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RELEASE: MAY 19, 1981

AFFIRMATIVE ACTION IN JOBS?

Eleanor Holmes Norton, former chair of the Equal Employment Opportunity Commission, threw down the gauntlet at Senator Orrin Hatch when he conducted a hearing of the Senate Committee on Labor and Human Resources. She demanded that Affirmative Action for women be militantly enforced both by the EEOC and the Office of Federal Contract Compliance in the Labor Department.

"No single form or combination of forms of discrimination have for us the priority we attach to maintaining and strengthening Affirmative Action," she said. She explicitly urged the use of "numerical indicators," which she defined as quotas, goals and timetables.

Norton passionately defended the "effects" standard which places "responsibility on the employer to intervene into systemic patterns." Translated into plain English, that means the employer is always guilty, regardless of his intent or good-faith efforts, if he doesn't produce up to 50 percent women in every job category.

Affirmative Action is a system of reverse discrimination in which an employer is required to set minimal qualifications for each job category, and then to hire by quota from the pool of persons who meet the minimal qualifications. This denies the employer the right to hire the most qualified person, and it often results in hiring or promoting the less qualified woman in preference to the more qualified man.

The supposed rationale for the forced hiring of women is to remedy past discrimination. But it is fundamentally unjust because (a) it punishes a man who committed no wrong, and (b) it rewards a woman who was never wronged. The woman receiving the benefit today is not the one discriminated against a generation ago.

There is no more justification for giving women preferential job treatment today than there would be for giving women two votes on the rationale that, a half century ago, many women were denied the suffrage. Women are just as smart as men, and they should be willing to compete with men for jobs on an equal, not preferential, basis.

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Affirmative Action for women not only discriminates unjustly against the male worker, but also against his dependent wife in the home whose livelihood depends on the single income brought home by her provider husband. All over the country, I meet women who tell me, "My husband has been told not to expect a promotion for ten years because the government says all the promotions must go to women."

At the union hiring halls, it is easy to find many unemployed skilled workers who are deprived of their ability to support their families because the government has forced the employer to hire an artificial quota of women even though they physically cannot do the job of a laborer or a carpenter, etc. Small contractors say they can't make ends meet because they must hire and pay a full wage to women who have not met the qualifications and cannot physically do the work that available men can do.

Affirmative Action was dramatized by a woman who phoned in on a Chicago radio talk show. She had an Affirmative Action production job in a steel plant in Gary, Indiana. She said, "I'm making $18,000; my husband is making only $17,000." Why did she call in? In order to say it's the job of the government to provide child-care for her new baby.

Affirmative Action thus induced a young mother to take a job she didn't need and physically couldn't do as well as available men (have you ever been through a steel plant?), took a job away from a steelworker trying to provide for his family, and then created an artificial demand for the government to take care of babies.

Senator Hatch has indicated that he will move to stop Affirmative Action because it is unjust and discriminatory, and furthermore was never intended by federal law. Affirmative Action is simply incompatible with the principle of equal employment opportunity, which is a far better method of achieving fairness in the job market.

The biggest problem our country faces today is inflation, and the second biggest problem is unemployment. Most people are working harder and having less to show for it at the end of each pay period. What is the most socially just way of coping with the problem of more people searching for jobs than there are jobs? One way might be to give the preference to the man or woman with the most dependents. Another way is to give the job to the most qualified, based on equal employment opportunity.

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