

CCR
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Meet.
188.1

UNITED STATES COMMISSION ON CIVIL RIGHTS

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ANNUAL STATE ADVISORY COMMITTEE :
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CHAIRMEN'S CONFERENCE. :
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ORIGINAL

JUNE 27, 1985

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U.S. COMMISSION ON CIVIL RIGHTS

WASHINGTON HILTON HOTEL
HEMISPHERE ROOM
1919 CONNECTICUT AVE. NW
WASHINGTON, D.C.
20009

APPEARANCES:

- MAX GREEN
- JAY MANN
- ESTER G. BUCKLEY
- CLARENCE PENDLETON
- MORRIS B. ABRAM
- FRANCIS S. GUESS
- JUNE O'NEILL
- BRIGITTE BERGER
- PROFESSOR GEORGE BORJAS
- PROFESSOR GLENN LOURY
- PROFESSOR STEPHAN THERNSTROM
- DR. HAL SIDER

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C O N T E N T S

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SPEAKER

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P R O C E E D I N G S

1
2 MR. GREEN: WE WOULD LIKE TO GET STARTED. WE ARE
3 RUNNING LATE, PLEASE?

4 THE PURPOSE OF THIS MORNING'S SESSION IS PRIMARILY
5 TO PROVIDE YOU WITH THE OPPORTUNITY TO ASK QUESTIONS ABOUT THE
6 OPERATIONS OF THE COMMISSION AND ABOUT THE RELATIONSHIP
7 BETWEEN THE COMMISSION AND THE SACS AND TO HAVE SOME DIS-
8 CUSSION AMONG YOURSELVES, ABOUT WHAT IT IS THAT YOU THINK
9 YOU WOULD LIKE TO BE DOING OVER THE NEXT TWO YEAR PERIOD.

10 BUT BEFORE WE GET INTO THAT DISCUSSION PERIOD, I
11 WANT TO MAKE SOME BRIEF REMARKS AND I WILL BE FOLLOWED BY
12 JAY MANN, OUR GENERAL COUNSEL, WHO WILL SPEAK ON THE JURIS-
13 DICTION OF THE COMMISSION WHICH IS COEXTENSIVE WITH THE
14 JURISDICTION AND THE STATE ADVISORY COMMITTEE.

15 WHAT I PLAN TO DO IS SPEAK BRIEFLY ON TWO SEPARATE
16 BUT RELATED MATTERS. ONE, WHAT THE COMMISSION STAFF IS
17 DOING NOW THAT IS NEW AND NOTEWORTHY.

18 AND TWO, WHAT I BELIEVE ARE THE NEWLY CHARTERED
19 SACS CAN BEST DO OVER THE NEXT TERM.

20 FIRST, AS TO THE CHANGES AT THE COMMISSION ITSELF,
21 LET ME CONTRAST THE PRESENT WITH THE PAST. YOU PROBABLY
22 KNOW THAT THE OLD COMMISSION CONSIDERED ITSELF AS PART OF,
23 IN FACT, AS THE CUTTING EDGE OF THE CIVIL RIGHTS MOVEMENT.
24 IT WAS ALL TO ITS CREDIT TO BE IN FAVOR OF CIVIL RIGHTS, I
25 THINK IT WAS NOT TO ITS CREDIT THAT IT CONSIDERED ITSELF

1 A PART OF THE MOVEMENT.

2 WITH A VERY BIG PRICE TO PAY FOR ACCEPTANCE INTO
3 THAT MOVEMENT AND THAT PRICE WAS THE COMMISSION'S INDEPEN-
4 DENCE. BY ITS LATER YEARS, THE COMMISSION HAD BECOME,
5 I THINK, A MOUTHPIECE FOR THE MOVEMENT LINE.

6 IT'S REPORTS REPEATED THAT TIME AND TIME AND TIME
7 AGAIN, NO MATTER WHAT THE SUBJECT, ITS LINE WAS ALWAYS THE
8 SAME.

9 THE OLD COMMISSION WAS NOTHING, IF NOT CONSISTENT.
10 WHAT WAS THAT LINE? IT WAS THAT AMERICA WAS AT ITS CORE,
11 A RACIST, SEXIST SOCIETY. IT WAS THAT THE RACISM AND THE
12 SEXISM WERE THE CAUSE OF ALL SIGNIFICANT DIFFERENCES BETWEEN
13 ETHNIC AND RACIAL GROUP, IT WAS FINALLY AT THE FEDERAL GOVERN-
14 MENT MUST CLOSE THESE GAPS BY WHATEVER MEANS PROVED NECESSARY.

15 IT WOULD HAVE BEEN BAD ENOUGH HAD ITS SIMPLISTIC
16 AND DANGEROUS IDEOLOGY THAT EXPRESSED ONLY IN POLICY STATEMENTS
17 THAT SUCH WAS NOT THE CASE. THE IDEOLOGY DEEP DOWN IS THE
18 RESEARCH THAT WAS AN ESSENTIAL COMPONENT OF THE COMMISSION'S
19 RAYS ON DETRA (PHONETIC).

20 EACH AND EVERY STUDY WAS INFORMED BY THIS IDEOLOGI-
21 CAL BIBLE. NOT A SINGLE ONE ALLOWED AS THAT ANY SIGNIFICANT
22 DIFFERENCE MIGHT POSSIBLY BE DUE TO CHOICES MADE BY
23 INDIVIDUALS AND/OR DIFFERENCES IN ETHNIC, CULTURAL OR SEXUAL
24 TRAITS OR CHARACTERISTICS.

25 THUS, A REPORT ENTITLED EMPLOYMENT UNDER

1 EMPLOYMENT IN BLACKS, HISPANICS AND WOMEN ISSUED IN 1981,
2 AS AN ADDITION TO OTHER REPORTS, ANOTHER REPORT, SOCIAL
3 INDICATOR'S REPORT OF 1978, BOTH OF THESE REPORTING ON THE
4 ECONOMIC CONDITIONS OF BLACKS, HISPANICS AND WOMEN, HAD
5 NOT A SINGLE DISCUSSION OF THE TERRIBLE AND VEXING PROBLEM
6 OF TEENAGE PREGNANCIES AND UNWED MOTHERS IN THE BLACK
7 COMMUNITY.

8 THIS FAILURE TO DISCUSS AN IMPORTANT ISSUE SIMPLY
9 REFLECTED, I THINK, THE VIEW AND THE CIVIL RIGHTS MOVEMENT
10 AT THE TIME THAT ANY DISCUSSION OF ANY FACET OF A PROBLEM
11 OVER WHICH INDIVIDUALS AND/OR A COMMUNITY HAD SO CONTROLLED
12 WAS AN EXERCISE IN "BLAMING THE VICTIM."

13 THE APPROACH OF THE NEW COMMISSION IS NOT THE
14 MINDLESS OPPOSITE OF THE OLD COMMISSION. WE DO NOT DISMISS
15 DISCRIMINATION AS AN EXPLANATORY FACTOR.

16 THOUGH, THE TRUTH BE TOLD, WE DO THINK IT LIKELY
17 THE COURT DECISIONS LIKE BROWN V. BOARD OF EDUCATION,
18 AND THE EQUAL OPPORTUNITY LAWS OF THE 1960'S, HAD AT
19 LEAST SOME EFFECT SO THAT DISCRIMINATION IS LIKELY LESS
20 EFFECTIVE TODAY THAN IT WAS 30 YEARS AGO.

21 IN OUR RESEARCH, WE DO NOT EVEN ASSUME THAT MUCH.
22 NOW, TO DO THAT RESEARCH, WE HAVE MADE VERY EFFORT TO
23 BRING ON BOARD THE BEST RESEARCHERS AVAILABLE. PEOPLE LIKE
24 JUNE O'NEILL, WHO IS GOING TO BE SPEAKING LATER THIS MORNING
25 WHO IS A NATIONALLY KNOWN AND WIDELY RESPECTED LABOR

1 ECONOMIST WHO IS DIRECTING OUR VIEW -- DIFFERENCES PROJECT.

2 HAROLD ORLEANS, WHO IS THE AUTHOR OF -- FOR THE
3 BROOKINGS INSTITUTION AND OTHER INSTITUTIONS OF
4 SEVERAL MAJOR STUDIES OF HIGHER EDUCATION IS DIRECTING OUR
5 STUDY OF AFFIRMATIVE ACTION AND HIGHER EDUCATION.

6 IN ADDITION TO FULL-TIME AND PART-TIME PEOPLE,
7 WHO ARE DIRECTING PROJECTS, WE ARE ALSO USING NATIONALLY
8 KNOWN CONSULTANTS, PEOPLE LIKE GLENN LOURY AND STEPHEN
9 THERNSTROM WHO ARE SPEAKING THIS AFTERNOON.

10 NATHAN GLAZER AND CHESTER FINN, WHO ARE SPEAKING
11 TOMORROW, AND FOR OUR DESEGREGATION STUDY, WE ARE USING
12 CONSULTANTS LIKE DAVID ARMOUR AND GARY ORFIELD, TWO OF THE
13 MOST PROMINENT EXPERTS IN THE FIELD OF INTEGRATION AND
14 DESEGREGATION.

15 THE IDEA IS TO DO AS SOPHISTICATED RESEARCH AS
16 POSSIBLE AND AS OBJECTIVELY AS POSSIBLE. NOT ONLY THE
17 RESEARCH STUDIES ARE CONDUCTED WITH THIS VIEW IN MIND, BUT
18 IN ADDITION, THE HEARINGS AND CONSULTATIONS WHICH THE
19 COMMISSION HAS BEEN HOLDING SINCE IT WAS RECONSTITUTED.

20 THE CONSULTATION WHICH WAS HELD LAST YEAR ON
21 COMPARABLE WORTH, WAS IN MARKED CONTRAST TO THE KINDS OF
22 HEARINGS WHICH HAD BEEN HELD IN THE PAST.

23 AT THAT HEARING, WE HAD PROMINENT EXPERTS ON
24 EVERY ASPECT OF COMPARABLE WORTH. WHAT DISTINGUISHED THIS
25 CONSULTATION WAS THE FACT THAT THEY WERE EVENLY BALANCED.

1 WE HAD AN EQUAL NUMBER OF PROPONENTS AND OPPONENTS OF
2 COMPARABLE WORTH.

3 THIS CONTRASTED FOR EXAMPLE, WITH A HEARING WHICH
4 HAD BEEN HELD BY THE OLD COMMISSION ON AFFIRMATIVE ACTION
5 AT WHICH APPROXIMATELY THE SAME NUMBER OF PEOPLE WERE INVITED
6 TO TESTIFY BUT ONLY TWO OF THEM, JACK FLEMSILE AND MORRIS
7 ABRAM WERE CRITICS OF AFFIRMATIVE ACTION.

8 THERE WAS A PANEL ON THE LEGAL ASPECT OF AFFIRMA-
9 TIVE ACTION, FIVE PANELISTS ON THAT PANEL, EVERY SINGLE ONE
10 OF THEM REPRESENTED AN ADVOCACY GROUP. THOSE GROUPS SHOULD
11 BE REPRESENTED AT ANY CONSULTATION OR HEARING ON AFFIRMATIVE
12 ACTION BUT SO SHOULD THE OTHER SIDE AS WELL AND WE ARE MAKING
13 EVERY EFFORT TO PRESENT AND TO PLAN BALANCED HEARINGS AND
14 CONSULTATIONS.

15 NOW, THIS RAISES THE QUESTION IN MY MIND AS TO
16 WHAT THE ROLE OF THE STATE ADVISORY COMMITTEES SHOULD BE OVER
17 THE NEXT TWO YEAR PERIOD.

18 SHOULD THEY CONSIDER THEMSELVES TO BE MANY
19 COMMISSIONS? PERSONALLY, I THINK THAT THAT WOULD BE A MIS-
20 TAKE OF THE HIGHEST ORDER. WHY?

21 THE FACT IS THAT THE RESOURCES FOR THE SOPHISTI-
22 CATED KIND OF RESEARCH WE ARE NOW CONDUCTING AT THE COMMISSION
23 IS SIMPLY NOT AVAILABLE TO YOU IN THE REGIONAL OFFICES,
24 WITH PERHAPS A FEW EXCEPTIONS, WE DO NOT HAVE TOP FLIGHT
25 RESEARCHERS IN OUR REGIONAL OFFICES AND WE DON'T HAVE THE

1 COMPUTING FACILITIES THAT WE DO IN WASHINGTON.

2 SO, MY ADVICE, AS FAR AS THE RESEARCH IS CON-
3 CERNED, RESEARCH THAT WILL BE DONE BY A STAFF, NOT BY
4 EXPERTS WHO HAPPEN TO BE MEMBERS OF THE STATE ADVISORY
5 COMMITTEE, MY ADVICE AS FAR AS THAT RESEARCH IS CONCERNED,
6 RESEARCH THAT HAS TO BE DONE BY STAFF IS TO KEEP IT RELATIVELY
7 SIMPLE.

8 A GOOD RULE OF THUMB MIGHT BE NOT TO ASK STAFF TO
9 DO ANY RESEARCH THAT YOU WOULD NOT BE CAPABLE OF DOING YOUR-
10 SELF, IF YOU HAD THE TIME.

11 FRANKLY, I WOULD SAY, MAKE ONE MORE CAUTIONARY
12 REMARK WHICH IS THAT I THINK IT IS IMPORTANT THAT THE
13 COMMITTEES REALIZED THEIR REPORTS, WHICH ARE GOING TO BE
14 REPORTED TO THE COMMISSION FOR REVIEW APPROVAL.

15 AND THEREFORE, THEY HAVE TO BE VIGILENT AND MAKING
16 CERTAIN THAT THOSE REPORTS ARE BIAS FREE. GIVEN THE BEST
17 WILL IN THE WORLD, WHICH I PRESUME AND EXPECT FROM OUR STAFF,
18 OLD HABITS ARE HARD TO BREAK.

19 THEY DIE SLOWLY AND I THINK THAT ONE THING THAT
20 THE NEW STATE ADVISORY COMMITTEES OUGHT TO DO IS TO INSURE
21 THAT ITS REPORTS, NO MATTER WHERE THEY COME DOWN, CAREFULLY
22 CONSIDER, BOTH OR ALL SIDES OF EVERY ISSUE WHICH ARE STUDIED.

23 AS MUCH AS POSSIBLE, IT SEEMS TO ME, STAFF SHOULD
24 BE PROVIDING YOU WITH INFORMATION FOR YOU TO ANALYZE AND
25 HELPING YOU TO PUT ON MEETINGS, FORMS AND CONFERENCES WHERE

1 KNOWLEDGEABLE PEOPLE, IF NOT EXPERTS, CAN SPEAK TO YOU
2 AND TO THE PUBLIC.

3 TWO VERY GOOD EXAMPLES OF THIS KIND OF ACTIVITY
4 HAVE RECENTLY COME TO MY ATTENTION. ONE IS A RECENT CON-
5 FERENCE HELD ON VOTING RIGHTS, HELD BY THE RECENTLY RE-
6 CHARTERED STATE ADVISORY COMMITTEE OF SOUTH CAROLINA AND KAY
7 BUTLER IS HERE FROM SOUTH CAROLINA AND I HOPE THAT SHE WILL
8 TELL US ABOUT THAT DURING THE DISCUSSION PERIOD.

9 AND ANOTHER SUCH ACTIVITY WHICH I'VE BEEN INFORMED
10 OF IS A SERIES OF FORUMS THAT IS BEING PLANNED FOR THE STATE
11 OF FLORIDA AND PAUL FORD OF THE STATE ADVISORY COMMITTEE
12 CHAIRMAN FROM FLORIDA IS HERE, AND PERHAPS HE WILL DISCUSS
13 THOSE FORUMS.

14 SO, IT SEEMS TO ME THAT REVIEWING WHAT IT IS THAT
15 THE STATE ADVISORY COMMITTEES CAN AND CANNOT DO, AS FAR
16 AS THE RESEARCH IS CONCERNED, THERE IS SIMPLY NO WAY OF
17 IMITATING WHAT GOES ON AT THE COMMISSION BUT AS FAR AS WHAT
18 FORUMS, MEETINGS ARE CONCERNED, THERE IS NO REASON IN THE
19 WORLD WHY THOSE FORUMS AND THE MEETINGS CAN'T BE AS GOOD AS
20 ANYTHING THAT WE PUT ON IN WASHINGTON, D.C.

21 A FINAL THING WHICH I WANT TO ADDRESS IS A QUESTION
22 WHICH WAS RAISED LAST NIGHT AND WHICH HAS BEEN RAISED IN THE
23 MEDIA RECENTLY, IN THEIR REPORTING OF THE STATE ADVISORY
24 COMMITTEE CHARTERING PROCESS.

25 FIRST, AS YOU MUST ALREADY KNOW, FROM YOUR EXPERIENCE

1 AT YOUR FIRST MEETINGS, WE HAVE MADE NO ATTEMPT TO FILL
2 THE STATE ADVISORY COMMITTEE SOLELY WITH PEOPLE, WITH ANYBODY,
3 WHO WILL TOLL A NEW LINE.

4 THAT WAS NOT THE PURPOSE IN RECHARTERING THE
5 STATE ADVISORY COMMITTEES AND FINDING NEW PEOPLE TO SERVE ON
6 THE STATE ADVISORY COMMITTEES.

7 EACH STATE ADVISORY COMMITTEE REPRESENTS A DIVERSITY
8 OF OPINION ON CIVIL RIGHTS ISSUES AND THAT'S AS IT SHOULD BE.

9 SECOND, WE DO NOT HAVE A MASTER LIST OF ACCEPTABLE
10 ISSUES FOR YOU TO INVESTIGATE AND TO STUDY. WE THINK THAT
11 YOU SHOULD, WE ENCOURAGE YOU TO STUDY ANY ISSUE THAT CIVIL
12 RIGHTS ISSUE, WHICH YOU ARE INTERESTED IN, SO LONG AS THAT
13 ISSUE IS WITHIN THE JURISDICTIONAL BOUNDS OF THE COMMISSION.

14 FOR DISCUSSION OF THE JURISDICTIONAL COMMISSION,
15 I'D LIKE JAY MANN NOW TO SPEAK TO YOU.

16 (APPLAUSE.)

17 MR. MANN: WELL, I HAVE EVEN FEWER WORDS THAN THAT
18 BECAUSE BOTH OF US WANT TO LEAVE THE MAXIMUM AMOUNT OF TIME
19 POSSIBLE FOR YOUR QUESTIONS AND DISCUSSION.

20 LET ME START BRIEFLY WITH A FEW WORDS OF WHAT
21 THE OFFICE OF GENERAL COUNSEL, WHICH I HAD, ACTUALLY DOES.
22 THAT OFFICE HAS TWO BASIC RESPONSIBILITIES.

23 THE FIRST IS THAT IT PROVIDES LEGAL ANALYSIS OF
24 CURRENT CIVIL RIGHTS ISSUES AND CASES TO THE MEMBERS OF
25 THE COMMISSION.

1 THE SECOND RESPONSIBILITY IS THAT WE HAVE THE
2 PRIMARY TASK OF CONDUCTING HEARINGS WITH RESPECT TO VARIOUS
3 ISSUES THAT ARE SELECTED BY THE COMMISSION.

4 FOR EXAMPLE, LAST MONTH, THE COMMISSION HELD A
5 HEARING ON THE ISSUE OF THE SEVERELY HANDICAPPED NEWBORN.
6 WE REFER TO AS THE BABY DOE HEARING.

7 AND AT THAT HEARING, THE COMMISSION HEARD FROM
8 VARIOUS PANELS OVER THE COURSE OF TWO AND A HALF DAYS, THE
9 PANELS CAME FROM VARIOUS GROUPS OF DOCTORS AND ADVOCACY GROUPS
10 AND PARENTS AND CHILDREN WHO HAVE HAD EXPERIENCE WITH THE BABY
11 DOE TYPE OF PROBLEM.

12 EVERY EFFORT WAS MADE TO PRESENT A BALANCED GROUP
13 OF WITNESSES ON EACH PANEL TO HEAR PROS AND CONS ON
14 DIFFERENT FACETS OF THE ISSUE.

15 AND THE OFFICE OF GENERAL COUNSEL WAS RESPONSIBLE
16 FOR GETTING THE WITNESSES TO SHOW UP IN WASHINGTON.

17 THE TOPIC OF THE BABY DOE HEARINGS BRINGS ME TO
18 THE SECOND ISSUE THAT I WANTED TO SPEAK ABOUT WHICH IS THE
19 JURISDICTION OF THE COMMISSION.

20 THE BABY DOE HEARING IS A VERY GOOD EXAMPLE OF THE
21 TYPE OF ISSUE THAT THE NEW COMMISSION IS GETTING INVOLVED IN.
22 IT WOULD NOT POSSIBLY BE THE KIND OF CIVIL RIGHTS ISSUE
23 THAT THE OLD COMMISSION WOULD HAVE WANTED TO HEAR ABOUT.
24 I THINK.

25 I THINK YOU SHOULD INFER FROM THAT, THAT THERE IS

1 A NEW APPROACH HERE, WE ARE TRYING TO REACH OUT TO NEW ISSUES.
2 I THINK THAT, AS MR. ABRAM SAID LAST NIGHT, WE BELIEVE THAT
3 CIVIL RIGHTS IS A THING THAT ALL AMERICANS HAVE, NOT JUST
4 CERTAIN GROUPS.

5 AND AS A RESULT OF THAT, I'M NOT -- I'M FAIRLY
6 RELUCTANT TO STAND HERE AND TELL YOU A LIST OF ISSUES THAT
7 YOU SHOULD OR SHOULDN'T STUDY.

8 LET ME JUST GIVE YOU THE GENERAL GUIDELINE WHICH
9 -- 42 USC SECTION 1975C, IS WHY I WENT TO LAW SCHOOL -- THE
10 COMMISSION SHALL INVESTIGATE ALLEGATIONS IN WRITING UNDER
11 OATH OR AFFIRMATION THAT CERTAIN CITIZENS OF THE UNITED STATES
12 ARE BEING DEPRIVED OF THEIR RIGHT TO VOTE AND HAVE THAT VOTE
13 COUNTED BY REASONS OF THEIR COLOR, RACE, RELIGION, SEX, AGE,
14 HANDICAP OR NATIONAL ORIGIN, WHICH WRITING UNDER OATH OR
15 AFFIRMATION, SHALL SET FORTH THE FACTS UPON WHICH SUCH
16 BELIEF, OR BELIEFS ARE BASED.

17 TWO, THE COMMISSION SHALL STUDY AND COLLECT INFOR-
18 MATION CONCERNING LEGAL DEVELOPMENT'S CONSTITUTING
19 DISCRIMINATION, OR DENIAL OF EQUAL PROTECTION OF THE LAWS
20 UNDER THE CONSTITUTION BECAUSE OF RACE, COLOR, RELIGION,
21 SEX, AGE, HANDICAP OR NATIONAL ORIGIN OR IN THE ADMINISTRATION
22 OF JUSTICE.

23 THREE, THE COMMISSION SHALL APPRAISE THE LAWS AND
24 POLICIES OF THE FEDERAL GOVERNMENT WITH RESPECT TO DIS-
25 CRIMINATION OR EQUAL PROTECTION OF THE LAWS UNDER THE

1 CONSTITUTION BECAUSE OF RACE, COLOR, RELIGION, SEX, AGE,
2 HANDICAP OR NATIONAL ORIGIN OR THE ADMINISTRATION OF JUSTICE.

3 FOUR, THE COMMISSION SHALL SERVE AS A NATIONAL
4 CLEARING HOUSE FOR INFORMATION IN RESPECT TO THE LIST I JUST
5 GAVE.

6 FIVE, THE COMMISSION SHALL INVESTIGATE ALLEGATIONS
7 MADE IN WRITING AND UNDER OATH OR AFFIRMATION, THAT CITIZENS
8 BEYOND STATES ARE UNLAWFULLY BEING ACCORDED OR DENIED THE
9 RIGHT TO VOTE OR TO HAVE THEIR VOTES PROPERLY COUNTED IN ANY
10 ELECTION OF THE PRESIDENTIAL ELECTORS, MEMBERS OF THE UNITED
11 STATES SENATE OR THE HOUSE OF REPRESENTATIVES AS A RESULT
12 OF ANY PATTERNS OR PRACTICE OF FRAUD AND DISCRIMINATION
13 ACCOUNTED TO SUCH ELECTION.

14 SO, THAT'S BASICALLY IT.

15 THAT'S FAIRLY BROAD. AND AS A RESULT OF THAT,
16 WE WANT TO ENCOURAGE ALL OF YOU TO UNDERTAKE THE SORTS OF
17 PROJECTS, THAT YOU ARE INTERESTED IN, AND WE THINK THAT YOU
18 CAN DO A GREAT DEAL WITHIN THE JURISDICTIONAL BOUNDARIES I
19 JUST READ TO YOU.

20 I WILL JUST MAKE ONE FURTHER POINT ABOUT HOW THE
21 JURISDICTION WORKS. WE HAVE BEGUN TO UNDERTAKE A PROJECT,
22 YOU HAVE TO HAVE AT LEAST SOME SORT OF REASONABLE BELIEF
23 THAT THERE IS SOME TYPE OF DISCRIMINATION OR DENIAL OF
24 EQUAL PROTECTION OCCURRING. THAT DOES NOT MEAN THAT AFTER
25 YOU HAVE CONDUCTED YOUR STUDY, AND LOOKED INTO THE FACTS OF THE

1 ISSUE, THAT YOU HAVE TO CONCLUDE THAT THERE WAS A DIS-
2 CRIMINATION OR DENIAL OF EQUAL PROTECTION OF THE LAWS.

3 ALL THAT I'M SAYING IS THAT AS A THRESHOLD ISSUE,
4 YOU -- THERE MUST BE SOME SORT OF A COLORABLE CASE, THAT THERE
5 MIGHT BE A PROBLEM HERE. THAT YOU DO NOT HAVE TO CONCLUDE AT
6 THE END THAT THERE WAS A PROBLEM. THAT IT -- THAT TYPE OF
7 CONCLUSION IS NOT NECESSARY FOR YOU TO HAVE THE JURISDICTION
8 TO UNDERTAKE THE INQUIRY TO BEGIN WITH.

9 THAT'S AN IMPORTANT POINT.

10 THE LAST THING I WANTED TO SAY IS THAT WHEN YOU
11 COME UP WITH A NEW IDEA, OR NEW IDEAS AS A RESULT OF THE FIRST
12 MEETINGS THAT YOU JUST HAD AND AS A RESULT OF FURTHER MEETINGS
13 AND DISCUSSIONS WITH YOUR NEW COMMITTEES, YOU SHOULD CONSULT
14 THE REGIONAL STAFFS WITH RESPECT TO WHETHER YOU HAVE THE
15 JURISDICTION TO UNDERTAKE PROJECTS THAT YOU THINK YOU OUGHT
16 TO.

17 THEN IN TURN, WILL CONSULT THE OFFICE OF GENERAL
18 COUNSEL FOR ADVICE ON THESE JURISDICTIONAL ISSUES.

19 SO, IN SUMMARY, SUPPOSE I WANT TO SAY THAT WE DO
20 WANT TO HARNESS WHAT OBVIOUSLY SEEMS TO BE THE ENERGY,
21 INTELLIGENCE AND ENTHUSIASM OF THIS GROUP OF PEOPLE AND
22 I DON'T REALLY WANT TO BE IN A POSITION OF TELLING YOU HOW
23 TO CHANNEL THE THINGS YOU WANT TO LOOK INTO.

24 WE ARE HERE TO HELP YOU AND TO BASICALLY KEEP YOU
25 WITHIN SOME SORT OF BALL PARK BUT NOT TO DICTATE ANY SORT OF

1 AGENDA FOR YOU.

2 THAT'S ALL I WANTED TO SAY.

3 MR. GREEN: WELL, WE ARE OPEN FOR QUESTIONS OR IF
4 PEOPLE WOULD LIKE TO DISCUSS AMONG THEMSELVES THE IDEAS THEY
5 HAVE, PROCEED.

6 SPEAKER: THIS IS A TECHNICAL POINT BUT I THINK IT
7 MIGHT HELP, EVERY PREPRINT IN THE KIT OF THE STATE ADVISORY
8 COMMITTEE HANDBOOK, AND ON PAGE 21 OF THAT, THE FOURTH
9 SHEET FROM THE END, THE H FROM THE END, THERE IS A THIRD
10 FULL PARAGRAPH THAT I THINK DOES INCLUDE WHAT YOU INTEND TO
11 HAVE DONE.

12 IF WE READ THAT AND THIS IS REALLY, I SUPPOSE --
13 READ THAT PARAGRAPH LITERALLY, IT WOULD BAR ANY TWO STATE
14 ADVISORY COMMITTEE MEMBERS HAVING DINNER TOGETHER AND TALKING
15 TO EACH OTHER.

16 I DON'T THINK THAT'S THE INTENT AND I THINK THAT
17 KIND OF CONTROL MEANS THAT THERE IS REALLY NO CONTROL --
18 IT'S SIMPLY GOING TO BE OVERLOOKED.

19 THIS IS THE FOURTH SHEET FROM THE END, THE EIGHTH
20 PAGE FROM THE END, WHERE IT BEGINS THERE ARE MAN INSTANCES,
21 GATHERING OF TWO OR MORE COMMITTEE MEMBERS.

22 MR. GREEN: WHAT WE'LL DO, I'M GLAD YOU BROUGHT THAT
23 TO OUR ATTENTION.

24 WHAT WE'LL DO BEFORE WE PRINT THIS UP, WE WILL HAVE
25 THAT REVIEWED BY A SOLICITOR, WHO IS AN EXPERT ON SUCH

1 PERSONS AND MAKE CERTAIN THAT THE --

2 SPEAKER: I WILL ALSO CALL THE SOLICITOR'S ATTENTION

3 --

4 MR. GREEN: THE SOLICITOR BY THE WAY IS IN THE BACK
5 OF THE ROOM --

6 SPEAKER: THAT'S MY -- I'M CALLING TO HIS ATTENTION.

7 NOW, THAT QUESTION SPECIFICALLY CAME UP IN THE RECHARTERING
8 STATUTE AND WAS EXPRESSLY DECIDED THE OTHER WAY BY STATUTE.

9 THE STATUTE PROVIDING A GATHERING OF LESS THAN A
10 GROUP CAPABLE OF DECIDING WAS NOT-- MEETING.

11 MR. GREEN: IF I COULD COMMENT ON THAT NOW RATHER
12 THAN LATER?

13 SPEAKER: I'M NOT SURE WHAT THE PARAGRAPH WAS THAT
14 THE CHAIRMAN WAS -- BUT I THINK THERE IS NO ONE WHO WOULD SAY
15 THAT TWO SAC MEMBERS HAVE DINNER TOGETHER AND DISCUSS
16 THE ISSUES OF MUTUAL INTEREST IN THE CIVIL RIGHTS AREA, THAT
17 THAT WOULD CONSTITUTE AN ILLEGAL MEETING.

18 I DON'T THINK THAT THAT ISSUE IS -- TO BE CONCERNED
19 ABOUT. MR. GREEN: IN THE ABSENCE OF BERT SILVER, THE
20 DIRECTOR OF THE OFFICE OF REGIONAL PROGRAMS, JOHN BINKLEY
21 IS REPRESENTING THAT OFFICE.

22 SPEAKER: IF THE TWO PEOPLE LIVE IN BOSTON THAT'S
23 ONE THING. IF ONE LIVES IN BOSTON AND THE OTHER ONE LIVES
24 IN ANOTHER PART OF THE STATE AND THEY TRAVEL THERE AND THEY
25 HAVEN'T RECEIVED PREVIOUS AUTHORIZATION THEN THEY CAN'T BE

1 REIMBURSED AND THAT'S THE KEY TO THE REIMBURSEMENT ASPECT.

2 SPEAKER: MAX, YOU MADE A STATEMENT IN YOUR OPENING
3 REMARKS WHERE YOU CONTRASTED THIS COMMISSION TO THE OLD
4 COMMISSION, YOU INDICATED THE DIFFERENCES AND RESULTS MAY BE
5 ATTRIBUTABLE TO GROUP TRAITS AND CHARACTERISTICS AND I
6 DON'T KNOW IF YOU MISSPOKE OR NOT, I DON'T THINK IT IS
7 NECESSARILY GROUP CHARACTERISTICS OR TRAITS -- MAYBE INDIVIDUAL
8 CHARACTERISTICS OR TRAITS BUT WE ARE APPARENTLY TRYING TO GET
9 AWAY FROM GROUP PREFERENCES AND I THINK THE LINE OF
10 THINKING AND SUGGESTED GROUPS -- THE ONLY GROUP CHARACTERISTIC
11 I KNOW OF -- I'M JUST NOT -- THAT DIDN'T SIT WELL WITH ME WHEN
12 YOU TALKED ABOUT GROUP TRAITS.

13 AND I'D LIKE YOU TO EXPLAIN WHAT THAT MEANT.

14 MR. GREEN: WHAT I WAS REFERRING TO WAS THE FACT
15 THAT DIFFERENT ETHNIC GROUPS HAVE SUCCEEDED IN AMERICA,
16 THROUGH DIFFERENT ECONOMIC ROUTES AND THAT FOR EXAMPLE,
17 SOME GROUPS ARE MORE ENTREPRENEURIAL THAN OTHERS.

18 SOME GROUPS ARE MORE ORIENTED TO EDUCATION THAN
19 OTHERS, IT'S NOT A CRITICISM OF ANY GROUP, I'M ONLY DOING IT
20 POINTING OUT A FACT THAT THERE ARE DIFFERENCES BETWEEN GROUPS.

21 I MEAN ULTIMATELY, IT'S A DIFFERENCE, THERE IS A
22 DIFFERENCE BETWEEN INDIVIDUALS BUT A HIGHER PERCENTAGE OF
23 INDIVIDUALS WITHIN ONE GROUP, LET'S SAY IS INTERESTED NOT
24 ONLY IN OBTAINING HIGHER EDUCATION BUT OBTAINING HIGHER
25 EDUCATION IN A MATH OR SCIENCE DEAL.

1 THAT HAPPENS TO BE TRUE, FOR SOME ASIAN-AMERICAN
2 GROUPS.

3 MORE TRUE THAN IT IS FOR A LARGE PERCENTAGE OF
4 MEMBERS OF INDIVIDUALS WHO ARE MEMBERS OF ANOTHER GROUP.

5 SPEAKER: I JUST THINK -- I DON'T THINK WE SHOULD
6 REASON --

7 MR. GREEN: IT'S NOT REASONING, IT'S JUST A STATEMENT
8 OF FACTS THAT I THINK ONE -- THERE IS NO POINT IN DENYING --

9 EXCUSE ME, LET ME JUST ASK A POINT OF
10 ORDER HERE, I THINK FOR THE PURPOSES OF THE TRANSCRIPT AND
11 ALSO THE BENEFIT OF THE MEMBERS OF THE AUDIENCE, IT WOULD
12 PROBABLY BE A GOOD IDEA FOR OUR QUESTIONERS TO IDENTIFY
13 THEMSELVES, --

14 MR. WALSH: I'M STEVE WALSH OF THE NEW JERSEY
15 ADVISORY COMMITTEE.

16 IS IT WITHIN THE LEGAL PROVINCE OF EITHER THE
17 COMMITTEE OR THE COMMISSION OF THE COMMITTEE OR THE COMMISSION
18 TO MAKE RECOMMENDATIONS WITH RESPECT TO POSSIBLE CHANGES IN
19 THE CIVIL RIGHTS LAWS AS THEY STAND OR DO WE SIMPLY HAVE TO
20 WORK WITHIN THE LAWS --

21 MR. GREEN: WELL, CERTAINLY THE COMMISSION CAN
22 RECOMMEND CHANGES IN LAWS. THE STATE ADVISORY COMMITTEES CAN
23 MAKE RECOMMENDATIONS TO THE COMMISSION.

24 MR. FLOREZ: I'M JOHN FLOREZ FROM UTAH.

25 MINE IS AN ORGANIZATIONAL QUESTION.

1 WE ARE GOING TO HAVE A TURN AROUND TIME, WHILE WE
2 SERVICE AN ISSUE AND WANT TO WORK WITH THE COMMISSION, WHEN
3 WILL THE COMMISSION GET BACK TO US, THAT'S ALWAYS A PROBLEM
4 BECAUSE THEY DON'T GET BACK IN GOOD TIME, IF YOU PUT
5 YOURSELF, GIVE YOURSELF A TIME FRAME AND SAY WE WILL GET
6 BACK TO YOU WITHIN 30 DAYS OR OTHERWISE -- SHORT OF THAT,
7 --

8 MR. GREEN: I KNOW IN THE PAST THERE HAS BEEN A LONG
9 LAG TIME AND WE WILL TRY TO SPEED UP THE PROCESS.

10 MR. FLOREZ: NOW, ARE YOU GOING TO LOOK AT THAT AND
11 GIVE US AN ANSWER?

12 MR. GREEN: YEAH, WE WILL GIVE YOU AN ANSWER.

13 MR. FLOREZ: WHEN? WHEN?

14 MR. GREEN: OH, IN DUE COURSE.
15 WITHIN 30 DAYS.

16 MR. TOLAND: I'M DON TOLAND, CHAIRPERSON FROM
17 WYOMING.

18 AT OUR MEETING THE FIRST OF JUNE, PREVIOUS
19 CHAIRPERSON OF THE SAC FOR WYOMING IN DISCUSSING THE PRO-
20 CEDURAL CHANGES AND DISCUSSING -- THERE WAS SOME SKEPTICISM
21 THAT THE REPORTING PROCESS BECAUSE OF THE PROCEDURAL
22 STEPS INVOLVED WOULD BE A STIFLING OF THE SAC'S ABILITY TO
23 REPORT SOMETHING DIFFERENTLY THAN WHAT THE COMMISSION OR STAFF
24 WANTED TO SEE IN WASHINGTON.

25 AND AGAIN, THE PRESS BEING KEEN TO THE SCISMS

1 WITHIN THE COMMISSION WITHIN THE ORGANIZATION ITSELF,
2 PICKED UP ON THIS AND USED IT AS A ONE-SIDED STORY.

3 BUT I THINK THERE IS A CONCERN AND I THINK MAYBE
4 THIS CAN BE DESCRIBED IN A LITTLE BIT BETTER DETAIL, WHAT ARE
5 THE PROCEDURES, ONCE A REPORT OR PAPERS ARE FORWARDED TO
6 WASHINGTON FOR REVIEW, ONCE -- PROCEDURE OR JURISDICTIONAL
7 QUESTIONS ARE ANSWERED, THEN SECONDLY, WHAT ABOUT CONTENT?

8 IS THERE, GOING TO BE THIS STIFLING OR THIS MUZZLE
9 PUT ON THE SACS? I -- MY UNDERSTANDING IS THAT IT IS NOT --
10 PROCEDURALLY, IT APPEARS THAT -- THOSE WHO MAY DISAGREE WITH
11 THE COMMISSION WILL USE THAT AS AMMUNITION TO SAY LOOK,
12 WHATEVER WE SAY THAT'S DIFFERENT IS GOING TO BE PUSHED
13 ASIDE ANYWAY..

14 CAN WE GET INTO THAT JUST A LITTLE BIT?

15 MR. GREEN: WELL, MAYBE MR. ABRAM WOULD WANT TO
16 ADDRESS THIS OR MR. BUCKLEY, EITHER -- I THINK THOUGH THAT
17 THERE IS NO INTENTION ON THE PART OF THE STAFF DIRECTOR'S
18 OFFICE OR ON THE PART OF THE COMMISSION TO STIFLE THE
19 DIFFERENT POINTS OF VIEW.

20 WE DO WANT TO MAKE CERTAIN THAT ANY REPORT WE
21 ISSUE IS WITHIN OUR JURISDICTION AND WE DO HAVE AN INTEREST
22 IN PRINTING REPORTS THAT RESPONSIVELY RESEARCH, BUT I CAN
23 ASSURE YOU THAT NO REPORT WILL NOT BE PRINTED SOLELY BECAUSE
24 THE RESEARCH INVESTIGATION RESULTS IN A FINDING THAT IS
25 DISTURBING TO ONE OR A MAJORITY OF MEMBERS OF SACS -- OF

1 THE COMMISSION --

2 SPEAKER: A FOLLOW-UP, WHAT HAPPENS IF THE RESEARCH
3 AND THE CONCLUSIONS OF THE COMMITTEE ARRIVE AT, I ASSUME WE
4 WILL DO FUNDAMENTAL RESEARCH AND WHAT HAPPENS IF THE RESEARCH
5 INDICATES THAT WHAT IS CALLED FOR IS A GOAL OR A TIMETABLE
6 OR GOD FORBID, A QUOTA, OR SOMETHING THAT THE NEW COMMISSION
7 STATED THEY ARE NOT IN FAVOR OF?

8 WILL THE REPORT COME OUT --

9 MR. GREEN: I THINK IN THE STATE ADVISORY BOOK,
10 HANDBOOK, IT DOES STATE THAT THE REPORTS OF THE STATE ADVISORY
11 COMMITTEES, FINDINGS AND RECOMMENDATIONS, SHOULD BE CONSIS-
12 TENT WITH THE POLICIES OF THE COMMISSION.

13 SPEAKER: WHAT IF THEY ARE NOT?

14 MR. GREEN: WELL, THE RESEARCH CAN STILL BE
15 REPORTED, THE ANALYSIS CAN STILL BE REPORTED AND PRINTED.

16 BUT WE WOULD ASK -- THAT THERE WERE RECOMMENDATIONS,
17 QUOTA PROGRAM BE -- WE WOULD SAY THIS IS INCONSISTENT
18 WITH THE POLICY OF THE COMMISSION AND THAT PARTICULAR
19 RECOMMENDATION WE WOULD ASK BE EXCISED BUT THE ANALYSIS,
20 THE ANALYSIS, THERE'S NO REASON FOR US TO TOUCH THAT ASSUMING
21 THAT THE RESEARCHERS WITHIN THE JURISDICTION, ASSUMING THAT
22 THE RESEARCHERS, AS I SAID, HAS BEEN RESPONSIBLY DONE, BUT IF
23 SOME STATE ADVISORY COMMITTEE, GOD FORBID, WERE TO COME OUT
24 YOU KNOW, TO A DECENT ANALYSIS, TO COME UP WITH SOME KIND
25 OF FINDINGS -- A RECOMMENDATION THAT WE RAN -- SEGREGATION,

1 FOR EXAMPLE, WE WOULD SAY THAT IS INCONSISTENT WITH THE POLICY
2 OF THE CIVIL RIGHTS COMMISSION AND WE WOULD NOT PRINT THAT
3 RECOMMENDATION.

4 SPEAKER: THE FOLLOW-UP, WHY WOULD YOU NOT WANT TO
5 PRINT INCONSISTENT RECOMMENDATIONS AND RECOMMENDATIONS THAT
6 ARE INCONSISTENT WITH THE COMMISSION'S POLICIES?

7 IT SEEMS TO ME THAT IF THE PURPOSES OF THE STATE
8 COMMITTEES IS TO ADVISE THE COMMISSION, AND FROM WHAT I HEAR
9 YOU ARE SAYING THAT YOU ONLY ACCEPT THE ADVICE --

10 MR. GREEN: OF COURSE, YOU CAN SEND IN ANYTHING THAT
11 YOU WANT, THE QUESTION IS WHETHER OR NOT WE ARE GOING TO
12 EXPEND COMMISSION FUNDS ON A REPORT WHICH IS, YOU KNOW --
13 IF YOU CAME OUT, WOULD YOU ACTUALLY -- TO REPEAT WHAT I JUST
14 SAID, WOULD YOU ACTUALLY EXPECT US TO PRINT A REPORT BY A
15 STATE ADVISORY COMMITTEE -- AN ANALYSIS OF THE FAULTS OF THE
16 DESEGREGATION PLAN IN SOME PARTICULAR CITY AND THEN CAME TO
17 A RECOMMENDATION THAT -- GO BACK TO SEGREGATED SCHOOLS, WOULD
18 YOU CALL THAT --WHAT WE WOULD BE SAYING IS THAT WE HAVE --
19 THE COMMISSION HAS A POLICY THAT THE STATE ADVISORY COMMITTEES
20 HAVE EVERY RIGHT IN THE WORLD TO ADVISE THE COMMISSION BUT IN
21 OUR REGULATIONS, WE STATE VERY CLEARLY THAT THE
22 RECOMMENDATIONS OF THE REPORTS TO HAVE TO BE CONSISTENT
23 WITH THE POLICIES OF THE COMMISSION.

24 MR. ABRAM HAS --

25 MR. ABRAM: I WANTED TO SAY JUST A WORD AND THAT

1 IS THAT I THINK YOU HAVE TO REALIZE THAT THE COMMISSION
2 IS THE PRIMARY BODY AND THEREFORE, ASSUMES RESPONSIBILITY FOR
3 PUBLICATIONS OF THE COMMISSION OF WHICH THE SACS ARE AN
4 INTEGRAL PART BUT THE FUNDAMENTAL RESPONSIBILITY GIVEN THE
5 CONGRESS AND THE EXECUTIVE IS TO THE COMMISSION AND I THINK
6 MAX IS ABSOLUTELY RIGHT THAT YOU SHOULD NOT EVER NOT LISTEN
7 TO THE ADVICE HOWEVER IT IS GIVEN AND I THINK WE SHOULD ALSO
8 BE VERY FAIR ABOUT IT.

9 ABOUT DISTRIBUTING WELL DONE RESEARCH AND WITH
10 RESPECT TO CONCLUSIONS HOWEVER, THEY WOULD BEAR THE -- OF THE
11 TOTAL ORGANIZATION AND THE TOTAL ORGANIZATION IS BY POSITION
12 INVESTED IN THE COMMISSIONS.

13 NOW, I WOULD SAY ANOTHER WORD.

14 THIS IS THE SECOND SUCH MEETING I HAVE ATTENDED.
15 THIS IS A REMARKABLE GROUP, SOMEBODY, ONE OF THE STAFF
16 SAID TO ME THIS MORNING WHAT A REMARKABLE GROUP OF PEOPLE
17 HAVE BEEN ASSEMBLED IN THIS GROUP, YOU ATTENDED MEETINGS
18 BEFORE, YOU WOULD REALIZE THAT, IN TERMS OF THE COMMITMENT,
19 YOU ARE -- THE COMMITTEE TO CIVIL RIGHTS, ANY PREVIOUS --
20 AS FAR AS INTELLECTUALITY AND KNOWLEDGE OF THE SUBJECT, YOU
21 ARE EXTRAORDINARY AND I CAN'T IMAGINE HOW THIS COMMISSION
22 WOULD NOT BE WELL ADVISED TO LISTEN VERY CAREFULLY TO WHAT YOU
23 SAY.

24 AND I CAN ASSURE YOU THAT AS FAR AS MYSELF, I
25 CERTAINLY BE VERY MUCH IN YOUR DEBT, NOW, LET ME JUST THROW

1 ONE THING OUT TO YOU.

2 I SAID LAST NIGHT THAT I AM STRUGGLING, AND
3 I'M SURE THAT MISS BUCKLEY IS TOO, WITH HOW TO MATCH THE
4 SINCERE DESIRE TO -- DISCRIMINATION, AND STILL MAINTAIN THAT
5 VERY NECESSARY LINE BETWEEN ASCRIPTION, THAT IS, THE GIVING
6 OF JOBS AND OPPORTUNITIES, BY VIRTUE OF STATES OR SKIN COLOR
7 OR ANYTHING ELSE, AND A SOCIETY WHICH DOES NOT PRACTICE
8 ASCRIPTION.

9 NOW, THE REASON I'M SO COMMITTED IS THAT I
10 ONCE WAS THE GREAT READER OF AN AUTHOR NAMED SIR
11 HENRY MAINE, GREAT LITERATURIST, AND HE SAID THAT THE
12 WHOLE PROGRESS OF CIVILIZATION HAS BEEN THE MOVING OF
13 SOCIETIES FROM STATUS TO CONTRACT.

14 A MOVEMENT OF SOCIETY FROM CONDITIONS IN WHICH
15 PEOPLE WERE HELD TO THE STATUS WHICH -- IN WHICH THEY WERE
16 BORN, ARE GIVEN A CERTAIN CAST OR GIVEN A CERTAIN JOB OR CERTAIN
17 -- AND RETAINED BY THE STATE IN THE POSITION TO WHICH
18 THEY HAD BEEN ASCRIBED RATHER THAN TO PERMIT TO VAULT AS HIGH
19 AS THEY CAN VAULT AND RUN AS FAST AS THEY CAN RUN, DO WHATEVER
20 THEIR TALENTS TELL THEM AND GIVE THEM ABILITY, SO I'M COMMITTED
21 TO THAT AND SO IS THIS COMMISSION'S MAJORITY.

22 BUT, WE ARE ALSO COMMITTED TO THE ENDING OF
23 DISCRIMINATION AND WE KNOW IT STILL EXISTS.

24 NOW, IF THOSE TWO BE GOALS, AND I THINK THEY
25 ARE GOALS OF THE MAJORITY, THE PROBLEM IS WHERE DO THE --

1 WHERE DOES NUMERICAL COUNTING FIT?

2 IT'S A TOUGH -- AND IF FOR EXAMPLE, SOME
3 COMMISSION CAME UP WITH SOME GREAT IDEAS ON THE SUBJECT
4 BASED UPON THE EXPERIENCE AND YOUR LOCALITY OR YOUR INTERNAL
5 WISDOM, ALL THE WISDOM IS NOT IN THE BELTWAY EITHER.

6 NOT BY A LONG SHOT. I THINK A LOT OF -- BUT IF
7 YOU COULD HELP ON THAT AND MULTIPLE SUBJECTS, YOU
8 WOULD BE LISTENED TO AND WOULD BE VERY VALUABLE.

9 SPEAKER: IT STRIKES ME WERE GETTING A LITTLE
10 HUNG UP ON THE VERY -- A POINT WHICH IS A QUESTION OF WHETHER
11 SPECIFIC RECOMMENDATION WHICH IS INCONSISTENT WITH THE POLICY
12 OF THE COMMISSION THEY JUST PUBLISHED, I THINK AT LEAST
13 PERSONALLY, I'M MORE CONCERNED ABOUT ANOTHER QUESTION WHICH IS
14 IF ONE OF US COMES UP WITH A RECOMMENDATION THAT IS INCONSISTENT
15 WITH THE POSITION OF THE COMMISSION, WILL THE COMMISSION
16 BE MADE AWARE OF THAT FACT SO THAT IF THERE IS AN UNEXPECTED
17 RESULT OF SOMETHING THAT THE COMMISSION OUGHT TO TAKE
18 INTO ACCOUNT AND PERHAPS RE-EXAMINE IT, THE POLICY, THAT
19 THEY WILL GET TO THE COMMISSION?

20 MR. GREEN: WELL, MISS BUCKLEY JUST WROTE ME A
21 NOTE ON THAT AND EVERYTHING THAT COMES IN FROM THE STATE
22 ADVISORY -- FROM THE REGIONAL OFFICE, IS OF COURSE FORWARDED
23 TO THE COMMISSION FOR THEIR REVIEW AND SO, NOTHING THAT YOU
24 SAID THEN WILL BE FILED AWAY IN THE STAFF DIRECTOR'S OFFICE.

25 ALL OF IT WILL BE -- WILL BE FORWARDED AND I

1 BELIEVE I CAN'T SPEAK FOR I BELIEVE IT WILL BE READ
2 BY --

3 SPEAKER: YOU SAID RESPOND TO 30 DAYS --

4 MR. GREEN: NO, I SAID I WOULD RESPOND TO YOUR
5 QUESTION WITHIN 30 DAYS.

6 MR. RING: MR. GREEN, COULD I FOLLOW UP ON THIS
7 SUBJECT THAT DOESN'T EXCITE YOU AS MUCH BUT AS A LAWYER,
8 IT DOES SORT OF EXCITE ME A LITTLE BIT.

9 I'M MR. RING AND I'M REPRESENTING THE STATE OF
10 VIRGINIA,, THE CHAIRMAN WAS NOT ABLE TO ATTEND.

11 MY QUESTION CENTERS FIRST ON THE LAW BUT I
12 THINK IT'S A MATTER OF POLICY AS WELL.

13 IT WOULD BE MY UNDERSTANDING THAT THE COMMISSION
14 AS, WELL AS THE ADVISORY COMMISSIONS ARE UNDER THE FREEDOM
15 OF INFORMATION ACT.

16 THAT WOULD BE MY ASSUMPTION. IF THAT IS TRUE,
17 I CAN UNDERSTAND AS A MEMBER OF THE CITY COUNSEL IN
18 ALEXANDRIA,, WE DON'T LIKE OUR ADVISORY GROUPS AND WE HAVE
19 MANY, PUBLISHING THEIR CONCLUSION BEFORE WE, THE CITY
20 COUNSEL, HAVE HAD AN OPPORTUNITY TO SEE IT.

21 BECAUSE WE ARE GOING TO GET PRESS INQUIRIES
22 CONCERNING IT, WE AS THE PEOPLE WITH THE ULTIMATE AUTHORITY
23 HAVE EVERY RIGHT TO BE INFORMED AND ADVISED BY THE REPORT
24 BEFORE IT IS WIDELY DISTRIBUTED TO OTHER GROUPS.

25 HOWEVER, UNDER THE VIRGINIA FREEDOM OF INFORMATION

1 ACT, IT HAS ALWAYS BEEN OUR INTERPRETATION THAT A REPORT
2 THAT HAS BEEN MADE BY OUR ADVISORY GROUPS, IS A PUBLIC
3 DOCUMENT, WHICH UNDER THE FREEDOM OF INFORMATION ACT, ONCE
4 IT HAS BEEN DISTRIBUTED TO THE CITY COUNCIL, IS A PUBLIC
5 DOCUMENT.

6 NOW, I SUBSCRIBE TO THE NOTION EXPRESSED BY MR.
7 ABRAM THAT IF A REPORT IS NOT WELL DONE, ITS RESEARCH IS
8 FLAWED, THERE IS NOT -- NO OBLIGATION BY THE PARENT BODY,
9 IN MY ILLUSTRATION OF THE CITY COUNCIL, TO PUBLISH IT
10 AND DISTRIBUTE IT BROADLY.

11 WE ARE THE ULTIMATE ACCOUNTABLE BODY AND WE
12 NEED NOT SPEND OUR RESOURCES IN DOING THAT.

13 ON THE OTHER HAND, IN AN ADVISORY GROUP, AS
14 A GROUP OF CITIZENS, PERFORMING THEIR FUNCTION AS THEY
15 SEE IT, CERTAINLY CAN UNDER OUR INTERPRETATION OF THE FREE-
16 DOM OF INFORMATION ACT, MAY DISTRIBUTE THAT THERE ARE
17 MANY COPIES OR TYPE VERSION OF THEIR REPORT, AT THEIR OWN
18 EXPENSE, PERSONAL EXPENSE, AS THE PRODUCT OF THAT AND
19 RECOMMENDATION OF THAT PARTICULAR GROUP.

20 NOW, I WOULD SUBMIT TO YOU THAT I THINK THAT'S
21 GOOD POLICY TO BEGIN WITH BUT I WOULD ALSO SAY THAT WITHOUT
22 BEING AN EXPERT IN THE FREEDOM OF INFORMATION ACT AT THE
23 FEDERAL LEVEL, BUT BEING QUITE FAMILIAR WITH IT AT THE LOCAL
24 LEVEL, I RATHER SUSPECT THAT LEGALLY, THE SITUATION IS, I
25 JUST DESCRIBED IT.

1 THAT THE LOCAL GROUPS CAN, ONCE THEY HAVE
2 SUBMITTED IT TO THE COMMISSION, RELEASE IT AS AT LEAST THEIR
3 VERSION EVEN THOUGH IT DOES NOT HAVE THE IMPRINT OF THE
4 COMMISSION AND THEREFORE IS A DOCUMENT THAT DOES NOT HAVE
5 THE CREDIBILITY THAT WOULD BE ASCRIBED TO SOMETHING THAT
6 HAS BEEN APPROVED AND PUBLISHED BY THE COMMISSION
7 ITSELF.

