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*Walsh,
Ethel
(E.O. 12816)*

THE WHITE HOUSE

WASHINGTON

June 23, 1975

MEMORANDUM FOR:

JACK SHAW

FROM:

PHIL BUCHEN *P.W.B.*

I have acknowledged the attached letters recommending the reappointment of Mrs. Walsh to the Equal Employment Opportunity Commission. I refer them to you for appropriate handling with respect to the selection process.



THE WHITE HOUSE
WASHINGTON

June 23, 1975

*Let's look
Bentley
Ethel
EEOC*

Dear Dr. Boyer:

On behalf of President Ford, thank you for your letter of June 11, 1975, supporting the reappointment of Mrs. Ethel Bent Walsh to the Equal Employment Opportunity Commission.

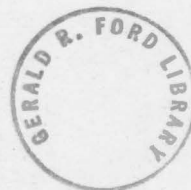
I can assure you that your recommendation of Mrs. Walsh will be given full consideration. Your views on this appointment are most appreciated.

Sincerely,

Philip W. Buchen

Philip W. Buchen
Counsel to the President

Dr. Elizabeth Boyer
Division Development, WEAL
7657 Dines Road
Novelty, Ohio 44072



WEAL

WOMEN'S EQUITY ACTION LEAGUE

Address Reply to:

7657 Dines Road
Novelty, Ohio 44072

June 11, 1975

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Mary Lou Thompson
Dr. Bettina Weary

The President of the United States
The White House
Washington, D. C. 20500

Re: Reappointment of Ethel Bent Walsh
Att: Phillip Buchen

Dear Mr. President:

This letter is written to urge the reappointment of Ethel Bent Walsh to the Federal Equal Employment Opportunity Commission (EEOC).

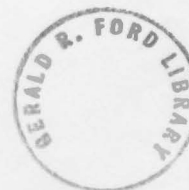
Ms. Walsh has been a strong and effective Acting Chairman of the EEOC. We hope that you will reappoint her.

Sincerely

Elizabeth Boyer

Elizabeth Boyer
Division Development, WEAL

EMB;dl



THE WHITE HOUSE
WASHINGTON

Walsh-
Ethel

June 23, 1975

Dear Mrs. Corbman:

On behalf of President Ford, thank you for your letter of June 15, 1975, supporting the reappointment of Mrs. Ethel Bent Walsh to the Equal Employment Opportunity Commission.

I can assure you that your recommendation of Mrs. Walsh will be given full consideration. Your views on this appointment are most appreciated.

Sincerely,

Philip W. Buchen

Philip W. Buchen
Counsel to the President

Mrs. Blanche Corbman
New Jersey WEAL
Apt. 43, 524 Cherry Street
Elizabeth, New Jersey 07208



NEW JERSEY

WEAL

Mrs. Blanche Corson
Apt. 43, 524 Cherry St.
Elizabeth, N. J. 07208

"WOMEN'S EQUITY ACTION LEAGUE"

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Mildred M. Jeffrey
Geri Joseph
Leo Kanowitz
Herma Hill Kay
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Stephen M. Nagler
Elizabeth C. Schwartz
Katharine Elkus White
Deborah C. Wolfe

June 15, 1975
The President
of the United States
White House
Washington, D.C. 20500

Re: Re-appointment of Ethel Pen Walsh
Federal Equal Employment
Opportunity Commission (EEOC)
Attn: Philip Bucher, White House

Dear Mr. President,

May I reiterate my support of the
renomination of Ethel Pen Walsh as a
member of the Federal EEOC.

Mrs. Walsh's impressive record of
service merits her reappointment so
that she may continue her efforts
on behalf of equal job opportunities
for employed and workers.

Her dedication, insight and
concern for social justice for all
of people and their interests has
led her to be one of the outstanding
women in today's public service.

In the name of New Jersey WEAL, we feel
that her reappointment would be a
credit and benefit to all. Her dedication,
zeal and honesty have exemplified
all that has been developed toward
the progress of human rights.

Very truly yours
(Mrs.) Blanche Korhman
New Jersey WEAL



CC: Eben Thornton
D. A. [unclear]

THE WHITE HOUSE

WASHINGTON

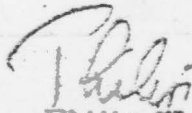
June 23, 1975

Dear Mrs. Ferwick:

On behalf of President Ford, thank you for your letter of June 16, 1975, supporting the reappointment of Mrs. Ethel Bent Walsh to the Equal Employment Opportunity Commission.

I can assure you that your recommendation of Mrs. Walsh will be given full consideration. Your views on this appointment are most appreciated.

