

Bob Dole



NEWS

U. S. SENATOR FOR KANSAS

FROM:

SENATE REPUBLICAN LEADER

FOR IMMEDIATE RELEASE
MAY 17, 1991

CONTACT: WALT RIKER
(202) 224-5358

CIVIL RIGHTS

H.R. 1 -- STILL A QUOTA BILL
HOUSE "COMPROMISE" A POLITICAL "FIGLEAF & GIMMICK"

WASHINGTON - SENATE REPUBLICAN LEADER BOB DOLE (R-KS) TODAY RELEASED THE FOLLOWING STATEMENT ON H.R.1.

LAST YEAR, WE WERE TOLD THAT THE SUPREME COURT -- THROUGH THE QUICK STROKE OF ITS COLLECTIVE PEN -- HAD SOMEHOW TRANSFORMED AMERICA INTO ANOTHER SOUTH AFRICA.

WE WERE TOLD THAT A CIVIL RIGHTS BILL -- H.R. 1 -- WAS ABSOLUTELY ESSENTIAL TO RESTORE AMERICA AS "THE LAND OF THE FREE AND THE HOME OF THE BRAVE."

IT WAS POWERFUL RHETORIC.

BUT, THIS YEAR, IT'S BEEN RHETORIC, AND NOTHING ELSE.

FEARING A NOSEDIVE IN PUBLIC CREDIBILITY, HOUSE DEMOCRATS HAVE TRIED TO SHIFT THE FOCUS OF THE QUOTA DEBATE BY GIVING H.R. 1 A FANCY NEW NAME: "THE CIVIL RIGHTS AND WOMEN'S EQUITY IN EMPLOYMENT ACT OF 1991."

A SLICK MADISON AVENUE GIMMICK, FOR SURE.

BUT THE AMERICAN PEOPLE ARE SMART ENOUGH TO KNOW THAT SLAPPING ON A NEW LABEL DOESN'T CHANGE THE PRODUCT ONE BIT: IT'S THE SAME DESIGN, SAME BILL, SAME QUOTAS.

NOW, PRESS REPORTS SUGGEST THAT HOUSE DEMOCRATS ARE IN THE PROCESS OF MODIFYING THEIR BILL TO MAKE IT "MORE ACCEPTABLE" TO THE BUSINESS COMMUNITY.

ALTHOUGH I AM NOT PRIVY TO THE DETAILS OF THESE PROPOSED CHANGES, I CAN SAY -- RIGHT OFF THE BAT -- THAT PLACING A CAP JUST ON PUNITIVE DAMAGES IS NOTHING MORE THAN "FIG-LEAF" POLITICS.

AND IF THE CAP IS SIMILAR TO THE ONE IN LAST YEAR'S BILL -- "\$150,000 OR AN AMOUNT EQUAL TO THE COMPENSATORY DAMAGES AWARDED, WHICHEVER IS GREATER" -- THEN IT WON'T BE A CAP AT ALL.

UNDER THIS STANDARD, IF \$1 MILLION IN COMPENSATORY DAMAGES ARE AWARDED, THEN A JURY COULD AWARD \$1 MILLION IN PUNITIVE DAMAGES AS WELL -- WHICH IS OBVIOUSLY A FRIGHTENING PROSPECT FOR MOST EMPLOYERS, LARGE AND SMALL.

I AM PLEASED TO SEE THAT THE HOUSE DEMOCRATS ARE APPARENTLY ADDRESSING THE ISSUE OF RACE-NORMING.

I MUST ADMIT THAT I AM SURPRISED BY THIS DEVELOPMENT, SINCE AN AMENDMENT TO BAN RACE-NORMING -- RECENTLY OFFERED BY REPRESENTATIVE HENRY HYDE IN THE HOUSE JUDICIARY COMMITTEE -- WAS DEFEATED IN A STRAIGHT PARTY-LINE VOTE -- ALL REPUBLICANS FOR THE HYDE AMENDMENT AND ALL DEMOCRATS AGAINST.

AS I'VE SAID ON A NUMBER OF OCCASIONS, SENATE DEMOCRATS AND REPUBLICANS COULD FASHION A RESPONSIBLE CIVIL RIGHTS BILL IN A SINGLE DAY -- PROVIDED THAT THERE IS GOOD-FAITH ON BOTH SIDES AND PROVIDED THAT THE SELF-ANNOINTED CIVIL RIGHTS "EXPERTS" WHO HAVE DOMINATED THE DEBATE SO FAR ARE KEPT OUT OF THE NEGOTIATING ROOM.

IN MY VIEW, SUCH A COMPROMISE MUST HAVE THE FOLLOWING INGREDIENTS:

A COMPREHENSIVE CAP ON BOTH COMPENSATORY AND PUNITIVE DAMAGES.

A DEFINITION OF "BUSINESS NECESSITY" TAKEN DIRECTLY FROM THE SUPREME COURT'S GRIGGS DECISION. AFTER ALL, ISN'T THAT EVERYONE'S PROFESSED GOAL -- CODIFYING GRIGGS?

A PROVISION ENSURING THAT EVERYONE IS ENTITLED TO HIS OR HER DAY IN COURT.

AND PROSPECTIVE APPLICATION OF ALL CHANGES TO EXISTING LAW.

BUT, IF COMPROMISE IS NOT IN THE CARDS, AND IF MY DEMOCRATIC COLLEAGUES WANT TO PUT ALL THEIR FAITH IN A QUOTA BILL, THEN SO BE IT.

LET'S GET THE BILL ON THE SENATE FLOOR.

LET'S PASS IT.

LET'S WAIT FOR THE PRESIDENT'S VETO.

AND LET'S VOTE ON THE VETO OVERRIDE.

THE LEGISLATIVE PROCESS IS NO MYSTERY.

AND FURTHER DELAY ON THE CIVIL RIGHTS BILL HERE IN THE SENATE SERVES NO PURPOSE OTHER THAN TO CONFUSE AN ALREADY DISINTERESTED AMERICAN PUBLIC.

###