

The original documents are located in Box 38, folder “Personnel - Conflict of Interest, Powell, John (5)” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.

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OFFICE OF
THE CHAIRMAN

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
WASHINGTON, D.C. 20506

March 18, 1975

Dear Jack:

This confirms our conversation of a month ago, during which I indicated the view that this agency could be managed much better through the use of about six more Schedule "C" positions at the level of GS-15 or above.

You will recall that you agreed with me and indicated that you would be getting back to me with a concrete way in which this could be done. I understand that it must go through the Civil Service mechanism; but I also understand that, with assistance from people at your level, it could be expedited.

It is my view, based upon the 15 months that I have had the privilege to serve as Chairman, that any Chairman must have people he or she can trust. Unfortunately, as you, your other colleagues in the White House, and Members of Congress and their staffs, know, that is not now the case.

There are a number of people who are highly dedicated and most trustworthy. These staff members are in a rather small minority.

I again solicit your assistance and that of your colleagues.

Best wishes.

Sincerely,

John H. Powell, Jr.
John H. Powell, Jr.
Chairman



Honorable John Shaw
Associate Director
Presidential Personnel Office
The White House
Washington, D. C.

cc: Honorable Phillip Buchen
Counsel to the President

*1.5. Phil any Chairman will need
people upon whom he or she
can rely. The President does also*

EE00

Tuesday 3/18/75

Meeting
3/18/75
1:00 p.m.

1:00 Mr. Buchen met with Chairman Powell and
Ed Morgan at 1 o'clock today (Tuesday 3/18).





EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
WASHINGTON, D. C. 20506

March 18, 1975

Honorable Gerald R. Ford
President
The White House
Washington, D.C. 20500

Dear Mr. President:

During the fifteen months that I have served as Chairman of this agency, it has been my privilege to participate in the ongoing effort to achieve equal employment opportunity for all Americans.

During this time substantial progress has been made in moving this Commission toward the efficiency, effectiveness and fairness that I know you want it to achieve. Unfortunately, this agency's problems have for too long been ignored. Despite this, recent commentary has focused upon superficialities. The underlying problems were addressed quite eloquently in a letter dated March 5, 1975, written by Clarence Mitchell to the Washington Post.

My interest in the problems falling within EEOC's mandate began long before December 28, 1973, the date upon which the commission designating me as Chairman was executed. During the 1960's, for example, I served as Special Counsel to the Southern Christian Leadership Conference and in 1963 I was one of many lobbying here in Washington for what eventually became the first comprehensive Civil Rights Act enacted during the Twentieth Century (the 1964 Civil Rights Act, as amended) of which Title VII is an intergal part.



My colleagues on this Commission and the EEOC staff, many of whom have given outstanding support, are justifiably proud of the many historic initiatives achieved during my Administration. These include the first industry-wide settlement obtained under Title VII.

As a result of these initiatives, there is a growing minority of thoughtful commentators who believe that EEOC has begun to show signs of becoming the effective law enforcement vehicle envisioned by Congress when Title VII was amended just a little less than three years ago.

Regrettably, this agency and particularly its present Chairman have become a focal point of controversy: controversy over the authority of this Office, controversy over whether progress such as that above-mentioned is, in fact, being made and controversy as to whether, in view of the continuing intense criticism, the public interest would be served by my continuing as the administrative head of this agency.

I recognize that the responsibility of this Office entails creating an atmosphere in which effective enforcement of Title VII can be achieved -- a task involving striking a delicate balance between forcefulness and evenhandedness. I would like to continue to devote, in whatever way possible, my energies in the effort to strike that balance in an optimal fashion. I have, therefore, reluctantly decided to, and hereby tender my resignation as the Chairman of this Commission at your pleasure. In addition, I also hereby tender my resignation as a Member of this Commission, effective April 30, 1975.

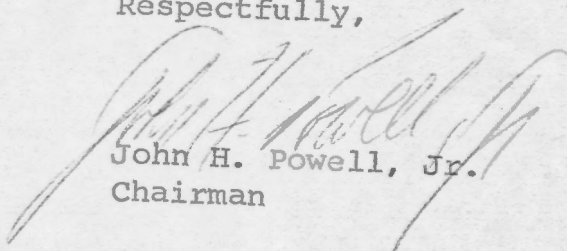
I do this not because I agree with the intense criticism leveled against this Office and this agency. Rather, my resignation as Chairman is offered in the hope that the current controversy will cease. Attention must now be focused on the important job that remains before all of us.



As indicated above, I will in the few weeks remaining assist in providing the new head of this agency with whatever guidance I can to aid in giving this Commission the continuity of leadership it deserves. Moreover, you have my assurance that, as a Commissioner, I will continue to serve you, the Congress and the people to the best of my ability. You also have my commitment that the new Chairman will have my unqualified support in his or her effort to maintain the present momentum towards effective enforcement of Title VII.

Finally, Mr. President, I wish to again thank you for your many courtesies and for the generous support extended by you over the last several months. It has indeed been a privilege to serve in your Administration. In this regard, I am pleased that you share my concern that the efforts of this and other agencies at the Federal, state and local level, will soon give rise to employment systems compatible with Title VII's mandate -- that there be equal employment opportunity for all Americans.

Respectfully,



John H. Powell, Jr.
Chairman



MARCH 19, 1975

Office of the White House Press Secretary

THE WHITE HOUSE

EXCHANGE OF LETTERS
BETWEEN THE PRESIDENT AND
JOHN H. POWELL, JR., CHAIRMAN
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

March 19, 1975

Dear John:

I have your letter dated March 18, and as you request, I accept your resignation as Chairman of the Equal Employment Opportunity Commission, effective today, and your resignation as a Commissioner, effective April 30, 1975. I appreciate your willingness to stay on as a Member of the Commission during the next month to assist in the orderly transfer of authority to the Acting Chairman and to provide a period of time in which a well-qualified nominee to replace you can be selected.

I want to take this opportunity to express my personal appreciation for your dedicated service to our Nation. Under your Chairmanship, the Commission has broken new ground, expanding the economic and social horizons of all our citizens. I know that this has been a particularly challenging time for the Commission, but your devotion to the goals of the Commission and to the present and future well-being of every American has not faltered. You have earned their thanks as well as my own.

As you depart the Equal Employment Opportunity Commission, I want you to know that you take with you my very best wishes for every future happiness and success.

Sincerely,

s/ GERALD R. FORD

The Honorable John H. Powell, Jr.
Chairman
Equal Employment Opportunity Commission
1800 G Street, N. W.
Washington, D. C. 20505

March 18, 1975

Honorable Gerald R. Ford
President
The White House
Washington, D. C. 20500



Dear Mr. President:

During the fifteen months that I have served as Chairman of this agency, it has been my privilege to participate in the ongoing effort to achieve equal employment opportunity for all Americans.

(MORE)

During this time substantial progress has been made in moving this Commission toward the efficiency, effectiveness and fairness that I know you want it to achieve. Unfortunately, this agency's problems have for too long been ignored. Despite this, recent commentary has focused upon superficialities. The underlying problems were addressed quite eloquently in a letter dated March 5, 1975, written by Clarence Mitchell to the Washington Post.

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(MORE)



Finally, Mr. President, I wish to again thank you for your many courtesies and for the generous support extended by you over the last several months. It has indeed been a pleasure to serve in your Administration. In this regard I am pleased that you share my concern that the efforts of this and other agencies at the Federal, State and local level, will soon give rise to employment systems compatible with Title VII's mandate -- that there be equal employment opportunity for all Americans.

Respectfully,

s/ John H. Powell, Jr.

John H. Powell, Jr.
Chairman

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MARCH 18, 1975

Office of the White House Press Secretary

EXCHANGE OF LETTERS
BETWEEN THE PRESIDENT
AND
THE HONORABLE WILLIAM A. CAREY
GENERAL COUNSEL
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

March 18, 1975

Dear Mr. Carey:

It is with sincere gratitude for your devoted service to our Nation that I accept your resignation as General Counsel of the Equal Employment Opportunity Commission, effective on this date, as you requested.

