CHAPTER 4

Discrimination in American Society
CHAPTER 4 Discrimination in American Society

Discrimination and poverty are inextricably linked to the fabric of American social welfare. Economic, social, and political discrimination often leads to poverty, which in turn, results in the need for income maintenance and other social programs. Realizing that discrimination leads to poverty, some policymakers have tried to address this cycle by attacking discrimination. These policymakers hope that if discriminatory practices and attitudes are curtailed, the result will be equal opportunities for achievement and success. This chapter probes discrimination based on race, gender, sexual orientation, disability, and age.

Discrimination

The causes of discrimination in U.S. society are complex. A range of literature explores the motives for discrimination. Broken down, the main theories fall into three broad categories: psychological, normative-cultural, and economic.

Psychological interpretations attempt to explain discrimination in terms of intrapsychic variables. A theory called the frustration-aggression hypothesis, formulated by J. Dollard, maintains that discrimination is a form of aggression that is activated when individual needs become frustrated. Dollard argues that when people cannot direct their aggression at the real sources of their rage, they seek a substitute target. Thus, relatively weak minority groups become an easy and safe target for the aggression and frustration of slightly stronger discontented groups. For example, poor Southern whites have been viewed as an outwardly racist group. Exploited by the rigid economic and social class system of the old South, they often focused their rage on African Americans, a group even weaker than themselves. African Americans therefore served a twin purpose for poor whites: On the one hand, they formed a lower socioeconomic group, making poor whites feel better about their own standing; on the other, they functioned as a scapegoat for the frustrations of poor whites. Women, racial minorities, homosexuals, and other disenfranchised groups often serve the same function for those on a slightly higher social rung.

Another psychological approach, the “authoritarian personality” theory developed by Theodore Adorno and other psychoanalysts, posited that discriminatory behavior is determined by personality traits that involve a reaction to authority. Persons who exhibit the traits of irrationality, rigidity, conformity, xenophobia, and so forth are more likely to discriminate against minorities than are people lacking those traits. Other authors, such as Wilhelm Reich, argued that discriminatory attitudes arise from a sense of insecurity, self-hatred, deep-seated fears, and unresolved childhood needs and frustrations.

The normative-cultural explanation suggests that individuals hold prejudicial attitudes because of their socialization. That is, through both overt and covert messages, a society teaches discrimination and rewards those who conform to prevailing attitudes and behaviors. Because of strong societal pressures to conform to established norms, resistance to discriminatory practices becomes difficult. For example, special opprobrium in the old South was reserved for liberal whites who broke the norms governing interactions with African Americans. Often, societies are more tolerant of outsiders who break the norms than they are of insiders who “betray” the group. This theory suggests that as social and institutional norms supporting discriminatory practices change, individual attitudes will follow suit.

One economic theory contends that dominant groups discriminate to maintain their economic and political advantages. This theory is based on the belief that relative group advantages are gained from discrimination. For example, male workers may discriminate against female workers because they perceive them as encroaching on their employment prospects. These males may fear that they will be replaced by a female worker who will accept lower wages. And employers themselves may uphold discriminatory attitudes because as long as women workers are stigmatized, they will command a lower salary and thereby serve as a cheap labor pool. In that sense, the increasing racial tensions in U.S. society can be understood partly as reflecting the job advancements made by minority groups.

A Marxian analysis sees sexism, racism, homophobia, and other forms of discrimination as economically useful to the capitalist class. According to Marxists, capitalism requires a marginal and unskilled labor pool willing to take the jobs rejected by economically franchised groups. Specifically, industrialization requires a labor force willing to relocate to meet shifting employment needs. In this framework, discrimination forces disenfranchised groups to relocate in order to flee persecution based on ethnic, religious, or racial differences. There are various levels of stigma, and not all out-groups...
experience it with the same intensity. In the extreme, however, stigma can reduce the economic currency of whole populations and thereby create an underclass forced to take whatever jobs are available at whatever wages are offered.

By manipulating stigmatized groups against each other, employers can curtail wage demands. Specifically, they can force wage concessions by threatening to replace relatively well-paid employees with lower-paid workers from a stigmatized group. Paradoxically, the lower economic status of disenfranchised groups increases their value to the economic order. Simply put, discrimination determines who will flip the burgers and supersize the drinks.

To maintain an air of legitimacy, discrimination must have moral, social, and theological underpinnings. To that end, some have used the Bible to explain the inferiority of women, the “sin” of homosexuality, and the necessity of separating the races. To augment or replace biblical interpretations, spurious scientific explanations have been developed, such as Social Darwinism and pseudoanthropological treatises regarding the attributes of stigmatized groups. For example, some people maintain that menstrual cycles cause severe mood swings that make women incapable of holding positions of power. Others believe that African Americans are descended from Ham and have therefore committed biblical sins that justify discrimination. Some members of the Ku Klux Klan claim that African Americans are racially inferior, based on theories grounded in shaky anthropological research supported by dubious intelligence testing. Some white supremacists groups believe that Jews are descendants of Satan and that the “true Israelites” (i.e., the lost tribes of Israel) are Aryans. These stereotypes have little to do with reality. Moreover, it is difficult to imagine that skinheads or those living in white supremacist enclaves represent the hope of the white race or are the “true Israelites.” Without the legitimation offered by moral, religious, social, and “scientific” sources, discrimination is devoid of social validity and becomes naked exploitation.

Social stigma and discrimination can lead to the transformation of disenfranchised groups into a lower socioeconomic class. Alternatively, as in the case of gays, lesbians, and the aged, social stigma and discrimination can result in social marginalization without triggering statistically observable economic discrimination. For example, although the individual incomes of gays and lesbians (and the assets of the elderly) are higher than the national averages, people in these groups often experience economic discrimination in the form of restricted career choices, including forced occupational clustering, limited access to upper managerial positions, discrimination in hiring practices, forced retirement, and so forth. In addition, discrimination can also turn violent. For example, from 1990 to 1996 there were more than 243 attacks against religious institutions—black churches and white churches, synagogues and mosques. About 78 percent of all suspicious black church fires during that period occurred in the Southeast. In response, Congress passed the Church Arson Prevention Act of 1996, which broadened the ability of the federal government to seek criminal penalties in cases involving vandalism or destruction of religious buildings.

The following sections will examine some core components of discrimination and social stigma, including racism, sexism, homophobia, ageism, and discrimination against people with disabilities.

Federal and state governments often accumulate data based on dividing U.S. society along the lines of whites and people of color. Today, however, clumping white Americans into a single category is as misleading as not understanding the important cultural differences among people of color. For example, in 1850 it was relatively easy to describe white Americans; in all probability they were Protestant and of Anglo-Saxon or Teutonic backgrounds. But after the Civil War vast numbers of immigrants began to arrive from southern and central Europe. They were not Protestant, they were not Anglo-Saxon, and they had different languages and cultures from those who preceded them. About 200 million Americans can trace at least some of their ancestry back to the following groups (in descending size order): English, German, Irish, French, Italian, Scottish, Polish, Dutch, Swedish, Norwegian, Russian, Czech, Slovakian, Hungarian, Welsh, Danish, and Portuguese.6 In addition, while some white Americans have an Hispanic surname, they have no Hispanic cultural memory. This is complicated by a large migration of people from Arabic-speaking countries, who while they may experience discrimination, are classified as white. Although most white groups have generally assimilated into American culture, many still maintain some of the characteristics that have contrib-
uted to the particular attributes of white American society. It is therefore not surprising that the field of white studies is becoming popular at schools such as the University of California at Berkeley, Northwestern University, Harvard University, and the University of Massachusetts.7

Throughout America’s history, whites have been a clear majority. But according to Census Bureau projections, this is rapidly changing. By the year 2050, minority groups are expected to account for almost 50 percent of the population. The Census Bureau projects that between 2004 and 2050, Asians and Hispanics will see the most dramatic increases, as the U.S. population grows by almost 50 percent to reach 420 million.8

While whites represented about 69 percent of the population in 2002, their growth is slowing because of low birth rates and high rates of immigration. The total white population is expected to increase 7 percent to 210 million in 2050, or to 50 percent of the population. In fact, the Census Bureau expects the non-Hispanic white population will decline slightly between 2040 and 2050, because of the expected deaths of baby boomers, many of whom will be 76 by 2040.9 A good deal of social history in the next several decades will reflect how the United States addresses this changing demography and whether these changes result in greater equality. Regardless, major social institutions will undoubtedly be transformed as a result of this demographic shift.

The term racism refers to discrimination against and prejudicial treatment of a racially different minority group. This prejudicial treatment may take the form of differential hiring and firing practices and promotions, differential resource allocations in health care and education, a two-tier structure in transportation systems, segregation in housing policies, discriminatory behavior of judicial and law enforcement agencies, and/or stereotypical and prejudicial media images. A pattern of racial discrimination that is strongly entrenched in a society is called institutional racism.

The Minority Middle Class

Although the idea of “middle class” is central to American life, there is no official definition of the middle class, no agreed-on classification of those who are middle class, and no reliable income figure that connotes a middle-class lifestyle.10 Moreover, the Census Bureau has no official definition of the middle class. As such, the middle class has come to represent a large portion of the U.S. population with incomes between 200 percent of the federal poverty


The Hispanic population has also experienced important economic successes. Hispanics have achieved impressive gains in household income, educational attainment, and homeownership. Hispanic Business magazine, a publication of Hispanic Business Incorporated, provides current business-related news, covers the growth of the U.S. Hispanic market, economic trends within the Americas, best business practices, and career development opportunities. To learn more about Hispanic Business, visit its website at www.hispanicbusiness.com.
threshold and those in the nation’s top 5 percent of income earners. Some analysts classify households with total annual incomes between $40,000 and $140,000 as middle class. Other analysts categorize middle-class families as having annual incomes between $25,000 and $75,000. Still others use annual incomes of $50,000 as a marker; In addition, middle-class incomes are not adjusted geographically or by an urban/rural designation. In short, the designation of “middle class” has been rendered virtually meaningless by the enormous income spread and the failure to adjust income levels to high- and low-cost regions.

Despite these definitional problems, the minority middle class is nearly invisible to the general public partly because of the intense (and generally negative) attention paid to poor urban populations. Debates about public assistance, child welfare, crime, school dropout rates, teenage pregnancy, and drug use are almost always directed toward the poor. Since almost 25 percent of Hispanics and African Americans live below the poverty line, this attention is not a wholly unreasonable bias. However, rarely do social researchers focus on the other three-fourths who may be the teachers, university professors, police officers, computer technicians, secretaries, managers, or corporate CEOs. This research bias is based on the belief that upwardly mobile minority groups are gaining a strong foothold in formerly all-white occupations, businesses, neighborhoods, and social clubs. As a result, social researchers have relatively little information on who makes up the minority middle class and what their lives are really like.

Minority groups have made concrete gains in entering the middle class. For instance, many African Americans have not only improved their socioeconomic position in recent years, but have done so at a relatively faster rate than whites. The most noticeable gains have occurred in the areas of professional employment, incomes (including two-earner family incomes), higher education, and home ownership. For example, the typical black family earned $3,000
more in 1995 than in 1992. In 1995, African Americans were the only group whose inflation-adjusted median income exceeded that of 1989. In 1995 black married couples earned 87 percent as much as white married couples, up from 79 percent in 1989. For two-earner black couples between 24 and 35, average annual income was less than $3,000 compared to white couples, a significant improvement over earlier decades. The black median family income in 2002 was $29,177, an all-time high first reached in 1997. Nearly one-third of all African American families reported total income in 2001 or $50,000 or more; for African American married couples it was nearly 52 percent. On the other hand, per capita income for African Americans decreased 1 percent between 2002 and 2003 to $15,775.

The number of black businesses increased by 46 percent (from 424,165 to 620,912) between 1987 and 1992. (The nation's total number of firms increased only 26 percent in that same period.) Receipts for black firms increased by 63 percent, from $20 to $32 billion. The number of African Americans in technical, professional, and managerial positions increased by 57 percent from 1973 to 1982. By 2002, 18 percent of African American men and 26 percent of women worked in managerial and professional occupations. Partly resulting from increased incomes, blacks recorded a 47 percent increase in home ownership during the 1970s compared to 30 percent for whites. By 2003, 48 percent of black households owned their own homes, an increase of 2 percent since 1999.

Education is an important indicator of middle-class status, and African American youngsters recorded a substantial gain in SAT scores from 1976 to 1989, scoring 19 percent higher in verbal and 32 percent higher in math scores. By comparison, white SAT scores dropped by 5 percent and 2 percent, respectively. In 2002, 79 percent of blacks aged 25 to 29 were high school graduates, and 17 percent had baccalaureate degrees. There is now no statistical difference in high school graduation rates between whites and blacks. More than 800,000 African Americans have an advanced degree. A slightly higher percentage of black women than men aged 25 and over have at least a bachelor's degree (18 versus 16 percent). The number of African Americans under 35 enrolled in college in 1998 (1.7 million) was 50 percent higher than the number enrolled in 1988. In addition, between 1985 and 1995, the homicide rate for African Americans dropped by 17 percent.

The Hispanic population has also experienced important economic successes. Between 1979 and 1999, the Hispanic middle class grew by 71 percent to 9.5 million. At the same time, Hispanics achieved impressive gains in household income, educational attainment, and homeownership. From 1998 to 2000, aggregate Hispanic net worth jumped 31 percent to $512 billion. Hispanic families earning between $40,000 and $140,000 a year reached 2.5 million in 1999, or about one-third of all Hispanic households. (From 1995 to 2001, Hispanic household median income grew by 27 percent.) In 2000, 64 percent of middle-class Hispanic households (48 percent of all Hispanic households) either owned or were buying a home, and 20 percent were headed by someone with a bachelor's or an advanced degree. By 1999 total Hispanic purchasing power was estimated at $272.7 billion. Much of this economic growth was fueled by Hispanic business formation, which increased 39 percent from 1992 to 1997. In 1990, Hispanic businesses reported cumulative revenues of $8.3 billion; by 1999 that figure had more than doubled to $17.4 billion.

Much of the recent growth of the minority middle class has resulted from the prosperity of the middle 1990s. However, this may be changing. According to a 2004 Census Bureau report, real median income did not change between 2001 and 2003 for non-Hispanic white (about $48,000), black (about $30,000) or Asian households (about $55,500). Hispanic households experienced a 2.6 percent decline in median income between 2002 and 2003. Real median earnings of men age 15 and older who worked full-time, year-round in 2003 ($40,668) remained unchanged from 2002. Women with similar work experience saw their real earnings decline—0.6 percent to $30,724—the first drop since 1995. As a result, the ratio of female-to-male earnings for full-time, year-round workers was 76 cents for every dollar in 2003, down from 77 cents in 2002. Since 2001, the middle-income group (defined here as $50,000 a year or more) has declined by 1.2 percent. At the same time, households with annual incomes of less than $25,000 grew by 1.5 percent and now make up 29 percent of all households. In effect, a growing number of households are slipping from the middle class into the lower-income group.

The sparse research that exists on middle class minorities indicates the continuing economic, residential, occupational, wealth, and social disparities between minority groups and whites, even within the middle class. As such, a more appropriate label for many members of the minority middle class is “lower middle class.” The one doctor who lives in an
exclusive white suburb and the few lawyers who work at a large firm are not representative of the overall black middle class. While most whites are also not doctors or lawyers, the lopsided occupational distribution favors whites for professional and managerial jobs, whereas the black middle class is clustered in sales, clerical fields, and governmental or civil sector jobs. The huge wealth disparity between whites and African Americans (the median net worth of all non-Hispanic white U.S. families was $121,000 in 2001 compared with $19,000 for African Americans) regardless of income, education, or occupation is a powerful indicator of social injustice and mitigates against putting too much emphasis on the term “middle class.”

### African Americans

#### The Demography of African Americans

The nation’s African American population was estimated in 2002 at 36.7 million, or almost 13 percent of the total population (this excludes 2 million people who chose the multi-racial options offered in the 2000 census and identified themselves as black and at least one other race). From 2000 to 2002, the African American population increased by 1.2 million people or 3.3%; meanwhile, the total U.S. population grew by 2.5 percent. According to projections, the African American population may increase from 35 million in 1999 to 61 million by 2050, a 74 percent rise. The black population is young, with almost 33 percent under age 18 in 2002. This compares with 23 percent of the white population. In 2002, the median African American age was thirty, five years younger than the U.S. population as a whole. Conversely, 8 percent of African Americans were 65 years old and over versus 14 percent of whites.

African Americans are concentrated in the South (55 percent resided there in 2002). They are also more likely to live in metro areas (87.5% versus 78% for whites). More than 52 percent of African Americans live in central cities within metro areas. The 10 states with the largest African American populations in 2002 were New York (3.5 million), Florida (2.7 million), California and Texas (2.6 million each), Georgia (2.5 million), Illinois (2 million), North Carolina (1.8 million) and Maryland (1.6 million), Michigan (1.5 million), and Louisiana (1.4 million).

#### African Americans in Poverty

After having dropped in the mid-1990s, the number of poor African Americans rose from 8.1 million in 2001 to 8.9 million in 2002, while their poverty rate increased from 22.7 to 23.9 percent. For African American families, the number and percent in poverty fell from 2.2 million to 2.0 million and from 26.1 to 23.6 percent, respectively, from 1996 to 1997. African Americans accounted for 60 percent of the decline in the number of poor persons in the United States between 1996 and 1997. Similarly, about 400,000 fewer families were poor in 1997 than in 1996 and more than half of them were African American. African American families with a female householder (no husband present), experienced a drop in both the number and percentage of families who were poor: 1.4 million and 35% in 2001, down from 1.5 million and 39.3% in 2000. Although the 2001 poverty rate for African Americans is 22.7% (or 8.1 million people), it remained statistically unchanged from 2000 and represented the lowest rate since the Census Bureau began collecting poverty data in 1959.

#### The “Diswelfare” of African Americans

Millions of African Americans have not seen positive changes in their living conditions; instead, they experienced a significant erosion in living standards. The effects of discrimination are illustrated by key socioeconomic indicators in the areas of poverty, family structure, African American businesses, labor force participation and income, crime, housing, health, education, and welfare dependency.

**Poverty** Despite a drop in the mid-1990s (and a rise in the early 2000s), black poverty rates continue to be much higher than for non-Hispanic whites. Some 8 percent of whites were poor in 2002, a rate less than one-third that for blacks. Similarly, median household income in 2003 was more than 38 percent higher for non-Hispanic whites than for blacks. The 2003 poverty rate was also higher than the poverty rates for every year of the 1970s, even though the unemployment rate was lower.

