



EDWARD M. KENNEDY ORAL HISTORY PROJECT

Interviewer's Briefing Materials **Alan Simpson Interview, 05/10/2006**

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Miller Center Documents¹

- Alan Simpson Timeline.
- Immigration Reform and Control Act of 1986 Overview Memo.
- 1990 Immigration Act Overview Memo.
- Clarence Thomas Nomination Overview Memo.

Secondary Source Materials

- Alan Simpson bio, <http://bioguide.congress.gov>.
- Alan K. Simpson, *Right in the Old Gazoo: A Lifetime of Scrapping with the Press* (New York: William Morrow and Company, Inc., 1997) pp. 193-195.
- Adam Clymer, *Edward M. Kennedy: A Biography* (New York: William Morrow and Company, Inc., 1999) pp. 416-428, 442-443, 493-499.
- *1987 Congressional Quarterly Almanac*, "Reagan Fills Court Vacancy on Third Attempt," (Washington D.C.: Congressional Quarterly, 1987) pp. 271-274.
- *1991 Congressional Quarterly Almanac*, "Senate Clarence Thomas Wins Senate Confirmation," (Washington D.C.: Congressional Quarterly, 1991) pp. 274-285.
- Dick Kirschten, "The Melting-Pot Recipe," *National Journal*, 03/04/1989.
- Alan K. Simpson, "Immigration & Population: Is It Time to Close the Golden Door?" Vail Valley Institute, June 1997.
- Mark Leibovich, "The Kennedy Factor," *The Washington Post*, 07/13/2004.
- Harry Kreisler interview with Alan K. Simpson, "Let'er Rip! Reflections of a Rocky Mountain Senator," *Conversations with History- Institute of International Studies- UC Berkeley*, 09/17/97.

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SENATOR ALAN K. SIMPSON TIMELINE

Prepared by Nadia Shairzay

Miller Center, University of Virginia, 04/06/06

1978

November On the 3rd, Simpson is elected to the U.S. Senate. (*Biographical Directory of the United States Congress*)

1979 Simpson joins the Judiciary Committee, the Environment and Public Works Committee and the Veteran's Affairs Committee. EMK becomes Chairman of the Judiciary Committee. (*1979 CQ Almanac*)

The Senate Judiciary Committee reports a bill to change and rewrite the federal criminal code (S. 1722- S Rept 96-553). S. 1772 is a compromise piece of legislation worked on by EMK, Senator Strom Thurmond (R-SC) and Senator Orrin Hatch (R-UT). The issue that garners the most attention is that of labor extortion. After a lengthy meeting EMK, Hatch, and Thurmond had come up with a compromise to ban "federal extortion prosecution during a labor dispute unless there were 'clear proof' that the coercive conduct was a felony intended to cause death or severe bodily injury that was intended to further the aims of the labor dispute." Simpson serves on the Judiciary Committee and proposes an amendment which is adopted to the bill. The amendment makes arson, and criminal entry into a nuclear plant, the construction site of a nuclear plant or any energy plant a federal crime. (*1979 CQ Almanac*, pp. 364-365)

Simpson serves with EMK on President Jimmy Carter's Select Commission on Immigration and Refugee Policy. (Alan Simpson, *Right in the Old Gazoo: A Lifetime of Scrapping with the Press*, NY: W. Morrow, 1997, p. 66)

July Nuclear power safety comes to the forefront of debate in Congress after the Three Mile Island accident on March 28, 1979. However, Congress and Carter continue to support nuclear power and Congress rejects a six month moratorium on construction permits for new nuclear reactors. The moratorium proposal is an amendment to the fiscal authorization bill (HR. 2608, S 562) for the Nuclear Regulatory Commission (NRC). The Senate supports the shut down of all nuclear plants that do not have approved emergency plans, however, this faces opposition from the nuclear power industry. Senators Gary Hart (D-CO) and Simpson work out a compromise. States and the NRC will have nine months instead of six to come up with emergency plans. The Simpson-Hart compromise is approved 64-19. On July 17 Hart and EMK propose an amendment that the NRC should suspend issuing permits to build new nuclear power plants for six months. However, the Hart-Kennedy amendment is defeated, 35-57, over concerns for the need for energy. (*1979 CQ Almanac*, p. 695)

1981 The Senate Judiciary Subcommittee on Immigration is formed with backing from Simpson, EMK and Thurmond. Simpson, EMK and Senator Dennis DeConcini (D-AZ), whom had all served on the Select Commission on Immigration and Refugee Policy, become the first members of the subcommittee. Simpson is the Chairman. (*Right in the Old Gazoo*, p. 66)

Simpson becomes Chairman of the Environment and Public Works Committee and Chairman of the Veteran's Affairs Committee. (*1981 CQ Almanac*)

July In an effort to curb illegal immigration, President Ronald Reagan proposes a plan to reform immigration laws. The administration's reforms result from the work of the Select Commission on Immigration and Refugee Policy. The plan includes increased border patrol enforcement as well as a two year worker program for up to 50,000 workers from Mexico. Under the program workers would be allowed to be in the U.S. for 9-12 months. The administration's proposal also grants the president the power to declare immigration an emergency in certain circumstances and to seal harbors, ports, airports or roads. Simpson and House subcommittee chairman Romano L. Mazzoli (D-KY) combine Reagan's proposal with their own revisions to form S. 2222. The bill includes increased border enforcement, sanctions on employers hiring illegal workers, and, unlike the administration's plan, a type of national identity card. In discussion in the Judiciary Committee EMK counters that instead of employer sanctions immigration reform will be better served by a stricter enforcement of minimum wage, Social Security and labor standards laws. (*1981 CQ Almanac*, pp. 422-423)