Sincerely,



Philip W. Buchen
Counsel to the President

The Honorable Millicent Ferwick
House of Representatives
Washington, D. C. 20515



FENWICK
NEW JERSEY

COMMITTEES:
NG, CURRENCY AND
HOUSING
SMALL BUSINESS

Congress of the United States
House of Representatives
Washington, D.C. 20515

June 16, 1975

WASHINGTON OFFICE:
1610 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
TELEPHONE: (202) 225-7300

DISTRICT OFFICES:
41 NORTH BRIDGE STREET
SOMERVILLE, NEW JERSEY 08876
TELEPHONE: (201) 722-8200

POST OFFICE BUILDING
1 MORRIS STREET
MORRISTOWN, NEW JERSEY 07960
TELEPHONE: (201) 538-7267

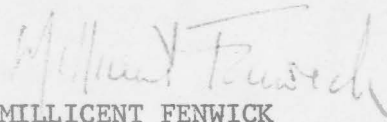
Honorable Philip W. Buchen
Counsel to the President
The White House
Washington, D. C. 20500

Dear Mr. Buchen:

I would like to add my name to those who are urging the reappointment of Mrs. Ethel Bent Walsh to the Federal Equal Employment Commission.

Mrs. Walsh is strongly supported by the New Jersey Chapter of the Women's Equity Action League and I hope that she will be rewarded by reappointment for the hard work she has done on behalf of equal opportunity.

Yours sincerely,


MILLICENT FENWICK
Member of Congress

MF:yk



THE WHITE HOUSE
WASHINGTON

June 23, 1975

*Walsh
Ethel*

Dear Miss Gray:

On behalf of President Ford, thank you for your letter of June 16, 1975, supporting the reappointment of Mrs. Ethel Bent Walsh to the Equal Employment Opportunity Commission.

I can assure you that your recommendation of Mrs. Walsh will be given full consideration. Your views on this appointment are most appreciated.

Sincerely,

Philip W. Buchen

Philip W. Buchen
Counsel to the President

Miss Ruth R. Gray
Law Office of Ruth R. Gray
517 Central Avenue
Plainfield, New Jersey 07060



LAW OFFICES
RUTH RUSSELL GRAY

517 CENTRAL AVENUE
PLAINFIELD, N. J. 07060

(201) 757-6800

JACK TRUBENBACH

June 16, 1975

The President
of the United States
White House
Washington, D.C. 20500

Re: Re-Appointment of Ethel Bent Walsh
to Federal EEOC

Attention: Phillip Buchen, White House Counsel

Dear Mr. President:

I am a practicing attorney in the State of New Jersey and have been practicing some twenty years. In the last seven years I have been active in many women's organizations on many different levels and have been called upon to give speeches and teach courses involving women and their rights. In addition, I have handled EEOC cases in the Federal Courts. From first-hand experience, I believe we should have a strong and qualified Equal Employment Opportunity Commission.

I, therefore, very strongly urge you to re-appoint Ethel Bent Walsh to the EEOC. She has distinguished herself as a New Jersey citizen and as a spokeswoman for equal justice under the law.

I urge you to keep this impressive woman on the Equal Employment Opportunity Commission.

Sincerely,


RUTH RUSSELL GRAY

RRG/je



THE WHITE HOUSE
WASHINGTON

Walsh-
Ethel

June 23, 1975

Dear Miss Schwartz:

On behalf of President Ford, thank you for your letter of June 14, 1975, supporting the reappointment of Mrs. Ethel Bent Walsh to the Equal Employment Opportunity Commission.

I can assure you that your recommendation of Mrs. Walsh will be given full consideration. Your views on this appointment are most appreciated.

Sincerely,

Philip W. Buchen

Philip W. Buchen
Counsel to the President

Miss Elizabeth C. Schwartz
27 Petry Drive
East Hanover, New Jersey 07936





NEW JERSEY

27 Lee Reling Drive
East Hanover

07936

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June 14, 1975

The President of the United States
White House
Washington, D.C. 20500

Re: Re-appointment of Ethel Bent Walsh
to Federal Equal Opportunity
Commission

Attn: Phillip Buchen, White House Counsel

Dear Mr. President:

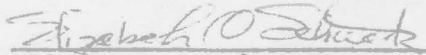
With every confidence in her personal and professional qualities,
I urge you to consider the re-appointment of Ethel Bent Walsh to
the Federal Equal Employment Opportunity Commission.

Her accomplishments thus far and her unlimited zeal in the matter
of equal opportunities in employment would indicate that she should
be retained on the Commission to effect the changes so desperately
needed and to achieve the objectives for which the Commission was
established.

We, in New Jersey, recognize the contributions that Ethel Bent
Walsh has made and are proud of her accomplishments.

May I ask that you seriously consider her re-appointment to the
Federal Equal Employment Opportunity Commission.

Yours truly,


Elizabeth C. Schwartz



THE WHITE HOUSE

WASHINGTON

June 23, 1975

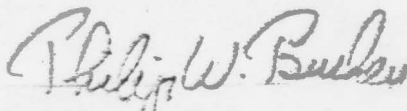
Walsh-
Ethel

Dear Miss Thornton:

On behalf of President Ford, thank you for your letter of June 6, 1975, supporting the reappointment of Mrs. Ethel Bent Walsh to the Equal Employment Opportunity Commission.

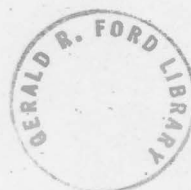
I can assure you that your recommendation of Mrs. Walsh will be given full consideration. Your views on this appointment are most appreciated.

