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~LRS80-768 (CITN) ITEM 1 OF 12 IN SET 12

Fry, Fred L.

The end of affirmative action. Business horizons, v. 23, Feb. 1980: 34-40.

"This Delphi study suggests that women may not need affirmative action programs after the year 2000. Minorities, however, might not be fully integrated for an additional thirty years."

DESCRIPTORS (INDX):

Affirmative action programs--U.S.--Future

Delphi method

Women's employment--U.S.--Future

Minority employment--U.S.--Future

PROFILE TERMS (BUCK):

Equal employment opportunity

Future

HD 6305 B

READY FOR NEW COMMAND:

nLRS80-5003 (CITN) ITEM 2 OF 12 IN SET 12

Nickel, Herman.

Dante in the Federal inferno. Fortune, v. 101, June 2, 1980: 78-80, 83.

"The government wants more women in construction work--and a Philadelphia contractor with three employees sets burned."

DESCRIPTORS (INDX):

Construction workers--U.S.

Women's employment--Philadelphia

Women's employment--U.S.

Affirmative action programs--U.S.

Public contracts--U.S.

DiGaetano, Dante.

Dante's Construction Company.

PROFILE TERMS (BUCK):

Business and society

Housing

Industrial organization

Labor

Procurement

HD 6305 C

READY FOR NEW COMMAND:

nLRS80-10291 (CITN) ITEM 3 OF 12 IN SET 12

Simmons, Judy.

Struggle for the executive suite: Blacks vs. white women. Black enterprise, v. 11, Sept. 1980: 24-27.

Discusses the competition between white women and Black men and women for executive positions.

DESCRIPTORS (INDX):

Black employment--U.S.

Women's employment--U.S.

Executives--U.S.

Affirmative action programs--U.S.

PROFILE TERMS (BUCK):

Blacks

Corporations

Equal employment opportunity

Labor

Women

HD 6305 A

READY FOR NEW COMMAND:

mLRS80-12217 (CITN) ITEM 4 OF 12 IN SET 12

Beller, Andrea H.

The effect of economic conditions on the success of equal employment opportunity laws: an application to the sex differential in earnings. Review of economics and statistics, v. 62, Aug. 1980: 379-387.

Uses a mathematical model to show "the effect of Title VII on earnings in 1969-1974 to be inversely related to the aggregate unemployment rate."

DESCRIPTORS (INDX):

Unemployment--U.S.

Wages--U.S.--Mathematical models

Affirmative action programs--U.S.

Women's employment--U.S.--Mathematical models

Women--U.S.--Wages

Equal pay for equal work--U.S.--Mathematical models

PROFILE TERMS (BUCK):

Equal employment opportunity

Labor

Women

HD 5006

READY FOR NEW COMMAND:

mLRS80-13653 (CITN) ITEM 5 OF 12 IN SET 12

Cayer, N. Joseph. Siselman, Lee.

Minorities and women in state and local government: 1973-1975. Public administration review, v. 40, Sept.-Oct. 1980: 443-450.

"Examination of state and local government work force figures for 1973 and 1975 (the most recent year for which such figures are currently available) reveals that the number of white male employees fell both absolutely and proportionally over that period. Marked gains were made by white women and by black men and women. ... Minorities and women (with the exception of Asian Americans) were still far below white males in terms of the status of their positions, as indicated by median salary levels, and women actually lost ground to white males in this regard between 1973 and 1975. There is substantial variation across functional areas in the quantity and status of the positions held by minorities and women, with some areas being particularly deficient in the sheer number of minority and female employees, others lacking high status positions for these groups, and others falling short in both respects."

DESCRIPTORS (INDX):

Minority employment--U.S.--States

State officials and employees--U.S.

PAGE 1 OF 2. READY FOR NEW COMMAND OR PAGE #(FOR NXT PG, XMIT):

mLRS81-327 (CITN) ITEM 6 OF 12 IN SET 12

Reed, Leonard.

What's wrong with affirmative action. Washington monthly, v. 12, Jan. 1981: 24-26, 28-31.

Details the concerns expressed by Federal executives regarding Federal affirmative action programs.

DESCRIPTORS (INDX):

Affirmative action programs--U.S.

Federal employees--U.S.

Minority employment--U.S.

Recruiting of employees--U.S.

PROFILE TERMS (BUCK):

Equal employment opportunity

Government employees
Public administration
HD 6305 D
READY FOR NEW COMMAND:

nLRS81-1417 (CITN) ITEM 7 OF 12 IN SET 12
Sowell, Thomas.

A dissenting opinion about affirmative action. Across the Board, v. 18, Jan. 1981: 65-72.

Examines the development of affirmative action in the U.S., discusses why employment quotas are wrong, and describes problems with the use of statistics in employment. Contends that special or compensatory treatment of minorities produce costs beyond benefits.

DESCRIPTORS (INDX):

Affirmative action programs--U.S.
Minority employment--U.S.
Reverse discrimination in employment--U.S.

PROFILE TERMS (BUCK):

Equal employment opportunity
Minorities

HD 6305 A
READY FOR NEW COMMAND:

nLRS81-5282 (CITN) ITEM 8 OF 12 IN SET 12

Anderson, Bernard E. Cottinsham, Phoebe H.

The elusive quest for economic equality. Daedalus, v. 101, spring 1981: 257-274.

"What should be done to equalize employment opportunities for minorities and others? This is a major question facing the nation today. ... There is general support for a national policy of 'equal opportunity,' but declining support for affirmative action as it has been pursued."

DESCRIPTORS (INDX):

Minority employment--U.S.
Discrimination in employment--U.S.
Affirmative action programs--U.S.
Manpower policy--U.S.

PROFILE TERMS (BUCK):

Equal employment opportunity

HD 6305 A
READY FOR NEW COMMAND:

nLRS81-5297 (CITN) ITEM 9 OF 12 IN SET 12

Blumrosen, Alfred W.

Equal employment opportunity in the eighties: the bottom line. Employee relations law Journal, v. 6, spring 1981: 535-543.

Article explores the development of the bottom line principle and suggests some of its applications in the 1980s. "The premise behind the 'bottom line' principle is that Congress intended to increase employment opportunities for minorities and women and thereby to improve their economic and social status. The bottom line principle protects employers who improve employment opportunities from direct discrimination claims by minorities and women and reverse discrimination claims by white males."

DESCRIPTORS (INDX):

Affirmative action programs--U.S.--Legal cases
Discrimination in employment--U.S.--Legal cases
Minority employment--U.S.
Women's employment--U.S.

PROFILE TERMS (BUCK):

Equal employment opportunity
Minorities
Women

PAGE 1 OF 2. READY FOR NEW COMMAND OR PAGE #(FOR NXT PG, XMIT):

#LRS81-6992 (CITN) ITEM 10 OF 12 IN SET 12

Gastwirth, Joseph L.

Estimating the demographic mix of the available labor force. Monthly labor review, v. 104, Apr. 1981: 50-57.

"Statistical arguments have played an important role in establishing prima facie cases of discrimination based on race or sex. The courts have generally established that a disproportionate racial impact in hiring can be demonstrated with one of two statistical methods: comparing the proportion of minority applicants who are hired to the corresponding proportion of majority applicants (applicant flow method); or comparing the percentage of minorities currently employed or hired over a period of time to the proportion of minorities in the labor force (or population) in the relevant geographic area (demographic method). The two statistical methods may yield conflicting results."

DESCRIPTORS (INDX):

Labor supply--U.S.
Population statistics--U.S.
Labor statistics--U.S.
Minority employment--U.S.
Affirmative action programs--U.S.

PAGE 1 OF 2. READY FOR NEW COMMAND OR PAGE #(FOR NXT PG, XMIT):

#LRS81-9102 (CITN) ITEM 11 OF 12 IN SET 12

Belton, Robert.

Discrimination and affirmative action: an analysis of competing theories of equality and Weber. North Carolina law review, v. 59, Mar. 1981: 531-598.

Article examines two theories on minority status in the labor force: "one theory, disparate impact, supports the use of affirmative action programs to increase minority representation in the work force. The other theory, disparate treatment, precludes the use of race in an employer's decisionmaking process and thus supports claims of reverse discrimination. ... Analyzes the Supreme Court's decision in United Steelworkers v. Weber, a decision in which the Court again faced the problem of the validity of affirmative action programs. Professor Belton believes that the Court in Weber has at last adopted a rationale that will allow for an accommodation between the two views of equality and for the use of race-conscious affirmative action plans in appropriate circumstances. Professor Belton lauds this result, believing that affirmative action is necessary to overcome the effects of prior discrimination."

