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Summary: Affirmative Action

Throughout the 1992 campaign, candidate Bill Clinton repeatedly stressed the need to unify America by ceasing to pit "rich against poor, black against white, woman against man." Clinton has, however, betrayed his promise by continuing to support precisely the type of race and sex preferences that pit Americans against each other.

Affirmative Action in America

- 75% of Americans oppose minority-based preferences. (*Washington Post*, 3/24/95)
- The unemployment rate for black males over the age of 20 has increased from 7.7% in 1964 to 18.1% in 1983. Unemployment rates among white males in the same age category were 3.4% in 1964 and 6.3% in 1992. (*Economic Report of the President*, 1993)
- In 1994, 25% of all federal dollars awarded to small businesses went to minority businesses, although minorities own 9% of businesses in the country. (*New Republic*, 4/22/96)

Quotas: Alive and Well in the Clinton Administration

- In 1992, Clinton said he would "oppose racial quotas." (*Putting People First*, p. 64) But the evidence clearly shows that Clinton has been putting racial quotas into practice throughout his Administration.
- **EEOC:** Despite the crying need for effective action to ensure the enforcement of the laws, Clinton delayed naming a Chair for the EEOC until June 1994, allowed the agency to continue with only 2 of 5 members until October 1994, and then did not appoint a General Counsel for the EEOC until January 1995, nearly two years after the inauguration. The principal reason for this delay was the Administration's fixation with ensuring that individuals of the "proper" race and ethnic background staffed the Commission. (AP, 6/15/94; *The National Law Journal*, 10/24/94; *Washington Post*, 1/27/95 & 6/14/94)
- **FBI:** The FBI has established race-based guidelines for hiring, merit awards, discipline and special assignments. It now adds bonus points to the test scores of minority applicants so that it obtains as many minorities as it needs to meet its self-imposed quotas. (Heritage Foundation, *Issues '96*)
- **Forest Service**: Parts of the U.S. Forest Service have begun reserving positions specifically for "applicants who do not meet [OPM] qualification requirements." (Heritage Foundation, *Issues '96*)
- **Minority Scholarships:** Clinton's Department of Education reversed a Bush administration policy forbidding colleges and universities receiving federal funds from offering scholarships available only to members of minority groups. (*The Baltimore Sun*, 2/18/94)

The Clinton Administration's Defense of the Status Quo

- **Dole Congressional Research Study**: In late 1994, Senator Dole asked the Congressional Research Service to catalog all federal affirmative action programs. The request produced a list of 168 programs directly mandating preferences. (Center for Equal Opportunity, 7/96)
- **Clinton Orders White House Review**: In February 1995, Clinton ordered his own White House review of federal affirmative action programs. (Center for Equal Opportunity, 7/96)
- ***Adarand v. Pena***: In June 1995, the Supreme Court handed down its decision on Adarand v. Pena. This decision established a "strict scrutiny" standard for federal government set-aside programs. Under this standard, any set-aside program must serve "a compelling governmental interest" and must show that the program is "narrowly tailored to address identifiable past discrimination." Under the strictest legal standards, it will be difficult to justify any set-aside programs. (Empower America)
- **Results of the White House Review**: On July 19, a month after the Adarand decision, the White House review was released. The White House report basically ignored the Supreme Court's holding

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and did not recommend the elimination of a single federal affirmative action program. (Center for Equal Opportunity, 7/96)

- **The Administration's New Guidelines -- No Real Changes:** The new Justice Department guidelines, while recognizing that "generalized, historical societal discrimination in the country against minorities is an insufficient predicate for race-conscious remedial measures," rely upon precisely those factors to justify continuing race-conscious federal contracting programs. (Center for Equal Opportunity, 7/96)
- **A Year and a Half Later**: In effect, out of the 168 federal preference programs identified by the Congressional Research Service, the Clinton Administration singled out only one program -- a Department of Defense "rule of two" bidding program -- for change. Every other federal preference program remains in place today, despite the Supreme Court's ruling in Adarand. (Center for Equal Opportunity, 7/96)