**Family Structure** In 2002, 48% of African American families were married couples, 43% of families were single female-headed households, and 9% were maintained by men only. African American families are larger than non-Hispanic white families; 20%
had five or more members in contrast to 12% of white families. (Larger family sizes result in lower per capita income.) Four million African American children (36 percent) resided with both parents in 1998. In 2002, 30% (1.1 million) of all children living in a grandparent’s home were African American.31

African American Businesses As mentioned earlier, black-owned businesses grew 46 percent between 1987 and 1992, and business receipts grew at the same rate as for white firms. However, receipts in black-owned businesses constituted only about 1 percent of total U.S. business receipts in 1992. Receipts for black-owned firms averaged $52,000 per firm, compared with $193,000 for all U.S. firms. Fifty-six percent of black-owned firms had receipts of under $10,000, and less than 1 percent had receipts of $1 million or more.32 Overall, the annual combined revenue of the 25 largest U.S. black-owned businesses in 2002 was only $7.8 billion.33

Labor Force Participation and Income Discrimination continues in the areas of employment and wages. Although laws and regulations addressing racial discrimination in employment have had some success, they have not adequately prevented widespread discrimination against African Americans. The Urban Institute compared the experiences of comparable African American and white male job seekers. Using hiring audits, the study found that black applicants were subject to unfavorable treatment during the application process 20 percent of the time, compared with 7 percent for white applicants. Unfavorable treatment included (1) not advancing to the next level of the hiring process, (2) encountering more questions or resistance before receiving an application form, (3) being steered toward less desirable positions than white counterparts, (4) being forced to wait longer for interviews, (5) receiving only cursory interviews, (6) hearing discouraging or derogatory remarks, and (7) being turned down for a position when it was offered to a white applicant.34

Despite the narrowing of some important economic indicators, the unemployment rate for blacks is still almost twice that of whites. While the national employment rate stood at about 5.4 percent in mid-2004, the black adult unemployment rate was 10.4 percent, and among black teenagers it was 37 percent.35

Discrimination carries into income. Not surprisingly, the lowest income gap is found between blacks and whites without a high school diploma. The more education people attain, the greater the income gap. In 2003, white males with a master's degree earned $75,187 a year; African American males, $60,824. This $14,363 translates into a salary differential of almost 20 percent. In varying degrees, the same salary gap is evident between minority and white women. (See Table 4.1.)

<table>
<thead>
<tr>
<th>2003 Salary and Educational Attainment for Workers over Age 25</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Asian</strong></td>
</tr>
<tr>
<td><strong>Men</strong></td>
</tr>
<tr>
<td>No H.S. Diploma</td>
</tr>
<tr>
<td>H.S. Grad</td>
</tr>
<tr>
<td>Some College</td>
</tr>
<tr>
<td>Assoc. Arts Degree</td>
</tr>
<tr>
<td>BA Degree</td>
</tr>
<tr>
<td>Master's Degree</td>
</tr>
<tr>
<td>Ph.D.</td>
</tr>
<tr>
<td>Prof. Degree</td>
</tr>
</tbody>
</table>

*NA = The sample size was too small for accurate calculation.

Jared Bernstein offers several explanations for the African American wage gap. These include discrimination in employment (aided by the lax enforcement of antidiscrimination laws); more frequent employment in vulnerable sectors of the labor economy; a combination of regional, industrial, and occupational choices; lower rates of unionization in the labor market; and the general erosion of worker rights. Another explanation suggests that as middle-class African Americans advance, greater unemployment occurs among those with less education and skills. But this explanation does not address the large African American/white unemployment differential among college-educated men, a disparity that is greater in central cities of the East and North. According to Franklin Wilson, the cause of this discrepancy can be found in two factors: (1) the decline during the 1980s in the number of jobs traditionally filled by college-educated African American men (e.g., public sector jobs dealing with affirmative action, social welfare, and criminal justice); and (2) the inability of educated African Americans to penetrate the professional/technical occupations that entail managerial or supervisory responsibilities. Not surprisingly, these positions usually involve higher salaries and more job security. Also, personnel cutbacks in federal and state governments are likely to exacerbate the income differential of African Americans, because one of the major opportunities for their employment has been in the governmental sector. Regardless of the causes, African Americans continue to earn less than whites, irrespective of household composition, education, region, or religion.

Crime In 1999, 603,000 black men were enrolled in higher education in the United States. The total number of black men incarcerated in federal, state, or local prisons was 757,000. More than 5.6 million Americans are in prison or have served time. Given current trends, a black male in the United States has a one in three chance of going to prison during his lifetime. For a Hispanic male, it is one in six; for a white male, one in seventeen. Among women, 3.6 percent of blacks and 0.5 percent of whites will enter prison at least once. Based on current rates of incarceration, an estimated 7.9 percent of black males (compared to 0.7 percent of white males) will enter state or federal prison before they reach age 20, and 21.4 percent of black males (versus 1.4 percent of white males) will be incarcerated before age 30. Some important factors influence these numbers. About 62 percent of first-time offenders admitted to federal prison and 31 percent of those admitted to state prison are sentenced because of drug offenses. About 12 percent of drug users are black, but blacks make up nearly 50 percent of all drug possession arrests in the United States. Moreover, the racial composition of the 3,517 people on death row in 2003 was 46 percent white, 42 percent African American, and 10 percent Latino. Given that African Americans make up only 13 percent of the U.S. population, they were overrepresented on death row by more than three times their number in the population.

Blacks were six times more likely than whites to be murdered in 2002. Although the homicide rate for black males in the United States has fallen in recent years, the rate remains unacceptably high. Black males 18–24 years old have the highest homicide rates. Compared to the next highest rates, their rates are more than three times the rates of black males 14–17 years old and 4 times the rates of black males age 25 and older. For African American males, the probability of being murdered before age 45 in 1995 was 2.21 percent, compared with 0.29 percent for white males. In Washington, D.C., 1 in 12 black 15-year-old males (about 8 percent) will be murdered before age 45. By comparison, the death rate for U.S. soldiers serving in the military during World War II was 2.5 percent; during World War I, it was 2.4 percent; and during the Vietnam War, 1.2 percent.

Housing Housing patterns reflect the economic gulf between African Americans and whites. Minority (African American, Hispanic, and Native American) households are both poorer and more likely to be renters than white households. This encourages a home ownership rate of only 48 percent for African Americans compared to about 70 percent for non-Hispanic whites. In 1995, 78 percent of poor black renters paid more than 30 percent of their income for housing; 54 percent paid more than 50 percent. Only 49 percent of poor black households received housing assistance. Nineteen percent of poor black families live in physically deficient housing (e.g., in substandard structures, or in overcrowded or doubled-up housing), and 21 percent of poor black households have affordability problems and live in physically deficient housing.

Health The effects of racism can also be seen in health issues. The black infant mortality rate in the United States in 2000 was 13.6 per 1,000 live births,
more than twice that of whites (5.7 deaths). Taken by itself, the U.S. black infant mortality rate ranks high internationally (see Table 4.2). The rate of sudden infant death syndrome (SIDS) among African Americans was 113.5 deaths per 100,000 live infant births in 2001 compared to 45.6 for whites. Although blacks comprise about 12 percent of the population, they account for more than half of all new HIV diagnoses each year. The 2001 rate of reported AIDS cases among blacks is 59.6 per 100,000 population, approximately three times higher than the rate for Hispanics and nine times the rate for whites. The pediatric AIDS rate for African American children under age 14 in 1998 was 3.2 per 100,000, compared to 0.2 for white children. Not surprisingly, life expectancy is lower for African Americans. In 2001, black males had a life expectancy of 68.6 years compared to 75 years for Whites. For African American women, the life expectancy was 75.5 years compared to 80.2 years for white women.

A major factor affecting infant mortality is low birth weight. Although the cause is unknown, low birth weight (less than 5.5 pounds) increases the chances of infant death during the first month by 40 percent. In 2002, 7.8 percent of babies were born at low birth weight; for African American babies it was 13.4 percent.

**Education** As a high school diploma becomes less valuable in the marketplace, only educational upgrading can protect workers’ incomes. In fact, on the average, college graduates in 2004 earned almost

---

**Table 4.2**

*Infant Mortality Rates and Ranks: Selected Countries, 2002 (deaths per 1,000 live births)*

<table>
<thead>
<tr>
<th>Rank</th>
<th>Country</th>
<th>Rate</th>
<th>Rank</th>
<th>Country</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Japan</td>
<td>3.3</td>
<td>20</td>
<td>U.S. (Overall)</td>
<td>6.8</td>
</tr>
<tr>
<td>2</td>
<td>Sweden</td>
<td>3.4</td>
<td>21</td>
<td>South Korea</td>
<td>7.3</td>
</tr>
<tr>
<td>3</td>
<td>Finland</td>
<td>3.7</td>
<td>22</td>
<td>Israel</td>
<td>7.4</td>
</tr>
<tr>
<td>4</td>
<td>Norway</td>
<td>3.9</td>
<td>23</td>
<td>Cyprus</td>
<td>7.5</td>
</tr>
<tr>
<td>5</td>
<td>Germany</td>
<td>4.2</td>
<td>*</td>
<td>U.S. (Amer. Indian)</td>
<td>8.3</td>
</tr>
<tr>
<td>6</td>
<td>Austria</td>
<td>4.3</td>
<td>24</td>
<td>Slovakia</td>
<td>8.6</td>
</tr>
<tr>
<td>7</td>
<td>Switzerland</td>
<td>4.4</td>
<td>25</td>
<td>Hungary</td>
<td>8.6</td>
</tr>
<tr>
<td>8</td>
<td>France</td>
<td>4.4</td>
<td>26</td>
<td>Chile</td>
<td>8.9</td>
</tr>
<tr>
<td>9</td>
<td>Spain</td>
<td>4.5</td>
<td>27</td>
<td>Poland</td>
<td>8.9</td>
</tr>
<tr>
<td>10</td>
<td>Australia</td>
<td>4.8</td>
<td>28</td>
<td>Costa Rica</td>
<td>10.6</td>
</tr>
<tr>
<td>11</td>
<td>Canada</td>
<td>4.9</td>
<td>*</td>
<td>U.S. (Black rate)</td>
<td>13.6</td>
</tr>
<tr>
<td>12</td>
<td>Denmark</td>
<td>4.9</td>
<td>29</td>
<td>Sri Lanka</td>
<td>15.2</td>
</tr>
<tr>
<td>13</td>
<td>United Kingdom</td>
<td>5.3</td>
<td>30</td>
<td>Russia</td>
<td>19.5</td>
</tr>
<tr>
<td>14</td>
<td>Ireland</td>
<td>5.3</td>
<td>31</td>
<td>Panama</td>
<td>21.4</td>
</tr>
<tr>
<td>15</td>
<td>Czech Republic</td>
<td>4.4</td>
<td>32</td>
<td>Mexico</td>
<td>23.7</td>
</tr>
<tr>
<td>16</td>
<td>Portugal</td>
<td>5.7</td>
<td>33</td>
<td>Venezuela</td>
<td>23.8</td>
</tr>
<tr>
<td>*</td>
<td>U.S. (White only)</td>
<td>5.7</td>
<td>34</td>
<td>China</td>
<td>25.3</td>
</tr>
<tr>
<td>17</td>
<td>Greece</td>
<td>6.1</td>
<td>35</td>
<td>Brazil</td>
<td>31.7</td>
</tr>
<tr>
<td>18</td>
<td>New Zealand</td>
<td>6.1</td>
<td>36</td>
<td>Syria</td>
<td>31.7</td>
</tr>
<tr>
<td>19</td>
<td>Italy</td>
<td>6.2</td>
<td>37</td>
<td>Ecuador</td>
<td>32.0</td>
</tr>
</tbody>
</table>

$43,000 a year compared to $21,000 for high school graduates.$50 As an example, between 1979 and 1987 the annual wage of a high school graduate fell 8.6 percent while the income of a college graduate rose by 9.2 percent.$51

By 2004, continuing an upward trend in black educational attainment that began in 1940, there was no statistical difference in high school completion rates between African American and white students (around 86 percent). Although the high school dropout rate is now relatively low, it is still significant—because the failure to complete high school is strongly correlated with poverty. According to the American Public Human Services Association, in 1989 nearly half of all female heads of families and 60 percent of parents receiving welfare in 36 of the previous 60 months did not finish high school.$52 Furthermore, an estimated 85 percent of juveniles appearing in court are functionally illiterate.$53

Although the same proportions of black and white students graduate from high school, college completion rates differ. By 2000, of the over-25 age group, about 34 percent of whites were college graduates compared to only 18 percent of African Americans.$54 The strong correlation between higher education and higher salaries suggests that the disparity between African American and white college completion rates will have a long-term impact on the economic well-being of these groups. In addition, fewer minority college graduates go on to obtain advanced degrees.$55 For example, only 1,604 African Americans earned a doctoral degree in 2001.$56

Welfare Dependency Welfare dependency is another indicator of racism. Although welfare dependency is decreasing for African Americans, 7.7 percent received more than 50 percent of their total annual family income from means-tested public assistance programs compared to 1.9 percent of the non-Hispanic white population.$57

Hispanic Americans

Although the history of race relations in the United States is older than the nation itself, the issue is rising in importance with the coming of a “minority majority”—the name given by some to the changing demographics expected in U.S. society over the next 50 years. There are “two Americas.” One is the aging, white society that is still found in smaller metropolitan areas, smaller towns and rural areas; the second is a younger, more multicultural society that is growing rapidly in the most visible cultural centers of the country.

The Demography of Hispanic Americans

In 2002, Hispanics became the nation’s largest minority community. It is projected that from 2002 to 2050, Hispanics will increase their ranks by 188 percent to 102.6 million, or roughly one-quarter of the U.S. population. The Hispanic population in the United States is young, with more than one-third under age 18. Between 2000 and 2002, the nation’s Hispanic population grew much faster than the population as a whole, increasing from 35.3 million to 38.8 million. According to Census Bureau estimates, Hispanics accounted for 3.5 million, or fully one-half, of the population increase of 6.9 million from 2000 to 2002.$58

The use of the term Hispanic masks a rich diversity within this group. U.S. Hispanics have roots in 22 different countries; their family histories are from Mexico, Puerto Rico, Cuba and other Caribbean islands, and Central and South America as well as the United States. Some 60 percent of Hispanics in the United States are more comfortable speaking Spanish, 20 percent speak mostly English, and nearly 20 percent speak both.$59

The diversity of the various Hispanic groups is reflected in the percentages of those 25 and older who had graduated from high school by 2002. These high school graduates ranged from 74 percent of “other Hispanic origin” to 71 percent for Cubans and 51 percent for Mexican Americans. Although Latinos pump $300 billion into the U.S. economy, 21 percent of Hispanics lived below the poverty line in 2001. Hispanic children represented 18 percent of all children in the United States but comprised 28 percent of all children in poverty.$60 Of those living below the poverty line in 2001, nearly 21 percent were Mexican American, 26 percent were Puerto Ricans living in the U.S. mainland, 16.5 percent were Cuban Americans, and 15 percent were from Central and South America.$61 This compares to just 8 percent of whites and 24.4 percent of African Americans who lived below the poverty line.$62

Because of the large number of undocumented workers coming from Central America and Mexico, the Hispanic population of the United States is difficult to measure accurately. Although some estimates of the number of undocumented workers in the United States (most of them from Spanish-speaking coun-
tries) are in the 12 million range, other researchers have estimated this population to be 3 to 6 million. Nevertheless, it is known that the total Hispanic population is growing rapidly. The Hispanic population is also geographically concentrated, with 65 percent living in just three states: California, Texas, and New York. Eighty-eight percent of all Latinos live in nine states, and 88 percent live in urban areas (a figure 13 percent higher than the national average).

Hispanic Poverty and Income

The poverty status of Hispanics worsened from the 1980s onward in relation to other groups, including African Americans. For example, the overall poverty rate for African Americans declined from 1992 (33 percent) to 2004 (24 percent); during those same years the poverty rate for Hispanics rose, surpassing the black poverty rate for the first time. However, by 2003 the poverty rate for Hispanics was 22 percent. The median household net worth for Latino households between 1995 and 1998 fell 24 percent, from $12,170 in 1995 to $9,200 in 1998. Part of this drop may have resulted from the continuing immigration of poor and unskilled workers.

In 2001 Hispanic children represented almost 18 percent of all U.S. children but made up 30 percent of all children living in poverty. By comparison, only 9.5 percent of white children were living in poverty. All told, 28 percent of Hispanic children lived below the poverty line in 2002. In 2003 Hispanics earned $33,102, slightly more than African Americans who earned $29,177. These 2003 earnings represented a fall of 2.9 percent compared to 2002.

Diversity in the Hispanic Population

Although for statistical purposes the Hispanic population is often considered as a single group, the various Latino subgroups have distinct social and historical backgrounds. For example, Cubans living in Florida may have little in common historically or politically with Mexican Americans living in California, and Puerto Ricans living in New York may have little understanding of the culture of either Cuban Americans or Mexican Americans. These differences are also reflected in income. Among Latino full-time, year-round workers in 2002, Mexicans had the lowest proportion earning $35,000 or more.

Mexican Americans constitute about 67 percent (17.1 million) of all Hispanics in the United States and are the fastest growing Spanish-speaking subgroup. According to the Census Bureau there were about 20.6 million Mexican Americans in the United States in 2000, a substantial increase over the 13 million in 1989. In part, the poverty of Mexican Americans is correlated to deficits in educational attainment. More than two in five Hispanics aged 25 and older have not graduated from high school. The Hispanic population aged 25 and older was less likely to have graduated from high school than non-Hispanic whites (57 percent and 89 percent, respectively). In addition, more than one-quarter of Hispanics had less than a ninth-grade education (27 percent), compared with only 4 percent of non-Hispanic whites. The proportion with a bachelor's degree or more was much lower for Hispanics (11 percent) than for non-Hispanic whites (29 percent). Educational attainment varies among Hispanics. Among Latinos 25 years and older, other Hispanics, Cubans, Puerto Ricans, and Central and South Americans were more likely to have at least graduated from high school (74 percent, 67 percent, 71 percent, and 65 percent, respectively) than were Mexicans (51 percent). Similarly, the proportion that had attained at least a bachelor's degree ranged from 19 percent for Cubans, 17 percent for Central and South Americans, and 20 percent for other Hispanics to 7.6 percent for Mexicans.