DESCRIPTORS (INDX):

Affirmative action programs--U.S.--Legal cases
Reverse discrimination in employment--U.S.--Legal cases

PAGE 1 OF 2. READY FOR NEW COMMAND OR PAGE #(FOR NXT PG, XMIT):

#LRS81-14934 (CITN) ITEM 12 OF 12 IN SET 12

Clync, Edward J. Gaudin, Carol A.

Blue collar women? Yes! Bureaucrat, v. 10, winter 1981-82: 35-39.

"The purposes of this article are twofold: to ascertain the extent to which the Maritime Administration, through affirmative action (AA) enforcement, was able to open up blue collar jobs to females in private shipyards; and to assess why this agency's AA oversight was successful in breaking down the roadblocks which previously prevented women from working

in these positions."

DESCRIPTORS (INDX):

Affirmative action programs--U.S.

Women's employment--U.S.

Sex discrimination in employment--U.S.

Shipbuilding--U.S.

Blue collar workers--U.S.

U.S. Maritime Administration.

PROFILE TERMS (BUCK):

Equal employment opportunity

Marine transportation

Women

PAGE 1 OF 2. READY FOR NEW COMMAND OR PAGE #(FOR NXT PG, XMIT):

Poole, Isaiah J.

Promotion through fear. Black enterprise, v. 10, Jan. 1980: 31-34, 37.
Examines the outlook for affirmative action programs.

DESCRIPTORS (INDX):

Affirmative action programs--U.S.

Black employment--U.S.

PROFILE TERMS (BUCK):

Blacks

Equal employment opportunity

HD 6305 A

READY FOR NEW COMMAND:

pls get

Button, James.

The quest for economic equality: factors related to Black employment in the South. Social science quarterly, v. 62, Sept. 1981: 461-474.

From interviews conducted in 1976-1977 with private employers in six communities in Florida, the author determines that Black employment progress since the civil rights movement of the 1960s has been greater in Old South (rural and agricultural communities--Crestview, Lake City, Gretna) than in the New South (urbanized and coastal regions--Titusville, Daytona Beach, and Riviera Beach). However, affirmative action programs are found to be more effective in the New South.

DESCRIPTORS (INDX):

Black employment--Florida--Trends

Black employment--Florida--Statistics

Affirmative action programs--Florida

Occupational surveys--Florida

Crestview, Fla.

Titusville, Fla.

Lake City, Fla.

Daytona Beach, Fla.

PAGE 1 OF 2. READY FOR NEW COMMAND OR PAGE #(FOR NXT PG, XMIT):

HD34 S64 1980

DEWEY DEC: 331.13/3/0973 19

ISBN: 0937856002 (pbk.) :/\$21.00 (\$15.00 to members)

SUBJECTS (INDX):Affirmative action programs--Information services--United States/Women--Employment--Information services--United States/Mi
Employment--Information services--United States

ADDED ENTRIES:

Broderick, Renae F., joint author. Equal Employment Advisory Council.

NOTES:

PAGE 1 OF 2. READY FOR NEW COMMAND OR PAGE #(FOR NXT PG, XMIT):

80-67468 (continued):

Bibliography: p. 359-363.

PAGE 2 OF 2. READY FOR NEW COMMAND OR PAGE #:

n81-126079

ITEM 3 OF 4 IN SET 6

(LCCC)

Shaeffer, Ruth G.

Nondiscrimination in employment--and beyond / by Ruth Gilbert Shaeffer. New York, N.Y. Conference Board, c1980. vi, 108 p. ; 28 cm.

(Conference Board report ; no. 782)

LC CALL NUMBER: HD6304 .S45

DEWEY DEC: 331.13/3/0973 19

ISBN: 0823702189 (pbk.)

Hayes, Harold P., 1920-

Realism in EEO / Harold P. Hayes. New York, Wiley, c1980. vii, 346 p. :
ill. : 24 cm.

LC CALL NUMBER: HD4903.5.U58 H39

DEWEY DEC: 331.1/33 19

ISBN: 0471057967 :/\$21.95 (est.)

SUBJECTS (INDX):Discrimination in employment--United States/Minorities--
Employment--United States/Women--Employment--United States/Affirmative
action programs--United States

NOTES:

Includes index.

READY FOR NEW COMMAND:

80-67468

ITEM 2 OF 4 IN SET 6

(LCCC)

Snider, Patricia J.

Human resources planning : a guide to data / Patricia J. Snider, Renae F.
Broderick. 2d ed. Washington, D.C., Equal Employment Advisory Council, c1980.
382 p. : 28 cm.

LC CALL NUMBER: HF5549.5.A34 S64 1980

DEWEY DEC: 331.13/3/0973 19

ISBN: 0937856002 (pbk.) :/\$21.00 (\$15.00 to members)

SUBJECTS (INDX):Affirmative action programs--Information services--United
States/Women--Employment--Information services--United States/Minorities--
Employment--Information services--United States

ADDED ENTRIES:

Broderick, Renae F., Joint author. Equal Employment Advisory Council.

NOTES:

PAGE 1 OF 2. READY FOR NEW COMMAND OR PAGE #(FOR NXT PG, XMIT):

80-67468 (continued):

Bibliography: p. 359-363.

PAGE 2 OF 2. READY FOR NEW COMMAND OR PAGE #:

81-126079

ITEM 3 OF 4 IN SET 6

(LCCC)

Shaeffer, Ruth G.

Nondiscrimination in employment--and beyond / by Ruth Gilbert Shaeffer. New
York, N.Y., Conference Board, c1980. vi, 108 p. : 28 cm.
(Conference Board report : no. 782)

LC CALL NUMBER: HD6304 .S45

DEWEY DEC: 331.13/3/0973 19

ISBN: 0823702189 (pbk.)

SUBJECTS (INDX): Minorities--Employment--United States/Discrimination in
employment--United States/Affirmative action programs--United States

NOTES:

Includes bibliographical references.

READY FOR NEW COMMAND:

#81-623595

ITEM 4 OF 4 IN SET 6

(LCCC)

Manpower profiles for affirmative action programs / Prepared by Labor &
Economic Research Section, Charleston (112 California Ave., Charleston 25305)
, West Virginia Dept. of Employment Security, 1981. ix leaves, 201 p. : map
: 28 cm.

(LER series : 113)

LC CALL NUMBER: HD5725.W4 M15

DEWEY DEC: 331.11/43/09754 19

SUBJECTS (INDX): Labor supply--West Virginia--Statistics/Minorities--Employment--
West Virginia--Statistics/Women--Employment--West Virginia--Statistics/
Affirmative action programs--West Virginia--Statistics

ADDED ENTRIES:

West Virginia. Dept. of Employment Security. Labor and Economic Research
Section.

NOTES:

PAGE 1 OF 2. READY FOR NEW COMMAND OR PAGE #(FOR NXT PG, XMIT):

81-623595 (continued):

Cover title.

"July 1981."

Chiefly tables.

PAGE 2 OF 2. READY FOR NEW COMMAND OR PAGE #:

ABI / Inform

8/7/1

82016493 ID No: 82016493

Can Employers Say 'Yes' to Affirmative Action in Today's Economy?

Goldwater, Leslie R.

Iron Age v225n14 45,48-49 May 12, 1982 Coden: IRAGAN ISSN

0164-5137 Jrn1 Code: IAR

Availability: ABI/INFORM

Doc Type: JOURNAL PAPER

Employers that once had to consider affirmative action plans in hiring must now consider them in layoffs. Lawsuits have been filed testing whether affirmative action takes precedence over seniority. The Supreme Court has ruled that it does not, so long as the seniority system was not created to discriminate. Yet other courts have ruled that males with more seniority can be laid off before females with less seniority. Affirmative action has received a temporary setback, but companies can now be training workers in new skills, preparing for a turnaround, as part of affirmative action. Also, promotions and pay raises are a part of affirmative action and need not suffer. Critics of the Reagan Administration claim that affirmative action and equal employment have suffered due to his attitude toward them. Many corporations still support affirmative action, however, and feel that its present setback is only temporary. Graph.

8/7/2

82013217 ID No: 82013217

The Decade Ahead: The Black Enterprise Board of Economists Looks at the Future

Lee, Elliott D.

