths to the latest generation. Words can interpret the present
and speak to the future. Words can stir up the worst or find the
best, destroy or build up, tarnish or cleanse.

Build up your knowledge so that your words are true.
Nurture your spirit so that your words are kind, strong, and wise.

Words, once they are released, take on a life of their own
and find lodging in places and hearts that you may never know.

But after many days they may return to haunt or bless you.

Think carefully before you let them go.

Gene Griessman



THE WHITE HOUSE
WASHINGTON

January 7, 2000

✓
MR. PRESIDENT:

DPC has been working with OPL
on this proposal.

THE PRESIDENT HAS SEEN

1-10-00
Sean Maloney

*File the
Proposed - setup
done
called in emergency
at 8:00 PM on Jan 7
at the White House
OK*

*copied
Cahill
Podesta*

THE PRESIDENT HAS SEEN
1-10-00

THE WHITE HOUSE

WASHINGTON

January 3, 2000

MEMORANDUM TO THE PRESIDENT

FROM: Mary Beth Cahill

RE: Recommendation for a White House Youth Advisory Council to the President

In October of 1999, youth representatives at the Voices Against Violence Congressional Teen Conference and Youth Outreach Meeting encouraged you to consider establishing a cooperative youth-adult partnership for improving America. These young Americans also urged you to consider designing a communication framework to integrate their voices, concerns, issues, and solutions into the nation's agenda.

This year, the Domestic Policy Council is recommending that you consider proposing several new initiatives to support youth development, including a new Youth Empowerment Grant that would support youth-led projects that provide solutions to community problems such as youth violence. Based on the tragic events of the past year, both the Office of Public Liaison and the Domestic Policy Council agree that the federal government needs a more effective policy coordination strategy to interact with youth. It is also clear that young Americans need a forum to communicate their input on the policies developed by the administration, especially with regard to the White House Council Against Youth Violence.

In order to support youth-driven solutions and to more effectively garner the input of youth in developing policies that affect young people, I recommend the Office of Public Liaison and the Domestic Policy Council form a White House Youth Advisory Council. The establishment of this Council would provide young Americans with an opportunity to consult with you and your administration about national issues such as poverty, race relations, education, social security, and youth violence. The Council would also empower young Americans by giving a national voice to their ideas and concerns.

Structure of the Council:

The Directors of the Office of Public Liaison and the Domestic Policy Council would serve as the Council's co-chairs. The Council would meet three times a year with you and/or the chair. Fifteen youth leaders from across the country would be appointed to the Council. Youth leaders would be selected according to their contributions to providing youth solutions to national issues such as education, social security, and youth violence.

Current topics and issues would be discussed with this group to garner their input on the policy developments relating to this matter. Depending on the issue, youth leaders would brainstorm and interact with senior administration officials regarding policies that do or will affect them. For example, youth leaders would have the opportunity to join forces with the Secretary of Labor to

1-10-00

address issues related to job training. Youth leaders would also have the opportunity to present their views to the heads of other agencies (i.e. HHS, DoED, CNS, Labor, and Justice).

Duties of the Council:

Provide a communication mechanism for youth input to the White House Council Against Youth Violence. Young Americans would have a communication vehicle to channel their recommendations to the White House Council Against Youth Violence. The Office of Public Liaison and the Domestic Policy Council would be responsible for hosting Council meetings three times a year to provide young Americans an opportunity to submit and communicate their input on the work of the White House Council Against Youth Violence. Council members would also have the opportunity to host youth-led groups throughout the country that address youth violence.

Provide a communication mechanism for youth input on the nation's agenda. Young Americans would have a communication vehicle to channel their recommendations to the White House on the nation's agenda. During Council meetings, young Americans and youth-based organizations from across the country would have an opportunity to address their suggestions and communicate their input on national issues such as education and social security.

Highlight accomplishments of young Americans. The Council would also have the opportunity to highlight those positive solutions created by young Americans in response to the needs and interests of their generation (i.e. The Corporation for National Service).

Produce reports on youth issues. The Council will prepare or have prepared reports on various aspects of problems relating to youth.

In conclusion, I believe the establishment of this Council would be an excellent way to build on the significant progress this administration has made to connect with our nation's youth. Given your interest and leadership on youth outreach, I look forward to your response to this proposal.

APPROVE:  _____

DISAPPROVE: _____