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[Final Remarks of J. Clay Smith, Jr. At His Last Commission Meeting as Acting Chairman of the EEOC]

J. Clay Smith Jr.

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FINAL REMARKS OF J. CLAY SMITH, JR.
AT HIS LAST COMMISSION MEETING
(FEBRUARY 23, 1982) AS
ACTING CHAIRMAN OF EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Attachment to Official EEOC Minutes

I would like to say that this is my last Commission meeting as Acting Chairman. It has been a long but productive twelve months. I recall walking into the Commission room with as sparse an agenda as we have today, with an FOIA - I don't know what we would do without FOIA's (Freedom of Information Act Requests). I'm obviously joking, but -- keep them coming so that the Commission will have something to do. We have a great deal for which to be thankful.

I would like to take these few moments -- to thank the staff for an extraordinary twelve months. The glitter and glamour of a chairman is as glorious and glittering as the people that surround the chairman. John Schmelzer, Ron Arrington, Chris Rogerson, Deborah Dickinson, Betty Brown, and all the people on my staff were extraordinary during this period of time. I recall when President Reagan sent the letter over designating me as Acting Chairman, Commissioner Leach had been Acting Chairman for about two weeks and it looked like things were beginning to slip away because staff was trying to determine who would lead the agency. Commissioner Armando Rodriguez and I were chit-chatting about when the presidential designation was coming and people were coming up to the fifth floor trying to determine the shifting in the authority levels. It was a lot for me to evaluate in terms of social dynamics, which often goes on as

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people come and go. But, I did ascend to the chairmanship, and I will say that the year has been miraculous - it has been a lot of fun in the job of Acting Chairman, too. The fun has been both inside the agency and certainly outside the agency and even with the press, it has been kind of interesting. But this is all a part of it all. We have all learned a lot -- I know the opportunity afforded me to lead has been very meaningful to me -- one which, perhaps given "being born one year later or one year sooner" this opportunity would never have arisen and so I have looked upon this particular experience as a tremendous opportunity for personal growth, development, learning; and certainly the relationships that I have established with people from Wall Street and the little people of the country have been rewarding to me, and have been beneficial to EEOC. For example, I am very honored to have been admitted as an honorary member in the Philippine Bar Association.

I have seen one thing that I think is fairly common to an agency such as ours, and certainly common to my experience in the government, and that is whether you are at the Federal Communications Commission, the Federal Trade Commission, the Security Exchange Commission, or what have you, people are generally the same when it comes to service of their government; it doesn't really matter what position you take: it's the how you take it, it's how dedicated you are to the mission of what you are about. I have witnessed mission in the EEOC staff. I have witnessed dedication and mission in the

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field. I have witnessed mission on the front lines as our EOS's, who are often cursed out by angry people grieving for survival, continue to serve their government with a smile. I have seen it and heard the claims and concerns of the business community and yet I have seen also a great deal of reasonableness from the people whom we regulate and the protected classes. So, I would like to just say again to the staff "Thanks" -- to Armando Rodriguez, "Thanks" for the fun and the leadership. Also, it should not go unnoticed that Armando, during this period of time, led the Combined Federal Campaign (CFC), which exceeded its dollar goal by some \$4,000. These are not achievements that the press or our critics will place at the top of our accomplishments, but to have exceeded a CFC goal in a year of change and uncertainty indicates that the employees of this agency remain concerned about others. Having been the previous CFC Chairman, I know how difficult a job this was for Armando. It is the kind of thankless job one often gets in the military when ordered to stand guard duty -- and I would like to thank Armando for that and for all support he provided during the period when this agency for the first time in sixteen years had no quorum, which I will never forget.

Commissioner Shattuck, I wish you the best in terms of your confirmation process -- I hope that it rapidly comes to an end so that, as human nature has it, you can comfortably proceed with your life here at the agency. I hope that the other people that are nominated will be rapidly confirmed. I take no position on people,

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I took none on Chairman designate William Bell, I take none on Chairman designate Clarence Thomas, I took no position on Commissioner Shattuck. I have made a conscious effort not to get involved or to interfere with the political destiny of any nominee. There is enough to do here on a day-to-day basis to keep you thoroughly tied up, not to be stretched out on individual political issues. I think that we have come a long way -- with Issie Jenkins at my left, and Connie Dupre (for a while) at the right, James Finney out there fighting, and the rest of the people -- but there is a lot that will occur in the next twelve months. I think that the agency will have to pull itself together -- the Commission will have new members, it will have to learn to live together, and think together and process its ideas together and I think the staff will have to begin to look at the leadership (whoever it may be) and to pull in and try to provide the support that is necessary to do a very very difficult job. In the main, the bottom line is not so much the glitter of a Chairman or the glitter of Commissioners or the glitter of the Supervisors, but I think the important thing is to assure ourselves that we are doing the things that we are required to do and that we continue to be that kind of "hope institution" for many people out there in the world who have no other place to go, except EEOC, to gain their relief from discrimination. This has always been my greatest concern, it will always be my greatest concern as I revert to my status as a Commissioner. For having sat in this chair,