Sincerely,



Philip W. Buchen
Counsel to the President

Miss Eileen P. Thornton
National WEAL Employment Chairman
78 Alberta Avenue
Trenton, New Jersey 08619



**WOMEN'S EQUITY
ACTION LEAGUE**



**National Press Building
Washington, D.C. 20045**

Telephone: 202/638/4560

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Gloria Steinem
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Sarah Weddington
Ruth Weyand

78, Alberta Avenue
Trenton, New Jersey 08619
June 6, 1975

The President of the United States
White House
1600 Pennsylvania Avenue
Washington, D.C.

Dear Mr. President:

National WEAL, together with numerous minority and women rights organizations across the country, regard the Federal Equal Employment Opportunity Commission as an effective instrument to end discrimination in the employment market.

It is essential and important that the General Counsel and Commissioners be selected who have demonstrated sensitivity and responsiveness to the problems and needs of the EEOC constituency.

As of June 30, there will be three top vacancies on the Commission - one as General Counsel and two as Commissioners.

I recommend that a more equitable distribution as to sex would better serve the Commission as a living reality. There is currently only one woman who serves in a top post on the Commission and that is Ethel Bent Walsh who is completing her first term as Commissioner.

I urge you to take affirmative action on my recommendation.

Sincerely,

Eileen P. Thornton
Eileen P. Thornton
National WEAL Employment Chair

EPT:js
CC: Doris Seward, National WEAL President



EE0 C

THE WHITE HOUSE

WASHINGTON

July 28, 1975

Dear Congressman Pepper:

This is in response to your letter on behalf of The Academy of Criminal Justice Sciences, concerning the proposed fiscal year 1976 budget for the Law Enforcement Education Program and the ruling by the U. S. Equal Employment Opportunity Commission concerning violation of the 1964 Civil Rights Act by the Arlington, Virginia County Police Force.

At the outset, permit me to thank you for forwarding to our attention the resolutions adopted by the Academy. I have forwarded a copy of your letter and the resolutions to the U. S. Equal Employment Opportunity Commission in order that the Commission may adequately respond to the comments regarding matters within its purview.

The Administration's fiscal year 1976 budget request for the Law Enforcement Assistance Administration reflects the fact that curtailment of Federal spending is one of the essential elements in the commitment to strengthen the Nation's economy.

The Law Enforcement Education Program has been funded at a level of \$40 million for the past three fiscal years. It is believed that a reduction of \$17.9 million in the program at this time would effect less damage on the criminal justice system than would comparable reductions in programs which support the operational components of the system. At the proposed level of funding, LEEP will continue to assist some 58,000 students, approximately 80 percent of whom are in-service officers.

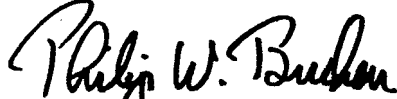
It is President Ford's intention to promote the most effective possible use of available resources to deal with the problems



- 2 -

of the criminal justice system while exercising the fiscal restraints necessary to strengthen the national economy.

Sincerely,

A handwritten signature in dark ink, reading "Philip W. Buchen". The signature is written in a cursive style with a large, stylized initial "P".

Philip W. Buchen
Counsel to the President

The Honorable Claude Pepper
House of Representatives
Washington, D. C. 20515



EEOC

THE WHITE HOUSE

WASHINGTON

July 28, 1975

Dear Mr. Chairman:

Enclosed for your review and appropriate reference is a copy of a resolution of The Academy of Criminal Justice Sciences which was forwarded to the President by Congressman Claude Pepper.

As you will note, the resolution relates to a recent ruling of the Commission relevant to salary levels of certain officials of the Arlington, Virginia County Police Force and the possible nationwide effect of this precedent.

Sincerely,



Philip W. Buchen
Counsel to the President

The Honorable Lowell W. Perry
Chairman
Equal Employment Opportunity Commission
1800 G Street, N. W.
Washington, D. C. 20506

Enclosures



ITEM WITHDRAWAL SHEET
WITHDRAWAL ID 00690

Collection/Series/Folder ID No. : 001900171
Reason for Withdrawal : DR, Donor restriction
Type of Material : LET, Letter(s)
Creator's Name : Marjorie Cryan
Receiver's Name : Ethel Walsh
Description : re discrimination complaint
Creation Date : 11/07/1975
Date Withdrawn : 05/11/1988

8800

THE WHITE HOUSE

WASHINGTON

January 9, 1976

MEMORANDUM FOR:

JACK SHAW

FROM:

PHIL BUCHEN *P.*

SUBJECT:

Re EEOC Commissioner

Attached are comments (two) on the above subject which relate to your memo to our office of January 5.

Although I have the highest regard for Patrick Delaney, as between Pat and Daniel Leach, the latter would be regarded, I believe, as a more appropriate appointee to this particular Commission.

Attachments



THE WHITE HOUSE

WASHINGTON

January 8, 1975

MEMORANDUM FOR: PHIL BUCHEN

FROM: KEN LAZARUS
BOBBIE GREENE KILBERG

Attached are our separate viewpoints about the nomination of an individual to fill the Commission vacancy on the EEOC. We would like one or both views to be expressed to Doug Bennett. Please advise.