For nearly three years, you have directed the office of the General Counsel with energy, skill and a strong sense of purpose. Under your leadership, landmark decisions have been reached which have broadened the economic opportunities of all Americans and have effectively enlisted the positive assistance of employers in identifying and correcting discriminatory employment systems. Your personal contributions in this regard have been significant, and you have my heartfelt gratitude.

Now as you depart, I hope you will always look back with a special sense of satisfaction on your years with the Equal Employment Opportunity Commission. You have established a record of accomplishment in which you can take pride, and you leave with my best wishes for every success and happiness in the years ahead.

Sincerely,

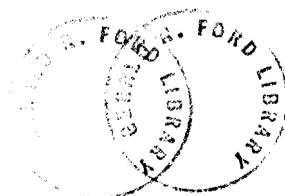
GERALD R. FORD

March 17, 1975

My dear Mr. President:

I hereby offer my resignation as General Counsel of the Equal Employment Opportunity Commission effective upon delivery of this letter to you.

more



It has been a privilege for me to serve in this capacity and to develop the legal staff of the Commission to its present size and to its present outstanding capabilities. At this time I have completed the responsibilities for recruiting a much enlarged staff of lawyers and establishing the policies and procedures to carry out the enforcement powers of the Commission on a broad scale.

The reason I am resigning now, and without delay, is to encourage immediate steps on the part of the Administration which will strengthen the composition of the Commission and increase the effectiveness of its work.

I wish to express my faith in the future of the Equal Employment Opportunity Commission because of your strong desire to advance the purposes for which it was created.

Sincerely,

William A. Carey
General Counsel

#



cy sent 3/20/75
Please send copy to Bill Walker P.

EEOC

Wednesday 3/19/75

6:10 John Powell gave me the following message for you:

"Thank you very much. I've had a talk with the new chairperson and she's very able. I offered her my unqualified support. She has accepted. I put the thing in writing -- in a memorandum to the Commissioners, in a memorandum to the staff, talked personally with the staff at 2401 E, and I'm leaving the office of General Counsel, having said the same thing, and I called Mr. Buchen to offer again my heartfelt thanks. I feel very relieved and intend to do my best as commissioner and then go into ^{private} practice effective May 1 -- that's six weeks from today. Thank you very much."



DRAFT

THE WHITE HOUSE
WASHINGTON

March 19, 1975

Dear John:

I have your letter dated March 18 and as you request, I accept your resignation as Chairman of the Equal Employment Opportunity Commission effective ^{today} ~~at once~~ and your resignation as a Commissioner ~~in 30 days~~ on April 30. I appreciate your willingness to stay on as a member of the Commission during the next month to assist in the orderly transfer of authority to the Acting Chairman and to provide a period of time in which a well-qualified nominee to replace you can be selected.

I want to take this opportunity to express my personal appreciation for your dedicated service to our Nation. Under your Chairmanship, the Commission has broken new ground, expanding the economic and social horizons of all our citizens. I know that this has been a particularly challenging time for the Commission, but your devotion to the goals of the Commission and to the present and future well-being of every American has not faltered. You have earned their thanks and my own.



As you depart the Equal Employment Opportunity Commission,
I want you to know that you take with you my very best
wishes for every future happiness and success.

Sincerely,

The Honorable John H. Powell, Jr.
Chairman
Equal Employment Opportunity
Commission
1800 G Street, N. W.
Washington, D. C. 20506



THE WHITE HOUSE
WASHINGTON

March 19, 1975

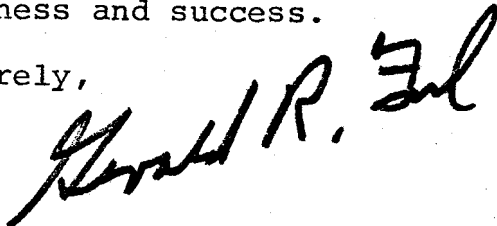
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I want to take this opportunity to express my personal appreciation for your dedicated service to our Nation. Under your Chairmanship, the Commission has broken new ground, expanding the economic and social horizons of all our citizens. I know that this has been a particularly challenging time for the Commission, but your devotion to the goals of the Commission and to the present and future well-being of every American has not faltered. You have earned their thanks as well as my own.

As you depart the Equal Employment Opportunity Commission, I want you to know that you take with you my very best wishes for every future happiness and success.

Sincerely,



The Honorable John H. Powell, Jr.
Chairman
Equal Employment Opportunity Commission
1800 G Street, NW.
Washington, D.C. 20506

THE WHITE HOUSE
WASHINGTON

May 2, 1975

MEMORANDUM FOR: JACK SHAW

FROM: PHILIP BUCHEN

T.W.B.

Attached is a memo made by my secretary concerning another complaint by John Powell. I hesitate to bother you with this, but it seems absurd for people remaining at the Commission office to exacerbate a difficult situation by refusing the common courtesy of referring calls.

Attachment

*Powell,
John*



Thursday 5/1/75

5:50 John Powell called. Said you will recall that he asked for 31 days. He deferred to the President and made his resignation effective April 30.

Now today, people who know his number at EEOC have called that number and he isn't even given the courtesy of having the calls referred -- it's just like he never was there. Thought they would at least say that Mr. Powell can be reached at -----

Mr. Powell can now be reached on 376-7376
U. S. Department of Labor
Patrick Henry Building
601 D Street, N. W.
Room 7004
Washington, D. C.

Said it's amazing the extent to which people go to be vindictive.

He has been busy clearing his records at EEOC for the last six hours.

He had a call in for Jack Shaw, since this morning, but he hasn't returned his call.



JOHN H. POWELL, JR.

5216 Wehawken Road
Washington, D.C. 20016
May 9, 1975

Honorable Jack Shaw
Special Assistant to
the President
The White House
Washington, D.C. 20500

Dear Jack:

I gather from the name on the envelope in which the President's picture was inserted that you played a role in obtaining the picture presented by Ed Morgan at the reception held for me a week ago yesterday.

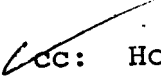
The comments inscribed thereon are especially appreciated. In addition, I am delighted to have the opportunity of spending the next several weeks evaluating ways in which Federal agencies having responsibilities in the equal employment opportunity field can perform their tasks more effectively.

Please express my thanks to the President.

Best regards,

Sincerely,


John H. Powell, Jr.

 cc: Hon. Philip W. Buchen



JOHN H. POWELL, JR.

5216 Wehawken Road
Washington, D.C. 20016
May 9, 1975

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

Dear Phil:

You will recall that during our recent luncheon conversation, I mentioned that for the last four years I served as a Government member of the Administrative Conference of the United States and expressed an interest in continuing that involvement.

The President does, I believe, have the authority to designate public members. If the number of public member vacancies on the Conference has already been filled, I would--especially in view of my present "transition" status--appreciate your assistance in seeing to it that some comparable designation is forthcoming on or about July 1, 1975, the date upon which I will be separated from Federal service.

My thanks again for your many courtesies during the last several weeks.

Best wishes,

Sincerely,



John H. Powell, Jr.

cc: Jack Shaw



THE WHITE HOUSE
WASHINGTON

*File Powell
check
Corresp.*

May 16, 1975

MEMORANDUM FOR: PHILIP BUCHEN
FROM: JOHN A. SHAW *JAS*
SUBJECT: John H. Powell

For your information, I have checked with Robin West and found that the first public member vacancy on the Administrative Conference will not arise until July 1976. This, obviously, is not going to be the solution to John Powell's problems.



THE WHITE HOUSE

WASHINGTON

May 29, 1975

John Powell

MEMORANDUM FOR: PHIL BUCHEN

FROM: BARRY ROTH *BR*

18 U.S.C. 207 contains the statutory restrictions on employment after leaving Government service. Basically, this statute provides that:

A former employee is permanently barred from acting as an agent or attorney for anyone other than the United States in connection with a particular matter in which the United States is a party or has an interest and in which he participated personally and substantially for the government.

