

July 19 / Administration of William J. Clinton, 1995

Remember we're still closing the gap between our Founders' ideals and our reality. But every step along the way has made us richer, stronger, and better. And the best is yet to come.

Thank you very much, and God bless you.

NOTE: The President spoke at 11:40 a.m. in the Rotunda. In his remarks, he referred to Gen. Dennis J. Reimer, USA, Chief of Staff, Army.

Memorandum on Affirmative Action July 19, 1995

*Memorandum for Heads of Executive
Departments and Agencies*

Subject: Evaluation of Affirmative Action
Programs

This Administration is committed to expanding the economy, to strengthening programs that support children and families, and to vigorous, effective enforcement of laws prohibiting discrimination. These commitments reflect bedrock values—equality, opportunity, and fair play—which extend to all Americans, regardless of race, ethnicity, or gender.

While our Nation has made enormous strides toward eliminating inequality and barriers to opportunity, the job is not complete. As the United States Supreme Court recognized only one month ago in *Adarand Constructors, Inc. v. Peña*. “[t]he unhappy persistence of both the practice and the lingering effects of racial discrimination against minority groups in this country is an unfortunate reality, and government is not disqualified from acting in response to it.” This Administration will continue to support affirmative measures that promote opportunities in employment, education, and government contracting for Americans subject to discrimination or its continuing effects. In every instance, we will seek reasonable ways to achieve the objectives of inclusion and antidiscrimination without specific reliance on group membership. But where our legitimate objectives cannot be achieved through such means, the Federal Government will continue to support lawful consideration of race, ethnicity, and gender under programs that are flexible, realistic, subject to re-evaluation, and fair.

Accordingly, in all programs you administer that use race, ethnicity, or gender as a consider-

ation to expand opportunity or provide benefits to members of groups that have suffered discrimination, I ask you to take steps to ensure adherence to the following policy principles. The policy principles are that any program must be eliminated or reformed if it:

- (a) creates a quota;
- (b) creates preferences for unqualified individuals;
- (c) creates reverse discrimination; or
- (d) continues even after its equal opportunity purposes have been achieved.

In addition, the Supreme Court's recent decision in *Adarand Constructors, Inc. v. Peña* requires strict scrutiny of the justifications for, and provisions of, a broad range of existing race-based affirmative action programs. You recently received a detailed legal analysis of *Adarand* from the Department of Justice. Consistent with that guidance, I am today instructing each of you to undertake, in consultation with and pursuant to the overall direction of the Attorney General, an evaluation of programs you administer that use race or ethnicity in decision making. With regard to programs that affect more than one agency, the Attorney General shall determine, after consultations, which agency shall take the lead in performing this analysis.

Using all of the tools at your disposal, you should develop any information that is necessary to evaluate whether your programs are narrowly tailored to serve a compelling interest, as required under *Adarand's* strict scrutiny standard. Any program that does not meet the constitutional standard must be reformed or eliminated.

WILLIAM J. CLINTON