



EDWARD M. KENNEDY ORAL HISTORY PROJECT

Interviewer's Briefing Materials **Lowell Weicker Interview, 06/19/2009**

Robert A. Martin, Research Director

Miller Center Documents¹

- Lowell Weicker Timeline.
- Lowell Weicker Fact Sheet.
- U.S. Sanctions on South Africa Overview Memo.
- American with Disabilities Act Overview Memo.

Secondary Source Materials

- Lowell Weicker bio, <http://bioguide.congress.gov>.
- Lowell P. Weicker, Jr., with Barry Sussman, *Maverick: A Life in Politics* (New York: Little, Brown, and Co., 1995) pp. 136-153.
- Adam Clymer interview with Orrin Hatch, John F. Kennedy Presidential Library, 02/27/1992.
- Adam Clymer, *Edward M. Kennedy: A Biography* (New York: William Morrow and Co., 1999) pp. 408-409, 410-412, 432-434, 437-439, 449-456, 470-472.
- Julie Rovner, "\$635 Million Authorization: Senate Labor OKs AIDS Bill, but Delays Testing Decisions," *CQ Weekly*, 06/20/1987.
- Julie Rovner, "After Fiery Debate, Senate Passes AIDS Bill," *CQ Weekly*, 04/30/1988.

Oral History Interviews

- Edward M. Kennedy interview, Kennedy Oral History Project, Miller Center, University of Virginia, 01/07/2008.
- Edward M. Kennedy interview, Kennedy Oral History Project, Miller Center, University of Virginia, 08/07/2007.
- Orrin Hatch interview, Kennedy Oral History Project, Miller Center, University of Virginia, 05/24/2006.

¹ These are original documents created by Miller Center researchers for the Edward M. Kennedy Oral History Project. Please acknowledge credit for any use of these materials.

- Ralph Neas interview, Kennedy Oral History Project, Miller Center, University of Virginia, 11/14/2006.
- Mike Frazier interview, Kennedy Oral History Project, Miller Center, University of Virginia, 03/29/2007.
- Richard Lugar interview, Kennedy Oral History Project, Miller Center, University of Virginia, 03/06/2009.
- C. Everett Koop interview, Kennedy Oral History Project, Miller Center, University of Virginia, 09/25/2007.
- Mathilde Krim interview, Kennedy Oral History Project, Miller Center, University of Virginia, 12/12/2007.
- Michael Iskowitz interview, Kennedy Oral History Project, Miller Center, University of Virginia, 04/21/2008.
- Carolyn Osolinik interview, Kennedy Oral History Project, Miller Center, University of Virginia, 03/27/2007.

Other

- John McNamara, *“Notes on South Africa.”*

LOWELL WEICKER (R-CT) TIMELINE

Prepared by Mark D. Nevin; revised by Janet E. Heininger, Ph.D., 06/16/09

Miller Center, University of Virginia, 06/10/2009

- 1931** Lowell Palmer Weicker, Jr. is born in Paris, France, to American parents. (*Biographical Directory of the U.S. Congress*)
- 1953** Weicker graduates from Yale University.
- 1953-1955** Weicker serves in the U.S. Army.
- 1958** Weicker graduates from the University of Virginia Law School. Edward M. Kennedy (EMK) graduates from the University of Virginia Law School one year later in 1959. Robert F. Kennedy had graduated from UVa Law School in 1951.
- 1962-1968** Weicker serves in the Connecticut General Assembly.
- 1969-1971** Weicker serves in the U.S. House of Representatives.
- 1970** Weicker is elected to the U.S. Senate as a Republican from Connecticut. He serves from 1971 to 1989. In his autobiography, Weicker calls Jacob Javits (R-NY) his “mentor” and lists EMK as one of his few “personal friends” in the Senate. “These friendships,” writes Weicker, “sprang from common interests and beliefs . . . [from] bonds continually forged of the floor of the Senate.” (Lowell P. Weicker, Jr., with Barry Sussman, *Maverick: A Life in Politics*, New York: Little, Brown, and Co., 1995, p. 153; *Biographical Directory of the U.S. Congress*)
- 1974** Weicker serves on the Senate Watergate Committee and is an outspoken critic of the Nixon administration. EMK’s Ad Prac subcommittee had ended its own investigation the year before and turned its materials over to the newly created Watergate Committee in February, 1973. (*The Washington Post*, 06/30/1974)
- 1980**
- November* Republican Ronald Reagan captures the presidency, and Republicans gain control of the Senate. EMK loses his chairmanship of the Labor Committee to Orrin Hatch (R-UT). Robert Stafford (R-VT) asks Weicker to join the Labor Committee to create, along with EMK and the Democrats, a moderate majority to restrain Hatch and the other conservative Republicans on the committee. Weicker later writes that he was “in continual tug of war with those who were advancing the so-called Reagan revolution.” (Weicker, pp. 136-137) Weicker is named Chairman of the Subcommittee on the Handicapped. As ranking minority member of the Labor Committee, EMK is an *ex officio* member of Weicker’s subcommittee.