Puerto Ricans constituted 8.6 percent of the Hispanic population and less than 1 percent of the total U.S. population in 2002. They also had the highest unemployment rate (9.6 percent) among Hispanic groups and their poverty rate was 26 percent, again the highest of any Hispanic group.

The economic data on Hispanics suggest two subgroups with different characteristics. For example, while average household worth fell, the Latino community's total wealth rose. Not surprisingly, the number of Hispanic businesses increased 76 percent (from 490,000 to 862,600) between 1987 and 1992 and their receipts rose by 134 percent. This phenomenon is explained by the increasing numbers of poor households on the rich–poor continuum and by the increasing wealth on the rich end. Overall, however, the economic data clearly suggest a worsening picture for most of America's Hispanic communities.

American Indians

Oppression and exploitation are by no means limited to African Americans and Hispanics. American Indians, in some ways the poorest group in the United States, are left...
States, experience similar oppression as other disenfranchised populations.

From 1970 to 2000, the reported American Indian population grew from 574,000 to more than 2 million. This population rise was due to a lower infant mortality rate, a high birthrate, and the fact that more individuals of mixed American Indian descent were reporting their race as American Indian. This last factor may be partly correlated with the resurgence of American Indian pride that began in the 1970s. In 2000, American Indian and Alaska Natives numbered about 2.5 million or 0.9 percent of the U.S. population. In combination with other races they total 4.2 million or 1.5 percent. According to BIA estimates, about 1.5 million American Indians live on or near reservations and about another 356,000 live in urban areas.74

Although there are 562 federally recognized tribes (including 223 Alaskan Native groups) and 275 American Indian reservations, there is no single definition of an American Indian.75 The Bureau of Indian Affairs (BIA) considers someone to be an American Indian if the person is a member of a recognized American Indian tribe and has one-fourth or more American Indian blood. The Bureau of the Census uses self-identification.

The history of American Indians is marked by hardship, deprivation, and gross injustice. Before the arrival of Christopher Columbus, American Indians in the territorial United States numbered somewhere between 900,000 and 12 million.76 This indigenous population was dramatically reduced as a result of disease and the westward expansion of whites and the wars and genocidal policies that followed. By 1880 the census reported only 250,000 American Indians.77 Moreover, American Indians were not granted citizenship until 1924, and New Mexico did not allow them to vote until 1940.

The social and economic problems faced by American Indians is similar to those of other at-risk minority populations (see Table 4.3). After generations as the nation’s poorest and most overlooked minority, American Indians continue to suffer from what a 2003 U.S. Commission on Civil Rights report called a “quiet crisis” of discrimination, poverty, and unmet promises. Unemployment, substance abuse, and school dropout rates are among the highest in the nation, and American Indians face staggering health problems.78 In 2004, American Indians were 770 percent more likely to die from alcoholism, 650 percent more likely to die from tuberculosis, 420 percent more likely to die from diabetes, 280 percent more likely to die from accidents, and 52 percent more likely to die from pneumonia or influenza than the rest of the United States, including other minority populations. As a result of these increased mortality rates, the life expectancy for American Indians is 71 years of age, nearly five years less than the rest of the U.S. population.79

American Indian tribes are sovereign nations under federal law, and states may not enforce their

<table>
<thead>
<tr>
<th>Table 4.3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Selected Indicators of American Indian Social and Economic Well-Being, 1999</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>% of female-headed households with children</td>
</tr>
<tr>
<td>H.S. dropout rate</td>
</tr>
<tr>
<td>% of those age 16–19 not in school or working</td>
</tr>
<tr>
<td>% of children in poverty</td>
</tr>
<tr>
<td>% of married couples with children in poverty</td>
</tr>
<tr>
<td>Median income</td>
</tr>
</tbody>
</table>

civil codes on reservations within a state's borders. After the federal government gave tribes more control over their economic development, some began operating gaming places that conflicted with state and local laws. A number of states challenged these operations, but a series of Supreme Court cases were decided in the tribes' favor. To clarify the law, the Indian Gaming Regulatory Act was passed in 1988. Tribes could operate full-scale casino gambling on reservations in any state that allowed such gambling anywhere within its borders, provided the details of the operation were set forth under a tribal-state compact.

By the late 1990s there were over 310 gaming operations run by more than 200 of the nations' 562 federally recognized tribes. Of these operations, about 220 were "Las Vegas" style casinos with slot machines and/or table games. Examining the effects of casinos after at least four years of operation, economists William Evans and Julie Topoleski found that positive changes included young adults moving back to reservations (fueling a 12 percent population increase); adult employment increased by 26 percent; the number of working poor declined by 14 percent; and mortality rates fell by 2 percent. Evans and Topoleski concluded that tribal gaming operations had both positive and negative spillovers in the surrounding communities. Given the size of tribes relative to their counties, most of the growth in employment was due to growth in non-American Indian employment (most of those employed by casinos are not American Indians). Four years after a casino opens, negative changes include a 10 percent increase in auto thefts, larceny, violent crime, and an increase in bankruptcies within 50 miles of a new casino. Moreover, because casino profits are not taxable, their presence in many states may divert funds from a taxable activity.

Caught in the paternalistic and authoritarian web of the Bureau of Indian Affairs, American Indians continue to struggle for their identity. Having been robbed of their land, murdered indiscriminately by encroaching white settlers (as well as by the U.S. Cavalry), and treated alternately as children and pests by the federal government, for many years American Indians were further oppressed by having their children taken away by welfare officials. This widespread abuse by welfare workers, who evaluated American Indian child-rearing practices as neglectful in the context of white middle-class family values, was partially remedied by the Indian Child Welfare Act of 1978, which restored child-placement decisions to the individual tribes. As a result of this act, priority in placement choices for American Indian children was given to tribal members rather than white families. In an attempt to remedy historical injustices, the Indian Self-Determination Act of 1975 emphasized tribal self-government; self-sufficiency; and the establishment of independent health, education, and welfare services. Despite these limited gains, the plight of American Indians serves as a reminder of the mistakes made by the United States in both its past and its present policies toward disenfranchised minority groups.

The 2000 census reported more than 25 Asian-Pacific subgroups in the United States, including Chinese, Filipino, Japanese, Asian-Indian, Korean, Vietnamese, Laotian, Thai, Cambodian, Polynesian (Hawaiian, Samoan, and Tongan), Micronesian (Guamain), and Melanesian (Fijian). The six largest Asian population groups in the United States are: Chinese (2.7 million), Filipino (2.4 million), Japanese (1.1 million), Asian-Indian (1.9 million), Korean (1.2 million), and Vietnamese (1.2 million). In 1970 there were 1.5 million Asians living in the United States; by 1980 there were 3.7 million; and by 1990, 7.3 million. This growth represented an astounding 475 percent increase over 20 years and made Asians the fastest growing minority group in the U.S. population. It is projected that because of above-average birthrates and accelerating legal and illegal immigration, the Asian population will more than triple to 33 million by 2050, and by 2080 it will make up about 12 percent of the population compared with 4 percent in 2002.

While the social and economic data on Asians is mixed, perhaps the most striking feature is their median family income in 2003 (see Figure 4.1). Economic and social data point to a population that has made great strides, especially in the educational area. For example, in 2003, 88 percent of Asians were high school graduates, compared with 89 percent of whites, 80 percent of blacks, and 57 percent of Hispanics. In 1989, college-bound Asian seniors had a high school grade point average of 3.25 out of 4.0 versus 3.08 for all other students. In 1992 the nation's most elite universities reported 14 percent Asian American enrollment, almost five times their representation in the general population. While Asians made up only 3 percent of the population in 1990, they represented 12 percent of the students at Harvard University; 20 percent at Stanford; and in 2003, 45 percent at the University of California. In 1986, all five top scholarships of the
Westinghouse Science Talent Search scholarships went to Asians. In 2003, 29 percent of all males had completed college. Of that number, 28 percent were white, 17 percent black, 11 percent Hispanic, and 50 percent Asian. In 2002, Asian Americans had approximately the same unemployment rate (6 percent) as whites (5 percent), yet their poverty rate in 2003 was 11.8 percent, up from 10.1 percent in 2002.

In 1997, over 50 percent of all minority-owned businesses whose sales exceeded one million dollars were Asian American owned. In 1997 there were 913,000 Asian businesses in the U.S. with $307 billion in sales. Each firm averaged $336,000 in annual receipts and they employed 2.2 million people. Additionally, from 1992 to 1997, Asian-owned firms grew 30 percent with revenue growth of 46 percent. In comparison, the number of Hispanic-owned businesses stood at 1.1 million and black-owned businesses at 823,500.

Impressive as these economic statistics are, they conceal several things. First, most Asians live in expensive urban areas where salaries are higher than the U.S. average. Second, economic statistics for Asian Americans obscure the problems of many low-wage recent immigrants who work in sweatshops in urban Chinatowns. For example, in 1980 the average suburban Chinese household earned $16,790 compared to $9,059 for the average Chinatown household. A 2002 study by the Asian American Federation of New York found that garment workers in New York’s Chinatown earned $112 a week. Restaurant workers, many of which were illegal, earned only $124 a week. Third, although many Chinese and Japanese Americans have achieved economic success, Southeast Asians are at higher risk of poverty than whites. Fourth, Asians are underrepresented in the higher-salaried public and private career positions and their salaries tend to be lower than whites. Fifth, although a large number of Asian immigrants have become successful entrepreneurs and own and operate their own small retail businesses, for some this role was forced on them as a result of discrimination.

Asian Americans have been stigmatized in U.S. society in several ways. Most dramatic was the internment of Japanese Americans in detention camps during World War II. However, Asians in this country have also experienced more subtle forms of discrimination. For example, because of their economic and educational achievements, Asians are often thought of as a “model minority.” Because of this status many Asians experience pressure from the white majority as well as from other minority groups. An example of this tension is evident in the hostility between Korean shopkeepers and inner-city African American residents. Asians have also been the victims of hate crimes, some motivated by mudslinging that goes on periodically between Japan,
China and the United States over recurrent trade problems and the resulting lay-offs of U.S. blue-collar workers. In addition, some Asian Americans complain that they are discriminated against in colleges and universities because of their superior academic performance.96 Facing this backlash, some Asians have redoubled their efforts to become mainstream U.S. citizens—to be in the center of the society rather than on the margins as “hyphenated Americans.”

Many Asians point to contributions to U.S. society that result from the input of Oriental cultural values. For example, Asian culture often includes an emphasis on frugality that leads to environmental conservation, greater consideration for the feelings of others, and a balance between group and individual welfare. According to sociologist Tu Weiming, the less individualistic culture of Asians, their lower sense of self-interest, their less adversarial nature, and their less legalistic approach have important applications for the United States.97

**Immigrants and Immigration**

In less than 50 years, the U.S. Census Bureau projects that immigration will cause the population of the United States to increase from 290 million to more than 400 million. Between January 2000 and March 2002, 3.3 million illegal immigrants arrived in the United States. Mexicans made up over half of undocumented immigrants (57 percent), with another 23 percent coming from other Latin American countries, 10 percent are from Asia, 5 percent from Europe and Canada, and 5 percent from the rest of the world. Almost two-thirds (65 percent) of the undocumented population lives in just six states: California (27 percent), Texas (13 percent), New York (8 percent), Florida (7 percent), Illinois (6 percent), and New Jersey (4 percent). However, the most rapid growth in the undocumented population since the mid-1990s has been outside these states.98 In 2002, the foreign-born population of the United States was 33.1 million, equal to 11.5 percent of the U.S. population. The U.S. Office of Immigration Statistics (OIS) estimates that in 2002 the legal permanent resident (LPR) population and those eligible to naturalize were 11.4 million and 7.8 million, respectively.99

Although poverty rates are higher for immigrants, naturalized citizens have lower poverty rates (10 percent) than native-born Americans (11.8 percent).100 Moreover, a significant portion of Hispanic poverty is attributable to the large numbers of illegal immigrants entering the United States and to the low-paying menial jobs they occupy. Asian Americans have also felt the backlash from mainstream Americans who are worried about the consequences of admitting non-Europeans into U.S. society.

The pace of economic growth in the 1990s would have been impossible without immigration. Since 1990, immigrants have contributed to job growth in three ways: (1) by filling an increasing share of jobs, (2) by taking jobs in labor-scarce regions, and (3) by filling the types of jobs shunned by native workers. Although the foreign-born make up only 11.3 percent of the U.S. population and 14 percent of the labor force, the flow of foreign-born is so large that immigrants currently account for a larger share of labor force growth than natives. For example, in the 1990s, the labor force grew by 16.7 million workers, with 6.4 million of them being foreign-born. The majority of foreign-born workers (4.2 million) came during the boom of 1996–2000, when their share of job growth rose to 44 percent. In fact, immigrants filled four of every 10 job openings at a time when the unemployment rate hit record lows in the mid-1990s.101

The number of jobs immigrants fill is important, but where these jobs are filled is also important. In the 1990s, there was large-scale geographic dispersion among recent immigrants. Whereas in earlier years most new immigrants from Latin America and Asia clustered in a few large cities—such as Los Angeles, New York, and Chicago—the 1990s witnessed a spread to the western Midwest, New England, and the Mid- and South Atlantic regions. In some parts of the country, almost all labor force growth between 1996 and 2000 was due to immigration.102

New immigrants commonly fill low-skill, blue-collar jobs because a large number have less than a high school education. About 33 percent of immigrants have not finished high school, compared with 13 percent of natives. Immigrants are not only low-skilled compared with native workers, but many of their skills do not translate into the U.S. workplace. Although immigrants overwhelmingly fill blue-collar jobs, they also account for as much as half the growth in categories such as administrative support and services.103

Legal immigration to the United States has undergone several important changes since the mid-1980s. From 1985 to 1988 the total number of
immigrants into the United States remained relatively constant; it then rose sharply from 1988 to 1991. The sharp rise after 1988 was due to the impact of the Immigration Reform and Control Act of 1986 (IRCA), which granted legal status to undocumented immigrants who had been in the United States continuously since 1982 or had worked in agriculture. In 1995 the total number of immigrants admitted to the United States was 720,461, less than half of the 1,827,167 admitted in 1991.104

Major changes have occurred in the structure of U.S. immigration from the 1950s onward. According to the Immigration and Naturalization Service (INS), the most notable change was the shift of immigration from Europe and Canada (almost 52 percent of all immigrants to the United States in 1964) to Asia (27 percent of all immigrants in 2002). By 2002 Asian immigration was highest, at 27 percent, followed by Mexico at 18 percent and European immigration at 15 percent. (See Figure 4.2.) Most immigrants (65.3 percent) to the U.S. choose to settle in just six states: 26.6 percent in California, 10.7 percent in New York, 9.8 percent in Florida, 8.1 percent in Texas, 5.6 percent in New Jersey, and 4.5 percent in Illinois.105

In 1996, Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). The most comprehensive welfare reform legislation passed since the New Deal of 1935, the 900-page bill contained profound implications for both legal and illegal immigrants (PRWORA will be discussed more fully in Chapter 11).106 Specifically, the PRWORA disentitled most legal immigrants (including many who had been living in the United States for years but had not elected to become citizens) from food stamps, Aid to Families with Dependent Children (AFDC), and Supplemental Security Income (SSI). (Illegal immigrants were never entitled to these benefits.) Based on the PRWORA, the only immigrants still entitled to benefits were (1) those who had become citizens or who had worked in the United States and paid Social Security taxes for at least 10 years; and (2) veterans of the U.S. Army who were noncitizens. In addition, the bill gave states the option to deny Medicaid benefits to immigrants.107 Although some of the provisions were later rescinded, the sentiment that fueled the bill remains.

In September 1996, Congress revisited immigration, this time voting to double the size of the Border Patrol, stiffen penalties for document fraud and immigrant smuggling, bar illegal immigrants from qualifying for Social Security benefits or public housing, give states the right to deny illegal immigrants drivers’ licenses, and slightly increase the earnings requirements for U.S. residents wishing to sponsor foreign family members.108

Immigration policy has changed dramatically since the World Trade Center attacks of September 11, 2001. After 9/11 three important acts were passed: (1) the USA Patriot Act, (2) the Enhanced Border Security Act, and (3) the Homeland Security Act of 2002. While these acts do not address immigration per se, they impact it by more carefully screening and monitoring foreigners who temporarily visit (and sometimes wish to resettle in) the United States. The most important changes have been stricter background checks for visa applicants and requirements for tamper-proof, machine-readable travel documents. In addition, American consulates have raised fees, and wait times for visa approvals have gone from less than a month to several months. Those applying for visas are now paying more and are more likely to be denied entry. This stricter process has led to drastic declines in visas issued to tourists and businesspeople, with B1/B2 visas dropping 37 percent from 2001 to 2003.109

Two other groups have also been impacted by stricter procedures: foreign students and refugees.

**Figure 4.2**

Immigrants by Place of Origin, 2002

Background checks on foreign students and stricter requirements on the universities and schools that admit them have reduced the number of student visas issued. For instance, students must have a confirmation of acceptance from a United States school before they enter the country and are no longer allowed to apply to a school from the United States (i.e., they must first return to their home country). As a result of these policies, 299,000 student visas were issued in 2001 compared to 210,000 in 2003, a 26 percent drop. These policies have also impacted U.S. universities who rely on foreign students to fill graduate programs and for the tuition they generate.\textsuperscript{110}

Refugee resettlement has also slowed. Although 90,000 refugee applications were filed in 2002, only 19,000 were approved, a 72 percent drop from 2001. This decline is partly explained by stricter security procedures for natives of countries linked to terrorism, such as Sudan and Somalia.\textsuperscript{111} Although the number of foreigners temporarily entering the U.S. has declined, there was no slowdown in the number of people granted permanent legal status. About 1.1 million green cards were issued in 2001 and 2002. However, since a portion of legal immigration often originates from foreign students, refugee resettlement, and sometimes through tourist and business visits, this decline may eventually lead to fewer permanent immigrants.\textsuperscript{112}

A report released by the Migration Policy Institute analyzing post–September 11th policy changes, found an emerging pattern of violations of due process and harsh law enforcement measures directed against males from Arab and Muslim countries. The report also investigated the impact of current policy on U.S. Arab and Muslim communities and found that governmental actions have frightened and alienated this community. Programs such as special registration became a vehicle to arrest those with even minor immigration violations, and the threat of deportation was always looming in the background.\textsuperscript{113} According to report co-author Muzaffar Chishti, “The experience of Muslim and Arab communities post–Sept. 11 is, in many ways, an impressive story of a community that first felt intimidated but has since started to assert its place in the American body politic.”\textsuperscript{114}

\section*{Women and Society}

Sexism is a term that denotes the discriminatory and prejudicial treatment of women based on their gender, and sexism is a problem that U.S.
society has wrestled with since the beginning of the nation.