A former employee may not for a period of one year after the termination of his government employment appear personally before any court, department or agency as agent or attorney for anyone other than the United States in connection with any particular matter in which the United States is a party or has an interest and which was under the official responsibility of the former staff member during the last year of his government service.

This statute also affects the circumstances under which a former employee may join or rejoin a firm which is engaged in his particular business. It makes it unlawful for a former employee to share in any fees received by the firm for services in relation to a particular matter, in which the United States is a party or has an interest, performed by the firm at any time during the period of his government employment. This is so even though the matter was not ever before his particular department or agency and did not come to his attention before his separation from the government.



The new firm member and the firm must make an arrangement whereby his share of its income is attributed to sources other than fees of the firm derived from activities covered by this prohibition.



case of a special Government employee who has served in such department or agency no more than sixty days during the immediately preceding period of three hundred and sixty-five consecutive days.

"Nothing herein prevents an officer or employee, if not inconsistent with the faithful performance of his duties, from acting without compensation as agent or attorney for any person who is the subject of disciplinary, loyalty, or other personnel administration proceedings in connection with those proceedings.

"Nothing herein or in section 203 prevents an officer or employee, including a special Government employee, from acting, with or without compensation, as agent or attorney for his parents, spouse, child, or any person for whom, or for any estate for which, he is serving as guardian, executor, administrator, trustee, or other personal fiduciary except in those matters in which he has participated personally and substantially as a Government employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or which are the subject of his official responsibility, provided that the Government official responsible for appointment to his position approves.

"Nothing herein or in section 203 prevents a special Government employee from acting as agent or attorney for another person in the performance of work under a grant by, or a contract with or for the benefit of, the United States provided that the head of the department or agency concerned with the grant or contract shall certify in writing that the national interest so requires.

"Such certification shall be published in the Federal Register.

Publication in
F. R.

"Nothing herein prevents an officer or employee from giving testimony under oath or from making statements required to be made under penalty for perjury or contempt.

§ 206. Exemption of retired officers of the uniformed services

"Sections 203 and 205 of this title shall not apply to a retired officer of the uniformed services of the United States while not on active duty and not otherwise an officer or employee of the United States, or to any person specially excepted by Act of Congress.

§ 207. Disqualification of former officers and employees in matters connected with former duties or official responsibilities; disqualification of partners

"(a) Whoever, having been an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, including a special Government employee, after his employment has ceased, knowingly acts as agent or attorney for anyone other than the United States in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest and in which he participated personally and substantially as an officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, while so employed, or

"(b) Whoever, having been so employed, within one year after his employment has ceased, appears personally before any court or department or agency of the Government as agent, or attorney for, anyone other than the United States in connection with any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter involving a specific party or parties in which the United States is a party or directly and substantially interested, and which was under



Publication in
F. R.

his official responsibility as an officer or employee of the Government at any time within a period of one year prior to the termination of such responsibility—

"Shall be fined not more than \$10,000 or imprisoned for not more than two years, or both: *Provided*, That nothing in subsection (a) or (b) prevents a former officer or employee, including a former special Government employee, with outstanding scientific or technological qualifications from acting as attorney or agent or appearing personally in connection with a particular matter in a scientific or technological field if the head of the department or agency concerned with the matter shall make a certification in writing, published in the Federal Register, that the national interest would be served by such action or appearance by the former officer or employee.

"(c) Whoever, being a partner of an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, including a special Government employee, acts as agent or attorney for any one other than the United States, in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the United States is a party or has a direct and substantial interest and in which such officer or employee of the Government or special Government employee participates or has participated personally and substantially as a Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or which is the subject of his official responsibility—

"Shall be fined not more than \$5,000, or imprisoned not more than one year, or both.

"A partner of a present or former officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia or of a present or former special Government employee shall as such be subject to the provisions of sections 203, 205, and 207 of this title only as expressly provided in subsection (c) of this section.

"§ 208. Acts affecting a personal financial interest

"(a) Except as permitted by subsection (b) hereof, whoever, being an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, including a special Government employee, participates personally and substantially as a Government officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest—

"Shall be fined not more than \$10,000, or imprisoned not more than two years, or both.

"(b) Subsection (a) hereof shall not apply (1) if the officer or employee first advises the Government official responsible for appointment to his position of the nature and circumstances of the judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter and makes full disclosure of the financial interest and receives in advance a written determination made by such



Thursday 5/29/75

12:50 Left a message for Barry that Mr. Buchen would like him to check on the legal restrictions on post-government employment. Advised that John Powell is requesting a meeting with Mr. Buchen in the next day or so to chat about the Boards he can join within the next month so that he can meet 2-3 times a year.



9:10 a.m.

Thursday, May 29

John Powell would like to come over today or tomorrow morning to chat with you about what Boards he can join within the next month or so that meets maybe 2-3 times a year.

He mentioned Jack Shaw but I'm not sure whether he wants Jack to sit in on the meeting or whatever.

shirley

Powell John

Thursday 5/29/75

12:50 Left a message for Barry that Mr. Buchen would like him to check on the legal restrictions on post-government employment. Advised that John Powell is requesting a meeting with Mr. Buchen in the next day or so to chat about the Boards he can join within the next month so that he can meet 2-3 times a year.

*Barry's memo of
5/29 filed
in "Conflict of
Interest"*



Wednesday 5/30/75

4:10

Jack Shaw said he had a call from John Powell. There were two people he wanted kept on. Shaw gave him no assurances. He indicated to him that if he didn't say yes, he (Powell) would call you.

Today is his last day and no one is quite sure whether he is going to leave the office or not. Today is his last act!

He wants to keep on Eric, Sonia and Ed Morgan.

Some of the people are very good and Shaw said they know about them, but it didn't seem to Shaw to be his province at all to tell the new Chairman who she should keep and who she should not.

Shaw said he isn't sure you're anxious to talk with Powell, but it might help to smooth things.



Powell, John

Friday 6/6/75

4:05 John Powell called to say he had sent a letter to you.
Said if a decision is going to be made, it will have to be
made in the next couple of days.

523-9071

Home: 229-0634

He has three more weeks over there.



THE WHITE HOUSE
WASHINGTON

*Powell,
John*

June 24, 1975

MEMORANDUM FOR:

WARREN RUSTAND

FROM:

PHILIP BUCHEN *P.W.B.*

SUBJECT:

Invitation to the President to
Address National Bar Associ-
ation during their Convention
in the city in August

If at all possible, I believe the President should respond to the invitation of the National Bar Association to address its 50th Anniversary Banquet on Friday, August 22.

In support of this invitation I enclose a copy of a letter from Mr. John Powell.

At the time ~~the~~ President accepted the Report of the Commission on Revision of the Federal Court Appellate System, there was general agreement that the President should in the near future address the subject of reforming or improving the Federal court system. Such an address would cover a much wider range of issues than that addressed by the Commission on Appellate System. It maybe that this group would provide a suitable audience for such an address.

cc: William Baroody
Ken Lazarus

Attachment



THE WHITE HOUSE

WASHINGTON

June 23, 1975

MEMORANDUM FOR:

PHILIP BUCHEN

FROM:

WARREN RUSTAND *WR*

SUBJECT:

Invitation to the President to address
National Bar Association during their
convention in the city in August

I would appreciate your comments and recommendation on this invitation to the President.

Thank you.



June 12, 1975

Dear Mr. Howard:

Mr. Baroody has forwarded your letter of May 28 requesting the President to address the banquet session of the 50th Annual Convention of the National Bar Association on Friday evening, August 22, 1975, at the Washington Hilton Hotel.

Your letter is being carried forward for careful consideration as the President's schedule for August is being worked out, and just as soon as it is possible we will be back in touch with you.