1981

Early

Weicker and Stafford work with EMK and other Democrats on the Labor Committee to block an administration budget reconciliation plan, which calls for most federal aid on education and health to be converted into giant block grants for the states. EMK initially reaches out to Weicker, going to his office to discuss the issue. After the meeting, John Doyle, staff director of Weicker's subcommittee on the handicapped, tells Weicker he was surprised by EMK's grasp of the issue. "Don't act surprised," Weicker tells Doyle, "Ted Kennedy is one of the brightest and most persuasive people in the Senate." After the legislation fails to make it out of committee, Weicker and Stafford meet with Republican leaders and manage to preserve separate authorizations for some programs, including the two largest federal public school programs. Neighborhood health clinics, which EMK secured the initial funding for in 1966, are included in a health block grant, but the grant requires states to continue funding the clinics and includes other restrictions. (Clymer, pp. 87-88, 326; Weicker, p. 145; *1981 CQ Almanac*, pp. 464, 487)

1983

Weicker is named Chairman of the Appropriations' Subcommittee on Labor, Health & Human Services and Education. His subcommittee is responsible for the health budget. Weicker serves as chairman until 1987. (*CQ Weekly*, 06/20/1987)

1984

December

As anti-apartheid riots heat up in major U.S. cities such as Washington D.C., Boston, New York, and Chicago, Weicker and nineteen members of House are arrested after picketing outside the South African embassy in Washington. EMK's niece Rory Elizabeth Kennedy and nephew Douglas Harriman Kennedy are also arrested during the protests. (*The Washington Post*, 12/07/1984; *The New York Times*, 12/07/1984; *1986 CQ Almanac*, p. 360)

1985

January

EMK and several Kennedy family members visit South Africa to focus international attention on apartheid. EMK had initially been asked to visit South Africa while meeting with the Reverends Desmond Tutu and Alan Boesak in Washington, D.C. the previous October. In 1966, RFK had travelled to South Africa and spoken out against apartheid. While there, EMK meets with Winnie Mandela and speaks in favor of divestiture. Although many American companies had been divesting themselves of their investments in South Africa, the Reagan administration was pursuing a policy of "constructive engagement." (Clymer, pp. 363-371)

March

On the 7th, EMK and Weicker introduce the Anti-Apartheid Act (S. 635) which would impose economic sanctions on South Africa. The measure would prohibit new loans by U.S. Banks to the government of South Africa, the sale of

computers to the South African government, new investment in South Africa by U.S. companies, and the importation of Krugerrands, a highly prized gold coin. EMK says, "We cannot continue policies that actually encourage Americans to invest in racism or profit from apartheid." He criticizes the Reagan administration's policy of quiet diplomacy. On the 21st, however, Secretary of State George Schultz tells a House hearing that "the system of apartheid is totally repugnant to me, the Administration, and the President." Later in the month, Senator Richard Lugar (R-IN), now chairman of the Foreign Relations Committee, brings a bill out of his committee that warns sanctions will come in two years if "significant progress" is not made. (Clymer, pp. 376-377)

On the 21st, South Africa police fire on demonstrators in Uitenhage, killing 19 people. It is the worst incident of violence since the Sharpeville Massacre 25 years earlier.

On the 26th, EMK and Weicker introduce a resolution (S.J. Res. 96) condemning the killings in Uitenhage and calling for an investigation by the Secretary of State. After Lugar objects to the resolution being considered by the Senate, EMK and Weicker announce the intention to offer S. 635 as rider to other legislation if the Foreign Relations Committee does not act on South Africa.

April The Senate passes S.J. Res. 96 endorsing Schultz's statement condemning apartheid by a vote of 89 to 4. EMK and Weicker both testify before the Banking Committee, which shares jurisdiction over their bill. On the 24th, EMK and Weicker testify before the Foreign Relations Committee after Lugar promises to hold hearings on South Africa. (Clymer, p. 377)

June The Foreign Relations Committee votes down the Kennedy-Weicker bill by a 9-7 party-line vote. But the Committee (16-1) adopts a similar South African sanctions bill backed by Republicans Mitch McConnell of Kentucky and Bill Roth of Kentucky. Their bill would ban nuclear cooperation with South Africa and prohibit new loans and computer sales to the South African government, but not new investment in private companies. The final bill also includes a Lugar provision requiring U.S. companies doing business in South Africa to provide non-discriminatory working and living arrangements for their employees. The House adopts a stronger measure that would bar investment with private companies. (Clymer, p. 378)

July On the 11th, the Senate (80-12) passes the South Africa sanctions bill. At the end of the month, House and Senate conferees finally meet to reconcile the two versions of the bill. The House agrees to drop its prohibition on new investment; the Senate agrees to ban Kruggerands. The House subsequently passes the new bill (380 to 48) on August 2nd, but Congress leaves for summer recess before final action on it after Jesse Helms (R-NC) blocks a vote in the Senate. (Clymer, pp. 379-380)

On the 21st, a state of emergency is declared in South Africa.

- September* After Lugar tells Reagan to sign the sanctions bill because a veto would be overturned, the President issues an executive order that bars computer sales and most news loans to South African government, and prohibits most nuclear cooperation. (Clymer, p. 380)
- EMK objects that the executive order is too weak and could be revoked, but he fails (53 to 34) to override the Helms veto after Lugar and Majority Leader Robert Dole (R-KS) rally Republicans behind the President. A subsequent vote (57 to 41) again fails to override the filibuster, with EMK attacking Republicans and Republicans attacking him. Republican leaders then take the extraordinary step of removing the bill from the Senate chamber to prevent further consideration of it. Regan eventually bans the Kruggerand after Lugar, tiring of the administration delaying tactics, threatens to reconsider the bill. (Clymer, pp. 380-381)
- 1986** Weicker introduces the first version of the Americans with Disabilities Act, which would give the disabled broader protections against bias in public accommodations and employment. (Clymer, p. 449)
- February* Weicker leads the charge against the administration's proposed cuts for funding in education for the handicapped. He calls a White House reception celebrating Public Law 94-142, better known as the All Handicapped Children Act, "hypocrisy" and says that if "the administration really wants to celebrate [the act] it's going to take a lot more than rhetoric and refreshments." The ten year-old law assures the right of disabled children to received a free public education in the least restrictive environment possible. The administration had advocated an additional \$44 million cut in the program on top of cuts already mandated. Weicker, who has a son with Down's syndrome, declines to attend the reception. (*The Washington Post*, 02/22/1986)
- May* On the 5th, EMK, Weicker, and Representative William H. Gray III, a black minister from Philadelphia, introduce new and much stronger sanctions legislation. The measure would ban all new investment and bank loans to South Africa and bar U.S. help for developing the country's energy resources. It would also bar U.S. imports of coal, uranium, and steel, ban South African airlines from entering the U.S., bar U.S. deposits in South African banks, and keep South African countries off U.S. stock exchanges. (Clymer, p. 396)
- June* The Houses passes legislation that would impose a trade embargo on South Africa and require all 284 U.S. companies doing business there to leave in 180 days. EMK praises the measure and introduces it in the Senate. (Clymer, p. 396)
- July* On the 21st, EMK and Weicker hold a forum on South Africa at which United Nations ambassadors from Botswana and Zamiba, two countries bordering South Africa, call for sanctions. Former ambassador Malcolm Wilson, the head of the

