



## EDWARD M. KENNEDY ORAL HISTORY PROJECT

### **Interviewer's Briefing Materials** **Edward M. Kennedy Interview, 5/30/2007**

Robert A. Martin, Research Director

#### **Miller Center Documents<sup>1</sup>**

- Edward M. Kennedy Vietnam Timeline.
- Edward M. Kennedy Draft Reform Timeline.
- Edward M. Kennedy School Desegregation Timeline.
- Edward M. Kennedy Highlights on Refugee and Humanitarian Issues and Foreign Travel.
- Overview memo on the Commission on Immigration and Refugee Policy.
- Overview memo on Bussing for Desegregation 1974-1975.
- Bussing and Anti-Bussing Legislation Memo.
- Edward M. Kennedy Civil Rights Legislative Highlights.

#### **Secondary Source Materials**

- Theo Lippmann, Jr., *Senator Ted Kennedy* (New York: W.W. Norton & Company, Inc., 1976) pp. 49-87, 99-110.
- Adam Clymer, *Edward M. Kennedy: A Biography* (New York: William Morrow, 1999) pp. 78-91, 97-102, 222-225.
- Adam Clymer interview with Edward M. Kennedy, John F. Kennedy Presidential Library, 10/9/1995, pp. 2-3.
- Adam Clymer interview with Edward M. Kennedy, John F. Kennedy Presidential Library, 04/17/1995, pp. 13-14.
- Adam Clymer/Natalie Jacobson interview with Edward M. Kennedy, John F. Kennedy Presidential Library, 10/29/1994.
- Edward M. Kennedy, *Decisions for a Decade: Policies and Programs for the 1970s* (Garden City, NY: Doubleday & Company, Inc., 1968) pp. 50-65, 121-124, 127-128, 148-157, 216-222.
- "Second FY 1973 Supplemental: Indochina Bombing Ban," *1973 Congressional Quarterly Almanac* (Washington, D.C.: Congressional Quarterly, Inc., 1974) pp. 95, 102.
- "Enactment of War Powers Law over Nixon's Veto," *1973 Congressional Quarterly Almanac* (Washington, D.C.: Congressional Quarterly, Inc., 1974) pp. 905-906.

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<sup>1</sup> These are original documents created by Miller Center researchers for the Edward M. Kennedy Oral History Project. Please acknowledge credit for any use of these materials.

- Adam Clymer interview with Edward M. Kennedy, John F. Kennedy Presidential Library, undated, p. 8.
- “Review of U.S. Refugee Resettlement Programs and Policies, a report prepared at the request of Senator Edward M. Kennedy, Chairman, Committee on the Judiciary,” *Congressional Research Service*, Library of Congress, 1980, pp. iii-iv, 1-3.
- Edward M. Kennedy testimony before the Senate Armed Service Committee, 02/04/1971, *1971 Congressional Quarterly Almanac* (Washington, D.C.: Congressional Quarterly, Inc., 1972).
- Burke Marshall oral history interview, Lyndon B. Johnson Presidential Library, 10/28/1968, pp. 27-28.
- “Amnesty: Repatriation for Draft Evaders, Deserters,” *1972 Congressional Quarterly Almanac* (Washington, D.C.: Congressional Quarterly, Inc., 1973) pp. 481-482.
- James MacGregor Burns, *Edward Kennedy and the Camelot Legacy* (New York: W.W. Norton & Co., 1976) pp. 139-140.
- J. Anthony Lukas, *Common Ground: A Turbulent Decade in the Lives of Three American Families* (New York: Alfred A. Knopf, 1985) pp. 258-271.
- “Congressional Anti-Busing Efforts,” *1979 Congressional Quarterly Almanac* (Washington, D.C.: Congressional Quarterly, Inc., 1980) p. 484.
- “Education Programs,” *1981 Congressional Quarterly Almanac* (Washington, D.C.: Congressional Quarterly, Inc., 1982) pp. 499-500.
- “Senate Passes Anti-Busing Rider to Justice Bill,” *1982 Congressional Quarterly Almanac* (Washington, D.C.: Congressional Quarterly, Inc., 1983) pp. 385-386.

### **Oral History Interviews**

- Dale DeHaan interview, Kennedy Oral History Project, Miller Center of Public Affairs, University of Virginia, 10/22/2006.
- Thomas Eagleton interview, Kennedy Oral History Project, Miller Center of Public Affairs, University of Virginia, 10/24/2005.
- Dun Gifford interview, Kennedy Oral History Project, Miller Center of Public Affairs, University of Virginia, 07/13/2005.
- George McGovern interview, Kennedy Oral History Project, Miller Center of Public Affairs, University of Virginia, 03/22/2006.
- Michael Myers interview, Kennedy Oral History Project, Miller Center of Public Affairs, University of Virginia, 08/26/2006.
- Thomas Oliphant interview, Kennedy Oral History Project, Miller Center of Public Affairs, University of Virginia, 11/15/2006.
- William vanden Heuvel interview, Kennedy Oral History Project, Miller Center of Public Affairs, University of Virginia, 07/15/2005.
- Barbara Souliotis interview, Kennedy Oral History Project, Miller Center of Public Affairs, University of Virginia, 07/12/2005.
- Eddie Martin interview, Kennedy Oral History Project, Miller Center of Public Affairs, University of Virginia, 04/20/2005.
- Edward Brooke interview, Kennedy Oral History Project, Miller Center of Public Affairs, University of Virginia, 08/16/2006.

- Mary Frackleton interview, Kennedy Oral History Project, Miller Center of Public Affairs, University of Virginia, 07/08/2005.
- Marty Nolan interview, Kennedy Oral History Project, Miller Center of Public Affairs, University of Virginia, 09/14/2006.
- Gerard Doherty interview, Kennedy Oral History Project, Miller Center of Public Affairs, University of Virginia, 10/10/2005.
- Burt Wides interview, Kennedy Oral History Project, Miller Center of Public Affairs, University of Virginia, 02/02/2007.

#### **Documents Provided by Senator Kennedy**

- “Oral History Taping: the Vietnam War and School Desegregation.”
- “Supplement to Oral History Briefing Book.”

#### **Other**

- William V. Shannon, untitled book manuscript, pp. 2-3, 6-7.

## EMK VIETNAM TIMELINE

*Prepared by Hilde Eliassen Restad and Rob Martin*

*Miller Center of Public Affairs, University of Virginia, 05/24/2007*

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**1951** Rep. John F. Kennedy (D-MA) and RFK visit Vietnam.

### **1962**

*November* Edward Moore Kennedy (EMK) is elected to the U.S. Senate. He defeats George Cabot Lodge and Stuart Hughes, the peace candidate, who had collected 144,000 signatures in support of his campaign. EMK later tells Clymer that the peace movement in his 1962 campaign “both heightened an interest and awareness of” Vietnam. (Adam Clymer interview with Edward M. Kennedy, JFK Library, 10/09/1995)

### **1963**

*September* EMK has lunch with Mrs. Ngo Dinh Nhu, sister-in-law of South Vietnamese President Ngo Dinh Diem, while traveling in Belgrade, Yugoslavia.

*October* President Ngo Dinh Diem, the first president of South Vietnam, is killed in a palace coup.

### **1964**

*June* EMK is severely injured in a plane crash on the 19<sup>th</sup>.

*August* The Gulf of Tonkin Resolution is passed by Congress. EMK announces his support for the resolution from the hospital. (Adam Clymer, *Edward M. Kennedy: A Biography*, New York: William Morrow and Company, Inc., 1999, p. 79)

*Fall* Samuel Huntington visits EMK in the hospital to discuss the draft, which Huntington argues is unfair. (Theo Lippman, Jr., *Senator Ted Kennedy*, New York: W. W. Norton & Company, Inc., 1976, p. 75)

### **1965**

*February* LBJ expands the war by ordering the bombing of North Vietnam after an attack on U.S. ground troops. Additional Marines land in Vietnam the next month.

*Spring* EMK becomes Chairman of the Judiciary Subcommittee on Refugees and Escapees. EMK aide Dale DeHaan informs EMK of how the conflict in Vietnam is creating a refugee problem. (Lippman, p. 48; Clymer, p. 78)

- May* EMK sends a letter to a Boston University Vietnam teach-in expressing support for the bombing and arguing that a U.S. withdrawal would only hurt the U.S. and other Asian nations trying to stay independent of China.
- July* On the 13<sup>th</sup>, EMK opens hearings on Vietnamese refugees. He states it is clear that “Communist forces are deliberately creating refugee movements to foster confusion and instability in the countryside ... and to obstruct the movement of Government personnel and materials.” During the hearings, EMK concludes that the current refugee efforts of the U.S. and South Vietnamese administrations are not satisfactory, despite their official statements. (Clymer, p. 80)
- August* U.S. Agency for International Development (USAID) announces that it is setting up a refugee program in Vietnam. This is reportedly a result of EMK’s eight hearings, which reveal the fact that the U.S. has previously had no real refugee program. (*The New York Times*, 08/31/1965)
- October* Serving as Chairman of the Subcommittee on Refugees and Escapees, EMK travels to South Vietnam from the 23<sup>rd</sup> to the 27<sup>th</sup> to assess the growing refugee situation. Representatives John Culver (D-IA) and John Tunney (D-CA) join EMK on the trip, as well as Senator Joseph Tydings (D-MD), with whom EMK had recently argued over the Francis X. Morrissey nomination. When he arrives in Saigon on the 23<sup>rd</sup>, EMK tells reporters, “The overwhelming majority of the American people are behind President Johnson in Vietnam.” (*The Washington Post*, 10/24/1965) However, the military refuses to let EMK see any combat operations during the trip. Reporters later uncover that the camps EMK had visited had only been built after EMK confirmed his visit and that the blankets EMK had distributed to refugees were confiscated after he left. (Clymer, pp. 78-82; James McGregor Burns, *Edward Kennedy and the Camelot Legacy*, New York: W.W. Norton & Company, 1976, p. 348; Lippman, pp. 48-49)
- Late 1965?* Shortly after returning from Vietnam, Tunney and Culver have dinner with Bernard Fall, an American expert on Vietnam who is critical of the U.S. government’s use of misinformation regarding the war. After Tunney and Culver brief EMK on Fall’s report, Senator Frank Church (D-ID) helps set up another dinner for EMK with Fall. Fall plays an important role in alerting EMK that the war is not going as well as the Johnson Administration suggests and that the military intentionally had misled EMK about the refugee situation during his 1965 trip. EMK begins to adopt a more critical position on U.S. refugee policy in Vietnam, though he remains supportive of the overall war effort through much of the next year. (Dorothy Fall, *Bernard Fall: Memories of a Soldier-Scholar*, Washington, D.C.: Potomac Books, Inc., 2006; Clymer interview with EMK, JFK Library, 04/17/1995, 10/09/1995)
- December* EMK addresses a meeting of the International Council of Voluntary Agencies in Geneva, Switzerland, where he says there are now 800,000 refugees in South Vietnam. (*The New York Times*, 12/03/1965)

- 1966**      EMK travels to Geneva to discuss the problem of American prisoners of war (POWs) with the Red Cross and also joins other senators on the floor to warn Hanoi against holding show trials of POWs. (Clymer, p. 89)
- January*      With EMK set to write a positive article in *Look* magazine on U.S. involvement in Vietnam, Tunney persuades EMK to adopt a more critical stance focusing on the inadequacies of U.S. refugee policy in Vietnam and the policy against negotiating with the Vietcong. EMK later recalls that it was around this time that he first began to seriously question U.S. involvement in Vietnam. *The New York Times* identifies the January 25<sup>th</sup> *Look* article as EMK's first major critical statement on the war. (Clymer, pp. 83; *The New York Times*, 01/25/1966)
- EMK speaks with White House Press Secretary Bill Moyers on the 24<sup>th</sup> to argue against the bombing of North Vietnam. The next day, National Security Advisor McGeorge Bundy calls EMK to explain why the bombings will be necessary.
- February*      EMK meets with UN General Secretary U Thant and U.S. Ambassador to the UN Arthur Goldberg on the 7<sup>th</sup> to discuss the refugee situation in Vietnam.
- LBJ begins bombing North Vietnam. On the 19<sup>th</sup>, RFK proposes that the Vietcong be included in any peace negotiations and allowed to "share power and responsibility" in South Vietnam.
- March*      Appearing on *Meet the Press* on the 6<sup>th</sup>, EMK says that he continues to "support our fundamental commitment" in Vietnam but adds that it must be fulfilled "with both diplomatic and military measures."
- Spring*      EMK begins to criticize the U.S. draft system as unfair. Speaking before the Armed Services Committee on May 19<sup>th</sup>, EMK advocates a lottery approach which has been successful in many European countries. EMK argues the principal defects with the current system are drafting the oldest first and the liberal granting of deferments. Lt. Gen. Lewis B. Hershey, director of the Selective Service, opposes a lottery. (Clymer, pp. 83-84; Lippmann, p. 75)
- May*      EMK travels to Geneva to discuss POWs in Vietnam with the International Red Cross.
- June*      On the 12<sup>th</sup>, EMK argues on the ABC television program *Issues and Answers* that the current deferment system is unfair because "those who have the economic resources to go to college are given a deferment." (Clymer, p. 84)
- EMK attends a White House meeting with a large group of congressmen and fellow senators to discuss the situation in Vietnam. EMK unsuccessfully argues for the cessation of bombings in North Vietnam.