Working in the Courts to Preserve Racial Preferences

- **Race-Based Employment Decisions**: In the prominent Piscataway reverse discrimination case, the Clinton Justice Department was thrown out of court after trying to defend reverse discrimination against a white teacher. (*Newsday*, 6/18/95)
- **Race-Based School Admissions**: In a case involving the University of Texas Law School, the Clinton Justice Department filed a brief with the Supreme Court in support of racial preferences in admissions decisions. (Center for Equal Opportunity, 7/96; *The Washington Times*, 5/29/96)

Fighting State and Local Efforts to End Racial Preferences

- The Administration has consistently opposed any state or local efforts to end race or sex-based preferential treatment programs. In particular, the Clinton Administration has taken a strong role against efforts in California to restrict race and sex-based preference policies, not considering the fact that the state government spends roughly $200 million a year on affirmative action and other race-based programs. (Heritage Foundation, *Issues '96*)

Proposing New Quotas

- Clinton's health care bill would have required government approval of the medical specialties students could pursue based upon race and gender. (*The New Republic*, 2/7/94)
- Administration-sponsored quotas in the crime bill would have required as a condition of federal funding that the Administration's midnight basketball leagues have statistical representation of all groups, including individuals who are HIV positive. (*News & Record*, 7/29/94)

Failing to Implement Veterans' Hiring Preferences

- Long-standing programs giving preferences to veterans in federal hiring and promotions have been endangered in the Clinton Administration by a bureaucratic culture more interested in promoting diversity than protecting veterans' rights. Even in the White House and the President's Cabinet, veterans are severely underrepresented. Veterans represent just 4% of men in the Clinton White House and 19% of the Administration's top 900 political appointees, compared with 36% and 30% in the Bush Administration. (*The Washington Times*, 5/1/96)

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Affirmative Action

"No more division by race, no more division by income, no more class warfare."

-- Bill Clinton, March 1992

Throughout the 1992 campaign, candidate Bill Clinton repeatedly stressed the need to unify America by ceasing to pit "rich against poor, black against white, woman against man." In *Putting People First*, the campaign promised that "a Clinton-Gore Administration will actively work to protect the civil rights of all Americans", through "strong and effective enforcement of the Civil Rights Act of 1991 to ensure workplace fairness for all Americans."

The Clinton Administration has betrayed each of these promises by continuing to support precisely the type of race and sex preferences that pit Americans against each other, acting in defiance of federal court and constitutional mandates to preserve the worst forms of quotas, while at the same time abdicating responsibility for strong enforcement of civil rights for all Americans. The Administration's own record in hiring shows that race, gender and national origin are what matters to this Administration, rather than qualifications, effective government and fundamental fairness.

Affirmative Action in America

- **The majority of Americans are opposed to race-based and gender-based preferences.** A *Washington Post*/ABC News poll showed that 75 % of Americans oppose minority-based preferences, and 73 % oppose preferences for women. (*Washington Post,* 3/24/95)

- **Affirmative-action programs have not lowered unemployment among blacks, which has risen at rates significantly higher than for whites.** The unemployment rate for black males over the age of 20 has increased from 7.7% in 1964 to 18.1% in 1983. Unemployment rates among white males in the same age category were 3.4% in 1964 and 6.3% in 1992. (*Economic Report of the President,* 1993)

- **In many fields, the wage gap between men and women is narrowing.** According to the Glass Ceiling Commission Report, in 1995 women with bachelor's degrees earned 74 cents for every dollar earned by men and women with master's degrees earned 79 cents and women with doctorates earned 85 cents. However, in comparing the salaries of women with men, the study did

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not take into account the different areas of concentrations within the degree field. Within the same field (i.e. comparing men and women with bachelor degrees in engineering; or women and men with PhDs in English) salaries for men and women were commensurate. (*The Public Interest*, Summer, 1996)

- **Minority businesses are overrepresented in federal procurement.** In 1994, 25% of all federal dollars awarded to small businesses went to minority businesses, although minorities own 9% of businesses in the country. (*New Republic*, 4/22/96)

- **The majority of universities award race-based scholarships.** According to the GAO, approximately 80% of all public colleges and 57% of private colleges award race-based scholarships. Nearly 30% of all graduate schools and nearly 75% of all professional schools award at least one minority-based scholarship. (GAO, 1/94)