8 (END OF TAPE 1, SIDE 1.)

9 MR. GREEN: WELL, WE ARE FORTUNATE HAVING AN
10 EXPERT ON THE FREEDOM OF INFORMATION ACT HERE, MR.
11 LAWRENCE -- OUR SOLICITOR, AGAIN.

12 SPEAKER: WELL, I TEND TO VERY STRONGLY TO AGREE
13 WITH THE GENTLEMAN FROM VIRGINIA.

14 IF A DOCUMENT -- BY STATE ADVISORY COMMITTEE TO
15 THE COMMISSION AND AT THE TIME OF ITS ARRIVAL I WOULD
16 RECEIVE A FREEDOM OF INFORMATION ACT REQUEST, I WOULD
17 DENY THAT REQUEST ON THE BASIS THAT IT'S AN INTERNAL DOCU-
18 MENT THAT HAS NOT YET BEEN RECEIVED BY INFORMATION --
19 WHEN IT IS TRANSMITTED BY THE SAC DIRECTOR'S OFFICE TO THE
20 COMMISSIONER'S AT THAT POINT, I WOULD HAVE TO SAY THAT I
21 COULD NOT REFUSE IT ON THE BASIS OF ANY OF THE --
22 FREEDOM OF INFORMATION ACT BECAUSE IT HAS BEEN DELIVERED TO
23 THE COMMISSIONER, THEY CAN DO WHATEVER THEY WANT WITH IT,
24 THEY CAN IMPROVE IT, REJECT IT, AND WHETHER THE RESEARCH
25 IS FLAWED, FAULTY, TERRIBLE, IT STILL HAS TO BE DISTRIBUTED

1 IF A FREEDOM OF INFORMATION ACT REQUEST IS RECEIVED.

2 THE QUALITY OF THE DOCUMENT IS IRRELEVANT, IF IT
3 IS A DOCUMENT THAT IS BEFORE THE COMMISSIONER, THEN IT MUST
4 BE RELEASED UNDER THE FREEDOM OF INFORMATION ACT.

5 MR. GREEN: HOPEFULLY, WE CAN GET BEYOND THIS
6 TOPIC BECAUSE -- NOT BECAUSE I FIND IT A DIFFICULT TOPIC, IT'S
7 BECAUSE AS MR. ABRAM SAID, I DON'T FORESEE ANY PROBLEMS HERE
8 SO WE WERE DISCUSSING A HYPOTHETICAL SITUATION WHICH IS LIKELY
9 NEVER TO ARISE WHERE THERE ARE MANY SITUATIONS WHICH CERTAINLY
10 WILL ARISE WHICH WE SHOULD DISCUSS AND TALK.

11 MR. PORTER: PAUL PORTER, FLORIDA.

12 I CAME HERE TO LEARN FROM THE COMMISSION AND FROM
13 MY FELLOW CHAIRMAN AND I FEEL WE'VE GOTTEN OFF ON THE WRONG
14 TRACK THIS MORNING.

15 I THINK WE ARE SPENDING FAR TOO MUCH TIME ON
16 EDITORIAL, PROCEDURAL AND HYPOTHETICAL QUESTIONS. WE WILL
17 GIVE YOU OUR WISDOM, IF YOU NEGLECT IT, YOU'LL HEAR FROM
18 US AGAIN, DON'T WORRY ABOUT THAT.

19 BUT AT THE PRESENT, I'M WILLING TO ASSUME THAT THE
20 COMMISSION IS MADE UP OF RESPONSIBLE PEOPLE WHO ARE EAGER TO
21 LEARN FROM US AS WELL AS -- FOR US TO LEARN FROM THEM.

22 BUT I WOULD LIKE TO CHANGE THE SUBJECT.

23 YOU MENTIONED EARLIER THAT WE HAVE ALREADY IN
24 FLORIDA, ADOPTED THE PROGRAM. I'D LIKE TO BRIEFLY STATE WHAT
25 THAT IS AND WHAT MAY BE UNDERTAKEN IN OTHER STATES.

1 WE FEEL THAT IF THE CIVIL RIGHTS ARE TO BE ACCEPTED
2 BY THE AMERICAN PEOPLE FULLY, AS THEY MUST BE AND WE HAVE TO
3 BEGIN WITH COMMUNITIES, WE WANT TO KNOW IF WHAT IS HAPPENING
4 IN THE COMMUNITIES, WHAT MORE CAN BE DONE, AND WE WANT
5 TO SEE THAT IN A HISTORICAL PERSPECTIVE.

6 SO WE HAVE AGREED TO HOLD DURING THE SEVEN
7 QUARTERS THAT REMAIN TO US IN OUR TWO YEAR PERIOD, SEVEN FORUMS
8 COMMUNITY FORUMS AND AS MANY DIFFERENT COMMUNITIES OF THE STATE
9 OF FLORIDA, AND EACH WILL TRY TO DO THREE THINGS.

10 FIRST, WE WANT TO LEARN WHAT HAS HAPPENED, WHAT
11 PROGRESS HAS BEEN MADE IN THE LAST 30 YEARS, AND I CAN ASSURE
12 YOU THAT IN FLORIDA, VERY GREAT PROGRESS HAS BEEN MADE.

13 THERE ARE SOME SUCCESS STORIES THAT OUGHT TO BE
14 KNOWN AND IF THE SUCCESS STORIES ARE KNOWN, WE FEEL THAT THAT
15 WILL BE AN INCENTIVE AND ENCOURAGEMENT TO OTHERS TO
16 FOLLOW AND TO INITIATE, PERHAPS EVEN MORE IMAGINATIVE ONES.

17 SECONDLY, WE WANT TO KNOW WHAT REMAINS TO BE DONE,
18 JUDGMENT OF THE PEOPLE LIVING IN THAT COMMUNITY. THIRDLY,
19 WE WOULD LIKE TO KNOW WHAT THEY ARE DOING AND PROPOSE TO DO
20 THROUGH THEIR INSTITUTIONS OR LOCAL GOVERNMENTS -- EMPLOYERS
21 AND WHAT PETER BERGER AND RICHARD JOHN NEWHOUSE HAVE
22 I THINK, APPROPRIATELY DESCRIBED AS MEDIATING INSTITUTIONS.

23 AND I THINK IF WE CAN DO THAT IN THESE SEVEN
24 COMMUNITIES, IN THE NEXT 21 MONTHS, WE WILL HAVE DONE, I THINK,
25 A SIGNIFICANT STEP TOWARDS GETTING CIVIL RIGHTS MORE

1 FULLY KNOWN AND ACCEPTED IN THE STATE OF FLORIDA.

2 MR. FRIEDMAN: MURRAY FRIEDMAN OF PENNSYLVANIA.

3 I GUESS MY COMMENT OR QUESTION REALLY LINES UP
4 EXACTLY BEHIND THIS GENTLEMAN'S COMMENT.

5 THE NEW CIVIL RIGHTS COMMISSION HAS CLEARLY MOVED
6 AWAY FROM THE OLD BROAD BASED SOCIAL JUSTICE PROBINGS AND
7 SEEKS TO BE ATTEMPTING TO NARROW THE FRAME OF INQUIRY
8 TOWARD MORE DIRECT VIOLATIONS OF CIVIL RIGHTS, DISCRIMINATION
9 AND ET CETERA.

10 BUT WHAT HAPPENS, AS I BELIEVE, AND MANY OF US HAVE
11 COME TO KNOW, THE ISSUES ARE NO LONGER SPECIFICALLY JOHN
12 JONES GOING INTO A PLACE OF BUSINESS AND RAISING THE ISSUE OF
13 DISCRIMINATION.

14 WHAT HAPPENS IF CIVIL RIGHTS HAS MOVED TO A NEW
15 LEVEL WHICH IS THE LEVEL OF ECONOMIC EXPANSION, IN OTHER WORDS,
16 THERE ARE NO JOBS AROUND, WHAT HAPPENS IF CIVIL RIGHTS HAS
17 NOW MOVED TO THE LEVEL OF, AS IT WAS REFERRED TO YESTERDAY,
18 AND EARLIER, TEENAGE PREGNANCIES. WHAT HAPPENS IF IT MOVES TO
19 ALL SORTS OF NEW LEVELS?

20 IN SHORT, CIVIL RIGHTS HAS EVOLVED FROM THE DAYS
21 OF FITZGERALD, GEORGIA AND YOUNG MORRIS ABRAM AND THE CIVIL
22 RIGHTS LAWS OF THE '60'S.

23 CIVIL RIGHTS MAY BE MORE RELATED TO ISSUES THAT
24 ARE NOT NARROWLY DEFINED IN TERMS OF A GENTLEMAN GOING IN AND
25 BEING DISCRIMINATED AGAINST.

1 TO THE DEGREE THAT YOU'VE PULLED US OUT OF THE
2 BROAD THRUST AND NARROWED THE SCOPE TOWARD PRECISE DISCRIMINA-
3 TION, I HOPE YOU ARE NOT LIMITING US, AND I RAISE THIS
4 WITH YOU INFORMALLY, FROM EXPLORING THESE NEWER DIMENSIONS
5 WHICH ARE NOT REALLY FOUNDED IN THE EMBRACE OF OUR TRADITIONAL
6 CIVIL RIGHTS REMEDIES.

7 MR. GREEN: LET ME BRIEFLY RESPOND AND THEN I'M --
8 MR. ABRAM WANTS TO SPEAK AS WELL.

9 I THINK IT IS IMPORTANT THAT YOU DISTINGUISH
10 BETWEEN ECONOMIC AND SOCIAL PROBLEMS AND CIVIL RIGHTS PROBLEMS.

11 CERTAINLY WHEN -- IF THE PROBLEM WHICH WE ARE
12 ADDRESSING IS CERTAINLY ONE THAT -- AS TO THE NUMBER OF
13 JOBS THAT ARE AVAILABLE IN THE ECONOMY AND THE QUESTION IS
14 SHOULD WE CREATE THOSE JOBS FOR A TAX CUT OR THROUGH A
15 MASSIVE FEDERAL SPENDING, I THINK THAT THE QUESTION WHICH THE
16 CIVIL RIGHTS COMMISSION OUGHT NOT TO ADDRESS, IT'S OUTSIDE OF
17 OUR JURISDICTION.

18 BUT OF COURSE, THE DIVIDING LINE I THINK BETWEEN
19 CIVIL RIGHTS AND ECONOMIC AND SOCIAL POLICY, IT'S NOT VERY
20 CLEAR AND SOMETIMES, THERE ARE THINGS WHICH ARE PARTLY
21 ECONOMIC AND SOCIAL PROBLEMS AND PARTLY CIVIL RIGHTS.

22 AND THOSE, I THINK THAT WE CAN ADDRESS, AS LONG AS
23 WE ARE CAREFUL NOT TO STRAY ENTIRELY OUTSIDE OF OUR JURIS-
24 DICTION.

25 BUT IT IS IMPORTANT TO KEEP IN MIND THAT THIS IS A

1 CIVIL RIGHTS COMMISSION, IT IS NOT A COMMISSION INSTITUTED
2 FOR THE ADVANCEMENT OF MINORITIES OR WOMEN OR ANY OTHER
3 GROUP THAT'S ENCOUNTERING A PROBLEM IN THIS SOCIETY.

4 MR. ABRAM: MURRAY, I THINK ONE HAS TO READ THAT
5 STATUTE UNDER WHICH WE ARE OPERATING AND I URGE YOU TO READ
6 IT.

7 I THINK THE PROBLEM THAT YOU RAISED IS EXTREMELY
8 INTERESTING AND I REMEMBER NOT WHEN I LEFT FITZGERALD,
9 BUT WHEN I LEFT ATLANTA, GEORGIA IN 1962, I WAS SPEAKING TO A
10 -- SPEAKING TO AN AUDIENCE AT ATLANTA UNIVERSITY AND I SAID
11 THAT THE PROBLEM OF GETTING RID OF DESEGREGATION WAS SERIOUS.

12 AND THE PROBLEM OF GETTING BLACKS ON THE JURIES
13 WAS DIFFICULT. BUT IT WAS RELATIVELY EASY BECAUSE NOBODY
14 LOST ANYTHING.

15 IF A WHITE JUROR DIDN'T SIT BECAUSE A BLACK JUROR
16 SAT, MOST OF THE WHITE JURORS THAT I KNEW WERE PERFECTLY HAPPY
17 NOT TO SIT, THEY WEREN'T GIVING UP MUCH.

18 BUT I SAID THAT THE PROBLEMS OF REDRESSING ECONOMIC
19 AND OTHER IMBALANCE WOULD BE VERY SERIOUS AND WOULD BE HARD
20 FOUGHT.

21 I DID NOT SAY THEY WERE CIVIL RIGHTS, HOWEVER, I
22 SAID THAT WHAT WAS NECESSARY WAS TO GUARANTEE CIVIL RIGHTS OF
23 ALL PEOPLE SO THAT HAVING THOSE CIVIL RIGHTS, INCLUDING THE
24 RIGHT TO AN EQUAL VOTE, IT WOULD BE POSSIBLE FOR THE AMERICAN
25 PEOPLE AS A WHOLE TO CONTEST THE VARIOUS MEANS OF ECONOMIC

1 AND SOCIAL EVENTS IN THE FORUMS PROVIDED BY THE POLITICAL
2 PROCESS AND IN THE LEGISLATURES.

3 AND THAT OF COURSE, IS A POLITICAL QUESTION AND
4 INVOLVES THE EXERCISE OF POLITICAL PRESSURE, POLITICAL POWER.
5 POLITICAL RIGHTS.. THE RIGHT TO ENGAGE IN THE POLITICAL PRO-
6 CESS OF COURSE, WITHOUT DISCRIMINATION, IS NOT ONLY CIVIL
7 RIGHTS BUT IT IS THE ONE, NUMBER ONE ON THE LIST OF OBLIGATIONS
8 OF CONGRESS,, NOW,, I DO WANT TO DRAW A PARALLEL AND I WILL
9 SIT DOWN..

10 I SERVED RECENTLY, AS A CHAIRMAN OF THE PRESIDENT'S
11 COMMISSION STUDY OF ETHICAL PROBLEMS IN MEDICINE.

12 PRESIDENT CARTER APPOINTED ME TO THAT COMMISSION.
13 AND DURING THE COURSE OF THE COMMISSION'S LIFE, THE ELEVEN
14 CARTER APPOINTMENTS WERE CHANGED BECAUSE PRESIDENT REAGAN HAD
15 THE RIGHT AND HE EXERCISED IT..

16 HE APPOINTED EIGHT OF THE MEMBERS, HIS TERMS
17 EXPIRED DURING THE COURSE OF THE FOUR YEARS OF OUR STUDIES SO
18 WE ENDED UP ELEVEN APPOINTEES FROM THE CARTER ADMINISTRATION,
19 INCLUDING MYSELF AND -- FOR THE REAGAN ADMINISTRATION AND
20 JUST AS WE GOT TO CONSIDER AND PUBLISH A MASSIVE WORK WHICH
21 CONGRESS HAD ASKED US TO DO, ENTITLED "THE ETHICAL PRINCIPLES
22 GOVERNING ACCESS TO MEDICAL CARE IN THIS COUNTRY" AND JUST
23 AT THAT POINT, THERE WERE THREE REAGAN, EIGHT REAGAN PEOPLE
24 AND THREE CARTER PEOPLE.

25 NOW, IF YOU DON'T THINK THAT WAS A HIGHLY CONTESTED

1 REPORT, YOU OF COURSE KNOW NOTHING ABOUT AMERICAN LIFE.

2 I REMEMBER THE REPORT, THE POINT WHAT I'M TELLING
3 YOU, I REMEMBER WHEN THE DRAFT REPORT THAT WAS PREPARED BY THE
4 CARTER DOMINATED COMMISSION, BUT NOT APPROVED, WAS SENT TO THE
5 COMMISSION THAT WAS GOING TO HAVE TO APPROVE IT.

6 AND I GOT A FURIOUS CALL FROM ONE OF THE NEW
7 APPOINTEES, A BRILLIANT MAN, WHO HAD MADE A FORTUNE IN
8 MEDICAL TECHNOLOGY FROM TEXAS.

9 AND HE SHOUTED AT ME OVER THE PHONE. HE SAID YOU
10 EXPECT ME TO SIGN ONTO THIS DOCUMENT? I SAID WHY NOT?
11 BECAUSE THE DOCUMENT SAID THERE IS AN ETHICAL RESPONSIBILITY
12 ON THE PART OF AMERICAN SOCIETY TO SEE TO IT THAT EVERY PERSON
13 IN THE SOCIETY HAS AN ADEQUATE LEVEL OF HEALTH CARE, ADEQUATE
14 LEVEL OF HEALTH CARE WITHOUT EXCESSIVE BURDEN TO ANYONE.

15 HE SAYS DO YOU EXPECT ME TO ADHERE TO THAT AND
16 I TOLD HIM I HOPED HE WILL AND HE SAID "I'M NOT GOING TO."

17 I SAID, "WHY?" HE SAID, "WELL, GENISES ASKED THE
18 QUESTION FIVE THOUSAND YEARS AGO, AM I MY BROTHER'S KEEPER?
19 YOU THINK YOU ARE SMART ENOUGH TO BE THE FIRST PERSON TO
20 ANSWER IT IN FIVE THOUSAND YEARS?"

21 NOW, AFTER A CONSIDERABLE DEBATE HE SIGNED
22 BECAUSE OF FACTS MADE HIM SIGN, 25 MILLION AMERICANS WHO WERE
23 OFF THE HEALTH CARE SYSTEM. AT ANY TIME. THEY DON'T HAVE
24 MEDICARE OR MEDICAIDE OR NOT TIED ONTO A THIRD PARTY PAYMENT
25 SYSTEM.

1 NOW, THE POINT I WANT TO MAKE.

2 WE DID NOT SAY AND WE NEVER WOULD HAVE SAID AND WE
3 WOULD HAVE BEEN STUPID TO SAY THAT THERE IS A RIGHT OF EVERY
4 AMERICAN CITIZEN TO AN ADEQUATE LEVEL OF HEALTH CARE.

5 WITHOUT EXCESSIVE BURDEN TO -- BECAUSE THAT RIGHT
6 IS NOT FOUND IN THE CONSTITUTION, IT IS NOT FOUND IN STATUTES,
7 IT'S FOUND IN STATUTE WITH RESPECT TO CERTAIN GROUPS FOR EXAMPLE
8 MEDICARE AND MEDICAIDE AND PUBLIC HEALTH SERVICE, BUT
9 EXCEPT AS DEFINED, IT IS NOT ORDERED.

10 NOW, GOOD? YES. AN ETHICAL RESPONSIBILITY?
11 YES. BUT, WHAT I'M TRYING TO SAY IS THAT THERE ARE MANY
12 THINGS THAT ARE DESIRABLE IN AMERICAN SOCIETY WHICH ARE --
13 JUST SOCIETY SHOULD PROVIDE AND HEALTH CARE IS CERTAINLY ONE
14 OF THE -- ONE OF THEM FOR REASONS THAT WE CAN ALL SPECULATE
15 ABOUT.

16 BUT WE WOULD HAVE BEEN ABSURD TO SAY THAT IT IS A
17 RIGHT.

18 NOW, THIS IS THE CIVIL RIGHTS COMMISSION, MANY
19 THINGS AFFECT EVEN THE ABILITY TO EXERCISE A POLITICAL
20 RIGHT. POLITICAL RIGHTS ARE CLEARLY DEFINED AND THE EFFECT
21 ON THEM OF OTHER THINGS IS ALSO IMPORTANT.

22 BUT I THINK WITHIN A LOT OF BLURRY, AND IT WILL BE
23 BLURRY, WE OUGHT TO KEEP IT CLEAR WHAT IT IS WE ARE TALKING
24 ABOUT AND THAT'S ABOUT ALL I WANT TO SAY.

25 MR. SALTER: MAX, I HAVE A QUESTION ABOUT LEGAL

1 SUFFICIENCY REVIEW AND I DON'T WANT JAY TO DO A --
2 WHICH IS PART OF THE DISCUSSION.

3 AT OUR FIRST MEETING THERE WERE QUESTIONS RAISED
4 ABOUT THE LEGAL SUFFICIENCY REVIEW BEING USED TO PRE-
5 CLUDE CERTAIN STUDIES BY STATE ADVISORY COMMITTEES BUT IN FACT,
6 CONCEPT PAPERS, IN ORDER TO BE DONE AT THE STATE LEVEL, NEEDED
7 TO BE -- PASS THE TEST OF LEGAL SUFFICIENCY REVIEW BY YOUR
8 OFFICE.

9 NOW, MY CONCERN IS THAT THIS IS A MUCH MORE
10 IMMEDIATE CONCERN TO ME, THE QUESTION OF WHETHER YOU ACCEPT THE
11 REPORT AFTER WE PRINT IT, THE QUESTION IS WHETHER WE CAN
12 EVEN DO IT. AND HOW THE LEGAL SUFFICIENCY IS BEING USED,
13 MY NAME IS SALTER, I'M FROM WISCONSIN.

14 MR. MANN: SURE, I'LL BE HAPPY TO RESPOND TO THAT.

15 THE LEGAL SUFFICIENCY FUNCTION THAT IS PERFORMED
16 BY THE OFFICE OF GENERAL COUNSEL ACTUALLY IS RELATED TO THE
17 DEFAME AND DEGRADE DEPARTMENTS, IN THE STATUTE THAT YOU
18 ALL HAVE A COPY OF.

19 THE COMMISSION -- INCLUDES THE STATE GROUPS,
20 IS NOT ALLOWED TO PUBLISH ANYTHING THAT DEFAMES OR
21 DEGRADES ANYONE.

22 IN ADDITION, THERE ARE CERTAIN REQUIREMENTS THAT IF
23 THINGS ARE PUBLISHED THAT MAY BE INJURIOUS TO CERTAIN
24 PARTICULAR PERSONS, THEY HAVE CERTAIN RIGHTS OF RESPONSE THAT
25 THAT -- THEY CAN ADD THINGS TO THESE REPORTS.

1 BUT WHEN ALL THAT IS DONE, THAT RARELY IS AN ISSUE
2 AND --

3 MR. SALTER: DO YOU EVER INVOKE LEGAL SUFFICIENCY
4 TO SAY TO A STATE ADVISORY COMMITTEE, THIS AREA CANNOT BE
5 STUDIED, THIS AREA CANNOT BE --

6 MR. MANN: NOT THAT I KNOW OF -- NOT IN TERMS
7 OF DEFAME AND DEGRADE.

8 MR. SALTER: WELL, NO, NO, NO.

9 MR. MANN: THE OTHER THING THAT THE OFFICE OF
10 GENERAL COUNSEL WOULD SAY IS WE WOULD SAY YOU CAN'T STUDY THIS,
11 YOU CAN'T DO THIS BECAUSE IT IS JUST NOT WITHIN THE JURISDICTION-
12 AL CHARTER OF THE COMMISSION.

13 THAT IS AS I JUST READ TO YOU, IS A BROAD -- IF
14 THERE IS A CONCEPT THAT IS BROUGHT TO US, THAT WE DO NOT
15 THINK COMPLIES, WE DO NOT THINK IT IS WITHIN THE JURIS-
16 DICTION OF THE COMMISSION, THEN WE WILL SAY NO, YOU CAN'T
17 STUDY.

18 MR. SALTER: IS THERE ANY REDRESS TO YOUR SAYING
19 NO?

20 MR. MANN: NO.

21 NOW, THAT'S ALL THERE IS TO IT, I THINK AS MORRIS
22 JUST SAID, NOT EVERYTHING IS --

23 MR. SALTER: NO, THAT'S NOT MY QUESTION, YOUR
24 INTERPRETATION OF WHAT -- FOR THE JURISDICTION, THAT BECOMES
25 THE ISSUE.

1 AND IT'S THE SAME -- IN FACT, HE'S SMART ENOUGH TO
2 SAY YOU ARE SURE WHAT FALLS WITHIN THE JURISDICTION.

3 MR. GREEN: BUT OBVIOUSLY, IT HAS TO BE A DECISION
4 OF THE COMMISSION TO FIND ITS OWN JURISDICTION.

5 MR. MANN: YEAH, OF COURSE --

6 MR. GREEN: WHO ELSE IS GOING TO DO IT FOR IT --

7 MR. MANN: THE APPEAL IS TO -- THE PEOPLE I WORK --

8 MR. SALTER: BUT NOT TO YOUR OFFICE, YOUR OFFICE IS
9 NOT THE ULTIMATE LEVEL OF ADDRESSING --

10 MR. MANN: ONLY IN THE SENSE THAT --

11 MR. SALTER: INTO THE COMMISSION -- SAY NO --

12 MR. MANN: RIGHT.

13 MR. GREEN: SURE IT CAN, SURE IT CAN, I MEAN,
14 THE ULTIMATE DECISION, IF YOU DISAGREE WITH THE DECISION OF
15 THE GENERAL COUNSEL, THE ULTIMATE DECISION WOULD BE MADE BY
16 THE COMMISSION WHICH, AS I SAID, HAS THE AUTHORITY TO --

17 MR. MANN: IT'S NOT --

18 MR. GREEN: -- AND RESPONSIBILITIES --

19 MR. MANN: IT'S NOT AS IF I HAVE THE POWER, IF I
20 DON'T LIKE SOMETHING, TO THROW IT AWAY, AND IT WILL NEVER
21 BE HEARD FROM AGAIN, IT WILL GO TO THE PEOPLE I WORK --

22 MR. SALTER: A LOT OF HOPE -- IT'S REALLY INVOLVED
23 AROUND WHAT YOU CAN AND CANNOT DO AND I'M NEW AND I LISTEN TO
24 PEOPLE AND I THINK I'D BE REMISS NOT TO ASK YOU WHAT
25 IS --

1 MR. GREEN: I THINK YOU WILL FIND, ONCE AGAIN, THIS
2 IS ONE OF THESE HYPOTHETICALS, YOU KNOW, YOU ARE RAISING
3 A POSSIBLE HYPOTHETICAL DECISION -- SITUATION WHICH
4 MAY OR MAY NOT --

5 MR. SALTER: NO, THIS WAS --

6 MR. GREEN: I KNOW, I KNOW, WHAT I'M SAYING IS
7 I THINK YOU WILL FIND THAT AS LONG AS YOU ARE STUDYING AN
8 ISSUE WHICH IS DIRECTLY, WHICH DIRECTLY ADDRESSES THE
9 QUESTION OF CIVIL RIGHTS OR IS EVEN WITHIN THE GREY AREA
10 WHICH WE HAVE DISCUSSED TODAY, YOU WILL FIND, WE WILL SAY THAT
11 IT IS WITHIN OUR JURISDICTION.

12 I MEAN, TO GO COMPLETELY OUTSIDE THE BOUNDS OF
13 CIVIL RIGHTS AND -- WE WILL HAVE TO SAY YOU CAN'T DO THAT
14 STUDY.

15 BY THE WAY, I MEAN, IT IS BETTER THAT WE WOULD SAY
16 THAT BEFORE THAN AFTER, WHY DO A STUDY AND THEN FIND OUT
17 AFTER YOU PUT IN ENORMOUS NUMBERS OF HOURS, AND SPENT
18 STAFF RESOURCES ON IT, THAT YOU CAN'T PUBLISH IT?

19 MR. GREENBERG?

20 MR. GREENBERG: MAX GREENBERG OF CALIFORNIA.

21 MY COLLEAGUES ARE VERY ANXIOUS TO GET TO THE
22 MERITS, THEY WANT TO DISCUSS SUBSTANTIVE ISSUES.

23 AS I SEE THE PROGRAM IN TIME ALLOTTED WHICH WE
24 ARE ALMOST OUT OF, WAS DEVOTED TO WHAT IS THE JURISDICTION
25 OF THE SACS AND HOW DO THEY INTER-RELATE WITH THE COMMISSION?

1 AND. MAYBE TO SAVE TIME, WOULD YOU TELL US IN YOUR
2 OPINION, I EXPECT YOU TO ACT IN GOOD FAITH, OF COURSE,
3 WHAT FIVE RESTRICTIONS ON SACS EXIST; PICK OUT FIVE
4 THAT WERE THE MOST TROUBLESOME, TO PRIOR STATE ADVISORY
5 COMMITTEES THAT WE WILL CHAFE (SIC) UNDER, EXPLAIN WHAT
6 YOUR POSITION IS, I WANT TO KNOW WHAT IT IS THAT MY POWERS
7 ARE.

8 JAY'S PRESENTATION -- MY QUESTION IS, MR. MANN GAVE
9 US A BROAD MANDATE AND SAID GEE, READ THE STATUTE AND
10 THAT'S YOUR MANDATE.

11 I WANT TO KNOW FROM YOU WHAT RESTRICTIONS ARE
12 IMPOSED ON US IN THE CARRYING OUT OF THAT MANDATE UNDER
13 WHICH WE MIGHT CHAFE WHICH MIGHT RESTRICT OUR ATTITUDE AS TO
14 WHAT WE PROPERLY MIGHT STUDY.

15 AND YOU CAN PROBABLY DO THAT BRIEFLY AND SHORTCUT
16 A LOT OF DISCUSSION ON IT.

17 MR. GREEN: ACTUALLY, I DON'T HAVE FIVE POINTS
18 WHICH I CAN --

19 MR. GREENBERG: GIVE US THREE.

20 MR. GREEN: I DON'T HAVE ONE GENERAL POINT TO
21 MAKE EXCEPT WHERE YOU HAVE TO BE WITHIN THE JURISDICTION OF
22 THE COMMISSION.

23 WE MAY BE ABLE TO DISCUSS WITH YOU SPECIFIC
24 STUDIES WHICH WERE DONE WHICH WE HAD PROBLEMS WITH BECAUSE WE
25 FELT AFTER READING THEM, THAT THEY BORE NO RELATIONSHIP

1 OR AT LEAST, AT BEST, THE MOST TENUOUS RELATIONSHIP TO THE
2 ISSUE OF CIVIL RIGHTS AND JAY, YOUR OFFICE ISN'T REVIEWING
3 SEVERAL OF THOSE REPORTS THE LAST MONTH OR SO AND PERHAPS
4 YOU CAN COMMENT ON ONE WHICH -- WE HAD PROBLEMS FOR EXAMPLE,
5 WITH A CONSULTATION OR HEARING WHICH WAS HELD IN MICHIGAN ON
6 TUITION TAX CREDIT BUT THE QUESTION FROM READING THE PAPERS,
7 IT SEEMED THAT THE QUESTION WAS NOT WHETHER OR NOT THE INTENT
8 OF TUITION TAX CREDIT WAS TO -- A PROGRAM WOULD BE TO
9 DISCRIMINATE.

10 NOT EVEN WHETHER IT WOULD HAVE A DISCRIMINATORY
11 IMPACT. IT WAS DISCUSSED -- THE MERITS OF TUITION TAX
12 CREDITS.

13 WHY NOT DISCUSS THE MERIT OF STAR WARS? YOU
14 HAVE TO HAVE, YOU KNOW, AS JAY SAID BEFORE, SOME CLAIM THAT
15 THIS BEARS A RELATIONSHIP TO CIVIL RIGHTS, THAT YOU ARE
16 DEALING WITH AN ISSUE WHERE IT COULD BE STATED BY A REASON-
17 ABLE PERSON, THIS PROBLEM EXISTS DUE IN WHOLE OR IN PART,
18 TO DISCRIMINATION WHICH HAS OCCURRED IN THE PAST OR IN THE
19 PRESENT.

20 I MEAN, I THINK THAT'S DEFINING THE JURISDICTION
21 BROADLY.

22 BUT IF WE DON'T FIND IT ANY MORE BROAD THAN THAT,
23 THEN CIVIL RIGHTS I THINK, LOSES ALL OF ITS MEANINGS.

24 SIMILARLY, WE HAD A PROBLEM WHICH WE HAVE
25 SINCE RESOLVED WITH TWO REPORTS ON MIGRANT WORKERS, ONE FROM

1 VIRGINIA AND ONE FROM DELAWARE.

2 QUITE INTERESTING REPORTS AND IN THE END, BECAUSE
3 WE FOUND THEM SO INTERESTING, AND WELL DONE, WE AUTHORIZED
4 THE STATE OF -- STATE ADVISORY COMMITTEES TO PUBLISH BUT TO
5 STATE ON THE INSIDE OF THE COVER ITSELF THAT THESE WERE NOT
6 REPORTS OF THE COMMISSION ON CIVIL RIGHTS BECAUSE WE FELT THAT
7 THEY WERE OUTSIDE OUR JURISDICTION DESPITE THE FACT WE FOUND
8 THEM TO BE INTERESTING.

9 BUT THESE REPORTS DETAILED THE PROBLEMS OF
10 MIGRANT WORKERS.

11 THE QUESTION WAS NOT ARE MIGRANT WORKERS UNDER BAD
12 CONDITIONS BECAUSE THEY ARE PREDOMINANTLY MINORITIES, THE
13 QUESTION WAS, WHAT ARE THE PROBLEMS OF MIGRANT WORKERS AND
14 ARE THESE STATES TAKING CARE OF THOSE PROBLEMS IN A SPECIAL
15 WAY?

16 BUT MIGRANT WORKERS DON'T FALL UNDER OUR JURIS-
17 DICTION, SO WE HAD A PROBLEM WITH THAT REPORT.

18 SIMILARLY, WE HAD SOME DIFFICULTY DEALING WITH
19 A REPORT ON INDUSTRIAL REVENUE BONDS IN THE STATE OF
20 ILLINOIS, THE REPORT -- I GUESS BEFORE -- DIDN'T ASK THE
21 QUESTION IS THERE DISCRIMINATION AT WORK, IN THE GRANTING
22 OF INDUSTRIAL REVENUE BONDS OR IN THE PROCESSING OF THE
23 REVENUE BONDS.

24 AS I SAY, I MEAN, THE ONLY CASES WHERE I THINK
25 THAT THE GENERAL COUNSEL'S OFFICE HAS SAID DEFINITELY,

1 THIS IS OUTSIDE, THIS REPORT IS OUTSIDE THE JURISDICTION
2 OF THE COMMISSION OF CIVIL RIGHTS, THE ONLY REPORTS WHERE IT
3 SAID THAT, AND THE REPORTS WHERE WE JUST COULD NOT SEE ANY
4 RELATIONSHIP BETWEEN WHAT WAS STUDIED AND WHAT HAS BEEN
5 TRADITIONALLY GONE UNDER THE NAME, CIVIL RIGHTS.

6 MR. MANN: THAT'S WHY IT WOULD BE HARD TO PROVIDE
7 FIVE POINTS, THE EXAMPLES THAT MAX JUST CITED ALL FAIRLY
8 EXTREME CASES, I THINK.

9 AND IT IS ONLY IN THE EXTREME CASES THAT WE HAVE
10 FELT THAT A JURISDICTIONAL QUESTION REALLY AROSE.

11 MR. GREEN: AND I THINK --

12 MR. GREENBERG: IT WAS NOT LIMITED, MY
13 QUESTION WAS NOT LIMITED TO THESE JURISDICTIONAL ISSUES.

14 THERE MAY BE OTHER PROCEDURAL MATTERS THAT WE WILL
15 BE RESTRICTED ON, SOMEBODY RAISED THE QUESTION OF TRAVELING
16 A GIVEN DISTANCE IN ORDER TO MEET WITH SOMEBODY.

17 I'M NOT TRYING TO GO FROM THE SUBLIME TO THE NEW
18 RIDICULOUS, I WANT TO KNOW WHAT ISSUES HAVE ARISEN OUT OF
19 PERHAPS THE IGNORANCE OF THE STATE ADVISORY COMMITTEE, THEIR
20 LACK OF INFORMATION, THEIR FAILURE TO CONSULT STAFF, WHAT
21 ARE THE ABRASIVE POINTS THAT WE SHOULD BE CONCERNED ABOUT IN
22 OUR CONDUCT OF OURSELVES WITHIN THE NEXT TWO YEARS?

23 MR. MANN: KIND OF REPORTS --

24 MR. GREEN: I DISCUSSED WITH YOU, ARE THE ONLY
25 SERIOUS PROBLEMS THAT WE HAVE ENCOUNTERED --

1 MR. GREENBERG: -- TO MAKE PUBLIC STATEMENTS,
2 THERE'S BEEN NO ONE WHO HAS TAKEN THE PLATFORM AS THE
3 CHAIRMAN OF THE STATE ADVISORY COMMITTEES AND MADE PUBLIC
4 STATEMENTS WHICH LATER BOUNCED BACK?

5 MR. GREEN: WELL, THAT PROBLEM DID ARRIVE -- ARISE
6 AT THE VERY BEGINNING OF THE LIFE OF THE RECONSTITUTED
7 COMMISSION.

8 I THINK THE REQUIREMENT IS VERY CLEARLY STATED
9 IN THE PROPOSED STATE ADVISORY COMMITTEE HANDBOOK.

10 MR. GREENBERG: WELL THEN, WHY ARE WE HAVING THIS
11 DISCUSSION?

12 MR. GREEN: NO, THE ANSWER TO THAT PARTICULAR
13 QUESTION IS TO WHETHER OR NOT THE STATE ADVISORY COMMITTEES
14 HAVE THE AUTHORITY TO MAKE RECOMMENDATIONS, FOR EXAMPLE,
15 DIRECTLY TO CONGRESS, THE ANSWER IS NO AND IT IS SO
16 STATED IN THE STATE ADVISORY HANDBOOK.

17 AND THAT QUESTION DID ARISE AND IT WAS THE ANSWER
18 AND IT IS IN THAT HANDBOOK.

19 MR. PERLMUTTA: I'M PHIL PERLMUTTA OF BOSTON.
20 I AS A CHAIRMAN MADE THE STATEMENT TO THE PRESS WHICH YOU
21 DON'T LIKE AND IT'S A REALLY -- WHAT CAN YOU DO TO ME?

22 (LAUGHTER.)

23 MR. MANN: HOW OFTEN DO YOU TAKE PLANE FLIGHTS
24 OVERSEAS?

25 MR. PERLMUTTA: I GO STRICTLY THROUGH ATHENS.

1 MR. GREEN: I DON'T THINK THERE ARE ANY PENALTIES
2 THAT WE CAN IMPOSE.

3 I SUPPOSE IF THERE IS A VERY SERIOUS VIOLATION OF
4 THE JURISDICTION OR THE GUIDELINES OR THE ETHICS OF THE
5 COMMISSION, WE COULD ASK YOU TO RESIGN.

6 BUT WE CANNOT IMPRISON YOU OR FINE YOU OR DO
7 ANYTHING LIKE THAT.

8 SPEAKER: WITH RESPECT TO THE JURISDICTION --
9 THERE IS A SUBSECTION THAT SAYS THE COMMISSION HAS AGREED TO
10 APPRAISE THE LAWS AND THE POLICY -- (REMAINDER OF COMMENTS
11 INAUDIBLE.)

12 MR. GREEN: I THINK WE HAVE GIVEN EVERY INDICATION
13 TODAY THAT WE DON'T DEFINE THE JURISDICTION IN AN UNREASONABLY
14 NARROW WAY.

15 IN FACT, I THINK WE'VE SAID AND WE DO MEAN THAT WE
16 WANT TO DEFINE THEM IN A REASONABLY BROAD WAY.

17 SPEAKER: IN SOME OF THE DISCUSSIONS THAT
18 DEVIATE A LITTLE BIT, GETTING THE GENERAL COUNSEL TO APPROVE,
19 CERTAIN REPORTS, CERTAIN FORUM DISCUSSIONS, WHATEVER
20 IS BEING CONSIDERED, AND I HAVE A PROBLEM WITH DISCRIMINATION
21 IN THE POPULATION, ECONOMIC DEVELOPMENT -- BANKS WHO REFUSE TO
22 LEND MONEY TO PEOPLE LIVING IN THE RESERVATION BECAUSE OF
23 -- REPOSSESSION FACTORS.

24 IF I LOOK AT IT IN THAT SERVICE, IT'S ECONOMICALLY
25 RELATIVE.

1 IF I LOOK AT IT AS PART OF DISCRIMINATION,
2 AGAINST LENDING TO WOMEN AND INDIAN MALE POPULATION
3 ON RESERVATIONS, THAT'S A CIVIL RIGHTS ISSUE.

4 SO IF I WRITE OUR COMMITTEE REPORT TO REQUIRE TAKE
5 SUCH AN INVESTIGATION, I PRESUME THAT IN THAT SORT OF
6 LIGHT, I WOULD USE THAT TO JUSTIFY THE INVOLVEMENT OF THE
7 COMMITTEE IN SUCH FORM AND STATE -- AM I CORRECT?

8 MR. MANN: WELL, IF THE PROBLEM IS ONE OF ACCESS TO
9 CREDIT, I DON'T QUITE UNDERSTAND WHAT THE PROBLEM IS --

10 SPEAKER: LET ME GO DEEPER IN THAT.

11 MOST OF YOUR BANKS IN THE NATION ARE OWNED BY
12 THE FEDERAL GOVERNMENT, FEDERAL DEPOSITS, YOU KNOW, MOST
13 OF THE MONEY IS LOANED TO VARIOUS INDIVIDUALS TO PRODUCE
14 REVENUE FOR THEIR BANKS, I LOOK AT THE ECONOMIC FORM
15 ON ADDRESSING WHAT YOU'RE DISCUSSING RIGHT NOW, I'M NOT LENDING
16 THAT INDIVIDUAL MONEY FOR AN ECONOMIC PURPOSE BUT IF THERE IS
17 A POLICY, OR THERE HAS BEEN A POLICY FOR 30 YEARS THAT THEY
18 USE THE EXCUSE NOT TO LEND BECAUSE YOU DON'T HAVE A RE-
19 POSSESSION POWER WHICH IS QUESTIONABLE,

20 THEN THAT'S DISCRIMINATION. YOU KNOW, IN MY --
21 AND I'M NOT SPECIFIC ON -- MY COMMITTEE ACCEPTS THAT RESPON-
22 SIBILITY, AND IN ASKING -- AND YOU, FOR APPROVAL, HOW WILL WE
23 USE IT IN THE CIVIL RIGHTS INSTEAD OF THE ECONOMIC
24 DEVELOPMENT WHICH YOU JUST ADDRESSED AND INTERPRET
25 BACK TO ME THAT YOU ARE GOING, WELL, IF IT'S A QUESTION OF

1 QUALIFYING OR IF IT'S A QUESTION OF THIS, I'M SAYING
2 IT'S A QUESTION OF LENDING PERIOD.

3 MR. MANN: WELL, LAWYERS ARE TRAINED NEVER TO GIVE
4 CERTAIN -- ANSWERS BUT LET ME JUST SAY THOUGH THAT IN
5 TERMS OF TRADITIONAL THINGS THAT THE COMMISSION HAS
6 STUDIED, THE COMMISSION AND THE STATE ADVISORY COMMITTEES
7 HAVE CERTAIN STUDY PROBLEMS OF EQUAL ACCESS TO CREDIT.

8 IF BANKS 'DON'T LEND PEOPLE MONEY BECAUSE OF
9 STATUS BEING WOMEN OR MINORITIES OR WHATEVER, THEN
10 CERTAINLY AN APPROPRIATE SUBJECT FOR A STUDY.

11 REDLINING AS WELL, HAS BEEN A CIVIL RIGHTS
12 ISSUE, BEING THE REFUSAL OF BANKS TO THE MORTGAGE MONEY
13 TO PEOPLE BECAUSE THEY LIVE IN CERTAIN NEIGHBORHOODS.

14 THAT SEEMS TO BE ANALAGOUS, IT'S NOT QUITE THE
15 SAME AS WHAT YOU'RE SAYING.

16 BUT LIKE I SAID, I WOULD HAVE TO TALK WITH YOU MORE
17 ABOUT THAT. ALL I CAN DO NOW IS GIVE YOU AN EXAMPLE OF THE
18 KINDS OF THINGS THAT WE HAVE STUDIED.

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1 MR. GREEN: WE ARE RUNNING LATE.

2 THE PANELISTS FOR THAT PANEL ARE HERE. WE WILL
3 TAKE ONE MORE QUESTION FROM --

4 SPEAKER: CAN WE FOLLOW UP ON THIS BECAUSE I
5 THINK THERE IS A STATUTE THAT IS BEING OVERLOOKED.

6 THERE IS A SPECIFIC GRANT TO THE COMMISSION WITH
7 RESPECT TO FRAUD IN ELECTIONS, NOT DISCRIMINATION
8 ELECTIONS, FRAUD OR DISCRIMINATION IN ELECTIONS.

9 AND THEREFORE, I SUGGEST THE GENTLEMAN FROM
10 WEST VIRGINIA HAS AN EXPRESS LEGISLATIVE GRAPH THAT HE'S
11 TALKING ABOUT AND UNLESS WE ARE GOING TO READ THAT SECTION
12 OUT OF THE STATUTE, THEN THERE IS A MISCONSTRUCTION OF
13 THE STATUTE.

14 I RECOGNIZE THAT JAY MANN IS BEING ASKED TO GIVE
15 OPINIONS WHILE ON HORSEBACK, BUT I DO SUGGEST THAT THIS BE
16 FOLLOWED UP WITH WEST VIRGINIA BECAUSE THE STATUTORY
17 INTENT WAS NOT LIMITED TO DISCRIMINATION IN THE CASE OF
18 ELECTION.

19 MR. MANN: WELL, YOU'RE RIGHT. THE FIFTH CLAUSE,
20 YOU ARE RIGHT IN THAT THE COMMISSION HAS SOMEWHAT BROADER
21 POWERS WITH RESPECT TO VOTING RIGHTS ISSUES THAN WITH
22 RESPECT TO ANY OTHER KIND OF ISSUES.

23 AND THAT MAKES SENSE BECAUSE THE RIGHT TO VOTE
24 COMES FIRST, IT IS THE THING THAT MAKES ALL THESE OTHER
25 RIGHTS POSSIBLE AND MAKES THEM REALITY.

1 THE FIFTH CLAUSE SAYS, I'LL JUST READ IT
2 BRIEFLY.

3 MR. GREEN: BRIEFLY, SO WE CAN BREAK --

4 MR. MANN: I'LL READ QUICKLY.

5 THE COMMISSION CAN INVESTIGATE ALLEGATIONS MADE IN
6 WRITING AND UNDER OATH OR AFFIRMATION BUT CITIZENS OF THE
7 UNITED STATES ARE UNLAWFULLY DEEMED -- OR DENIED THE RIGHT
8 TO VOTE OR TO HAVE THEIR VOTES PROPERLY COUNTED. IN ANY
9 ELECTION -- MEMBERS OF THE UNITED STATES SENATE OR HOUSE
10 OF REPRESENTATIVES, AS A RESULT OF IN PATTERNS OR PRACTICE
11 OF FRAUD OR DISCRIMINATION IN THE CONDUCT OF SUCH
12 ELECTIONS, THAT'S RIGHT, IF THERE IS A PATTERN OR PRACTICE
13 OF FRAUD THAT IS NOT DIRECTLY RELATED, BUT AGAIN, IT DOES
14 HAVE TO BE -- PATTERN OR PRACTICE IS A LITTLE BIT BROADER
15 THAN JUST SAYING THAT THERE WAS FRAUD.

16 IT MAY NOT BE QUITE AS BROAD AS WHAT YOU
17 JUST WERE TALKING ABOUT BUT AGAIN, YOU ARE RIGHT, THAT IS
18 BROADER, AND I'M SORRY IF I'M --

19 MR. GREEN: ONE FINAL QUESTION, ARCHER, AND WE
20 WILL GO ON BREAK.

21 MR. PUDDINGTON: ARCHER PUDDINGTON FROM NEW YORK.

22 THIS ISSUE CAME UP AT OUR FIRST MEETING AND LET'S
23 SEE IF THERE CAN BE A CLARIFICATION.

24 IS THERE A POLICY REGARDING THE -- THESE --
25 THE JURISDICTION OVER DISCRIMINATION OR REPRESSION OR

1 WHATEVER, I GUESS, HOMOSEXUALS?

2 MR. MANN: I AM REALLY GLAD YOU ASKED THAT
3 QUESTION.

4 SPEAKER: WE COULDN'T HEAR THE QUESTION, COULD
5 YOU REPEAT IT?

6 MR. GREEN: THE QUESTION IS WHETHER OR NOT WE HAVE
7 A POLICY WITH REGARD TO OUR JURISDICTION OVER DISCRIMINA-
8 TION AGAINST HOMOSEXUALS, WHICH IS A QUESTION WHICH HAS
9 BEEN RAISED.

10 MR. MANN: THE ANSWER IS, IS THERE A POLICY, YES,
11 THERE IS A POLICY, THAT POLICY IS THAT THE COMMISSION AND
12 THE STATE ADVISORY COMMITTEES CAN INVESTIGATE ISSUES WITH
13 RESPECT TO HOMOSEXUALS ONLY IN THE AREA OF ADMINISTRATION OF
14 JUSTICE.

15 WE DO NOT BELIEVE THAT YOU CAN STUDY GAY RIGHTS
16 AND GAY PROBLEMS PER SE. WE BELIEVE THAT THE TYPE OF GAY
17 ISSUES THAT YOU CAN STUDY PERTAIN TO, FOR EXAMPLE, IF
18 THERE'S A SYSTEMATIC PRACTICE AND IT HAS BEEN ALLEGED
19 THIS EXISTS, IN CERTAIN CITIES OF POLICE REFUSAL TO INVESTI-
20 GATE CRIMES THAT ARE COMMITTED AGAINST GAYS, WE BELIEVE
21 THAT IS WITHIN THE JURISDICTION.

22 I GUESS THAT'S A GOOD EXAMPLE OF WHAT ADMINISTRA-
23 TION OF JUSTICE GETS YOU, THAT THE OTHER PHRASES DON'T
24 GET YOU.

25 BUT WE THINK THAT IS THE ONLY SET OF GAY ISSUES

1 THAT YOU CAN LOOK AT PER SE BECAUSE THERE HAS NEVER
2 BEEN -- THERE'S NOT A STATUTORY OR FINDING THAT THIS
3 CONSTITUTES BEING A PROTECTED CLASS.

4 MR. GREEN: ESPECIALLY WITHIN OUR ORGANIZATION
5 LEGISLATION.

6 WE WILL HAVE A BREAK FOR FIVE TO TEN MINUTES AND
7 THEN WE WILL START WITH OUR PANEL ON --

8 (WHEREUPON, AT 10:30 A.M., A SHORT RECESS WAS
9 TAKEN.)

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1 MR. GREEN: THIS IS, AS YOU KNOW, OUR FIRST ISSUES
2 PANEL OF THIS CONFERENCE. THE TWO PANELISTS THAT WE HAVE
3 WITH US ARE GOING TO BE ADDRESSING THE QUESTION TO WHAT
4 EXTENT DOES IT MAKE SENSE TO DISCUSS THE ECONOMIC AND
5 SOCIAL SITUATION OF WOMEN IN AMERICA IN A CIVIL RIGHTS
6 CONTEXT.

7 IN OTHER WORDS, HOW IMPORTANT A FACTOR IS DIS-
8 CRIMINATION IN THE LIVES OF AMERICAN WOMEN?

9 THE TWO PANELISTS WILL ADDRESS THIS GENERAL QUES-
10 TION I THINK WITH THE PARTICULAR EMPHASIS ON A SPECIFIC
11 QUESTION WHICH ARE RAISED BY THE COMPARABLE WORTH ISSUE.

12 THE TWO PANELISTS ARE JUNE O'NEILL, WHO IS WITH
13 THE URBAN INSTITUTE, AUTHOR OF NUMEROUS ARTICLES ON
14 ECONOMIC ISSUES, A NATIONALLY RECOGNIZED EXPERT ON THE
15 COMPARABLE ISSUE AND A SPEAKER AT OUR CONSULTATION ON COM-
16 PARABLE WORTH AND WE ARE VERY FORTUNATE TO HAVE HER SERVE
17 AS THE DIRECTOR OF OUR INCOME DIFFERENCES PROJECT AT THE
18 COMMISSION AND OUR FIRST SPEAKER IS BRIGITTE BERGER, WHO IS
19 A PROFESSOR AND CHAIRMAN OF THE SOCIOLOGY DEPARTMENT AT
20 WELLESLEY COLLEGE, AUTHOR OF NUMEROUS ARTICLES AND AN
21 IMPORTANT BOOK, "THE WAR WITH THE FAMILY CAPTURED IN THE
22 MIDDLE GROUND."

23 SHE ALSO SPOKE AT OUR COMPARABLE WORTH CONSULTA-
24 TION AND WE'RE VERY HAPPY TO HAVE BOTH OF THEM HERE AND I
25 HAVE HEARD THEM BOTH AND I THINK THAT YOU WILL FIND THAT BOTH

1 OF THEM WILL MAKE VERY INTERESTING AND EXCITING PRESEN-
2 TATIONS.

3 BRIGITTE, YOU LEAD OFF, FINE.

4 OR THAT --

5 MS. O'NEILL: I THINK ONE THING THAT IS IMPORTANT
6 TO NOTICE IS THAT I'M AN ECONOMIST AND BRIGITTE IS A SOCIO-
7 LOGIST AND I THINK THAT THAT PROBABLY COLORS THE WAY WE
8 APPROACH, ALTHOUGH, OUR PRESENTATIONS WILL REFLECT THAT FACT.

9 I SENSE SOME STATISTICS ARE -- MANY STATISTICS ARE
10 VERY BORING BUT SOME STATISTICS ARE -- HAVE A LIFE OF THEIR
11 OWN AND BECOME FAMOUS EVEN INFAMOUS, AND I THINK ONE SUCH
12 STATISTIC IS THE WAGE GAP BETWEEN WOMEN AND MEN.

13 IT APPEARS ON A BUTTON THAT MANY PEOPLE WEAR THAT
14 SAYS FIFTY-NINE CENTS, MEANING WOMEN EARN FIFTY-NINE CENTS
15 OUT OF EVERY DOLLAR EARNED BY MEN.

16 HARDLY A DAY GOES BY WHEN IT DOESN'T APPEAR
17 SOMEWHERE IN THE MEDIA AND NEWSPAPERS AND T.V., THE
18 FIGURES IN CAMPAIGNS, IT WAS OFTEN MENTIONED BY
19 GERALDINE FERRARO AND IT ALSO IS A SUBJECT THAT CONCERNS
20 ECONOMISTS, SOCIOLOGISTS, PSYCHOLOGISTS, WHO HAVE BUSILY
21 STUDIED IT AND TRIED TO UNDERSTAND WHAT IT'S ALL ABOUT.

22 NOW, ONE THING IS THAT THE FIFTY-NINE CENTS, EVEN
23 THOUGH IT'S CAPTURED THE IMAGINATION OF AMERICANS IS REALLY
24 NOT CORRECT. IT REFERS TO THE RATIO OF THE ANNUAL EARNINGS
25 OF WOMEN TO THE ANNUAL EARNINGS OF MEN IN 1977.

1 AND ONE PROBLEM WITH THE STATISTIC IS THAT SINCE
2 THEN THERE HAS BEEN AN -- EVEN USING THAT STATISTIC, AND THE
3 EARNING'S DIFFERENTIAL, IT'S NOW ABOUT 65 PERCENT, IF YOU
4 HAPPEN TO USE THAT STATISTIC, BUT A MORE IMPORTANT
5 THING THAT'S WRONG WITH IT IS THAT IT DOESN'T ADJUST FOR
6 EVEN THE MOST MINIMAL TYPES OF DIFFERENCES IN WORK EFFORT
7 BETWEEN WOMEN AND MEN.

8 NAMELY, HOURS OF WORK. IF YOU USE DATA THAT
9 REFER TO HOURLY EARNINGS, THE RATIO NOWADAYS IS ABOUT
10 72 PERCENT.

11 SO, IN OTHER WORDS, THERE IS A GAP, ABOUT 28
12 PERCENT IN HOURLY EARNINGS, THAT'S FOR MEN AND WOMEN OF
13 ALL AGES.

14 SINCE 1980, ALTHOUGH THE WAGE GAP HAD NOT CHANGED
15 FOR MANY YEARS SINCE THE EARLY 1950'S, THE WAGE GAP WAS ABOUT
16 60 PERCENT, THE 40 PERCENT MEASURE OF USING THE ANNUAL
17 EARNINGS -- DIFFERENT BY SOMEONE -- SOME OTHER ONE THAT WOULD
18 PROBABLY BE ABOUT, IN THE HOURLY EARNINGS DIFFERENT WOULD
19 BE ABOUT 66, 67 PERCENT.

