

Kentucky and the State of Human Rights

Women and minorities do not have an effective voice in Kentucky's political arena where critical social and economic gains are won and lost. From income and wage inequities, to the quality of life they afford, women and minorities are disproportionately disadvantaged. Concerted attention is needed in order to enable the economic inclusion of women and minorities and the social inclusion that would enable individuals from diverse races and cultures to become full participants in shaping a preferred future for the Commonwealth.

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Citizens of the Commonwealth who participated in the Kentucky Long-Term Policy Research Center's 1995 public forums concluded that as we approach the year 2000, one of the goals of our state must be to create communities that value and respect all cultures, races, ethnic backgrounds and religions. These citizens understand the value of diversity and inclusion. As globalization advances, Kentucky must better position itself to become a full participant. Because, as the Center observes, persistent homogeneity may become an obstacle to development, a more receptive climate for diversity is key to our future.¹

Diversity simply means that all citizens are included in the political and economic institutions of the state and in the very fabric of its society. Access to jobs, both in the private and public sector, participation in the social and cultural life of communities, and citizen attitudes are measures of the "comfort level" or the receptivity of an environment to diversity. This chapter examines that climate of receptivity to diversity or the state of human rights in Kentucky through an exploration of economic, social and political trends affecting women and minorities in the state.²

Political Inclusion

One of the ambitious citizen goals presented in *Visioning Kentucky's Future* is that government at all levels throughout the state will be open, accountable, participatory and responsive.³ This expressed goal of inclusion in the policymaking process is shared by democratic republics around the world. Broad citizen participation helps to assure that the goals and objectives of citizens will be translated into policy outcomes. Extending women and minorities a voice in the process that determines the allocation of limited resources is of paramount importance in the drive to improve opportunity and the socioeconomic status it enables.

In the 19th and early 20th centuries, the Commonwealth of Kentucky defined women as citizens, but citizens were afforded different rights on the basis of sex, race and ethnicity. Despite the formal equality the right of citizenship ordinarily entails, women were denied the right to vote and the right to hold public office. Upon marriage, a woman experienced "civil death," a legal arrangement that merged her interests and her identity with her husband. She could not own property and had no legal custody of her children.

¹ Smith-Mello, M. and Schirmer, P. (1994). *The context of change*. Frankfort, KY: Kentucky Long-Term Policy Research Center.

² Analysis will focus on African Americans in the state who numbered 262,907 in 1990, as compared to significantly smaller numbers of Hispanics (21,984), Asian or Pacific Islanders (17,812) or Native Americans, Eskimo, or Aleut (5,769) whose small numbers prohibit inclusion in this chapter.

³ Kentucky Long-Term Policy Research Center. (1995). *Visioning Kentucky's Future*. Frankfort, KY: Author.

Such restrictive rules and regulations were gradually overturned when Kentucky ratified the 19th Amendment in June 1919. With ballot in hand, Kentucky women began the long and arduous task of reforming state laws relating to women's rights, especially those that denied women the same opportunities as men. While Kentucky women have narrowed the socioeconomic gender gap, there is still much work to be done.

In the political sphere, gains have been marginal. In 1990, women represented 52.1 percent of the population of Kentucky, a majority status that has yet to be matched by a concomitant number of female elected officials. The 1,115 women who hold elected office statewide places Kentucky with Alabama and Louisiana, those states with the lowest female representation in the nation. Today, according to the Secretary of State's office, only 14 percent of local government offices are held by women. No women presently serve as commonwealth attorneys, and only two are sheriffs. Just three women are circuit judges while four serve as coroners. School board posts (27 percent women) are the most common office held by women. Fifty

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percent of county clerks are women—a bright spot in an otherwise dismal picture of female representation at the county level, while only 4 percent of the state's judge-executives and only 9 percent of all fiscal court members are

women. Figures for cities are slightly better. Of the 400 mayors, 60 are women, and 11 percent of city council members are female. This portrait of underrepresentation is mirrored in the General Assembly where, as of January 1997, only nine women serve in the House and two in the Senate. In this critical arena, Kentucky ranks next to last in the nation.

