The original documents are located in Box 9, folder "Discrimination - General" of the Philip Buchen Files at the Gerald R. Ford Presidential Library.

Sex discrimination

See Title IX

THE WHITE HOUSE

WASHINGTON

May 14, 1975

MEMORANDUM FOR: MR. JAMES CANNON

FROM: WARREN RUSTAND WSR

SUBJECT: Approved Presidential Activity.

Please take the necessary steps to implement the following and confirm with Mrs. Nell Yates, ext. 2699. The appropriate briefing paper should be submitted to Dr. David Hoopes by 4:00 p.m. of the preceding day.

Meeting: With Secretary Weinberger

Date: Saturday, May 17, 1975 Time: 10:15 a.m. Duration: 60 minutes

Location: The Cabinet Room

Press Coverage: White House Photographer

Purpose: To discuss the final HEW Regulation for implementation of Title IX of the Education Amendments of 1972.

STAFF: Jack Marsh, Robert Hartmann, Jim Lynn, Rod Hills, Jim Cannon and Dick Parsons

cc: Mr. Hartmann
Mr. Marsh
Mr. Cheney
Dr. Connor
Dr. Hoopes
Mr. Jones
Mr. O'Donnell
Mrs. Yates
Mr. Parsons
Mr. Hills

Title IX Discrimination

Ag

THE WHITE HOUSE
WASHINGTON

Dudley:
Kindly follow through on point made in footnote, & also prepare suggested responses for me to points raised by memos.
Note May 1 dead line.
P.

THE WHITE HOUSE

WASHINGTON

April 25, 1975

MEMORANDUM FOR: BILL BARODY
PHIL BUCHEN
MAX FRIEDERSDORF
BOB GOLDWIN
ROBERT HARTMANN
JIM LYNN
JACK MARSH
GENERAL SCOWCROFT
JERRY WARREN

FROM: JIM CANNON

SUBJECT: Title IX Regulation Prohibiting Sex Discrimination by Educational Institutions

Title IX of the Higher Education Act of 1972 established a broad statutory prohibition against sex discrimination in any education program or activity receiving Federal financial assistance (with a few statutory exceptions). Under this law, all Federal departments and agencies empowered to extend Federal financial assistance to education programs or activities are authorized and directed to promulgate rules and regulations to implement this nondiscrimination requirement.

The Department of Health, Education and Welfare has taken the lead in developing a final regulation which will set the pattern for the rest of the Executive Branch. The law requires Presidential signature of the HEW final regulation before it can become effective.*

---

* In addition, the Education Amendments of 1974 require regulations such as this to lie 45 days before Congress before taking effect, during which time Congress may pass a concurrent resolution of disapproval. The constitutionality of this requirement is under review by the Attorney General and the Counsel to the President.

As you know, this regulation is highly controversial, since it would insert the Department into nearly every facet of American education. The most controversial provisions appear to be those dealing with:

-- Physical Education and Sex Education Classes
-- Domestic Scholarships and Financial Assistance
-- Foreign Scholarships
-- Private Undergraduate Professional Schools
-- Pension Benefits
-- Educational Materials and Curricula
-- Athletics
-- Enforcement Procedures

Attached at Tabs A through H are memoranda which address each of these areas and set forth optional approaches within the limits of the law. Before presenting the final regulation to the President, I would appreciate your views and recommendations with respect to each item. Because time is of the essence, I would like to have your response by May 1, 1975.

Discrimination
Sex

Meeting
4/28/75
4 p.m.

Monday 4/28/75

11:05 Jane advises there will be a meeting in the Roosevelt Room at 4 p.m. today (Monday 4/28) on sex discrimination.

EXECUTIVE PROTECTIVE SERVICE

To: Officer-in-charge
Appointments Center
Room 060, OEOB

Please admit the following appointments on Monday, April 28, 19 75

for Philip Buchen (Roosevelt Room) of White House
(Name of person to be visited) (Agency):

4PM - Roosevelt Room

Antonin Scalia
Robert Bork
Herman Marcuse
John Rhinelander
Ted Sky

White House Staff:

Philip Buchen
Roderick Hills
Ken Lazarus
Barry Roth
Dudley Chapman

Richard Parsons

MEETING LOCATION

Building West Wing

Room No. 2nd Floor

Requested by Jane Thomas

Room No. W. W. Telephone 6611

Date of request April 28, 1975

Additions and/or changes made by telephone should be limited to three (3) names or less. Please submit new list (original and three copies) for additions and/or changes of more than three (3) names.