20 BUT RECENTLY, SINCE 1980, THERE HAS BEEN A SHARP
21 NARROWING IN DIFFERENTIAL. AND I THINK THAT THERE ARE THE
22 SAME FACTORS THAT EXPLAINED WHY THE EARNING'S DIFFERENTIAL
23 DID NOT NARROW ALSO EXPLAINED WHY IT IS NARROWING NOW.

24 AND THAT IS THAT WOMEN AND MEN DIFFER CONSIDERABLY
25 IN WORK EXPERIENCE AND OTHER FACTORS THAT AFFECT EARNINGS

1 AND REALLY CAN'T JUST TALK ABOUT TWO GROUPS WITHOUT TALKING
2 ABOUT DIFFERENCES IN THEIR WORK RELATED CHARACTERISTICS.

3 DURING THE POST WORLD WAR II PERIOD, WOMEN ENTERED
4 THE LABOR FORCE AT A GREAT RATE, THERE WAS REALLY A PROFOUND
5 CHANGE IN -- REALLY AN OCCUPATIONAL CHANGE FOR WOMEN.

6 FROM BEING FULL-TIME HOMEMAKERS TO REALLY HAVING
7 A DUAL CAREER, WORKING PART OF THE TIME AT HOME AND PART OF
8 THE TIME FOR PAY IN THE MARKET.

9 AND THAT MEANT HOWEVER, AS MORE WOMEN ENTERED THE
10 LABOR FORCE, THERE WERE MORE WOMEN WHO WERE LESS EXPERIENCED
11 AND ALSO, AS IT TURNED OUT, RELATIVELY LESS WELL EDUCATED
12 COMPARED TO WOMEN WHO HAD BEEN IN THE LABOR FORCE IN THE
13 1950'S. IN THE 1950'S, THE LABOR FORCE WAS DOMINATED
14 TO A MUCH GREATER EXTENT THAN IT LATER WAS BY SINGLE
15 CAREER WOMEN WITH CONSIDERABLE AMOUNT OF EDUCATION.

16 THE AVERAGE EDUCATION OF WOMEN IN THE LABOR FORCE
17 IN THE 1950'S WAS CLOSE TO TWO YEARS MORE THAN THE AVERAGE
18 EDUCATION OF MEN. BUT AS RELATIVELY MORE, AS LARGE MEMBERS
19 OF WOMEN ENTERED THE LABOR FORCE, WHO WERE DRAWING FROM
20 LESS EDUCATED GROUPS, MORE MARRIED WOMEN WHO HAD LESS WORK
21 EXPERIENCE, THE DIFFERENTIAL TENDED TO WIDEN.

22 THE FACT THAT IT DIDN'T WIDEN MORE I THINK MEANS
23 THAT PROBABLY IF YOU WERE ABLE TO ADJUST, WHICH NO ONE IS
24 REALLY ABLE TO DO, FOR THE CHARACTERISTICS BETWEEN WOMEN AND
25 MEN, THE DIFFERENTIAL IN FACT MAY HAVE BEEN NARROWED ALL THE

1 TIME, IT WAS JUST OBSCURED BY DIFFERENCES IN A COMPOSITION OF
2 WOMEN COMPARED TO THE COMPOSITION OF MEN.

3 NOW, RECENTLY, ALL THOSE FACTORS HAVE BEEN REVERSING
4 AND WOMEN HAVE BEEN ACTUALLY, ACTUALLY, ENROLLMENTS OF WOMEN
5 HAVE BEEN INCREASING WHILE ENROLLMENTS OF MEN WERE FALLING
6 SO, AND YOUNGER GROUPS OF WOMEN ARE -- HAVE GAINED IN
7 EDUCATION RELATIVE TO MEN.

8 AND WORK EXPERIENCE OF WOMEN IS BEGINNING TO CATCH
9 UP TO THE WORK EXPERIENCE OF MEN, PARTICULARLY FOR YOUNGER
10 GROUPS. AND AMONG YOUNGER GROUPS, THE DIFFERENTIALS ARE
11 SMALLER TO START OUT WITH.

12 FOR THE GROUP 20 TO 24, THE RATIO WOMEN'S EARNINGS
13 TO MEN IS ABOUT 90 PERCENT. IF YOU LOOK AT EARNINGS DIFFER-
14 ENCES, FOR COLLEGE, STARTING PAY FOR COLLEGE GRADUATES
15 WHO HAVE BEEN COMING OUT OF COLLEGE IN THE PAST FEW YEARS,
16 THERE REALLY IS NO DIFFERENTIAL AT ALL.

17 AND IN SOME AREAS, WOMEN SEEM TO BE EARNING
18 SOMEWHAT MORE THAN MEN AND I NOTICED IN THE ENGINEERING
19 PROFESSIONS, AT NORTHWESTERN UNIVERSITY THEY PUT OUT THIS
20 SERIES EVERY YEAR OF STARTING PAY OF THE OFFERS GIVEN TO
21 WOMEN AND MEN AND A LARGE NUMBER OF COLLEGES ACROSS THE
22 UNITED STATES, AND THE EARNINGS OF THE ENGINEERS IS ACTUALLY
23 ARE NOW -- THE STARTING PAY IS HIGH OF WOMEN.

24 THAT MAY BE BECAUSE THE WOMEN WHO ARE GRADUATING
25 FROM ENGINEERING SCHOOL, THEY MAY HAVE ACTUALLY HIGHER

1 CREDENTIALS. THE PERCENTAGE OF COURSE, IS MUCH SMALLER
2 ALTHOUGH IT'S BEEN GROWING NOW, 15 TO 20 PERCENT OF SOME
3 ENGINEERING CLASSES WHEN THEY INFORMALLY HAVE BEEN AN ASTER-
4 ISK.

5 HOWEVER, THOSE FACTORS ARE LEADING TO NARROWINGS
6 IN THE EARNINGS DIFFERENTIAL. NONETHELESS, THERE IS AN
7 EARNINGS GAP, I WOULD SAY, YOU KNOW, THAT IS ON THE ORDER OF
8 28 PERCENT WITHOUT ADJUSTING FOR ANY WORK EXPERIENCE OR ANY
9 FACTORS LIKE THAT.

10 NOW, ECONOMIC STUDIES THAT HAVE TRIED TO EXPLAIN
11 THE DIFFERENCE IN HOURLY PAY CAN LOOK AT THINGS THAT ARE
12 EASILY MEASURED LIKE THE NUMBERS OF YEARS OF WORK
13 EXPERIENCE WHICH INCIDENTALLY, ISN'T THAT EASY TO MEASURE
14 BECAUSE THE SUBSTANTIAL BODIES THAT ARE USUALLY USED LIKE
15 THE CENSUS, DON'T ASK QUESTIONS LIKE NUMBERS OF YEARS OF
16 WORK EXPERIENCE.

17 THEY ASK AGE, BUT FOR THE SAME AGE, WOMEN HAVE
18 WORKED MANY FEWER YEARS THAN MEN. BUT THERE ARE SOME
19 DATA AVAILABLE LONGITUDINAL SURVEYS, THAT PROVIDE
20 SOME INFORMATION AND THEY -- USING THESE KINDS OF DATA SETS
21 THE FINDING HAS BEEN THAT ADJUSTING FOR WORK EXPERIENCE JUST
22 NUMBERS OF YEARS OF WORK EXPERIENCE AND YEARS OUT OF THE LABOR
23 FORCE AND JUST YEARS OF SCHOOLING COMPLETED ABOUT HALF OF THE
24 DIFFERENTIAL CAN BE EXPLAINED.

25 WELL, USING THE 28 PERCENT, IF YOU CAN EXPLAIN ABOUT

1 HALF THE WORK EXPERIENCE AND SCHOOLING, YOU ARE LEFT WITH
2 THE DIFFERENTIAL OF ABOUT 14 PERCENT.

3 NOW, WHAT COULD THAT BE DUE TO? THERE ARE TWO
4 POSSIBILITIES. ONE IS THAT RELATES TO THE DISCRIMINATORY
5 FACTORS THAT CAN EXPLAIN IT AND THERE CAN BE NONDISCRIMINATORY
6 FACTORS THAT CAN EXPLAIN IT.

7 NOW, OF THE NONDISCRIMINATORY FACTORS, IT COULD
8 VERY WELL BE THAT THERE ARE DIFFERENCES BETWEEN MEN AND WOMEN
9 THAT HAVE NOT BEEN MEASURED BY DATA AND THAT SOCIOLOGISTS
10 AND OTHERS HAVE NOT BEEN ABLE TO INCLUDE IN THEIR ANALYSES,
11 THE EARNINGS DIFFERENTIAL.

12 NOW, INCLUDED IN THESE UNMEASURED CHARACTERISTICS
13 WOULD BE INVESTMENTS THAT INDIVIDUALS MAKE THAT ENHANCE
14 THEIR EARNINGS.

15 AND THIS COULD BE A SEARCH FOR A JOB IN A
16 DIFFERENT PART OF THE COUNTRY WHICH MEANS THAT YOU HAVE TO BE
17 SUFFICIENTLY MOBILE TO BE ABLE TO PURSUE JOB OPPORTUNITIES
18 IN DIFFERENT PARTS OF THE COUNTRY.

19 WOMEN ARE LESS MOBILE THAN MEN, MARRIED WOMEN
20 ARE BECAUSE THEY TEND TO FOLLOW THEIR HUSBANDS RATHER
21 THAN VICE VERSA.

22 NOW, ALL THESE THINGS, THE SITUATION IS CHANGING
23 RAPIDLY AND IT IS CERTAINLY LESS TRUE FOR YOUNGER WOMEN
24 THAN IT IS FOR OLDER WOMEN BUT CERTAINLY, AMONG OLDER,
25 IF YOU COMPARED OLDER MARRIED WOMEN -- OLDER MARRIED MEN, I

1 THINK YOU WOULD FIND THAT WOMEN TENDED TO FOLLOW THE
2 MEN, NOT VICE VERSA.

3 SO, THAT WOULD BE ONE FACTOR. ANOTHER ONE WOULD BE
4 DIFFERENCES IN SUBJECTS TAKEN IN SCHOOL, ALTHOUGH YOUNGER
5 WOMEN ARE STARTING TO LOOK MORE LIKE YOUNGER MEN IN TERMS OF
6 THE SUBJECTS SELECTED IN SCHOOL. OLDER WOMEN AND OLDER MEN
7 DIFFER PROFOUNDLY IN THE SUBJECTS TAKEN IN SCHOOL.

8 WOMEN HAVE TENDED TO BE MORE CONCENTRATED IN
9 -- AS EDUCATION MAJORS, NURSING, HOME ECONOMIC SUBJECTS,
10 AND HUMANITIES AND MEN HAVE TENDED TO BE IN MORE VOCATIONALLY,
11 IN SORT OF HIGH PAYING VOCATIONALLY ORIENTED OCCUPATIONS LIKE
12 BUSINESS SUBJECTS, ENGINEERING.

13 AND SO, SUBJECTS TAKEN IN SCHOOL WOULD BE ANOTHER
14 FACTOR.

15 ANOTHER ONE WOULD HAVE TO DO WITH THE LOCATION AND
16 HOURS TO WHICH ONE MAY BE TIED, IF WOMEN HAVE A DUAL CAREER.
17 THIS IS LIKELY TO AFFECT THE NUMBERS OF HOURS, A DUAL CAREER
18 MEANING THAT THEY HAVE, THAT THEY ARE STILL CONTINUING TO
19 WORK IN THE HOME WHICH WOMEN DO, WOMEN WORK FULL-TIME
20 INCIDENTALLY, WORK ABOUT 25 HOURS A WEEK IN THE HOME AND
21 THEIR HUSBANDS WORK LESS THAN HALF THAT AMOUNT.

22 SO, GIVEN THOSE FACTS, SINCE WOMEN ARE NOT
23 SUPERMEN OR SUPERWOMEN, THEY WOULD HAVE LESS ENERGY AND
24 SIMPLY LESS TIME TO DEVOTE TO WORK AND THEREFORE SEEK JOBS
25 THAT OFFER FLEXIBLE HOURS, SHORTER HOURS, DIDN'T REQUIRE

1 A CONSIDERABLE AMOUNT OF OVERTIME OR UNPREDICTABLE HOURS
2 ON THE WEEKEND. AND THIS WOULD AFFECT THE KINDS OF JOBS AND
3 PAY. IT'S HARD TO JOIN THE MANAGEMENT LADDER IF YOU ARE
4 GOING TO BE CONSTRAINED IN THE HOURS YOU CAN WORK. I DON'T
5 THINK THAT THERE IS ANYTHING MYSTERIOUS IN THE FACT THAT
6 WOMEN HAVE BEEN DRAWN TO ELEMENTARY AND SECONDARY SCHOOL-
7 TEACHING.

8 I THINK THE HOURS HAVE A LOT TO DO WITH IT.
9 NOW, NO ONE REALLY KNOWS IF ONE ADJUSTED FOR -- IF ONE HAD
10 MEASURED THESE THINGS AND IF WERE ABLE TO MAKE SUCH ADJUST-
11 MENTS, YOU KNOW, HOW BIG THE DIFFERENTIAL WOULD BE.
12 IT IS UNKNOWN.

13 ALSO, IN THE HOPPER, THERE ARE DISCRIMINATORY
14 FACTORS THAT COULD EXPLAIN THE DIFFERENTIAL BETWEEN WOMEN
15 AND MEN AND THOSE COME IN DIFFERENT FORMS.

16 ONE IS EQUAL PAY, THE OLD FASHIONED TYPE OF DIS-
17 CRIMINATION OR WHAT USUALLY COMES TO PEOPLE'S MINDS IS
18 DIFFERENCES BETWEEN WOMEN AND MEN ON THE SAME JOB IN
19 THE SAME FIRM.

20 THAT IS OF COURSE, IS OUTLAWED BY THE EQUAL PAY
21 ACT AND I THINK THAT AT PRESENT, IS NOT A VERY IMPORTANT SOURCE
22 OF DIFFERENTIALS BETWEEN WOMEN AND MEN.

23 SURVEYS THAT ARE DONE BY THE BUREAU OF LABOR
24 STATISTICS SHOW VERY LITTLE DIFFERENCE WITHIN AN OCCUPATION
25 WITHIN A FIRM DIFFERENCES, YOU KNOW, THEY ARE TRIVIAL

1 NATIONALLY AND TO THE EXTENT THEY EXIST, THEY COULD CERTAINLY
2 EXIST ON AN INDIVIDUAL BASIS BUT I DON'T THINK THAT IT WOULD
3 COUNT FOR ANY MAJOR SOURCE OF THE DIFFERENTIAL BETWEEN WOMEN
4 AND MEN.

5 NOW, ANOTHER FORM OF DISCRIMINATION WOULD -- HAS TO
6 DO WITH DIFFERENCES IN THE JOBS. MEN AND WOMEN ARE IN DIFFER-
7 ENT JOBS IN DIFFERENT OCCUPATIONS AND FOR THE SAME
8 REASONS THAT I SAID, THAT WOULD AFFECT THE PAY GAP.

9 THOSE SAME FACTORS EXPLAIN KINDS OF OCCUPATIONS
10 THAT MEN AND WOMEN WOULD BE IN.

11 NOW, IT -- DISCRIMINATION, CAN IT EXPLAIN THESE
12 OCCUPATIONAL DIFFERENCES AND THEREFORE THE WAGE GAP.
13 AND TO SOME EXTENT, IT WAS CERTAINLY TRUE WITH THE PAST.
14 LAWS IN FACT, WORKED THE OPPOSITE WAY. IT PREVENTED WOMEN
15 FROM GOING INTO SOME OF THE SAME OCCUPATIONS AS MEN AND WHAT
16 I'M REFERRING TO ARE RESTRICTIONS ON WORKING CONDITIONS AND
17 HOURS OF WORK.

18 WOMEN IN MANY INDUSTRIES WERE BARRED FROM ENTERING
19 THEM BECAUSE THEY COULDN'T MEET THE HOURS THAT WERE THE
20 REQUIREMENTS OF THOSE INDUSTRIES.

21 NOW, THERE MAY NOT HAVE BEEN HUGE PERCENTAGES
22 OF WOMEN WHO WOULD HAVE GONE IN, SAY, TO THE CONSTRUCTION
23 TRADES, HAD THERE NOT BEEN THESE RESTRICTIONS ON WORKING
24 CONDITIONS AND HOURS OF WORK, NONETHELESS, THERE WAS SOME
25 MARGIN OF WOMEN THAT PROBABLY WOULD HAVE GONE AND -- IN AND

1 WOULD HAVE, BUT COULD NOT BECAUSE OF THE STATE LAWS.
2 THE STATE LAWS ARE NO LONGER APPLICABLE, BUT I THINK THAT
3 THAT IS AN EXAMPLE OF SORT OF GOOD INTENTIONS THAT MAY
4 HAVE HAD SOME BAD EFFECTS ON WOMEN'S ECONOMIC STATUS.

5 IT'S ALSO TRUE THAT MORE INFORMALLY, WOMEN HAVE HAD
6 MORE DIFFICULT ACCESS TO CERTAIN OCCUPATIONS. SOME OF IT
7 HAPPENED THROUGH THE EDUCATIONAL SYSTEM, WOMEN AND SCHOOLS
8 DID NOT -- SOME SCHOOLS IF YOU GO BACK FAR ENOUGH IN CENTURIES,
9 THE SCHOOLS DID NOT TAKE WOMEN AND IN CERTAIN AREAS AND
10 MAJOR SCHOOLS WERE NOT TAKING WOMEN.

11 AND SO THAT WOULD BE ONE SOURCE OF DISCRIMINATION.
12 IN THE LABOR MARKET, ALSO, WOMEN HAVE UNDOUBTEDLY HAD
13 SOME TROUBLE PARTICULARLY WITH RESPECT, I THINK, TO PROMOTIONS
14 AND TO ENTERING MANAGERIAL JOBS AND THIS COULD BE A -- I'VE
15 THOUGHT ABOUT IT, POINTED OUT THAT SOME OF THIS COULD BE
16 STATISTICAL DISCRIMINATION AND THAT THE AVERAGE WOMAN IS
17 LIKELY, WAS MORE LIKELY TO LEAVE HER JOB AND TO RAISE A FAMILY
18 THAN THE AVERAGE MAN AND THEREFORE, EMPLOYERS WERE LESS
19 WILLING TO TAKE A CHANCE ON INVESTING IN THE TRAINING OF
20 WOMEN, THAN OF MEN, NOT KNOWING WHETHER OR NOT THEY WOULD
21 CONTINUE.

22 BUT, SOME OF IT MAY ALSO HAVE BEEN DUE TO YOU
23 KNOW, SIMPLE PREJUDICE OR STEREOTYPE VIEWS OF WHO COULD BE
24 A BOSS AND WHO SHOULD NOT BE A BOSS AND I'M SURE THAT SOME OF
25 THAT WAS AND PROBABLY STILL IS, RIPPLING AROUND IN THE LABOR

1 MARKET.

2 THE EXTENT TO WHICH THIS IS IMPORTANT IS REALLY NOT
3 KNOWN, BUT I THINK THAT IT IS A CONSIDERATION.

4 NOW, COMPARABLE WORTH COMPONENTS HAVE BROUGHT UP A
5 DIFFERENT KIND OF DISCRIMINATION OTHER THAN THE TWO I
6 MENTIONED WHICH WAS EQUAL ACCESS TO JOBS OR EQUAL PAY FOR EQUAL
7 WORK, SAME JOB.

8 AND THAT IS DISCRIMINATION, THE UNDER PAYING OF
9 WHOLE OCCUPATIONS SIMPLY BECAUSE WOMEN ARE IN THOSE OCCUPATIONS
10 AND THAT IS THE BASIS OF THE COMPARABLE WORTH CONTENTION.
11 IT IS ADDRESSED, PEOPLE WILL BELIEVE IN COMPARABLE WORTH,
12 BELIEVE THAT A SIGNIFICANT AMOUNT OF THE DIFFERENTIAL
13 BETWEEN WOMEN AND MEN IS BASED ON UNDERPAYMENT FOR JOBS
14 THAT WOMEN ARE IN.

15 NOW, IS THERE ANY EVIDENCE FOR THAT?

16 THEORETICALLY, IT'S VERY HARD TO IMAGINE HOW
17 THAT COULD BE TRUE, THERE ARE HUNDREDS OF THOUSANDS OF FIRMS
18 AND IF SOME EMPLOYERS, AN EMPLOYER CAN SAY I THINK THAT
19 THIS OCCUPATION IS NOT WORTH MUCH BECAUSE WOMEN ARE IN IT
20 AND I WILL NOT PAY MUCH.

21 BUT, ALL OF THEM DON'T THINK THAT AND OR IF EVEN
22 A GROUP OF THEM THOUGHT THAT AND WERE UNDERPAYING FOR THIS
23 PARTICULAR OCCUPATION, ANYONE WHO COULD FIGURE OUT A WAY, SAY,
24 OF USING SECRETARIAL -- AN INDUSTRY THAT WOULD USE A LOT OF
25 CLERICAL WORKERS, WOULD THINK OF; -- PROFITS WOULD HAVE TO BE

1 VERY HIGH IF THAT OCCUPATION IS REALLY BEING EXPLOITED OR UNDER-
2 PAID IN THE SENSE THAT IT WOULD BE CONTRIBUTING MORE TO THE
3 FIRM'S PROFITS THAN OTHER KINDS OF WORKERS THAN -- THEN
4 OTHER FIRMS WOULD OPEN UP AND WOULD FIGURE OUT WAYS OF USING
5 CLERICAL WORKERS WHO HAPPEN TO BE WOMEN AND THEY WOULD PAY A
6 LITTLE MORE, LURE WOMEN INTO THEIR FIRMS AND THE PROFITS
7 WOULD GO DOWN.

8 SO, IT'S HARD TO THINK OF A SITUATION WITH ANY SORT
9 OF COMPETITION IN THE MARKET WHERE THAT COULD BE TRUE FOR ANY
10 LENGTH OF TIME.

11 HOWEVER, AND I REALLY DON'T KNOW OF ANY EVIDENCE
12 THAT PROFITS ARE VERY HIGH IN INDUSTRIES THAT HAPPEN TO USE A
13 LOT OF PREDOMINANTLY FEMALE OCCUPATIONS.

14 NOW, SOME RESEARCHERS HAVE ALSO TRIED TO SEE IF THERE
15 IS ANY EMPIRICAL VALIDITY TO IT BY LOOKING AT EARNINGS
16 DIFFERENTIALS BETWEEN WOMEN AND MEN AND SAYING ONCE YOU ADJUST
17 FOR DIFFERENCES BETWEEN INDIVIDUAL WOMEN AND MEN, IN -- DO
18 WE FIND THAT BEING IN A TYPICALLY FEMALE OCCUPATION, HAS ANY
19 ADDITIONAL EFFECT ON PAY.

20 NOW, IN FACT, SOME VERY SMALL EFFECT HAS BEEN
21 FOUND FOR WOMEN. IF YOU LOOK AMONG WOMEN, THOSE WHO ARE IN
22 PREDOMINANTLY WOMEN'S OCCUPATIONS DO TEND TO EARN SOMEWHAT
23 LESS THAN WOMEN WHO ARE IN MIXED OR MALE OCCUPATIONS.

24 AND THE SAME WITH MEN, MEN WHO ARE IN PREDOMINANTLY
25 WOMEN'S OCCUPATIONS TEND TO EARN SOMEWHAT LESS THAN MEN WHO

1 ARE IN OTHER KINDS OF OCCUPATIONS, BUT YOU STILL DON'T KNOW
2 THE SAME -- WHETHER UNMEASURED FACTORS ARE EXPLAINING THESE
3 KINDS OF DIFFERENTIALS.

4 SUCH AS DIFFERENCES IN THE HOURS, DIFFERENCES
5 ABOUT THESE JOBS THAT HAVE NOT BEEN TAKEN ACCOUNT OF.

6 ALSO, IT COULD BE THAT NONDISCRIMINATORY FACTORS
7 ARE AFFECTING DIFFERENTIALS AT DIFFERENT TIMES FOR
8 OCCUPATIONS, FOR EXAMPLE, IF LARGE NUMBERS OF WOMEN ARE ENTER-
9 ING THE LABOR FORCE AND ENTERING PARTICULAR KINDS OF OCCUPA-
10 TIONS LIKE CLERICAL WORK, WAGES WOULD BE DRIVEN DOWN FOR SOME
11 PERIOD OF TIME AND THERE WOULD BE A TENDENCY FOR THAT TO
12 CORRECT ITSELF BECAUSE WOMEN WOULD THEN MOVE INTO OTHERS
13 BUT YOU COULD GO THROUGH PERIODS OF TIME WHERE EARNINGS AND
14 OCCUPATIONS WOULD BE DEPRESSED SIMPLY BECAUSE FOR SUPPLIED
15 REASONS.

16 HOWEVER, THERE ARE -- THERE IS CERTAINLY NO EVI-
17 DENCE THAT PREDOMINANTLY FEMALE OCCUPATIONS FOR THAT REASON
18 ALONE EARN LESS THAN OTHER OCCUPATIONS BY ANY SIGNIFICANT
19 AMOUNT.

20 BUT COMPARABLE WORTH DOES ADDRESS ITSELF TO THAT
21 TYPE OF DISCRIMINATION.

22 LET ME SEE, HOW MUCH TIME DO I HAVE LEFT?

23 MR. GREEN: WHATEVER YOU NEED.

24 MS. O'NEILL: WELL, I'LL SPEND JUST A FEW MORE
25 MINUTES SAYING SOME WORDS ABOUT COMPARABLE WORTH.

1 NOW, WHAT COMPARABLE WORTH WOULD DO IS TO ADDRESS
2 THIS TYPE OF DISCRIMINATION BY CHANGING THE WAY -- WAGES OR --
3 BECAUSE THE CONTENTION IS THAT THE MARKET LEFT TO ITS OWN
4 DEVICES IS PRODUCING THIS DISCRIMINATORY SITUATION WHERE
5 PAY IN OCCUPATIONS THAT ARE PREDOMINANTLY FEMALE ARE LESS THAN
6 OTHERS, THEREFORE, WE HAVE TO -- SOME OTHER MECHANISMS TO
7 DETERMINE WHAT OCCUPATIONS SHOULD BE PAID.

8 AND THAT MECHANISM HAS, AND ALMOST ALL COMPARABLE
9 WORTH CASES OR SITUATIONS BEEN A JOB EVALUATION WHERE THE VALUE
10 OF THE WORTH OF DIFFERENT OCCUPATIONS IS DETERMINED BY MEANS
11 OF AN ANALYSIS OF THE CONTENT OF JOBS.

12 AND THAT IS DONE BY USING WHAT'S CALLED A
13 FACTOR POINT SYSTEM WHERE POINTS ARE SIGNED TO DIFFERENT
14 CHARACTERISTICS OF JOBS AND USUALLY, THEY ARE DIVIDED INTO
15 FOUR BROAD KINDS OF CATEGORIES, KNOWLEDGE AND SKILLS,
16 LEGAL DEMANDS, ACCOUNTABILITY AND WORKING CONDITIONS.

17 NOW, THESE CAN BE WEIGHTED IN DIFFERENT WAYS,
18 OFTEN, THEY ARE JUST SIMPLY GIVEN EQUAL WEIGHTS, AND POINTS
19 ARE ASSIGNED TO THE DIFFERENT CATEGORIES BASED ON
20 DESCRIPTIONS OF THE JOBS.

21 NOW, HOW DOES ANYONE KNOW WHAT THESE POINTS SHOULD
22 BE? WELL, THERE ISN'T ANY SCIENTIFIC WAY TO KNOW WHAT
23 THE POINTS SHOULD BE OR REALLY ANY STANDARD THAT'S BEEN
24 ESPOUSED, YOU KNOW, BY WHICH ONE CAN DO THIS ACTIVITY.

25 IF IT'S DONE FOR A FIRM OR FOR FIRMS INTERNAL

1 COMPENSATION PRACTICES, THE JOB EVALUATIONS ARE USED,
2 THEY ARE TYPICALLY USED, HOWEVER, TO TRY AND WITHIN -- THEY
3 DON'T -- THEY ARE NOT USED TO SAY YOU KNOW, WHAT IS A TRUCK-
4 DRIVER WORTH VERSUS SAY, A COOK VERSUS A SECRETARY VERSUS A
5 CHEMIST.

6 BUT THEY ARE USED WITHIN CLERICAL OCCUPATIONS TO
7 TRY AND SORT OF ORDER HOW YOU GET FROM STEP ONE TO STEP
8 TEN AND TRYING TO SORT OF SET OUT THE TASKS.

9 THEY ARE NEVER, AND THIS IS ACCORDING TO FIRMS
10 THAT DO JOB EVALUATIONS THEMSELVES LIKE KEY, THEY ARE NOT
11 USED TO SET THE BASIC, THE PAY FOR THE BENCHMARK OCCUPATIONS
12 IN A FIRM.

13 FIRMS DO WHAT THEY KNOW THEY HAVE TO DO, THEY HAVE
14 TO MEET THE MARKET AND THEY HAVE TO -- THEY -- IF THEY PAY TOO
15 LITTLE THEY ARE NOT GOING TO GET THE WORKERS OF THE QUALITY
16 THAT THEY WANT AND IF THEY PAY TOO MUCH, THEY ARE GOING TO BE
17 LOSING OUT PROFITS TO SOMEBODY ELSE.

18 SO, FIRMS ARE CONSTANTLY TESTING THE WATER TO FIND
19 OUT WHAT THEIR QUESTION IS, WHAT IS THE LEAST THAT I CAN PAY
20 TO GET THE MOST QUALIFIED PEOPLE I NEED FOR MY OPERATION.

21 A JOB EVALUATION THAT'S DONE APART FROM THE
22 MARKET DOESN'T HAVE THAT KIND OF GUIDANCE BUT RANKS BY
23 OPINION.

24 IN THE STATE OF WASHINGTON WHERE A FAMOUS JOB
25 EVALUATION WAS DONE FOR COMPARABLE WORK PURPOSES, AND THAT WAS

1 USED AS THE BASIS FOR THE COMPARABLE WORTH SUIT THAT WAS
2 BROUGHT IN THE STATE OF WASHINGTON, POINTS WERE ASSIGNED BY
3 A COMMITTEE THAT WAS APPOINTED AND APPOINTED POLITICALLY --
4 POLITICALLY APPOINTED COMMITTEE, AND FIRST A PANEL OF ADVISORS
5 WAS APPOINTED AND THEN THE ADVISORS APPOINTED A GROUP OF
6 RATERS TO DO THE RATINGS.

7 AND EMPLOYEES WERE SURVEYED ABOUT FOUR FOR
8 EACH OCCUPATION ASKING THEM ABOUT THE CHARACTERISTICS OF THEIR
9 OWN JOBS AND THEN THE COMMITTEE WENT TO WORK ASSIGNING POINTS.

10 NOW, THE COMMITTEE IN THIS CASE DECIDED THAT NUR-
11 TURING WAS A VERY VALUABLE TRAIT SO THEY ASSIGNED OCCUPATIONS
12 THAT NURSING, A NURSE WAS REPRESENTED. INCIDENTALLY, ON
13 THE ADVISORY, THE CONSULTANT GROUP AND ON THE GROUP
14 THAT DID THE POINT ASSIGNMENTS.

15 THE PERSON WAS REQUIRED TO LEAVE THE ROOM WHEN THE
16 ACTUAL VOTING TOOK PLACE ON THE POINTS BUT THEY PARTICIPATED
17 IN THE DISCUSSION.

18 NURSE RECEIVED THE HIGHEST NUMBER OF POINTS OF ANY
19 OCCUPATION IN THE STATE OF WASHINGTON AS A RESULT OF THIS
20 JOB EVALUATION AND THE ASSIGNMENT OF POINTS.

21 AND THE WHOLE WASHINGTON STATE JOB EVALUATION
22 WAS REALLY SORT OF TOPSY-TURVEY FROM WHAT ONE OBSERVES IN
23 THE MARKET. NURSES RECEIVED, MANY MORE POINTS THAN
24 COMPUTER SYSTEMS ANALYSTS, CHEMISTS RECEIVED FEWER POINTS
25 THAN CLERICAL SUPERVISORS. TRUCK DRIVERS RECEIVED THE

1 FEWEST NUMBER OF POINTS OF ANY OCCUPATION IN THE STATE EMPLOY-
2 MENT, LESS THAN A BEGINNING RETAIL CLERK OR TELEPHONE OR
3 BEGINNING TELEPHONE OPERATOR.

4 AS PART OF THE DEFENSE, THE STATE EMPLOYED ANOTHER
5 JOB EVALUATING -- EVALUATOR WHO WENT THROUGH THE SAME JOB
6 DESCRIPTIONS AND CAME UP WITH A TOTALLY DIFFERENT ASSIGNMENT
7 AND THAT -- THE JUDGE WOULD NOT, OR DID NOT ALLOW THE EVIDENCE
8 OF THAT JOB EVALUATOR AS PART OF THE CASE.

9 BUT, NONETHELESS, I THINK WHAT HAS -- WHAT ONE HAS
10 TO ASK ONE'S SELF IN THIS CASE, YOU KNOW, WHO IS RIGHT, IS THE
11 MARKET RIGHT, IS THE OTHER -- IS ONE JOB EVALUATOR RIGHT OR WAS
12 THE POLITICALLY DONE JOB EVALUATION THE CORRECT WAY TO --
13 FOR THE STATE TO ORGANIZE ITS PAY.

14 I THINK THAT ALSO WITH ANY BASIC ECONOMICS WILL
15 TELL YOU WHAT WOULD HAPPEN IF A PRIVATE FIRM WAS REQUIRED TO
16 PAY ACCORDING TO THE JOB EVALUATION.

17 IF THE JOB EVALUATION RESULTS IN SOMETHING THAT'S
18 DRAMATICALLY DIFFERENT FROM THE MARKET, AND LET'S SAY YOU
19 HAVE THE NURSES AND THE COMPUTER SYSTEMS ANALYSTS AND IF
20 THE FIRM REQUIRED TO PAY THE SAME FOR THOSE TWO OCCUPATIONS,
21 OR PAY MORE FOR THE COMPUTER SYSTEMS ANALYSTS, OR MORE FOR
22 THE NURSES THAN FOR THE COMPUTER SYSTEMS ANALYSTS, IT COULD
23 BRING DOWN THE PAY OF THE COMPUTER SYSTEMS ANALYSTS TO BELOW
24 THE NURSES BUT THEN THEY WOULDN'T HAVE ANY COMPUTER SYSTEMS
25 ANALYSTS BECAUSE THEY WOULD ALL GO SOME PLACE ELSE.

1 OR IF THEY BRING UP THE PAY OF NURSES TO ABOVE THE
2 COMPUTER SYSTEMS ANALYSTS, THEN THEY WOULD HAVE TROUBLE IF THEY
3 KEPT THEIR SAME EMPLOYMENT LEVELS, THEY WOULD HAVE TROUBLE
4 SELLING THEIR PRODUCT BECAUSE THEY WOULD HAVE TO CHARGE TOO
5 MUCH AND NO ONE WOULD WANT TO BUY THEIR PRODUCT.

6 SO, WHAT THEY WOULD PROBABLY DO WOULD BE TO TRY AND
7 CUT BACK THE SCALE OF OPERATION, TRY TO CONTRACT OUT WHAT
8 THEY HAD BEEN DOING IN TERMS -- INTERNALLY, SO THEY WOULDN'T
9 HAVE TO EMPLOY SO MANY NURSES AND PAY AT THE HIGHER LEVEL
10 AND THEY ALSO WOULD TRY AND SUBSTITUTE OTHER TYPES OF
11 PERSONNEL FOR THE NURSES..

12 AS A RESULT, THERE WOULD BE FEWER NURSES IN THAT
13 FIRM, THE ONES WHO KEPT THEIR JOBS WOULD BE LUCKY BECAUSE
14 THEY WOULD HAVE THE HIGH PAY.

15 THE ONES WHO LOST THEIR JOBS WOULD BE LESS LUCKY
16 AND THE MORE FIRMS THAT WOULD COME UNDER THIS, THE MORE THERE
17 WOULD BE, YOU WOULD HAVE SORT OF A SITUATION WITH SOME VERY
18 WELL PAID NURSES AND SOME VERY ILL PAID NURSES BECAUSE THEY
19 WOULD BE CROWDING IN THE OTHER MARKETS.

20 AND I THINK YOU CAN GUESS WHO WOULD BE KEPT AND WHO
21 WOULD LEAVE, THE MOST HIGHLY SKILLED WOMEN AND SOME MEN
22 WOULD BE KEPT AT THE HIGHER PAY AND THE LEAST SKILLED WOULD
23 BE THE ONES WHO WOULD BE IN TROUBLE.

24 IT'S SOMETIMES SAID THAT COMPARABLE WORTH WOULD
25 SOLVE THE PROBLEM WITH THE FEMINIZATION OF POVERTY BUT SINCE

1 THE FEMINIZATION OF POVERTY IS USUALLY, IS WOMEN WHO ARE
2 POVERTY TEND TO HAVE LOWER LEVELS OF EDUCATION AND SKILL, IT'S
3 VERY HARD TO SEE HOW THEY WOULD BE HELPED BECAUSE THEY WOULD BE
4 NOT VERY LIKELY THAT THEY WOULD BE THE ONES CHOSEN FOR THE
5 JOBS WITH THE HIGHER PAY LEVELS.

6 I THINK THAT COMPARABLE WORTH IS -- DOESN'T MAKE A
7 GREAT DEAL OF ECONOMIC SENSE AND I REALLY DO NOT SEE IT AS A
8 WAY OF ADDRESSING ANY OF THE REAL CONCERNS OF WOMEN BECAUSE IF
9 THE PROBLEM IS THAT WOMEN HAVE, THAT WOMEN ARE HAVING TROUBLE
10 GAINING ACCESS AS MANAGERS OR CHEMISTS OR ENGINEERS, IT REALLY
11 DOESN'T HELP VERY MUCH TO RAISE THE PAY OF SECRETARIES, OR
12 LIBRARIANS TO ACHIEVE THIS.

13 IT REALLY DOESN'T MAKE A GREAT DEAL OF SENSE.
14 I DON'T THINK IT ADDRESSES GENUINE ISSUES OF DISCRIMINATION
15 AND IT WOULD ALSO CAUSE CONSIDERABLE CHAOS IN THE MARKET.

16 WELL, I THINK THAT IS IT AND I HAVE USED UP MY
17 TIME.

18 BRIGITTE?

19 MS. BERGER: WELL, JUNE WAS RIGHT. I HAVE A VERY
20 DIFFERENT APPROACH TO THE VERY SAME ISSUE.

21 FOR ME COMPARABLE WORTH IS MUCH MORE THAN AN
22 ECONOMIC ISSUE. IT HAS SOCIAL ROOTS, IT HAS SOCIAL MEANINGS,
23 IT HAS SOCIAL PUNISHMENTS AND IF ENACTED, IT WOULD HAVE
24 SOCIAL CONSEQUENCES.

25 FOR ME, THEN, IT IS VERY IMPORTANT TO TAKE THE

1 COMPARABLE WORTH ISSUE OUT OF ITS STRICTLY ECONOMIC AND
2 PARTICULAR FRAME OF REFERENCE AND LOCATE IT WITHIN THE LARGER
3 CONTEXT OF SOCIETY.

4 NOW, MY OWN DISCIPLINE OF SOCIOLOGY ADMITTEDLY,
5 RATHER A SAD DISCIPLINE AT TIMES, PERMITS ME TO DO PRECISELY
6 THAT. IT IS A TASK TO TAKE OFTEN RATHER A COMPLEX
7 PHENOMENA, AND RELATE THEM BACK TO INDIVIDUAL ACTIONS
8 AND THE MEANINGS INDIVIDUALS ATTRIBUTE TO THEIR ACTIONS
9 AND THEN YOU CAN SEE THAT THESE ACTIONS AND MEANINGS HAVE
10 GIVEN RISE TO THE PHENOMENON IN THE PERSONAL PLACE.

11 NOW, WHAT THAT MEANS IN TERMS OF COMPARABLE WORTH
12 IS VERY SIMPLE. IF WE HAVE ANYTHING TO CONTRIBUTE AS
13 SOCIOLOGISTS, WE CAN SHOW A NUMBER OF THINGS THAT ARE REALLY
14 AT ISSUE.

15 LET ME TRY TO TELL YOU WHAT WE CAN SHOW EASILY
16 AND WHAT WE CANNOT SHOW EASILY. WE CAN, I THINK, IF YOU APPLY
17 THIS METHOD, SHOW THAT THE VALUES, THE HOPES AND
18 EXPECTATIONS OF ORDINARY WOMEN IN AMERICAN SOCIETY ARE
19 QUITE DIFFERENT FROM THOSE ATTRIBUTED TO THEM BY THE
20 PROPONENTS OF COMPARABLE WORTH.

21 I HAVE USED THIS KIND OF METHOD WHICH I JUST
22 DESCRIBED AND I THINK IN THE PAST YEAR AND A HALF, I HAVE COME
23 TO THE CONCLUSION AND A VERY FIRM CONCLUSION AT THAT, THAT
24 FIRST OF ALL, THE COMPARABLE WORTH ADVOCATES HAVE A
25 VERY DIFFERENT AGENDA FROM THAT OF THE RIGHT MAJORITY

1 OF ORDINARY AMERICAN WOMEN AND SECONDLY, BY MEANS OF THE SAME
2 METHOD, I CAN EXPLAIN WHAT IS REALLY AT ISSUE, NAMELY,
3 I'M ALSO TRYING TO LOCATE THE ROOTS OF THE COMPARABLE WORTH
4 MOVEMENT AND WITH THAT, THE SOCIAL ROOTS OF ITS
5 PROPONENTS, BACK TO THEIR OWN SOCIAL LOCATION AND WHAT REALLY
6 MOVES THEM BECOMES APPARENT.

7 WITH THIS KIND OF METHOD, WHICH I THINK IS RESPON-
8 SIBLE SOCIOLOGY, I CAN EXPLAIN MANY MORE THINGS.

9 BUT I WILL NOT BOTHER YOU WITH THIS HERE, LET ME
10 JUST MENTION SOME WHICH INTERESTS ME AT THIS POINT VERY
11 MUCH.

12 WHY DID COMPARABLE WORTH GET SUCH A GOOD HEARING IN
13 THE PRESS, THE MEDIA, WHY DID JUDGES FALL FOR THE COMPARABLE
14 WORTH PROPOSITION AND WHY DOES THE GENERAL PUBLIC HAVE SUCH
15 A WEAK SPOT TOWARDS THIS SORT OF STRANGE PROPOSITION?

16 I THINK I KNOW WHY IT IS SO BUT IT DOESN'T CONCERN
17 THIS COMMISSION.

18 NOW, I THINK WHAT IS IMPORTANT FOR THIS COMMISSION
19 IS THAT THE MASS OF THE DATA WHICH I HAVE SEEN CLEARLY
20 SHOWS THAT THE COMPARABLE WORTH PROPONENTS HAVE A, WELL,
21 LET ME SAY, PROBLEMATIC RESEARCH APPROACH.

22 AS A RESEARCH APPROACH THAT COLLECTS DATA IN A
23 SELECTIVE WAY, OUT OF CONTEXT, AND THEN LEADS TO RATHER
24 ERRONEOUS CONCLUSIONS.

25 BUT MORE FUNDAMENTALLY, THAT'S WHAT I ALSO WANT TO

1 TELL YOU, I DO THINK THAT THE PREMISES UPON WHICH COMPARABLE
2 WORTH RESTS IS VERY MUCH AT ODDS WITH AMERICAN REALITY.

3 NOW, FIRST, TO THE RESEARCH APPROACH, I THINK
4 ROUGHLY, THE PROBLEMS WITH THIS ARE THAT, THEY REVOLVE AROUND
5 THE QUESTION OF THE MEANING OF WORTH FOR WOMEN, WHAT IS THE
6 MEANING OF WORTH FOR WOMEN?

7 NOW HERE THE ADVOCATES OF COMPARABLE WORTH TEND
8 TO MAKE THREE, MANY MORE, BUT THREE MAJOR MISTAKES.

9 FIRST OF ALL THEY HAVE A TENDENCY TO IGNORE THE
10 FACTOR OF LIFE CYCLE. IT'S EASILY UNDERSTANDABLE, THAT WOMEN
11 AT A DIFFERENT POINT IN THEIR LIFE CYCLE HAVE DIFFERENT
12 EXPECTATIONS OF WORK.

13 A YOUNG WOMEN, NOT YET IN THE FAMILY FORMING
14 AGE HAS DIFFERENT EXPECTATIONS OF THE LIFE CYCLE THAN A WOMAN
15 WHO HAS ENTERED THE STAGE OF HAVING A FAMILY AND MAINTAINING
16 A FAMILY.

17 OR AGAIN, THAN A WOMAN WHO HAS FINISHED, ALTHOUGH SHE
18 THINKS, THE RESPONSIBILITIES TOWARDS THE FAMILY.

19 SECONDLY, COMPARABLE WORTH PROPONENTS TEND TO IGNORE THE
20 SOCIAL CLASS DAMAGE. I THINK YOU DON'T HAVE TO BE AN EXPERT
21 TO UNDERSTAND THAT MIDDLE CLASS WOMEN HAVE ENTIRELY
22 DIFFERENT PERCEPTIONS AND EXPECTATIONS OF THE LABOR
23 MARKET THAN NONMIDDLE-CLASS WOMEN DO.

24 INCIDENTALLY, THE FACTOR THAT THE PROPONENTS OF
25 COMPARABLE WORTH ARE THEMSELVES OF MIDDLE-CLASS ORIGIN,

1 HIGHLY EDUCATED AND TO A LARGE DEGREE WHICH I FIND FASCINATING,
2 OF SUBURBAN ORIGIN, WHAT'S HAPPENING IN AMERICAN SUBURBS,
3 IS AN INTERESTING QUESTION, GIVES YOU A CLUE THAT THEY TEND
4 TO GENERALIZE THEIR OWN PERCEPTION TO A WIDER PUBLIC.

5 BUT THE MOST IMPORTANT FACTOR TO MY MIND IS THAT
6 THE COMPARABLE WORTH ADVOCATES TEND TO PERCEIVE OF
7 WOMEN AS A MONOLITHIC CATEGORY AND WOMEN ARE NO SUCH THING.

8 A SMALL SEGMENT OF WOMEN FIND THEIR LIFE'S
9 FULFILLMENT IN A CAREER, NOTHING JUNE STATED WOULD BEAR THIS
10 OUT, THOSE WHO ARE TOTALLY COMMITTED TO CAREERS DON'T HAVE
11 THE PROBLEM OF THE WAGE GAP.

12 THERE IS ANOTHER SEGMENT AGAIN, VERY SMALL ONE,
13 THAT WANT TO DO ANYTHING -- PARTICIPANT IN THE RAT RACE
14 OF THE LABOR MARKET.

15 BUT THEY HAVE NO INTEREST TO US.

16 BY FAR THE VAST MAJORITY OF THEM AND THE THIRD
17 CATEGORY, THESE ARE THE WOMEN WHO WANT TO COMBINE WORK
18 WITH FAMILY LIFE.

19 IT IS THAT CATEGORY OF WOMEN THAT IS AN ISSUE IN
20 THE COMPARABLE WORTH ARGUMENT FOR IT IS THESE PEOPLE,
21 THESE WOMEN, WHOM YOU WILL FIND IN DISPREPORTIONATE NUMBERS
22 IN WHAT THE ADVOCATES OF COMPARABLE WORTH HAVE RATHER ACUTELY
23 DUBBED THE PINK COLLAR GHETTO.

24 NOW, ALL OF MY DATA, AND THAT IS BEYOND ANY DOUBT,
25

1 SHOW THAT TAKEN TOGETHER, THESE OMISSIONS OF THE ADVOCATES
2 OF COMPARABLE WORTH, HAVE LED TO THE MOST SERIOUS FLAW, NAMELY
3 THEY DISREGARD THE IMPORTANCE OF THE FAMILY IN THE LIFE OF
4 AMERICAN WOMEN.

5 AND WITH THIS, THEY DISREGARD THE INFLUENCE
6 OF FAMILY LIFE UPON WOMEN'S EARNING CAPACITY AS WELL AS
7 UPON THEIR SELECTION OR CHOICE IN OCCUPATIONS.

8 THERE IS ABSOLUTELY NO DOUBT THAT AMERICAN WOMEN IN
9 EVERY LARGER NUMBERS ARE COMMITTED TO ENTER THE LABOR MARKET
10 AND TO STAY IN THE LABOR MARKET BUT THEY ARE EVEN MORE
11 COMMITTED TO HAVING A FAMILY THAT IS ALIVE THAT REVOLVES
12 AROUND HUSBANDS, YES, SUCH OLD-FASHIONED THINGS AS CHILDREN,
13 HOUSEHOLD, RELATIVES, FRIENDS AND NEIGHBORS.

14 NOW, SOME OF THE VALUES AND PRACTICES OF THIS
15 MAY DEPLORE THIS BUT MY SENTIMENT IS OF ANY RELEVANCY HERE, THE
16 SIMPLE REALITY IS THAT IS WHAT AMERICAN WOMEN HAVE DONE
17 AND CONTINUE TO DO WHICH I FIND FASCINATING.

18 NOW, IN OTHER WORDS, FOR MOST WOMEN TO HAVE A
19 FULL LIFE, MY STUDENTS LIKE TO SAY HAVING IT ALL,
20 INVOLVES MORE THAN SIMPLY HAVING A CAREER. THAT IS QUITE
21 CLEAR.

22 NOW RECENT CENSUS DATA BY THE WAY, AND I KNOW THE
23 STATISTICS TEND TO PLACE THE -- SO I WILL NOT USE
24 STATISTICS IN ANY FORM, BUT THE CENSUS DATA ON THE
25 LIVES OF THE TWO INCOME FAMILY ILLUMINATE THIS REFLECTION,

1 ILLUMINATE WHAT IS REALLY HAPPENING HERE, NAMELY, WOMEN HAVE
2 A DOUBLE COMMITMENT.

3 WHEN YOU LOOK AT THE STATISTICS IN 1960, 40 PERCENT
4 OF WOMEN WERE -- MARRIED WOMEN WERE IN THE LABOR MARKET
5 IN 1970, 50 PERCENT AND BY 1981, 62 PERCENT OF MARRIED WOMEN
6 WITH SMALL CHILDREN TO BOOT, WERE IN THE LABOR MARKET.

7 IN OTHER WORDS, WOMEN WORK HOWEVER THE MAJORITY
8 OF THEM, I THINK SOME 42 PERCENT, JUNE, CORRECT ME IF I'M
9 WRONG, WORK PART-TIME ONLY.

10 MS. O'NEILL: THAT COULD BE WITH WOMEN WITH
11 VERY YOUNG CHILDREN BUT OVERALL, IT'S ABOUT 20, 22 PERCENT OF
12 ALL WOMEN WORK PART-TIME AMONG MARRIED WOMEN -- IT COULD
13 BE CLOSE TO 40, SOMEWHERE AROUND THERE.

14 MS. BERGER: YES, NOW, TO ME THIS DATA SUGGESTS
15 THAT MILLIONS OF MARRIED WOMEN IN THE UNITED STATES WENT TO
16 WORK IN ORDER TO SUPPLEMENT FAMILY INCOME.

17 ALTHOUGH THERE IS LITTLE DOUBT THAT THE PRIMARY
18 ALLEGIENCE OF THESE WOMEN IS TO THEIR FAMILIES, THERE IS ALSO NO
19 DOUBT THAT THEIR NOTION OF WHAT CONSTITUTES A GOOD FAMILY
20 LIFE AND TO ACHIEVE A GOOD FAMILY LIFE REQUIRES THEM TO
21 LET'S SAY, REQUIRES THE HOUSEHOLD ECONOMY OF TWO WAGE EARNERS.

22 NOW, IN SOME, WHAT I WOULD PROPOSE, TO CONTRIBUTE TO
23 THE PERCEIVED WELL-BEING OF THEIR FAMILIES, MOST WOMEN GO
24 TO WORK. IT IS FOR THAT REASON THAT THEY ARE ENGAGED IN
25 WHAT I CALL A RATHER HEROIC BALANCING ACT BETWEEN THE DEMANDS

1 OF WORK AND THE DEMANDS OF THE HOUSEHOLD.

2 IT IS ALSO FOR THAT REASON TO MY MIND, THAT THEY
3 ARE DRAWN TO TYPES OF JOBS THAT OFFER OPPORTUNITIES FOR PART-
4 TIME WORK AND FLEXIBLE WORK SCHEDULES.

5 AND BY THE SAME TOKEN, IT IS PRECISELY FOR THAT
6 REASON THAT THEY ARE DRAWN TO THOSE CAREERS IN THE PINK COLLAR
7 GHETTO OF JOBS, THAT PERMIT EASY EXIT, EASY ENTRY AND THAT
8 CAN BE A BIG -- TO THEIR PRIORITY OF HAVING A FAMILY AND
9 A HOUSEHOLD.

10 NOW, TEACHING AND NURSING, CLERICAL WORK, THE
11 CATEGORIES OF JOBS UNDER ISSUE IN THE COMPARABLE WORTH DEBATE
12 ARE PRECISELY THE TYPE OF JOBS THAT ARE IN A VERY -- WAY, ABLE
13 TO -- HOUSEHOLD AND WORK.

14 NOW, WHAT IS THE BOTTOM LINE? THE BOTTOM LINE TO
15 MY MIND IS ALL THE DATA I'VE SEEN MAKE THAT CLEAR, THAT
16 THE WAGE GAP BETWEEN THE EARNINGS OF MEN AND WOMEN IS
17 NOT SIMPLY DUE TO WAGE DISCRIMINATION ON THE PART OF THE
18 INDIVIDUALS.

19 ON PART OF ORGANIZATIONS, AND AS IS FASHIONABLE
20 TODAY, ON THE PART OF THE SYSTEM.

21 THERE ARE VERY POWERFUL OTHER FACTORS AT WORK AND
22 MOST OF THESE FACTORS HAVE VERY LITTLE TO DO WITH DISCRIMINATION
23 BY THE INDIVIDUAL CHOICE.

24 AND I THINK THAT IS THE ISSUE THAT CONCERNS THIS
25 COMMISSION. THE QUESTION OF CHOICE.

1 LET ME JUST ILLUSTRATE THIS ANALOGY TO SAY OR
2 SAY THE FACT THAT THEY ARE VERY FEW HIGHLY PAID JEWISH
3 ATHLETES FOUND IN AMERICAN SOCIETY. THAT'S NOT MEAN OR DOES
4 NOT PROVE THAT THERE IS ANTI-SEMETIC DISCRIMINATION AT
5 WORK IN AMERICAN SOCIETY.

6 AND TO ASK THEM, LET'S SAY THE GOVERNMENT OR
7 COMMISSIONS TO REMEDY THE SITUATION THAT EQUAL NUMBERS OF
8 JEWISH ATHLETES FOUND IN THE VARIOUS LEAGUES I THINK TO MY
9 MIND IS ABSURD.

10 BY THE SAME TOKEN, I WOULD SAY, IF YOU WOULD GO
11 BACK TO COMPARABLE WORTH, THEY CLAIM THAT THE PINK COLLARED,
12 THE PINK COLLAR JOBS DISCRIMINATE AGAINST WOMEN AND
13 THAT THE FEDERAL GOVERNMENT IS OBLIGED TO ENTER INTO THE
14 FRAME AND DETERMINE THE COMPARABLE WORTH OF THESE JOBS
15 IS TO MY MIND, BIASED.

