

**FOR IMMEDIATE RELEASE**  
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\*\*Summary of legislation attached

### **KENNEDY, LEWIS INTRODUCE CIVIL RIGHTS ACT OF 2008**

WASHINGTON, DC— Today, Senator Edward M. Kennedy and Congressman John Lewis, along with more than a dozen Senate colleagues, introduced the Civil Rights Act of 2008, which will strengthen accountability when civil rights and workers' rights are violated.

Recent court decisions have weakened America's civil rights laws in ways that Congress never intended. This legislation will ensure accountability for violations of our civil rights and fair labor laws and give individuals the right to challenge practices that have unjustified discriminatory effect based on race, color, national origin, disability, age or gender. It also gives students the same protection from harassment in school that workers have on the job, and holds employers fully accountable for age discrimination and discrimination against our men and women in the armed services.

The Civil Rights Act of 2008 is co-sponsored by Senators Leahy, Dodd, Lautenberg, Bingaman, Kerry, Harkin, Mikulski, Akaka, Boxer, Feingold, Murray, Durbin, Schumer, Cantwell, Clinton, Obama, Menendez, Cardin, and Brown.

Senator Kennedy said, "Civil rights is still the unfinished business of America. Prejudice, discrimination, and outright bigotry continue to limit the lives of large numbers of our people, and even some courts have rolled back core protections for civil rights and workers' rights. The Civil Rights Act of 2008 will restore the bedrock principle that individuals may challenge all forms of discrimination in public services and will strengthen existing civil rights protections. Our civil rights and fair labor laws must have effective remedies that ensure accountability for discrimination, or America will never be America."

"The struggle for civil rights in this country," said Rep. John Lewis, "has been a long hard road, littered with the broken bodies of countless men and women who gave all they had for the cause of social justice. They were sharecroppers, sanitation workers, teachers, students, ministers, priests, housewives, and activists. They were ordinary people with extraordinary vision who joined together and tore down the walls of legalized segregation and racial discrimination in this country. Only a few decades later, we cannot allow recent court decisions to turn back the clock and open the door to contemporary abuses. That is why Sen. Kennedy and I have worked so hard to meet every judicial step backward with a legislative step forward. We want to be able to say that on our watch, we did all we could as members of Congress to ensure the protection of civil rights in this country and hold discriminatory employers and individuals accountable. With the passage of the Civil Rights Act of 2008, we hope the 110th

Congress will hold the same legacy, as a legislative body that continued the march toward a democracy in this country that ensures liberty and justice for all.”

“I have been a long-time supporter of efforts to rid the workplace of unlawful discrimination, and I believe the Civil Rights Act of 2008 is critical to achieving that important goal,” said Leahy. “This bill ensures that protections against workplace bias and discrimination, which conservative courts have attempted to roll back, are fully protected and restored. It is particularly important that, on the week that our nation observes and honors the legacy of Dr. Martin Luther King, Jr., Congress has introduced this bill. We must remain vigilant in ensuring our precious civil rights, which generations of Americans fought and bled to protect, remain available for our children and our grandchildren. I will continue to fight to end all workplace discrimination, including discrimination based on sexual orientation.”

“The best way to honor the memory of Dr. Martin Luther King, Jr. is to continue his work to ensure that America lives up to its promise of treating all citizens equally,” said Dodd. “The fight for civil rights will not be won or lost in a single battle, but instead is an ongoing struggle taking place in our workplaces, schools, and communities across the nation. I am honored to join Senator Kennedy and my colleagues in the Senate and Congressman John Lewis in the House of Representatives in introducing a bill that will give Americans the tools and support they need to defend themselves and others when their civil rights have been violated.”

“We need to put teeth back in our civil rights laws,” Senator Frank R. Lautenberg said. “This bill would reaffirm the basic American value that everyone—regardless of race, gender or age—should have the same opportunities to succeed.”

“This legislation is an important step in restoring the ability of Americans to protect their civil rights in courts,” U.S. Senator Jeff Bingaman said.

“I am proud to stand with Senator Kennedy and our colleagues to stop the assault on civil rights in our country,” said Sen. Kerry. “Too many brave Americans marched, fought, and faced down snarling dogs and fire hoses in the struggle for civil rights to have decades of progress erased by a few misguided decisions made by conservative judges. Our country is great because we believe in Jefferson’s promise of God-given inalienable rights for every citizen, and because we know it takes a government committed to protecting them to make the promise of civil rights real for the American people.”

“Over 40 years ago Congress made it clear that discrimination is unacceptable in this country,” said Harkin. “In recent years however the Supreme Court has eroded these important laws and our action today is a first step towards restoring crucial civil rights protections in order to stamp out bigotry and injustice.”

“The Supreme Court’s decision in *Alexander v. Sandoval* sent a dangerous message about equity in this country. I am proud to team up with my colleagues to right this wrong,” said Senator Mikulski. “We need to reexamine what this country must still do to

make sure that all Americans are protected from discriminatory acts. This bill ensures that those who have received injustice in the workplace have their fair day in court.”