On the 29<sup>th</sup>, EMK again proposes that the present draft system be replaced with a lottery system. (*1966 CQ Almanac*, p. 617)

On the 30<sup>th</sup>, the Department of Defense's (DOD's) long awaited study of the Selective Service System is made public. The study was ordered by LBJ in 1964 and focused on meeting the needs of the military – not the fairness of the system – and recommended only changes in procedures under the current law. (*1966 CQ Almanac*, p. 614; Lippman, pp. 75-76)

*July* On the 2<sup>nd</sup>, LBJ appoints Burke Marshall to head an advisory commission to study the Selective Service System. (*1966 CQ Almanac*, p. 614; Clymer, p. 89)

*September* On the 6<sup>th</sup>, former Ambassador James W. Wine is appointed special assistant to the Secretary of State for refugee and migration affairs. This is a newly created post that comes after EMK's year-long hearings on the issue of refugees, during which Secretary of State Dean Rusk testified that there was a lack of coordination and high level attention to refugee affairs in the Department. (*1966 CQ Almanac*, p. 592)

## **1967**

*January* On the 12<sup>th</sup>, EMK continues his criticisms of the draft system in a speech at the National Press Club, saying, "We have a system of local boards which apply widely different rules – which results in calling up married men in some states, while thousands of single men in other states remain untouched.... We have a system which sends thousands of young men into the Army because they cannot afford to go to college." (Clymer, p. 89)

*February* EMK introduces a draft reform proposal with Senator Joseph Clark (D-PA) on the 23<sup>rd</sup> calling for random selection, a continuation of undergraduate but an end to graduate deferments, and uniform administration of draft criteria. (*The Washington Post*, 02/24/1967)

*March* On the 4<sup>th</sup>, EMK speaks to the Americans for Democratic Action (ADA) in Boston, saying that the "liberal program, the concern for the unfinished agenda among our people, has been a casualty of the war in Vietnam." (Clymer, p. 97)

The Marshall Commission issues its report on the 4<sup>th</sup> recommending that a random lottery system be implemented. Both EMK and RFK reportedly support the commission's findings. However, LBJ fails to fully support the commission's call to reform student deferments. Marshall later suggests that senators like Richard B. Russell (D-GA) and John Stennis (D-MS) helped prevent LBJ from fully supporting the commission's findings. (Clymer, p. 90; Burke Marshall oral history interview, LBJ Library, 10/28/1968)

As acting chairman of the Labor and Public Welfare's Subcommittee on Employment, Manpower, and Poverty, EMK holds hearings on the draft to study its economic and educational implications. (Clark, with whom EMK had sponsored the February bill, is the subcommittee's regular chairman.) The Senate Armed Services Committee also begins to hold hearings on draft reform in the spring. Hershey reverses course and testifies that draft reform is needed, including a lottery. (Lippman, p. 76)

*May* EMK works with the Senate Armed Services Committee to draft a passable draft reform bill based largely on LBJ's proposal. After rejecting Hatfield's amendment to create an all-volunteer army, the Senate passes a draft reform bill 70-2 on the 11<sup>th</sup> that includes authority to implement a lottery. However, the House passes a version of the bill forbidding a lottery, narrowing the definition of conscientious objection, and restricting the president's ability to act on reforms through executive order. The House rejects Rep. Donald Rumsfeld's (R-IL) all-volunteer army amendment. (Lippman, p. 77)

*June* The Senate conferees accept the House changes on draft reform prohibiting random selection and continuing student deferment policies. Russell, Chairman of the Armed Services Committee, brings the bill back to the Senate on the 12<sup>th</sup> and asks for a quick approval. EMK challenges Russell on the Senate floor and succeeds in obtaining a two-day delay before voting. EMK introduces a one-year extension so that broader reforms can be reviewed in detail the following year. EMK gets 23 votes in his losing but well-respected effort against Russell. (Clymer, p. 91; Lippman, p. 79; Senate timeline; Edward M. Kennedy, *Decisions for a Decade*, Garden City, NY: Doubleday, 1968, pp. 57n; 59)

Eleven days before expiration of the draft, Congress clears a bill on the 20<sup>th</sup> extending the draft for four years, providing little more than an extension of existing law from 1951. (Lippman, p. 79)

*October* On the 9<sup>th</sup>, EMK's Subcommittee on Refugees and Escapees holds hearings to examine whether refugees are receiving enough medical treatment, whether the U.S. should take over the provision of medical treatment, and whether to increase funding for hospitals. (Clymer, pp. 98-99; *1967 CQ Almanac*, pp. 933-934)

**1968** EMK publishes *Decisions for a Decade*, which addresses amongst other issues draft reform and Vietnam.

EMK introduces a draft reform bill, but nothing comes of it. (Lippman, p. 80)

*January* EMK travels to South Vietnam for the second time on the 1<sup>st</sup>. EMK has his own advance team schedule his itinerary for his twelve-day tour to allow him to better assess the situation in Vietnam and avoid the U.S. government's misinformation campaign that had clouded his first trip. EMK finds refugee centers of varying quality and concludes that U.S. military efforts are the more recent causes for new



refugees. EMK later says that this trip provided the “final conclusions as to my own view about the war.” After the trip EMK immediately begins to speak out more forcefully against the war. (Burns, p. 348; Clymer, pp. 99-102)

EMK and David Burke meet with LBJ at the White House on the 24<sup>th</sup> to discuss his trip to Vietnam. LBJ is reportedly unhappy with EMK’s negative report on the war.

EMK talks about his trip to Vietnam before the Boston World Affairs Council on the 25<sup>th</sup>.

*March*      RFK announces for the presidency on the 16<sup>th</sup> and calls for “new policies” in Vietnam. LBJ announces on the 31<sup>st</sup> a sharp reduction in bombings in North Vietnam and says he will not seek reelection.

*May*      Peace talks begin in Paris, led by Ambassador at Large W. Averell Harriman.

*June*      RFK is shot and killed on the 6<sup>th</sup> while campaigning for president in California.

The Senate Judiciary Subcommittee on Refugees and Escapees issues a report calling for complete reform of how Vietnamese refugees are treated. Recommendations include placing the South Vietnamese government in control of the refugee program, investigating the program for corruption, and beginning a refugee inoculation program. (1968 CQ Almanac, p. 250)

*August*      On the 21<sup>st</sup>, EMK speaks publicly for the first time since RFK’s death. In a nationally televised speech, EMK carries on RFK’s fight against the war by demanding an immediate halt to the bombing of North Vietnam, a reduction of U.S. military activity on the ground, and an effort to refocus the Paris peace talks on withdrawing all foreign troops from South Vietnam. (Clymer, pp. 121-122)

*October*      The Senate ratifies an updated Protocol Relating to the Status of Refugees to which the U.S. is bound by treaty to the 1951 Convention Related to the Status of Refugees. (1968 CQ Almanac, p. 742)

*Fall*      While campaigning for president, Nixon says he has “secret plan” to end the war, which he later reveals to be the Vietnamese taking a larger role in the conflict.

## **1969**

*January*      EMK defeats Senator Russell Long to win Senate majority whip position.

*March*      Nixon begins secret bombing of Cambodia.

*May* EMK meets with National Security Advisor Henry Kissinger at the White House on the 2<sup>nd</sup>, where the two discuss Vietnam.

On the 13<sup>th</sup>, Nixon requests authority to reform the 1967 draft law by implementing a lottery, with the youngest being called first. While acknowledging that improvements can be made, EMK praises the proposal and urges Congress to act. Having supported draft reform during the presidential campaign, Nixon favors an all-volunteer army, but in the short term is calling for simple reform. (Lippman, p. 80)

On the 20<sup>th</sup>, EMK speaks out on the Senate floor against “Hamburger Hill,” attacking the Nixon administration’s Vietnam policies. (Clymer, p. 141)

*Fall* EMK addresses a large anti-war crowd of 100,000 plus on Boston Common, in which he proposes doubling the speed of Nixon’s proposed withdrawal rate.

As Chairman (as of this year) of the Judiciary Subcommittee on Administrative Practice and Procedure (AdPrac), EMK holds seven days of hearings on draft reform. The House and Senate Armed Forces Committee also hold hearings. (Lippman, p. 80)

*November* After a 10-day delay, EMK and other advocates of broader draft reform agree to allow a vote on Nixon’s simple lottery proposal in exchange for Stennis, who is now chairman of Armed Services, agreeing to hold extensive hearings on further draft reforms in the coming year. (Lippman, pp. 80-81)

Seymour Hersh breaks the story of the My Lai Massacre on the 12<sup>th</sup>, 20 months after the incident occurred.

*December* The simple draft lottery agreed to in the compromise with Stennis is held on the 1<sup>st</sup>.

## **1970**

*February* EMK’s AdPrac subcommittee releases a report on the 3<sup>rd</sup>, “The Selective Service System: Its Operation, Practices and Procedures,” which calls for an end to virtually all deferments, as well as implementation of a system of uniform national draft standards. EMK reportedly favors making the draft more equitable rather than instituting an all-volunteer force. This is the only committee to issue a report on the draft in 1970. (1970 CQ Almanac, pp. 409, 413; Lippman, p. 81)

*March* On the 11<sup>th</sup>, EMK speaks in favor of lowering the voting age to 18, an effort he has worked on with Senator Warren Magnuson (D-WA). EMK argues, “If young people are old enough to fight, they are old to vote.” (Clymer, p. 165) The 18-year-old vote passes in Senate on the 12<sup>th</sup> by a 64-17 vote.

- April* On the 15<sup>th</sup>, as Chairman of the Judiciary's refugee subcommittee, EMK issues a report and later holds a one-day hearing on war-related civilian problems in Laos. (*1970 CQ Almanac*, p. 973)
- Nixon ends occupational draft deferments by executive order on the 23<sup>rd</sup>. (Lippman, p. 81)
- On the 29<sup>th</sup>, EMK calls Nixon's decision to commence an "incursion" into Cambodia in pursuit of a Vietcong headquarters a "sad and tragic step." A week later, he tells the Massachusetts Dental Society, "The strange and tragic fascination with military victory in Vietnam has cast its mad spell over two successive Presidents and thousands of young Americans have gone to their death." The Nixon administration subsequently sends Vice President Spiro T. Agnew to Cleveland, where he says EMK and other war critics have "developed a psychological addiction to an American defeat." (Clymer, p. 177)
- May* The Ohio National Guard kills four student demonstrators at Kent State University on the 4<sup>th</sup>. EMK speaks at the memorial service. (Clymer, p. 167)
- In speech at Johns Hopkins on the 6<sup>th</sup>, EMK announces that he will work to cut off war funds.
- On the 7<sup>th</sup>, a UPI poll shows that 50 senators, including EMK, are opposed to Nixon's decision to send troops into Cambodia. (*1970 CQ Almanac*, p. 930)
- June* On the 17<sup>th</sup>, the House passes the voting rights bill with the eighteen-year-old vote. Nixon signs it six days later but is unsure of its constitutionality. (Clymer, p. 166)
- August* Debating the FY 1971 military procurements, EMK is skeptical of Stennis' push for an all-volunteer army. EMK says on the 20<sup>th</sup> that voluntary enlistments might not be sufficient to provide manpower and that such a system will result in a military composed of primarily black and poor volunteers. (*1970 CQ Almanac*, p. 399)
- On the 25<sup>th</sup>, the Senate defeats an amendment to the procurement bill sponsored by Senators Mark Hatfield (R-OR) and Barry Goldwater (R-AZ) aimed at establishing a volunteer-army. States EMK, "It is inequitable to permit the risks of battle to fall only on those less affluent Americans who are induced to join the army by a pay rise. Second, it is unwise to insulate from the horrors of war middle and upperclass Americans who might lead the protest against senseless foreign adventures." (*1970 CQ Almanac*, p. 400)
- Fall* The issue of the 18-year-old vote comes before a federal district court in Washington, D.C. EMK argues as a friend of the court that the law is

constitutional. His side wins in the district court, but the case is appealed to the Supreme Court. (Clymer, p. 166)

*December* John Dolan, acting as EMK's representative, meets North Vietnamese officials in Paris and receives a list of 339 names described as the "official list" of American POWs captured and being held in North Vietnam. The list contains little new information.