Not only do these statistics demonstrate how far women must go to become a more potent political force, they also partially explain why many legislative issues affecting women are not priorities. For example, a recent bill designed to bring pay equity to women in state government sailed through the House only to hit a snag when a Senate committee amended it to require favorable consideration of men when setting pay for state job classifications.⁴ According to a study by the Kentucky Commission on Human Rights, women in state government earn only 87.4 percent of what men earn.

It is somewhat puzzling why women have not been more successful in translating their numbers into representative parity. Kentucky women account for 54 percent of the eligible electorate, and their political participation, i.e., registration and turnout, shows only slight gender differences. In the 1992 presidential election, registration for all eligible Kentucky citizens was 64.9 percent with 57.6 percent voter turnout. Among men, registration was 66.1 percent and voter turnout was 59 percent while female registration was 63.8 percent with turnout at 56.3 percent. In Kentucky, however, women trail the national average in both registration (-6.5 percent) and turnout (-3.3). Likewise, among Southern women, Kentucky women had lower rates of registration (-5 percent) and turnout (-4 percent).

One of the reasons women have not translated their majority into legislative mandates has been the obstacle of developing a strong public consensus around full equality for women. As a result, the woman's "voice" seldom speaks as a block vote behind a consensus agenda or candidate although gender preferences are increasingly evident. In Kentucky, the state's political culture of factions that favor men and the "good old boy network" also inhibit female participation. Few women are recruited for office by party patriarchs, making it more difficult for them to raise the funds needed to mount effective campaigns. Women also confront the burden of juggling family obligations with those of service in Frankfort. All of these barriers combine to attenuate the ranks of women who run for office.

⁴ Pay equality bill takes hit in senate committee. (1996, March 15) *The Courier Journal*, p. 2B.

While the barriers are formidable, women must run for public office if they hope to improve representation. Clearly, the electorate has demonstrated considerable receptivity to female candidates. Indeed, research shows that in open seat races where a woman faced a man, women won more than half the time.⁵

The political history of African Americans in Kentucky in many respects has reflected the political experience of Blacks in the nation and the South in particular. While the vestiges of slavery fostered a rigid Jim Crow system in Kentucky that persisted throughout much of the 20th century, African Americans were entrusted to vote without discrimination and empowered with all other constitutional rights and privileges in 1870. Since that time, African Americans have made significant political strides with pioneers such as Charles Anderson, the first African American elected to the Kentucky legislature in 1936, and Georgia Powers, the first African American to serve in Kentucky's Senate, paving the way for others, such as Mae Street Kidd and Charlotte McGill. Currently, there are four African Americans in the House and one in the Senate. But African American representation in the General Assembly is only 3.6 percent compared to 7.1 percent of the population, a level of representation that ranks 29th among all states and 13th among the 19 southern and border states.

Indeed, Kentucky has the smallest number of black elected officials of any southern state. While partly a reflection of Kentucky having the smallest black population in the South, the gap between representation and population is not negated. Nearly 17 percent of urban Louisville's population is African American while 13 percent of the Lexington population is black. Combined, Lexington and Louisville comprise 57 percent of Kentucky's black population. In Jefferson County, the fiscal court has one black member out of three seats. Blacks hold four seats on Louisville's 12-member Board of Aldermen, and in Lexington, the urban-county council has two black members. Other municipalities in the state do not fare as well. Bowling Green-Warren County (13 percent black population), for example, has one black commissioner.

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Broadly, black representation is increasing. Sixty black elected officials held municipal offices in 1996, an improvement from 49 in 1988. The number of school board members also increased from a record 17 in 1978 to 25 in 1996. Twenty-seven black women served in elective offices in 1988, compared to 16 in 1966. One black woman serves at the state level as a representative from Jefferson County. However, Madisonville, which has a 13 percent black population, has no black representation, nor does Hopkins County, the population of which is 7 percent black.