APPOINTMENTS CENTER: SIG/OEOB – 395-6046 or WHITE HOUSE – 456-6742

Pending

Sex discrimination

March 3, 1975

To: Ken Lazarus

From: Eva

Mr. Buchen asked if you would look this over and get back to him.

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE
WASHINGTON, D. C. 20201

FEB 28 1975

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Final Title IX Regulation on Sex Discrimination

When I presented and discussed various education issues in December, you indicated a desire for a meeting to discuss the final regulation for administration and enforcement of Title IX of the Education Amendments of 1972 at the time I was ready to submit them formally to you for approval, as required by law. This memorandum summarizes the background of, and major issues in, the proposed final regulation. The final regulation and the preamble to the regulation are attached at Tab A. I request the meeting be scheduled as soon as it is convenient for you.

BACKGROUND

The Law. With little legislative history, debate or, I'm afraid, thought about difficult problems of application, the Congress enacted a broad prohibition against sex discrimination in any education program or activity receiving Federal financial assistance with a few specific exceptions. The law is attached at Tab B. The sponsors saw Title IX as an enactment to close a statutory loophole in Title VI of the Civil Rights Act which did not cover sex. Since that time and particularly since our proposed regulation emerged, Congress has discovered many of the specific implications of their handiwork. While there has been much rhetoric about what the Department should or should not do with its regulations, the Congress has with our urging passed only one amendment excluding social fraternities and sororities and certain youth groups such as the Girl and Boy Scouts.

At the same time, however, some applications of the law which I have felt we could not escape, given the plain meaning of the statute, will undoubtedly provoke further consideration of changes by the Congress.

The regulation process. The Department published a proposed regulation on June 20, 1974. More than 9,700 comments were received from institutions, associations, professionals, women's groups, students and parents. The comment period closed October 15, 1974. The law requires

THE WHITE HOUSE

WASHINGTON

June 11, 1976

MEMORANDUM FOR: JIM CANNON

FROM: PHIL BUCHEN

You suggested that I examine the recent Supreme Court decision issued June 7, 1976, in the case of Washington v. Davis. This case involved the validity of certain testing procedures used by the District of Columbia in selecting applicants to take the District's training course for positions in the police department. The evidence showed that a disproportionately high number of negro applicants were kept from the training program because of failure to achieve the necessary minimum scores on the tests.

One of the issues before the Supreme Court was whether the Circuit Court of Appeals had properly reversed the trial court in its finding that there had been no violation of the equal protection rights of petitioners under the Fifth Amendment because there had been no evidence that the test was a purposely discriminatory device. The Supreme Court reversed the Court of Appeals, saying in part at pages 8 and 9 as follows:

> "The central purpose of the Equal Protection Clause of the Fourteenth Amendment is the prevention of official conduct discriminating on the basis of race. It is also true that the Due Process Clause of the Fifth Amendment contains an equal protection component prohibiting the United States from invidiously discriminating between individuals or groups. Bolling v. Sharpe, 347 U.S. 497 (1954). But our cases have not embraced the proposition that a law or other official act, without regard to whether it reflects a racially discriminatory purpose, is unconstitutional solely because it has a racially disproportionate impact."

* * * *

> "The school desegration cases have also adhered to the basic equal protection principle that the invidious quality of a law claimed to be racially discriminatory must ultimately be traced to a racially discriminatory purpose. That there are both predominantly black and predominantly white schools in a community is not alone violative of the Equal Protection Clause. The essential element of de jure segregation is 'a current condition of segregation resulting from intentional state action ... the differentiating factor between de jure segregation and so-called de facto segregation ... is purpose or intent to segregate.' Keyes v. School District No. 1, 413 U. S. 189, 205, 208 (1973)."

