

July 31, 1995

MEMORANDUM TO JENNIFER KLEIN

FROM: Zoë Neuberger

SUBJECT: Maternal Health Study

The women's reproductive health study reported in *The New York Times* was prepared by Population Action International, a research organization. The study ranks 118 countries on a "Reproductive Risk Index" based on their average scores on ten indicators:

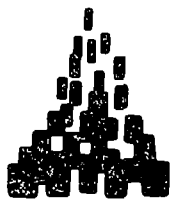
- teen births;
- contraception use;
- abortion policy;
- anemia during pregnancy;
- prenatal care;
- attendance of trained personnel at birth;
- HIV/AIDS level in women;
- infertility (which often indicates STDs)
- average number of births per woman as it affects risk of death; and
- mortality rates in childbirth or due to unsafe abortion.

The United States ranks 18th overall, but still falls within the "very low risk" category. The top ranking nations are Italy, Denmark, Norway, Sweden, and Belgium. The main distinctions between the United States and these top countries are:

- the United States has a much higher rate of teen pregnancy (6 per 100 births as compared to 1 or 2 per 100 births);
- the United States has a lower rate of contraception use (71% as compared to 76%–79%);
- the United States has a lower rate of women receiving prenatal care than Italy, Denmark, or Sweden (95% as compared to 100%); and
- the United States has a higher fertility rate (average of 2.1 births per woman as compared to 1.2–2.0);

The researchers believe that women in Italy fare so well because it scores very highly on all the indicators, rather than due to a single factor. Italy does have a particularly small family size (an average of 1.2 births per woman as compared to 2.1 in the U.S.), a low mortality rate (4/100,000 as compared to 7/100,000 in the U.S.) and a very low rate of anemia (10% as compared to 17% in the U.S.). In addition, 100% of the women receive prenatal care and are attended at the delivery by trained personnel (as compared to 95% and 99% respectively in the U.S.). The researchers point out that although many women rely on traditional methods of contraception, such as withdrawal and rhythm, a high percentage do practice family planning and women have access to abortion on request.

The researchers also developed an indicator of the overall chance of a woman dying from complications of pregnancy, childbirth, or unsafe abortion during the course of her entire lifetime, which is based on the chance of dying during a given pregnancy (mortality rate) as well as the number of times a woman is exposed to that risk (fertility rate). They count this indicator twice, rather than counting fertility and mortality rates individually, in order to avoid scoring on the basis of family size, which would imply judgement. Women in the U.S. rank 15th with a 1 in 5,669 chance of pregnancy-related death, as compared to 1 in 17,361 in Italy, Belgium, and Hong Kong, the highest ranking countries.



July 1995

*Population Action
International*

TO: Journalists covering women's health, population & development

FROM: Sally Ethelston
Director, Media Relations

Patricia M. Sears
Deputy Director

RE: PAI's 1995 Report Card—*Reproductive Risk: A Worldwide
Assessment of Women's Sexual and Reproductive Health*
HOLD FOR RELEASE UNTIL 24 JULY, 6:00 PM EDT/22:00 GMT

The lack of access to basic health care and its consequences for women's reproductive health is the subject of PAI's 1995 *Report Card, Reproductive Risk: A Worldwide Assessment of Women's Sexual and Maternal Health*, a copy of which is enclosed. Despite overall improvements in women's health around the world, about 1.3 million women still die each year from largely preventable, reproductive health causes—nearly all of them in developing countries. While in the industrialized world, women are increasingly affected by diseases reflecting wealth and longevity, fully one-third of the disease burden for women in developing countries is related to their poor reproductive and sexual health.

As the study points out, women in sub-Saharan Africa are most affected by the lack of basic reproductive health care, a reflection of the larger crisis in health care in the region. From Kenya come stories of state-supported hospitals without surgical gloves, without antibiotics and other basic drugs, and with just one bed for every three patients. At the same time, Kenyan women suffering from complications of unsafe abortions account for 50 percent of gynecological admissions at one major hospital. In Zaire, the recent outbreak of the Ebola virus has been linked directly to the absence of basic disease prevention procedures in health care institutions, and political turmoil in the country has led to the dismantling of the country's AIDS prevention program.

Meanwhile, programs funded by the U.S. Agency for International Development (USAID) are under attack as never before. Of the 450 million couples in developing countries who now practice family planning—essential to good reproductive health—an estimated 50 million couples *directly* benefit from U.S. funding. Even a 30 percent cut (less than what may occur) in services to these 50 million women and men is projected to result in more than 20,000 maternal deaths and half a million deaths among infants and young children [the benefits of family planning to *children* are often forgotten].

If you would like further information on PAI's new study or to arrange an interview with either Shanti Conly or Hugo Hoogenboom, please call us at (202) 659-1833 or send a fax to (202) 293-1795. We can also be reached by e-mail at <sae@popact.org> and <pmsears@popact.org>. We will be holding a press briefing in Washington on July 21 in order to present in more detail the findings of *Reproductive Risk*.

July 31, 1995

MEMORANDUM TO JENNIFER KLEIN

FROM: Zoë Neuberger

SUBJECT: Family and Medical Leave in the U.S.

According to Susan King, Executive Director of the Family and Medical Leave Commission:

Only employers with 50 or more employees are subject to the provisions of the Family and Medical Leave Act (FMLA). There are intricate rules for determining which employers are covered when it is not clear cut—for example, when the employees are dispersed in small groups.

Although only 5% of all entities are large enough to be covered by the FMLA, 45% of employees work for those entities and are covered.

The FMLA provides for 12 weeks of unpaid leave, with health insurance, and with a guarantee that one's job will remain available. Leave can be taken for the following reasons:

- 1) the birth, adoption, or foster care of a child; or
- 2) the illness of oneself or one's spouse, parent, or child.

Therefore, the Wall Street Journal chart is correct in its description of the provisions of the FMLA, but these provisions apply only to employers of 50 or more individuals.

To Jen Klein -

This chart is from WSJ

Article, 7/26/95 and it's

not right & below -

Under Leave -

the US should be

qualified by size of

employer (50 or under) if

they're referring to Family +

Medical. Are they

right or wrong? Need

to know.

Here

For Ms. Muto, becoming a *keiyaku shain* was financially devastating. Her salary has been slashed to 3.2 mil-

But the reality here is quite different. Government-run child-care centers have waiting lists of

	JAPAN	U.S.	SWEDEN	MEXICO
EMALE	41.0%	46.0%	50.0%	37.0%
	64.0	65.1	85.0	40.0
by women	9.4	43.0 ¹	17.0	N.A.
ESSES				
red	29.9 ²	30.0	N.A.	16.3
red	N.A.	17.0	N.A.	N.A.
F MALE	61.6 ³	75.9	77.0	68.2
	60.7	69.4	80.8	42.2
	65.9	73.6	87.7	41.3
	70.3	71.6	89.1	37.1
	49.7	46.6	62.9	24.9
DS UNDER 7	10.0	42.0 ⁴	22.0 ⁵	N.A.

nd managerial jobs. ² Self-employed only; number of females heading businesses is small. ³ Part-timers are excluded. ⁴ Children under 6. under 7.

ment 1992, 1994, 1995; Census bureau 1987. SWEDEN: Statistics Sweden. JAPAN: Japan's Management Coordination Agency, May 1995; Health tional Institute of Statistics and Geography, 1992; five-year survey ended in 1994 by Mexican academic Gina Zabudovsky; Cepal, a U.N. unit, 1990.

MATERNITY/PATERNITY LEAVE

US: 12 weeks of unpaid, job-guaranteed leave for childbirth, adoption or illness of an employee or family member for both men and women.

SWEDEN: One month at 90% of salary, 10 more months at 80%, 3 more months at low level of compensation (60 Swedish kronor/day). Job protected for up to 18 months. Both men and women eligible.

JAPAN: Leaves up to six weeks before due date and mandatory eight-week leave after delivery. Law doesn't stipulate payment.

MEXICO: 12 weeks of paid leave at full salary, but many companies do not honor the law. Job is guaranteed for up to a year. Men not covered.

CHILD CARE

US: Under 1: 10% in day-care centers, 15% in family day care; Age 1-2: 20% in day-care centers, 18% in family day care; Age 3-5: 64% in day-care centers, 14% in family day care.

SWEDEN: 58% of children age 1 to 6, and 29% of children 7-12, are in municipal child care.

JAPAN: Under 3: 10.6% in day care; 3: 30.6% in day care; 4-5: 30.8% in day care.

MEXICO: Government day-care facilities with lengthy waiting lists. Any woman covered by social security is eligible. Some company-run day care; many give vouchers to help pay for day care.

reer in the Land of Machismo

By DIANNE SOLIS

of THE WALL STREET JOURNAL

COUNTRY that gave *machismo* its definition to fight extra hard to get into the ex- Elena Juarez has been a fighter all her xico, "for a woman, it takes double triple the effort" that it takes

uarez, a partner in the ex-Amrop International, has er career and confronts rying to place female ons.

o looks progressive. ts amendment since es women with three ty leave, plus child- a rest periods for t was in Mexico City held its first confer-



Gil Eisner

Ms. Juarez worked her way up to research director at an executive-search company. At 35, she left to become a partner at a small search firm run by two other women. She says simply that they recruited her for her international expertise, but moving to smaller firms is becoming more common among Mexican women. While they head just 16.3% of businesses, they run 33% of microbusinesses, or those with one to 10 employees, according to a study by Gina Zabudovsky at the Autonomous University of Mexico. "Women have no other choice," says Denise Dresser, a political scientist who is also overseeing a study of women-led microbusinesses. "Women have no legal recourse [against sexual harassment or discrimination] in Mexico."

"Any woman worth two cents gets out of the corporate world and starts a consultancy or her own business," says Anna Fusoni, a past president of the Association of Mexican Entrepreneurs.

Having proved that she could make a go of the business on her own, Ms. Juarez joined Amrop 10 years ago and now specializes in placing

EMIKO MUTO

vancement for career-minded women. In a government survey of 744 career women last year, two-thirds said they had been unfairly treated because of their gender.

Much of this bias stems from the continued acceptance of age-old gender roles. Even Japanese women embrace such thinking. In a 1992 poll of 1,000 women by the Tokyo city government, 56% agreed that "the husband should be the breadwinner and the wife should stay at home." That figure is far higher than polls found in other wealthy countries in similar surveys. Just 13% of Swedish women thought wives should stay home, as did 20% of Britons, 22% of Frenchwomen, 24% of Americans and 25% of Germans.

This mindset makes it all the tougher for Japanese women who do want careers. They have few female mentors: Just 1% of working women hold managerial posts, and 14% have professional or technical jobs.

Career women also work among crowds of young "Office Ladies," who wear identical uniforms, answer phones, greet visitors, operate elevators and serve tea—generally until they marry and leave the company.

Professional women can't expect help from their husbands with household chores. "Japanese men are notorious for having to work so long at the office [that] they have no responsibility for families," says Mariko Bando, director of the Japanese government's Office for Gender Equality. Child care is particularly difficult to find. Most day-care centers are open only from 8 a.m. to 5 p.m.—not long enough for many women in a country where 12-hour workdays are common, and commutes tend to be long.

The outlook for change isn't good. Male college graduates are more than twice as likely as their female counterparts to find jobs this year, says a study by Recruit Research Co. in Tokyo.

The small gains women have made since the passage nine years ago of equal employment opportunity legislation have shrunk in Japan's dismal economic climate. Growing numbers of workers such as Ms. Muto have been turned into *keiyaku shain*, or contract employees with no benefits, from *seishain*, or lifetime employees. Many women can't get either kind of position and are forced to settle for part-time work. Nearly one of every three women working in Japan is a part-timer.