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I am somewhat sympathetic to others who have had to sit here, and I certainly will be sympathetic to anyone else who has to sit here -- it is a tough, tough job, I think it is one of the toughest jobs in the government because of the various forces that flow in and out of the agency -- I think that it is tough now because of different views, but no matter what the views are -- the mission of EEOC must remain the same because people like myself -- all of us who are political appointees -- we come and go, we never stay and there is always a definite date of termination in these jobs. But the staff does not -- there is always going to be a staff, it is always going to be made up of different kinds of people with different views and from different geographical locations and different environments, different backgrounds and it is that conglomerate of life and thought and energy which will keep EEOC going. I am very glad to have had the privilege to be the Acting Chairman. It certainly will be a "high water mark" in my career but I have never thought that any job was the "highest water mark" without one basic factor -- that is the factor of personal integrity. I came to the government with integrity -- and I think that keeping it in any job is the greatest claim to fame -- if fame is what one seeks. So, I would like to thank you all again for listening to these remarks. I thought that they should be said. I think that they are appropriate, and I hope that in the months ahead that I can sit back and do as Commissioner Rodriguez does and needle the Chairman every once in awhile (laughter).

COMMISSION RESOLUTION

From October 1, 1981, to December 21, 1981, the Equal Employment Opportunity Commission was without a quorum, as set forth in the statute, and it became the responsibility, under a delegation of authority granted September 25, 1981, of Acting Chairman J. Clay Smith, Jr., in consultation with Commissioner Armando M. Rodriguez, to act upon those matters which would normally have been acted upon by the Commission as a collegial body. To the credit of Acting Chairman Smith, during this period of absence of a quorum, the first time in the Commission's history, the Equal Employment Opportunity Commission continued to operate smoothly and carry out its compliance and enforcement responsibilities under Title VII of the Civil Rights Act of 1964, the Equal Pay Act, the Age Discrimination in Employment Act, the Rehabilitation Act, and Executive Order 12067.

Notable among the accomplishments of the Acting Chairman during this period are:

- (1) The successful closure of Fiscal Year 1981 in which Commission productivity was at an all-time high. Benefits to charging parties were increased, service to charging parties, employers, and other entities was improved by reducing the time for processing complaints; all of which furthered the public interest in eliminating employment discrimination.

Specific accomplishments for Fiscal Year 1981 included the securing of relief for 38,000 persons; a 60% increase in benefits obtained over the previous year; a 25% increase in closure of charges, from 57,000 to 72,000 charges closed; a 4% increase in charge receipts from Fiscal Year 1980, up from 56,000 to 59,000 charges, filing of 368 cases in federal court, up from 326 in Fiscal Year 1980; and a 23% increase in litigation settlements.

- (2) The successful defense of the Commission's budget request for Fiscal Year 1982. Through his untiring and relentless efforts at OMB, the White House, and before Congressional Committees, he effectively and repeatedly presented the Commission's need for both budget and staff to adequately carry out its mandate to eliminate employment discrimination. As a direct result of his personal involvement and direction of the preparation of numerous written justification documents, the Commission's budgetary mark was increased from an original OMB mark of \$123,000,000 and 3000 staff years, to \$140,000,000 and 3376 staff years, alleviating the present need for severe reductions in force and enforcement program cuts.

In addition, at his direction, cost reductions in administrative and support costs have been mandated in an effort to save resources for program operations and to save staff necessary to carry out those programs.

- (3) The effective representation of the Commission's views on policy matters before Congressional Oversight Committees and in interagency coordination matters. On October 1, 1981, Acting Chairman Smith submitted a written statement to the Subcommittee on Civil Service of the House Committee on Post Office and Civil Service, providing the Commission's views on Equal Employment Opportunity in the Federal Sector; and on October 7, 1981, the Acting Chairman testified before the Subcommittee on Employment Opportunities of the House Committee on Education and Labor, on Commission Policy with respect to Affirmative Action.

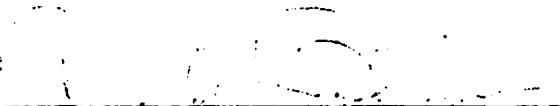
During this period he has also forcefully presented the Commission's position in issues raised by the Office of Federal Contract Compliance Program's proposed Regulations and on issues regarding sexual harassment and the Uniform Selection Procedures Guidelines.


- (4) The careful and close attention to Commission financial operations to address deficiencies identified by requested audits and reviews. As a result, closer supervision, accountability, and necessary staff training are being implemented.
- (5) The expeditious consideration of those matters involving statutory deadlines, or involving time frames the lapse of which could have been viewed as unreasonable should the Commission have failed to act. As a result of his swift and prudent actions, he therefore, preserved the rights of charging parties and complainants, and lessened the build-up of potential monetary liability of employers.

For the efforts and actions described herein, and for all of the activities necessary to keep the Commission not only operational, but effectively carrying out its mandate, be it resolved that Acting Chairman J. Clay Smith, Jr., be commended for his unprecedented effort on behalf of equal employment opportunity.

Be it also resolved that his fellow Commissioners and staff of the agency are appreciative of the selfless manner in which he has conducted the affairs of the agency during a period of uncertainty regarding resources and leadership; seeking always to bring assurances of stability and positive direction. At a time when circumstances could have led to a decline in morale, and a virtual standstill in operations and programs, under his leadership there has been no decline in the Commission's efforts to address the problems of employment discrimination.

Signed: This 12th day of January, 1982


Armando M. Rodriguez, Commissioner


Cathie A. Shattuck, Commissioner