Although this language has no bearing on the extent of the remedy in cases where unconstitutional acts are found, it does suggest that any remedy which goes beyond overcoming the present effects of prior purposeful discrimination is not constitutionally mandated. This would support our view that the legislation which we propose to have enacted would not run into constitutional problems. However, as is made clear from the separate concurring opinion of Justice Stevens, a racially discriminatory purpose may validly be inferred from evidence of a discriminatory impact. In his opinion, he writes on page 2, as follows:

> "My point . . . is to suggest that the line between discriminatory purpose and discriminatory impact is not nearly as bright, and perhaps not quite as critical, as the reader of the Court's opinion might assume. I agree, of course, that a constitutional issue does not arise every time some disproportionate impact is shown. On the other hand, when the disproportion impact is as dramatic as in Gomillion or Yick Wo, it really does not matter whether the standard is phrased in terms of purpose or effect."

cc: Ed Schmults
Dick Parsons
Bobbie Kilberg

For report next week

Thursday 3/13/75

9:50 For my information, have we set up a working group on discrimination?

If so, who is in the group?

THE WHITE HOUSE

WASHINGTON

March 12, 1975

MEMORANDUM

FOR: PHIL BUCHEN

FROM: DICK CHENEY

Please include Bob Goldwin in your working group on discrimination and Jim Cannon. Please give DR a report next week on where it stands.

Thank you.

Sex Discrimination

May 6, 1975

The President of the United States
Gerald R. Ford
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20050

Dear Mr. President,

We are disappointed that you will not be able to meet with us to discuss the draft regulation for Title IX of the Education Amendments of 1972 now awaiting your review. However, we understand the tremendous time pressures upon you and appreciate the opportunity to meet with members of your staff.

In anticipation of that meeting, we want to express in writing our concern that the present draft of the regulation will not carry out the law's promise of equal educational opportunity.

As we noted in our April 3 telegram to you, we are particularly concerned about the new provision relying on the use of internal grievance procedures and the absence of a requirement that institutions review their own practices for possible sex bias and take positive steps to overcome the effects of past discrimination. In addition, the athletics provisions fail, in several respects, to guarantee equal opportunity in sports.

Attached are our analyses of these and several other issues in which we find the regulation inadequate. We trust that you will take a careful look at these issues to ensure that the regulation does reflect the law's guarantee of equality for girls and women in education.

If the regulation is not changed, its release would pose serious questions as to whether this regulation would be any more effective as an enforcement device than no regulation at all. In such a situation, our organizations might find it extremely difficult to support such a regulation during the period of Congressional review.

We would appreciate hearing your thoughts on the issues we have raised, and look forward to discussing them with your staff. If you wish any further information, please contact Dr. Bernice Sandler, 387-1300.

Sincerely,

Arvonne Fraser, Legislative Chai
Women's Equity Action League

signing on behalf of:

Tena Cummings
Cooperative College Registry

Ann Garfinkle, Vice President
Women's Legal Defense Fund

Marcia Greenberger & Lois Schif
Women's Rights Project
Center for Law and Social Polic

Paula Herzmark
Education Commission of the Sta

Esther Landa, President
National Council of Jewish Wome

Julia Lear, Chairperson,
Equal Opportunity Committee
Federation of Organizations for
Professional Women

Shirley McCune
National Education Association

L. Leotus Morrison, President
Association for Intercollegiate
Athletics for Women

Lou Jean Moyer, President
National Association for Girls
and Women in Sport

Bernice Sandler, Director
Project on the Status and Educa
of Women, Association of Americ
Colleges

Mary Ellen Verheyden-Hilliard
National Coordinator of Educati
Task Forces
National Organization for Women

THE WHITE HOUSE

ACTION MEMORANDUM WASHINGTON LOG NO.:

Date: March 1, 1975 Time: 5:00 p.m.

FOR ACTION: General Scowcroft
Phil Buchen
Bill Seidman
Ron Nessen

cc (for information): Warren Hendriks
Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date: Monday, March 3 Time: noon

SUBJECT:

Presidential memorandum re: Statement at Florida Press Conference on discrimination.

