



EDWARD M. KENNEDY ORAL HISTORY PROJECT

Interviewer's Briefing Materials **Edward M. Kennedy Interview, 8/7/2007**

Robert A. Martin, Research Director

Miller Center Documents¹

- Edward M. Kennedy Reagan/Bush Era Civil Rights Timeline.
- Edward M. Kennedy Post-Bush I Civil Rights Timeline.
- Overview of Voting Rights Act Extensions.
- Overview of South Africa and Anti-Apartheid Legislation.
- Overview of the 1988 Civil Rights Restoration Act.
- Overview of the 1988 Fair Housing Amendments Act.
- Overview of the 1990 Americans with Disabilities Act.
- Overview of the 1991 Civil Rights Act.
- Overview of the 1982 Voting Rights Act Extension.
- Edward M. Kennedy Civil Rights Legislative Highlights.

Secondary Source Materials

- Burton Hersch, *The Shadow President* (Sout Royalton, VT: Steerforth Press, 1997) pp. 72-78, 81-83.
- Adam Clymer, *Edward M. Kennedy: A Biography* (New York: William Morrow and Company, 2000) pp. 332-336, 363-371, 432-434, 437-441, 449-456.
- "Voting Rights Act Extended, Strengthened," *1982 CQ Almanac* (Washington: Congressional Quarterly Almanac) pp. 373-377.
- "Hill Overrides Veto of South Africa Sanctions," *1986 CQ Almanac* (Washington: Congressional Quarterly Almanac, 1986) p. 359.
- "'Grove City' Bill Enacted over Reagan's Veto," *1988 CQ Almanac* (Washington: Congressional Quarterly Almanac, 1988) pp. 63-68.
- "Compromise Fair-Housing Bill is Cleared," *1988 CQ Almanac* (Washington: Congressional Quarterly Almanac, 1988) pp. 68-74.
- "Compromise Civil Rights Bill Passed," *1991 CQ Almanac* (Washington: Congressional Quarterly Almanac) pp. 251-252, 254-257, 260-261.

¹ 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.

Oral History Interviews

- Caroline Osolinik interview, Kennedy Oral History Project, Miller Center of Public Affairs, University of Virginia, 03/27/2007.
- Orrin Hatch interview, Kennedy Oral History Project, Miller Center of Public Affairs, University of Virginia, 05/24/2006.
- Charles Mathias interview, Kennedy Oral History Project, Miller Center of Public Affairs, University of Virginia, 03/10/2006.
- John Douglas interview, Kennedy Oral History Project, Miller Center of Public Affairs, University of Virginia, 11/30/2005.
- Michael Frazier interview, Kennedy Oral History Project, Miller Center of Public Affairs, University of Virginia, 03/29/2007.
- Jeff Blattner interview, Kennedy Oral History Project, Miller Center of Public Affairs, University of Virginia, 03/30/ 2007.
- John Danforth interview, Kennedy Oral History Project, Miller Center of Public Affairs, University of Virginia, 10/25/2005.
- Robert Dole interview, Kennedy Oral History Project, Miller Center of Public Affairs, University of Virginia, 05/15/2006.

Documents Provided by Senator Kennedy

- “Materials for Oral History Taping on Civil Rights.”

Other

- John McNamara, “Notes on South Africa,” undated.
- Greg Craig memo to Senator Kennedy, “Speeches in South Africa,” 12/01/1984.

EMK AND REAGAN/BUSH ERA CIVIL RIGHTS TIMELINE

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

Miller Center of Public Affairs, University of Virginia, 7/27/2007

- 1968** The Civil Rights Act of 1968 containing landmark fair housing legislation co-sponsored by EMK is passed.
- 1969** As Chairman of the Subcommittee on Indian Education, EMK leads a delegation to tour remote and poverty-stricken Eskimo villages in Alaska.
- EMK helps to defeat the Haynsworth nomination.
- The Philadelphia Plan requiring government contractors to hire minority workers according to quotas is passed.
- Burger replaces Warren as Chief Justice of the Supreme Court.
- 1970** EMK helps to defeat the Carswell nomination.
- The 1970 VRA extension containing EMK's amendment lowering the voting age to 18 is passed; Congress later passes as 26th Amendment in 1971.
- EMK's Mental Retardation and Developmental Disabilities Act is passed.
- 1971** EMK fights the Rehnquist nomination.
- The Indian Education Act, which was co-sponsored by EMK, passes the Senate and is later incorporated into the 1972 Education Amendments.
- 1972** The Equal Rights Amendment is passed and signed by Nixon but fails to gain ratification in 3/4 of U.S. states.
- Title IX of the 1972 Education Amendments prohibiting sex discrimination in most education programs receiving federal funds is passed.
- 1973** Congress passes the EMK co-sponsored Rehabilitation Act extending aid to the handicapped and prohibiting discrimination in programs receiving federal funds.
- Mid/Late 70s** After federal courts rule that busing can be used to integrate public schools, EMK fights a series of anti-busing amendments aimed at limiting the ability of HEW and the courts to order busing.
- 1975** The 1975 Voting Rights Act (VRA) extension is passed, bringing language minorities under its protection.

The EMK-supported Older Americans Act extension is passed, which strengthens the 1965 law.

The EMK-supported Age Discrimination Act is passed, which prohibits age discrimination in programs receiving federal aid.

1978 The Civil Rights Commission is extended for five years, bringing age and handicap discrimination under its jurisdiction.

1979 EMK becomes Chairman of the Judiciary Committee. One of his goals as chairman is the appointment of new federal judges according to merit, emphasizing minorities and women.

1980 The Protection of Rights of Institutionalized Individuals, which is co-sponsored by EMK, is passed.

The EMK co-sponsored Mental Health Systems Act, which expands and restructures federal aid for mental health services, is passed. EMK and Javits are unable to include a patients' bill of rights.

In *Bolden v. City of Mobile*, the Supreme Court rules that electoral districts must be drawn with racially discriminatory effect and intent to warrant constitutional protection.

Campaigning in California for the Democratic presidential nomination, EMK becomes the first presidential candidate to hold a fundraiser with the gay and lesbian community. At the event, held at the Los Angeles home of Clyde Cairns and John Carlson, EMK reaffirms an earlier campaign promise to issue an executive order prohibiting job discrimination against gays in federal hiring if elected. At a public rally in San Francisco the following week, EMK states that he supports anti-discrimination legislation that would protect gay workers as well as gays in immigration policy. (Adam Clymer, *Edward M. Kennedy: A Biography*, New York: William Morrow and Company, Inc., p. 311)

November Reagan wins the 1980 presidential election; the GOP wins control of the Senate.

December EMK and Byrd attempt to pass a bill to strengthen the 1968 Fair Housing Act before Republicans take control of the White House and Senate. The new bill would make it easier for the federal government to sue over housing discrimination issues. EMK is a co-sponsor and floor manager of the Senate version, though Majority Leader Byrd, a strong backer of the legislation, keeps a copy of the House version at the desk for parliamentary purposes. Although EMK and Byrd break a filibuster on the 4th to begin debate on the bill, they are unable to break a December 9th filibuster on the bill itself. Cloture is blocked six votes short of sixty, largely due to the opposition of Senator Orrin Hatch (R-UT). (Clymer, pp. 323-324; *1980 CQ Almanac*, pp. 373-377; THOMAS on S 506)

Carter vetoes an appropriations bill which would prevent the DOJ from bringing lawsuits that could lead to court-ordered busing. No attempts to override the veto are made, as President-elect Reagan has indicated he would support such a bill.

1981

January EMK loses the chairmanship of the Judiciary Committee; instead of becoming the Ranking Member on Judiciary, EMK decides to become Ranking Member on Labor and Human Resources; EMK also returns to the Immigration and Refugee subcommittee after a two-year absence.

April On the 7th, Mathias, EMK, and six other senators introduce legislation to extend key provisions of the VRA until 1992 (S 895). President Ronald Reagan takes no formal position on the bill, but expresses reservations. Dole, a member of the eighteen-person Judiciary Committee, appears to be on the fence, as does Senator Howell Heflin (D-AL). (*1981 CQ Almanac*, p. 416; Clymer, p. 335)

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)

July Congress passes compromise education legislation which retains much of Reagan's initial proposal, including cuts to the ESAA 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. During a House-Senate conference over the reconciliation bill, EMK had helped to defeat a proposal to turn over to the states the Women's Educational Equity Act (WWEA) program as part an education block grant. The program, which targets gender discrimination in education, is maintained as a separate categorical authorization of \$6 million a year. (*1981 CQ Almanac*, pp. 498-499, 502)

October On the 5th, the House passes its VRA extension bill, HR 3112, thus clearing the way for Senate action. However, negotiations between Senate Majority Leader Howard Baker (R-TN), Senators Howard Metzenbaum (D-OH), Biden, Byrd, Mathias, and EMK fail to determine a date for Judiciary Committee action on the VRA. At the last moment before normal procedures would have sent the bill to the Judiciary Committee, Byrd objects on the floor, thus keeping the bill on the Senate calendar and allowing Baker to call it up whenever he chooses. Supporters had feared that staunchly conservative Judiciary Chairman Strom Thurmond (R-SC) would bottle up the bill, though Thurmond, responding to Byrd's objection, claims he will hold hearings regardless. (*1981 CQ Almanac*, pp. 415-418)