Japan's hierarchal employment structure severely limits job mobility. With very few exceptions, large corporations hire only newly minted college graduates who work for their employers until they're in their 50s. Promotions are based on a strict seniority-based pecking order. Consequently, top managers are virtually all elderly men.

For Ms. Muto, becoming a *keiyaku shain* was financially devastating. Her salary has been slashed to 3.2 million yen (about \$37,000 at 86 yen/\$1) from 4.45 million yen. Living alone in an \$800-a-month studio apartment in

life is just an extension of their private life. They are using women as tools at home and doing the same at the office. It's not easy to change them."

Japan remains decades behind the U.S. when it comes to ad-

	JAPAN	U.S.	SWEDEN	MEXICO
FORCE 1	41.0%	46.0%	50.0%	37.0%
ALL WOMEN AGE 20-64				
In work force	64.0	65.1	85.0	40.0
Managerial jobs held by women	9.4	43.0 ¹	17.0	N.A.
FEMALE-HEADED BUSINESSES				
Including self-employed	29.9 ²	30.0	N.A.	16.3
Excluding self-employed	N.A.	17.0	N.A.	N.A.
WOMEN'S WAGE AS % OF MALE	61.6 ³	75.9	77.0	68.2
WOMEN IN WORK FORCE				
25-34	60.7	69.4	80.8	42.2
35-44	65.9	73.6	87.7	41.3
45-54	70.3	71.6	89.1	37.1
55-64	49.7	46.6	62.9	24.9
WORKING MOMS WITH KIDS UNDER 7	10.0	42.0 ⁴	22.0 ⁵	N.A.

¹ Executive, administrative and managerial jobs.

² Self-employed only; number of females heading businesses is small.

³ Part-timers are excluded.

⁴ Children under 6.

⁵ Working women with kids under 7.

Sources: U.S.: Labor Department 1992, 1994, 1995; Census bureau 1987. SWEDEN: Statistics Sweden. JAPAN: Japan's Management Coordination Agency, May 1995; Health Ministry, 1992. MEXICO: National Institute of Statistics and Geography, 1992; five-year survey ended in 1994 by Mexican academic Gina Zabudovsky; Cepal, a U.N. unit, 1990.

MEXICO:

A Pioneer in the Land of Machismo

By DIANNE SOLIS

Staff Reporter of THE WALL STREET JOURNAL

IN MEXICO, THE COUNTRY that gave *machismo* its definition, women have had to fight extra hard to get into the executive suite. Maria Elena Juarez has been a fighter all her life. She says that in Mexico, "for a woman, it takes double the effort, perhaps even triple the effort" that it takes men to succeed.

The 48-year-old Ms. Juarez, a partner in the executive-search company Amrop International, has faced discrimination in her career and confronts major obstacles when trying to place female clients in executive positions.

At first glance, Mexico looks progressive. It has had an equal rights amendment since 1974. Its labor law provides women with three months of paid maternity leave, plus child-care centers and extra rest periods for women nursing babies. It was in Mexico City that the United Nations held its first conference on women in 1975.

But the reality here is quite different. Government-run child-care centers have waiting lists of several years. Women often get fired when their pregnancies are known. In fact, women are

Ms. Juarez worked her way up to research director at an executive-search company. At 35, she left to become a partner at a small search firm run by two other women. She says simply that they recruited her for her international expertise, but moving to smaller firms is becoming more common among

Mexican women. While they head just 16.3% of businesses, they run 33% of microbusinesses, or those with one to 10 employees, according to a study by

Gina Zabudovsky at the Autonomous University of Mexico. "Women have no other choice," says Denise Dresser, a political scientist who is also overseeing a study of women-led microbusinesses. "Women have no legal recourse [against sexual harassment or discrimination] in Mexico."

"Any woman worth two cents gets out of the corporate world and starts a consultancy or her own business," says Anna Fusoni, a past president of the Association of Mexican Entrepreneurs.

Having proved that she could make a go of the business on her own, Ms. Juarez joined Amrop 10 years ago and now specializes in placing executives in the computer industry.



Gil Esner

MARIA ELENA

TO: Hillary Rodham Clinton
FROM: Jennifer Klein
DATE: 5/5/94
RE: Story from CWA Worker

I am sorry that I was not able to get this to you sooner. Morty Bahr, the President of CWA was not able to be reached until this afternoon. I know that you told this story today, but here is a bit more information.

I spoke with Mr. Bill Martin, the great grandfather of the child. He confirmed the story with one very small change. The child was first taken to St. Anthony North Hospital. When the hospital refused to admit her, her mother took her to Children's Hospital in Denver. Children's Hospital sent her home. The child later went into a coma, and her mother took her back to St. Anthony's, where she died.

Mr. Martin was very touched to learn that you were concerned about what had happened to his great grandchild.

In September, 1993, two great granddaughters of Bill and Wilda Martin, St. George, Utah became very ill exhibiting high fevers in the 103-104 degree range.

801-674-9884
Shantelle Rieb - two-years old, daughter of Mr. and Mrs. John Rieb was admitted to St. Anthony North Hospital in Denver, Colorado. She was diagnosed with spinal meningitis and treated. Her father, a roofer, had insurance.

Nora Smith - three years old, daughter of Susan Smith, a single mother who cleans apartments for a living, had no insurance. Two days after Shantelle went to the hospital, Nora showed signs of high fever and was taken to Children's Hospital in Denver and turned away. Nora then was taken to St. Anthony North Hospital in Denver where she was seen by the medical staff and sent home with instructions to take aspirin. While Nora was being sent home, her cousin Shantelle was being treated in the same hospital. Nora later died after going into spasms. The day after Nora was buried, her cousin Shantelle was discharged from the hospital, recovered.

Trace Smith - seven years old and brother of Nora also came down with the same symptoms, but was admitted and kept in the hospital and subsequently recovered. After Nora's death, the hospital told her mother that they'd be happy to provide her and her family with medical care free of charge, thus when Trace became ill, the hospital took him in.

All three children lived in the same home (a multi-family dwelling) with their parents and grandmother.

**Communications
Workers of America**
AFL-CIO, CLC

501 Third Street, N.W.
Washington, D.C. 20001-2797
202/434-1110 Fax 202/434-1139

Morton Bahr
President



VIA FAX

April 22, 1994

Mr. Joe Velasquez
Deputy Asst. to the President-
Director-Office of Political Affairs
Old Executive Office Building
Room 115
Washington, D.C. 20500

Dear Joe:

Enclosed is the information that Mrs. Clinton requested I send her.

If any additional information is needed, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Morton Bahr".

Morton Bahr
President

Enclosure

To HRC
5/4

THE WHITE HOUSE
WASHINGTON

Bill Martin

801-674-9884

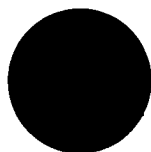
April 22, 1994

MEMORANDUM TO HILLARY RODHAM CLINTON

FROM: Joe Velasquez

SUBJECT: Morty Bahr Information

Attached is the information you requested from CWA President Morty Bahr. It took a day to get this because they had to track down the young lady's grandfather for the information.



Pam
Put on HRC
Log

~~NATIONAL
CENTER
ON
EDUCATION
AND THE
ECONOMY~~

FROM THE DESK OF: HILLARY RODHAM CLINTON

Sen-

① When I was on Diane Rehm
an RN at VA called about HR 1384
re. eliminating restrictions on nurses
working extra jobs outside VA system.
Pls. Check on this for me.

~~120 EAST 4TH STREET
LITTLE ROCK, AR 72201
501-375-9131
FAX 501-375-1309~~

TO: Hillary Rodham Clinton
FROM: Jennifer Klein *J.K.*
DATE: 7/21/95
RE: VA Nurses

You had asked me to look into H.R. 1384, a bill that a VA nurse called about when you were on Diane Rehm. Currently, full-time physicians, dentists, registered nurses, physician assistants and expanded-duty dental auxiliaries (EDDA) are prohibited from working outside the VA system. Congressman Tim Hutchinson (R-AR) introduced H.R. 1384 to exempt nurses, physician assistants and EDDAs from this prohibition. The bill has been reported out of the House Committee on Veterans' Affairs, but a floor vote has not yet been scheduled. The VA supports H.R. 1384 and had submitted a similar bill to OMB for clearance.

I have also attached our health care report that will be sent to the President as part of a larger budget memo from Erskine. He will get reports every Tuesday and Friday. Do you want me to make sure you get one too?

Y

Am I en to call



U. P. UROLOGY CLINIC, P.C.

2500 SEVENTH AVENUE SOUTH, STE. 215, ESCANABA, MI 49829

(906) 789-9260

A. H. SAWAF, M.D., F.A.C.S.

June 1, 1995

Dear First Lady Clinton:

I would greatly appreciate the opportunity to discuss two matters of importance with you. The first issue is health care, and the second is politics in the Middle East. I would appreciate any time you could give me.

Sincerely,

Ali H. Sawaf M.D.

AHS/sw

this is a "Mrs. Clinton-
ashed - that - I - call"
task. She either met
him or was given this
on her visit to Michigan

Pam

TO: Hillary Rodham Clinton
FROM: Jennifer Klein
DATE: 7/21/95
RE: VA Nurses

You had asked me to look into H.R. 1384, a bill that a VA nurse called about when you were on Diane Rehm. Currently, full-time physicians, dentists, registered nurses, physician assistants and expanded-duty dental auxiliaries (EDDA) are prohibited from working outside the VA system. Congressman Tim Hutchinson (R-AR) introduced H.R. 1384 to exempt nurses, physician assistants and EDDAs from this prohibition. The bill has been reported out of the House Committee on Veterans' Affairs, but a floor vote has not yet been scheduled. The VA supports H.R. 1384 and had submitted a similar bill to OMB for clearance.

I have also attached our health care report that will be sent to the President as part of a larger budget memo from Erskine. He will get reports every Tuesday and Friday. Do you want me to make sure you get one too?

Office of Congressional Affairs



Department of Veterans Affairs

To: *Molly Brostrom*From: *Mary Kay Stack*

Phone: (202) 273-5628

Fax: (202) 273-6791

Remarks:

Number of pages
including cover:*2*

Date:

7-18-95

Fax to number:

456-7028

OUTSIDE EMPLOYMENT OF VA REGISTERED NURSES

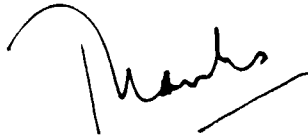
1. Currently, under section 7423 of title 38, U.S.C., full-time VA physicians, dentists, registered nurses (RNs), physician assistants (PAs), and expanded-duty dental auxiliaries (EDDAs) are prohibited from receiving remuneration from outside professional activities. They may not assume responsibility for the medical care of any non-VA patient except in the rare cases when they do so in order to assist communities or medical practice groups to meet medical needs which would not otherwise be available (for a period not to exceed 180 calendar days).
2. On July 5, 1995, VA submitted to the Office of Management and Budget for clearance a draft bill to exempt full-time RNs, PAs, and EDDAs from these restrictions on outside income. OMB has not yet cleared the draft bill.
3. Rep. Tim Hutchinson (R-AR) introduced H.R. 1384 on April 4, 1995. The bill would amend section 7423 to provide such an exemption for full-time RNs, PAs, and EDDAs. The bill was referred to the House Committee on Veterans' Affairs, Subcommittee on Hospitals and Health Care. At a Subcommittee mark-up on May 11, 1995, the bill was reported, without amendment, to the full Committee, which at a June 15 mark-up ordered the bill reported, again without amendment. A floor vote has not yet been scheduled.

TO: Hillary Rodham Clinton
FROM: Jennifer Klein *J.K.*
DATE: 1/17/95
RE: Debbie Lucas

After the three month old baby stopped crying and two year old Colten got bored of talking with me on the phone, Debbie Lucas and I had a wonderful conversation about the difficulty she has had getting good medical care for her child -- even though, as you guessed, the Lucas' have health insurance and enough money to pay for the best specialists in the country.