Ruling on the constitutionality of the 18-year-old voting age, the Supreme Court finds that Congress can control federal but not state voting ages. According to Clymer, this decision is seen as a victory for EMK. The states have little interest in maintaining two separate rolls for state and federal elections and urge the Congress to amend the Constitution to make the voting age a uniform 18. (Clymer, p. 166)

## 1971

*January* EMK loses the majority whip position to Senator Robert Byrd (D-WV).

*February* On the 2<sup>nd</sup>, the Senate Armed Services Committee begins hearings on an Administration bill to extend the draft for two more years to July 1, 1973. It also considers a bill sponsored by EMK which calls for a two-year extension of the draft, removal of student as well as occupational deferments and additional legal rights for registrants. On the 4<sup>th</sup>, EMK testifies before the Committee, arguing against a volunteer army. (1971 CQ Almanac, p. 270)

*March* The eighteen-year-old voting amendment is sent to the states on the 10<sup>th</sup> and ratified by thirty-eight of them in record time. (Clymer, p. 166)

Lt. William L. Calley Jr. is sentenced to life in prison on the 31<sup>st</sup> for his role in the My Lai massacre. EMK gives a speech at the University of Alabama.

*April* On the 1<sup>st</sup>, two days after the conviction of William Calley, Nixon intervenes and orders that Calley be removed from Ft. Benning and placed under house arrest in his apartment. On the 3<sup>rd</sup>, White House aide John D. Erlichman announces that Nixon will personally review the case. EMK calls Nixon's action "ill-considered and unfortunate." (1971 CQ Almanac, p. 744)

*May* On the 25<sup>th</sup>, the Senate considers an amendment offered by EMK to the draft extension bill designed to strike from the Committee version of the bill (HR 6531) the section which offers a bonus for enlistees in combat units. EMK calls the bonus a "bounty to free the more affluent sectors of society from the need to risk their lives in defense of the country and it is designed to give to the poor two things - \$3000 and a rifle." (1971 CQ Almanac, p. 278)

- June* On the 7<sup>th</sup>, EMK accuses Nixon of delaying serious Vietnam peace efforts to coordinate with his reelection campaign. (Clymer, p. 185)
- EMK offers another amendment to the committee version of the draft extension bill, requiring the president to get the consent of Congress should he wish to add additional draftees above the 150,000 man ceiling set by the bill. The amendment is adopted on the 9<sup>th</sup> by a 78-4 roll-call vote. (*1971 CQ Almanac*, p. 281)
- The Pentagon Papers are published in *The New York Times* on the 13<sup>th</sup>.
- During a debate on a two-year extension of the Selective Service Act, the Senate votes 57-42 on the 22<sup>nd</sup> to terminate U.S. military operations in Indochina at the “earliest practicable date,” as well as the withdrawal of all troops within either six or nine months. The timetable language is later removed in conference. (The same scenario played out in September during consideration of the Defense Appropriations bill.) EMK’s amendment to remove the combat bonus section of the bill fails.
- July* The 18-year-old voting age amendment becomes the 26<sup>th</sup> Amendment to the Constitution on the 1<sup>st</sup>.
- Summer* The North Vietnamese government invites the members of the Senate Judiciary Subcommittee for Refugees and Escapees to visit North Vietnam. The North Vietnamese want EMK to bring a team of physicians to help determine what kind of humanitarian aid the region requires. (*The Washington Post*, 11/5/1972; *The Washington Post*, 11/28/1972)
- After David Burke leaves EMK’s staff, DeHaan takes over speechwriting for EMK on Vietnam. (Lippman, p. 69)
- September* On the 28<sup>th</sup>, Nixon signs the Military Select Service Act into law, extending the draft act for another two years. During the Senate debate on the legislation, EMK offered five procedural changes in existing regulations as amendments, which were adopted, though slightly changed, in conference. The new law adopts a number of the AdPrac report’s suggestions, including giving the president discretionary authority over student deferments and eliminating local quotas. Lippman calls the 1971 law an important victory for EMK. (*1972 CQ Almanac*, p. 481; Lippman, pp. 81-83)

## 1972

- February* Nixon goes to China on the 21<sup>st</sup>.
- February/  
March* EMK holds amnesty hearings through AdPrac for draft dodgers and military deserters. EMK supports amnesty but, according to Lippman, introduces no

legislation in 1972 because of amnesty's widespread unpopularity. EMK aides, such as Dun Gifford, have been pushing EMK to support amnesty since 1968, when Gifford convinced EMK to include in an early draft reform proposal a recommendation that DOD and the attorney general study the history of amnesty. EMK had agreed and subsequently drew much criticism from the media in 1968. (1972 *CQ Almanac*, p. 481; Lippman, p. 84)

*July* While discussing the authorization of foreign military aid for FY 1973, the Senate adopts two amendments by EMK on the 18<sup>th</sup> dealing with humanitarian aid to Indochina war victims. The first amendment earmarks additional \$70 million in security supporting funds for humanitarian programs in South Vietnam, whereas the other urges Nixon to start laying the groundwork for postwar relief and rehabilitation efforts in Indochina. (1972 *CQ Almanac*, p. 462)

David Burke and Walter Sohler meet with North Vietnamese officials in Paris on EMK's behalf on the 31<sup>st</sup> to discuss a possible trip to North Vietnam. The North Vietnam government had first raised the idea of inviting EMK to their country the year before. Burke stresses that EMK would be very interested in touring the country to inspect refugee and humanitarian concerns, but that there are a number of issues to be worked out, including the timing of the trip, the development of peace negotiations, and the return of a substantial number of American POWs.

*September* The staff of the Senate Judiciary Subcommittee on Refugees and Escapees plans to visit North Vietnam following the 1972 presidential elections. Plans for the trip, as well as the invitation made the year before, are not made public. DeHaan states that EMK keeps the arrangement private to avoid making the visit political. EMK consults with Secretary of State William P. Rogers about the visit, and DeHaan states that Rogers makes no effort to stop EMK from going to North Vietnam. EMK offers Rogers full access to any information acquired during the trip. (*The Washington Post*, 11/5/1972)

*October* On the 11<sup>th</sup>, Congress gives up efforts to reach an agreement on the bill authorizing foreign military aid for FY 1973. On the 17<sup>th</sup>, Congress declares a resolution continuing appropriations for foreign aid and other programs at their fiscal 1972 levels through February 1973. (1972 *CQ Almanac*, pp. 449, 474)

Kissinger announces "peace is at hand" in Vietnam.

*November* The week before the presidential election, the State Department publicly denounces the subcommittee's planned visit to North Vietnam, stating that the visit might interfere with the ongoing peace negotiations between the U.S. and the North Vietnamese. DeHaan defends keeping the plans private and reportedly refuses to cancel the trip. Later in November, EMK and the State Department compromise on a trip scheduled for December during which physicians and medical experts will assess the humanitarian situation and EMK will visit POWs and update the list of those held in North Vietnam. Soon after EMK and the State

Department compromise, the North Vietnamese postpone the trip until early in 1973. (*The Washington Post*, 11/28/1972)

*December* Nixon orders the “Christmas bombings” of Hanoi and Haiphong.

## 1973

*January* EMK leads the effort on the 4<sup>th</sup> in the Democratic Caucus to put the party on record opposing the war. The resolution wins with 36-12 votes. House Democrats adopt similar language two days later. (Clymer, p. 196)

On the 23<sup>rd</sup>, Nixon announces the signing of the Paris Peace Accords “to end the war and bring peace with honor to Vietnam and Southeast Asia.” The cease-fire in Laos is reached in February, but Nixon renews the saturation bombing of Cambodia. (*1973 CQ Almanac*, p. 791)

*Early 1973* With Nixon’s induction authority to end on June 30<sup>th</sup>, the draft effectively ends as Nixon reduces draft calls to zero and allows the 1971 draft act extension to die without replacement. Nixon had promised during the 1968 campaign that he would end the draft shortly after ending the war. A cease-fire had been signed in January. Congress is set to evaluate the success of volunteer recruitment in mid-1974. (*1973 CQ Almanac*, p. 875; Lippman, p. 84)

*March* EMK aides DeHaan and Tinker visit Vietnam and Cambodia with Dr. Phil Caper to conduct a health and humanitarian study of the refugee situation.

*May* Senator Thomas Eagleton (D-MO) introduces an amendment to the defense appropriations bill which plays a key role in ending U.S. military involvement in the Vietnam War. The “Eagleton Amendment,” which proposes to bar all appropriations from being used to conduct combat activity in Cambodia and Laos, is unanimously approved by the Appropriations Committee. Nixon goes on to veto the appropriations bill. The House fails to override the veto by 35 votes. (*1973 CQ Almanac*, p. 102)

*June* On the 29<sup>th</sup>, a compromise is reached between Congress and the White House over the continued bombing of Cambodia which gives Nixon until August 15<sup>th</sup> to end the bombing. The compromise permanently ends all funding for U.S. combat activities anywhere in Indochina after the 15<sup>th</sup>. (*1973 CQ Almanac*, p. 792)

*July* The Senate votes 72-18 to pass the War Powers Act, which had passed in the House two days earlier. The measure sets a 60-days limit on any presidential commitment of U.S. troops to hostilities abroad or to situations where hostilities may be imminent, and on any substantial enlargement of combat forces abroad unless Congress declares war, specifically authorizes continuation of that commitment or is unable to meet because of an armed attack upon the U.S. The

commitment can be extended for another 30 days if necessary for the safe withdrawal of troops. (1973 CQ Almanac, p. 792)

*October* On the 2<sup>nd</sup>, the Senate adopts several amendments sponsored by EMK attached to the foreign aid bill for fiscal year 1974, including one stressing that humanitarian aid is the first priority of Indochina assistance as well as one earmarking \$10 million of the funds earmarked for Indochina for support of humanitarian programs of the Indochina Operations Group of the International Red Cross. (1973 CQ Almanac, p. 831)

On the 24<sup>th</sup>, Nixon vetoes the War Powers Act. (1973 CQ Almanac, p. 15)

*November* On the 7<sup>th</sup>, both houses override Nixon's veto to the War Powers Act. (1973 CQ Almanac, p. 3)

On the 27<sup>th</sup>, Congress agrees on a conference report on foreign aid for FY 1974.

## **1974**

*September* Newly sworn-in President Gerald Ford announces a limited clemency plan in which deserters and draft evaders could serve "alternative service" as a means of "earned reentry." (Lippman, pp. 86-87)

*December* EMK's AdPrac subcommittee holds amnesty hearings. EMK recommends that the Ford administration produce a final list of individuals in jeopardy of facing legal prosecution and extend the deadline for applying for clemency. Both recommendations are adopted. (Lippman, p. 87)

EMK requests that North Vietnamese Foreign Minister Nguyen Duy Trinh provide information about U.S. MIAs. (*Chicago Tribune*, 3/14/75)

Congress passes the Foreign Assistance Act of 1974 (P.L. 93-559) on the 18<sup>th</sup>, which cuts proposed military funding to the South Vietnamese government from \$1.26 billion to \$700 million. It establishes a personnel ceiling of 4000 Americans in Vietnam within six months of enactment and 3000 Americans within one year.

