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HEARING BEFORE THE COMMITTEE ON HUMAN RESOURCES UNITED STATES SENATE NINETY-FIFTH CONGRESS SECOND SESSION

ARMANDO M. RODRIGUEZ, OF CALIFORNIA, AND J. CLAY SMITH,
JR., OF THE DISTRICT OF COLUMBIA, TO BE MEMBERS OF THE
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

OCTOBER 3, 1978

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(II)

NOMINATIONS

TUESDAY, OCTOBER 3, 1978

U.S. SENATE,
COMMITTEE ON HUMAN RESOURCES,
Washington, D.C.

The committee met at 9:05 a.m., in room 4232, Dirksen Senate Office Building, Senator Harrison A. Williams, Jr. (chairman) presiding.

Present: Senators Williams, Cranston, and Javits.

The CHAIRMAN. We are very pleased to open the hearing on the nomination of two distinguished public servants to be members of the Equal Employment Opportunity Commission, EEOC.

These nominations come at a crucial time in the history of the EEOC. As a result of the Presidents' Reorganization Plan for Civil Rights Enforcement Agencies, the Commission has been given substantial new authority to oversee the civil rights efforts of the Federal Government and to enforce additional civil rights statutes and regulations. This reorganization and consolidation of civil rights enforcement activities promises to revitalize and give additional momentum to our efforts to insure equal employment opportunity for all our citizens. The quality and effectiveness of the EEOC response to these new opportunities and challenges will be of monumental importance in this important area.

The Commission is facing an equally momentous challenge internally. The difficulties the Commission has experienced over the years, in managing its enormous workload have become all-too-familiar topics of public concern and comment.

At this time, however, we have real reason to believe that the Commission will be able to overcome its internal problems and fulfill its promise to be an effective force for equal employment opportunity. Eleanor Holmes Norton, who was confirmed as Chair of the Commission last year, has begun a thorough reorganization of the Commission's structure and operations.

We are hopeful that the recent changes in the organization of the Commission and increased emphasis on sound and effective case management techniques will permit the Commission to reduce its backlog of unresolved complaints, handle new complaints fairly and expeditiously, and effectively plan and coordinate large cases involving systemic discrimination.

These developments present the nominees who are before us today with a unique opportunity and challenge to contribute to effective civil rights enforcement.

This committee has consistently given strong encouragement and support to the Equal Employment Opportunity Commission. In 1964, Senator Javits and I, and the other members of this committee at that time, were part of the legislative effort which led to the estab-

lishment of the EEOC. Since that time, we have followed its progress and problems with great interest.

In 1972, Senator Javits and I cosponsored legislation which was to become the Equal Employment Opportunity Act of 1972. Our purpose at that time was to strengthen the enforcement powers of the Commission and to give it the authority to bring suit in Federal Courts. By the passage of that legislation, this committee, and the Congress, reaffirmed their strong commitment to the goal of full equal employment opportunity.

We are pleased to welcome these distinguished gentlemen to join us in these efforts. It is apparent from their backgrounds, and from the strong support they have received for their nominations, that they are eminently well qualified to be members of the Commission.

The committee appreciates the strong public interest which has been expressed in these nominations. We have received numerous official and individual communications of support for both nominees. These communications, and the biographies of the nominees will be made a part of the hearing record.

Organizations supporting Dr. Rodriguez's nomination include:

Ser: Jobs For Progress'

Image;

East Los Angeles Community Union; and
National Congress of Hispanic American Citizens.

Dr. Smith's nomination has been supported by officials of:

The Federal Bar Association;

The Federal Communications Commission;

The Capital Press Club; and

The Washington Bar Association.

Time will not permit quotation of all the expressions of support we have received; but I would like to quote briefly from two of them.

On behalf of Dr. Rodriguez, National Image, Inc., stated:

"Armando Rodriguez has an enviable record of public service to his nation. He has unselfishly contributed of himself in bettering the quality of life for the disenfranchised and disenchanting. His work at the local level, the State level, and at the Federal level speaks of a man dedicated to supporting the objectives on which this nation was founded.

"Armando Rodriguez has without question demonstrated the skill, tact and professional competency required to help guide the agency into a new period of civil rights efforts.

"I am pleased that President Carter has selected such an excellent example of what our community has to offer."

On behalf of Dr. Smith, the Chairman of the Federal Communications Commission stated:

"The record accompanying his nomination fully documents, I am sure, his wide-ranging accomplishments as a lawyer in private practice, as a teacher, as a leader in bar association activities, and as a public servant.

"But this record should also reflect the qualities of energy, commitment, conviction and human concern that have characterized his service with the FCC. He has contributed not only informed and wise advice to the Commission on communications policy issues generally; but, throughout his tenure at the Commission he has brought into focus the importance of these public policy issues to minorities and women. In particular, he has been a forceful advocate of the rights of

minorities and women to equal employment opportunities in the industries that the Commission regulates and at the FCC as well."

At this point in the record, I will insert excerpts from Title VII of the Civil Rights Act of 1964, as amended, which describe the duties of a Commissioner.

[The information referred to follows:]

CIVIL RIGHTS ACT OF 1964 AS AMENDED

AN ACT To enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civil Rights Act of 1964".

TITLE VII—EQUAL EMPLOYMENT OPPORTUNITY

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SEC. 705. (a) There is hereby created a Commission to be known as the Equal Employment Opportunity Commission, which shall be composed of five members, no more than three of whom shall be members of the same political party. Members of the Commission shall be appointed by the President by and with the advice and consent of the Senate for a term of five years. Any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed, and all members of the Commission shall continue to serve until their successors are appointed and qualified, except that no such member of the Commission shall continue to serve (1) for more than sixty days when the Congress is in session unless a nomination to fill such vacancy shall have been submitted to the Senate, or (2) after the adjournment sine die of the session of the Senate in which such nomination was submitted. The President shall designate one member to serve as Chairman of the Commission, and one member to serve as Vice Chairman. The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission, and except as provided in subsection (b), shall appoint, in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, such officers, agents, attorneys, hearing examiners, and employees as he deems necessary to assist it in the performance of its functions and to fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates: *Provided*, That assignment, removal, and compensation of hearing examiners shall be in accordance with sections 3105, 3344, 5362, and 7521 of title 5, United States Code.

* * * * *

The CHAIRMAN. I would note that both nominees are to be introduced by their respective Senators. I am very pleased to turn now to Senator Cranston and then to Senators Curtis and Zorinsky, and Congressmen Van Deerlin and Danielson.

Senator CRANSTON. Thank you very much, Mr. Chairman. We all appreciate this opportunity.

It gives me great pleasure to introduce to the committee my good friend from California, Armando Rodriguez. I have known Armando for many years and can personally attest to his qualifications to serve as a member of the Equal Employment Opportunity Commission.

Armando has a long list of professional and civic opportunities and a record of unselfish public service to young people, to the Hispanic community and to our country.

I would take too long to recite all of his accomplishments.

I would like to just summarize the highlights. Armando was raised in San Diego, Calif., graduated from San Diego State College in 1949 and received a master's degree from San Diego State in 1951.

He began his career as a teacher in the San Diego city schools and became the first Mexican-American principal in San Diego. In 1965, he became the first Mexican-American consultant to the California State Department of Education. In 1967, he joined the U.S. Office of Education where he established Mexican-American Affairs Unit which eventually became the Office of Spanish-Speaking American Affairs with Armando as its Director.

In 1970, he became Assistant Commissioner for Regional Office Coordination in the Office of Education.

In 1973, he was named president of East Los Angeles College, the first Mexican-American president in the Los Angeles Community College District, the largest in the Nation.

You can see that he has had a remarkable record of steady progress and more important assignments. He brings to the EEOC a wealth of knowledge and acute sensitivity to the pressing problems of assuring equal employment opportunities for all Americans.

As the responsibilities and tasks of EEOC are expanded in the months to come, I know that Armando's background will contribute greatly to the agency's assumption of its new duties and responsibilities.

With these and for more reasons, I am delighted to strongly endorse his nomination.

The CHAIRMAN. We appreciate that very much.

While we are addressing ourselves to Mr. Rodriguez, let us turn to Congressman Van Deerlin.

**STATEMENT OF HON. LIONEL VAN DEERLIN, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF CALIFORNIA**

Mr. VAN DEERLIN. Thank you, Mr. Chairman.

I know the Senator remembers a 2-year span in which we headed corresponding subcommittees from the Senate and House sides, during most of which time I demonstrated excellent judgment by following the advice of the Senator from New Jersey about a subject that he knew a great deal better than I.

Now, I ask him to take my advice on a subject that I know very well, namely Armando Rodriguez. My close friendship with Dr. Rodriguez goes back 20 years when I was a reporter in San Diego tapping at the edges of political activity. I was naturally drawn to one of the real leaders of one of the most important minority communities in the district I am now privileged to represent. Mr. Rodriguez was the Democratic nominee for the State legislature in 1962, a year which was not one of overwhelming fulfillment for Democratic fortunes in San Diego County. I barely made it, with less than 51 percent. Probably the luckiest thing that ever happened to Armando is that he did not make it; he has since forged a career that is far brighter than many of us who won.

I am particularly interested now in his availability for service on a Government agency which must become far more effective than it has yet been. I am chairman now of the Communications Subcommittee on the House side, and we are embroiled in a controversy over whether the Federal Communications Commission ought to be involved on a

day-to-day basis in enforcement of EEOC rules. I tend to the view that if you have an agency of the Government set up to oversee this important area of regulation, that agency should be given the tools it needs, and the personnel and the leadership it needs, and the staff it needs to do the job. That task should not be fragmented among all agencies of Government.

I have no doubt at all that if Armando Rodriguez becomes a member of that Commission, he is not going to settle for anything less than this kind of job. He is going to insist (or he will not want to be a part of it) that it be a meaningful, a very pervasive and a very effective organization on behalf of a goal that still remains unreached in so many parts of the country.

I could not express more enthusiasm than I do, feeling as strongly as I do, about both the challenge of the EEOC and the qualifications of Armando Rodriguez to justify his appointment to this Commission.

The CHAIRMAN. Your enthusiasm is infectious and very persuasive. We will follow your advice and appreciate it very much.

Congressman Danielson.

STATEMENT OF HON. GEORGE E. DANIELSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. DANIELSON. Mr. Chairman, I am more than pleased to come here today to endorse fully, without any qualification, the appointment of Armando Rodriguez to the Equal Employment Opportunity Commission.

I speak from personal knowledge. It goes back a long way. To emphasize that point, I would like to state that Armando and I were young Democrats together. That goes back quite a ways.

Armando and I became acquainted more than 20 years ago when we both started off in the field of politics. As my friend, Mr. Van Deerlin said, Armando was lucky, he got beat. I stayed in politics. He focused from there on in more professional fields, and particularly education. Although we have been on separate tracks, we have had the good fortune of coming into contact very frequently.

As a result, I have had a continuing, a permanent relationship with Dr. Rodriguez, which is very nearly unparalleled.

At the present time, he is the president of East Los Angeles College which is located in my district. Although in Mr. Van Deerlin's district, the Mexican-American is the largest minority, in my district they are the majority. We still have gotten along very well. I would like to point out that in this district where, in past years the ethnic mix was volatile and boiling all the time, there were problems. But with Dr. Rodriguez as the president of the college, all those problems have simmered down. It gets along beautifully.

I have attended functions at his college in which the Japanese community participates and the Chinese community and the Mexican-Americans, and even we Anglos are welcome. I think this is a very, very important experience that he has had, which he has discharged beautifully.

He has been a credit to the college and to the community I represent, and I am positive he will be a credit to the EEOC. I urge strongly, without any qualifications, that his appointment be approved.

The CHAIRMAN. We certainly appreciate that.
[The biography of Dr. Rodriguez follows:]

DR. ARMANDO M. RODRIGUEZ, PRESIDENT
 EAST LOS ANGELES COLLEGE
 1301 BROOKLYN AVENUE
 MONTEREY PARK, CALIFORNIA 91754
 (213) 265-8662

BIOGRAPHY

Dr. Armando M. Rodriguez, 56, became the president of East Los Angeles College on August 1, 1973. He is the fifth president of ELAC which was founded in June, 1945.

Rodriguez formerly was the assistant commissioner for regional office coordination in the U.S. Office of Education in Washington, D.C. He oversaw the operation of ten regional offices: Atlanta, Boston, Chicago, Dallas, Denver, Kansas City, New York, Philadelphia, San Francisco, and Seattle; as well as education in Puerto Rico and Guam. He also administered many "title" programs including: Elementary and Secondary Education; Direct School Aid; and Higher Education.

Dr. Rodriguez is the first Mexican-American to become a college president in the Los Angeles Community College District, the largest in the nation. (He is the second Mexican-American to become a college president in California.)

Born in Gomez Palacio, Durango, Mexico, Dr. Rodriguez was reared in San Diego as the 13th of 14 children. He was graduated from San Diego State College with a bachelor of arts degree in 1949; received his master's degree there in 1951 and later did graduate work at UCLA.

President Rodriguez began his career as a teacher in the San Diego City Schools where he became the first Mexican-American principal in San Diego, heading Gompers Junior High School and then Wright Brothers Junior-Senior High School.

In 1965 Rodriguez became the first Chicano consultant to the California Department of Education. He later headed the Department's Bureau of Intergroup Relations before joining the U.S. Office of Education in July, 1967, when he was appointed by President Lyndon B. Johnson to open a Mexican-American Affairs Unit which later evolved into the Office for Spanish-Speaking American Affairs with Rodriguez as its director. In December, 1970, Dr. Rodriguez was promoted to assistant commissioner for regional office coordination, U.S. Office of Education.

Page 2

In 1973, Dr. Rodriguez applied for the presidency of East Los Angeles College and topped a field of more than 100 applicants.

Dr. Rodriguez has devoted his life to education, although obtaining his own college education took some doing. After service in the U.S. Army during World War II, he worked as a wrestling coach to supplement his GI benefits to get through San Diego State College.

In 1962, Dr. Rodriguez was the Democratic nominee, 77th Assembly District, California, and was the California delegate to the National Democratic Convention in Atlantic City, New Jersey, in 1964.

