

News from Senator

BOB DOLE



(R - Kansas)

SH 141 Hart Building, Washington, D.C. 20510

FOR IMMEDIATE RELEASE
TUESDAY, SEPTEMBER 27, 1983

CONTACT: WALT RIKER
(202) 224-6521

DOLE ADDRESSES CIVIL RIGHTS GROUP -- CITES "INJUSTICE" OF
FEDERAL DEFICITS. TITLE IX AND FAIR HOUSING ARE TOP DOLE
PRIORITIES

It is appropriate this afternoon that we speak about a fairness and economic justice in our society that partially transcends questions of enforcement of fair housing laws, elimination of sex discrimination, racial discrimination and discrimination against disabled Americans. The time has come to pay more than lip service to the biggest threat to economic justice that our nation has ever faced: the enormous budget deficits that confront us as a nation. We have all heard so much about budget deficits in the past few years that we have all become numb to some extent. If in fact the constant talk about deficits has anesthetized the public, I would suggest it's time we all woke up and confronted the painful truth.

For much of this century, we Americans have ignored Thomas Jefferson's warning against the dangers of public debt. In the last ten years alone, we have piled up \$800 billion in debt upon the shoulders of succeeding generations. Our national debt at the end of this week will be somewhere around \$1.3 trillion. Between now and the end of FY '88, current projections are that we will pile another \$1,200 billion onto that mountain. The figures are so staggering that it is in a way not surprising that many Americans have difficulty understanding the relationship between deficits and the notions of fairness and the equity that we are all concerned with.

We have to question whether we are truly being compassionate when we authorize new federal spending, even for well intentioned programs. I suggest that when we talk about fairness and compassion, we must keep our eye on future generations of Americans that will inherit this sea of red ink.

CIVIL RIGHTS AND TITLE IX

As mentioned, our efforts to meaningfully enforce the landmark civil rights legislation passed by Congress in the past 20 years must remain high on the national agenda. We must continue to work to make sure that these laws are effective and that they are vigorously enforced. This group knows all too well that our civil rights battles are not yet over. For millions of minorities, women, and disabled citizens, equality of opportunity is only a promise, not a reality. There are a couple of important civil rights issues currently confronting us -- and of which you are fully aware -- which I would like to briefly discuss.

When the United States Supreme Court convenes for the 1983-84 session next week, the Court will be deciding a most important case in the area of women's rights. I am speaking about the case of Grove City College, in which the Lawyer's Committee has been involved. At stake is the scope of Title IX,

(MORE)

-2-

one of the most effective anti-sex discrimination laws ever passed. The outcome of this case could eventually affect the scope of parallel statutes prohibiting race and disability discrimination as well. As this group knows, the specific issue involved in Grove City is whether Title IX prohibits sex discrimination in all programs operated by an educational institution receiving federal funds, or only in those specific programs directly receiving federal aid. The regulations implementing Title IX have always taken an institution-wide approach. As you know, however, the Justice Department has concluded that the language of the statute is program specific.

While I normally try to defer to the legal opinions of the Justice Department, this is one area where I have felt compelled to disagree. To me it is implausible that Congress intended a piecemeal approach whereby an educational institution could reap the benefits of federal aid for one program, but be free to discriminate in all the rest. For this reason, I have joined Representative Claudine Schneider and many other members of Congress urging the Court to adopt a broad reading of Title IX. Hopefully the Court will adopt the arguments. If not, I will pursue legislation to clarify the law.

FAIR HOUSING

As you know, the Fair Housing Law represents the final major building block of the landmark civil rights legislation passed in the 1960's. The promise of this final measure was to provide for fair housing throughout the nation. Unfortunately, the Congress failed to include in the law an enforcement mechanism which was adequate to fulfill that promise.

While there is widespread support for strengthening the fair housing law, there is disagreement about the enforcement mechanism. The Administration has proposed legislation which would permit the Justice Department to initiate suit in Federal District Court.

In light of continued non-compliance, there must be a strong enforcement mechanism to give true meaning to the law's anti-discrimination mandate. Further, it should be designed to provide for prompt resolution of fair housing complaints, insofar as the victims of discrimination may be denied adequate housing during the pendency of the suit.

The law must also be amended to include strong protections for the handicapped against housing bias. For many years, it has been the well defined policy of this nation to bring the handicapped into the mainstream of American life. Opening the door to the housing market to our disabled citizens constitutes a crucial link in carrying out that policy.

In all these areas of discrimination, the standard of proof to be used in discrimination cases has been an issue. Last year's Senate debate about the "intent versus effects" question convinced me and the majority of my colleagues to reject the intent test. If discrimination in fact has occurred, the subjective motivation of the offender is of the most limited relevance. A standard that does not focus on the effects of any action is unacceptable. An intent test would simply place an inordinate burden on plaintiffs, and thus frustrate vigorous enforcement efforts.

BI-PARTISAN ACTION NEEDED

The 20th anniversary of the historic march on Washington was recently concluded. All of us remember Dr. King's dreams of racial equality and we're reminded that in 1963 the march was targetted at a specific legislative agenda: passage of the 1964 Civil Rights Act. That march helped cement the bipartisan consensus which characterized the civil rights movement in the 1960's.

(MORE)

This consensus continued into the 1970's when we expanded key civil rights protections to include women, the disabled, and the aged. And nowhere was its existence more evident than last year, when we extended the Voting Rights Act for an unprecedented 25 years.

Civil rights is not just a Democratic party concern. It is a deeply moral issue, which transcends party lines. Yet, as we get closer to the 1984 elections, I sense a tendency of some to recast civil rights in partisan terms: to use it as a vehicle for attacking the President and the Republican party.

There is nothing wrong with debating the issues, and protesting policies with which one disagrees. But, it is something else to engage in purely partisan rhetoric, without offering constructive alternatives and recognizing that if changes do occur, they must occur in a bipartisan way.

Let us not forget the fundamental reality that if the civil rights movement is to continue to be successful, it must be, as it has always been, a bipartisan effort. I urge you and others active in the cause of civil rights to join with me in renewing our pledge of bipartisanship.

Dole made his remarks today to the Washington Lawyers Committee for Civil Rights Under Law, a group which provides pro bono legal assistance in civil rights cases.

The address was at Washington's Hyatt Regency Capitol Hill Hotel.

###