Black Enterprise v12n11 191-200 Jun 1982 Coden: BLENDG ISSN

0006-4165 Jrn1 Code: BEN

Availability: ABI/INFORM

Doc Type: JOURNAL PAPER

In the early 1980s, business failures are at the highest level since the 1930s Depression. Inner-city neighborhoods are reeling from the impact of social disintegration and cutbacks in government-sponsored human-services programs. Unemployment has affected about 40% of black teenagers in addition to an increasing number of young and poor single mothers. The unemployment situation is so severe that it could destroy US black society. Black business activity will record marginal gains in the next 10 years, and the high-growth technology sector will experience whatever real growth occurs. Regardless of what party is in control of the White House and Congress, the nation will experience less government participation in the country's economic activity. For blacks, this means they must rely more heavily on themselves to meet their needs. The Board of Economists expressed different opinions about the prospects for black business development, especially about the role the federal government will and should play in black business development.

8/7/3

82010340 ID No: 82010340

The Ten Best Places to Work

Gayle, Stephen; Gray, Lovett

Black Enterprise v12n7 37-40,42,44 Feb 1982 Coden: BLENDG ISSN

0006-4165 Jrn1 Code: BEN

Availability: ABI/INFORM

Doc Type: JOURNAL PAPER

A survey of Black Enterprise found that certain companies are excellent places for blacks to work due to the companies' commitment to equal employment opportunities and affirmative action programs. The companies with the best records tended to have the commitment of a chief executive officer to the hiring of minorities. The personnel department must also be dedicated to the effort and monitor progress. The best companies also pay managers' pay to the progress of minorities in their departments, and they

tend to draw minorities into positions where they can affect decisions. Also, these companies aggressively recruit minorities. While no one company's efforts were perfect, 10 were found to be outstanding: 1. American Telephone and Telegraph (AT & T), 2. Equitable Life, 3. Exxon, 4. Gannett, 5. General Electric (GE), 6. General Motors (GM), 7. Hewlett-Packard, 8. International Business Machines (IBM), 9. Sea-Land, and 10. Xerox. Chart.

8/7/4

82007412 ID No: 82007412

Long-Range Impact of "Fair Selection" Standards on Minority Employment
Ledvinka, James; Markos, Val H.; Ladd, Robert T.

Jrnl of Applied Psychology v67n1 18-36 Feb 1982 Coden: JAPGBP ISSN
0021-9010 Jrnl Code: JAP
Availability: ABI/INFORM
Doc Type: JOURNAL PAPER

A review of various statistical standards for "fair selection" of employees is presented, including the following 5 models: 1. regression model, 2. constant ratio model, 3. conditional probability model, 4. equal impact model, and 5. quota model. A human resource model is also described, simulating each federal standard on minority employment, and applied to staffing data of an existing organization. The simulation indicates that the fairness standard implicit in the federal selection guidelines (the regression model of Cleary) would have a worse effect on black employment than the implicit fairness standard used by employers (Thorndike's constant ratio model). The effect appeared greater than that suggested by earlier research on short-run impact. Simulations are also presented on the predicted impact of hiring-quota systems. Two conclusions are offered: 1. Minority underemployment persists, even in the presence of fairness criteria. 2. The "fairness" standard implicit in federal guidelines will lead to lessened minority employment. Tables. Graphs. References. Appendix.

8/7/5

82005296 ID No: 82005296

Viewpoint: Purchasing from Minority Business
Corbean, Walter

Hospital Materiel Msmt Qtrly v3n3 55-57 Feb 1982 ISSN 0192-2262
Jrnl Code: HMM
Availability: ABI/INFORM
Doc Type: JOURNAL PAPER

When materiel managers select a supplier, they are mainly concerned whether the supplier has the needed items in stock and whether prices are competitive. Membership in a minority race is not considered to be a factor in choosing suppliers. It is suggested that this disregard for minority issues is the basis of institutional racism, which is more detrimental than prejudice. Institutional racism simply ignores the presence of minority groups. Centralized materiel management can help combat institutional racism. With centralized management, there can be a guarantee that some percentage of supplies and services will be contracted to firms owned by minorities. The major problem for potential purchasers appears to be in locating minority suppliers. In Ohio, the Ohio Minority Business Guide provides information about minority suppliers. It is argued that using minority suppliers represents a movement toward the equality that minority people have been denied in the past. References.

8/7/6

82004835 ID No: 82004835

The Corporation and the Constitution: Economic Due Process and Corporate Speech
Keto, David B.

Yale Law Jrnl v90n8 1833-1860 Jul 1981 Coden: YALJAB ISSN
0044-0094 Jrnl Code: YLJ

Availability: ABI/INFORM

Doc Type: JOURNAL PAPER

The speech and press clauses of the First Amendment afford corporations their principal constitutional protection for participation in politics in the US. Although the issue of corporate constitutional rights is not new, the precise extent of this constitutional protection has long been unclear. In order to properly interpret the grant of First Amendment rights to corporations, the corporate personality is first analyzed in the context of the Constitution, then in terms of the liberal democratic conception of individual rights, noting the obvious ambiguity of this latter theory. The constitutional consequences of the rapid growth in importance of the private corporations during the 19th and 20th centuries is reviewed in detail. Certain noteworthy changes in constitutional law were made during this time in the realm of property rights. In the case of First National Bank of Boston v. Bellotti (1978), the US Supreme Court reaffirmed and extended the entitlement of corporations to constitutional rights. This decision is strongly reminiscent of the economic due process era, marking an important departure from post-New Deal constitutional jurisprudence up till now. Both economic due process and corporate speech are attempts by the Court to resolve the conflict in constitutional law between the premises of liberal democratic theory and the exercise of power by private business corporations. The Bellotti decision was unwise and should be overturned. References.

8/7/7

82004365 ID No: 82004365

Equal Employment Opportunity and the Physical Planning of the Work Place
MacLeod, Jennifer S.

EEO Today v8n2 137-142 Summer 1981 Coden: EEOTDY Jrn1 Code: EEO

Availability: ABI/INFORM

Doc Type: JOURNAL PAPER

Most corporations continually make changes in some part of their facilities, often without considering the effects on employment opportunities. It falls to those with equal employment opportunity (EEO) responsibilities to be aware of the many relationships between the physical work environment and employment opportunities and to work to guarantee that the physical alterations made in the work place help, rather than act as a barrier, to EEO attempts. Many of the EEO considerations in workplace design are associated with the fact that most women and minorities are in clerical or other low-level jobs from which it is difficult to rise. The physical arrangement and design within the working environment often exacerbate the situation for such workers. Designs should avoid affectations that make employees uncomfortable or segregated. Concern should be given to the amount of space necessary to perform certain work and to eliminating distractions. Workplace planning is also needed in manufacturing facilities.

8/7/8

82004153 ID No: 82004153

Toward an Understanding of "Availability"

Sculnick, Michael W.

EEO Today v8n1 3-13 Spring 1981 Coden: EEOTDY Jrn1 Code: EEO

Availability: ABI/INFORM

Doc Type: JOURNAL PAPER

The term "availability" frequently used in equal employment opportunity (EEO) law, lacks a formal definition. However, the goals of nondiscrimination and affirmative action must be reviewed to achieve an understanding of availability. Title VII of the Civil Rights Act of 1964 was enacted with the assumption that corporate policy and practice were neutral and free of bias. However, as bias became apparent, corrective measures were instated, beginning with demands for companies to employ a statistically proportional number of women and minorities, depending upon their "availability" in a given labor market. The Office of Federal

Contract Compliance Programs (OFCCP), responsible for enforcing compliance with EEO policies, has had little success in defining availability. OFCCP does require that 8 "availability" factors listed in Revised Order No. 4 be considered when developing an estimate of availability. However, the OFCCP's availability factor computation scheme is inaccurate for estimating availability. Thus, in view of the problems, assumptions, and techniques involved in calculating availability, the term must be perceived as the end product of a subjective analysis and not as an exact science.

8/7/9

81014437 ID No: 81014437

Racial Preferences in the Federal Grant Programs: Is There a Basis for Challenge After Fullilove v. Klutznick?

Kilsore, Peter G.

