



## EDWARD M. KENNEDY ORAL HISTORY PROJECT

### **Interviewer's Briefing Materials** **Edward Brooke Interview, 08/16/2006**

Robert A. Martin, Research Director

#### **Miller Center Documents<sup>1</sup>**

- Edward Brooke Overview Memo on Civil Rights.
- Edward Brooke Overview Memo on Africa.
- Edward Brooke Overview Memo on the Carswell and Rehnquist nominations.
- Edward Brooke Overview Memo on the Haynsworth nomination.
- Edward Brooke Overview Memo on Vietnam.

#### **Secondary Source Materials**

- Edward Brooke bio, <http://bioguide.congress.gov>.

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<sup>1</sup> 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.

## EDWARD W. BROOKE, III MEMO ON CIVIL RIGHTS

*Prepared by Paul S. Martin and Nadia Shairzay*

*Miller center of public affairs, University of Virginia, 11/01/2005*

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**Background:** The Brooke-Mondale open housing amendment had its roots in the 1966 Civil Rights Act. President Johnson proposed legislation that included an open housing amendment to end discrimination in the sale and rental of housing. This proved to be one of the most controversial aspects of the legislation and it failed. In 1967 Johnson proposed the Civil Rights Act of 1967 which also included the open housing bill (S 1358), but was defeated. Johnson tried again with the Civil Rights Act of 1968 (also known as the Fair Housing Act). Senator Walter Mondale (D- Minn.) cosponsored an open housing amendment with Senator Brooke, who was in Africa at the time participating on a fact-finding tour for the Senate Banking and Currency Committee.

The amendment called for an end to housing discrimination that would affect about 91 percent of the nation's homes. The amendment was filibustered and the amendment's supporters sought to override it by getting an early vote for cloture. The first vote for cloture was close. The next day the Senate rejected a motion to table, or kill, the amendment. Again the Brooke-Mondale forces tried to reach cloture, but they fell short of the necessary votes. Seeking to defeat the amendment, one of its strongest opponents, Senate Minority Leader Everett Dirksen (R-Ill.) proposed his own housing bill which would cover 80% of housing in America. The third cloture vote also failed and it did not succeed until the fourth vote for cloture. Senator Jack Miller (R- Iowa) switched his vote exchange for Brooke to support a "weakening amendment" that Miller planned to introduce. The bill was finally passed on March 11 and prohibited discrimination in 80 percent of housing and rentals.

1966	Civil Rights Act of 1966 which had an open housing provision was defeated in Congress.
February 15, 1967	Johnson sent the Civil Rights Act of 1967, also with an open housing provision, to Congress. It was later defeated.
1968	Civil Rights Act of 1968 was introduced.  Senators Mondale, Mitchell, Hart, Tydings and Brooke (via phone) met to discuss introducing an open housing amendment.
February 6, 1968	The Brooke-Mondale amendment was tabled.
February 20, 1968	The amendment failed to win cloture with a vote of 55-37.
February 21, 1968	The Senate rejected a measure to table the Brooke-Mondale amendment.
February 26, 1968	A second attempt for cloture failed.
February 28, 1968	Senator Dirksen proposed a new plan that called for 80% anti-discrimination coverage.
March 1, 1968	A third attempt for cloture failed.
March 4, 1968	A fourth and successful vote for cloture, 65-32.

March 11, 1968	The amendments to the Civil Rights Act of 1968 passed, 71-20.
April 4, 1968	Martin Luther King was assassinated.
April 11, 1968	Johnson signed the Civil Rights Act of 1968 into law.

## EDWARD W. BROOKE, III MEMO ON AFRICA

*Prepared by Paul S. Martin and Nadia Shairzay*

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**Background:** In 1968 Senator Brooke went on a 26 day fact-finding trip to 12 sub-Saharan African countries for the Senate Banking and Currency Committee. Brooke was in Africa to learn about American aid to the continent. While in Africa, Brooke went to Nigeria, which was in the midst of a civil war. The war started when Biafra seceded from Nigeria. While in Nigeria Brooke fostered a rapport with Major General Yakubu Gowon, whom he wrote to after he returned to the States. The Nigerian civil war ended on January 13, 1970 when the Biafrans surrendered.

Senator Brooke was in Ethiopia when he cut his trip to short to return to Washington to vote on the civil rights bill. Brooke drew up some findings about his trip to Africa. He concluded that at the moment food and necessities were the main concerns of most Africans, not ideology. Brooke said that if the U.S. gave support and aid to Africa, it could prevent Africa from falling into the communist sphere.