1982

May On the 27th, the Senate Judiciary Committee votes 16-1 to report S. 2222 to the Senate. EMK casts the lone dissenting vote. EMK is concerned that the employer sanctions will cause some employers to discriminate against Hispanic workers. Simpson's bill grants permanent residence to those who had entered the U.S. before Jan. 1, 1978. EMK proposes an amendment to change this date to January 1, 1982 and the committee accepts it. (*1982 CQ Almanac*, pp. 405-406)

August On the 17th, the Senate passes S. 2222 which is sponsored by Simpson. The bill is for immigration reform and includes sanctions against employers, an amnesty program for some undocumented workers already in the U.S. and a temporary agricultural worker program. EMK proposes an amendment to eliminate the employer sanctions after three years unless it can be certified that they do not cause discrimination. The amendment is rejected. (*1982 CQ Almanac*, p. 405)

December Congress is unable to complete action on immigration reform before adjournment. (*1982 CQ Almanac*, p. 405)

1983

- April* The Senate Judiciary Committee votes to report S. 529 (an immigration reform bill introduced by Simpson and similar to S. 2222 from 1982). EMK and three other Senators vote against it. When the bill reaches the Senate floor EMK proposes two amendments which are rejected. The first is to end the employer sanctions after five years if they prove to be discriminatory. The second is to move the eligibility date for temporary resident status from January 1, 1980 to December 31, 1981. (1983 CQ Almanac, pp. 288-289)
- May* EMK and Simpson compromise and propose an amendment to expand judicial review for those who are denied political asylum in the U.S. On the 18th the Senate passes S. 529. Simpson says of the legislation, "It's not nativist, not racist, not mean. I am proud of it." EMK does not vote for the bill saying, "In too many areas, what started out as the promise of reform has become the reality of restrictions that are unnecessary and unwise in any fair immigration policy." (1983 CQ Almanac, pp. 287-289)
- October* Speaker of the House Thomas P. O'Neill (D-MA) declares that the immigration bill from 1982 (HR. 1510) will not come to the House floor. Immigration reform started by Simpson and Mazzoli dies in House. (1983 CQ Almanac, p. 287)
- 1984** Simpson is elected to a second term in the Senate. (Biographical Directory of the United States Congress)
- June* On the 20th, after two years of debate, the House passes its version of an immigration reform bill that Simpson and Mazzoli proposed in the Senate. (1984 CQ Almanac, p. 229)
- October* Immigration reform dies in Congress when the House- Senate conference committee cannot agree on a compromise bill before adjournment. (1984 CQ Almanac, p. 229)
- 1985** Simpson becomes the Republican whip and ends his time as Chairman of the Veteran's Affairs Committee. (Biographical Directory of the United States Congress)
- February* On the 5th, the Senate Judiciary Committee approves the nomination of Edwin Meese III for attorney general. Simpson votes for the nomination and EMK does not. On the 23rd Meese is approved by the Senate. Meese attracted controversy over allegations that he accepted bribes in exchange for federal jobs. (1985 CQ Almanac, p. 236)
- July* The Senate Judiciary Committee votes 12-5 to report S. 1200, an immigration bill introduced by Simpson. The bill creates a "guest worker" program for temporary

agricultural workers. EMK votes against it and Simpson votes for the bill. The committee rejects an amendment by EMK, which seeks to grant permanent residence status to aliens who arrived to the U.S. before Jan. 1, 1977 and had lived in the country continuously since then. Simpson votes against the amendment. (1985 *CQ Almanac*, p. 223)

September The Senate passes S. 1200 on the 15th. The House postpones making a decision about its version of S. 1200 until 1986. (1985 *CQ Almanac*, p. 223)

1986

June On the 5th, the Senate Judiciary Committee rejects the nomination of Jefferson Sessions III to be a federal district court judge. Sessions reportedly faces opposition owing to his past racially derogatory remarks. EMK votes against the nomination and Simpson votes for it. (1986 *CQ Almanac*, p. 75)

August The Senate Judiciary Committee approves the nomination of Associate Justice William Rehnquist as Chief Justice of the Supreme Court. EMK and four other Senators vote against Rehnquist over concerns of his civil rights record. Simpson votes for the nomination. (1986 *CQ Almanac*, p. 71)

September On the 17th, Rehnquist is confirmed by the Senate. (1986 *CQ Almanac*, p. 67)

October After five years of debate, on the 17th, Congress clears immigration reform legislation (S. 1200- PL 99-603). The bill, which is sponsored by Simpson, includes sanctions against employers who knowingly hire illegal aliens, a provision that EMK opposes throughout the bill's history. The passage of S. 1220 marks the first time since 1952 and the subsequent amendments in 1965 that the U.S.'s immigration laws have been overhauled. (1986 *CQ Almanac*, pp. 61-63)