Eminent Persons' Group, a committee of Commonwealth leaders that had been trying to find a solution to the situation in South Africa, told the forum that only alternative to sanctions was "a guerilla war." The night before EMK had hosted a dinner at his home for the Commonwealth leaders and Senators Nancy Kassebaum (R-KS), chair of the Subcommittee on African Affairs, and Lugar, in which the leaders made the case for sanctions. Kassebaum, Lugar, and Dole met the President on the 21st and urged him to announce a change in his policy toward South Africa the following day. Also on the 21st, EMK criticizes the President's failure to denounce the South African government in an op-ed article in the *New York Times*.

On the 22nd, a few hours before Reagan's speech, EMK testifies before Lugar and the Foreign Relations Committee and makes the case for sanctions. Reagan, against the advice of Lugar, Kassebaum, Dole, and Shultz, does not criticize the South African government for apartheid, only its use of force against protestors. The next day Schultz suggests that the administration might be willing to join with Europe to impose sanctions but asks the committee not to mandate them by law. EMK, sitting in with the committee, praises Schultz but calls administration policy an "unmitigated disaster."

On the 26th, EMK keeps the pressure on Reagan by giving the Democrats radio response to the President's weekly broadcast, in which he calls apartheid "the greatest moral challenge facing the earth" and criticizes the administration for failing the test. At the same time, he keeps lines of communication open with Lugar and Schultz and presses Dole for quick action on sanction legislation before the summer recess.

August

On the 1st, the Foreign Relations Committee (15 to 2) votes for a bill based largely on a proposal by Lugar that would impose several sanctions targeted at the South African government and demand steps toward dismantling apartheid under the threat of stronger sanctions in a year. The bill does not go as far as the EMK-Weicker bill. Lugar stresses the need for a bill that would attract enough votes to override a presidential veto. (*CQ Almanac*, pp. 364-365)

On the 14th, EMK and Lugar open the Senate debate on sanctions. Helms, with Lugar's and Dole's support, introduces an amendment that sets conditions, most importantly the renunciation of violence, for the ANC to meet before the United States would demand that the Pretoria government enter into negotiations with it. Helms says he wants the bill to be "evenhanded," criticizing the African National Congress as well as the South African government for the problems of South Africa. EMK calls the Helms Amendment a "killer amendment." Weicker attacks the amendment as a perversion of the bill's intent to change the actions of "the government of Pretoria not those on whose neck they have their foot." Weicker negotiates a compromise amendment with Helms that calls on both the South African government and the African National Congress to renounce violence.

Helms agrees to refrain from offering any of the fourteen other amendments he had planned to add. (Clymer, pp. 400; *1986 CQ Almanac*, pp. 366-367)

Also on the 14th, EMK is able to add his own amendment that bans imports of South African agricultural products, iron and steel, and prohibits exports of crude oil and petroleum products. EMK's bill was originally tabled, but EMK withdrew a provision extending the ban on bank loans to South Africa, which gained several more supporters. It passes on a voice vote after a second effort to table the bill fails. EMK also cosponsors an amendment with Weicker tightening several sanctions in the bill. (*1986 CQ Almanac*, pp. 366-367; *The Washington Post*, 08/15/1986)

On the 15th, the Senate (84-14) approves the South African sanction bill, after substituting the text of the Senate measure into the House bill. (*1986 CQ Almanac*, pp. 366, 43-S)

September EMK and Lugar successfully work to get the House to pass the Senate version of HR 4868 to avoid a conference. On the 12th, the House overwhelmingly (308-77) passes the Senate version of the bill. On the 26th, Reagan vetoes the bill. (Clymer, pp. 400-401; Lugar, pp. 234-235; *1986 CQ Almanac*, pp. 361; *The New York Times*, 09/24/1986)

October The Senate (78-21) follows the House (313-83) and overrides Reagan's veto, imposing economic sanctions against South Africa. The Reagan administration tries to forestall the override promising to issue another executive order, without EMK's more stringent sanctions, if Lugar and Dole worked to sustain the President's veto. Lugar, however, refuses saying the deal would "foster the impression that the United States is an 'apologist' for the South African Government racial policies." It is the first foreign policy override since the 1973 War Powers Act. The bill imposes a series of sanctions on South Africa, including the ending of landing rights for South African planes in the U.S. It also calls for the release from prison of African National Congress (ANC) leader Nelson Mandela and a timetable to eliminate apartheid under the threat of further sanctions. Weicker notes that, during his 16 years in the Senate, "nothing was done, as much by this senator as by anybody else, but that now Congress was speaking out against 'the greatest moral wrong of our time.'" (Clymer, pp. 402; *1986 CQ Almanac*, pp. 359, 366)

November Democrats retake the Senate, and EMK regains his chairmanship of the Labor Committee. Weicker loses his chairmanships of Labor's Subcommittee on the Handicapped and the Appropriations subcommittee responsible for the health budget.