## **1975**

*January* Trinh responds in a letter that the North Vietnamese will help find U.S. MIAs. Trinh's letter is the first admission that North Vietnam possesses information concerning American soldiers missing in action, although Trinh requires that the U.S. stop its support of South Vietnam in exchange for North Vietnamese assistance. (*Chicago Tribune*, 3/14/75; *The Washington Post*, 3/14/75)

*March* EMK releases Trinh's letter in March. When asked about the delay in releasing the letter, DeHaan explains that EMK had only received the letter in mid-



February and needed time to make official copies and translations before making the letter public. (*Chicago Tribune*, 3/14/1975; *The Washington Post*, 3/14/1975)

EMK sends DeHaan and Tinker to Guam to observe the Southern Vietnamese refugees being processed there. (Lippman, pp. 62-63)

*April* The last Americans are evacuated by helicopter from South Vietnam on the 29<sup>th</sup> from the U.S. Embassy roof.

*May* The Indochina Migration and Refugee Assistance Act of 1975 is enacted, extending the authority of the Migration and Refugee Assistance Act of 1962 to Indochinese refugees. The legislation is given a specific termination date so as to avoid the creation of another long-term, open-ended refugee assistance program like the Cuban program. The Indochinese assistance program is renewed in 1976, 1977, 1978, and then extended to run through 1981, until it is taken over by the 1980 Refugee Act. ("Review of U.S. Refugee Resettlement Programs and Policies, a report prepared at the request of Senator Edward M. Kennedy, Chairman, Committee on the Judiciary," *CRS*, 1980, p. iii)

DeHaan announces an investigation of South Vietnamese reportedly evacuating Vietnam by bribing American officials rather than securing an American sponsor. (*Chicago Tribune*, 5/2/1975)

After the Northern Vietnamese army takes control of South Vietnam, Congress passes legislation providing aid for South Vietnamese refugees coming to the U.S. (1975 *CQ Almanac*, pp. 315-320)

*June* Congress reauthorizes a bill providing temporary assistance to U.S. citizens abroad who have become destitute because of fall of the South Vietnamese government and must return to the U.S. The original bill was to aid those who lost their livelihood during the revolution in Cuba. (1975 *CQ Almanac*, p. 320)

*July* The Interagency Refugee Task Force releases South Vietnamese refugees directly to their sponsors, who were not prepared to provide the financial assistance refugee families need, or who had abused the refugees they were supposed to assist. DeHaan says that the result is the most rapid breakdown in the refugee-sponsor system he has ever seen. (*The Washington Post*, 7/9/1975)

*November* EMK amends an economic aid bill to expand the definition of those who qualify for the refugee relief passed in May to include refugees from Laos. The Senate agrees by voice vote, but conferees remove the provision. (1975 *CQ Almanac*, pp. 340, 342)

## **1976**

- February* The new Vietnamese government contacts EMK offering to return the remains of two deceased Marines, provided that EMK sends members of his staff to retrieve them personally. EMK agrees. (*The Washington Post*, 2/21/76)
- 1977** EMK steps down as chairman but continues to sit on the refugee subcommittee.
- January* On his first day in office, President Carter grants pardons to those who avoided the draft by either not registering or traveling abroad.
- 1978** EMK is selected as a member of the Select Commission on Immigration and Refugee Policy.
- June* DeHaan is appointed deputy high commissioner for refugees for the United Nations. (*The New York Times*, 6/4/78)
- 1979** EMK become Judiciary Chairman and no longer sits on the refugee subcommittee.
- EMK plays an important role in creating the Orderly Departure Program, which permits immigration of Vietnamese refugees to the U.S. under the auspices of the UN High Commission for Refugees.
- EMK works on Cambodian refugee issues.
- 1980** EMK's work on the Judiciary Committee helps lead to the enactment of the Refugee Act of 1980, which provides "a permanent and systematic procedure for the admission to this country of refugees of special humanitarian concern to the United States, and to provide comprehensive and uniform provisions for the effective resettlement and absorption of those refugees who are admitted." ("Review of U.S. Refugee Resettlement Programs and Policies," p. iii)
- EMK recommends that blanket refugee status be given to Haitians and Cubans, which is controversial as "refugee" status is accompanied by a number of federal benefits. Carter meets with EMK and other members of the Select Commission to discuss the issue. (*The Washington Post*, 05/14/1980)
- 1981** EMK returns to serve on (but not chair) the Immigration and Refugee subcommittee. EMK loses his chairmanship of the Judiciary Committee.
- March* The Select Commission on Immigration and Refugee Policy releases its report. It recommends increased enforcement combined with an amnesty for illegal immigrants already in the U.S., as well as fines for employers who hire illegal aliens knowingly, a more reliable means to prove identity (which later sparks controversy over national identity cards), and the continuance of the small-scale H-2 program rather than a large-scale temporary worker program.

**1987**

EMK resumes his chairmanship of the Judiciary's Immigration and Refugee subcommittee, which he holds until the GOP revolution in 1994.

Vietnam Troop Levels	
<i>Source: CQ Almanacs</i>	
1960	900
1961	3,200
1962	11,300
1963	16,300
1964	23,300
1965	184,300
1966	385,300
1967	485,600
1968	536,100
1969	475,200
1970	334,600
1971	156,800
1972	24,200
<i>By 1972, an estimated 70,000 draft evaders and deserters were living in Canada</i>	

## EMK DRAFT REFORM TIMELINE

*Prepared by Rob Martin*

*Miller Center of Public Affairs, University of Virginia, 05/22/2007*

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### 1964

*Fall* Samuel Huntington visits EMK in the hospital to discuss the draft, which Huntington argues is unfair. (Theo Lippman, Jr., *Senator Ted Kennedy*, New York: W. W. Norton & Company, Inc., 1976, p. 75)

### 1966

*Spring* EMK begins to criticize the U.S. draft system as unfair. Speaking before the Armed Services Committee on May 19<sup>th</sup>, EMK advocates a lottery approach which has been successful in many European countries. EMK argues the principal defects with the current system are drafting the oldest first and the liberal granting of deferments. Lt. Gen. Lewis B. Hershey, director of the Selective Service, opposes a lottery. (Clymer, pp. 83-84; Lippmann, p. 75)

*June* On the 12<sup>th</sup>, EMK argues on the ABC television program *Issues and Answers* that the current deferment system is unfair because “those who have the economic resources to go to college are given a deferment.” (Clymer, p. 84)

On the 29<sup>th</sup>, EMK again proposes that the present draft system be replaced with a lottery system. (*1966 Congressional Quarterly Almanac*, p. 617)

On the 30<sup>th</sup>, the Department of Defense’s (DOD’s) long awaited study of the Selective Service System is made public. The study was ordered by LBJ in 1964 and focused on meeting the needs of the military – not the fairness of the system – and recommended only changes in procedures under the current law. (*1966 CQ Almanac*, p. 614; Lippman, pp. 75-76)

*July* On the 2<sup>nd</sup>, LBJ appoints Burke Marshall to head an advisory commission to study the Selective Service System. (*1966 Congressional Quarterly Almanac*, p. 614; Clymer, p. 89)

### 1967

*January* On the 12<sup>th</sup>, EMK continues his criticisms of the draft system in a speech at the National Press Club, saying, “We have a system of local boards which apply widely different rules – which results in calling up married men in some states, while thousands of single men in other states remain untouched.... We have a system which sends thousands of young men into the Army because they cannot afford to go to college. (Clymer, p. 89)

- February*      EMK introduces a draft reform proposal with Senator Joseph Clark (D-PA) on the 23<sup>rd</sup> calling for random selection, a continuation of undergraduate but an end to graduate deferments, and uniform administration of draft criteria. (*The Washington Post*, 02/24/1967)
- March*      The Marshall Commission issues its report on the 4<sup>th</sup> recommending that a random lottery system be implemented. Both EMK and RFK reportedly support the commission's findings. However, LBJ fails to fully support the commission's call to reform student deferments. Marshall later suggests that senators like Richard B. Russell (D-GA) and John Stennis (D-MS) helped prevent LBJ from fully supporting the commission's findings. (Clymer, p. 90; Burke Marshall oral history interview, LBJ Library, 10/28/1968)
- As acting chairman of the Labor and Public Welfare's Subcommittee on Employment, Manpower, and Poverty, EMK holds hearings on the draft to study its economic and educational implications. (Clark, with whom EMK had sponsored the February bill, is the subcommittee's regular chairman.) The Senate Armed Services Committee also begins to hold hearings on draft reform in the spring. Hershey reverses course and testifies that draft reform is needed, including a lottery. (Lippmann, p. 76)
- May*      EMK works with the Senate Armed Services Committee to draft a passable draft reform bill based largely on LBJ's proposal. After rejecting Hatfield's amendment to create an all-volunteer army, the Senate passes a draft reform bill 70-2 on the 11<sup>th</sup> that includes authority to implement a lottery. However, the House passes a version of the bill forbidding a lottery, narrowing the definition of conscientious objection, and restricting the president's ability to act on reforms through executive order. The House rejects Rumsfeld's all-volunteer army amendment. (Lippmann, p. 77)
- June*      The Senate conferees accept the House changes on draft reform prohibiting random selection and continuing student deferment policies. Russell, Chairman of the Armed Services Committee, brings the bill back to the Senate on the 12<sup>th</sup> and asks for a quick approval. EMK challenges Russell on the Senate floor and succeeds in obtaining a two-day delay before voting. EMK introduces a one-year extension so that broader reforms can be reviewed in detail the following year. EMK gets 23 votes in his losing but well-respected effort against Russell. (Clymer, p. 91; Lippman, p. 79; Senate timeline; Edward M. Kennedy, *Decisions for a Decade*, Garden City, NY: Doubleday, 1968, pp. 57n; 59)
- Eleven days before expiration of the draft, Congress clears a bill on the 20<sup>th</sup> extending the draft for four years, providing little more than an extension of existing law from 1951. (Lippman, p. 79)
- 1968**      EMK publishes *Decisions for a Decade*, which concerns itself, among other things, with reforming the draft and criticizing the Vietnam War.

EMK introduces a draft reform bill, but nothing comes of it. (Lippmann, p. 80)

## 1969

- May* On the 13<sup>th</sup>, Nixon requests authority to reform the 1967 draft law by implementing a lottery, with the youngest being called first. While acknowledging that improvements can be made, EMK praises the proposal and urge Congress to act. Nixon had supported draft reform in his presidential campaign. Nixon reportedly favors an all-volunteer army, but in the short term is calling for simple reform. (Lippmann, p. 80)
- Fall* As chairman, EMK holds AdPrac hearings on draft reform. The House and Senate Armed Forces Committee also hold hearings. (Lippmann, p. 80)
- November* After a 10-day delay, EMK and other advocates of broader draft reform agree to allow a vote on Nixon's simple lottery proposal in exchange for Stennis, who is now chairman of Armed Services, agreeing to hold extensive hearings on further draft reforms in the coming year. (Lippmann, pp. 80-81)
- December* The simple draft lottery agreed to in the compromise with Stennis is held on the 1<sup>st</sup>.