ACTION REQUESTED:

____ For Necessary Action

____ Prepare Agenda and Brief

__x__ For Your Comments

__x__ For Your Recommendations

____ Draft Reply

____ Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

Because of the fact that the Department of Justice is only beginning to determine what if any legal action could be taken under U. S. laws on the subject of the attached memorandum, it is proposed that this memorandum not be issued at the present time. This point was made at the conference today between the President and the Attorney General, and the President concurred.

T.W.B.

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

For the President

THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR: SECRETARY OF STATE
SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
SECRETARY OF COMMERCE

At my Florida press conference on Wednesday, February 26th, I made the following statement:

> "There have been reports in recent weeks of attempts in the international banking community to discriminate against certain institutions or individuals on religious or ethnic grounds.
>
> "There should be no doubt about the position of this Administration and the United States. Such discrimination is totally contrary to the American tradition and repugnant to American principles. It has no place in the free practice of commerce as it has flourished in this country.
>
> "Foreign businessmen and investors are most welcome in the United States when they are willing to conform to the principles of our society. However, any allegations of discrimination will be fully investigated and appropriate action taken under the laws of the United States."

I would like to ensure that each of you do your utmost to ensure that any allegations of discrimination that become known to you are fully investigated and that appropriate action is taken under the laws of the United States.

When and if a memo is to be issued this last paragraph needs rewording. - T.

I therefore request each of you to do his utmost to ensure that allegations of discrimination made to you are fully investigated and that available remedial action against illegal discrimination is taken under the laws of the United States.

THE WHITE HOUSE
WASHINGTON

Last paragraph,
first line —
should it be ?
each of you
does this utmost

THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR: SECRETARY OF STATE
SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
SECRETARY OF COMMERCE

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>
> "Foreign businessmen and investors are most welcome in the United States when they are willing to conform to the principles of our society. However, any allegations of discrimination will be fully investigated and appropriate action taken under the laws of the United States."

~~I would like to ensure that each of you do~~ therefore request each of you to do your utmost to ensure that ~~any~~ allegations of discrimination ~~that become known~~ made available to you are fully investigated and that ~~appropriate~~ remedial action is taken under the laws of the United States against illegal discrimination.

March 1, 1975

Discrimination

Dear Mr. Solarz:

Thank you for your February 27 letter to the President expressing your opposition to a policy which would exclude Jewish officers from assignments abroad at the request of the host government, and of your intention to introduce legislation which would make it a Federal offense for commercial firms to acquiesce to such demands from foreign governments.

I would like to assure you that I will call your letter to the attention of the President and the appropriate members of the staff at the earliest opportunity.

With kind regards,

Sincerely,

Vernon C. Loen
Deputy Assistant
to the President

The Honorable Stephen J. Solarz
House of Representatives
Washington, D.C. 20515

bcc: w/incoming to General Scowcroft for appropriate handling.
bcc: w/incoming to Philip Buchen - for your information.

VCL:EF:VO:vo

STEPHEN J. SOLARZ
13TH DISTRICT, NEW YORK

COMMITTEES:
FOREIGN AFFAIRS
POST OFFICE AND
CIVIL SERVICE

WASHINGTON OFFICE:
MICHAEL LEWANDOWSKI
ADMINISTRATIVE ASSISTANT
1228 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-2361

2528

Congress of the United States
House of Representatives

DISTRICT OFFICES:
KENNETH LOWENSTEIN
DISTRICT REPRESENTATIVE
1628 KINGS HIGHWAY
BROOKLYN, N.Y. 11229
(212) 965-5100

117 BRIGHTON BEACH AVENUE
BROOKLYN, N.Y. 11235
(212) 965-5105

1301 47TH STREET
BROOKLYN, N.Y. 11219
(212) 965-5166

February 27, 1975

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

I wish to register -- in the strongest possible terms -- my deep dismay over confirmed reports that the Army Corps of Engineers has complied with King Faisal's demands that Jewish officers not be assigned to U.S. projects in Saudi Arabia. In view of the fact that this constitutes a blatant violation of the basic rights and liberties guaranteed to all Americans by our Constitution, I urge you to take promot and affirmative action to reverse this policy forthwith.