1987

- January* EMK assumes leadership of the Senate Labor and Human Resources Committee, where he quickly begin work on five bills covering civil rights, disabilities, national health insurance, the minimum wage, and funding for AIDS treatment, research, and education. EMK also holds the first set of hearings on HIV/AIDS to “raise awareness.” (Clymer, p. 409)
- March* EMK wins Labor Committee approval (12-4) of the Civil Rights Restoration Act, a measure that would overturn the Supreme Court’s 1984 *Grove City v. Bell* decision, which had restricted the application of Title IX of the 1972 Education Amendments to the *program* receiving federal aid, rather than the entire school. For three years EMK had sponsored the legislation but had been unable to get any traction with it. Weicker, and two other Republicans on the committee, Robert Stafford of Vermont and Thad Cochran of Mississippi, vote for the bill. EMK defeats a series of abortion-related amendments and an amendment that would specifically authorize firing anyone with AIDS. Pro-life supporters fear the bill would expand abortion rights, and Catholic bishops fear that it would force Catholic teaching hospitals to perform abortions. The bill, however, stalls in the controversy over the Robert Bork nomination to the Supreme Court. (Clymer, pp. 410-412; 1987 *CQ Almanac*, pp. 281-282)
- June* Reagan appoints a special commission to study the AIDS crisis and recommend policy directives. (*CQ Almanac*, 1988, p. 301)
- The Labor Committee approves an AIDS research bill (S 1220) allocating \$635 million for AIDS education, care, and treatment, and \$326 million for AIDS research. The bill is sponsored by EMK and Hatch. Eventually, a compromise bill (S 1374) is passed, due to staunch resistance from Helms. The compromise bill does not include regulations on testing for AIDS, a bone of contention exacerbated by Helms, who proposed a separate bill (S 1352) mandating federal testing for the AIDS virus. Weicker criticizes the bill for not going far enough to support AIDS research, but later asks that his name be added as a co-sponsor after several minor Weicker amendments are added. Weicker is considered one of the Senate’s experts on AIDS policy for his work chairing the Appropriations subcommittee that handles the health budget. (*CQ Almanac*, 1988, p. 302; Julie Rovner, *Congressional Quarterly Weekly Online*, 06/20/1987, p. 1329)
- December* Reagan’s AIDS commission issues its first report, finding “that there is, both in reality and perception, significant disagreement and controversy at all levels of decision making, public and private, about the many difficult issues surrounding AIDS.” (Julie Rovner, *CQ Weekly Online*, 12/05/1987, p. 2986)

1988

- January* Following delays in 1987, the Civil Rights Restoration Act finally reaches the Senate floor. The bill holds that the discrimination ban for recipients of federal aid holds in all workplace departments, not just the one directly receiving aid. Senator John Danforth (R-MO) successfully amends the bill to allow recipients of federal assistance to refuse to carry out or pay for abortions. In addition, Hatch attempts to limit the bill's applicability to educational institutions, but Dole, concerned about the implications of *Grove City* for the treatment of the disabled, leads a small group of Republicans to oppose this amendment, which is defeated. On the 28th, the bill passes 75-14, with EMK commenting that despite the setback on abortion, the bill itself was still positive. (*1988 CQ Almanac*, p. 65)
- March* On the 2nd, the House passes the Senate civil rights bill again with a veto-proof majority of 315-98. Despite this, Reagan vetoes on the 16th, and religious conservative groups mount an intensive campaign to sustain it. As debate comes to an end in the Senate on the 22nd, EMK remarks; "The arguments of the opponents are awash in hypocrisy. They pay lip service to civil rights, but...when the chips are down, they never met a civil rights bill they didn't dislike." On the 22nd, the Senate and the House overturn Reagan's veto 73-24 and 292-133 respectively. (Clymer, pp. 432-434; *1988 CQ Almanac*, pp. 63-68)
- April* The Senate debates S 1220 (referred to as the "AIDS Awareness Act of 1988"), which passes 87-4 behind the strong support of EMK, Hatch and Weicker. The debate over a series of amendments to the bill creates controversy. Helms successfully attaches a measure that prevents organizations that "promote or encourage, directly, homosexual sexual activity" from receiving federal funds (passed 94-2). Another amendment, passed 97-0, requires AIDS testing of those convicted of sex or drug-related crimes. (Julie Rovner, *CQ Weekly Online*, 04/30/1988, p. 1167)
- Early* Weicker and Tom Harkin (D-IA) co-sponsor an even more sweeping disability rights bill than the one Weicker sponsored in 1986. The new version of the ADA would require all public services and accommodations and most employers to make their facilities handicapped accessible. EMK says years later, "It was, even in my terms, a big bill. They were going to retrofit every subway car in every part of the country and the rest of it." The measure is based on a proposal by a Reagan appointed commission on disability. There is one hearing held on the bill, but there is no serious effort to move it. But the bill's congressional supporters, including EMK, and outside advocates, begin to line up support for the bill. Presidential candidate George Bush endorses the bill a week before he is nominated for president in August. (Clymer, p. 449; *1990 CQ Almanac*, p. 447)
- November* Weicker loses his Senate seat to Democratic challenger Joe Lieberman. (*Biographical Directory of the U.S. Congress*)

