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THE WHITE HOUSE

WASHINGTON

June 25, 1976

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR: JIM CANNON  
FROM: JIM CONNOR *JEF*  
SUBJECT: "Quotas" in Academic Hiring

The attached memorandum from Robert Goldwin was returned in the President's outbox with the following notation:

"Have Bob Goldwin's facts checked.

I like his suggestion that HEW be asked to report present status."

Please follow-up with appropriate action.

cc: Dick Cheney

THE WHITE HOUSE  
WASHINGTON

Dick Cheney)

Have Bob's fact  
checked.

I like his suggestion  
that H E W. be asked  
to report present status.

THE WHITE HOUSE  
WASHINGTON

TO: Dick Cheney  
FROM: ROBERT GOLDWIN *RJG*

COMMENTS:

I did this alone. The President may want to ask Jim Cannon to check the facts. I have all of the documents cited in the memo.

THE WHITE HOUSE

WASHINGTON

June 25, 1976

MEMORANDUM FOR THE PRESIDENT

THROUGH: RICHARD CHENEY

FROM: ROBERT GOLDWIN 

In the discussion of "quotas" in academic hiring in yesterday's meeting with Jewish leaders, you expressed aversion to quotas and said that the law should be changed. But the source of the "quota" problem is not to be found in legislation. The source is the phrase "goals and timetables," which occurs in regulations of the Department of Labor and the Department of Health, Education and Welfare. (Department of Labor Revised Order No. 4 governs equal opportunity employment practices for the Federal Government and Federal contractors, and HEW "Higher Education Guidelines" applies Order No. 4 to institutions of higher education.)

The Labor and HEW regulations are based on Executive Order 11246 (September 24, 1965), which prohibits discrimination because of race, color, religion, sex, or national origin, in Federal employment and employment by Government contractors, and calls for affirmative action to end such discrimination in employment. The Executive Order does not use the phrase "goals and timetables," or anything like it.

To the best of my knowledge, there is no responsible opposition in the academic world to Executive Order 11246. Most of the trouble comes from "goals and timetables," as the source of pressure to make academic appointments on the basis of race, color, sex, or national origin in order to reach a certain numerical goal by a specified time, rather than picking the best qualified person without regard to race, color, religion, sex, or national origin.

Both Attorney General Levi and Professor Eugene Rostow have said in meetings on this subject that "goals and timetables" are indistinguishable from quotas.

The Secretaries of Labor and HEW announced in January 1976 that their Departments would review the regulations "in the context of the unique problems facing institutions of

higher education." I recommend that they be asked to report on the present status of the review, especially with regard to the question of "goals and timetables."

One possible direct way to end the "quota" problem would be to eliminate goals from the regulations of Labor and HEW; Executive Order 11246 does not require the establishment of numerical goals in carrying out affirmative action to end discrimination.

The Executive Order seeks to end discrimination in employment on the basis of race, color, religion, sex or national origin. "Goals and timetables" tend to require employers to make employment decisions very much on the basis of race, color, religion, sex, or national origin.

Whomever they favor, quotas are quotas and discrimination is discrimination. They should have no place in our laws or regulations.