- **The dropout rate for students admitted to institutions of higher education based on racial preferences is 72 %.** (GAO, 1/94) The college drop out rate among Black-Americans is two and a half times that of whites and over three times that of Asian-Americans. (*Harvard Public Journal*, 5/96)

- **In 1994, Asian-Americans had to have a higher GPA and SAT score to gain admission to the University of California at Berkeley than all other ethnic groups.** Asians had a 3.9 GPA and 1293 average SAT score; whites, a GPA of 3.86 and SAT composite of 1256; blacks a 3.43 GPA and 994 SAT score; and Hispanics a 3.74 GPA and 1032 composite SAT score. (University of California -- Berkeley Admissions Office figures)

Quotas: Alive and Well in the Clinton Administration

In the 1992 campaign, Clinton said he would "oppose racial quotas." (*Putting People First*, p. 64) And in the summer of 1995, Clinton declared, "I am opposed to programs which create a quota, involve preferences for the unqualified, lead to reverse discrimination or continue forever." (*National Review*, 8/14/95) Rhetoric aside, the evidence clearly shows that Clinton has been putting racial quotas into practice throughout his Administration. This should not be surprising from a President who while serving as Governor of Arkansas signed executive orders that mandated quotas in state government hiring. (*Connecticut Law Tribune*, 3/30/92)

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The EEOC: A Case in Point

During the first two years of the Clinton Administration, the Americans with Disabilities Act (ADA) of 1990 and the Civil Rights Act of 1991 generated so many new charges of discrimination at the Equal Employment Opportunity Commission (EEOC) that at one point the Commission's backlog amounted to more than 100,000 claims. The agency simply was not functioning. (*The Legal Intelligencer*, 2/26/96; *Legal Times*, 6/10/96) Clinton's delay of key appointments at the EEOC wasn't helping:

- Despite the crying need for effective action to ensure the enforcement of the laws, the Clinton Administration delayed naming a Chair for the EEOC until June 1994, allowed the agency to continue with only 2 of 5 members until October 1994, and then did not appoint a General Counsel for the EEOC until January 1995, nearly two years after the inauguration. (AP, 6/15/94; *The National Law Journal*, 10/24/94; *Washington Post*, 1/27/95)
  - The principal reason for this delay was the Administration's fixation with ensuring that individuals of the "proper" race and ethnic background staffed the Commission. As the *Washington Post* described it, the Administration was seeking an agency chair who was "not just Hispanic" but specifically "of Puerto Rican descent". The *Post* stated that this "caricature of equal employment opportunity policy" comes "perilously close to institutionalizing some of the very distinctions as to ethnicity, race, gender and all the rest" that the Commission is designed to eradicate. (*Washington Post*, 6/14/94)
  - Even Congressional Democrats accused President Clinton of a "pattern of benign neglect" regarding civil rights enforcement, based on his failure to name critically important staff at the EEOC for nearly two years following the election. (*Washington Post*, 3/25/94)

Department of Defense

In August, 1994, Undersecretary of Defense Edwin Dorn issued a memo, implementing Secretary Perry's diversity initiative, instructing all section chiefs that "I need to be consulted whenever you are considering the possibility that any excepted position, or any career position at GS-15 level or higher, is likely to be filled by a candidate who will not enhance diversity." If this mechanism fails, warned Dorn, "we will need to employ a more formal approach involving goals, timetables and controls on hiring decisions." As one Defense Department GS-14 told the *Washington Post*, "as a white male I can kiss my future goodbye.... I am keeping Dorn's memo handy [in case] for some unexpected reason I do apply for advancement. It should serve as excellent prima facie evidence of discrimination due to race." (*Washington Post*, 9/13/94)

The Military

According to the *Navy Times* on December 5, 1995, Navy Secretary John Dalton this past summer unveiled his "12-12-5" plan that sets specific goals for the percentage of minorities brought into the officer ranks from different ethnic groups. By the year 2000, the Navy and Marine Corps are to recruit officer-year groups made up of 10% to 12% African-Americans, 10% to 12% Hispanics, and 4% to 5% Asian-Americans and Pacific Islanders. The Marine Corps is also continuing with its 2015 Plan, which, among other