Labor Law Jrn1 v32n5 306-319 May 1981 Coden: LBLJAB ISSN 0023-6586

Jrn1 Code: LLJ

Availability: Commerce Clearinghouse, Inc., 4025 W. Peterson Ave., Chicago, IL 60646

Doc Type: JOURNAL PAPER

On July 2, 1980, the Supreme Court issued its third landmark decision in as many years in the area of race-based affirmative action programs. Fullilove v. Klutznick culminated many legal challenges to the 10% Minority Business Enterprise (MBE) set-aside imposed by Congress in federal grant programs under the Public Works Employment Act of 1977 (PWEA). Fullilove indicates that some findings of discrimination must be made before race-conscious remedial action may be imposed. Justices Stewart and Rehnquist clearly require specific findings of identified discrimination, and Justice Powell indicates that specific findings of constitutional or statutory violations are necessary for lesser bodies than Congress. Fullilove indicates that Justice Stevens would require more evidence in the record than was compiled in the legislative history of the PWEA. The record must identify the attribute that justifies special treatment. Finally, Chief Justice Burger and Justice White indicate that some findings are necessary. References.

8/7/10

81012236 ID No: 81012236

To the One Who Merits It

Stahl, O. Glenn

Bureaucrat v10n1 15-22 Spring 1981 ISSN 0045-3544 Jrn1 Code: BUR

Availability: ABI/INFORM

Doc Type: JOURNAL PAPER

While partisan favoritism is recognizably foreign to an effective force of public servants, other types of favoritism, under the guise of affirmative action, are just as invidious. This is not to say that the fall of the barriers to equal employment opportunity should not be applauded. Insuring that the credentials necessary for employment be based on actual needs is laudable, but this high purpose has been distorted by the turn to the "numbers game." The intent of Congress that employment decisions not be based on race or other specified factors is perfectly clear. Quotas result in: 1. downplaying individual achievement in favor of group characteristics, 2. ignoring availability of candidates by relying on meaningless numbers, 3. resentment and backlash as evidenced by the fact that 80% of surveyed Americans oppose preferential treatment, 4. undermining productivity by viewing jobs as rights, 5. accentuating divisiveness, 6. placing minorities in competition with one another, 7. debilitating minority youth by creating expectations of entitlement, and 8. stigmatizing minorities as groups. It does not appear that the majority of minority or female job applicants support the increasing pressure for quotas. Rather, it appears that a relative handful of cliquish civil-rights-activists are responsible for the distortion of the original legislative goal. The goal should be a state in which ethnic-blind decisions can be based on individual merit rather than categorical

characteristics.

8/7/11

81012134 ID No: 81012134

Annual Report 1980: Office of Minority Affairs

Bradley, W. C.

Federal Home Loan Bank Board Jnl v14n4 66-68 Apr 1981 Coden:

JFHLY Jnl Code: FHL

Availability: ABI/INFORM

Doc Type: JOURNAL PAPER

The Office of Minority Affairs (OMA) was established in June, 1980. The OMA is to counsel and advise the Chairman and the Bank Board on policy matters relating to equal employment opportunity in the savings and loan industry, the Federal Savings and Loan Insurance Corporation, the Federal Home Loan Mortgage Corporation, and the 12 Federal Home Loan Banks. The primary emphasis in the OMA has been directed at complaint prevention, with secondary emphasis on revamping the Bank Board's Equal Employment Opportunity (EEO) complaint processing system. OMA has responsibility for the Board's affirmative action program and guidance responsibilities regarding affirmative action planning.

8/7/12

81011020 ID No: 81011020

Estimating Labor Force Availability of Women and Minorities: A Realistic Model

Stacy, Donald R.; Shanor, Gloria J.

Employee Relations Law Jnl v6n4 691-698 Spring 1981 Coden: ERLJDC

ISSN 0098-8898 Jnl Code: ERL

Availability: ABI/INFORM

Doc Type: JOURNAL PAPER

Federal contractors are required to avoid discrimination against women and minorities, and in order to carry out their responsibilities, they must estimate the availability of women and minorities for inclusion in affirmative action plans. Continued use of the 1970 census figures is frowned upon, and 1980 figures will not be available until late 1981 or 1982. State employment office statistics are generally too broad to be of value. Given the unreliability of the data going into the required calculations, federal contractors are understandably frustrated concerning the necessary utilization figures. A proposed method offers more certainty, and is based on a little known publication called Employment and Earnings, published monthly by the Bureau of Labor Statistics. A comparison of the Labor Statistics data with the 1970 census figures, allows calculation of the rate of change in labor force composition by job title. This rate of change can then be applied to the local figures to yield a surprisingly accurate estimate of the local availability of women and minorities by occupation. Refinement of these figures can be accomplished by comparison with local data, and use of this method will avoid the catastrophe of charges of underutilization when the 1980 census data becomes available. References. Appendices.

8/7/13

81001648 ID No: 81001648

A Dissenting Opinion About Affirmative Action

Sowell, Thomas

Across the Board v18n1 64-72 Jan 1981 Coden: ACBODW ISSN 0147-1554

Jnl Code: CBR

Availability: The Conference Board, Inc., 845 Third Ave., New York, NY

10022

Doc Type: JOURNAL PAPER

Affirmative action has been transformed from a doctrine of prospective equal opportunity to one of a retrospective sort of statistical representation or quotas. Such representation based on population disregards large differences in age distribution among US ethnic groups.

Many inadequacies have been characteristic of affirmative action programs. For example, the Equal Employment Opportunity Commission has stretched the concept of qualified job applicant to mean "qualified people to train", which means people lacking the necessary qualifications. Too many programs rely on "feelings garnished with numbers" rather than coherent analysis of the situation as it is. The attempt to establish institutionalized "special" treatment for race or ethnicity in the US as defined in categorical terms is significantly complicated by the racial and ethnic mixture of the population. It is not possible to right the historical wrongs in this population; just doing justice to today's ethnic and racial groups is sufficient challenge.

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AFFIRMATIVE ACTION IN EMPLOYMENT HAS EVOLVED FROM THE FOLLOWING: THE EQUAL PAY ACT OF 1963; TITLE VII OF THE CIVIL RIGHTS ACT OF 1964; EXECUTIVE ORDER OF SEPTEMBER, 1965; AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967; EXECUTIVE ORDER OF 1976; THE EQUAL OPPORTUNITY ACT OF 1972; AND VARIOUS COURT DECISIONS. QUOTAS IN HIRING ARE NOT STRICTLY ENFORCEABLE. AVERAGE ANNUAL EARNINGS FOR ALL GROUPS HAVE CONTINUED TO RISE WITH THE HIGHER PERCENTAGE FOR THE BETTER EDUCATED. UNEDUCATED BLACKS' EARNINGS HAVE BEGUN TO DECLINE FOR RECENT ENTRANTS INTO THE JOB MARKET.

7/7/11

185326 AER81EP122
IS EQUAL OPPORTUNITY ENOUGH?
LOURY, G.C.

AMERICAN ECONOMIC REVIEW, VOL.71, NO.2, MAY 1981,P. 122-126, BIBLIOG. 22, PROCEEDINGS.

AFFIRMATIVE ACTION POLICIES HAVE BEEN CRITICIZED FOR HAVING LITTLE ECONOMIC EFFECT FOR MINORITIES AND FOR BEING UNNECESSARY. THE PARTICIPATION OF GOVERNMENT IN FACILITATING ECONOMIC PROGRESS FOR MINORITIES IS OUTLINED. INEQUALITY OF RACIAL GROUPS CAN CAUSE MARKET FAILURE AND SHOULD JUSTIFY GOVERNMENT INTERVENTION. A LAISSEZ-FAIRE POLICY WITH REGARD TO MINORITIES WOULD LEAVE THEIR POSITION UNCHANGED. AFFIRMATIVE GOVERNMENT ACTION IS SUGGESTED.

7/7/12

183782 VIT81B0242
EQUALITY FACES A DANGEROUS DECADE.
WOODHOUSE, R.Y.

VITAL SPEECHES, VOL.47, NO.8, FEB. 1, 1981,P. 242-246., JOURNAL.

THE EFFECT OF THE CONSERVATIVE VICTORIES IN THE UNITED STATES ELECTIONS OF 1980 UPON EQUAL RIGHTS IS CONSIDERED. AFFIRMATIVE ACTION RELATIVE TO WOMEN AND MINORITIES IS EMPHASIZED. THE HISTORY OF AFFIRMATIVE ACTION IS REVIEWED, STRESSING CLASS ACTION, LEGAL DEFINITIONS, AND THE ELIMINATION OF ARTIFICIAL AND UNNECESSARY BARRIERS OF DISCRIMINATION. THE DANGERS FACING THE COUNTRY THROUGH NATIONAL INSULARITY, ECONOMIC ISOLATION, SCAPE GOATING, DEREGULATION, AND DENIAL OF REALITY ARE LISTED. LIBERALS MUST SPEAK OUT.