## 1970

- February* EMK's AdPrac subcommittee releases a report on the 3<sup>rd</sup>, "The Selective Service System: Its Operation, Practices and Procedures," which calls for an end to virtually all deferments, as well as implementation of a system of uniform national draft standards. EMK reportedly favors making the draft more equitable rather than instituting an all-volunteer force. This is the only committee to issue a report on the draft in 1970. (1970 *Congressional Quarterly Almanac*, pp. 409, 413; Lippmann, p. 81)
- April* Nixon ends occupational draft deferments by executive order on the 23<sup>rd</sup>. (Lippmann, p. 81)
- August* Debating the FY 1971 military procurements, EMK is skeptical of Stennis' push for an all-volunteer army. EMK says on the 20<sup>th</sup> that voluntary enlistments might not be sufficient to provide manpower and that such a system will result in a military composed of primarily black and poor volunteers. (1970 *Congressional Quarterly Almanac*, p. 399)
- On the 25<sup>th</sup>, the Senate defeats an amendment to the procurement bill sponsored by Senators Mark Hatfield (R-OR) and Barry Goldwater (R-AZ) aimed at establishing a volunteer-army. States EMK, "It is inequitable to permit the risks of battle to fall only on those less affluent Americans who are induced to join the

army by a pay rise. Second, it is unwise to insulate from the horrors of war middle and upperclass Americans who might lead the protest against senseless foreign adventures.” (1970 *Congressional Quarterly Almanac*, p. 400)

## 1971

- February* On the 2<sup>nd</sup>, the Senate Armed Services Committee begins hearings on an Administration bill to extend the draft for two more years to July 1, 1973. It also considers a bill sponsored by EMK which calls for a two-year extension of the draft, removal of student as well as occupational deferments and additional legal rights for registrants. On the 4<sup>th</sup>, EMK testifies before the Committee, arguing against a volunteer army. (1971 *CQ Almanac*, p. 270)
- May* On the 25<sup>th</sup>, the Senate considers an amendment offered by EMK to the draft extension bill designed to strike from the Committee version of the bill (HR 6531) the section which offers a bonus for enlistees in combat units. EMK calls the bonus a “bounty to free the more affluent sectors of society from the need to risk their lives in defense of the country and it is designed to give to the poor two things - \$3000 and a rifle.” (1971 *Congressional Quarterly Almanac*, p. 278)
- June* EMK offers another amendment to the committee version of the draft extension bill, requiring the president to get the consent of Congress should he wish to add additional draftees above the 150,000 man ceiling set by the bill. The amendment is adopted on the 9<sup>th</sup> by 78-4 roll-call vote. (1971 *Congressional Quarterly Almanac*, p. 281)
- During debate on a two-year extension of the Selective Service Act, the Senate votes 57-42 on the 22<sup>nd</sup> to terminate U.S. military operations in Indochina at the “earliest practicable date,” as well as the withdrawal of all troops within either six or nine months. The timetable language is later removed in conference. (The same scenario played out in September during consideration of the Defense Appropriations bill.) EMK’s amendment to remove the combat bonus section of the bill fails.
- September* On the 28<sup>th</sup>, Nixon signs the Military Select Service Act into law, extending the draft act for another two years. During the Senate debate on the legislation, EMK had offered five procedural changes in existing regulations as amendments, which were adopted, though slightly changed, in conference. The new law adopts a number of the AdPrac report’s suggestions, including giving the president discretionary authority over student deferments and eliminating local quotas. Lippmann suggests that the 1971 law is an important victory for EMK, due in part to draft reform gaining wider support in the public and Congress. (1972 *Congressional Quarterly Almanac*, p. 481; Lippmann, pp. 81-83)

## 1972

*Feb/March*      EMK's AdPrac subcommittee holds amnesty hearings for draft dodgers and military deserters. EMK supports amnesty but, according to Lippmann, introduces no legislation in 1972 because of amnesty's widespread unpopularity. EMK aides, such as Dun Gifford, had been pushing EMK to support amnesty since 1968, when Gifford convinced EMK to include in an early draft reform proposal a recommendation that the DOD and attorney general study the history of amnesty. EMK had agreed and subsequently drew much criticism from the media in 1968. (*1972 Congressional Quarterly Almanac*, p. 481; Lippmann, p. 84)

## 1973

*Early 1973*      With Nixon's induction authority to end on June 30<sup>th</sup>, the draft effectively ends as Nixon reduces draft calls to zero and allows the 1971 draft act extension to die without replacement. Nixon had promised during the 1968 campaign that he would end the draft shortly after ending the war, and a cease-fire had been signed in January. Congress will evaluate the success of volunteer recruitment in mid-1974. (*1973 Congressional Quarterly Almanac*, p. 875; Lippmann, p. 84)

## 1974

*September*      Newly sworn-in President Gerald Ford announces a limited clemency plan in which deserters and draft evaders could serve "alternative service" as a means of "earned reentry." (Lippmann, pp. 86-87)

*December*      EMK's AdPrac subcommittee holds amnesty hearings. EMK recommends that Ford administration produce a final list of individuals in jeopardy of facing legal prosecution and extend the deadline for applying for clemency. Both recommendations are adopted. (Lippmann, p. 87)

## 1977

*January*      On his first day in office, President Carter grants pardons to those who avoided the draft by either not registering or traveling abroad.



## EMK AND SCHOOL DESEGREGATION TIMELINE

*Prepared by Rob Martin, Anne Mariel Peters and Emily Jane Charnock*

*Miller Center of Public Affairs, University of Virginia, 5/18/2007*

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- 1954** In *Brown v. Board of Education*, the Supreme Court rules school segregation unconstitutional and calls for local authorities to implement its ruling “with all deliberate speed.”
- 1957** Eisenhower sends federal troops and the National Guard to Little Rock, Arkansas, to integrate an all-white high school.
- 1962**
- October* James Meredith becomes the first black student to enroll at the University of Mississippi. Violence and riots surrounding the incident cause President John F. Kennedy to send 5,000 federal troops.
- November* Edward M. Kennedy (EMK) is elected to the U.S. Senate. George Wallace is elected governor of Alabama.
- 1963** Students in Prince Edward County, Virginia, protest the Board of Supervisors’ decision to resist court-ordered integration by refusing to fund the county school system from 1959 to 1964.
- June* Wallace tries to physically block Vivian Malone and James Hood from registering for classes at the University of Alabama.
- 1964**
- March* An NAACP float in the St. Patrick’s Day parade in South Boston is targeted with eggs, beer bottles, and racially-charged comments. *The Boston Herald* reports that EMK leaves his own position in the parade to march with the NAACP float. Burns later writes that EMK denied the story but adds he would have done what he could to have stopped the protesters. (Burns, p. 139)
- On *Meet the Press*, EMK responds negatively to a reporter’s question about busing, answering, “If your question is asking me whether I oppose ‘busing’ students, I do.” (Burns, pp. 139-140)
- 1965**
- March* The NAACP files suit in federal court to eliminate ongoing segregation in the Boston school system.
- April* LBJ signs the Elementary and Secondary Education Act (ESEA), to which many senators subsequently try to attach anti-busing riders, particularly in the 1970s.

*August* The Massachusetts Legislature passes and Governor Volpe signs the Racial Imbalance Law, which orders all schools with more than 50% black enrollment to desegregate or lose state funding. The Boston School Committee, headed by Louise Day Hicks, stalls compliance for next seven years by drawing up plans the State rejects as inadequate. (*The New York Times*, 6/23/1974)

*September* Ellen Jackson organizes Operation Exodus to send black students to schools in the suburbs of Boston. This later becomes the METCO plan, a small, voluntary desegregation plan started in the 1960s that offered space in suburban schools for black students, for which EMK secures federal funding.

## **1966**

*March* EMK proposes a bill to provide federal assistance for desegregation busing (S 2928), which would provide “assistance to local school boards acting to correct racial imbalance in their schools.” The bill has several co-sponsors, including Senator Robert F. Kennedy (D-NY). The bill would also withhold federal money from schools instituting *de facto* segregation, but the bill does not advance. (Clymer, p. 85; *1966 CQ Almanac*, p. 1087)

*June* In a Judiciary Committee hearing on the civil rights bill on the 16<sup>th</sup>, EMK criticizes the delaying actions of Boston School Committee and raises the possibility of withholding federal education funds under the ESEA as a way of ending *de facto* segregation in schools.

## **1967**

*September* Hicks runs for mayor of Boston on an anti-busing platform. EMK endorses Kevin White, the Massachusetts Secretary of State, who goes on to win with 53% of the vote. (*The New York Times*, 11/8/1967)

**1968** The DOJ begins filing desegregation suits against northern school districts. Congress immediately responds by voting limits on the use of federal funds to bus students. (*1979 CQ Almanac*, p. 484)

## **1969**

*April* As Chairman of the Subcommittee on Indian Education, EMK leads a congressional delegation on a tour of remote and poverty-stricken Eskimo villages in Alaska. RFK had been scheduled to participate in a similar trip the previous year. (*The Washington Post*, 4/6/1969, 4/13/1969)

## **1971**

*April* In *Swann v. Charlotte-Mecklenburg Board of Education*, the Supreme Court rules

that forced busing of students to achieve desegregation may be ordered.

**1972** The Massachusetts State Legislature withholds \$52 million of state funds from the Boston School District for its non-compliance with the 1965 Racial Imbalance Act. The Boston School Committee responds by beginning construction of two new schools in racially integrated areas, allowing the committee to petition the court for the withheld funds. In September, a superior court judge rules in favor of the committee. (Elliot Weinbaum, "Looking for Leadership: Battles over Busing in Boston," [www.urbanedjournal.org](http://www.urbanedjournal.org), p. 2)

*February* The NAACP sues the Boston School Committee for failing to implement the 1965 Racial Imbalance Act. The case is assigned to Federal District Judge Arthur Garrity, who also happens to be close to the Kennedy family. (*The New York Times*, 6/23/1974)

On the 22<sup>nd</sup>, the Senate begins reconsideration of S659, the aid to education bill it had passed in 1971. House action in November 1971 had produced a bill containing strong-anti busing measures, which was then returned to the Senate Labor and Public Welfare Committee in December. The committee voted to substitute the Senate plan but add a statement that busing was not *required*. In debate, attempts are made to attach stronger anti-busing amendments, including one by Senate Robert Griffin (R-MI) which would strip federal courts of the power to order busing desegregation, prohibit the federal government from withholding federal funds to coerce busing and postpone the implementation of court orders for busing across school districts until all appeals are exhausted. The amendment is accepted 43-40 on the 25<sup>th</sup>. EMK votes against it. All five Democratic presidential nominees are absent from the vote. EMK takes to the floor after the vote, claiming that the amendment would effectively end all federal efforts to desegregate schools. However, with the return of several senators the following week, the Senate rejects the amendment 50-47, and then rejects 48-47 a slightly altered version offered by Senator Robert Dole (R-KS). A compromise measure, postponing the implementation of busing court orders until the appeals process was exhausted, is accepted on March 1<sup>st</sup>. EMK votes in favor of the bill and it is returned to the House. (1972 *CQ Almanac*, pp. 390, 392, 10-S, 12-S; *The Washington Post*, 2/26/1972, 3/2/1972)

*March* On the 17<sup>th</sup>, Nixon details his anti-busing plans in a message to Congress, urging legislation that would "clearly define what the federal courts could and could not require." EMK gives a floor speech against Nixon's anti-busing proposal. (<http://www.presidency.ucsb.edu/ws/print.php?pid=3776>)

*May* In a rare move, the House votes on March 8<sup>th</sup> and May 11<sup>th</sup> to restrict its conferees in the discussion of S659 regarding the anti-busing amendments. The conference concludes in May with a slight House compromise on busing, and on the 24<sup>th</sup> the Senate approves the final conference report 63-15. Northern liberal senators such as EMK, Mondale, and Senator Jacob Javits (R-NY) are reportedly among the

few to oppose the anti-busing provisions. The House accepts the conference report June 8<sup>th</sup>. (1972 *CQ Almanac*, pp. 385-394, 397, 27-S; *The Wall Street Journal*, 5/25/1972)

*June* On the 23<sup>rd</sup>, Nixon signs the 1972 Education Amendments (S 659 —PL 92-318) into law, which includes the landmark Title IX prohibition against sex discrimination in almost all education programs receiving federal funds. The 1971 Indian Education Act is also incorporated as part of the Amendments, as the House had taken no action on that bill in 1971. It becomes Title IV. (1971 *CQ Almanac*, p. 622; 1972 *CQ Almanac*, p. 387)

*Spring* Wallace, running for president as an opponent of “forced busing”, wins five Democratic primaries including Michigan and Maryland. During the campaign, he is shot and left paralyzed.

## 1973

*March* HEW cuts off federal funds to Boston schools.

*June* In *Keyes v. School District No. 1, Denver, Colorado*, the Supreme Court gives a green light to busing in areas outside the South.