November Reagan signs S. 1200- PL 99-603 into law on the 6th. (1986 *CQ Almanac*, p. 67)

1987 Simpson ends his term as Chairman of the Environment and Public Works Committee and Chairman of the Subcommittee on Immigration. EMK becomes Chairman of the subcommittee. (1987 *CQ Almanac*)

July On the 1st, Reagan nominates D.C. Court of Appeals Judge Robert Bork to the Supreme Court to replace Justice Lewis Powell. The nomination draws criticism from the left over Bork's conservative background. EMK, in an impassioned speech on the Senate floor, denounces the nomination saying that with Bork on the Supreme Court, "...the doors of the federal courts would be shut on the fingers of millions of citizens for whom the judiciary is often the only protector of the individual rights that are the heart of our democracy." Simpson supports the nomination and, according to his book, is upset with EMK's strong reaction against it and the ensuing nomination battle. (*Right in the Old Gazoo*, p. 195)

On the 15th, the Senate Judiciary Committee approves S. 332, a bill which would temporarily suspend the deportation of illegal Salvadoran and Nicaraguan immigrants. The bill originally only covers Salvadorans, but EMK proposes an amendment to extend it to Nicaraguans, which is accepted. Simpson votes against the bill in committee and EMK votes for it. On the 28th the House passes its version of S. 332, HR. 618. (1987 *CQ Almanac*, pp. 284-286)

October On the 23rd, the Senate rejects the Bork nomination with a vote of 58-42. In response to the hearings Simpson writes that they have “[tarnished] what once had been the highest honor that could be conferred on a judge- nomination to the Supreme Court. And, in my view, they [have also done] serious damage to future political discourse.” (1987 *Right in the Old Gazoo*, p. 195)

1988

October The Senate clears a bill, S. 2104, to allow for more Irish citizens to enter the U.S. in an effort to help alleviate the shortage of nurses. EMK and Simpson are the bill’s chief sponsors. Commenting on the cooperation between himself and EMK, Simpson notes, “We don’t vote together an awful lot, but we legislate together a lot.” (1987 *CQ Almanac*, pp. 112-113)

November On the 15th, Reagan signs the Irish immigration bill, HR. 5115 PL 100-658. (1988 *CQ Almanac*, p. 112)

1989

June EMK and Simpson sponsor a bill to change the immigrant quota system to raise the ceiling and place new emphasis on skills possessed by immigrants looking to enter the U.S. EMK says that the bill is “more open to immigrants from nations that are shortchanged by current law.” On the 8th, the Senate Judiciary Committee approves S. 358, a compromise bill. This is after debate over a provision of the EMK-Simpson bill which calls for an immigration point system that favors English fluency. Simpson argues that the language point system will only be used for the new independent-immigrant category, which will result in nine percent of allocated visas. Asian-American and Hispanic groups are concerned about such language requirements. EMK originally supports the language requirement but then reconsiders. The language provision is dropped after only Simpson and Thurmond vote for it. (1989 *CQ Almanac*, pp. 266-267)

July The Senate approves S. 358 to change the visa-allocation system. EMK says, “We can’t afford to put a sign on the Statue of Liberty that says, ‘No vacancy.’ Yet that’s what we’ve been saying to too many nations for too many years.” The House fails to act on the bill. (1989 *CQ Almanac*, pp. 265-266)

November On the 2nd, the Senate Judiciary Committee approves S. 458 which temporarily

suspends the deportation of Salvadorans and Nicaraguans in the U.S. illegally. Simpson is a staunch opponent of the bill. The bill has been discussed in the Subcommittee on Immigration and Refugee Affairs, whose members are Simpson, EMK and Senator Paul Simon (D-IL). Simpson votes against the bill and EMK and Simon vote for it. (1989 *CQ Almanac*, p. 276)

1990

September Simpson and EMK are the main Senate sponsors of the immigration bill, S. 358. The bill establishes one category for family members of immigrants and another category for independents. The bill hopes to increase the number of skilled workers that can come to the U.S. EMK is important in working out a compromise between Simpson and the House immigration bill. Simpson and EMK both support the need for increased immigration. However, Simpson is against policies that can lead to illegal immigrants being allowed to stay in the U.S. over foreigners who have been waiting in the immigration queue. (1990 *CQ Almanac*, p. 479)

October The House clears S. 358 on the 27th. (1990 *CQ Almanac*, p. 474)

November Simpson is elected to a third term in the Senate. (*Biographical Directory of the United States Congress*)

On the 19th, President George H.W. Bush signs S. 358 into law PL 101-649. The legislation expands immigration from 500,000 to 700,000 between 1991-1994. After 1994 immigration will be capped at 675,000. These figures do not include refugees or those who are granted asylum. (1990 *CQ Almanac*, p. 474)

1991

July On the 30th, Bush nominates D.C. Court of Appeals Judge Clarence Thomas to the Supreme Court after Justice Thurgood Marshall retires. Thomas faces opposition from civil rights and abortion groups. (1991 *CQ Almanac*, p. 274)

