

# Memorandum



Subject	Date
Meeting with Clarence Pendleton, Chairman, U.S. Civil Rights Commission, Thursday September 16, 10:00 a.m.	Sept. 15, 1982
To The Attorney General	From John Roberts <i>JR</i>

This meeting is simply a courtesy call so that you can meet President Reagan's appointee to head the Civil Rights Commission. Pendleton is a black attorney from San Diego, and former head of the San Diego office of the Urban League. He has been in office since the Spring, when he replaced Arthur Flemming. Brad Reynolds, who has met with Pendleton on several occasions, reports that Pendleton generally agrees with our anti-busing and anti-quota initiatives. To the extent those areas come up, you should reiterate our commitment to the color-blind principle, and our commitment to seek more effective desegregation remedies than the failed experiment of busing. Pendleton has recently expressed concern about the "transition" from a color-conscious to a color-blind society, but has not provided any specifics.

Other items that may come up:

1. Pendleton recently sent you a letter urging that the Department appeal in the Richmond case. As you know, the district court in that case ruled that the federal government could not investigate a university's athletic program under Title IX for gender discrimination when the program did not receive federal funds, even though the university as a whole did. We decided not to appeal: the district court ruling was persuasive, and the Supreme Court's North Haven decision stressed that Title IX was program-specific. You did not participate in the case because of your University of California ties.
2. Pendleton is in Washington for the annual meeting with state advisory committees affiliated with the Civil Rights Commission. Thirty-three of the fifty state civil rights chairmen recently made news by issuing a letter to President Reagan saying he was responsible for a decline in civil rights enforcement. Pendleton publicly rejected the charge, to his credit. Today the Civil Rights Division held a press conference to respond to the charges. If the issue comes up, you can thank him for standing firm, and also review our enforcement record, as in the Urban League Speech: more criminal cases than ever before, voting rights objections across the South. You can also mention the section 2 case

you just authorized in Chicago, as evidencing our commitment to enforce the newly-amended voting rights act.

3. On Monday, Pendleton presided at a meeting here in Washington of the New Coalition for Economic and Social Change. He is president of the fledgling conservative black group, which opposes government solutions and focuses on private sector initiatives. Brad Reynolds and other Civil Rights officials attended the conference, jointly sponsored by the Heritage Foundation. Ed Meese addressed the group.
4. Just yesterday, Pendleton announced that he was urging the President to host a summit conference on civil rights. The White House apparently has not yet reached a decision on the request. If Pendleton brings it up, you should indicate that you favor increased dialogue -- and have met with many civil rights leaders yourself -- but do not commit to supporting a "summit".

I have attached some recent press clippings concerning Pendleton which you should review prior to the courtesy call. Brad Reynolds is also scheduled to attend the meeting.

cc: Ken Starr

# REAGAN IS REBUKED BY 33 STATE HEADS OF RIGHTS PANELS

## 'Dangerous Deterioration' in Enforcement Is Seen Under Policies of President

By ROBERT PEAR

Special to The New York Times

WASHINGTON, Sept. 12 — The chairmen of 33 state agencies affiliated with the United States Commission on Civil Rights have signed a letter to President Reagan asserting that he is responsible for a "dangerous deterioration in the Federal enforcement of civil rights."

The chairman of the Federal commission, Clarence M. Pendleton Jr., when told of the allegations, called them unfounded.

The chairmen of all 50 state advisory committees are scheduled to hold their annual conference here Monday and Tuesday. The 33 chairmen who sent the letter asked for a meeting with the President so they could discuss their concerns.

### Reagan Termed Too Busy

The White House replied that the President could not grant the request for a meeting because of "the heavy demands on his time."

Members of the state advisory committees are appointed by the Civil Rights Commission to monitor civil rights at the local level. They conduct wide-ranging investigations and informal hearings and they submit numerous reports and recommendations to the commission.

The commission itself is an independent, bipartisan body established by Congress to investigate complaints of discrimination based on race, religion, sex, age or physical or mental handicaps.