Colten is in remission from a rare form of liver cancer (hepneoblastoma), although tests show that his blood count is getting worse. Most doctors have told the Lucas' that there is nothing else to do for Colten. The Lucas' are not ready to give up; they have heard this three times before, and three times before Colten has survived. This, according to Debbie, is not because of any miracle, but because she and her husband have questioned the doctors and corrected an amazing number of mistakes.

Debbie was very touched that you thought to follow up. I told her I would get more information about resources in New York (doctors, patient advocates, etc). I will speak first with Nancy Dubler, a "clinical ethicist" at Montefiore Hospital who knows a great deal about how to "get around the system" and get patients what they need. It's worth a try.



DAVID F. LINOWES
PROFESSOR OF POLITICAL ECONOMY AND PUBLIC POLICY
UNIVERSITY OF ILLINOIS

PLEASE ADDRESS REPLY TO:

February 3, 1995

308 Lincoln Hall
702 S. Wright St.
Urbana, IL 61801
(217) 333-0670

Ms. Jennifer Kline
Office of Hillary Rodham Clinton
The White House
Washington, D.C. 20500

Dear Ms. Kline:

As you suggested today, I am sending along a rough list of names of the kinds of people who might be considered for a possible presidential commission on health care. An appropriate size for this kind of panel would be seven members. It would study all proposals for dealing with the health care crisis and make recommendations to the President and Congress, within a six month period but only after extensive public hearings. To my knowledge, none is associated with the health care establishment nor has anyone spoken out publicly for any particular proposal. Each is respected for his or her accomplishments and credibility.

Derck Bok
Justice Warren Burger
Douglas A. Fraser
Barbara Hackman Franklin
Mary Gardiner Jones
Clark Kerr
Edward I. Koch
Melvin R. Laird
Bruce K. MacLaury
Ann McLaughlin
Eleanor Holmes Norton
Abraham Ribicoff
Elliot Richardson
Albert Shanker
Elmer Staats
Walter Wriston

Welcome back!

Thanks:
Jennifer

I gave a
letter to Lisa (my
former pr/journalist
in NY - pls get it
back for me

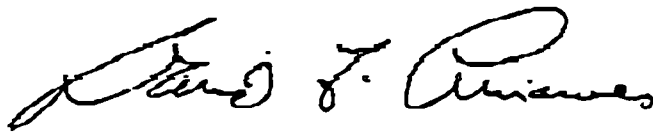
PHOTOCOPY
HRC HANDWRITING

Ms. Jennifer Kline
Page 2
February 3, 1995

Obviously, health care action is in disarray, and now even more so with Congressman Cingrich in the Speaker's Chair. I am convinced this is an appropriate time for the Administration to take a firm yet conciliatory approach to the entire medical care issue.

I would be pleased to pursue this matter either by telephone or in person at your convenience.

Sincerely yours,

A handwritten signature in black ink, appearing to read "David F. Linowes", written in a cursive style.

David F. Linowes

DFL:pal

SENT BY FAX

adopted ^{former} grandparent
THE WHITE HOUSE
WASHINGTON
be of help lost two children

Sue ~~Dots~~ Dats on
from Utah made a difference

(801) 864-2400 w
3289 2nd.
h.

Midland County

appreciate
org or family
come
W.H.)
foster parent since
'63

children
attitude about children
parental rights take precedence
Charlotte
Sheynazde
with message

• Loss of "culture"

• Kids who fall through
the crack

TO: Hillary Rodham Clinton
FROM: Chris Jennings
Jennifer Klein
DATE: 2/17/95
RE: Regulatory Review Update

Attached please find the most recent draft of the Regulatory Review Initiative Presentation (both HCFA and FDA). We are scheduled to meet with the Vice President on Tuesday, February 21 and will begin with the discussion of the FDA proposals. We have told the Reinventing Government team (including Sally Katzen) that the HCFA presentation describes regulatory changes that will be implemented as part of health care reform. They have noted that the Vice President's highest priorities are FDA, EPA and OSHA. (Therefore, we don't anticipate that he will see this as a conflict.)

We have had discussions with HCFA and with Public Liaison about scheduling an event to highlight our regulatory relief efforts. Melanne also filled us in on your conversation with Steve Gleason. Since most of the proposals in the HCFA presentation can be implemented by regulation, we could announce them as a package. The most visually powerful would be the elimination of the physician attestation requirement. Against a backdrop of thousands of these attestation forms, a hospital administrator could explain the process they have been forced to follow for every discharge of a Medicare patient.

We would recommend an event at a hospital in one of the key states. Approximately 100 supportive physicians and hospital groups would be invited for the unveiling of our regulatory relief initiative. You would lead a panel of hospital administrators, physicians, one or two HHS representatives (maybe Secretary Shalala and Bruce Vladeck), consumers, an insurer, an employer and a non-government expert.

Public Liaison and HCFA are ready to go. We can discuss this further when we meet with you on Tuesday.

cc: Melanne Verveer

TO: Hillary Rodham Clinton
FROM: Chris Jennings
Jennifer Klein
DATE: 3/23/95
RE: Letter from FHP

You had asked us to evaluate the claims in the attached letter from FHP International Corporation (FHP). We also met with FHP and other HMOs recently. In the letter and the subsequent meeting, FHP discussed the advantages of managed care for Medicare beneficiaries and the potential for managed care to save money for the program.

FHP's claims about the advantages that HMOs offer to enrollees are reasonable. As you know, managed care plans do reduce financial barriers to care and increase access to preventive care services. As you also know, the satisfaction rate of beneficiaries enrolled in managed care is very high.

FHP also claimed that managed care can produce tremendous cost savings for the Medicare program and its beneficiaries. As we also noted in our recent memo on managed care to the President, the accuracy of these claims is less clear.

- **FHP states that "HCFA pays FHP an amount equal to 95% of what HCFA would otherwise pay to the fee-for-service physicians and hospitals in the geographic area." FHP also states that, because HCFA pays HMOs 95% of what the Medicare program spends under fee-for-service, FHP is saving the federal government \$60 million per year.**

While HMOs may provide care more efficiently than the fee-for-service system, enrollment in HMOs actually may be leading to higher spending under the Medicare program. The most prominent study of this issue (by Mathematica Policy Research) concluded that HCFA pays 5.7% more to HMOs than it would have paid for the same beneficiaries if those beneficiaries enrolled in fee-for-service (because they are healthier than the average Medicare beneficiary). However, the study now is relatively old (based on 1988 data), and the HMO industry claims that they no longer get a healthier than average mix of enrollees. Research is underway to resolve the issue.

Assuming that the findings of the Mathematica study are true of FHP enrollees, then the Federal government is paying FHP more than what it would have spent for the same beneficiaries in fee-for-service and is, therefore, not saving money.

Even if FHP's assertion is correct and Medicare saves 5% of expected costs for each enrollee, it should be noted that the current method of paying HMOs does not give Medicare the majority of the savings from managed care. As discussed below, the current method of paying Medicare HMOs permits them turn the savings they achieve in delivering Medicare benefits into hundreds or thousands of dollars worth of additional benefits and services (such as prescription drugs) to beneficiaries. These additional benefits attract beneficiaries into the managed care plans.

- **FHP further states that it is saving Medicare HMO members an average of \$1,200 per year (\$348 million overall).**

We cannot verify the numbers themselves, but the general conclusion is correct. Many HMOs participating in Medicare are able to deliver the Medicare benefits package for less than what HCFA pays them, and are therefore able to offer additional benefits at no cost to the beneficiary.

Some of the savings that Medicare HMOs pass through to beneficiaries are the result of being able to deliver care more efficiently than under a fee-for-service system. However, as described above, a portion of the savings may be a result of Medicare HMOs enrolling a healthier than average mix of beneficiaries. In addition, Medicare payments to HMOs are based on average fee-for-service payments in the applicable county. Some analysts believe that idiosyncrasies in Medicare's fee-for-service payment methods (e.g., adjustments for teaching hospitals and disproportionate share payments) may inflate spending in some geographic areas. Not surprisingly, HMOs in areas where Medicare fee-for-service payments are very high can deliver care for less than what Medicare pays them and can add substantial benefits at little cost to beneficiaries.

- **FHP describes community rating -- where HCFA pays based on an enrollee's age, but not his or her health status -- as "an essential part of the program's success."**

HCFA's payments are community rated in this way for all participating HMOs. However, the importance of community rating is *not* in what HMOs charge HCFA, but in what they charge beneficiaries. In fact, some analysts believe that HCFA should adjust payments to HMOs based on a beneficiary's health status. That way, HCFA would pay less if HMOs attracted a healthier population.

- **When we met with FHP and the other HMOs, representatives of several HMOs indicated that they had experience treating disabled and chronically ill enrollees and that they could demonstrate savings in the treatment of this population.**

HMO representatives continue to assert that costs can be reduced by enrolling disabled and chronically ill beneficiaries in managed care. However, they have produced no evidence demonstrating savings in their actual experience.

THE WHITE HOUSE
WASHINGTON

January 31, 1995

Mr. Nick Franklin
Senior Vice President
Public Affairs
FHP International Corporation
9900 Talbert Avenue
Fountain Valley, California 92708

Dear Nick:

Thank you for writing to me about FHP's Medicare program. I enjoyed meeting you at the recent breakfast at the White House, and I appreciate your following up on our discussion. I've asked Carol Rasco to look into the issues you raised and have passed along your invitation to my scheduler for consideration.

As we continue working to improve our health care system, I am grateful for your support. I hope you'll stay involved.

Sincerely,

Bill Clinton
You letter was great
Thanks—

cc: Carol Rasco
Billy Webster
cc this letter to
HRC, Indianapolis
B

✓
To Jen + Chris Jennings -
Please review letter and
evaluate claims in it for me.
Thanks - H



FHP International Corporation
Public Affairs Department
9900 Talbert Avenue
Fountain Valley, CA 92708
714.378.5767

January 12, 1995

William Jefferson Clinton
President of the United States
The White House
Washington, DC

Dear Mr. President:

I enjoyed the opportunity to meet you at the breakfast you hosted for members of the Democratic Leadership Councils at the White House on December 7, 1994.

You asked me to write to you and let you know how FHP is able to save Medicare beneficiaries and the federal government money under FHP's Medicare risk contract with the Health Care Financing Administration (HCFA), while providing beneficiaries with a broader range of benefits, including prescription drug coverage. I trust the following provides the information you requested.

I should begin with a brief background of the Company and its Medicare business. FHP International Corporation is a federally qualified health maintenance organization which began 33 years ago in Long Beach, California. Over the years, the Company has expanded and now serves people in 11 states and the Pacific Islands of Guam and Saipan. Over 1.7 million individuals today receive all of their health care from FHP. Our customers, or members, include the employees of over 5,000 small, medium, and large corporations; Medicaid recipients; military dependents; federal, state, county, and city employees; and nearly 350,000 Medicare beneficiaries.

FHP receives a capitated payment, a fixed amount of money every month, for each of its members and in return contracts to provide all of that member's health care needs irrespective of the cost or intensity of care. Approximately 20% of our members receive (their care through our staff-model network of over 60 company-operated medical centers and five hospitals. The balance of our members receive their care through private physicians and hospitals with whom FHP has contracted.

Under our Medicare contract with the federal government, HCFA pays FHP an amount equal to 95 % of what HCFA would otherwise pay to the fee-for-service physicians and hospitals in that geographical area. FHP in turn provides all of the benefits required under Medicare.