December On the 16th, Mathias and EMK, with fifty-nine other co-sponsors introduce a carbon copy of the successful House VRA extension (HR 3112, S 1992). The most controversial provision of the House bill is an amendment to Section Two of the VRA that would establish a “results” test to determine whether election laws or procedures are discriminatory. The LCCR, under its new director, Ralph Neas, has pushed for this “results” provision in response to the 1980 Supreme Court decision in *Bolden v. City of Mobile*. In this case, the court ruled that racially discriminatory electoral districts must be drawn with *intent* and *effect* to warrant constitutional protection. As legislative intent is very difficult to prove, the *Bolden* ruling could allow states and localities to retain voting laws which undermine the voting strength of minorities. EMK works with Neas on the VRA extension, particularly the Section Two amendment to overturn the “intent” ruling. Another issue concerns the Section Five enforcement provisions, which the House bill would extend permanently. Reagan announces his preference for a simple ten-year extension of the VRA, which Majority Leader Baker had proposed early in the month, to the consternation of civil rights groups and EMK. (1982 *CQ Almanac*, p. 375; Clymer, p. 332; *The New York Times*, 12/3/1981)

1982

January On the 8th, 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 18th 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)

On the 28th, Hatch’s Subcommittee on the Constitution opens hearings on the VRA extension. During the hearings, Attorney General William French Smith advocates a simple ten-year extension. EMK clashes with Smith, claiming that there is a “crisis of confidence” in the administration’s commitment to women and minorities. Hatch’s subcommittee reports a simple ten-year extension without the Section Two amendment on March 24th. (1982 *CQ Almanac*, p. 375)

March The Judiciary Committee approves (10-7) a constitutional amendment authorizing Congress and the states to restrict or ban abortion (S J Res 110), with EMK voting against it. It is the first time since *Roe* that any committee of Congress passes an anti-abortion bill, but it is not considered by the full Senate in 1982. In September, the Senate (46-47) defeats an anti-abortion amendment (attached to an unrelated bill) sponsored by Senator Jesse Helms (R-NC) that would prohibit abortion by federal statute. EMK votes against the amendment. (1982 *Congressional Quarterly Almanac*, pp. 403, 58-S)

April On the 15th, an Alabama federal judge rules again on *Mobile v. Bolden*, utilizing research on over 100 years of Alabama history to determine that the Mobile system *intended* to discriminate against blacks. While supporters of “intent” claim victory as the judgment shows it is a *provable* standard, opponents claim the massive amount of time that lawyers, paralegals, expert witnesses, and the judge had to spend on the case is wasteful. (1982 *CQ Almanac*, p. 375)

May With the support of the LCCR, EMK and Mathias fight for the reenactment of the VRA. Facing an extremely close vote in the Judiciary Committee, EMK and Mathias woo Dole to support a renewal that includes the Section Two “results” test. Dole is being pressured by editorials to support the bill, and his aide Sheila Blair begins working with EMK staffer Burt Wides and Mathias staffer Mike Klipper. On the 3rd, Dole announces a compromise bill on the VRA extension, which he drafted with Mathias and EMK. The “Dole compromise” keeps the “results” test from the House bill, but adds a section which specifies how the test could be met. The compromise also recommends a 25-year extension of Section Five, rather than the permanent extension in the House bill or the ten year extension favored by the administration. Dole has also spoken with Reagan, who publicly endorses the compromise bill the same day. (1982 *CQ Almanac*, pp. 374-375; Clymer, p. 336; *The New York Times*, 5/4/1982)

On the 4th, the Dole VRA compromise is adopted by the Judiciary Committee 14-4. Dole’s support had triggered significant momentum, although Senator Jesse Helms (R-NC), Thurmond, and Hatch still strongly oppose the bill. (1982 *CQ Almanac*, p. 376; *Virginia Law Review*, 05/1983)

June On the 18th, the Senate passes the VRA extension 85-8, with EMK voting in favor. Before approving the bill, the Senate overwhelmingly rejects fifteen amendments that Mathias, Dole, and EMK claim would weaken the measure. The Senate sponsors are trying to prevent all non-technical amendments and thereby avoid a conference with the House (House sponsors have promised to accept the Senate bill if it passes without substantive change from the Judiciary Committee version). The House accepts the Senate amendments on the 23rd, and Reagan signs PL 97-205 into law on the 29th. (1982 *CQ Almanac*, pp. 373, 376, 33-S)

1983

June The Senate (49-50) defeats a proposed constitutional amendment (S J Res 3) that would declare that abortion was not a constitutional right and would leave abortion up to the states. EMK votes against the amendment, asserting that the bill would “put government into people’s bedrooms.” He criticizes supporters of the bill who “have voted consistently against the help and support that can mean fewer abortions In the name of less government, they turn their backs on proven alternatives to abortion, and then seek to resolve the problem by the most intrusive kind of government of all.” (1983 *CQ Almanac*, pp. 306-311)

October Mathias and EMK lead the Senate effort for making King's birthday a national holiday. Helms opposes, citing King's communist ties, and a lack of hearings on the proposal (though hearings had been held in 1979). A bitter, personal and public debate with EMK ensues. Ultimately, amid passionate rhetoric and several Helms' attempts to add poison pill amendments, the bill passes on the 19th, 78-22. The House had passed its bill August 2nd, and thus Senate action clears the bill for Reagan, who signs it November 2nd (PL 98-144). (Clymer, pp. 347-348; 1983 *CQ Almanac*, pp. 600-602)

November On the 15th, a late-session effort to revive the ERA in the House fails. Speaker of the House Tip O'Neill (D-MA) had brought the ERA to the floor under suspended rules, a move usually reserved for non-controversial legislation. Hatch, in charge of the Senate Subcommittee on the Constitution, had been holding new hearings on the ERA since May, but his hearings were designed to highlight potentially undesirable effects of the amendment, and ultimately the subcommittee does not vote on the matter. (1983 *CQ Almanac*, pp. 296-298)

On the 30th, a bill reconstituting the Civil Rights Commission and extending it for six years is signed into law (PL 98-183). In September, EMK was one of twenty-two senators that wrote to Senate Majority Leader Howard Baker (R-TN) urging him to expedite the legislation. However, Hatch claimed that he would not move on the legislation in his subcommittee until the Senate voted on three new Reagan nominees to the panel. A delicate compromise is engineered after marathon negotiations involving civil rights activists, members of the Judiciary Committee, Baker, and the White House. At the conclusion of the bargaining, the Democrats reportedly believe that they have secured reappointments of four commissioners critical of the administration's civil rights policies (a Democrat, Independent, and two Republicans). Yet weeks after passage, the White House claims that there is no deal on the reappointment of the two Republican critics. (1983 *CQ Almanac*, p. 292; *The Washington Post*, 9/14/1983)

1984

February The Supreme Court rules in *Grove City v. Bell* that Title IX of the 1972 Education Amendments can only be applied to the *program* receiving federal aid and not the entire school. The ruling prompts EMK to sponsor the Civil Rights Restoration Act in an effort to overturn *Grove City*, reportedly arguing that the ruling creates such a restrictive standard that it makes it difficult for the government to deem an institution ineligible to receive federal aid for engaging in discriminatory practices. He suggests the decision hinders efforts to end discrimination not only against women in educational institutions, but also, due to administrative interpretations, blacks, the handicapped, and the elderly. (Clymer, p. 410)

June In a speech at the Democratic Party conference, EMK promises to enact the ERA, which dies three days later three states short of the thirty-eight needed to ratify it. He says: "We do not worry at the fading of three more days. We are ready to

spend three more years or three more decades or three more generations. As we said with equal rights: We shall overcome one day.” (Clymer, p. 339)

October On the 2nd, the Senate shelves the Civil Rights Restoration Act after the bill stalls in the Senate Labor and Human Resources Committee, chaired by Hatch. Efforts to attach the bill to the FY 1985 continuing appropriations bill by Byrd, acting for EMK, spark a parliamentary battle over the Senate’s rules. Senator Bob Packwood (R-OR), a major co-sponsor, ultimately moves to table the Byrd civil rights amendment. (1984 CQ Almanac, pp. 241-242; Clymer, p. 410)

EMK meets with Archbishop Desmond Tutu in Washington, D.C. Tutu, who is awarded the Nobel Peace Prize later in the month, invites EMK to South Africa.

Congress clears a five-year extension of federal aid to vocational education. In spite of the Reagan Administration’s proposal to convert more targeted federal aid to vocational education into block grants for states, the final conference bill reaffirms and expands states’ obligation to reserve portions of federal grants to improve access for traditionally under-served groups, such as the handicapped and the economically disadvantaged. EMK votes in favor. Reagan signs the legislation (PL-524) on the 19th. (1984 CQ Almanac pp. 455-459)

November Reagan defeats Mondale to win reelection.

1985

January EMK travels to South Africa to speak against apartheid as a guest of Tutu and Allan Boesak, head of the World Alliance of Reformed Churches. EMK receives a mixed greeting. While many black South Africans cheer for EMK in the streets, the Azanian People’s Organization, a black nationalist group, derides EMK as a pawn of Western imperialism and stages protests wherever he goes. EMK spends his first night at Tutu’s home in Soweto, a sprawling black ghetto. On the 13th, EMK cancels the last rally of his South African tour, which is to take place at Soweto’s Regina Mundi Cathedral. Earlier that day, pro-EMK and anti-EMK protesters had marched towards each other, meeting at the church’s altar. Although Tutu was able to obtain a vote in favor of EMK speaking, he recommends that EMK not speak for fear that the South African police will intervene. South African Foreign Minister Pik Botha sends EMK a note upon his departure that states, “You did not come here to establish the facts. Your motive was to use your visit as a forum to obtain publicity for a set of preconceived value judgments.” (The Washington Post, 1/6/1985, 1/14/1985)

February EMK sponsors another measure to overturn the *Grove City* decision, “the Civil Rights Restoration Act,” without success. (THOMAS on S 431)

March EMK and Weicker introduce an anti-Apartheid bill in the Senate calling for economic sanctions against the government of South Africa.

Mikhail Gorbachev comes to power in the Soviet Union.