Sexism can manifest itself in a variety of ways. It can be social, as when women are kept out of military academies, private clubs, and certain sports. It can take the form of occupational boundaries that keep women from operating heavy construction machinery, being involved in skilled trades such as bricklaying, or flying commercial or military jets. It can take political forms, like appointing or electing token women to offices or cabinet positions or creating ‘special appointments’ to placate feminist groups.

**Violence and Sexism**

Sexism can also manifest itself in crime and family violence. Violence against women is primarily partner violence.115 According to a study by Patricia Tjaden and Nancy Thoennes:

- Nearly 25 percent of surveyed women said they were raped and/or physically assaulted by a current or former spouse, cohabiting partner, or date at some time in their lifetime.

- Approximately five percent (1.5 million) of women are raped and/or physically assaulted by an intimate partner annually in the United States. Almost 5 million (victims are often victimized more than once) intimate partner rapes and physical assaults are perpetrated against U.S. women annually.

- Almost 5 percent of women reported being stalked by a current or former spouse, cohabiting partner, or date at some time in their lifetime: 503,485 women are stalked by an intimate partner annually in the United States.

- The researchers found that women who were physically assaulted by an intimate partner averaged almost 7 physical assaults by the same partner. The survey also found that 41.5 percent of the women who were physically assaulted by an intimate partner were injured during their most recent assault.

- The U.S. medical community treats millions of intimate partner rapes and physical assaults annually. Of the estimated 4.9 million intimate partner rapes and physical assaults perpetrated against women annually, about 2 million will result in an injury to the victim, and 570,457 will result in some type of medical treatment.

- Most intimate partner victimizations are not reported to the police. Only one-fifth of all rapes, one-quarter of all physical assaults, and one-half of all stalkings perpetrated against women by intimates are reported to the police.116

Congress passed the Violence against Women Act (VAWA), which was signed into law by President Bill Clinton in 1994. VAWA represents a comprehensive approach to domestic violence and sexual assault, combining a broad array of legal and other reforms. Specifically, it was designed to improve the response of police, prosecutors, and judges to these crimes; force sex offenders to pay restitution to their victims; and increase funding for battered women’s shelters. VAWA mandates a nationwide enforcement of protection orders entered in any court and provides penalties for crossing state lines to abuse a spouse or violate a protection order. It also prohibits anyone facing a restraining order for domestic abuse from possessing a firearm.117 The act provides grants for training police, prosecutors, and judges in domestic abuse; provides grants for battered women’s shelters; assists victims of sexual assault, including providing educational seminars, hotlines, and more programs to increase awareness (as well as targeted efforts to underserved racial and ethnic minority communities); provides grants for safety-related improvements to public transportation, national park systems, and public parks; funds efforts to prevent youth violence; assists funding for rape crisis centers; and allocates funds for the treatment and counseling of youth subjected to or at risk of sexual abuse (e.g., runaways, homeless youth, and street people).118 In 2004, overall funding for VAWA was $567 million.119

**The Feminization of Poverty**

Sexism also has an economic face. Women’s wages are lower than those of men, and women more often have to resort to public welfare programs. The term feminization of poverty was coined by Diana Peirce in a 1978 article in *Urban and Social Change Review* in which she argued that poverty was rapidly becoming a female phenomenon and that women accounted for an increasingly larger proportion of the economically disadvantaged.120 Advocates maintain that the feminization of poverty is best illustrated by the demographics of poverty. In 2003 real median earnings of women 15 and older fell 0.6 percent to $30,724, the first annual decline since 1995. During that same period, the number of women and girls without health insurance rose to 21.2 million, an...
increase of 927,000 over 2002. In 2003, the poverty rate for women and girls increased for the third year in a row, to 13.7 percent (40 percent higher than for men). In turn, the poverty rate for single-mother families increased to 35.5 percent in 2003, up from 33.7 percent in 2002. In comparison, the poverty rate for married-couple families with children increased to 7 percent in 2003.121

The effects of female poverty are staggering. For example, in the United States in 2000 two out of three poor adults were women, and in 2003 nearly 4 out of 10 families headed by women lived in poverty in 2003.122 There were almost 13 million female-headed families (about 7.5 million with children) in 2003—a figure more than double that of 1970.123 Not surprisingly, this leads to a strong dependence of poor women on the welfare system, which is illustrated by the huge increase in the welfare rolls from 1960 (3 million) to 1992 (13.5 million).124

The causes of the feminization of poverty are complex. When women are deserted or divorced, many must find jobs immediately or go on public assistance. According to Ann Withorn, women generally enter the welfare system only after exhausting other possibilities for income support.125 Those who choose welfare are held in poverty by the low benefits; those who opt to work are kept in poverty by the low wages that characterize service jobs. Low-paying service employment, such as jobs in fast-food outlets and retail stores, make welfare benefits seem attractive because at least staying at home involves no child care costs.

The economics of low-wage service work are gloomy. For example, if a single mother127 with one child in day care chooses to avoid the stigma of welfare and finds work at near the minimum wage, her prospects for economic survival are bleak. The mock budget in Table 4.4 illustrates the dilemma of a single mother who finds full-time employment at

### Table 4.4

**Monthly Budget for a Working Mother with One Child in School and One Infant in Day Care (Gross Monthly Income for a Full-Time Worker @ $6.00 an hour: $960)**

<table>
<thead>
<tr>
<th>Expenses</th>
<th>Monthly total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Day care for 1 child</td>
<td>$ 540.83a</td>
</tr>
<tr>
<td>Rent</td>
<td>$ 337.53b</td>
</tr>
<tr>
<td>Health care</td>
<td>$ 93.75c</td>
</tr>
<tr>
<td>Utilities</td>
<td>$ 60.00c</td>
</tr>
<tr>
<td>Food</td>
<td>$ 259.00d</td>
</tr>
<tr>
<td>Clothing</td>
<td>$ 62.00e</td>
</tr>
<tr>
<td>Transportation</td>
<td>$ 200.00f</td>
</tr>
<tr>
<td>Entertainment</td>
<td>$ 50.00f</td>
</tr>
<tr>
<td>Sundry items (e.g., soap, cleaners, repairs, sheets, blankets, etc.)</td>
<td>$ 100.00f</td>
</tr>
<tr>
<td><strong>Total approximate cost</strong></td>
<td>$1,703.11c</td>
</tr>
<tr>
<td><strong>Monthly deficit between income and budget</strong></td>
<td>–$ 743.11c</td>
</tr>
</tbody>
</table>


c. This amount was based on figures provided in John E. Schwartz and Thomas J. Volgy, “A Cruel Hoax Upon the Poor,” The San Diego Union Tribune, November 9, 1992, p. 5.

d. The amount for food is based on the maximum Food Stamp allocation that this mother would receive in 2004 if she had no countable income.

**Women and Low-Income Work**

Women frequently enter the workforce through the service and retail trades, doing clerical jobs, cleaning, food preparation or service, personal service work, or auxiliary health service work. These occupations are characterized by low pay, a low level of unionization, little status, meager work benefits, and limited prospects for job advancement. Thus, much of the increase of women in the workforce is in the “secondary labor market” (see Chapter 5), a marginal area of employment. When economists cite the creation of millions of jobs in the 1980s and 1990s, much of what they refer to was in the secondary labor market. For example, of the 18.8 million jobs created between 1979 and 1989, 14.4 million were in retail trade and in services (i.e., business, personal, and health services), the two lowest-paid economic sectors.126
$6.00 an hour (85 cents an hour above the minimum wage).

Work at or slightly above the minimum wage is problematic, limiting the economic choices for the unskilled female household head. Moreover, the National Commission on Children estimates that the typical family spends about $6,000 annually on expenses associated with raising a child. This would mean that, excluding a mother’s personal expenses, having two children requires a minimum income of $12,000 per year. According to the National Commission on Children, “If a single mother with two children moved from welfare to a full-time, minimum wage job in 1991, her net income would have increased by only about $50 per week.”\footnote{129} The stagnancy of the minimum wage combined with the effects of inflation to make a single mother’s plight even more dire in 2004. In short, neither welfare nor low-income work provides single female-headed households with viable economic choices.

Indeed, single-mother families in the United States fare worse than their counterparts in many European industrial nations. In a study of the relative economic well-being of single-mother families in eight nations, Yin-Ling Wong, Irwin Garfinkel, and Sara McLanahan found that compared with two-parent families, single mothers in the United States are considerably worse off financially than single mothers in the eight countries surveyed. The United States ranked last, surpassed by Canada, Australia, France, Germany, Norway, Sweden, and the United Kingdom.\footnote{130}

Inequities in public transfer programs also exacerbate the economic problems of low-income women. For example, Social Security and public assistance are often the only viable options for women, and about 8 out of 10 poor, female-headed families rely on public cash transfers through public welfare programs.\footnote{131} Although median transfers to women are lower than to men, they constitute a higher share of the recipients’ total income: about one-third for female-headed households as compared with one-tenth for male-headed households. Moreover, Social Security is often the only source of income for elderly women. Like other public transfer programs, Social Security is riddled with pitfalls. In large part, many problems with Social Security are based on the assumptions that all families are nuclear and that families with young children need more per capita income than aged couples or single individuals. Some of the inequities in Social Security include:

- Because women’s wages are lower than men’s, their retirement benefits are also lower.
- Married female workers fare better on Social Security than single women. Married individuals who never worked can benefit from Social Security payments made by a spouse.
- Couples in which one worker earned most of the wages may fare better than couples in which the husband and wife earned equal wages.
- Homemakers are not covered on their own unless they held a job in the past. Widows do not qualify for benefits unless they are 60 years old or have a minor in the house.
- Regardless of the length of the marriage, divorced women are entitled to only one-half of their ex-husband’s benefits. If this partial payment is the divorced woman’s only income, it is usually inadequate. Furthermore, divorced women must have been married to the beneficiary of Social Security for at least 10 years to qualify for his benefits.
- Because of child care responsibilities, women typically spend less time in the workforce than men and their benefits are usually lower.\footnote{132}

As a result of the Social Security amendments of 1983, several sex-based qualifications were eliminated: Divorced persons can qualify for benefits at age 62 (even if the ex-spouse has not yet claimed benefits), and divorced husbands can claim benefits based on the earnings records of their ex-wives.\footnote{133} Although these changes are important, they have led to only minor improvements in the system. Other reforms under discussion include an earnings-sharing option that would equally divide a couple’s income between husband and wife (thereby eliminating the category of a primary wage earner and a dependent spouse) and a double-decker option in which everyone would be eligible for basic benefits regardless of whether they contributed to the system (individuals who contributed to the paid labor force would receive a higher benefit).

**Women and Work**

Myths abound in attempting to explain why women consistently earn less than men.\footnote{134}

**Myth 1.** A working mother’s wages are not necessary to her family’s survival; her job is a secondary activity that usually ceases with marriage or childbirth.
Fact. Most families require two paychecks to maintain the same standard of living as their parents. Twenty percent of working mothers are heads of households; two out of three working mothers report that they cannot decrease their working hours because of economic need. According to a 2004 AFL-CIO study, three in ten working women reported making all or almost all of their families’ incomes. Three in five earned half or more of their families income. The only families that realized an increase in their real incomes and living standards in the last two decades were ones with two college-educated working parents. And three-fourths of these gains came not from higher wages, but from the longer hours women added to the labor force.

Myth 2. A working mother is unreliable, because her family is her primary concern.

Fact. Although some working mothers choose the “mommy track” (work affording flexible and/or shorter hours), others are forced into it by a lack of affordable quality day care. (Parenthetically, many men would choose the family as their first priority if they were forced to make the decision. However, they are usually not asked to make that choice.) Seventy-five percent of mothers return to work within a year after childbirth. Even without family assistance programs, most working mothers continue to maintain employment.

Myth 3. Large numbers of working women leave the workforce to return home to raise their children.

Fact. Statistics show an opposite trend. In 1978 mothers of infants had a labor force participation rate of 35.7 percent; by 2003 it had risen to 53.7 percent. The choice of mothers to become full-time homemakers is the exception, not the rule (see Figure 4.3).

Myth 4. The cost to business of providing benefits to working mothers is prohibitive. Small businesses cannot afford to provide benefits and services such as child care, maternity leave, and flextime. For large businesses, such costs decrease their international competitiveness.

Fact. Family assistance programs raise productivity, increase worker loyalty, decrease turnover, and curb absenteeism costs. The majority of employers report no change in costs owing to family leave legislation. In an AFL-CIO study, 64 percent of working women reported having no control over their work hours; 79 percent lacked child care benefits.

Myth 5. Women are doing better economically. In fact, they are rapidly closing the wage gap and are forging ahead of men.

Fact. In 1979 women earned 64 percent of a male wage; by 1993 it was 71 percent; and by 1999, 77 percent. By 2004 the trend was slightly reversed and the wage differential had risen to
76 percent. Not only are their wages lower, but one-quarter to one-third of working women also lack basic benefits. Four in 10 working women work evenings, nights or weekends on a regular basis, and one-third work shifts different than their spouses or partners. Thirty-one percent of working women have no sick leave and 34 percent do not have access to these benefits through their employers.\textsuperscript{140}

### Income and Job Disparities between Men and Women

Some of the income disparity between men and women can be traced to occupational segregation. Occupations such as cashier, receptionist, and home health aides are traditional female jobs in which 75 percent or more of the workers are women. But they are also typically among the lowest paying jobs. And although women have gained ground in acquiring more managerial and professional positions, the clerical and teaching fields are still among the most likely female occupations.

There are about 100 employment categories in which women’s participation is slight. For example, fewer than 25 percent of truck drivers, geologists, aircraft engine mechanics, airplane pilots and navigators, firefighters, and automobile mechanics are women. In 2002, the largest category of women workers were teachers (5.6 million, excluding those in colleges and universities), and women secretaries numbered 3 million.\textsuperscript{141}

About half of all working women are in occupations in which 80 percent of coworkers are women.\textsuperscript{142} In fact, 98.6 percent of secretaries are women, 92.7 percent of bookkeepers, 93 percent of nurses, and 78.5 percent of administrative/clerical staff. Between 1988 and 2002, the number of women in nontraditional jobs remained relatively unchanged at around 3 percent of the total number of employed workers. In 2003 women still made up only 3.4 percent of firefighters; 18.3 percent of state and local police officers; 2.4 percent of construction workers; 11.8 percent of college presidents; and 3 to 5 percent of senior-level management positions in corporations.\textsuperscript{143}

The women with the highest earnings in 1999 were those employed as pharmacists, lawyers, electrical engineers, computer system analysts, teachers in colleges and universities, and physical thera-

### Table 4.5

<table>
<thead>
<tr>
<th>Salary Survey, 1996</th>
<th>Women</th>
<th>Men</th>
<th>Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accounting auditor</td>
<td>$28,340</td>
<td>$37,648</td>
<td>$32,032</td>
</tr>
<tr>
<td>Advertising CEO</td>
<td>100,800</td>
<td>126,800</td>
<td>123,160</td>
</tr>
<tr>
<td>Art director</td>
<td>45,600</td>
<td>50,700</td>
<td>48,609</td>
</tr>
<tr>
<td>Computer systems analyst</td>
<td>39,572</td>
<td>45,760</td>
<td>43,992</td>
</tr>
<tr>
<td>Computer operator</td>
<td>19,084</td>
<td>26,000</td>
<td>21,268</td>
</tr>
<tr>
<td>College dean of arts and sci.</td>
<td>106,428</td>
<td>104,030</td>
<td>106,088</td>
</tr>
<tr>
<td>College prof., pub. inst.</td>
<td>56,050</td>
<td>63,000</td>
<td>62,000</td>
</tr>
<tr>
<td>Teacher, secondary school</td>
<td>34,528</td>
<td>37,856</td>
<td>35,880</td>
</tr>
<tr>
<td>Engineering, 10–14 yrs exp.</td>
<td>64,108</td>
<td>63,520</td>
<td>64,000</td>
</tr>
<tr>
<td>Engineering, 3–4 yrs exp</td>
<td>44,000</td>
<td>45,577</td>
<td>45,000</td>
</tr>
<tr>
<td>Financial serv. salesperson</td>
<td>26,936</td>
<td>48,932</td>
<td>37,366</td>
</tr>
<tr>
<td>Food serv. supervisor</td>
<td>15,288</td>
<td>19,344</td>
<td>16,848</td>
</tr>
<tr>
<td>Medicine health manager</td>
<td>30,212</td>
<td>44,200</td>
<td>32,396</td>
</tr>
<tr>
<td>Insurance sales person</td>
<td>30,160</td>
<td>36,660</td>
<td>31,772</td>
</tr>
<tr>
<td>General counsel</td>
<td>291,096</td>
<td>304,658</td>
<td>297,877</td>
</tr>
<tr>
<td>Attorney</td>
<td>84,200</td>
<td>89,500</td>
<td>88,862</td>
</tr>
<tr>
<td>Lawyer (overall)</td>
<td>47,684</td>
<td>64,324</td>
<td>58,032</td>
</tr>
<tr>
<td>Orthopedic surgeon</td>
<td>222,478</td>
<td>298,444</td>
<td>292,000</td>
</tr>
<tr>
<td>Internist</td>
<td>119,258</td>
<td>138,240</td>
<td>133,581</td>
</tr>
<tr>
<td>Psychiatrist</td>
<td>115,297</td>
<td>143,739</td>
<td>132,929</td>
</tr>
<tr>
<td>Family practitioner</td>
<td>109,000</td>
<td>125,333</td>
<td>122,000</td>
</tr>
<tr>
<td>Registered nurse</td>
<td>35,360</td>
<td>36,868</td>
<td>35,646</td>
</tr>
<tr>
<td>Pharmacist, chain</td>
<td>56,577</td>
<td>56,844</td>
<td>56,776</td>
</tr>
<tr>
<td>Real estate salesperson</td>
<td>24,908</td>
<td>37,960</td>
<td>30,836</td>
</tr>
<tr>
<td>Retail/personal sales</td>
<td>12,584</td>
<td>19,032</td>
<td>14,712</td>
</tr>
<tr>
<td>Executive travel services</td>
<td>30,800</td>
<td>38,600</td>
<td>32,500</td>
</tr>
<tr>
<td>Front-line travel agent</td>
<td>22,000</td>
<td>27,200</td>
<td>24,600</td>
</tr>
<tr>
<td>Mixed animal vet</td>
<td>35,500</td>
<td>40,900</td>
<td>39,700</td>
</tr>
</tbody>
</table>

ists. In the 20 leading occupations of employed women in 1998, the ratio of women’s to men’s earnings was highest in the category of registered nurses (94.8 percent) and lowest in Managers and Administrators (66.9 percent). When women work in the same occupations as men, they usually earn less. And women’s wages lag behind men’s even in female-dominated professions (see Tables 4.5, 4.6, and 4.7). In 2002 male computer system analysts earned $1,172 weekly compared to $962 for women. Even women therapists, who outnumber men three to one, have average weekly earnings of $832 compared to $879 for men. Moreover, female attorneys earn at only 63 percent of the level of their male counterparts (and comprised only 12 percent of law firm partners in 1993); female sales representatives earn between 62 and 72 cents of every dollar earned by a male in the same position; and female social workers earn only 73 cents for each dollar earned by a male social worker. Employment and earnings rise with educational attainment for both males and females. As Table 4.5 illustrates, earnings are considerably lower for females with the same education as males in most professions.

