

THE WHITE HOUSE

Office of the Press Secretary

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STATEMENT BY THE PRESIDENT

Today I received S. 2104, the Kennedy-Hawkins "Civil Rights Act of 1990." As I have said before, in its current form, this bill is a quota bill. Throughout Congressional consideration of this bill, I have said repeatedly that I want to sign a civil rights bill this year that addresses certain Supreme Court decisions regarding employment discrimination. There are reasonable compromises that I would support that address legitimate issues raised in these cases without resulting in employers adopting quotas.

The legislation as enacted by Congress fails to cure several critical defects I find in the bill. In its present form, the measure remains a quota bill because inescapably it will have the effect of forcing businesses to adopt quotas in hiring and promotion. Throughout Congressional consideration of this bill, I have emphasized my support for legislation to strengthen our employment discrimination laws, and have already signed the most sweeping civil rights bill in 25 years: The Americans with Disabilities Act. With regard to S. 2104, I want to sign a civil rights bill; but I will not sign a quota bill. Instead of solving problems, quotas foster divisiveness and litigation, set group against group, minority against minority, and in so doing, do more to promote legal fees than civil rights. S. 2104 undermines the basic principles of fairness on which our system of laws is based. The Administration has tried to work with Congress in good faith on these issues, but I cannot accept legislation that is unfair and turns back the clock on progress that has occurred since passage of the Civil Rights Act of 1964.

Because I believe Congress shares my commitment to civil rights and my opposition to quotas -- an opposition that is shared by most Americans -- I believe together we can enact good legislation. During House and Senate consideration of this measure, the Administration supported bipartisan alternatives to S. 2104.

On Monday I will veto S. 2104 and return it to Congress with my objections. I believe legislation can be enacted that I can sign before Congress leaves. The bill I am today forwarding to Congress includes those specific changes to The Civil Rights Act of 1990 that will make it acceptable. My proposal contains a number of compromises designed to accommodate the concerns of the proponents of S. 2104. It overrules several Supreme Court decisions from last year, and it addresses the so-called "Wards Cove issue" by shifting the burden of proof to the defendant to justify "business necessity" in disparate impact cases. I urge Congress to enact my proposal before adjournment.

Congress has the opportunity to cure the defects that necessitate my rejection of S. 2104. With the changes I am forwarding to the Congress, together we can produce legislation that will strike a blow against racial bias without institutionalizing quotas.

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