- April* On the 3rd, the Senate approves 89-4 a resolution introduced by EMK that condemns apartheid in South Africa (SJ Res 96). (1985 CQ Almanac, pp. 85, 9-S)
- May* On the 2nd, the House Foreign Affairs Committee approves EMK's Senate resolution against apartheid, but the resolution never makes it to the House floor. On the same day, the committee approves a bill (HR 1460) that would impose immediate sanctions on South Africa, which can be waived for an initial period of one year and successive periods of six months if the Pretoria government demonstrates progress in deconstructing apartheid. (1985 CQ Almanac, p. 85)
- June* Reagan appoints Bradford Reynolds to the position of Associate Attorney General. EMK is part of the Democratic opposition seeking to prevent the appointment, because of Reynolds's record on civil rights. EMK says in hearings on the 4th that "Mr. Reynolds has been the architect of most, if not all, of the Administration's retreat on civil rights." Reynold's appointment is killed in committee on the 27th, by an 8-10 vote. (Clymer, pp. 375-376)
- On the 4th, the Senate Foreign Relations Committee approves 16-1 a compromise bill that imposes a combination of immediate and delayed sanctions on South Africa. The bill incorporates provisions from a bill offered by Senator Richard Lugar (R-IN), Mathias, and Dole, and a stronger alternative formulated by Senator Chris Dodd (D-CT). Defeated 7-9 by the committee are tough provisions to ban new investment by U.S. firms, technology sales to the Pretoria government, and the importation of Krugerrands. These unsuccessful provisions were taken from the bill EMK and Weicker introduced in April. On the 5th, the House votes overwhelmingly for sanctions on South Africa. (1985 CQ Almanac, pp. 86-88)
- July* On the 8th, the South Africa sanctions bill comes to the Senate floor. Reportedly, conservatives try to delay action on the measure while many Democrats try to add harsher sanctions. Helms raises the specter of a filibuster, but Dole files a successful cloture petition to proceed with debate. EMK and his allies re-group to push for a ban on Krugerrand imports, but drop this demand in exchange for a GOP pledge to oppose amendments that would further dilute the bill. On the 11th, the Senate votes to approve sanctions, 80-12. (1985 CQ Almanac, p. 30-S)
- September* In conference, Lugar tries to get House conferees to adopt the weaker Senate South Africa sanctions bill, fearing a filibuster or veto if the stronger measure is voted upon. He is persuaded in negotiations to accept the Kruggerand ban, and the threatened filibuster looms larger. Dole sets a cloture vote for the 9th, and he and Lugar press the White House to accept the sanctions bill or at least adopt some of its provisions. Reagan signs an executive order for sanctions on South Africa just hours before the scheduled Senate vote, but declares he will be forced to veto the Congressional legislation if passed. Dole persuades most Republicans to accept

the executive order and not vote for cloture, and asks for unanimous consent to put aside the cloture vote. EMK objects on the grounds that the executive order is too weak. (1985 *CQ Almanac*, p. 30-S)

On the 10th, EMK appears on the *CBS Morning News* and states that the Republican Party must choose between being “the party of Lincoln or the party of apartheid.” In the coming days, Democrats continue to keep the sanctions issue alive, with EMK proposing repeated cloture motions. On the 11th, his motion falls three votes short (57-41), and after further parliamentary maneuvering, Dole and Lugar take the highly unusual step of removing the bill from the Senate chamber, thus preventing further consideration. EMK and Byrd are furious. When the bill resurfaces two weeks later, the Democratic effort has lost steam. (1985 *CQ Almanac*, pp. 88-90; Clymer, pp. 380-381)

November Reagan and Gorbachev hold their first summit meeting in Geneva.

1986

Jan/Feb Surgeon General Everett Koop publishes a report on AIDS, calling it a public health menace; Hatch holds the first Senate hearings on the AIDS epidemic.

Summer EMK leads the fight against the appointment of William H. Rehnquist as Chief Justice, on the grounds that he is “too extreme to be chief justice” and for his history of opposing expansive civil rights legislation. As a law clerk for Justice Robert H. Jackson, for example, Rehnquist had written, “I think *Plessy v. Ferguson* was right and should be re-affirmed.” The Judiciary Committee recommends confirmation, 13-5. EMK mounts an unsuccessful filibuster and on September 17th, Rehnquist is confirmed by a vote of 65-33. Also during this time, EMK votes for the nomination of Antonin Scalia as Associate Justice in committee and on the floor. (Clymer, pp. 403-405; 1986 *CQ Almanac*, p. 71; *The Washington Post*, 07/30/1986; *The New York Times*, 09/16/1986)

August Throughout the year, EMK repeatedly threatens to introduce South Africa sanctions legislation as amendments to the defense bill and an extension of the federal debt limit, allegedly angering Dole. On the 1st, one week after Reagan has appealed to Congress “to resist this emotional clamor for punitive sanctions,” the Senate Foreign Relations Committee approves 15-2 a strict sanctions bill (S 2701) that is largely based on a proposal by Lugar. (1986 *CQ Almanac*, pp. 364, 412)

On the 15th, the Senate passes 84-14 the Anti-Apartheid Act, imposing sanctions on South Africa, after substituting the text of the Senate measure into the House bill. Lugar claims that the overriding goal was to round up at least eighty votes; this would either persuade Reagan to sign the bill, or provide the means to override his veto. Included in this bill are strict measures forbidding the imports of South African iron, steel, and agricultural products, as well as the export of U.S. crude oil and petroleum products. These provisions were introduced as a

floor amendment by EMK, and were initially tabled on the 14th. However, after dropping a provision prohibiting renewals of current loans and short-term credits, the measure is adopted despite an effort by Lugar to table it. (*1986 CQ Almanac*, pp. 364, 366, 367, 43-S)

September The House accepts the Senate bill on the 12th, with overwhelming support, but on the 26th, Reagan again vetoes the Anti-Apartheid Act. The House votes to override on the 29th. (*1986 CQ Almanac*, pp. 361, 371-372)

October On the 2nd, the Senate enacts HR 4868 by a 78-21 vote, overriding Reagan's veto and marking one of the most stunning blows to Reagan's presidency and the first override on a major foreign policy issue since 1973. The override is strongly supported by EMK but criticized by Dole, who contends that South African apartheid is a domestic civil rights issue that cannot be remedied by a "feel good vote." (*1986 CQ Almanac*, pp. 359, 372)

Reagan and Gorbachev hold historic summit in Reykjavík, Iceland.

November The Immigration Reform and Control Act is signed.

The Iran-Contra story breaks in the press. Reagan appoints Independent counsel Lawrence Walsh to investigate Iran-Contra in December.

The Democrats win control of the Senate 55-45 in the mid-term elections.

1987 EMK becomes Chairman of the Senate Labor Committee and the Judiciary's Immigration and Refugee subcommittee, which he holds until 1994.

The U.S. shuts its borders to AIDS infected immigrants and travelers.

March Reagan delivers a nationally-televised address on the Tower Report and Iran-Contra acknowledging that the U.S. had traded arms for hostages in Iran.

The Judiciary Committee begins hearings on a bill proposed by EMK to "put teeth" into the 1968 Fair Housing Act. It reportedly stalls when Bork is nominated to the Supreme Court in July. (Clymer, p. 416; *1987 CQ Almanac*, p. 23)

Spring EMK holds hearings to push Reagan to seek more money to deal with AIDS. The Labor Committee passes a bill authorizing funding for AIDS education, care, and treatment, plus unlimited research funds, in June.

As Labor and Human Resources Committee Chairman, EMK sponsors and oversees the effort to pass the Civil Rights Restoration Act. Allegedly irritated with Republican efforts to postpone committee meetings, EMK calls for a Labor Committee meeting at midnight on the 6th. After defeating a series of abortion-related amendments (due to pro-life concern that the legislation would expand

abortion rights, and fears among Catholic bishops that it would force Catholic teaching hospitals to perform abortions) and an amendment authorizing the firing of anyone with AIDS, the Labor Committee approves the bill on the 20th by a 12-4 vote. The bill also stalls in the controversy over the Bork nomination. (Clymer, pp. 410-412; *1987 CQ Almanac*, pp. 281-282)

June On the 24th, Senator Tom Harkin (IA) introduces the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987 (S 1417). Along with 15 of his Senate colleagues, EMK co-sponsors the legislation, which becomes public law (PL 100-146) on October 29th. (THOMAS on S 1417)

July Reagan nominates Bork to replace Associate Justice Lewis Powell on the Supreme Court. Within an hour of the announcement, EMK delivers a controversial floor speech calling for the Senate to reject Bork's nomination, invoking two key arguments against Bork: his involvement in Nixon's Saturday Night Massacre and his "extremist" judicial interpretation, particularly with regards to civil rights. EMK frequently meets with the "Block Bork" coalition, which consists of more than three hundred national organizations, including People for the American Way, the LCCR, and NARAL Pro-Choice America. The Bork nomination is defeated in the Senate 42-58 in October. (*1987 CQ Almanac*, pp. 271-274, 60-S; Clymer, pp. 416-427; Hogue, p. CRS-21)

October Controversy erupts when Helms offers an amendment to the Senate version of the fiscal 1988 Labor-Health and Human Services (HHS)-Education appropriations bill (HR 3058) that would have prohibited the Centers for Disease Control (CDC) from funding AIDS educational materials or activities that "promote, encourage or condone homosexual sexual activities or the intravenous use of illegal drugs." Following a heated public debate between Helms and Weicker, Helms and other lawmakers enter several hours of negotiations, held mostly behind closed doors. In the end, Helms agrees to strike the "condoning" language from his amendment as well as references to premarital and extramarital sex and illegal intravenous drug usage. The amendment passes the Senate, 92-4. EMK votes in favor of the revised language, though he makes a point to characterize the amendment as "toothless" and a "foolish exercise." (*1987 CQ Almanac*, pp. 453-457)