On April 28, 1968 Brooke addressed President Johnson in a speech in the Senate, asking him to cut trade with South Africa to counter the apartheid government. Brooke also proposed isolating Rhodesia, Angola and Mozambique, which also had white minority governments which oppressed black majorities. Senator Brooke argued that the U.S. should support the U.N. resolution to impose economic sanctions against Rhodesia.

Senator Brooke continued with his African lobbying efforts in the aftermath of the Nigerian-Biafra civil war. The issue was a delicate one because the U.S. did not want to anger Britain or jeopardize its interests in the region. Nor did the U.S. want to become entangled with the Soviet Union over Africa. The U.S. also wanted to preserve relations with the Nigerian government, because there was about \$400 million worth of American private investment in Nigerian oil.

As chairman of the Judiciary's Subcommittee on Refugees and Escapees, Senator Kennedy was involved in aid to the civil war during the Johnson and Nixon administrations. Senator Kennedy had proposed that the United Nations should be responsible for the victims of the war. Brooke instead said that the U.N. should work through the Organization of African Unity (OAU) to help the civilians and to alleviate the starvation. Most African nations opposed intervention by the U.N. or a major power and the U.S. eventually endorsed a solution arranged by the OAU.

Spring 1968	Brooke left on trip to Africa.
April 28, 1968	Brooke called for trade to be cut to South Africa.
October 1968	Brooke called for the Organization of African Unity to provide humanitarian assistance to the victims of the civil war.
February 4, 1969	Senator Charles Goodell went to Africa to meet with leaders on both sides of the civil war.
June 30, 1969	Nigeria blocked aid airlifts to Biafra, Senator Kennedy voices opposition to this action.
February 22, 1969	Following the trend from Johnson, Nixon increased U.S. contributions to relief agencies involved in the civil war, but declined to stage a U.S. military intervention.
January 13, 1970	The civil war ended with the surrender of the Biafrans to the Nigerians.

January 15, 1970

Under Secretary of State Elliot Richardson pledged humanitarian and reconstruction aid to Nigeria.

## EDWARD W. BROOKE, III MEMO ON THE CARSWELL AND REHNQUIST NOMINATIONS

*Prepared by Paul S. Martin and Nadia Shairzay*

*Miller center of public affairs, University of Virginia, 11/01/2005*

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**Background:** With the rejection of Haynsworth, Nixon nominated Judge G. Harold Carswell of the 5th Circuit Court of Appeals. Brooke did not immediately state his opposition to Carswell, but waited five weeks after his nomination in order to look into Carswell's record. He determined that Carswell was unfit for the Supreme Court, owing to his lack of qualifications and racist rhetoric. On February 25 Senator Brooke gave a speech in opposition to Carswell. Brooke said, "I cannot in good conscience support confirmation of a man who has created such fundamental doubts about his dedication to human rights." Brooke received praise from his speech, including from Senator Kennedy. Kennedy said that Brooke had shown "great courage. We all recognize the significant impact that your voice had during the discussion of Judge Haynsworth and your statement here today is of no less significance." Labor and civil rights groups again joined the opposition against Carswell, though unlike Haynsworth, Carswell was not accused of being anti-labor. Carswell also received criticism from law school deans and lawyers for his lack of a distinguished background. Carswell did have Republican support in the Senate, most notably from Senator Roman Hruska.

In 1969 Brooke, along with some other senators had formed the Wednesday Club. Senators met for lunch and discussed pressing issues and it was also a way to form a united position to present to the White House. The Wednesday Club was important in rallying opposition to Nixon's Supreme Court nomination. Nixon became upset with the growing opposition to Carswell and said that it was impossible to nominate a Southern, strict constructionist to the Court (Haynsworth was from South Carolina, and Carswell was from Florida). Brooke responded that Senators opposed Carswell because of his merits and legal background, not based upon region or judicial outlook. The Senate rejected Carswell 45-51 on April 8, 1970. After the rejection of Carswell's nomination he said he would resign from the bench and run for U.S. Senate.

Brooke was the first Republican to openly oppose the nomination of William Rehnquist to the Court. Brooke was critical of Rehnquist's human rights record and his opposition to desegregation. On December 7, 1970 Brooke spoke for more than an hour on the Senate floor against Rehnquist's civil rights record as assistant U.S. Attorney General. The Rehnquist nomination generated less controversy than the nominations of Haynsworth and Carswell. As a result Rehnquist was confirmed on Dec. 12 with a vote of 68-26.