Attachments



THE WHITE HOUSE
WASHINGTON

January 5, 1976

EYES ONLY

MEMORANDUM FOR:

Counsel's Office

FROM:

PRESIDENTIAL PERSONNEL OFFICE *JB*

SUBJECT:

Commissioner, Equal Employment
Opportunity Commission (PAS, Level IV)

Attached is a copy of our proposed memorandum for the President. Please notify Jack Shaw of my office, 2821, to give him your opinion (concur, no opinion, no objection, etc.) of the proposed action so that we can accurately represent your views in the final decision memo.

Since we are trying to fill these vacancies as quickly as possible, please be sure to reply within three days. If we have not heard from you within that time, we will assume you have no comment on the appointment.

Enclosure



THE WHITE HOUSE
WASHINGTON

MEMORANDUM FOR THE PRESIDENT

THROUGH: RICHARD B. CHENEY

FROM: DOUGLAS P. BENNETT

SUBJECT: Commissioner, Equal Employment
Opportunity Commission (PAS, Level IV)

Your nominee for the current Democratic vacancy on the EEOC, William J. Kendrick, has asked that his name be withdrawn from consideration as a result of the Senate's unwillingness to act on it. We would accordingly recommend the following candidates for your consideration: (Legis., Tab A)

Patrick J. Delaney, 35, Assistant Director of the Domestic Council for Intergovernmental Affairs. (Resume, Tab B) Before becoming Jim Falk's deputy in March 1975 Pat Delaney was Special Assistant to the Chairman of the New York State Racing and Wagering Board. Previous to that he was a stockbroker and investment banker in New York City from 1965 to 1973. He holds a B.A. from Providence College in business administration and has done graduate work at Georgetown Law School and the New York School of Finance. While he has no specific EEOC experience, he is a bright politically sensitive and conservative-minded Democrat who could perform creditably as an EEOC Commissioner. His father is the Democratic Congressman from Queens.

Daniel E. Leach, 38, Associate Chief Counsel, Democratic Policy Committee, United States Senate. Dan Leach is Senator Mansfield's man on the Policy Committee and is regarded as both able and even-handed in his approach to policy problems. Previous to his employment there he served as a Professor of Law at the University of Denver, as an Associate in the law firm of Sullivan, Eames, Moody and Petrillo, in Detroit, and as a trial attorney in the Civil Division at the Department of Justice.

Decision: Approve Delaney _____

 Approve Leach _____



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Independent

AUTHORITY: P.L. 88-352, July 2, 1964
P.L. 92-261, March 24, 1972
42 U.S.C. 2000C-4

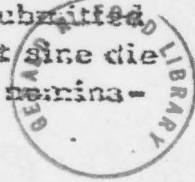
METHOD: Nominated to the Senate

MEMBERS: FIVE - Not more than THREE of whom
shall be members of the same
political party

CHAIRMAN
and
VICE CHAIRMAN: The President shall designate one
member to serve as Chairman and
one member to serve as Vice Chairman

TERM: FIVE YEARS, except that of the original members,
one shall be appointed for a term of one year
from July 2, 1964;
one for a term of two years from July 2, 1964;
one for a term of three years from July 2, 1964;
one for a term of four years from July 2, 1964, &
one for a term of five years from July 2, 1964.

Vacancies shall be filled for the unexpired term
of the member succeeded, and members shall
continue to serve until their successors are
appointed and qualified, except that no member
shall continue to serve (1) for more than 60 days
when the Congress is in session unless a nomina-
tion to fill such vacancy shall have been submitted
to the Senate, or (2) after the adjournment sine die
of the session of the Senate in which such nomina-
tion was submitted.



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Independent

SALARY:

Chairman: Level III (5 U. S. C. 5314)

Members: Level IV (5 U. S. C. 5315)



PATRICK J. DELANEY
Assistant Director
Domestic Council
The White House
Washington, D.C.

Personal

Born: December 15, 1940; New York City, New York
Married: (Former Alexis Turpan), 1975
Residence: 2700 Virginia Ave., Washington DC 20037
12 East 69th St., New York, New York 10021
Telephone: 202/456-6402 office
202/965-3169 home

Education

Preparatory: La Salle Military Academy, 1958
Undergraduate: Providence College, 1963
B.S. in Business Administration
Graduate Work: Georgetown Law School, 1964-65
New York School of Finance, 1965

Professional

1965 -- 1973: Stockbroker/Investment Banker
Harris Upham & Co., Inc.
445 Park Ave., New York, New York 10022

In this capacity Mr. Delaney specialized in
Institutional Sales of Corporate and Municipal Bonds.

1973 -- 1975: Special Assistant to Chairman
New York State Racing & Wagering Board
2 World Trade Center, New York, New York 10047

To determine project feasibility of a proposed
\$275 million sports complex and to assist the
Chairman in the day-to-day decisions that
affected a yearly handle of \$2.3 billion and
some \$230 million in tax revenue to the State
of New York



March 1975 to present:

Assistant Director
Domestic Council
The White House
Washington, DC 20500

To act on behalf of the President with
State and local officials including
Governors, Mayors, Legislators and County
Officials.