Fall Reagan issues new regulations prohibiting organizations that receive federal funds for family planning programs under Title X of the Public Service Act from making abortion referrals, mentioning abortion as an option, or using non-federal money for abortions or abortion-related services. Since its inception in 1970, Title X had barred grantees from using federal funds to perform abortions. EMK leads a group of thirty-three Senators who oppose the new regulations. He says: "The administration seeks to accomplish by executive fiat what it has failed to achieve through the legislative process." In November, the Labor Committee approves family-planning reauthorization (S 1366) sponsored by EMK which does not contain any anti-abortion provisions. The bill is not voted on by the Senate in 1988. (*1988 CQ Almanac*, p. 539)

1988

- January* Following delays in 1987, the Civil Rights Restoration Act reaches the Senate floor. The bill holds that the discrimination ban for recipients of federal aid holds in all workplace departments, not just the one directly receiving aid. Danforth successfully amends the bill to allow recipients of federal assistance to refuse to carry out or pay for abortions. In addition, Hatch attempts to limit the bill's applicability to educational institutions, but Dole, concerned about the implications of *Grove City* for the treatment of the disabled, leads a small group of Republicans to oppose this amendment, which is defeated. On the 28th, the bill passes 75-14, with EMK commenting that despite the setback on abortion, the bill itself was still positive. (1988 *CQ Almanac*, p. 65)
- February* The Labor Committee approves EMK-sponsored legislation (S 1265) that would require all employers to provide health insurance for their workers. Among other things, the bill would require health plans to cover fully prenatal and "well baby" care. The Senate does not vote on the bill in '88. (1988 *CQ Almanac*, pp. 313-16)
- March* On the 2nd, the House passes the Senate civil rights bill again with a veto-proof majority of 315-98. Despite this, Reagan vetoes on the 16th, and religious conservative groups mount an intensive campaign to sustain it. As debate comes to an end in the Senate on the 22nd, EMK remarks; "The arguments of the opponents are awash in hypocrisy. They pay lip service to civil rights, but...when the chips are down, they never met a civil rights bill they didn't dislike..." (Clymer, p. 434) On the 22nd, the Senate and the House overturn Reagan's veto 73-24 and 292-133 respectively. (1988 *CQ Almanac*, pp. 63-68)
- April* On the 27th, the Senate takes up debate on an AIDS research bill (S 1220) that had been approved by the Labor and Human Resources Committee in 1987. Helms provokes a confrontation with bill proponents when he contends that AIDS results from morally deviant behavior and should be treated through behavioral modification. The counterclaim of prominent bill supporters, which include Hatch and Weicker, is that AIDS should be addressed as a public health concern, regardless of one's assessment of the moral character of certain AIDS victims. The measure passes, 87-4, but Chairman of the Labor and Human Resources Committee EMK observes that such controversy over a bill with broad, bipartisan support does not bode well for more controversial AIDS legislation that was pending. (1988 *CQ Almanac*, pp. 302-303)
- June* EMK and civil rights groups pressure the House to initiate a bill strengthening the law against housing discrimination. In the House, the primary disagreement is over the use of administrative judges in the Department of Housing and Urban Development for settling disputes. On the 21st, a solution is reached by which either side could take the dispute to a federal court instead. The compromise is proposed by Penda Hair of the NAACP and praised by EMK.

- July* EMK sponsors and oversees passage of the Fair Housing Amendments Act, the companion measure to HR1158, while serving as both Labor Chairman and acting Chairman of the Judiciary Committee (while Biden recovers from a brain aneurysm). Controversy erupts on the Senate floor over requirements that new multi-family units be built with wider bathroom doors and lower light switches to ensure that people in wheelchairs may have more options in selecting housing. EMK recruits Muhammad Ali to help persuade Hatch to support the bill. With support from Hatch and Senator Arlen Specter (R-PA), the bill easily passes on August 2nd, a larger margin than the sponsors expect. It is signed by Reagan on September 13th. (Clymer, pp. 440-441; *1988 CQ Almanac*, pp. 68-74)
- August* The Senate passes the Technology-Related Assistance for Individuals with Disabilities Act of 1988, which provides grants to help states better serve individuals with disabilities through technology-related assistance. EMK co-sponsors the Senate bill (S 2561), which becomes public law (PL 100-407) on August 19th. (THOMAS on S 2561)
- September* The House passes its version of the AIDS bill. With Congress set to adjourn, the rushed House-Senate conference abandons confidential testing components in the bill, and then wraps it into a catchall health measure.
- October* An omnibus health bill authorizes the creation of a new institute for the study of deafness—the National Institute on Deafness and Other Communications Disorders—at the National Institutes of Health (NIH) on the same day that a separate bill (S 1727) creating the institute clears Congress. Reagan signs S 1727 into law on October 28th. As Chairman of the Labor and Human Resources Committee, EMK had originally argued that the existing National Institute of Neurological and Communicative Disorders and Stroke (NINCDS) would best accommodate new centers for the study of deafness. He contends that these centers “will get quickly to the heart of the problem and avoid spending millions of dollars for administrative costs that would be required for the start-up of a new NIH institute, money that might be better spent on research itself.” (*1988 CQ Almanac* pp. 306-307)

1989

- March* EMK replaces Weicker as Harkin’s chief co-sponsor on the Americans with Disabilities Act (ADA) after Weicker’s defeat in the 1988 election. The ADA would give the disabled broader protections against bias in public accommodations and employment than other minority groups covered under the 1964 Civil Rights Act. Harkin and Weicker first proposed a similar bill in 1986. Anticipating the need to negotiate with Hatch, drafts of the bill go back and forth between Hatch, Harkin, and the White House. (Clymer, pp. 449-450)

- May* The ADA bill (S 933) is introduced on the 9th with hearings starting the same day. The first hearing opens with testimony from disabled Americans. On the 16th, Dole testifies in general support of the bill, but expresses fear that some of its provisions might invite excessive litigation. He conveys that the Bush administration wants to support the bill, but that they require more time to “get their act together.” (Clymer, p. 451)
- May/June* The Supreme Court rules in four cases limiting the rights of workers to sue their employers for job discrimination. The cases, *Patterson v. McLean Credit Union*, *Wards Cove Packing Co. v. Atonio*, *Price Waterhouse v. Hopkins*, and *Martin v. Wilks*, prompt EMK to introduce employment discrimination legislation in 1990.
- June* On the 27th, negotiations between Senate leaders and the White House on the ADA begin. Clymer speculates that administration officials prefer to deal with EMK because Harkin is up for re-election in 1990 and they want to deny him credit for the bill. Sununu tells EMK that all rifts can be settled if EMK removes his chief civil rights counsel, Carolyn Osolinik, from the negotiating team. EMK calls Osolinik and congratulates her on a job well done. (Clymer, p. 452)
- July* During the month, Senate and White House negotiators meet ten times to discuss the ADA. On the 28th, Senators Durenberger, Harkin, Hatch, Dole, and EMK meet in Dole’s Capitol office with Attorney General Richard Thornburgh, Harkin aide Bobby Silverstein, Samuel Skinner, Roger Porter, Sununu, and Osolinik. Sununu reportedly loses his temper with Silverstein, after which EMK reportedly gets angry and tells Sununu that yelling at staff is unacceptable. A compromise is engineered in which EMK accepts a provision eliminating damages in lawsuits in exchange for administration acceptance of a broad definition of public accommodation. Furthermore, EMK and Harkin agree to allow businesses to discriminate against a limited listing of sex criminals, pyromaniacs, kleptomaniacs and compulsive gamblers that could directly threaten business - this was a chief concern of Helms and Armstrong. All disagreements occurring in negotiation are kept secret until after the bill’s passage. (Clymer, pp. 452-453)
- August* The Senate Labor and Human Resources committee approves the ADA bill (S 933) on the 2nd. EMK persuades Hatch not to add an amendment requiring that the bill apply to Congress, as this would give another committee jurisdiction over the bill. EMK promises to fight for the amendment on the floor. (1989 CQ Almanac, p. 243)
- September* On the 7th, the Senate approves its version of the ADA, 76-8, with EMK voting in favor. Support from the Bush administration is reportedly gained when sponsors agree to limit remedies for discrimination to those available under the 1964 Civil Rights Act and thus not approve compensation. Progress on the House bill is slow due to multiple committees claiming jurisdiction. Only the Education and Labor committee manages to approve the legislation in 1989. (1989 CQ Almanac, pp. 243-244, 251-252, 35-S)

1990

February On the 8th, the Senate approves, 92-4, the House version of the Hate Crimes Statistics Act (HR 1048) in lieu of its own version of the bill (S 419), with EMK voting in favor. The measure requires the Justice Department to collect and publish data on certain crimes motivated by the race, religion, ethnicity, or sexual orientation of the victim. The final bill incorporates an amendment offered by Hatch to the original Senate bill that prohibits the use of appropriated funds to promote or encourage homosexuality. (THOMAS on HR 1048, S 419)

Nelson Mandela is released from prison.