January 19, 1970	Nixon nominated Carswell to the Court.
January 21, 1970	The media reported that Carswell had made a speech supporting white supremacy during a failed 1948 campaign for the Georgia Legislature.
February 16, 1970	The Senate Judiciary Committee voted to report the Carswell nomination to the Senate.
April 8, 1970	The Senate rejected the nomination of Carswell with a vote of 45-51.
October 21, 1971 General,	Nixon nominates William Rehnquist, Assistant to the Attorney to the Court.

December 10, 1971

The Senate confirms Rehnquist with a vote of 68-26.

## EDWARD W. BROOKE, III MEMO ON THE HAYNSWORTH NOMINATION

*Prepared by Paul S. Martin and Nadia Shairzay*

*Miller center of public affairs, University of Virginia, 11/01/2005*

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**Background:** Supreme Court Justice Abe Fortas resigned on May 14, 1969 over accusations of financial impropriety. Fortas was threatened with impeachment after it was revealed that he had accepted \$20,000 from the foundation of Louis Wolfson, a convicted financier. President Nixon then nominated Clement Haynsworth, chief judge of the 4th Circuit Court of Appeals, to succeed Fortas. The Haynsworth nomination was strongly opposed by labor and civil rights groups, including the AFL-CIO and NAACP. Haynsworth was criticized for presiding over cases in which he had some financial interest. Specifically Haynsworth ruled in a case involving a subsidiary of Derring Milliken Inc., which he partly owned. Indiana Senator Birch Bayh of the Senate Judiciary Committee led the opposition. Senator Kennedy, a member of the Senate Judiciary Committee, filed an individual view against the nomination. Kennedy along with Senators Bayh, Burdick, Hart and Tydings asked Nixon to withdraw the nomination. Nixon declined the request. Senator Brooke was the first Republican to voice opposition to Haynsworth when he asked Nixon to withdraw the nomination. The Senate rejected the nomination on November 21, 1969. Brooke was key in consolidating the 17 Republican Senators who voted against Haynsworth.

August 18, 1969	Nixon nominates Haynsworth to the Supreme Court.
September 16- 26, 1969	Senate Judiciary Committee hearings on Haynsworth.
October 1, 1969	Senator Brooke wrote Nixon asking him to withdraw the Haynsworth nomination. Brooke is the first Republican Senator to openly criticize the nomination.
October 9, 1969	The Senate Judiciary Committee voted to report the Haynsworth nomination to the Senate.
November 21, 1969	The Senate rejected the nomination of Haynsworth with a vote of 45-55.



## EDWARD W. BROOKE, III MEMO ON VIETNAM

*Prepared by Paul S. Martin and Nadia Shairzay*

*Miller center of public affairs, University of Virginia, 11/01/2005*

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**Background:** On April 30, President Nixon sent U.S. forces into Cambodia, a move which drew criticism from the public and from Congress. A United Press International poll showed that 50 Senators opposed the action and 21 supported it. Among those opposed were Senator Brooke and Senator Kennedy. The Cooper-Church amendment was introduced to end U.S. involvement in Cambodia and launched seven weeks of heated debate over America's Vietnam policy. The amendment was part of the Foreign Military Sales Bill, which also proposed to cut off American funds to pursue military operations in Cambodia. Senate Robert Dole led the opposition against the amendment. Both Brooke and Kennedy voted for the Cooper-Church amendment.

The McGovern-Hatfield amendment, which proposed to cut funding for U.S. involvement in the Vietnam War, called for a full withdrawal of U.S. forces from Vietnam. Brooke and Kennedy supported the amendment, but Senate rejected it on September 1, 1970.

The Hatfield-Goldwater amendment was proposed to move from a draft to a volunteer army. The amendment did not call for the abolition of the draft, but instead planned to raise the military pay rates to attract volunteers. Senator Kennedy opposed the legislation fearing that by increasing the pay the U.S. would have an army that would be mostly made up of the poor or minorities, who would be sent to Vietnam.

April 30, 1970	President Nixon ordered U.S. troops into Cambodia.
May 13, 1970	Senate debate starts on the Foreign Military Sales Bill (HR 15628), which included the Cooper- Church amendment.
June 30, 1970	The Foreign Military Sales Bill (HR 15628) was passed the Senate, which included the Cooper- Church amendment.
August 25, 1970	The Senate rejects the Hatfield- Goldwater amendment with a vote of 35-52.
September 1, 1970	The Senate rejects the McGovern-Hatfield amendment with a vote of 39-55.
December 31, 1970	The foreign aid authorization bill (HR 19911) which included the Cooper-Church amendment passed Congress.