Miscellaneous

Member of Queens, NY, Chamber of Commerce
Queens Chairman for The Visiting Nurse Service (1971)
Board of Directors--Queens Prevention of Cruelty to Children
Board of Directors--Booth Memorial of Salvation Army

Party Affiliation

Registered Democrat, State of New York



Biographical Data

of

DANIEL EDWARD LEACH

Current:

Associate Chief Counsel, Democratic Policy Committee, United States Senate. Work directly under Majority Leader and Policy Committee Chairman Mike Mansfield to develop responses to all major issues of national and international concern. I help plan and devise strategy to implement the Senate's legislative program, advise committee members and other Senators on substantive and procedural matters relating to legislation and policy, write extensively and serve as liaison between the Leadership and all Senate committees, offices and the various organizations interested in legislation.

Previous:

1962-1965. Trial Attorney, Civil Division, U. S. Department of Justice. Handled the prosecution and defense of actions relating to the government's water transportation and shipping interests — including the full spectrum of matters within the civil and maritime fields. Numerous court appearances for trials, hearings and all phases of litigation in behalf of the United States in more than ten federal districts.

1965-1966. Associate; Sullivan, Eames, Moody and Pettrillo, Detroit, Michigan. General practice and handled much of the civil litigation for the firm representing both plaintiff and defendant in all courts. The firm has since dissolved.

Recent Activities: (representative)

Professor of Law - University of Denver, where I served on the faculty committee on minority admissions (1972).

Professor of Law - The Catholic University of America (1973).

Public Addresses - Council of State Governments Plenary Session at Portland, Oregon (1974); New England Council at Hartford, Conn. (1975); International Convention of Criminal Injuries Compensation Boards at Annapolis, Md. (1975).

Led Congressional staff delegation to Sweden at invitation of Prime Minister Palme (1975) and to the Japanese Economic Research Council Session (1973).



Organizations: (representative)

Supreme Court Bar

D. C. Bar

Federal Bar Association

American Judicature Society

State Bar of Michigan

Maritime Law Association of the U. S.

Board of Directors, Community Assistance, Incorporated
(low-income housing for the poor)

Board of Directors, The Richmond Fellowship
(psychiatric half-way houses)

Education:

LL.M., Georgetown University Law Center, 1963 (upper 1/4)

LL.B., Detroit College of Law, 1961 (upper 1/4)

A.B., Colgate University, 1958 (upper 1/4)

University of Munich, 1957 - under merit grant

Born:

April 2, 1937, Detroit, Michigan

Married:

1960 to Jean Carter

Children:

Robin, Jennifer, Carter

Address:

3419 Woodside Road, Alexandria, Virginia



THE WHITE HOUSE

WASHINGTON

January 8, 1976

MEMORANDUM FOR:

PHIL BUCHEN

FROM:

BOBBIE GREENE KILBERG

Bobbie

SUBJECT:

Appointment of Patrick Delaney as a
Commissioner of the Equal Employment
Opportunity Commission

It is my understanding that Patrick Delaney is a bright and capable individual. However, I think that the appointment of another individual with a business background but without any EEO experience will yield the President no political points. * While I agree that something must be done to rein in the EEOC's dogmatic stands on a number of critical issues, I think the appointment process could be used more creatively to achieve that end. For example, EEOC has been, in my opinion, most unreasonable on the seniority issue and on a number of other direct work-place concerns. The appointment of a moderate to conservative trade unionist (female if possible) could make a real difference in the EEOC's perception of the seniority issue (trade union women generally have been supportive of the maintenance of seniority). I further believe that such an appointment would be viewed politically as an attempt to restore some balance to the EEOC and to insure that all constituencies' viewpoints are represented. If the right trade unionist was selected, I predict that the business community would find that nomination acceptable as their interests would be compatible in a number of important ways.


* I know that we do not want to seem to be giving in to pressure with this appointment after the withdrawal of William Kendrick's name, but there are other ways to make our point through the appointment process which I explain in the rest of the memo.



THE WHITE HOUSE

WASHINGTON

January 8, 1976

MEMORANDUM FOR: PHIL BUCHEN
FROM: KEN LAZARUS 
SUBJECT: Commissioner, EEOC

I have known Dan Leach for about five years and have found him to be an effective, bright and conscientious lawyer. Next to Stan Kimmit, Secretary to the Majority, he is Mansfield's most intimate adviser on the floor of the Senate. I think he would do a fine job on the EEOC.

This is not to disagree with Bobbie's assessment of the situation; nor do I disagree with Personnel's assessment of Pat Delaney.



THE WHITE HOUSE
WASHINGTON

EEOC

March 18, 1976

MEMORANDUM FOR: MAX FRIEDERSDORF
FROM: PHIL BUCHEN *P.*
SUBJECT: Comments on Senator Tower's
request that a review of the
conduct of EEOC Commissioner
Lewis be initiated

I spoke with Lowell Perry, Chairman of the EEOC, about the remarks attributed to Commissioner Lewis by the Washington Post article. Chairman Perry advised he was making it clear to all concerned that verbal ethnic or racial attacks on any individual are contrary to EEOC policy and will not be tolerated.

In regard to a conduct review, I think we should keep in mind that the President already has removed John Powell as Chairman for reasons of unprofessional and incompetent conduct, and thus we should be very cautious about entering into another fray with the EEOC at this time. On balance, I think that my discussion with Chairman Perry is sufficient, and I would not recommend a conduct review. Please feel free to report to Senator Tower on my conversation with Chairman Perry.