April On the 4th, the Labor Committee meets to consider and unanimously adopts the Comprehensive AIDS Resources Emergency (CARE) bill (S 2240), which is co-sponsored by Hatch and EMK. The legislation targets thirteen of the nation's cities hit hardest by AIDS and would afford all 50 states resources to develop AIDS care programs. Several days later, the Committee dedicates the legislation to Ryan White, a teenager whose well-publicized battle with AIDS had come to an end on the 8th. The legislation encounters intense opposition from Helms, who argues before constituents that it twists White's memory in order to advance a homosexual agenda. (Clymer, pp. 463-464; THOMAS on S 2240)

May The Ryan White connection secures the CARE bill 64 co-sponsors, a level of support sufficient to invoke cloture, which had been a demand placed on bill supporters by Senate Majority Leader George J. Mitchell (D-ME). The Senate takes up the legislation on the 14th. Anticipating Helm's reaction to the bill, Hatch attempts to frame the AIDS legislation as a public health issue rather than a question of "lifestyle" and emphasizes the need to have compassion for and "treat those who are suffering from it." Helms resists Hatch's framing efforts and denounces the "Hollywood and media crowd" who would distort White's memory to advance their own agenda. In the meantime, EMK introduces several amendments in the hopes of cultivating additional support among nervous Senators; the amendments address matters such as partner notification, needle exchanges, and the banning of high-risk donors. (Clymer, pp. 464-465)

On the 16th, the Senate passes the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act, 95-4. (Clymer, pp. 464-466)

July Bush nominates David Souter to replace William J. Brennan, Jr. as Associate Justice on the Supreme Court. EMK opposes Souter, whose chief patron is Senator Warren Rudman (R-NH), reportedly over his poor civil rights record and concerns that Souter would erode abortion rights. EMK is joined by groups such as the LCCR. EMK casts the lone dissenting vote against the nomination in the Judiciary Committee, and the nomination is approved by the Senate 90-9 on

October 2nd. EMK votes against the nomination. (1990 CQ Almanac, pp. 508-511, 514, 52-S; *The Washington Post*, 10/3/1990)

On the 13th, the Senate approves the conference report of the ADA 91-6. EMK chairs the conference and votes in favor. The most controversial issue in conference is a House amendment allowing HIV-positive individuals to be transferred out of food-handling jobs. Dole is in favor of the amendment despite his dedication to the ADA, disabled rights groups, and AIDS research, but the amendment is eventually dropped by both the Senate and the House. (1990 CQ Almanac, pp. 447, 460, 461, 34-S)

EMK proposes the Civil Rights Act of 1990 (S 2104), which would overturn several 1989 Supreme Court decisions, permitting victims of discrimination or of sexual harassment to more easily sue their employers for damages, awarding financial compensation and punitive damages, and allowing jury trials. There is immediate opposition from the administration with Bush threatening not to sign a bill which effectively imposes minority hiring quotas. EMK denies that he is offering a quota bill and allies himself with Danforth to help the bill pass, although Danforth insists upon a more relaxed standard by which employers could fire employees. EMK and Danforth offer an amendment May 17th that would explicitly prevent quotas, and EMK also attempts, unsuccessfully, to negotiate with the administration through Sununu. EMK's bill passes the Senate 65-34 on the 18th but lacks a veto-proof majority. It passes the House 272-154 on August 3rd. (1990 CQ Almanac, pp. 462-470)

August Following House and conference committee action in June and July, the Senate adopts the CARE bill conference report on the 4th, and Bush signs the bill into law (PL 101-381) on the 18th. (THOMAS on S 2240)

The Senate Labor and Human Resources Committee approves a bill (S 2857) to authorize funding for various National Institutes of Health (NIH) programs. Mikulski, who a few days earlier had unveiled the Senate version of the Women's Health Equity Act, which was sponsored by the Congressional Caucus for Women's Issues, wins funding for several NIH programs specifically designed to improve research into women's health issues. Among other things, the bill creates an Office of Women's Health Research and Development within NIH; establishes an NIH research program in gynecology; requires the NIH to use women and minorities in clinical trials; and requires the NIH director to make an annual report to Congress on research on women's health issues. S 2857 also includes provisions sponsored by Harkin authorizing funding for new research centers to study contraception and infertility. The NIH issues new guidelines for the inclusion of women and minorities in clinical studies and creates an office to study women's health issues. (1990 CQ Almanac, pp. 600- 603)

September EMK removes a bill (S 110) to reauthorize Title X family funding programs from the Senate floor after supporters fail to obtain enough votes to stop a filibuster.

EMK says: “Today, more than 31 million women are at risk of unintended pregnancy in the United States. Yet Title X is serving fewer people than it was serving in 1981—and I regard that as unacceptable.” The program is eventually authorized for \$139 million for fiscal year 1989, \$23 million less than in 1980. (1990 *CQ Almanac*, pp. 604-05)

October

In conference, EMK helps add a cap to the job discrimination bill on damages for all but racial discrimination cases, as an attempt to satisfy southern Democrats supporters. Though EMK was initially optimistic that the conference report would draw a veto-proof majority, it passes 62-34 on the 16th, three votes shy. The House also fails to garner a veto-proof majority, passing the report on the 17th, 273-154. On the 22nd, Bush vetoes the bill, arguing “The bill actually employs a maze of highly legalistic language to introduce the destructive force of quotas into our national employment system.” (Clymer, p. 480) EMK works hard in the Senate to gain the votes to override the veto, but fails when thirty-four senators vote to sustain (Clymer, pp. 480-482). The override vote, held on the 24th, fails 66-34, one vote short. (Clymer, pp. 461-462; 1990 *CQ Almanac*, pp. 462-473)

On the 19th, the Senate approves S 2857 by voice vote after striking Harkin’s provisions to fund new research centers to study contraception and infertility. On the Senate floor, EMK tells Harkin that his language was dropped after Republican abortion opponents threatened to block debate on the bill. (1990 *CQ Almanac*, p. 603)

Bush signs the ADA on the 26th (PL 101-336). All of the managers of the bill are invited to the signing ceremony, but Dole is the only lawmaker mentioned by Bush during the ceremony. In his autobiography, Dole cites the ADA as one of his greatest legislative achievements. (Clymer, p. 472; Robert J. Dole, *One Soldier’s Story*, USA: HarperCollins, 2005, p. 278)

Facing a certain presidential veto, sponsors of the NIH bill modify it considerably, removing many of the provisions intended to promote research on women’s health. The Bush administration objects to overturning the ban on certain types of fetal research and to the creation of new research centers to study infertility because it believes the measures will encourage abortions. On the 26th and the 27th, the House and then the Senate approve this stripped-down version of the NIH bill. EMK declares that a full NIH reauthorization bill, complete with provisions for improving research on women’s health, will be a priority for the Senate Labor and Human Resources Committee in 1991. Bush signs the bill into law on November 16th. (1990 *CQ Almanac*, pp. 600, 604)

1991

March

A woman accuses William Kennedy Smith of rape in Palm Beach.

- Spring* The House begins consideration on the job discrimination bill, HR 1. The wide-ranging bill is repackaged to emphasize women's equity, and gains EMK's support, while Danforth prefers a more conservative version. Ultimately, the House version is weakened and passes on June 5th, without substantially greater support than the previous year. That same week, Danforth introduces compromise legislation in the Senate, splitting the legislation into separate bills (in the hope that some of the less controversial measures would pass) and limiting damages available to victims of non-racial discrimination. Bush appears no more amenable to the legislation than the previous year. (*1991 CQ Almanac*, pp. 254-256)
- May-July* The Supreme Court, in *Rust v. Sullivan*, upholds the Reagan administration's regulations prohibiting abortion counseling and referrals for abortions in federally funded family planning clinics. EMK subsequently introduces a bill (S 323) to overturn the anti-abortion regulations, and it is approved by the Labor Committee 12 to 5. In July, the Senate approves an amended version of the bill by voice vote. EMK does not pursue reauthorization of Title X. (*1991 Congressional Quarterly Almanac*, pp. 340-42)
- July* EMK and Roth lead a successful effort to repeal the law banning women from flying combat missions.
- August* The Conference report to the Ryan White CARE Act passes the Senate.
- Sept/Oct* The Senate holds confirmation hearings for Clarence Thomas.
- October* In the wake of the Thomas confirmation hearings and the unprecedented focus on sexual discrimination issues, the White House appears more willing to compromise on the civil rights legislation. On the 24th, after twelve hours of meetings, Danforth, EMK, the White House, and Republican Senate leaders reach a compromise for a no-quota employment discrimination bill. The bill, referred to as the Civil Rights Act of 1991, makes it easier for workers to file and win job discrimination suits. It also amends Title VII of the 1964 Civil Rights Act to permit sexual harassment victims to seek damages but caps them at \$300,000. Bush threatens to veto again, but is convinced not to by Dole and a small group of Senate Republicans. Dole had pressed for meetings with the White House, which were eventually held between White House counsel C. Boyden Gray, Danforth, Dole, six undecided Republican senators, Sununu, and EMK in Dole's Capitol hideaway. In addition to arranging the meetings, Dole also played an active role in negotiating the compromise. Democrats claim that the crucial White House concession was agreeing to jury trials for damages sought in sex discrimination cases, although Sununu insists that this was not a major concession. (*The New York Times*, 10/25/1991, 10/26/1991)
- On the 25th, Bush claims that the compromise civil rights bill validates him as a supporter of civil rights without sacrificing his opposition to hiring quotas. EMK praises Bush "for rejecting...the advice of those who have been urging him to

divide the nation over race,” but Mitchell claims that the administration only offered a compromise for fear of a veto override. (*The New York Times*, 10/26/1991) The Civil Rights Act of 1991 passes 93-5 on the 30th, with House passage on November 7th. Clymer reports, “Ultimately, the differences between the bills agreed to in 1991 and vetoed in 1990 were slight.” (*1991 CQ Almanac*, pp. 251-261; Clymer, pp. 500-501)

November Bush signs the Civil Rights Act of 1991 on the 21st (PL 102-166). EMK is the only Democratic lawmaker to attend the signing ceremony, others boycott due to three phrases in Bush’s draft speech which are reportedly deemed anti-affirmative action. Only one of the phrases remains, advocating a narrow interpretation of the bill; it was written by Dole. (*1991 CQ Almanac*, pp. 251, 261)