7/7/13

181259 MSC80J0994
MODELS FOR AFFIRMATIVE ACTION PLANNING AND EVALUATION.
HOPKINS, D.S.P.

MANAGEMENT SCIENCE, VOL.26, NO.10, OCT. 1980,P. 994-1006, BIBLIOG. 11, JOURNAL.

THE CIVIL RIGHTS ACT OF 1964 REQUIRES EQUAL OPPORTUNITY IN EMPLOYMENT. AN ORGANIZATION HAS TO SET GOALS AND TARGETS FOR EMPLOYING MINORITIES AND WOMEN. THE MONITORING OF THE PROGRAMS IS NECESSARY TO DETERMINE IF GOALS ARE ACCOMPLISHED. ORGANIZATIONS RECEIVING FEDERAL GRANTS MUST COMPLY WITH THE REQUIREMENTS. CHARTS AND MATHEMATICAL FORMULAS PERTAINING TO THE ANALYSIS ARE INCLUDED.

7/7/14

180869 IDWS0LOS&6
WILL CONTRACTORS SHUN FEDERAL PROJECTS?
MOSKAL, B.S.

INDUSTRY WEEK, VOL.207, NO.5, DEC. 8, 1980,P. 106,108., JOURNAL.

THE OFFICE OF FEDERAL CONTRACT COMPLIANCE (OFCC) IS ISSUING MORE STRINGENT AFFIRMATIVE ACTION RULES. FEDERALLY ASSISTED PROGRAMS OF \$10,000 OR MORE ARE COVERED. CONTRACTORS OPPOSE THE ADDED PAPERWORK BURDEN. RULES COVER WOMEN AND MINORITIES. DETAILS OF THE NEW RULES ARE CONSIDERED.

7/7/15

180526 CBR81A0064
A.DISSIDENTING OPINION ABOUT AFFIRMATIVE ACTION.
SOWELL, T.

ACROSS THE BOARD, VOL.18, NO.1, JAN. 1981, P. 64-72., JOURNAL.

THE HISTORY OF AFFIRMATIVE ACTION IS TRACED FROM ITS ORIGINS DURING THE KENNEDY AND JOHNSON YEARS AS A DOCTRINE OF PROSPECTIVE EQUAL OPPORTUNITY THROUGH THE '70S WHEN GUIDELINES AND SPECIFIC GOALS AND TIMETABLES WERE ESTABLISHED FOR UTILIZING MINORITY GROUP PERSONNEL. TODAY THE DOCTRINE HAS BEEN TRANSFORMED INTO ONE OF RETROSPECTIVE STATISTICAL REPRESENTATION OR QUOTAS. IT IS INCONSISTENT WITH THE CONGRESSIONAL INTENT OF THE CIVIL RIGHTS ACT OF 1964 WHICH WANTED TO PROMOTE EQUAL OPPORTUNITY AND HAS PROVEN TO BE INEFFECTIVE. THE FOCUS OF MINORITY REPRESENTATION HAS BEEN DETERMINED BY POPULATI

7/7/16

179854 PPM8030192

"REALPOLITIK" AND AFFIRMATIVE ACTION.

CRUZ, N.

PUBLIC PERSONNEL MANAGEMENT, VOL.9, NO.3, 1980,P. 192-195, BIBLIOG. 5, JOURNAL.

GERMAN CHANCELLOR OTTO VON BISMARCK'S POLICY OF "REALPOLITIK" ALLIANCES CREATED A EUROPEAN BALANCE OF POWER AND KEPT EUROPE AT PEACE FOR ONE HUNDRED YEARS. "REALPOLITIK" AND ITS BALANCE OF POWER ARE COMPARED TO THE UNITED STATES SYSTEM OF CHECKS AND BALANCES. FOUR GROUPS - MEXICANS, BLACKS, PUERTO RICANS, AND WOMEN - HAVE TRADITIONALLY BEEN LEFT OUT OF THE POWER ELITE IN THE UNITED STATES AFFIRMATIVE ACTION CREATES A BOND BETWEEN THESE MINORITIES AND THE STATE IN ORDER TO GIVE POWER TO THESE GROUPS. GOVERNMENT INTERVENTION ON BEHALF OF WEAK GROUPS CAN BE SEEN IN THE NUMBER OF AGENCIES PROTEC

7/7/17

179853 PPM8030184

IMPLEMENTING AFFIRMATIVE ACTION PROGRAMS.

BELLONE, C.J.; DARLING, D.H.

PUBLIC PERSONNEL MANAGEMENT, VOL.9, NO.3, 1980,P. 184-191, BIBLIOG. 3, JOURNAL.

SOME AFFIRMATIVE ACTION IMPLEMENTATION PROBLEMS ARE EXPLORED, AND STRATEGIES FOR EFFECTIVE IMPLEMENTATION SUGGESTED. AN EDUCATIVE STRATEGY AND PARTICIPATION OF DEPARTMENT MANAGERS WILL MOST LIKELY LEAD TO A LONG-TERM POSITIVE CHANGE. A RESEARCH SURVEY ON AFFIRMATIVE ACTION CONDUCTED ON COUNTY EMPLOYEES IS PRESENTED. THE RESEARCH DIMENSIONS INCLUDED DEMOGRAPHIC DATA, KNOWLEDGE OF AFFIRMATIVE ACTION, THE COUNTY'S AFFIRMATIVE ACTION ACTIVITIES AND CAREER DEVELOPMENT ISSUES. TABLES INCLUDE INFORMATION ON DEMOGRAPHIC DATA, KNOWLEDGE QUIZ, COUNTY QUIZ AND CAREER DEVELOPMENT QUIZ. IMPLICATIONS OF T

7/7/18

178415 PAD80J0078

SENATOR HATCH WRESTLES WITH AFFIRMATIVE ACTION.

HATCH, O.G.

PERSONNEL ADMINISTRATOR, VOL.25, NO.10, OCT. 1980,P. 78-80,82., JOURNAL.

A DIGEST OF A SPEECH BY SENATOR ORRIN G. HATCH IS PRESENTED WHICH OUTLINES HIS ANALYSIS OF AFFIRMATIVE ACTION. HATCH CONTENTS THAT AFFIRMATIVE ACTION VIOLATES THE NINTH AND FOURTEENTH AMENDMENTS AND THE SPIRIT OF THE CIVIL RIGHTS ACT OF 1964. FURTHER OBJECTIONS ARE BASED ON THE ECONOMIC COSTS WHICH ARE ESTIMATED AT FIVE TO SEVEN BILLION DOLLARS ANNUALLY. ANALYSIS IS PROVIDED ON THE INVOLVEMENT OF THE CONGRESS, THE SUPREME COURT AND AGENCIES SUCH AS THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION WITH AFFIRMATIVE ACTION. IMPLICATIONS OF THE WEBER AND BAAKE CASES ARE EXAMINED ALONG WITH ANALYSIS O

7/7/19

176523 BWE80J1346

A TIME FOR CRUCIAL RULINGS ON JOB BIAS.

ANON

BUSINESS WEEK, NO.2658, OCT. 13, 1980, P. 46-47., JOURNAL.

CRUCIAL RULINGS BY THE UNITED STATES SUPREME COURT ON JOB BIAS CONTROVERSIES ARE EXPECTED IN THE TERM OPENING OCTOBER 6, 1980. ALMOST TEN PER CENT OF THE CASES THE COURT HAS AGREED TO HEAR DEAL WITH JOB HIRING AND PROMOTING OF MINORITIES AND WOMEN. PART OF THE INCREASE IN CASES SEEMS DUE TO THE MATURING OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. EMPLOYERS ARE STILL NOT CERTAIN WHEN GOALS SET BY THE SUPREME COURT ARE TO BECOME QUOTAS, AS THE SUPREME COURT'S RULINGS HAVE BEEN SO DIVERSE, UNCLEAR AND NUMEROUS. AFFIRMATIVE ACTION QUESTIONS WILL AGAIN BE DECIDED.

7/7/20

174900 BLR80M0001

THE PROBLEM OF REVERSE DISCRIMINATION - A GAMBLE OF COMPLIANCE.

CHILDERS, B.K.; JENNINGS, M.M.

BUSINESS LAW REVIEW, VOL.12, NO.2, WINTER 1980, P. 1-7., JOURNAL.