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things, mandates that 5% of colonels be Black and 4.7% Hispanic by the year 2015. (*The Washington Times*, editorial, 3/18/95)

Federal Bureau of Investigation

The FBI has established race-based guidelines for hiring, merit awards, discipline and special assignments. It now adds bonus points to the test scores of minority applicants in an express effort to ensure that the FBI obtains as many minorities as it needs to meet its self-imposed quotas. (Heritage Foundation, *Issues '96*)

Federal Aviation Administration

In November, 1994, William Jeffers, the FAA's director for air traffic control, said his agency was committed to filling "one out of every two vacancies with a diversity selection." In 1995, the FAA instructed hiring officials that "the merit promotion process is but one means of filling vacancies, which need not be utilized if it will not promote your diversity goals." Instead, the FAA has begun using a "qualification analysis" which actually disqualifies applicants who meet official job requirements. According to an actual FAA job announcement, "Applicants who meet the qualification requirement ... cannot be considered for this position ... Only those candidates who do not meet the Office of Personnel Management requirements ... will be eligible to compete." (Heritage Foundation, *Issues '96*)

U.S. Forest Service

Similarly, parts of the U.S. Forest Service have begun reserving positions specifically for "applicants who do not meet [Office of Personnel Management] qualification requirements." (U.S. Forest Service Position Announcement, Heritage Foundation, *Issues '96*)

National Park Service

Roger Kennedy, Director of the National Park Service, issued a memorandum which stated, "Surely, we must be able to find a use for a Swahili-speaking person who has Peace Corps experience, is a *cum laude* in English from Harvard, and has biological background in data manipulation . . . . Unfortunately, Mr. Trevor is white, which is too bad." (*The Defender*, May 1995)

Small Business Minority Set-Aside Programs

The 8(a) set-aside program is the grandmother of all federal and state set-aside programs. In 1994, it accounted for about $4.9 billion, or 2.7 percent, of all government procurement. Created by Congress in 1978, it covers everything the federal government buys and builds, and it allows federal agencies, through the Small Business Administration, to set aside contracts involving less than $3 million for businesses controlled and operated by "socially and economically disadvantaged persons." These are defined by statute and regulation, to include black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, Subcontinent Asian Americans and women. (*New Republic*, 4/22/96)

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- The 8(a) set-asides, which the Clinton administration defends, are analytically indistinguishable from the "rule of two" set-asides, which the administration repealed. Both programs insulate certain racial groups from "competitive consideration" with other racial groups, using race as the decisive factor rather than a plus factor in assigning public benefits. (*New Republic*, 4/22/96)

- **When the numbers are examined honestly, minority businesses turn out to be overrepresented, rather than underrepresented, in federal procurement.** In 1994, 25 percent of all federal dollars awarded to small businesses went to minority businesses, although minorities own 9 percent of businesses in the country. The administration tries to conceal this number by emphasizing that only 4.1 percent of all federal procurement dollars went to minority businesses, but this is the wrong comparison. Most procurement dollars go not to small businesses but to huge Fortune 500 companies, such as Lockheed and Exxon, that have no ethnic corporate identity but are owned by shareholders of all races. (*New Republic*, 4/22/96)

Minority Scholarships

Clinton's Department of Education reversed a Bush administration policy forbidding colleges and universities receiving federal funds from offering scholarships available only to members of minority groups. "We want the doors open to post-secondary education to remain open for minority students," Education Secretary Richard W. Riley said, explaining the Clinton administration's decision to reinstate "race-exclusive" scholarships. (*The Baltimore Sun*, 2/18/94)

The Clinton Administration's Defense of the Status Quo

"Mend it, don't end it," said Clinton in July 1995, speaking on affirmative action. "Defend it" would have been a more appropriate response. The Clinton Administration has shown no sign of any intention to change the federal government's long-standing commitment to racial preferences and indeed has made every effort to preserve the status quo. Despite a series of constitutional rulings that challenge race-conscious public policy -- most notably the Supreme Court's decision in Adarand v. Pena -- the Clinton Justice Department has spent the last 12 months cleverly mapping a strategy to evade the law. Through a series of memo and public pronouncements over the course of a year, the executive branch has concocted an elaborate justification for sitting on its hands, leaving all color-conscious policies firmly in place. (Center for Equal Opportunity, 7/96)

