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Commissioner Vicente Ximenes
Equal Employment Opportunity Commission
1800 G Street Northwest
Washington D. C. 20506

Dear Commissioner Ximenes:

I received the National Origin Guidelines yesterday. I do not understand the reason for the delay in the mailing. It appears to me you folks have some serious mail problems.

I have hurriedly reviewed the suggested guidelines and the only matter which causes me any concern whatsoever has been the exclusion of non-resident aliens. Perhaps I have misconstrued something, but it appears to me that under the present law it is permissible to give preference to residents over non-residents. So long as this is the basis for the preferential treatment insofar as obtaining or retaining employment is concerned this is already permissible. The act does not condemn this type of discrimination. And if the criterion used in selecting employees is residence as against non-residence, the fact that the employee rejected happens to be a member of a minority group does not condemn the action. On the other hand, even though a person is a non-resident alien who has managed to legally secure employment, and though he should be continuously subservient to the "seniority rights" of a resident, nevertheless, he should not be subjected to any other type of discrimination based on his national origin, etc. If the effect of the interpretation is to make the non-resident alien an "outlaw", then I believe it goes too far and that perhaps all that is necessary is that a clear line be drawn to the effect that preferential treatment to residents over non-residents is not prohibited by the act.

Sincerely yours,


James DeAnda

JD/go