ONE BY-PRODUCT OF AFFIRMATIVE ACTION POLICY IMPLEMENTATION IS REVERSE DISCRIMINATION - THE IMPOSITION OF NEW STANDARDS WHICH DISCRIMINATE AGAINST PREVIOUSLY FAVORED INDIVIDUALS. THREE RECENT SUPREME COURT CASES HAVE DEALT WITH THIS PROBLEM: THE BAKKE CASE FOR EDUCATIONAL STANDARDS AND THE WEBER AND SEARS CASES FOR BUSINESS STANDARDS. THE BAKKE AND WEBER DECISIONS ARE INCONGRUENT AND MAKE IT DIFFICULT TO COMPLY WHEN IMPLEMENTING EMPLOYMENT PRACTICES. SOME LIMITS ON AFFIRMATIVE ACTION HAVE BEEN CLARIFIED: 1) AN EMPLOYER MAY NOT ADOPT A QUOTA FOR AN INDEFINITE PERIOD OF TIME; 2) A PROGRAM MAY N

7/7/21

174612 VIT80G0565

THE UNFULFILLED PROMISE.

VANSINDEREN, A.W.

VITAL SPEECHES, VOL.46, NO.18, JULY 1, 1980, P. 565-568., JOURNAL.

THE CIVIL RIGHTS MOVEMENT HAS ACCOMPLISHED MANY THINGS, BUT IT HAS MANY OBVIOUS FAILURES. COMMUNICATION IS THE ANSWER TO THE PROBLEM. ALFRED W. VANSINDEREN SPOKE BEFORE THE URBAN LEAGUE OF GREATER HARTFORD ON BECOMING A NATION OF FRIENDS.

7/7/22

173446 EE080P0103

SUBSTANTIAL POST-WEBER LITIGATION.

ANON

EEO TODAY, VOL.7, NO.2, SUMMER 1980, P. 103-109., JOURNAL.

UNITED STEELWORKERS V. WEBER RULED THAT PRIVATE EMPLOYERS AND UNIONS COULD UNDERTAKE VOLUNTARY AFFIRMATIVE ACTION PLANS THAT PROVIDE RACIAL PREFERENCE. THIS CASE OPENED MANY QUESTIONS WHICH ARE DISCUSSED. THE ROLE OF THE CASE IN THE FEDERAL AND STATE COURTS IS DESCRIBED.

7/7/23

170873 JAB80D0135

DIAGNOSING RACE RELATIONS IN MANAGEMENT.

ALDERFER, C.P.; ALDERFER, C.J.; TUCKER, L.; TUCKER, R.

JOURNAL OF APPLIED BEHAVIORAL SCIENCE, VOL.16, NO.2, APRIL-MAY-JUNE 1980, P. 135-166, BIBLIOG. 35, JOURNAL.

A CASE STUDY INVOLVING THE DESIGN, IMPLEMENTATION AND EVALUATION OF A STUDY CONCERNING RACE RELATIONS AMONG MANAGERS OF A LARGE CORPORATION IS DESCRIBED. AT THE INITIATION OF THE DIRECTOR OF HUMAN RESOURCES FOR THE COMPANY, A TEAM COMPOSED OF TWO MEN - ONE BLACK, ONE WHITE - AND TWO WOMEN - ONE BLACK, ONE WHITE - WAS CONTRACTED TO CARRY OUT THE STUDY. THE RESULTS OF AN EXTENSIVE QUESTIONNAIRE ADMINISTERED TO OVER 600 MANAGERS AND AN ANALYSIS OF THE DATA COLLECTED ARE PRESENTED.

7/7/24

170644 EE080N0064

NETWORKING: THE NEW WAY TO FIND FEMALE AND MINORITY MANAGERS.

ORLOV, D.

EEO TODAY, VOL.7, NO.1, SPRING 1980, P. 64-70., JOURNAL.

SOMETIMES A COMPANY CAN NOT FIND A MINORITY OR A FEMALE TO HIRE. THERE ARE MANY REASONS FOR THE DIFFICULTY. A NEW SOLUTION TO INCREASING APPLICANT FLOW IS CALLED NETWORKING. AN EXAMINATION OF NETWORKING IS PRESENTED.

7/7/25

170186 TR80D0036

SMOOTHING THE WRINKLES IN AFFIRMATIVE ACTION TRAINING.

ANON

TRAINING, VOL.17, NO.4, APRIL 1980, P. 36+, JOURNAL.

THE FIRST PHASE OF AFFIRMATIVE ACTION IS ALMOST FINISHED. HOWEVER, FAR FROM COMPLETION IS THE JOB OF FULLY IMPLEMENTING IT. TRAINING FOR THIS SECOND PHASE MUST INCLUDE EMPLOYEE TRAINING TO AVOID DISCRIMINATION AND PROGRAMS FOR MINORITY AND FEMALE JOB MOBILITY.

7/7/26

166510 BH080B0034

THE END OF AFFIRMATIVE ACTION.

FRY, F.L.

BUSINESS HORIZONS, VOL.23, NO.1, FEB. 1980, P. 34-40. JOURNAL

USING THE DELPHI TECHNIQUE SEVENTEEN PERSONNEL EXPERTS WERE ASKED TO ANSWER TWO SETS OF SIX QUESTIONS ON THE KEY ASPECTS OF AFFIRMATIVE ACTION. IT WAS PREDICTED THAT WOMEN WOULD ACHIEVE INTEGRATION THIRTY YEARS BEFORE MINORITY GROUPS. EQUAL QUALIFICATIONS WERE IDENTIFIED AS A KEY ISSUE, WITH WOMEN AGAIN ACHIEVING EQUALITY ABOUT THIRTY YEARS BEFORE MINORITIES.

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7/7/6

198269 BWE81K30A9

The Backlash against Sowell.

Anon

Business Week, No.2716, Nov. 30, 1981, P. 119-122., Journal.

Thomas Sowell, black economist, has argued that government has been more of an enemy than friend to minorities. His critics are especially vocal today as the Reagan Administration slashes government programs aimed at aiding minorities. Sowell's views and his critics' views are presented. Topics covered are affirmative action, minimum wages and school vouchers.

7/7/7

192519 FBR81I1498

THE RIGHT ATTITUDE.

MERWIN, J.

FORBES, VOL.128, NO.6, SEPT. 14, 1981, P. 98-104., JOURNAL.

THOMAS SOWELL, THE AUTHOR OF THE RECENTLY PUBLISHED BOOK 'ETHNIC AMERICA', IS A CONSERVATIVE ECONOMIST AND A LEADING CRITIC OF THE MINORITIES IN AMERICA. HE OPENLY CHALLENGES THE GOVERNMENT BUREAUCRACY AND POVERTY-FIGHTING PROGRAMS. AN INDEPTH INTERVIEW WITH SOWELL IS PRESENTED. HE CONTENDS THAT SINCE AFFIRMATIVE ACTION HAS COME UPON THE SOCIAL SCENE, MANY MINORITIES ARE NOT ECONOMICALLY BETTER OFF THAN THEY WERE. HE OUTLINES REASONS WHY INCOME IS LOWER IN SOME GROUPS AND THAT STATISTICS ARE NOT ALWAYS ACCURATE, AS WELL. HE FEELS GOVERNMENT CAN DO MUCH TO REDUCE BARRIERS IN HIRING MINORS. HE FAVORS GOVERNMENT AID TO PRIVATE SCHOOLS IF THEY CAN TEACH EFFECTIVELY. THE SURPRISING CONCLUSION IS THAT HE GETS LITTLE FLAK FROM BLACKS.

7/7/8

186401 IRR80IP147

PAY INEQUALITIES AND COMPARABLE WORTH.

MILKOVICH, G.T.

INDUSTRIAL RELATIONS RESEARCH ASSOCIATION PROCEEDINGS, 1980, P. 147-154, BIBLIOG. 15, PROCEEDINGS.

THE EARNINGS GAP BETWEEN MALES AND WOMEN AND MINORITIES IS EXAMINED. LEGAL INITIATIVES FOR NARROWING THIS GAP THROUGH THE EQUAL PAY ACT, TITLE VII AND THE BENNETT AMENDMENT ARE REVIEWED. POSSIBLE REASONS FOR THE EARNINGS GAP ARE IDENTIFIED AND RESEARCH ON THE IMPORTANCE OF THESE FACTORS IS SUMMARIZED. REASONS FOR THE CONTINUED WAGE DIFFERENTIALS IN SPITE OF AFFIRMATIVE ACTION ARE IDENTIFIED. STRATEGIES FOR CORRECTING THIS GAP ARE SUGGESTED BASED ON THE CONCEPT OF COMPARABLE WORTH. PROBLEMS WITH DEVELOPING A MEASURE OF WORTH ACROSS OCCUPATIONS ARE IDENTIFIED. OTHER FACTORS WHICH MUST BE CONSI

7/7/9

185655 BUR81N0015

TO THE ONE WHO MERITS IT.