In addition, FHP provides outpatient prescription drugs and other benefits not covered by Medicare, including covering hospital and physician deductibles. For this FHP charges \$5 for a prescription, \$5 for an office visit, and charges no premium. The results are impressive. For example, the 5 % savings to the federal government for our 350,000 Medicare members amounts to more than \$60 million per year. Because FHP charges no premium and adds benefits over and above the standard Medicare benefits, we save each of our 350,000 Medicare members an average of more than \$1,200 a year. These direct savings to our Medicare members total more than \$348 million a year.

Through these efficiencies, FHP is removing over \$400 million a year of unnecessary and wasteful health care costs from the health care system for our Medicare members alone. As evidence of the senior population's acceptance of this program, our Medicare membership grew on average 21 % each year over the last five years.

We are able to accomplish these results by applying a series of basic principles which we have learned over the years, and which are readily applicable to the nation as a whole as we seek to provide health care to all Americans in a cost-effective way:

- I. We remove the financial barriers to seeking early care. We know that if there are limited benefits, pre-existing condition exclusions or deductibles, many people will defer seeing the doctor until the disease or problem becomes unbearable. By the time they see the doctor, it is likely that more expensive procedures and possible hospitalization will be required. We know that if we remove the financial barriers to seeking early care we are often able to stabilize or correct the problem before it gets out of hand, and thereby avoid more expensive treatment later on. Not only does this save money, but it is a higher quality of medical care since no one wants to be sick or in the hospital if he or she can avoid it. The use of a hospital is the most expensive part of medical care, and FHP's use of hospital bed days is one of the lowest in the country.
- II. Access to an individual's primary care physician on weekends and in the evenings is very important to the control of health care costs. If their doctor is not available, then typically, the patient will wind up in the emergency room of a hospital. Emergency room care is very expensive and is used by hospitals as a major source of admissions. Many of FHP's medical centers are open in the evenings and on the weekends. The centers are full-service medical centers which include both primary care doctors and specialists, a pharmacy, minor surgery, laboratory, x-ray, physical therapy, and even child care while the patient is receiving medical care.
- III. Under the HMO Act, every federally qualified health maintenance organization must provide a minimum level of benefits as prescribed in the act. Except for outpatient drugs, this benefit level is all inclusive; but FHP adds prescription drugs to every one

of its benefit packages. This is particularly important for Medicare beneficiaries since many do not have the funds to fill a prescription. Without a drug benefit, the prescription would likely either not be filled or would be filled and spread over a longer period of time than is therapeutically required to cure the illness. From experience we know that the additional cost of a drug benefit is more than offset by lower hospital use and lower utilization of health care.

- IV. The incentive for the physicians must be aligned with the HMO's and the nation's incentives to reduce costs while simultaneously improving quality. Under the fee-for-service system, providers are paid based on services performed. This incentive has lead to abuses and over utilization. At FHP, our staff and contract physicians have incentives to provide members with rapid access and to deliver high quality care. These incentives not only control costs, but also enhance quality—to do otherwise would result in lawsuits and loss of members. Holding back on appropriate utilization would also, as discussed earlier, actually result in eventual higher health care costs.

Our efforts to control costs while delivering high-quality care have had impressive results. Over the past months, our efforts to assure the highest standards of quality have been recognized by a number of organizations. The National Committee for Quality Assurance has awarded our plans in Arizona, New Mexico, Southern California, and Utah with unqualified certifications of quality care. The American College of Surgeons recognized FHP's exceptional quality of care in treating our members who have cancer.

- V. FHP's Medicare program is community rated. This is an essential part of the program's success. Under a community rating system, HCFA pays FHP the same monthly amount, adjusted for age, for each member in each geographical area served by FHP, irrespective of the Medicare member's health. At any time, some of our Medicare members will be sick and some will be well. The key is that we have enrolled a large number of Medicare beneficiaries so that the cost of caring for the ill members can be spread over our entire 350,000 Medicare population, making health care on average affordable for any one individual.

- VI. Physician choice is important, but not in the way most people think of it. Having the absolute, unchecked freedom to seek the services of any doctor, including expensive specialists, at any time and at any frequency, is not a prerequisite to receiving quality health care. One of the reasons FHP is so popular with its Medicare members is that we have carefully screened, credentialed, and regularly recredential each of our in-house and contracted physicians. We inquire into their malpractice history, their technical competence, where they went to school, where they trained, the amount of their training and experience, and the status of their licensure. When an FHP member selects one of our physicians, the member can have confidence in the level of care they will receive. This is not necessarily the case in the unmanaged, fee-for-service system.

Mr. President, my colleagues at FHP and I are convinced that HMOs offer the best solution to controlling the growing cost of health care, generally, and Medicare, in particular, while assuring coordinated high-quality care. The number of Americans in HMOs has grown steadily in recent years with more than 25 percent of Americans receiving health care through a managed care plan. The savings to the private sector have been significant, with health costs growing at the lowest level in years (indeed, for many employers, costs have actually declined with no loss in quality). Yet only some ten percent of Medicare beneficiaries receive their care through HMOs.

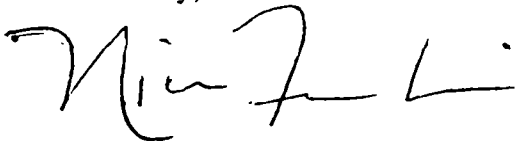
FHP is convinced that the Medicare program and beneficiaries can realize similar cost savings while assuring coordinated quality of care. We have been excited by the recognition managed care has been receiving from Members of the Congress as a way to address the Medicare programs problems. The biggest challenge will be to encourage beneficiaries to try something which for many of them will be new.

Our surveys, like those of the other Medicare HMOs, demonstrate enormous satisfaction by our Medicare patients with the quality, cost and additional benefits they receive. We are sure, given the chance, other beneficiaries would be similarly satisfied.

We would be pleased to work with you and others in your Administration to bring the beneficial cost and quality results of managed care to a greater number of Medicare beneficiaries. Also, we would be delighted for you to visit our medical and corporate headquarters campus in Southern California the next time your travels bring you to the West Coast. I think you will be very impressed with what you see.

Thank you for asking me to provide you with this information and for your leadership on health care issues. If you have any questions or if I can be of any further assistance, please do not hesitate to call me directly at: 714-378-5631.

Sincerely,

A handwritten signature in dark ink, appearing to read "Nick Franklin". The signature is fluid and cursive, with a long horizontal stroke at the end.

Nick Franklin
Senior Vice President,
Public Affairs

cc: Carol H. Rasco, Assistant to the President for Domestic Policy

g:\klein\whitese.bf

DISCUSSION OF FHP LETTER

Consistent
w/ memo
to Pres.

In a January 12th letter to the President and in a subsequent meeting with staff, FHP health plan discussed the advantages of managed care to Medicare beneficiaries and the potential for it to save money in the Medicare program. We are not in a position to do an in-depth analysis of FHP's specific circumstances, but we can describe and evaluate the points made by FHP in their letter.

Much of FHP's letter discusses the general advantages of managed care for beneficiaries. For example, they point out that HMOs improve access to care by reducing cost sharing, encouraging preventive care, and providing access to primary care physicians at night and on weekends. They also discuss the advantages to beneficiaries of the HMO practice of credentialing physicians. They suggest that HMOs actually provide beneficiaries with more choice because HMOs assure that beneficiaries are choosing from a pool of physicians that have demonstrated their ability to provide good quality care.

FHP is basically correct about many of the advantages that HMOs offer to enrollees. Managed care plans do reduce financial barriers to care and increase access to preventive care services. In addition, the satisfaction rate of beneficiaries enrolled in managed care is very high.

FHP made a number of other assertions related to the potential for cost savings for Medicare and beneficiaries. The accuracy of these claims is less clear:

- FHP states that "HCFA pays FHP an amount equal to 95% of what HCFA would otherwise pay to the fee-for-service physicians and hospitals in the geographic area."

unless
very big benefit
gunning tool for
HMOs -- hems
care about FFS
and won't trade
for HMO

HCFA actually pays HMOs 95% of its spending ¹⁴¹¹¹²² on average under the fee-for-service component of Medicare. Some analysts believe that this amount is more than what HCFA would otherwise pay under fee-for-service for Medicare beneficiaries who enroll in HMOs because they believe that people who enroll in HMOs are healthier than the average Medicare beneficiary.

So, while HMOs may provide care more efficiently than the fee-for-service system, enrollment in HMOs actually may be leading to higher spending for the federal government. The most prominent study of this issue (by Mathematica Policy Research) concluded that HCFA spends 5.7% more to HMOs than they would have spent on the same beneficiaries under fee-for-service. The study now is relatively old (based on 1988 data) and the HMO industry claims that they no longer get healthier than average mix of enrollees. Research is underway to resolve the issue.

- FHP states that it is saving the federal government \$60 million per year because HCFA pays HMOs 95% of what the Medicare program spends under fee-for-service.

The accuracy of this statement depends in large part on what HCFA would have spent on FHP enrollees under fee-for-service. The Mathematica study referenced above concludes that Medicare beneficiaries enrolled in HMOs are more than 5% healthier than Medicare beneficiaries overall. If that is the case for FHP enrollees, then the federal government is not saving any money, because it is paying FHP more than what it would have spent for the same beneficiaries in fee-for-service.

5

Even if FHP's assertion is correct and Medicare saves 5% of expected costs for each enrollee, it should be noted that the current method of paying HMOs does not give Medicare the majority of the savings from managed care. As discussed below, the current method of paying Medicare HMOs requires them turn the savings they achieve in delivering Medicare benefits into hundreds or thousands of dollars worth of additional benefits and services (such as prescription drugs) to beneficiaries. These additional benefits are what attract beneficiaries into the managed care plans.

- **FHP further states that it is saving Medicare HMO members an average of \$1,200 per year (\$348 million overall).**

We cannot verify the numbers themselves, but the general conclusion is correct. Many HMOs participating in Medicare are able to deliver the Medicare benefits package for less than what HCFA pays them, and are therefore able to add additional benefits at no cost to the beneficiary.

Some of the savings that Medicare HMOs pass through to beneficiaries are the result of being able to deliver care more efficiently than under a fee-for-service system. However, as described above, a portion of the savings may be a result of Medicare HMOs enrolling a healthier than average mix of beneficiaries. In addition, Medicare payments to HMOs are based on average fee-for-service payments in the applicable county. Not surprisingly, HMOs tend to be able to provide substantial benefits at little cost to beneficiaries in those counties where Medicare fee-for-service payments are very high. Some analysts believe that idiosyncrasies in Medicare's fee-for-service payment methods (e.g., adjustments for teaching hospitals and disproportionate share payments) may inflate spending in some geographic areas and allow HMOs to deliver care for less than what Medicare pays them.

- **FHP states that it adds prescription drug coverage to its Medicare HMO packages.**

FHP, like many Medicare HMOs, does provide prescription drug coverage to beneficiaries. This coverage often is provided free to beneficiaries, financed by the savings the HMO achieves in delivering Medicare benefits.

However, FHP follows common industry practice among Medicare HMOs by placing monthly or annual dollar limits on drug benefits. Two potential motivations for limiting drug coverage are: (1) to lower the cost of coverage; and (2) to discourage people who are sick (and need prescription drugs) from joining the plan.] Gury ? .

- **FHP describes community rating -- where HCFA pays based on an enrollee's age, but not his or her health status -- as "an essential part of the program's success."**

HCFA's payments are community rated in this way for all participating HMOs. However, the importance of community rating is not in what HMOs charge HCFA, but in what they charge beneficiaries. In fact, some analysts believe that HCFA should adjust payments to HMOs based on a beneficiary's health status. That way, HCFA would pay less if HMOs attracted a healthier population.

- a subsequent* *with FHP*
- At the meeting, representatives of several HMOs indicated that they had experience treating disabled and chronically ill enrollees and that they could demonstrate savings in the treatment of this population.