I will soon be in touch with the Attorney General, urging that he also investigate this entire situation with a view toward ascertaining the extent to which other Federal agencies and private corporations are also acquiescing in such discriminatory demands. It should be made crystal clear to both government and business officials that such distasteful acts of discrimination against Jewish citizens and concerns will not be condoned. At the same time, I believe that criminal prosecutions should be sought against those who have violated our most cherished Constitutional safeguards in this regard.

Unfortunately, many of our present statutes contain loopholes which do permit discriminatory commercial dealings. Accordingly, I will soon be introducing legislation which will make it a Federal offense to propose a business offer which is contingent upon the disclosure of information regarding the race, religion, sex or national origin of another party; to engage in a commercial venture which would require discrimination on the basis of race, religion, sex or national origin; or to join in a commercial arrangement in which a foreign government or concern could infringe on the rights of other individuals on the basis of race, religion, sex or national origin.

In the absence of this urgently-needed legislation, however, I am hopeful that you and your administration will move with all dispatch under existing laws to effectively end these arrogant anti-semitic actions on the part of our own governmental agencies.

Sincerely,

STEPHEN J. SOLARZ
Member of Congress

SJS:kam

THE ATTORNEY GENERAL

March 5, 1975

Philip Buchen

Department of Justice
Washington, D.C. 20530

March 3, 1975

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: Indianapolis School Case

Attached is a copy of my memorandum governing our approach to this case.

Stan Pottinger

J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division

Attachment

Assistant Attorney General

Department of Justice
Washington, D.C. 20530

February 28, 1975

TO: Sandy Ross

FROM: Stan Pottinger

SUBJECT: Indianapolis School Case

I have recommended to the Attorney General, and he has approved, the following approach to be taken in our upcoming brief in the case:

1) We will continue to resist the position of the district court that total consolidation is necessary or appropriate under Milliken and related Supreme Court decisions. Under Milliken the fear of white flight is clearly not an adequate inter-district violation, and in any event, the record does not disclose the probability that white flight will become a major factor.

2) We will take the position that the state ought to have the same authority to remedy an unconstitutional segregated system as it had at the time suit was filed and the state was on notice of its constitutional obligations. Because this date was 1968, the state must have the same authority to desegregate as then existed. This means that the power of annexation as then existing should be restored to the state, and by derivation, to the discretion of the district court to fashion an appropriate remedy.

3) Restoration of this authority does not necessarily mean the authority should be exercised. On the contrary, we should take the position that

this authority, coupled with other then-existing state authority (such as inter-district student transfers) imply a range of inter-district remedies available to IPS. Consistent with our earlier argument, we should take the position that to the extent practicable, desegregation within Indianapolis is preferable to inter-district arrangements, and preserves to the greatest degree possible the jurisdictional boundaries properly left to the state to decide. To the extent that clear and convincing evidence can be demonstrated that limited inter-district relief is more practicable, such relief within the ambit of the restored authority may be used.

4) The criteria for exercising limited inter-district relief ought to be spelled out. In a general sense, it should be that stated by the Supreme Court in Swann relating to the health and educational welfare of the children. More specifically, it ought to involve a showing that inter-district relief would, when compared to IPS-only desegregation, reduce the burden upon children and the school districts involved, e.g., by reducing the time and distance of busing, overcrowding, financial burdens, etc.

I made clear that on the record as it now exists, we do not know whether, or to what extent, inter-district relief would be warranted under these criteria. The record will have to be developed in this regard, perhaps in the course of drafting alternative plans, again with preference for the least disruption of existing boundaries.

I said that our research made clear that under prevailing Supreme Court interpretations of the Fourteenth Amendment, state action (of the kind taken by Indiana in 1969) may not constrain an otherwise existing constitutional duty to desegregate.