THE WHITE HOUSE
WASHINGTON

Phil,

SINCE you already TALKED
TO chueenad Perry, I revised
The attached memo for you
TO SEND TO MAX.

Bobbie



THE WHITE HOUSE
WASHINGTON

For Bobbie
to provide
comm meals to me.
P.



March 3, 1976

Dear John:

Your letter expressing deep concern over remarks attributed to Commissioner Colston A. Lewis of the Equal Employment Opportunity Commission has been received.

We are appreciative of your bringing this to the attention of the White House.

Please be assured that I will bring your request for a review of the entire matter to the immediate attention of the appropriate officials.

With kindest regards.

Sincerely,

Max L. Friedersdorf
Assistant to the President

Honorable John G. Tower
United States Senate
Washington, D. C. 20510

MLF:nk

bcc: Doug Bennett, Phil Buchen, Jim Cannon, Lynn May w/incoming
FOR YOUR COMMENTS.

bcc: Judy Berg-Hansen w/incoming - FYI



JOHN TOWER
TEXAS

COMMITTEES:
ARMED SERVICES
BANKING, HOUSING AND
URBAN AFFAIRS
JOINT COMMITTEE ON
DEFENSE PRODUCTION

United States Senate

WASHINGTON, D.C. 20510

March 1, 1976

Mr. Max L. Friedersdorf
Assistant to the President
for Legislative Affairs
The White House
Washington, D.C.

Dear Max:

I am writing to express my deepest concern over remarks attributed in a recent Washington Post article to Commissioner Colston A. Lewis of the Equal Employment Opportunity Commission (EEOC).

The newspaper article alleges that Mr. Lewis leveled a charge of being anti-black against a Hispanic member of the EEOC staff, during an official EEOC meeting on February 10, 1976. The article also reported that Mr. Lewis implied that the EEOC was solely the creature and domain of blacks.

I am not familiar with the facts of this case or with the events which may have preceded the reported exchange between Commissioner Lewis and Mr. Eduardo Pena, Jr., Acting Director of the Office of Compliance. If the news account is accurate and factual, however, it certainly raises serious questions over the ability of Commissioner Lewis to continue to carry out in a fair and impartial manner the responsibilities conferred upon him by virtue of his appointment to the Commission.

The role of the Commission may very well have been seriously undermined by the allegations attributed to Commissioner Lewis, particularly where the Hispanic community is concerned. In my judgment, the entire matter requires a full review so that the allegations and suspicions raised may be proved or disproved. Consequently, I respectfully urge you to ensure that such a review is initiated at the earliest possible time.

I appreciate your assistance.

Sincerely,


John Tower



SCHIEFFER: The Equal Employment Opportunity Commission, which is supposed to be the Federal Government's watchdog agency to guard against discrimination, may soon find itself the target of Federal investigators. The Civil Service Commission says it may probe the agency to find out what has caused its management problems. The agency's director resigned last week and the agency itself is in turmoil — among other things, finding itself the target of discrimination complaints filed by its own employees. We have a report from Steve Young.

STEVE YOUNG: Last year, less than one half of one percent of workers at the average Government agency filed complaints of job discrimination with the EEOC. The percentage of Equal Employment Opportunity Commission workers filing against their own Commission was fourteen times higher — and that represents an improvement. In 1974, the percentage of EEOC employees complaining of job discrimination was twenty-eight times as great as elsewhere in the Federal Government. One tense trouble spot is the EEOC office in Memphis. Real estate salesman Lackey Rowe used to work there as a conciliator until he was fired in 1972. Rowe was the first white Civil Rights lawyer graduated from the University of Mississippi, went to jail on behalf of blacks in Grenada, Mississippi, was shot at twice in that state. His feud against the EEOC is now pending in U.S. District Court.

LACKEY ROWE: Well, my comings and goings were monitored; my production was stopped. On one occasion, to get a letter typed took four months. I have had cases that I would complete and it would be eight months before I would get the rough draft of the case back.

YOUNG: If your predecessor thought he was so good, why did he get fired?

CHARLES DIXON [Memphis EEOC Dir.]: He stopped working. He didn't work.

YOUNG: The Memphis director denies Rowe's assertions, including his claim that race relations became so tense that a black worker



assaulted a white colleague, a quadriplegic. Fred Craven says he was the victim of the attack which, he sees, as part of a larger pattern of abuse.

FRED CRAVEN: I have seen the Commission lose dedicated, resourceful, industrious individuals who could enforce this law.

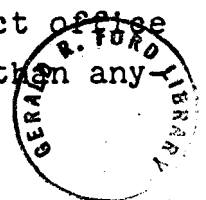
YOUNG: The senior commissioner confirmed that racial trouble continues in Memphis and elsewhere. He frankly admits his view that the agency exists mainly for the protection of blacks. Women, Orientals, American Indians, and Spanish-surnamed Americans, he says, were thrown in to make the Commission more palatable politically.

COLSTON LEWIS [EEOC Senior Commissioner]: From a practical point of view, white women don't need any protection — they can protect themselves. But we couldn't. We needed some people to protect us. Because nobody ever told white women or other minorities that they couldn't sit on the front of the bus.