Upward mobility is a key factor in male–female wage discrepancies. In 1995 a 21-member bipartisan Glass Ceiling Commission was created under the Civil Rights Act of 1991. The task of the commission was to study ways to eliminate barriers to advancement by minorities and women. Its recommendations included the enforcement of existing antidiscrimination laws and suggestions that businesses should more actively use affirmative action policies, that they should initiate work/life and family-friendly policies, and that CEOs should demonstrate greater commitment to the process of equal opportunity.

The commission reported that 97 percent of senior managers of Fortune 1000 and Fortune 500 companies were white and that 95 to 97 percent were male. They also found that if women or minorities did achieve top jobs, they did not receive the same paycheck. Catalyst looked at proxy statements from each Fortune 500 company. What they found was that the highest-paid female corporate executives earned 68 cents of every dollar earned by the highest-paid men.

Catalyst later found that in 1999 women represented 12 percent of corporate officers in the 500 largest U.S. companies, a 37 percent increase since 1995. Despite this, men still hold 93 percent of the high-profile jobs with profit-and-loss responsibility. Many women in executive or management level positions are in “staff” positions such as human resources or public relations. And women still hold only 1 in 10 board seats. As such, women must break through two separate glass ceilings: getting into top executive positions and receiving salaries in those positions.

### Table 4.6

**Median Weekly Earnings, Selected Traditionally Female Occupations, 2003**

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Women</th>
<th>Men</th>
</tr>
</thead>
<tbody>
<tr>
<td>Registered nurses</td>
<td>$870</td>
<td>$957</td>
</tr>
<tr>
<td>Elementary school teachers</td>
<td>750</td>
<td>836</td>
</tr>
<tr>
<td>Cashiers</td>
<td>307</td>
<td>324</td>
</tr>
<tr>
<td>General office clerks</td>
<td>474</td>
<td>521</td>
</tr>
<tr>
<td>Health aides, except nursing</td>
<td>367</td>
<td>380</td>
</tr>
</tbody>
</table>


### Table 4.7

**Median Income of Persons, by Educational Attainment and Sex, Year-Round, Full-Time Workers, 2003**

<table>
<thead>
<tr>
<th>Level of Education</th>
<th>Women</th>
<th>Men</th>
</tr>
</thead>
<tbody>
<tr>
<td>9th to 12th grade (no diploma)</td>
<td>$9,299</td>
<td>$16,029</td>
</tr>
<tr>
<td>High school graduate</td>
<td>15,440</td>
<td>28,037</td>
</tr>
<tr>
<td>Some college, no degree</td>
<td>17,011</td>
<td>29,035</td>
</tr>
<tr>
<td>Associate degree</td>
<td>22,524</td>
<td>36,546</td>
</tr>
<tr>
<td>Bachelor’s degree or more</td>
<td>31,170</td>
<td>49,074</td>
</tr>
</tbody>
</table>

positions that are commensurate with their male counterparts.\textsuperscript{150}

Many women face extraordinary challenges in finding and securing adequate employment for fair wages. Some of the obstacles faced by working women include the difficulty of finding high-quality and affordable day care, the existence of limited family leave policies, inflexible working conditions, inadequate health insurance, and problems of sexual harassment.

\textit{Day Care: A Barrier to Female Employment}

A major barrier to female employment involves day care and subsidized child care leaves. Child care is a necessity for most working families. A 1982 Census Bureau survey found that 45 percent of single mothers would seek employment if affordable quality child care were made available. But infant and toddler care is more expensive than care for preschoolers, and care provided in a center is more expensive than family day care.

Only 12 percent of women with children under age six were in the workforce in 1947; by 2004 that number rose to 63 percent.\textsuperscript{151} A Census Bureau survey found that 35 percent of children under age five of full-time employed mothers and 23 percent of children under age five of part-time employed mothers were cared for in organized day care settings.\textsuperscript{152} A study by the Institute of Applied Research found that because of the lack of accessible and affordable child care, only 25 percent of low-income working mothers left their children in an organized child care setting.\textsuperscript{153} On the other hand, a study by the U.S. Department of Health and Human Services found that more than two-thirds of low-income parents reported that they had no problems in finding child care centers.\textsuperscript{154}

The availability of day care has increased rapidly, both in the number of vacancies and in the number of available day care centers. In the early 1990s there were three times as many child care centers as in the mid-1970s, and four times as many children were enrolled in such programs.\textsuperscript{155} In 1996 the Children's Foundation reported that there were more than 93,000 regulated day care centers in the United States offering 5.3 million slots. Of that number, approximately 4.2 million were for preschool-aged children and 1.1 million were for school-aged children. The study also found that on average, 88 percent of the available spaces in day care centers were filled.\textsuperscript{156}

In a given city, child care can cost between $3,600 and $12,500 a year. According to the Runzheimer International research group, the monthly cost of full-time child care ranges from under $400 a month to more than $1,000 per month, depending on the city. This expenditure can put a severe financial strain on both single- and two-parent families. As shown in Table 4.8, a single mother in New York earning $6.00 an hour would have to spend her entire salary just to pay for day care for one child.

First instituted in the 1970s, the Title XX Social Services Block Grant program is the largest federal program for child care services. In 1990 the U.S. Congress passed additional legislation that in-

\begin{table}[h]
\centering
\begin{tabular}{|l|c|}
\hline
\textbf{Most Expensive Cities} & \textbf{Cost} \\
\hline
New York, NY & $1,058 \\
Boston, MA & 977 \\
Manchester, NH & 799 \\
Washington, DC & 773 \\
New London, CT & 748 \\
Portland, OR & 737 \\
Milwaukee, WI & 674 \\
San Francisco, CA & 665 \\
Chicago, IL & 657 \\
\hline
\textbf{Least Expensive Cities} & \\
\hline
Baton Rouge, LA & 339.44 \\
Mobile, AL & 346.67 \\
Winter Haven, FL & 347.00 \\
Jackson, MS & 362.92 \\
Macon, GA & 364.00 \\
Billings, MT & 373.33 \\
New Orleans, LA & 374.11 \\
Jacksonville, FL & 375.56 \\
Casper, WY & 376.00 \\
Little Rock, AR & 379.00 \\
\hline
\end{tabular}
\caption{Cities with the Most and Least Expensive Monthly Child Care Costs, 2003}
\end{table}

creased the supply of child care and expanded early childhood education. Through child care and development block grants and amendments to Title IV-A of the Social Security Act, Congress provided new funds to help families with child care costs and to help states improve the quality and supply of child care services.157

The lack of subsidized child care leaves poses a major problem for America's working women. Sheila Kammerman reported on a study of working mothers in five industrialized countries—Sweden, East and West Germany, Hungary, and France.158 In all those countries except West Germany, a higher proportion of women were employed than in the United States. All nations, except the United States, provided a tax-free family allowance that ranged from $300 to $600 yearly. Guaranteed maternity leave (in Sweden the leave also pertains to fathers) ranged from 14 weeks in West Germany to eight months in Sweden. In most places, guaranteed maternity leave also included full pay. Although the 1993 Family and Medical Leave Act (FMLA) allows for maternity leave, it is unpaid maternity leave. The child care system in the United States has two-tiers: Those with adequate incomes can afford first-rate child care or, if they desire, can stay at home; those with low wages are at the mercy of the ebb and flow of funding for publicly supported day care.159

Other Obstacles Faced by Working Women

Apart from low wages and difficulties in securing child care, many working mothers also require flexible family leave arrangements. Although 30 states had some form of parental or medical leave law in the past, no such law existed on the national level until 1993. In 1992 former President George Bush vetoed the Family and Medical Leave Act after it had passed the House and Senate for a second time. With the election of President Bill Clinton, the FMLA was rushed through Congress and was signed into law on February 5, 1993.

The FMLA requires public employers, and private employers with 50 or more workers, to offer job-protected family or medical leave for up to 12 weeks to qualifying employees (those who worked for the employer at least 1,250 hours in the previous year) who need to be absent from work for reasons that meet the terms of the law. Reasons include an employee’s illness (including maternity-related disability), or the need to care for a newborn or an ill family member. The law does not require employers to provide paid leave, but it does mandate that those who provide health coverage continue to do so during the leave period. If a worker uses the FMLA, they are guaranteed the same or a comparable job upon returning to work. Those who work in firms with fewer than 50 employees are not protected by the FMLA. Because the FMLA only provides unpaid leave, many workers cannot afford to take advantage of it.

Another issue affecting working women is health insurance. Women working in traditionally female occupations (the largest share of working women) have the highest uninsured rate. More than 15 million women of childbearing age in the United States have no public or private medical coverage for maternity care, even though the average cost of having a baby is more than $4,300. Half of all women earning $6.00 an hour or less are without health care, and divorced and separated women are twice as likely to be uninsured as married women. Of the 4 million births each year in the United States, 500,000 are not covered by any health insurance plan. About 5 million women of reproductive age have private insurance policies that do not cover maternity care. Moreover, health insurance frequently does not cover important women's health services, such as family planning, long-term care, reproductive care, elective abortions, and maternity care and childbirth.160 If women are to participate more fully in the labor force, health care insurance must be available to everyone.

Still another issue affecting working women is sexual harassment, an issue brought to the forefront by Anita Hill in the 1990 Senate confirmation hearing of Supreme Court Justice Clarence Thomas. Sexual harassment is defined as unwelcome sexual behaviors, including jokes, teasing, remarks, questions, and deliberate touching; letters, telephone calls, or materials of a sexual nature; pressure for sexual favors; and sexual assault. Although sexual harassment is against the law (Title VII of the 1964 Civil Rights Act has been interpreted as prohibiting sexual harassment), it remains all too common in the workplace.161

Finally, a major obstacle faced by many working women is the inflexibility of work. Because women frequently take on the major responsibility for child care, elder care, and home management, they often forgo educational or training opportunities. To help working women balance family and work
responsibilities, options such as flexible hours, job sharing, and part-time work with benefits need to be expanded.

**Fighting Back: The Equal Rights Amendment and Comparable Worth**

The Nineteenth Amendment to the U.S. Constitution gave women the right to vote in 1920. That, however, did not seem to lessen their economic and social plight, and shortly after winning the vote the Women’s Party proposed the first **Equal Rights Amendment (ERA)** to the Constitution. In 1972, Congress passed a newly drafted ERA and set a 1979 date for state ratification. When the ERA had not been ratified by 1978, Congress extended the deadline to June 30, 1982. Despite the endorsement of 450 organizations representing 50 million members, opponents of the ERA were able to defeat the amendment in 1982, just 3 states short of the 38 required for ratification.

The ERA read as follows: “Equality of rights under the law shall not be denied or abridged by the United States or any other State on account of sex. . . . The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article. . . . This amendment shall take effect two years after the date of ratification.” Contrary to popular misconceptions, the ERA would not have nullified all laws on the basis of gender; instead, it would have required men and women to be treated equally. Most alimony, child support, and custody laws would not have been invalidated, although laws giving preference to one gender would have been struck down. On the other hand, special restrictions on the property rights of married women would have been invalidated, and wives would have been free to manage their own separate finances and property. Again, contrary to popular myth, the ERA would have affected only public employment; private employment practices would not have been changed.

The battle for women’s rights has also been fought around **comparable worth**—the idea that workers should be paid equally for different types of work, if those jobs require the same levels of skill, education, knowledge, training, responsibility, and effort. The desire to equalize incomes through comparable worth is based on the belief that the **dual labor market** has created a situation in which “women’s work” (e.g., secretarial work, teaching, social work, nursing, child care) is less highly valued than traditional male occupations.

An illustration of the debate around comparable worth is provided in Table 4.9, which lists average wages for jobs typically occupied by women and men. Although the policy is controversial, 20 states have passed laws making comparable worth a requirement or goal of state employment. Although comparable worth is a good idea in theory, it brings up a difficult question: What criteria should be used to determine the comparability of different jobs? Moreover, some critics have rejected the idea of full-scale enforcement of comparable worth on the grounds that the economic costs would be catastrophic.

In 1963 Congress passed the Equal Pay Act, which required employers to compensate male and female workers equally for performing the same job under the same conditions (not all jobs were covered by the bill). Another protective measure was Title VII of the Civil Rights Act of 1964,

<table>
<thead>
<tr>
<th><strong>Table 4.9</strong></th>
<th>2003 Average Annual Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child Care workers</td>
<td>$17,400</td>
</tr>
<tr>
<td>Teacher assistants</td>
<td>20,220</td>
</tr>
<tr>
<td>Nursing aides</td>
<td>21,050</td>
</tr>
<tr>
<td>Hairdressers and cosmetologists</td>
<td>21,810</td>
</tr>
<tr>
<td>Preschool teachers</td>
<td>22,190</td>
</tr>
<tr>
<td>Home health aides</td>
<td>22,750</td>
</tr>
<tr>
<td>Social and human services assistants</td>
<td>25,450</td>
</tr>
<tr>
<td>Fitness trainers</td>
<td>30,590</td>
</tr>
<tr>
<td>Auto mechanics</td>
<td>33,320</td>
</tr>
<tr>
<td>Truck drivers</td>
<td>34,330</td>
</tr>
<tr>
<td>Maintenance and repair workers</td>
<td>31,300</td>
</tr>
<tr>
<td>Machinists</td>
<td>33,900</td>
</tr>
<tr>
<td>Auto body mechanics</td>
<td>35,760</td>
</tr>
</tbody>
</table>

which prohibited sex discrimination in employment practices and provided the right of redress in the courts. In 1972, Presidential Executive Order 11375 mandated that employers practicing sex discrimination be prohibited from receiving federal contracts. Title IX of the Educational Amendments of 1972 prohibited discrimination in educational institutions receiving federal funds. Finally, the Equal Credit Act of 1975 prohibited discrimination by lending institutions on the basis of sex or marital status.

Abortion and Women’s Rights

Feminists often point to the abortion debate as another area in which women’s rights are threatened. Specifically, pro-choice advocates argue that where abortion is concerned, some male legislators and judges have promulgated laws and regulations to control the behavior of women by denying them full reproductive freedom. They argue that the choice of an abortion is a personal matter involving only a woman and her conscience. Antiabortion forces claim that life begins at conception and that, therefore, abortion is murder. Moreover, they point to the scarcity of adoptable infants.

In 1973, Sarah Weddington, a young attorney from Austin, Texas, argued Roe v. Wade before the U.S. Supreme Court. Though her client had long since relinquished her child for adoption, Weddington argued that a state could not unduly burden a woman’s right to choose an abortion by making regulations that prohibited her from carrying out that decision. The Court ruled in favor of Weddington, and abortion was legalized in the United States, thereby nullifying all state laws that made abortion illegal during the first trimester of pregnancy. (Before 1970, four states—New York, Alaska, Hawaii, and Washington—had already made abortion legal contingent upon the agreement of a physician.) Within a decade after Roe v. Wade, almost 500 bills were introduced in Congress, most of which sought to restrict abortions through a constitutional amendment outlawing abortion, by transferring the power to regulate abortion decisions to the states, or by limiting federal funding of abortions.

Abortion has been marked by several key issues: (1) clinic access, (2) fetus viability testing, (3) parental consent for minors, (4) waiting periods, (5) insurance regulations, (6) public funding, and (7) partial birth abortions (abortions beyond the first trimester). The abortion debate has also been marked by Byzantine maneuvers and complex twists. In 1977 the Hyde Amendment prohibited the federal government from funding abortions except to save the life of a mother. Also in 1977 the federal government lifted its ban on funding abortions for promptly reported cases of rape and incest and in cases where severe and long-lasting harm would be caused to a woman by childbirth. The 1980 Supreme Court decision in Harris v. McRae upheld the constitutionality of the Hyde Amendment. In 1981 the government again reversed its position, this time cutting federal funding of abortions except to save the life of the mother. By 1990 federal funds paid for only 165 abortions, a dramatic drop from the almost 300,000 federally funded abortions in 1977. In 1994, the Freedom of Access to Clinic Entrances Act was signed into law. This bill expanded the civil liberty of persons to have unobstructed access to any abortion or reproductive health services clinic. Any person or group that interferes with the right of such persons is subject to legal penalties, which range from a high fine to imprisonment. While 80 percent of non-hospital facilities that provide abortions reported picketing in 2000, the percentage that received bomb threats dropped to 15 percent compared to 48 percent in 1985.

The strategy of the antiabortion movement has been to whittle away at Roe v. Wade by attempting to restrict abortions on the state level. For example, in Akron, Ohio, rules were promulgated that required a minor to receive parental consent for an abortion and that imposed a one-day moratorium between a woman’s signing the consent form and the actual performance of the abortion. In a 1989 landmark decision, the Supreme Court upheld a Missouri law that prohibited public hospitals and public employees from performing an abortion (except to save the life of the mother), required physicians to determine whether a woman who is at least 20 weeks pregnant is carrying a fetus able to survive outside the womb, and declared that life starts at conception. In 1991 the Court ruled in Rust v. Sullivan that the United States can prohibit federally financed family planning programs from giving out abortion information (i.e., the gag rule). On former President Clinton’s second day in office, he signed a bill overturning this “gag rule”; on the same day, in another blow to antiabortion advocates, he overturned the federal ban on using fetal tissue matter gained from abortions in scientific experiments.
Partial birth abortion is a common term for the Intact Dilation and Extraction (D&X) procedure. After former President Clinton vetoed a bill banning partial abortion twice, George W. Bush signed the ban into law in November 2003. Proponents of this ban believe that the procedure is gruesome, and is not medically necessary to save the life of the mother. Opponents of the ban believe that it is about abortion politics, not a true effort to limit late-term abortions. They argue that this legislation compromises women’s health and limits a physician’s ability to determine the appropriate abortion method for a patient. What many people did not realize was that the ban prohibited women from having an abortion after the first trimester. Unfortunately, many birth defects cannot be detected until well into the second trimester, and oftentimes if a birth defect is found, women choose to have an abortion after their 18–20-week ultrasound. Pro-choice groups are currently attempting to overturn the law by having it declared unconstitutional.

