

# eliminating racism empowering women

ywca

## Affirmative Action

Affirmative action is a tool designed to expand job and educational opportunities to women and people of color to remedy past and present-day discrimination. Affirmative action tools include outreach, recruitment, training, and promotion to ensure that positive steps are taken to advance qualified women and people of color.

In 1964, Congress passed and President Lyndon B. Johnson signed into law The Civil Rights Act of 1964, landmark legislation that prohibited employment discrimination by employers. Title VII of the Civil Rights Act forbade the use of sex to determine wages, hiring, promotion or other employment decisions.

In 1965, President Johnson issued executive order 11246, which outlawed discrimination on the basis of race, color, religion or national origin in federal employment and in employment by federal contractors and subcontractors. Executive Order 11246 required affirmative action by companies to make “extra efforts to locate, recruit, and train disadvantaged workers who might not otherwise be hired.”<sup>i</sup> In 1967, Executive Order 11375 expanded Executive Order 11246 to include women.

Over the past forty years, affirmative action programs have significantly expanded employment and educational opportunities to underrepresented groups. However, affirmative action policies are currently under attack at the state level and in the courts. Attempts to rollback the gains made by affirmative action programs have occurred with unprecedented intensity at the state level in the form of court cases, ballot initiatives,<sup>\*</sup> legislation, resolutions and executive orders over the last decade.<sup>ii</sup>

Ballot initiatives such as Proposition 209 in California and Initiative 200 in Washington State are examples of anti-affirmative action campaigns that passed. In 1996, California’s Proposition 209 passed which abolished all public-sector affirmative action programs in the state in employment, education and contracting. In 1998, voters in Washington State passed Initiative 200, banning affirmative action in higher education, public contracting, and hiring.<sup>iii</sup>

Affirmative action has also been contested in the courts. In 1997, lawsuits were filed against the University of Michigan (*Grutter v. Bollinger* and *Gratz v. Bollinger*) regarding its use of affirmative action policies in admissions standards. In June 2003, the Supreme Court ruled in *Grutter v. Bollinger* and *Gratz v. Bollinger* that universities may take race into consideration as one factor among many factors when selecting incoming students.

The period from 1997-1999 represents the highest number of threats to affirmative action over the last decade. In 1997, the year following enactment of California’s Proposition 209, 33 anti-affirmative action bills and/or resolutions were introduced in 15 states. In 1998, 16 bills were proposed in 9 states. In 1999, 20 bills were introduced in 14 states.<sup>iv</sup>

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<sup>\*</sup> A ballot initiative or measure, called “propositions” in some states, which allows voters to propose a legislative measure or state constitutional amendments. Ballot measures are an example of direct democracy in the United States. Controversial ballot measures, in particular, are often litigated, and sometimes overturned by the courts.

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## VIEW POINTS

Opponents of affirmative action policies argue that affirmative action is reverse discrimination because the policies unfairly benefit individuals based on their gender and racial backgrounds for educational and employment opportunities. Some opponents of affirmative action also argue that socio-economic status is just as important, and possibly more important, than gender or racial background and therefore should be taken into account.

Supporters of affirmative action argue that despite recent progress, women and people of color still do not have access to resources and opportunities that allow a person to participate in society with full dignity and equality. They argue that women and people of color still face fewer job and educational opportunities, lower wages, and economic uncertainty and repealing affirmative action programs would reverse hard-fought gains made over the last forty years. Supporters also point out that while much attention is focused on individuals as beneficiaries of affirmative action programs, the programs also help critical institutions in our society. For example, affirmative action programs help businesses compete in today's global economy by providing a workforce that reflects the diversity of the country.

## YWCA POSITION

The YWCA supports the maintenance and strengthening of affirmative action laws to protect people from discrimination on the basis of race and gender. Anti-affirmative action efforts in the courts and on the federal and state levels will be met with opposition from the YWCA. The YWCA calls for no further erosion of affirmative action policies and laws in the public or private sector and increased awareness of the need for affirmative action policies.