*October* The Massachusetts Supreme Judicial Court orders the Boston School Committee to implement Charles Glenn’s desegregation plan, which had been commissioned by the state Board of Education in 1971. The plan is to be implemented in the fall of 1974 and includes the busing of students between Roxbury and South Boston. (Weinbaum, p. 4)

## 1974

*April* Five hundred Charlestown, Massachusetts residents march to Boston’s Beacon Hill neighborhood to protest school busing for desegregation. (J. Anthony Lukas, *Common Ground: A Turbulent Decade in the Lives of Three American Families*, New York: Alfred A. Knopf, 1985, p. 259)

*May* An amendment to the ESEA extension bill sponsored by Senator Edward Gurney (R-FL), which would issue an all-out ban on busing, is narrowly tabled 47-46. Siding with traditional civil rights senators such as Edward Brooke (R-MA), Claiborne Pell (D-RI), Hart, Javits, and Mondale, EMK provides continual criticism of the amendment and votes to table it. Bayh successfully proposes a diluted amendment, which emphasizes court-ordered busing as a last resort and prohibits cross-district busing unless both districts involved have practiced segregation. The Bayh amendment is voted on twice, with EMK voting against it the first time and not voting the second (EMK later expresses his opposition in the CQ poll). EMK manages to attach an amendment to the bill reinstating special “concentration” grants for urban and rural areas where poor students live in

extremely high concentration. The ESEA extension (HR 69, with some provisions added from S 1539) passes the Senate 81-5 on the 20<sup>th</sup>, with EMK voting for it, and following a conference, the bill is signed by President Gerald Ford on August 21<sup>st</sup>. (1974 *CQ Almanac*, pp. 462, 463, 30-S, 31-S, 32-S; *The Washington Post*, 5/16/1974)

*June* On the 21<sup>st</sup>, Garrity rules in the 15-month old NAACP suit that Boston has deliberately maintained unconstitutionally segregated schools and orders the School Committee to implement the State Department of Education's desegregation plan, in which students would be bused between Roxbury and South Boston. Hicks creates a coalition of anti-busing advocates called Restore Our Alienated Rights (ROAR). (*The New York Times*, 6/23/1974)

*July* In *Milliken v. Bradley*, the Supreme Court places an important limitation on *Swann v. Charlotte-Mecklenburg Board of Education* by holding that school desegregation rulings can only extend across district lines where multiple districts have deliberately engaged in a policy of segregation. (*Milliken v. Bradley*, summary, *Lexis/Nexis.com*)

EMK meets with a number of anti-busing leaders, including Hicks, and members of the black caucus on the 29<sup>th</sup> in his Boston office.

*August* EMK meets with a number of parents, teachers, and school administrators on the 19<sup>th</sup> in his Boston office.

ROAR asks to meet with EMK and Brooke in their Boston offices before a September ROAR rally. Brooke says he will not be in town, but assigns two staff assistants to meet with the organization. EMK reportedly does not respond to ROAR's request. (Clymer, pp. 223-224)

EMK gives a televised speech in support of busing, urging calm.

*September* After visiting South Boston High School with Joe Kennedy in the morning of the 9<sup>th</sup>, EMK makes a surprise appearance at a ROAR rally at the JFK building. Anthony Lukas speculates that EMK decided to address the crowd because an article by *Boston Globe* columnist and EMK acquaintance Mike Barnicle appealed for him to do so. (Lukas, p. 260) At the rally, EMK is chased off the speaker's stand into a nearby federal office building. Most of the protesters come from solidly Democratic, Irish, and pro-Kennedy neighborhoods, and are angry at EMK's vote that helped narrowly defeat the anti-busing amendment in May. Although the amendment would not have bound a federal court, ROAR wants to express its outrage at the perceived pro-busing stance of EMK and Brooke. Additionally, because EMK is close to Garrity and sees him with some frequency, EMK and Garrity are often linked at anti-busing rallies. (Lukas, pp. 259-260; Clymer, pp. 222-225)

On the first day of school on the 12<sup>th</sup>, black students are physically attacked, white parents bar their entrance, and police are sent into schools to prevent fighting between students.

- Fall*                      EMK meets with a wide range of local and state leaders, including leaders from the black and the Irish communities and from the schools, to discuss the busing situation.
- December*            A majority of the Boston School Committee, including Chairman John Kerrigan, refuse to approve a new desegregation plan written by the State Department of Education. Garrity threatens them with civil contempt. EMK supports Garrity.
- 1975**                      Congress begins prohibiting HEW from requiring school districts to implement busing as a condition for receiving federal funds. However, the action has little practical effect, as most forced busing has been ordered by the courts – not by HEW. (*1979 CQ Almanac*, p. 484; *1980 CQ Almanac*, p. 214)
- April*                      EMK is harassed after giving a speech on busing in Quincy, MA, forcing him to abandon his car and escape from an angry crowd on the T train.
- EMK meets with a number of people from various anti-busing groups.
- May*                      The U.S. Supreme Court upholds Garrity's actions in the Boston busing case. Garrity issues Phase II of the busing plan, which increases the number of students to be bused from 14,000 to 21,000, but offers magnet schools, more flexible redistricting, and assistance from a consortium of local universities and businesses.
- Fall*                      EMK holds a series of meetings with ROAR, parents and school officials.
- Garrity begins additional busing into Charlestown. Residents keep their children home and attack buses bringing black students across the bridge.
- September*            The JFK birthplace in Brookline, Massachusetts is defamed with graffiti reading, "Bus Teddy," and damaged by fire in an apparent act of protest against busing.
- December*            With violence in Boston schools worsening, Garrity places the entire school system under a receivership and takes over the responsibility to assign students and teachers. He replaces South Boston High School principal William Reed with Joseph McDonough. Receivership lasts for two and a half years until 1977. (*St. Petersburg Times*, 10/18/1987)
- ROAR conducts a sit-in at the Boston offices of EMK, Brooke, and Rep. Tip O'Neill. EMK speaks to the group from D.C. by phone.

## **1976**

- May* Attorney General Edward Levi, resisting pressure from the Ford White House, decides not to intervene on the side of the School Committee in its appeal to the Supreme Court of Garrity's placing the system under receivership.
- 1976/1977** John O'Bryant becomes the first African-American elected to the School Committee. (*St. Petersburg Times*, 10/18/1987)
- 1977** Congress toughens the language prohibiting HEW from using federal funds to implement forced busing. (*1979 CQ Almanac*, p. 484)
- August/Sept.* The Senate Judiciary Committee reports S 1651, which would restrict the ability of federal courts to order desegregation busing. This is the first committee bill which attempts to restrict court authority in this matter. Previous congressional action had attempted to limit HEW's authority to order busing. EMK opposes the measure, co-authoring a minority view with Senators Bayh, John Culver (D-IA) and James Abourezk (D-SD). No further action is taken on S 1651 in 1977 after it is reported. (*1977 CQ Almanac*, pp. 510-511; *1978 CQ Almanac*, p. 567)
- 1978** Congress rejects an amendment to soften the anti-busing language prohibiting HEW from using funds for forced busing. (*1979 CQ Almanac*, p. 484)
- Senators Joe Biden (D-DE) and William Roth (R-DE) unsuccessfully attempt to attach S 1651 restricting the court's ability to order busing to the ESEA bill. ESEA is extended through 1981. (*1978 CQ Almanac*, pp. 566-567; *1981 CQ Almanac*, p. 500)
- 1979** The House votes 216-209 against a Constitutional amendment banning busing, well short of the two-thirds majority required. The amendment would have prevented schools or the courts from ordering busing. Previously, the House and Senate Judiciary Committees had held hearings on similar amendments in 1971, 1972, 1973 and 1974, but had never reported one out. (*1979 CQ Almanac*, p. 482)
- 1980**
- November* The Senate adopts the State, Justice and Commerce fiscal 1981 appropriations bill (HR 7584), which contains a provision preventing the DOJ from bringing lawsuits that could lead to court-ordered busing. This is the second vehicle used by Congress to fight busing –Congress has limited HEW's ability to use federal funds to implement forced busing since 1975. Senator Lowell Weicker (D-CT) had introduced an amendment to delete the anti-busing language from the House bill, but was blocked by Senators Strom Thurmond (R-SC) and Jesse Helms (R-NC). (*1980 CQ Almanac*, p. 214)
- December* President Jimmy Carter vetoes the HR 7584 appropriations bill for containing the anti-busing language. No attempts to override the veto are made, and a similar

anti-busing rider is removed from a stop-gap funding measure, as President-elect Ronald Reagan has already indicated he would sign such anti-busing language into law. (1980 *CQ Almanac*, p. 210)

## 1981

- April* The Reagan Administration announces its plan to consolidate 44 federal education programs, including the 1965 ESEA, into two block grants to the states and to seek 25% cuts in federal education programs for the handicapped, the disadvantaged, and for desegregation busing. (*The New York Times*, 4/30/1981)
- June* Weicker begins an eight month battle to block strong anti-busing language sponsored by Senators J. Bennett Johnston (D-LA) and Helms from being added to the DOJ authorization bill (S 951). The fight over S 951 continues into 1982, forcing the DOJ to operate for the second year in a row under temporary authorization. (1982 *CQ Almanac*, pp. 385-386)
- July* Congress passes compromise education legislation which retains much of Reagan's initial proposal, including cuts to the Emergency School Aid Act which provides funds to schools undergoing desegregation busing. The budget reconciliation bill merges 28 categorical grant programs into one block grant, but leaves the ESEA in tact as a separate program. The ESEA was last extended in 1978. (1981 *CQ Almanac*, pp. 498-499; *The New York Times*, 08/02/1981; *The Washington Post*, 07/27/1982)
- November* Two Senate Judiciary subcommittees approve separate anti-busing bills to prevent courts from ordering busing (S 1760 and S 1647). They are the first two such bills to win approval from congressional subcommittees. (EMK does not serve on either subcommittee). The full committee does not act on either bill in 1981. (1981 *CQ Almanac*, p. 430)

## 1982

- January* The Reagan administration announces that it will reverse a twelve-year-old precedent denying tax-exempt status to private schools that discriminate against blacks. The administration intends to grant tax-exempt status to Bob Jones University and the Goldsboro Christian Schools, both of which are appealing IRS status decisions to the Supreme Court. After strong public criticism, Reagan quickly reverses his decision and sends legislation to Congress on the 18<sup>th</sup> authorizing the IRS to deny tax-exempt status to segregated schools, and leaving the Jones/Goldsboro cases to the Courts. The IRS legislation never moves beyond hearings this year. (1982 *CQ Almanac*, p. 397)
- February* The Senate votes to add the strongest anti-busing rider ever approved by either chamber of Congress to the DOJ authorization bill (S 951). The bill passes the Senate in March but dies in the House. (1982 *CQ Almanac*, pp. 385-386)



- October*      EMK criticizes the Reagan Administration for its actions in the Bob Jones University case.
- 1983**      Helms withdraws his amendment from an appropriations bill that would bar the DOJ from using funds to bring school busing suits. (*1983 CQ Almanac*, p. 478)
- May*      The Senate Labor and Human Resources Committee approves math-science bill S 1285, but is not brought to the Senate floor for over a year because of a controversial provision to set up a new aid program for schools undergoing desegregation. The amendment was reportedly meant to help replace some of the funding that was lost when the Reagan Administration abolished the Emergency School Aid Act in 1981. (*1984 CQ Almanac*, p. 492)
- 1984**
- June*      A compromise is reached in the Senate over the desegregation plan amended to S 1285 in which the set of schools that are eligible for aid is more narrowly defined. (*1984 CQ Almanac*, p. 492)
- October*      The EMK-sponsored Civil Rights Restoration Act, which would overturn *Grove City v. Bell*, is unsuccessful. (*1984 CQ Almanac*, pp. 241-242; Clymer, p. 410)
- 1985**
- February*      EMK again unsuccessfully sponsors the Civil Rights Restoration Act.
- September*      Garrity returns direct control of the Boston school system to the School Committee, citing that desegregation is far enough advanced and the atmosphere sufficiently cooperative. However, Garrity maintains standby supervision over student assignment. (*The New York Times*, 09/08/1985, 07/15/1999)
- 1987**
- Spring*      The EMK-sponsored Civil Rights Restoration Act stalls amidst the Bork hearings.
- September*      A federal appeals court removes student assignments from Garrity's supervision, ruling that Boston school officials "appear to have made the schools as desegregated as possible given the realities of modern urban life." (*St. Petersburg Times*, 10/18/1987; *The New York Times*, 12/28/1988, 7/15/1999)
- 1988**      The Civil Rights Restoration Act is passed, and the Senate overrides Reagan's veto. (Clymer, pp. 432-434; *1988 CQ Almanac*, pp. 63-68)
- 1989**      The Boston School Committee replaces busing with the controlled-choice system that retains racial guidelines to prevent resegregation, but allows students to

choose between different schools in their zone. (*The New York Times*, 7/15/1999)

**1991** In *Dowell v. Oklahoma City*, the Supreme Court holds that in a district that had been desegregated through court-mandated busing, but which then became predominantly black because white families moved out, the federal court did not have to step in because the re-segregation was the result of private action (“white flight”) rather than government action. Since this case there have been far fewer desegregation orders. (*Board of Education of Oklahoma City Public Schools v. Dowell*, summary, *Lexis/Nexis.com*)

**1992** In *Freeman v. Pitts, et al.*, the Supreme Court rules that a federal court in an on-going school desegregation case has discretion to order the incremental withdrawal of supervision over a Georgia school district. (*Freeman v. Pitts, et al* summary, *Lexis/Nexis.com*)

**1999**

*July* The Boston School Committee votes 5-2 to drop race as a factor in deciding which school a child attends, effectively ending in 2000 the last vestiges of busing in Boston. The committee had been under increased pressure since a federal appeals court had ruled in February the race-based admissions policy at Boston Latin School unconstitutional. (*The New York Times*, 07/15/1999)

## **EMK HIGHLIGHTS ON REFUGEE/HUMANITARIAN ISSUES & FOREIGN TRAVEL (1962-1989)**

*Prepared by Rob Martin*

*Miller Center of Public Affairs, University of Virginia, 4/25/2007*

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*(Key EMK committee service in italics)*

**1965**        *EMK becomes chairman of Judiciary's subcommittee on refugees and escapees.*

LBJ unveils immigration proposal; EMK manages the bill on the Senate floor.

