

Bob Dole



NEWS

U. S. SENATOR FOR KANSAS

FROM:

SENATE REPUBLICAN LEADER

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CONTACT: WALT RIKER
(202) 224-5358

H.R. 1: STILL A QUOTA BILL

TOMORROW, THE HOUSE OF REPRESENTATIVES WILL CONDUCT A VOTE ON H.R. 1, WHICH IS VIRTUALLY IDENTICAL TO THE QUOTA BILL VETOED BY PRESIDENT BUSH LAST YEAR.

IT'S NOT THAT MY DEMOCRATIC COLLEAGUES HAVE FAILED TO PROPOSE ANY CHANGES TO H.R. 1.

EARLIER THIS YEAR, FOR EXAMPLE, THEY ATTEMPTED TO SHIFT THE FOCUS OF THE QUOTA DEBATE BY GIVING H.R. 1 A FANCY NEW NAME: "THE CIVIL RIGHTS AND WOMEN'S EQUALITY IN EMPLOYMENT ACT OF 1991."

FORTUNATELY, THE AMERICAN PEOPLE WERE NOT FOOLED: THEY TOOK A QUICK LOOK AT H.R. 1 AND SAW THE SAME DESIGN, SAME BILL, SAME QUOTAS.

NOW, FEARING A NOSEDIVE IN PUBLIC CREDIBILITY, HOUSE DEMOCRATS HAVE RESORTED TO TWO MORE MADISON AVENUE "P.R." GIMMICKS BY PROPOSING A SO-CALLED "CAP" ON PUNITIVE DAMAGES AND BY TRUMPETTING A PHONY "ANTI-QUOTA" AMENDMENT.

ONCE AGAIN -- ON BOTH COUNTS -- THE DEMOCRATS HAVE FLUNKED THE "TRUTH-IN-ADVERTISING" TEST.

THE CAP ON PUNITIVE DAMAGES IS A "LIDLESS" CAP, AT BEST.

AND, DESPITE SOME OF THE BEST INTENTIONS, A FEW CONVENIENT WORD CHANGES SIMPLY WON'T STRIP THE QUOTAS OUT OF A QUOTA BILL.

THE "LIDLESS" CAP ON PUNITIVE DAMAGES

H.R. 1'S CAP ON PUNITIVE DAMAGES IS IDENTICAL TO THE ONE IN LAST YEAR'S VETOED BILL -- "\$150,000 OR AN AMOUNT EQUAL TO THE COMPENSATORY DAMAGES AWARDED, WHICHEVER IS GREATER."

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.

THE PHONY "ANTI-QUOTA" AMENDMENT

THE PROPOSED ANTI-QUOTA AMENDMENT TO H.R. 1 IS EQUALLY AS CYNICAL, AND PERHAPS EQUALLY AS FRIGHTENING.

FIRST OF ALL, THE AMENDMENT DOES ABSOLUTELY NOTHING TO CHANGE THE OTHER PROVISIONS IN H.R. 1 THAT WILL FORCE EMPLOYERS TO HIRE-BY-THE NUMBERS.

AS A RESULT, IT PUTS EMPLOYERS IN A "LOSE-LOSE" SITUATION. ADOPT QUOTAS, AND GET SUED. DON'T ADOPT QUOTAS, AND GET SUED AGAIN.

MORE IMPORTANTLY, THE DEFINITION OF "QUOTA" IN THE ANTI-QUOTA AMENDMENT HAS SO MANY LOOPHOLES THAT THE LOOPHOLES BECOME THE RULE. FOR EXAMPLE, THE AMENDMENT SPECIFICALLY ALLOWS QUOTAS SO LONG AS JOBS ARE FILLED BY INDIVIDUALS WHO HAVE "THE NECESSARY QUALIFICATIONS TO PERFORM THE JOB." AS A RESULT, THE SO-CALLED ANTI-QUOTA AMENDMENT WOULD STILL ALLOW EMPLOYERS TO ADOPT QUOTAS WITH LESS QUALIFIED PERSONS OF A PARTICULAR RACE, SEX, OR RELIGION, SO LONG AS THESE PERSONS WERE MARGINALLY QUALIFIED.

IN ADDITION, THE AMENDMENT SPECIFICALLY AUTHORIZES ALL QUOTAS THAT WERE ADOPTED IN ACCORDANCE WITH EXISTING EMPLOYMENT DISCRIMINATION LAW.

ANY PAST JUDICIAL DECISION OR CONSENT DECREE PERMITTING QUOTAS WOULD, THEREFORE, BE A COMPLETE DEFENSE TO THE DEMOCRAT'S SO-CALLED QUOTA-BAN.

DEMOCRATS ARE PLAYING RACIAL POLITICS

SO, PRESIDENT, IT'S PRETTY CLEAR WHO'S BEEN PLAYING POLITICS -- RAW, CYNICAL POLITICS -- ON CIVIL RIGHTS.

NOT PRESIDENT BUSH, WHO -- LAST YEAR -- WALKED THE "EXTRA MILE" IN AN EFFORT TO REACH A COMPROMISE WITH THE DEMOCRATS IN CONGRESS, AND WHO, THIS YEAR, HAS PROPOSED HIS OWN FAIR AND RESPONSIBLE CIVIL RIGHTS PACKAGE.

(MORE)

THE REAL CYNICS IN THIS DEBATE ARE MY COLLEAGUES ON THE OTHER SIDE OF THE AISLE, WHO HAVE RESORTED TO AD HOMINEM ATTACKS ON THE PRESIDENT AS A WAY TO DIVERT ATTENTION FROM THE REAL ISSUE AT STAKE HERE -- QUOTAS IN HIRING, QUOTAS IN PROMOTIONS, QUOTAS THROUGHOUT THE AMERICAN WORKFORCE.

THE DEMOCRATS HAVE BEEN PLAYING CLASS-WARFARE WITH THE BUDGET. AND, JUDGING BY SOME OF THE RHETORIC THESE PAST FEW DAYS, THEY ARE ALSO PLAYING RACIAL POLITICS WITH THE CIVIL RIGHTS OF THE AMERICAN PEOPLE.

COMPROMISE IS POSSIBLE

AS I'VE SAID ON A NUMBER OF OCCASIONS, SENATE DEMOCRATS AND REPUBLICANS COULD FASHION A RESPONSIBLE CIVIL RIGHTS BILL IN A SINGLE DAY.

BUT MY COLLEAGUES ON THE OTHER SIDE OF THE AISLE MUST FIRST STOP NEGOTIATING WITH THEMSELVES AND START NEGOTIATING WITH REPUBLICANS.

IF THERE'S GOOD-FAITH ON BOTH SIDES, AND IF THE SELF-ANNOUNCED CIVIL RIGHTS EXPERTS WHO HAVE DOMINATED THE DEBATE SO FAR ARE KEPT OUT OF THE NEGOTIATING ROOM, WE CAN HAVE A CIVIL RIGHTS BILL -- AND WE CAN GET THIS DIVISIVE ISSUE BEHIND US, ONCE AND FOR ALL.

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