1989

- March* EMK replaces Weicker as Harkin's chief co-sponsor of the ADA after Weicker's defeat. Anticipating the need to negotiate with Hatch, drafts of the bill go back and forth between Hatch, Harkin, and the White House. (Clymer, pp. 449-450)
- May* The ADA bill (S 933) is introduced on the 9th with hearings starting the same day. The first hearing opens with testimony from disabled Americans. On the 16th, Dole testifies in general support of the bill, but expresses fear that some of its provisions might invite excessive litigation. He conveys that the Bush administration wants to support the bill, but that they require more time to "get their act together." (Clymer, p. 451)
- June* On the 27th, negotiations between Senate leaders and the White House on the ADA begin. Clymer speculates that administration officials prefer to deal with EMK because Harkin is up for re-election in 1990 and they want to deny him credit for the bill. Bush Chief of Staff John Sununu tells EMK that all rifts can be settled easily if EMK removes his chief civil rights counsel, Carolyn Osolinik, from the negotiating team. EMK calls Osolinik and congratulates her on a job well done. (Clymer, p. 452)
- July* During the month, Senate and White House negotiators meet ten times to discuss the ADA. On the 28th, Senator Dave Durenberger (R-MN), Harkin, Hatch, Dole, and EMK meet in Dole's Capitol office with Attorney General Richard Thornburgh, Harkin aide Bobby Silverstein, Samuel Skinner, Roger Porter, Sununu, and Osolinik. Sununu reportedly loses his temper with Silverstein, after which EMK reportedly gets angry and tells Sununu that yelling at staff is unacceptable. A compromise is engineered in which EMK accepts a provision eliminating damages in lawsuits in exchange for administration acceptance of a broad definition of public accommodation. Furthermore, EMK and Harkin agree to allow businesses to discriminate against a limited listing of sex criminals, pyromaniacs, kleptomaniacs and compulsive gamblers, that could directly threaten business - this was a chief concern of Senators William Armstrong (R-CO) and Jesse Helms (R-NC). All disagreements occurring in negotiation are kept secret until after the bill's passage. (Clymer, pp. 452-453)
- August* The Senate Labor and Human Resources committee approves the ADA bill (S 933) on the 2nd. EMK persuades Hatch not to add an amendment requiring that the bill apply to Congress, as this would give another committee jurisdiction over the bill. EMK promises to fight for the amendment on the floor. (1989 CQ Almanac, p. 243)
- September* On the 7th, the Senate approves its version of the ADA, 76-8, with EMK voting in favor. Support from the Bush administration is reportedly gained when sponsors agree to limit remedies for discrimination to those available under the 1964 Civil

Rights Act and thus not approve compensation. Progress on the House bill is slow due to multiple committees claiming jurisdiction. Only the Education and Labor committee manages to approve the legislation in 1989. (*1989 CQ Almanac*, pp. 243-244, 251-252, 35-S)

1990

- July* On the 13th, the Senate approves the conference report of the ADA 91-6. EMK chairs the conference and votes in favor. The most controversial issue in conference is a House amendment allowing HIV-positive individuals to be transferred out of food-handling jobs. Dole is in favor of the amendment despite his dedication to the ADA, disabled rights groups, and AIDS research, but the amendment is eventually dropped by both the Senate and the House. On the floor, during final consideration of the bill, EMK says “Americans with disabilities deserve more than good intentions. . . . They deserve emancipation from generations of prejudice, some of it well-meaning but all of it wrong-minded.” (*1990 CQ Almanac*, pp. 447, 460, 461, 34-S)
- October* Bush signs the ADA on the 26th (PL 101-336). All of the managers of the bill are invited to the signing ceremony, but Weicker is turned away at the White House gate, apparently on Sununu’s instructions. Dole is the only lawmaker mentioned by Bush during the ceremony. EMK sits on the bleachers in the back of the gathering with his son Teddy. (Clymer, p. 472)
- November* Weicker is elected governor of Connecticut as an Independent. He serves until 1994. (*Biographical Directory of the U.S. Congress*)

LOWELL P. WEICKER, JR. FACT SHEET

Senator, 1971-1989 (R-CT)

Prepared by Mark D. Nevin and Rob Martin

Miller Center, University of Virginia, 06/12/2009

Weicker's committee service with EMK:

- Labor Committee, 1981-1989.
- 1981-1987: Chairman of Labor's Subcommittee on the Handicapped (as ranking minority member on Labor, EMK is ex officio member of all subcommittees and is specifically listed as a member of the Subcommittee on the Handicapped in 1985 and 1986).

Weicker's other major committee service includes:

- Commerce, Senate Watergate Committee, Appropriations, and Energy.
- 1983-1987: Chairman of the Appropriations Subcommittee on Labor, Health & Human Services and Education, which is responsible for the health budget.
- 1981-1986: Chairman of Small Business.

Major issues Weicker worked on with EMK:

- 1981-82: Opposition to Reagan budget cuts/block grants for social welfare programs.
- 1985-86: South Africa sanctions.
- 1986-88: Americans with Disabilities Act.
- 1987-88: AIDS legislation, including EMK's AIDS Awareness Act of 1988 (Weicker is later added as a cosponsor).

Other important Weicker legislation includes:

- 1985: Weicker sponsored the Protection and Advocacy for the Mentally Ill Act (EMK sat on Weicker's Subcommittee on the Handicapped at this time).

Other important EMK legislation during this time includes:

- 1982: Job Training Partnership Act, the extension of unemployment compensation, emergency public works jobs, summer jobs for youth, the Orphan Drug Act, opposition to means-testing for Medicare, Medicare Part B Deductible, a waiting period for handgun purchases, and the Small Business Innovation Development Act.
- 1983: health care for the unemployed, youth unemployment, and hunger field hearings.
- 1984: *Grove City*, Kennedy-Gephardt Medicare Cost Control, and the Women's Educational Equity Act.
- 1985: South Africa, the Drug Export Act, NIH, Social Security cuts, and Medicare-Medicaid fund restoration.
- 1986: South Africa sanctions, COBRA/Omnibus Health Act, infant mortality, catastrophic health insurance, Medicare deductible and AIDS research.
- 1987: fair housing, minimum wage increase, spousal impoverishment provision to Medicare Catastrophic Coverage Act, minimum health benefits for workers, savings bonds for college education, satellite education, and welfare-to-jobs incentives.