While the HMO representatives maintain their assertion that costs can be reduced by enrolling disabled beneficiaries in managed care, but (at least FHP) they (at least FHP) are no longer claiming that they can demonstrate savings through their actual experience.

Put on my desk

TO: Hillary Rodham Clinton
FROM: Jennifer Klein *J. Klein*
DATE: 8/23/94
RE: Letter Writers

You asked me to contact two women who wrote to you about their health insurance problems.

- DewAnn Wharton Cotten said that you may refer publicly to her letter. She has breast cancer but is in remission. Her insurance company has raised her rates from about \$400 per month in December 1992 to about \$1,200 per month in July 1994. She has recently adjusted her policy in order to afford her insurance; she will pay about \$700 per month, but her deductible will be raised from \$500 to \$2,500. That means that -- though she has paid insurance premiums religiously since 1977 -- next month when she goes to the doctor she will be forced to pay out-of-pocket for a cat scan and other expensive procedures.
- Tracy Trunick has an unlisted phone number. I wrote her a note suggesting that she contact me if she would like to talk further about her experiences.

Judge Fenning 2/7

Judicial Selection Criteria - 9th Circuit

Problem: 3 unfilled vacancies -- earmarked for an

Hispanic; won't fill ^{others} w/out filling that one

first -- Wally Toshima, Willy Fletcher, other female ^{she's applied}

Problem: Shella Sonnenschein -- might get us in trouble
Anti-aff. action on ballot in 1996 and will pass

Earmark based on race or gender

Will be hot topic in Pres. race

Pres. not willing to stick w/ people named.

Don't appoint another Hispanic to that post.

Show leadership -- go down fighting the right battles.

Einstein just did a screening session

Woman, but not hispanic

Do it soon!

Don't let interest groups push you around

January 23, 1995

Jen, a week or so ago, Hillary got a call from Lisa Hill Fenning, a YLS grad and California judge. She called to discuss the anti-affirmative action referendum in California and related issues. HRC said have Melanne or Jen call. Melanne said if you are not comfortable with affirmative action issues, she will call her. Let me know.

Judge Lisa Hill Fenning (213) 894-3557

A handwritten signature in cursive script, appearing to read "Pam", with a long horizontal flourish extending to the right.

TO: Jen

BY: Judithanne

RE: Affirmative Action Search

January 23, 1995

I quickly sifted through the articles generated by a Lexis/Nexis search re: the California anti-affirmative action referendum and related affirmative action issues in the news.

The proposed **California Civil Rights Initiative**, which probably won't be on the ballot until 1996, would bar the state or any state agencies or contractors from using race, sex, color, ethnicity or national origin 'as a criterion for discrimination against or preferential treatment for' public employment, education, or contracts. The co-authors, Thomas Wood and Glynn Custred, claim that the initiative is a return to the basic doctrine of the Civil Rights Act of 1964. (pp. 21, 32) The measure is supported by CA Gov. Pete Wilson. (p. 33) One critic cleverly called the initiative "Willie Horton goes to college." (p. 36) Others have claimed this will be "more explosive than Prop. 187." (p. 38) Selected articles are attached. (Please note that the pages of the articles are still attached--I do not yet have a stapler.)

Also attached are articles concerning the DOJ's switching sides in the NJ school case, where "after winning a court victory last year on behalf of a white New Jersey high school teacher who lost her job so that a black teacher could be retained, the Clinton administration is seeking to switch sides." (p. 48)

And, finally, I attached articles re: the recent case heard by the Supreme Court re: minority set-asides.

Well, the stacks are much less imposing now that the extraneous materials have been discarded! I hope this proves helpful. If you need anything else, please don't hesitate to call me at x65578.

(I've also enclosed a piece of personal mail from me.)

Article re:
CA initiative

LEVEL 1 - 9 OF 32 STORIES

Copyright 1995 Denver Publishing Company
Rocky Mountain News

January 12, 1995, Thursday

SECTION: EDITORIAL; Ed. F; Pg. 51A

LENGTH: 934 words

HEADLINE: Affirmative action hasn't yet worn out its worth

BYLINE: Clarence Page; Tribune Media Services

BODY:

What next out of California? The birthplace of the anti-tax movement in the '70s, the anti-smoking movement in the '80s and the anti-immigrant movement in the '90s, California may be well on its way to bringing us an anti-affirmative action movement.

Since white males, the group whose supremacy affirmative action is designed to counterbalance, were the most significant 'swing' voters in November's conservative sweep, the time may be ripe for affirmative action to come under increased fire.

Even so, House Speaker Newt Gingrich and other congressional Republicans are reluctant to move on it too soon for fear of sending unwholesome signals to women and minorities. But a popular groundswell out of the nation's biggest state will be felt nationwide, perhaps even in the halls of the Supreme Court, which has taken on several significant cases this session.

As an African-American male who supports affirmative action goals, although not hard quotas, I welcome the debate. Affirmative action was never intended to be permanent. A policy this controversial, striking at the nation's oldest pain, the perennial problems of race and sex, cries out desperately for periodic review.

Thirty years have passed since President Lyndon B. Johnson signed the first affirmative action executive order. We have learned a lot since then, but unfortunately not enough to say that affirmative action is no longer needed.

Much has been written about affirmative action, for and against, but a couple of observations consistently come through to me. One of them is that affirmative action is a messy system of rough justice. However, no one has come up with a better way to remedy the injustices of the past or to ensure proper enforcement of civil rights laws in the future. The other is that to equate affirmative action with 'reverse discrimination' is to rewrite history.

American presidents argued relentlessly, and correctly, against the misguided United Nations resolution that equated Zionism with racism, noting, as George Bush did, that to do so 'is to twist history and forget the terrible plight of Jews in World War II and indeed throughout history.'

Similarly, Duke University's Stanley Fish points out that it is only by detaching the experiences of victimized groups from their historical conditions that one can find their actions to be morally the same as their historical

Rocky Mountain News, January 12, 1995

oppressors'.

The proposed "California Civil Rights Initiative," which probably won't be on the ballot until 1996, would bar the state or any state agencies or contractors from using race, sex, color, ethnicity or national origin "as a criterion for discrimination against or preferential treatment" for public employment, education or contracts.

Nice and neat as that sounds, it begs the issue's most nagging questions. Even so, the proposal's backers favor continued use of racial and gender statistics to "keep track" of hiring and contracting.

But, if racial and gender record-keeping is OK, can those statistics be put to use in court cases? How about the number of women and minorities in the labor pool of the community at large? If a company's hiring numbers fall significantly below the number of qualified women and minorities in the labor pool, is that grounds for a lawsuit? If so, is that not a "quota?"

Questions like these explain why even some of affirmative action's best-known critics support at least some aspects of it. William Bradford Reynolds, President Reagan's civil rights czar and an ardent foe of "quotas," nevertheless defended the need to have aggressive "recruiting." Is race or gender to be a "plus" or not?

Supreme Court Justice Clarence Thomas has always defended aggressive anti-discrimination enforcement for individuals, but not groups. Yet individual enforcement often requires remedies for groups, as in the case of federal court decisions that have ordered hiring and promotion quotas for police and fire departments.

Affirmative action boosts provided in a bipartisan way by the Johnson and Richard M. Nixon administrations helped the new black middle class to appear more rapidly in public jobs than in private jobs. Yet it is the public jobs that the California initiative would affect.

Private corporations, in my experience, are seeking quite the opposite. Recognizing how America's workforce is rapidly diversifying, business leaders are looking for ways not to avoid quotas but rather to recruit, hire, retain and promote more women and minorities in workplaces previously closed to them.

So, yes, I welcome a nationwide debate on affirmative action. One fears a debate only when one fears losing. I fear only that we will discard remedies for racism and sexism while the maladies continue to thrive.

LANGUAGE: English

LOAD-DATE-MDC: January 13, 1995

LEVEL 1 - 12 OF 32 STORIES

Copyright 1995 Chicago Tribune Company
Chicago Tribune

January 11, 1995 Wednesday, NORTH SPORTS FINAL EDITION

SECTION: PERSPECTIVE; Pg. 15; ZONE: N

LENGTH: 950 words

HEADLINE: CALIFORNIA DREAMIN'?;
NEW MOVEMENT GOES AFTER AFFIRMATIVE ACTION

BYLINE: Clarence Page.

DATELINE: WASHINGTON

BODY:

What next out of California? The birthplace of the anti-tax movement in the '70s, the anti-smoking movement in the '80s and the anti-immigrant movement in the '90s, California may be well on its way to bringing us an anti-affirmative action movement.

Since white males, the group whose supremacy affirmative action is designed to counterbalance, were the most significant "swing" voters in November's conservative sweep, the time may be ripe for affirmative action, which always is under attack, to come under increased fire.

Even so, House Speaker Newt Gingrich and other congressional Republicans are reluctant to move on it too soon, for fear of sending unwholesome signals to women and minorities. But a popular groundswell out of the nation's biggest state will be felt nationwide, perhaps even in the halls of the Rehnquist Supreme Court, which has taken on several significant cases this session.

As an African-American male who supports affirmative action goals, although not hard quotas, I welcome the debate. Affirmative action was never intended to be permanent. A policy this controversial, striking at the nation's oldest pain, the perennial problems of race and sex, cries out desperately for periodic review.

Thirty years have passed (My, how time flies.) since President Lyndon B. Johnson signed the first affirmative action executive order. That's a generation and a half. We have learned a lot since then, but unfortunately not enough to say that affirmative action is no longer needed.

Much has been written about affirmative action, for and against, but a couple of observations consistently come through to me. One of them is that affirmative action is a messy system of rough justice. However, no one has come up with a better way to remedy the injustices of the past or to insure proper enforcement of civil rights laws in the future.

The other is that to equate affirmative action with "reverse discrimination" is to rewrite history.

American presidents argued relentlessly, and correctly, against the misguided United Nations resolution that equated Zionism with racism, noting, as George

Chicago Tribune, January 11, 1995

Bush did, that to do so "is to twist history and forget the terrible plight of Jews in World War II and indeed throughout history."

Similarly, as Duke University's Stanley Fish has pointed out, it is only by detaching the experiences of victimized groups from their historical conditions that one can find their actions to be morally the same as their historical oppressors'.

As Johnson said three decades ago, the long history of oppression and humiliation leaves some groups of people significantly less able to compete. To simply say, "OK, from now on you're equal" would simply freeze inequities in place. "You don't starve somebody for a month, break both legs, put him at the starting line and say, 'May the best man win,' " he said.

The proposed "California Civil Rights Initiative", which probably won't be on the ballot until 1996, would bar the state or any state agencies or contractors from using race, sex, color, ethnicity or national origin "as a criterion for discrimination against or preferential treatment" for public employment, education or contracts.

Nice and neat as that sounds, it begs the issue's most nagging questions. Even so, the proposal's backers favor continued use of racial and gender statistics to "keep track" of hiring and contracting, according to Glenn Custred, a California State University anthropology professor and co-author of the initiative.

But, if racial and gender record keeping is OK, can those statistics be put to use in court cases? How about the number of women and minorities in the labor pool of the community at large? If a company's hiring numbers fall significantly below the number of qualified women and minorities in the labor pool, is that grounds for a lawsuit? If so, is that not a "quota?"

Questions like these explain why even some of affirmative action's best-known critics support at least some aspects of it. William Bradford Reynolds, President Reagan's civil rights czar and an ardent foe of "quotas," nevertheless defended the need to have aggressive "recruiting." Is race or gender to be a "plus" or not?

Supreme Court Justice Clarence Thomas has always defended aggressive anti-discrimination enforcement for individuals, but not groups. Yet individual enforcement often requires remedies for groups, as in the case of federal court decisions that have ordered hiring and promotion quotas for police and fire departments.