On the 27th, anti-crime legislation which had been debated in both 1990 and 1991 fails at the last minute due to a Senate GOP filibuster of the conference report. The Bush administration had requested action on a crime bill within the first 100 days of session, and the administration measure was introduced by Thurmond on March 13th. A Democratic alternative was offered by Biden, which included a provision, sponsored by EMK, allowing death row inmates to challenge their death penalties if they could show that their sentences were the result of racial discrimination. Thurmond incorporated much of Biden’s bill into the administration measure, but failed to muster enough support for it by the June deadline. Debate continued on the Biden bill, but EMK’s discrimination language was struck from it on a motion by Bob Graham (D-FL), citing unease on both sides of the aisle. Various other amendments were attached to the bill (S 1241), which passed July 11th, 71-26, with EMK voting against. The House also stripped discrimination language from its bill as well as a ban on semi-automatic weapons, and passed the legislation October 22nd. Following a contentious conference, the conference report is finally brought up for a vote on the 27th – while the House scrapes passage, the Democratic majority in the Senate cannot gain cloture to end a GOP filibuster – EMK votes for cloture. (*1991 CQ Almanac*, p. 263, 266, 270, 17-S, 36-S)

November On the 26th, EMK introduces the Equal Remedies Act of 1991, legislation that would eliminate the caps on damages for victims of non-racial discrimination imposed by the Civil Rights Act of 1991. (THOMAS on S 2062)

1992

February The Senate Labor and Human Resources Committee approves an NIH reauthorization bill (HR 2507), which includes increased funding for diseases primarily affecting women and provisions lifting the ban on research on aborted fetuses. The Senate passes the bill in April, but Bush vetoes it and the House fails to override the veto. (*1992 CQ Almanac*, p. 414-17)

Spring Following a quick victory in the Senate Labor and Human Resources Committee, the Equal Remedies Act of 1991 (S 2062) stalls when it encounters opposition

both from the Bush Administration and from senators concerned about its impact on small businesses. (1992 *CQ Almanac* p. 335)

- July* On the 1st, Congress passes legislation reorganizing the Alcohol, Drug Abuse and Mental Health Administration (ADAMHA) through dismantlement. The National Institutes of Health absorb ADAMHA's three research branches—the National Institute of Mental Health, National Institute on Drug Abuse, and National Institute on Alcohol Abuse and Alcoholism—each of which became a new NIH institute. EMK sponsors the Senate version of the bill (S 1306), perceived by the Senate as well as the Bush Administration as a way to bring researchers closer together. (1992 *CQ Almanac*, pp. 422, 425)
- The Labor Committee considers a modified NIH funding bill (S 2899). The bill would require researchers to first use fetal tissue from miscarriages and ectopic pregnancies rather than from elective abortions. The new bill would set specific funding amounts for research on breast cancer (\$325 million) and female reproductive cancer (\$75 million). Chairman EMK says of the new measure: “This is major legislation that should never have been vetoed in the first place. With these good faith revisions, it deserves to be enacted.” The House also considers a new NIH funding bill (HR 5495) but does not vote on it. The Senate votes to limit debate on S 2899 in October, but does not vote on the actual bill. (1992 *CQ Almanac*, p. 417)
- April* Race riots break out in South-Central Los Angeles after a jury acquits four white police officers after the videotaped beating of Rodney King.
- August* On the 7th, the Senate passes 75-20 a bill that extends and expands the bilingual assistance provision of the VRA. EMK is a co-sponsor on the measure and votes in favor. (1992 *CQ Almanac*, p. 24-S, 330-331; THOMAS on S 2236)
- October* Congress passes HR 5482, which reauthorizes and revises the Rehabilitation Act of 1973. The reauthorization bill reaffirms the original legislation's objective of helping the disabled lead more independent lives by providing states with block grants to increase employment opportunities for this group. The act was last reauthorized in 1986. With the signature of Bush, the legislation becomes law (PL 102-569) on October 29th. (1992 *CQ Almanac*, p. 435)
- November* Clinton defeats Bush to win the 1992 presidential election.

POST-BUSH I CIVIL RIGHTS TIMELINE

Miller Center of Public Affairs, University of Virginia, 3/05/2007

1990 The Supreme Court rules in *Employment Division v. Smith* (a case involving peyote use by American Indians), that state action which had the *unintentional* effect of limiting free exercise of religion (i.e. it applies equally to everyone) was permissible providing the action served a “valid” state purpose.

1993

March In response to *Employment Division v. Smith*, EMK sponsors the “Religious Freedom Restoration Act,” which requires that state actions substantially burdening the free exercise of religion must be justified in terms of a “compelling” state interest, and must be the least restrictive means to that goal. The measure is also strongly supported by Hatch and 59 other co-sponsors from both parties. The broad bipartisan support is reflected outside of Congress, with EMK noting that groups which rarely agree, like Baptist and Catholic organizations and the ACLU, are supporting the bill. Passage in the House is secure May 11th by voice vote, and with the Senate measure inserted, passes the Senate 97-3 on October 27th. (*CQ Almanac*, 1993, p. 315; THOMAS on S 578)

1994 EMK sponsors reauthorization of the Elementary and Secondary Education Act (ESEA), the 1965 legislation providing federal assistance to public schools, and grants for remedial education for disadvantaged students. Though the primary emphasis of the original bill was *poor* children, with a secondary emphasis on under-performing students generally, many states focused on the latter group. A point of contention in the reauthorization was the Clinton administration’s proposal to concentrate more funding in poor school districts, thereby reducing the grant to the average state and school district. In the Senate, EMK and Claiborne Pell (D-RI) propose a compromise formula which would better target funds to needy children without dramatically cutting federal aid to each state. The Senate substitutes its own bill in place of the House version in August, and this passes on the 2nd, 94-6, though a Hatch amendment slightly alters the funding formula. The final Senate version costs approximately \$12.7 billion. A school prayer amendment is also adopted, which causes some problems at the conference stage. The House adopts the conference report on September 30th, with the Senate following suit on October 5th (following a Republican filibuster demanding stronger school prayer language). Clinton signs the bill on October 20th. Though the bill authorizes \$7.5 billion for state grants in fiscal 1995, only \$6.6 billion is appropriated. (Clymer, pp. 551-552; *1994 CQ Almanac*, pp. 383-392)

1996

September EMK opposes the Defense of Marriage Act, which defines marriage as a legal union between a man and a woman at the federal level, and declares that states

have no obligation to recognize gay marriages performed in other states. This would effectively provide an exemption to the ‘full faith and credit’ clause in Article IV of the U.S. Constitution. Though the bill has strong support in both Houses, EMK threatens to add an amendment that would extend employment discrimination protection under the 1964 Civil Rights Act to the issue of sexual preference. EMK agrees to offer his proposal as a separate bill (S 2056) rather than an amendment as long as it is considered on the same day as the Defense of Marriage Act. EMK’s bill is defeated 49-50 on the 10th. Senator David Pryor (D-AK) says he probably would have voted for it had he not been at home with his dying son, and Vice-President Albert Gore says he would have left the campaign trail to break the tie in EMK’s favor. The Senate passes the Defense of Marriage Act with a veto-proof majority, 85-14, on the same day. Clinton quietly signs the bill early in the morning on the 21st. Lawmakers supporting the bill claim that its primary purpose is to prevent judicial and state activism, but on the Senate floor, EMK suggests a more cynical purpose; “We all know what is going on here. I regard this bill as a mean-spirited form of Republican legislative gay-bashing cynically calculated to try to inflame the public eight weeks before the November 5 election.” (1996 *CQ Almanac*, pp. 5-26 – 5-29, *Congressional Record*, 09/10/1996, p. S 10101)

1997 In *City of Boerne v. Flores*, a case involving religious land use, the Supreme Court strikes down parts of the Religious Freedom Restoration Act for overstepping Congressional enforcement power under the 14th Amendment in that it is not aimed at remedying a *specific* act of religious discrimination. (1997 *CQ Almanac*, pp. 5-23-5-24)

May EMK co-sponsors the Senate IDEA reauthorization, which includes some revisions, including disciplinary action against disabled students. After negotiations between Senator James Jeffords (R-VT) and Rep. Bill Goodling (R-PA) and their committee staffs, the two introduce virtually identical bills, which pass the House and Senate on May 13th and 14th respectively. Clinton signs the reauthorization on June 4th (PL 105-17). (1997 *CQ Almanac*, pp. 7-3-7-4)

June Clinton nominates Missouri State Supreme Court Justice Ronnie White, an African-American, to the Federal District Court of the Eastern District of Missouri. Although Senator Kit Bond (R-MO) says he will support White, Senator John Ashcroft (R-MO) is extremely critical. While the Senate Judiciary Committee reports White’s nomination favorably in 1998, the full Senate takes no action (Salon.com, 1/8/2001, 2001 *CQ Almanac*, p. 10-3)

1999

January Clinton re-nominates White, and Bond again offers his support.