Dr. Rodriguez is the first Spanish-surnamed person to become a director of the Los Angeles Branch, Federal Reserve Bank of San Francisco. He is former chairman of the Bilingual Education Committee, William Randolph Hearst, Jr. Foundation; the National Mexican-American Anti-Defamation Committee; member, National Commission on the Future of State Colleges and Universities; member, California Reform of Intermediate/Secondary Education Commission; Redlands University Board of Trustees; National Educational Task Force de la Raza, National Urban Coalition; California School Finance Reform Commission, and a director of the Hispanic Urban Center.

In addition to the above, Dr. Rodriguez is an active member of the Industrial Relations Council of the City of Commerce, the Citizens Committee for a Cabinet Department of Education; United Way; member, USC Center for the Study of Financial Institutions; member, Coalition for Housing; World Affairs Council; IBM Faculty Loan Committee; McGraw Hill TV-Film Project.

Dr. Rodriguez and his wife, Beatriz, live in Whittier. They have two married children, Rodrigo and Christina, and two grandchildren, Armando and Emiliano.

The CHAIRMAN. Now, we will turn to Dr. Clay Smith. Senator Curtis, please.

STATEMENT OF HON. CARL T. CURTIS, A U.S. SENATOR FROM THE STATE OF NEBRASKA

Senator CURTIS. Thank you, Mr. Chairman.

I thank you for the opportunity to appear before you today. I do so with much pride because a native son of Nebraska is appearing before you today for your consideration to the Equal Employment Opportunity Commission, J. Clay Smith, Jr.

I have known Clay Smith since he was 18 years old. So I have known him half his life. I first became familiar with Mr. Smith when, in 1959, he became the first black citizen in Nebraska and in the Nation to be elected as Governor of Boys' State sponsored by the American Legion. Three hundred young men attended Boys' State that year, and Clay was the only Negro in attendance. Boys' State in Nebraska was then only 19 years old.

I then met Clay here in Washington, D.C. Gov. Ralph G. Brooks of Nebraska asked Clay Smith to be his personal representative to President Eisenhower's call for the 1960 White House Conference on Children and Youth. Again, Clay became the first black citizen of Nebraska, and maybe the youngest, to head a State delegation to Washington.

I note that in 1960 he won the State American Legion contest in the city of McCook, Nebr., and numerous other debate and national oratorical contests.

He is a member of the Nebraska Bar, and holds an undergraduate degree from the Creighton University in Omaha.

I have reviewed his qualifications and believe that he is exceptionally well qualified to serve as a member of the EEOC. I request that the attached biographical sketch, the March 19, 1960, letter from Gov. Ralph G. Brooks appointing Clay as his personal representative to the White House Conference, the Omaha World Herald News article, dated June 16, 1959, regarding his election as governor of Boys' State, and the September 21, 1978, article from the Omaha Star concerning the nominee, be included in the record of this hearing.

The CHAIRMAN. It certainly will be, Senator Curtis. That is an inspiring introduction, too.

[The following were received for the record:]

J. CLAY SMITH, JR.

Biographical Sketch

J. Clay Smith, Jr., was born in Omaha, Nebraska, on April 15, 1942. He attended the public schools in Omaha, in which he excelled scholastically and in athletics. In 1959, he became the first black American to be elected Governor of Boys' State sponsored by the American Legion; in 1960 Governor Ralph G. Brooks designated Smith (who was 18 years old) to head the Nebraska delegation to the White House Conference on Children and Youth as his personal representative. In 1964, he received a B.A. degree with double majors in philosophy and political science from the Creighton University which is located in Omaha. His college education was paid for by scholarships and part time jobs. In 1967, he was graduated from the Howard University School of Law earning the J.D. degree. He was a contributor to the Howard Law Journal, and was Editor of the Barrister, the law school newspaper. He was president of both the second and third year law classes, and was involved in several other activities. Like undergraduate school, he paid for his law school education partially by one of 200 Leopold Schepp Foundation Scholarships, and by a part time job.

After a few months with the District of Columbia Government in the Redevelopment Land Agency, in the fall of 1967, Mr. Smith entered the United States Army for four years serving as a captain and, for a year as a military judge in the Judge Advocate General's Corps. While stationed in Washington, D.C., he earned his Master of Laws, LL.M., degree in 1970 from the George Washington National Law Center. Upon completion of his military tour in 1971, he began work at the Washington, D.C., law firm of Arent, Fox, Kintner, Plotkin & Kahn where he engaged in antitrust and trade regulation matters. It was during this time that Mr. Smith was an adjunct professor of law at the Howard University School of Law where he taught courses in real and personal property, and military law. In 1973, by vote of the student body he was awarded the Paul L. Diggs Outstanding Law Professor Award. In 1972, Mr. Smith began his preliminary course work and research towards his doctorate in law which progress was interrupted when in early 1973, he left Arent, Fox, Kintner, Plotkin & Kahn to become Deputy Chief of the Cable Television Bureau at the Federal Communications Commission in Washington, D.C. In 1976, Mr. Smith became the Associate General Counsel of this regulatory agency.

Mr. Smith is engaged in a host of civic and professional associations. He is First Vice President of the 16,000 member Federal Bar Association, and the President of the Washington Bar Association. He has served as a member of the Board of the Neighborhood Legal Services Program, and as President of the Friends of the District of Columbia Youth Orchestra Program. He is a member of Asbury United Methodist Church where he teaches in the Church School, and has received several civic and professional awards. He has written several law review articles, co-authored a book, and received his Doctor of Juridical Science degree, S.J.D., from the George Washington National Law Center in 1977. He is married to Olivia Blackamore Marsch, has three children: Stager Clay, age 13, and twins Michael Laurel and Michelle Lori, age 11. Mr. Smith and his family reside in the District of Columbia.



STATE OF NEBRASKA

RALPH G. BROOKS
GOVERNOR
LINCOLN

March 19, 1960

Mr. John Smith, Governor of Boys' State
2601 Z Street
Omaha, Nebraska

Dear Governor Smith:

I am appointing you to serve as my personal representative to the 1960 Golden Anniversary Conference on Children and Youth to be held in Washington, D. C. March 27th to April 1st, since I shall be unable to attend these meetings.

I have every confidence in your ability to serve the State of Nebraska in this capacity and to represent me. I hope you will be able to attend.

Sincerely,

STATE OF NEBRASKA

Ralph G. Brooks
GOVERNOR

RGB:RBC:s

South High Youth Is First Negro Elected Governor of Boys State

World-Herald Lincoln Bureau,
501 Federal Securities Building.

For the first time in its 49-year history, Cornhusker Boys State has a Negro governor.

John Clay Smith, Jr., 17, son of Mrs. Emily Smith, 2601 1/2 Street, Omaha, won in a spirited election campaign Monday over John Connor, 17, son of Mr. and Mrs. John J. Connor, Fremont.

The Omaha South High School senior spearheaded the Federalist Party ticket which almost whitewashed the Nationalist Party, by winning eight of the nine state political offices in the general election held on the Agricultural College Campus Monday afternoon.

Versatility Marks Smith
Versatility marks young Smith.

As a junior he was a member of the South High Student Council, vice-president of the Press Club, school photographer, member of the tennis team, and sergeant-at-arms of the Latin Club.

He has won awards for photographers from the Nebraska Scholastic Press Association, the American Legion Honor Medallion for leadership and scholarship and second place in a recent Legion oratorical contest in Omaha.

Made Friends Fast

He modestly claims his victory was due to "making friends fast here and having a real good Federalist platform to stand on."

His party's platform included consolidation of schools, legalized bingo, the right to vote for 18-year-olds and the right of Boys Staters to wear sports shirts instead of the uniform T shirt at the



Smith elected.

Boys and Girls State dance Thursday night."

Governor Smith, who intends to become a lawyer, promised clean government and said, "I will practice one hundred per cent Americanism."

Young Connor was junior class president at Fremont St. Patrick's High School and is president-elect of his senior class. He, too, is a high school journalist and a speaker of note and has honors to his credit in both fields.

Income Tax Favored

The platform of the defeated Nationalists was almost identical with the winning Federalists with the exception that the Nationalists favored a state income tax to reduce property taxes.

The winning officers were installed Monday night in inauguration ceremonies conducted by Nebraska Supreme

Court Chief Justice Robert Simmons in the Agricultural College Activities Building.

Election Results at Boys State

World-Herald Lincoln Bureau,
501 Federal Securities Building.

Winners of the general election held at Boys State Monday afternoon:

Governor, John C. Smith, Omaha; Lieutenant Governor, Larry Enstrom, Oakland; Secretary of State, Jim Pelowski, Omaha; Treasurer, Dudley Kersey, Omaha; State Auditor, Matt Schumacher, Beatrice; Attorney General, Ted Withalm, Norfolk, and Railway Commissioners, Charles Jasa and Jack Peterson, both of Omaha, and Roy Boss, Ogallala.

State ticket, non-political:

Chief Justice of Supreme Court, Bob Martin, Grand Island, and State School Board, Sammy Sommerhalder, Minden.

State Legislators:

Riley Harris, Ravenna; Gary Thompson, St. Edward; Barton McLaughlin, Clay Center; Jerry Anstine, Utica; Robert Stears, Omaha; Larry Clements, Stuart; Jim Digg, Kimball; Paul Eisenhauer, Cook; Gerry Harris, Scottsbluff; Russell B. Daub, Omaha; Allen Harano, North Platte; Jack Flood, Valley; Donald Derynzer, Lincoln; Lynn Johnson, Elkhorn; Richard D. Larson, Pender; Don Siefkes, Lincoln; Stanley Lillich, Byron; Bill Fowles, Lincoln; Lyle A. Baack, Dix; Robert Vanderberg, Omaha, and Rodney Bowyer, Tilden.

Also William Lelf, Beaver Crossing; Leslie Bennett, Bartlett; Phil Bruger; Gordon Tom O'Neill, Sargent; Don Farness, Decatur; Omer Troester, Hampton; Paul Turner, Venango; Jerry McRoberts, Dalton; Leon Dappen, Lincoln; Gerald Wooters, Arthur; Robert Eggleston, Ansley; Byron Asher, Scottsbluff; Ben Washington, Grand Island; Arthur Erb, Central City; Derek Taylor, Crete; Pat J. Botterf, Sutton; Bill Mollring, Holbrook; David Shepherd, Waverly; Eugene Steffensmeier, Dodge; Richard Maulsby, Fairmont; Harry S. Johnson, Newman Grove, and Dwin W. Francis, Osmond.

Boys Federalist; Girls Nationalist

Only one Nationalist, State Auditor Matt Schumacher, Beatrice, prevented a sweep by Federalists on the boys' ticket.

But in Girls State, the Nationalists won seven of 10 races.

Omaha Star September 21, 1978

Native Omahan Named By Carter To Equal Employment Commission

Native Omahan, J. Clay Smith, Jr., said in Washington D.C., Wednesday morning that when he was notified that President Carter was nominating him to serve as a commissioner of the Equal Employment Opportunity Commission "my mind went back to South Omaha where I grew up, to Woodson Center, Alyce Wilson (ex-Woodson Center executive director), and one of the institutions and individuals who impacted upon my growth."

The White House announced Tuesday that Smith was being nominated to serve on the EEOC, an independent agency, for a term ending July 1, 1982. His nomination must be confirmed by the Senate.



Smith, Jr., pleased by selection

The EEOC has operated one commissioner short the last 18-20 months after Carter failed to renominate a former member of the commission whose term had ended. Some Black organizations had criticized Carter for letting the vacancy exist for so long because the agency was beleaguered with a backlog of discrimination cases.

HE SAID HE WAS "very pleased to be selected by President Carter to be a nominee to this important agency" and that he is "looking forward with great anticipation to working with Clair Eleanor Holmes Norton, their members of the commission and staff."

Thirty-six years old, Smith graduated from Highland Trade and South High Schools in Omaha and received his Bachelor of Arts degree from Creighton University in 1964.

He is the holder of a 1967 law degree from Howard University and received a LL.M in 1970 and S.J.D. in 1977 from George Washington School of Law.

From 1967 to 1971 he served in the military and for a year was a military judge in the Judge Advocate Corps.

He was associated with the Washington, D.C. law firm of Arent, Fox, Kintner, Plotkin and Kahn from 1971-74 where he was primarily engaged in anti-trust and trade matters.

HE WAS NAMED DEPUTY Chief of the Cable Television Bureau of the Federal Communications Commission in 1974 and since 1976 he has served as Associate General Counsel of FCC, the highest staff policy-making post held by a Black at FCC.

He has served as an adjunct professor of law at Howard University. He is on the Lawyers' Committee for Civil Rights under the Law and has served on the board of directors of the National Association of Black Lawyers and Neighborhood Legal Services Program.

Wednesday morning in a telephone interview from Washington, D.C. Smith recalled that his father passed away when he was nine years old.

"I COULD HAVE GONE either way," Smith contended, explaining that "A lot of good people helped me through difficult times."

"They gave me moral guidance and sustenance that shaped the measure of my growth and development," Smith asserted, citing a list headed by Former Woodson Center Director Alyce Wilson, hailed by many South Omahans for providing them with invaluable understanding, counsel and guidance.

Others cited by Smith included Omaha STAR Publisher Mildred D. Brown, Former NAACP President Lawrence W. M. McVoy II, the attorneys Ralph Adams and Charles Davis, Journalist Charles Washington, and the Rev. R. E. McNair and W. A. Fowler.

He remembered the local Elks and the winning of a scholarship as their representative in a national oratorical contest; the Omaha Urban League and their aid through their Osborn Scholarship Fund; the National Association for the Advancement of Colored People; the Citizens' Coordinating Committee for Civil Liberties; and Allen Chapel A.M.E. Church.

"I'VE ALWAYS TRIED to share and spread the goodness the people of Omaha bestowed upon me," he exclaimed.

Smith recalled that in 1959 he was elected Governor of Boys State in Nebraska, the first Black in the nation to win such an honor. He remembers that in 1960, while a senior at South High, Nebraska Gov. Ralph Brooks selected him to represent the state at the White House Conference on Children and Youth and how on the eve of his departure Miss Brown and McVoy came up with the necessary funds for his attendance, raised "in pennies, nickels, dimes and quarters" by the community.

Smith presented the Black Heritage Series' annual lecture in 1977 in Omaha and was cited by the group with their "Black Excellence Award."

Married to former Omahan Olivia Blackamore, they are the parents of three children.

Relatives in Omaha include grandmother Lillian Smith, a rest home resident; two uncles, James Williams, 9712 Meredith Ave. and William Williams, 3924 Paxton Blvd.; and an aunt, Johnetta Brown, 1426 North 22nd Street.

His mother, Emily Martin, now lives in Flint, Michigan.