Mr. Reagan dismissed Arthur S. Flemming as chairman of the commission last November and named Mr. Pendleton to replace him. Mr. Reagan

has repeatedly declared a strong commitment to civil rights, although many of his actions have provoked criticism from civil rights advocates.

In their letter, the chairmen of the state advisory committees said they were "acting as individuals," not as spokesmen for their organizations. They reminded Mr. Reagan of his oath to uphold the Constitution, and they said, "The current dismantling of the civil rights agencies negates your oath of office."

"Recent events have forced us to the conclusion that the integrity, and indeed the future, of the basic civil rights agencies of the Federal Government are in grave doubt," the letter said.

"With some exceptions," it continued, "nominations and appointments to high positions in the leadership of the United States Commission on Civil Rights, the Equal Employment Opportunity Commission and the civil rights division of the Department of Justice, as well as others, are distressing. Persons without adequate professional training, background and commitment are routinely appointed to the highest leadership positions of these vital agencies."

The appointments, combined with "severe reductions in the operating funds" of the agencies, guarantee the "emasculatation of vital programs," the letter said.

### Origin of Protest

The idea for the protest grew out of a meeting held last March by chairmen of state advisory committees in the Middle West. Lotte Meyerson, who was acting chairman of the Indiana committee, said she had called her colleagues in the region because she was alarmed at "what was happening to civil rights in the Reagan Administration," especially its plans to dismiss most members of the Civil Rights Commission.

The other state committee chairmen present at the meeting included M. Herbert Rienstra, a Republican City Commissioner in Grand Rapids, Mich.; Thomas Pugh, a retired newspaper editorial writer from Peoria, Ill., and Herbert Hill, a professor at the University of Wisconsin in Madison.

"When we met," Mrs. Meyerson said today in a telephone interview, "we decided that we needed to broaden this and make it a nationwide effort." Writing the letter was a group effort, she said, with most of the initial drafting done by Mr. Pugh and Mr. Hill. The chairmen considered and rejected the idea of mass resignations to protest Mr. Reagan's policies. Instead, they circulated the letter among their colleagues throughout the country.

The chairman of the Connecticut advisory committee, John Rose Jr. of Hartford, signed the letter.

### New York Chairman Concerned

The chairman of the New York advisory panel, Robert J. Mangum, a former State Commissioner of Human Rights, said he agreed with some of the criticism but had not signed the letter because he thought it was "presumptuous." He said also he had not had an opportunity to poll the other members of the New York panel to determine their views.

The chairman of the New Jersey advisory committee, Clyde C. Allen of Plainfield, said he shared the concerns expressed in the letter but had not signed it because he disliked some of the wording.

Mr. Pendleton, reached by telephone, said he was "unhappy" about the letter. It should have been sent to the Civil Rights Commission, not to the President, he said, adding that there was no basis for the allegations.

John Hope 3d, the acting staff director of the commission, said the chairmen of the advisory committees "should voluntarily step aside" if they could not confine themselves to the role of advising the commission.

The letter comes at a time when the White House has become concerned about some of the reports issued by the commission. Michael J. Horowitz, counsel to the director of the Office of Management and Budget, said he was particularly disappointed with a report in which the commission warned that budget cuts being made by Mr. Reagan would reduce the enforcement of civil rights.

Mr. Horowitz, in a letter to Mr. Pendleton, said that the Reagan Administration had "increased total outlays for civil rights enforcement" and that the central assertion of the report was "flatly incorrect." In addition, Mr. Horowitz said the report should have been submitted to the budget office for review before it was issued last May.

### Senate Studying Nominations

Mr. Reagan has appointed Mary Louise Smith, a former chairman of the Republican National Committee, to be vice chairman of the Civil Rights Commission. He has also nominated Robert A. Destro of Wisconsin, Constantine N. Dombalis of Virginia and Guadalupe Quintanilla of Texas to be members, but the Senate has not yet confirmed their nominations.

Mr. Reagan dropped his effort to appoint the Rev. B. Sam Hart, a black minister from Philadelphia, after civil rights groups challenged Mr. Hart's qualifications.

Aithea T.L. Simmons, director of the Washington office of the National Association for the Advancement of Colored People, said Mr. Reagan had "taken bolder steps than any other President toward exerting control over the commission's activities."