Other opponents make the elitist argument that affirmative action helps those most who need help the least. Yet the Reagan administration's own studies found affirmative action had mostly helped skilled blue-collar workers who were unable to get into exclusionary unions or public jobs like police and fire departments.

Affirmative action boosts provided in a bipartisan way by the Johnson and Richard M. Nixon administrations helped the new black middle class to appear more rapidly in public jobs than in private jobs. Yet it is the public jobs that the California initiative would affect.

Chicago Tribune, January 11, 1995

Private corporations, in my experience, are seeking quite the opposite. Recognizing how America's workforce is rapidly diversifying, business leaders are looking for ways not to avoid quotas but rather to recruit, hire, retain and promote more women and minorities in workplaces previously closed to them.

So, yes, I welcome a nationwide debate on affirmative action. One fears a debate only when one fears losing. I fear only that we will discard remedies for racism and sexism while the maladies continue to thrive.

LANGUAGE: ENGLISH

LOAD-DATE-MDC: January 11, 1995

LEVEL 1 - 14 OF 32 STORIES

Copyright 1995 Gannett Company, Inc.
USA TODAY

January 11, 1995, Wednesday, FINAL EDITION

SECTION: NEWS; Pg. 1A

LENGTH: 1086 words

HEADLINE: Affirmative action next target in California

BYLINE: Kevin Johnson

BODY:

California, scene of a political rumble over passage of the illegal immigrant law Proposition 187, is bracing for an even bigger aftershock.

In a state that long has been a springboard for national movements, a drive to dismantle affirmative action is rolling toward the 1996 ballot.

At issue: the California Civil Rights Initiative, which aims to overturn programs that give minorities and women preference for college admission, jobs, promotions and government contracts.

"I sense a revolution coming," says Santa Ana lawyer Milton Grimes, who represents Rodney King, a man who has become a symbol of racial tension in Los Angeles. "I think California is just an indicator of the social conflict going on throughout the country."

In fact, the U.S. Supreme Court also will be weighing in on affirmative action: Next week, it considers a case that some think could lead to a major reversal of the doctrine.

And California's proposed initiative - the subject of an angry protest in Los Angeles Tuesday - clearly is volatile enough to rock the USA's most populous state to its cultural and political foundations.

The state's latest revolution, like some of its previous ones, is being plotted from a makeshift headquarters in Berkeley, this time by a local scholar and a California State University professor who believe affirmative action guidelines granting preference to minorities and women promote reverse discrimination.

To its co-authors Thomas Wood and Glynn Custred, the initiative is nothing more than a return to the basic doctrine of the Civil Rights Act of 1964, which, Wood says, contradicts any notion that one group should get preference over another.

To the protesters who gathered Tuesday to fight it, and to people like the Rev. Zedar E. Broadous, it is a "call to battle."

Not only are the rights of minorities threatened, says Broadous, president of the San Fernando Valley NAACP, but the specter of the initiative further erodes California's reputation as a tolerant place for African-Americans, Hispanics, women and other groups to live and work.

USA TODAY, January 11, 1995

Gov. Pete Wilson, whose successful re-election bid rode heavily on his support of Prop. 187 - which denies most state services to illegal immigrants - made a dramatic entrance into the fray when he recently announced his support for eliminating preference programs.

Although Wilson didn't specifically endorse the initiative, he was labeled by the Rev. Jesse Jackson as a "sophisticated version of Lester Maddox" - the segregationist ex-Georgia governor - for his stand.

Says Broadous: "It looks like white folks are doing the best they can to keep control of the state when it is clear that we live in a time when minorities are rising to power."

Although the campaign has touched sensitive political and cultural nerves inside and outside California, backers of the measure have escaped being labeled as extremists - so far - and are largely seen as activists who sense the public's call for affirmative action reform.

"Gov. Wilson is known for grabbing on to a train when it is rolling down the right track," says state Assemblyman Bernie Richter, a northern California Republican who is backing legislation to abolish state affirmative action programs.

"Affirmative action has become a vile and corrosive system that threatens to blow us asunder," the legislator says. "There are a lot of good people out there being denied promotions on the job, not because they are not qualified, but because they are the wrong ethnicity or gender. . . . People know it's going on and we want it stopped."

That, in the nutshell, is the argument behind the voter drive.

Wood, who needs 615,000 signatures to get his initiative on the ballot - not that difficult by California standards - says his move has been misunderstood in some quarters as an attempt to wipe out civil rights legislation altogether.

"The passage of (the initiative) will not overturn any of the positive aspects of civil rights laws," he says. "What we're against is giving preferential treatment."

Nor, Thomas says, is the initiative seeking to restrict access to employment or education, a critical platform in early civil rights legislation.

"This is not an attack against people," he says.

What does the initiative say?

The gist of it says that California cannot use "race, sex, color, ethnicity or national origin as a criterion for either discriminating against, or granting preferential treatment to, any individual or group" for state jobs, education or contracts.

But Jackson, whose Rainbow Coalition is hosting strategy sessions against the proposal this week, doesn't see either the measure or its authors so benignly.

USA TODAY, January 11, 1995

"There were plenty of Ph.D.s supporting apartheid in South Africa," he says.

Charles Geshekter, African history professor at California State University, Chico, and supporter of Richter's proposed state legislation, says the entire movement represents a key change in the public discussion.

"It used to be political suicide to say these things," Geshekter says, "but times have changed. . . . The country seems to be shaking with this. I sense the whole concept of racial or gender preference is so unpopular that it's become a ticking time bomb."

Broadous and Jackson, however, see no compromise in the nearly identical proposals offered up by Richter's legislation and Wood and Custred's initiative.

"It will take time for minorities and women to find themselves on equal footing in the workplace and in the classroom," Broadous says, "and that time has not come."

Adds Jackson: "This is yet another effort to roll back the process of inclusion."

Political analysts already are suggesting it could be the defining issue of a presidential election year in a state crucial for both parties.

"This could drive a wedge right through the Democratic Party whose traditional constituency has been women, labor and minorities," says Sherry Bebitch-Jeffe of the Claremont Graduate School's Center for Politics and Economics. "It could force (Democrats) to choose among constituencies."

Like it or not, Bebitch-Jeffe says, the anti-affirmative action movement, coming after Prop. 187, will add to perception of California.

"The myth of California as the 'Golden State' is dead," she says. "There is a mean-spiritedness lingering out there. . . . We are still socially tolerant, but we have become more economically conservative, very skeptical of government and not willing to spend money on anybody else but ourselves."

GRAPHIC: PHOTO, color, Fred Mertz, AP

LANGUAGE: ENGLISH

LOAD-DATE-MDC: January 12, 1995

LEVEL 1 - 15 OF 32 STORIES

Copyright 1994 The Washington Post
The Washington Post

December 27, 1994, Tuesday, Final Edition

SECTION: FIRST SECTION; PAGE A3

LENGTH: 1173 words

HEADLINE: Effort to Outlaw Affirmative Action Promoted in California;
Civil Rights Groups See Initiative as Political-Cultural Grenade

SERIES: Occasional

BYLINE: John Boudreau, Special to The Washington Post

DATELINE: BERKELEY, Calif.

BODY:

The headquarters for the California Civil Rights Initiative, a measure that would outlaw affirmative action, is located on Martin Luther King Jr. Way.

"A lot of people see an irony," says Glynn Custred, one of two scholars leading the fight to overthrow the decades-old government attempt to redress discrimination. They want to end government programs that give minority and female preference for jobs, promotions, contracts and college admissions with a proposed state constitutional amendment.

And traditional civil rights groups are taking them very seriously. California voters gave the nation a jolt from the right last month when they passed Proposition 187, which would deny non-emergency medical care and education to illegal immigrants. Now the state could be on the verge of doing it again. Conservatives hope to place the anti-affirmative action measure on the 1996 presidential primary ballot.

"The tide has turned," says Thomas Wood, executive director of the conservative California Association of Scholars and the initiative's co-architect. "There is an anti-affirmative action issue coming down the pike in California that is going to make 187 look like kindergarten."

Noting that voters here are angry and worried about their economic future, Constance Rice of the NAACP Legal Defense and Educational Fund in Los Angeles said, "This state is already dangerously polarized."

The measure, which has been endorsed by the California Republican Party, needs 615,000 valid signatures to qualify for the ballot as a statewide proposition. If approved by voters, it would bar the use of ethnicity or gender "as a criterion for either discriminating against, or granting preferential treatment to, any individual or group." It also would require agencies to reimburse legal costs of successful plaintiffs.

"Affirmative action is like the Vietnam War," said Custred, a California State University anthropology professor. "We got into it with the best of intentions. It turned into a quagmire. Now it's time to get out."

The Washington Post, December 27, 1994

"It's reversed Jim Crow," he added. "We will never have a color-blind society. But we need a color-blind legal code."

The authors of the anti-affirmative action measure argue that affirmative action contradicts the 1964 Civil Rights Act, which prohibited discrimination for reasons of color, race, religion or national origin. In addition, they said it penalizes qualified minorities by tainting them as so-called quota hires and rarely helps the economically disadvantaged.

"People are really livid about affirmative action," Wood said. "It compromises or distorts the American principle that people shouldn't be discriminated against on the basis of their race, sex, creed or national origin."

He said he believes California's political landscape, in an era of limited dreams and resources, is fertile ground for their populist ideas. Wood and Custred are confident that California voters, who approved Proposition 187 by a 2-to-1 ratio in November, are ready to send another powerful message to the state Capitol -- and beyond.

"If we get this on the ballot and raise the money and support we need, the race is ours to lose," Wood said. "I would not want to be the campaign manager for the opposition. Who wants to be opposed to equal rights?"

Civil rights advocates view the initiative as a cultural-political hand grenade.

"You can call it Willie Horton goes to college," said Eva Paterson, executive director of the Lawyers Committee for Civil Rights in San Francisco, referring to the television ad during the 1988 presidential campaign in which Massachusetts Gov. Michael S. Dukakis was attacked for allowing a convicted felon, who was black, out of prison. "It's the politics of polarization. It will re-segregate society."

"I believe affirmative action is flawed," she said. "But no one has come up with an answer for admitted racism."

Rice, the western regional counsel for the NAACP Legal Defense and Educational Fund, said that studies show that black males continue to lag behind white counterparts with equal education in terms of salaries. Affirmative action is the only way to bridge that gap and allow minorities to break into professional ranks, long the bastion of white males, she said.

"This is a door-closing measure," Rice said. "As long as the statistics are 100 percent white and male, no one ever raises the question, 'Is there anything wrong with this picture?' But as soon as you begin to level the playing field and make resources available [to minorities], all of a sudden we have a constitutional crisis. It's so hypocritical."

Custred and Wood call themselves neoconservatives. Their cramped, bare-light bulb office resembles a warren for university teaching assistants. The genial scholars emphatically rummage through piles of papers, refer to articles and books as required reading and speak with reasoned sincerity. They like to point out that their fiercest opponents have been unable to call them racists.

The Washington Post, December 27, 1994

Wood, whose field is philosophy, said he has been denied academic appointments because he is white. "I was once told by a member of a search committee at a university, 'You'd walk into this job if you were the right gender,' " he said.

Custred said affirmative action threatens the state's educational system. He and colleagues became concerned with proposed legislation, which later failed, requiring proportional representation of minorities among public university graduates. The push for diversity, he maintained, overshadows academics. Minority students may be bumped up to a higher level of college than they are prepared for, he said.

"There are large numbers of under-prepared students coming in," Custred said. "Are we going to be a remedial institution or an institution of higher education?"

Furthermore, the two academics said they want to head off potential demagogues who could use affirmative action to fuel racism.