October Allegations are raised in the Thomas hearings that Thomas sexually harassed Anita Hill, a law professor, when they were earlier colleagues. EMK reportedly remains quiet throughout the hearings, speaking up only on the third day, saying, "I hope we are going to be sensitive to the attempts of character assassination on Professor Hill. They are unworthy. They are unworthy." (*Clymer*, p. 498)

After looking into the accusations, the Judiciary Committee determines that there is not enough evidence to support Hill's position. The Senate confirms the Thomas nomination on the 15th with a vote of 52-48. EMK votes against the nomination, Simpson votes for it. (1991 *CQ Almanac*, p. 274)

1994

October Congress clears an immigration bill (HR. 783), which continues a visa waiver program allowing for tourists and business travelers, primarily from Western Europe, to enter the U.S. without a visa for short visits. On the 25th President Bill Clinton signs the bill (PL 103-416) into law. The passage of the bill follows intense debate in Congress on a number of immigration bills which are debated, but are not acted upon. Of these, EMK proposes a bill (S. 1333) to expedite the hearing process for people seeking asylum who have arrived to the U.S. smuggled on boats. Simpson proposes a bill (S. 1884) to restrict immigration and to expedite the deportation process for aliens who are criminals. (1994 CQ Almanac, p. 294)

1995 Simpson steps down as the Republican whip and as a member of the Environment and Public Works Committee. Simpson joins the Finance Committee. EMK leaves the position of Chairman of the Subcommittee on Immigration and Simpson again becomes the Chairman. (*Biographical Directory of the United States Congress*)

June The House and Senate both introduce legislation to toughen laws against illegal aliens, including proposals to reduce legal immigration. In the Immigration Subcommittee Simpson introduces S. 269 to cut public benefits to legal immigrants, increase border patrol and to enforce laws against hiring illegal aliens. EMK supports much of Simpson's bill, but is against cutting welfare to legal immigrants. Simpson's bill also has a 50,000 person cap on refugees to the U.S. (which can be changed by the president in an emergency). EMK and Senator Charles Grassley (R-IO) propose an amendment to remove the cap, which passes. EMK and Simon ultimately vote against Simpson's bill. (1995 CQ Almanac, p. 6-9)

November The Immigration Subcommittee joins a bill sponsored by Simpson, S. 1394, with S. 269, creating one bill that covers legal and illegal immigration. The bill seeks to reduce legal immigration from 675,000 a year to 540,000 a year. Ethnic groups as well as business interests oppose such reductions arguing that it will be bad for the economy. The bill passes the subcommittee with EMK and Simon voting against it. (1995 CQ Almanac, p. 6-17)

December Simpson announces that he will retire at the end of his term. (*Biographical Directory of the United States Congress*)

1996

March Business, ethnic and religious groups strongly oppose S. 1394 and want to divide it into two bills, one for legal immigration and the other for illegal immigration. Facing opposition, Simpson compromises and drops limitations of visas for

skilled workers and scaled back his proposed national verification system. Simpson's bill will decrease annual legal immigration from 675,000 to 540,000 and will reduce the number of annual permanent employment based visas from 140,000 to 90,000. Despite the compromises the Senate Judiciary Committee votes to divide the bill, thus splitting the issues of legal immigration from issues of illegal immigration. On the 21st, the committee approves S 1664 to restrict illegal immigration. The committee wants to restrict illegal immigration, but is split over whether to limit legal immigration. Eventually, on the 28th, the committee approves S. 1665 to limit legal immigration. EMK says of S. 1665, "This bill goes miles too far. It turns its back on a central part of our history and heritage." (1996 *CQ Almanac*, p. 5-5)

May On the 2nd, the Senate passes HR. 2202 (illegal immigration) after substituting the text of S. 1664 (which becomes HR. 3610 after the conference report). Simpson is unable to get S. 1665 (limits legal immigration) passed by the Senate. Speaking about the failure to pass legislation on legal immigration, Simpson says, "My fingers have been shorn off. I've messed with [S. 1665] all I care to." (1996 *CQ Almanac*, pp. 5-3, 5-12)

September On the 30th, Congress clears HR. 3610 and Clinton signs HR. 3610- PL 104-208 into law. The bill increases the number of border guards and streamlines deportation proceedings. However, owing to pressure by business and civil liberties groups, strong measures to stop the employment of illegal immigrants are left out of the bill. (1996 *CQ Almanac*, p. 5-3)

SENATOR ALAN K. SIMPSON SENATE SERVICE

Prepared by Nadia Shairzay

Miller Center, University of Virginia, 03/24/06

Years of Senate Service: Simpson served three terms, 1979-1997

Simpson Committee Assignments:

Environment and Public Works Committee, 1979-1995

Nuclear Regulation Subcommittee, 1979-1995, Chairman, 1981-1987 [In 1993 the name changes to Clean Air and Nuclear Regulation.]

Water Resources Subcommittee, 1979-1981

Environmental Pollution Subcommittee, 1981-1987

Toxic Substances and Environmental Oversight, 1981-1989 and 1993-1995

Environmental Protection, 1987-1993

Hazardous Wastes and Toxic Substances, 1987-1989

Superfund, Ocean and Water Protection, 1989-1995 [In 1993 the name changes to Superfund, Recycling and Solid Waste Management.]