The CHAIRMAN. There is so much to be said to advance these candidates, there is not going to be much time left for the nominees. We appreciate this very much.

Senator Zorinsky.

**STATEMENT OF HON. EDWARD ZORINSKY, A U.S. SENATOR FROM
THE STATE OF NEBRASKA**

Senator ZORINSKY. Thank you, Mr. Chairman, and honorable friends.

Senator Curtis has touched briefly on Clay Smith's accomplishments since the Senator met him in 1960. Let me just say a very few words, therefore, about his qualifications to serve on the EEOC.

Clay Smith is a distinguished lawyer with impeccable academic and work credentials. He holds three law degrees, one in labor law, including title VII, and other employment discrimination statutes. His work as a practicing attorney has been fairly broad, encompassing military law, general corporate law, antitrust and regulation of trade, and, most recently, communications law.

He has served as a judge in the Army, worked for a large Washington, D.C., law firm, and been Associate General Counsel with the Federal Communications Commission.

He possesses, in short, a wealth of experience.

The EEOC has, in recent years, had something of a management problem with its huge case backlogs. Eleanor Holmes Norton is to be commended for her work in turning that around. Nevertheless, because of EEOC history, the Senate must pay careful attention to nominees' management credentials.

Clay Smith's are significant.

He directed 100 employees as Deputy Chief of the FCC's Cable Television Bureau during the mid-1970's. More recently, he attended an intensive management training course at the highly regarded Federal Executive Institute in Charlottesville.

Mr. Chairman, I do not wish to take up too much of the committee's time with a recitation of this man's credentials. Suffice it to say that they are of the sort that make him well qualified for the position for which he has been nominated.

We certainly would appreciate your utmost consideration for his nomination.

Thank you.

[The prepared statement of Senator Zorinsky with attachments follows:]

STATEMENT OF
EDWARD ZORINSKY
A U.S. SENATOR FROM THE STATE OF
NEBRASKA
BEFORE THE
COMMITTEE ON HUMAN RESOURCES

SENATOR WILLIAMS AND MEMBERS OF THE COMMITTEE ON HUMAN RESOURCES:
IT IS MY PLEASURE TO SUPPORT PRESIDENT CARTER'S NOMINATION OF
J. CLAY SMITH, JR., TO THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.
MR. SMITH GREW UP IN SOUTH OMAHA. HE ATTENDED HIGHLAND ELEMENTARY
SCHOOL AND SOUTH HIGH SCHOOL. HE WAS ELECTED PRESIDENT OF THE SENIOR
CLASS AT SOUTH HIGH SCHOOL AND WAS ACTIVE IN NUMEROUS CLUBS. HE
GRADUATED IN THE TOP 10 PERCENT OF A GRADUATING CLASS OF 620 STUDENTS.
WHILE ATTENDING THE CREIGHTON UNIVERSITY, ^{ca. 1962} HE BECAME THE FIRST BLACK
TO BE ELECTED TO THE STUDENT BOARD OF GOVERNORS IN THE 84 YEAR
HISTORY OF THAT INSTITUTION. HE MADE THE DEAN'S LIST GRADUATING
FROM CREIGHTON UNIVERSITY WITH AN A.B. DEGREE AND AS A DISTINGUISHED
MILITARY GRADUATE WITH A COMMISSION AS SECOND LIEUTENANT IN THE
U.S. ARMY. HE IS A MEMBER OF THE NEBRASKA BAR.

I HAVE REVIEWED HIS BIOGRAPHICAL SKETCH AND BELIEVE THAT HE IS
EXCEPTIONALLY WELL QUALIFIED TO BE A MEMBER OF THE EEOC. THERE
ARE TWO NEWS ARTICLES THAT I WOULD LIKE TO HAVE INCORPORATED IN
THE RECORD: A 1960 ARTICLE FROM THE SOUTH OMAHA SUN REGARDING
GOVERNOR BROOKS' APPOINTMENT OF CLAY AS NOMINAL HEAD OF THE NEBRASKA
DELEGATION TO THE 1960 WHITE HOUSE CONFERENCE ON CHILDREN AND YOUTH
AND A SEPTEMBER 21, 1978, ARTICLE BY DARWIN OLOFSON ON THE WORLD
HERALD STAFF ABOUT THIS NOMINATION TO THE EEOC.

[From the South Omaha Sun, April 1960]



—SUN Photo.

John C. Smith, representing Gov. Ralph Brooks, enters Eppley Field terminal prior to leaving for Washington. Smith is the son of Mrs. Emily Smith, 2601 Z.

14 Omahans At Meet on Youth Fitness

Fourteen Omahans are in Washington this week to attend the White House Conference on Youth and Physical Fitness.

Nominal head of the delegation, selected by Governor Brooks as his personal representative, is John C. Smith, son of Mrs. Emily Smith, 2601 Z. Smith, president of the South High senior class, recently won the American Legion's state oratorical contest. He was governor of Boys' State last summer.

Others from Omaha:

Hubert Carden, 1110 S. 79th; Mary Flannigan, director of the Christ Child Center; Dr. Matilda McIntire, 1510 S. 80th; Maurice N. Mitchell, 6744 N. 33rd; State Senator William Moulton, 3340 N. 57th; Salvation Army Brig. Paul Robb, 2102 N. 52nd.

The Rev. Roman C. Ulrich, director of Catholic schools; Mrs. Frank Wear, 1706 S. 79th; Jean H. Lee, 4906 California; Patricia Baxter, South Omaha Social Settlement; Mrs. Helen Riley, 4202 Walnut; Mrs. Verne Vance, 2510 Country Club; Flavio Sarni, Italian exchange student at Westside High school.

Carter Picks Ex-Omahan

By Darwin Olofson

WORLD-HERALD BUREAU

Washington — J. Clay Smith Jr., who as governor of Boys State in Nebraska in 1959 was the first black in the nation to win such an honor, has been nominated by President Carter to be a commissioner of the Equal Employment Opportunity Commission.

Smith, 36, a native of South Omaha and a graduate of Creighton University, is now associate general counsel of the Federal Communications Commission.

His nomination to the employment commission, an independent agency, is for a term that would end July 1, 1982.

He is married to the former Olivia Blackamore of Omaha. They have three children.

"A lot of good people (in Nebraska) helped me through difficult times," Smith said Wednesday.

He recalled that when he was senior at South in 1960, Nebraska Gov. Ralph Brooks asked him to be one of his representatives to the White House Conference on Children and Youth.

Smith left Omaha in 1964 and came to Washington, where he obtained a law degree from Howard University.

After practicing law with a firm in Washington, he accepted a policy-level position with the FCC in 1974.

Relatives in Omaha include two uncles, William Williams of 3920 Paxton Blvd. and James Williams of 9712 Meredith Ave., and an aunt, Johnetta Brown of 1426 N. 22nd St.

The CHAIRMAN. Thank you very much, Senator Zorinsky.

We will now turn to the nominees who have had such warm and complete introductions and a description of a lifetime of most impressive contributions in public service.

We will be pleased to hear from Dr. Rodriguez first and then Dr. Smith.

STATEMENT OF ARMANDO M. RODRIGUEZ, NOMINATED TO BE A COMMISSIONER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Mr. RODRIGUEZ. Mr. Chairman, I would like to begin my remarks by expressing my gratitude to you, the members of this committee, for your prompt consideration of my nomination to the Equal Employment Opportunity Commission. I know, from the record of this committee, that your interest in the issue of equal employment opportunity has been both genuine and effective. I know, too, that you are very concerned that the leadership of the Commission reflect your own strong commitment to equality of opportunity under the law. I seek in my nomination to add my commitment and to join you and the President in moving forward together in this vital area.

In many ways, my entire life, both private and professional, has been a preparation for this challenge. Not born in this country, I have made America my country because, for all its problems, America still offers the brightest hope for every man, woman, and child to reach the full realization of educational, economic, and, political potential.

When I first entered school in America—a shy, brownfaced youngster who could speak only broken English—I was placed in a class for the retarded. Today, I have the honor to serve as the president of a college of 18,000 students in Los Angeles. I was able to make that transition because there were men and women who believed in the equal opportunity principles that are the foundations of our modern legislation. There were men and women who believed that ability to do the job should be the only criterion for employment opportunity and promotion.

I have worn all the working collars—from the blue collar to a fish cannery worker, and as a welder in San Diego to the white collar of an Assistant Commissioner with the U.S. Office of Education. I have seen how job discrimination works on both sides of the application process. But I have also seen how affirmative action can work. I know from firsthand experience that it often takes a subtle blend of hard salesmanship and inspired evangelism to convince business and industry leaders of the value of affirmative action efforts. But it can be done.

I have told you these things about myself to preface my assessment of how I might best serve the Commission. The Commission Chair, Eleanor Homes Norton, and the other members of the Commission have worked hard—and been successful—at improving Commission operations in order to provide more efficient and effective service to those who seek our assistance. I look forward to putting my own management experience to work in support of their efforts.

But I also believe that I may have a unique contribution to make to the operation of the Commission. I am not a lawyer. All my experience and training has been in the area of human services. I think I can understand, and sympathize with, the frustrations of so many of our countrymen who find our Government agencies seemingly entangled in endless administrative Gordian knots. Please understand that I have a deep and reverential respect for the law, but I believe that the legal dimensions must support the human considerations. The civil rights movement itself which spawned such agencies as the EEOC—did not begin with legal arguments but rather with the quiet courage of individual men and women who at great risk to themselves decided to stand up for what they believed was right.

As an EEOC Commissioner I will be very concerned that the massive legal machinery of the Commission continues—to be sensitive to, and of service to, the many men and women who look to us for redress of wrongs. I will be especially attentive to ways in which complaints may be processed and resolved without lengthy legal proceedings. I support the current policy of correcting the root issues that breed countless individual grievances. I am a firm believer that most human problems can be resolved if the parties concerned can be brought together in face-to-face, good faith negotiations.

I will also be concerned about staff within the Commission—especially those who have first contact with the public. In so many agencies front-line people are so overburdened and underrewarded that, in order to survive, they become faceless automatons. No one wants to work that way. No one should have to work that way. I know from my own experience that you cannot bury people under more cases than they can ever handle and still expect them to be kind, warm, and understanding to everyone.

To most Americans the frontline people in our agencies are the Government. We must find ways to insure that our frontline people receive the human support they need from all of us. Commission employees must have a sense of purpose in what they do and that they have an opportunity to see and share in the results of their efforts. We are in the business of people. The Commission is people. Those who come to us for guidance are people. Those with whom we must negotiate, those whom we seek to persuade, and, yes, those who give us legal counsel, all are people.

The Equal Employment Opportunity Commission is founded on the principle that all people are equal in the pursuit of their livelihood. The people of our country through the Congress and the President have charged the Commission with the responsibility of enforcing this fundamental right. I am here before you today, primarily because that principle of equality directed my life and guided my career choices.

I would like to express my gratitude to the President for placing my name in nomination before you. What talents, experience, and unique perspectives I may possess I pledge to use to the full in the exercise of my responsibilities as a member of the Equal Employment Opportunity Commission.

Thank you.

The CHAIRMAN. You have made a statement of great meaning to me and I appreciate it very much, Mr. Rodriguez.

Now, Dr. J. Clay Smith, Jr.

STATEMENT OF J. CLAY SMITH, JR., NOMINATED TO BE A COMMISSIONER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Dr. SMITH. Mr. Chairman and distinguished members of the committee, I am singularly pleased that President Jimmy Carter has nominated me, subject to the advice and consent of the United States Senate, to be a member of the Equal Employment Opportunity Commission, EEOC.

In so doing, President Carter has honored me as a black American, as a Republican, and an ordinary citizen who believes in the sanctity of the rule of law in a constitutional democracy.

I would like to acknowledge and publicly to thank all the institutions, people and organizations who stand with me today in support of my nomination to the EEOC. Of course, I am delighted that Senator Carl T. Curtis of my native State of Nebraska introduced me to this committee. He and former Nebraska Senator Roman Hruska were the only Senators that I have ever known prior to becoming a domiciliary of the District of Columbia some 8 years ago. My appreciation is also extended to Senator Edward Zorinsky of Nebraska for his support associated with the President's nomination. I acknowledge the support by way of letter submitted to the committee on my behalf from Delegate Walter E. Fauntroy of the District of Columbia. Delegate Fauntroy, my Congressman, is not present today because he is traveling to other parts of the Nation speaking on the proposed amendment to the U.S. Constitution which would provide the citizens of the District of Columbia with full representation in the U.S. Congress.

Last, I extend special thanks to civil rights veteran and dean of the Howard University School of Law, who sits at my left, Dr. Wiley Branton, and Dr. Earl W. Kintner, a distinguished lawyer, and former Chairman of the Federal Trade Commission for submitting the lead testimony in support of my nomination and confirmation to the EEOC. Both men are giants in the legal community. Such bipartisan support is meaningful and should not go unrecognized.

With these preliminary remarks, I now turn briefly to the substantive portion of this testimony.

The purposes of the Equal Employment Opportunity Commission are to end discrimination based on race, color, religion, sex, or national origin, in hiring, promotion, firing, wages, testing, training, apprenticeship, and all other conditions of employment, and to promote voluntary action programs by employers, unions, and community organizations to put equal employment opportunities into actual operation.

Efforts to enact title VII of the Civil Rights Act creating the EEOC and other civil rights legislation began during my early youth. Looking back over the past 36 years, I can say without a doubt that I am a product of the civil rights movement. I am a beneficiary of the protection afforded to minorities by the Congress through the enactment of title VII and other civil rights legislation.

As a beneficiary of this protection, I have been extended opportunities to excel in America and to participate in its democratic processes. I am grateful to the Congress and to all others who foresaw the need for the EEOC and the implementation of a system of values to effectuate the end of discrimination in employment and other areas.

The President has provided this committee with a statement of my qualifications to the Equal Employment Opportunity Commission. On paper, I am a lettered person, but I believe that my associations with a variety of people in my community when growing up and witnessing our common difficulties are appropriate letters that I can offer to this committee also.

In my neighborhood there were Mexican Americans. My parents and their parents borrowed milk and sugar from each other when things were tough. Every year on "X" Street, the Mexican Americans had a festival, and since I lived on "Z" Street, I was always welcomed. I observed the unemployment lines in the packing plants of my hometown. I observed the unemployment lines that were made up of Afro-Americans, native Americans, and Mexican Americans. The native Americans came to town from the Winnebago Reservation in Nebraska. The Winnebago and Maha Indians came to the city to find employment to feed their young and to educate their children. I knew many of these Americans. They ate "soul" food at my home and I ate tortillas and enchiladas in the homes of the Mexican Americans and the leaven bread at gatherings on the Winnebago Reservation.