Evading Changes to Federal Racial Preference Programs

- **Dole Congressional Research Study:** In late 1994, Senator Dole asked the Congressional Research Service to catalog all federal affirmative action

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programs. The request produced a shockingly long list of 168, despite the omission of Title VII and other statutory provisions that do not directly mandate race and gender preferences. (Center for Equal Opportunity, 7/96)

- **Clinton Orders White House Review:** In February 1995, in order to bide time on the growing momentum of the racial preference issue, Clinton ordered his own White House review of federal affirmative action programs. The report was to be written by Christopher Edley, Jr., Special Counsel to the President, and George Stephanopolous, Senior Advisor. (Center for Equal Opportunity, 7/96)

- ***Adarand v. Pena:*** On June 12, 1995, the Supreme Court handed down its decision in Adarand v. Pena. This decision established a "strict scrutiny" standard for federal government set-aside programs. Under this strict scrutiny standard, any minority set-aside program must serve "a compelling governmental interest" and must demonstrate that the program is "narrowly tailored to address identifiable past discrimination." Under the strictest of constitutional standards, it will be very difficult to justify any minority set-aside programs. (Empower America)

- **Results of the White House Review:** On July 19, a month after the *Adarand* decision, the White House review was released. However, the report, which was a brief on every federal affirmative action program, basically ignored the Supreme Court's holding. One would have thought that many of these programs, arising during many years under many different circumstances, would have to be abandoned or revised in light of the Supreme Court's decision in Adarand. But the report did not recommend the elimination of a single federal affirmative action program. (Center for Equal Opportunity, 7/96)

- **Clinton's Affirmative Action Speech:** On the day that the White House review was released, Clinton gave a major speech on affirmative action at the National Archives in Washington. Instead of taking the Supreme Court's decision to heart and calling a halt to federal programs which pit black against white and woman against man, Clinton tried to justify affirmative action programs. Clinton states that "Affirmative action has been good for America . . . . When done right, it is flexible, it is fair, and it works." In his speech, Clinton expressed his desire to "mend not end" federal preferences. (Center for Equal Opportunity, 7/96) The *Washington Post* called it a "full-throated endorsement of government preference programs." (*Washington Post*, 7/20/95)

- **The Administration's New *Adarand* Guidelines -- No Real Changes:** On May 23, 1996, in a memo written by Associate Attorney General John R. Schmidt, the Justice Department issued proposed rules on Adarand which explicitly stated that broad general racial preferences in federal contracting are justified, not to remedy prior proven discrimination by the federal government, but on the basis of prior congressional studies (as well as state and local studies) which reveal statistical disparities in allocation of government contracts. The Supreme Court rejected just these sorts of general studies as appropriate constitutional justification for race preferences in

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Adarand and in Richmond v. Croson, 109 S. Ct. 706 (1989), a case imposing strict constitutional scrutiny on a minority-contracting program enacted by the City of Richmond. In Croson, the Court said that "[A] generalized assertion that there has been past discrimination in an entire industry provides no basis for a legislative body to determine the precise scope of the injury it seeks to remedy." (109 S.Ct. at 723) "[A]n amorphous claim that there has been past discrimination in a particular industry cannot justify the use of an unyielding racial quota." (Id. at 724) **The new Justice Department guidelines, while recognizing that "generalized, historical societal discrimination in the country against minorities is an insufficient predicate for race-conscious remedial measures," rely upon precisely those factors to justify continuing race-conscious federal contracting programs.** Instead of pointing to some specific government-imposed injury which should be remedied through a narrow and temporary compensatory government program, the Justice Department concludes that historical societal "deficiencies in working capital, inability to meet bonding requirements, disabilities caused by an inadequate 'track record', lack of awareness of bidding opportunities, unfamiliarity with bidding procedures" all can justify specific federal racial preference programs. (Center for Equal Opportunity, 7/96)

- **A Year and a Half Later:** In effect, out of the 168 federal preference programs identified by the Congressional Research Service, the Clinton Administration singled out only one program -- the "rule of two" (a Defense Department procurement policy which allowed the Pentagon to remove a contract from competitive bidding any time there were at least 2 minority businesses eager to do the work) -- for change. **Every other federal preference program remains in place today, despite the Supreme Court's ruling in Adarand.** (Center for Equal Opportunity, 7/96)

Working in the Courts to Preserve Racial Preferences

The Clinton Justice Department has continued to use its authority to justify race-conscious action, in the name of diversity, despite candidate Clinton's vision of "one America" and the virtually unanimous refusal of every court to accept "diversity" as a rationale for race-based decision-making.