- 1988: *Grove City*/civil rights, fair housing, education issues including ESEA and minority medical education, the Older Americans Act, the Developmental Disabilities Act, infant mortality, Comprehensive Child Development Centers, child abuse, polygraph tests in the workplace, hunger, and health manpower.

Weicker's educational background and political experience:

- Weicker graduated from Yale University in 1953 and from the University of Virginia Law School in 1958; EMK earned his J.D. at UVa one year later in 1959.
- Weicker served in the Connecticut General Assembly from 1962-1968.
- He served in the U.S. House of Representatives from 1969-1971.
- He served in the U.S. Senate as a Republican from Connecticut from 1971-1989.
- He lost his re-election bid in 1988 to Democrat Joseph Lieberman.
- 1990-94: Weicker served as governor of Connecticut as an Independent.

U.S. SANCTIONS ON SOUTH AFRICA

Prepared by Anne Mariel Peters

Miller Center, University of Virginia, 04/03/2006

In October 1986, Congress approved an override of President Ronald Reagan's veto of a bill to impose sanctions on apartheid South Africa. The override was the culmination of a two-year long congressional-executive struggle over sanctions and dealt a serious blow to the Reagan administration's policy of "constructive engagement" towards South Africa. As bipartisan support for sanctions grew during 1985, Reagan stood firm on the position that no sanctions legislation should be passed, opting instead to impose his own sanctions through executive order, a move that Senate Majority Leader Bob Dole (R-KS) encouraged Republicans to accept. However, sanctions legislation was passed by Congress in August 1986, and Reagan subsequently vetoed the legislation.

During the Cold War, U.S. policy towards South Africa was two-pronged; it expressed concern about the Pretoria government's policy of apartheid, but it also sought to maintain good relations with a valuable anti-communist ally. The U.S. had steadily increased pressure on South Africa since the John F. Kennedy administration, peaking with the pro-human rights platform of Jimmy Carter. However, when Ronald Reagan became president, he almost immediately relaxed pressure on the South African government, choosing instead to engage in "constructive engagement," whereby more congenial negotiations would be used to encourage South Africa to abandon apartheid. By 1985, constructive engagement faced broad congressional opposition, including from key House Republicans who feared that Reagan's policy would undermine the ability of the Republican Party to attract black voters. This opposition came to the forefront in December 1984, when protesters staged daily rallies outside of the South African embassy in Washington and there was a resurgence of violence in South Africa.

On April 3, 1985, the Senate approved 89-4 a resolution introduced by EMK (S J Res 96) that condemned apartheid in South Africa. Dole voted in favor. On May 2, the House Foreign Affairs Committee approved S J Res 96 by voice vote. On the same day, the committee approved a bill (HR 1460) that would have imposed two immediate sanctions on South Africa, which could be waived for an initial period of one year and successive periods of six months if the Pretoria government demonstrated progress in deconstructing apartheid. The sanctions were:

- Ban on new bank loans to Pretoria government.
- Ban on U.S. computer sales to South Africa that may have increased the ability of the government to track political dissidents and enforce apartheid.

In addition, the House bill would have imposed the following additional sanctions:

- Ban on new investment by U.S. firms in South Africa.
- Ban U.S. purchases of Krugerrands, South African gold coins.

On June 5, the House approved HR 1460 after soundly defeating seven Republican measures to dilute the bill. Although some House Republicans claimed that the measure was too tough for

them to support, fifty-six Republicans ended up supporting the bill. Only three amendments were added, the most important of which was an amendment by Rep. John Conyers (R-MI) to ban the sale of nuclear power technology and equipment to South Africa.

In 1985, the Senate Foreign Relations Committee approved two sanctions bills 16-1, much to the surprise of the Reagan administration. S 998 was approved on March 27, calling for delayed economic sanctions if significant progress against apartheid had not been made in two years. S 995 was approved on June 4; this bill incorporated much of S 998, but made some of the sanctions immediate. S 995 was a compromise of the original bill offered by Senate Foreign Relations Committee Chairman Richard Lugar (R-IN), Senator Charles McC. Mathias (R-MD), and Dole, and a stronger alternative (S 1228) formulated by Senators Chris Dodd (D-CT), Mitch McConnell (R-KY), and William V. Roth, Jr. (R-DE). Defeated 7-9 by the committee were harsh provisions to ban new investment by U.S. firms, the importation of Krugerrands, and technology sales to the Pretoria government. These unsuccessful provisions were taken from a bill sponsored by Senator Lowell Weicker (R-CT) and EMK that was nearly identical to the House bill. As approved by the committee, S 995 contained the following provisions:

- Ban on new bank loans to the Pretoria government.
- Ban on sale of U.S. nuclear technology to South Africa.
- Ban the sale of U.S. computer goods to some South African government agencies.
- Require most U.S. firms in South Africa to comply with the Sullivan Principles, a code of conduct for U.S. businesses operating in South Africa that alleviated apartheid conditions in their own factories and workplaces.

The Senate passed S 995 on July 11 by an 80-12 vote; EMK and Dole voted in favor. Floor manager Lugar faced numerous obstacles as conservatives tried to delay action on the measure and liberals endeavored to add harsher sanctions. Dole filed a successful cloture petition to proceed with debate after Senator Jesse Helms (R-NC) attempted a filibuster. EMK and his allies re-grouped to push for a ban on Krugerrand imports, but dropped this demand in exchange for a GOP pledge to oppose amendments that would further dilute the bill.