More than any academic degree that I have earned, I trust that growing up with Mexican Americans, native Indians, Filipinos, the Lithuanians from Poland, and the one and only Jewish person in my high school class—my friend, Stanley Zwerling—better qualifies me to serve the public trust as a member of the Equal Employment Opportunity Commission.

While I have had the privilege of growing up with a cross-section of minorities, and while I believe that this experience has given me a broad perspective on issues facing minorities in America, I have also advised corporate clients on the law of discrimination and conduct which was and was not in violation of title VII when I was associated with a large Washington law firm. It was during my corporate law practice days that I saw the great effort that corporate America was making in the area of employment and other opportunity-related areas. This corporate experience coupled with the corporate exposure received as Associate General Counsel of the Federal Communications Commission will be a balancing scale in all decisions which I may be called upon to render at the Equal Employment Opportunity Commission. In short, my experiences growing up and the exposure to corporate America will equally enhance my ability to be fair, impartial and judicious as a member of the EEOC.

I am generally aware of the tremendous efforts by the Commission to create new mechanisms and innovative systems of management to reduce the backlog at the EEOC while, at the same time, maintaining the confidence and the trust of those protected under title VII.

I applaud and will support the efforts by Chair Eleanor Holmes Norton, Vice Chair Daniel E. Leach, and Commissioner Ethel Walsh, to make the EEOC the most respected and revered agency in Washington, D.C. I look forward to joining this great effort and working in a collegial environment to forcefully and effectively manage one of the most sensitive agencies in Government—the Equal Employment Opportunity Commission.

Race and religion and other forms of discrimination leave scars on the minds of those discriminated against. In my childhood, I was unable to work as a busboy in some restaurants in Omaha, simply because of the color of my skin. I have felt and observed the sting of racial discrimination. However, I have also observed religious intolerance as well. For example, no Jew and other people of European extraction could bus dishes at certain country clubs.

Thank God, I have also witnessed the good in people of all races, colors and creeds—men and women of good will with strong moral commitments willing to cooperate and affirmatively and voluntarily to stamp out discrimination and all of its ugly badges.

I would like to end this testimony with two short quotations which will bear fruit for those dwelling in the forum planting seeds of truth. The first quotation is from Prof. Herbert O. Reid, Sr., The Charles Hamilton Houston Scholar at the Howard University School of Law. He says:

To all the young, bold and strong; to all the old, weak and worn, fight for the time when race, religion, sex and national origin will be words without negative meaning, words without negative effect.¹

The second quotation are the words of Abraham Lincoln, quoted by Senator Jacob Javits in 1962, in his book "Discrimination—U.S.A."

Let us then turn this Government back into the channel in which the framers of the Constitution originally placed it. Let us discard all this quibbling about this man and the other man—this race and that race and the other race being inferior . . . and united as one people throughout this land, until we shall once more stand up declaring that all men are created equal.²

Thank you.

The CHAIRMAN. Thank you very much. I only have one regret, that we do not have the time to stay together here and discuss some of the issues before the Commission. I am very pleased to note that the entire Commission is with us this morning, the Chair, Eleanor Holmes Norton, Ethel Bent Walsh, and Dan Leach.

As I look at you, I can see behind you those you will be in association with in years to come, and it would be a great opportunity for us to talk about some of the major matters that are before the Commission and will be before you.

We are pressed for time these days, as you know.

I am going to include in the record a host of endorsements of your nominations with the statements that accompanied these endorsements, and this will all be for the record.

Senator Javits, we have had an inspiring 40 minutes of introductions of two nominees to the EEOC, some of them have been the most inspiring and promising statements in support of nominations we have had in this committee.

We can feel a great deal of comfort that this Commission that we have labored so long with is going to have the makeup which it will have after Dr. Smith and Dr. Rodriguez join the other Commissioners.

¹ From the lecture notes taken by J. Clay Smith, Jr., during special lecture by Professor Reid on the "Role of the Black Lawyer in a Society Encumbered by Racism," Howard University School of Law, March 1967.

² Senator Jacob Javits, "Discrimination—U.S.A." (Washington Square Press, Inc., New York, revised ed. 1962), at p. X.

Senator JAVITS. Thank you, Mr. Chairman.

I welcome the nominees. Mrs. Norton, who is an old friend, has completely changed the EEOC and its outlook—different as day and night. I am very grateful to her. I think the country should be, and to her associates.

I have interviewed personally Dr. Rodriguez and Dr. Smith, and I believe they are eminently qualified to serve on the Commission.

I welcome my colleagues who have introduced them. I apologize for not being here, but I was at a meeting this morning on United States-Soviet relations, which was urgent. I ask, Mr. Chairman, unanimous consent that the Washington Bar Association's commendation of J. Clay Smith, Jr., nominee, may be made part of the record, and also, Mr. Chairman, I ask unanimous consent that these nominees may be polled by the Committee.

The CHAIRMAN. That will be included, and we will poll the members of the Committee and seek speedy action.

[The information referred to and additional letters in support of the nominees follows:]

THE WASHINGTON



BAR ASSOCIATION

2816 GEORGIA AVENUE, N.W., WASHINGTON, D. C. 20001 • (202) 462-8313

Dedicated to the principle "Equal Justice Under Law"

September 28, 1978

The Honorable Harrison A. Williams
 Chairman
 Human Resources Committee
 United States Senate
 Washington, D. C.

In re: The Confirmation Hearing of J. Clay Smith, Jr., Esquire,
 Presidential Nominee for the Equal Employment Opportunity
 Commission

Dear Mr. Chairman:

We have been informed that President Carter has nominated J. Clay Smith, Jr., Esquire, to fill a vacancy on the Equal Employment Opportunity Commission and that his nomination has been submitted to your committee for the consent and advice of the Senate.

The Washington Bar Association takes particular pride in the nomination of J. Clay Smith, Jr., Esquire, for a number of reasons. First, Mr. Smith is presently the President of the Washington Bar Association and has served more recently as the Chairman of the Board. His service to the Bar Association has been impressive and instrumental in increased programming in the area of Continued Legal Education. His commitment to sound management of the Association has resulted in programs of new dimensions, vitality and diversity appealing to a broad spectrum of the Bar.

Second, Mr. Smith is a man of sterling character and will bring to the Commission a background of varied experiences. His legal education bespeaks of commendable scholarship. In addition, his experience as a practitioner of the law in both the private and government sectors is replete with laudable performance, diligence and dedication. Mr. Smith has taught law with distinction at the Howard University Law School and lectured at numerous legal seminars and conferences--all done with poise and dignity as well as with exemplary scholarship, appreciation and faith in our system of jurisprudence.

Page 2

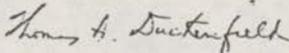
Re: The Confirmation Hearing of J. Clay Smith, Jr., Esquire,
Presidential Nominee for the Equal Employment Opportunity
Commission

Third, Mr. Smith, we believe, is motivated by a devotion to social justice and the principles of law tempered by a sense of history and a concern for humanity. These attributes underlie Mr. Smith's character as a lawyer, citizen, parent and spouse.

In sum, Mr. Smith is a man of great intellect who views knowledge as a tool for human good and progress and that knowledge becomes that tool for human progress when it is a servant of understanding, creativity and reason. Mr. Smith is also a man of propriety who reveres the public trust and believes that his acts must at no time do violence to the public trust reposed in him. And so, Mr. Smith is well chosen and we recommend without reservation his confirmation as a member of the Equal Employment Opportunity Commission.

We respectfully request that this correspondence be made a part of the record of Mr. Smith's confirmation hearing.

Respectfully,



Thomas A. Duckenfield
Chairman
Board of Directors

TAD/pad

TESTIMONY OF MR. DAVID C. LIZARRAGA
RELEVANT TO THE APPOINTMENT OF
DR. ARMANDO RODRIGUEZ
TO THE
EQUAL OPPORTUNITIES COMMISSION

OCTOBER 3, 1978

Honorable Members of the Committee:

I am very pleased to have this opportunity to present this testimony to assist you in your deliberations of the appointment of Dr. Armando Rodriguez to the federal Equal Opportunities Commission.

As president of The East Los Angeles Community Union (TELACU), and as a member of the President's Commission on Neighborhoods, I have been involved in numerous causes with my fellow Hispanic leaders to promote the general welfare of our people and all underprivileged persons throughout the country. Wherever I have travelled, with whomever I have worked with, and with whatever cause I have been involved in, we have always looked upon Dr. Rodriguez as a source of leadership and guidance. Few others among our community have gained the widespread reputation and respect that he has earned in countless fields of endeavor. Other witnesses have testified to his many involvements in charitable, educational and philanthropic causes, and I can only echo their words by adding that Dr. Rodriguez has always championed the cause of the underdog in our society, regardless of color.

In his position as president of East Los Angeles College, Dr. Rodriguez has guided one of the largest schools in the community college district with a sense of wisdom and understanding. He has gained the respect of students, faculty and administrators alike and has brought renewed respect to the college for its academic

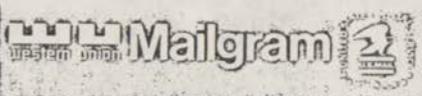
Page 2

and community programs. I must add that it is with some sense of sadness that we recommend him for this position, for he will be sorely missed in both the campus and community. But we know that a man of his talents and capabilities can best serve all Hispanics in a national position such as this one.

This appointment is especially important to our people because of the Commission's inherent involvement with our people's needs. The Commission has taken on an increasingly important role in resolving many crucial issues to Hispanics and all minorities. It is especially important, then, that a representative of our community who is sensitive to our needs serve as a member of the Commission. And it is just as important that a Hispanic of Dr. Rodriguez's broad background and understanding serve in that capacity. His experience has taught him how to work with his hands as well as his mind, and how to deal with labor as well as management. It is that broad sense of understanding and common sense that will help him to solve issues brought before the Commission with an attitude of creating a fair balance amongst all sides.

In summary, Dr. Rodriguez will be an invaluable asset to the Commission and to all Hispanics and all Americans alike. I am very honored to have this opportunity to testify on his behalf. Thank you.

BALTÁZAR LUNA
6113 DEERWOOD DR
ST LOUIS MO 63123



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STEVE PARADISE
HUMAN RESOURCE COMMITTEE ROOM 4240
US SENATE
WASHINGTON DC 20510 .

MR CHAIRMAN, MEMBERS OF THE COMMITTEE:

I HAVE BEEN AWAITING THIS OPPORTUNITY FOR TWO YEARS; A CHANCE TO COMMENT ON HISPANIC NOMINEE TO THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. WE HAVE SEEN THE ADMINISTRATIVE CHANGE, WE HAVE SEEN THE PRESIDENT OFFER A PLAN TO REORGANIZE THE FEDERAL CIVIL RIGHTS EFFORTS. WE HAVE SEEN CONGRESS DEBATE AND APPROVE THE EQUAL EMPLOYMENT OPPORTUNITY REORGANIZATION, WE ARE NOW SEEING THE IMPLEMENTATION OF THIS SIGNIFICANT AND AMBITIOUS PROGRAM.

HOWEVER, THROUGHOUT THIS ENTIRE CRUCIAL ERA THE HISPANIC COMMUNITY HAS BEEN INVOLVED AS OBSERVERS RATHER THAN PARTICIPANTS. THIS IS AN INJUSTICE...OUR GROUP WHICH WILL SOON BE THE LARGEST MINORITY GROUP IN THIS NATION, HAS BEEN VIRTUALLY EXCLUSIVE FROM PARTICIPATING IN THE PLANNING AND DEVELOPING OF PROGRAMS WHICH WILL HAVE SUCH DIRECT EFFECT ON THE QUALITY OF OUR LIVES. EEOC IS NOW TURNING A-CORNER AS IT BECOMES THE LEAD CIVIL RIGHTS AGENCY.

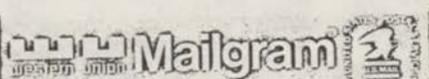
THE COMMISSION IS SCHEDULED TO ASSUME JURISDICTION OVER THE EEO ACTIVITIES OF FEDERAL AGENCIES. IN NOVEMBER, 1977, THE FULL-TIME FEDERAL CIVILIAN WORK FORCE WAS 2,414,034. MINORITY GROUP EMPLOYMENT WAS 21.6 PERCENT OR 520,850. OF THIS FIGURE HISPANICS HELD ONLY 3.4 PERCENT OR 83,394. HISPANICS HOLD LESS THAN ONE HALF THEIR PERCENTAGE RATE OF THIS NATIONS POPULATION (7 PERCENT - 8 PERCENT). AT THEIR PRESENT RATE OF INCREASE IN INQUIRING FEDERAL JOBS (1/10 OF 1 PERCENT - .1 PERCENT - EVERY 3 YEARS) IT WILL TAKE 108 YEARS TO REACH 7 PERCENT OF THE FEDERAL WORK FORCE. WE ARE UNDERREPRESENTED BY 86,905 JOBS. THIS TRANSLATES TO AN ANNUAL LOSS OF \$1,216,670,000.00 (OVER ONE BILLION DOLLARS) TO THE HISPANIC COMMUNITY. THIS ECONOMIC LOSS IMPACTS CRITICALLY IN THE QUALITY OF LIFE FOR HISPANIC AMERICANS IN THE UNITED STATES.

I WISH TO THANK EACH MEMBER OF THIS COMMITTEE WHO HAS RESPONDED IN THE PAST TO OUR PLEAS FOR ASSISTANCE AND PROVIDED SUPPORT IN ADDRESSING THE CONCERN OF THE HISPANIC COMMUNITY. I WISH TO CALL UPON YOU AGAIN AT THIS TIME FOR FURTHER SUPPORT IN CONFIRMING THE NOMINATION OF AN OUTSTANDING MEMBER OF OUR COMMUNITY TO THE EEOC.

ARMANDO RODRIGUEZ HAS AN ENVIABLE RECORD OF PUBLIC SERVICE TO HIS NATION. HE HAS UNSELFISHLY CONTRIBUTED OF HIMSELF IN BETTERING THE

TO REPLY BY MAILGRAM, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

- PAGE 2



▶ QUALITY OF LIFE FOR THE DISENFRANCHISED AND DISENCHANTED. HIS WORK AT THE LOCAL LEVEL, THE STATE LEVEL AND AT THE FEDERAL LEVEL SPEAKS OF A MAN DEDICATED TO SUPPORTING THE OBJECTIVES FOR WHICH THIS NATION WAS FOUNDED.