EMK's first trip to Vietnam.

**1966**        EMK works on Cuban refugee legislation.

EMK travels to Jordan to meet with Palestinian refugees.

**1968**        EMK's second trip to Vietnam.

**1968**        EMK begins work on Biafra.

**1970**        EMK opposes Cambodia invasion.

EMK travels to Bangladesh, which is suffering from a harsh famine.

**1971**        *EMK becomes Chairman of the Senate Health Subcommittee.*

**1971/72**     EMK makes series of foreign trips to study health care in other countries.

**1971**        EMK visits refugee camps in India and East Pakistan with Jerry Tinker.

**1972**        EMK travels to Bangladesh with Dale DeHaan and Tinker.

EMK addresses the drought in Sahel, Tunisia.

EMK's planned trip to Vietnam on refugees is controversial and held-up by the U.S. State Department, then by the North Vietnamese government. EMK sends Caper, DeHaan and Tinker to Vietnam and Cambodia in March, 1973.

**1974**        EMK sends DeHaan and Tinker to Cyprus.

EMK travels to USSR.

EMK works on human rights in Nicaragua.

EMK works on cutting-off military aid to Chile.

**1975** The Indochina Migration and Refugee Assistance Act of 1975 extends the 1962 Migration and Refugee Assistance Act to Indochinese refugees; is renewed year-by-year until it is taken over by the 1980 Refugee Act.

EMK works on aid to Portugal.

EMK sends DeHaan and Tinker to Guam.

EMK sends DeHaan, Tinker and Dr. Phil Caper to Africa, Middle East and Asia to study world health (and presumably refugee health issues).

**1976** EMK travels to Greece with DeHaan.

DeHaan meets with a Kurdish separatist leader to discuss Kurdish refugees into U.S.

EMK addresses human rights in South Korea.

**1977** *EMK briefly ends chairmanship of refugee subcommittee; continues to sit on immigration subcommittee and becomes chair of health, anti-trust and energy subcommittees.*

EMK for cutting off military aid to Argentina.

**1977/78** EMK travels to China.

**1978** EMK aide DeHaan is appointed UN deputy commissioner for refugees.

EMK travels to USSR, where he addresses emigration.

EMK is selected as a member of the Select Commission on Immigration and Refugee Policy. The commission releases its report in March, 1981.

**1979** *EMK becomes Judiciary Chairman; no longer on immigration or refugee subcommittees.*

EMK plays important role in creating the Orderly Departure Program, which permits immigration of Vietnamese refugees to U.S. under auspices of UN High Commission for Refugees.

EMK works on Cambodian refugee issues.

- 1980**      EMK works on the Refugee Act of 1980, which creates the Federal Refugee Resettlement Program to provide for the effective resettlement of refugees and to assist them to achieve economic self-sufficiency as quickly as possible after arrival in the U.S.
- EMK works on Cuban and Haitian refugees.
- 1981**      *EMK returns to serve on (but not chair) the Immigration and Refugee subcommittee); EMK loses Judiciary chair.*
- 1983**      EMK travels to Panama.
- 1984**      EMK visits refugee camps in Ethiopia and Sudan.
- 1985**      EMK travels to South Africa.
- EMK attends UN Conference on Famine in Geneva.
- 1986**      EMK travels to South America.
- EMK travels to USSR.
- EMK travels to Middle East.
- 1987**      *EMK resumes chairmanship of the Judiciary's Immigration and Refugee subcommittee; he becomes Chairman of the Health, Education, Labor and Pensions; he holds these two chairs until the GOP revolution in 1994.*
- EMK travels to Panama.
- EMK travels to Poland.
- EMK travels to Persian Gulf and Geneva.
- EMK works on Irish immigration.
- 1988**      EMK works on hunger relief.
- 1989**      EMK travels to Mexico with Mike Myers.
- EMK works on China regarding Tienanmen Square.

## **The Commission on Immigration and Refugee Policy**

*Prepared by Emily Jane Charnock, 4/25/2007*

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EMK was selected as a member of the Select Commission on Immigration and Refugee Policy, created in 1978. In 1980, he sponsored a bill to alleviate the back-log of requests from Mexicans for legal entry, but part of the bill, which basically tripled the number of available visas for Mexicans, was stripped out and referred to the select commission. (April 21, 1980, *Christian Science Monitor*) Also in 1980, EMK recommended blanket refugee status to Haitians and Cubans – this was controversial as “refugee” status was accompanied by a number of federal benefits. Carter met with EMK, other members of the Select Commission, and other advisors, to determine his policy in this area. (May 14, 1980, *Washington Post*)

As the Commission continues its work examining immigration issues and preparing to revise the Immigration and Nationality Act of 1952, controversy erupts over part of the statute which excludes certain categories of aliens, including prostitutes, polygamists and homosexuals. EMK calls for a repeal of all 33 subsections which list grounds for exclusion, believing a wholesale strategy would work better than stripping out homosexuality alone. President Carter, concerned that this contravenes a human rights agreement made in Helsinki in 1975, endorses the proposal. EMK states, "Had these sections applied to American citizens, rather than to aliens, they would undoubtedly have been thrown out in court years ago." (June 24, 1980, *New York Times*)

The Commission reports in March 1981, recommending increased enforcement combined with an amnesty for illegal immigrants already in the United States, and a number of other measures: fines for employers who hire illegal aliens knowingly; a more reliable way to prove identity (which sparked a later controversy over national identity cards); recommends continuance of the small-scale H-2 program rather than a large-scale temporary worker program. The Refugee Act of 1980 had impacted refugee policy, permitting the admission of 50,000 annually, though the actual quota would be determined by the President, in consultation with Congress – the Commission recommended that the President continue to set the quota.

Following the 1980 election and the Democratic loss of Senate control, the immigration subcommittee, and any legislation, is to be shaped by Alan K. Simpson (R-WY). Simpson and Representative Romano L. Mazzoli (D-KY) first offer their bill in 1982, and then in 1983, both times it fails in the House. EMK calls the Simpson-Mazzoli proposal extremely important, but opposes it in the Judiciary Committee and on the floor both times. EMK's major success on the first bill had been to add an asylum provision for illegal aliens, but this was diluted by a floor amendment from Charles Grassley (R-IA). Though the Senate passes that version in August, 1982, it dies in the House, lacking Speaker Tip O'Neill's support and given an unrestrictive rule. In 1983, EMK and Alan Cranston (D-CA) lead liberal opposition to the second Simpson-Mazzoli bill on the floor, gaining some ground on judicial review for those denied asylum. They have little success in other areas; modifying only slightly the appeals procedures and the sanctions program, an element they felt would increase job discrimination against Hispanics. (May 19, 1983, *Washington Post*) The bill passes the Senate on May 18, 1983 76-18, with EMK voting against, but is again killed by Tip O'Neill in the House. (1982 *CQ Almanac*, 408; 1983 *CQ Almanac*, 21-S).

## BUSING FOR DESEGREGATION 1974-1975

Prepared by Anne Mariel Peters

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*In both 1974 and 1975, Congress passed laws containing amendments that restricted the ability of courts and the Department of Housing, Education, and Welfare to order the busing of students for the purpose of racial desegregation in public schools. While Dole consistently supported anti-busing measures and opposed efforts to dilute them, EMK stood firm against any sort of anti-busing provision throughout this period, breaking with several fellow Northern Democrats and large segments of his urban, working class constituency.*

In the early 1970s, a series of federal court decisions found that racially imbalanced schools impeded the civil rights of minority students. As a result, courts began to order the racial integration of public schools, sometimes requiring the racial breakdown of each school to match that of the school district as a whole. To achieve this goal, courts often required students to be bused into schools whose racial profile was considered to be reflective of racial discrimination. In addition, the Department of Health, Education, and Welfare (HEW) had the ability to terminate federal school funds to enforce busing or other desegregation plans under Title IV of the 1964 Civil Rights Act, but the White House had rarely used this tool. Busing occurred most often in large, ethnically segregated school systems, including those in Boston, Cleveland, and Richmond. Busing was met with a fair amount of opposition, particularly among Southerners and the Northern working class.

On March 26 and 27, 1974, the House passed two anti-busing amendments to the Elementary and Secondary Education Act (ESEA) extension bill (HR 69), declaring that:

- All public schoolchildren were entitled to an equal educational opportunity and a child's neighborhood was the basis for his public school assignment; the failure of a school district to attain a racial or gender balance of students would not constitute a denial of equal educational opportunity.
- All federal courts and agencies would be prohibited from ordering long-distance busing of children to end school desegregation.

In the Senate, Senator Edward Gurney (R-FL) sponsored an ESEA amendment proposing an all-out ban on busing, claiming, "Busing is spreading like a cancer through every part of our country." Gurney's amendment was narrowly tabled 47-46. Siding with traditional civil rights senators such as Jacob Javits (R-NY), Claiborne Pell (D-RI), Philip Hart (D-MI), Walter Mondale (D-MN), and Edward Brooke (R-MA), the only black U.S. senator, EMK provided continual criticism of the Gurney amendment and voted to table the bill; Dole voted against tabling. A more dilute amendment proposed by Senator Birch Bayh (D-IN) was subsequently adopted. Key anti-busing provisions in the Senate ESEA bill (S 1539) included:

- Bayh amendment: Prohibited court-ordered busing unless all other alternatives were found inadequate and unless it was found that both districts involved had practiced segregation.

- Dole amendment: Prohibited Department of Justice interference in segregated schools before allowing the school to voluntarily adopt a corrective plan.

While the House amendment completely forbade busing, the Senate amendment allowed courts to order busing beyond districts next to a student's home if doing so was required to guarantee the student's civil rights. Conferees agreed on a busing compromise with the following provisions:

- Allow courts to determine when extensive busing was necessary.
- Allow courts to terminate a busing order if it determined the school district was no longer violating the civil rights of its students.
- Prohibition on the use of federal funds for busing to overcome racial imbalance, except for impact aid designated for handicapped children or the educationally disadvantaged.

On August 21, 1974, President Gerald Ford signed HR 69 into law (PL 93-380). In September 1974, EMK was chased off the speaker's stand into a nearby federal office building at an anti-busing rally in Boston, where he had sought to calm a crowd of disgruntled parents. Most of the protesters came from solidly Democratic, Irish, and pro-Kennedy neighborhoods, and were angry at EMK's vote that helped narrowly defeat the anti-busing amendment in May. In April 1975, EMK was jeered and jostled by busing opponents after giving a speech at a school in Quincy, Massachusetts. And in September 1975, the birthplace of John F. Kennedy in Brookline, Massachusetts was defamed with graffiti ("Bus Teddy") and damaged by fire in an apparent act of protest against busing. EMK still refused to hedge his support for school desegregation.