In the meantime, the President has asked that I thank you for your thoughtfulness of him and express to you his best wishes.

Sincerely,

William W. Nicholson
Deputy Director
Scheduling Office

Mr. Charles P. Howard, Jr.
President
National Bar Association
1500 American Building
Baltimore, Maryland 21202

2 cc's to Nancy Gemmell (sent)

✓ cc and incmg to Mary Widner for Aug. 22 cal. cons.

WWN:MHR:clm



CHARLES P. HOWARD, JR., ESQ.
1500 American Building
Baltimore, Maryland 21202
(301) 727-0340

NATIONAL BAR ASSOCIATION, INC.



Acting Director
CHARLES E. SMITH, ESQ.

May 28, 1975

Mr. William J. Baroody
Assistant to the President
White House
Washington, D.C.

Dear Mr. Baroody:

On August 17-23, 1975, the National Bar Association, Inc. will hold its 50th Annual Convention at the Washington Hilton Hotel, Washington, D.C. We are requesting that President Gerald Ford address the NBA 50th Anniversary Banquet on Friday, August 22, 1975 at approximately 7:30 p.m.

I need not give you details as to who the National Bar Association is other than we expect over half of all the black lawyers in the United States with their families from across the country, Canada, West Indies and Africa, to attend. We believe it will be an ideal platform for the President to address the minorities of America concerning his program for the next four years, especially as it relates to them.

The banquet is to be held in the main ballroom of the Washington Hilton Hotel, Washington, D.C. Additional details may be secured from the undersigned or Mr. Charles E. Smith, Director of NBA, 2109 E Street, N.W., Washington, D.C., phone No. 202-872-0097.

It is my view that Mr. John Powell, former Chairman of E.E.O.C. would be an appropriate person to present the President.

I would appreciate your earliest reply so that adequate preparations can be made.

Sincerely yours,
Charles P. Howard
Charles P. Howard, Jr.
President, NBA

50th Annual Convention - Washington, D. C. Hilton Hotel - August 17 to 23, 1975

CPHJr/cbl

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California
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- JOSEPH PORTER, ESQ.
California
- Region 33
- AL. CHARLES HILL, ESQ.
California
- Region 34
- HAL JOE T. WILKER, JR. ESQ.
California
- Region 35
- DONALD DEAR HALEY, ESQ.
Washington

Friday 6/6/75

4:05 John Powell called to say he had sent a letter to you.
Said if a decision is going to be made, it will have to be
made in the next couple of days.

523-9071

Home: 229-0634

He has three more weeks over there.

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U.S. DEPARTMENT OF LABOR

OFFICE OF THE SECRETARY

WASHINGTON

June 16, 1975

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

Dear Phil:

This is with further reference to my letter of June 5, 1975 with which was enclosed a copy of a letter to Bill Baroody from Charles Howard, President of the National Bar Association. The NBA Board of Directors would like to have President Ford address the banquet session of the NBA Annual Convention. The banquet session is scheduled for Friday, August 22, 1975 at 7:30 PM. The Convention will take place here in Washington at the Washington Hilton from August 17 through 23, 1975.

Mr. Baroody has answered Mr. Howard's letter advising that the NBA invitation has been forwarded to William W. Nicholson, the Deputy in the President's Scheduling Office. I gather that the President's schedule for August is now being formulated and that there is a distinct possibility that the NBA invitation may be honored.

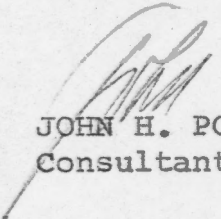
I certainly appreciate whatever assistance you may have been able to provide in response to my earlier letter. However, there continues to be considerable urgency vis a vis getting some of the details settled. For example, in addition to the invitation extended in his letter of May 28, 1975, Mr. Howard and the NBA Board of Directors would very much like to have a meeting arranged between President Ford and four or five of the key NBA officers. In the event it develops that a Presidential appearance is feasible and that a meeting such as suggested above can be arranged, a preliminary meeting between Mr. Howard and myself and appropriate White House staff ought also be scheduled for the purpose of working out details.



Needless to say, whatever assistance you may be in a position to provide in getting this project off the ground, would be appreciated.

Best wishes.

Sincerely,



JOHN H. POWELL, JR.
Consultant to the Secretary



U.S. DEPARTMENT OF LABOR
OFFICE OF THE SECRETARY
WASHINGTON

*Final
0 status*

June 5, 1975

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

Dear Phil:

Enclosed is a self-explanatory copy of a letter to Bill Baroody confirming an invitation being extended by the National Bar Association.

The NBA, as you may be aware, is the predominant national association of black lawyers. Its membership includes roughly 98% of the black lawyers in this country who are active practitioners. The current NBA president, Charles Howard, is an old college chum.

Last August Mr. Howard sought my assistance in getting President Ford as a speaker at this year's NBA convention. In the past, NBA conventions that have been held in Washington, D.C. have been addressed by the President. At my suggestion, Mr. Howard initially wrote directly to the President. To date no definite word as to whether the President may be in a position to honor the NBA's invitation has been received.

Mr. Howard recently contacted me again regarding this matter. Mr. Howard's staff needs to know as early as possible whether or not a Presidential appearance is a possibility. I therefore suggested that he write Bill Baroody. I believe that this is a matter falling within Bill's area of responsibility.

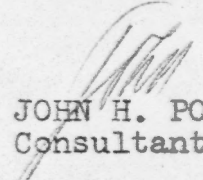
Should you think an appearance by the President is feasible, I am sure that Mr. Howard would very much



like to get in touch with either you or one of your
colleagues.

Best wishes.

Sincerely,


JOHN H. POWELL, JR.
Consultant to the Secretary

Enclosure



OFFICE OF THE PRESIDENT

NBA



CHARLES P. HOWARD, JR., ESQ.
1500 American Building
Baltimore, Maryland 21202
(301) 727-0340

NATIONAL BAR ASSOCIATION, INC.

Acting Director
CHARLES E. SMITH, ESQ.

May 28, 1975

W. GEORGE ALLEN, ESQ.
President, ESQ. Florida

CARROLL CHARACTER, ESQ.
2nd Vice-President, Ohio

ANDREW F. MACDONALD, ESQ.
3rd Vice-President, Texas

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ALLIE LATHAM WEEDEE, ESQ.
Secretary, Washington D.C.

WILHEMINA ROLARK, ESQ.
Assistant Secretary, Kansas

ARTHUR J. JOTNER, ESQ.
Treasurer, Florida

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Atlanta, Georgia

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Region 34
W. JAMES HILL, ESQ.
California

Region 35
HARRY T. MILLER, JR., ESQ.
California

Region 36
DONALD DEAN HANBY, ESQ.
Washington

Mr. William J. Baroody
Assistant to the President
White House
Washington, D.C.

Dear Mr. Baroody:

On August 17-23, 1975, the National Bar Association, Inc. will hold its 50th Annual Convention at the Washington Hilton Hotel, Washington, D.C. We are requesting that President Gerald Ford address the NBA 50th Anniversary Banquet on Friday, August 22, 1975 at approximately 7:30 p.m.

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It is my view that Mr. John Powell, former Chairman of E.E.O.C. would an appropriate person to present the President.

I would appreciate your earliest reply so that adequate preparations can be made.

Sincerely yours,

Charles P. Howard, Jr.
President, NBA

50th Annual Convention - Washington, D. C. Hilton Hotel - August 17 to 23, 1975

CPHjr/cbl

Powell
John

July 14, 1975

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

Dear Phil:


I am now at the point where I expect to be talking with senior partners in local law firms.

As I have indicated in our earlier discussions, the events that took place in March and April of this year created a very serious problem for me vis-a-vis whether these discussions will be successful. In order to counteract this problem I plan to take advantage of your offer to discuss those events with the one or two lawyers who may see those events as a problem.

Needless to say, I would certainly appreciate any assistance that you may be in a position to provide.

Best wishes.