"There is no better way of honoring the civil rights movement than by working to address the erosion of protections we see today," said Senator Murray, Chair of the HELP Employment and Workplace Safety Subcommittee. "This bill restores many of our most basic civil rights by confronting threats on the job and in our schools. We cannot continue to allow students to be harassed, employment laws to be marginalized, and discrimination to go unpunished. I am proud to support Senator Kennedy and Rep. Lewis in this effort."

Senator Schumer said, "For too long, the Supreme Court's cramped interpretations of civil rights statutes have closed the doors of the federal courts to people with claims of discrimination. This important legislation will right the wrong of those decisions, and restore Congress's original intent to protect all citizens by holding accountable those that violate our cherished civil rights."

"In recent years, we have seen courts erode key civil rights protections in our workplaces, our schools and our communities," said Senator Clinton. "This important bill will reverse a number of these troubling decisions, and restore the promise of our nation's civil rights laws for millions of Americans."

"Too many hardworking Americans continue to face discrimination and unfair employment practices, and we must do everything we can to guarantee that all Americans receive fair and equal treatment under the law," said Senator Obama. "Civil rights have to be at the forefront of our national dialogue, and we must ensure that those who suffer discrimination, whether by the federal government or private employers, can protect themselves legally. The Civil Rights Act of 2008 is an important step in our continuing battle against age discrimination, religious discrimination, the misuse of federal funds, and upholding workers' rights. I commend Chairman Kennedy for his leadership on this bill – and for his lifelong leadership on these issues – and urge my colleagues to quickly pass this legislation."

“Just because the calendar says 2008 doesn’t mean that the need to fight for civil rights in our country is over,” said Sen. Menendez. “This week, we all reflected on the legacy of Dr. Martin Luther King, and this legislation helps carry on that legacy. Federal tax dollars should never be used to discriminate against or disadvantage our citizens. It is our responsibility to sustain our commitment to civil rights, and with this legislation, we can restore some of the major civil rights principles that have been diluted. I applaud Senator Kennedy for his continued leadership on civil rights.”

“Discrimination for any reason has no place in America. The Civil Rights Act of 2008 is essential to restoring the balance to our system that provides equal opportunity for every American,” said Senator Cardin. “There has been a growing disregard of the original intent of Congress by many conservative judges in the area of civil rights law. For many, this has eroded their chance at achieving the American Dream. I believe Congress must act to reverse this troubling trend.”

“This legislation bolsters the rights of Americans by ensuring there are consequences when an individual’s civil rights are breached,” Brown said. “It is a bill that honors our constitution, and I am proud to support it.”

## **BACKGROUND ON THE CIVIL RIGHTS ACT OF 2008**

Congress has enacted bipartisan laws to ensure that federal tax dollars are not used to subsidize discrimination, and that Americans have real remedies when their civil rights are violated. Recent court decisions have weakened these basic protections in ways that Congress never intended. *Senator Edward M. Kennedy (D-MA) and Rep. John Lewis (D-GA) plan to reintroduce a bill to help keep the promise of equality by strengthening accountability when civil rights and workers’ rights are violated. The Civil Rights Act of 2008 would:*

### **Ensure that Federal Funds are not Used to Subsidize Discrimination**

- **Allow individuals to seek relief when federal funds subsidize practices that have an unjustified discriminatory effect.** Federal laws prohibit discrimination by recipients of federal funds based on race, national origin, disability, age, or gender. In 2001, however, the Supreme Court held that individuals may no longer challenge federally-funded programs that have an unjustified discriminatory effect, unless they also can meet the heavy burden of proving discriminatory intent. Thus, currently, only the federal government can bring such suits. This bill restores the individual right to challenge practices that have an unjustified discriminatory effect based on race, color, national origin, disability, age or gender.
- **Protect students from harassment in schools that receive federal funds.** It gives students the same protection from unlawful harassment in our schools as adults have on the job. Currently, schools that receive federal funds cannot be held accountable if a teacher or classmate harasses a child unless the school had actual notice of the abuse and did virtually nothing to correct the problem. This is true even if the school has turned a blind eye to clear signs of harassment.

### **Hold Employers Accountable for Age Discrimination**

- **Make state employers fully accountable for age discrimination.** Under a recent Supreme Court decision, state employers do not have to provide back pay or other monetary damages when they discriminate against workers based on age in violation of the Age Discrimination in Employment Act. The bill would require state employers to give workers full relief for age discrimination, including backpay.
- **Clarify the standard for challenging employment practices that have a discriminatory effect based on age.** It makes clear that the standard of proof in

cases alleging an unjustified discriminatory effect based on age is the same as in cases alleging an unjustified discriminatory effect based on race, color, gender, national origin, or religion.

**Improve Accountability for Other Violations of Civil Rights and Workers' Rights**

- Prohibit employers from requiring workers to give up the right to enforce employment laws in court in order to get a job or keep a job.
- Provide attorney's fees and expert fees in major civil rights and labor cases.
- Provide full, effective remedies for victims of discrimination based on gender and religion paralleling those available for race and national origin discrimination claims.
- Provide relief for workers, regardless of immigration status, who are victims of labor and employment law violations.