16 WHAT DOES SEX DISCRIMINATION MEAN?

17 IF SEX DISCRIMINATION MEANS THAT WOMEN HAVE
18 MADE CHOICES THAT ARE DIFFERENT FROM THAT OF MEN, THEN
19 THERE IS NO DISCRIMINATION, BUT IS THE ARGUMENT AND I WOULD
20 FURTHER CLAIM THAT WOMEN ARE VERY WELL AWARE OF THAT FACT.

21 AFTER ALL, WOMEN ARE NOT DUMB AND THEY ARE NOT
22 IGNORANT AND THEY ARE NOT ILL-INFORMED.

23 I WOULD SAY BECAUSE THEY CHOOSE IN TERMS OF THEIR
24 LARGER LIFE PLANS, THEY HAVE VERY WELL ADVISEDLY MADE THE
25 CHOICE OF THESE KINDS OF JOBS.

1 NOW, SOME WOMEN ADVOCATES TODAY, SPEAK ABOUT PSY-
2 CHOLOGICAL FACTORS AT WORK. THE WILL TO FAIL, THAT'S
3 ONE OF THE BIG ARGUMENTS THAT PROPELS THEM TO THE LOWEST
4 PAYING PINK COLLAR JOBS.

5 SOME OF THESE THEORIES THAT HAVE SURFACED ARE
6 INTERESTING BUT AGAIN,, IT'S NOT RELEVANT HERE TO MY MIND.

7 IF -- THESE ARE PSYCHOLOGICAL FACTORS AND I WOULD
8 NOT KNOW HOW ANY FEDERAL GOVERNMENT CAN START TO LEGISLATE
9 ON THESE. WHAT CONCERNS OF COURSE, SOCIOLOGISTS, IS MUCH
10 MORE, ASK WOMEN THEMSELVES WHY THEY HAVE CHOSEN THESE
11 CAREERS, WHAT ARE THE FACTORS AT WORK AND TAKE THEIR ANSWERS
12 SERIOUSLY.

13 NOW, LET ME QUICKLY ILLUSTRATE A NUMBER OF FACTORS
14 IN TERMS OF THE CHOICE QUESTIONS AND THAT'S I THINK, WHAT IS
15 IMPORTANT TO ME AT LEAST.

16 IN OUR MODERN SOCIETY AND PARTICULARLY IN OUR
17 WESTERN DEMOCRATIC LIBERAL SOCIETY, WOMEN HAVE MANY MORE
18 CHOICES THAN THEY EVER HAD BEFORE IN HISTORY AND I WOULD FURTHER
19 ARGUE, THAT WOMEN HAVE MORE CHOICES THAN MEN HAVE.

20 SURELY, THERE ARE VERY FEW MEN WHO CAN CHOOSE TO
21 BE HEALTHWISE AND THERE ARE CERTAINLY NO MEN WHO CAN CHOOSE
22 TO HAVE CHILDREN.

23 I WOULD THEN ARGUE THE PROBLEM FOR WOMEN IN
24 AMERICAN SOCIETY TODAY IS NOT A SHORTAGE OF CHOICE, BUT
25 RATHER A SURPLUS OF CHOICE AND OF COURSE, THEIR COSTS FOR

1 THIS INCREASED LIBERTY WOMEN HAVE.

2 LIBERTY DOES NOT COME FREE. IT ALWAYS HAS ITS
3 COSTS. TO MY MIND, IN SOCIAL POLICY AND LEGISLATION
4 SHOULD RECOGNIZE THAT AND SHOULD TRY TO MITIGATE SUCH
5 COSTS AND NOT PRETEND THAT ONE EXISTS BUT AGAIN, THIS IS NOT
6 OF CONCERN, WHAT COULD BE DONE IS NOT A CONCERN OF THIS
7 GROUP.

8 WHAT IS THE ROLE OF THE GOVERNMENT IN ALL OF THIS?
9 I THINK THE MOST IMPORTANT ROLE OF THE GOVERNMENT IS TO
10 GUARANTEE THAT WOMEN DO HAVE REAL CHOICES.

11 AND WHAT I'M TRYING TO GET ACROSS IS THAT NO ONE
12 BE IT NOW THE GOVERNMENT OR ANY GROUP INCLUDED -- INCLUDING
13 THE COMPARABLE WORTH ADVOCATES, SHOULD HAVE THE RIGHT TO
14 SUPERIMPOSE THEIR CHOICES UPON THE REST.

15 THE ISSUE THEN BASICALLY IS THAT THE PRIORITIES OF
16 SOME WOMEN SHOULD NOT BECOME THE PRIORITIES OF ALL THE
17 WOMEN AND AGAIN, TO MY MIND, WHEN IT COMES TO COMPARABLE WORTH,
18 IT SEEMS TO ME THAT AMERICAN WOMEN BY THEIR ACTIONS AS DEMON-
19 STRATED IN THE JOB MARKET AND THEIR PREFERENCE FOR THE FAMILY,
20 HAVE CLEARLY SHOWN WHERE THEIR CHOICE IS.

21 NOW, I DO NOT WANT TO TALK ABOUT THE FEMINIZATION OF
22 POVERTY WHICH I COULD DO, I DO NOT WANT TO TALK ABOUT THE
23 FAIRNESS OF THE LABOR MARKET WHICH IS AT ISSUE HERE TOO,
24 WHAT I WANT TO TALK ABOUT IN MY LAST FEW MINUTES IS ABOUT
25 THE USE OF LANGUAGE.

1 BECAUSE IT OPENS UP THE WHOLE NEW DIMENSION IN THIS
2 DEBATE AND I THINK IT IS OF UTMOST IMPORTANCE TO UNDERSTAND
3 THAT IN ALL MATTERS OF PUBLIC DISCOURSE, LANGUAGE IS USED
4 AS A WEAPON.

5 IN COINING THE TERM PINK COLLAR GHETTO, PROPONENTS OF
6 COMPARABLE WORTH HAVE FASHIONED A POWERFUL TOOL TO INFLUENCE
7 PUBLIC PERCEPTION.

8 OF COURSE, THE PUBLIC PERCEPTION SHOULD GO INTO THEIR
9 FAVOR.

10 AT THE SAME TIME, THE TERM PINK COLLAR GHETTO
11 PROVIDES US WITH SOME REVEALING CLUES OF WHAT IS REALLY AT
12 ISSUE IN THIS DEBATE.

13 TO MY MIND, THIS DEBATE HAS MUCH LESS TO DO WITH
14 ECONOMIC EQUITY AND THE INTEREST OF AMERICAN WOMEN, RATHER, THAN
15 WITH THE ATTEMPT OF A MINISCUALLY SMALL GROUP OF FEMINISTS WHO
16 TRIED TO IMPOSE THEIR POSITION ON AMERICAN SOCIETY.

17 WHY CAN I SAY THAT?

18 I THINK THE TERM GHETTO IN AMERICAN USAGE
19 SUGGESTS THE BLACK SITUATION. IN LINKING THE COMPARABLE WORTH
20 ISSUE TO THE IMAGRY OF THE BLACK GHETTTO WITH ALL OF ITS
21 MANY LAYERED MEANINGS, FEMINISTS, OR AT LEAST A PORTION OF THEM
22 TRY TO MAKE THE CLAIM THAT THE SITUATION OF WOMEN IN AMERICA
23 IS ANALOGOUS TO THAT OF BLACKS.

24 IN DOING SO, THEY HOPE TO CAPTURE THE MORAL APPEAL
25 OF THE CIVIL RIGHTS MOVEMENT FOR WHAT THEY HOPE IS GOING TO BE

1 A NEW MOVEMENT. AND TO MY MIND, AGAIN, THIS IS VERY INAPPRO-
2 PRIATE TO COMPARE THE SITUATION OF AMERICAN WOMEN TO THAT
3 OF AMERICAN BLACKS.

4 SUCH AN ATTEMPT MANIFESTS, TO MY MIND, AGAIN,
5 A REMARKABLE SOCIAL WHAT IS MORE MORAL, MYOPIA AND THAT IS
6 VERY CLEAR ABOUT ONE THING, COMPARABLE WORTH IS QUITE THE
7 MIDDLE-CLASS PREOCCUPATION.

8 WHATEVER, THE SITUATION OF AMERICAN MIDDLE-CLASS
9 WOMEN IS, IT CERTAINLY CANNOT BE COMPARED TO THE SITUATION OF
10 AMERICAN BLACKS.

11 AMERICAN MIDDLE-CLASS WOMEN ARE PERHAPS THE MOST
12 PRIVILEGED GROUP OF PEOPLE IN THE WORLD AND TO SUGGEST OR TO
13 SAY THAT THEIR LIVES CAN OR SHOULD BE COMPARED WITH THAT OF
14 INNER-CITY BLACKS, SEEMS TO BE PREPOSTEROUS TO ME.

15 I WILL JUST END WITH ANOTHER COMMENT ON THE
16 COMPARABLE WORTH, THE USE OF THE TERM COMPARABLE WORTH WHEN
17 YOU START TO TAKE IT APART, IN THE END, IT DOES NOT MEAN
18 COMPARABLE WORTH AT ALL BUT REALLY TALKS ABOUT PREFERENTIAL
19 TREATMENT.

20 AND IF COMPARABLE WORTH IS ANYTHING, IT IS ABOUT
21 THE PREFERENTIAL TREATMENT OF CERTAIN KINDS OF JOBS.

22 MR. GREEN: THANK YOU VERY MUCH, BOTH OF YOU.

23 WE HAVE TIME FOR SOME, THOUGH NOT TOO MANY QUESTIONS.

24 SPEAKER: YES, YES, I GUESS I WOULD PROBABLY ADDRESS
25 THIS MORE TO THE ECONOMISTS MORE THAN THE SOCIOLOGISTS ALTHOUGH

1 IT MAY OVERWHELM.

2 I THINK DR. O'NEILL SUGGESTED THAT PERHAPS ONE
3 WAY OUT OF THE ECONOMIC PROBLEMS FOR WOMEN IS TO MOVE
4 INTO MORE CAREER-ORIENTED POSITIONS.

5 POSITIONS WELL, SUCH AS PERHAPS ENGINEERING AND PRO-
6 FESSIONS, ET CETERA, WHERE THERE IS A FULL-TIME COMMUNITY
7 CAREER.

8 IF COMPARABLE WORTH WOULD BE ENACTED MIGHT IT NOT
9 EVEN PULL BACK -- HOLD BACK IN THE ECONOMIC CONSEQUENCES OF
10 ENACTING COMPARABLE WORTH, MIGHT IT MIGHT NOT HOLD BACK
11 WOMEN FROM SEEKING OUT -- TO THESE PROFESSIONS TO BE MORE
12 -- THE MORE CAREER ORIENTED POSITIONS BY CREATING PERHAPS AN
13 UNREALISTIC INCENTIVE TO STAY IN THE PINK COLLAR GHETTO?

14 AND TO THE EXTENT THAT WE ARE SUBSIDIZING WOMEN
15 IN THE PINK COLLAR GHETTO AND I SUPPOSE WE WILL GET --
16 WANTING TO STAY IN THE PINK COLLAR GHETTO.

17 MS. O'NEILL: NO, I THINK THAT IT DOES DO EXACTLY
18 THAT BUT IT WOULD ALSO BE UNREALISTIC BECAUSE THERE WOULD BE
19 A CUTBACK IN EMPLOYMENT AS -- IN THOSE OCCUPATIONS AT THE
20 SAME TIME.

21 SO, IN THINKING ABOUT WHAT COULD POSSIBLY HAPPEN
22 YOU KNOW, IN SUCH A SITUATION, THE MARKET WOULD NOT BE WORKING
23 VERY WELL, SO YOU WOULD HAVE, YOU KNOW, A FAIR AMOUNT OF
24 FRICTIONAL UNEMPLOYMENT BECAUSE PEOPLE WOULD BE WILLING TO LINE
25 UP AND WAIT FOR THE PLUM JOBS AS THEY -- BECAUSE I THINK,

1 YOU KNOW, THESE JOBS DO -- THE CHARACTERISTICS THAT HAVE
2 ALWAYS BEEN, YOU KNOW, ATTRACTIVE TO WOMEN FOR ALL OF THE
3 REASONS THAT BRIGITTE MENTIONED.

4 SO, IT WOULD BE A VERY UNSTABLE SITUATION BUT I
5 THINK YOU ARE RIGHT, YOU KNOW, THE INCENTIVES WOULD BE CHANGED.

6 THIS CAME UP IN A RECENT, AS RECENTLY, THERE WAS A
7 CASE WHERE THE JUDGE RULED THE REVERSE OF THE STATE OF WASHINGTON
8 WHICH MANY OF YOU MAY KNOW.

9 JUDGE IN THE STATE OF ILLINOIS WHICH WAS NURSES VERSUS
10 THE STATE OF -- STATE OF NURSES ASSOCIATION VERSUS THE
11 STATE OF ILLINOIS WHICH WAS WHERE THE NURSES HAD SUED BECAUSE
12 THE STATE WAS NOT PAYING ACCORDING TO THE COMPARABLE WORTH JOB
13 EVALUATION, BUT WAS PAYING ACCORDING TO THE MARKET.

14 BUT WITHIN THIS SUIT A GROUP OF PRISON GUARDS WHO
15 WERE WOMEN, COMPLAINED BECAUSE AS A RESULT OF THE JOB
16 EVALUATION, THEY WOULD HAVE BEEN PUT BELOW SECRETARIES AND
17 THEY SAID THEY -- THAT THE ONLY REASON THAT THEY HAD PUT UP WITH
18 THE WORKING CONDITIONS THAT THEY HAD BEEN PUTTING UP WITH
19 ALL THESE YEARS, WAS BECAUSE OF THE PAY.

20 THEY WOULD NEVER HAVE, THEY WOULD HAVE GONE INTO
21 CLERICAL WORK IF THE PAY WERE EQUAL, AND CERTAINLY, IF IT WAS
22 HIGHER AND I THINK THAT THAT, YOU KNOW, THAT IS SORT OF --
23 THAT SORT OF BEARS OUT WHAT YOU SAY.

24 YOU KNOW, WHY PUT UP WITH THE ADDITIONAL TRAINING,
25 AND THE OTHER CONDITIONS IF YOU FEEL YOU CAN GET JOBS AT THE

1 SAME, YOU KNOW, IF YOU CAN GO INTO THE OTHER KIND OF JOB, I
2 THINK THAT IS EXACTLY RIGHT.

3 SPEAKER: DISCUSSIONS LIKE THIS ABOUT COMPARABLE
4 WORTH, ALWAYS FOCUSED MY ATTENTION ON WHAT IS THE DEFINITION,
5 THE DEFINITION THAT WE WILL TRY TO USE OF DISCRIMINATION, IT'S
6 EASY TO SAY WHAT DISCRIMINATION ISN'T.

7 IF WE FEEL DIFFERENTIALS OF THE RESULT OF
8 DIFFERING PREFERENCES OF DIFFERENT GROUPS, WE CAN SAY THAT
9 THE PATTERNS ARE NOT THE RESULT OF DISCRIMINATION.

10 ON THE OTHER HAND, SAYING WHAT WE SEE IS A REFLECTION
11 OF PERCEPTION ON THE PART OF THE EMPLOYERS AS TO WHAT THE
12 LIKELY CAREER PATTERN OF THE GIVEN INDIVIDUAL IS GOING TO BE
13 IN THE FUTURE, SAY AN EMPLOYER BELIEVES THAT IF HE HIRES A WOMAN
14 A LIKELIHOOD OF THAT WOMAN LEAVING THE LABOR FORCE FOUR OR
15 FIVE YEARS DOWN THE LINE, IS SIGNIFICANTLY HIGHER THAN IF HE
16 HIRES A COMPARABLY QUALIFIED MAN.

17 AND HE ACTS ON THAT BASIS, NOW, IF INDEED, HIS
18 PERCEPTION OF THE DIFFERENCE BETWEEN THE GROUPS BEARS SOME
19 SIGNIFICANT RELATIONSHIP TO REALITY, CAN WE SAY ON THAT ACCOUNT
20 REAL JUSTICE TO HIM, THAT HE INDEED IS ENGAGED IN A DIS-
21 CRIMINATORY PRACTICE?

22 OBVIOUSLY, IF HE DIDN'T HIRE WOMEN BECAUSE HE
23 DISLIKED WOMEN OR IF HE DIDN'T HIRE WOMEN BECAUSE HE HAD
24 AN IDEOLOGICAL COMMITMENT TO WOMEN HAVING A SEPARATE PLACE
25 IN SOCIETY, I THINK WE COULD SAY QUITE EASILY IT IS DISCRIMINATION

1 BUT IN A SITUATION WHERE HIS STEREOTYPE HAS A FAIRLY LARGE
2 CORRESPONDENCE TO THE ACTUAL REALITY OF THE SITUATION IS
3 IT APPROPRIATE, OR USEFUL, DO YOU BELIEVE, TO USE THE WORD
4 DISCRIMINATION?

5 MS. O'NEILL: WELL, I THINK THAT'S WHY THE PEOPLE
6 HAVE COINED THIS SORT OF WORD, STATISTICAL DISCRIMINATION,
7 IT'S NOT DISCRIMINATION, IT'S NOT REALLY ECONOMIC DIS-
8 CRIMINATION, BECAUSE IF THE EMPLOYER HAS KNOWLEDGE OF -- BASED
9 ON HIS OR HER OWN EXPERIENCES, OR YOU KNOW, DATA ON
10 TURNOVER, SAY, THEN IT'S NOT -- DISCRIMINATION BECAUSE IN
11 FACT, IT'S MORE COSTLY TO TRAIN SOMEONE WHO IS LIKELY TO
12 QUIT.

13 YOU KNOW, SO THAT IS DIFFERENT IN THAT SENSE.
14 YOU WOULDN'T EXPECT THAT THAT WOULD GO ON THOUGH FOR VERY
15 LONG AND PARTICULARLY IF THE SITUATION WAS CHANGING
16 BECAUSE IT WOULD PAY FOR EMPLOYERS TO TRY AND SORT OF DIS-
17 TINGUISH ONE WOMAN FROM ANOTHER.

18 AND TO YOU KNOW, FOR EXAMPLE, IF ANY -- IF A
19 WOMAN HAS AN ENGINEERING DEGREE, CHANCES ARE SHE'S GOING TO
20 BE DIFFERENT THAN A WOMAN WHO HAS A -- YOU KNOW, A DEGREE
21 IN THE PURE HUMANITIES OR -- SO THAT, YOU KNOW, I THINK
22 THERE ARE EMPLOYERS BY INVESTING A LITTLE BIT WOULD FIGURE
23 OUT SOME WAY OF TELLING ONE WOMAN FROM ANOTHER.

24 AND YOU KNOW, SO I DON'T THINK THAT IT'S SOME-
25 THING THAT WOULD LAST OR BE ALL THAT IMPORTANT BUT I

1 THINK PROBABLY FOR A LONG TIME THAT THAT WAS AND FOR CERTAIN
2 KINDS OF OCCUPATIONS, WHERE INDIVIDUAL DIFFERENCES AREN'T
3 THAT IMPORTANT, IT PROBABLY IS TRUE.

4 IT'S BASED ON -- IT'S NOT DISCRIMINATION BECAUSE
5 IT'S BASED ON ACTUAL DIFFERENCES IN BEHAVIOR.

6 SPEAKER: WELL, I THINK THERE IS A FURTHER PROBLEM
7 EVEN A -- EVEN IF STEREOTYPE THAT CONFORMS TO REALITY,
8 IN MANY CASES BE WRONG AND THE INDIVIDUAL WHO IS THE LOSER
9 ON ACCOUNT OF THE FACT THAT SHE IS EXCEPTIONAL, HE OR
10 SHE --

11 MS. O'NEILL: YEAH.

12 SPEAKER: -- IS ALWAYS GOING TO RESENT THE FACT
13 THAT THEY HAVE BEEN TREATED ON THE BASIS OF
14 STEREOTYPE WILL BE GENERALLY AN ACCURATE ONE, THEY
15 WILL FEEL THAT THEY HAVE BEEN DISCRIMINATED AGAINST AND
16 IN A VERY STRICK INDIVIDUAL WAY, I SUPPOSE THEY HAVE.

17 HOW DO YOU TREAT THAT?

18 MS. O'NEILL: I THINK THAT'S WHAT WOMEN HAVE
19 SOUGHT TO GET CREDENTIALS TO SHOW HOW ONE IS DIFFERENT
20 FROM THE OTHER AND I NOTICED IN DOING ONE STUDY THAT
21 WOMEN ARE A -- ARE VERY PRONE TO GOING INTO OCCUPATIONS
22 THAT REQUIRE LICENSING AND I THINK THAT THAT'S, YOU KNOW,
23 THAT IS ONE WAY.

24 IT'S MAINLY TRUE AT THE BEGINNING OF YOUR CAREER.
25 YOU KNOW, LATER ON, PEOPLE DO HAVE DIFFERENT PATTERNS OF

1 BEHAVIOR SO, IT IS TRUE THAT CONFRONTED WITH THE GROUP OF
2 WOMEN WHO ARE YOU KNOW, AGE 40 AND HAD JUST RE-ENTERED THE
3 LABOR FORCE, IT WOULD BE AN -- AN EMPLOYER COULD MAKE YOU
4 KNOW, WOULD HAVE TO SORT OF MAKE SOME INFERENCES, THIS
5 GROUP GOING TO -- YOU KNOW, ARE THESE WOMEN GOING TO REALLY
6 STAY IN OR NOT?

7 AND WHAT WOULD ARISE, BUT PEOPLE DO GET TRACK
8 RECORDS ALONG THE WAY SO IT BECOMES POSSIBLE, I THINK,
9 TO PICK UP ONE.

10 I THINK IN THE CASE OF PENSIONS THAT ACTUALLY
11 DID HAPPEN, THE PENSION -- PENSIONS CAN NO LONGER DIS-
12 TINGUISH BETWEEN WOMEN AND MEN BASED ON ACTUARIAL
13 DIFFERENCES AND LIFE EXPECTANCY.

14 BECAUSE FOR THE VERY REASON YOU GAVE, THAT THERE
15 WERE SOME WOMEN WHO WHO ARE NOT GOING TO LIVE AS LONG
16 AS SOME MEN EVEN THOUGH AN AVERAGE, AND SO THAT IS
17 ONE PRECEDENT FOR PUTTING THE INDIVIDUAL ABOVE THE GROUP
18 AVERAGE.

19 MR. GREEN: YOU WOULD LIKE TO --

20 MS. BERGER: I WOULD JUST LIKE TO SAY, I THINK
21 STATISTICALLY -- STATISTICS WOULD PROVE THAT WOMEN ONCE THEY
22 RE-ENTER THE LABOR MARKET AFTER THEY HAVE FINISHED THE
23 FAMILY OBLIGATIONS THEN WOULDN'T IT BE UPON SOCIAL POLICY
24 TO MAKE THAT RE-ENTRY EASIER AND WOULDN'T IT ENLIGHTEN
25 SOCIAL POLICY THAN MAKE PROVISIONS LIMITED, PROVISIONS TO

1 FACILITATE THAT -- BRING WOMEN UP TO PAR WITH THAT OF MEN,
2 IN OTHER WORDS, I DON'T WANT TO OPEN UP THAT QUESTION, I
3 KNOW ALL OF YOU WOULD BE AGAINST IT. -- THE QUESTION OF EQUAL
4 RIGHTS BECOMES A PROBLEM THEN BECAUSE DON'T WOMEN NEED
5 SPECIAL RIGHTS?

6 SPEAKER: I THINK I WOULD PREFER I THINK,
7 DR. O'NEILL AND DR. BERGER'S -- I THINK I WOULD HAVE
8 PREFERRED A MORE BALANCED APPROACH.

9 TO SIT HERE AND HEAR TWO PEOPLE ON ONE SIDE OF
10 THE COIN, NOT TO HEAR ANYBODY ON THE OTHER SIDE OF THE COIN
11 AND TO BE INTRODUCED AT THE BEGINNING SAY, THIS PERSON
12 COMES OUT OF THIS VISIT, AND A SOCIOLOGIST OUT OF
13 THIS DISCIPLINE, I WOULD PREFER SITTING IN A ROOM WITH
14 90 PERCENT OF MEN TO MAYBE HEAR THE OTHER SIDE OF THE QUES-
15 TION.

16 MR. GREEN: EXPLAIN WHY WE DIDN'T ORGANIZE IT
17 THAT WAY, THE OTHER TWO PANELS WHICH YOU ARE GOING TO HEAR
18 THERE IS NOT AS MUCH AGREEMENT AS THERE IS ON THIS PANEL
19 AND THE REASON FOR THAT IS THAT THIS IS AN ISSUE WHICH
20 HAS BEEN STUDIED BY THE CIVIL RIGHTS COMMISSION, THIS
21 IS AN ISSUE ON WHICH THE CIVIL RIGHTS COMMISSION HAS
22 ADOPTED A POSITION.

23 AND THE POSITION WHICH WAS ADOPTED IS CONSISTENT
24 WITH AND THE POSITIONS WHICH HAVE BEEN OUTLINED HERE BY
25 DR. BERGER AND O'NEILL.

1 DR. HACKLEY: I RESENT THAT. I REALLY DO, BECAUSE
2 WHAT YOU ARE SAYING IS THAT YOU HAVE SELECTED TWO PEOPLE
3 WHO AGREE ESSENTIALLY WITH YOUR POSITION AND THAT'S WHAT
4 YOU WANT US TO HEAR.

5 MR. GREEN: THERE ARE OTHER PLACES FOR YOU TO
6 HEAR THE POINT OF VIEW. WHAT -- THIS IS A POSITION ON
7 WHICH WE HAVE AN ISSUE AND WE ARE PRESENTING IT TO YOU.

8 THIS IS A VERY --

9 DR. HACKLEY: A VERY INTELLIGENT PEOPLE HERE
10 AND I'M HAVING A PROBLEM WITH BOTH, WHAT YOU DID AND WHAT
11 YOU JUST NOW SAID.

12 MR. GREEN: WELL, I MEAN, THERE IS NO POINT IN
13 REPEATING MYSELF, IT SEEMS TO ME PERFECTLY PROPER AND
14 BY THE WAY, NO WAY OF CORRECTING THIS DECISION AT THE PRE-
15 SENT TIME BUT PERFECTLY PROPER FOR THE COMMISSION, ONCE
16 IT HAS ADOPTED A POLICY, AND A POSITION ON AN ISSUE, TO
17 INVITE SPEAKERS TO ANY HEARING WHO SHARE THAT POSITION.

18 DR. HACKLEY: THIS IS NOT A HEARING.

19 SPEAKER: I'D LIKE TO ASK O'NEILL, WE DO HAVE
20 SOME COMPARABLE WORTH WHILE AGAIN, PROGRAMS IMPLEMENTED
21 AND THEY HAVE BEEN IMPLEMENTED AS A NUMBER OF CITIES AND
22 STATES, LARGELY THROUGH I BELIEVE, COLLECTIVE BARGAINING
23 AND I WONDER IF YOU COULD GIVE US A SENSE OF HOW SWEEPING,
24 AND HOW SIGNIFICANTLY THE CHANGE IS IN THESE COMPARABLE
25 WORTH PROGRAMS HAVE BEEN AND SECOND, COULD YOU INDICATE HAS

1 THE COMPARABLE WORTH ARRIVED, HAD ANY EFFECT ON THE PRIVATE
2 SECTOR?

3 DR. O'NEILL: I THINK THAT IT'S NOT ACCIDENTAL BUT
4 PRIVATE FIRMS HAVE NOT BEEN SELECTED AS TARGETS OF TRYING
5 TO INTRODUCE COMPARABLE WORK.

6 BECAUSE I THINK THAT YOU KNOW, THE ECONOMICAL
7 -- IF YOU HIT ONE PARTICULAR FIRM AND IT WAS REQUIRED TO
8 HAVE A WAGE STRUCTURE THAT WAS OUT OF WHACK WITH OTHER FIRMS
9 YOU KNOW, IT COULDN'T TAKE THE LOSSES.

10 AND SO, IT'S MAINLY STATE AND LOCAL GOVERNMENTS
11 THAT HAVE BEEN MADE TARGETS OF COMPARABLE WORTH SUITS AND
12 COMPARABLE WORTH ACTIVITY ON THE PART OF UNIONS.

13 BECAUSE IN A STATE, STATES HAVE A LOT OF PROBLEMS
14 ANYWAY, SORT OF SENSIBLE PAY STRUCTURE BECAUSE THEY AREN'T
15 REALLY FREE TO RESPOND TO THE MARKET AND SO THEY HAVE USUALLY
16 A CUMBERSOME CIVIL SERVICE PAY STRUCTURE, THAT SORT
17 OF MUDDLES THROUGH.

18 AND IT'S VERY -- THEY ALSO DON'T HAVE COMPETITION
19 SO THEY -- IT'S -- THINGS GET SORT OF DIVIDED UP AND
20 TAXPAYERS WOULD TAKE THEM QUITE A WHILE BEFORE THEY WOULD
21 ADJUST TO THE FACT THAT THEY ARE PAYING MORE THAN OTHER STATES
22 MAYBE FOR CERTAIN KINDS OF SERVICES.

23 BUT YOU KNOW, THE CONSEQUENCES WOULD NOT BE AS
24 IMMEDIATE. IT ACTUALLY HASN'T BEEN IMPLEMENTED IN THAT
25 MANY PLACES.

1 WHAT HAS BEEN DONE IS THAT A LOT OF. -- THERE IS A
2 LOT OF STATE ACTIVITY AT THE MOMENT CONDUCTING JOB EVALUA-
3 TIONS STUDIES THAT COULD IN PRINCIPLE FORM, THE BASIS OF
4 A COMPARABLE WORTH SUIT, BUT -- AND I THINK THAT WILL DEPEND
5 PARTLY ON YOU KNOW, WHAT HAPPENS IN THE WASHINGTON STATE
6 CASE IF IT'S REVERSED OR NOT.

7 THE LAST JUDGMENT IN ILLINOIS WENT THE OTHER WAY.
8 I THINK SINCE THE ILLINOIS CASE THE STATE OF NORTH CAROLINA
9 APPEALED THEIR STUDY, THEY WERE GOING TO PROCEED WITH THE
10 STUDY THAT WAS VERY MUCH TALKED ABOUT.

11 IT WAS GOING TO COST \$650,000 AND GOING TO BE A
12 VERY ELABORATE JOB EVALUATION, WELL, THE LEGISLATURE THERE
13 VOTED NOT TO DO THE STUDY.

14 THE PLACES WHERE THE STATE OF MINNESOTA HAS
15 COMPARABLE -- HAS A COMPARABLE WORTH POLICY, WHERE THEY DID
16 DO A JOB EVALUATION ON -- THEY DIDN'T LITERALLY FOLLOW THE
17 JOB EVALUATION, THEY COULD HAVE BROUGHT DOWN THE SUPPOSEDLY
18 OVERPAY TYPICALLY MALE JOBS TO THE LEVEL OF WOMEN'S JOBS BUT
19 THEY DIDN'T DO THAT.

20 THEY -- IT WAS AN ESCALATION OF PAYMENT
21 ALL AROUND IN THAT STATE SO THAT THE STATE WAGES ARE NOW
22 CONSIDERABLY ABOVE THE PRIVATE SECTOR IN THE STATE OF
23 MINNESOTA.

24 AND WHAT THEY DID WAS TO END UP TREATING ALL
25 -- THEY ARBITRARILY PICKED OCCUPATIONS THAT WERE 70 PERCENT

1 WOMEN AND RAISED THE PAY OF THOSE TO BRING THEM UP TO THE
2 AVERAGE, WHAT THEY SAID WAS THE AVERAGE DIFFERENCE BETWEEN
3 COMPARABLE MEN AND WOMEN'S JOBS.

4 AND THAT AMOUNTED TO I THINK ABOUT A 20 PERCENT
5 PAY RISE.

6 IT'S HAPPENED RECENTLY SO NO ONE REALLY KNOWS
7 YOU KNOW, WHETHER THIS STATE IS GOING TO CONTINUE TO VOTE
8 THE INCREASES THAT ARE NECESSARY OR EXACTLY HOW IT'S GOING TO
9 WORK ITSELF OUT.

10 BECAUSE IF THE STATE DOESN'T WANT TO CONTINUE
11 ALLOCATING MORE MONEY, ALL AROUND, IT WILL HAVE TO COME OUT
12 OF THE PAY FOR TYPICALLY MALE OCCUPATIONS IN WHICH CASE
13 THEY WILL PROBABLY START COUNTERING.

14 THEY ARE HAVING A LOT MORE TROUBLE IN MINNESOTA
15 BRINGING IT TO STATE AND LOCAL GOVERNMENTS, THE POLICE AND
16 FIREWORKERS DON'T WANT TO BE COVERED BY COMPARABLE WORTH
17 AND ONCE YOU TAKE THEM OUT, YOU ARE LEFT WITH A LOT OF
18 TYPICALLY WOMEN'S OCCUPATIONS AGAINST, YOU KNOW, TO BE
19 COMPARED WITH EACH OTHER.

20 SO, A FEW CITIES LIKE LOS ANGELES CLAIMS TO HAVE
21 COMPARABLE WORTH, THAT DID -- IS NOT BASED ON JOB
22 EVALUATION, IT WAS BASED ON SOME ARBITRARY LOOK BY THE UNION
23 THAT PICKED OUT CLERICAL AND LIBRARY WORK AND SAID THAT THEY
24 WERE COMPARABLE TO SOME BLUE COLLAR OCCUPATIONS.

25 AND THAT WAS BASED -- AND THEY SOUGHT AND WANTED

1 TO PAY INCREASE OF 15 PERCENT OVER TWO YEARS.

2 BUT THEY DIDN'T DO ANYTHING FOR OTHER TYPICALLY
3 FEMALE OCCUPATIONS SO THAT WAS, YOU KNOW, I -- I THINK THERE
4 IS, YOU KNOW, A LOT OF -- WHAT THAT DOES INCIDENTALLY, WAS
5 LOS ANGELES HAS PUT SECRETARIAL PAY AS A TOP OF THE RANGE OF
6 THE PRIVATE MARKET.

7 AND AGAIN, IF THE CITIZENS OF LOS ANGELES WANT TO
8 DO THAT, YOU KNOW, THAT'S -- THEY CAN DO THAT AND THAT'S TRUE
9 IN OTHER PLACES AS WELL.

10 DR. BERGER: MAY I COMMENT ON THIS?

11 ON A RECENT TELEVISION SHOW I WAS ASKED IS THERE
12 SUCH A THING AS OBJECTIVE JOB EVALUATION.

13 ISN'T ALL JOB EVALUATION ATTEMPTS SUBJECT AND
14 OF COURSE, IN MY MIND THERE IS NO DOUBT, THAT MOST OF THE
15 CRITERIA THAT ARE USED TODAY AND IN THE FUTURE, FOR JOB
16 EVALUATIONS, SUBJECTIVE.

17 IT IS EXTREMELY DIFFICULT TO PUT ANY AMOUNT ON
18 ANY HUMAN ACTIVITY AND HOW DO YOU OBJECTIVELY EVALUATE
19 ANYTHING THAT'S HUMAN?

20 NOW, THE ONLY WAY JOB EVALUATION CAN PROCEED IS
21 TO PUT MEASUREABLE FACTORS INTO THIS JOB EVALUATION SCHEME.
22 ON THAT REASON, EDUCATION -- THE NOTION OF NURTURING BECOMES
23 AN UNIMPORTANT NOTION BECAUSE MANY COULD COME BACK AND
24 SAY LISTEN, HOW ABOUT COMPETENCE, TRAINING AND SO ON?

25 FOR THAT REASON ALL THE JOB EVALUATION I HAVE LOOKED

1 AT, OR AT LEAST ATTENDS TO CONSTRUCT MORE OBJECTIVE ONES,
2 AND MAKE EDUCATION OR THE LEVEL OF EDUCATION THE CENTRAL
3 FACTOR AND THAT IS THE PROBLEM WITH THE WHOLE THING.

4 BECAUSE THEN THE JOB EVALUATION AS IT IS BEING
5 CONSTRUCTED IN A VACUUM, IN ABSTRACTION, IS DISCRIMINATORY
6 AGAINST THOSE WITH LESS EDUCATION.

7 DR. O'NEILL: YEAH, ANOTHER THING IS THAT IN A WAY
8 IT'S NOT EVEN THE RIGHT QUESTION BECAUSE YOU DON'T, IT'S THE
9 VALUE TO AN INDIVIDUAL EMPLOYER IS NOT WHAT IS SUPPOSED TO
10 BE REWARDED IN THE MARKET.

11 IT'S SCARCITIES AND SURPLUS -- IT'S ESSENTIALLY
12 SUPPLYING -- SUPPLY AND DEMAND, TRY TO SET -- WE DON'T
13 EVALUATE APPLES AND ORANGES TO FIGURE OUT WHAT THEY SHOULD,
14 YOU KNOW, WHAT THEY SHOULD -- WHAT SHOULD BE CHARGED.

15 AND YOU KNOW, IF IT WAS DONE, PROBABLY EQUALLY
16 NUTRITIOUS AND EQUALLY ATTRACTIVE AND YOU WOULD HAVE TO SAY
17 THAT THE SAME PRICES SHOULD BE CHARGED FOR APPLES AND
18 ORANGES BECAUSE THERE ISN'T ANY DIFFERENCE BETWEEN THEM.

19 BUT THE SUPPLIES, YOU KNOW, THERE COULD BE A FREEZE
20 IN ORANGE GROVES AND THERE COULD, YOU KNOW, DOZENS OF OTHER
21 CIRCUMSTANCES SO THAT APPLES AND ORANGES, YOU KNOW, DON'T
22 HAVE THE SAME PRICE.

23 AND SO THAT WORKERS WHO MAY BE DEEMED COMPARABLE,
24 EVEN IF WE COULD SOMEHOW AGREE ALL OF US IN THIS ROOM
25 AGREE ON SOME STANDARD WHICH WOULD BE SUBJECTIVE, LET'S SAY,

1 WE ALL AGREED THAT DOESN'T MEAN THAT THAT'S -- THAT THAT
2 SHOULD BE DICTATING WHAT DIFFERENCES IN WAGES SHOULD BE
3 OR SOMETIMES PEOPLE GET INTO THE THINGS, WELL, THIS OCCUPATION
4 IS MORE IMPORTANT THAN THAT.

5 AND YOU KNOW, IF YOU THINK ABOUT WHAT'S MORE IMPOR-
6 TANT, YOU KNOW, I THINK MANY WOMEN WOULD SAY WELL, OF THE
7 VARIOUS PEOPLE I DEAL WITH, MY BABYSITTER IS THE MOST IMPOR-
8 TANT PERSON I DEAL WITH.

9 BUT THAT DOESN'T MEAN THAT THE BABYSITTER SHOULD BE
10 PAID THE MOST, IF THERE ARE LOTS AND LOTS OF PEOPLE WHO WANT
11 AND CAN EXECUTE THE JOB, OF BABYSITTER, YOU KNOW, THE QUESTION
12 YOU KNOW, I THINK THAT HAS TO DO WITH DISCRIMINATION IS DOES
13 THE BABYSITTER WANT TO BE THE PLUMBER AND IS SOMETHING
14 PREVENTING THE BABYSITTER GETTING THE JOB AS PLUMBER.

15 THAT'S REALLY -- THE QUESTION SHOULD BE ASKED TO
16 ANY GROUP THAT THINKS THAT THEY ARE NOT -- THAT THEY ARE
17 COMPARABLE AND BECAUSE THEY HAVE MORE EDUCATION OR BECAUSE
18 OF SOME OTHER CHARACTERISTIC THAT THEY THINK IS WORTHWHILE.

19 MR. GREEN: A COUPLE OF MORE QUESTIONS, JIM?

20 SPEAKER: THE ADVOCATES OF COMPARABLE WORTH AND
21 AT LEAST FROM MY EXPERIENCE, I'M VERY HAPPY TO HAVE AN
22 OPPORTUNITY TO HEAR THESE POINTS OF VIEW ON THE OTHER SIDE,
23 THESE TWO WOMEN THINK THEY ARE GOING TO -- I THINK THEY ARE
24 DOING AN EXCELLENT JOB AND CERTAINLY THEY UNDERSTAND FACTUALLY
25 WHAT I ALWAYS FELT -- SINCE THE COMMISSION HAD MADE A

1 DEFINITIVE STATEMENT AS TO COMPARABLE WORTH, AND EMBRACE THE
2 AUTHORITY OF THE COMMISSION TO HAVE ITS POINT OF VIEW AS TO
3 WHAT EDUCATORS HAVE JUST DONE, BUT I'M THANKFUL THAT --

4 I WOULD ALSO LIKE TO POINT OUT THAT THERE IS A --
5 COMPARABLE WORTH AND COLLECTIVE BARGAINING, COLLECTIVE
6 BARGAINING AN ORIENTATING PROCESS ADDITIONALLY AND I SEE
7 IT THAT THE COMPARABLE WORTH ARGUMENT IS A BIT TOO STRONG
8 BUT I THINK ANYTHING I CAN SAY, IT'S A FORM OF CONCEPT
9 THAT IN THE ECONOMIC SCHEME SO I WOULD ASK THAT THOSE WHO
10 RETHINK THAT POSITION.

11 SPEAKER: YES, I WONDERED IF DR. O'NEILL WOULD
12 GIVE ME HER OPINION SAS TO THE PERCENTAGE OF WOMEN WHO WERE
13 IN FAVORABLE AND COMPARABLE WORTH, IS IT A HIGH PERCENTAGE?
14 OR ARE MOST WOMEN. --

15 DR. O'NEILL: THE TROUBLE IS IF YOU ASK THE QUES-
16 TION THE WAY IT'S USUALLY ASKED IS ARE YOU IN FAVOR OF PAY
17 EQUITY AND THEN, YOU KNOW, PEOPLE, I'M SURE THAT MOST PEOPLE
18 WOULD SAY YES.

19 I DON'T THINK THAT THE AVERAGE PERSON REALLY KNOWS
20 EXACTLY WHAT IT IS THAT THEY WOULD BE VOTING ON. I THINK IF
21 YOU EXPLAINED IN GREAT DETAIL TO PEOPLE WHAT IT WAS THAT THE
22 ISSUE, YOU KNOW, WHAT WAS THE ISSUE, YOU KNOW, I WONDER YOU
23 KNOW, WHAT THE PERCENTAGE WOULD REALLY BE?

24 SPEAKER: YOU KNOW, I'VE TAKEN SURVEYS IN THE STATE
25 OF WASHINGTON, I'VE BEEN DEEPLY INVOLVED IN THAT WHOLE

1 SITUATION.

2 I'VE TAKEN SURVEYS, MAYBE NOT SCIENTIFIC BUT EVEN
3 IN THE STATE OF WASHINGTON, I FIND THAT LESS THAN ONE OUT OF
4 FIVE PEOPLE OUT OF A HUNDRED REALLY TRULY UNDERSTAND WHAT
5 COMPARABLE WORTH MEANS.

6 THEY THINK IT'S EQUAL --

7 SPEAKER: THAT'S EXACTLY THE EXPERIENCE THAT I'VE
8 HAD AND THAT'S THE REASON I ASKED THE QUESTION.

9 MR. GREEN: I THINK IT IS SOMETIMES PRESENTED
10 THAT WAY, IN THE PAST PRESIDENTIAL CAMPAIGN, I BELIEVE THAT
11 GERALDINE FERRARO AND -- ON MANY OCCASIONS, REPRESENTED
12 IN THAT FASHION.

13 PAUL?

14 SPEAKER: I WOULD JUST LIKE TO MAKE AN OBSERVATION
15 WHICH I FIND USEFUL MYSELF IN TRYING TO THINK ABOUT COMPARABLE
16 WORTH TO RELIEVE IT -- WHAT I THINK WAS THE LARGEST SINGLE
17 SURGE OF WOMEN IN THE LABOR FORCE WE'VE EVER SEEN WHICH WAS
18 DURING WORLD WAR II.

19 AND SO MANY WENT INTO THE WAR PRODUCTION INDUSTRY.
20 FOR FOUR YEARS I WAS CHAIRMAN OF THE SHIPBUILDING COMMITTEE OF
21 THE WAR PRODUCTION BOARD, WHICH OVERSAW THE EXPANSION OF THE
22 INDUSTRY FROM 175,000 WORKERS TO TWO MILLION. THE LARGEST
23 INDUSTRY IN THE COUNTRY.

24 ABOUT A THIRD OF THE LABOR FORCE WERE WOMEN.
25 NOW, IF YOU HAD TAKEN A STRICTLY STATISTICAL SURVEY OF WHAT

1 WAS PAID, IT WOULD APPEAR TO BE THAT THE WOMEN WERE DIS-
2 CRIMINATED AGAINST.

3 BECAUSE IT DID NOT FIND THEM IN SUCH OCCUPATIONS
4 AS CRANE OPERATORS OR BOILERMAKERS WHICH INCIDENTALLY
5 WERE JOBS THAT REQUIRED A LONGER APPRENTICESHIP.

6 BUT IN THE JOB THAT COULD BE VERY QUICKLY -- THEY
7 WERE PAID EXACTLY THE SAME AS MEN. AND THEY DID THOSE JOBS
8 WELL AND JUST AS HIGH PRODUCTIVITY AS THE MEN.

9 WHEN THE WAR WAS OVER, THEY LEFT THE INDUSTRY AND
10 EVEN TODAY, I UNDERSTAND THAT THERE ARE PRACTICALLY NO WOMEN,
11 WHO INDICATED ANY CHOICE TO WORK IN THE SHIPBUILDING INDUSTRY.

12 AND IF THE MARKET FORCES ARE TAKEN AWAY FROM --
13 YOU HAVE TO JUDGE, THAT'S A VERY DANGEROUS PROSPECT, MANY
14 DON'T KNOW ANYTHING ABOUT IT AND MANY OF WHOM ARE NOT EVEN
15 EDUCATED.

16 SPEAKER: I APPRECIATE IT VERY MUCH WHAT THE LADIES
17 HAD TO SAY AND I'M INCLINED TO AGREE WITH THEIR POSITIONS.

18 I'M ALSO CONCERNED HOWEVER ABOUT THOSE THAT HAVE
19 EXPRESSED THE VIEW THAT PERHAPS THE OTHER SIDE OF THE THING
20 OUGHT TO HAVE BEEN EXPRESSED AT THIS MEETING AND I JUST WANTED
21 TO SAY THAT IN THE CASE OF THE DELAWARE COMMITTEE WHICH I
22 HAD, AND MY NAME IS JIM CONNER, WE ARE FOLLOWING CLOSELY
23 A LIVELY DEBATE IN NEW -- COUNTY WHERE THE BOTH THE
24 COUNTY EXECUTIVE AND THE COUNTY COUNCIL ARE WOMEN AND
25 THEY HAVE TWO STUDIES GOING ON COMPARABLE WORTH AND WE

1 FULLY INTEND TO -- THE COMMISSION FULLY ADVISED AS TO WHAT
2 COMES OUT OF THAT DEBATE AND WHAT NEW LIGHT CAN BE SHOWN
3 AND SIMPLY BECAUSE THE COMMISSION HAS TAKEN A POSITION IT
4 SEEMS TO ME IS NOT A REASON WHY WE AS ADVISORY COMMITTEES,
5 CANNOT BRING ANY ADDITIONAL FACTS THAT COME UP ALONG THIS
6 LINE TO THEIR ATTENTION, THEY MAY CHANGE THEIR POSITION.

7 DR. O'NEILL: CAN I SAY ONE THING ABOUT --

8 MR. GREEN: I FULLY AGREE WITH THAT. LET ME MENTION
9 WHILE -- THOSE OF YOU WHO ARE INTERESTED IN READING
10 AN EFFECTIVE PRESENTATION OF THE POINT OF VIEW, I REFER
11 YOU TO THE TWO COMMISSION PUBLICATIONS, ONE IS THE COLLECTION
12 OF PAPERS THAT WERE PRESENTED, OUR CONSULTATION, EIGHT OF
13 THEM ARE BY LEADING ADVOCATES OF COMPARABLE WORTH.

14 AND IN ANOTHER PUBLICATION WHICH WE PUT OUT IS THE
15 TRANSCRIPT OF OUR HEARING WHERE QUESTIONS WERE ASKED OF
16 ADVOCATES AND OPPONENTS OF COMPARABLE WORTH AND I THINK YOU
17 WILL FIND IN THAT PUBLICATION TOO, EFFECTIVE ARGUMENTS, THE
18 BEST ARGUMENTS I THINK, THAT ARE MADE IN FAVOR OF THE
19 COMPARABLE WORTH CONCEPT.

20 DR. O'NEILL: ACTUALLY, I WAS GOING TO MAKE THE
21 SAME POINT, THAT THE COMMISSION DID HAVE A COUPLE OF DAYS OF
22 HEARINGS WHERE EVERYTHING WAS BALANCED DOWN THE LINE AND YOU
23 KNOW, AND IT WASN'T -- AND REALLY VERY SOLID, THE PEOPLE THAT
24 WERE ADVOCATES WERE NOT CHOSEN TO BE SORT OF FLAKY ADVOCATES,
25 THEY WERE -- I THINK YOU WILL REALLY SEE, YOU KNOW, IT

1 SOMETIMES HAPPENS YOU KNOW, IF YOU WANT TO STACK THE DECKS
2 BUT YOU KNOW, REALLY THE BEST ADVOCATES AND THE DIS-
3 CUSSIONS I THINK ANYONE WOULD FIND INTERESTING.

4 AND ALSO, THE -- THIS PARTICULAR SESSION REALLY
5 WASN'T SUPPOSED TO BE A DEBATE ABOUT COMPARABLE WORTH OR
6 REALLY ABOUT COMPARABLE WORTH AS IT TURNED OUT, WE BOTH
7 GRAVITATED TO THE SUBJECT.

8 IT WAS REALLY WOMEN'S ISSUES AS ONE OF THE WOMEN'S
9 ISSUES FOR THE '80'S, I THINK ACCIDENTALLY, IT ENDED UP HAVING
10 A GREAT DEAL OF DISCUSSION ABOUT COMPARABLE WORTH.

11 SO, I DON'T THINK THAT YOU COULD -- WE COULD REALLY
12 BE ACCUSED OF HAVING STAGED A DISCUSSION WITH TWO PEOPLE
13 ON --

14 DR. BERGER: LET ME SAY SOMETHING ON THIS; I
15 DO THINK ONE OF THE REAL WOMEN'S ISSUES OF THE '80'S OR EVEN
16 '90'S WOULD BE VERY DIFFERENT.

17 THE ISSUE I THINK WILL BE TRANSFORMED INTO SOME-
18 THING VERY DIFFERENT. IT WILL BE THE QUESTION OF CHILD CARE
19 AND CHILD CARE -- IS ALMOST ONE AND I HAVE SOME -- WHICH MAY
20 INDICATE THAT PERHAPS THE COMPARABLE WORTH ISSUE, IF IT SHOULD
21 BE ACTED IT IS A VERY STRANGE FORM OF CHILD ALLOWANCE.

22 AND OF COURSE, VERY DIFFERENT ISSUES COME UP,
23 THAT WOULD BE SO, THIS WOULD GO ON, THEN WOULD THIS KIND OF
24 PINK COLLAR GHETTO JOBS WHICH WOULD BE ELEVATED TO A HIGHER
25 DEGREE, WHY SHOULD THEN SOME WOMEN WOULD NOT HAVE CHILDREN

1 OR DO NOT HAVE TO TAKE CARE OF CHILDREN BENEFIT FROM THIS
2 KIND OF INDIRECT CHILD CARE ALLOWANCE.

3 SO, YOU CAN PLAY WITH THIS IN ALL WAYS AND I
4 THINK THERE IS SOMETHING THERE.

5 MR. GREEN: WE'LL TAKE TWO MORE QUESTIONS, HUGH
6 AND WE WILL MAKE IT THREE, I'LL LEAVE YOU --

7 SPEAKER: I'D LIKE TO PROVIDE CERTAIN ASSUMPTIONS
8 OF WHAT OCCURRED, I'M NOT SAYING I FAVORED THEM, ASSUMPTIONS
9 OF WHAT IS GOING TO HAPPEN.

10 THERE ARE IN MOST OF THE LARGE INDUSTRIAL STATES,
11 IN A SERIES OF PROGRAMS WHEREBY A SO-CALLED KIND --
12 COMPARABLE WORTH RE-EVALUATION TAKES PLACE, THAT IN CERTAIN
13 MAJOR INDUSTRIAL BARGAINING AREAS, THERE -- THIS TAKES PLACE
14 AND LET'S SAY IT'S 50-50.

15 THEN -- COMPARABLE WORTH LOSES -- GIVEN THAT KIND
16 OF PANEL, HOW IMPORTANT IS THAT FOR THE OVERALL ECONOMY,
17 TO WHAT EXTENT DOES IT REALLY HAVE ANYTHING? TO WHAT
18 EXTENT DOES IT HAVE RE-ENTRY FOR ANY SUBSTANTIAL PORTION
19 OF THE CHILD BEARING POPULATION WHICH SEEKS RE-ENTRY AND CAN
20 WE THEN EXPECT IT WILL BE MORE OF THAT IN THE GOVERNMENTAL
21 AREA?

22 AND (C) WHAT OTHER EFFECTS DO YOU SEE AS OCCURRING
23 FROM THAT ?

24 DR. O'NEILL: WELL, I THINK COMPARABLE WORTH
25 WILL MAKE EMPLOYMENT IN FIELDS THAT WOMEN HAVE FOUND ATTRACTIVE

1 AND I THINK THAT THEY'VE CHOSEN TO ENTER WOMEN -- WOMEN
2 CHOOSE PARTICULAR OCCUPATIONS BECAUSE THEY CAN COMBINE WORK
3 AND HOME AND -- BUT THEY HAVE -- IT WILL BE HARDER TO GET
4 THOSE OCCUPATIONS IN THE PLACES THAT HAVE COMPARABLE WORTH.

5 SO, IT MAY REDUCE WOMEN'S LABOR FORCE PARTICIPATION
6 IF THE ONLY OCCUPATIONS THAT ARE REALLY FEASIBLE ARE
7 PREDOMINANTLY FEMALE OCCUPATIONS AND IF PAY IS RAISED IN
8 CERTAIN SITUATIONS IT WOULD PROBABLY BE, WHATEVER CAME,
9 WOULD BE LARGE FIRMS THAT COULD HAVE PRACTICALLY BE DONE AND
10 STATE AND LOCAL GOVERNMENTS BUT THE BALANCE -- THERE WOULD
11 BE THEN A SHIFT, THERE WOULD BE OTHER SMALL FIRMS AND THERE
12 WOULD BE, YOU KNOW, A FAIR AMOUNT OF CROWDING IN THOSE
13 -- AND PAY WOULD GO DOWN IN THOSE OCCUPATIONS.

14 I THINK MANY WOMEN WOULD BE DISCOURAGED ALTOGETHER
15 FROM WORKING BECAUSE THEY COULDN'T GET THE HIGHER PAY
16 BECAUSE THEY WOULD NOT -- THE INEXPERIENCED WOMEN WOULD
17 -- ARE NOT GOING TO BE THE ONES AND THE ONES WITH A LOT OF
18 FAMILY RESPONSIBILITIES ARE NOT GOING TO BE THE ONES KEEPING
19 THEIR JOBS IN THE FIRMS THAT ARE PAYING PREMIUMS FOR WOMEN'S
20 OCCUPATIONS.

21 AND PAY WILL BE DEPRESSED IN THE OTHER SECTORS
22 BECAUSE THERE WILL BE SO MANY WOMEN MILLING AROUND LOOKING
23 FOR THOSE JOBS.

24 SO THAT MANY WOMEN WILL SAY WHY BOTHER, SO YOU
25 KNOW, THEY WON'T BE ABLE TO FIND A NICHE FOR THEMSELVES.

1 IT WILL MAKE IT HARDER.

2 DR. BERGER: LET ME ADD SOMETHING TO THIS, I'M
3 VERY MUCH FOR NEGOTIATIONS, THAT DOESN'T MEAN THAT YOU
4 SHOULDN'T NEGOTIATE.