Sincerely,


JOHN H. POWELL, JR.
Consultant



UNITED STATES COMMISSION ON CIVIL RIGHTS

Washington, D. C. 20425

Power John Powell

July 14, 1975

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

Dear Phil:

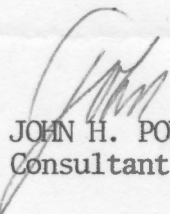
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Needless to say, I would certainly appreciate any assistance that you may be in a position to provide.

Best wishes.

Sincerely,



JOHN H. POWELL, JR.
Consultant



Jack Shaw returned your call and said you were right and that there will be nothing available until July 1976.



*Powell,
John*

THE WHITE HOUSE
WASHINGTON

July 18, 1975

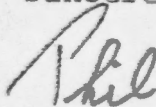
Dear George:

Many thanks for your note about John Powell. He has talked to me about his interest in becoming a member of the Administrative Conference but the Personnel Office advises me that there will be no vacancies for some time.

I have also explored the possibility of having John appointed to some other board or commission, but so far I have found nothing available which suits his interest and qualifications. In the meantime, I am urging him to proceed diligently in finding a position in the private sector and I will do what I can to help.

Best personal regards.

Sincerely,



Philip W. Buchen
Counsel to the President

The Honorable George P. Shultz
President
Bechtel Corporation
Fifty Beale Street
San Francisco, California 94105



George P. Shultz
President

Bechtel Corporation
Engineers - Constructors
Fifty Beale Street
San Francisco, CA 94105

Powell
John

July 14, 1975

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

Dear Phil:

John Powell has asked me to write in support of his interest in becoming a public member of the Administrative Conference of the United States. I believe he has discussed this with you.

I dealt with John before his EEOC experience and found ~~him~~ to be a sincere and dedicated man. I know he is anxious to serve and to establish his credentials with the Administration and as a lawyer. Anything you can do to advance his name for this or some other position where his experience can be utilized would, I know, be very much appreciated by John.

With my very best regards.

Sincerely yours,

GPS

George P. Shultz

GPS/z



Thursday 3/20/75

12:55 Chairman Powell called to say he had sent a letter and there was an error on it. The last word was "desire" and he asked me to add an "s", which I have done.

Also wanted you to know that he looks forward to seeing you next week.

(Reiterated what he had said in the letter.)
Said he will work as a Commissioner with the people at EEOC and help them in the way he hasn't been helped and maybe they can take care of some of the problems the Commission has. He's much happier being a Commissioner than a Chairman.



3/19



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
WASHINGTON, D.C. 20506
March 19, 1975

Dear Phil:

Enclosed for your information are self-explanatory copies of memoranda forwarded by me on my last day as Chairman. Thanks again for your kindness and generosity.

You know that Ethel Bent Walsh as the new Chairperson not only has my best wishes but my unqualified support during the next six weeks and -- as I have indicated -- whenever she or the new Chairman thereafter desires.

Sincerely,

A handwritten signature in dark ink, appearing to read "John", is written over the typed name below.

John H. Powell, Jr.
Chairman

Enclosures

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





OFFICE OF
THE CHAIRMAN

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
WASHINGTON, D.C. 20506

March 19, 1975

MEMORANDUM TO: Commissioner Colston A. Lewis
Commissioner Ethel Bent Walsh
Commissioner Raymond L. Telles

FROM: John H. Powell, Jr.
Chairman

A handwritten signature in black ink, appearing to read "John H. Powell, Jr.", written over the typed name.

Attached for your information are copies of my letter of resignation effective today as Chairman and effective April 30, 1975, as a Commissioner.

I am sure that each of you recognize that the past three weeks have been most painful for me and most traumatic for the Agency. Though some of you may disagree, I have always done my level best to avoid rancor in keeping both Commissioners and staff focused on the broad policy questions that this agency -- even now -- is encountering.

My congratulations are hereby extended to the new Chairperson, Ethel Bent Walsh, who has -- in keeping with my commitment to the President -- my unqualified support.

Attachment





OFFICE OF
THE CHAIRMAN

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
WASHINGTON, D.C. 20506

March 19, 1975

MEMORANDUM TO: Senior Staff

FROM: John H. Powell, Jr.
Chairman

A handwritten signature in dark ink, appearing to read "John H. Powell, Jr.", written over the typed name in the "FROM:" field.

Attached are copies of my letter of resignation as Chairman of this agency effective today and as Commissioner effective April 30, 1975, together with a copy of the President's letter of acceptance.

The past three weeks have been most painful for me and most traumatic for this agency. Each of you know, however, that I have always had the highest aspirations for the Equal Employment Opportunity Commission. Moreover, I have not given up one iota in terms of these aspirations.

I have talked with the new Chairperson. She has accepted my offer to provide her with my unqualified support during the six weeks remaining that I have the privilege of serving as a Commissioner.

Most of you have seen the transition from one Chairman to another before. Each of you who, because of your Civil Service status, were here before any of the present Commissioners were appointed and will in all likelihood be here when each of us -- the Commissioners -- will be gone, must provide Ethel Bent Walsh with the very best in terms of your experience and in terms of your technical competence.

The new Chairperson is a most competent person. She shares with me and the other Commissioners the concern that this agency emerge as the effective law enforcement vehicle envisioned by those members of Congress who voted for the 1964 Civil Rights Act, as amended, and, in turn, also voted for the 1972 Amendments to the Act.



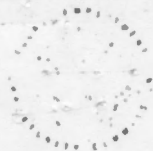
Those offices within headquarters staff whose job it is to provide support services must now finally recognize the limited, though critical, role they play in providing these support services to both headquarters and the field.

The "paper tiger" image which inflicted this agency for far too long is passe. Emerging under new forceful, sensitive and able leadership is the EEOC that will play the key role in making a reality out of the mandate contained in Title VII -- that equal employment opportunity - irrespective of race, color, sex, national origin or creed - become a reality for all Americans. The sooner the better.

In leaving, I carry with me friendships which are lifelong. Best wishes to all of you and please accept my sincere thanks to those of you who have provided me -- in the finest tradition of the government service -- with loyalty and support.

Attachments





OFFICE OF
THE CHAIRMAN

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
WASHINGTON, D. C. 20506

March 18, 1975

Honorable Gerald R. Ford
President
The White House
Washington, D.C. 20500

Dear Mr. President:

During the fifteen months that I have served as Chairman of this agency, it has been my privilege to participate in the ongoing effort to achieve equal employment opportunity for all Americans.

During this time substantial progress has been made in moving this Commission toward the efficiency, effectiveness and fairness that I know you want it to achieve. Unfortunately, this agency's problems have for too long been ignored. Despite this, recent commentary has focused upon superficialities. The underlying problems were addressed quite eloquently in a letter dated March 5, 1975, written by Clarence Mitchell to the Washington Post.

My interest in the problems falling within EEOC's mandate began long before December 28, 1973, the date upon which the commission designating me as Chairman was executed. During the 1960's, for example, I served as Special Counsel to the Southern Christian Leadership Conference and in 1963 I was one of many lobbying here in Washington for what eventually became the first comprehensive Civil Rights Act enacted during the Twentieth Century (the 1964 Civil Rights Act, as amended) of which Title VII is an intergal part.



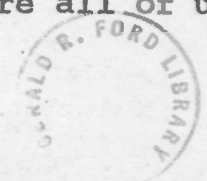
My colleagues on this Commission and the EEOC staff, many of whom have given outstanding support, are justifiably proud of the many historic initiatives achieved during my Administration. These include the first industry-wide settlement obtained under Title VII.

As a result of these initiatives, there is a growing minority of thoughtful commentators who believe that EEOC has begun to show signs of becoming the effective law enforcement vehicle envisioned by Congress when Title VII was amended just a little less than three years ago.

Regrettably, this agency and particularly its present Chairman have become a focal point of controversy: controversy over the authority of this Office, controversy over whether progress such as that above-mentioned is, in fact, being made and controversy as to whether, in view of the continuing intense criticism, the public interest would be served by my continuing as the administrative head of this agency.