On August 1, the House approved the conference report on HR 1460. However, Senators Malcolm Wallop (R-WY) and Helms blocked Senate action by threatening a filibuster. Dole filed a cloture petition again, and set a vote for September 9. During the first week of September, Dole and Lugar pressed the White House to accept the sanctions bill or at least adopt some of its provisions. Hours before the Senate vote on the September 9, Reagan issued an executive order for sanctions on South Africa and declared that he would be forced to veto the sanctions legislation. The executive order imposed the following provisions:

- Ban the importation of Kruggerands.
- Ban the importation of South African-made weaponry.
- Ban the export of computers and computer software to South Africa.
- Ban loans by U.S. banks or companies to the South African government or any of its subsidiaries.
- Ban the export to South Africa of nuclear power equipment not related to humanitarian purposes.

Dole persuaded most Republicans to accept the executive order and not vote for cloture. Accordingly, Dole asked for unanimous consent to put aside the cloture vote; EMK objected, saying that the executive order was too weak, yet Democrats fell short of cloture with a 53-34 vote. Democrats subsequently sought to keep the sanctions issue on the floor with repeated votes, angering Dole, who removed the Senate's copy of the conference report and gave it to Lugar, who locked it in his Capitol hideaway. The bill's absence meant that the Senate could no longer consider it; EMK and Senate Minority Leader Robert Byrd (D-WV) were reportedly furious. When the bill resurfaced two weeks later, the Democratic effort had lost steam.

On June 18, 1986, the House passed HR 4868, which contained a strict substitute sanctions bill proposed by Rep. Ronald Dellums (D-CA). The bill, which was given little hope of passing in the Senate, would have:

- Imposed a comprehensive trade embargo on South Africa.
- Required the 284 U.S. firms operating in South Africa to leave within six months of enactment.
- Banned the sale of Krugerrands in the U.S.
- Denied U.S. landing rights for South African airlines.

In 1986, EMK repeatedly threatened to introduce sanctions legislation as amendments to the defense bill and an extension of the federal debt limit, angering Dole. On July 24, Dole and Byrd began negotiating an agreement that would include both sanctions on South Africa and the \$100 million in aid requested by Reagan to assist Nicaraguan contras. On August 1, one week after Reagan had appealed to Congress to "resist this emotional clamor for punitive sanctions," the Senate Foreign Relations Committee approved 15-2 a strict sanctions bill (S 2701) that was largely based on a proposal by Lugar. On August 5, 1986, Byrd offered a sanctions amendment to the 1987 defense authorization bill, including a cloture petition that would block a contra aid amendment to the bill. This infuriated Dole, who countered with his own amendment coupling sanctions and contra aid, thereby linking an issue important to Byrd (South Africa) and an issue important to Dole (contra aid). By August 9, Byrd and Dole reached an agreement to allow debate on both contra aid and sanctions, including a clause inserted by Dole that would require the Senate to invoke cloture on both sanctions and contra aid before it could pass a bill containing either provision.

On August 13, the Senate passed a military construction appropriations bill containing \$70 million for contra military aid and \$30 million for non-military supplies (this bill had been cleared by the House on June 25). On August 15, the Senate passed 84-14 HR 4868 after substituting the text of the Senate measure into the House bill. Lugar claimed that the overriding goal was to round up at least eighty votes; this would either persuade Reagan to sign the bill, or provide the means to override his veto. Included in this bill were strict measures forbidding the imports of South African iron, steel, and agricultural products, as well as the export of U.S. crude oil and petroleum products. These provisions were introduced by EMK, and were initially tabled on August 14. However, after dropping a provision prohibiting renewals of current loans and short-term credits, the measure was adopted on August 15 despite an effort by Lugar to table it; Dole voted in favor of tabling.

The Senate legislation sought to influence the Pretoria government to:

- Suspend the state of emergency that began in June 1986, and to respect the right to equality of all races.
- Release African National Congress leader Nelson Mandela and his colleagues from prison.
- Remove legal restrictions on the organization of political parties.
- Establish a timetable for dismantling apartheid.

Key provisions of the Senate bill included:

- Ban the operation of South African-owned airlines in the U.S., and U.S. airlines from landing or taking off in South Africa.
- Ban the importation of items produced by South African state-owned industries; textiles and uranium products; iron and steel; coal; agricultural products; and sugar products.
- Bar new U.S. loans to South African businesses owned by non-blacks, and to the Pretoria government.
- Ban exports of crude oil and petroleum products to South Africa.
- All of the sanctions imposed by Reagan's executive order.
- An amendment by Helms calling on the South African government and the ANC to renounce violence. Lugar and Dole supported the Helms amendment, yet EMK claimed that it would alter the bill's original purpose.

On September 12, the House cleared the Senate bill 308-77, eliminating the need for a conference bill.

On September 26, Reagan vetoed the South Africa sanctions legislation. On September 29, the House voted 313-83 to override Reagan's veto of HR 4868. On October 2, the Senate followed suit, voting to override 78-21 and thus enacting HR 4868 (PL 99-440) and marking one of the most stunning blows to Reagan's presidency. The override was strongly supported by EMK but criticized by Dole, who contended that South African apartheid was a domestic civil rights issue that could not be remedied by a "feel good vote." Dole was only one of six Senate Republicans who originally voted in favor of HR 4868 and subsequently switched his vote to support Reagan's veto.