5 IT'S A POLITICAL PROCESS AFTER ALL, AND I'M JUST
6 REMINDED IN THE LAST MEDICAL JOURNALS, THERE HAS BEEN NEW
7 DISCUSSION OPENED UP THE QUESTION OF DOCTORS TO SERVE THE
8 KIND OF FEE THEY ARE CHARGING AND OF COURSE, THE MEDICAL
9 PATIENT IS UP IN ARMS AND IS PREPARING ALL KINDS OF DEFENSES.

10 I HAVE NO OPINION ON THIS BUT I THINK IT SHOULD BE
11 NEGOTIATED, ALL RIGHT?

12 IT'S NOT THE QUESTION THAT I WANT THEM TO GET
13 LESS OR MANY MORE, THIS IS JUST BESIDE THE POINT, IT SHOULDN'T
14 BE SUPERIMPOSED BY (INAUDIBLE), AND THAT'S THE POINT.

15 SPEAKER: IT SEEMS TO ME WE ARE LEFT WITH A LIVE
16 ISSUE AND I WANT TO KNOW THE CORRECT INFERENCE FROM DR.
17 O'NEILL'S PRESENTATION.

18 THE ISSUE IS EQUAL PAY.

19 DR. O'NEILL: SURE.

20 SPEAKER: AND DID I INFER CORRECTLY THAT IN YOUR
21 OPINION, EQUAL PAY IS MORE OR LESS BEING IMPLEMENTED IN
22 THE MARKET TODAY OR DO WE HAVE AN ONGOING REAL DISCRIMINA-
23 TION?

24 DR. O'NEILL: I THINK THAT THE ISSUE REALLY HAS
25 SHIFTED TO EQUAL ACCESS AND THAT'S THE QUESTION.

1 WOMEN REALLY HAVE EQUAL ACCESS TO PROMOTIONS
2 AND TRAINING THAT CONSIDERING, YOU KNOW, WOMEN'S ACTUAL
3 BEHAVIOR AND ACTUAL EXPECTATIONS AND TENACITY, NOT THE
4 SITUATION WHERE WOMEN REALLY ARE, YOU KNOW, DROPPING THE
5 STATISTICAL ISSUE IF WOMEN YOU KNOW, PLAN TO DROP OUT OF
6 THE LABOR FORCE THAN MEN, YOU KNOW, CAN THEY THEN BE TREATED
7 THE SAME.

8 BUT I THINK THAT THERE ARE MORE AND MORE WAYS OF
9 IDENTIFYING WHICH WOMEN PLAN TO STAY AND WHICH WOMEN DON'T
10 BASED ON SCHOOLING, DECISIONS THAT WOMEN ARE MAKING.

11 BUT I THINK THAT THE QUESTION IS, YOU KNOW, ACCESS,
12 ARE EMPLOYERS GIVING WOMEN A FAIR CHANCE, ALTHOUGH IT MAY BE
13 A PROBLEM YOU KNOW, DETERMINING, IF IN FACT, AN EMPLOYER
14 WAS DISCRIMINATING OR NOT.

15 I THINK THAT'S ALWAYS AN ISSUE, WHETHER THEY ARE
16 MAKING THE JUDGMENT BASED ON THEIR BELIEF THAT A GIVEN WOMAN
17 IS NOT GOING TO STAY IN, IS GOING TO WITHDRAW FROM THE
18 LABOR FORCE THE NEXT YEAR, THEY ARE THEREFORE, NOT TRAINING
19 HER.

20 I THINK THAT THERE WILL ALWAYS BE A PROBLEM
21 DETERMINING WHETHER THERE IS IN FACT DISCRIMINATION BUT I
22 THINK THAT THAT REALLY IS STILL THE ISSUE, AN ISSUE AND IS
23 REALLY -- THE SCENE HAS SHIFTED FROM EQUAL PAY FOR EQUAL
24 WORK BECAUSE I THINK THAT THAT HAS BASICALLY BEEN SOLVED.

25 I DON'T THINK THAT TOO MANY PEOPLE CLAIM THAT THERE

1 IS A REAL PROBLEM OF A WOMAN AND A MAN, YOU KNOW, WORKING ON
2 THE SAME ASSEMBLY LINE AND THE SAME FIRM, GETTING PAID DIFFER-
3 ENTLY IF THEY YOU KNOW, DO THE JOB, AND THE SAME SENIORITY,
4 SO, IT'S SHIFTED TO DO THEY HAVE THE SAME CHANCE OF COMING --
5 YOU KNOW --

6 SPEAKER: FIRST, I DON'T AGREE WITH YOUR PERCEPTION
7 OF WHAT PEOPLE THINK ABOUT THE EQUAL PAY SITUATION.

8 DR. O'NEILL: OH, I MEAN PEOPLE, I MEAN EVEN --
9 WELL, SOCIOLOGISTS AND EVEN COMPARABLE WORTH ADVOCATES.

10 I REALLY HAVEN'T HEARD THEM SAY THERE IS A PROBLEM.
11 IN FACT, THAT THAT IS THE ARGUMENT, LET ME READ SOMETHING
12 THAT I THINK MAKES --

13 SPEAKER: WILL YOU CLOSE WITH MY QUESTION BY GIVING
14 YOUR OPINION OF WHETHER EQUAL ACCESS IS IN FACT A CONTINUING
15 PROBLEM OF DISCRIMINATION?

16 DR. O'NEILL: I THINK THAT IT IS A LINGERING PROB-
17 LEM.

18 I DON'T KNOW HOW BIG IT IS. I THINK IT IS CERTAINLY
19 YOU KNOW, HAS SHRUNK A TREMENDOUS AMOUNT AND THE WOMEN I
20 THINK ARE ACTIVE AS THOUGH, AND BELIEVE THAT THEY DO HAVE
21 CHOICES.

22 BUT FROM HEARINGS THAT -- GERALDINE FERRARO'S
23 SPEAKING AT HEARINGS AND THE HOUSE ON COMPARABLE WORTH, AND
24 SHE'S REFERRING TO A SITUATION WHERE TOBY MOFFITT CONGRESSMAN
25 HAS JUST INTRODUCED HIS NIECE WHO HAS JUST BECOME A LAWYER,

1 AND THERE WAS SOME DISCUSSION ABOUT THAT AND SHE MADE THE
2 FOLLOWING REMARK:

3 "I COULDN'T HELP BUT THINK THAT LITTLE JEANIE,
4 SHE CAN BECOME A LAWYER, SHE CAN GO INTO A MALE'S PROFESSION
5 AND GET EQUAL PAY FOR BEING THERE, BUT WOULDN'T IT BE NICE IF
6 SHE WOULD HAVE THE FREEDOM OF CHOICE TO BE ABLE TO CHOOSE A
7 WOMAN'S PROFESSION AND BE GIVEN THE EQUAL PAY THAT SHE COULD
8 GET FOR A JOB IN COMPARABLE VALUE?"

9 SO, I THINK IN THAT CASE, SHE'S SAYING THAT YOU
10 KNOW, WOMEN WHO WANT TO BE LAWYERS ARE GOING TO BE TREATED JUST
11 LIKE MEN NOWADAYS BUT THE PROBLEM IS THAT A WOMAN WHO CHOOSES
12 TO BE A LIBRARIAN OR AN ELEMENTARY SCHOOL TEACHER, NOT
13 GOING TO EARN AS MUCH AS A LAWYER AND WOULDN'T IT BE NICE IF
14 SHE COULD?

15 I KNOW A LOT OF THINGS WOULD BE NICE BUT -- I
16 THINK THAT IS REALLY THE ISSUE, YOU KNOW, IS -- SHE DIDN'T EVEN
17 MENTION IT BUT THERE IS AN ISSUE WHICH I THINK HAS REALLY
18 DISAPPEARED, WOMEN DO OBVIOUSLY NOW, HAVE AN EQUAL SHOT AT
19 THE -- BECOMING A LAWYER.

20 BUT MAYBE THERE STILL IS AN ISSUE, DO THEY HAVE AN
21 EQUAL CHOICE OF BECOMING -- A PARTNER, THAT'S PROBABLY
22 STILL A LEGITIMATE ISSUE.

23 MR. GREEN: IT IS AN ISSUE BECAUSE WE DO HAVE A
24 SUPREME COURT DECISION SO EVEN THAT DECISION, WHETHER
25 OR NOT A WOMAN IS MADE A PARTNER, OR NOT, IS NOW COVERED

1 BY TITLE SEVEN.

2 FINAL QUESTION?

3 SPEAKER: YEAH, RING OF VIRGINIA SORT OF INTRODUCED
4 MY QUESTION, I WANTED TO ASK YOU TO LOOK IN YOUR CRYSTAL
5 BALL AND MAYBE TIE INTO THE DISCUSSION ON EDUCATION, YOU
6 MENTIONED THAT NURSING AND TEACHING ARE PROFESSIONS THAT
7 ARE TYPICALLY WOMEN'S PROFESSIONS.

8 AND INDEED, THERE ARE MANY WOMEN WHO BELONG --
9 SUMMER VACATION AND TEACHING AND THE OPPORTUNITY TO BE HOME
10 WITH THE CHILDREN AT HOME AND SO FORTH.

11 BUT THERE IS THE FEELING THAT THERE IS GOING TO BE
12 A SHORTAGE OF WOMEN IN -- AND OTHERS IN TEACHING AND
13 HEALTH CARE. PARTLY BECAUSE OPPORTUNITIES ARE OPENING
14 UP FOR ALL WOMEN IN LAW AND MEDICINE AND IN OTHER PROFESSIONS.

15 SO LOOKING AT YOUR CRYSTAL BALL, WHAT DO YOU SEE
16 IN TRENDS THAT ARE DEVELOPING IN TERMS OF ESCALATION AND
17 PAY FOR TEACHING AND NURSING?

18 DR. O'NEILL: WELL, I THINK THAT THE SITUATION FOR
19 TEACHERS IS -- HAS BEEN DEMOGRAPHICALLY DRIVEN OVER THE PAST
20 20 YEARS.

21 TEACHER'S PAY INCREASED VERY RAPIDLY DURING THE
22 '60'S WHEN THE BABY BOOM HAD TO BE EDUCATED THEN WHEN THE
23 BABY BUST GROUP CAME THROUGH, THE TEACHERS WERE BEING LAID
24 OFF AND THERE WAS NO WAY, YOU KNOW, I HEARD ALBERT
25 SHANKER SAY THIS, YOU KNOW, PUBLICLY, YOU KNOW, THAT

1 WITH TENS OF THOUSANDS OF UNEMPLOYED TEACHERS, YOU KNOW,
2 COULDN'T ASK FOR BIG PAY INCREASES BUT THE SITUATION -- NOW
3 THAT THE BABY BOOM ECHO IS ENTERING KINDERGARTEN, FIRST
4 GRADE, I THINK -- AND ALSO THE SUPPLY OF TEACHERS, WOMEN
5 DRAMATICALLY CHANGED THEIR ENROLLMENT IN EDUCATION COURSES
6 AND SO, THE PAY, I THINK IS UNDOUBTEDLY GOING TO RISE IN
7 THE NEXT FEW YEARS..

8 AND IT WON'T BE BECAUSE OF COMPARABLE WORTH, IT
9 WILL BE BECAUSE THE SCHOOLS ARE GOING TO BE LOOKING FOR
10 TEACHERS AND THEY WILL HAVE TO NEGOTIATE HIGHER PAY.

11 IN THE HEALTH PROFESSIONS, THE COST CONTAINMENT
12 ISSUES ARE ACTUALLY SQUEEZING PAY AND -- OF NURSES AND THERE
13 HAVE BEEN A LOT OF LAYOFFS IN HOSPITALS.

14 MEDICAL PAY ALSO HAS -- THERE WAS A VERY LARGE
15 INCREASE IN THE SUPPLY OF DOCTORS. PARTLY -- AND THERE ARE
16 A LOT MORE WOMEN DOCTORS BUT I THINK THAT THAT PROFESSION IS
17 PROBABLY GOING TO HAVE SOMEWHAT A HARDER TIME GETTING THE
18 PAY INCREASES SIMPLY BECAUSE THEY ARE GOING -- COST CONTAINMENT
19 IS MAKING IT IN MEDICARE AND MEDICAID ARE MUCH LESS
20 WILLING TO PAY WHAT THE TRAFFIC CAN BEAR AND THERE ARE A
21 LOT MORE DOCTORS SO, I THINK THAT SUPPLY AND DEMAND THERE
22 IS PROBABLY NOT GOING TO MAKE THOSE OCCUPATIONS -- IT'S
23 IMPOSSIBLE, YOU KNOW, TO PREDICT YOU KNOW, WHICH OCCUPATION
24 IS -- I DON'T THINK ANYONE KNOWS THEIR UPS AND DOWNS.

25 DR. BERGER: THERE IS A BOOK OUT ON THIS BY FREEMAN,

1 THE OVER-EDUCATED AMERICAN PROJECTING WHICH JOBS ARE GOING
2 TO BE DEPRESSED, WHICH ARE GOING TO INCREASE BY THE '90'S,
3 THERE IS NOTHING --

4 MR. GREEN: WELL, I WANT TO THANK BOTH OF OUR
5 PANELS AND --

6 (APPLAUSE.)

7 MR. GREEN: WE WILL RECONVENE FOR OUR AFTERNOON
8 SESSION AT 2:00 O'CLOCK.

9 (WHEREUPON, AT 12:30, THE ABOVE-ENTITLED PRO-
10 CEEDING WAS ADJOURNED FOR A LUNCHEON BREAK.)

1 AFTERNOON SESSION

2 MR. GREEN: ALL RIGHT, IF WE COULD GET STARTED,
3 PLEASE?

4 THIS AFTERNOON'S SESSION IS ON THE ECONOMIC
5 PROGRESS OF MINORITIES AND THE EXTENT TO WHICH IT HAS BEEN
6 HEATED BY DISCRIMINATION.

7 THE SPEAKERS I'LL INTRODUCE ALL OF THEM NOW.
8 THE FIRST IS HAL SIDER WHO IS A SENIOR ECONOMIST ON OUR
9 INCOME DIFFERENCES PROJECTS, A DIRECTOR OF THAT PROJECT.

10 FORMERLY AN ECONOMIST ON THE PRESIDENT'S TASK FORCE
11 IN AMERICA.

12 THE SECOND SPEAKER WILL BE GEORGE BORJAS WHO IS TO
13 MY RIGHT, WHO -- A PROFESSOR OF ECONOMICS AT THE UNIVERSITY
14 OF CALIFORNIA AT SANTA BARBARA, EDITED BOOK ENTITLED
15 "HISPANICS AND THE U.S. ECONOMY" AND HE WILL BE SPEAKING ON
16 HISPANICS TODAY.

17 OUR THIRD SPEAKER WILL BE STEPHEN THERNSTROM WHO IS
18 A PROFESSOR OF HISTORY AT HARVARD UNIVERSITY AND IS THE AUTHOR
19 OF THE OTHER BOSTONIANS AND POVERTY AND PROGRESS AND
20 STEVE IS A CONSULTANT ON TWO PROJECTS WHICH IS THE COMMISSION
21 UNDERTAKING OVER THE PAST YEAR ONE ON THE EMPLOYMENT OPPOR-
22 TUNITIES SITUATION FOR AMERICANS OF THE EASTERN AND
23 SOUTHERN EUROPEANS DESCENT AND ALSO IS A CONSULTANT ON OUR
24 INCOME DIFFERENCES PROJECT AND OUR FOURTH SPEAKER IS GLEN
25 LOURY, WHO IS PROFESSOR OF ECONOMICS AT KENNEDY SCHOOL OF

1 GOVERNMENT AT HARVARD WHO IS A MEMBER OF THE MASSACHUSETTS
2 SAC, HE'S AN AUTHOR OF NUMEROUS ARTICLES DEALING WITH
3 AFFIRMATIVE ACTION INCLUDING A BRILLIANT ONE, IN NEW
4 PROSPECTIVE MAGAZINE OF THE COMMISSION AND HE IS ALSO A
5 CONSULTANT AND ADVISOR TO OUR INCOME DIFFERENCES PROJECT.

6 HAL?

7 MR. SIDER: THANKS, MAX.

8 I'M GOING TO TALK ABOUT SOME BASIC RESULTS
9 THAT ARE STILL IN PROGRESS AT THE COMMISSION ON LONG TERM
10 TRENDS AND EARNINGS OF BLACK AND WHITE MEN.

11 THERE ARE SOME OTHER ASPECTS TO THE STUDY WHICH
12 -- LOOKING AT EARNINGS TRENDS AMONG WOMEN AND -- THE
13 MINORITIES, BUT I'LL RESTRICT MY COMMENTS TO BLACK AND
14 WHITE MEN.

15 IT'S A TOPIC THAT'S RECEIVED -- HAS RECEIVED
16 A LOT OF ATTENTION AND WE HOPE THAT BRINGS SOME NEW INFORMA-
17 TION TO BEAR ON THE SUBJECT AND THIS NEW INFORMATION IS
18 PRINCIPALLY FROM THE -- DATA FROM THE MICRODATA SAMPLES FROM
19 1940, 1950 CENSUS OF THE POPULATION WHICH JUST BECAME AVAIL-
20 ABLE LAST YEAR.

21 WE ARE ALSO USING DATA FROM THE 1980 CENSUS WHICH
22 BECAME AVAILABLE IN 1983 AND ALSO MICRODATA FROM THE '60 AND
23 '70 CENSUS WHICH HAVE BEEN AROUND FOR A NUMBER OF YEARS
24 NOW.

25 THIS LATE DATA PRETTY MUCH LET US TRACK EARNINGS

1 DIFFERENCES FOR A PERIOD OF ABOUT 20 YEARS BEFORE AND AFTER
2 THE CIVIL RIGHTS ACT OF '64.

3 NOW, THERE ARE TWO BASIC FACTS THAT STRIKE YOU,
4 OR -- THE ONE THAT'S WORKING WITH THIS SORT OF DATA AND
5 THOSE TWO BASIC FACTS ARE THAT RACIAL DIFFERENCES AND EARNINGS
6 HAVE NARROWED CONSIDERABLY OVER RECENT DECADES.

7 AND THE SECOND ONE IS THAT THERE ARE STILL LARGE
8 RACIAL DIFFERENCES IN EARNINGS.

9 WELL, MOST PEOPLE AGREE WITH THAT BASIC ASSESSMENT.
10 THERE ARE STILL A NUMBER OF SORT OF OUTSTANDING QUESTIONS,
11 THOSE ARE WHAT IS THE TIMING OF THE INCREASE IN ROLE OF
12 EARNINGS.

13 A LOT OF PEOPLE ARGUE THAT IN THE MID '60'S,
14 ROUGHLY COINCIDENT WITH PASSED CIVIL RIGHTS ACT, OTHER
15 PEOPLE ARGUE THAT IT BEGAN SOONER.

16 THERE ARE OTHER QUESTIONS ABOUT THE MAGNITUDE OF
17 THE RELATIVE INCREASES, PEOPLE HAVE ARGUED THAT IN FACT, A LOT
18 OF THE NARROWING IS REALLY JUST A STATISTICAL ARTIFACT AND
19 THERE'S THE -- I HAVE A CLOSER RELATED SET OF QUESTIONS THAT
20 CENTER ON THE REASONS FOR THE NARROWING OF RACE DIFFERENCES.

21 HOW MUCH IS DUE TO THE CONVERGENCE OF EDUCATIONAL
22 ATTAINMENTS, CAN IT BE ATTRIBUTED TO NARROWING OF DIFFERENCES
23 IN SCHOOL QUALITY, CHANGE IN THE INDUSTRIAL DISTRIBUTION
24 OF WORKERS AND THE REGION OF LOCATION AROUND THE COUNTRY,
25 AGAIN, TO THE CIVIL RIGHTS ACT OR OTHER -- AND -- DIS-
CRIMINATION EFFORTS.

1 BEFORE EXAMINING EARNINGS WHICH IS THE PRINCIPAL
2 FOCUS OF OUR PROJECT, I WANT TO OUTLINE SOME TRENDS AND
3 SOME OF THE IMPORTANT FACTORS THAT UNDERLIE EARNINGS.

4 AND THESE TRENDS HAVE ALL BEEN POINTED OUT IN
5 FAIRLY GREAT DETAIL BEFORE BUT I THINK IT'S WORTHWHILE
6 SOMETIMES JUST TO SORT OF REVIEW THEM.

7 AND THE THREE BASIC ONES THAT I'LL FOCUS ON JUST
8 BRIEFLY ARE THE MAGNITUDE OF BLACK MIGRATION FROM THE
9 SOUTH OVER THIS PERIOD.

10 THE SECOND ONE IS THE DECLINE AND THE IMPORTANCE
11 OF AGRICULTURE AND THE THIRD FACTOR IS TRENDS IN EDUCATIONAL
12 ATTAINMENT AND I HOPE EVERYONE HAS A COPY OF THE HANDOUT OR CAN
13 LOOK ON WITH SOMEONE WHO HAS A COPY OF THE HANDOUT.

14 AND BASICALLY, THE TABLE ONE OF THIS HANDOUT VERY
15 BRIEFLY SUMMARIZES WHAT'S HAPPENED IN TERMS OF THE REGIONAL
16 DISTRIBUTION OF THE POPULATION OVER THE LAST 40, 45 YEARS.

17 AND IT SHOWS THAT -- THE KIND OF, AS EVERYONE KNOWS,
18 A DRAMATIC DECREASE IN THE BLACK POPULATION THAT LIVES IN THE
19 SOUTH FROM 75 PERCENT ROUGHLY IN 1940 TO ROUGHLY 50 PERCENT
20 IN 1980.

21 THERE IS REALLY NOTHING COMPARABLE IN TERMS OF
22 INNER REGIONAL MIGRATION AMONG WHITES.

23 AND WHAT THE DATA SORT OF IMPLIES IS THAT WHEN YOU
24 FOCUS ON YOUNG BLACK MEN, PEOPLE THAT MOST LIKELY ARE TO
25 MOVE YOU -- MIGRATION FROM THE SOUTH ROUGHLY ABOUT 25

1 PERCENT RATE DURING THE '40'S AND THE '50'S, ROUGHLY ABOUT A
2 20 PERCENT RATE IN THE '60'S AND THE '70'S IT PRETTY MUCH
3 LEVELED OFF.

4 TABLE TWO PRETTY MUCH DESCRIBES THE VERY COIN-
5 CIDENCE SORT OF PHENOMENON AND THAT'S THE DECLINE IN AGRI-
6 CULTURAL EMPLOYMENT.

7 AND IN 1940 ROUGHLY ALMOST 40 PERCENT OF BLACKS
8 WERE EMPLOYED IN AGRICULTURE, THAT'S -- THAT WENT DOWN TO
9 LESS THAN THREE PERCENT BY 1980 SO THERE IS A MASSIVE CHANGE
10 IN THE INDUSTRY THAT BLACKS ARE WORKING IN.

11 IT WAS ALSO A DRAMATIC DECLINE IN THE SHARE OF
12 WHITES THAT ARE WORKING IN THAT AGRICULTURE, BUT IT'S AGAIN,
13 NOT NEARLY AS DRAMATIC AS WHAT'S OBSERVED FOR BLACK MEN.

14 AND SORT OF THIS THIRD MAJOR PHENOMENON IS THE
15 TABLE THREE THAT'S TO DO WITH THE CONVERGENCE IN EDUCATIONAL
16 ATTAINMENT FOR BLACK AND WHITE MEN.

17 AND THAT -- THIS STORY IS A LITTLE MORE COMPLICATED
18 BECAUSE IT DOESN'T FOLLOW KIND OF A CONSISTENT PATTERN BUT
19 WHAT YOU SEE IN TABLE THREE IS KIND OF RAPIDLY RISING
20 EDUCATIONAL LEVELS, LEVELS OF EDUCATIONAL ATTAINMENT FOR
21 BOTH WHITE AND BLACK MEN BUT THE INCREASE IS NOT SORT OF --
22 HAPPEN AT THE SAME RATE, FOR BLACKS AND FOR WHITES.

23 FOR THESE COHORTS BORN BETWEEN 1876 AND ROUGHLY
24 1915, YOU HAVE A PATTERN WHERE THE INCREASES FOR WHITES WAS
25 ACTUALLY MORE RAPID THAN THE INCREASE IN BLACKS AND THERE IS

1 A SLIGHT WIDENING OF THE DIFFERENCES IN LEVEL OF EDUCATIONAL
2 ATTAINMENT, THAT REALLY REVERSED DRAMATICALLY STARTING
3 AROUND 1910 AND 1915 AND BETWEEN THAT TIME AND THE COHORT
4 BORN BETWEEN -- AFTER 1950, ESSENTIALLY THE DIFFERENCE IN
5 SCHOOLING WENT FROM THREE AND A HALF YEARS TO AROUND ONE
6 YEAR.

7 AND THERE IS ALSO EVIDENCE THAT I WON'T REALLY
8 SPEND MUCH TIME ON THAT ASIDE FROM A CONVERGENCE IN THE LEVEL
9 OF EDUCATIONAL ATTAINMENT, THERE'S ALSO A CONVERGENCE IN
10 THE QUALITY OF SCHOOLING. CONVERGENCE IN RACIAL DIFFERENCES.
11 AND THE QUALITY OF SCHOOLING, IS MEASURED BY THINGS LIKE
12 DAYS OF SCHOOL ATTENDED FOR A YEAR, TEACHER PUPIL RATIOS,
13 THINGS LIKE THAT.

14 THAT'S PRINCIPALLY THE WORK OF -- WELSH THAT'S
15 POINTED THAT OUT.

16 ANYWAY, AN IMPORTANT THING TO REMEMBER IN LOOKING
17 AT THE SCHOOLING TABLES THAT WHEN WE GO TO DISCUSS EARNINGS
18 DATA, IT'S IMPORTANT TO REMEMBER THAT THE EARNINGS DATA THAT
19 WE HAVE FROM 40 TO 80 REALLY REFLECT A PERIOD OF VERY LARGE
20 RACIAL DIFFERENCES IN EDUCATIONAL ATTAINMENT.

21 AND FOR ONLY REALLY IN THE LATTER PART OF THE PERIOD
22 OF ANALYSIS SAY, FROM 1960, MAYBE A LITTLE BIT IN 1959, WAS
23 THERE REALLY MUCH IN THE WAY OF CONVERGENCE IN THE EDUCATIONAL
24 ATTAINMENT.

25 FOR PART OF THAT PERIOD. IN FACT, THERE WAS SOME

1 WIDENING.

2 THERE IS THE KIND OF VERY BASIC SUMMARY MEASURES OF
3 WHAT'S HAPPENED FOR THE RELATIVE EARNINGS OF BLACK AND
4 WHITE MEN IS IN TABLE FOUR AND WE ARE LOOKING IN THAT TABLE,
5 THE ANNUAL WAGES OF SALARIES -- AND SALARIES OF BLACK AND
6 WHITE MEN AND PROBABLY THE MOST DRAMATIC SUMMARY MEASURES
7 ON THE BOTTOM LINE WHICH SHOWS THAT THE RELATIVE EARNINGS OF
8 BLACK TO WHITE MEN, INCREASED FROM ROUGHLY 40 PERCENT TO
9 ABOUT 70 PERCENT, OVER THE PAST 40 YEARS.

10 SO YOU CAN SEE THERE'S -- AT THE VERY BEGINNING,
11 THERE'S A NARROWING OF RACIAL DIFFERENCES IN EARNINGS AND
12 THERE IS ALSO A CONSIDERABLE DIFFERENCE THAT'S STILL REMAIN-
13 ING.

14 AND THE -- IT'S IMPORTANT TO NOTE THAT THIS SORT OF
15 NARROWING OF EARNINGS DIFFERENCES REALLY DID NOT OCCUR VERY
16 SMOOTH PACE, THERE WAS PERIODS OF MORE RAPID NARROWING AND
17 PERIODS OF SLOWER NARROWING IN EARNINGS DIFFERENCES.

18 AND IN RELATIVE TERMS THERE WAS THE MOST RAPID
19 NARROWING WAS DURING 1940'S WHICH COINCIDED WITH -- OUT OF THE
20 DEPRESSION AND THE MOBILIZATION FOR WORLD WAR II.

21 THERE IS A REAL STAGNATION EVEN SLIPPAGE DURING
22 THE '40'S AND THE RELATIVE EARNINGS RATIO WENT FROM 57 TO
23 55 PERCENT IN THE '50'S.

24 AND SORT OF A STEADY AND NARROWING DURING BOTH
25 THE '60'S AND THE 1970'S. AND JUST -- THERE'S A LOT OF

1 UNRESOLVED QUESTIONS AND WE DON'T KNOW THE ANSWERS TO ABOUT
2 WHY -- SORT OF REASONS FOR THE UNEVENNESS OF THIS PATTERN,
3 ONE REASON THAT'S BEEN POINTED OUT HAS TO DO WITH A POSSIBLE
4 SIDE EFFECT OF WORLD WAR II.

5 AND JUST SORT OF TO SPECULATE, THE WAR INTERRUPTED
6 WORK CAREERS AND POSTPONED SCHOOLING FOR MANY MEN AND TO THE
7 EXTENT THAT THIS INTERRUPTION EFFECTED WHITE MEN MORE THAN
8 BLACK MEN, THAT WOULD BE EARNINGS RATIO THAT WE SEE FOR 1950
9 WOULD BE SORT OF ARTIFICIALLY INFLATED AS MORE MEN OUT OF
10 SCHOOL OR IN THE VERY EARLY PARTS OF THEIR EARNINGS CAREERS.

11 AND THE 1950'S KIND OF THE STAGNATION OF RELATIVE
12 EARNINGS FROM THAT PERIOD MIGHT REFLECT SORT OF A CATCHING
13 UP PROCESS.

14 BUT AGAIN, THAT IS JUST SPECULATION.

15 NOW, IT'S ALSO SORT OF IMPORTANT TO KEEP IN MIND
16 THAT THIS NARROWING OF RELATIVE EARNINGS HAPPENED IN VERY
17 DIFFERENT SORT OF ECONOMIC CLIMATES.

18 LIKE I SAID, DURING THE '40'S THERE IS A REAL
19 MOVEMENT OUT OF MOBILIZATION FROM THE DEPRESSION AND DUE
20 IN PART TO THE WAR.

21 AND THE EARNINGS GREW VERY RAPIDLY DURING THE '50'S
22 AND THE 1960 BUT STAGNATED SOMEWHAT DRAMATICALLY DURING THE
23 1970'S. BUT DESPITE THE STAGNATION, YOU STILL SEE THIS
24 INCREASE IN RELATIVE EARNINGS DURING THE '70'S.

25 NOW, IT'S OFTEN NOTED THAT ANY POINT IN TIME THE

1 RELATIVE EARNINGS OF OLDER BLACKS ARE LOWER THAN AMONG THE
2 YOUNGER BLACKS AND THE -- IN TABLE FOUR, YOU CAN SEE THAT
3 LOOKING DOWN, ANY ONE OF THE COLUMNS.

4 THIS HAS OFTEN BEEN CITED AS EVIDENCE OF THE
5 SORT OF A DUAL LABOR MARKET IN WHICH BLACKS END UP IN JOBS
6 THAT HAVE LITTLE POTENTIAL FOR ADVANCEMENT AND FOR TRAINING.
7 FOR DISCRIMINATION OR FOR OTHER REASONS.

8 AND THEY END UP DOING WORSE LATER IN LIFE THAN
9 YOUNGER MEN. NOW, SINCE WE HAVE MORE THAN ONE CROSS SECTION
10 OF DATA, WE ESSENTIALLY CONTRACT COHORTS OVER TIME AND WE CAN
11 DO THAT BY ESSENTIALLY LOOKING AT 25 TO 30 YEAR OLDS IN
12 1960 AND COMPARING THEM TO THE 35 TO 40 YEAR OLDS IN 1970.
13 IT SHOULD BE SAMPLING PROBLEMS ASIDE, THE SAME GROUP
14 OF PEOPLE.

15 AND IT'S A MORE DIRECT WAY TO TEST THIS HYPOTHESIS
16 THAT BLACKS DO WORSE RELATIVELY LATER IN THEIR CAREERS AND
17 ESSENTIALLY, THE DATA DO NOT SUPPORT THAT BASIC DUAL LABOR
18 MARKETS OR IF THEY SHOW THAT FOR MOST OF THE COHORT COMPARISONS
19 THAT YOU CAN MAKE IN A TABLE LIKE TABLE FOUR INDICATE THAT
20 IN FACT THE RELATIVE EARNINGS FOR -- WITHIN PARTICULAR COHORTS
21 HAVE IMPROVED OVER TIME.

22 THE EXCEPTION AGAIN IS THE MOVEMENT FROM 1950 TO
23 1960 WHERE THERE WAS A GENERAL DECLINE WITHIN COHORTS AS
24 WELL AS A CROSS COHORT.

25 NOW, TO KIND OF QUICKLY EXAMINE THE IMPACT OF

1 SOME OF THOSE LARGER SOCIAL PHENOMENA THAN I HAVE MENTIONED
2 EARLIER, CHANGES IN REGION OF RESIDENCE AND INDUSTRY, SORT OF
3 RESTRICT THE SAMPLE ON TABLE FIVE, TO JUST PEOPLE THAT ARE IN
4 THE PRIVATE SECTOR EXCLUDING PEOPLE THAT ARE GOVERNMENT,
5 EXCLUDING PEOPLE THAT ARE IN AGRICULTURE, AND ALSO PRESENT
6 NUMBER SEPARATELY FROM THE SOUTH AND FOR THE NONSOUTH.

7 AND WHAT THE DATA ESSENTIALLY INDICATES IS THAT
8 MOST OF THE GROUP IN RELATIVE EARNINGS OCCURS NOT BECAUSE OF
9 CHANGES IN THE INDUSTRIAL AFFILIATION OR NOT BECAUSE OF
10 MOVEMENT OUT OF THE SOUTH, BUT INSTEAD, MOST OF THE INCREASE
11 IN RELATIVE EARNINGS HAPPENS IN BOTH THE SOUTH AND THE NORTH
12 AND IT HAPPENS IN EACH SECTOR OF THE ECONOMY.

13 SO, IT'S REALLY KIND OF THIS NARROWING OF THE
14 EARNINGS DIFFERENCES REALLY NOT SIMPLE SORT OF -- IN FACT,
15 IT HAPPENS WITHIN ALL OF THESE DIFFERENT SECTORS.

16 IT HAPPENED MORE RAPIDLY IN THE SOUTH THAN OUTSIDE
17 OF THE SOUTH ALTHOUGH EARNING RATIOS IN THE SOUTH STILL
18 REMAIN BELOW THOSE OUTSIDE THE SOUTH.

19 NOW, THE -- NEXT I WANT TO COMPARE VERY BRIEFLY SOME
20 OF THE DIFFERENCES BETWEEN THE LESS EDUCATED AND THE MORE
21 EDUCATED IN TERMS OF RELATIVE EARNINGS AND THOSE BASIC
22 NUMBERS ARE PRESENTED IN TABLE SIX.

23 AND THEY INDICATE THAT AGAIN, THE NARROWING OF THE
24 EARNINGS DIFFERENCES THAT WE SEE IS NOT THE SIMPLE RESULT OF
25 THE NARROWING OF THE DIFFERENCES IN EDUCATIONAL ATTAINMENT THAT

1 I DESCRIBED EARLIER, INSTEAD, THE NARROWING HAPPENS WITHIN
2 EACH EDUCATIONAL GROUP AS WELL AS -- ESSENTIALLY, THERE'S TWO
3 FACTORS -- MORE SIMILAR EDUCATIONAL CHARACTERISTICS AND MORE
4 SIMILAR EARNINGS WITHIN EACH EDUCATIONAL CATEGORY.

5 AND THE NUMBERS IN TABLE SIX AGAIN INDICATE THAT
6 IT HAS BEEN GENERALLY MORE EDUCATED THAT -- THAT HAD THE
7 BENEFIT OF RISE IN RELATIVE EARNINGS.

8 THE -- JUST TO SAY THE SAME THING AGAIN, THE
9 EARNINGS FOR THE BETTER EDUCATED GROUP MORE QUICKLY FOR
10 BLACKS IN RELATIVE TERMS THAN AMONG PERSONS WITH LESS
11 EDUCATION.

12 NOW, IN EARLY ON, SAY 1940, THE RESULTS INDICATE
13 THAT IN FACT, THERE WERE VERY LITTLE WAY OF RETURNS TO
14 EDUCATION FOR BLACKS, AGAIN, THAT'S JUST THE FACT THAT THE
15 MORE EDUCATED BLACKS HAD LOWER RELATIVE EARNINGS.

16 NOW, THE SITUATION IS ALMOST COMPLETELY REVERSED
17 BY 1980 WHERE ESPECIALLY LOOKING AT, SAY, YOUNG BLACKS, THE
18 YOUNG EDUCATED BLACKS HIGHER RELATIVE EARNINGS AND YOUNG BLACKS
19 WITH LESS EDUCATION.

20 NOW, THIS SORT OF BEGS THE QUESTION ABOUT THE
21 EXTENT TO WHICH ALL DIFFERENCES IN EARNINGS CAN BE ATTRIBUTABLE
22 TO THE BASIC FACTORS AND HOW MUCH ARE ATTRIBUTABLE TO SORT OF
23 RESIDUAL FACTORS AND I HAVEN'T REALLY DISCUSSED IT AND AMONG
24 THOSE RESIDUAL FACTORS IS -- WOULD BE DISCRIMINATION.

25 AND TO ANALYZE THIS, WE HAVE TO KIND OF USE THE MORE

1 SOPHISTICATED STATISTICAL APPROACH AND DISCUSS VERY BRIEFLY,
2 SOME RESULTS THAT WE GET -- SIMPLE REGRESSIONS, TRY TO ACCOUNT
3 FOR ALL OF THE VARIOUS FACTORS INCLUDING SCHOOLING, REGION,
4 MARITAL STATUS, INDUSTRY, SEE HOW MUCH OF THE EARNINGS
5 DIFFERENCES WE CAN EXPLAIN, HOW MUCH WE CANNOT EXPLAIN.
6 AND WHAT'S HAPPENED TO THAT RESIDUAL OVERTIME.

7 NOW, IT'S COMMON PRACTICE TO ATTRIBUTE ANY RESIDUAL
8 DIFFERENCE IN EARNINGS TO DISCRIMINATION BUT THIS RESIDUAL
9 ALSO WOULD INCLUDE A LOT OF OTHER THINGS -- IT WILL INCLUDE
10 THE VARIABLES FACTORS THAT WE DON'T ACCOUNT FOR.

11 IT WILL ACCOUNT FOR FACTORS THAT WE MEASURE IM-
12 PRECISELY AND THERE ARE A LOT OF FACTORS THAT WE ARE NOT
13 ACCOUNTING FOR RIGHT HERE.

14 SOME OF THOSE INCLUDE THE DETAILED OCCUPATION AND
15 INDUSTRY THAT PEOPLE ARE -- PEOPLE WORKING AND WHETHER OR NOT
16 PEOPLE BELONG TO UNIONS, THEIR TENURE ON THE JOB, WHAT SIZE
17 FIRM THEY WORK AND ALL THESE OTHER FACTORS POTENTIALLY COULD
18 BE MEASURED BUT WE HAVEN'T AND WE ARE JUST LOOKING AT THE
19 AMOUNT OF THE EARNINGS DIFFERENCE THAT CAN BE EXPLAINED BY
20 THE VERY BASIC FACTORS OF SCHOOLING REGION, MARITAL STATUS
21 AND AGE AND INDUSTRY.

22 AND THOSE BASIC RESULTS ARE LISTED IN THE LAST
23 TABLE, TABLE SEVEN, AND THEY INDICATE THAT ESSENTIALLY THE
24 NARROWING IN EARNINGS DIFFERENCES THAT WE OBSERVE IS DUE IN
25 PART, TO THE CONVERGENCE IN -- AND THE CHARACTERISTICS OF

1 PERSONS IN TERMS OF WHAT REGION THEY LIVE IN, HOW MUCH SCHOOL-
2 ING THEY HAVE AND PARTS DUE TO JUST A REDUCTION IN THIS
3 RESIDUAL WHICH IN PART WOULD INCLUDE DISCRIMINATION.

4 AND FOR OLD PEOPLE THIS REDUCTION IS PRETTY MUCH
5 THE NARROWING OF THE OVERALL EARNINGS DIFFERENCES IS DUE
6 PRETTY MUCH IN EQUAL PART, TO THIS NARROWING OF THE WORKER
7 CHARACTERISTICS AND A REDUCTION IN THE FACTORS THAT WE CAN'T
8 ACCOUNT FOR.

9 FOR YOUNG PEOPLE, THE NARROWING OF THE CHARACTERIS-
10 TICS OF RACIAL DIFFERENCES AND THE CHARACTERISTICS ARE
11 SOMEWHAT MORE IMPORTANT THAN THE NARROWING OF THE RESIDUAL
12 FACTORS.

13 SO, JUST TO VERY BRIEFLY SUM UP, ESSENTIALLY, THERE
14 IS A LOT OF WORK THAT HAS TO BE PUT INTO THIS BUT I THINK THE
15 RESULTS ARE PRETTY MUCH -- PRETTY MUCH INDICATE THAT THERE
16 HAS BEEN FAIRLY IMPORTANT NARROWING OF THE EARNINGS DIFFERENCE
17 ALTHOUGH IMPORTANT DIFFERENCES REMAIN -- IT'S A PROCESS THAT'S
18 BEEN GOING ON QUITE A LONG TIME.

19 AT LEAST SINCE 1940, AND IT'S NOT A SIMPLE PROCESS
20 THAT CAN BE ACCOUNTED FOR, JUST IN TERMS OF THE MOVEMENT
21 OF BLACKS OUT OF THE SOUTH AND OUT OF AGRICULTURE.

22 IN FACT, THE EARNINGS CONVERGENCE HAS BEEN GOING
23 ON WITHIN EACH OF THOSE CATEGORIES.

24 MR. GREEN: THANK YOU. THE NEXT SPEAKER IS GEORGE
25 BORJAS TO BE GIVING A SIMILAR REPORT ON THE PROGRESS OF

1 HISPANICS.

2 MR. BORJAS: A LARGE AMOUNT OF RESEARCH AND THE
3 IMPORTANCE OF RACE AND SEX -- THE MIKE -- DOES IT WORK?

4 LET ME START OVER AGAIN.

5 THERE HAS BEEN A LARGE AMOUNT OF RESEARCH ON THE
6 IMPORTANCE OF RACE AND SEX AS DETERMINANCE OF LEGAL MARKET
7 OUTCOMES.

8 IN THE PAST, 20, 30 YEARS.

9 THIS RESEARCH HOWEVER, HAS MOSTLY CONCENTRATED
10 ON DOCUMENTING THE EXPERIENCES OF BLACKS AND WOMEN IN THE
11 U.S. LABOR MARKET.

12 IT'S BEING FOUND, AS IN THIS PAPER FOR EXAMPLE,
13 THAT BLACKS AND WOMEN HAVE SIGNIFICANT OVER WAGE RATES THAN
14 WHITE MEN OF SIMILAR SKILLS.

15 NOW, THIS LITERATURE IS REMARKABLE FOR IT'S ALMOST
16 INCREDIBLE TOTAL DISINTEREST IN THE ECONOMIC STATUS OF THE
17 MINORITY GROUPS APART FROM BLACK MEN AND WOMEN.

18 RECENTLY HOWEVER, THIS OMISSION HAS BEEN ADDRESSED
19 BY -- SCIENTISTS WHO HAVE RECOGNIZED THE SOCIO-ECONOMIC
20 AND POLITICAL IMPLICATIONS OF THE EMERGENCE OF THE HISPANIC
21 MINORITY IN THE U.S.

22 I'D LIKE TO TAKE THIS OPPORTUNITY TO SUMMARIZE
23 THE EXISTANT STATE OF RESEARCH AND OF KNOWLEDGE REGARDING
24 THREE QUESTIONS THAT CONCERN HISPANICS IN THE LABOR MARKET.

25 AND LET ME JUST TELL YOU AT THE BEGINNING WHAT THE

1 THREE QUESTIONS ARE.

2 FIRST OF ALL, HOW DO HISPANICS DO IN THE MARKET,
3 SECOND OF ALL, WHAT HISPANICS DO TO THE LABOR MARKET AND THIRD
4 OF ALL, WHAT ROLES INTEGRATION PLAY DETERMINING THE ECONOMIC
5 STATUS OF HISPANICS IN THE LABOR MARKET.

6 AND LET ME BRIEFLY ADDRESS EACH OF THESE THREE
7 QUESTIONS I JUST POSED.

8 THE ANSWER TO THE FIRST QUESTION, IN OTHER WORDS,
9 HOW DO HISPANICS DO IN THE LABOR MARKET, REALLY DOESN'T HAVE
10 AN ANSWER BECAUSE IT ESSENTIALLY DEPENDS ON WHAT YOU MEAN BY
11 HISPANICS, HOW DO YOU WANT TO DEFINE HISPANICS?

12 AS YOU MAY KNOW, THERE ARE FOUR MAJOR HISPANIC
13 GROUPS IN THE POPULATION, MEXICANS WHO COMPOSE OF
14 ABOUT HALF OR TWO-THIRDS OF HISPANICS, PUERTO RICANS,
15 CUBANS AND OTHER HISPANICS WHO -- THE OTHER HISPANIC GROUPS
16 ESSENTIALLY INCLUDES EVERYBODY WITH ORIGINS IN CENTRAL
17 AND SOUTH AMERICA.

18 ONE OF THE MOST STRIKING RESULTS IN LITERATURE IS
19 THAT THE LABEL HISPANIC PER SE, HAS NO MEANING AND
20 CONTAINS INFORMATION AS TO HOW HISPANICS -- THE MARKET.

21 RATHER, THE CRUCIAL VARIABLE IS NOT WHETHER THEY ARE
22 HISPANIC BUT WHAT KIND OF NATIONAL ORIGIN DO YOU HAVE?

23 AND THE DIFFERENCES IN EARNINGS WITHIN THE
24 HISPANIC POPULATION ARE ALMOST AS LARGE AS THE DIFFERENCE IN
25 EARNINGS BETWEEN HISPANICS AND NONHISPANICS.

1 FOR EXAMPLE, THE EARNINGS OF CUBANS EXCEEDS THOSE OF
2 MEXICANS BY TWO TO THREE THOUSAND DOLLARS IN THE '80 CENSUS.
3 AND EXCEEDS THOSE PUERTO RICANS WITH THREE OR FOUR THOUSAND
4 DOLLARS IN THE '80 CENSUS, SO THE FACT IS THE LABEL HISPANIC
5 PER SE, IS A VERY MISLEADING LABEL TO ATTACH TO PEOPLE IF WHAT
6 YOU WANT TO UNDERSTAND, HOW PEOPLE ARE DOING THE LABOR MARKET.

7 THE MAIN -- OF THESE STATISTICS THEREFORE IS A VERY
8 LARGE DEGREE OF DISPERSION IN LABOR MARKET WITH THINGS THAT ==
9 HISPANIC RELATION ITSELF. THERE IS NO SUCH THING AS THE SO-
10 CALLED HISPANIC EXPERIENCE IN THE U.S. LABOR MARKET.

11 RATHER, HOW HISPANICS DO DEPENDS ON WHERE THEY
12 COME FROM AND WHETHER OR NOT THEY ARE IMMIGRANTS AND A WHOLE
13 BUNCH OF OTHER FACTORS.

14 SOME RESEARCHERS HAVE GONE ON BEYOND THIS DESCRIPTIVE
15 ANALYSIS TO TRY TO ANALYZE THE WAGE DIFFERENTIAL BETWEEN
16 THE HISPANICS AND NONHISPANICS WHICH IS QUITE SIZEABLE.

17 FOR EXAMPLE, THE AVERAGE MEXICAN-AMERICAN EARNINGS
18 ABOUT SIX THOUSAND DOLLARS LESS THAN THE AVERAGE WHITE NON-
19 HISPANIC MALE.

20 NOW, AS HOW -- THERE ARE USUALLY TWO FACTORS THAT
21 PEOPLE TEND TO ACCOUNT FOR THIS DIFFERENTIAL BETWEEN HISPANICS
22 AND NONHISPANICS AND BLACKS AND WHITES.

23 THE FIRST FACTOR IS THAT THE AVERAGE HISPANIC AND
24 THE AVERAGE NONHISPANIC MAY VERY WELL DIFFER IN THE AMOUNT OF
25 SCHOOLING, THE TRAINING, THE REGION THEY LIVE IN, THE INDUSTRY

1 THEY WORK FOR AND SO ON. IN ADDITION, THERE MAY WELL BE SOME
2 DISCRIMINATION AGAINST HISPANICS IN THE LABOR MARKET.

3 THE FEW STUDIES THAT HAVE ANALYZED THIS PROBLEM
4 HAVE CONCLUDED THAT IN GENERAL, THE WAGE DIFFERENTIAL
5 BETWEEN HISPANICS AND NONHISPANICS IS MAINLY DUE TO THE FACT
6 THAT HISPANICS AND NONHISPANICS DIFFER IN THE AMOUNT OF
7 SOCIO-ECONOMIC SKILLS THEY HAVE AND NOT ON DISCRIMINATION.

8 FOR EXAMPLE AMONG NATIVE BORN PEOPLE, MEXICANS
9 HAVE 10.3 YEARS OF SCHOOLING, BLACKS HAVE 11.2 YEARS OF
10 SCHOOLING AND -- HAVE 12.8 YEARS OF SCHOOLING IN THE '80
11 CENSUS.

12 SO THE HISPANIC, NONHISPANIC WHITES TEND TO HAVE
13 ABOUT 2.5 YEARS OF SCHOOLING MORE THAN MEXICANS.

14 NOW, IT'S WELL KNOWN FROM A WHOLE BUNCH OF ECONOMIC
15 STUDIES THAT EACH YEAR OF SCHOOLING YOU HAVE TENDS TO
16 INCREASE YOUR EARNINGS BY FIVE TO TEN PERCENT.

17 SINCE THE GAP BETWEEN MEXICANS AND NONHISPANIC
18 WHITES IS ABOUT TWO AND A HALF YEARS OF EDUCATION, THAT MEANS
19 THAT THIS GAP ALONE WOULD ACCOUNT FOR SOMETHING BETWEEN 13 AND
20 25 PERCENT OF THE WAGE DIFFERENTIAL.

21 SO, THE FACT IS THE RESEARCHERS ACCOUNT FOR DIFFERENCE
22 IN THE VARIOUS SOCIO-ECONOMIC CHARACTERISTICS AND IN
23 PARTICULAR, IT IS THE MOST IMPORTANT OF ALL, DIFFERENCE IN
24 EDUCATIONAL ATTAINMENT, THE RESIDUAL GAP THAT YOU SEE IN THE
25 PREVIOUS PAPER TENDS TO DISAPPEAR FROM HISPANICS, PRACTICALLY

1 THE WHOLE WAGE DIFFERENTIAL BETWEEN HISPANICS AND NON-
2 HISPANICS TENDS TO BE ATTRIBUTABLE TO DIFFERENCES IN SOCIO-
3 ECONOMIC CHARACTERISTICS.

4 THERE IS NO EVIDENCE WHATSOEVER THAT THE AMOUNT
5 OF DISCRIMINATION THAT YOU INTERPRET FROM THE RESIDUAL
6 FACTOR IN THE BLACK-WHITE DIFFERENCES, EXISTS AT ALL IN THE
7 HISPANIC POPULATION.

8 AND THAT³ IS THE FIRST KIND OF QUESTION THAT I
9 WANTED TO ADDRESS.

10 THE SECOND KIND OF QUESTION THAT I WANTED TO
11 ADDRESS IS A RELATED QUESTION, THAT IS THE QUESTION OF WHAT
12 DO THE HISPANICS DO TO THE LABOR MARKET.

13 IT'S BEEN ARGUED THAT HISPANICS FOR EXAMPLE, WHEN
14 THEY ENTERED THE LABOR MARKET, TEND TO TAKE JOBS AWAY TO USE
15 THAT PHRASE, FROM NONHISPANIC INDIVIDUALS AND PARTICULARLY,
16 BLACKS.

17 IN OTHER WORDS, HISPANICS AS THEY ENTER THE LABOR
18 MARKET HAVE HAMPERED THE ECONOMIC PROGRESS OF THE MINORITY
19 GROUPS.

20 THESE DISCUSSIONS HOWEVER, IMPLICITLY ASSUME THAT
21 BLACKS AND HISPANIC LABOR ARE MOSTLY SUBSTITUTED IN THE
22 PRODUCTION PROCESS. IN OTHER WORDS, A FIRM OR AN EMPLOYER
23 WHO CAN EASILY SUBSTITUTE BLACK LABOR FOR BLACK -- FOR
24 HISPANIC LABOR AS THE HISPANIC LABOR COMES INTO THE MARKET
25 PLACE.

1 IF THIS ASSUMPTION IS TRUE, THEN AS HISPANICS
2 COME INTO THE LABOR MARKET, FIRMS GET RID OF THE BLACK
3 LABOR AND GO FOR THE CHEAP HISPANIC LABOR.

4 HOWEVER, THIS IS AN IMPLICIT ASSUMPTION IN THE
5 DISCUSSION, THERE'S NO EVIDENCE WHATSOEVER THAT INDEED
6 BLACK LABOR AND HISPANIC LABOR ARE WHAT ECONOMISTS CALL
7 SUBSTITUTING PRODUCTION.

8 IT MAY WELL BE THE CASE THAT BLACK LABOR AND HIS-
9 PANIC LABOR TEND TO WORK IN DIFFERENT JOBS AND IN DIFFERENT
10 INDUSTRIES AND TEND TO COMPLIMENT EACH OTHER. RATHER THAN
11 SUBSTITUTE FOR EACH OTHER IN THE LABOR MARKET.

12 RECENT RESEARCH HAS FOUND THAT INDEED, THERE IS
13 NO EVIDENCE WHATSOEVER IN THE DATA THAT HISPANICS AND
14 BLACKS ARE STRONGLY SUBSTITUTED IN THE PRODUCTION PROCESS.

15 IN OTHER WORDS, THERE'S NO EVIDENCE AT ALL THAT
16 HISPANICS HAVE HAD ANY KIND OF NEGATIVE IMPACT, I SHOULD
17 REPHRASE IT A LITTLE BIT, ANY KIND OF SIZEABLE NEGATIVE
18 IMPACT ON THE EARNINGS AND EMPLOYMENT OF THE VARIOUS NON-
19 HISPANIC GROUPS THAT WE CARE ABOUT AND IN PARTICULAR, THE
20 EARNINGS AND EMPLOYMENT OF BLACKS.

21 A WAY TO TEST THIS HYPOTHESIS IS THE FOLLOWING,
22 LET'S CONSIDER DIFFERENT LABOR MARKETS AND LET'S CONSIDER
23 ESTIMATE -- WHERE THE HISPANIC GROUPS CAME IN AND LET'S
24 CONSIDER ESTIMATE STATES WHERE THE HISPANIC GROUPS DID NOT
25 COME IN.

1 IF INDEED, BLACKS AND WHITES OR BLACKS AND HIS-
2 PANICS ARE SUBSTITUTABLE WITH EACH OTHER, YOU SHOULD
3 FIND THAT AS BLACKS CAME INTO -- HISPANICS CAME INTO
4 SOME LABOR MARKETS, THE EARNINGS OF BLACKS AND -- IN MOST
5 LEGAL MARKETS WERE DROPPED.

6 AND IN THE LABOR MARKETS WHERE HISPANICS DIDN'T
7 COME IN, THE EARNINGS EFFECTS WOULDN'T DROP.

8 WITH A VIEW TO THE CROSS LABOR MARKETS LIKE THAT,
9 THERE IS REALLY NO EVIDENCE WHATSOEVER THAT THE EARNINGS OF
10 BLACKS WERE LOWER IN THE LABOR MARKETS FOR HISPANICS
11 ENTERING IN LARGE NUMBERS.