STAHL, D.G.

BUREAUCRAT, VOL.10, NO.1, SPRING 1981, P. 15-22., JOURNAL.

PAST DISCRIMINATION MAY BE BRINGING ABOUT THE SELECTION OF PEOPLE FOR EMPLOYMENT BASED ON GROUP MEMBERSHIP RATHER THAN ON WORTH. SPECIFIC MINOTIRIES ARE URGED FOR EMPLOYMENT TO FILL GOALS. MANY FIND THIS APALLING. COURT CASES REGARDING THIS ARE CITED. POLLS INDICATE THAT MANY PEOPLE ARE AGAINST RATIOS AND PREFERENCES. INTIMIDATION MAY KEEP PEOPLE FROM SPEAKING OUT.

7/7/10

185327 AER81EP127

AFFIRMATIVE ACTION AND ITS ENFORCEMENT.

WELCH, F.

AMERICAN ECONOMIC REVIEW, VOL.71, NO.2, MAY 1981, P. 127-133, BIBLIOG. 9, PROCEEDINGS.

Management Contents

7/7/1

211885 NEWS2C1514

Blacks in Business.

Adams, J.M.; Bailey, D.M.; Christie, C.M.

New England Business, Vol.4, No.5, March 15, 1982, P. 14-23., Journal.

The Urban National Corp. (UNC) was established to provide venture capital for prospects in minority businesses. Due to a lack of minority businesses in the early seventies, the UNC's strategy was to take minority executives already employed in large corporations and set them up in their own businesses. The survival of minority banks is presented. Cutbacks in student loans will cause black students to have a tough time setting through college and graduate programs. These federal cutbacks will make it more difficult to increase the amount of minorities in the business world.

7/7/2

210989 ENR81K05942

Fight Flarins Over EEO Goals.

Anon

Engineering News-Record, Vol.207, No.19, Nov. 5, 1981, P. 94-95., Journal.

Controversy is brewing over whether or not employment goals and timetables for minorities and women are legal. The construction industry is against the government's use of goals and timetables. Many are calling these goals and numbers illegal.

7/7/3

210894 ENR81H27A31

New Goals Nesotiated for Alaska Gas Pipeline.

Anon

Engineering News-Record, Vol.207, No.9, Aug. 27, 1981, P. 113., Journal.

The Department of the Interior will channel millions of dollars to minorities and women in the form of jobs and contracts. The goals involve the Alaskan segment of the Alaska-Canada pipeline. No open criticism has been expressed regarding the extra cost of the affirmative action program.

7/7/4

209962 GOL81N0094

Equal Protection - "Stacked Deck" Affirmative Action.

Beverly, B.

Golden Gate University Law Review, Vol.11, No.1, Sprins 1981, P. 94-116,

Biblios, 3, Journal.

An attempt by the San Francisco Board of Education to implement an affirmative action hirins policy regarding construction contractors violated California's low bid law because non-minority contractors were deemed not responsible bidders. The Ninth Circuit Court maintained that his 'stacked deck' affirmative action program was unconstitutional. The decision of the Court seems to be correct because the school board had censured local contractors who were suilty of no misdemeanor. The school board clearly overstepped its authority by trying to impose its will on people outside its province.

7/7/5

208371 ENR81E14731

Minority Quotas Under Fire.

Anon

Engineering News-Record, Vol.206, No.20, May 14, 1981, P. 73., Journal.

Minority hirins goals, quotas, and affirmative action mandates are under fire asain by Consressional Republicans. Representative Robert S. Walker (R-PA) has introduced a bill that would amend the Civil Rights Act of 1964 in its ban of 'ratio, quota or numerical requirement' used to encourage hirins, promotion or admission policy. Civil rights enforcement would be tightened up by Walker's bill. With a Republican-controlled Senate, the outlook for the bill is favorable.



Department of Justice

*file
Civil Rights
-- general*

REMARKS

OF

WILLIAM BRADFORD REYNOLDS
ASSISTANT ATTORNEY GENERAL
CIVIL RIGHTS DIVISION

BEFORE

ELEVENTH ANNUAL CONVENTION OF OPERATION PUSH

(Voting Rights Act)

2:00 P.M.
FRIDAY, JULY 16, 1982
CHARLESTON, SOUTH CAROLINA

I am delighted that the Reverend Jesse Jackson and you have invited me to be here today. As the Assistant Attorney General for Civil Rights, I hold a position that presents daily challenges, a good deal of controversy, and more than its fair share of frustrations. I am especially pleased to be here because it gives me a chance to talk directly to the members of a major and distinguished civil rights organization -- Operation PUSH. Too often impressions are formed at long distance based on news accounts and the perceptions of others. When people meet face to face and hear each other out they often find that the ideas they share are much more important than the issues that divide them. For example, President Reagan, Attorney General Smith and I all share the primary goals that bind you together in this impressive organization. We believe -- as you do -- in the dignity of all men and the need to redeem our country's promise of equal opportunity for all its citizens. My role as Assistant Attorney General is to enforce those laws which Congress has passed to make this dream a reality -- equal employment and educational opportunity, fair housing, nondiscrimination in federally funded activities, constitutional conditions and treatment for those confined in institutions, and criminal prosecution of those who violently interfere with the rights of others.

In addition, we are charged with enforcing that basic right -- the one that is preservative of all others -- the right to participate in our Nation's political affairs through the ballot box without regard to race, color or national origin. It is an honor for me to share this platform with your distinguished list of speakers to help you celebrate the extension of the most effective single piece of civil rights legislation ever written, the Voting Rights Act.

But a simple recitation that this Administration is committed to equal justice under law through effective enforcement of the civil rights laws is only a part of my message. In addition, I am here to ask you to set aside for a moment whatever perceptions you may have brought into this hall and review with me the things we have accomplished in the name of voting rights enforcement in the last eighteen months. After this review I will ask you to make up your own mind as to this Administration's commitment to voting rights enforcement. I will also review my perception of the debate that preceded the extension of the Act and ask each of you to form your own impression of the Administration's commitment to the Act. And, finally I am here to pledge our continued commitment to voting rights enforcement and to invite you to join with me in the kind of dialogue and partnership between the Civil Rights Division and the civil rights organizations that has been so effective in the past.

Turning first to our enforcement record under the Voting Rights Act, in my view it has been nothing short of remarkable. I think it important to recount that record for two reasons:

First, although we provide individual releases of each action we take and periodically provide the Washington press corps with a list of our enforcement activities, the full story has yet to be published. I welcome the chance to bring the facts to you directly.

Second, a concerted effort has been made to paint this Administration -- and particularly the Civil Rights Division of the Department of Justice -- as insensitive to, and uncaring for, minority concerns. There is, I submit, no better place to test that hypothesis than against the record of Voting Rights Act enforcement. Virtually every southern community with a significant minority (or language minority) population is covered by the special preclearance provisions of the Act. Many counties and cities outside the South with sizeable minority (or language minority) populations are also covered. There are thus few decisions made by the Federal

Government with a greater impact on large numbers of minorities than those made by the Assistant Attorney General for Civil Rights, on behalf of the Attorney General, in approving or disapproving redistricting plans, annexations, and other voting changes proposed by covered jurisdictions. The record of that activity speaks volumes about our attitude and commitment.

Accordingly, let us examine that record. Under Section 5 of the Act, certain jurisdictions that meet a unique coverage formula are compelled to clear in advance with the Attorney General, or with a three-judge federal district court in the District of Columbia, all changes in their voting laws, practices and procedures. Nine (9) states are fully covered by this provision, as are parts of thirteen (13) other States. Each must demonstrate that the voting change submitted for preclearance has neither the purpose nor the effect of denying or abridging the right to vote on account of race, color or membership in a language-minority group.

With the 1980 Census, it is incumbent upon virtually all state and local jurisdictions throughout the country to redistrict in order to satisfy the Constitution's "one person, one vote" requirements. The Attorney General has received a number of those redistrictings for Section 5 review. At the state-wide level, I personally have interposed an

objection to the House and Senate redistrictings for the States of Virginia, Texas, Georgia, Alabama and Arizona. Similarly, I found objectionable the House and Senate plans of North Carolina and New York -- both of which are partially within the Act's coverage. The State House redistrictings for South Carolina and Louisiana also failed to gain approval as originally submitted, as did the initial Congressional redistrictings for Georgia, Mississippi, North Carolina and New York.