I recognize that the responsibility of this Office entails creating an atmosphere in which effective enforcement of Title VII can be achieved -- a task involving striking a delicate balance between forcefulness and evenhandedness. I would like to continue to devote, in whatever way possible, my energies in the effort to strike that balance in an optimal fashion. I have, therefore, reluctantly decided to, and hereby tender my resignation as the Chairman of this Commission at your pleasure. In addition, I also hereby tender my resignation as a Member of this Commission, effective April 30, 1975.

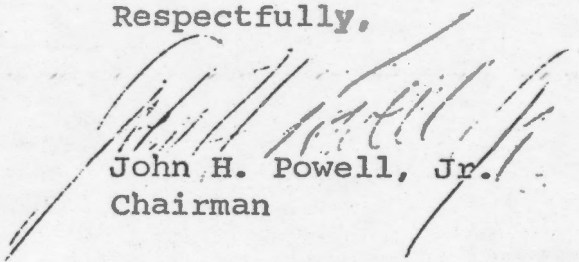
I do this not because I agree with the intense criticism leveled against this Office and this agency. Rather, my resignation as Chairman is offered in the hope that the ~~current controversy will cease~~. Attention must now be focused on the important job that remains before all of us.



As indicated above, I will in the few weeks remaining assist in providing the new head of this agency with whatever guidance I can to aid in giving this ~~Commission the continuity of leadership it deserves.~~ Moreover, you have my assurance that, as a Commissioner, I will continue to serve you, the Congress and the people to the best of my ability. You also have my commitment that the new Chairman will have my unqualified ~~support in his or her effort to maintain the present~~ momentum towards effective enforcement of Title VII.

Finally, Mr. President, I wish to again thank you for your many courtesies and for the generous support extended by you over the last several months. It has indeed been a privilege to serve in your Administration.... In this regard, I am pleased that you share my concern that the efforts of this and other agencies at the Federal, state and local level, will soon give rise to employment systems compatible with Title VII's mandate -- that there be equal employment opportunity for all Americans.

Respectfully,



John H. Powell, Jr.
Chairman



THE WHITE HOUSE
WASHINGTON

March 19, 1975

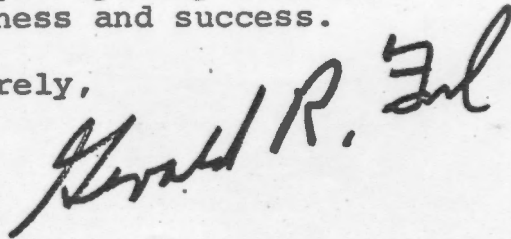
Dear John:

I have your letter dated March 18, and as you request, I accept your resignation as Chairman of the Equal Employment Opportunity Commission, effective today, and your resignation as a Commissioner, effective April 30, 1975. I appreciate your willingness to stay on as a member of the Commission during the next month to assist in the orderly transfer of authority to the Acting Chairman and to provide a period of time in which a well-qualified nominee to replace you can be selected.

I want to take this opportunity to express my personal appreciation for your dedicated service to our Nation. Under your Chairmanship, the Commission has broken new ground, expanding the economic and social horizons of all our citizens. I know that this has been a particularly challenging time for the Commission, but your devotion to the goals of the Commission and to the present and future well-being of every American has not faltered. You have earned their thanks as well as my own.

As you depart the Equal Employment Opportunity Commission, I want you to know that you take with you my very best wishes for every future happiness and success.

Sincerely,



The Honorable John H. Powell, Jr.
Chairman
Equal Employment Opportunity Commission
1800 G Street, NW.
Washington, D.C. 20506



*Powell
John*

Monday 3/24/75

**Meeting cancelled
3/25/75
2:30 p.m.**

**1:00 In view of your many meetings with John Powell,
I called and cancelled the meeting for tomorrow at 2:30 p.m.
which had been scheduled on March 7th.**



Wednesday 4/2/75

7:15 John Powell called. Said they have taken his files away from him. He doesn't want to have a confrontation with the Acting Chairman. 634-1998
634-1565

Wants to talk with you about the unavailability of his files.

Residence: 229-0634



4/16/75

Powell
John

4/22/75
1 p.m.

7:10 I reached John Powell and told him you had wanted to call yourself but had asked me to invite him to lunch on Tuesday 4/22 at 1 o'clock at the Hay Adams.

He was very pleased and will meet you there. (Indicated that was the day of the Commission meeting but he would advise the Acting Chairman that he had a luncheon engagement that he wished to keep. I suggested we could change it to a different day, but he preferred to stay with Tuesday 4/22.



*Powell
John*

Wednesday 4/16/75

6:35 John Powell called again. He is leaving this evening to go to New York -- but can be reached until about 7 p.m. this evening. At home

229-0634

He can be reached later this evening at the Americana or tomorrow.

He wants very much to have you know that he appreciates the appointment with John Dunlop on Monday.

He has a \$12 million disagreement with OMB over what EEOC should have.

Would like to have lunch with you one day early next week.



Powell
John

Wednesday 4/16/75

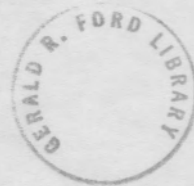
8:50 John Powell called to talk with you. He's at home.
Can be reached there until 10:30 or so --- and would
be in his office by 11:30.

229-0634

Would like to have breakfast or lunch at some point
at your convenience.

Also wanted to thank you very much -- he has an audience
scheduled with Secretary Dunlop for next Monday at 11:30.

And is on his way back to the private sector.



EEOC

April 29, 1975

MEMORANDUM FOR: JACK SHAW

FROM: PHILIP BUCHEN

John Powell called me on April 28 to advise that Alice Helm at HEW is singularly qualified to become Director of the National Programs Division of EEOC. However, he believes that unless she is approached about taking this position very soon, she may very well accept one of other new positions which she is being offered. You may want to put this information into your contacts at the Commission.





EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
WASHINGTON, D.C. 20506

For filing

April 30, 1975

Mr. John A. Shaw
Associate Director
Presidential Personnel Office
The White House
Washington, D.C. 20500

Dear Jack,

It was just a few months ago when we first met in your office to discuss problems of mutual concern to the Office of the Chairman and the White House personnel staff.

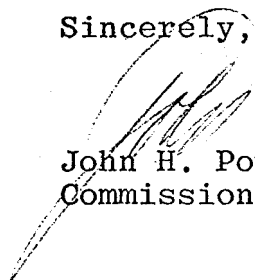
During that time, you have always been a person upon whom I could count, particularly with respect to important matters about which I have indicated a special concern.

As you know, Eric P. Serna and Sonia Arriola have demonstrated competence far beyond their present grade level. Equally important is that they have both, in addition, been very loyal to me -- during my tenure as Chairman as well as the last six weeks during which it has been my privilege to serve as an EEOC Commissioner. My request made in their behalf stems, however, not merely from their personal loyalty to me; rather, it rests upon sound personnel and management principles mandating promotion of persons in accordance with their performance.

Needless to say, any assistance you can provide would be greatly appreciated.

Best wishes,

Sincerely,


John H. Powell, Jr.
Commissioner

✓ cc: Philip W. Buchen





EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
WASHINGTON, D.C. 20506

April 30, 1975

Dear Mr. Secretary:

I am looking forward with great anticipation to working with you and members of your staff in connection with the opportunity being afforded me to act as a consultant with you.

I have not yet had an opportunity to see the office that has been provided for me; however, one of my Special Assistants was over there today and indicated that it will certainly prove to be most satisfactory.

I gather that you were not privy to the circumstances that gave rise to my resignation as Chairman last March 19 and my subsequent deferral to the views of some members of the White House staff that I should also step down as an EEOC Commissioner. In any event, there are a number of open invitations that remain open to me and would enhance the efforts that I will be undertaking as your consultant. In this regard, I would very much appreciate discussing with you or one of your Special Assistants my views regarding which of these invitations I should or should not honor.