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## The New York Times

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**White House Responds to Attack on Rights Record**

By FRANCIS X. CLINES

Special to The New York Times

WASHINGTON, Sept. 13 — The Reagan Administration today denied charges of a "dangerous deterioration" in civil rights enforcement and contended that its rights record was "stronger than any previous administration."

"The President has made it clear on many occasions that he will not permit a civil rights rollback, and he is proud of his record," Larry Speakes, the White House spokesman, declared in rejecting the strong criticism of the Administration that was recently voiced by the chairmen of 33 state agencies affiliated with the United States Commission on Civil Rights.

The chairmen, who have gathered here for a meeting of all 50 state advisory committees, had put their criticism in a letter to the President, requesting a meeting and warning: "The present dismantling of the civil rights agencies negates your oath of office."

In response, Mr. Speakes denied the accusation, and said that the White House was not aware of receiving such a letter and request. He indicated no meeting was likely, asserting, "Their purpose is to advise the Civil Rights Commission, not advise the President."

The group of state officials, however, cited a signed letter of acknowledgment dated Aug. 18 from William K. Sadleir, director of Presidential appointments and scheduling. As the officials quoted the letter, they were informed that "the President would be happy to meet with you if circumstances allowed, but the heavy demands on his time just will not allow him to do so."

Mr. Speakes offered a brief summary of the Administration's efforts toward "vigorous enforcement" of the civil rights law. He said that while cost-cutting had been the rule through the Administration, expenditures for various civil rights programs had been spared and actually increased \$20 million in three years to a total of \$531.4 million.

He also cited Justice Department activities, saying that the Administration had "filed 62 new criminal civil rights cases," and had participated in 32 voting rights cases, with 1,300 other rights cases now under investigation.

In response to the White House, Thomas Pugh, chairman of the Illinois advisory committee, said, "The White House needs to check its mail, and the President needs to read some of it." Mr. Pugh said there were various symptoms of the Administration's failure in civil rights, notably a proposed cut of almost \$700,000 in the next budget of the Civil Rights Commission, with a loss of 33 jobs, and complaints that commission appointments were being politicized.

Clarence M. Pendleton Jr., the chair-

man of the Federal commission, denounced the advisory officials' letter during a CBS News interview as "full of speculation, innuendo," and as a violation of Federal regulations because the officials bypassed the commission in going to the President. But Mr. Pugh said the advisory members had felt their complaints were not being heard properly by the Administration and so sought to speak directly to the President as a group of individuals "with responsibilities in this area."

Mr. Pendleton urged the complaining members to resign, but Mr. Pugh said they preferred to remain and fight for a hearing of their complaints at a meeting of the chairmen's group Tuesday at the Civil Rights Commission headquarters here.

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## The New York Times

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## RIGHTS PANEL HEAD CALLS FOR 'SUMMIT'

### But Aides Deny President Has Agreed to Hold a Meeting on Minority Concerns

By ROBERT PEAR  
Special to The New York Times

WASHINGTON, Sept. 14 — Clarence M. Pendleton Jr., chairman of the United States Commission on Civil Rights, said today that he had urged President Reagan to convene a domestic "summit conference" to discuss the status of civil rights and minority groups in America.

According to Mr. Pendleton, a Reagan appointee, the President agreed that such a conference was necessary, although the details remained to be worked out.

C. Anson Franklin, an assistant White House press secretary, confirmed that Mr. Reagan met with Mr. Pendleton on June 23, but insisted that the President had not made a firm commitment to hold a conference on civil rights.

"The President said he would consider the recommendation," Mr. Franklin added. "There has been no final response yet."

#### 'No Plan' for Conference

Craig L. Fuller, a Presidential aide who attended the meeting with Mr. Pendleton, said today that "there is no plan" for a conference.

Mr. Pendleton said that he had also urged the President to "develop, distribute and market an action-producing, believable civil rights policy" that would give definitive guidance to all Federal agencies.