I also made clear, however, that while law and common sense would dictate this position, no matter how

carefully defined and legally compelling our position might be, we stood a significant chance of being misunderstood by the public and the Congress on this issue. While our position is consistent with Presidential and Congressional policy (both of which, of course, defer to controlling interpretations of the Fourteenth Amendment), it might be seen as in conflict with both policies. I suggested that the cautious nature of our position might well provoke initial criticism from the plaintiffs, but eventually the fact that we allow any form of inter-district relief, even if compelled by facts and law, could bring criticism from other quarters as well. I saw no alternative, however, short of imposing artificial barriers at the IPS line, in contravention of historic violations of record, and in contravention of both common sense legal remedies dictated by Supreme Court decisions.

CC: Jim Turner
Brian Landsberg

Discrimination

Thursday 3/13/75

9:50 For my information, have we set up a working group on discrimination?

If so, who is in the group?

THE WHITE HOUSE

WASHINGTON

March 12, 1975

MEMORANDUM

FOR: PHIL BUCHEN

FROM: DICK CHENEY

Please include Bob Goldwin in your working group on discrimination and Jim Cannon. Please give DR a report next week on where it stands.

Thank you.

THE WHITE HOUSE

WASHINGTON

April 4, 1975

MEMORANDUM FOR: PHIL BUCHEN

FROM: ROD HILLS R. H.

Please review the attached very rough draft of a letter proposed to be sent to the Secretaries of State, Defense, Commerce and the Attorney General. I also enclose a copy of the President's March 4 memorandum to each of them. I intend to secure approval from Messrs. Seidman, Cannon and Goldwin before we send it to the individual departments.

Should the Forest Co rely on actorities within the banking community? Except for merely raising the point, I leave to your judgment and that of your colleagues.

J.

By memorandum of

On March 4, 1975, the President asked the Secretary of State to make certain that the Department acted to its utmost to insure that allegations of attempted discrimination in the international banking community against certain institutions or individuals on religious or ethnic grounds be fully investigated. He further asked that appropriate action be taken in the event that the investigation of these acts or any similar acts of discrimination be found to be in violation of the laws of the United States. The President has now asked our office to obtain from your Department what information you now have regarding any such alleged discriminatory practices as a result of your investigation. In preparing this information for our office, please include any information you may have or can secure concerning the effects of the so-called Arab boycott and black list. Your opinion, if any, as to whether such actions or alleged acts are violative of United States law would also be appreciated.

Please provide our office with an initial report or summary of your report by April 15, telling us also how soon your final report can be prepared. Along with this factual report we would appreciate your comments as to how further information might be obtained.

Sincerely

THE WHITE HOUSE

WASHINGTON

ACTION MEMORANDUM LOG NO.:

Date: March 1, 1975 Time: 5:00 p.m.

FOR ACTION: General Scowcroft
Phil Buchen
Bill Seidman
Ron Nessen

cc (for information): Warren Hendriks
Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date: Monday, March 3 Time: noon

SUBJECT:

Presidential memorandum re: Statement at Florida Press Conference on discrimination.

ACTION REQUESTED:

____ For Necessary Action

____ Prepare Agenda and Brief

X For Your Comments

x For Your Recommendations

____ Draft Reply

____ Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

Because of the fact that the Department of Justice is only beginning to determine what if any legal action could be taken under U. S. laws on the subject of the attached memorandum, it is proposed that this memorandum not be issued at the present time. This point was made at the conference today between the President and the Attorney General, and the President concurred.

T.W.B.

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks
for the President

THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR: SECRETARY OF STATE
SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
SECRETARY OF COMMERCE

At my Florida press conference on Wednesday, February 26th, I made the following statement:

> "There have been reports in recent weeks of attempts in the international banking community to discriminate against certain institutions or individuals on religious or ethnic grounds.
>
> "There should be no doubt about the position of this Administration and the United States. Such discrimination is totally contrary to the American tradition and repugnant to American principles. It has no place in the free practice of commerce as it has flourished in this country.
>
> "Foreign businessmen and investors are most welcome in the United States when they are willing to conform to the principles of our society. However, any allegations of discrimination will be fully investigated and appropriate action taken under the laws of the United States."

I ~~would like to ensure~~ request that you each ~~of you~~ do your utmost to ensure that any allegations of discrimination ~~that become~~ made known to you ~~are fully investigated and that appropriate action is taken under the laws of the United States.~~ for violation of

When and if a memo is to be issued this last paragraph needs any discovered rewording. F.