YOUNG: Matthew Warbonnet, an American Indian, says he encountered job discrimination in Milwaukee, transferred to the EEOC office in Seattle and has since quit again, charging discrimination.

MATTHEW WARBONNET [Former EEOC Employee] I think that somebody should take a hammer and kind of rebuild the house again. I think for too long, we-- the Federal agencies in general have allowed individuals, because of career status and seniority, to get into positions and they got'em in there and now they don't know how to get rid of them.

YOUNG: EEOC is also accused of failing to do what it demands of others — to make a good-faith, affirmative-action effort to hire all Americans. In Atlanta, for example, seventy percent of the district office workers are black. EEOC is also accused of trying to run from the charges against it by moving its Washington district office to Richmond, Virginia. An internal Commission memorandum says, "More Commission employees in the Washington district office have filed discrimination charges against the Commission than any where else." The workers say that the projected move is



retaliatory, designed to make them quit. Within the past week, EEOC's Chairman resigned, the fifth chairman to do so since the inception of the agency. The vice-chairman refused to be interviewed. Unhappy employees in many of the EEOC's 32 field offices said they were afraid to talk for fear they'd lose their jobs.

• The director of one of the biggest offices told CBS News, "All minorities and whites and women are cross-filing against each other." He called the situation "most unfortunate," but again declined to be interviewed. "I don't want to be a hero," he said.

—Steve Young, CBS News, New York.



THE WHITE HOUSE
WASHINGTON

April 30, 1976

MEMORANDUM FOR:

DICK PARSONS

FROM:

BOBBIE GREENE KILBERG

Bobbie

Harold Tyler sent Phil Buchen the attached memorandum on the Coordinating Council's proposed selection guidelines. Phil, Paul O'Neill and I are inclined to have the Departments issue these guidelines, despite the fact that EEOC intends to stick to its own 1970 guidelines. It is my opinion that it is preferable to have two sets of government sanctioned guidelines covering the same area than to have one set of inflexible and unworkable guidelines. Further, given the present situation at the EEOC, it would be a good time for the Coordinating Council to assert some authority.

Please let me know what you think on Monday.

Attachment

cc: Philip Buchen ✓





THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

April 15, 1976

MEMORANDUM FOR: PHILIP BUCHEN, ESQ.
COUNSEL TO THE PRESIDENT
THE WHITE HOUSE

FROM: HAROLD R. TYLER, JR. *[Signature]*
DEPUTY ATTORNEY GENERAL

RE: EQUAL EMPLOYMENT OPPORTUNITY
COORDINATING COUNCIL

After our brief telephone conversation on this subject some days ago, I asked Mr. David Rose of my Council staff to prepare a memorandum, which is dated April 12, 1976 and attached hereto. In relatively brief fashion, that memorandum summarizes the different positions of the member agencies or departments of the Council. As I have explained, the posture now is as it has been virtually for three and one-half years - mainly, that of agreement by all concerned except the Equal Employment Opportunity Commission. Excepting the latter agency, all other agencies and departments have made many efforts to change their positions in order to reach a unanimous position. Regrettably, that has never been achieved, and I have to report that in my year as chairman of the Council, my efforts have been unavailing in this direction also.

Should you have any questions about this matter, please do not hesitate to telephone me.





UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated
and Refer to Initials and Number

DAR:cjm
170-012-3

APR 18 1976

MEMORANDUM FOR THE DEPUTY ATTORNEY GENERAL

Re: Selection Guidelines

Pursuant to your request, I am setting forth a summary of the major differences between the proposed Uniform Guidelines on Employee Selection Procedures approved by the staff representatives of Labor, Justice and Civil Service (hereafter "Uniform Guidelines") and the EEOC Guidelines on Employee Selection Procedures (29 CFR 1607 (1970) (hereafter "EEOC Guidelines")). Because the differences are numerous and the issues are complex, a full explanation would require a great many pages. I will attempt to summarize in this paper the major differences as I see them.

1. Definition of Adverse Impact, and the Bottom Line Concept. The use of an employee selection procedure is unlawful under Federal equal employment opportunity law only if it has a disproportionately adverse impact on a racial, ethnic, or sex group and has not been shown to be a valid predictor of successful job performance. Griggs v. Duke Power, Co., 401 U.S. 424; Albemarle Paper Co., v. Moody, 422, U.S. 405. Unless adverse impact is shown on grounds of race, etc., there is no need under Federal law for conducting a validity study. The EEOC Guidelines do not define adverse impact, but are written in a way which suggests that any selection procedure which has any adverse effect on a particular group is unlawful, unless validated. By contrast, the Uniform Guidelines define adverse impact in terms of the whole selection process (rather than its individual components);



provide a four-fifth rule of thumb for guidance as to what adverse impact is significant (i.e., a selection process which selects minorities at 80% or more of the rate at which majorities are selected does not have an adverse impact), and directs government agencies to recognize overall progress made by an employer or other user in determining whether to prosecute. The Uniform Guidelines thus direct Federal enforcement resources to those practices which have significant impact, and where Federal effort is warranted, whereas the EEOC Guidelines require validation for virtually every selection procedure used by any employer since almost all have some adverse impact on some racial, ethnic or sex group.