Judiciary Committee, 1979-1997

Constitutional Subcommittee, 1979-1981

Improvements in Judicial Machinery, 1979-1981

Courts, 1981-1987

Regulatory Reform, 1981-1983

Separation of Powers, 1983-1985

Patents, Copyrights and Trademarks, 1985-1995

Antitrust, Business rights and Competition, 1995-1997

Youth Violence, 1995-1997

Immigration and Refugee Policy, 1981-1997, Chairman, 1981-1987 and 1995-1997

Veteran's Affairs, 1979-1997, Chairman, 1981-1985

Special Aging Committee, 1987-1997, Chairman, 1995-1997

Finance Committee, 1995-1997

Long-term Growth, Debt and Deficit Reduction, 1995-1997

Medicare, Long-Term Care and Health Insurance, 1995-1997

Social Security and Family Policy, Member and Chairman, 1995-1997

Years of EMK's Committee Overlap:

Judiciary Committee, 1979-1997, EMK Chairman, 1979-1981

Judiciary Subcommittee for Improvements in Judicial Machinery, 1979-1981

Judiciary Subcommittee for Patents, Copyrights and Trademarks, 1985-1995

Judiciary Subcommittee for Immigration and Refugee Policy, 1981-1997, EMK Chairman, 1987-1995

IMMIGRATION REFORM AND CONTROL ACT OF 1986

Prepared by Nadia Shairzay

Miller Center, University of Virginia, 04/10/06

United States immigration laws were overhauled in 1986 with the passage of the 1986 Immigration Reform and Control Act (S 1200-PL 99-603). This marked the first time that there were a comprehensive revamping of U.S immigration laws since 1952 and the McCarran-Walter Act (PL 82-414) and the subsequent 1965 amendments. Prior to 1986 it was illegal for undocumented workers to enter the country and work in the U.S, but it was not illegal for employers to hire them. The 1986 bill addressed this confusing aspect by enacting employer sanctions. Employers who knowingly hired illegal immigrants would be fined, or in some cases, jailed. The bill also provided amnesty to illegal aliens who had been living in the United States prior to January 1, 1982. The bill had to balance the conflicting interests of controlling the entry of illegal immigrants, while also not undermining groups who relied upon undocumented workers, namely Western growers. To address the needs of the latter group, the bill provided temporary resident status for 350,000 undocumented workers so long as they could prove that they worked at least 90 days at an agricultural job in the U.S between May 1985 and May 1986. The bill was also significant because, for the first time, it made it illegal to discriminate against legal immigrants. To hear cases of discrimination the bill also established a new office in the Justice Department to investigate employer discrimination. President Ronald Reagan caused some controversy when he signed the bill stating that he interpreted the anti-discrimination provisions to require proof of the employer's "discriminatory intent." This upset some Democrats in Congress and Hispanic interest groups.

Impetus for the 1986 legislation started in 1978 with President Jimmy Carter's Select Commission on Immigration and Refugee Policy. Senator Edward Kennedy (EMK) was a member of the select commission. In 1981 the select commission became a subcommittee of the Senate Judiciary Committee. There were three members, EMK, Senator Alan Simpson (R-WY) and Senator Dennis DeConcini (D-AZ). Simpson was the chairman. Based upon the findings of the select commission and pressure from Western and Southern states to curb the number of illegal immigrants, Reagan in 1981 proposed a series of immigration reform measures. The administration's reforms called for increased border patrol enforcement, employer sanctions and a temporary worker program for 50,000 workers from Mexico. Simpson and Chairman of the House Subcommittee on Immigration, Romano Mazzoli (D-KY), joined forces to get new immigration laws passed through Congress. They crafted S 2222/H.R. 7357 which included the administration's proposals as well as the creation of a national identity card. Throughout the bill's history, EMK opposed national identity cards and employer sanctions, arguing that they could cause employers to discriminate against Hispanic workers. In 1982 the Senate passed this bill, although Congress was unable to complete action on it before adjournment.

Between 1981 and 1986, Simpson and Mazzoli proposed their immigration reform bill many times, until it finally passed Congress in 1986.

1981 The Select Commission on Immigration and Refugee Policy became the Senate Judiciary Subcommittee for Immigration and Refugee Policy. The Commission's report became incorporated into Reagan's immigration reform plan. This included increased border patrols, employer sanctions and a temporary guest worker program. Simpson and Mazzoli proposed a comprehensive overhaul of

immigration law with S 2222 in August. The bill was based on the findings of the Select Commission and on Reagan's immigration plan.

1982

The Senate Judiciary Committee reviewed S 2222 in May. The Simpson-Mazzoli bill offered permanent residence to those who had entered the U.S before January 1, 1978. In committee, EMK proposed an amendment to change the date to January 1, 1982. The committee passed this amendment with a vote of 8-6. EMK proposed an amendment to require that the president, after three years, certify that the employer sanctions were not discriminating against workers. The amendment was rejected, 3-12. On May 27, the Senate Judiciary Committee voted 16-1, to report S 2222. EMK cast the only dissenting vote.

On August 17, the Senate passed S 2222, 80-19. Hispanic groups protested the legislation, arguing that the employer sanctions would cause employers to discriminate against Hispanics. While the bill was on the Senate floor, EMK again proposed an amendment to require a presidential review of the sanctions. It was rejected, 22-69.