ARMANDO RODRIGUEZ HAS WITHOUT QUESTION DEMONSTRATED THE SKILL, PACT AND PROFESSIONAL COMPETENCY REQUIRED TO HELP GUIDE THE AGENCY INTO A NEW PERIOD OF CIVIL RIGHTS EFFORTS.

— I AM PLEASED THAT PRESIDENT CARTER HAS SELECTED SUCH AN EXCELLENT EXAMPLE OF WHAT OUR COMMUNITY HAS TO OFFER. WE NEED NOT HAVE WAITED TWO YEARS. WE HAVE BECOME UNACUSTOMED TO THIS "MANANA CONCEPT" THAT OTHERS NOW SEEM TO PRACTICE.

HOWEVER WE BELIEVE IN ARMANDO RODRIGUEZ, WE BELIEVE IN THIS COMMITTEE. WE BELIEVE IN THE INSTITUTIONS OF GOVERNMENT, MOST OF ALL WE BELIEVE IN THE AMERICAN SYSTEM. WITH THIS BELIEF WE HOPE TO CONTRIBUTE TO A BETTER AMERICA AND A BETTER TOMORROW. WE ASK YOUR SUPPORT BY CONFIRMING SENOR ARMANDO RODRIGUEZ. THANK YOU

BALTAZAR LUNA
PRESIDENT NATIONAL IMAGE
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 PMS SENATOR HARRISON WILLIAMS

WASHINGTON DC 20510

ON BEHALF OF SEM, JOBS FOR PROGRESS THE LARGEST HISPANIC EMPLOYMENT
 AND TRAINING DELIVERY SYSTEMS IN THIS NATION WORKING IN THE AREA
 EQUAL EMPLOYMENT OPPORTUNITIES, WE WOULD LIKE TO ENDORSE DR ANANDO
 RODRIGUEZ FOR EEOC COMMISSINOR, DR RODRIGUEZ HAS THE ABILITY AND
 DEDICATION THAT THE HISPANIC COMMUNITY NEEDS IN THESE CRITICAL
 TIMES, I URGE THE SENATE HUMAN RESOURCES COMMITTEE TO CONFIRM DR
 RODRIGUEZ ON BEHALF OF ALL HISPANICS,
 RICARDO LAZUETA NATIONAL DIR SEM JOBS FOR PROGRESS INC
 9841 AIRPORT BLVD LUS ANGELES CA 90045

18:30 EST

MGR CURR NGR

1978 OCT -5
 WILLIAMS, N.J.

COMMITTEE ON
 HUMAN RESOURCES
 1978 OCT -5 AM 11:30

NATIONAL ASSOCIATION OF FARMWORKER ORGANIZATIONS
 1329 E Street, N.W., Suite 1145
 Washington, D.C. 20004
 202-347-2407

SENATOR
 WILLIAMS, N.J.
 197 OCT -9 PM 2:48

October 3, 1978

Honorable Harrison Williams
 United States Senator
 352 Russell Senate Office Bldg.
 Washington, D. C. 20510

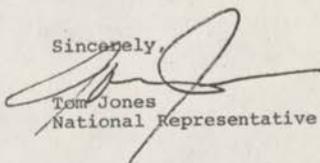
Dear Senator Williams:

The National Association of Farmworker Organizations is pleased to learn about and endorses the appointment of Dr. Armando M. Rodriguez as Commissioner of the Equal Employment Opportunity Commission.

United, we urge you to support Dr. Rodriguez's appointment. A renowned educator and spokesman for bilingual and migrant education, Dr. Rodriguez has proven invaluable to the educational, social and economic welfare of all segments of society excluding none.

We appreciate your continued support on behalf of America's farmworkers.

Sincerely,



Tom Jones
 National Representative

cc: Dr. Armando Rodriguez
 Nancy Payan Dolan
 Daryl Anderson

34-923-23

"A National Community of Workers & Their Organizations"

MAILGRAM SERVICE CENTER
MIDDLETOWN, VA. 22645



4-029315E276 10/03/78 ICS IPHMTZZ CSP WSHB
5098822991 MGM TDMT GRANDVIEW WA 110 10-03 1107A EST

CHAIRMAN HARRISON A WILLIAMS
SENATE COMMITTEE ON HUMAN RESOURCES
RM 3109 DIRKSON BLDG
WASHINGTON DC 20506

HONORABLE CHAIRMAN WILLIAMS
WE AT NORTHWEST RURAL OPPORTUNITIES ARE PLEASED TO LEARN THAT MR
ARMANDO RODRIGUEZ IS BEING CONSIDERED FOR A POST WITH THE EQUAL
EMPLOYMENT OPPORTUNITY COMMISSION, HIS APPOINTMENT AS A COMMISSIONER
WOULD BE AN EXCELLENT CHOICE, THE PEOPLE CONCERNED ABOUT THE REAL
ISSUES OF EQUAL EMPLOYMENT WILL HAVE ANOTHER TRUE ALI AN ADVOCATE, WE
KNOW MR RODRIGUEZ'S RECORD AS AN EDUCATOR AND FORMER DE OFFICAL, WE ARE
PROUD OF THAT RECORD AND WANT YOU LET THAT BACKGROUND SPEAK FOR ITSELF.

ON BEHALF OF NORTHWEST RURAL OPPORTUNITIES BOARD OF DIRECTORS STAFF AND
THE MIGRANT AND SEASONAL FARM WORKERS WE SERVE, WE CONFIDENTLY ENDORSE
MR ARMANDO RODRIGUEZ.

ANTONIO CARDENAS, ASSISTANT EXECUTIVE DIRECTOR

11:07 EST

MGMCOMP MGM

1978 OCT -4 AM 10:01
SENATOR
WILLIAMS, N.J.

1978 OCT -4 PM 5:02
COMMITTEE ON
HUMAN RESOURCES

TO REPLY BY MAILGRAM, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

R L RAMIREZ
3306 WOODCLIFF
SAN ANTONIO TX 78230

Mailgram
western union



4-073985E275 10/02/78 ICS IPMBNGZ CSP WSHB
5123412849 MGM TDBN SAN ANTONIO TX 220 10-02 0606P EST

SENATOR
WILLIAMS, J.
1978 OCT -3 AM 10:4

SENATOR WILLIAM HARRISON, CHAIRMAN
SENATE COMMITTEE ON HUMAN RESOURCES
SENATE OFFICE BLDG
WASHINGTON DC 20510

DEAR SENATOR HARRISON THE LEAGUE OF UNITED LATIN AMERICAN CITIZENS ORGANIZATION IS THE LARGEST AND OLDEST NATIONAL HISPANIC CIVIC AND CIVIL RIGHTS ORGANIZATION IN THE U.S. TEXAS LULAC IS PLEASE TO GIVE IT'S FULL AND UNCONDITIONAL SUPPORT TO THE APPOINTMENT AND CONFIRMATION OF MR ARMANDO RODRIGUEZ FROM THE STATE OF CALIFORNIA TO THE POSITION OF COMMISSONER WITH THE U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

MR RODRIGUEZ PAST AND PRESENT RECORD AS A PUBLIC SERVANT IS RECOGNIZED AMONG THE SOUTHWESTERN PART OF THE U.S. AS ONE OF DEDICATION AND COMMITMENT TO EQUAL OPPORTUNITIES FOR ALL CITIZENS. THE POSITION OF COMMISSONER HAS BEEN VACANT FOR A PERIOD OF OVER 2 YEARS. WE AS AN ORGANIZATION HAVE EXPRESSED SERIOUS DOUBTS AS TO THE CONCERN AND COMMITMENT BY THE CARTER ADMINISTRATION TOWARDS HISPANIC APPOINTMENTS.

THE TEXAS LULAC ORGANIZATION LOOKS FORWARD TO THE CONFIRMATION OF THIS GREAT MAN WHO WILL REPRESENT OUR GOVERNMENT WELL. TEXAS LULAC LOOKS FORWARD TO YOUR LEADERSHIP AND WISDOM IN THIS MATTER. IF YOU ARE IN NEED OF ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THIS MATTER PLEASE WRITE TO 3306 WOODCLIFF SAN ANTONIO TEXAS 78230 OR CALL 512-341-2849. YOURS IN LULAC

RAY L RAMIREZ
LULAC DEPUTY STATE DIRECTOR FOR TEXAS

19:01 EST

MGMCOMP MGM

1978 OCT -4 PM 5:02
COMMITTEE ON
HUMAN RESOURCES

TO REPLY BY MAILGRAM, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

THOMAS G. LILLY SENATOR
 POST OFFICE BOX 651 WILLIAMS, N.J.
 JACKSON, MISSISSIPPI 39205

September 25, 1978

SEP 23 PM 5:22

Senator Harrison A. Williams
 Chairman
 Committee on Human Relations
 United States Senate
 Washington, D. C. 20510

Dear Senator Williams:

I understand that President Carter has nominated J. Clay Smith, Jr. to fill a vacancy on the Equal Employment Opportunity Commission and that hearings will be held on his confirmation before your Committee.

I have been personally acquainted with Mr. Smith professionally through our mutual interests in the Federal Bar Association for a number of years. In my opinion, Mr. Smith is a person of unimpeachable moral character and integrity. Through my association with him, I have found that Mr. Smith possesses a very keen intellect and great willingness to work. I have always found him to be fair and equitable in his dealings with others. I feel strongly that he is most worthy of public trust and confidence and would make an outstanding Commissioner.

I would greatly appreciate it if you would kindly have this letter associated with the record made in this matter.

With best wishes, I am,

Respectfully yours,

Thomas G. Lilly
 Thomas G. Lilly

TGL/ah

the Capital Press Club

Founded 1944 - 900 East Randolph Road, Silver Spring, Md. 20904 (202) 857-4851

September 28, 1978

President

Marion Hayes Hull
Associate Director of Research
Cablecommunications Research Center

First Vice President

Samuel Johnson, Media Consultant

Second Vice President

Robert L. Asher, Editorial Writer
Washington Post

Recording Secretary

Florence H. Blau
Community Relations Director
Greater SE Community Hospital

Corresponding Secretary

Carroll F. Ward
Assistant Director of Communications
Washington Urban League

Financial Secretary

Ofield Duke, Ofield Duke & Associates

(Acting) Treasurer

Sherman Branson, Executive Director
National Newspaper Publishers Association

Parliamentarian

John Calhoun, Business Consultant

Executive Committee

Calvin Kollek, Ex-officio
Editor-Publisher, Washington Informer

A. Fred F. Breeney
Public Relations Consultant

Cheser Hagins
Public Information Officer, FCC

James Pope
Deputy Public Affairs Advisor, ACDA

Arthur M. Carter, Publisher
Washington Afro-American

1978 "50" Book Committee

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Lynn McClain

Co-Chairman
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Mary Ellen Butler, Washington Star

John Bate, WTTG-TV

Steve Robinson, WTOP-TV

Consultant to Washington J. Kollek,
Washington Informer

Jacqueline Traversi, Washington Post

Jan Vande, WRC-TV

Lillian Wagner, Washington Afro-American

The Honorable Harrison Williams
United States Senator
Chairman
Committee on Human Resources
Russell Senate Office Building, Room 352
Washington, D. C.

Dear Senator Williams:

The Capital Press Club (CPC) would like to encourage you and your committee to support the confirmation of Mr. J. Clay Smith as a Commissioner on the Equal Employment Opportunity Commission (EEOC).

The Capital Press Club is the nation's oldest and largest predominately black organization of media professionals. This is the 35th year since the founding of the CPC and our membership is represented nationally in all aspects of communications. The goals of the CPC are to provide a forum for the exchange of ideas, to facilitate the entry and mobility of blacks in the communications industries, and to monitor and promote national policies relevant to the black community. Our support of Mr. Smith for Commissioner on the EEOC is an example of our concern for endorsing persons for high government positions who are sensitive to the needs and concerns of minority people throughout the United States.

We are familiar with Mr. Smith and his work at the Federal Communications Commission. We believe Mr. Smith is a fair and objective person. In particular, he has demonstrated an understanding and sensitivity to the problems of the poor and disadvantaged people of this country. As an EEOC Commissioner, we believe Mr. Smith will be judicious in his decisions and will greatly assist the EEOC in improving the employment patterns of minorities and women.

Thank you for any considerations you will give this letter.

Sincerely,

Marion Hayes Hull
Marion Hayes Hull (Ms.)
President

cc: J. Clay Smith
The Federal Communications Commission

1978 SEP 29 PM 11:01
WILLIAMS, H. J.
SENATOR

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

September 29, 1978

IN REPLY REFER TO:

The Honorable Harrison A. Williams
Chairman, Committee on Human Resources
The United States Senate
Washington, D.C. 20510

Dear Senator Williams:

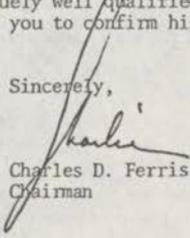
On behalf of the Federal Communications Commission, I would like enthusiastically to endorse the nomination of J. Clay Smith, Jr. to be a member of the Equal Employment Opportunity Commission.

Clay Smith has served the Commission with great distinction since coming here in 1974 as Deputy Chief of the Cable Television Bureau. In 1976 he was appointed Associate General Counsel and served as the Acting General Counsel from September 1977 to November 1977.

The record accompanying his nomination fully documents, I am sure, his wide-ranging accomplishments as a lawyer in private practice, as a teacher, as a leader in bar association activities, and as a public servant. But this record should also reflect the qualities of energy, commitment, conviction and human concern that have characterized his service with the FCC. He has contributed not only informed and wise advice to the Commission on communications policy issues generally; but, throughout his tenure at the Commission he has brought into focus the importance of these public policy issues to minorities and women. In particular, he has been a forceful advocate of the rights of minorities and women to equal employment opportunities in the industries that the Commission regulates and at the FCC as well.

Because of his abilities as a lawyer and his deep sense of human concern, Clay Smith is uniquely well qualified to serve as a member of the EEOC; and thus I would urge you to confirm his appointment to this important position of public trust.

Sincerely,



Charles D. Ferris
Chairman

we:

WU SENATE WSH

+

NAACP WABUR WSH

TLX PD WASH DC OCT 4 1978 SENATOR WILLIAMS, N.J.

