

BOB DOLE



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FOR IMMEDIATE RELEASE
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CIVIL RIGHTS

TOMORROW THE SENATE WILL DECIDE WHETHER TO INVOKE CLOTURE ON THE SO-CALLED CIVIL RIGHTS ACT OF 1990.

PRESIDENT BUSH HAS CONSISTENTLY SAID THAT HE WANTS TO SIGN A CIVIL RIGHTS BILL THIS YEAR. HE HAS SAID THAT HE WANTS A BILL THAT IS SOUND, THAT IS REASONABLE, AND ONE THAT PROMOTES RACIAL JUSTICE, NOT QUOTA JUSTICE.

AND I, FOR ONE, AS REPUBLICAN LEADER OF THE SENATE, WANT TO HELP PUT THAT THE BILL ON THE PRESIDENT'S DESK.

THE PRESIDENT HAS DIRECTED HIS TOP ADVISORS, INCLUDING CHIEF OF STAFF JOHN SUNUNU, WHITE HOUSE COUNSEL BOYDEN GRAY AND ATTORNEY GENERAL DICK THORNBURGH, TO NEGOTIATE IN GOOD FAITH WITH SENATOR KENNEDY AND WITH THE OTHER PROPONENTS OF THE CIVIL RIGHTS ACT. THESE NEGOTIATIONS BEGAN IN ERNEST MORE THAN THREE WEEKS AGO. THERE WERE MANY LENGTHY NEGOTIATIONS LAST WEEK.

AND NEGOTIATIONS ARE CONTINUING TODAY.

COMMON GROUND

WE ALL AGREE THAT SECTION 1981 SHOULD BE EXPANDED TO COVER RACIAL HARASSMENT ON THE JOB.

WE ALL AGREE THAT WORKERS SHOULD BE PERMITTED TO CHALLENGE DISCRIMINATORY SENIORITY PLANS EVEN AFTER THESE PLANS HAVE BEEN ADOPTED.

WE ALL AGREE THAT THERE MUST BE ADEQUATE REMEDIES IN THE LAW TO DETER SEXUAL HARASSMENT ON THE JOB.

AND WE ALL AGREE THAT ANY MAJOR REVISION TO THE FEDERAL CIVIL RIGHTS LAWS MUST PROMOTE CONCILIATION, NOT LITIGATION.

SO, THERE ARE MANY AREAS OF COMMON GROUND BETWEEN THE ADMINISTRATION AND THE BILL'S PROPONENTS HERE IN CONGRESS. BUT THIS COMMON GROUND IS SHAKY GROUND, AND IT WILL COLLAPSE IF THE BILL'S PROPONENTS DO NOT SHOW SOME WILLINGNESS TO ADDRESS -- IN MEANINGFUL WAYS -- THE VERY LEGITIMATE CONCERNS RAISED BY THE PRESIDENT AND HIS ADVISORS.

THE LANGUAGE IN THE KENNEDY-JEFFORDS SUBSTITUTE DEFINING THE TERM "BUSINESS NECESSITY" IS UNACCEPTABLE. IN MY OPINION, AND IN THE OPINION OF THE PRESIDENT, THIS LANGUAGE IS SO EXTREME, SO FAR REMOVED FROM THE JUDICIAL HISTORY OF TITLE VII, THAT IT WILL HAVE ONE INEVITABLE RESULT -- DE FACTO RACIAL AND ETHNIC QUOTAS IN THE WORKPLACE.

IF WE REALLY WANT TO CODIFY THE GRIGGS DECISION, AS THE BILL'S PROPONENTS URGE US TO DO, THEN LET'S DO IT. WE OUGHT TO DEFINE "BUSINESS NECESSITY" IN THE VERY SAME WAY THAT THE GRIGGS COURT DEFINES IT. AND WE SHOULD NOT DISTORT THE GRIGGS DECISION BY DEFINING "BUSINESS NECESSITY" WITH NEW WORDS THAT HAVE NEW AND UNCLEAR LEGAL MEANINGS.

THE SECTION IN THE KENNEDY-JEFFORDS SUBSTITUTE OVERTURNING THE MARTIN VERSUS WILKS DECISION IS ALSO EXTREME.

WHEN I WAS IN LAW SCHOOL, I LEARNED THAT EVERYONE WAS ENTITLED TO HIS OR HER DAY IN COURT. BUT THE SUBSTITUTE WOULD THROW THIS TIME-TESTED AND CHERISHED PRINCIPLE OUT THE WINDOW BY PRECLUDING THOSE WHO HAVE BEEN HARMED -- IN SUBSTANTIAL AND DEFINABLE WAYS -- FROM SEEKING REDRESS THROUGH THE COURT SYSTEM.

FINALLY, THE REMEDIES SECTION IN THE KENNEDY-JEFFORDS SUBSTITUTE SEEMS TO HAVE BEEN CRAFTED BY THE TRIAL LAWYERS ASSOCIATION.

I AGREE THAT A DAMAGES REMEDY UNDER TITLE VII -- IN ADDITION TO BACK-PAY -- MAKES A LOT A SENSE. WITHOUT QUESTION, THE WOMEN OF THIS COUNTRY NEED A STRONGER REMEDY TO DETER, AND COMPENSATE FOR, SEXUAL HARASSMENT IN THE WORKPLACE.

BUT THE COMBINATION OF UNLIMITED COMPENSATORY DAMAGES, UNLIMITED PUNITIVE DAMAGES, AND UNLIMITED JURY TRIALS IS AN UNNECESSARY BURDEN ON OUR NATION'S EMPLOYERS AND A BONANZA FOR THE PLAINTIFF'S BAR.

KEEP DIALOGUE ALIVE

MY DISTINGUISHED COLLEAGUE, THE MAJORITY LEADER, HAS OUTLINED A VERY AMBITIOUS SCHEDULE LEADING UP TO THE AUGUST RECESS. THE SENATE IS SCHEDULED TO CONSIDER THE FARM BILL, THE DEBT LIMIT, CAMPAIGN FINANCE REFORM, THE DEPARTMENT OF DEFENSE REAUTHORIZATION BILL, AND ANY APPROPRIATIONS BILL THAT MAY BE AVAILABLE.

IF THE SENATE IS TO COMPLETE ACTION ON THESE BILLS, AS WELL AS COMPLETE ACTION ON A CIVIL RIGHTS BILL THAT THE PRESIDENT CAN SIGN, THEN THE PROPONENTS OF THE SO-CALLED CIVIL RIGHTS ACT OF 1990 MUST BE WILLING TO SHOW SOME FLEXIBILITY. AND THEY MUST BE WILLING TO TAKE THE NEGOTIATING PROCESS SERIOUSLY.

THE CLOTURE VOTE TOMORROW DOES NOT PROMOTE THE NEGOTIATING PROCESS. IT DOES NOT PROMOTE COMPROMISE. AND IT DOES NOT PROMOTE THE CAUSE OF RACIAL JUSTICE IN THIS COUNTRY.

A VOTE AGAINST CLOTURE IS A VOTE FOR RACIAL JUSTICE, NOT QUOTA JUSTICE. AND IT'S A VOTE TO KEEP THE DIALOGUE ALIVE.