THE AMERICANS WITH DISABILITIES ACT

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The Americans with Disabilities Act sought to remedy extant civil rights legislation that did not extend protection against discrimination in public accommodations, private sector employment, and the provision of state and local government services to disabled individuals. The legislation met opposition from business groups concerned about costs of accommodation, and was also controversial because of its implicit coverage of individuals with HIV/AIDS. EMK co-sponsored the bill, saw it through the Labor and Human Resources committee, and chaired the conference. A consistent supporter of the bill, Dole took a lead in facilitating negotiations between the Bush administration and a bipartisan group of senators.

The first version of the Americans with Disabilities Act (ADA) was introduced in April 1986 by Senator Lowell Weicker (R-CT). In 1988, Weicker introduced the bill again with Senator Tom Harkin (D-IA), who had succeeded Weicker as chairman of the subcommittee on the handicapped in 1987. No serious legislative effort was made to push the bill through in 1988, although its existence served as a rallying point for disabled advocacy groups. After Weicker was defeated for re-election in 1988, EMK replaced him as Harkin's chief cosponsor in 1989. In March and April of 1989, drafts of the bill went back and forth among the White House, Harkin, and Senator Orrin Hatch (R-UT). Although President George H.W. Bush had long supported the ADA concept, his administration was hesitant to support the bill because of the massive changes in accommodation and hiring practices that it would entail; these were also the primary concerns of the business community. The strongest administration critics of the bill were chief of staff John Sununu and Secretary of Transportation Samuel Skinner.

The ADA bill (S 933) was introduced on May 9, 1989, and hearings in the Senate Labor and Human Resources Committee (the only committee with jurisdiction over the bill) began immediately. On the 16th, Dole testified in general support of the bill, but expressed concern that some of its provisions might invite excessive litigation. He conveyed that the Bush administration wanted to support the bill, but that they required more time to "get their act together." On the 22nd, the Bush administration sent Attorney General Richard Thornburgh to testify; EMK designated Thornburgh's testimony as a full committee meeting, over which he presided. In his opening statements, EMK explained the bill in the context of civil rights, and emphasized that the bill's accommodation requirements would not adversely affect small businesses. Thornburgh conveyed administration concerns with the bill's cost, scope of public accommodations to be covered, and the precision of the terms "undue hardship" and "reasonable accommodation."

On May 27, negotiations between Senate leaders and the White House on the ADA began. Of the bill's cosponsors, administration officials preferred to deal with EMK, as Harkin was up for re-election and it was believed he would likely try to take credit for the bill. Early on in the negotiations, Sununu told EMK that all rifts could be settled easily if EMK removed his chief civil rights counsel, Carolyn Osolinik, from the negotiating team (EMK subsequently called Osolinik and congratulated her on a job well done).

During the month of July, Senate and White House negotiators met roughly ten times to discuss the ADA. A breakthrough meeting occurred on the 28th, when Senator Dave Durenberger (R-MN), Harkin, Hatch, Dole, and EMK met in Dole's Capitol office with Thornburgh, Harkin aide Bobby Silverstein, Samuel Skinner, Roger Porter, Sununu, and Osolinik. Sununu reportedly lost his temper with Silverstein, after which EMK turned red in the face and told Sununu that yelling at staff was unacceptable. After this exchange, a compromise was engineered in which EMK accepted a provision eliminating damages in lawsuits in exchange for administration acceptance of a broad definition of public accommodation. All disagreements occurring in negotiation were kept secret until after the bill's passage. The Bush administration threw its support behind the bill after congressional sponsors agreed to limit remedies for discrimination to those available under the 1964 Civil Rights Act. In public accommodations cases, the attorney general would only be allowed to seek compensatory (not punitive) damages and civil penalties of up to \$50,000 for the first violation and \$100,000 for subsequent violations. Initially S 933 would have allowed the victim to sue for both compensatory and punitive damages.

On September 7, 1989, the Senate approved its version of the ADA by a 76-8 vote. EMK and Dole voted in favor of the bill, which also contained a Dole amendment to provide federal assistance to private entities to help them meet the law's accessibility requirements. Major provisions of the Senate bill included:

- **Employment.** Prohibited an employer from discriminating against a qualified individual with a disability with regards to job application procedures; the hiring or discharge of employees; compensation; advancement or job training; and other terms and conditions of employment. Individuals using illegal drugs were barred from being considered disabled, and the U.S. government, U.S. government corporations, and private membership clubs were exempted from the law.
- **Public Services.** Prohibited discrimination against a person with a disability in the provision of services by any state or local government agency.
- **Public Accommodations.** Barred discrimination on the basis of disability in the full and equal enjoyment of goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation. Failure of covered entities to provide accommodations for the disabled within thirty months of enactment would be considered discriminatory.
- **Telecommunications.** Required the Federal Communications Commission to ensure that communications relay services were constantly available for the deaf within and across states; also required common carriers to provide relay services either individually or through designees.

The House passed its version of the ADA (HR 2273) on May 22, 1990 by an overwhelming majority of 403-20. Support for the bill was so strong in both chambers that a House-Senate conference would probably not have been required but for the House bill's inclusion of a controversial amendment permitting employers to transfer employees with contagious diseases out of food-handling jobs (known as the Chapman amendment). Lawmakers claim that the amendment was aimed towards people with HIV/AIDS, and the White House opposed it. Dole was in favor of the amendment despite his dedication to the ADA, disabled rights groups, and AIDS research. The amendment was eventually dropped in the conference,

which EMK chaired. The conference report was passed by the House 377-28 on July 12, and on July 13, the Senate approved the conference report by a 91-6 vote. EMK and Dole voted in favor.

Bush signed the ADA (PL 101-336) on July 26, 1990. All of the managers of the bill were invited to the signing ceremony, but Dole was the only lawmaker mentioned by Bush during the ceremony. In his autobiography, Dole cites the ADA as one of his greatest legislative achievements.