The abortion rate in the United States decreased by 11 percent from 1994 to 2000. A substantial proportion of this decline was due to the use of emergency contraception. This decline, however, was not shared equally among all groups, and abortion rates increased among economically disadvantaged women. In 2000, 21 out of every 1,000 women of reproductive age had an abortion. Women aged 18–29, unmarried, black or Hispanic, or economically disadvantaged had higher abortion rates. The overall decline in abortions was greatest for 15- to 17-year olds, women in the highest income category, those with college degrees, and those with no religious affiliation. Abortion rates for women with incomes below 200 percent of poverty and for women with Medicaid coverage increased between 1994 and 2000.

Since 1973, abortion has proved to be one of the most divisive issues in American public life. The public itself is ambivalent. According to a 2000 Gallup poll, 51 percent of American adults believe that abortions should be legal under some circumstances; 28 percent believe that they should be legal under all circumstances; and 19 percent believe they should be illegal, even to save the life of the mother. The same poll revealed that 50 percent of adults identified themselves as pro-choice and 40 percent as pro-life. Other polls directly contradict the 2000 Gallup poll.

In today’s culture wars one of the most intense controversies surrounds the issue of whether homosexuality is an acceptable lifestyle and, if so, whether those who are openly gay and lesbian should enjoy protected minority status under civil rights laws. Only 40 years ago, few in public or religious sectors even dared to raise the possibility that it might be acceptable to be openly gay in the United States. For example, in 1960, all 50 states maintained laws criminalizing sodomy by consenting adults. In 1970, 84 percent of respondents to a national Gallup poll agreed that homosexuality was “social corruption that can cause the downfall of a civilization.” Two-thirds of those polled thought homosexuals should not be allowed to work as schoolteachers, church pastors, or even government employees.

In recent decades there has been a slow but dramatic shifts in public attitudes toward homosexuality. After years of concerted pressure by gay activists, in 1993 the American Psychiatric Association removed homosexuality from its DSM-III list of “objective disorders” and declared it “a normal, if divergent lifestyle.” Throughout the 1970s and 1980s, laws forbidding sodomy were repealed in state after state. Although the United States has no federal law protecting against discrimination in employment by private sector employers based on sexual orientation, 14 states, the District of Columbia, and over 140 cities and counties have enacted such bans. As of July 2003, the states banning sexual orientation discrimination in private sector employment are California, Connecticut, Hawaii, Maryland, Massachusetts, Minnesota, Nevada, New Hampshire, New Jersey, New Mexico, New York, Rhode Island, Vermont, and Wisconsin. Many of these laws also ban discrimination in other contexts, such as housing or public accommodation. By 2004, 35 states had rescinded laws that criminalized consensual sodomy. In a crucial decision the U.S. Supreme Court invalidated the Texas sodomy law in 2003, holding private consensual sexual conduct to be constitutionally protected. Some 75 percent of Americans polled nationwide in the early 1990s felt that homosexuals should not be discriminated against in employment, housing, or public accommodations.
policies and polls reflect a significant shift in public opinion about homosexuality.

Despite these limited successes, many homosexuals continue to be forced to live in the closet, concealing their sexual orientation in order to survive in a hostile world. Often the objects of ridicule, homosexuals have been denied housing and employment, harassed on the job, assaulted, and even killed because of their sexual orientation. In many states, homosexuality is still considered a criminal or felony offense, and in some of these states the police systematically raid homosexual bars and randomly arrest the patrons. For instance:

- Students describing themselves as lesbian, gay, bisexual, or transgendered are five times more likely to miss school because of feeling unsafe—28 percent are forced to drop out.
- The vast majority of victims of anti-lesbian/gay violence—possibly more than 80 percent—never report the incident because they fear being “outed.”
- Eighty-five percent of teachers oppose integrating lesbian, gay, and bisexual themes in their curricula.
- Due to discrimination, lesbians earn up to 14 percent less than their heterosexual female peers with similar jobs, education, age, and residence.
- Forty-two percent of homeless youth identify as lesbian, gay, or bisexual.
- More than 84 percent of Americans oppose employment discrimination on the basis of sexual orientation.
- Seventy-five percent of people committing hate crimes are under age 30—one in three are under 18—and some of the most pervasive anti-gay violence occurs in schools.
- Lesbian and gay youth are at a four times higher risk for suicide than their straight peers.
- A survey of employers found that 18 percent would fire, 27 percent would not hire and 26 percent would refuse to promote a person perceived to be lesbian, gay, or bisexual.\(^{173}\)

Represented in all occupations and socioeconomic strata, gays and lesbians make up anywhere from 1 to 10 percent of the population.\(^{174}\) (Recent research suggests the percentage may be closer to 4.9 percent of men and 4.1 percent of women.\(^{175}\)

Similar to Asian Americans, discrimination against gays and lesbians is not always reflected in income. For example, male homosexuals have per capita incomes ranging from $38,000 to $42,000, versus about $12,300 for heterosexuals.\(^{176}\) According to one market analyst, “America’s gay and lesbian community is emerging as one of the nation’s most educated and affluent, and Madison Avenue is beginning to explore the potential for a market that may be worth hundreds of billions of dollars. . . . It’s a market that screams opportunity.”\(^{177}\)

**Violence against Gays and Lesbians**

In his 1999 State of the Union address, former President Clinton referred to the murder of Matthew Shepard: “We saw a young man murdered in Wyoming just because he was gay.”\(^{178}\) The total number of anti-LGBT (lesbian, gay, bisexual, and transgendered) incidents was 2,051 in 2003 and 27 percent of victims suffered some level of injury. Sixty-one percent of victims were male and 34 percent female.\(^{179}\)

**Gay Rights**

When gays and lesbians have demanded equal rights under the law, the result has been mixed—and generally negative. During the 1970s, Miami gays tried to pass a civil rights amendment that would have prevented discrimination based on sexual orientation. This referendum failed, and similar efforts were defeated in St. Paul and other cities. In 1986, Houston voters defeated two gay rights proposals, one calling for an end to discrimination in city employment practices based on sexual orientation, the other calling for an end to the maintenance of sexual orientation data in city employment records. In Tampa, Florida, and in Portland, Maine, voters overturned city ordinances protecting gays and lesbians.\(^{180}\) By the late 1990s there were 13 states with anti-discrimination laws. While all of these laws protect at least lesbian and gay employees, some go further. In addition, municipalities across the country have also adopted civil rights ordinances to cover lesbians and gay men in areas such as employment, public accommodations, housing, and credit.\(^{181}\)

For almost 20 years the Supreme Court refused to hear cases concerning gay rights, but in 1985 it heard *Oklahoma City Board of Education v. The National Gay Task Force*. In this case the Supreme Court ruled that public schoolteachers cannot be
forbidden to advocate homosexuality (e.g., by way of public demonstrations), but they can be prohibited from engaging in homosexual acts in public. In 1988 the Supreme Court ruled that the Central Intelligence Agency could not dismiss a homosexual without a reason for justifying the dismissal. In 1992 Colorado voters passed a referendum (Amendment 2), which would have prevented any law banning discrimination against gays. This amendment would have nullified gay rights laws that already existed in Aspen, Denver, and Boulder. On May 20, 1996, the U.S. Supreme Court ruled that Colorado’s Amendment 2 was unconstitutional. On the other hand, the Supreme Court has refused to rule on whether homosexuals have equal protection under the Fourteenth Amendment of the U.S. Constitution, including the right to serve in the military.

Gays and Lesbians in the Military

The United States armed forces have generally not tolerated homosexuality in their ranks. Draft board physicians in 1940 were ordered to screen out homosexuals on the basis of such characteristics as a man’s lisp or a woman’s deep voice. These instructions were often overlooked, because World War II created a desperate need for soldiers. After the war, however, gay and lesbian military personnel were discharged, and exclusionary policies were again enforced. A similar situation occurred during the Vietnam War; once the conflict ended, gays and lesbians were again persecuted and their careers terminated. The policy of the U.S. armed forces that excludes gays and lesbians from military service reads as follows: “Homosexuality is incompatible with military service. The presence in the military environment of persons who engage in homosexual conduct or who, by their statements, demonstrate a propensity to engage in homosexual conduct, seriously impairs the accomplishment of the military mission.” Those who admit to homosexuality at the time of enlistment are rejected; if homosexuality comes to light later on, the individual is separated. Although more liberal policies were put into effect during the 1970s and 1980s, they were directed at the type of separation, not at the morality of the separation itself. One of the principal justifications for excluding gays and lesbians from military service has been their supposed vulnerability to blackmail by enemy agents threatening to expose their secret. The Defense Department conducted at least three separate studies to justify this belief, but no findings supported the exclusionary policy. In fact, the Personnel Security Research and Education Center of the Defense Department conducted an examination of the homosexual exclusion policy and found no evidence that gays and lesbians disrupt any branch of the military; instead, its report praised their dedication and superior performance. Support for homosexuals in the military came from other sources, including conservative former senator Barry Goldwater, who argued that “you don’t need to be straight to fight and die for your country, you just need to shoot straight.”

By the 1990s the argument against gays and lesbians serving in the armed forces changed. The “unit cohesion” argument was developed, which predicts a breakdown of the social bonds necessary for accomplishing a military mission if combat groups include a homosexual. The underlying belief is that heterosexuals will place the good of their unit first, except when it comes to working with gay people. In that case, they cannot or are unwilling to set aside their personal prejudices.

The U.S. military’s policy of excluding homosexuals has far-reaching consequences. First, it adversely affects the career prospects of uniformed gays and lesbians. Second, people discharged from military service without an honorable discharge may have difficulty finding employment and may be ineligible to obtain benefits associated with military service. Even an honorable discharge given on the grounds of homosexual conduct carries grave consequences for the future of ex-servicepeople.

One campaign promise of former president Bill Clinton was to end discrimination against homosexuals in the military. As one of his first official acts, Clinton signed an order that prohibited military recruiters from inquiring about the sexual orientation of potential recruits. Shortly afterward, he proposed wide-ranging reforms aimed at ensuring equal rights for gays and lesbians serving in the military. Proponents of the plans argued that discrimination against homosexuals in the military was no different from the discrimination practiced against African American soldiers in World Wars I and II. For these activists, discrimination in the military was a civil rights issue. Critics, on the other hand, argued that homosexuality was a lifestyle choice rather than a factor of birth such as skin color. Facing criticism from the Joint Chiefs of Staff and many influential members of Congress, Clinton retreated from his earlier position and instead supported a “don’t ask, don’t tell, don’t pursue, and don’t harass” policy that...
prohibited the military from asking questions as long as a homosexuals behaved discreetly. However, under this rule servicepeople can be discharged if they state they are gay, lesbian, or bisexual or make a statement that indicates a propensity to engage in a homosexual act.

By the end of 2003, 9682 service members were discharged from the military under the “don’t ask, don’t tell” policy. A 1999 report by the Servicemembers Legal Defense Network (SLDN), a gay rights group, noted that in the first five years of the “don’t ask, don’t tell” policy, there was a 92 percent increase in gay-related discharges. According to the military, these were the result of service persons’ voluntarily “outing” themselves. The SLDN notes, however, that these “voluntary statements” include statements made in confidential settings such as counseling sessions, court testimony, and personal diaries. The SLDN report claims that many discharges are the result of coercion that circumvents the “don’t ask, don’t tell” policy. An additional concern is violence directed toward gays in the military. In 1999 Pfc. Barry Winchell was murdered by soldiers on a Kentucky army base. The accused soldiers admitted that their motivation involved Winchell’s sexual orientation. That murder spurred on the military to more proactively protect lesbian and gay service members. The two most significant outcomes of the Winchell murder was the addition of the “don’t harass” prong, and the second was the Pentagon’s adoption of an anti-harassment action plan.

The ban on gays and lesbians serving in the military puts the United States among interesting company. Countries which allow gays and lesbians to serve in the military include Australia, Austria, Bahamas, Belgium, Britain, Canada, the Czech Republic, Denmark, Estonia, Finland, France, Ireland, Israel, Italy, Lithuania, Luxembourg, the Netherlands, New Zealand, Norway, Slovenia, South Africa, Spain, Sweden, and Switzerland. In addition to the United States, countries which ban gay military service include Argentina, Belarus, Brazil, Croatia, Greece, Poland, Peru, Portugal, Russia, Turkey, and Venezuela. The list does not include countries in which homosexuality is banned outright, such as several Middle East nations.

Gay and Lesbian Family Life

African Americans were not permitted to marry in many parts of the United States until after the civil war, and mixed race couples could not marry in many states until a 1967 Supreme Court decision made it legal. A long-standing issue for gays and lesbians has been the recognition of gay unions. In 2001, the Netherlands became the first country to recognize same-sex marriages (SSM). Belgium followed suit, and by late 2004 six Canadian provinces and Massachusetts allowed SSMs. Denmark, Norway, Sweden, Finland, Greenland, Iceland, Germany, France, and Vermont allow same-sex couples to enter into legal partnerships, and although they have many of the benefits and protections of civil marriage, they are not legally married. While same-sex couples were able to obtain marriage licenses in San Francisco, and in various towns in New Mexico and New York for short intervals during 2004, none were able to register their marriages. Conversely, 38 states had enacted legislation banning SSMs by late 2004.

- Three states (Alaska, Nebraska, and Nevada) have amended their state constitutions to ban SSM.
- Four states (Maryland, Oregon, Wisconsin, and Wyoming) have marriage laws that specifically prohibit SSM.
- Five states (Connecticut, New Jersey, New Mexico, New York, and Rhode Island) and Washington, D.C., do not explicitly prohibit SSM.
- Only Massachusetts allows SSM, but only to residents of the state.

By 1996 the question of gay marriages had become an issue, because it appeared that Hawaii might soon recognize such marriages. Other states were concerned that a same-sex couple could relocate to a state allowing such unions, fulfill whatever residency standards are required for marriage, and then move to another state that did not recognize the union. States were quick to react, and by late 1996 one-third of all states had passed legislation prohibiting the recognition of SSMs from another state. The federal government entered the fray by passing the Defense of Marriage Act (DOMA), which effectively established that the only legitimate marriage was with a member of the opposite sex. Ironically, in the same month that Congress passed DOMA, both IBM and the city of Denver extended domestic partnership benefits (e.g., health insurance) to their gay and lesbian employees.

A 1999 decision by the Vermont Supreme Court found no compelling reason to not recognize a civil union for same-sex couples and ruled that they should be granted the same rights and responsibilities as married Vermonters. In 2000, the Vermont
governor signed into law a “civil union” bill granting Vermont gay and lesbian couples most of the rights and benefits available to married couples under the law. These protections included insurance benefits, inheritance, medical decision-making rights, and state tax benefits and obligations. The one exception was the right to have a same-sex union legally called a marriage. The concept of civil union has been criticized because it creates a separate and thereby unequal set of rights.

In February 2004, San Francisco Mayor Gavin Newsom authorized granting marriage licenses to same-sex couples. In August 2004, the California Supreme Court unanimously struck down San Francisco’s attempt to legalize SSMs, saying that Newsom had illegally defied the state law that defines marriage as a union between a man and a woman. The court also ruled that none of the almost 4,000 same-sex couples married in San Francisco were legally married or entitled to the rights of spouses. The court then ordered the city to refund each couple’s $82 license fee and $62 fee for the wedding ceremony.

In April 2001, seven Massachusetts gay and lesbian couples filed a lawsuit (Goodridge et al. v. Department of Public Health) attempting to obtain the right to marry. In November 2003 the Massachusetts Supreme Judicial Court ruled that the state constitution allowed SSMs and that the state had to issue marriage licenses starting in May 2004. Instead of accepting the ruling, the Massachusetts legislature passed a constitutional amendment overturning the court’s decision, prohibiting SSMs but allowing civil unions for gay and lesbian couples. Before becoming effective the amendment must first be passed again by the legislature in 2005 and then voted on in the 2006 general election. The possibility for non-Massachusetts gay and lesbian couples to marry is unclear, since an ancient miscegenation law prevents out-of-state inter-racial couples from coming to Massachusetts to marry.

Prompted by the Massachusetts same-sex marriage victory, the Senate proposed an amendment in 2004 stating that “Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.” Although unlikely to pass, this amendment was strongly supported by the Bush administration.

In the 2004 elections, 11 states approved state constitutional amendments banning same-sex marriage. The antigay measures passed in Arkansas, Georgia, Kentucky, Michigan, Mississippi, Montana, North Dakota, Ohio, Oregon, Oklahoma, and Utah. Even though most of the states that passed the anti-gay marriage constitutional amendments already had laws on the books prohibiting same-sex marriage, antigay groups felt that amending the state constitutions would prevent court rulings like the one in Massachusetts.

Voters approved the measures despite vigorous campaigns against them by advocacy groups. The Human Rights Campaign (HRC) alone spent more than $6.5 million nationwide to defeat antigay ballot measures.