October Following Judiciary committee approval, White’s nomination is brought up for a vote on the 5th. That same day, Ashcroft circulates a letter urging opposition to

White's confirmation on the grounds that he opposed the imposition of the death penalty in numerous cases. He also declares his opposition to the White nomination on the Senate floor. Bond changes his position to oppose White one day later. The White nomination is now essentially doomed, and becomes a rallying point for civil rights groups, who attribute Ashcroft's opposition to racism. (Salon.com, 1/8/2001; *2001 CQ Almanac*, p. 10-3)

2000

July In response to the 1997 *Flores* decision, Hatch sponsors and EMK co-sponsors the "Religious Land Use and Institutionalized Persons Act" (RLUIPA) which gives protections to religious groups in land-use disputes (thus responding to the claim in *Flores* that RFRA did not specify an act of discrimination to remedy), and allows individuals institutionalized in state facilities, such as prisons, to practice their faith unhindered, unless a compelling state interest can be demonstrated. (EMK and Hatch had also held Judiciary hearings on a religious freedom measure in both 1998 and 1999, the "Religious Liberty Protection Act," but it was not reported out.) The RLUIPA passes the Senate and the House by voice vote and is signed by Clinton on September 22nd. In contrast to the RFRA, this legislation is later upheld (partially) by the Supreme Court on May 31st 2005. In *Cutter v. Wilkinson*, the Court held that prisons receiving federal funds could not impede the religious practices of inmates, even if considered non-mainstream or disturbing. (*CQ Almanac*, 2000, pp. 15-45-15-46; *The New York Times*, 6/1/2005)

2001

January White testifies at Ashcroft's Senate confirmation hearings for the position of U.S. Attorney General, claiming that Ashcroft deliberately distorted his record. EMK tells White, "What happened to you is ten times worse than anything that's happened to Senator Ashcroft in the current controversy. In my view, what happened to you is the ugliest thing that's happened to any nominee in all my years in the United States Senate." EMK indicates that he might filibuster Ashcroft's nomination on the Senate floor. Ashcroft is confirmed February 1st, with EMK voting no. Ashcroft later meets with the civil rights groups that had opposed him, telling them that he would support the White nomination if White were nominated by President George W. Bush. (*The Boston Globe*, 1/19/2001; *The New York Times*, 3/1/2001; *2001 CQ Almanac*, p. S-5)

2004

May Senate begins work on reauthorization bills for the Individuals with Disabilities Education Act (IDEA), first enacted in 1975, and rewritten in 1997 (PL 108-446). The main issues of concern during the reauthorization were disciplinary standards for special needs students, and whether program funding should remain discretionary. EMK works with Senate HELP Chairman Judd Gregg (R-NH) to

draft a compromise bill (S 1248), after a similar bill they proposed in June 2003 fails to reach the floor before the end of session. The EMK-Gregg bill passes May 13th. (2003 *CQ Almanac*, pp. 8-5-8-7; 2004 *CQ Almanac*, pp. 7-3-7-5)

November Despite House passage in April 2003, Senate Democrats delayed the conference on the IDEA reauthorization until EMK is able to secure greater influence for conferees. The conference report clears both the House and Senate on the 19th, and is signed by Bush on December 3rd. (2003 *CQ Almanac*, pp. 8-5-8-7; 2004 *CQ Almanac*, pp. 7-3-7-5)

2005

February The GOP leadership manages to push through reform of class-action lawsuits in the Senate, following passage of a similar measure in the House in several previous Congresses. EMK votes against the bill in the Judiciary Committee and proposes a floor amendment which would exclude civil rights class action lawsuits, plus wage-and-hour suits. His amendment is rejected on the 9th, 40-59, and he votes against final passage on the 10th. (2005 *CQ Almanac*, pp. S-5, 14-11)

Summer/Fall Bush nominates John Roberts as Associate Justice to the Supreme Court in July and as Chief Justice in September. EMK opposes the nomination, questioning Roberts on his positions on the constitutionality of extant civil rights legislation, such as the 1964 Civil Rights Act, the 1965 Voting Rights Act, and the 1968 Fair Housing Act. EMK particularly focuses on voting rights, which Roberts had previously claimed to be beyond the jurisdiction of the Court. Roberts points out that at the time he expressed these opinions, he was a staff lawyer at the Department of Justice under Reagan. Roberts is confirmed by the Senate 78-22 on September 29th. EMK votes against recommending confirmation in the Judiciary Committee and against confirmation on the floor. (*The Boston Globe*, 9/23/2005; *The Washington Post*, 9/14/2005, 9/30/2005; 2005 *CQ Almanac*, pp.14-3-14-6)

Fall/Winter On October 30th Samuel Alito is nominated by Bush as Associate Justice, after the first candidate he tapped, Harriet Miers, asks to have her nomination withdrawn. EMK eventually opposes the nomination, questioning Alito's relationship with the Vanguard investment company and his involvement in Concerned Alumni of Princeton (CAP), a conservative group that opposed the admission to Princeton of women and minorities. Alito included his CAP membership on a 1985 job application for a position at the Department of Justice under Reagan. On January 31st, 2006, Alito is confirmed by the Senate 58-42. (2005 *CQ Almanac*, p. 14-8; THOMAS on Nomination PN 1059-109)

2006

January On Martin Luther King Day, Bush announces his support for a renewal of the VRA. Much of the legislation is permanent law, but some key provisions will expire in 2007 if not renewed. This includes requiring several states, mostly in the

South, to obtain Justice Department approval before changing precinct boundaries, polling places, legislative districts, ballot formats and other voting procedures. It also requires many jurisdictions to provide bilingual ballots or interpreters to those who need them. (*The Washington Post*, 7/16/2006)

July

On the 15th, the NAACP announces that at least one thousand of its members, in Washington for their annual convention, will lobby senators for a VRA extension. (*The Washington Post*, 7/16/2006)

On the 20th, the Senate approves a twenty-five year extension of the VRA by a vote of 98-0, claiming that federal law is still required to protect the voting rights of minorities in some regions of the country. The House bill passed 390-33 the week before, following a period of opposition from several Southern lawmakers. Some Southern senators had voiced similar sentiments, but none voted against the bill. EMK, who is only one of three current senators that served in 1965, says, "I recall watching President Lyndon Baines Johnson sign the 1965 act just off the chamber of the Senate. We knew that day we had changed the country forever, and indeed we had." Bush signs the legislation on the 27th. (*The New York Times*, 7/21/2006; *The Washington Post*, 7/21/2006)

2007

In *Ledbetter v. Goodyear Tire and Rubber Co.*, the Supreme Court limits workers' ability to sue for wage discrimination, prompting EMK to plan to introduce bill.

In *Parents Involved in Community Schools Inc. v. Seattle School and District, and Meredith v. Jefferson County (KY) Board of Education*, the Supreme Court restricts the ability of public school districts to use race to determine which schools students can attend, ruling that school admission programs in Seattle and Louisville violated the Constitution's guarantee of equal protection to individuals.

VOTING RIGHTS ACT EXTENSIONS

Prepared by Rob Martin

Miller Center of Public Affairs, University of Virginia, 7/31/2007

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|------|--|
| 1965 | The first Voting Rights Act (VRA) is passed. |
| 1970 | The VRA extension is passed; it includes an amendment to lower the voting age to 18. |
| 1975 | The VRA is extended to include protection for language minorities. |
| 1980 | In <i>Bolden v. City of Mobile</i> , the Supreme Court rules that electoral districts must be drawn with racially discriminatory effect and intent to warrant constitutional protection. |
| 1981 | EMK, Mathias and six other senators introduce VRA legislation to extend the law and challenge the 1980 <i>Bolden</i> decision regarding results vs intent. |
| 1982 | EMK, Dole and Mathias work together on the VRA extension to reach the “Dole compromise” which retains the “results” test from the House bill. Reagan signs the bill into law. |
| 1992 | The VRA is extended, again broadening protection for language minorities. |
| 2006 | The VRA is extended for 25 years in a 98-0 vote. |

THE 1988 CIVIL RIGHTS RESTORATION ACT

Prepared by Rob Martin

Miller Center of Public Affairs, University of Virginia, 7/31/2007

- 1984 The Supreme Court rules in *Grove City v. Bell* that Title IX of the 1972 Education Amendments can only be applied to the *program* receiving federal aid and not the entire school, making it difficult for the government to rule an institution ineligible to receive federal aid for engaging in discriminatory practices.
- EMK introduces the Civil Rights Restoration Act (CRRA) to challenge *Grove City*.
- 1985 EMK again unsuccessfully sponsors the CRRA.
- 1987 EMK again sponsors the CRRA, but the bill stalls amidst the controversy surrounding the Bork nomination.
- 1988 EMK sponsors the CRRA. With help from Dole, the bill passes 75-14, but with an amendment exempting medical organizations from being required to carry out abortions. The bill is vetoed by Reagan, but then overturned 73-24.

THE 1988 FAIR HOUSING AMENDMENTS ACT

Prepared by Rob Martin

Miller Center of Public Affairs, University of Virginia, 7/31/2007

- 1968 The Fair Housing Act is passed.
- 1980 With President-elect Reagan set to enter the White House, EMK and Byrd try to push a Fair Housing Amendments Act through Congress to give the 1968 stronger enforcement mechanisms, but are unsuccessful.
- 1987 EMK proposes a fair housing bill to “put teeth” into the 1968 act, but the bill stalls amidst the Bork hearings.
- 1988 EMK sponsors and oversees passage of the Fair Housing Amendments Act, serving as acting-chairman of the Judiciary Committee while Biden is out. With help from Hatch and Specter, the law strengthens the federal government’s enforcement mechanisms and increases housing options for the disabled (ie. wider doors, lower light switches in new units).

SOUTH AFRICA AND ANTI-APARTHEID SANCTIONS LEGISLATION

Prepared by Rob Martin

Miller Center of Public Affairs, University of Virginia, 7/31/2007

- 1984 EMK meets with Tutu in Washington, D.C., who asks EMK to visit South Africa to help draw attention to Apartheid.
- 1985 EMK travels to South Africa, where he is the guest of Tutu and Boesak; his trip is controversial, both with the white South African government and with certain black groups who reportedly deride EMK as a pawn of Western imperialists.
- EMK and Weicker sponsor a bill imposing economic sanctions on the government of South Africa.
- The Senate approves a bill introduced by EMK condemning Apartheid in South Africa; it does not include any sanctions.
- With the Senate set to vote on a conference bill which would impose sanctions, Reagan signs an executive order imposing watered-down sanctions on South Africa. EMK argues Reagan's sanctions are too weak, but the Senate bill is "lost," preventing a vote in 1985.
- 1986 Congress passes the Anti-Apartheid Act, imposing sanctions on the government of South Africa. Reagan vetoes the act, but is overridden 78-21.