12 SO, THE DATA, AND WE ARE TALKING ABOUT A LARGE
13 NUMBER OF STUDIES DONE ON A VARIETY OF DATA SETS,
14 INCLUDING THE CENSUS DATA SET AND THE SURVEY OF EDUCATION IN
15 '76, THE DATA SIMPLY IS NOT CONSISTENT WITH THE ASSUMPTION
16 THAT YOU WILL HEAR IN THE MEDIA THAT HISPANICS AND BLACKS
17 HAVE COMPETED STRONGLY WITH EACH OTHER.

18 AND JUST TO GIVE YOU AN IDEA OF THE AMERICAN
19 MAGNITUDE WE ARE TALKING ABOUT HERE, IT'S BEEN ESTIMATED THAT
20 10 PERCENT INCREASE IN THE NUMBER OF HISPANICS IN THE LABOR
21 MARKET WOULD AFFECT THE EARNINGS OF NONHISPANICS BY ABOUT
22 .2 PERCENT.

23 THAT IS TWO-TENTHS OF ONE PERCENT. SO THAT EVEN
24 A DOUBLE OF THE HISPANIC POPULATION IN THE LABOR MARKET WOULD
25 ONLY BE TWO PERCENT CHANGE IN THE NONHISPANICS OR THE

1 EARNINGS OF BLACKS.

2 MOREOVER, THE DIRECTION OF THE TWO PERCENT CHANGE
3 DEPENDS ON WHAT HISPANICS WE ARE TALKING ABOUT. AGAIN, YOU
4 CANNOT CONSIDER THE HISPANIC GROUP AS A WHOLE, YOU HAVE TO
5 LOOK AT SPECIFIC COMPONENTS OF THE HISPANIC POPULATION.

6 SO, THE DATA SHOWS VERY LITTLE EVIDENCE THAT
7 HISPANICS HAVE HAD AN IMPORTANT IMPACT ON THE EMPLOYMENT
8 AND EARNINGS OF NONHISPANICS.

9 NOW, THE LAST RESEARCH PORTION THAT'S BEEN STUDIED,
10 THE LITERATURE, CONCERNS THE ROLE THAT IMMIGRATION PLAYS
11 IN DETERMINING THE LABOR MARKET FOR HISPANICS.

12 NOW, THIS IS A RELEVANT QUESTION FOR HISPANICS
13 BECAUSE IMMIGRANTS MAKE UP NEARLY HALF OF THE HISPANIC
14 POPULATION.

15 A CURRENT FINDING IN THE LITERATURE OF EARNINGS
16 OF IMMIGRANTS IS THAT IF YOU LOOK AT A GIVEN POINT IN TIME,
17 SAY, THE '70'S CENSUS FOR EXAMPLE, IT IS FOUND THAT IMMIGRANTS
18 HAVE BEEN IN THIS COUNTRY A LONG TIME, TEND TO HAVE
19 HIGHER EARNINGS THAN IMMIGRANTS WHO HAVE BEEN IN THIS COUNTRY
20 A SHORT TIME.

21 IN OTHER WORDS, PEOPLE THAT HAVE BEEN HERE A LONG
22 TIME HAVE HIGHER EARNINGS THAN PEOPLE WHO HAVE BEEN HERE A
23 SHORT TIME AND THE USUAL INTERPRETATION FROM THAT IS THAT
24 IMMIGRANTS, HISPANIC IMMIGRANTS, TEND TO ASSIMILATE INTO
25 THE LABOR MARKET.

1 IN SOME REASON WORK WE CONDUCTED HOWEVER, I PROVIDE
2 SOME EVIDENCE THAT IMMIGRANTS AND PARTICULAR HISPANIC IMMI-
3 GRANTS, DO NOT (INAUDIBLE) AS FAR AS THIS LITERATURE WOULD WANT
4 US TO BELIEVE.

5 AND THE WAY TO DO BUSINESS BY COMPARING COHORTS,
6 SIMILAR TO WHAT HAL DID IN THE EARNINGS OF BLACKS -- FOR THE
7 EARNINGS OF BLACKS, I LOOK AT CROSS COHORTS BETWEEN '70 AND
8 '80 AND THE COHORT IMMIGRANTS WHO ARRIVED IN A PARTICULAR
9 YEAR, 1970 AND TAKE COHORT IMMIGRANTS WHO ARRIVED IN THE SAME
10 YEAR IN 1980.

11 AND SEE THE EARNINGS OF IMMIGRANTS INCREASED. WELL
12 FOR HISPANIC IMMIGRANTS, YOU WILL FIND THE EARNINGS OF A
13 PARTICULAR COHORT OF IMMIGRANTS DOESN'T REALLY CHANGE ALL THAT
14 MUCH.

15 SO, INDEED, THERE IS REALLY NOT ALL THAT MUCH
16 ASSIMILATION FOR HISPANIC IMMIGRANTS. SO THEN YOU HAVE TO
17 ASK, WELL, WHY IS IT THAT -- YOU TEND TO FIND THE HISPANIC
18 IMMIGRANTS NOT REALLY ASSIMILATE ALL THAT MUCH IN THE LABOR
19 MARKET WHEREAS IF YOU LOOK AT A GIVEN POINT IN TIME IN THE
20 CROSS SECTION, YOU TEND TO FIND THAT IMMIGRANTS WHO HAVE BEEN
21 HERE A LONG TIME TEND TO HAVE HIGHER EARNINGS THAN IMMIGRANTS
22 WHO HAVE BEEN HERE A SHORT TIME.

23 HOW CAN YOU POSSIBLY RECONCILE THOSE TWO FINDINGS?
24 AND THE ANSWER IS SOMEWHAT PROVOCATIVE. THE ANSWER IS SIMPLY
25

1 THAT LOOKING AT A GIVEN POINT IN TIME, IMMIGRANTS WHO HAVE
2 BEEN HERE A LONG TIME ARE SIMPLY DIFFERENT THAN IMMIGRANTS
3 WHO HAVE BEEN HERE A SHORT TIME.

4 IN OTHER WORDS, THE QUALITY OF COHORTS, OF
5 IMMIGRANTS, I MEAN, PARTICULAR HISPANIC IMMIGRANTS, HAS
6 CHANGED OVER TIME AND THE WAY THAT IT HAS CHANGED IS THAT
7 THE QUALITY OF HISPANIC IMMIGRANTS HAS FALLEN OVER TIME.

8 THE REAL REASON LIKE HISPANIC IMMIGRANTS WHO HAVE
9 BEEN HERE A LONG TIME MAKE MORE MONEY THAN HISPANICS WHO HAVE
10 BEEN HERE A SHORT TIME IS NOT THAT THEY HAVE BEEN HERE A
11 LONG TIME AND ASSIMILATED, IT'S SAYING THE ONES WHO HAVE
12 BEEN HERE A LONG TIME WERE BETTER TO BEGIN WITH THAN THE ONES
13 ARRIVING NOW.

14 SO THE QUALITY OF IMMIGRATION AND IN PARTICULAR
15 HISPANIC IMMIGRATION, HAS FALLEN OVER TIME. NOW, THIS IS
16 SOMEWHAT A DEPRESSING FINDING BECAUSE IF YOU THINK OF WHAT IT
17 IS SAYING, SINCE HISPANIC IMMIGRANTS MAKE UP SUCH A LARGE
18 FRACTION OF THE HISPANIC IMMIGRATION, HISPANIC POPULATION, AND
19 SINCE THE IMMIGRANTS COHORTS KEEP COMING IN, THEY --
20 THERE IS REALLY VERY LITTLE HOPE FOR ANY KIND OF CONVERGENCE
21 BETWEEN THE HISPANIC WAGE RATE AND THE NONHISPANIC WAGE
22 RATE LIKE THAT FOUND FOR BLACKS AND WHITES FOR THE NEXT
23 20, 30 YEARS.

24 LET ME JUST FINISH MY BRIEF REMARKS BY NOTING
25

1 THAT EVEN THOUGH ALL THESE RESULTS WE TALKED ABOUT ARE
2 ESSENTIALLY QUITE RECENT, AND VERY PRELIMINARY, I SHOULD ADD.
3 THERE ARE MANY MORE QUESTIONS ON RESULTS BUT PERHAPS THE
4 MOST IMPORTANT QUESTION THAT HAS TO BE RESOLVED IS WHY IS IT
5 THAT HISPANICS OBTAIN SO LITTLE EDUCATION COMPARED TO NON-
6 HISPANICS?

7 IF WE COULD POSSIBLY GET A HANDLE ON THAT PARTICULAR
8 QUESTION, AND IF WE WERE ABLE TO SEE -- BLACKS AND WHITES OVER
9 TIME, THERE WOULD BE A SIZEABLE CHANGE IN THE HISPANIC AND
10 NONHISPANIC DIFFERENTIAL OVER TIME.

11 LET ME ALSO APOLOGIZE THAT I HAVE TO LEAVE AT
12 3:30. BECAUSE I HAVE A PLANE TO CATCH BACK TO CALIFORNIA.

13 MR. GREEN: THANK YOU VERY MUCH.

14 THE NEXT SPEAKER IS STEPHAN TERNSTROM WHO I ASKED
15 TO, I'M NOT SURE, THIS IS A TOUGH TASK, I ASKED HIM TO
16 ATTEMPT AT LEAST TO COMPARE THE EXPERIENCE OF DIFFERENT
17 ETHNIC GROUPS TO THE EXPERIENCE OF THE TWO MINORITY GROUPS
18 WHICH THE FIRST SPEAKERS HAVE TALKED ABOUT.

19 STEPHEN?

20 MR. TERNSTROM: AS THE LONE HISTORIAN IN THE
21 SEA OF ECONOMISTS, I FEEL SOMEWHAT OUT OF PLACE. THIS IS A
22 GROUP PRESUMABLY INTERESTED IN PUBLIC POLICY AND HISTORY IS NOT
23 A POLICY SCIENCE, I'M NOT SURE QUITE SURE HOW MUCH ECONOMICS
24 REALLY IS EITHER BUT -- NONETHELESS, I THINK THERE MAY BE
25 SOME VALUE IN LOOKING BRIEFLY AT THIS ISSUE OF ECONOMIC AND

1 SOCIAL PROGRESS OF MINORITIES AND A BROADER HISTORICAL CONTEXT.

2 I THINK LARGELY BECAUSE ASSUMPTIONS ABOUT THE
3 PAST USUALLY IMPLICIT ASSUMPTIONS, OFTEN UNDERLIE OUR ANALYSES
4 AND PRESCRIPTIONS FOR CURRENT PROBLEMS.

5 AND THE PARTICULAR ASSUMPTION I WANT TO EXAMINE
6 CRITICALLY TODAY IS THE ANALOGY WHICH HAS OFTEN BEEN DRAWN
7 BETWEEN EXPERIENCE AND PROBLEMS OF BLACKS, RECENTLY, AND
8 THAT OF EUROPEAN IMMIGRANTS.

9 I WILL CONFINE MYSELF TO THE BLACK ANALOGY, I
10 HADN'T QUITE UNDERSTOOD FROM MAX THAT I SHOULD TAKE ON HIS-
11 PANICS TOO BUT MAYBE IN THE QUESTION PERIOD OR SOMETHING
12 WE'LL GET TO THAT.

13 WELL, YOU ARE ALL FAMILIAR OF COURSE WITH THE LAST
14 OF THE IMMIGRANT'S THEORY THAT HAS BEEN ADVANCED TO EXPLAIN
15 THE DISADVANTAGED POSITION OF BLACKS AND THE UP BY THE
16 BOOTSTRAPS POLICY RECOMMENDATIONS THAT FLOW FROM IT.

17 BLACKS, THAT IS, RANK BELOW WHITES ON EVERY MEASURE
18 OF SOCIAL STATUS. IT'S ARGUED BECAUSE THEY WERE THE LAST
19 TO COME INTO CONTACT WITH URBAN INDUSTRIAL CIVILIZATION.
20 AND THEY ARRIVED FROM THE RURAL SOUTH WITH BACKGROUND HANDI-
21 CAPS THAT NATURALLY PUT THEM AT THE BOTTOM OF THE LADDER JUST
22 AS THE IRISH, THE ITALIANS, THE POLES, THE JEWS EARLIER STARTED
23 AT THE BOTTOM OF THE LADDER WHEN THEY WERE FIRST MAKING THAT
24 PAINFUL ADJUSTMENT TO URBAN INDUSTRIAL CIVILICATION.

25 AND IT FOLLOWS SINCE THOSE IMMIGRANT GROUPS MADE

1 IT ON THEIR OWN WITHOUT SPECIAL ASSISTANCE FROM THE FEDERAL
2 GOVERNMENT, IT FOLLOWS THAT BLACKS CAN AND WILL PULL THEM-
3 SELVES UP BY THEIR BOOTSTRAPS IN A SIMILAR FASHION AND PRE-
4 SUMABLY, IF THEY DON'T, IT REFLECTS SOME DEFICIENCY OF THE
5 GROUP'S CULTURE OR TRADITIONS.

6 NOW, THIS ISN'T AN ABSURD PROPOSITION. AND
7 I THINK IT'S WORTH NOTING THAT IT -- WHILE IT'S USUALLY ADVANCED
8 BY CONSERVATIVES TODAY, ONE FAMOUS STATMENT OF THIS WAS IN AN
9 ARTICLE BY IRVING CRYSTAL SEVERAL YEARS AGO IN THE NEW YORK
10 TIMES MAGAZINE SECTION, IT IS WORTH NOTING THAT IT WAS FIRST
11 ADVANCED BY NONE OTHER THAN THE GREAT W. E. B. DUBOIS, NOT
12 EASILY ACCUSED OF BEING A TRAITOR TO HIS RACE, I WOULD SAY.

13 AND HIS MARVELOUS BOOK, "THE PHILADELPHIA NEGRO,
14 A SOCIAL STUDY" PUBLISHED IN 1899, DUBOIS RECOGNIZED FULLY THE
15 PREJUDICE THAT BLACKS IN PHILADELPHIA ENCOUNTERED BUT
16 NONETHELESS, ARGUED THAT MOST OF THEIR PROBLEMS IN HIS OPINION
17 STEMMED FROM THE FACT THAT THE COMMUNITY WAS DOMINATED BY
18 RECENT MIGRANTS TO THE CITY, MIGRANTS FROM RURAL BACKGROUNDS,
19 PEOPLE ILL-PREPARED FOR MODERN LIFE.

20 NOW, IF THAT THEORY IS TRUE, IT'S OF GREAT IMPOR-
21 TANCE IN THINKING ABOUT CONTEMPORARY ISSUES BECAUSE AS
22 LATE AS 1940, MORE THAN HALF OF ALL AMERICAN BLACKS WERE
23 RESIDING IN RURAL AREAS AND THE CENSUS DEFINITION OF AN URBAN
24 AREA IS A PLACE WITH 2500 OR MORE SOULS.

25 SO MANY OF THEM ARE SMALL TOWNS, IF NOT QUITE

1 COUNTRY PEOPLE.

2 THE VAST MAJORITY AND AS HAL SIDER'S TABLE SHOWS
3 YOU AS LATE AS 1940, THREE-QUARTERS OF AMERICAN BLACKS WERE
4 LIVING IN THE JIM CROW SOUTH.

5 SO, THE MASSIVE SHIFT OF BLACK PEOPLE TO CITIES
6 IN WHICH THEY ARE EQUAL BEFORE THE LAW AT LEAST, IS A POST-
7 WORLD WAR II PHENOMENON, THE BULK OF BLACKS ARE VERY RECENT
8 COMERS TO THE CITY, THEY'VE BEEN HERE LESS THAN HALF A CENTURY,
9 NOT A VERY LONG TIME WHEN YOU CONSIDER SAY, THE HISTORY OF THE
10 IRISH. AN OVERWHELMINGLY PROLETARIAN GROUP, FOR AT LEAST THAT
11 LONG.

12 AND THUS, ONE ANSWER TO THE QUESTION SOMETIMES
13 RAISED TODAY IS IS THERE SOME KIND OF BLACK PERMANENT
14 UNDERCLASS WHICH WILL NEVER BE DEALT WITH.

15 ONE ANSWER TO THAT IS WELL, IT'S REALLY MUCH TOO
16 EARLY TO TELL, THEY HAVEN'T BEEN EXPOSED TO FREE URBAN
17 INDUSTRIAL CIVILIZATION LONG ENOUGH TO KNOW.

18 SO, THIS PERSPECTIVE, I THINK, IS A VERY IMPORTANT
19 ONE TO CONSIDER BUT THERE IS A COMPLICATION WHICH IS THE MAIN
20 POINT I WANT TO DEVELOP HERE.

21 DUBOIS, FOR ALL OF HIS GENIUS, DID NOT TEST HIS
22 THEORY, THE THEORY OUTLINED IN THAT BOOK, IN ANY SYSTEMATIC
23 KIND OF WAY.

24 IT'S THE CONCLUSION HE DREW FROM THE DATA, TRAINED
25 AS A HISTORIAN INCIDENTALLY, HARVARD'S FIRST BLACK PH.D IN

1 HISTORY AND OF COURSE, THE VERY DAWN OF AMERICAN SOCIAL
2 SCIENCE WHERE METHODS OF DATA AND ANALYSIS WERE NOT AT ALL
3 WELL ADVANCED.

4 HE DIDN'T DO THE SIMPLE THING OF COMPARING THE
5 STATUS OF BLACKS IN PHILADELPHIA WHO WERE BORN IN THE CITY TO
6 THE STATUS OF THOSE MIGRANTS WHO WERE FLOCKING IN.

7 AND FOR SOME STRANGE REASON, THEN 65 OR MORE YEARS
8 PASSED BEFORE ANYONE WAS INTERESTED ENOUGH IN THAT QUESTION TO
9 DO THAT.

10 ABOUT A DOZEN YEARS AGO, I ATTEMPTED IT IN A BOOK
11 ON SOCIAL MOBILITY IN BOSTON, AND SINCE THEN A NUMBER OF OTHER
12 INVESTIGATORS HAVE PURSUED THIS KIND OF ANALYSIS FOR OTHER
13 CITIES, A VERY GOOD BOOK ON CLEVELAND, FOR EXAMPLE.

14 LOOKING AT BLACKS IN CITIES FROM THE LATE 19TH
15 CENTURY AND ASKING THE QUESTION HOW DO THOSE BORN TO THE
16 CITY AND THOSE NOT, SUFFERING FROM HANDICAPS OF RURAL BACK-
17 GROUND, HOW DO THEY FARE COMPARED TO RURAL MIGRANTS AND HOW
18 DO THEY COMPARE TO THE IMMIGRANTS WHO ARE SETTLING IN THESE
19 CITIES AT THE SAME TIME?

20 AND WHEN YOU DO THAT, I WON'T GET INTO ALL THE
21 DETAILS OF THIS, BUT I THINK YOU HAVE TO CONCLUDE THAT THAT
22 NOTION HAS RATHER LIMITED EXPLANATORY POWER FOR THE WHOLE
23 PERIOD PRIOR TO WORLD WAR II.

24 THAT IS, BLACKS DID COME TO NORTHERN CITIES
25 WITH HANDICAPS, COMPARABLE ROUGHLY, TO THOSE OF PEASANT

1 IMMIGRANTS, A HIGH PROPORTION OF THE LITERACY AND ON DOWN THE
2 LIST.

3 AND INITIALLY, THE COMPARISON WITH PEASANT IMMI-
4 GRANTS SEEMS QUITE STRONG, THUS IN BOSTON IN 1880, BLACKS FROM
5 THE SOUTH WERE NO WORSE OFF, WERE NO MORE PROLETARIAN, THAN
6 IRISH IMMIGRANTS.

7 HOWEVER, THERE IS A CRUCIAL DIFFERENCE, A CENTRAL
8 DIFFERENCE WHICH IS THAT IN 1880, THE CHILDREN OF IRISH
9 IMMIGRANTS IN BOSTON THE SECOND GENERATION THAT IS, THE
10 AMERICAN BORN CHILDREN OF IRISH IMMIGRANTS, WERE MUCH BETTER
11 OFF THAN THEIR PARENTS.

12 THEYHAD A HIGHER PROPORTION OF PEOPLE IN SKILLED
13 JOBS IN VARIOUS NONMANUAL OCCUPATIONS, YOU SEE THE CLASSIC
14 GENERATIONAL PROGRESS OF AN IMMIGRANT GROUP.

15 BUT WHEN YOU LOOK AT THE BLACKS, YOU DON'T SEE THAT,
16 YOU SEE VERY LITTLE ADVANTAGE IN THE SECOND AND SOME STUDIES
17 HAVE EVEN IDENTIFIED IT, A THIRD GENERATION OF BLACKS WHO ARE
18 NORTHERN, URBAN BORN OF NORTHERN URBAN BORN PARENTS
19 AND YOU DON'T SEE MUCH ADVANCE EVEN THOUGH THESE BLACK URBAN
20 BORN CHILDREN ARE CLEARLY FAMILIAR WITH URBAN WAYS.

21 AND ARE MUCH EDUCATED MUCH MORE THAN THEIR PARENTS
22 ARE. IN EDUCATION THEY COMPARE VERY FAVORABLY WITH MOST
23 IMMIGRANT GROUPS, BUT IN OCCUPATIONAL ACHIEVEMENT, THEY
24 DON'T.

25 THEY ARE LOCKED IN AT THE VERY BOTTOM OF THE LADDER

1 WHETHER YOU ARE TALKING ABOUT BOSTON IN 1880, OR CHICAGO IN
2 1930.

3 NOW, IT IS TRUE THAT IN SOME CITIES THEY BENEFITTED
4 MORE FROM WORLD WAR I THAN THEY DID IN BOSTON, YOU GET SOME
5 PROGRESS IN CHICAGO SAY, BETWEEN 1910 AND 1920.

6 SO, THERE ARE THESE HUGE DIFFERENCES WHICH
7 REALLY LAST DOWN, AS I SAY, TO WORLD WAR II, WHAT EXPLAINS THEM
8 IS NOT ALTOGETHER CLEAR, PERHAPS YOU CAN SAY, WELL, IT'S
9 A LITTLE SIMPLISTIC TO TALK ABOUT THEIR HANDICAPS, IT'S SIMPLY
10 RURAL BACKGROUND HANDICAPS THAT CAN BE COMPARED TO THOSE THAT
11 A SICILIAN BROUGHT WITH HIM IN 1900.

12 PERHAPS THEIR GREATEST BACKGROUND HANDICAP IS
13 THE HANDICAP OF A SLAVE HERITAGE AND A HERITAGE THEN OF
14 SUBJECTION, SECOND CLASS CITIZENSHIP, IN THE WHITE SUPREMECIST
15 SOUTH THEREAFTER.

16 AND THAT SOMEHOW THAT EXPERIENCE GOT PASSED ON
17 FROM GENERATION TO GENERATION EVEN IN A NORTHERN URBAN CONTEXT
18 IN WHICH IN FACT, OPPORTUNITY WAS MUCH, MUCH GREATER.

19 WELL, THERE COULD BE THAT KIND OF CULTURAL EXPLANA-
20 TION BUT I THINK WE CAN'T RESIST SAYING THERE MUST BE MUCH
21 TO THE ALTERNATIVE LINE OF EXPLANATION.

22 WHICH IS THAT THEY QUITE SIMPLY WERE HELD BACK
23 BY OVERWHELMING PREJUDICE, RACIAL PREJUDICE AND DENIED
24 OPPORTUNITIES TO SAY, PERFORM JOBS THAT WERE -- THEY WERE
25 PERFECTLY WELL EQUIPPED TO PERFORM.

1 AND I WOULD ARGUE THAT CLEARLY WAS THE CASE TO A
2 CONSIDERABLE DEGREE IN EVERY NORTHERN CITY WHICH HAS BEEN
3 STUDIED FOR THE PRE-WORLD WAR II PERIOD.

4 ONE SHOULD ALSO NOTE HERE THAT TWO CIRCUMSTANCES
5 THAT HELPED TO MAKE PLAIN THAT THE SORT OF RESISTANCE AND
6 PREJUDICE THAT BLACKS IN THIS EARLY PERIOD ENCOUNTERED REALLY
7 DIFFERED IN KIND, NOT JUST IN DEGREE, I THINK, FROM THAT, THE
8 EXPERIENCE OF THE IRISH, THE JEWS, THE POLES.

9 AND ONE INVOLVES THE HISTORY OF SEGREGATED HOUSING.
10 WE KNOW MANY IMMIGRANT GROUPS LIVED IN GHETTOS BUT IN FACT,
11 IMMIGRANTS WERE MUCH LESS STRONGLY CONCENTRATED RESIDENTALLY
12 THAN BLACKS HAVE BEEN SINCE WORLD WAR II.

13 SECONDLY, THOSE IMMIGRANT CONCENTRATIONS
14 DECLINED OVER TIME AND FROM GENERATION TO GENERATION, THAT HAS
15 NOT BEEN AT ALL TRUE OF THE BLACK EXPERIENCE IN THE 20TH
16 CENTURY AND IT STILL ISN'T TRUE TODAY WITHIN THE CENTRAL
17 CITIES DESPITE SOME BLACK SUBURBANIZATION IN THE '70'S.

18 AND THE OTHER POINT ABOUT HOUSING SEGREGATION
19 CONCERNS RADICAL DIFFERENCES IN THE CAUSES OF THOSE CONCEN-
20 TRATIONS.

21 THE IMMIGRANT GROUPS MAINLY CLUSTERED TOGETHER
22 FOR A KIND OF SELF PROTECTION AND SENSE OF SECURITY, SENSE
23 OF COMMUNITY. IT WAS LARGELY VOLUNTARY, THOUGH NOT ENTIRELY,
24 WHEREAS, WHILE SOME DEGREE OF BLACK RESIDENTIAL CONCENTRATION
25 UNDOUBTEDLY STEMMED FROM THOSE CIRCUMSTANCES, IT IS A CRUCIAL

1 FACT THAT BLACKS WHO TRIED TO BREAK OUT OF THEIR NEIGHBOR-
2 HOODS, WERE SLAUGHTERED IN RACE RIOTS LIKE THOSE IN EAST
3 ST. LOUIS IN 1917, CHICAGO IN 1919, SO THERE IS A RADICAL
4 DIFFERENCE IN BOTH THE DEGREE OF SEGREGATION AND LIVING
5 EXPERIENCE AND THE CAUSES.

6 AND SECONDLY, JUST AS A CRUCIAL WITNESS TEST, I
7 THINK IN ETHNIC GROUP RELATIONS, THE WHOLE TEST OF
8 INTER-MARRIAGE, IMMIGRANTS, EVEN IN THE FIRST GENERATION
9 FREQUENTLY MARRIED OUTSIDE THEIR GROUP AND VIRTUALLY IN EVERY
10 GROUP BY THE SECOND GENERATION, THAT FIGURE WAS MUCH HIGHER.

11 BY THE THIRD GENERATION, HIGHER STILL, AND
12 OBVIOUSLY, THAT HAS NOT BEEN TRUE OF BLACKS IN THIS COUNTRY
13 AND ONLY VERY, VERY RECENTLY, HAS INTEGRATIONAL MARRIAGE
14 REALLY BEGUN TO GROW, IT DOUBLED BETWEEN '63 AND 1970, THAT
15 WAS FROM POINT SIX OF A PERCENT TO 1.2 PERCENT.

16 I HAVEN'T SEEN ANY MORE RECENT FIGURES WHICH ARE
17 UNDOUBTEDLY HIGHER, BUT STILL VERY, VERY SMALL.

18 WELL, IN OUR OWN TIME OBVIOUSLY, THERE HAS BEEN A
19 REVOLUTIONARY CHANGE IN RACE RELATIONS, I WOULD ARGUE THAT
20 PROBABLY BY TODAY, LEVELS OF RACIAL PREJUDICE AGAINST BLACKS
21 ARE NO HIGHER THAN THEY WERE, SAY, AGAINST CATHOLIC IRISH
22 IN THE 1850'S, OR ANTI-SEMETISM IN THE 1920'S, I THINK IN MANY
23 WAYS BLACKS ARE ON THE IMMIGRANT SPECTRUM AND ARE MAKING
24 GENERATIONAL PROGRESS.

25 WE DON'T HAVE STUDIES THAT ARE VERY SENSITIVE TO THIS

1 GENERATIONAL QUESTION FOR THE POST WORLD WAR II PERIOD, ONE
2 ARTICLE BY TOYBURN TOYBER (PHONETIC) A LITTLE MATERIAL IN
3 LIEBERSON'S BOOK, A PIECE OF THE PIE, BOTH OF THOSE REST ON
4 1960 DATA.

5 AND I THINK THINGS HAVE CHANGED A LOT SINCE THEN.
6 THEY FOUND VERY LITTLE GENERATIONAL PROGRESS AS OF 1960,
7 BUT I WOULD SAY IT CERTAINLY IS A ROUGH PROXY TO THIS WE NOTICE
8 NOW SUCH SHARP AGE DIFFERENCES IN EARNING WITHIN THE BLACK
9 COMMUNITY EVEN WHEN CONTROLLED FOR EDUCATION.

10 IT'S NOT SIMPLY THE YOUNGER BLACKS ARE BETTER
11 EDUCATED THAN OLDER BLACKS, IT'S THAT THE YOUNGER BLACKS
12 WITH THE SAME AMOUNT OF EDUCATION AS OLDER BLACKS ARE EARNING
13 MORE.

14 SO, I'M NOT SURE THE POLICY CONCLUSION I WOULD DRAW
15 FROM THIS AND I'M NOT SURE THE HISTORIAN, THAT'S MY BUSINESS,
16 BUT I WOULD INSIST, YOU CAN'T REALLY THINK ABOUT WHAT IS TRULY
17 EQUAL OPPORTUNITY FOR BLACKS TODAY WITHOUT ACKNOWLEDGING THIS
18 VERY SPECIAL HISTORY.

19 THAT IS, WITHOUT RECOGNIZING FULLY THAT FOR A
20 VERY LONG TIME, REALLY, WELL INTO MY LIFETIME, THEY COULDN'T
21 PULL THEMSELVES UP BY THE BOOTSTRAPS BECAUSE IF THEY GAVE THOSE
22 STRAPS A FIRM YANK, YOU KNOW, IT WOULD PULL OFF IN THEIR
23 HANDS, IT WAS ATTACHED, SO WEAKLY TO THE SOCIETAL BOOT.

24 OKAY, ONE FINAL COMMENT ON A SOMEWHAT DIFFERENT ISSUE
25 WHERE AGAIN, I THINK A LITTLE HISTORICAL PERSPECTIVE IS IN

1 ORDER AND THIS WOULD BE VERY BRIEF, THERE IS A FAIR AMOUNT OF
2 TALK, OTHER ALARMIST TALK THESE DAYS ABOUT GROWING
3 POLARIZATION WITHIN THE BLACK COMMUNITY, THE RAPID GAINS MADE
4 BY A MIDDLE CLASS HAVE NOT BEEN SHARED BY THE UNDERCLASS WHO
5 ARE LEFT EVER FARTHER BEHIND.

6 A GRIMMER THESIS AND MANY PEOPLE HAVE TALKED ABOUT IT
7 WHILE I WOULDN'T MINIMIZE THE HORRENDOUS CONDITIONS IN MANY
8 GHETTO AREAS TODAY, THOUGH WHAT CAUSES THEM IS A VERY COMPLI-
9 CATED PROBLEM INDEED.

10 BUT I'M NOT SAYING THAT IS THE SERIOUS CAUSE FOR
11 CONCERN, BUT I DO THINK THE ELEMENTARY POINT WHICH SOMEHOW
12 I DON'T RECALL ANYONE MAKING, PERHAPS GOD KNOWS, THEY SHOULD HAVE
13 BUT THE SIMPLE POINT IS IF YOU THINK ABOUT HISTORY, POLARIZATION
14 HAPPENS WHENEVER A GROUP MAKES PROGRESS.

15 THAT IS, NORMALLY, THEY CAN'T ALL CROWD ON THE
16 ELEVATOR AT ONCE AND SOME ARE BETTER PREPARED TO GET ON IT
17 THAN OTHERS, AND THUS, YOU GET GROWING INEQUALITY.

18 THAT IS, THE IRISH IMMIGRANTS IN THE UNITED STATES
19 IN THE MIDDLE OF THE 19TH CENTURY WERE ALL EQUAL, THEY WERE
20 ALL EQUALLY IMPOVERISHED.

21 AFTER A GENERATION, THEY WERE NOT ALL EQUAL, A
22 SMALL LACE CURTAIN IRISH GROUP HAD ASCENDED ENOUGH TO LOOK
23 DOWN ON THE SHANTY IRISH.

24 SO, THE GROUP HAD PROGRESSED IN TERMS OF IT'S SORT
25 OF MEAN STATUS, BUT INEQUALITY WITHIN THE GROUP HAD ALSO
GROWN.

1 LIKewise, WITH ITALIANS, JEWS, POLES AT THE TURN OF
2 THIS CENTURY THEY WERE PRETTY MUCH EQUAL BUT AS DAVID LIVINSKY
3 AND OTHERS PUSHED OUT ALONG THE TENEMENT TRAIL, THEY LEFT MANY
4 OF THEIR BRETHEREN BEHIND.

5 INEQUALITY, WITHIN THE GROUP, INCREASED.

6 NOW, IT'S IMPORTANT TO NOTE THAT IT DIDN'T CONTINUE
7 TO INCREASE FROM GENERATION TO GENERATION, INSTEAD, THERE WAS
8 A KIND OF TENDENCY THEN IN THE NEXT GENERATION TOWARDS CON-
9 VERGENCE IN WHICH THE PROLETARIAN ELEMENT OF THAT GROUP MORE
10 OR LESS DISAPPEARED, AS IT HAS WITH MOST EUROPEAN IMMIGRANT
11 GROUPS. TODAY.

12 BUT I THINK THAT WAY OF THINKING ABOUT IT MAY AT
13 LEAST HELP US TO TALK ABOUT WHAT REALLY IS A PROBLEM, I DON'T
14 THINK POLARIZATION IN THE WAY IT'S USUALLY STATED IS A PROBLEM
15 PARTICULARLY FOR THE BLACK COMMUNITY TODAY.

16 MR. GREEN: THANK YOU, STEPHEN.

17 OUR FINAL SPEAKER ON THIS PANEL IS GLENN LOURY,
18 WHOSE TOPIC DOVETAILS WITH THE CONCLUSION OF STEPHEN.

19 MR. LOURY: THANK YOU.

20 MY THEME HERE WILL BE THE LIMITATIONS OF CIVIL
21 RIGHTS STRATEGIES FOR EFFECTIVELY PROMOTING SOCIAL ECONOMIC
22 PROGRESS FOR MINORITIES.

23 WITH APOLOGIES TO GEORGE BORJAS, I'M GOING TO TALK
24 MAINLY ABOUT BLACKS, ALTHOUGH I THINK SOME OF WHAT I SAY MAY
25 REFER TO OTHER, MAYBE RELEVANT TO OTHER GROUPS.

1 BY CIVIL RIGHTS STRATEGIES I MEAN TWO THINGS, FIRST,
2 THAT THE CAUSE OF A PARTICULAR SOCIO-ECONOMIC DISPARITY, THE --
3 BE IDENTIFIED AS STEMMING FROM RACIAL DISCRIMINATION ON THE
4 PART OF WHITES, IT SAYS WHITE MALES HERE, BUT I SEE NO
5 REASON TO EXEMPT WHITE WOMEN FROM RACIAL DISCRIMINATION.

6 AND SECOND, THAT THE ADVOCATES SEEK SUCH REMEDIES
7 FOR THE DISPARITY AS IT MIGHT EXIST, SUCH REMEDIES AS THE
8 COURTS AND THE ADMINISTRATIVE AGENCIES PROVIDED UNDER THE
9 LAW.

10 IT'S BY NOW BECOME SOMETHING OF A CLICHE TO SAY THAT
11 NOT ALL PROBLEMS OF BLACKS ARE DISCRIMINATION OR CAN THEY
12 BE REMEDIED VIA CIVIL RIGHTS OR MORE BROADLY, THROUGH
13 RACIAL POLITICS AND I WILL REITERATE THIS CLICHE.

14 BUT MORE THAN THIS, I WANT TO ARGUE THAT THE
15 INAPPROPRIATE SPECIFICATION OF A PARTICULAR OBSTACLE TO
16 MINORITY PROGRESS AS A CIVIL RIGHTS MATTER, CAN HAVE SIGNIFI-
17 CANT COST.

18 EVOKING CIVIL RIGHTS REMEDIES FOR CIRCUMSTANCES TO
19 WHICH THEY ARE NOT SUITED CAN OBTAIN OR IN ECONOMIST
20 LANGUAGE, CROWD OUT, THE PURSUIT OF ALTERNATIVE, MORE
21 DIRECT AND EFFECTIVE APPROACHES OF DEALING WITH THE PROBLEMS.

22 SUCH ACTIVITY ALSO HAS OPPORTUNITY COST, IT USES UP
23 SCARCE RESOURCES WHICH MIGHT BE OTHERWISE APPLIED, THE TIME
24 AND THE ATTENTION OF THOSE DIRECTLY ENGAGED IN THE ADVOCACY
25 BUT ALSO THE GOOD WILL AND THE TALENTS OF THOSE EXPECTED TO

1 RESPOND TO IT.

2 FINALLY, I'LL ARGUE THAT THE BROAD APPLICATION OF
3 THE CIVIL RIGHTS ADVOCATIVE METHOD TO EVERY INSTANCE OF
4 DIFFERENTIAL ACHIEVEMENT BY BLACKS COULD BE POSITIVELY HARMFUL
5 OF OBTAINING THE LONG GOAL OF FULL EQUALITY.

6 THREATENS, AS IT WERE, IF CONTINUED, TO MAKE IT
7 LITERALLY IMPOSSIBLE FOR BLACKS TO BE GENUINELY EQUAL IN
8 AMERICAN SOCIETY.

9 AN OBVIOUS POINT I'D LIKE TO START OUT WITH HERE
10 IS THAT GIVEN OUR POLITICAL AND PHILOSOPHICAL TRADITION THE
11 REACH OF CIVIL RIGHTS LAW IS AND WILL REMAIN INSUFFICIENT TO
12 ELIMINATE ALL SOCIAL AND ECONOMIC RELEVANT DISCRIMINATORY
13 BEHAVIOR.

14 THERE ARE ENORMOUSLY IMPORTANT CONTRACTUAL RELATION-
15 SHIPS INTO WHICH PEOPLE ENTER, AS A CONSEQUENCE OF WHICH
16 THEIR SOCIAL ECONOMIC STATUS IS PROFOUNDLY AFFECTED BUT AMONG
17 WHICH RACIAL DISCRIMINATION IS ROUTINELY PRACTISED.

18 THE CHOICE OF MARITAL PARTNERS IS THE MOST OBVIOUS.
19 PEOPLE DISCRIMINATE HERE BY RACE WITH A VENGEANCE. BLACK
20 WOMEN DO NOT HAVE AN EQUAL OPPORTUNITY TO BECOME THE WIFE OR
21 THE MOTHER OF A CHILD OF A GIVEN WHITE MAN.

22 INDEED, I THINK IT MIGHT BE AN INTERESTING EXERCISE
23 TO TRY AND CALCULATE WHAT THE COST OF THIS DISCRIMINATION
24 IN MONETARY TERMS TO PERSONS FROM HAVING THEIR CHOICES
25 RESTRICTED IS.

1 MORE GENERALLY THOUGH, THERE ARE VOLUNTARY ASSO-
2 CIATIONS AMONG INDIVIDUALS, RESIDENTIAL COMMUNITIES, FRIEND-
3 SHIP NETWORKS, BUSINESS PARTNERSHIPS, AND THE REST, WHICH
4 ARE THE RESULT OF THE MUTUAL CHOICES THAT ARE OFTEN INFLUENCED
5 BY RACIAL CRITERIA WHICH LIE BEYOND THE REACH OF CIVIL RIGHTS
6 LAWS.

7 A FAIR HOUSING ACT CANNOT PREVENT THIS DISGRUNTLED
8 RESIDENT FROM MOVING AWAY IF THE RACIAL COMPOSITION OF HIS
9 NEIGHBORHOOD CHANGES.

10 THUS, DESEGREGATION COULD NOT PREVENT UNHAPPY PARENTS
11 FROM SENDING THEIR CHILDREN TO PRIVATE SCHOOLS. WITH -- THE
12 UNIVERSITY SUPPORT FOR STUDENT CLUBS WITH DISCRIMINATORY
13 SELECTION OF THE RULES CANNOT ACHIEVE THE POSITIVE OBJECTIVE
14 OF PREVENTING STUDENT CLIQUES FROM FORMING ALONG
15 RACIAL LINES.

16 AND THE FACT THAT SUCH EXCLUSIVE CLUBS DO FORM ALONG
17 THESE LINES -- GROUP LINES HAS IMPORTANT ECONOMIC CONSEQUENCES.

18 THERE IS AN EXTENSIVE LITERATURE IN ECONOMICS
19 AND SOCIOLOGY DOCUMENTING IMPORTANCE OF FAMILY AND THE
20 COMMUNITY BACKGROUND AS FACTORS INFLUENCING CHILDREN'S LATER
21 LIFE OF ACHIEVEMENT.

22 STUDIES HAVE SHOWN THAT THE ACCESS TO THE RIGHT
23 NETWORKS CAN BE BENEFICIAL IN TERMS OF THE OUTCOME OF JOB
24 SEARCH IN THE LABOR MARKET.

25 INDEED, ON A THEORETICAL LEVEL, IT CAN BE SHOWN

1 FORMALLY, THAT WHEN SOCIAL BACKGROUND INFLUENCES OFFSPRING
2 OPPORTUNITIES TO ACQUIRE HUMAN CAPITAL, AND WHEN TWO GROUPS
3 OF EQUAL INNATE CAPABILITIES START OFF WITH EQUAL
4 ECONOMICS DATA, THAT ELIMINATION OF RACIAL DISCRIMINATION
5 IN THE ECONOMICS BUT NOT IN THE PATTERN OF SOCIAL ATTACHMENT
6 IS GENERALLY INSUFFICIENT TO BRING ABOUT AN EVENTUAL
7 EQUALIZATION OF ECONOMIC OUTCOME.

8 THERE ARE THUS, ELEMENTAL LIMITS ON WHAT ONE
9 COULD HOPE TO ACHIEVE THROUGH THE APPLICATION OF CIVIL RIGHTS
10 STRATEGIES TO A RESTRICTED DOMAIN OF PERSONAL INTERACTION.

11 THAT IS, TO MARKET TRANSACTION.

12 BUT OF COURSE, THERE IS MORE INVOLVED SIMPLY THAN
13 THAT WHITES AND BLACKS DON'T OFTEN INTER-MARRY AND THEREBY
14 SHARE THEIR SOCIAL BACKGROUNDS AND RESOURCES.

15 SOME IMPORTANT PART OF GROUP ECONOMIC DISPARITY
16 IS DUE TO THE NATURE OF SOCIAL LIFE WITHIN POOR BLACK COMMUNITIES
17 AND I HAVE WRITTEN AND SUFFERED ABOUT WRITING AT LENGTH ON THIS
18 SUBJECT AND WON'T BELABOR THE POINT HERE.

19 BUT WITH UPWARD TO THREE-QUARTERS OF BLACK CHILDREN
20 BORN OUT OF WEDLOCK IN MANY CITY GHETTOS, WITH BLACK
21 HIGH SCHOOL DROPOUT RATES OF 60 PERCENT AND MORE IN CHICAGO AND
22 DETROIT, HALF OF MURDER VICTIMS IN THE COUNTRY BEING
23 BLACKS KILLED BY OTHER BLACKS, WITH FEWER BLACK WOMEN GRADUATING
24 FROM COLLEGE THAN GIVING BIRTH WHILE STILL IN HIGH SCHOOL IN
25 ANY GIVEN RECENT YEAR, WITH BETTER THAN TWO AND FIVE BLACK

1 CHILDREN DEPENDENT UPON PUBLIC ASSISTANCE, IT SHOULD BE
2 CLEAR THAT CIVIL RIGHTS STRATEGIES ALONE CANNOT HOPE TO BRING
3 ABOUT FULL EQUALITY.

4 THIS IS NOT TO SAY THAT IN SOME BASIC SENSE, MANY
5 OF THESE DIFFICULTIES ARE UNRELATED TO OUR HISTORY OF RACIAL
6 OPPRESSION.

7 I ONLY SUGGEST THEN AS ELEANOR NORTON RECENTLY
8 AGREED, THAT THEY HAVE TAKEN ON A LIFE OF THEIR OWN AND CANNOT
9 BE EFFECTIVELY REVERSED BY CIVIL RIGHTS POLICIES.

10 I CAN FURTHER ILLUSTRATE MY POINT WITH REFERENCE TO
11 MY OWN FIELD, HIGHER EDUCATION. IN THE PAST, AND THE NOT TOO
12 DISTANT PAST AT THAT, THEY WERE VERY SEVERELY LIMITED OPPOR-
13 TUNITIES FOR MINORITIES TO PARTICIPATE IN HIGHER EDUCATION AS
14 STUDENTS OR AS FACULTY.

15 . ESPECIALLY AT THE ELITE INSTITUTIONS.

16 TODAY, OPPORTUNITIES FOR ADVANCED EDUCATION IN
17 ACADEMIC CAREERS -- MAKING UNIVERSITIES THROUGHOUT THE COUNTRY
18 AS WE ALL KNOW ARE CONSTANTLY SEARCHING FOR QUALIFIED BLACK
19 CANDIDATES, TO HIRE AS PROFESSORS OR TO ADMIT TO THEIR PROGRAMS
20 OF STUDY, MOST STATE COLLEGES AND UNIVERSITIES IN THEIR BLACK
21 POPULATION CENTERS HAVE MADE CONSERVED EFFORTS TO REACH OUT
22 TO THOSE INNER CITIES.

23 MOST INSTITUTIONS OF HIGHER LEARNING ARE PRACTICE
24 OF AFFIRMATIVE ACTION AND ADMISSIONS POLICIES THAT GIVES
25 BREAKS TO BLACK STUDENTS, SPECIAL SCHOLARSHIP AND FELLOWSHIP

1 FUNDS THAT ARE SET UP FOR BLACK STUDENTS THROUGHOUT THE COUNTRY,
2 FOUNDATIONS THAT HAVE PROGRAMS TO PREPARE STUDENTS FOR ADVANCED
3 STUDY IN MEDICINE AND ECONOMICS AND ENGINEERING AND PUBLIC
4 POLICY AND IN OTHER FIELDS, YET, WITH ALL OF THESE OPPORTUNITIES
5 AND DESPITE SOME IMPROVEMENT, THE NUMBER OF BLACKS ADVANCING
6 IN THE ACADEMIC WORLD IS DISTRESSINGLY LOW.

7 AND THE POINT THAT I'M TRYING TO MAKE IS THAT IT'S
8 NOT AT ALL CLEAR THAT THAT CIRCUMSTANCE CAN BE MATERIALLY
9 REVERSED, BY A CIVIL RIGHTS STRATEGY.

10 THE PERCENTAGE OF COLLEGE STUDENTS WHO WERE BLACK
11 AFTER RISING THROUGHOUT THE '70'S HAS BEGUN TO DECLINE
12 RECENTLY.

13 AND WHILE THE PROPORTION OF DOCTORATES GRANTED TO
14 BLACKS HAS RISEN SLIGHTLY OVER THE LAST DECADE, IT IS STILL
15 THE CASE THAT 57 PERCENT OR SO OF BLACK PH.D'S ARE IN THE
16 -- OF EDUCATION.

17 DESPITE CONSTANT PRESSURE TO HIRE BLACK PROFESSORS
18 AND STRENUOUS EFFORTS TO RECRUIT THEM, THE PERCENTAGE OF BLACKS
19 ON ESPECIALLY THE ELITE UNIVERSITY FACULTIES HAS REMAINED
20 CONSTANT OR FALLEN IN THE LAST DECADE.

21 I DON'T THINK THAT ANYONE WHO HAS SPENT TIME AT
22 A MAJOR UNIVERSITY BELIEVES THAT THIS PHENOMENON IS DUE TO
23 RACISM.

24 MEANWHILE, OTHER GROUPS, TRADITIONALLY EXCLUDED,
25 ARE MAKING IMPRESSIVE GAINS, -- AMERICANS, THE OBVIOUS CASE,

1 ON THE SAME TEST, THERE WERE 205 BLACKS IN THE ENTIRE
2 COUNTRY WHO SCORED ABOVE 700. WHILE, FOR EXAMPLE, THERE WERE
3 3,015 ASIAN AMERICANS WHO ACHIEVED THIS DISTINCTION.

4 AND AS ROBERT CLITGUARD (PHONETIC), MY FORMER
5 COLLEAGUE AT THE KENNEDY SCHOOL HAS SHOWN IN A RECENT BOOK,
6 CONVINCINGLY, EVEN AFTER CONTROLLING FOR ENTRY LEVEL CHARACTER-
7 ISTICS LIKE SAT SCORES AND GREATER POST ADMISSION COLLEGE
8 PERFORMANCE AMONG BLACK STUDENTS, IS LESS THAN THAT OF THE
9 WHITE STUDENTS WITH THE SAME ENTRY LOCAL CHARACTERISTICS.

10 THESE DIFFERENCES IN ACADEMIC PERFORMANCE IS
11 NOT JUST LIMITED TO POOR BLACKS OR TO HIGH SCHOOL STUDENTS,
12 ON THE SCHOLASTIC APTITUDE TEST, BLACKS WITH INCOME IN EXCESS
13 OF \$50,000 PER YEAR STILL SCORED 60 TO 80 POINTS BEHIND COMPARABI
14 LIFE.

15 THE 1982 GRADUATE RECORD EXAM REVEALS A GAP BETWEEN
16 BLACK AND WHITE STUDENTS ON THE MATH COMPONENT OF 171 POINTS,
17 THERE ARE TECHNICAL ISSUES HERE ABOUT THE SELECTION PROCESS
18 BY WHICH PEOPLE DECIDE TO TAKE THIS EXAM AND SO FORTH, THESE
19 ARE NOT RANDOM SAMPLES FROM THE POPULATION BUT NONETHELESS,
20 BUT NONETHELESS, A DIFFERENCE OF SUCH A MAGNITUDE AS TWO, I
21 THINK, BE SIGNIFICANT.

22 AT HARVARD COLLEGE THERE IS A SIGNIFICANT AND TO
23 MANY PEOPLE, DISTURBING DIFFERENCE IN THE GRADES EARNED BY
24 BLACK AND WHITE STUDENTS, ACCORDING TO PROFESSORS AT THE HAR-
25 VARD LAW SCHOOL, THERE HASN'T BEEN A BLACK STUDENT IN THE TOP

1 ONLY ONE AND A HALF PERCENT OF THE POPULATION BUT ROUGHLY
2 6.6 PERCENT OF THE U.S. SCIENTISTS WITH DOCTORATES IN 1980,
3 LAST YEAR THEY CONSTITUTED EIGHT PERCENT OF THE STUDENT BODY AT
4 HARVARD, SEVEN AND A HALF PERCENT AT YALE AND 90 PERCENT AT
5 STANFORD.

6 WOMEN HAVE ALSO MADE ENORMOUS PROGRESS PARTICULARLY
7 IN FACULTY RANKS AT THE ELITE INSTITUTIONS. FRACTIONS OF
8 DOCTORATES GOING TO WOMEN HAVE RISEN FROM LESS THAN ONE-SEVENTH
9 TO NEARLY ONE-THIRD IN THE LAST TEN YEARS.

10 HARVARD'S GRADUATE SCHOOL, LESS THAN THREE PERCENT
11 OF THE STUDENTS ARE BLACK WITH MORE THAN 30 PERCENT WOMEN,
12 LESS THAN TWO PERCENT OF HARVARD'S PROFESSORS AT ALL RANKS ARE
13 BLACK, MORE THAN A QUARTER ARE WOMEN.

14 ALL RIGHT, NOW.

15 IN MY JUDGMENT, THIS GRADUATE STUDENT AND FACULTY
16 SITUATION DOES NOT ADMIT A VIABLE CIVIL RIGHTS ORIENTED SOLUTION.
17 THE MAJOR REASON FOR THIS AND FOR THE CIRCUMSTANCE, I
18 THINK, WOULD SEEM TO BE THE RELATIVELY POOR ACADEMIC PERFORMANCE
19 OF BLACK HIGH SCHOOL AND COLLEGE STUDENTS,

20 THAT IS, THE SMALLNESS OF THE POOL TO WHICH
21 THE AFFIRMATIVE ACTION ORIENTED SOLUTION WOULD BE APPLIED.

22 BLACK PERFORMANCE ON STANDARDIZED COLLEGE ADMISSIONS
23 TEST THOUGH IMPROVING, STILL LAGS CONSIDERABLY FAR BEHIND,
24 IN 1982, ON THE MATHEMATICS COMPONENT OF THE SCHOLASTIC
25 TESTS THE MEDIAN WHITE SCORE WAS 484, MEDIAN BLACK SCORES
WAS 369.

1 HALF OF THE CLASS IN THE LAST THREE YEARS.

2 AGAIN, ACCORDING TO CLITGUARD'S BOOK, IN THE LATE
3 '70'S AT TOP LAW SCHOOLS ACROSS THE COUNTRY, THE MEDIAN LAW
4 SCHOOL APTITUDE TEST SCORE FOR BLACK ADMITEES WAS AT THE
5 EIGHTH PERCENTILE OF THE OVERALL POPULATION, TEST SCORE DIS-
6 TRIBUTION.

7 IT'S CLEARLY A MATTER OF GREAT CONCERN THAT SUCH
8 SUBSTANTIAL RACIAL DIFFERENCES IN EDUCATIONAL RESULTS AND
9 PERFORMANCE EXISTS.

10 I DO BELIEVE THE GOVERNMENT SHOULD BE ACTIVELY
11 ENGAGED IN SEEKING TO ATTENUATE THESE DIFFERENCES. BUT IT
12 SEEMS EQUALLY CLEAR THAT THIS IS NOT A CIVIL RIGHTS PROBLEM,
13 AT LEAST, NOT STRICTLY SO.

14 NOT PRIMARILY SO. THAT IT CANNOT BE REVERSED BY
15 SEEKING OUT AND CHANGING SOMEONE'S RACIALLY DISCRIMINATORY
16 BEHAVIOR.

17 OR IT IS PLAUSIBLE THAT GREAT HARM WOULD BE DONE IF
18 THE PROBLEM IS DEFINED IN THE PURSUIT SOLELY IN THESE TERMS.
19 THIS IS ILLUSTRATED BY AN EXAMPLE OF RECENT NOTE IN BOSTON
20 THAT I'D LIKE JUST TO TALK ABOUT FOR A MINUTE. THE CONTRO-
21 VERSY OVER THE BOSTON LATIN SCHOOL'S ADMISSION POLICY.

22 SOMEWHAT -- I THINK SUITABLE TO ILLUSTRATE THE
23 POINT THAT I'M TRYING TO MAKE HERE.

24 BOSTON LATIN SCHOOL, PRIDE AND JOY OF THE CITY'S
25 PUBLIC SCHOOL SYSTEM, FOUNDED BEFORE HARVARD UNIVERSITY, A

1 RECOGNIZED CENTER OF ACADEMIC EXCELLENCE, THE 56 SIGNERS OF THE
2 DECLARATION OF INDEPENDENCE, FIVE OF THEM ATTENDED BOSTON LATIN
3 AND SO ON.

4 MAINTAINS VERY HIGH STANDARDS, DO THE STUDY IN
5 GREEK AND LATIN AND SO ON, THREE HOURS OF HOMEWORK AT NIGHT,
6 COLLEGE ADMISSIONS PERSONNEL VERY HAPPY ABOUT THE -- PEOPLE
7 WHO COME FROM THE SCHOOL, 95 PERCENT OF THE CLASS GOING TO
8 COLLEGE, 22 GRADUATES FROM THIS SCHOOL WILL BE ENROLLED IN
9 HARVARD IN SEPTEMBER.

10 NOW, THE INSTITUTION ADMITS ITS STUDENTS BASED ON --
11 ON THE BASIS OF PRIMARY SCHOOL MARKS AND THE PERFORMANCE ON
12 THE SECONDARY SCHOOL ADMISSIONS TESTS.