The House version of S 2222, HR 7357, received stiff opposition from Hispanic groups like the Congressional Hispanic Caucus and the Mexican American Legal Defense Fund. The AFL-CIO supported the employer sanctions but wanted more control over the temporary worker program. The House was unable to act on HR 7357 before adjournment and the bill died.

1983

In April, S 529 (newly-introduced Simpson-Mazzoli legislation, similar to S 2222) was reviewed in the Senate Judiciary Committee. EMK proposed three amendments, which were rejected. The first was a new addition to the bill and would require presidential certification that the sanctions were not discriminatory after five years. The second was to increase the immigration quota from the bill's 425,000 to 465,000. Finally, the third amendment sought to change the eligibility date for temporary resident status from January 1, 1980 to December 31, 1981. The committee voted to report the bill, 13-4. EMK and Senators John East (R-NC), Howell Heflin (D-AL) and Dennis DeConcini (D-AZ) voted against it.

S 529 was debated in the Senate in May. EMK continued to oppose the employer sanctions although he did work with Simpson to create an amendment to expand judicial review for those who were denied political asylum. EMK proposed two amendments to provide for a review of the employer sanctions and to change the eligibility date for temporary resident status from January 1, 1980 to December 31, 1981. Both were rejected. On May 18, the Senate passed S 529, 76-18.

On October 4, House Speaker Tip O'Neil (D-MA) prevented the House version of the bill, HR 1510, from coming to the floor. O'Neil did this because of opposition from the Congressional Hispanic Caucus, his belief that Reagan would veto the bill and to court the Hispanic vote for his upcoming election.

- 1984** With S 529 having already been passed by the Senate in 1983, the Simpson-Mazzoli legislation, HR 1510 was once again brought before the House. On June 20, the House narrowly approved the bill 216-211. The bill ultimately failed to pass Congress and died in conference. In July during the National Democratic Convention, Hispanic delegates and interest groups voiced strong qualms about the bill. In late July, the White House said that HR 1510 was not feasible because it was too expensive. HR 1510 granted reimbursement to states to cover the costs of the amnesty program. These factors prevented the conferees from reaching a compromise before Congress adjourned.
- 1985** In July the Senate Judiciary Committee reviewed S 1200, immigration legislation proposed by Simpson and Mazzoli. S 1200 included employer sanctions, a guest worker program and the option to legalize illegal immigrants in the U.S before 1980 if it was determined that S 1200 was successful in cutting back on illegal immigration. This legalization program would happen three years after the passage of the bill. In committee EMK proposed an amendment to start this legalization program right after the bill was passed. This amendment was rejected, 6-8. The committee voted to report S 1200 on July 30. The vote was 12-5, with EMK voting against the bill.
- On September 19, the Senate passed S 1200, 69-30. EMK proposed two amendments, one, to end employer sanctions after three years if they proved to be discriminatory and, two, to start the legalization program after the bill's passage. Both amendments failed. The House postponed action on the bill until 1986.
- 1986** In July the Senate Judiciary Committee reviewed S 1200, immigration legislation proposed by Simpson and Mazzoli. S 1200 included employer sanctions, a guest worker program and the option to legalize illegal immigrants in the U.S before 1980 if it was determined that S 1200 was successful in cutting back on illegal immigration. This legalization program would happen three years after the passage of the bill. In committee EMK proposed an amendment to start this legalization program right after the bill was passed. This amendment was rejected, 6-8. The committee voted to report S 1200 on July 30. The vote was 12-5, with EMK voting against the bill.

1990 IMMIGRATION ACT

Prepared by Nadia Shairzay

Miller Center, University of Virginia, 04/06/06

In the late 1980s Senator Edward Kennedy (EMK) collaborated with Senator Alan Simpson (R-WY) to craft immigration reform to change the visa system and let in more skilled immigrants. The effort culminated in 1990 with the passage of PL 101- 649, the 1990 Immigration Act, (S 358). EMK sponsored immigration reform legislation in 1965 to get rid of the national quota system. This had the effect of favoring immigrants with immediate relatives in the U.S. An unintended consequence was that 90% of those who subsequently came to the U.S. were from Asia and Latin America. Seeking to redress this imbalance and to make it easier for immigrants with needed skills to come to the U.S, EMK and Simpson created a category of “diversity” visas to benefit immigrants from countries who had not benefited from the 1965 law. Of the bill EMK said, “By rejecting the imbalances which have inadvertently developed in recent years, we will again open our doors to those who no longer have immediate family ties to the United States.”

The 1990 Immigration Act also increased immigration from 500,000 to 700,000 for three years, with 675,000 annually thereafter. These numbers did not include refugees or those seeking asylum. As a result of the mid-1980s civil war, many Salvadorans had fled El Salvador to seek refuge and asylum in the U.S illegally. To protect Salvadoran refugees, the bill granted them an 18-month stay of deportation. This provision had its roots in legislation granting a stay of refugee deportation, which passed the House in 1987 (HR 618 and its counterpart, S 332). The 1990 Immigration Act was supported by many ethnic groups for increasing the immigration quota.

