

Bob Dole



NEWS

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CONTACT: WALT RIKER  
(202) 224-5358

## GUINIER NOMINATION

Washington -- Senate Republican Leader Bob Dole today made the following remarks on the Senate floor relating to the nomination of Lani Guinier to head the Justice Department's Civil Rights Division:

If President Clinton is looking for some interesting bedtime reading, he should look no further than the law review articles of Lani Guinier, his nominee to head the Justice Department's civil rights division.

These articles are an eye-opener, and I find it hard to believe that a "new democrat" like President Clinton would have nominated Ms. Guinier if he had known about her "far left" views.

If nothing else, Ms. Guinier has been consistent in her writings--consistently hostile to the principle of "one person-one vote," consistently hostile to majority rule, and a consistent supporter not only of quotas, but of vote-rigging schemes that make quotas look mild.

If Ms. Guinier were simply an academic, writing for academic journals, I would not be concerned. But President Clinton has nominated Ms. Guinier to be the top federal official in charge of enforcing our nation's civil rights laws, including the Voting Rights Act. Her views will count.

I have a longstanding interest in the Voting Rights Act, having helped broker the compromise in 1982 that led to the Act's extension. I was specifically responsible for the so-called "Dole proviso," which states that section 2 of the Act does not "establish a right to have members of a protected class elected in numbers equal to their proportion in the population."

The purpose of the Voting Rights Act was then, as it is today, to guarantee non-discriminatory access to the political process for everyone, regardless of racial or ethnic background. The key concept has always been access, not proportionality...and certainly not quotas.

Apparently, this isn't good enough for Ms. Guinier, who argues that civil rights enforcement must be, and I quote: "a result-oriented inquiry in which roughly equal outcomes, not merely an apparently fair process, are the goal." She insists, and I quote again, "that simple-minded notions of majority rule or winner-take-all procedures...make statutorily-protected groups legislative losers," thus failing to "fulfill the Voting Rights Act promise for a fairer distribution of political power." To get around these "simple-minded" notions, Ms. Guinier advocates mind-bending cumulative-voting schemes and even giving minorities a legislative veto over "crucial minority issues."

These are prescriptions not for equal opportunity, but for equal results and guaranteed legislative outcomes--the very principles rejected by the original drafters of the Voting Rights Act and by those, like myself, who fought hard for the Act's reauthorization.

Perhaps most troubling is Ms. Guinier's views on who is, and who isn't, properly "black." In one of her articles, she makes the point that black legislators are "authentic representatives" of their race only if they "are politically, psychologically, and culturally black." Although I can't say I fully understand what Ms. Guinier meant by these words, I suspect that black conservatives like Supreme Court Justice Clarence Thomas and Congressman Gary Franks would flunk the Guinier authenticity test.

(MORE)

I have never met, nor have I ever spoken to, Ms. Guinier. We have never exchanged correspondence. I have every reason to believe she is a fine person, and perhaps even a good teacher.

But Ms. Guinier's views, if I understand them properly, redefine the meaning of the term "out-of-the-mainstream." In fact, her views are not only out of the American mainstream, but out of the mainstream of the Democrat party.

I never thought I would see the day when a nominee for the top civil rights post at Justice would argue, not that quotas go too far, but rather that they don't go far enough.

I'll try to keep an open mind on Ms. Guinier's nomination, but if she intended to be provocative with her academic writings, she has succeeded.

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