2. Coverage. The EEOC Guidelines call for validation of every selection procedure which has an adverse impact -- even such matters as background investigations, prior experience, etc. The Uniform Guidelines recognize that there are procedures and circumstances for which it is not feasible or appropriate to utilize the validation techniques contemplated by the guidelines. Similarly, the staff representatives of Labor, Justice and Civil Service Commission are in agreement that a bona fide seniority system may be used for promotion, assignment, transfers and demotion without a validity study (see §703(h) of Title VII, 42 U.S.C. 2000e-2(h), and recent Supreme Court decision in Franks v. Bowman) and would recommend that any guidelines so state.

3. Parity of Validation Strategies. The present EEOC Guidelines state a preference for criterion-related validity studies, and only permit evidence of content or construct validity if criterion-related studies are infeasible. Criterion-related studies typically take much longer and cost much more than content validity studies. The Uniform Guidelines place three strategies on a par, depending upon the nature of the test or other selection procedure and the setting.



4. Clarity and Explicitness. The EEOC Guidelines are somewhat shorter, but they are in many respects unclear and vague, subject to many interpretations. While these things depend in part on the eye of the beholder, I believe that the Uniform Guidelines generally provide more clarity and explicitness and therefore more guidance to the user.

5. Consistency with the Standards of the Profession. Since publication of the EEOC Guidelines in 1970, we have had the benefit of six years additional experience and professional standards (the American Psychological Association "Standards" were published in 1974; the earlier version to which the EEOC "Guidelines" refer was published in 1966). Moreover, the Uniform Guidelines have been the subject of informal hearings and extensive comments filed by industry, state and local government, psychologists and civil rights groups; whereas the EEOC Guidelines were published without hearing and without opportunity for comment. While this, too, may depend upon the eye of the beholder, I believe that most psychologists would agree that the Uniform Guidelines are closer to the standards generally accepted in the psychological profession than the EEOC Guidelines.

6. Transportability. Even where the validity of a test for a particular job has been shown, the EEOC Guidelines require, as a practical matter, that another user validate the test over again for the same job. The Uniform Guidelines encourage cooperative validity studies and an employer to rely upon the weight of evidence developed elsewhere, if the job and the kind of work force are the same.



7. Search for Alternatives. Even where validity has been shown in a study by the employer for a job, the EEOC Guidelines require the employer to prove that there are no suitable alternative procedures available which have a lesser adverse impact. The Supreme Court appears to have rejected the concept that such a burden is on the employer. Albemarle Paper Co. v. Moody, supra. Regardless of where the burden lies, however, the EEOC Guidelines appear to oblige an employer to set aside a study on which he may have just spent hundreds of thousands of dollars if anyone calls to his attention a selection standard (which may not even have been validated) which has a lower adverse impact. It is little wonder, therefore, that there has been little effort by industry or state or local governments voluntarily to comply with the EEOC Guidelines. The Uniform Guidelines provide that while a person is conducting a validity study he should search for procedures which have as little adverse impact as possible, but once that search has been made and validity has been studied and shown, he may continue to use the procedure until such time as the new study is required, or until he is shown a procedure with less adverse impact and with at least equal validity.

As you may recall, EEOC has not taken a formal position except to reject last Fall the 9/24/75 draft Uniform Guidelines which its staff representatives had recommended. A draft was prepared by its General Counsel in February which moved toward on the Uniform Guidelines on the parity issue (#3 above), but otherwise adhered largely to the present EEOC Guidelines. The Commission has not acted upon that draft in over six weeks; even to present it as a basis for negotiation. Indeed Chairman Perry has stated his opinion that the Commission is presently inclined to stay with its 1970 guidelines.

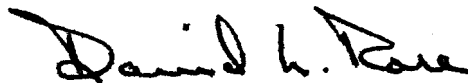
The only argument openly made by EEOC in favor of staying with this present (1970) Guidelines is that they have been approved by the Court, and that therefore they should not be changed. But the courts have approved



the guidelines as representing the Government's best judgment as to what is called for by the standards of the psychological profession in the highly technical and complex field of test validation. And the function of guidelines should be to provide guidance to those who wish to bring themselves into compliance with the law.

An unstated or covertly stated reason may underlie the apparent EEOC refusal to modify its present guidelines. Under the present EEOC guidelines, few employers are able to show the validity of any of their selection procedures, and the risk of their being held unlawful is high. Since not only tests, but all other procedures must be validated, the thrust of the present guidelines is to place almost all test users in a posture of non-compliance; to give great discretion to enforcement personnel to determine who should be prosecuted; and to set aside objective selection procedures in favor of numerical hiring.

The major difference then between the EEOC Guidelines and the Uniform Guidelines can be summarized as follows: The EEOC Guidelines require validation of virtually all selection procedures and make it difficult for any employer or other user to show that any objective selection procedure is in fact valid. The Uniform Guidelines, while adhering to Federal law as developed by the Supreme Court and other appellate courts and the standards of the psychological profession, provide some definitive standards which enable those employers and other users who wish to do so to bring themselves into compliance with Federal law.



David L. Rose
Staff Representative to EEO
Coordinating Council and
Chief, Employment Section
Civil Rights Division