The precursor for the 1990 legislation was a bill that was sponsored by EMK and Simpson in 1988 (S 2104). The 1988 bill (enacted as HR 5115--PL 100-658) increased immigration, particularly from Western Europe. It provided for 5,000 visas to go to residents from countries that had little immigration to the U.S in the last 20 years. The main focus of the bill was Ireland in response to a finding by the Irish Embassy in Washington, D.C. that 35,000 to 50,000 Irish were in the U.S illegally and that many were living in Massachusetts. This bill also had a provision to allow for foreign nurses to come and stay in the U.S to alleviate the shortage of nurses.

1987 The Senate Judiciary Committee considered legislation (S 332) to temporarily suspend the deportation of illegal Salvadoran immigrants in the U.S for two years. Senator Dennis DeConcini (D-AZ) was the chief sponsor and Simpson was the chief opponent. During debate in committee, EMK successfully had illegal Nicaraguan immigrants included as well. Simpson was the main Senate opponent to the bill.

On July 28, the House passed HR 618 (its version of S 332). The bill covered about 500,000 Salvadorans and 200,000 Nicaraguans. Opponents of the bill argued that it would embarrass President Ronald Reagan and his support of Salvadoran president, Jose Napoleon Duarte, whom the U.S helped put into power. Proponents of the bill argued that the bill was necessary owing to human rights violations in El Salvador and Nicaragua. While Daniel Ortega, the president of Nicaragua, did not support the bill, Duarte did. He argued, not for human rights

reasons, but because Salvadoran immigrants in the U.S were helping El Salvador by sending \$350 million to \$600 million annually to their families in El Salvador.

1988 On March 15, S 2104, introduced by Simpson and EMK and which would later be enacted as HR 5115- PL 100-658, passed the Senate. The House passed the measure on October 5. The bill allowed for more immigrants from Ireland and sought to alleviate the shortage of nurses in the U.S

On November 15, Reagan signed HR 5115--PL 100-658 into law.

1989 In June, the Senate Judiciary Committee discussed S 358, a bill to attract skilled immigrants. The bill was sponsored by EMK and Simpson, although EMK did not support Simpson's immigration point system that would favor English fluency. Asian-American and Hispanic groups were concerned about such language requirements. The language provision was dropped after only Simpson and Senator Strom Thurmond (R-SC) voted to do so.

The Senate approved S 358 on July 13, but the House failed to act on the measure. S 358 sought to put the first ceiling on legal immigration, while also expanding immigration and the emphasis on immigrant skills. The bill put a ceiling on annual visas at 630,000 and created a two-tiered visa allocation system. This allowed for family unification but with more of a focus on immediate family than previous law. The two-tiered system also placed importance on immigrant skills. In the first tier, 480,000 visas were for family immigration. This tier was broken down into family preferences. The first category was for unmarried adult sons and daughters of U.S citizens (24,200 visas); the second was for spouses, and unmarried sons and daughters under the age of 26 for permanent residents (148,000 visas, plus any leftover visas from the first category). The third category was for married sons and daughters of U.S citizens (23,000 visas, plus leftover visas from the first two categories) and finally, brothers and sisters of adult U.S citizens (64,800, plus leftover visas from the first three categories). In the second tier, 150,000 visas were for the new independent category or immigrant skills category.

On November 2, the Senate Judiciary Committee approved S 458, which suspended the deportation of illegal immigrants from El Salvador and Nicaragua for two years. EMK and Senator Paul Simon (D-IL) were supporters of the bill, while Simpson opposed it. Action on the measure was stalled when the House counterpart, HR 45 was stymied in the Senate Immigration Subcommittee.

1990 The House passed S 358 on October 27. Originally the House proposed an increase in immigration to 800,000 in the first three years. In conference the compromise was an increase to 700,000 for the first three years, with a reduction to 675,000 thereafter.

President George H.W. Bush signed S 358- PL 101-649 on November 29.

SENATOR ALAN K. SIMPSON AND THE CLARENCE THOMAS NOMINATION

Prepared by Nadia Shairzay

Miller Center, University of Virginia, 04/10/06

The retirement of Supreme Court Justice Thurgood Marshall in the summer of 1991 left a vacancy on the Court which sparked intense controversy. President George H.W. Bush nominated D.C. Court of Appeals Judge Clarence Thomas to the Court in July. Thomas was a conservative and did not support affirmative action. Civil rights groups and women's organizations opposed the nomination arguing that with Thomas's appointment, the future of affirmative action programs and a women's right to choose would be in jeopardy.

The Senate Judiciary hearings of the Thomas nomination began in September. Senator Edward Kennedy (D-MA) (EMK) opposed the nomination while Senator Alan Simpson (R-WY) supported it. EMK and other Democrats were concerned when Thomas declined to talk about judicial issues he had previously written about. In response to this EMK said, "The vanishing views of Judge Thomas have become a major issue in these hearings....If we permit [nominees] to dismiss views full of sound and fury as signifying nothing, we are abdicating our constitutional role" (*Clymer*, 495). A few weeks into the hearings, allegations that Thomas sexually harassed Anita Hill, a law professor at the University of Oklahoma, surfaced. Ricki Seidman, an aide for EMK on the Labor Committee, was tipped off to Anita Hill and brought the charges before the committee. It was charged that Thomas sexual harassed Hill when they were colleagues at the Department of Education and Equal Employment Opportunity Commission (EEOC) in the late 1980s. The committee did not investigate these charges deeply and the committee deadlocked on the nomination. This changed after Hill's allegations were leaked to *Newsday*, a Long Island, NY, paper, and to Nina Totenberg, a reporter with National Public Radio (NPR). Women's groups voiced outrage that the committee did not closely investigate these claims and protested the nomination. Women contacted the offices of their Senators, calling on them to thoroughly investigate the charges.

