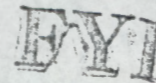




Leadership Conference on Civil Rights



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LEADERSHIP CONFERENCE ON CIVIL RIGHTS

REGARDING THE CIVIL RIGHTS COMMISSION COMPROMISE

December 8, 1983

Good morning. My name is Ralph G. Neas. I am the Executive Director of the Leadership Conference on Civil Rights.

We are here today to discuss the betrayal of the November 10th compromise on the reconstitution of the United States Civil Rights Commission.

Before I discuss the past few days, I would like to review, briefly, events leading up to the current crisis. After President Ronald Reagan's unprecedented attempts to fire every member of the Civil Rights Commission, the civil rights community, with the support of a bipartisan group of Senators and Representatives, began the long struggle to try to preserve the independence of the Commission.

The independence issue percolated slowly at first. But soon Congress and the American people realized that the Commission battle was not over the issues of busing and quotas. Nor was it over the qualifications of the President's nominees. Rather, it was over the issue of whether the President could pack the Commission with those who shared his views.

"Equality In a Free, Plural, Democratic Society"

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On August 4, the House of Representatives repudiated President Reagan's actions. By the overwhelming margin of 286-128, the House voted to prohibit any President from firing commissioners without cause. One month later, the Senate Judiciary Committee was prepared to defeat two of the President's three nominees and report out Senator Arlen Specter's legislation to preserve an independent Commission.

But the votes were postponed. Members of the Senate Judiciary Committee and civil rights groups agreed to work together to draft an even more bipartisan compromise and, hopefully, bring along the White House. Many proposals were discussed. And it should be noted that all proposals, including the White House offers, included the retention of Commissioners Mary Louise Smith and Jill Ruckelshaus.

By the third week of October, the Specter-Biden proposal that would have expanded the Commission to eight members (six incumbents and two of the President's nominees) had garnered a Judiciary Committee majority and the support of more than 60 Senators. Unfortunately, the White House would not support the compromise.

The Senate leadership scheduled a Judiciary Committee vote on October 25. Regrettably, that very morning, President Reagan, acting out of desperation because he did not have the votes to win, fired the three Democratic commissioners. This brazen action scuttled months of good faith bipartisan efforts.

In response to the firings, an aroused Congress quickly formed a bipartisan consensus on behalf of legislation that would have taken the Commission out of the Executive Branch and placed it lock, stock, and barrel in the Legislative Branch. Within six days, 55 Senators had cosponsored this measure. It was clear that the President could no longer be trusted with the Civil Rights Commission.

With the life of the Commission running out and a substantial majority of the Senate and House prepared to vote for a Congressional Commission, Senators Howard Baker, Robert Dole, and Pete Domenici asked the civil rights community to work with them to forge a new compromise that would enable the President to share in the appointment of the Commissioners.

Because of the White House's treachery on October 25, civil rights groups were not eager to participate in any more compromise efforts. But we wanted to save an independent Commission. We wanted to be able to overcome a regular presidential veto or a pocket veto. And we trusted these Senators. Thus on November 9, and for fifteen hours on November 10, we worked with Senators Dole, Biden, Baker, Specter, Domenici, Kennedy, and their staffs.

From the beginning, the civil rights groups made it clear that Mary Louise Smith and Jill Ruckelshaus must be reappointed. Otherwise, President Reagan would end up packing the Commission with a majority of his appointees. Shortly after noon on November 10th, Senator Dole walked out of the Vice President's office, near the Senate chambers, and handed to the assembled civil rights groups a piece of paper with the proposal that became the essence of the compromise. The proposal provided that President Reagan would reappoint Mary Louise Smith, the House Republican Minority Leader would appoint Jill Ruckelshaus, and the Senate Majority Leader would appoint a Republican with strong civil rights credentials.

Over the course of the afternoon and the long night, Senator Dole informed us that Senator Baker, Congressman Michel, and the White House had agreed to the proposal. We believed Senator Dole. We still believe what he told us on November 10th. And we will stand by that belief, irrespective of the events of the past several days.

After the conclusion of the negotiations, approximately 1:30 the morning of November 11, Senators Joseph Biden and Arlen Specter held a press conference. They shared all the elements of the compromise, including the specific agreements on names. The media carried this information all around the country November 11th and 12th.

The timetable of the publication and dissemination of the terms of the agreement is important. For the White House waited until November 18th before it stated that the President might not sign the bill, citing constitutional issues.

And it was not until December 1, twenty-one days after the compromise, that the White House stated it had made no commitment on reappointing Mary Louise Smith. Why did the White House wait so long?

We believe that the White House delayed because it had to determine whether it could still control the Commission under the compromise. We believe Vice President George Bush spoke the truth on December 2nd, in San Diego, when he told his audience that Mary Louise Smith was presenting a problem to President Reagan because she would not pledge in advance her support for the President's designation of Chairman. We believe the White House aides who stated that the White House jettisoned Commissioner Smith because she had criticized the President on his civil rights policies. We believe that the President failed to reappoint Mary Louise Smith because he could not control her votes. And that is what the Commission fight has been all about: the President's efforts to silence the voices of dissent and control the Commission.

Yesterday, we learned that Congressman Bob Michel and Senator Howard Baker apparently have asserted that there were no agreements on November 10th regarding the appointment of Jill Ruckelshaus. We believe, to use the famous words of the

President who established' the Civil Rights Commission in 1957, Dwight David Eisenhower, that that's "pure poppycock"! We believe that the White House has issued its marching orders. And, unfortunately, it appears that the House and Senate Republican leadership have decided to join President Reagan in repudiating the November 10th compromise and in attempting to destroy the independence of the Commission.

Mr. President, it looks like you have won your battle to pack the Civil Rights Commission. It looks like you have won your battle to remove two life-long Republican women who disagreed with your civil rights policies.

But that is all you have won. And even that, you won unfairly.

And what you have lost is immeasurably greater. You have demonstrated once again your insensitivity to issues affecting Blacks, Hispanics, women, the disabled, and so many others.

You have been consistently alienating all those constituencies by your abysmal civil rights record. And now, by your most recent actions, you are writing off all those Republican women who share a commitment to vigorously promoting equality of opportunity for all Americans.

Finally, Mr. President, let there be no doubt that while you have removed some of the Commission's conscience, you have not, and will not, silence those who are pointing out how horrible your civil rights record really is. For, believe me, those who are committed to civil rights are now more determined than ever to explain the unfairness of your civil rights policies.

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