HONORABLE HARRISON WILLIAMS OCT -5 AM 10:12

CHAIRMAN COMMITTEE ON HUMAN RESOURCES 053

US SENATE

WSH DC

THE NOMINATION OF MR CLAY SMITH AS A MEMBER OF THE EQUAL
 EMPLOYMENT OPPORTUNITY COMMISSION HAS BEEN DISCUSSED IN OUR
 OFFICE. MR SMITH IS WELL KNOWN TO OUR GENERAL COUNSEL, NATHANIEL
 JONES, AND TO OUR WASHINGTON BUREAU COUNSEL, J FRANCIS POHLHAUS.
 BOTH OF THEM HAVE WORKED WITH HIM ON MATTERS OF IMPORTANCE
 IN THE AREA OF CIVIL RIGHTS. IT IS OUR JOINT OPINION THAT HE
 WILL MAKE A VERY EFFECTIVE ADDITION TO THE EQUAL EMPLOYMENT
 OPPORTUNITY COMMISSION.

CLARENCE MITCHELL, DIRECTOR, WASHINGTON BUREAU, NAACP

NAACP WABUR WSH

+

Telex/TWX

western union



Telegram

NFC007 WAE163(1531)(4-057841E275)PD 10/02/76 1929

ICS IPNHTZZ CSP

2028335580 TDNT WASHINGTON DC 65 10-02 0329P EST

PHS SENATE HUMAN RESOURCES COMMITTEE, SENATOR HARRISON WILLIAMS

DIRKSEN SEANTE OFFICE BLDG R0H 4233

WASHINGTON DC

THE NATIONAL BAR ASSOCIATION SUPPORTS THE NOMINATION OF J CLAY SMITH AS A COMMISSIONER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. MR SMITH IS AN ACTIVE MEMBER OF THE NATIONAL BAR ASSOCIATION AND A STRONG SUPPORTER OF THE GOALS OF THE COMMISSION WE THINK THAT YOU WILL FIND HIS EDUCATIONAL BACKGROUND AND WORK EXPERIENCE AN ASSET TO THE COMMISSIONS WORK. WE URGE HIS IMMEDIATE CONFIRMATION

JUNIUS V WILLIAMS PRESIDENT NATIONAL BAR ASSN

NNNN

1978 OCT -3 AM 9-27
WILLIAMS, N.J.
SENATOR

FEDERAL BAR ASSOCIATION

1815 H STREET, N.W., WASHINGTON, D.C. 20540 (202) 638-0252

BERTRAM U. WEINBERG *National Vice President for the 3rd Circuit
Assistant Chairman National Membership
CommitteeUNITED STATES DEPARTMENT OF JUSTICE970 Broad Street, Newark N.J. 07102
(201) 645-3541 (FTS 8-341-3541)
(201) 763-0062 (after 7 P.M.)

October 19, 1978

Hon. Harrison Williams
Chairman
Human Resource Committee
Russell Senate Office Building
Washington DC 205101978 OCT 23 AM 10:51
WILLIAMS, N.J.

Dear Senator Williams:

As one of your constituents, and as a fraternal associate of

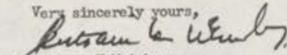
J. Clay Smith Jr., Esq.,

of Washington DC, I would feel rather remiss, if I did not emphasize and espouse his many qualifications and attributes, for appointment to the Equal Employment Opportunity Commission. Briefly and concisely they are as follows:

1. Outstanding and thorough legal base and legal knowledge
2. Keen analytical mind, regarding people and their capabilities
3. Acute familiarity with the social, political and economic forces and conditions extant today.
4. Potential Judicial temperament
5. Sterling character and very pleasing personality

I am very prejudiced in his favor and for excellent reasons. Our Citizenry should have the benefit of his many talents.

Very sincerely yours,


Bertram U. Weinberg

b/w

P/S No one asked or requested that I write this letter. I heard that Mr. Smith was being considered for this commission opening.

* Member National Council

** 3rd Circuit (Pennsylvania, New Jersey
Delaware, Virgin Islands)



SENATOR
WILLIAMS, N.J.
1976 OCT -9 PM 2:48

September 29, 1978

Senator Harrison Williams
Chair
Committee on House Resources
United States Senate
Russell Building - Room 352
Washington, D.C.

Dear Senator Williams:

RE: Nomination of J. Clay Smith, Jr., Esq., to EEOC

I am writing on behalf of the Board of Directors and National Office of the National Conference of Black Lawyers to urge your committee to approve the nomination of J. Clay Smith, Jr. as a commissioner to the EEOC.

J. Clay Smith has been a member of NCBL for over eight years and served the organization as a Board member from 1973-1975. He was an original member of our Military Justice Task Force and authored and edited an NCBL Manual on Military Justice designed for use by civilian attorneys.

Throughout our association with Attorney Smith he has embodied the principles of service and willingness to struggle for a just society that has been the hallmark of the NCBL lawyer.

We are honored and pleased that such an esteemed member from our ranks should be nominated for the important position of Commissioner to the EEOC. It is our considered opinion that J. Clay Smith, Jr., is eminently qualified for the position and will make lasting contributions to the evolution of that agency.

Yours truly,

Victor M. Goode, Esq.
National Director-NCBL

cc: Hope R. Stevens, Esq.
Judith Bourne, Esq.

126 WEST 119 STREET, NEW YORK, NEW YORK 10026 212 • 866-3501-2-3

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National Director
Victor M. Goode, Esq.
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Council on Legal Education Opportunity

1111 S. N. J.
818 18th STREET, N.W., SUITE 940, WASHINGTON, D.C. 20006 TELEPHONE (202) 785-4840

WADE J. HENDERSON
Executive Director
LINDA FLORES
Associate Director

October 4, 1978

Honorable Harrison A. Williams
Committee on Human Resources
4230 Dirksen Senate Office Building
Washington, D.C. 20510

Re: Nomination of J. Clay Smith, Esq.
Equal Employment Opportunity
Commission

Dear Senator Williams:

It is a profound pleasure for me to submit this letter in support of President Carter's nomination of J. Clay Smith, Esq. as a Commissioner with the Equal Employment Opportunity Commission (EEOC). I have known Mr. Smith in a professional capacity for several years and throughout that time have found him to be a man of the highest professional integrity, possessing essential qualities of leadership and perhaps, most importantly, scholarship and academic distinction. It is in his capacity as legal scholar that Mr. Smith has made, perhaps, his greatest mark within the academic community of legal education. His writings on the historical, economic and political development of the Black lawyer and his research into the intricate constitutional complexity surrounding the judicial status of ethnic minorities in this country have made an immense contribution to the scholarship in this field.

But Mr. Smith is much more than an "ivory tower" scholar! In his role as leader of the Washington Bar Association and in his affiliation with the Federal Bar Association, Mr. Smith has provided much tangible support for many, significant pro bono activities. To the program which I represent, the Council on Legal Education Opportunity (CLEO), Mr. Smith has been of immeasurable assistance. As you may know, CLEO is a joint program of three national bar associations and two national organizations representing legal education and accreditation. The CLEO program seeks to redress the perceived imbalances in minority and economically disadvantaged group representation within the legal profession. This is achieved by providing an alternate mechanism for assessing, within the law school environment itself, the potential of each CLEO program participant for the study of law.

Since 1968, CLEO has sponsored seventy (70) Regional Summer Institutes at ABA-accredited law schools throughout the country. The summer institutes are based upon the premise that significant numbers of economically and educationally disadvantaged persons who would be excluded from legal education through the use of traditional measures of aptitude can, with financial and academic support, successfully negotiate the law school curriculum. Mr. Smith has been of assistance

Sponsored jointly by:

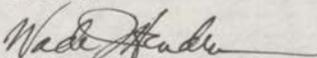
American Bar Association — Association of American Law Schools — Law School Admission Council
National Bar Association — La Raza National Lawyers Association

Senator Harrison A. Williams
October 4, 1978
Page 2

to the program through active support for the academic objectives of CLEO, as well as by providing insight into ways in which CLEO may be academically strengthened. During the first decade of CLEO, Mr. Smith has been a major contributor in facilitating the achievements of many program participants.

Mr. Smith is a man of distinguished achievement. Among his colleagues, his reputation for hard work and perseverance is extremely high; and yet he is noted for his creative and flexible approach to problem-solving. In short, I give Mr. Smith my highest, unqualified endorsement and I urge his appointment as Commissioner with the EEOC.

Sincerely,



Wade J. Henderson
Executive Director

WJH:bar

Arent, Fox, Kintner, Plotkin & Kahn

Federal Bar Building, 1815 H Street, NW
Washington, D.C. 20006

Cable: ARFOX
Telex: 862872
Telephone: (202) 857 6000

Writer's Direct Dial Number
(202) 857-6055

- | | | | | |
|--------------------|-------------------|---------------------|-----------------------|--------------------|
| ALBERT S. ADEST | EARL W. KOPPEL | EDWIN L. KAPLAN | HERBERT M. PULFORD | ROBERT B. RUBIN |
| DONALD W. BROWN | JOHN J. LESTER | BARBARA K. RYAN | ARTHUR W. REICHER | NADE A. REICHEL |
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| MICHAEL H. JAFFE | EDWARD A. SHAW | JAMES A. LEVY | THEODORE S. FRANK | DAVID F. WILKINSON |
| JOHN HANCOCK, JR. | DOUGLAS M. SHAW | ERIC A. WASHINGTON | ANDREW W. LEVY | JOSEPH S. WATSON |
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| LESLIE A. HANCOCK | JOHN W. SHAW | JOHN W. WELLS, JR. | MARK L. FLEISCHBERG | DANIEL S. WATSON |
| EARL H. HANCOCK | STEPHEN S. SHAW | JOHN W. WELLS, JR. | ROBERT F. WATKINS | ROBERT C. WELLS |
| JOHN H. FRYDEN | JOHN W. SHAW | JOHN W. WELLS, JR. | WILLIAM M. DUNN | CHARLES W. WELLS |
| JOHN C. FURMAN | THOMAS P. SHAW | JOHN W. WELLS, JR. | JEROME H. SHIFFIN | BARRY A. WELLS |
| DONALD C. HANCOCK | JOHN W. SHAW | JOHN W. WELLS, JR. | WILLIAM M. DUNN | J. C. WELLS, JR. |
| JOHN W. HANCOCK | THOMAS P. SHAW | JOHN W. WELLS, JR. | JOEL S. SHAW | ARTHUR A. WELLS |
| PETER HANCOCK | JOHN W. SHAW | JOHN W. WELLS, JR. | JOHN W. WELLS, JR. | JOSEPH S. WATSON |
| WILLIAM H. HANCOCK | EDWARD A. SHAW | JOHN W. WELLS, JR. | WILLIAM M. DUNN | LEWIS S. WELLS |
| FRANK S. HANCOCK | ALAN HANCOCK | JOHN W. WELLS, JR. | WILLIAM M. DUNN | LEWIS S. WELLS |
| HANCOCK S. HANCOCK | JOHN W. SHAW | JOHN W. WELLS, JR. | WILLIAM M. DUNN | LEWIS S. WELLS |
| NEED L. HANCOCK | DAVID S. SHAW | JOHN W. WELLS, JR. | WILLIAM M. DUNN | LEWIS S. WELLS |
| MICHAEL J. HANCOCK | STEPHEN L. SHAW | JOHN W. WELLS, JR. | WILLIAM M. DUNN | LEWIS S. WELLS |
| JEFFREY P. HANCOCK | JOHN W. SHAW | JOHN W. WELLS, JR. | WILLIAM M. DUNN | LEWIS S. WELLS |

October 2, 1978

Honorable Harrison A. Williams
Chairman
Senate Committee on Human Resources
Room 352, Russell Office Building
Washington, D.C. 20515

Re: Nomination of J. Clay Smith, Jr. to
Equal Employment Opportunity Commission

Dear Senator Williams:

I am writing to endorse Mr. J. Clay Smith's nomination as a member of the Equal Employment Opportunity Commission, and request that this letter be included in the record of the confirmation hearing.

I have known Mr. Smith professionally for approximately seven years. During this time he has demonstrated not only unquestioned competence and integrity as a practicing attorney, but perhaps even more importantly he has shown a consistent commitment to human rights on both a professional and personal level. Professionally, this commitment has, among other things, resulted in Mr. Smith being a leader in promoting the position of Black lawyers in the profession, particularly through his leadership positions in the Washington Bar Association and the Federal Bar Association. Despite an unbelievably hectic schedule, he has also taught at the Howard University School of Law, further demonstrating both his professional competence and desire to enhance the stature of Black attorneys.

Personally, Mr. Smith has utilized his small amount of free time to research in a scholarly fashion the role of Black lawyers in the history of the United States. I am confident that the discoveries which he has made will add substantially to our understanding of the important role of Black lawyers since the Civil War.

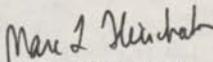
1978 OCT - 5 AM 9-53
WILLIAMSON, N.J.

Honorable Harrison A. Williams
October 2, 1978
Page - 2 -

I might also add that on a personal level Mr. Smith's activities and actions consistently demonstrate his understanding of the problems faced by minority groups in this country. These personal relationships, which I have to some extent been able to observe, have convinced me beyond any doubt that Mr. Smith is supremely qualified on a personal as well as professional level to assume the responsibilities of the position for which he has been nominated.

For all the foregoing reasons, I urge the Committee and the full Senate to act favorably on Mr. Smith's nomination in the quickest possible time.

Sincerely,



Marc L. Fleischaker

MLF:cc

HOWARD UNIVERSITY
WASHINGTON, D.C. 20059

SENATOR
WILLIAMS, N.J.

1978 OCT -3 AM 10:44

THE SCHOOL OF COMMUNICATIONS
OFFICE OF THE DEAN

September 28, 1978

The Honorable Harrison Williams
U. S. Senator
Chairman, Committee on Human Resources
Room 352
Russell Senate Office Building
Washington, D. C. 20515

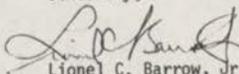
Dear Senator Williams:

It has come to my attention that Mr. J. Clay Smith, Jr., has been nominated for a position as commissioner on the Equal Employment Opportunity Commission.

Mr. Smith was one of the first people I met upon my arrival in Washington, D. C., three years ago. Since that time I have observed his activities at the F.C.C. and have had several occasions to hear him speak on a variety of topics.