Voter registration and turnout levels among African Americans in the state mirror participation rates in the South and in the nation as a whole. For the African American community in Kentucky, registration for the 1992 presidential election was 61.4 percent while voter turnout was 53 percent. In the South, African American registration and turnout were 64.7 percent and 54.3 percent. National figures for African Americans were 63.9 percent for registration and 54 percent for turnout. Registration and turnout were slightly higher in the white community at 65.5 percent and 58 percent respectively.

The goals of inclusion and of a participatory government remain elusive in Kentucky because a significant segment of the state's population continues to be shut out of the political process. Women and minorities do not have an adequate voice in the political arena. This absence cannot be attributed to disparities in political participation, as the data demonstrate that the rate of participation, while low for all Kentuckians, varies only slightly between women

⁵ Ardrey, S. (1994). Data collected on the political behavior and participation of women in Kentucky.

and men and between minority and majority communities. Moreover, a turnout rate of only 56 percent suggests there is much potential for growth. Though we are making progress in the number of women and minorities elected to public offices, it has been slow and incremental.

Economic Inclusion

Most Kentuckians depend on their jobs to provide for themselves and their families. Discrimination interferes with an individual's ability to provide that support and is a violation of the Kentucky Civil Rights Act. This Act prohibits discrimination in employment, housing, public accommodation and credit on the basis of race, color, religion, age (40 and over), sex, disability, national origin, or family status. Yet discrimination continues to take a toll.

Sexual harassment in the workplace is a significant economic threat for many women. A Bluegrass State Poll, conducted by the *Courier-Journal* in September 1995, found that almost one in four working women in Kentucky had experienced sexual harassment on the job. The number of sexual harassment complaints filed in Kentucky with local, state and federal agencies has risen steadily from 59 cases in 1989 to 183 cases in 1994. It is unclear if the increase is indicative of increased occurrences of sexual harassment or greater awareness among women that such treatment is illegal. The majority of sexual harassment cases involve "hostile environment," rather than physical breaches. A "hostile environment" involves such issues as unwelcome sexual advances, requests for sexual favors and other verbal/physical conduct that create an offensive work environment.⁶ Importantly, women in Kentucky have strong advocates on this issue. The U.S. Supreme Court, Kentucky lawmakers and the Human Rights Commission all stand firm that sexual harassment is not to be tolerated and is a violation of the Kentucky Civil Rights Act.

As a general rule, consideration of key economic indices such as the distribution of income and wage earnings are not only of interest in and of themselves, but also as an indication of quality of life disparities. Women and African Americans are at the lowest end of the economic ladder and, more often than not, entrapped by poverty. The primary reason for these circumstances are the income and wage disparities between men and women and between the races. Census data from 1990 show that Kentucky women employed full-time earned an average of \$18,352 a year, compared to \$29,283 for their male counterparts—an earnings gap of 62.7 cents for each dollar earned by men. Nationally the gap was 64 cents. Even among women there is also a racial gap. White women on average earned \$18,458, compared to \$16,272 for African American women. African American women, however, earned more relative to African American men—99.9 cents per dollar—than did white women relative to white men—62 cents per dollar earned by white men.⁷

This disparity in wages is also evident in the corridors of state government. In *Status of Women in Kentucky State Agencies, 1994*, the Human Rights Commission reports that women in state government earned 87.4 percent of their male counterparts' wages, \$23,391 compared to \$26,778. Nevertheless, the average female wage rose 2.6 percent from 1990 to 1994, a positive trend which has steadily improved since 1978. During this time, the female workforce expanded in the professional, official and managerial classes, as women gained 745 positions. Women, however, continued to be excluded from 568 job classifications or almost one third of all job classes in state government. While women in state government are making progress, the rate of improvement has been slow. At this pace, according to Beverly Watts, Executive Director of the Commission, at the current rate of improvement, workforce and payroll parity will not be achieved until the year 2005.

In a similar report, *Status of Blacks in Kentucky Government Agencies, 1994* the Commission found that the gap between average salaries paid to black and white employees nar-

⁶ One woman in four says she's been harassed. (1995, October 26) *The Courier-Journal*.