13 IN 1974, WITH THE DESEGREGATION ORDER IT BECAME
14 SUBJECT TO COURT ORDERED DESEGREGATION AFTER JUDGE GARITY
15 DECIDED IT WOULDN'T BE WISE TO CLOSE THE SCHOOL DOWN ALTOGETHER
16 WHICH IS SOMETHING THAT HE HAD CONSIDERED.

17 PRIOR TO THE SUIT, THE STUDENT POPULATION IN LATIN
18 HAD BEEN MORE THAN 90 PERCENT WHITE, INSTEAD, HE ORDERED THAT
19 35 PERCENT OF THE ENTERING CLASS SHOULD BE BLACK AND HISPANIC.

20 OF THE -- 2,000 STUDENTS NOW OVER HALF ARE FEMALE,
21 57 PERCENT ARE WHITE, 23 PERCENT BLACK, 14 PERCENT ASIAN, 6
22 PERCENT HISPANIC.

23 HISTORICALLY, THE SCHOOL HAS MAINTAINED ITS
24 STANDARDS, POLICY OF ACADEMIC SURVIVAL OF THE FITTEST, RIGOROUS
25 PROGRAM, THOSE WHO DIDN'T MAKE IT, SIMPLY TRANSFERRED TO

1 ANOTHER BOSTON HIGH SCHOOL.

2 NOW, THE RATE IS ROUGHLY IN THE RANGE OF 30 TO 40
3 PERCENT, BUT TODAY, MOST OF THOSE WHO TRANSFER OUT OF BOSTON
4 LATIN ARE MINORITY STUDENTS.

5 INDEED, THOUGH, APPROXIMATELY 35 PERCENT OF THE
6 ENTERING CLASS IS BLACK AND HISPANIC, ONLY 16 PERCENT OF
7 LAST YEAR'S SENIOR'S CLASS WAS BLACK AND HISPANIC.

8 IN OTHER WORDS, FOR EACH NONASIAN MINORITY STUDENT
9 WHO GRADUATES FROM LATIN, THERE'S ONE WHO ENTERED BUT LEFT
10 WITHOUT GRADUATING, THE FAILURE RATES FOR WHITES IS ABOUT HALF
11 THIS, AND THIS HAS CAUSED SOME ADVOCATES OF MINORITY STUDENT
12 INTEREST TO COMPLAIN A DISCRIMINATION AT THE SCHOOL SAYING IN
13 EFFECT, THAT THE SCHOOL ISN'T DOING ENOUGH TO ASSIST THOSE IN
14 ACADEMIC DIFFICULTIES.

15 THAT IS, THERE HAS BEEN A TENDENCY TO DEFINE WHAT
16 IS GOING ON HERE AS A CIVIL RIGHTS PROBLEM.

17 NOW, THE LIMITATIONS OF THIS APPROACH I THINK
18 SHOULD BE CLEAR, SURELY, ONE OF THE REASONS FOR THIS STATE OF
19 AFFAIRS IS THE RACIAL ADMISSIONS SYSTEM THAT IS BEING
20 EMPLOYED WHEREBY AS A CONSEQUENCE OF THE QUOTA, ROUGHLY --
21 A -- IN THE SCORE OF THE 70TH PERCENTILE, HIGHER ON THE
22 ADMISSION EXAMS TO BE CONSIDERED FOR ADMISSION, WHILE BLACK
23 SCORE ONLY AT THE 50TH PERCENTILE.

24 BUT THIS IS NOT ALL. TWO MONTHS AGO, THE ATTORNEY
25 HANDLED THE CASE, THOMAS ATKINS, WHO HAD BEEN GENERAL COUNSEL

1 WITH NAACP, HAS BEEN REPRESENTING THE PLAINTIFFS IN THIS LAW-
2 SUIT OFF AND ON FOR THE BETTER PART OF A DECADE, PROPOSED THAT
3 THE QUOTA AT BOSTON LATIN BE RAISED TO ROUGHLY 50 PERCENT
4 BLACK, 20 PERCENT HISPANIC, AND ASIAN, AND 30 PERCENT WHITE TO
5 REFLECT THE RACIAL DISTRIBUTION OF THE REST OF THE SCHOOLS IN
6 THE BOSTON PUBLIC SYSTEM.

7 ABOUT A SIGNIFICANT INCREASE IN THE SIZE OF THE
8 SCHOOLS COULD ONLY BE ACCOMPLISHED BY DOUBLING THE NUMBER OF
9 BLACKS ADMITTED WHILE CUTTING IN HALF, WHITE ENROLLMENT.

10 THIS IN TURN, UNDER PLAUSIBLE DISTRIBUTIONAL ASSUMP-
11 TIONS WOULD REQUIRE THAT THE NOW 20 POINT GAP IN THRESHOLD
12 TEST SCORES THAT ARE REQUIRED FOR ADMITTEES WOULD HAVE TO DOUBLE
13 TO APPROXIMATELY A 40 POINT GAP.

14 AND SINCE THE ADDITIONAL BLACK STUDENTS, THE
15 STUDENTS WOULD NECESSARILY BE LESS PREPARED THAN THOSE WHO ARE
16 ALREADY BEING ADMITTED, ONE WOULD HAVE TO EXPECT THAT EVEN
17 HIGHER FAILURE RATE AMONG MINORITIES WHERE THIS IDEA TO
18 HAVE BEEN FOLLOWED UP, AND EVEN FAIRLY RATES FOR THE STATE
19 WERE THE SAME, THE PLAN WOULD IMPLY THAT BLACKS AND HISPANICS
20 WOULD CONSTITUTE THREE-QUARTERS OF THOSE LEAVING BOSTON LATIN
21 WITHOUT A DEGREE.

22 AND IT WOULD PROFOUNDLY ALTER, SOME SAY, DESTROY
23 THE ACADEMIC CLIMATE OF THE SCHOOL.

24 NOW, IT WOULD BE HARD TO FIND A MORE CLEAR CUT
25 EXAMPLE IF YOU WILL, THE SURRENDER OF THE MORAL HIGH GROUND

1 IS A CONSEQUENCE OF THE INAPPROPRIATE APPLICATION OF THE CIVIL
2 RIGHTS STRATEGY TO WHAT IS IN FACT THE REAL PROBLEM.

3 EVEN JUDGE GARITY SAW THIS AND WAS NOT INCLINED
4 TO GO ALONG WITH THE PROPOSAL.

5 THEN AGAIN, IT'S ALMOST A CLICHE BUT IT'S PROBABLY
6 WORTH NOTING NONETHELESS, THAT IT REALLY IS HARD TO IDENTIFY
7 A LOGIC OF EQUITY, BY WHICH IT WOULD OCCUR THAT OUT-
8 STANDING WHITE STUDENTS, MANY FROM POOR HOMES THEMSELVES
9 AND I NOTE THAT 80 PERCENT OF LATIN GRADUATES THIS YEAR HAVE
10 RECEIVED SOME FINANCIAL AID GOING TO COLLEGE.

11 YOU WOULD BE HARD PRESSED TO FIND THE LOGIC OF
12 EQUITY BY WHICH THOSE STUDENTS SHOULD BE DENIED THIS OPPORTUNITY
13 SO THAT BLACKS AND HISPANICS STUDENTS WHO ARE PROBABLE --
14 PROBABLY NOT PREPARED FOR THIS ACADEMIC PROGRAM MAY NONETHE-
15 LESS ENROLL.

16 THE LOW TEST SCORES AND THE HIGH FAILURE RATES
17 OF MINORITY STUDENTS ATTEST TO THEIR POOR PRIOR ACADEMIC
18 PREPARATION, ONE WOULD THINK, AND THAT SHOULD BE ADDRESSED, TO
19 BE SURE.

20 MANY BLACKS IN BOSTON UNDERSTAND THIS, THE PUBLISHER
21 OF THE LOCAL LATIN NEWSPAPER FOR EXAMPLE, WROTE A VERY STRONG
22 EDITORIAL AND AN ATTORNEY FORMERLY ASSOCIATED WITH THE CASE,
23 BUT AND ANOTHER STORY THAT WOULD BE A DIGRESSION HERE, NOT
24 ABLE TO HAVE HIS VIEWS CONSIDERED TO BE A LEGITIMATE PART OF
25 THE REPRESENTATION OF BLACK'S INTEREST IN THIS LEGAL MATTER,

1 ALSO WAS OPPOSED TO THIS.

2 AND IT'S PRETTY CLEAR THAT THE PLAN IS ALSO UNWISE
3 AND THAT THE COST OF THIS APPROPRIATE APPLICATION OF CIVIL
4 RIGHTS STRATEGIES CAN BE MORE THAN JUST THE FAILURE TO DO
5 SOMETHING THAT MIGHT BE AFFECTED POLITICALLY, IT'S SO
6 OUTRAGEOUS AS TO HAVE GIVEN OPPONENTS A RACIAL BALANCE AND
7 EASY TARGET TO SHOOT AT.

8 AND INCREASE THE LEGITIMACY OF THEIR POSITION.

9 BUT SOLELY IN THE INTEREST OF BLACK STUDENTS, ONE
10 COULD ARGUE THAT THE IDEA IS MISCONCEIVED, HAS THE COMMUNITY
11 SO LITTLE FAITH IN THE BASIC ABILITY OF ITS YOUNGSTERS THAT
12 IT IS UNWILLING TO HOLD UP TO THEM HIGH STANDARDS EVEN IF THEY
13 ARE NOT IMMEDIATELY ATTAINABLE.

14 IS THE COMMUNITY SO VINDICTIVE ABOUT WRONGS OF THE
15 PAST THAT WOULD WILLINGLY INFLICT DAMAGE, PERHAPS ON ITS
16 OWN CHILDREN AND UNFAIRNESS CERTAINLY, ON THE CHILDREN OF
17 OTHERS IN THE NAME OF RACIAL BALANCE.

18 ONE COULD ASK THOSE QUESTIONS.

19 I WILL GIVE YOU ANOTHER EXAMPLE FROM THE VIEW OF
20 EDUCATION, THAT ILLUSTRATES THE OPPORTUNITY COST CONSIDERATIONS
21 THAT I WAS TALKING ABOUT EARLIER.

22 A FEW YEARS AGO THE ANN ARBOR PUBLIC SCHOOL SYSTEM
23 WAS SUED BY REPRESENTATIVES OF THE CLASS OF BLACK PARENTS
24 WITH CHILDREN IN THE FIRST AND SECOND GRADES, THE SCHOOL SYSTEM
25 WAS ACCUSED OF DENYING EQUAL OPPORTUNITY TO THESE CHILDREN

1 AND THE PROBLEM WAS THAT THE BLACK STUDENTS WERE NOT LEARNING
2 TO READ AT AN ACCEPTABLE RATE THOUGH WHITE STUDENTS WERE.

3 THE SUIT ALLEGED THAT BY FAILING TO TAKE INTO
4 ACCOUNT THE TEACHING OF READING THAT THESE CHILDREN HAD IN FACT
5 SPOKEN IDENTIFIABLE DISTINCT DIALECT OF THE ENGLISH LANGUAGE,
6 BLACK ENGLISH, THE BLACK STUDENTS WERE BEING DENIED EQUAL
7 EDUCATIONAL OPPORTUNITIES.

8 THE LAWSUIT WAS SUCCESSFUL.

9 AS A RESULT, THE COURT ORDERED THAT THE READING
10 TEACHERS IN ANN ARBOR BEGIN -- BE GIVEN SPECIAL
11 SENSITIVITY TRAINING SO THAT WHILE TEACHING STANDARD ENGLISH
12 TO THESE STUDENTS, THEY MIGHT NONETHELESS, TAKE INTO ACCOUNT
13 THE YOUNGSTERS CULTURALLY DISTINCT PATTERN OF SPEECH.

14 ANN ARBOR'S PUBLIC SCHOOL SYSTEM HAS DUTIFULLY
15 COMPLIED.

16 ON A RECENT VISIT TO DETROIT, I HAD AN OPPORTUNITY
17 TO DISCUSS THIS CASE WITH LOCAL EDUCATORS WHO ALLOWED AS
18 HOW THE DISPARITY IN READING ACHIEVEMENT BETWEEN BLACK AND
19 WHITE STUDENTS IN DETROIT PERSISTS TO THIS DAY AT HISTORIC
20 LEVELS.

21 IT WAS THEIR OPINION THAT THE ENTIRE PROCESS HAD
22 PRODUCED LITTLE IN THE WAY OF POSITIVE IMPACT ON THE YOUNGSTERS.

23 NOW, I'M NOT HERE TO SUGGEST THAT THEY ARE CON-
24 DEMNED -- TO BRING THIS LAWSUIT OR TO CONVEY ANY OPINION TO
25 YOU WHATEVER ABOUT WHETHER THE PROMOTION OF BLACK ENGLISH

1 IS A GOOD IDEA.

2 WHAT INTERESTS ME THOUGH IS THE PROCESS BY WHICH
3 THE PROBLEM WAS DEFINED IN THE TERMS THAT IT WAS.

4 AND OUT OF WHICH THE REMEDY THAT ULTIMATELY WAS
5 ACHIEVED CAME TO BE SOUGHT, IN EFFECT, THE PARENTS OF THESE
6 STUDENTS WERE APPROACHED BY PUBLIC INTEREST LAWYERS AND
7 EDUCATORS ACTIVE IN CIVIL RIGHTS, URGED TO HELP THEIR CHILDREN
8 TO LEARN HOW TO READ BY BRINGING THIS LAWSUIT.

9 MANY HUNDREDS OF MAN PAID MAN HOURS WENT INTO
10 CONCEIVING AND TRYING THIS CASE. MEETINGS WERE HELD IN PEOPLE'S
11 BASEMENTS, VOLUNTEERS WERE SOUGHT AND FOUND, THE MIDNIGHT
12 OIL WAS BURNED.

13 AND IN THE END A HOLLOW, SYMBOLIC VICTORY WAS
14 WON. BUT ONE COULD IMAGINE, PERHAPS NOT IMPLAUSIBLY, THAT
15 THE ENTIRE EPISODE WAS WORSE THAN SIMPLY HAVING BEEN IN-
16 EFFECTIVE BY DEFINING THE DIFFICULTY AS A CIVIL RIGHTS
17 PROBLEM AND USING SUCH RESOURCES AS COULD BE MARSHALLED WHEN
18 IT WAS DEFINED IN THAT WAY TO PURSUE IT, A PROBLEM WHICH ONLY
19 A FEDERAL JUDGE COULD BRING RELIEF TO, OTHER DEFINEABLE STRATE-
20 GIES DEALING WITH THE PROBLEM WERE EFFECTIVELY RULED OUT,
21 THEY WERE CROWDED OFF THE AGENDA OF ACTIVITY OF THE GROUP.

22 THE UNIVERSITY OF MICHIGAN AND ANN ARBOR, HAS
23 APPROXIMATELY 35,000 STUDENTS, ABOUT 80 PERCENT OF THEM ARE
24 BLACK. ONE COULD IMAGINE, SPECULATIVELY IN ANOTHER APPROACH
25 TO THE READING PROBLEMS OF ANN ARBOR'S POOR BLACK YOUNGSTERS.

1 ONLY A FEW HUNDRED IN NUMBER. ONE COULD HAVE IMAG-
2 INED THESE YOUNGSTERS HAVING BEEN THE OBJECT OF A SERIOUS
3 EFFORT MOUNTED AT DIRECTING TUTORING AND OTHER SUCH EXTRA
4 CLASSROOM ASSISTANCE IN THEIR DIRECTION IN ORDER TO BE --
5 THAT THEY WOULD BE BETTER PREPARED THAN THEY WERE, AS A CON-
6 SEQUENCE OF WHAT WAS HAPPENING WITH THE SCHOOL.

7 YOU CAN IMAGINE IDEALISTIC STUDENTS, NOT ALL
8 BLACK TO BE SURE, THE UNIVERSITY OF MICHIGAN PARTICIPATING IN
9 SUCH A PROCESS.

10 INDEED, YOU CAN MAKE A LITTLE CALCULATION, ONE
11 ONLY -- HAVE FOUND ONE-HALF OF ONE PERCENT OF THE UNDER-
12 GRADUATES TO VOLUNTEER ONE EVENING A WEEK IN ORDER TO HAVE
13 GENERATED AS MUCH TIME AS COULD POSSIBLY HAVE BEEN
14 EFFECTIVELY USED IN TRYING TO DIRECT SERVICES TO THESE STUDENTS
15 WHO DID NEED HELP.

16 WHO STILL, INDEED, STILL NEEDED HELP.

17 AND MORE THAN SIMPLY PROVIDING THIS ASSISTANCE,
18 TO THE SPECIFIC KIDS, SUCH AN UNDERTAKING WOULD HAVE HELPED
19 TO CULTIVATE A MORE HEALTHY RELATIONSHIP BETWEEN THE UNIVERSITY
20 AND THE SURROUNDING COMMUNITY.

21 IT WOULD HAVE CONTRIBUTED TO BUILDING A TRADITION
22 OF DIRECT SERVICE, THAT WOULD BE OF MORE GENERAL VALUE. BUT
23 NONE OF THIS HAPPENED AND IN PART IT DIDN'T HAPPEN BECAUSE
24 THE CIVIL RIGHTS STRATEGY WAS INVOKED WHEN OTHER VIABLE
25 NOT UNREASONABLE STRATEGIES COULD HAVE BEEN PURSUED.

1 NOW, FINALLY I'D LIKE TO SKETCH OUT HERE MY STILL
2 REVOLVING THOUGHTS ON THE DANGER THAT THE -- PARTICULAR,
3 AFFIRMATIVE ACTION REMEDIES IN EVERY INSTANCE OF MINORITY
4 UNDER REPRESENTATION MADE -- MAY, IF SUCCESSFULLY, CONTINUE
5 -- DESTROY THE POSSIBILITY OF ATTAINING REAL QUALITY OF STATUS
6 WITH BLACK AMERICANS.

7 THE SIMPLE ARGUMENT OF THIS VERSION IS REALLY
8 VERY FAMILIAR. CHAIRMAN PENDLETON EXPRESSED IT LAST NIGHT
9 WHEN HE REFERRED TO THE PERCEPTION PROBLEM THAT AFFIRMATIVE
10 ACTION CREATES CONCERNING THE QUALIFICATIONS OF MINORITIES
11 IN PROFESSIONAL JOBS.

12 SIMPLY PUT, IF AN EMPLOYMENT SITUATION SAYS I
13 KNOW THAT DIFFERENTIAL SELECTION CRITERIA ARE USED FOR
14 DIFFERENT RACES AND IF I KNOW THAT THE QUALITY OF PERFORMANCE
15 ON THE JOB DEPENDS UPON HOW ONE DID AT THE SELECTION CRITERIA,
16 THEN IN THE ABSENCE OF OTHER INFORMATION, IT'S A STATISTICALLY
17 RATIONAL INFERENCE TO IMPUTE A LOWER PERCEIVED QUALITY OF
18 PERFORMANCE TO PERSONS OF THE RACE WHICH WAS PREFERENTIALLY
19 FAVORED IN THE SELECTION.

20 USING RACE AS A CRITERIA OF SELECTION IN EMPLOY-
21 MENT, IN OTHER WORDS, CREATES AN INCENTIVE FOR CUSTOMERS, CO-
22 WORKERS AND OTHERS TO TAKE RACE INTO ACCOUNT AFTER THE EMPLOY-
23 MENT DECISION HAS BEEN MADE. IN THEIR DEALING WITH THE EMPLOYEES.

24 MORE THAN THIS HOWEVER, THE BROAD USE OF RACE
25 PREFERENCE TO TREAT ALL CIRCUMSTANCES OF THIS SORT INTRODUCES

1 UNCERTAINTY INTO THE PROCESS BY WHICH THE VERY INDIVIDUALS
2 THEMSELVES MAKE INFERENCES ABOUT THEIR OWN DOING.

3 AND IT TENDS, IN STATISTICAL TERMS, TO GARBLE
4 THE SIGNAL THAT ACHIEVEMENT CONVEYS TO AN INDIVIDUAL ABOUT
5 HIS RELATIVE MERIT.

6 IT UNDERMINES THE ABILITY OF PEOPLE TO ASSERT ONLY
7 TO THEMSELVES, THAT THEY ARE AS GOOD AS THEIR ACHIEVEMENTS
8 WOULD SUGGEST.

9 IT THEREFORE UNDERMINES THE EXTENT TO WHICH
10 THE PERSONAL SUCCESS OF ONE GROUP MEMBER CAN BE THE BASIS
11 OF GUIDING THE BEHAVIOR OF OTHER GROUP MEMBERS.

12 FEWER INDIVIDUALS RETURN TO THEIR COMMUNITIES OF
13 ORIGIN AS A CONSEQUENCE AND SAY I MADE IT ON MY OWN
14 THROUGH HARD WORK, SELF-APPLICATION AND NATIVE ABILITY AS
15 CAN YOU.

16 AS LARRY CHICKERING AT THE INSTITUTE OF CONTEMPORARY
17 STUDIES HAS ARGUED, IT PUTS EVEN, IF YOU WILL, THE BEST AND
18 THE BRIGHTEST OF THE FAVORED GROUP INTO THE POSITION OF BEING
19 SUPPLICANTS OF BENEVOLENT RIGHTS.

20 BUT NEITHER IS THIS THE END OF THE STORY BECAUSE IN
21 ORDER TO DEFEND SUCH PROGRAMS OF RACE PREFERENCE, ESPECIALLY
22 AT THE MOST ELITE OF OUR INSTITUTIONS IT BECOMES NECESSARY TO
23 ARGUE THAT ALMOST NO BLACKS COULD REACH THESE HEIGHTS WITHOUT
24 THE PRESENCE OF THESE SPECIAL FAVORS.

25 THE WAY THIS PLAYS OUT OFTEN IN INTRA POLITICS IS

1 OR GROUP POLITICS IS TO IN EFFECT, SOCIALIZE INDIVIDUAL SUCCESS.

2 I CAN'T TELL YOU HOW MANY TIMES I'VE BEEN TOLD OFTEN
3 BY VERY SUCCESSFUL AND SOPHISTICATED PEOPLE, CONCERNED ABOUT THE
4 TONE OR EFFECT OF MY WRITING, THAT I OWE MY PROMINENCE TO THE
5 CIVIL RIGHTS MOVEMENT, MY HOLDING OF A PROFESSORSHIP AT THE
6 KENNEDY SCHOOL OF GOVERNMENT MAKES IT VIRTUALLY IMPOSSIBLE
7 FOR ANY OTHER BLACK TO HAVE A POSITION AT THE KENNEDY SCHOOL
8 OF GOVERNMENT.

9 THEREFORE, I SHOULD EITHER SHUT UP OR DO
10 MATHEMATICAL ECONOMICS OR TOW THE PARTY LINE.

11 THIS BEHAVIOR IS DESTRUCTIVE OF SELF ESTEEM. THERE
12 IS NOTHING WRONG, OF COURSE, WITH ACKNOWLEDGING ONE'S DEBT TO
13 THOSE BLACKS WHO FOUGHT AGAINST AND BEAT JIM CROW.

14 THERE IS EVERYTHING WRONG WITH THE GROUP'S ACCOMPLISH-
15 ED PERSON'S FEELING THAT THE CELEBRATION OF THEIR ATTEMPT TO
16 -- REPRESENTS A KIND OF TRAIT.

17 NOW, AS A FINAL AND PERHAPS SOMEWHAT EVEN MORE
18 SPECULATIVE LINE OF THOUGHT THAT FILLS -- FLOWS OUT OF THESE
19 CONSIDERATIONS, I WOULD LIKE TO INDULGE MYSELF A BIT HERE.

20 BY DISCUSSING A RECENT AND HIGHLY ESTEEMED
21 COMPARATIVE HISTORY AND SOME OF ITS IMPLICATIONS, SLAVERY AND
22 SOCIAL DEATH IS WHAT I HAVE IN MIND BY MY HARVARD COLLEAGUE
23 ORLANDO PATTERSON.

24 IT'S AN ATTEMPT TO PRESENT A GENERAL THEORY IN --
25 AND COMPARED TO HISTORY OF SLAVERY AS IT HAS PRESENTED ITSELF

1 IN MANY SOCIETIES AND IN MANY EPICS OVER THE LAST 3000 YEARS.

2 A VERY AMBITIOUS UNDERTAKING, NEEDLESS TO SAY.

3 IN THIS HIGHLY CLAIMED WORK, PATTERSON DEFINED
4 SLAVERY AS THE PERMANENT AND VIOLENT DOMINATION OF NATALLY
5 ALIENATED AND GENERALLY DISHONORED PERSONS.

6 NOW, MOST DISCUSSION OF THE SLAVE EXPERIENCE OR
7 APPROPRIATION OF IT IN CONTEMPORARY POLITICS FOCUSES ON THE
8 PERMANENT AND VIOLENT CHARACTER OF THE INSTITUTION, IT'S
9 UTILIZATION OF AFRICANS AND THE DESTRUCTIVE EFFECTS ON THE
10 SOCIAL LIVES OF THE SLAVES OF THAT DUALIZATION..

11 THERE IS MUCH DISPUTE OF COURSE OVER THESE MATTERS
12 IN THE HISTORICAL LITERATURE. LESS ATTENTION IS PAID NOW
13 TO THE DISHONORED CONDITION OF THE SLAVE AND BY EXTENSION OF
14 THE FREEDMEN.

15 FOR PATTERSON, THIS DESIGN -- THIS DISHONORING WAS
16 CRUCIAL. HE SEES IT AS A COMMON FEATURE OF SLAVERY WHEREVER
17 IT HAS OCCURRED, THAT PARASIDIC PHENOMENON WHEREBY MASTERS
18 DERIVE HONOR AND STANDING FROM THEIR POWER OVER SLAVES
19 AND THE SLAVES SUFFER AN EXTREME MARGINALITY BY VIRTUE OF
20 HAVING NO SOCIAL EXISTENCE EXCEPT THAT MEDIATED BY THEIR
21 MASTERS.

22 THIS THEORY OF SLAVERY JUST HINTED AT HERE, HAS I
23 THINK, IMPORTANT IMPLICATIONS FOR POST EMANCIPATION POLICY
24 AND MAYBE EVEN FOR TODAY.

25 PATTERSON ESSENTIALLY REJECTS THE PROPERTY AND

1 PEOPLE DEFINITION OF SLAVERY.

2 ARGUING THAT RELATIONS OF RESPECT AND STANDING
3 AMONG PERSONS ARE ALSO CENTRAL TO THE INSTITUTION. BUT IF
4 THIS IS SO, IT SEEMS TO FOLLOW THAT EMANCIPATION, WHICH I MEAN
5 THE ENDING OF THE MASTER'S PROPERTY CLAIM, IS NOT OF ITSELF
6 SUFFICIENT TO CONVERT A SLAVE OR HIS DESCENDANTS INTO
7 A FULLY EQUAL CITIZEN.

8 THERE REMAINS THE PROBLEM OF OVERCOMING THE
9 HISTORICALLY GENERATED LACK OF HONOR, OF THE FREEDMEN.

10 THIS PROBLEM IN MY JUDGMENT REMAINS WITH US.
11 IT'S EVENTUAL RESOLUTION MADE LESS LIKELY, I HEAR, BY BLACKS
12 BROAD AND PERMANENT RELIANCE UPON THE RACIAL PREFERENCES.

13 A CENTRAL THEME I THINK IT CAN BE ARGUED, IN
14 POLITICAL AND INTELLECTUAL HISTORY OF BLACK AMERICANS IS
15 A DEMAND FOR RESPECT, A STRUGGLE TO GAIN INCLUSION WITHIN
16 THE CITIZENRY, TO BECOME A CO-EQUAL PARTICIPANT IN THE NATIONAL
17 ENTERPRISE, TO BE ONE OF US.

18 THIS OF COURSE IS A PROBLEM WHICH ALL GROUPS
19 HAVE FACED AND WHICH MOST HAVE OVERCOME BUT HERE, UNLIKE SOME
20 OTHER AREAS OF SOCIAL LIFE, I SUGGEST THAT THE SLAVE ORIGINS
21 AND CONTINUED DEPENDENCE OF THE BLACK POPULATION UNIQUELY
22 EXACERBATES THE PROBLEM.

23 BLACKS CONTINUE TO SEEK THE RESPECT OF THEIR FELLOW
24 AMERICANS AND ONE CAN LISTEN TO JESSIE JACKSON AND HEAR THAT
25 VERY CLEARLY.

1 AND YET, IT IS ALSO CLEAR BY NOW THAT NEITHER THE
2 PITY NOR THE GUILT NOR THE ACQUIESCENCE ALL OF WHICH HAVE
3 BEEN OVER THE LAST 20 YEARS AMPLY AVAILABLE TO BLACKS, IS
4 ALONE SUFFICIENT TO GAIN THIS RESPECT.

5 WHAT ULTIMATELY IS BEING SOUGHT IS THE FREELY
6 CONVEYED RESPECT, THE HONOR OF -- THAT CAN BE CONVEYED BY
7 ONE'S FELLOW CITIZENS.

8 ASSIGNING PRESTIGIOUS POSITIONS SO AS TO SECURE
9 PROPER RACIAL BALANCE IN OTHER WORDS, TO GET THE RIGHT
10 NUMBERS, DOING THIS IS A PERMANENT ONGOING PRACTICE WAY OF
11 MAKING SURE THAT BLACKS GET RESPECT, SEEMS TO ME TO BE
12 LIKELY RATHER THAN PRODUCE THE OPPOSITE OUTCOME.

13 AND THAT'S WHAT I'M GROPING TOWARDS HERE THAT
14 IN SOME SENSE, THERE IS NO SUBSTITUTE FOR ACHIEVEMENT.

15 THERE IS NO SUBSTITUTE FOR HAVING GOTTEN IT ON
16 YOUR OWN. NOT IN TERMS OF THE FLOW OF INCOME THAT IS GENERATED
17 FROM POSITION, FROM THE POSITION, BUT RATHER IN TERMS OF HOW
18 IT IS THAT YOUR FELLOWS IN SOCIETY REGARD YOU HAVING A
19 POSITION.

20 AND I'M SAYING THAT PART OF WHAT IS BEING SOUGHT,
21 PART OF THE EQUALIZATION THAT IS BEING SOUGHT, IS NOT JUST GET
22 THE SAME DISTRIBUTION OF INCOME WITHIN THE GROUPS BECAUSE
23 MONETARY INCOME IS NOT ALL THAT IS AT STAKE, IT'S TO ACHIEVE
24 THIS MORE GENERAL EQUALITY THAT I'M GROPING TO DEFINE HERE
25 WHICH DEPENDS IN PART ON SOMETHING THAT YOU CAN'T TAKE FROM

1 PEOPLE AND THEY HAVE TO GIVE IT TO YOU.

2 YOU HAVE, SO TO SPEAK, TO EARN IT FROM THEM.

3 THANK YOU.

4 (APPLAUSE.)

5 MR. GREEN: I GUESS WE ARE GOING TO HAVE SOME QUES-
6 TIONS NOW, GEORGE IS GOING TO BE WITH US FOR ANOTHER 15
7 MINUTES SO ALL PEOPLE WHO HAVE QUESTIONS ABOUT HIS PRESENTATION,
8 I WISH YOU WOULD ASK THOSE FIRST.

9 ALL RIGHT, LET'S DO TAKE A FIVE-MINUTE BREAK.

10 (WHEREUPON, AT 3:35 P.M., A FIVE-MINUTE RECESS
11 WAS TAKEN.)

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1 MR. GREEN: ALL RIGHT.

2 WE HAVE THE OPPORTUNITY OF AN HOUR OR -- IF IT'S
3 GOING TO BE LESS, TO ASK QUESTIONS OF THE PANELISTS EXCEPT FOR
4 GEORGE BORJAS WHO DID HAVE TO LEAVE.

5 SO, LET ME OPEN THE FLOOR TO QUESTIONS.

6 MAYBE I CAN ASK THE FIRST ONE, I ALREADY HAVE DURING
7 THE BREAK BUT JUST COMMENTING PUBLICLY ON THIS, I WAS
8 GOING TO ASK HOW WHETHER OR NOT HIS FINDINGS WERE CONSISTENT
9 WITH WHAT STEPHEN SAID ABOUT THE EXPERIENCE OF BLACKS?

10 MR. SIDER: YEAH, I THINK GENERALLY THEY ARE.

11 A LOT HAS CHANGED IN, I GUESS ONE POINT THAT WE
12 BOTH AGREE ON WOULD BE THAT WORLD WAR II PROBABLY HAD A MAJOR
13 IMPACT ON THE ECONOMIC SITUATION OF BLACKS.

14 AND IT'S ESSENTIALLY A WHOLE NEW BALLGAME
15 SINCE WORLD WAR II IN TERMS OF THE REGION OF THE COUNTRY IN
16 WHICH PEOPLE LIVE AND THE INDUSTRIES THAT THEY WERE
17 WORKING AT.

18 MR. GREEN: YES?

19 SPEAKER: YES, KENNETH HOLLAND FROM VERMONT.

20 I OFTEN HEAR THE ARGUMENT THAT THE LACK OF
21 ACHIEVEMENT BY BLACK AMERICANS IS NOT DUE TO RACE BECAUSE IF
22 YOU LOOK AT THE EXPERIENCE OF WEST INDIAN IMMIGRANTS TO THE
23 UNITED STATES, THEY ARE BLACK AND THEY HAVE DONE VERY WELL.

24 AND THEREFORE, IT HAS TO BE SOMETHING DUE TO
25 HISTORY OR CULTURAL CHARACTERISTICS OF AMERICAN -- I'D LIKE

1 SOMEBODY TO COMMENT ON THAT.

2 MR. THERNSTROM: WELL, I'LL SAY ONE THING ABOUT
3 THAT, PROBABLY TWO OR THREE ACTUALLY.

4 I MEAN, I THINK IT IS A VERY USEFUL COMPARISON AND
5 MAKES AN IMPORTANT POINT THAT BLACK SKIN ALONE IS NOT
6 NECESSARILY SO ALL DEFINING.

7 HOWEVER, YOU ARE DEALING WITH A RELATIVELY SMALL
8 GROUP AND A GROUP SELECTED BY MIGRATION.

9 THEY ARE PROBABLY NOT A RANDOM SAMPLE OF THE
10 WEST INDIAN POPULATION, BUT INDEED, SAMPLE OF MORE ENERGETIC
11 AGGRESSIVE AMBITIOUS PEOPLE WHO MAKE THAT JOURNEY.

12 ANOTHER THING ABOUT THE WEST INDIANS IS THAT THEY
13 ARE VERY HIGHLY CONCENTRATED RESIDENTALLY, THAT IS, VERY HARD
14 TO, -- FROM THE NEW YORK CITY, I THINK STILL ARE IN NEW YORK CITY
15 WHERE YOU ARE SIMPLY LOOKING AT EARNINGS, THERE IS A MEASURE,
16 EARNINGS IN GENERAL IN NEW YORK CITY ARE MUCH HIGHER THAN THEY
17 ARE, YOU KNOW, IN MANY OTHER CITIES ACROSS THE LAND.

18 BUT WITH THOSE RESERVATIONS, I THINK THAT'S AN
19 IMPORTANT POINT.

20 WHAT EXPLAINS IT ISN'T CLEAR ALTHOUGH IT DOES SEEM
21 THAT THE CHARACTER OF SLAVERY IN THE WEST INDIES WAS DIFFERENT
22 AND THAT THE ARGUMENT AT LEAST IS THAT THEIR SLAVES NORMALLY
23 HAD THEIR OWN KIND OF PLOT TO VERY LITTLE VEGETABLE GARDEN
24 AND RESPONSIBILITY AND WERE REQUIRED TO KIND OF MAINTAIN AND
25 SUSTAIN THEMSELVES, TAKE CARE OF THEIR FAMILIES IN A WAY THAT

1 AMERICAN BLACKS WERE NOT ALLOWED OR FORCED TO DO.

2 I DON'T KNOW HOW FIRMLY GROUNDED THAT IS.

3 MR. GREEN: ANYONE WANT TO COMMENT ON THAT?

4 MR. FRIEDMAN: MURRAY FRIEDMAN, PHILADELPHIA.

5 I WONDERED AS I LISTENED TO GLENN LOURY
6 TALK, HOW HIS THOUGHTS INTERACTED WITH THE BASIC PURPOSE
7 OF THE FUNCTION OF THE CIVIL RIGHTS COMMISSION AND ESPECIALLY
8 IT'S MORE NARROW FOCUS AS YOU REFERRED TO IT AS THE NEW
9 COMMISSION.

10 IT SEEMS TO ME THAT IN SOME RESPECTS IT'S KIND OF
11 DEVASTATING STATEMENTS RELATIVE TO THE PREFERENCE AND THE
12 FUNCTION OF THIS CIVIL RIGHTS COMMISSION IN THE SENSE THAT
13 AFTER ALL, YOU ARE -- WE ARE REQUIRED TO IMPLEMENT CIVIL
14 RIGHTS SOLUTIONS TO PROBLEMS OF THIS KIND.

15 AND LOCKED IN MY MIND, WITH SOME OF THE DISCUSSION
16 EARLIER THIS MORNING AND YESTERDAY, THAT MAYBE THERE OUGHT TO BE
17 AS MUCH FLEXIBILITY AND ALLOWANCE GIVEN TO THE ADVISORY
18 COMMITTEES TO THINK THROUGH THE STRATEGY APPROACHES THAT
19 ALLEVIATE THE -- TO SOME DEGREE, FROM NARROW AND STRICT
20 STRATEGIES THAT GOVERNS THE CIVIL RIGHTS COMMISSION.

21 MR. GREEN: I HAVE ALREADY GIVEN MY ANSWER TO THAT.

22 MR. LOURY: I DON'T KNOW WHAT IT IS.

23 MR. GREEN: I DON'T WANT TO HAVE TO JUSTIFY IT AGAIN.

24 BUT I DO KNOW WHAT I DID SAY WAS THAT WE UNDERSTAND THAT
25 THERE IS AN INTERACTION BETWEEN CIVIL RIGHTS AND ECONOMIC AND

1 SOCIAL POLICY DESPITE THE FACT THAT THERE -- THEY ARE TWO
2 SEPARATE THINGS.

3 THAT IF STATE ADVISORY COMMITTEES WANT TO INVESTI-
4 GATE ISSUES WHICH ARE CLEARLY CIVIL RIGHTS OR IF THEY WANT TO
5 INVESTIGATE ISSUES WHERE YOU ARE IN THE IN BETWEEN AREA, THAT
6 IS FINE WITH US.

7 IT IS ONLY WHEN THEY WANT TO GET INTO QUESTIONS
8 WHICH BEAR NO RELATIONSHIP WHATSOEVER TO CIVIL RIGHTS THAT
9 WE ARE GOING TO HAVE TO --

10 (TELEPHONE RINGING.)

11 MR. THERNSTROM: MAX, IF I COULD ADD A WORD IN THAT.
12 I DON'T KNOW THAT MUCH ABOUT THE COMMISSION BUT I DON'T --
13 SEE WHY THE COMMISSION WOULD BE MANDATED BY LAW TO INSIST
14 THAT THE CIVIL RIGHTS STRATEGIES THE COMMISSION REFERRED
15 OR PREFERRED IN THE LATE '70'S SAY ARE THE ONLY WAY TO DEAL WITH
16 THESE PROBLEMS.

17 THAT CONDUCTING STUDIES TO EVALUATE THE EFFECTIVE-
18 NESS OF THOSE STRATEGIES AND TO SUGGEST OTHER POSSIBILITIES
19 ALTOGETHER WOULD BE ENTIRELY WITHIN THE MANDATE OF THE COMMISSION
20 AND THAT INDEED, IT'S THIS NEW COMMISSION WHICH IS MORE OPEN
21 TO QUESTIONING THE CIVIL RIGHTS STRATEGY AS BLANKET
22 SOLUTION FOR EVERY ILL.

23 MR. PUDDINGTON: I'D LIKE TO ASK ANY OF THE SPEAKERS,
24 DO THEY HAVE A SENSE OF HOW MUCH OF AN IMPACT ON BLACK WORKERS
25 THE DECLINE OF THE INDUSTRY, OF INDUSTRIAL AMERICA HAS HAD.

1 HAS IT BEEN MORE SEVERE FOR BLACKS THAN FOR WHITES
2 AND IS THERE A SENSE OF WHAT IS HAPPENING IN THE BLACK WORKERS
3 WHO ARE BEING DISPLACED ON INDUSTRIAL JOBS?

4 MR. SIDER: WELL, I GUESS YOU KNOW, THE BEST ANSWER
5 IS TO SAY THAT IT'S HARD TO TELL.

6 IN TERMS OF SIMPLE MEASURES OF EARNINGS AND IT
7 DOESN'T SEEM TO HAVE -- KIND OF A CONSTANT PROCESS OF DECAY
8 IN CERTAIN INDUSTRY AND GROWTH AND OTHER INDUSTRIES, I THINK
9 THAT COMES THROUGH VERY STRONGLY. AND SOME OF THESE NUMBERS
10 ARE PRESENTED ON WHAT'S HAPPENED IN AGRICULTURE.

11 AND THE SIMILAR PROCESS OF WHAT'S HAPPENING IN SOME
12 OF THE OLD INDUSTRIAL SECTORS NOW AND AT LEAST, IN TERMS OF
13 THE RELATIVE EARNINGS OF BLACKS AND WHITES IT DOESN'T SEEM
14 THAT BLACKS HAVE BEEN DISPROPORTIONATELY AFFECTED.

15 BUT EARNINGS IS ONLY ONE MEASURE AND A LOT OF OTHER
16 ECONOMIC MEASURES THAT I HAVEN'T DISCUSSED, SOME OF
17 THEM WHICH ARE CAUSE FOR MORE CONCERN AND -- RATES OF LABOR
18 FORCE PARTICIPATION AND EMPLOYMENT.

19 AND FOR SOME REASON, YOU FIND AMONG ALL MEN,
20 PARTICULARLY BLACK DECLINE AND SHARE OF THE POPULATION THAT'S
21 EMPLOYED, AND IT'S A TREND THAT HAS BEEN GOING ON FOR A WHILE
22 BUT ACCELERATED DURING THE '70'S.

23 AND THAT'S -- ESPECIALLY A MARKED TREND AMONG
24 OLDER MEN AND AMONG LESS EDUCATED MEN. THE EXTENT THAT THAT
25 IS DUE TO THIS KIND OF PROCESS OF TURNOVER AND REGENERATION

1 OF DIFFERENT INDUSTRIES, I REALLY DON'T KNOW.

2 MR. LOURY, A QUESTION TO THE PREMISE OF THE
3 QUESTION A LITTLE BIT, THAT IS, TO EXACTLY WHAT EXTENT ARE WE
4 OBSERVING THE INDUSTRIALIZATION AS A BROAD AND NATIONAL TREND.

5 THERE'S ARGUMENT ABOUT THAT BUT IT SEEMS HARD TO
6 ESCAPE THE CONCLUSION IN CERTAIN LOCALITIES, DETROIT,
7 WHERE THERE ARE LARGE NUMBERS OF BLACKS WHO DID MIGRATE
8 DURING THE DECADE OF THE SECOND WORLD WAR AND AFTER AND WHO DID
9 BENEFIT FROM EMPLOYMENT IN AN INDUSTRY THAT IS NOW, SO TO
10 SPEAK, INDUSTRIALIZED AND REDUCING A DEMAND -- FOR EMPLOYMENT
11 -- SUBSTANTIAL --

12 IT'S HARD TO ESCAPE AN IMPACT ON BLACKS THAT IS
13 DISPROPORTIONATE IN THOSE SPECIFIC CASES BUT I DON'T
14 KNOW WHAT HAPPENS -- IS IT TOO SOON IN AUTOS AND STEEL FOR THAT
15 TO SHOW UP IN THE NUMBERS THAT YOU LOOK AT OR ARE THOSE THINGS
16 WASHED OUT BECAUSE YOU ARE LOOKING IN AGGREGATES AND NOT
17 AT A --

18 MR. SIDER: IN PART, I THINK A LOT OF THAT IS KIND
19 OF -- THAT ISN'T COVERED IN THE DATA THAT I'VE LOOKED AT SO
20 FAR BECAUSE I'VE ONLY LOOKED THROUGH 1980 AND THE ECONOMIC
21 CLIMATE IN GENERAL IN THE '80'S HAS BEEN A FAIR AMOUNT DIFFER-
22 ENT EVEN THAN THE '70'S, THERE'S BEEN TWO RECESSIONS,
23 ONE, ESPECIALLY AND IN GENERAL, THE IMPACT ON BLACKS IN
24 TERMS OF UNEMPLOYMENT IS GENERALLY GREATER THAN IT IS ON
25 LABOR WORKERS BECAUSE OF THE MIX OF INDUSTRIES THAT BLACKS

1 ARE EMPLOYED IN.

2 AND SO, JUST IN TERMS OF WHAT'S GOING ON DURING
3 THE '80'S, I DON'T HAVE --

4 SPEAKER, YEAH, IT'S REALLY DIRECTED TOWARDS THE --
5 I WANT TO MAKE UP THIS ARGUMENT THAT'S REFLECTING SOME OF
6 THE CREDITS OF PEOPLE LIKE YOURSELVES -- I THINK THE ARGU-
7 MENT GOES SOMETHING LIKE THIS.

8 THAT WITHOUT SPECIFIC RACIAL QUOTAS, WITHOUT
9 SPECIFIC AFFIRMATIVE ACTION PROGRAMS, WITHOUT FOCUSING AND
10 INDEED, EVEN EXAGGERATING THE DIMENSIONS OF RACISM, NO PROGRESS
11 WOULD HAVE BEEN MADE POSSIBLE FOR THE MORE BLACKS IN AMERICA
12 AND THAT IS A RISK AND EVEN AN EXAGGERATION THAT IS NECESSARY
13 IN ORDER TO MOVE SOCIETY TO MAKE REFORMS -- REACTION --

14 MR. LOURY: WELL, FIRST OF ALL, I WOULD LIKE TO
15 MILDLY OBJECT TO HAVING ALWAYS TO ANSWER QUESTIONS PREFACED
16 BY PEOPLE LIKE YOU AND TOM SOUL.

17 WHILE I HAVE NOTHING AGAINST TOM SOUL, I'D LIKE
18 TO -- YOU KNOW, MY POINT IS THAT ALL BLACKS WHO
19 CRITICIZE AFFIRMATIVE ACTION ARE NOT ALIKE.

20 BUT ON THE SUBSTANCE OF THAT, I JUST THINK IT IS
21 FACTUALLY FALSE THAT THERE WOULDN'T HAVE BEEN ANY PROGRESS
22 WITHOUT ET CETERA, BECAUSE AS CLEAR IN THESE DATA AND OTHERS,
23 THERE HAD BEEN PROGRESS PRIOR TO THE ADVENT OF THE MOVEMENT
24 ITSELF, DRIVEN BY OTHER SOCIAL FORCES LIKE MIGRATION AND
25 INDUSTRIAL CHANGE AND SO ON.

1 I THINK THERE'S SOMETHING TO THE STRATEGIC OBSERVA-
2 TION, ALTHOUGH I'M NO EXPERT ON POLITICAL STRATEGY, THAT HAD
3 YOU KNOW, IF YOU'VE GOT A WAY TO DRAMATIZE YOUR CLAIM AND TO
4 BRING IT TO THE ATTENTION OF PEOPLE AND YOU KIND OF WANT TO
5 STRIKE WHILE THE IRON IS HOT AND YOU KNOW, TRYING TO GET A
6 VOTING RIGHTS ACT PASSED AND YOU GOT TO -- CONGRESS, OR WHATEVER
7 IT IS, THEN MAYBE SOME LEVERAGE CAN BE GOTTEN BY CHARACTERIZING
8 THE CIRCUMSTANCE IN A WAY THAT IT MAY NOT BE ENTIRELY ACCURATE
9 BUT DOES HAVE THE BENEFIT OF GENERATING A CERTAIN AMOUNT OF
10 EMOTIONAL SUPPORT FOR YOUR CAUSE.

11 AND I THINK, THIS WOULD BE MY PERSONAL OPINION, THAT
12 THAT IS OF LARGELY HISTORIC INTEREST ONLY AND THAT TODAY,
13 THE COST OF THIS -- INAPPROPRIATELY CHARACTERIZING WHAT THE
14 NATURE OF THE PROBLEM IS, THE OPPORTUNITY COST OF FOREGOING
15 THEREFORE DEALING WITH THE PROBLEM IN DIRECT WAYS THAT MIGHT
16 WORK, IT'S SO GREAT AND THE PROBLEMS ARE SO SEVERE, THAT
17 THAT CAN'T BE JUSTIFIED BY WHATEVER POLITICAL PAYOFF YOU
18 CALCULATE YOU MIGHT GET FROM SO DOING.

19 SPEAKER: WELL, DID YOUR DATA SHOW A SPEED UP, HOW
20 TIME OF QUOTAS WERE INSTITUTED?

21 MR. SIDER: THE PROGRESS IS SOMEWHAT UNEVEN BUT I
22 MEAN, IF YOU BREAK THAT INTO TWO PERIODS, THERE WAS ESSENTIALLY
23 AN EQUAL AMOUNT OF PROGRESS MADE OVER 40 TO 60 AS THERE WAS
24 OVER 60 TO 80.

25 SPEAKER: ON THAT SAME THING, ISN'T IT ALSO POSSIBLE

1 TO LOOK AT YOUR FIGURES AND SAY THAT MASSIVE PROGRESS HAS
2 BEEN MADE DURING PERIODS OF NATIONAL WAR TIME WHICH BREAK UP
3 CONVENTIONAL PATTERNS AND THEN EXCEPT FOR THAT, THE GREATEST
4 SINGLE PERIOD OF EVENTS, OCCURRED DURING THAT DECADE IN WHICH
5 THE -- AND THE FEBC AND THE -- THE OLD LEGISLATION CAME IN
6 IN 1964 ON?

7 I'M JUST LOOKING AT --

8 MR. SIDER: NO, I'M NOT TRYING TO SAY THAT --
9 THAT THERE HAS BEEN NO EFFECT, CIVIL RIGHTS LEGISLATION I
10 THINK, SOME OF THE PATTERNS, ARE VERY CONSISTENT WITH THE
11 -- THAT THE PROGRESS HAS BEEN MORE RAPID, AMONG YOUNGER PEOPLE
12 AND AMONG MORE EDUCATED PEOPLE WHICH I THINK IS CON-
13 SISTENT WITH THE GOALS OF AFFIRMATIVE ACTION AND MOVING
14 BLACKS INTO THE NONTRADITIONAL OCCUPATIONS.

15 IN TERMS OF YOUR OBSERVATION ABOUT PROGRESS DURING
16 THE WAR, I THINK THAT CLEARLY THAT THE WAR HAD A LOT TO DO WITH
17 CENTRALLY, THE EARLY PROGRESS THAT WE SEE DURING THE '40'S,
18 BUT I DON'T THINK IT NECESSARILY HAS TO BE THE FACT THAT THERE
19 ARE THE SAME FORCES DRIVING THESE CHANGES AND EACH DECADE
20 THAT WE EXPECT A RESULT FROM DIFFERENT THINGS AT DIFFERENT
21 TIMES.

22 AND I THINK IT'S ESSENTIALLY THE PROGRESS DURING THE
23 '70'S IN TERMS OF EARNINGS WAS AS RAPID AS IT WAS DURING THE
24 '60'S, WHETHER THE -- WHETHER THAT REFLECTS A KIND OF A DELAYED
25 IMPACT OF CIVIL RIGHTS LEGISLATION.

1 I DON'T KNOW, IT IS TRUE THAT DURING THE '70'S, THERE
2 WAS MUCH MORE ENFORCEMENT TO EEOC -- THROUGH EEOC AND OFCCP,
3 BUT OTHER PEOPLE WHO LOOK MORE CLOSELY AT DATA COLLECTED BY
4 EEOC IN TERMS OF EMPLOYMENT BY RACE AND PARTICULAR OCCUPA-
5 TIONS FIND THAT THE MOST RAPID PERIOD OF CHANGE IS BEFORE THE
6 ERA OF HEAVIER ENFORCEMENT.

7 MR. GREEN: I'LL GET AROUND TO YOU, OTHER HANDS
8 WERE UP FIRST, IN THE BACK?

9 MR. SHOLES: THANK YOU VERY MUCH, I'M DAVID
10 SHOLES FROM RHODE ISLAND.

11 IN THE LAST TWO DAYS WE'VE HEARD A NUMBER OF SPEAKERS
12 DEFINE THE PROBLEMS, NEED TO RECHART THE CAUSE OF THE
13 CIVIL RIGHTS PROGRAM, YOU GENTLEMEN THIS AFTERNOON, PRETTY
14 WELL, OUTLINED THE FACTORS AND STATISTICAL BACKGROUND OF THE
15 VARIOUS PROBLEMS.

16 BUT YESTERDAY, THERE WAS A CHAIRMAN THREW OUT A
17 QUESTION AND THAT IS THE QUESTION OF WHAT DOES AFFIRMATIVE
18 ACTION MEAN AND WHAT IT SHOULD BE?

19 AND IT SEEMED YOU SEEMED TO BE SKIRTING ON THE
20 ISSUE THE LAST TWO DAYS AS TO WHAT AFFIRMATIVE ACTION IS, WHAT
21 YOU UNDERSTAND AFFIRMATIVE ACTION IS AND HOW IT SHOULD BE
22 ATTRIBUTABLE TO THE ROLE OF WHAT THE COMMISSION IS IN
23 ATTAINING AFFIRMATIVE ACTION, SO I WOULD LIKE TO ASK THESE
24 SPEAKERS HERE TO COMMENT ON THIS.

25 MR. GREEN: WELL, I DON'T THINK ANY OF THE THREE
SHOULD BE ASKED WHAT THE COMMISSION'S VIEWS OF AFFIRMATIVE

1 ACTION ARE -- THEY ARE PERFECTLY FREE TO, YES, THEIR OWN
2 PERSONAL UNDERSTANDING OF AFFIRMATIVE ACTION, BY ALL MEANS.

3 MR. LOURY: WELL, I'LL ANSWER FIRST.

4 YOU KNOW, ORDINARILY, I MAKE A DISTINCTION BETWEEN
5 THE SO-CALLED WEAK AND STRONG AFFIRMATIVE ACTION, OR WEAK
6 AFFIRMATIVE ACTION REFERS TO EFFORTS UNDERTAKEN TO LOCATE,
7 IDENTIFY, INCREASE THE SIZE OF THE POOL, PREPARE PEOPLE FOR
8 POSITIONS AND STRONG AFFIRMATIVE ACTION REFERS TO PUTTING
9 PEOPLE INTO POSITIONS, WHERE THEY WOULDN'T HAVE OTHERWISE
10 BEEN THERE BECAUSE THEY LACK SOME QUALIFICATION.

11 AND IF THAT VERY SORT OF BRIEF DISTINCTION CAN BE
12 USED TO SORT OF BRACKET, ARRANGE AFFIRMATIVE ACTION
13 REFERS TO A SET OF PRACTICES THAT FALL SOMEWHERE IN THAT
14 RANGE, FROM EFFORTS TO REACH OUT, LOCATE, GENERATE A POOL TO
15 YOU KNOW, START -- RACIAL QUOTAS AT THE OTHER EXTREME.

16 AND MUCH OF WHAT I WAS SAYING IN MY REMARKS, TO
17 THE -- I WAS EXPRESSING CONCERN ABOUT ASSERTING A NEED TO MOVE
18 AWAY FROM BROAD PRACTICE OF AFFIRMATIVE ACTION, WAS DIRECTED
19 AT THOSE PRACTICES THAT DIDN'T EVOLVE TOWARD THE -- QUOTA IN
20 THAT EXTREME.