THE 1990 AMERICANS WITH DISABILITIES ACT

Prepared by Rob Martin

Miller Center of Public Affairs, University of Virginia, 7/31/2007

- 1986 The Americans with Disabilities Act (ADA) is sponsored by Weicker and Harkin.
- 1989 EMK replaces Weicker as Harkin's chief co-sponsor on the ADA after Weicker is defeated in the 1988 election. The ADA would give the disabled broader protections against bias in public accommodations and employment than other minority groups covered under the 1964 Civil Rights Act. Anticipating the need to negotiate with Hatch, drafts of the bill go back and forth between Hatch, Harkin, and the White House throughout much of the year.
- The ADA bill is introduced and hearings begin; EMK replaces Harkin as a chief negotiator with the White House, as Harkin is up for reelection and the White House reportedly wishes to minimize the credit he receives for the bill; negotiations with the White House and, in particular, Sununu grow tense over the summer. Progress on the bill is slowed by concerns about the law giving added rights to sex criminals, pyromaniacs, kleptomaniacs and compulsive gamblers, etc., and multiple committees claiming jurisdiction to the bill.
- 1990 The ADA bill passes Congress and is signed by Bush.

THE 1991 CIVIL RIGHTS ACT

Prepared by Rob Martin

Miller Center of Public Affairs, University of Virginia, 7/31/2007

1989 The Supreme Court rules in four cases limiting the rights of workers to sue their employers for job discrimination. The cases, *Patterson v. McLean Credit Union*, *Wards Cove Packing Co. v. Atonio*, *Price Waterhouse v. Hopkins*, and *Martin v. Wilks*, prompt EMK to introduce employment discrimination legislation in 1990.

1990 EMK proposes the Civil Rights Act of 1990, which would overturn the 1989 Supreme Court decisions. The bill would permit victims of discrimination or of sexual harassment to more easily sue their employers for damages, award financial compensation and punitive damages, and allow jury trials. There is immediate opposition from the administration with Bush threatening not to sign a bill which effectively imposes minority hiring quotas. EMK denies that he is offering a quota bill and allies himself with Danforth to help the bill pass, although Danforth insists upon a more relaxed standard by which employers could fire employees. EMK and Danforth offer an amendment May 17th that would explicitly prevent quotas, and EMK also attempts, unsuccessfully, to negotiate with the administration through Sununu. EMK's bill passes the Senate 65-34 on the 18th but lacks a veto-proof majority. It passes the House 272-154 on August 3rd.

In conference, EMK helps add a cap to the job discrimination bill on damages for all but racial discrimination cases, as an attempt to satisfy southern Democrats supporters. The bill passes the House and Senate but without veto-proof majorities. Bush vetoes the bill for allegedly containing quotas. The override vote in the Senate fails 66-34, one vote short.

1991 During the Clarence Thomas confirmation hearings, issues of sexual discrimination and harassment are given great attention.

Danforth, EMK, the White House, and Republican Senate leaders reach a compromise for a no-quota employment discrimination bill. The bill is passed and signed by Bush.

1982 VOTING RIGHTS EXTENSION ACT

Prepared by Anne Mariel Peters

Miller Center of Public Affairs, University of Virginia, 03/23/2006

The Voting Rights Act Extension of 1982 was a bill introduced by EMK, Senator Charles Mathias (R-MD), and six other senators that extended key provisions of the 1965 Voting Rights Act. Following a yearlong battle over the burden-of-proof for voting discrimination, during which the Reagan administration remained largely aloof, the bill was passed after Dole, EMK, and Mathias engineered a compromise in the Senate.

The Voting Rights Act (VRA) of 1965 prohibited the use of literacy tests or similar methods to discriminate against black voters; gave the Department of Justice the power to send federal examiners into areas with low black voting participation; and established criminal penalties for the obstruction of voting rights. The law was extended in 1970 and 1975, when its protection was extended to other racial minorities, but its key provisions would have become ineffective on August 6, 1982. Furthermore, the 1980 Supreme Court decision in *Mobile v. Bolden* ruled that racially discriminatory electoral districts must be drawn with intent and effect to warrant constitutional protection. This compelled civil rights groups to seek a “results” test in the 1982 VRA extension, which would overturn the “intent” ruling of the Supreme Court.

On April 7, 1981, Senator Charles McC. Mathias (R-MD), EMK, and six other senators introduced legislation to extend key provisions of the VRA until 1992. The same day, House Judiciary Chairman Peter Rodino (D-NJ) introduced a similar bill in the House. Rep. Henry Hyde (R-IL) later introduced his own bill that would have extended the VRA’s enforcement provisions but allowed jurisdictions meeting certain requirements to “bail out” from coverage. Chairman of the Civil and Constitutional Rights Committee Don Edwards (D-CA), Reps. Hamilton Fish, Jr. (R-NY), F. James Sensenbrenner (R-WI), and Rodino subsequently produced a compromise bill including a bail-out provision.

On October 5, the House approved the VRA extension (HR 3112) 389-24. Key provisions of the House bill included:

- Two-year extension of Section Five of the 1965 VRA, which required nine states and portions of thirteen others to receive Justice Department approval before making changes to election laws or procedures.
- Pre-clearance sections of Section Five would become permanent in 1984.
- Establishment of a new bail-out procedure, by which states could apply for exemption from Section Five, as of 1984. A covered jurisdiction would be allowed to bail out if it could show a three-judge panel in the District of Colombia that it had a clean voting rights record for the previous ten years.
- Certain voting rights violations under Section Two of the 1965 VRA would be proven by showing that an election law had *resulted* in discrimination. This is called the “results test,” and overturns a prior Supreme Court ruling that “intent” had to be proved in discrimination cases.

On October 14, Senate Democrats used procedural tactics to keep HR 3112 from going to the Senate Judiciary Committee after negotiations failed among staunchly conservative committee chairman Strom Thurmond (R-SC), Majority Leader Howard Baker, Jr. (R-TN), Minority Leader Robert Byrd (D-WV), Howard Metzenbaum (D-OH), Joseph Biden (D-DE), Mathias, and EMK. Minutes before normal procedures would have moved the bill to the Judiciary Committee, Byrd objected, fearing that the bill would be masticated by Thurmond. Dole, who was a member of the eighteen-person Judiciary Committee, appeared to be on the fence, as did Senator Howell Heflin (D-AL). In addition, administration officials refused to testify on voting rights in 1981. President Reagan took no position on the extension until November 6, 1981, when he announced that he favored a ten-year extension of the Section Five and a bail-out provision.

On December 16, 1981, Mathias and EMK introduced a carbon copy of the successful House version of the VRA extension. Following markup of the bill by the Constitution Subcommittee, it became clear that the Judiciary Committee was polarized on the bill, with Dole and Heflin as the crucial swing voters. Dole's political price for negotiating a compromise was small, but he was greatly needed by Mathias and EMK to bring along undecided Republicans and ensure a veto-proof majority. Dole then began working with the administration and other senators in pursuit of a compromise, the most notable collaboration of which appears to be between Dole staffer Sheila Blair and Mathias staffers Mike Klipper and Burt Wides. The most controversial aspect of the House bill was the provision for a "results" test, and this issue occupied most of Dole's efforts. On May 3, Dole announced that a compromise, which Mathias and EMK had helped to draft, had been reached. The Dole compromise, which was adopted May 4 by the Judiciary Committee, contained the following key provisions:

- Retained the House "results" test, but added a section specifying how the test could be met. The language for this section was lifted directly from a 1973 Supreme Court case, *White v. Register*, which involved the dilution of minority votes in two Texas counties.
- Twenty-five year extension of Section Five, rather than the ten years, as approved by the Constitution Subcommittee, or permanently, as approved in the 1981 House bill.
- Retained the House bail out provision.

Debate in the Senate began in earnest on June 17, after Senator Jesse Helms (R-NC) gave up on a filibuster he had been waging since June 9. Before approving the bill, the Senate overwhelmingly rejected fifteen amendments that Mathias, Dole, and EMK claimed would weaken the measure. The sponsors wanted to prevent all non-technical amendments in order to avoid a conference with the House, where sponsors promised to accept the Senate bill if it passed without substantive change from the Judiciary Committee version.

The VRA Extension of 1982 was passed 85-8 by the Senate on June 18, 1982, and by the House on June 23, 1982. EMK, Byrd, and Dole voted in favor. Key provisions of the bill included:

- Twenty-five year extension of Section Five of the 1965 VRA.
- Starting in 1984, the bill permitted covered jurisdictions to exempt themselves from Section Five if they could prove that they had a clean voting rights record for the previous ten years.

- Certain voting rights violations under Section Two of the 1965 VRA would be proven by showing that an election law had *resulted* in discrimination. This provision also specified that a court would have to look at the “totality of circumstances” in determining whether a voting rights violation had been proved.

In contrast to the 1965 VRA, the VRA Extension of 1982 commanded broad Southern support. Fourteen Southern Democratic senators voted in favor of the 1982 VRA extension versus five voting in favor of the original VRA in 1965.

EMK'S CIVIL RIGHTS LEGISLATIVE HIGHLIGHTS

*Prepared by Rob Martin, Anne Mariel Peters, and Emily Jane Charnock
Miller Center of Public Affairs, University of Virginia, 2/11/2007*

(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.
1964 Civil Rights Act	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.
1965 Voting Rights Act	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.
1968 Civil Rights Act	Landmark fair housing legislation, co-sponsored by EMK.
1969 Philadelphia Plan	EMK-supported bill requiring govt. contractors to hire minority workers according to quotas; bill passes.
1970 VRA Extension	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 th 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.
1986 Anti-Apartheid Act and Veto Override	EMK-supported bill imposing sanctions on S. Africa; it passes 84-14, is vetoed by Reagan, but overridden 78-21.
1988 Civil Rights Restoration Act and Veto Override	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.
1988 Fair Housing Amendments Act	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.
1990 Amer. w/ Disabilities Act	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.
1991 Civil Rights Act	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.
1992 VRA Extension	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).

1993 Family & Medical Leave Act	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.
1996 Defense of Marriage Act	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.
2006 VRA Extension	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.