The significance of these decisions, of course, cannot be overstated. Under the Voting Rights Act, no redistricting by a covered jurisdiction can be put into effect without first obtaining preclearance as prescribed in the statute. The State must demonstrate that the plan submitted has no dilutive effect on minority voting rights -- that is, that it will cause no "backsliding" or retrogression in existing minority voting strength -- and, in addition, that it was drawn without racial purpose -- that is, without an intent to deny minorities the full voting strength they would have been able to exercise under a fairly drawn plan.

In the redistrictings I have mentioned, I remained unconvinced that minority voting rights were adequately protected by the proposed configurations. To have precleared any one of them in such circumstances would have locked members of the affected minority community into a 10-year waiting period -- until the 1990 Census -- during which time they

would not have been fully able to realize their existing voting potential. This I refused to do -- and I will continue to object in the future to any redistrictings having a similar effect.

Nor -- as the record amply demonstrates -- do I intend to approve other voting changes where the showing by the submitting authority fails to establish that the change has neither the purpose nor effect of discriminating on the basis of race or membership in a language minority. Thus, within the last year:

- I have objected to procedures for purging lists of registered voters in counties where blacks are a majority or near-majority of the population;

- I have objected to a State law that would have limited the ability of illiterate voters to get assistance in voting from persons of their choice;

- I have objected to the elimination of neighborhood voter registration drives;

- I have objected to annexations that would have diluted the voting strength of minorities; and

- I have objected to implementation of election methods (such as at large systems) that would have reduced the opportunity of minorities to elect persons of their choice.

The Civil Rights Division has over the years acquired a reputation as the foremost champion of minority voting rights in the country -- a reputation it richly deserved. Yet, by any objective measurement, the Division's remarkable performance in the last 18 months adds an even brighter luster. Beyond the Section 5 preclearance activity -- which has, by the way, been proceeding at an unprecedented pace -- our litigation efforts have been most impressive:

- In three cases this Term, the Supreme Court upheld our position that an election change could not be ordered into effect in the absence of preclearance;

- We have defended our objection letters in separate federal court actions brought by the States of Mississippi and Georgia, respectively;

- We participated in the remand hearing in the City of Mobile case and helped to obtain a ruling that the city's at-large election system was intentionally created and maintained for racially discriminatory purposes in violation of Section 2 of the Voting Rights Act and the Fourteenth and Fifteenth Amendments to the Constitution;

° We are also involved in a lawsuit attacking the at-large election methods of two Alabama counties as impermissibly dilutive under the Constitution and amended Section 2 of the Act, and

° We participated in a separate action challenging the New Mexico reapportionment on constitutional and Section 2 grounds, as impairing the voting rights of blacks, Hispanics and American Indians. In that case, the court granted our request for a preliminary injunction, prompting New Mexico to reconvene its legislature to modify the earlier unconstitutional districting plan.

These are not isolated forays into the thicket of Voting Rights Act enforcement. Rather, they represent the day-to-day activities of an entire Section in the Civil Rights Division dedicated to the protection and preservation of that most cherished of constitutional rights -- the right of every person over the age of eighteen to participate openly in the electoral process free from racial discrimination.

In sum, there has been no relaxation of our efforts in this area; nor will there be as long as I am the head of the Civil Rights Division. We recognize, of course, that dramatic gains have been made, both attitudinally and substantively, under the Voting Rights Act. Today, more than 98 percent of

all voting changes submitted to the Attorney General by covered jurisdictions -- and we have received more than 10,000 since January 20, 1981 -- are approved as having neither a racial purpose nor a racial effect.

At the same time, both Houses of Congress have passed, and the President has signed, an extension of the Act for another 25 years precisely because evidence of voter discrimination on account of race still exists. As to the Administration's record with respect to extending the Voting Rights Act, the media -- and indeed many others for what I perceive to be largely political reasons -- have unfairly portrayed the Administration as being against an extension of the Act. Never has that been the President's position; never has it been the position of the Attorney General; never have I endorsed or even suggested such a position; and I am unaware of anyone else in the Administration who ever advanced such a view. The point is that no debate took place over the matter of extension because everyone agreed that the Act's pre-clearance provisions continued to be needed in some areas of the country.

This is not to suggest to you that there were not differences of opinion as to the particulars of specific provisions of the Act -- as extended. Obviously, there were. The robust debate over whether Section 2 of the Act should have an "intent" or an "effects" test, for example, had worthy advocates on both sides. Indeed, proof of their worthiness lies in the fact that a compromise position ultimately

prevailed -- one that replaced the "intent" standard with a "totality of the circumstances" inquiry for determining voting discrimination, and removed from the Act any requirement that a community guarantee proportional representation along racial lines.

That compromise is regarded as a major victory by the civil rights community -- and rightfully so. Curiously, however, what has not been openly acknowledged (but certainly deserves to be) is the instrumental role of the Administration in achieving that result. Instead, we continue to be miscast as being "against the Voting Rights Act" -- and, more generally, as "against civil rights."

Let me use this occasion to respond very directly to those charges. My commitment, and that of the Civil Rights Division, to protecting minority interests has time and again been called into question. But nowhere have those engaging in such political rhetoric invoked the record -- and understandably so. Those who take the time to examine what we have actually been doing since President Reagan took office, as we have just done with respect to voting, discover that the Division's litigation activities on behalf of blacks, Hispanics and other minorities in the first 18 months of the Administration has outstripped that of the prior administration during its first 18 months in virtually every area of civil rights enforcement. And, in those few areas where we are not way out in front, we do not lag far behind.

That brings me to the final point I want to make: our plans for the future. First, let me state that I had strong views on what standard ought to have been included Section 2 of the Act, and I stated them forcefully to the Congress. Congress has now announced the standard that applies and, without reservation or equivocation, I fully accept that judgment.

When the President signed the bill extending and amending the Act, Reverend Jackson was reported as stating:

"We're glad, we celebrate the extension of the Voting Rights Act, but if it is extended and not enforced, it is merely an Indian Treaty. The focus now shifts from Capitol Hill to the Justice Department."

And he then is said to have asked rhetorically: "What will Brad Reynolds do now?"

Well, let me tell you what Brad Reynolds plans to do. First, and foremost, I intend to continue enforcing the Voting Rights Act, as now amended, with the same degree of intensity, dedication and commitment to protecting the right of each individual to cast a ballot for the candidate of his or her choice as I have been doing since I took office. The unparalleled record of achievement compiled during the first 18 months of this Administration will not be compromised in the days ahead.

Second, I am in the process of putting together within the Voting Section of the Division a special team of lawyers whose primary responsibility will be to enforce amended Section 2 of the Act. We are already receiving requests to investigate voting practices that allegedly fail to meet the requirements of this new provision. Just today, I have been handed a list of election systems to examine. I welcome this information and I hope that organizations like PUSH will continue to bring to our attention any information concerning possible violations of the Act. We can accomplish more together than we can separately.

While it must be understood that we, too, deal with only limited resources, the Voting Rights Act commands a priority position in the area of civil rights enforcement, and I therefore am reassigning legal and support staff within the Division to ensure that the Act receives the full attention it deserves. And if more assistance is needed to fulfill our enforcement responsibilities in this area, I will go to Congress and ask for the necessary resources.

In closing, let me assure you, as did the President on his signing of the Voting Rights Act extension, of "our unbending commitment to voting rights." Sometimes lost in all the rhetorical exchanges of charges and counter-charges are the deeds being done by those assigned enforcement responsibility. If one pauses for a moment, as we have today,

to examine those deeds, the true measure of our "unbending commitment" is better understood.

Since 1965, you have had in the Civil Rights Division of the Department of Justice a true champion of your right to participate in the electoral process without racial interference or intimidation. On request, we routinely send federal observers to primary and general elections to guard against subtle or not-so-subtle harassment against blacks at the polling place. We stand ready to honor such requests for the elections this Fall. There has been no retreat in civil rights enforcement in this Administration. Nor will there be. We will continue the fight with the same intensity, and we will not rest until it can be said with absolute conviction that all people of voting age enjoy equal access to the electoral process at the local, state and national levels without regard to race, color or membership in a language minority group.

Thank you.