He is, in my opinion, an extremely intelligent person with an excellent understanding of people and of equal employment issues. I recommend him to you without reservation and I trust that your committee will see fit to confirm his nomination.

Sincerely,

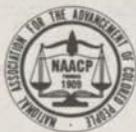


Lionel C. Barrow, Jr., Ph.D.
Dean

COMMITTEE ON
HUMAN RESOURCES

1978 OCT -3 PM 5:40

ELB:rl



NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

SEVENTEEN NINETY BROADWAY • NEW YORK, N. Y. 10019 • 212-245-2100

September 29, 1978

Honorable Harrison Williams
Chairman
Committee on Human Resources
United States Senate
Russell Building
Room 352
Washington, D. C. 20510

Dear Senator Williams:

I am very pleased to support the nomination of J. Clay Smith, Jr., for the position as a Commissioner, Equal Employment Opportunity Commission.

Mr. Smith is a young man who has an exemplary record of accomplishments and service. He has already served with notable success as a practicing attorney, professor of Law, and Judge Advocate. Prior to his current appointment as Associate General Counsel for the Federal Communications Commission in 1976, he served as Deputy Chief of the FCC's Cable Television Bureau for two years. While pursuing his career goals, Mr. Smith has also assumed a leadership role in a variety of public service programs and was cited as one of the ten outstanding young men of America in 1973.

I believe Mr. Smith has exceptional qualifications to serve as a member of the Equal Employment Opportunity Commission.

Sincerely,

Benjamin L. Hooks
Benjamin L. Hooks
Executive Director

COMMITTEE ON
HUMAN RESOURCES
1978 OCT -5 AM 11:30

OFFICE - 5 AM 10-17
JAMES, N.J.



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SENATOR
WILLIAMS, N.J.

1978 OCT -4 PM 3:35

October 2, 1978

The Honorable Harrison A. Williams
United States Senator
Chairman, Committee on Human Resources
352 Russell Senate Office Building
Washington, D.C. 20510

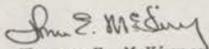
Dear Senator Williams:

I am writing in support of the nomination of J. Clay Smith, Jr., Edquire to the Equal Employment Opportunity Commission. Without a doubt, Mr. Smith is a superior choice for the EEOC.

Mr. Smith has been in the vanguard of Equal Employment Opportunity matters throughout his entire career. He has worked diligently to make the goals of equal opportunity a reality for all Americans. Through his sensitivity, innate intelligence, and his ability to foresee both short and long term effects, he has made an outstanding contribution to the legal and regulatory areas and their impact and influence upon the agencies affected. Not only has Mr. Smith earned the respect of his colleagues in the legal profession, but broadcasters, such as myself, respect him tremendously.

I would hope that the Senate would see fit to affirm his nomination to the Equal Employment Opportunity Commission as he will be a tremendous asset to the ongoing work of the Commission.

Respectfully yours,



Thomas E. McKinney
President
Sheridan Broadcasting Company

TM/rv

COMMITTEE ON
HUMAN RESOURCES
1978 OCT -4 PM 5:02



HOWARD UNIVERSITY
WASHINGTON, D. C. 20001

THE PRESIDENT

October 2, 1978

1978 OCT -2 PM 5:28
SENATOR
WILLIAMS, N.J.

Dear Senator Williams:

I am pleased to submit this letter of recommendation on behalf of Mr. J. Clay Smith, candidate for membership on the Equal Employment Opportunity Commission.

I have had the pleasure of knowing and working with Mr. Smith for several years. He is a June, 1967 graduate of the Howard University School of Law. In addition to several significant professional positions which he has held since that time, he has taught from time to time as a member of the faculty of the Howard University School of Law.

His involvement in community activities is most significant and for a while he served as President of the "Friends of the D. C. Youth Orchestra". He has always conducted himself in a manner reflective of a great sense of responsibility and thoroughness and is highly regarded by those students whom he has taught as well as his peers in the legal profession.

I am certain that you will find this energetic and able individual to be a definite asset to your program.

Sincerely,

James E. Cheek

The Honorable Harrison A. Williams, Jr.
Chairman, Committee on Human Resources
The Russell Building, Room 352
United States Senate
Washington, D. C. 20510

SENATOR
WILLIAMS. N.J.October 2, 1978
1978 OCT -2 PM 5:30

The Honorable Harrison Williams
Chairman
Committee on Human Resources
U. S. Senate
Russell Building, Room 352
Washington, D. C. 20510

Re: Nomination of J. Clay Smith, Jr., Esq.

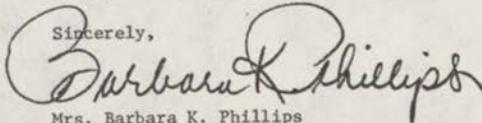
Dear Senator Williams:

This refers to the nomination of J. Clay Smith, Jr., Esq. for the position of Commissioner of the Equal Employment Opportunity Commission.

On behalf of the Alpha Kappa Alpha Sorority, Inc., a national organization having a membership of over 70,000 women, I am pleased to write in support of the nomination of this excellent choice for the Commissioner position at the EEOC. Please know that one of our national officers in a decision making role has had an opportunity to work in a legal capacity with Mr. Smith in government service and stresses his extreme competence, dedication and sensitivity to policy development, program planning and implementation. Further, our organization has observed his unmatched participation in professional and community activities which have at once benefited his colleagues and the society at large.

In view of the foregoing please know that J. Clay Smith, Jr., Esq. has our complete support in this very timely and essential nomination.

Sincerely,



Mrs. Barbara K. Phillips
National President
Alpha Kappa Alpha Sorority, Inc.

October 2, 1978

SENATOR
WILLIAMS, N.J.

OCT -2 PM 5:30

The Honorable Harrison Williams
Chairman
Committee on Human Resources
U. S. Senate
Russell Building, Room 352
Washington, D. C. 20510

Re: Nomination of J. Clay Smith, Esq.

Dear Senator Williams:

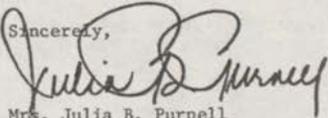
This refers to the nomination of J. Clay Smith, Esq. for the position of Commissioner of the Equal Employment Opportunity Commission.

Please know that the National Organization of Links, Inc., a membership of over 4,000 women dedicated to service to mankind, applauds the outstanding nomination of Mr. Smith to this position.

Mr. Smith has been and is a main contributor to the betterment of our society through his profession as a lawyer, and his professional and community activities. His deeds have indeed demonstrated a commitment to fairness, justice and equality for all people. Recognizably his high acumen, competence, dedication, determination, commitment and sensitivity all join to make him a sterling choice as Commissioner for EEOC.

Accordingly, on behalf of the Links, Inc. I support this candidate without reservation.

Sincerely,



Mrs. Julia B. Purnell
President
Links, Inc.

DIRECTOR
ATLANTA, GA.

Frederick Wilkerson Scholarship Foundation

1207 Floral Street, Northwest
Washington, D. C. 20012

OCT -2 PM 5:50

723-4009

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PUBLIC RELATIONS

October 1, 1978

The Honorable Harrison Williams
Chairman/Committee on Human Resources
United States Senate
Russell Bldg. Rm. 352
Washington, D.C.

Re: Nomination of J. Clay Smith Jr.
To: EEOC

Dear Sir:

On behalf of the Board of Directors of The Frederick Wilkerson Scholarship Foundation, we wish to state our support of the confirmation of J. Clay Smith Jr. to the EEOC. His presence and contributions will immeasurably enrich the performance of this august body that is so necessary to the economic balance of our great country.

J. Clay, aside from being a superbly trained scholar who has consistently achieved honorable recognition from his youth through numerous halls of academia, is also a compassionate human being who understands the yearnings and struggles of the artistically talented who need the encouragement, recognition and support of the corporate world as well as that tendered by the masses. We, thereby, applaud his great constructive leadership during his two years a president of the Youth Orchestra during which it was guided toward a sound financial and progressive basis; we applaud him for his great love of the visual arts, not only as a formidable and astute collector, but also as a consistent supporter both vocally and through his scholarly writing.

The Wilkerson Foundation, during its eleven years of existence, has been the recipient of his encouragement, suggestions and support all of which has helped us to aid many aspiring and serious vocal students achieve meaningful careers and we now extend our collective support to this most unusually talented man with the legal mind of a steel trap, the heart of a Christian, vision blessed by all the gods and an understanding of

Frederick Wilkerson Scholarship Foundation

1207 Floral Street, Northwest
Washington, D. C. 20012

723-4009

BOARD OF DIRECTORS

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FREDERICK WILKERSON
ARTISTIC DIRECTOR

CHARLAE OLAKER
STUDENT REPRESENTATIVE

JOY M. McLEAN
MUSIC LIBRARIAN

DOROTHY FAX
RESEARCH

PAUL DANQUAH
PUBLIC RELATIONS

the human condition that could only have been gained by the keenest of observers
endowed with an unusual sense of justice.

We sincerely urge his confirmation.

Sincerely,

Gaynelle Reed Lewis
Gaynelle Reed Lewis, President

1323 Kalmia Road, N.W.
 Washington, D.C. 20012
 September 28, 1978

The Honorable Harrison Williams
 Chairman, Committee of Human Resources
 United States Senate
 Room 352
 Russel Building
 Washington, D.C.

RECEIVED
 HARRISON W. WILLIAMS, N.J.
 1978 OCT -3 44-38-44

Dear Sir:

I was very pleased to learn of the nomination of Dr. J. Clay Smith, the position of Commissioner of Equal Employment Opportunity Commission.

I am a 14 year old high school sophomore and have had the pleasure of knowing Dr. Smith and his family for a number of years. During the years that I have known him, Dr. Smith has been an outstanding member of our community and has demonstrated an interest in the educational development and general well-being of the youth in the community. Earlier this year he was guest speaker in my class on Minorities at Paul Jr. High School at which time he delivered a lecture on government. It was a very enlightening experience for the class. From this, he saw the need for young people to be more informed about their government and he undertook the task of holding a class on government in his home every Saturday afternoon. On numerous occasions Dr. Smith has taken time to have personal discussions with me on any subject that I have questioned him about.

There are many reasons why I think Dr. Smith is the right person for Commissioner to the Equal Employment Opportunity Commission. However, being a member of the coming generation, I am especially impressed with his knowledge and interest in government along with his willingness to share it with the young people of this nation. I applaud the nomination of Dr. J. Clay Smith to Commissioner, Equal Employment Opportunity Commission.

Very truly yours,

Renee Bovelie

Renee Bovelie

1323 Kalmia Road, N.W.
Washington, D.C., 20012
September 28, 1978

The Honorable Harrison Williams
Chairman, Committee of Human Resources
United States Senate
Room 352
Russel Building
Washington, D.C.

Dear Sir:

I am 13 years old and in the 9th grade. I am writing you this letter on behalf of Dr. J. Clay Smith. Dr. Smith is the father of one of my best friends, Stager Smith. Stager and I have been friends for many years and during this time I have also become friends with Stager's brother Michael and his sister, Michele, and most importantly his father, Dr. Smith. It is because of my friendship with Dr. Smith that I am writing this letter to you.

Dr. Smith has spent a lot of time with us in informal classes that he holds. During these classes we discuss current events and government. I have learned much about the way our government works. The classes are not always serious and sometimes we have a great deal of fun.

I know that Dr. Smith is very active in our community. He is a past president of the Friends of the D.C. Youth Orchestra, where I am a percussionist, and is the resident of The Washington Bar Association. Now he is being considered for Commissioner of the Equal Employment Commission. I know that he will make an outstanding Commissioner and that is why I am writing. I want to let you know that I think Dr. Smith is a great person.

Sincerely yours,

Nathan Bovele

Nathan Bovele



SENATOR
WILLIAMS, N.J.

1978 OCT -3 AM 10: 49

September 29, 1978

The Honorable Harrison Williams
United States Senator
Chairman
Committee on Human Resources
Russell Senate Office Building, Room 352
Washington, D.C.

Dear Senator Williams:

The Booker T. Washington Foundation (BTWF) would like to strongly support the nomination of J. Clay Smith to be a commissioner of the Equal Employment Opportunity Commission.

We are a public, non-private operating foundation, chartered in 1967 by the National Business League (NBL). As one of the oldest black self-help organizations in the world, our mandate is to develop and expand resources for economic development among Black, Hispanic, Native American and other disadvantaged minorities.

One of BTWF's priorities has been to increase minority ownership and employment within the telecommunications industry. Over the past four years we have been much involved with the Federal Communications Commission and Mr. Smith as we sought to achieve our goals. As a policy maker he has been a persuasive advisor, particularly in regard to EEO regulations in cable television and broadcasting. Mr. Smith has demonstrated a commitment to improve laws affecting minorities; spoken out on issues relating to equal access and opportunity in the media; and presented facts in a clear and complete way before the FCC.

BTWF feels Mr. Smith will be a great asset to the EEOC. The EEOC is beginning to make progress in creating and carrying out policies designed to correct employment problems faced by minorities and women. Of particular encouragement to us has been the EEOC's involvement with the FCC and special interest in documenting employment practices within the telecommunications industry. Correspondingly, we feel new commissioners at the EEOC must also have a sensitivity to employment concerns in broadcasting and cable television and a commitment to seek ways of eliminating discriminatory policies and practices in these industries.

We urge you to look favorably on the nomination of Mr. Smith. His past record shows Mr. Smith believes in setting goals and standards that will promote equal access to opportunities for all people in the United States, regardless of race or sex.

We appreciate any considerations you will give this letter.

Sincerely,

Charles E. Tate

Charles E. Tate
Vice President for Programs

BOOKER T. WASHINGTON FOUNDATION

2000 K STREET NORTHWEST, WASHINGTON, D.C. 20006 • (202) 857-4800



SCHOOL OF LAW

HOWARD UNIVERSITY

2935 UPTON STREET, N.W.

WASHINGTON, D. C. 20008

FOUNDED BY GENERAL G. O. HOWARD

September 29, 1978

Honorable Harrison Williams
 Chairman
 Committee on Human Resources
 352 Russell Senate Office Building
 Washington, D.C. 20510

RE: J. Clay Smith, Esquire
 Nominee for EEOC Commission

Dear Senator Williams:

I have been requested by J. Clay Smith, Esquire to testify on his behalf during the confirmation hearing on his nomination to become a member of the Equal Employment Opportunity Commission and will therefore be pleased to appear before your Committee on Tuesday, October 3, 1978 at 9:00 a.m.