The constitutional amendments varied in severity from state to state. The measures in Oregon, Mississippi, and Montana only ban same-sex marriage. The rest also prohibit recognizing civil unions.
Ohio’s measure is considered the most repressive. It bans same-sex marriage and civil unions, and denies any legal status to all unmarried couples. It also prohibits two unmarried people from jointly adopting a child. The Ohio measure could also deter private companies and universities from offering domestic partner benefits.\textsuperscript{198}

The question of parental rights is linked to the recognition of same-sex unions. Specifically, sexual orientation is often a factor in issues of family law, including custody, visitation, and foster/adoptive parent eligibility. Because homosexuality does not enjoy a constitutionally protected status, it can be considered in legal actions surrounding the rights of parents and would-be parents. In some jurisdictions it effectively blocks adoption and foster care placement. Although most states have no statute explicitly prohibiting gay and lesbian adoption or foster care placement, several states do not permit it.\textsuperscript{199}

\section*{AIDS and the Gay Community}

The AIDS crisis has been used to justify omnipresent homophobic attitudes. In the early days of the epidemic (i.e., the 1980s), there were recommendations for quarantining AIDS victims, renewed attempts at punishing homosexual behavior; increased job discrimination, and a generally hostile climate for both gays and lesbians. At the federal level, former senator Jesse Helms successfully introduced a bill that prevented the Centers for Disease Control from using AIDS education funds in ways that could foster homosexuality. Although in the United States AIDS still predominantly affects gay and bisexual men, intravenous drug users, and African American women, the movement of AIDS into the heterosexual community has fueled a certain sympathy toward the gay population. But positive change has come only after the documentation of more than a million AIDS cases in the United States, resulting in about 500,000 deaths through mid-2002.\textsuperscript{200} Robert Walker writes of the early days of the AIDS epidemic:

This was the time, the early 1980s, when the AIDS epidemic and its costs might have been contained, but effectively raising the alarm entailed serious political risks in all the affected communities—the political, the religious, and the homosexual. Political leaders took their cue from President Reagan’s deafening silence, and most national, state, and local public and private institutions dithered through the critical years.\textsuperscript{201}

The AIDS crisis has had a devastating effect on the lives of gay men. There are few gays in larger cities who have not lost either a lover or many close friends to the disease. This suffering, combined with AIDS education, has led to the galvanizing of the gay community. Comprehensive medical and support services have been developed in several larger cities, and many members of the gay community are exercising increased caution in the choice of sexual partners and in the sexual act itself. As a result of these measures, there has been a perceptible decrease in the numbers of AIDS cases in some cities. Despite these advances, AIDS remains one of the most significant health problems facing both gay and heterosexual communities.

Homophobia—the irrational fear of homosexuality—is a social phenomenon that has led to numerous attempts to limit the civil rights and legal protections of gays and lesbians. Justifications for this attitude have been found in traditional religious dogma that treats homosexuality as a sin against God, and in psychological explanations that view homosexuality as a disease or symptom of arrested development or a fear of intimacy. Nevertheless, the self-perception of gays and lesbians has undergone a dramatic shift since the 1960s. Gays and lesbians have begun to identify themselves as members of an oppressed minority, similar to other oppressed minority groups. As gays and lesbians have become more visible, they have organized support groups; religious groups such as Dignity (Roman Catholics), Integrity (Episcopalians), Mishpachat Am (Jews), and Lutherans Concerned; social service organizations; subchapters of professional associations; and political action groups. The political power of gays and lesbians had grown to the point that by 1984 activists were successful in inserting a gay civil rights plank in the Democratic Party platform. These changing attitudes have encouraged some political leaders to openly court the gay vote by supporting gay issues. The Clinton administration was the first to endorse gay rights openly (albeit erratically). For example, Clinton’s administration backed the Employment Non-Discrimination Act (a gay civil rights bill); appointed more than 100 openly gay and lesbian persons to administrative jobs; nominated the first-ever open lesbian to the U.S. District Court; helped defeat antigay initiatives in Oregon, Maine, and Idaho; mandated that all federal agencies add sexual orientation to their affirmative action policies; stopped the practice of denying security clearance based on sexual orientation; granted political
asylum to people at risk of persecution in their home countries based on their sexual orientation; and increased public health spending on AIDS.\textsuperscript{202}

Gays and lesbians face discrimination in social and economic areas that is manifested in the absence of gay and lesbian rights in employment and employment benefits, housing, immigration and naturalization, insurance, and custody and adoption.\textsuperscript{203} Moreover, some social service agencies refuse to allow foster care in gay or lesbian homes; insurance companies deny workers the right to cover same-sex partners under their health insurance; and gays and lesbians are often refused the right to name their partner as next of kin in medical emergencies.

**Ageism**

Ageism is a problem in a consumer-oriented society that idolizes youth. Like other minority groups, the aged face significant social and economic barriers. For example, workers over 50 often find it difficult to find equivalent employment if they lose their jobs. The aged in the United States are seldom respected for their wisdom and experience; nor do they occupy elevated social positions protected by tradition. Instead, once they have lost their earning potential, the aged are often perceived as a financial albatross around the neck of an economically productive society. Socially isolated in retirement communities, low-income housing, or other old-age ghettos, the aged often become invisible.

America is getting older—nearly 21 percent of the U.S. population will be 65 or older by 2050, compared with 12 percent in 2004. Largely due to healthier lifestyles and better medical treatment, 5 percent of the country will be 85 or older in 2050, compared with 1.5 percent in 2003. For the first 99 percent of human history, the average life expectancy was approximately 18 years. Over the past 100 years, life expectancy rose from 47 in the year 1900 to 77.2 in 2002.\textsuperscript{204} Over the same century, the percentage of the U.S. population over age 65 more than tripled—from 4.1 percent in 1900 to 12.7 percent in 1998. The over-65 population in the United States totaled 35.6 million in 2002.\textsuperscript{205}

In addition to the increase in the elderly population, there is an increase in the number of very elderly people, those over age 85. In 2002, more than 4 million of the 35 million elderly were over age 85. It is estimated that by the year 2030, 71.5 million people in the United States will be over age 65, and 9.5 million will be over age 85.\textsuperscript{206} This trend will have important consequences for health care costs, because disabilities increase with age. Whereas only about 20 percent of people aged 65 to 74 need help with daily activities such as eating, bathing, and dressing, 52.5 percent of those over age 85 need assistance with daily activities.\textsuperscript{207} Similarly, although only a small percentage (4.2 percent) of all elderly people live in nursing homes, these numbers vary dramatically with age. For example, in 1996 only 1.1 percent of people aged 65 to 74 lived in nursing homes, compared with 19.8 percent of those over age 85.\textsuperscript{208}

In 2002 more than 57 percent of people over age 65 were women, and among people over 85 there were 2.2 women for every man.\textsuperscript{209} The longer life expectancy of women, combined with the tendency of wives to be younger than husbands, means that on average women outlive their husbands by 10 years, a pattern that results in four times as many widows as widowers.\textsuperscript{210}

**Elderly Poverty and Social Programs**

The percentage of seniors living below the poverty line dropped from 35.2 percent in 1960 to less than 12 percent in 2002. Seniors in 2002 received about $22,000 in Social Security benefits and approximately $12,000 in Medicare benefits.\textsuperscript{211} Despite the drop in poverty, elderly women had a higher poverty rate (12.4 percent) than men (7.7 percent) in 2002, with half of all single women over age 65 having a yearly income of less than $12,000.\textsuperscript{212} In that same year, the median income for men age 65 and over was $19,346 compared to $111,046 for women.\textsuperscript{213}

Women tend to work fewer years than men and earn less in their jobs. Hence, on the average, women receive less Social Security benefits than men. In fact, in 1999 the average Social Security benefit for a woman was about $600 per month compared to $800 for a man.\textsuperscript{214} Lower economic status and greater longevity means that women are more likely to require public assistance programs as they grow older.

The great majority (84.7 percent) of elderly seniors are white, a disproportionately high ratio due in part to the failure of non-Hispanic populations to obtain adequate medical care. However, this pattern is changing. It is estimated that by the year 2030 African American elders will increase by 265
percent and the population of Hispanic elders will increase by 530 percent. These numbers compare to a relatively low anticipated (97 percent) increase in the number of white elders. Given their lower average incomes, fewer assets, and less access to health insurance programs, it is likely that many minority elderly will require governmental assistance. Clearly, policymakers must calculate the impact of increasing numbers of minority elderly in determining the future funding needs of health and income-based social programs.

Many elderly do not fit the stereotypes of poverty, neglect, and despair so often associated with old age. As such, many are doing well financially and have accumulated considerable wealth and assets. According to one study, “average income and assets for persons over 65 have risen dramatically, from a median per capita income of $3,408 in 1975 to $10,808 in 1993.” Controlled for inflation, this rise represented an 18 percent increase in purchasing power.

In 2000, the net worth of elderly households was $108,885 compared to $55,000 for the total population. The largest asset type is home ownership (78 percent of the elderly own their own home), which accounts for 78.5 percent of this net worth. There are major differences in the median net worth of different household types. Elderly married couple households have a median net worth of $173,950 ($57,586 when home equity is excluded).

While representing about 13 percent of the U.S. population, the elderly receive 60 percent of federal social spending. This is four times the amount spent on children and represents higher per capita spending than in Japan or any western European country. Other than the very poor, seniors are the only group with universal health coverage and the only group to receive non-means-tested government assistance. In contrast, younger workers today are less likely to have health insurance or pension benefits than retired seniors.

**Health Care and the Elderly**

As a group, a substantial number (3.6 million or 10.4 percent) of the elderly lived below the poverty line in 2002. Another 2.2 million or 6.4 percent were classified as “near-poor” (income less than 125 percent of the poverty line). Those living in poverty include a disproportionate number of women and minorities. As Judy Ochoa and Barbara Navarro argue, “In reality, both the stereotype from a few years ago of forgotten elders subsisting on dog food and the present day stereotype of ‘country club’ seniors have some basis in fact, but are only parts of a varied group with varying needs.” As the numbers of the very old and the minority elderly increase, we can expect a dramatic increase of seniors who are in financial need.

These trends have important implications for social welfare policy. For one, as the numbers of elderly increase, their demands on society for housing, health, and recreational services will become greater. The stresses put on the health care system by an increasingly aging population are already evident in the near insolvency of Medicare. For example, in 1989 the elderly accounted for 33 percent of all hospital stays and 45 percent of all days of hospital care. The average stay for older people was 8.9 days compared with 5.3 days for persons under 65. The average length of stay for older people has increased 5.3 days since 1968 and 1.8 days since 1980. Although the elderly account for about 13 percent of the population, they account for 36 percent of personal health care expenditures. As more of the population ages in the coming decades, and as the group aged 85 and over grows rapidly, the burden of health care expenses will become even more problematic.

Elderly women live longer than men—in 2002 there were 141 elderly women for every 100 elderly men—but they have only 58 percent of their income. As such, more of elderly women’s health care costs will have to be paid by the government or by their families, putting increasing burdens on both. In addition, as people live longer and require more care—especially in-home care—more pressure will be put on family members to provide or pay for that care. Because families are already stressed by increasing workloads, other family pressures, and the often large geographic distances between children and parents, the state may be pressed to provide even more care for greater numbers of the elderly.

The elderly vote in large numbers, and over the years their voices have been heard more clearly by politicians than those of African Americans and other minorities. In the 1960s policymakers responded to the needs of the elderly by passing the Older Americans Act (OAA) of 1965. The objectives of the OAA included (1) an adequate retirement income that corresponds to the general standard of living; (2) the promotion of good physical and mental health, regardless of economic status; (3) the provision of centrally located, adequate, and affordable housing; (4) the availability of meaningful...
employment, with the elimination of age-specific and discriminatory employment practices; (5) the provision of civic, cultural, and recreational opportunities; and (6) adequate community services, including low-cost transportation and supported living arrangements.222

Despite federal policies and vigorous advocacy by the American Association of Retired Persons (AARP) and other groups, ageism still persists. Negative stereotypes of elderly persons continue to be perpetuated by the media and the film industry. Moreover, the elderly continue to be victimized by crime, abuse by family members, and job discrimination. Perhaps the clearest expression of continuing ageism is seen in employment policies. The 1967 Age Discrimination in Employment Act (ADEA) protected most workers age 40 to 69 from discrimination in hiring, job retention, and promotion. However, for most workers the protection of the ADEA stops when they reach age 70. Legislation to remove the “70 cap” has consistently failed in Congress, as employer lobbies have argued that they require a free hand in personnel policies. Like race, gender, and sexual orientation, age is a social stigma that impacts social and economic justice.

People with Disabilities

People with disabilities are another group that experience the effects of discrimination. About 20 percent of the U.S. population have disabilities that limit their ability to work.223 (See Tables 4.10 and 4.11.)

Table 4.10

<table>
<thead>
<tr>
<th>Disability</th>
<th>Percent Employed*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Difficulty hearing</td>
<td>64.4</td>
</tr>
<tr>
<td>Difficulty seeing</td>
<td>43.7</td>
</tr>
<tr>
<td>Mental disability</td>
<td>41.3</td>
</tr>
<tr>
<td>Difficulty walking</td>
<td>33.5</td>
</tr>
</tbody>
</table>

*Persons may have more than one type of disability.

Disability is a difficult term to define. One medical definition is based on the assumption that a disability is a chronic disease requiring various forms of treatment. Another definition derived from the medical model—a definition used as a basis for determining eligibility in the Social Security Disability Insurance program—characterizes people with disabilities as those unable to work (or unable to work as frequently) in the same range of jobs as nondisabled people.224 People with disabilities are viewed as inherently less productive than other members of society. A third model defines disability based on what those with disabilities cannot do, seeing the disabled in terms of their inability to perform certain functions expected of the able-bodied population. As William Roth maintains, “The functional limitation, economic, and medical models all define disability by what a person is not—the medical model as not healthy, the economic model as not productive, the functional limitation model as not capable.”225

A newer definition—the psychosocial model—views disability as a socially defined category. In other words, people with disabilities constitute a minority group, and if a person with disabilities is poor, it is because of discrimination rather than personal inadequacy. This definition locates the problem in the interaction between disabled people and the social environment. Therefore, the adjustment to disability is not a personal problem but a social challenge requiring the adjustment of society. This definition requires that society reevaluate its attitudes and remove the physical and transportation barriers placed in the way of people with disabilities. It also requires the elimination of stereotypes. In part, this newer definition of disability was expressed in Section 504 of the Rehabilitation Act of 1973 (PL 93-112).

Although the range of disabilities is large, people with disabilities share a central experience rooted in stigmatization, discrimination, and oppression. Like other stigmatized groups, those with disabilities experience poverty in numbers disproportionately larger than the general population. Perhaps not surprisingly, rates of disability are greatest among the aged, African Americans, the poor, and blue-collar workers.226 Compared to the able-bodied, people with disabilities tend to be more frequently unemployed and underemployed and, as a consequence, often fall below the poverty line. Because disability is often correlated with poor education, age, and poverty, it is not surprising that African Americans are twice as likely as whites to have some level of

---

**Disabled Persons, Age 21–64**

<table>
<thead>
<tr>
<th>Disability</th>
<th>Percent Employed*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Difficulty hearing</td>
<td>64.4</td>
</tr>
<tr>
<td>Difficulty seeing</td>
<td>43.7</td>
</tr>
<tr>
<td>Mental disability</td>
<td>41.3</td>
</tr>
<tr>
<td>Difficulty walking</td>
<td>33.5</td>
</tr>
</tbody>
</table>

*Persons may have more than one type of disability.

disability (their representation is even greater in the fully disabled population), and that more women are disabled than men. The problems of low wages and unemployment are exacerbated because people with disabilities often need more medical and hospital care than others, are less likely to have health insurance, and spend three times more of their own money on medical care than do the able-bodied.227

Although discrimination continues to exist, major strides have been made to integrate people with disabilities into the social mainstream. These advances have often resulted from organized political activity on the part of the disabled and their families. For example, an outgrowth of this political activity is Title V of the Rehabilitation Act of 1973, which mandates the following rules for all programs and facilities that receive federal funds:

- Federal agencies must have affirmative action programs designed to hire and promote people with disabilities.
- The Architectural and Transportation Barriers Compliance Board must enforce a 1968 rule mandating that all buildings constructed with federal funds, including buildings owned or leased by federal agencies, be accessible to people with disabilities.
- All businesses, universities, and other institutions having contracts with the federal government must implement affirmative action programs targeted for people with disabilities.
- Discrimination against people with disabilities is prohibited in all public and private institutions receiving federal assistance.

The greatest stride was made on July 26, 1990, when former president George Bush signed the Americans with Disabilities Act (ADA) (PL 101-336) into law (see Figure 4.4). This act is the most comprehensive legislation for people with disabilities ever passed in the United States. The ADA lays a foundation of equality for people with disabilities, and it extends to disabled people civil rights similar to those made available on the basis of race, sex, color, national origin, and religion through the Civil Rights Act of 1964. For example, the ADA prohibits discrimination on the basis of disability in private sector employment; in state and local government

<table>
<thead>
<tr>
<th>Table 4.11</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Population 5 years and over</strong></td>
<td>257,167,527</td>
<td>100.00</td>
</tr>
<tr>
<td>With any disability</td>
<td>49,746,248</td>
<td>19.3</td>
</tr>
<tr>
<td><strong>Total Population 5 to 15 years</strong></td>
<td>45,133,667</td>
<td>100.00</td>
</tr>
<tr>
<td>With any disability</td>
<td>2,614,919</td>
<td>5.8</td>
</tr>
<tr>
<td>sensory</td>
<td>442,894</td>
<td>1.0</td>
</tr>
<tr>
<td>physical</td>
<td>455,461</td>
<td>1.0</td>
</tr>
<tr>
<td>mental</td>
<td>2,078,502</td>
<td>4.6</td>
</tr>
<tr>
<td>self-care</td>
<td>419,018</td>
<td>0.9</td>
</tr>
<tr>
<td><strong>Total Population 16 to 64 years</strong></td>
<td>178,687,234</td>
<td>100.00</td>
</tr>
<tr>
<td>With any disability</td>
<td>33,153,211</td>
<td>18.6</td>
</tr>
<tr>
<td>sensory</td>
<td>4,123,902</td>
<td>2.3</td>
</tr>
<tr>
<td>physical</td>
<td>11,150,365</td>
<td>6.2</td>
</tr>
<tr>
<td>mental</td>
<td>6,764,439</td>
<td>3.8</td>
</tr>
<tr>
<td>self-care</td>
<td>3,149,875</td>
<td>1.8</td>
</tr>
<tr>
<td>going outside the home</td>
<td>11,414,508</td>
<td>6.4</td>
</tr>
<tr>
<td>employment disability</td>
<td>21,287,570</td>
<td>11.9</td>
</tr>
<tr>
<td><strong>Population 65 years and over</strong></td>
<td>33,346,626</td>
<td>100.00</td>
</tr>
<tr>
<td>With any disability</td>
<td>13,978,118</td>
<td>41.9</td>
</tr>
<tr>
<td>sensory</td>
<td>4,738,479</td>
<td>14.2</td>
</tr>
<tr>
<td>physical</td>
<td>9,545,680</td>
<td>28.6</td>
</tr>
<tr>
<td>mental</td>
<td>3,592,912</td>
<td>10.8</td>
</tr>
<tr>
<td>self-care</td>
<td>3,183,840</td>
<td>9.5</td>
</tr>
<tr>
<td>going outside the home</td>
<td>6,795,517</td>
<td>20.4</td>
</tr>
</tbody>
</table>

Figure 4.4

A Summary of the Americans with Disabilities Act

activities; and in public accommodations and services, including transportation provided by both public and private entities. Some policies of the ADA went into effect immediately, whereas others were to be phased in over several years.228

In spite of loopholes, the ADA is an important step forward for disabled people. Nevertheless, some argue that while the ADA is a good law in principle, abuses are stirring up widespread resistance. Specifically, disability is often defined so broadly that virtually anyone with a problem, regardless of its extent, can claim protection under the ADA. Moreover, some people seek to use this protection to excuse incompetence or inappropriateness on the job or in school. On the other hand, any social policy that addresses the widespread needs of a large constituent is inherently vulnerable to abuse.