- **Race-Based Employment Decisions:** In the prominent Piscataway reverse discrimination case, the Clinton Justice Department was thrown out of court after trying to switch sides and defend reverse discrimination against a white teacher. In the trial court, the Bush Justice Department successfully represented the plaintiff, a white school teacher who was laid off solely because of her race in order to preserve "diversity" in the school faculty. On appeal, the Clinton Justice Department decided to switch sides and argue for the school board, thereby trying to strip the teacher of the victory already obtained for her by the Justice Department. The appellate court refused to allow this unprincipled (and perhaps unethical) action, and ordered the Justice Department to withdraw entirely from the case. (*USA Today*, 5/22/95; *The Washington Times*, 12/1/95; *Newsday*, 6/18/95)

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- **Gender-Based Employment Decisions:** In late 1993, the Justice Department's civil rights chief, Deval Patrick, brought suit against the North Carolina Department of Corrections, alleging a "pattern or practice" of discrimination against female applicants for prison guard positions. DoJ even pulled out an analysis showing a "statistical shortfall" of 618 female hires over a 10-year period (However, 618 divided by 10 years and 92 prisons amounts to 7/10's of a female applicant per prison per year). The state, trying to avoid a costly, protracted court battle, agreed to Patrick's consent order, which obligated them to, among other things, (1) hire female correctional officers "in numbers that reflect their availability in the labor market;" (2) create a $1.3 million "organizational structure" for Title VII compliance; and (3) set aside $5.5 million to provide up to 8 years of back pay to any woman who applied or "would have applied . . . but for her reasonable belief" that she would have suffered sex discrimination. But Patrick's ludicrous consent order was quickly struck down by Federal Judge Terrence Boyle, who declared that "Not only does the agreement appear to be unlawful and unreasonable, it is also doubtful the agreement comports with the constitutional requirement that male employees and prospective applicants be afforded the equal protection of the law." (Clint Bolick, *Wall Street Journal*, 4/17/96)

- **Race-Based Scholarships:** The Clinton Justice Department also argued unsuccessfully that "diversity" justified a race-based scholarship program at the University of Maryland. Although the appellate court found that the race-based program was not constitutionally justified, Judith Winston, General Counsel of the Department of Education, warned colleges and universities in September, 1995 not to revise "race-targeted aid programs." She wrote that the Clinton Administration believes that "race-based student aid is legal ... as a remedy for past discrimination or as a tool to achieve a diverse student body," despite rejection after rejection of this rationale as a justification for preferences. (Heritage Foundation, *Issues '96*)

- **Race-Based School Admissions:** The case of Hopwood vs. Texas, 78 F.3d 932 (5th Cir. 1996) is yet another example of the Clinton Administration's efforts to justify racial preference programs. In Hopwood vs. Texas, a significant affirmative action case involving quota admissions to the University of Texas Law School, the Fifth Circuit held that the law school had violated the Fourteenth Amendment by establishing a separate admissions committee for minority applicants, and by awarding minority applicants extra points in the admissions process. Significantly, the appellate court found that the goal of achieving a racially diverse student body was not a "compelling state interest" that could ever justify racial preferences. The Clinton Administration agreed that Texas had violated the Constitution by establishing a separate admissions process for minority applicants, concluding that all applicants must be able to compete for all available slots. **But the Justice Department, filing a brief with the Supreme Court, contended that the goal of achieving a racially diverse student body is a legitimate constitutional justification for a preferential program.** In the end, the Supreme Court declined to review the case. Nonetheless, the Clinton Administration's wholesale endorsement of racial engineering makes a

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mockery of President Clinton's goal of avoiding quotas. If the Justice Department is correct, every school in the United States can conclude that the benefits of a diverse student body are sufficient justification for a preference program. (Center for Equal Opportunity, 7/96; *The Washington Times*, 5/29/96)