The intense publicity pushed the committee to launch a second round of hearings. Hill and Thomas both testified and the hearings turned into a televised drama. On the first day, Thomas defended his innocence, saying, "Throughout the time that Anita Hill worked with me, I treated her as I treated my other special assistants. I tried to treat them all cordially, professionally and respectfully" (1991 *CQ Almanac*, 283). When Hill testified she defended her charges and explained how she tried to counter Thomas's harassment: "Because I was extremely uncomfortable talking about sex with him at all, particularly in such a graphic way, I told him that I did not want to talk about the subject. I would also try to change the subject to education matters or to non-sexual personal matters...." (1991 *CQ Almanac*, 284).

Simpson was a vocal member of the committee who sought to discredit Hill. In his book, *Right in the Old Gazoo*, Simpson wrote that when Hill first talked to committee staff, she did not allege sexual harassment, but instead just wanted to committee members "to be aware of his behavior" (*Right in the Old Gazoo*, 210). Simpson argued that the committee understood the seriousness of sexual harassment, but did not act on Hill's information because it was her word against Thomas's and that no one else had accused Thomas of harassment. When the allegations became public, Simpson and Totenberg engaged in a heated debate on the show, *Nightline*. Simpson argued that Totenberg and the media were biased against Thomas. Upset about the allegations and the media attention, Simpson said in committee, "And now, I am really getting stuff over the transom about Professor Hill. I've got letters hanging out of my pockets. I've got

faxes. I've got statements from her former law professors, statements from people that know her, statements from Tulsa, Oklahoma, saying, 'Watch out for this woman!' But nobody has got the guts to say that because it gets all tangled up in this sexual harassment crap!" (*Right in the Old Gazoo*, 218). Simpson received criticism over his remarks during the Hill hearings. Speaking to Simpson about this, Betty Freidan said, "Men and women are absolutely outraged.... This is a week that is going to leave a lasting mark on history, and a lasting mark of shame on the Senate of the United States" (*Washington Post*, 10/16/1991). Richard Reeves, in an editorial for the */Atlanta Journal and Constitution/* wrote that Simpson was "the Republican Party's designated thug" (*Atlanta Journal and Constitution*, 10/19/1991).

In contrast to Simpson, EMK mostly laid low during the Hill hearings, owing to the Palm Beach scandal. In March of 1991, EMK's nephew, William Kennedy Smith, was charged with rape in Palm Beach, Florida, after he had been out to a bar with EMK and EMK's son, Patrick Kennedy. EMK did not want to get involved in another sexual harassment case and also, according to Clymer, because his involvement might have discredited Hill's charges (later in 1991, Smith was acquitted). EMK spoke on the third day of the hearings, saying in part, "We heard a good deal about character assassination yesterday, and I hope we are going to be more sensitive to the attempts of character assassination on Professor Hill. They are unworthy. They are unworthy" (*Clymer*, 498). Owing to his lack of involvement, EMK faced criticism in the media. Syndicated columnist Anna Quindlen wrote, "[EMK] let us down because he had to; he was muzzled by the facts of his life." An editorial in the */Boston Globe/* wrote that incidents such as Chappaquiddick, Palm Beach, and other "reports of reckless behavior by Kennedy have diminished his moral authority" (*Clymer*, 499).

After hearing testimony by character witnesses on both sides, most senators said that the allegations were inconclusive. Thomas was confirmed by the Senate in October with the closest vote for a Supreme Court Justice in more than a century, 52-48. Thomas was the second African-American to serve on the Supreme Court and at 43, was the youngest Justice on the Rehnquist Court.

After the hearings ended, Simpson at a fundraiser in Wyoming said of his behavior during the Thomas nomination that, "I have been riding high, a bit too cocky, arrogant, yeah, too smart by half sometimes... I think it's time for a little honest reassessment, and I'll be doing that... I do not blame the media for anything, nothing. I do not blame active feminist groups, for anything, nothing.... The responsibility is mine and I shall handle it and handle it well" (*USA Today*, 10/28/1991). Many in the press saw this as Simpson's apology, while Simpson maintained that he was only taking responsibility for his actions.

1991

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| <i>July</i> | On the 30 th , Bush nominated Thomas to the Court. |
| <i>September</i> | <p>The Thomas hearings started on the 10th, before the Senate Judiciary Committee.</p> <p>The Senate Judiciary Committee deadlocked on the Thomas nomination, 7-7 on the 27th. Hill's sexual harassment charges were known, but were not given much attention. EMK voted against the nomination and Simpson voted for it.</p> |
| <i>October</i> | Hill's harassment charges were leaked to a Long Island newspaper and to NPR reporter Nina Totenberg. |

On the 11th, the second round of hearings started.

Thomas was confirmed by the Senate on the 15, with a vote of 52-48.