"Affirmative action was created with the best of the American character: to right a wrong," Custred said. "But instead we've created an apparatus that has led us down the path of Balkanization where everything is decided by race, ethnicity and gender."

Civil rights advocates, though, said the measure will further inflame fears in a state strained by racial tensions and in economic shock.

"There's a very low flash point out here," Rice said. "When you pander to the lowest primal fears, it's a dangerous situation."

She added, "How the state reacts will depend on who has the most money to support or oppose [the initiative]. That's the sad fact."

Assemblyman Bernie Richter, a Republican from Chico, introduced a similar anti-affirmative action amendment in the state Assembly in early December. His legislation would support preferences only for economically disadvantaged people applying for entry-level positions.

"I would prefer that Democrats help put this on the ballot and join us," he said. "My message to my Democratic friends is: Either support it now or be run over by it later."

GRAPHIC: PHOTO, THOMAS WOOD AND GLYNN CUSTRED ARE LEADING THE BALLOT EFFORT, WHICH THEY CALL THE CALIFORNIA CIVIL RIGHTS INITIATIVE. NICK LAMMERS FOR TWP

LANGUAGE: ENGLISH

LOAD-DATE-MDC: December 27, 1994

LEVEL 1 - 16 OF 32 STORIES

Copyright 1994 The Chronicle Publishing Co.
The San Francisco Chronicle

DECEMBER 19, 1994, MONDAY, FINAL EDITION

SECTION: NEWS; Pg. A2

LENGTH: 1022 words

HEADLINE: Demos Hope to Offer Alternative Initiatives
Response to 'right-wing' proposals

BYLINE: Edward Epstein, Chronicle Staff Writer

BODY:

Still smarting from a stinging defeat over Proposition 187 in last month's election, California Democrats vow that from now on, they will not allow conservatives to dominate the state's initiative process.

Starting with the 1996 elections, the Democrats plan to come up with their own statewide propositions, some of which will be offered to counter initiatives like voter-passed Prop. 187, which denied government benefits to illegal immigrants. Others will seek to advance the party's policy goals, perhaps in the areas of welfare and campaign-finance reform.

In an interview, state chairman Bill Press admitted that the Democrats made a serious error in their strategy of fighting 187, which the party officially opposed. "I think we made a mistake not having something on the ballot against 187," he said.

Press said party leaders, still trying to sort out the wreckage of the election setback, are meeting to decide how to proceed.

"There are lots of conversations going on about what the ballot will look like in 1996. One thing for sure is that we're not going to accept a totally defensive posture," he said.

"The initiative process has been perverted in California," Press charged. "It's no longer citizens trying to express their point of view. It is being used by right-wingers with a pure, extreme agenda to try to influence elections."

MORE EXPLOSIVE THAN PROP. 187

If Proposition 187 set the angry tone for California's 1994 election, 1996 could be the year of an anti-affirmative action initiative, which has been officially named the California Civil Rights Initiative. It could be even more explosive than Proposition 187.

Berkeley-based organizers of the initiative say they still are deciding whether to try to get the measure on the March 1996 primary ballot or on the November general election ballot. Given time constraints, they probably will try for November, when the nation elects a president.

The San Francisco Chronicle, DECEMBER 19, 1994

That could mean bad news for the Democrats, and for President Clinton's expected re-election bid. The possible initiative has been informally dubbed the 'angry white men's initiative.' In a state where white voters constituted about 78 percent of the turnout in November, it could provide another chance for voters angry with the status quo to voice their discontent and could spell electoral disaster for a liberal party associated with affirmative action.

The heart of the proposed amendment to the state constitution forbids the state or any local government from using 'race, sex, color, ethnicity or national origin as a criterion for either discriminating against, or granting preferential treatment to, any individual or group in the operation of the state's system of public employment, public education or public contracting.'

'DIRTIEST CAMPAIGN'

A supporter of the initiative, professor Frederick R. Lynch of Claremont-McKenna College outside Los Angeles, said the fight over the proposition could be bitter. 'It could be the dirtiest campaign in California history. The other side won't be caught flat-footed, as they were on 187,' said Lynch, who has written against affirmative action programs.

Press was not sure what a Democratic-backed initiative on affirmative action would say. 'We may be open to some modification to make sure affirmative action doesn't discriminate against white males, which it shouldn't,' he said.

Thomas Wood, who works for the California Association of Scholars, a conservative-minded group of faculty at the state's universities, is one of the initiative's organizers. He denies it is anti-civil rights.

'We want to enshrine the basic principles of the 1964 federal Civil Rights Act,' he said.

That landmark law forbade discrimination on the basis of race, sex or ethnicity. Affirmative action came about later 'to shift the emphasis from equality of opportunity to equality of results, and from individual rights to group entitlements,' as a brochure circulated by the group pushing the initiative said.

Backers said they have drawn the initiative narrowly to avert court challenges. It does not cover existing state programs, says nothing about federally ordered affirmative action and says that any section of the amendment found to be in conflict with federal law shall be dropped.

SMALL BUDGET SO FAR

The initiative is being organized on a small budget so far, but backers have put together an advisory board of well-known figures, mostly from the conservative side of politics. They include 1992 GOP Senate candidate Bruce Herschenson, state Senator Tom Campbell, R-Los Altos, independent state Senator Quentin Kopp of San Francisco and Sally Pipes, president of the Pacific Research Institute for Public Policy in San Francisco.

Campbell said the initiative could have the side-effect of helping Republicans in 1996. 'It could bring out conservative voters. But you don't know what other initiatives will be on the ballot.'

The San Francisco Chronicle, DECEMBER 19, 1994

He said the initiative poses a dilemma for Clinton and the Democrats. "Suppose the presidential nominee for the Republicans is squarely for color-blind government, and he (Clinton) is against it," Campbell said. Given that it is mainly whites in California who vote, he said, such a position could hurt Clinton. On the other hand, Democrats still rely on minority turnout to provide victory margins, so coming out against such an initiative could hurt Clinton's standing with minorities.

ALTERNATIVE CHOICES

That's where Press' idea comes in, by providing voters with another option for a more moderate choice.

His idea is not new. In 1988, for instance, there were competing campaign reform initiatives on the ballot. Both passed. State law provided that the one with the most votes would go into effect, along with non-conflicting parts of the second.

But after a long court fight, the state Supreme Court ruled that only the initiative with the most votes should take effect. However, most of the No. 1 campaign reform initiative was found to be unconstitutional, so neither initiative took effect.

LANGUAGE: ENGLISH

LOAD-DATE-MDC: December 19, 1994

LEVEL 1 - 17 OF 32 STORIES

Copyright 1994 Chicago Tribune Company
Chicago Tribune

December 4, 1994 Sunday, CHICAGOLAND FINAL EDITION

SECTION: NEWS; Pg. 7; ZONE: C

LENGTH: 1160 words

HEADLINE: ANTI-AFFIRMATIVE ACTION 'WILDFIRE' SMOLDERS IN CALIFORNIA MEASURE;
PROPOSAL WOULD BAN PREFERENCE FOR RACE, GENDER

BYLINE: By Hugh Dellios, Tribune Staff Writer.

DATELINE: BERKELEY, Calif.

BODY:

Under a bare lightbulb in their new one-room office, two academics are making plans that could tip the scales in the nation's battle over diversity.

Philosophy scholar Thomas Wood and anthropology professor Glynn Custred have written a proposed amendment to the California constitution that would ban all state programs giving preferential treatment to women and minorities in hiring, contracting and school admissions.

Called "California Civil Rights Initiative," it is the latest salvo in a rising backlash against equal opportunity programs, mostly from white males and conservatives who contend that affirmative action results in unfair quota systems and reverse discrimination against non-minorities.

But this measure has struck more fear than usual into the hearts of civil rights advocates. That's because its proponents are planning to sidestep the courts and legislature and take the equal opportunity issue directly to the people.

"This would be extremely divisive and explosive, because it would not be presented in the context of opening more doors but of people saying blacks and Latinos have gotten too much and we're tired of it," said Constance Rice, an attorney for the NAACP legal defense fund.

Next month, proponents will begin gathering the 616,000 signatures to place the initiative on the ballot for the state's 1996 primary election, where it could become a contentious issue in the coming presidential campaign.

By that time, if California has not shaken off the ornery electoral mood behind last month's victory of Proposition 187, which would deny most publicly funded services to illegal immigrants, observers say residents could easily vote down affirmative action in the state and thus steer the measure toward ballots elsewhere in the nation.

"This could have a very powerful impact," said Bob Laird, director of undergraduate admissions at the University of California at Berkeley. "I think a debate over affirmative action is healthy, but there are an awful lot of angry people out there."

Chicago Tribune, December 4, 1994

Wood and Custred say their ultimate goal is to create enough momentum in California and other states to pressure federal officials to outlaw affirmative action programs, even in the private sector. They want a return to a "color-blind" system for determining who gets jobs and seats in high school and university classrooms.

"This is of historic importance," Wood said. "No significant portion of the American electorate has ever gotten to vote on this. If it gets on the ballot, it will sweep like wildfire through the rest of the states."

While the pair say they have no political affiliations, those with their eyes on the 1996 election have not failed to notice how explosive the issue could be.

Already, the initiative has been endorsed by the California Republican Party and heralded by conservatives such as William Buckley and Pat Buchanan, who has called for elimination of all affirmative action programs.

But Wood said the initiative hasn't raised much money yet. He has been talking to the party and private foundations about support. Buckley and others have been including the group's mailing address in their columns.

Many Republicans see the ballot measure as one that could split the Democratic Party between its conservative and liberal ranks, just as Proposition 187 did.

Civil rights advocates fear the measure will expose an entire generation's progress-in combating discrimination and providing equal opportunity-to the whims of angry voters eager to lash out.

"Affirmative action is flawed, but no one has proposed anything to me that works better," said Eva Paterson, executive director of the Lawyers' Committee for Civil Rights, a San Francisco-based group.

"I know there is a lot of resentment among white men, some of whom have legitimate grievances and feel that unqualified people are getting their jobs. But this is an extraordinarily destructive thing to do."

The proposed measure reads: "Neither the State of California nor any of its political subdivisions or agents shall use race, sex, color, ethnicity or national origin as a criterion for either discriminating against, or granting preferential treatment to, any individual or group in the operation of the state's system of public employment, public education or public contracting."

The initiative would not stop federal affirmative action programs but it would terminate all state efforts to set minority hiring goals, set aside contracts for minorities and give preferential consideration to minorities in school enrollment.

Those programs have become commonplace in state and local government since passage of the Civil Rights Act of 1964.

The U.S. Supreme Court has outlawed actual hiring or admissions quotas except as direct remedies for past discrimination, but the court generally has upheld programs when there has been no evidence of reverse discrimination.

Chicago Tribune, December 4, 1994

California was the setting for the landmark 1978 Bakke ruling that still serves as the legal underpinning for affirmative action. Allan Bakke contended in a lawsuit that he was a victim of reverse discrimination when denied admission to the University of California Medical College at Davis.

As evidence of how common affirmative action programs are today in California, a legislative analysis estimated that if the ballot measure passed, it would save high schools and community colleges \$120 million a year in administrative costs and universities another \$50 million a year.

Laird estimated that the number of African-American, Latino and Native-American students admitted to the University of California at Berkeley could drop from 22 percent to 8 percent. Others estimate it would drop even further.

Many public opinion polls indicate that affirmative action programs are not especially popular with the general public, but it may depend on how the question is asked.

Buchanan and others cite a 1988 California poll showing that 70 percent of California residents questioned were against preferential treatment for women and minorities.

But a Los Angeles Times survey taken last summer indicated that only 30 percent of American workers questioned believed the U.S. had gone too far in guaranteeing minorities fair treatment at work.