Fighting State and Local Efforts to End Racial Preferences

The Administration has consistently opposed any state or local efforts to end race or sex-based preferential treatment programs. In particular, the Clinton Administration has taken a strong role against efforts in California to restrict race and sex-based preference policies, not considering the fact that the state government spends roughly $200 million a year on affirmative action and other race-based programs. (Heritage Foundation, Issues '96)

- **UC Board of Regents:** When the University of California Board of Regents voted to end reverse discrimination in the state's universities, the President's Chief of Staff, Leon Panetta, referred to the action as "a terrible mistake" and even called for a review of the $2.5 million a year the university system receives in federal funding. (*Sacremento Bee*, 7/27/95; *Ethnic Newswatch*, 12/22/95)

- **California Civil Rights Initiative:** Clinton opposes the California Civil Rights Initiative (CCRI), which would end state preferential policies. (*Sacremento Bee*, 6/27/96) CCRI states that "Neither the State of California nor any of its political subdivisions or agents shall use race, sex, color, ethnicity or national origin as a criterion for either discriminating against, or granting preferential treatment to, any individual or group in the operation of the State's system of public employment, public education, or public contracting."

Proposing New Quotas

In its legislative proposals as well, the Clinton Administration has consistently espoused race and sex quotas without regard to any principled justification for treating American citizens differently on the basis of race or sex.

- **Health Care Reform:** The Clinton health care bill contained provisions which would have required that health care workers throughout the United States achieve "sufficient racial, ethnic, gender, geographic and cultural diversity to be representative of the people" they serve. To this end, the legislation would have required government approval of the medical specialties that students could pursue based upon race and gender. Doctors in training would be assigned to the coveted specialty programs based partially on race and ethnicity, depending on how "underrepresented" each racial or ethnic group is "in the field of medicine in general and in the various medical specialties." (*The New Republic*, 2/7/94)

- **1994 Crime Bill:** Administration sponsored quotas in the crime bill would have required as a condition of federal funding that the Administration's

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midnight basketball leagues have statistical representation of all groups, including individuals who are HIV positive. (*News & Record*, 7/29/94)

Failing to Implement Veterans' Hiring Preferences

Long-standing programs giving preferences to veterans in federal hiring and promotions have been endangered in the Clinton Administration by a bureaucratic culture more interested in promoting diversity than protecting veterans' rights. Even in the White House and the President's Cabinet, veterans are severely underrepresented. Here are just a few facts:

- In 1994, veterans made up 28% of the federal workforce, down from 38% in 1984. (*The Washington Times*, 5/1/96)

- The FAA no longer considers veterans preference when downsizing. (*The Washington Post*, 5/3/96)

- A GAO study found that when veterans topped the list of qualified job applicants compiled by OPM, agencies returned the lists unused 71% of the time, compared with 51% of the time when veterans were not at the top. (*The Washington Times*, 5/1/96)

- According to a House Veterans' Affairs subcommittee, veterans represent just 4% of men in the Clinton White House and 19% of the Administration's top 900 political appointees. In the Bush Administration, by contrast, 36% of White House officials and 30% of top appointees were veterans. (*The Washington Times*, 5/1/96)

- According to a 1994 study using OPM figures, only 21% of the men appointed by Clinton to positions requiring Senate confirmation were veterans. In comparison, 30% of Bush appointees were veterans. Almost 50% of American males over age 35 are veterans. 64% of male Senators and 45% of male House members are veterans. (*Los Angeles Times*, 11/12/94)

- John Wheeler, a veteran instrumental in building the Vietnam Veterans Memorial noted that, with the exception of VA and Pentagon appointments, "of the first 213 men appointed to the other 12 cabinet agencies, only two are vets." (AP, 2/3/94)

- Over three years into the Administration, and only after considerable pressure by veterans' groups, did the Clinton Administration claim that it would even make an attempt to start enforcing veterans preferences in government hiring

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and promotion practices. On March 13, 1996, Clinton issued a memorandum to OPM and the Department of Labor, ordering the agencies to ensure that veterans receive the hiring and advancement opportunities that are already guaranteed to them by federal law. (BNA, 3/25/96)

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