Enclosed for your information is a self-explanatory copy of the letter I am sending to Dr. Howard Thurmond a person I would like to spend some time with in connection with my new responsibilities.

Based upon my discussions with Assistant Secretary Fred Clark, I will be taking the balance of this week off for the purpose of taking care of some matters that require my personal attention. In accordance with the understanding reached with Mr. Clark I will report to work Monday morning, May 5, 1975. Meanwhile I can be reached at my home:

5216 Wehawken Road, N.W.
Washington, D. C. 20016

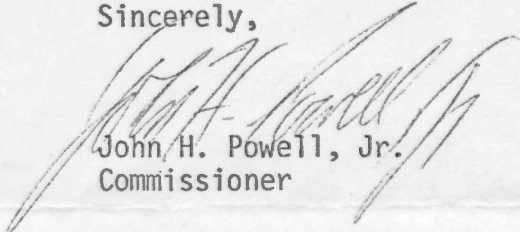
My phone number is: (301) 229-0634.



Your staff has been most courteous and cooperative in getting me located. I am looking forward to an interesting experience as your consultant.

Best wishes.

Sincerely,


John H. Powell, Jr.
Commissioner

Honorable John P. Dunlap
Secretary of Labor
U.S. Department of Labor
Washington, D. C. 20210

cc: Honorable Fred Clark

bcc: Philip W. Buchen





EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
WASHINGTON, D.C. 20506

file

April 30, 1975

Dear Dr. Thurmond:

This confirms our phone conversation today about my request with regard to obtaining the benefit of your views, particularly insofar as a discussion with you would provide an additional frame of reference for my new responsibility as a consultant to Secretary of Labor, John P. Dunlap.

As you know, any travel undertaken during the period of my consultanship is subject to the approval of Secretary Dunlap; however, though I have not yet discussed this particular aspect of my consultancy activities with him, I have had the opportunity to talk with him generally about the duties encompassed by my new responsibility. I am, therefore, quite hopeful that the Secretary will approve my plans to spend a few days with you in San Francisco.

In view of your crowded schedule during the next three weeks, I appreciate your willingness to set aside a full day sometime during the period between approximately May 28, and June 7, 1975. After I have had a chance to discuss this matter with either Secretary Dunlap or one of his assistants, I will be back in touch with you for the purpose of fixing a firm date.

Thanks again for your willingness to see me sometime during the time above indicated.

Best wishes.

Sincerely,

John H. Powell, Jr.
John H. Powell, Jr.
Commissioner

Dr. Howard Thurmond
222 Columbus Avenue
San Francisco, California 94133



cc: Honorable John P. Dunlap

bcc: Philip W. Buchen



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
WASHINGTON, D.C. 20506

April 30, 1975

For filing.

Dear Phil:

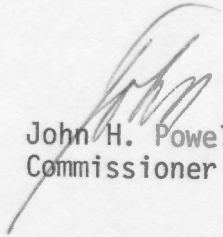
I am enclosing, for your information, copies of letters which you may not have yet seen.

As you can see, there are those who believe that had it not been for the destructive leaks emanating, in large measure, from senior EEOC staff, this agency might now be well on its way toward playing a more effective role in lessening the extent to which current economic conditions continue to have a grossly disparate impact on women and minority employees.

While this unfortunate occurrence cannot be undone, I am sure you will agree that steps designed to enable EEOC to function more effectively ought now be well underway. I am, of course, available to provide such assistance as may be appropriate.

Best regards.

Sincerely,


John H. Powell, Jr.
Commissioner

Enclosures

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





UNIVERSITY OF DENVER

COLORADO SEMINARY

DENVER, COLORADO 80210

OFFICE OF THE CHANCELLOR
303-753-2111

March 19, 1975

REC'D EXECUTIVE DIRECTOR'S OFFICE
DATE MAR 25 1975

Mr. Harold S. Fleming
Acting Executive Director
Equal Employment Opportunity Commission
Washington, D. C. 20506

Dear Mr. Fleming:

I am glad to have your letter of 10 March, enclosing articles about EEOC in various publications, together with the letter from Clarence Mitchell of NAACP.

I associate myself vigorously with Mr. Mitchell. Some of his observations are long overdue, and I refer in particular to his suggestion that the White House open up more better and more visible lines of communication with this essential agency.

As you may know, I served for five years as a member of the U. S. Commission on Civil Rights, where insulation from and lack of communication with the White House often seemed to me to give encouragement to those who would delay or hamper the implementation of the various Civil Rights Laws and Executive Orders. There are other similarities between the Commission on Civil Rights and Equal Employment Opportunity Commission: Mr. Mitchell points to their newness (as agencies and commissions go) and their dependence on understanding and support from other federal agencies. This has generally not been forthcoming.

It is also interesting to remember that Rev. Theodore Hesburgh of Notre Dame resigned his chairmanship of the Civil Rights Commission as a result of flimsy and unsupported attacks from within the federal establishment. Perhaps the game is to make this sort of leadership intolerable, to harass and debilitate those who head the more potent Civil Rights agencies. One can speculate on who would follow Mr. Powell at EEOC, the message being what is, and what this process of intimidation really means for the larger aspirations of those in our society who would like to see the Civil Rights preliminaries long behind us.

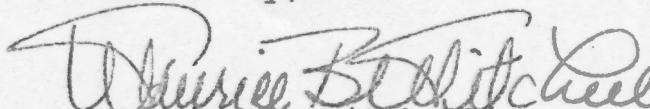


March 19, 1975

As Mr. Mitchell says: "...all who are familiar with the problem of employment discrimination know that the nation is only in the early stages of making a successful attack on this problem." One would hardly believe that The Washington Post or EEOC agency staffers are sensitive to this.

Finally, I should say that I had the pleasure of participating in the selection of John Powell as General Counsel of the Commission on Civil Rights, and of working with him on some demanding assignments. He may "come on strong" (I gather that this is a trait we are not yet ready to accept in blacks) but he is doing the work of the Lord. I think this entitles him to a great deal of latitude in the difficult task which is his.

Sincerely,



Maurice B. Mitchell

dc

cc: Mr. John Powell
Mr. Clarence Mitchell





EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
DALLAS REGIONAL OFFICE

1100 COMMERCE STREET, ROOM 5A4
DALLAS, TEXAS 75202

March 26, 1975

AREA CODE 214
749-1841

Commissioner John H. Powell, Jr.
Equal Employment Opportunity Commission
2401 E Street, N.W.
Washington, D.C. 20506

Hermano:

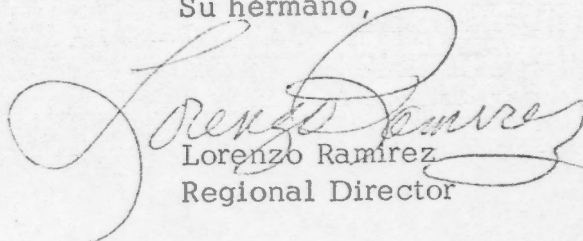
I want to express my regret related to your leaving the position of Chairman of the Equal Employment Opportunity Commission. I, for one, can attest to the leadership that was exhibited by you during your tenure in the position of Chairman. Those of us in the field will always give credit where it is due. Thus we know that this credit has to be directed to you for your continuous support and relentless work that motivated and activated the entire agency.

All of us in the field know that Chairman Powell helped the Commission move ahead and set goals beyond previous imagination and supported processes that made it possible to attain goals once considered beyond our reach.

Hermano, we in the Dallas Region will always be ready to lend our support to you whenever you need us. Please do not allow yourself to become a stranger, remember us and communicate with us if you have an opportunity.

Hasta la vista y muy buena suerte.