## FACTS

- **Women earn approximately 78 cents for every dollar men earn.** Women of color fare significantly worse—black women earn 69 cents, while Hispanic women earn 59 cents for every dollar men earn.<sup>v</sup>
- **The median annual earnings of women vary widely by race, ethnicity, and geographic location.** National data show that in 2006, the median annual earnings of Asian American women were \$40,374, African American women were \$31,009, and Latina women were \$26,612.<sup>vi</sup>
- **The U.S. Department of Labor's Glass Ceiling Commission report, released in March 1995, showed that while white men are only 43 percent of the Fortune 2000 workforce, they hold 95 percent of senior management jobs.**
- **A 2007 report from Catalyst reveals that only 6.7 percent of top-earnings officers in Fortune 500 companies are women.**<sup>vii</sup>
- **Even though women-owned firms represent an estimated 28 percent of all businesses in the United States, their firms have obtained a mere 3.4% of the \$340 billion in federal government contracts awarded in fiscal year 2006.** This is still short of the five percent goal Congress established in 1994.<sup>viii</sup>

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- **During the academic 2002-2003 year, women earned 58 percent of bachelor's degrees and 59 percent of all master's degrees, but they still earned only 41.7 percent of doctorate degrees.**<sup>ix</sup>
- **The YWCA has worked towards diversity since its founding, bringing together women of all ages, racial, cultural, economic, social, and religious backgrounds to work toward a common goal of peace, justice, freedom, and dignity.** Affirmative action is a crucial tool in this historic struggle. By taking a strong position with affirmative action, the YWCA reaffirms its role as a leader in the movement to empower women and eliminate racism.
- **Despite recent progress, women and people of color still do not have access to resources and opportunities that allow a person to participate in society with full dignity and equality.** Women and people of color still face fewer job and educational opportunities, lower wages, and economic uncertainty. Repealing affirmative action programs would reverse hard-fought gains made over the last forty years.
- **Affirmative action is good for business.** Studies show that affirmative action allows businesses to compete in today's global economy. Affirmative Action provides a workforce that reflects the diversity of the specific markets that businesses serve. With recent U.S. Census Bureau projections showing that the nation's Hispanic and Asian populations will triple in size over the next half century, it is important to take steps to ensure that the nation's workforce is prepared to meet the challenges on both a domestic and international scale.

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<sup>i</sup> Badgett, M.V. and Jeannette Lim. (2001) *Promoting Women's Economic Progress through Affirmative Action*. In *Squaring Up: Policy Strategies to Raise Women's Incomes in the United States*. Ann Arbor, Michigan: University of Michigan Press.

<sup>ii</sup> Americans For A Fair Chance. (January 2004) *Anti-Affirmative Action Threats in the States: 1997-2003*.

<http://www.civilrights.org/issues/affirmative/Affirmative%20Action%20State%20Report.pdf>

<sup>iii</sup> Americans For A Fair Chance. (January 2004) *Affirmative Action Fact Sheets*. [http://www.civilrights.org/issues/affirmative/fact\\_sheet\\_packet.pdf](http://www.civilrights.org/issues/affirmative/fact_sheet_packet.pdf)

<sup>iv</sup> *Anti-Affirmative Action Threats in the States: 1997-2003*.

<sup>v</sup> National Committee on Pay Equity. <http://www.pay-equity.org/index.html>

<sup>vi</sup> *Ibid.*

<sup>vii</sup> Catalyst. (2008) *2007 Catalyst Census of Women Corporate Officers and Top Earners in the Fortune 500*. <http://www.catalyst.org/knowledge/2007cote.shtml>

<sup>viii</sup> National Women's Business Council. (September 2007) *Federal Contracting with Women-Owned Businesses FY1999-FY2006*. <http://www.nwbc.gov/ResearchPublications/documents/Issue%20brief%20-%20Federal%20Contracts%202007.pdf>

<sup>ix</sup> U.S. Department of Education, National Center for Education Statistics. <http://nces.ed.gov>