In November 1974, Congress also attached three diluted Senate anti-busing amendments to the 1975 HEW appropriations bill (HR 15580).

- Prohibition on the use of federal funds for busing to overcome racial imbalance. This provision was intended to close loopholes that surfaced in the ESEA conference bill, but it was likely to have little impact because so few federal funds were used for such purposes.
- The second and third amendments prohibited the use of federal funds to force any school already desegregated to: (a) bus school children; (b) abolish schools; and (c) require attendance at any school against the choice of the student's parents. The House language would have required these amendments to apply to all schools.

In the fall of 1975, anti-busing proponents in the Senate tried to rally support for a constitutional amendment to ban court-ordered busing. It was believed that a constitutional amendment was the only way to end "forced" busing because legislation prohibiting the courts from doing so would probably be found unconstitutional. Four constitutional amendments were proposed:

- S J Res 29, by Senator William V. Roth (R-DE) would amend the constitution to bar the transportation of students on the basis of race, color, national origin, or sex. Similar amendments were proposed by Dewey Bartlett (R-OK) and John Tower (R-TX).



- A broader amendment, offered by William Lloyd Scott (R-VA), would forbid the assignment of students to schools and the assignment of local, state, and federal government employees on the basis of race.

None of the proposals for a constitutional amendment was successful, and on September 3, the Senate tabled 42-35 a Dole amendment to the State, Justice, and Commerce appropriations bill that would have prohibited the use of Department of Justice funds to intervene in any court suit seeking to require forced busing (EMK voted to table the bill). However, on September 26, the Senate passed an HEW appropriations bill (HR 8069), to which it attached three anti-busing amendments that were not included in the House bill. EMK was the only Northern Democrat to oppose all three amendments. These amendments were:

- Biden amendment (1): Prohibited HEW from threatening aid cutoffs to require school systems to assign students or teachers on the basis of race. EMK voted against; Dole announced for. Senator Joseph Biden (D-DE) introduced his amendment as a counter to an unsuccessful amendment by Senator Jesse Helms (R-NC) that would have forbidden HEW to force local schools to classify students by race, thereby depriving HEW of key information used to assess whether a school was guilty of segregation practices.
- Biden amendment (2): A more legally explicit version of Biden's first amendment sought to assure Northern liberals that Biden's first amendment would not weaken HEW's other discrimination remedies. EMK voted against; Dole in favor.
- Byrd amendment: Prohibited HEW from threatening aid termination to force school systems to bus students beyond the school closest to the student's home that offered the courses sought by the student. EMK voted against; Dole against.

Debate over the Senate's anti-busing amendments stalled HR 8069 in conference for two months. Ultimately, both Biden amendments were dropped and the Byrd amendment was retained. Nobody spoke against the bill; Brooke said he would withhold his opposition in the interests of enacting the appropriations bill. Ford vetoed the bill on December 19, claiming that it was too expensive, but Congress voted to override the veto in January 1976, enacting HR 8069 into law (PL94-206)

## EMK'S CIVIL RIGHTS LEGISLATIVE HIGHLIGHTS

*Prepared by Rob Martin, Anne Mariel Peters, and Emily Jane Charnock  
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(Successful legislation in bold)

<i>1963 Civil Rights Bill</i>	JFK's attempt to broadly improve civil rights protections for African-Americans. Little progress before his death.
<b>1964 Civil Rights Act</b>	Landmark legislation introduced by Mansfield to prohibit discrimination in public places, employment, and at the polls. It allows the AG to sue to force school desegregation. EMK votes in favor, only hours before his plane crash.
<b>1965 Voting Rights Act</b>	Sent to Congress by LBJ; outlaws literacy tests & allows DOJ to oversee voter registration. In his first legislative initiative, EMK tries unsuccessfully to add a poll-tax ban to the bill. The Supreme Court rules the poll tax unconstitutional in '66.
<i>1966 Civil Rights Bill</i>	Unsuccessful LBJ-requested legislation to strengthen protection of civil rights; includes controversial fair housing legislation.
<i>1967 Civil Rights Bill</i>	LBJ's follow up on '66 legislation also unsuccessful; EMK fights to keep controversial fair housing provisions in bill.
<b>1968 Civil Rights Act</b>	Landmark fair housing legislation, co-sponsored by EMK.
<b>1969 Philadelphia Plan</b>	EMK-supported bill requiring govt. contractors to hire minority workers according to quotas; bill passes.
<b>1970 VRA Extension</b>	EMK calls for legislation lowering voting age to 18 to be legislation as an amendment with EMK and Magnuson as cosponsors; the bill easily passes. Supreme Court rules it constitutional only in federal elections; Congress passes it as 26 <sup>th</sup> Amendment in '71.
<i>1970 Indian Education Bill</i>	Legislation from Sen. Interior & Insular Affairs Com. to allow Dept. of Interior to improve classrooms in Native American schools, place students in local public schools rather than boarding schools, & specify equal standards; EMK supports the bill, but it fails.

**1970 Mental Retardation & Developmental Disabilities Act**

EMK-sponsored legislation to improve federal programs to help the developmentally disabled; the bill passes 69-0 and the conference report is adopted by voice vote.

**1971 Indian Education Act**

EMK & others introduce bill to improve education for Native Americans, particularly in non-reservation schools; gives Native Americans greater role in setting their own education policy; the bill passes the Senate & is eventually incorporated into the 1972 Education Amendments.

*1972 Equal Rights Amendment*

Bayh proposes Senate version of legislation to prevent discrimination on account of sex. EMK switches his position to support it; the amendment passes 84-8 in Senate, but fails to gain ratification in 3/4 of US states.

**Title IX of 1972 Education Amendments**

Bayh proposes an amendment to the aid-to-education bill, prohibiting sex discrimination in most education programs receiving federal funds. EMK votes against the education bill itself because strong anti-busing provisions have been added in conference.

**1970s Anti-busing Amendments**

After federal courts rule in the early 70s that busing can be used to integrate public schools, EMK fights a series of anti-busing amendments in '72, '74 & '75 aimed at limiting the ability of courts and HEW to order busing. EMK successfully fights some of the stronger anti-busing amendments, but is unable to stop compromise legislation in '74 & '75 that placed limits on the ability of the courts and HEW to force busing. EMK had first proposed a bill in 1966 to provide federal aid for busing and to withhold funds from segregated schools, but the bill wasn't reported.

**1973 Rehabilitation Act**

EMK co-sponsors legislation to extend aid to the handicapped and prohibit discrimination in federal programs or those receiving federal funds.

**1975 Voting Rights Act Ext.**

EMK supports successful legislation to extend the VRA, and to bring language minorities under its protection.

**1975 Older Americans Act Ext.**

EMK supports successful legislation from the House to extend and strengthen the 1965 Older Americans Act.

**1975 Age Discrimination Act**  
[Title III of Older Americans Act]

EMK supports successful legislation prohibiting age discrimination in programs receiving federal aid.

**1980 Protection of Rights of Institutionalized Individuals**

Bayh and Kastenmaier legislation allowing the federal govt. to file suits against states to protect prisoners, mental patients, etc. EMK is a co-sponsor on the Senate measure, announces for the bill, but does not vote; the bill passes.

**1980 Mental Health Systems Act**

EMK-sponsored legislation to expand and restructure federal aid for mental health services; EMK & Javits are unable to include a patients' "bill of rights" and EMK does not vote on the final bill.

*1980 Fair Housing Bill*

EMK and Byrd unsuccessfully attempt to pass a bill to strengthen the enforcement mechanisms of the 1968 Fair Housing Act by making it easier for the fed. govt. to sue. EMK is cosponsor and floor manager of the Senate version.

**1982 VRA Extension**

EMK helps draft compromise legislation (forged by Dole) to extend the VRA for 25 years and establish a "results" test; making it easier to find that election laws are discriminatory. Previously, proof was required that the "intent" behind the election laws was discriminatory. The 1982 Act follows stronger but unsuccessful legislation that EMK and a group of other senators had introduced in '81.

**1983 MLK Holiday**

EMK and Mathias lead the Senate fight to make King's birthday a national holiday (EMK is a cosponsor, though the House version passes); EMK and Helms enter a bitter and personal debate; the legislation passes.

**1983 Civil Rights Commission Reauthorization**

An EMK-supported bill to extend mandate of the Civil Rights Commission for 6 years; delayed by Hatch's attempts to secure Reagan nominees; a compromise passes but, reportedly, it is not fully honored.

*1983 Equal Rights Amendment*

O'Neill unsuccessfully tries to resurrect the ERA, which has failed to gain ratification by the required 3/4 of states. EMK co-sponsors a companion Senate measure, but the attempt fails in the House.

*1984 Civil Rights (Restoration) Act*

EMK-sponsored proposal to overturn *Grove City* – a Supreme Court decision which hampers the fed govt's ability to restrict educational aid eligibility on the grounds of discrimination. Byrd tries to attach it to the FY 1985 appropriations bill, but the amendment is tabled.

<i>1985 Anti-Apartheid Legislation</i>	EMK sponsors a resolution condemning Apartheid in South Africa, which passes 89-4 but does not make it to the House floor. EMK also sponsors a sanctions bill, but a weaker bill is supported in committee, passing the Senate 80-12. Amid parliamentary maneuvering, the conference report is “lost,” preventing further action.
<b>1986 Anti-Apartheid Act and Veto Override</b>	EMK-supported bill imposing sanctions on S. Africa; it passes 84-14, is vetoed by Reagan, but overridden 78-21.
<b>1988 Civil Rights Restoration Act and Veto Override</b>	EMK-sponsored bill prohibiting discrimination by organizations receiving fed assistance (with an amendment exempting medical organizations from being required to carry out abortions). Bill passes (75-14) and is vetoed by Reagan, but then overturned 73-24.
<b>1988 Fair Housing Amendments Act</b>	EMK-supported bill to strengthen fed law against housing discrimination and increase housing options for the disabled (wider doors, lower light switches in new units). EMK sponsors the Senate version and recruits Muhammad Ali to persuade Hatch; Reagan signs the bill.
<b>1990 Amer. w/ Disabilities Act</b>	After a similar bill fails in '89, a measure sponsored by Harkin (and co-sponsored by EMK, among others) passes. It gives broad protection to the disabled against bias in public accommodations and housing.
<b>1991 Civil Rights Act</b>	Danforth legislation making it easier for victims of discrimination or sexual harassment to sue their employers for damages; Bush had vetoed a similar bill, sponsored by EMK, in '90 (for including employment quotas). Quotas are dropped, EMK votes in favor, and Bush signs into law.
<i>1991 Crime Bill</i>	Authorizes the death penalty for more than fifty federal crimes, restricts habeas corpus petitions by those already convicted, and imposes a 5-day waiting period on handgun purchases; the bill fails, due in part to an EMK-sponsored provision to allow defendants to challenge death penalty sentences on grounds of racial discrimination.
<b>1992 VRA Extension</b>	Extends and expands the bilingual assistance provision of the VRA, which was first extended to language minorities in '75; EMK supports the bill (co-sponsoring the Senate version, though the House version is substituted).

<b>1993 Family &amp; Medical Leave Act</b>	Allows an employee to take unpaid leave to care for a sick family member or a newborn child without losing employee benefits; the act was drafted by the National Women's Defense Fund and supported by EMK; Dodd had been leading the fight for the bill in the Senate since 1983.
<b>1996 Defense of Marriage Act</b>	Allows states to refuse to recognize gay marriages. EMK opposes the bill and threatens to add an amendment to extend employment discrimination protection under '64 CRA to sexual preference, but is persuaded to offer it as a separate bill. EMK's bill is defeated 49-50, while the Defense of Marriage Act is passed 85-14. EMK votes nay.
<i>2000 Hate Crimes Bill</i>	EMK sponsors an amendment to the defense authorization bill to expand federal hate crimes laws to include sexual orientation, gender and disability, but the bill is dropped in conference.
<b>2006 VRA Extension</b>	EMK co-sponsors the Senate bill to extend the VRA for 25 years, following House action. The bill maintains the requirement for certain states to obtain DOJ approval before changing precinct boundaries, polling places, legislative districts, ballot formats and other voting procedures. It is approved 98-0 and becomes law in July.