THE WHITE HOUSE

WASHINGTON

July 25, 1975

Dear Mr. Harden:

Congressman Bennett has written the President for an answer to your letter concerning the omission of age from a statement by President Ford barring discrimination on the basis of politics, race, creed, or sex.

You may be assured that there was no intention to exclude age from the categories of impermissible discrimination. We have learned informally from the Civil Service Commission the probable reason for the omission of age is that Congress has dealt with this type of discrimination by a different statute from that governing the types of discrimination referred to in the President's statement. There was a purpose to emphasize those forms of discrimination that had been identified as a special problem under 42 U.S.C. § 2000e-16, which contains the same enumeration as the President's statement. A separate statute, 29 U.S.C. 633, prohibits discrimination on the basis of age.

The omission of age appears to have been inadvertent, and I am, therefore, forwarding copies of this correspondence to the Chairman of the Civil Service Commission for appropriate consideration in connection with the preparation of further Presidential statements.

Thank you for your interest.

Sincerely,

Philip W. Buchen
Counsel to the President

Mr. Grover Harden
4441 Cambridge Road
Jacksonville, Florida 32210

cc: The Honorable Charles E. Bennett
The Honorable Robert E. Hampton

7.

THE WHITE HOUSE

WASHINGTON

April 12, 1976

Called Bobbie on April 13 to give verbal O.K.

MEMORANDUM FOR: PHIL BUCHEN

FROM: BOBBIE GREENE KILBERG BGKilberg

Attached is a memo and a draft letter from David Lissy to Rabbi Koplin responding to the Rabbi's concern about the President having played tennis at a club which allegedly discriminated against Jews. Neither David nor I have been able to get a response to David's memo from Red Cavaney.

I have made a few changes in David's draft letter (see attached penciled changes), but David would like your comments as well. I have no problem with the letter being sent as I revised it, even without Cavaney's input. I think the letter should be signed by Lissy rather than by Roland Elliott or by you.

David is going out of town for Passover tomorrow and thus would appreciate your reviewing this today if possible. Thanks.

Attachment

THE WHITE HOUSE

WASHINGTON

April 7, 1976

MEMORANDUM FOR: RED CAVANEY
BOBBIE KILBERG

FROM: DAVID LISSY

I would appreciate your comments on the attached draft response to Rabbi Koplin. The reply could be signed by Roland Elliott or by me.

Attachment - draft reply & copy of incoming

DHL/4/7/76
DRAFT:

Dear Rabbi Koplin:

I am writing in response to your recent letter to the President.

I can appreciate the concern which prompted your letter. In agreeing to play tennis at the Field Club, the President was responding to an invitation from a member of that club. Nevertheless, the point you made is well taken and ~~I understand that in the future~~ those who make arrangements for the President's travel will CONTINUE TO BE ALERT ~~be more alert~~ to the kind of potential problem you identify.

On behalf of the President, I want to thank you for taking the time to share your views.

Sincerely,

aaron koplin

March 1, 1976

President Ford
The White House
Washington D. C. 20500

Dear Mr. President;

I was both surprised and disappointed to learn that while campaigning here in Sarasota, you played tennis at a private club which is notorious for its policy of descrimination against Jews. Many other courts, both public and private, in this area would have been available for your used, and playing at any of these would not have reaised questions concerning your interest or involvment in such vestiges of descrimination in our country.

It may well be that neither you nor your staff were aware of the club's policy. But surely this could have been investigated beforehand. It would have been very easy to ascertain the facts of the situation from your local campaign people at the very least. If no such investigation was conducted, then this can only indicated a lack of sensitivity and interest in an area that should be a concern of yours as the President.

If the club's policy were known, and you chose to disregard the implications, then your action can only be construed as an affront, not only to the Jewish community, but to anyone who feels that such a descriminatory policy is contrary to the principles of America.

In either case, whether by neglect or indifference, your actions cannot be held as compatable with the desires of a person who is now actively engaged in a campaign to become the elected President of all Americans.

Your actions have become a topic of concern and adverse comment in the community.

Respectfully yours,

Aaron Koplin, Rabbi