Custred, who teaches anthropology at California State University at Hayward, near Berkeley, said he and Wood began writing the initiative more than two years ago, after seeing the success of the term-limits ballot initiative in California.

Wood, executive director of the California Association of Scholars, a conservative group of academics, said he has felt the sting of reverse discrimination. A faculty member at an area college told him that he was not the right gender to fill an opening for a professor's job.

"This kind of thing is endemic in universities," Wood said.

"I may send him a postcard saying, 'Look at what you've wrought.' "

GRAPHIC: PHOTOPHOTO: The proposed constitutional amendment eliminating race and gender as considerations in California state programs is expected to elicit protests similar to those stirred in November by Proposition 187. AP photo.

LANGUAGE: ENGLISH

LOAD-DATE-MDC: December 4, 1994

LEVEL 1 - 20 OF 32 STORIES

Copyright 1994 The Dallas Morning News
THE DALLAS MORNING NEWS

February 12, 1994, Saturday, HOME FINAL EDITION

SECTION: NEWS; Pg. 41A

LENGTH: 649 words

HEADLINE: No-quota initiative proposed;
Conservatives aiding Californian's effort

BYLINE: Thomas D. Elias, Scripps Howard News Service

DATELINE: LOS ANGELES

BODY:

LOS ANGELES - A new political war over affirmative action and ethnic quotas may break out in California.

A small group of quota opponents fired the first round last month, submitting the text of a proposed ballot initiative to the state attorney general for certification.

The potentially precedent-setting measure would ban use of race, sex, color, ethnicity and national origin in public employment, contracting and education.

"This initiative is designed to make sure we have a color-blind society with individual rights rather than group entitlements," says Glynn Custred, a professor of anthropology at the Hayward campus of California State University and the measure's chief author.

"Things have become absurd in the national university system," adds Mr. Custred, who hopes to qualify his initiative for California's March 1996 presidential primary ballot. "The system is being bent out of shape by what comes under the general rubric of political correctness."

Mr. Custred's planned proposition is in part a backlash against a California legislative bill which would mandate that graduating classes at public universities reflect the ethnic composition of the state's populace. That proposal has passed the legislature twice, only to be vetoed by Gov. Pete Wilson.

To get the anti-affirmative action proposition on the ballot, the sponsors, formally called the California Civil Rights Initiative, must gather 616,000 voter signatures. Mr. Custred is now searching for a petition-circulating firm to drum up signatures next year.

The cause has already been adopted by prominent national conservatives like Pat Buchanan, William Buckley and William Rusher, who believe that if the measure were to succeed in California it would likely be adopted in other states.

Even though Mr. Custred and the few people now helping him are delighted to have support from the political right, they insist their proposition is

THE DALLAS MORNING NEWS, February 12, 1994

completely nonpartisan.

"We're trying our best to get the left involved, too," the initiative author declares. "We've been trying to make contact with the Democratic Leadership Council, and we don't care a bit about any political implications this might have."

Mr. Custred said one of his major worries is that "we don't want to be known as a conservative pet. We really want to make mainline Democrats our allies. My problem, in a way, is that conservatives have picked up on this. But I'd also like Ross Perot's United We Stand people to come aboard."

But he says the conservative campaign consulting firm of Butcher, Forde will soon begin raising money for the expected campaign.

Mr. Custred, in fact, says he sees his cause as "a liberal issue. It will open the universities to the very best students, no matter what their background."

Even though Asian-Americans now make up more than 35 percent of the student body at the largest and most popular campuses of the University of California - Berkeley and Los Angeles - some Asian activists contend they are subject to an unofficial quota in university admissions.

"We have suspected this for a long time," says Stewart Kwoh, director of the Asian-Pacific-American Legal Center in Los Angeles.

But Mr. Kwoh has not become a public supporter of the CCRI proposition, nor have any other prominent Asians.

Mr. Custred, however, believes that the notion of color-blind hiring, college admissions and building contract awards is "the only principle that could work in a diverse society like we have now.

"Martin Luther King said he dreamed that one day his children would be judged by the conduct of their character and not the color of their skin. That's what we want, too."

He firmly denies any suggestion that his initiative might be considered racist.

"We now have pushed affirmative action too far," he says. "It's not exactly racist the way things are, but it creates bad situations."

GRAPHIC: CHART(S): No-quota proposition.

LANGUAGE: ENGLISH

LOAD-DATE-MDC: February 23, 1994

Copyright 1994 The Houston Chronicle Publishing Company
The Houston Chronicle

February 13, 1994, Sunday, 2 STAR Edition

SECTION: C; Pg. 8

LENGTH: 636 words

HEADLINE: Ballot initiative in California seeks to outlaw racial quotas

BYLINE: THOMAS D. ELIAS; Scripps Howard News Service

DATELINE: LOS ANGELES

BODY:

LOS ANGELES -- A new political war over affirmative action and ethnic quotas may break out in California.

A small group of anti-quota activists fired the first round last month, submitting the text of a proposed ballot initiative to the state attorney general for certification.

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"This initiative is designed to make sure we have a color-blind society with individual rights rather than group entitlements," says Glynn Custred, a professor of anthropology at the Hayward campus of the California State University and the measure's chief author.

"Things have become absurd in the national university system," adds Custred, who hopes to qualify his initiative for California's March 1996 presidential primary ballot. "The system is being bent out of shape by what comes under the general rubric of political correctness."

Custred's planned proposition is in part a backlash against a California legislative bill which would mandate that graduating classes at public universities reflect the ethnic composition of the state's populace. That proposal has passed the legislature twice, only to be vetoed by Gov. Pete Wilson.

To get the anti-affirmative action proposition on the ballot, the sponsors, formally called the California Civil Rights Initiative, must gather 616,000 voter signatures. Custred is now searching for a petition-circulating firm to drum up signatures next year.

The cause has already been adopted by prominent national conservatives like Pat Buchanan, William Buckley and William Rusher, who believe that if the measure were to succeed in California it would likely be adopted in other states as well.

The Houston Chronicle, February 13, 1994

Even though Custred and the few activists now helping him are delighted to have support from the political right, they insist their proposition is completely non-partisan.

"We're trying our best to get the left involved, too," the initiative author declares. "We've been trying to make contact with the Democratic Leadership Council and we don't care a bit about any political implications this might have."

Custred said one of his major worries is that "we don't want to be known as a conservative pet. We really want to make mainline Democrats our allies. My problem, in a way, is that conservatives have picked up on this. But I'd also like Ross Perot's United We Stand people to come aboard."

But he says the conservative campaign consulting firm of Butcher, Forde will soon begin raising money for the expected campaign.

Custred, in fact, says he sees his cause as "a liberal issue. It will open the universities to the very best students, no matter what their background."

Even though Asian-Americans now make up more than 35 percent of the student body at the largest and most popular campuses of the University of California -- Berkeley and Los Angeles -- some Asian activists contend they are subject to an unofficial quota in university admissions.

"We have suspected this for a long time," says Stewart Kwoh, director of the Asian-Pacific-American Legal Center in Los Angeles. But Kwoh has not become a public supporter of the CCRI proposition, nor have any other prominent Asians.

Custred, however, believes the notion of color-blind hiring, college admissions and building contract awards is "the only principle that could work in a diverse society like we have now."

"Martin Luther King said he dreamed that one day his children would be judged by the conduct of their character and not the color of their skin. That's what we want, too."

He firmly denies any suggestion that his initiative might be considered racist.

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HEADLINE: Seeking a consensus on civil rights

BYLINE: PHILIP GAILEY

BODY:

The cause of civil rights doesn't figure into the Republicans' Contract with America, but the issue is forcing its way into the political dialogue. For more than 25 years the nation has applied race-based remedies designed to compensate for past discrimination against blacks and other minorities. Now those policies, from affirmative action to contract set-asides, are coming under political, legal and intellectual challenge.

This reassessment of race-based policies comes at a time when civil rights groups are pressing the courts and the government to go beyond just opening the doors of equal opportunity and mandate an outcome. The Voting Rights Act, enacted to guarantee African-Americans their right to register and vote, has been used in recent times to require the creation of predominantly black legislative districts. A key question in the Kansas City school desegregation case argued before the U.S. Supreme Court last week is this: Does the constitutional guarantee of equal educational opportunity require a school system to produce equality in black and white achievement scores?

Shame and guilt are no longer sufficient to sustain the orthodoxy of the civil rights establishment. Nor can the issue of racial preferences be resolved entirely in the courts or in the Congress. What is needed ultimately is a public consensus on how best to redress racial grievances and renew the nation's commitment to civil rights. That consensus is not likely to emerge without an honest debate on both the fairness and the limits of racial preferences in employment, college admissions and government contracts.

A review of the nation's civil rights policies does not have to signal a retreat from a moral commitment to racial justice. It does not have to be angry and divisive if people are willing to move beyond stereotypes and engage in principled debate. But whether ugly or constructive, this debate probably was inevitable.

Questions are being raised about race-based policies against a backdrop of continuing public support for the ideals of racial justice and equality. Most fair-minded people acknowledge the reality of racism in American life. At the same time, they are struggling to understand the difference between affirmative action and quotas, between equal opportunity and equal outcomes, between diversity and conformity. Their concerns deserve serious consideration and answers, not the usual sneers and charges of bigotry and intolerance.

St. Petersburg Times, January 15, 1995

In California, where the issue is gathering political force, signatures are being collected to put an anti-affirmative action initiative on the 1996 ballot. The proposed "California Civil Rights Initiative," supported by Gov. Pete Wilson, would bar the state from using race, sex, color, ethnicity or national origin "as a criterion for discrimination against or preferential treatment for public employment, public education or contracts."

Congressional Republicans are talking about legislation to eliminate federal contract set-asides for minorities, about \$ 13-billion last year. The U.S. Supreme Court, meanwhile, is expected to decide a number of cases that could alter public policy on such issues as affirmative action, legislative redistricting and school desegregation.

Civil rights groups are understandably worried about losing ground in their long struggle to translate laws and court rulings into results. But they will make a serious mistake if they assume the challenge to racial preferences is coming only from racial bigots, angry white men and conservative Republicans. The movement is far more complicated than that.

The attacks on racial preferences are no longer the rantings of talk-radio demagogues. They can be found in national magazines and scholarly journals. An increasing number of white liberals and black intellectuals are expressing doubts and opposition.

Lance Morrow, a senior writer for Time magazine, argued in a recent essay that it is time to recognize affirmative action for what it is - "a permanent installation of bad principle, a way of life."

If white commentators lack the moral authority to make such a statement, what about African-Americans who more or less share Morrow's view. Listen to Shelby Steele, a leading black writer and thinker. He says that American liberals are guilty of using "social policy on race and poverty more to display virtue than to solve social problems."

He wrote in Newsweek magazine recently: "Since the late '60s the left - which has generated most of America's policies on race and poverty - has followed a simple paradigm. First it offered a structural explanation for the problems of minorities and the poor. They were seen as victims of institutional racism, corporate greed and bad education systems, and the left created a social policy that tried to atone for their victimization with compassion. This policy of compensatory deference was driven more by the needs of those who devised it than by those it was supposed to help. It did not train or educate the poor, or end the discrimination that minorities faced. It simply showed deference to them in compensation for their suffering - a maneuver that made deference synonymous with social virtue."

Steele indicts American liberalism for making excuses for minority underachievement. "Under liberalism," he wrote, "little was asked of minorities and the poor except that they linger in an identity of victimization and grievance."

Race is still the most pervasive and divisive issue facing America. We need to have a continuing dialogue on the subject. We can disagree and talk about our differences without wavering in our commitment. The nation has made progress but much remains to be done. Let's hope we can come through the

St. Petersburg Times, January 15, 1995

coming debate without further widening America's racial divide.

Philip Gailey is editor of editorials of the Times.

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