21 MR. PENDLETON: I WOULD SAY DITTO, I MEAN, THAT'S
22 A NICE FORMULATION OF THE POSITION I WOULD TAKE.

23 MR. TOLMAN: DON TOLMAN FROM WYOMING.

24 THE PANEL SPOKE EARLIER THIS AFTERNOON BASICALLY
25 THE HISTORICAL -- AND WHERE WE'VE BEEN AND I'M WONDERING

1 HOW THE PANEL FEELS, WE TALKED THAT QUESTION ABOUT THE
2 INDUSTRIALIZATION AND THE NEED THAT IS GOING ON.

3 IN OTHER WORDS, DO YOU SEE SOME LEAPS AND BOUNDS
4 THAT COULD BE MADE BY MINORITIES IN THIS NEW REVOLUTION
5 THAT WE HAVE THAT IS FACING INDUSTRY THROUGHOUT THE UNITED
6 STATES BUT ALSO IS CHANGING THE WAY THAT NONMINORITIES --
7 COMPUTER -- HIGH TECH, WHAT ROLE DO THE MINORITIES
8 PLAY, ARE THEY GOING TO BE ABLE TO GET FARTHER AHEAD IN THE
9 LEAST AMOUNT OF TIME JUST WITH THE CHANGING NATURE OF BUSINESS?

10 MR. SIDER: WELL, I GUESS I'LL TAKE A SHOT.

11 PROBABLY THE BEST GUESS IS SORT OF MORE OF THE SAME
12 TRENDS THAT WE SORT OF OBSERVE IN THE DATA THAT -- WITH HIGH
13 LEVELS OF EDUCATION WILL CONTINUE TO DO WELL, BUT STILL,
14 IMPORTANT DIFFERENCES IN LEVELS OF EDUCATIONAL ATTAINMENT
15 THAT GLENN TALKED A LOT ABOUT THAT WILL PROBABLY SORT OF
16 MAY -- THE SITUATION FOR BLACKS WAS LESS SCHOOLING.

17 EVEN THOUGH THE NUMBERS THAT I PRESENTED SHOWED --
18 A FAIRLY DRAMATIC CONVERGENCE AND MEAN LEVELS OF SCHOOLING, IF
19 YOU LOOK A LITTLE MORE CLOSELY AT THE DATA YOU WOULD FIND THAT
20 THERE ARE STILL FAIRLY DRAMATIC DIFFERENCES BETWEEN BLACKS
21 AND WHITES AND ONE OF THOSE DIFFERENCES IS THAT WHITES ARE
22 STILL TWICE AS LIKELY TO HAVE -- TO GRADUATE FROM COLLEGE AS
23 BLACKS AND THERE IS SOME, I GUESS, SOME RECENT EVIDENCE THAT
24 THERE IS A GROWING DIFFERENCE BETWEEN BLACKS AND
25 WHITES WITH THAT RESPECT.

1 SO, IN TERMS OF HIGH TECH INDUSTRIES, PROBABLY
2 BLACKS WITH HIGH LEVELS OF SCHOOLING WILL DO WELL AS MOST
3 EVERYONE ELSE WITH HIGH LEVELS OF SCHOOLING.

4 MR. THERNSTROM: I WOULD JUST SAY ON THIS THAT WE
5 ARE DEALING WITH A TREND HERE THAT IS CLOSE TO HALF A CENTURY
6 LONG AND THE ECONOMY HAD CHANGED IN VERY FUNDAMENTAL WAYS
7 IN THAT PERIOD, A TREMENDOUS AMOUNT OF TECHNOLOGICAL CHANGE,
8 SIZE OF THE DIFFERENT SECTORS IS ALTERED.

9 IN A WAY THAT HASN'T ARRESTED THE TREND AND MAY
10 INDEED, HAVE PRODUCED THE TREND, SO, I DON'T SEE IN A PRIORITY
11 WHY ONE WOULD ASSUME THAT SOME TREMENDOUS SHIFT TOWARDS HIGH
12 TECH WOULD DISADVANTAGE BLACKS.

13 NOW, I SUPPOSE THE ONE FOOTNOTE, I WAS LOOKING AT
14 SOME FIGURES NOT LONG AGO ON THE FIELDS OF CONCENTRATION OF
15 COLLEGE STUDENTS BY ETHNIC BACKGROUNDS IN THE LAST
16 STATISTICAL ALMANAC AND IT IS A FACT THAT BLACK COLLEGE GRAD-
17 UATES DO NOT GO INTO THE SCIENCES AND THEY ARE WILDLY UN-
18 REPRESENTED IN SCIENCES AS ASIANS ARE WILDLY OVER-REPRESENTED.

19 SO, ONE DOES WONDER, I HAVE FIGURES HERE FOR 1980 ON
20 EARNINGS BY RACE OR PEOPLE WITH FOUR YEARS OF COLLEGE AND BY
21 THOSE CENSUS FIGURES, BLACK MALES WITH FOUR YEARS OF COLLEGE
22 WERE EARNING 96 PERCENT OF WHAT WHITE MALES WERE.

23 BLACK FEMALES WITH FOUR YEARS OF COLLEGE WERE
24 EARNING 105 PERCENT OF WHAT WHITE FEMALES WERE EARNING.

25 SO, THAT'S, AT LEAST THAT GROUP, YOU HAVE

1 BASICALLY -- BUT OF COURSE, THE FACT THAT THE BLACKS DROP OUT
2 OR DON'T GO THROUGH FOUR YEARS OF COLLEGE NEARLY AS OFTEN.

3 MR. BARTELL: I'M FROM MINNEAPOLIS,

4 I'D LIKE TO ASK THE PANEL WITH RESPECT TO MY
5 COLLEAGUE'S QUESTION ABOUT AFFIRMATIVE ACTION.

6 I WORK AT A PRIVATE SECTOR, A LARGE CORPORATION
7 AND IT'S BEEN MY OBSERVATION THAT SUCH A CORPORATION -- ALL
8 OVER THIS COUNTRY WHO HAVE A CONCERN ABOUT INCREASING THE
9 VISIBILITY OF MINORITIES AND BEING ABLE TO WORK PRIMARILY
10 BECAUSE THEY SELL GOODS AND SERVICES TO THE UNITED STATES.

11 AND IT'S BEEN MY OBSERVATION THEY'VE DONE THAT
12 AND I WOULD LIKE TO ASK YOU DO YOU KNOW, DO YOU HAVE ANY
13 NUMBERS AS TO THE PRACTICE OF AFFIRMATIVE ACTION WHICH --
14 POLITICAL INFORMATION OF AFFIRMATIVE ACTION WHERE PEOPLE HAVE
15 PUT NONQUALIFIED PEOPLE INTO JOBS, ARE THERE ANY NUMBERS
16 THAT COULD SUPPORT THAT?

17 MR. SIDER: THERE'S VERY LITTLE ECONOMIC RESEARCH
18 THAT HAS LOOKED AT THE -- EVEN A SIMPLER QUESTION, THE IMPACT
19 OF AFFIRMATIVE ACTION ON EMPLOYMENT IN THE SUBCONTRACTOR SECTOR
20 AND FIRMS THAT ARE CONTRACTOR'S WITH THE FEDERAL GOVERNMENT,
21 THERE IS A LITTLE BIT OF EVIDENCE AND A NUMBER OF STUDIES,
22 SERIES OF STUDIES, BY JOHNATHAN LEONARD THAT INDICATE A
23 RELATIVELY SMALL POSITIVE EFFECT FOR BLACKS AND THE RESULTS FOR
24 WOMEN WERE SOMEWHAT MORE MIXED IF I REMEMBER.

25 IF I REMEMBER THE RESULTS CORRECTLY.

1 I THINK REALLY WHAT YOU ARE -- WHAT YOUR QUESTION
2 DRIVES AT IS IS THERE ANY EVIDENCE THAT MOVEMENT OF -- THE FACT
3 THAT -- I'M ASSUMING THAT THE AFFIRMATIVE ACTION HAS RESULTED
4 IN INCREASED EMPLOYMENT OPPORTUNITIES AND PARTICULAR
5 OCCUPATIONS ON BLACKS, IS THERE ANY EVIDENCE THAT THAT'S HURT
6 PRODUCTIVITY IN ANY SENSE AND AS FAR AS THAT QUESTION GOES,
7 THERE IS NO EVIDENCE EITHER WAY.

8 MAINLY BECAUSE THE TERMS OF ECONOMIC ANALYSIS, AND
9 THE TERMS OF THE DATA AVAILABLE TO ANSWER THAT KIND OF
10 QUESTION JUST AREN'T THERE.

11 MR. LOURY: JUST BRIEFLY, IT'S A VERY MARGINAL
12 REMARK ON IT BUT I GUESS IT DEPENDS ON WHAT YOU CALL EVIDENCE
13 IN THAT, LET ME TAKE THE EXAMPLE OF THE NEW YORK CITY
14 POLICE SERGEANTS TESTS THAT CLARENCE PENDLETON MENTIONED LAST
15 NIGHT.

16 HE IN EFFECT ASSERTED, AND I DON'T KNOW THAT THIS
17 CAN BE SHOWN BUT IT'S AT LEAST A POSSIBILITY, THAT ONE REASON
18 WHY THE PAST RATES WERE SO DIFFERENT BETWEEN BLACKS AND
19 WHITES WHEN THEY WERE TAKING THE TESTS FOR THE SERGEANTS EXAM
20 IS THAT THE DEPARTMENT HAD A FEW YEARS PRIOR CHANGED ITS POLICY
21 WITH RESPECT TO THE RECRUITING OF EMPLOYEES AT THE ENTRY
22 LEVEL. PATROLMAN.

23 SO THAT IN IMPLEMENTING AFFIRMATIVE ACTION
24 POLICIES AT THE PATROLMAN LEVEL FOUND A FEW YEARS LATER THAT
25 IT WAS FACING ANOTHER SERIOUS PROBLEM WITH RACIAL DISPARITY

1 IN THE PROMOTION RATE.

2 I COULD GENERALIZE THAT OBSERVATION, THE OBSERVATION
3 WOULD BE DEPEND ON HOW YOU THINK AS TO WHY THE PROMOTIONS
4 AREN'T OCCURRING. NOW, THE PROMOTIONS ARE NOT OCCURRING AT THE
5 SAME RATES OF BLACKS AND WHITES WITHIN A COMPANY WHERE THAT'S THE
6 CASE BECAUSE OF DISCRIMINATION IN THE COMPANY ARENOT OCCURRING
7 BECAUSE IT'S GENUINE WITH THE CASE THAT THE LOWER LEVEL
8 BLACK EMPLOYEES ARE,NOT AS PRODUCTIVE AS THE LOWER LEVEL WHITE
9 EMPLOYEES.

10 IF YOU ANSWER IT THE LATTER WAY, AS CHAIRMAN PENDLE-
11 TON WAS ASSUMING ABOUT THE NEW YORK POLICE DEPARTMENT, THEN
12 YOU'VE GOT EVIDENCE THAT AFFIRMATIVE ACTION REDUCED PRODUCTIVITY
13 BECAUSE YOU'VE GOT A MEASURE OF PRODUCTIVITY NAMELY THE RATE
14 AT WHICH PEOPLE ARE PROMOTED OUT OF THE POSITION.

15 THIS COULD BE EXTENDED TO PRIVATE EMPLOYERS, IBM
16 WAS RECENTLY, I'TS PROBABLY -- THE SUBJECT OF A SIGNIFICANT
17 LAW SUIT BROUGHT BY BLACK AND UPPER MID LEVEL MANAGERS WITHIN
18 THE COMPANY WHO COMPLAINED ABOUT NOT BEING PROMOTED AS RAPIDLY.

19 BUT ON THE OTHER HAND HOW DID THEY GET TO THOSE
20 POSITIONS? IN PART BY THE APPLICATION OF AFFIRMATIVE ACTION
21 POLICIES.

22 IF, AS THE COURT FOUND, THEIR CLAIM FOR DISCRIMINATION
23 WAS FALSE, THE INFERENCE WOULD HAVE TO BE THAT THE PROMOTIONS
24 WERE BEING BASED ON PRODUCTIVITY, THEIR EVIDENT PRODUCTIVITY
25 WAS LOWER.

3 1 SO, IF YOU CONSIDER THAT EVIDENCE THAT THAT KIND
2 OF CASE BY CASE THING MIGHT BE LOOKED AT.

3 MR. SALTER: THIS KIND OF THING GOES BACK EARLIER
4 TO THE QUESTION OF -- I'VE BEEN ASKED THAT QUESTION ABOUT
5 WHY DO I THINK THIS WAY AND I'VE BEEN HELPED.

6 THE FACT IS I WAS A DAY LATE AND A DOLLAR SHORT
7 IN MOST OF THESE PROGRAMS, I'VE MISSED ALL THE PROGRAMS
8 THAT SHOW PREFERENCE.

9 I GRADUATED MAGNA CUM LAUDE FROM THE UNIVERSITY
10 AND IT'S ANOTHER THING WITHOUT THE HELP OF A PROGRAM.

11 IN FACT, I THINK I WAS HELPED MORE BY THE ABSENCE
12 OF THE PROGRAM BECAUSE I WAS FORCED TO DO CERTAIN -- BUT
13 ONE OF THE THINGS I WANT TO SAY ABOUT AFFIRMATIVE ACTION IS
14 IT'S BEEN GIVEN CREDIT FOR SOMETHING THAT HAD NOTHING TO DO
15 WITH IT.

16 FOR EXAMPLE, ACCORDING TO TONY BROWN, I THINK,
17 -- GRADUATE SCHOOLS, PREDOMINANTLY WHITE GRADUATE SCHOOLS,
18 GRADUATED FROM PREDOMINANTLY BLACK UNIVERSITIES AND IN
19 EFFECT, THESE PEOPLE WERE NOT BENEFICIARIES OF AN AFFIRMATIVE
20 ACTION PROGRAM.

21 SECONDLY I THINK THAT THERE WAS ALWAYS A CRITICAL
22 MASS OF OVERLY QUALIFIED PEOPLE WAITING FOR THE RULE OF
23 SUSPENDED VARIANCE -- BEARINGS -- AND THEN THEY WALKED INTO
24 THOSE JOBS.

25 BUT WHAT IS NOT SAID EXPLICITLY IS THAT THERE IS A

1 FEELING THAT THERE ARE UNQUALIFIED PEOPLE LEAPFROGGING QUALI-
2 FIED WHITE PEOPLE.

3 AND THAT'S NOT TRUE. AND THAT'S WHY I SO RESENT
4 THE IMPLICATION THAT SOMEHOW ANYBODY WHO IS BLACK, BROWN,
5 WHOSE IN A JOB, GOT THERE BECAUSE OF THIS AFFIRMATIVE ACTION.

6 BUT IN FACT, WERE PROBABLY STILL UNEMPLOYED
7 CONTRASTED TO BEING EMPLOYED AT A LEVEL OF OUR SKILLS.

8 SO, TO ME, AFFIRMATIVE ACTION SHOULD REALLY FOCUS
9 ON THE RULE OF SUSPENDED BARRIERS TO EQUAL ACCESS AND OPPOR-
10 TUNITY AND ALSO I THINK THAT PRESIDENT JOHNSON DID A GOOD
11 SERVICE WHEN HE CALLED -- WHATHE WANTED TO DO WITH AFFIRMATIVE
12 ACTION.

13 IN FACT, IT'S A CORRECTOR, BUT IT DOES NOT NECESSARILY
14 MEAN THAT THE AFFIRMATIVE ACTION HAS TAKEN PLACE IN MAYBE
15 AN EQUITY ADJUSTMENT OF SOME SORT BUT MY BASIC CONCERN IS
16 THAT WE ARE GIVING THE IMPRESSION TO YOUNG BLACK KIDS
17 ESPECIALLY, IF YOU DON'T HAVE TO TRY AS HARD BECAUSE IF WE
18 CAN WORK THIS THING OUT, SOMEONE IS GOING TO REACH IN THERE
19 AND PULL YOU UP OUT OF THE -- AND PUT YOU INTO A POSITION AND
20 THAT'S NOT TRUE AND IF YOU LOOK AT THE TRACK RECORD, WE HAVE
21 NOT BENEFITTED DISPROPORTIONATELY FROM THE -- AND I'M STILL
22 WAITING FOR THE FIGURES TO SHOW ME THE GOLDEN AGE WHERE
23 -- OF AFFIRMATIVE ACTION FROM BLACKS WALKED INTO BOARD MEETINGS
24 AND BECAME PRESIDENTS AND TOOK OVER JOBS AND WEREN'T QUALIFIED.
25 RECONSTRUCTION --

1 MR. SALTER: NOT REALLY --

2 MR. HOFFMAN: JIM HOFFMAN FROM OREGON.

3 MY QUESTION IS ADDRESSED PARTICULARLY TO PROFESSOR
4 THERNSTROM.

5 IT'S IN A CLASSIC VIEW OF THE INTEGRATION OF
6 EUROPEAN GROUPS INTO AMERICAN SOCIETY AS THE MELTING POT VIEW
7 AND I WONDER TO WHAT EXTENT YOU SEE A DIFFERENCE BETWEEN THE
8 ASPIRATIONS OF THAT GROUP AND THE MODERN ASPIRATIONS IN AN
9 ERA WHEN THERE'S CONCERN FOR CULTURAL IDENTIFY, LANGUAGE
10 PRESERVATION, IDENTIFICATION OF ROOTS WITH THEIR ETHNIC
11 AND CULTURAL BACKGROUND.

12 BECAUSE THERE IS A DIFFERENCE OF HOW THAT EFFECTS
13 THE REMEDIES THAT HAVE TO BE BROUGHT TO THE TASK OF INTE-
14 GRATING PEOPLE IN ECONOMY AND SOCIETY.

15 MR. THERNSTROM: WELL, I'M NOT SURE HOW MUCH OF A
16 DIFFERENCE THERE IS.

17 I AM SURE IT'S MUCH LESS THAN YOU WOULD GUESS FROM
18 READING BOOKS LIKE THE RISE OF THE UNMELTABLE ETHNICS IN
19 TIME MAGAZINE ON THE RISE OF THE HISPANICS AND THE MEDIA
20 GOT ONTO THAT STORY AND THERE WERE CERTAINLY KIND OF MILITANT
21 ACTIVIST TYPES AND MEXICAN AMERICAN COMMUNITY IN THE WAKE OF
22 BLACK POWER WHO WERE SAYING THE SAME THING.

23 NOW, THAT DID EFFECT PUBLIC POLICY CERTAINLY AND
24 BI-LINGUAL EDUCATION NOTABLY. SOMETHING ABOUT WHICH
25 I HAVE GRAVE RESERVATIONS.

1 I'M NOT CONVINCED THAT THAT REFLECTED A REAL CHANGE
2 OF CONSCIOUSNESS IN THE ORDINARY MEXICAN-AMERICAN FAMILY IN
3 TEXAS OR SOMETHING.

4 THERE IS VERY LITTLE HARD DATA ON THAT QUESTION BUT
5 I SUSPECT IT MADE VERY LITTLE DIFFERENCE FOR EXAMPLE, THERE
6 IS A STUDY CITED IN A FINE PAPER, DON HOROWITZ HERE WROTE
7 ON MEXICAN-AMERICANS, ON MEXICAN AMERICAN PREFERRED TERMS OF
8 SELF REFERENCE, READING THE PRESS YOU WOULD THINK THAT ABOUT
9 85 PERCENT OF THE PEOPLE WHO COULD ACCLAIM -- CLAIM TO BE TRUE
10 CHICANOS WOULD WANT TO BE CALLED TRUE CHICANOS.

11 ALL THESE KIDS AT UCLA I USED TO TEACH, YOU
12 KNOW, UNIFORMLY, PROCLAIM THEIR CHICANONESS.

13 BUT ONE STUDY I THINK WAS IN DENVER GOT -- DON
14 MAY REMEMBER THE FIGURES BETTER THAN I DO, I THINK ONLY
15 EIGHT PERCENT OF THE MEXICAN-AMERICANS WANTED TO BE
16 CALLED CHICANOS, A GREAT MANY MORE PREFERRED MEXICAN-
17 AMERICANS AND I THINK THAT IS A SIGNIFICANT CHOICE.

18 I THINK IT DOES INDICATE THE -- SORT OF A SIMILATION
19 ASPIRATIONS ARE STILL FAIRLY STRONG THERE.

20 NOW, THE MEXICAN-AMERICANS ARE SOMEWHAT SPECIAL
21 CASES AS WERE THE FRENCH CANADIANS HISTORICALLY, I MEAN
22 THEY ARE BORDER GROUPS, WITH A LOT OF FLOW BACK AND FORTH,
23 VERY HIGH RATE OF LANGUAGE MAINTENANCE, I MEAN, CLASSICALLY
24 IN THE SECOND GENERATION AND NON ENGLISH MOTHER TONGUE
25 WENT AND I THINK IT'S A KEY POINT IN THE HISTORY OF A GROUP.

1 YOU KNOW, THERE'S THAT POINT IN WHICH AMERICAN BORN
2 KID WHO GROWS UP IN SPEAKING UKRANIAN IN THE HOME BUT ENGLISH
3 IN THE CLASSROOM, THE POINT AT WHICH HE OR SHE MARRIES, AND
4 THE QUESTION BECOMES WHAT LANGUAGE DO WE SPEAK IN THE HOME, WHAT
5 LANGUAGE DO WE REAR OUR KIDS IN?

6 WELL, THE BASIC PATTERN OF AMERICAN INDUSTRY
7 -- HISTORY AND IT'S NOT SOMETHING YOU FIND AROUND THE WORLD.

8 IN THE SOVIET UNION, THE ARMENIANS PASS ON ARMENIAN
9 OVER THE GENERATIONS, THEY DON'T IN THIS COUNTRY AND THESE NON-
10 ENGLISH TONGUES GO.

11 NOW A FRENCH CANADIAN -- WERE AN EXCEPTION DOWN TO
12 SOME POINT IN THE 1930'S, AND EXACTLY WHAT CAUSED THAT, RADIO,
13 MOVIES, I'M NOT SURE, BUT BETWEEN THE '30'S AND THE '40'S THAT
14 COMPLETELY CHANGED AROUND.

15 -- IT'S HARD TO TELL HOW MUCH IT'S HAPPENING WITH
16 MEXICAN AMERICANS ALTHOUGH I RECALL A STUDY AGAIN, I THINK
17 IT'S FROM DON'S PAPER, THAT SHOWED AT LEAST BY THE THIRD
18 GENERATION, NORMAL USE OF ENGLISH AND VAST MAJORITY OF
19 MEXICAN-AMERICAN HOUSEHOLDS.

20 SO, THE NOTION THAT THESE ARE REALLY VERY DIFFERENT
21 PEOPLE, I'M DOUBTFUL.

22 NONETHELESS, IT COULD BE A MATTER OF OUR PUBLIC
23 POLICY COULD CONTINUE TO ENCOURAGE ETHNIC SEPARATENESS AS IT
24 DID IN THE '70'S, IT SEEMS TO BE TURNING AROUND NOW.

25 I'LL JUST SAY THOSE OF YOU WHO MISSED IT, THAT MAY

1 WANT TO LOOK IT UP, BRILLIANT LITTLE COLUMN IN THE WALL
2 STREET JOURNAL ON TUESDAY BY RICHARD RODRIGUEZ WHO WROTE
3 A BRILLIANT LITTLE BOOK ABOUT -- HUNGRY AND MEMORY, HIS
4 AUTOBIOGRAPHY, HE'S A MEXICAN-AMERICAN, AND IT'S A
5 COLUMN ON THE QUESTION OF SPANISH, MAINTENANCE AND ON THIS
6 MOVEMENT TO MAKE ENGLISH THE OFFICIAL LANGUAGE OF HIS COUNTRY.

7 AND BASICALLY ARGUING WE DON'T NEED TO GO TO THE
8 LENGTHS OF YOU KNOW; CONSTITUTIONAL AMENDMENT OR SOMETHING,
9 ENGLISH IS FUNCTIONALLY SPEAKING THE LANGUAGE OF THIS COUNTRY
10 AND MEXICAN-AMERICANS ARE GOING TO PERCEIVE IT JUST AS QUICKLY
11 AS ANYONE ELSE, THAT IT ISN'T REALLY AN ISSUE.

12 MR. GREEN: DON, DO YOU WANT TO COMMENT ON YOUR OWN
13 ARTICLE?

14 MR. HOROWITZ: (OPENING REMARKS INAUDIBLE.)

15 ACTUALLY I HAD SOMETHING ELSE THAT I WANTED TO ASK
16 I WANT TO THINK ABOUT THE RELATION OF THIS AFTERNOON'S PANEL,
17 AND SOME OF THIS MORNING'S DISCUSSION ABOUT WHAT THE COMMISSION
18 OF TODAY OUGHT TO BE DOING.

19 SUPPOSE YOU LOOK AT, LEAVING ASIDE THE -- IF YOU
20 LOOK AT THE FINDINGS OF THE THREE PANELISTS, YOU HAVE TO CON-
21 CLUDE FROM THE SIDER AND THERNSTROM PRESENTATIONS THAT THERE
22 IS STILL DISCRIMINATION OUT THERE.

23 YOU CAN TELL THAT FROM TABLE SEVEN IN THE SIDER
24 DATA WHICH STILL MEANS 22 PERCENT OF THE -- WELL STILL HAS
25 RESIDUAL FACTORS ACCOUNTING FOR DIFFERENCES IN EARNINGS.

1 RESIDUAL FACTORS HAVE TO INCLUDE, ALTHOUGH NOT EX-
2 CLUSIVELY, DISCRIMINATION. I UNDERSTOOD STEVE TO SAY THAT
3 BLACK AMERICANS HISTORICALLY OBVIOUSLY, HAVE A LEGACY OF DIS-
4 CRIMINATION TO FIGHT AGAINST HIM -- I ASSUME THEY CONTINUE
5 TO HAVE TO DO THAT AND IT DOES SUGGEST THAT DISCRIMINATION
6 NOW WITH THE COMMISSION IS OBVIOUSLY ON RECORD.

7 GLENN SUGGESTS HOWEVER, THAT A LOT OF ENERGY IS
8 EXPENDED IN FIGHTING BATTLES WHICH HAVE A RELATIVELY SMALL
9 BENEFITS AND HIGH COSTS AND PARTICULARLY HIGH OPPORTUNITY
10 COSTS IN TERMS OF ALTERNATIVES THAT MIGHT BE PURSUED.

11 AND THAT LEADS ME TO WONDER WHETHER THE COMMISSION
12 IS MISSING AN OPPORTUNITY TO THINK ABOUT ALTERNATIVES.

13 THAT IS TO SAY, THE NEW COMMISSION, WHEN THEY
14 SAY NEW AND OLD, THE NEW COMMISSION CAN PUT OFF THE OLD
15 COMMISSION ON ONE OR TWO GROUNDS.

16 IT CAN SAY THE OLD COMMISSION WAS BARKING UP THE
17 WRONG TREE OR IN THE SENSE THAT IT WAS PURSUING POLICIES THAT
18 WERE COUNTERPRODUCTIVE.

19 OR IT CAN FAULT THE OLD COMMISSION FOR BEING
20 OUTSIDE ITS JURISDICTION.

21 THAT IS TO SAY, THEY CAN SAY AS WE'VE HEARD
22 24 HOURS OR SO, THAT YOU HAVE TO STICK TO THE ACTS, THE ACTS
23 ARE CONCERNED WITH DISCRIMINATION ONLY AND NOT WITH THE PROBLEMS
24 OF MINORITIES.

25 AND IT SEEMS TO ME TO MAKE A BIG DIFFERENCE

1 WHICH OF THESE TWO -- YOU TAKE.

2 IF YOU SAY, YOU HAVE TO STICK TO THE FACTS THEN YOU
3 CAN DEAL WITH ONE PIECE OF THIS PROBLEM. DISCRIMINATION.

4 IF YOU SAY ON THE OTHER HAND, THAT THE COMMISSION'S
5 MANDATE ALSO DECIDES STICKING TO THE ACT, AND THINK ABOUT
6 THE PROBLEMS OF MINORITIES IN THIS COUNTRY, JUST THINK ABOUT THE
7 PROBLEMS OF MINORITIES IN THIS COUNTRY, THEN YOU CAN SAY THAT
8 THE COMMISSION IS NOT DISABLED FROM FOLLOWING THE LOURY
9 THESIS TO ITS NEXT LOGICAL STEP WHICH IS THE THING,
10 ALTERNATIVE AND WORK -- STRATEGIES.

11 STRATEGIES THAT PRESUMABLY WOULD ENCOMPASS FAMILY
12 POLICY OR EARLY CHILDHOOD EDUCATION AND THE LIKE.

13 I UNDERSTOOD A LOT OF THE MESSAGE THE COMMISSION
14 WAS GIVING TO US TO MEAN THAT WE HAD TO STICK TO THE FACTS AND
15 I AM JUST THINKING ALOUD NOW, NOT MAKING A SORT OF A PERMANENT
16 STATEMENT.

17 I'M JUST WONDERING IF THAT ISN'T MISSING A BIG
18 OPPORTUNITY TO DO SOMETHING BETTER THAN WHAT THE OLD COMMISSION
19 DID.

20 NAMELY, TO AT LEAST THINK SERIOUSLY AND CON-
21 STRUCTIVELY ABOUT ALTERNATIVE POLICIES AND DON'T REALLY HAVE
22 TO DO SO MUCH WITH DISCRIMINATION AS WITH MINORITY PROBLEMS.

23 MR. GREEN: WELL, CERTAINLY THE COMMISSION CAN
24 DISCUSS THAT, I WILL SAY THIS, THAT OF COURSE, WE ARE RESTRICTED
25 BY OUR AUTHORIZATION LEGISLATION, I MEAN, WE ARE AUTHORIZED TO

1 DO CERTAIN THINGS AND NOT TO DO OTHERS.

2 HOW THAT AUTHORIZATION LEGISLATION, YOU KNOW,
3 SHOULD BE INTERPRETED IS FOR THE COMMISSION TO DECIDE AND I --
4 I THINK TAKE UNDER ADVICE YOUR OWN COMMENTS AND OTHERS.

5 ONE COMMISSIONER, FRANCIS GUESS (PHONETIC)
6 DOES HAVE A COMMENT ON THIS.

7 MR. GUESS: WELL, I CAN ONLY ADD TO THE COMMISSION
8 IN TERMS OF HIS QUESTION, AND THAT IS WHETHER OR NOT THE
9 COMMISSION HAS AN OPPORTUNITY, MY ANSWER IS YES.

10 MR. GREEN: DOES ANYONE ELSE HAVE A COMMENT ON THAT?
11 WELL, THAT'S ONE VOTE.

12 SPEAKER: IN DR. THERNSTROM'S PRESENTATION HE
13 MENTIONED IN PASSING THAT IN BOTH EAST ST. LOUIS AND CHICAGO,
14 FIVE POPULATIONS HAVING EFFECT AND PENDING BY VIOLENCE AT
15 ONE POINT.

16 IN BOTH THOSE AREAS, WE ARE LEFT WITH AREAS THAT HAVE
17 LITTLE ECONOMIC HOPE DECLAIMING EMPLOYMENT, -- INCREASING
18 YOUTH UNEMPLOYMENT, ALL THE FIGURES WHICH WHICH WE ARE FAMILIAR.

19 IF ONE WERE TO TAKE DON'S QUESTION, AND APPLY IT
20 TO THOSE AREAS, APPLY THEIR PRESCRIPTIONS OF ANY KIND, EITHER
21 IN TERMS OF THE PAST AS DR. THERNSTROM RECALLS IT, OR IN
22 TERMS OF PRESENT SCIENCE OF GOVERNMENT AS DR. LOURY SEES IT
23 OR IN TERMS OF ANY PROGRAMS THAT HAVE REFLECTED MOVEMENT OUT
24 OF SUCH AREAS AS DR. SIDER MIGHT BE AWARE OF, THAT LOOKED
25 TOWARD DIFFERENT KINDS OF PROBLEMS.

1 MR. THERNSTROM: WELL, I DON'T THINK I REALLY HAVE
2 AN ANSWER, I WOULD SAY ONE THING THAT STRIKES ME AS OF
3 DECISIVE IMPORTANCE JUST IN TERMS OF DEFINING THE PROBLEM.

4 IF YOU LOOK AT FIGURES OF RATIO OF WHITE, BLACK
5 TO WHITE, INCOME BROKEN DOWN BY SEX, YOU GET STEADY PRO-
6 GRESS FROM 1939 UP TO 1982 WHERE MY FIGURES STOP WITH FEMALES
7 BY 1982 EARNING 91 PERCENT OF WHAT WHITE FEMALES ARE --
8 BLACK MALES 74 PERCENT.

9 THEN IF YOU LOOK AT THE RATIO OF BLACK TO WHITE
10 MEDIAN FAMILY INCOME, YOU GET PROGRESS TO 1964, A LITTLE
11 MORE TO 1970 AND BY 1982 WE ARE RIGHT BACK TO 1964, .56.

12 AND IT'S CLEAR TO ME THAT A VERY LARGE PART OF THE
13 EXPLANATION FOR THAT LIES IN THE FACT THAT BETWEEN 1960 AND
14 1982 THE PROPORTION OF FEMALE HEADED BLACK HOUSEHOLDS DOUBLED,
15 FROM 22 TO 41 PERCENT.

16 AND THESE ARE SORT OF YOU KNOW, WELFARE MOTHERS,
17 WHO ARE NOT ABLE TO EARN VERY MUCH AND THAT'S, I THINK, THE
18 HEART OF THAT DISPARITY, YOU KNOW, EQUAL, MORE EQUAL INDIVIDUAL
19 EARNINGS AND YET SLIDING BACK IN FAMILY INCOME AND
20 THAT DOES SUGGEST CENTRAL TO THIS WHOLE PROBLEM IS
21 WHAT'S HAPPENING WITH THE BLACK FAMILY.

22 WHICH MOYNIHAN, OF COURSE, RECOGNIZED
23 LONG AGO.

24 NOW, I HAVE NO PRESCRIPTION AS TO WHAT CAN BE DONE
25 BUT AT LEAST THE START OF ANY SOLUTION IS TO IDENTIFY THE

1 PROBLEM ACCURATELY.

2 MR. LOURY: I WOULD LIKE TO STRONGLY SECOND THAT,
3 AND I MIGHT JUST SECOND DON HOROWITZ'S MENTION OF
4 EARLY JOB EDUCATION AND ANOTHER AREA, QUALITY OF EDUCATION
5 AND THE EARLY GRADE FROM THE PUBLIC SCHOOL'S GENERALLY FOR
6 CITY BLACK STUDENTS WHERE IF A RESOLUTION OF THE PROBLEM IS
7 TO BE HAD, SOME IMPROVEMENT WITHIN THE --

8 SPEAKER: YOU HAD MENTIONED EARLIER THE
9 DECLINE OF LABOR FORCE PARTICIPATION FOR BLACKS, IS THAT
10 RELATED TO THE INCREASE IN -- HOUSEHOLDS?

11 FEMALE HEADED HOUSEHOLDS?

12 AND HOW SIGNIFICANT IS THAT?

13 MR. SIDER: WELL, I THINK PROBABLY -- MOST OF THE
14 DECLINE IN LABOR PARTICIPATION IS CENTERED AMONG OLDER
15 PEOPLE, PEOPLE OF THE AGE OF 45 AND IF IT'S QUITE SUBSTANTIAL,
16 SO -- IT'S I THINK FAIRLY IMPORTANT TO POINT OUT THE
17 EMPLOYMENT DECLINES AMONG OLDER MEN AND BLACKS IN PARTICULAR,
18 PARTICULARLY AMONG PEOPLE WITH LOWER LEVELS OF EDUCATION
19 ARE REALLY ATTRIBUTABLE TO -- EXTENDED THIS WAY TO -- NOT
20 TO UNEMPLOYMENT, THE FACT THAT PEOPLE ARE LOSING JUST --
21 PEOPLE VOLUNTARILY TAKING THEMSELVES OUT OF THE WORK FORCE.

22 WE HAVE PROBLEMS MEASURING THAT BECAUSE WE DEFINE
23 UNEMPLOYMENT BY WHETHER OR NOT PEOPLE ARE LOOKING FOR WORK AND
24 THERE IS A PROBLEM THAT SOME PEOPLE STOP LOOKING FOR WORK
25 BECAUSE THEY THINK THAT NONE IS AVAILABLE.

1 BUT IN GENERAL, THE -- I THINK ESSENTIALLY THE
2 DECLINE IN EMPLOYMENT IS ATTRIBUTABLE TO PREDOMINANTLY
3 VOLUNTARY DECISIONS BY PEOPLE THAT FIND IT FOR ONE REASON OR
4 ANOTHER, THAT ARE NOT WORKING, NOT LOOKING FOR WORK, SOME
5 PEOPLE TRY TO ATTRIBUTE IT TO SOCIAL SECURITY INCOME
6 PROGRAMS THAT MAKE NON-WORK RELATIVELY MORE ATTRACTIVE.

7 BUT I THINK ESSENTIALLY THERE'S A LOT WE DON'T
8 UNDERSTAND ABOUT THE WHOLE PHENOMENON.

9 MR. SALTER: I ALSO -- WHAT'S HAPPENING TO THE WHITE
10 FAMILY HOUSEHOLD BECAUSE THERE'S A SHIFT IN THE EMPHASIS FROM
11 RACE EQUITY TO GENDER EQUITY.

12 I MENTIONED IT THIS MORNING. IN A SENSE THE
13 AFFIRMATIVE ACTION PROGRAMS AND BENEFIT -- ARE SIGNIFICANTLY
14 MORE WHITE WOMEN THAN THEY HAVE BLACK MEN OR WOMEN.

15 WHICH MEANS THAT THE HOUSEHOLD INCOME OF THE WHITE
16 HOUSEHOLD IS INCREASED AS A RESULT OF THESE SO-CALLED BLACK
17 RACE PROGRAMS.

18 AND THAT DISTURBED ME BECAUSE WE DRAW INFERENCES
19 ON THE BLACK FAMILY HOUSEHOLD AND NOT LOOK AT HOW THE
20 AFFIRMATIVE ACTION PROGRAM STATISTICALLY -- AND I THINK
21 SUBSTANTIVELY, HAS INCREASED THE INCOME OF THE WHITE FAMILY
22 HOUSEHOLD.

23 MR. THERNSTROM: WELL, LET ME GIVE YOU THE FIGURES.
24 WHAT HAPPENED IS THIS, IN 1940, 10 PERCENT OF WHITE
25 HOUSEHOLDS WERE FEMALE HEADED, IN 1960, 8 PERCENT, 1982, 12

1 PERCENT.

2 SO, VERY LITTLE CHANGE. WITH BLACKS, 1940, 18
3 PERCENT, 1960, 22 PERCENT, VERY LITTLE CHANGE IN THAT PERIOD.
4 1982, 41 PERCENT, SO IT'S REALLY IN THE '60'S AND '70'S THAT
5 SOMETHING ENORMOUS HAPPENED.

6 AND IT WASN'T HAPPENING WITH THE WHITE FAMILIES
7 DESPITE A RISING DIVORCE RATE AND ALL THE REST OF IT BECAUSE
8 ALSO A HIGH MARRIAGE RATE OF COURSE.

9 MR. LOURY: CAN I JUST ADD ONE THING TO WHAT
10 HAL SAID.

11 IT IS THE CASE THAT YOU TAKE ALL BLACK MEN, MOST
12 OF THE WAGE PARTICIPATION DECLINE IS FOUND AMONG ALL
13 THE WORKERS.

14 BUT THERE IS A LOWER RATE OF LABOR FORCE
15 PARTICIPATION AMONG YOUNG WORKERS AS WELL AND WHILE THERE
16 IS A QUESTION SINCE, LET ME JUST SAY -- STUDIES OF LABOR
17 SUPPLY CONSISTENTLY FIND FOR ANY POPULATION, THAT -- OF MEN,
18 THAT THE PROBABILITY BEING IN THE LABOR FORCE OR CONDITIONAL
19 ON BEING -- THE NUMBER OF HOUR THAT THE WORKER WILL WORK, ARE
20 POSITIVELY RELATED WITH A PERSON BEING THE HEAD OF A HOUSEHOLD
21 THE PERSON BEING MARRIED. THE PERSON HAVING DEPENDENTS TO
22 SUPPORT.

23 NOW, ON THE OTHER HAND, THE PROBABILITY THAT YOU
24 FORM A HOUSEHOLD IN THE FIRST PLACE MAY BE CONTINGENT UPON
25 YOUR ANTICIPATION OR HISTORY EXPERIENCE OF HAVING WORK.

1 SO, I'M NOT TRYING TO SAY ONE THING CAUSES THE
2 OTHER BUT I'M SAYING THERE IS A CONNECTION BETWEEN FAMILY
3 RESPONSIBILITIES AND BEING IN THE LABOR FORCE.

4 FAMILY RESPONSIBILITIES FOR A YOUNG BLACK MAN,
5 THE EXTENT THAT IS, TO WHICH THEY ARE CONFRONTED AND ASSUMED
6 THEM ARE SIGNIFICANTLY LESS BECAUSE OF THIS OTHER PHENOMENON
7 AND ONE SAMPLE THAT I LOOKED AT RECENTLY AMONG YOUNG BLACK
8 MEN, 20 TO 24 YEARS OLD, FEWER THAN ONE IN FIVE WERE HEADS
9 OF HOUSEHOLDS.

10 MORE WOMEN THAN MEN IN THAT SAME AGE GROUP
11 WERE HEADS OF HOUSEHOLDS AMONG BLACKS.

12 IF YOU THINK FAMILY RESPONSIBILITIES ARE AN
13 IMPORTANT MOTIVATING FACTOR, THAT IS, IF YOU BELIEVE THE
14 CAUSALITY GOES FROM FAMILY RESPONSIBILITY TO LABOR FORCE
15 ATTACHMENT, THEN YOU HAVE TO SEE THAT AS A PART OF THE PROBLEM.

16 DOES THAT FIT WITH YOUR SENSE OF THINGS?

17 MR. SIDER: TO SOME EXTENT, BUT I THINK -- THERE
18 ARE A SET OF OTHER DATA THAT I THINK DON'T SUPPORT YOUR
19 BASIC ARGUMENT AND THAT'S THAT IF YOU LOOK AT LABOR FORCE
20 PARTICIPATION CLASSIFIED BY MARITAL STATUS, YOU GENERALLY
21 FIND THAT THE KINDS OF ENLARGER -- OLDER PEOPLE FOR A
22 MINUTE, ALONG -- AMONG MARRIED PEOPLE.

23 MR. GREEN: MR. GUESS?

24 MR. GUESS: THOSE WHO TEND TO OBSERVE MY
25 PARTICIPATION KNOW THAT I HAVE BEEN UNCHARACTERISTICALLY

1 RESTRAINED, HOWEVER, PROFESSOR LOURY HAS -- MY INTELLECTUAL
2 CURIOSITY. (REMAINDER OF COMMENTS ARE INAUDIBLE.)

3 MR. LOURY: I GUESS I'M NOT SURE, I THINK THAT
4 THE GOVERNMENT CERTAINLY HAS A GREATER OPPORTUNITY BY VIRTUE
5 OF THE POWER OF BEING ABLE TO NOT LET A CONTRACT TO AT ANY
6 GIVEN LEVEL, ANY GIVEN PLACE ON THAT SPECTRUM, ANY GIVEN
7 LEVEL OF STRENGTH OF AFFIRMATIVE ACTION HAS A GREATER
8 OPPORTUNITY TO SEE THAT THAT BECOMES POLICY IN A BROADER
9 PORTION OF WHAT'S GOING ON IN THE SOCIETY.

10 AND TO THE EXTENT THAT WE CAN AGREE THAT THE LEVEL
11 OR DEGREE OF STRENGTH OF THE POLICY IS APPROPRIATE IS CON-
12 SISTENT WITH OUR BASIC PHILOSOPHIC PREMISES.

13 THAT IS, IT IS NOT DISCRIMINATORY AGAINST PEOPLE
14 WHO ARE NOT -- IT WOULD SEEM TO ME THAT GIVEN THE NATURE OF
15 THE CURRENT PROBLEM WITHIN OUR HISTORY, GOVERNMENT WOULD, IN
16 MY JUDGMENT AND THIS IS MY VALUES REALLY, HAVE AN OBLIGATION
17 TO USE THAT INFLUENCE TO TRY TO PROMOTE DIMINUTION OF
18 HISTORICALLY GENERATED RACIAL DISPARITY.

19 BUT THAT DOESN'T ANSWER THE QUESTION ABOUT WE
20 ARE ON THE SPECTRUM, GOVERNMENT SHOULD BE AS IT USES
21 ITS INFLUENCE AND IT SEEMS TO ME THAT I DON'T THINK YOU CAN
22 GET AN ANSWER TO THAT QUESTION BY REFERENCE TO A PUBLIC
23 PRIVATE DISTINCTION.

24 THAT PREFERENCE, AND THIS IS JUST AGAIN, MY
25 JUDGMENT ON THE MATTER, THAT IS A QUESTION OF BALANCING

1 OF THE RIGHTS OF SOME PEOPLE AGAINST WHAT MIGHT BE REGARDED
2 AS THE PUBLICLY DESIRED END TO BENEFIT OTHERS.

3 AND I SEE NO REASON WHY THAT BALANCE SHOULD BE
4 STRUCK DIFFERENTLY AMONG EMPLOYEES OF A CORPORATION THAT
5 HAPPENS TO HAVE A CONTRACT WITH THE DEPARTMENT OF DEFENSE
6 AS OPPOSED AMONG THOSE WHO DO NOT.

7 MR. GUESS: OKAY, AND I ACCEPT THAT.

8 AND THE NEXT QUESTION, GIVEN THAT SAME --
9 (COMMENTS INAUDIBLE, SPEAKER TOO FAR IN THE BACK OF THE
10 ROOM.)

11 MR. LOURY: I DON'T KNOW, AGAIN, MAYBE YOU COULD
12 HELP ME OUT A LITTLE BIT BY -- BECAUSE I'M TRYING TO
13 DISTINGUISH BETWEEN TWO THINGS, WHAT THE OFCCP DOES, WITH
14 A PRIVATE COMPANY THAT IS DOING BUSINESS WITH THE GOVERNMENT
15 AND WHAT THE, YOU KNOW, THE DEPARTMENT OF COMMERCE DOES WITH
16 RESPECT TO GOVERNMENT VENDING.

17 I MEAN, WITH THE IDEA OF MAKING SURE THAT MINORITY
18 VENDORS GET TO MAKE CERTAIN GOVERNMENT PURCHASES.

19 AND I THINK VERY DIFFERENTLY ABOUT THOSE TWO
20 SETS OF ACTIVITIES AND I FIND IT INDEED HARD TO PLACE THOSE
21 TWO THINGS ON THE SAME SPECTRUM.

22 MR. GUESS: BECAUSE I HEARD YOU SAY YOU FIND IT
23 DIFFICULT BY A SIMPLE REASON, YOU SAY OKAY, -- (INAUDIBLE).

24 MR. LOURY: MY MAJOR PROBLEM WITH THE CONTRACT
25 LETTING SEEKING MINORITY VENDORS IS THAT I DON'T THINK IT

1 PRODUCES ANY PARTICULARLY VALUABLE SOCIAL BENEFIT.

2 I MEAN, THAT IS TO SAY, I DON'T THINK THE NUMBER
3 OF BLACK MILLIONAIRES IS AN IMPORTANT STATISTIC.

4 NOW, I COULD JUST BE WRONG ABOUT THAT, I MEAN,
5 AGAIN, IT'S A MATTER OF JUDGMENT, THERE ARE PEOPLE WHO
6 THINK THERE'S LOTS OF BLACK MILLIONAIRES BEING AROUND IS
7 IMPORTANT BECAUSE OF SYMBOLISM AND BECAUSE THEY CAN INFLUENCE
8 CERTAIN CRITICAL DECISION-MAKING BY CAMPAIGN CONTRIBUTIONS
9 OR WHATEVER.

10 THERE'S A THEORY ABOUT WHY CREATING BLACK
11 MILLIONAIRES SOLVES THE RACE PROBLEM.

12 BUT I DON'T SEE A LINK, I MEAN, IT'S A PARTICULAR-
13 LY PERVERSE NOTION OF TRICKLE-DOWN ECONOMICS TO
14 ME.

15 MR. GREEN: ACTUALLY, I WOULD LIKE TO ASK A
16 QUESTION MYSELF WHICH I'M VERY SURPRISED WHICH HAS NOT BEEN
17 ASKED ALREADY.

18 I'D LIKE ANY AND ALL OF THE PANELISTS TO ADDRESS
19 THEMSELVES TO THE THESIS OF THE LOSING GROUND TO CHARLES --
20 THE CHARLES MURRAY BOOK THE RACE CONSCIOUS POLICIES OF THE
21 LATE '60'S AND EARLY '70'S WITH -- HARMFUL TO THOSE THAT
22 THEY WERE ATTENDING TO BENEFIT.

23 THOSE THEY WERE INTENDED TO BENEFIT.

24 MR. THERNSTROM: WELL, MY OWN VIEW IS IT'S NOT A
25 VERY, I THINK HE HAD COURAGE TO RAISE THAT QUESTION AND IT

1 HAS SOME INTERESTING DATA IN IT BUT I THINK IT'S A PRETTY
2 WEAK BOOK IN ESTABLISHING ANY KIND OF CAUSAL RELATIONSHIP,
3 I MEAN, THE WHOLE CHANGE MAY HAVE BEEN THE SPREAD OF TELE-
4 VISION OR ROCK MUSIC OR A THOUSAND VARIABLES, HE DOESN'T
5 CONSIDER.

6 I THINK ON THE SPECIFIC CLAIMS, I DON'T UNDER-
7 STAND HIM TO BE SAYING THAT THE PRIMARY -- I THOUGHT SANDY
8 JENKS IS A CRITICAL PIECE ON THE SPECIFIC QUESTION, WHETHER
9 THE POOR ARE WORSE OFF NOW THAN THEY WERE 20 YEARS AGO.

10 MADE SOME VERY DAMAGING CRITICISM ON THAT SIMPLE
11 FACTUAL LEVEL, YOU KNOW, AFTER TAX, AFTER SOCIAL BENEFIT,
12 ARE TAKEN INTO ACCOUNT, IT'S NOT TRUE, IT SEEMS TO ME, THAT
13 THE POOR HAVE FEWER DOLLARS NOW.

14 THEY HAVE MANY MORE DOLLARS. NOW, THERE'S MAYBE
15 A HIGHER RATE OF FAMILY BREAK UP THAT INVOLVE OTHER THINGS
16 BUT WHAT THE LINK IS I THINK IS NOT ESTABLISHED IN THAT
17 BOOK.

18 MR. LOURY: I DON'T DIFFER THAT MUCH FROM STEVE.
19 I GUESS I PROBABLY HAVE A SOMEWHAT HIGHER OPINION OF THE BOOK
20 AND I THINK THAT THERE ARE SPECULATIVE ARGUMENTS IN THERE
21 THAT ARE NOT BY NO MEANS DEMONSTRATED IN THE BOOK BUT THAT
22 ARE QUITE PROVACATIVE AND WARRANT INVESTIGATION AND ARE VERY
23 VALUABLE TO HAVE BEEN RAISED.

24 YOU KNOW, WHEN YOU LISTEN TO MURRAY DEFEND
25 HIMSELF AGAINST CRITICISM AGAINST THE BOOK, HE CONSTANTLY

1 SAID, I THINK HE PROBABLY OUGHT TO BE LISTENED TO A BIT
2 ON THIS, THAT I'M NOT TALKING ABOUT NECESSARY RACE CONSCIOUS
3 POLICY, I'M NOT TALKING JUST ABOUT AFDC, I'M NOT TALKING
4 ABOUT ANY PARTICULAR PROGRAM, I'M TALKING ABOUT A CLIMATE,
5 I'M TALKING ABOUT AN APPROACH, TALKING ABOUT WHAT WAS HAPPEN-
6 ING WITH RESPECT TO THE ENFORCEMENT OF SECTIONS AGAINST
7 BREAKING THE LAW, I'M TALKING ABOUT THE CHANGE OF YOU KNOW,
8 THE RISE OF THE EDUCATIONISTS OR WHATEVER IT IS THAT CHESTER
9 FINN WAS PROBABLY SPEAKING AGAINST EARLIER TODAY WHEN I
10 WASN'T HERE, OR WILL TOMORROW OR WHATEVER --

11 I MEAN, YOU KNOW, IN OTHER WORDS, I'M TALKING
12 ABOUT THE WHOLE VICTORY OF LIBERAL INTELLIGENCIA IN THE
13 SOCIAL SCIENCES AND THE HELPING PROFESSIONS AND THE MOVING
14 OF THAT VIEW OF THE WORLD INTO POLICY.

15 AND IT'S VERY HARD TO PROVE THAT ANYTHING SO
16 BROADLY CONSTRUED IS THAT HAS CAUSED THIS PARTICULAR INDI-
17 CATOR TO MOVE.

18 ON THE OTHER HAND, IT SEEMS TO ME THAT ON THE
19 WHOLE THERE IS A FAIRLY WEIGHTY SUGGESTIVE CASE MADE THAT
20 IN TERMS OF A KIND OF HISTORICAL EVALUATION OF HOW IDEOLOGY
21 INFLUENCED SOCIETY THAT THERE IS SOMETHING GOING ON THERE.

22 SO, I'M MORE SYMPATHETIC TO THAT CASE IN THAT
23 WAY.

24 SPEAKER: WITH REGARD TO THE DISCUSSION HERE ABOUT
25 THE LEADING ROLE IN TERMS OF RACE CONSCIOUS SUPPORT PROGRAMS

1 OF ONE SORT OR ANOTHER, THAT YOU HAVE TO DRAW A DISTINCTION
2 BETWEEN THE FEDERAL GOVERNMENT AND STATE AND LOCAL
3 GOVERNMENT BECAUSE THE SUPREME COURT ON AT LEAST ONE OCCASION
4 HAS WARNED THE STATE AND LOCAL GOVERNMENTS ABOUT GETTING
5 INTO RACE CONSCIOUS PROGRAMS ON GROUNDS OF VIOLATION OF THE
6 14TH AMENDMENT AND EQUAL PROTECTION OF THE LAWS.

7 AND SO THIS IS THE WEBER CASE AND JUST THE COMMENT
8 THAT HOWEVER SOCIAL REFORMERS MAY WANT TO SAY THAT GOVERN-
9 MENT BECOME THE CATALYST, LET GOVERNMENT BECOME THE
10 MODEL, THE FACT OF THE MATTER IS THE STATE AND LOCAL GOVERN-
11 MENTS ARE RESTRAINED DOING A LOT OF THINGS THAT -- OF
12 THAT NATURE.

13 AND TRULY TO THE 14TH AMENDMENT.

14 THE FEDERAL GOVERNMENT DOES NOT.

15 MR. GREEN: OKAY, TWO MORE QUESTIONS?

16 MAYBE JUST ONE.

17 SPEAKER: I WANT TO COME BACK TO WHAT THIS
18 GENTLEMAN SAID CONCERNING THE MATTER OF JURISDICTION.

19 WE HAVE --

20 MR. GREEN: MAYBE WE CAN DISCUSS THAT IN NEXT
21 YEAR'S CONFERENCE.

22 MR. SPEAKER: YES, WELL, I MAKE THIS SUGGESTION.
23 IF THIS -- THE QUESTION WOULD BE HOW MANY -- ON THE HEAD OF
24 A PIN. A REASONABLE MAN CAN DIFFER AND REASONABLE
25 MEN AND WOMEN ON THE COMMISSION CURRENTLY DO DIFFER OVER WHAT

1 THE JURISDICTION IS OR SHOULD BE BUT THE REAL QUESTION IT
2 SEEMS TO ME WITH ALL THE FAMILY PROBLEMS YOU HAVE BEEN
3 TALKING ABOUT, WHICH ONES DOES THIS COMMISSION OR THE MAJORITY
4 OF IT THINK ARE WORTH THEIR ATTENTION AND OUR ATTENTION AND
5 THEN TELL US THAT AND LET US CONCENTRATE ON THOSE
6 AND TO HELL WITH THE JURISDICTION WOULD DO A LOT BETTER.

7 MR. GREEN: THANK YOU.

8 THANK YOU ALL AND PARTICULAR THANKS TO THE PANEL-
9 ISTS.

10 (APPLAUSE.)

11 (WHEREUPON, AT 5:00 P.M., THE ABOVE-ENTITLED
12 CONFERENCE WAS ADJOURNED.)

13 * * *