Sincerely,

Wiley A. Branton
 Wiley A. Branton
 Dean

WAB:mlp

cc: J. Clay Smith, Esquire

WAB
 1978 OCT -2 AM 11:30

WALTER E. FAUNTROY
DISTRICT OF COLUMBIA

2441 RAYBURN HOUSE OFFICE BUILDING
(202) 225-8050

DISTRICT OFFICE:
GENERAL ACCOUNTING OFFICE BUILDING
441 G STREET, N.W.
SUITE 1002
WASHINGTON, D.C. 20548
(202) 278-0171

Congress of the United States
House of Representatives
Washington, D.C. 20515

October 2, 1978

Senator Harrison Williams
Chairman, Human Resources
Committee
4230 Dirksen Office Building
Washington, D. C. 20514

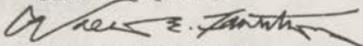
Dear Senator Williams.

I regret that a previous commitment makes it impossible for me to join my constituent J. Clay Smith, Jr., when he appears before your committee tomorrow.

Let me assure you and the Members of the committee that I wholeheartedly endorse Clay's nomination to become a member of the Equal Employment Opportunity Commission. Clay's training and work background speak eloquently of his ability to effectively absorb, analyze and resolve complex problems. His active involvement with volunteer projects in our nation's capital reflects a genuine sensitivity to the concerns of people. The fact Clay worked his way through undergraduate school and law school indicates discipline and maturity that will serve him well as an EEO Commissioner.

I am proud to associate myself with President Carter in recommending the committee confirm J. Clay Smith, Jr., as an EEOC Commissioner. I am confident he will set new standards of achievement as he serves all the people of our nation.

Sincerely yours,



WALTER E. FAUNTROY
Member of Congress

COMMITTEE ON
DISTRICT OF COLUMBIA

SUBCOMMITTEES:
FISCAL AND GOVERNMENT AFFAIRS
ECONOMIC DEVELOPMENT AND
REGIONAL AFFAIRS

COMMITTEE ON
BANKING, FINANCE AND
URBAN AFFAIRS

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CHAIRMAN, HISTORIC PRESERVATION
AND COINAGE

HOUSING AND COMMUNITY
DEVELOPMENT
ECONOMIC STABILIZATION
CONSUMER AFFAIRS

SELECT COMMITTEE ON
ASSASSINATION

CHAIRMAN, SUBCOMMITTEE ON
MARTIN LUTHER KING, JR.



PENNZOIL PLACE • P.O. BOX 2967 • HOUSTON, TEXAS 77001 • (713) 236-7878

September 28, 1978

Honorable Harrison A. Williams
 Senate Committee on Human Resources
 United States Senate
 Washington, D. C. 20510

RECEIVED
 WILLIAMS, N.J.
 OCT -2 PM 12:11

Dear Senator Williams:

I have learned that the Senate Committee on Human Resources will soon be holding confirmation hearings on the nomination of J. Clay Smith, Associate General Counsel of the Federal Communications Commission, to serve on the Equal Employment Opportunity Commission.

By now, I am sure that you and your staff are familiar with Mr. Smith's career: his service with the Army's Judge Advocate General's Corps and prominent Washington law firm, and his years with the Federal Communications Commission. Additionally, he has served in many important capacities with the Federal Bar Association and other civic and professional groups.

I have known Clay Smith for several years and had the pleasure of working with him at the Federal Communications Commission. His capacity for work, his comprehensive grasp of so many areas in the law and his sterling qualities of character indicate that he will be an outstanding EEOC Commissioner. This is one of the finest nominations President Carter has submitted to the Senate and I am certain that you will be as impressed with Mr. Smith's qualifications as those who have had the honor to work with him.

Very truly yours,

Anthony B. Cavender
 Anthony B. Cavender

STATEMENT OF
EARL W. KINTNER
SUPPORTING THE NOMINATION OF
J. CLAY SMITH, JR.
TO BE A MEMBER OF THE
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PRESENTED TO THE
SENATE COMMITTEE ON HUMAN RESOURCES

October 3, 1978

Chairman Williams and Members of the Committee:

My name is Earl W. Kintner, and I am a senior partner in the Washington law firm of Arent, Fox, Kintner, Plotkin & Kahn.

It is a singular honor and great pleasure for me to speak in support of J. Clay Smith, Jr.'s nomination as a Member of the Equal Employment Opportunity Commission. Rarely is a person nominated for a high federal office who is better qualified for the assignment. As such, I wish to unequivocally endorse this nomination and to encourage rapid confirmation.

I came to know Clay well during his three years as an anti-trust and trade regulation attorney with my law firm. During his time with us he proved himself to be a superbly skilled attorney. Clay's skills in marshalling facts in an objective fashion and applying the law in an evenhanded way to those facts augur well for distinguished service as a Member of the E.E.O.C.

Clay's prodigious efforts to develop fully his legal knowledge also flowered during his period at my firm. Not only did Clay teach at Howard University Law School, but it was during this period that he began his drive to obtain an S.J.D. degree (Doctor of Law) from George Washington University. This effort reached fruition during Clay's government service, when he was awarded the degree. I was privileged to be one of the three reviewers of the dissertation which Clay wrote regarding class actions as part of his doctoral program. I am pleased to report to this Committee that the dissertation was one of the most scholarly and insightful

- 2 -

treatments of this subject which I have read. Clay's full understanding of this area of the law will of course be quite useful to the E.E.O.C. when he is a Member.

Clay's devotion to his profession and the rule of law has also been demonstrated clearly by his numerous bar associates and other professional activities. As part of his work in this field, Clay has championed the utilization of continuing legal education programs for government lawyers. To citizens who must rely on the sound legal advice provided by government attorneys, I believe that we all owe Clay a large measure of gratitude for his efforts. Perhaps more materially, they have also been rewarded by his becoming President of the Washington Bar Association, and Vice-President of the Federal Bar Association.

I would be remiss if I did not mention Clay's recognition of and devotion to solving the serious problems faced by minority groups in our country today. Clay's concerns in this regard are amply demonstrated by his professional and personal activities. Thus, by temperament as well as professional training Clay is uniquely suited for the position for which he has been nominated.

Finally, I would like to express my gratitude to the President for nominating a person to be a Member of the E.E.O.C. who is currently in government service. Nominations such as this one encourage government employees of high quality to remain with the government because they know that their contributions will be recognized. I know that my elevation to Chairman of the Federal

- 3 -

Trade Commission from a staff position was effective in encouraging other government employees to believe that they had a bright future in government. I believe that Clay's nomination will have the same effect.

Mr. Chairman, I deeply appreciate the opportunity to appear today in support of Clay Smith's nomination as a Member of the E.E.O.C. Again, I encourage swift confirmation.

Thank you.



HAITIAN *Newsletter*

P.O. Box 4115
Silver Spring, Md. 20904

ART

October 2, 1978

The Honorable Harrison Williams
Chairman of the Committee on Human Resources
United States Senate
The Russell Building
Room 352
Washington, D. C.

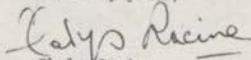
Re: Nomination of Dr. J. Clay Smith, Jr.
to Equal Employment Opportunity Commission

Honorable Chairman,

The Haitian Art Newsletter presents its compliments and takes this opportunity to announce its full support of J. Clay Smith, Jr., as Commissioner on E.E.O.C. J. Clay Smith is a knowledgeable devotee of the art and an In-Kind writer for the Haitian Art Newsletter since its inception. Mr. Smith's favorite topics are historical subjects on which he has been more than competent by informing our 1500 readers about the vitality and social and historic significance of the visual art in Haiti. In his articles, Mr. Smith always promotes, through the sharing of pleasure and knowledge of art, international and intercultural relations between Haiti and the United States. In addition, we know him as a man of the highest integrity, conscientious, truthful and loyal. These qualities, we are sure, would make him a productive member of E.E.O.C.

We feel that the commission will be enriched by the choice of this young man of energy and resourcefulness, a very capable man.

Sincerely yours,



Gladys Racine
Editor
Haitian Art Newsletter

STATEMENT OF
WILEY A. BRANTON
Dean, Howard University
School of Law, Washington, D.C.

BEFORE THE
COMMITTEE ON HUMAN RESOURCES
UNITED STATES SENATE
October 3, 1978

I appreciate this opportunity to appear before this Committee and its distinguished Chairman and members in support of President Jimmy Carter's nomination of John Clay Smith, Jr., of Washington, D.C. to be a member of the Equal Employment Opportunity Commission for a term expiring July 1, 1982.

I am pleased to support this nomination as Dean of the Law School of Howard University and as a friend and colleague of John Clay Smith in the Bar of the District of Columbia.

As your records no doubt demonstrate, Mr. Smith was born April 15, 1942, in Omaha, Nebraska. He received a B.A. from Creighton University in 1964, a J.D. from Howard University School of Law in 1967, and an LL.M. (1970) and S.J.D. (1977) from George Washington University School of Law. He served in the U.S. Army from 1967 to 1971, serving as a captain and, for a year, as a military judge in the Judge Advocate General's Corps.

- 2 -

From 1971 to 1974, Mr. Smith was associated with the Washington law firm of Arent, Fox, Kintner, Plotkin & Kahn, where he was primarily engaged in antitrust and trade regulation matters. From 1974 to 1976 he was deputy chief of the Cable Television Bureau of the Federal Communications Commission. Since 1976, he has been associate general counsel of the Federal Communications Commission.

John Clay Smith has distinguished himself as a graduate of the Law School in a manner that has brought credit to himself and to the Law School. Mr. Smith is an outstanding lawyer, scholar and a person of the highest integrity. He is judicious, as well as possessing an unusual sense of public duty. His professional life has mirrored his concern for his fellow man and the vindication of our legal system's promise of equality for all.

I commend the President for this Nomination and urge the Committee's endorsement of that nomination by recommending Mr. Smith's confirmation by the Senate of the United States.

FEDERAL BAR ASSOCIATION

National Headquarters: 1815 H Street, N.W., Washington, D.C. 20006 • (202) 438-2852

SENATOR
WILLIAMS, N.J.
1978 SEP 30 AM 11

October 1, 1978

Hon. Harrison Williams
Chairman
Human Resource Committee
352 Russell Senate Office Building
Washington, DC 20510

Dear Senator Williams:

On behalf of the 16,000 members of the Federal Bar Association and as the very first official communication it is my pleasure to sign as the new President of the Association, I wish to support the nomination of J. Clay Smith, Jr., to the Equal Employment Opportunity Commission.

Mr. Smith has been an active and valuable member of this Association for seven years. He has served in a variety of committee leadership capacities, and has been on our national Executive Committee for the past three years. He assumes office today as our new national First Vice President, the third-ranking official of this Association.

Having worked closely with Mr. Smith during these years I want the Committee to know that I have found him to be an extremely intelligent, efficient, diligent and fair person. He is likewise respected by his peers throughout the Association. His contributions have been innovative and important to the progress of this Association, whether in the field of committee activity, continuing legal education, or in the area of involvement of all members from every agency, department, or private practice field. His counsel and active participation in the affairs of our national Executive Committee are invaluable.

We ask that you include this letter in the official record of the Committee's confirmation hearings. I am also available to present these views in person if wished by the Committee.

Sincerely,

William G. Malone
William G. Malone
President

rsd

THE WASHINGTON



BAR ASSOCIATION

2816 GEORGIA AVENUE, N.W., WASHINGTON, D. C. 20001 • (202) 462-8313

Dedicated to the principle "Equal Justice Under Law"

September 28, 1978

J. Clay Smith, Jr.
President
 5603 16th Street, N.W.
 Washington, D.C. 20011

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First Vice President

Iverson O. Mitchell, III
Second Vice President

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Bobby B. Stafford

John A. Turner, Jr.

Melvin J. Washington

Roderic L. Woodson

The Honorable Jacob K. Javits
 Ranking Minority Member
 Human Resources Committee
 United States Senate
 Washington, D. C.

In re: The Confirmation Hearing of J. Clay Smith, Jr., Esquire,
 Presidential Nominee for the Equal Employment Opportunity
 Commission

Dear Senator Javits:

We have been informed that President Carter has nominated J. Clay Smith, Jr., Esquire, to fill a vacancy on the Equal Employment Opportunity Commission and that his nomination has been submitted to your committee for the consent and advice of the Senate.

The Washington Bar Association takes particular pride in the nomination of J. Clay Smith, Jr., Esquire, for a number of reasons. First, Mr. Smith is presently the President of the Washington Bar Association and has served more recently as the Chairman of the Board. His service to the Bar Association has been impressive and instrumental in increased programming in the area of Continued Legal Education. His commitment to sound management of the Association has resulted in programs of new dimensions, vitality and diversity appealing to a broad spectrum of the Bar.

Second, Mr. Smith is a man of sterling character and will bring to the Commission a background of varied experiences. His legal education bespeaks of commendable scholarship. In addition, his experience as a practitioner of the law in both the private and government sectors is replete with laudable performance, diligence and dedication. Mr. Smith has taught law with distinction at the Howard University Law School and lectured at numerous legal seminars and conferences--all done with poise and dignity as well as with exemplary scholarship, appreciation and faith in our system of jurisprudence.

Page 2

Re: The Confirmation Hearing of J. Clay Smith, Jr., Esquire,
Presidential Nominee for the Equal Employment Opportunity
Commission

Third, Mr. Smith, we believe, is motivated by a devotion to social justice and the principles of law tempered by a sense of history and a concern for humanity. These attributes underlie Mr. Smith's character as a lawyer, citizen, parent and spouse.

In sum, Mr. Smith is a man of great intellect who views knowledge as a tool for human good and progress and that knowledge becomes that tool for human progress when it is a servant of understanding, creativity and reason. Mr. Smith is also a man of propriety who reveres the public trust and believes that his acts must at no time do violence to the public trust reposed in him. And so, Mr. Smith is well chosen and we recommend without reservation his confirmation as a member of the Equal Employment Opportunity Commission.

We respectfully request that this correspondence be made a part of the record of Mr. Smith's confirmation hearing.

Respectfully,

Thomas A. Duckenfield

Thomas A. Duckenfield
Chairman
Board of Directors

TAD/pad

The CHAIRMAN. Thank you very much. The hearing is now adjourned.

[Whereupon, at 10:41 a.m., the committee adjourned, subject to the call of the Chair.]

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