"That policy," Mr. Pendleton said, "must contain a racial safety net to let people understand that they would not perish in the transition from a color-conscious to a color-blind society." He said the White House was "now working on" such a policy statement, but Mr. Franklin said the President was still considering this recommendation, too.

Mr. Pendleton's comments came at the second day of the annual meeting of the chairmen of state advisory committees affiliated with the Federal panel.

Referring to his meeting with Mr. Reagan, Mr. Pendleton said that "the President agreed to the suggestion that he needed to convene a minority summit at Camp David."

Thirty-three of the 50 state chairmen recently sent a letter to President Reagan asserting that he was responsible for a "dangerous deterioration in the Federal enforcement of civil rights."

The Reagan Administration on Monday denied the charge, saying it has been "stronger than any previous administration" in its support for civil rights.

The six-member Federal commission on civil rights unanimously adopted a policy statement today reminding the state chairmen of their duty to advise the commission "rather than the general public or elected officials."

Mr. Pendleton confirmed today that he had told some of the state chairmen that they should consider resigning if they could not serve under the existing rules. But after more than two hours of heated debate at the meeting, he seemed more conciliatory, saying he had made "no threats."

However, Donald L. Pitts, chairman of the West Virginia advisory committee, called the commission's policy statement "an abridgment of our First Amendment rights, a slap in our face and indeed at our intelligence."

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**Meese Pledges More Dialogue****Administration-Inspired Black Group Admits Early Progress Has Been Slow**

By Herbert H. Denton  
Washington Post Staff Writer

Black conservatives struggled yesterday to breathe life into their fledgling organization, two years after boasting that they were so in tune with mainstream black thinking that they would build a new movement to rival the National Association for the Advancement of Colored People.

Yesterday, Clarence Pendleton, president of the Reagan administration-inspired New Coalition for Economic and Social Change, conceded that the group had gotten off to a slow start.

Only about 300 members have been recruited, and chapters have been formed only in Washington, Oakland and Chicago since the group first met in San Francisco in December, 1980.

"There's been a hiatus," Pendleton said. "We want to find out where we're going to go, how we're going to get there and who and what can help us and who and what can hurt us."

The conservative Heritage Foundation paid for yesterday's conference, entitled "Rethinking the Black Agenda," at the Hyatt Regency in Crystal City.

Participants spoke against affirmative action, government regulation and the minimum wage and in favor of strategies to promote black economic development and provide alternatives to public schools. The arguments were much the same as those raised two years ago in San Francisco.

A few had more provocative proposals.

For example, William Keyes of the Department of Education, said it was his view that children ought to be able to quit school and go to work if they desire, although he was unwilling to say at what age he would be willing to permit them to do so.

Walter Williams, an economics professor at George Mason University, after complaining that crime plagued inner-city businesses, said, "I would suggest vigilanteism as the last resort if the police are not going to help."

Others at the conference later disassociated themselves from this view.

White House Counselor Edwin Meese III told the group that its goals coincided with those of President Reagan, and he promised a more frequent dialogue with blacks on administration plans for the next two years of Reagan's term.

"The ideas you have expressed here, that there are alternatives to increasing government spending, social programs and government oppression, should and will be reflected in the policy decisions we make," Meese said.

Despite problems in building a grass-roots movement, members of the group have been successful in obtaining appointments in the Reagan administration. Pendleton has been named chairman of the U.S. Commission on Civil Rights and at least six others have posts in the administration or serve on advisory boards.

The group has also been successful in tapping funds from white conservative groups such as the Heritage Foundation. Pendleton said that all but about \$20,000 of the \$220,000 the group has raised has come from such conservative corporate and foundation sponsors as the

Coors brewery, Getty Oil and the Olin and Scaife foundations.

Pendleton said the group received the contributions after going to the sponsors and saying "we have similar philosophies." He was undeterred when Willa Johnson, senior vice president of Heritage, suggested that they might be criticized for cosponsoring a conference with the Heritage Foundation, a group, she said, that is "No. 1 white and No. 2 un-abashedly conservative."

Heritage officials stressed during the conference that their conservatism does not mean they are uncaring or insensitive to the problems of blacks and other minorities.

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