Su hermano,


Lorenzo Ramirez
Regional Director





EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SUITE 1717, NATIONAL BUILDING
505 MARQUETTE N. W.
ALBUQUERQUE, NEW MEXICO 87101

AREA CODE 505

843-2061

April 18, 1975

Mr. John H. Powell, Jr.
Commissioner
Equal Employment Opportunity Commission
Columbia Plaza
2401 E Street, N.W.
Washington, D. C. 20506

Dear Commissioner Powell:

I thought you would like to know that the Albuquerque District Office will in all probability achieve the zero-growth you mandated as Chairman. It is also being predicted that the Dallas Region will do likewise.

It was your mandate of zero-growth that led to the many innovative compliance projects, such as the Dallas Region's Rapid Service Program, etc., that have produced the results we are now experiencing. It is also to your credit that these achievements grew out of the trust and confidence you extended to the field offices. But more than anything, it was your emphasis on production and your support of field management that gave impetus to the resulting accomplishments.

If these policies and support of the field continue, I am confident that backlog will continue to diminish and be a thing of the past.

Best wishes and good luck in your future endeavors.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tom".

TOM E. ROBLES
District Director





BIRMINGHAM DISTRICT OFFICE
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
2121 8TH AVENUE, NORTH
BIRMINGHAM, ALABAMA 35203

April 8, 1975

The Honorable John H. Powell, Jr.
U. S. Equal Employment Opportunity Commission

Dear John:

I expect that we will continue to work for the same social goals in the future and want you to know I am thinking of you and hope that we will see each other again. I am saddened by your departure from EEOC.

I have very much appreciated your emphasis on confronting the enormity of the backlog and at the same time maximizing our impact on discrimination. You have imbued the agency with an appropriate sense of urgency.

Though I have only met you twice, at the conferences last year in Santa Monica and Atlanta, I also much appreciate having had an opportunity to know you personally.

You have always expressed kindness to me. Perhaps if it were not for you, I would not be in Birmingham now, and I am very glad to be here, though the work to be done is enormous.

I am sure that your contributions to the U. S. Equal Employment Opportunity Commission have been great, and that your future contributions to the work we both believe in will be significant and invaluable. My best wishes will be with you.

Sincerely yours,

Evelyn Falkowski

Evelyn Falkowski

District Director

Birmingham District Office





DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, D. C. 20410

OFFICE OF THE ASSISTANT SECRETARY
FOR ADMINISTRATION

March 6, 1975

IN REPLY REFER TO:

Mr. John H. Powell, Jr.
Chairman
Equal Employment Opportunity Commission
2401 - E Street, N. W.
Washington, D.C. 20506

Dear John:

Ed Morgan and Al Golob have kept me informed as to your progress of getting a guideline out dealing with the lay-off problem. Yesterday Al advised me that you and Blumrosen were engaged in a discussion with Bill Carey as to whether the Blumrosen "work-sharing" proposal or the position taken by the Commission in the Watkins case should be the thrust of the guideline. Both Al and Ed feel that I might be of some assistance to you by addressing a letter to you indicating my views on this matter, thus this presumptuous letter.

As you know from my previous communications to you, I have had the same concern Blumrosen has that the Commission not act in a manner that compels the labor unions, particularly AFL-CIO, to take antagonistic positions to the Commission and its cause; and, that to the extent the Commission is compelled by its interpretation of Title VII to take a position that is inconsistent with the unions, the Commission should manifest its position through its decisions on specific cases and in its court actions. I also urged that it establish its principles in the courts rather than in the public forum.

Since providing you the above advice, you have chosen the path of developing guidelines to influence both the course of employment practices and hopefully the decisions of the courts. In view of the precedent of the guidelines on hiring practices which were given such high attention by the courts in Griggs and other like cases, your choice of using guidelines seems to me to be the best among those alternatives which the Commission initiatives might take outside the courts.



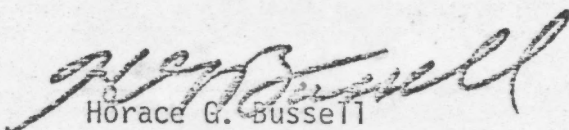
2.

I would like now to join the Blumrosen thesis that "work-sharing" offers not only a way employers and unions may avoid having to litigate a resolution of the issue as to whether a lay-off system constitutes a violation of Title VII (I assume it does) but it also provides an alternate reasonable remedy after a determination is made by a court that a lay-off practice violates Title VII. The work-sharing proposal has the virtue that while all lose something, no one loses everything. This characteristic is not true of the Watkins remedy. However, the Watkins remedy it seems to me is a reasonable one and well within the courts discretion once it has determined that discrimination has existed. I think the courts could equally and reasonably impose some form of work-sharing as a remedy without violating their discretion.

Consequently, I do not see the incompatibility between the position the Commission must take in the Watkins case and the proposal for work-sharing (Blumrosen proposal). Without Watkins and the remedies imposed there, there would be little incentives for either unions or employers to adopt the work-sharing plan. The real merits of the work-sharing plan is that it offers an opportunity for employers and unions to find an equitable solution short of coming into violation with the law. The Commission therefore, should pursue vigorously the position that it has taken in the Watkins case but provide in its guidelines an option to employers and unions by which they can avoid the consequences of the Watkins case.

I am sure that you already know all of the above but if you find it of any use, I am glad to have been of service. Feel free to use this letter any way you see fit.

Sincerely,



Horace G. Bussett
Director
Office of Organization and
Management Information





EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
WASHINGTON, D.C. 20506

April 28, 1975

Dear Clarence:

During our phone conversation last week I got the impression that despite the fact that the budgetary difficulties which plagued EEOC long before I assumed the office of Chairman were corrected pursuant to directives promulgated by me as early as October, 1974, there are some who may continue to have an inaccurate picture of EEOC's present fiscal situation.

It was fully two months after I assumed the Chairmanship -- in March, 1974 -- that I first became aware that I had inherited a variety of systems and management problems in the accounting and budgeting area. It is well documented that I subsequently advised staff to take corrective action. Moreover, had my directions been followed, the FY 1974 deficiency could possibly have been avoided.

As was indicated in my March 5, 1974 testimony before the House Appropriations Subcommittee hearing on the Commission's FY 1974 funds deficiency corrective action was initiated, as above mentioned. To avoid any risk of future deficits, I authorized the implementation of initiatives in the accounting and budgeting areas -- initiatives designed to preclude a repetition of the fiscal mismanagement that existed prior to my assuming the position of Chairman. These fiscal controls became fully operational by the end of last month.

With regard to the current financial picture here at EEOC, pursuant to my directives, a series of belt-tightening and firm fund control measures were taken during the second and third quarters of this fiscal year. In addition, I am advised that, the Acting Chairman, Ms. Ethel Bent Walsh, is diligently continuing these controls and that EEOC's financial situation continues to be under firm control.

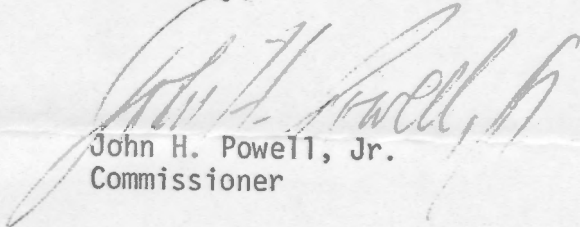
Accordingly, absent a departure from the controls established during my tenure, there is every likelihood that EEOC will experience no deficit in the current fiscal year. In short, by the end of March, 1975, this agency's fiscal house has been, and continues to be, in order.



Needless to say, I appreciate your bringing these questions to my attention.

Best regards.

Sincerely,


John H. Powell, Jr.
Commissioner

Honorable Clarence Mitchell
Director
National Association for the
Advancement of Colored People
The Woodward Building
733 15th Street, N.W., Suite 410
Washington, D. C. 20005

cc: Philip W. Buchen ✓
John O. Pastore
Harrison A. Williams
Jacob K. Javits
John M. Slack
Louis Stokes
Yvonne B. Burke
Augustus F. Hawkins