Despite the ADA and other federal laws, discrimination is still widespread against people with disabilities. For instance, most buildings still do not meet the needs of the physically handicapped in terms of access, exits, restrooms, parking lots, warning systems, and so forth. Many apartment complexes and stores continue to be built without
allowing for the needs of people with disabilities. The struggle for full integration remains an ongoing battle.

Legal Attempts to Remedy Discrimination

Attempts to eliminate discrimination are a relatively recent phenomenon. Although the Fourteenth Amendment of the Constitution guaranteed all citizens equal protection under the law, it was also used to perpetuate discrimination on the basis of “separate but equal” treatment. In fact, overt segregation existed in the South until the middle of the twentieth century, and separate but (supposedly) equal public facilities characterized much of the social and economic activity of the United States. The extensive system of Southern segregation included public transportation, schools, private economic activities, and even public drinking fountains. It was only in the mid-1950s that the U.S. Supreme Court overturned the *Plessy v. Ferguson* (1896) decision that had formed the basis for the separate but equal doctrine.

Desegregation and the Civil Rights Movement

In a landmark decision on *Brown v. Board of Education of Topeka, Kansas*, the U.S. Supreme Court ruled in 1954 that separate but equal facilities in education were inherently unequal. The Court ruled that separating the races was a way of denoting the inferiority of African Americans. In addition, the court ruled that segregation hindered the educational and mental development of black children. Although the Supreme Court ruled against officially sanctioned segregation in public schools, *de facto segregation* was not addressed until the *Swann v. Charlotte-Mecklenburg Board of Education* ruling of 1971. This ruling approved court-ordered busing to achieve racial integration of school districts with a history of discrimination.

The gains made by African Americans were won through bitter struggle. Up to the middle 1960s, Southern blacks enjoyed few rights, with total segregation enforced in almost all spheres of social, economic, political, and public life. Segregation in the North occurred through *de facto*, or unofficial, rather than *de jure*, or legal means, although the net effect was almost the same.

In 1955 Rosa Parks, too tired to stand in the “colored” section in the back of a bus in Montgomery, Alabama, sparked a nonviolent bus boycott led by Martin Luther King Jr. Still another protest was begun when African American students in North Carolina were refused service at an all-white lunch counter. The Civil Rights movement grew rapidly and resulted in widespread demonstrations (in Selma, Alabama, one march drew more than 100,000 people), picket lines, sit-ins, and other forms of political protest. Gaining international publicity, the protests of the late 1950s and early 1960s attracted Northern religious leaders, students, and white liberals—some of whom would lose their lives. By the time the Reverend Martin Luther King Jr. was assassinated in 1968, many demands of the Civil Rights movement had been incorporated in the Civil Rights Act of 1964. Ironically, Congress exempted itself from complying with the act until 1988. The 1964 Civil Rights Act did not live up to its implicit promise. The balance of racial power had not shifted and African American and other minority groups continued to be disenfranchised economically, politically, and socially. It soon became apparent that other remedies were required. One of those was affirmative action, a set of policies designed to provide equal opportunities for minorities and women.

Affirmative Action

Two basic strategies have been employed to address racial, economic, and other injustices. The first is nondiscrimination, in which no preferential treatment is given to selected groups. The second is **affirmative action**, whose overall goal is to ensure that women and minorities are admitted, hired, and promoted in direct proportion to their numbers in the population. Affirmative action policies and legislation represent an aggressive step beyond the largely reactive stance taken by simple nondiscrimination policies. As such, affirmative action policies give preferential treatment to minority and female applicants. The ostensible goal of affirmative action is to right past wrongs done to groups of people throughout the country’s history.

As a response to the Civil Rights movement, Presidents Kennedy, Johnson, and Nixon initiated affirmative plans to move the country toward nondiscrimination. Designedinitially to address
affirmative action benefits minority group members in the Fourteenth Amendment. Still others argue that it violates the equal protection under the laws guaranteed the Constitution is “colorblind.” Moderates, such as former president Bill Clinton note that “Affirmative action has been good for America. Affirmative action has not always been perfect, and affirmative action should not go on forever. . . . We should reaffirm the principle of affirmative action and fix the practices. We should have a simple slogan: Mend it, but don’t end it.” Yet attacks on affirmative action have also come from liberal quarters. Columnist Roger Hernandez argues:

Admittedly, affirmative action offers protection from discrimination. But the price it exacts is too high. Affirmative action reinforces the degrading notion that certain cultures are so inferior they render all individuals brought up in it [sic]—regardless of their socioeconomic status—into incompetent fools who cannot get along without special attention. . . . The sense of ethnic inferiority such a philosophy encourages does more harm than the outright discrimination affirmative action is supposed to prevent.

Ending affirmative action attacks the idea that every member of certain ethnic groups is a muddle of social pathologies. William Julius Wilson, an African American sociologist, criticizes the ability of affirmative action strategies to help the most disadvantaged members of society:

Programs based solely on [race-specific solutions] are inadequate. . . . to deal with the complex problems of race in America. . . . This is because the most disadvantaged members of racial minority groups, who suffer the cumulative effects of both race and class subjugation . . . are disproportionately represented amongst the segment of the general population that has been denied the resources to compete effectively in a free and open market. . . . On the other hand, the competitive resources developed by the advantaged minority members . . . result in their benefiting disproportionately from policies that promote the rights of minority individuals by removing artificial barriers to valued positions. . . . [If] policies of preferential . . . treatment are developed in terms of racial group membership rather than real disadvantages suffered by individuals, then these policies will further improve the opportunities of the advantaged without necessarily addressing the problems of the truly disadvantaged such as the ghetto underclass.

Affirmative action is one of the most controversial issues in U.S. social policy. Moreover, it is open to a wide array of moral conundrums. For example, how much discrimination does a group have to encounter to justify preferential treatment? Although Asian Americans have encountered (and continue to encounter) significant discrimination, their income levels and educational attainment arguably mitigate against the need for preferential treatment. Moreover, if historical social discrimination were a basis for affirmative action, then Jews, Catholics, Irish, Eastern Europeans, and other groups who have historically been squeezed out of the U.S. social mainstream should also be eligible. Moreover, poor whites are discriminated against in U.S. society because of their class background. Should they be covered under affirmative action? Women who grow up in upper-class families and attend Ivy League universities are covered under affirmative action by virtue of their gender. Do they experience more discrimination than a poor white Appalachian male who is marked by language, culture, and class background? These are some issues that plague the development of clear and fair affirmative action guidelines.
Table 4.12

Milestones in Civil Rights and Affirmative Action Rulings

<table>
<thead>
<tr>
<th>Legislation or Court Ruling</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plessy v. Ferguson (1896)</td>
<td>The U.S. Supreme Court established the “separate but equal” doctrine. Employers are directed to not discriminate in hiring based on race.</td>
</tr>
<tr>
<td>Fair Employment Practices Committee (1935)</td>
<td></td>
</tr>
<tr>
<td>Brown v. Board of Education of Topeka, Kansas (1954)</td>
<td>The Supreme Court ruled that “separate but equal” facilities in education were inherently unequal.</td>
</tr>
<tr>
<td>Civil Rights Act of 1963, including amendments added in 1972, 1978, and 1991</td>
<td>Men and women have a right to equal pay for doing the same work</td>
</tr>
<tr>
<td>Equal Pay Act of 1963</td>
<td></td>
</tr>
<tr>
<td>Vietnam Era Veterans Re-adjustment Act of 1974</td>
<td>Institutions receiving federal financial assistance may not discriminate based on sex.</td>
</tr>
<tr>
<td>Title IX of Education Amendments of 1972</td>
<td></td>
</tr>
<tr>
<td>Rehabilitation Act of 1973</td>
<td>Discrimination on the basis of mental or physical disability is prohibited.</td>
</tr>
<tr>
<td>Marco DeFunis v. University of Washington Law School (1974)</td>
<td>The Court ruled that mandatory school busing across city-suburban boundaries to achieve racial integration was not required unless segregation had resulted from an official action.</td>
</tr>
<tr>
<td>Wards Cove Packing Co. Inc. v. Atonio (1989)</td>
<td>In which the Court imposed tougher standards for proving discrimination and shifted the burden of proof onto the employee.</td>
</tr>
<tr>
<td>A 1968 amendment to this act prohibited discrimination in housing.</td>
<td></td>
</tr>
<tr>
<td>The Court ruled in favor of court-ordered busing to achieve racial integration of school districts with a history of discrimination.</td>
<td></td>
</tr>
</tbody>
</table>

(continued)
### Legislation or Court Ruling

<table>
<thead>
<tr>
<th>Legislation or Court Ruling</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Age Discrimination Act of 1975</strong></td>
<td>Employers who receive federal financial assistance cannot discriminate based on age.</td>
</tr>
<tr>
<td><em>Regents of the University of California v. Bakke</em> (1978)</td>
<td>The Supreme Court ruled that Alan Bakke was unfairly denied admission to the University of California-Davis Medical School. Like DeFunis, Bakke argued that his qualifications were stronger than those of many of the minority candidates who were admitted.</td>
</tr>
<tr>
<td><em>United Steelworkers v. Weber</em> (1979)</td>
<td>The Court upheld an affirmative action plan to erase entrenched racial biases in employment.</td>
</tr>
<tr>
<td><em>Fullilove v. Klutznick</em> (1980)</td>
<td>The court ruled that federal public works contracts may require 10 percent of the work to go to minority firms.</td>
</tr>
<tr>
<td><em>Firefighters Local Union No. 1784 v. Stotts</em> (1984)</td>
<td>The Court ruled that an employer may use seniority rules in laying off employees, even when those rules adversely affect minority employees. This ruling was a blow to affirmative action, because it perpetuated the dilemma that minorities are the last to be hired and the first to be fired. The Department of Justice used this decision to force Indianapolis and 49 other jurisdictions to abandon their use of hiring quotas.</td>
</tr>
<tr>
<td><em>Wyatt v. Jackson Board of Education</em> (1986)</td>
<td>An affirmative action plan must have a strong basis in evidence for remedial action.</td>
</tr>
<tr>
<td><em>United States v. Paradise</em> (1987)</td>
<td>The Court found that a judge may order racial quotas in promoting and hiring to address “egregious” past discrimination.</td>
</tr>
<tr>
<td><em>City of Richmond v. J. A. Croson</em> (1989)</td>
<td>The Court imposed standards of “strict scrutiny.” Racial or ethnic classifications must serve a compelling interest and be narrowly tailored.</td>
</tr>
<tr>
<td><em>Martin v. Wilks</em> (1989)</td>
<td>The Court imposed tougher standards for Asian Americans to be included in affirmative action plans and made it easier to challenge settlements of those plans.</td>
</tr>
<tr>
<td><em>Metro Broadcasting Inc. v. FCC</em> (1990)</td>
<td>The Court allowed minority preferences to promote diverse viewpoints across the airwaves.</td>
</tr>
<tr>
<td><em>Adarand Constructors Inc. v. Pena</em> (1995)</td>
<td>The Court ruled that federal affirmative measures using racial and ethnic criteria in decision making must meet the same standards of strict scrutiny imposed in <em>Croson</em>.</td>
</tr>
<tr>
<td><em>Hopwood v. State of Texas</em> (1996 5th Cir.)</td>
<td>The appeals court ruled that the University of Texas’s goal of achieving a diverse student body did not justify its affirmative action program, suggesting that achieving diversity does not represent a compelling state interest.</td>
</tr>
<tr>
<td>California Proposition 209 (California Civil Rights Initiative) (1996). Now Article I, Section 31 of the California Constitution</td>
<td>Racial or gender preferences in public education, employment, and state contracting are prohibited. In 1997 a three-judge panel of the Ninth Circuit Court of Appeals upheld the referendum passed by California voters. The U.S. Supreme Court refused to consider the appeal. The passage of the CCRI effectively put an end to affirmative action in California.</td>
</tr>
<tr>
<td>Washington State I-200 (1998)</td>
<td>“Preferences” in state and municipal hiring and recruitment to the state university system are prohibited. This 1998 ballot measure effectively repealed affirmative action in Washington state.</td>
</tr>
</tbody>
</table>
Discrimination takes many forms in the United States. It can be targeted against African Americans, Hispanics, Native Americans, Asians, women, gays and lesbians, people with disabilities, and poor whites. Because discrimination often leads to poverty, it can result in the creation of income maintenance and poverty programs designed to ameliorate its effects. Those who become beneficiaries of these programs soon find themselves with a second handicap—the stigma of being on public assistance.

Some policymakers have tried to reduce the need for long-term and expensive social welfare programs by attempting to arrest the cycle of discrimination and stigma. They often undertake this effort by advocating for policies and legislation designed to attack discrimination at its roots. Anti-discrimination programs, policies, and legislation often includes affirmative action policies, women’s rights legislation, city and state gay and lesbian ordinances, and legislation protecting the rights of the physically and mentally challenged. Policymakers hope that by curtailing discrimination, U.S. society can offer at-risk populations equal opportunities for achievement and success. At best, the scorecard on these well-intentioned policies has been mixed. Despite a strong start, affirmative action programs have not led to widespread economic success for women and minorities. Gays and lesbians continue to be discriminated against, even in places that have passed civil rights ordinances. Although women have made significant gains over the past few decades, they still earn less than males in comparable jobs. Poverty rates for minority groups are three times higher than for whites, and their median family incomes are lower.

When added together the vast majority of the U.S. population experiences discrimination: 51 percent of the population are women; almost 13 percent are over age 65; almost 20 percent are disabled; and roughly one in three Americans are either Hispanic, ...
African American, or Asian. Hence, discrimination in U.S. society is not about numbers per se, but reflects the relative lack of political, social, and economic power of marginalized groups.

**Discussion Questions**

1. The effects of racism can take many forms, including overt discrimination, poverty, housing problems, high rates of underemployment and unemployment, wage differentials, family disruption, inferior educational opportunities, high crime rates, and welfare dependency. The relationship between racism and poverty is clear. Less clear, however, are the causes of racism. Describe what you believe to be the primary causes of both individual and institutional racism. How are these factors nourished or condemned by society?

2. In recent years there has been a marked increase in the number of racially-based incidents, especially against African Americans, Asian Americans, gays and lesbians, Jews and Muslims, and those of Arabic descent. What factors explain the rise of such incidents?

3. Over the past four decades, numerous legal and judicial decisions have attempted to eradicate racism, including the 1964 Civil Rights Act and various Supreme Court rulings. Were these attempts successful? If not, why not? What, if anything, can be done to eliminate racism?

4. It is generally acknowledged that sexism is a powerful and pervasive force permeating much of U.S. society. How is sexism manifested? What strategies, if any, can be employed to lessen the impact of sexism in society?

5. Most women in U.S. society work to either provide a necessary second income or as the family’s primary wage earner. Describe some of the major obstacles faced by working women. What can be done to eliminate some of these obstacles?

6. Gays and lesbians face severe economic and social problems apart from AIDS. What are some of the most important social, political, and economic hurdles standing in the way of full equality for gays and lesbians? What can be done to ameliorate these obstacles?

7. Being elderly in U.S. society is in many ways a social handicap. Describe some key social, economic, and political indicators that illustrate this belief.

8. It is generally agreed that people with disabilities face significant discrimination. What is the evidence, if any, to support this belief?

9. The Americans with Disabilities Act (ADA) is often considered the most important piece of legislation affecting people with disabilities. Why do policy analysts consider the ADA such an important act? What are its loopholes, if any?

10. After reviewing the various causes of discrimination discussed in this chapter, describe what you believe to be the major cause of discrimination today. Why is this more important than others? Using this cause as a framework, what can be done to counteract the effects of discrimination?

**Notes**


5. Tidwell, “Racial Discrimination and Inequality.”


9. Department of Commerce, U.S. Census Bureau, “Young, Diverse, Urban: Hispanic Population Reaches All-Time High of 38.8 Million, New Census Bureau
13. Ibid.
36. Bernstein, *Where’s the Payoff?*
53. Ibid., p. 92
58. Department of Commerce, “Young, Diverse, Urban: Hispanic Population Reaches All-Time High of 38.8 Million.”
60. Department of Commerce, “Young, Diverse, Urban: Hispanic Population Reaches All-Time High of 38.8 Million.”
69. U.S. Census Bureau, “Poverty, Income See Slight Changes; Child Poverty Rate Unchanged.”
72. Ibid.
the Interior, Bureau of Indian Affairs, “Statistical-Abstract-on-the-Web.”
89. Ibid.
97. Ibid.
102. Ibid.
103. Ibid.


110. Ibid.

111. Ibid.

112. Ibid.


114. Ibid, p. 18.


127. Although we have stressed single female-headed families here, it is important to acknowledge that single male-headed families are growing even more rapidly. From 1959 to 1989 single male-headed families grew from 350,000 to 1.4 million, compared with 7.4 million mother-only and 25.5 million two-parent households. From 1960 to 1990, the percentage of father-only households increased 300 percent. See Daniel R. Mayer and Steven Garasky, Custodial Fathers: Myths, Realities, and Child Support Policy, Institute for Research on Poverty, Madison, WI, August 1992, Discussion Paper no. 982-992, pp. 8–9.


134. Much of the following section is based on information found in Wider Opportunities for Women, Making Both Ends Meet (Washington, DC: Wider Opportunities for Women, 1991), pp. 4–9.


138. Family assistance was one of the major thrusts of the former Clinton administration. It is also an issue that crosses racial and social class lines.


140. Ibid.


153. Ibid.


159. Sidel, Women and Children Last, p. 123.


194. Ibid.


203. Norman Wyers, "Is Gay Rights Necessary for the Well-Being of Gays and Lesbians?" in Howard Jacob


210. Dychtwald, Age Power.

211. Ibid.


219. Ibid.

220. Ibid., p. 7.


225. Ibid.