⁷ Stewart, H. (1991, June). *Women in Kentucky: A documentary profile*. Frankfort, KY: Cabinet for Workforce Development.

rowed by \$174 between November 1991 and November 1994. Blacks were paid on average \$4,434 less than whites in 1994; \$20,970 compared to \$25,404 per year. Although the 3.8 percent reduction from the salary gap of \$4,608 in 1991 was small, it was the first decline in the salary measure since 1975. Similar to the integration of women into more state agencies, the Commission found that blacks were assigned to more job classes, fewer were assigned to job classes with a high concentration of blacks, and fewer job classes were all white in 1994 than in 1991. While it appears that much progress has been made, closer inspection reveals that eight of every ten jobs gained were concentrated in a few politically sensitive, high-profile, high-salary jobs in three cabinet offices: Revenue, Public Protection & Regulation, and Justice. The report concludes that the progress “is a precarious one which could be easily retraced without continued vigilance for equity and a commitment to diversity by the new state government administration.”⁸

Such vigilance and commitment could be better assured through a genuine commitment to the state’s affirmative action program. The state’s plan, enacted in 1972, requires that women and minorities be recruited, that managers be trained in “equal employment opportunity,” and that discrimination be eliminated. While the hiring plan does not set goals or quotas, the informal mandate followed by most governors has been to create a workforce that reflects the state’s population. But compliance with the plan remains spotty at best, and retributions range from lenient to nonexistent. Given the current economic state of women and minorities in Kentucky, affirmative actions are sorely needed in hiring practices and in the procedures governments use to purchase goods and contract for services.

Louisville and Jefferson County have wrestled with set-aside programs and laws that encourage purchasing officials to give up to 15 percent of the city’s business to minority contractors. But in 1993, only 4.4 percent or \$2 million of the \$87 million budget spent on goods and services went to minority-owned businesses. To increase minority business participation, the city and county governments have sponsored loan programs and seminars on how to win government contracts and distributed a directory of minority vendors to government agencies. Invitations to bid sent to general contractors are accompanied by the names of at least five minority vendors as possible subcontractors.⁹ A stronger commitment to such affirmative efforts and greater incentives must become a statewide priority if Kentucky is to overcome economic disparities.

Since women and African Americans on average earn less than men and whites in the state, they are less able to provide the necessities of life and often number among the ranks of the impoverished. According to the 1990 Census, about 6.3 percent working families at the national level were found below the poverty level. However, if the family was headed by a woman, the family was far more likely to be poor. In Kentucky, nearly 12 percent of all working families live in poverty, but 35 percent of female-headed families are poor, nearly double the national rate. The poverty rate for African American women who head households is even more devastating at 40 percent. One of every five black family heads with at least one year of college is poor, a decrease in the 1980 poverty rate of one in three in poverty. Over the course of the decade, the number of African American women with some college living in poverty actually increased nearly 7 percentage points.

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Generally, education determines the level of income and wage compensation. Not so for women. Women in Kentucky possess the majority of bachelor’s degrees (59 percent), as well

⁸ Kentucky Commission on Human Rights. (1995). *Status of blacks in Kentucky state agencies*. Louisville, KY: Author, 3.

⁹ O’Doherty, M. (1993, October 9). City, county falling far short of goals in minority contracts *The Courier-Journal*, p. 2A.

as the majority of degrees at the graduate and professional level. Further, women in the state earned 58.6 percent of all degrees in 1989-1990.¹⁰ Yet women earned less money and were paid lower wages than men at all educational levels. Female college graduates actually earned less than men with less than a high school education.¹¹

Income and wage disparities clearly have implications for quality of life. Health, for example, is a nearly perfect measure of quality of life. Healthy people enjoy a higher quality of life, because they remain economically productive longer and live longer. The health of Kentucky's women is indicative of the state's health: 25 percent of all pregnant women do not receive prenatal care in the first trimester of pregnancy, and nearly half of the teenage mothers receive no care. The infant mortality rate, the number of deaths for infants under one year of age, is consistently higher than that of the United States. While Kentucky's mortality rate went down 14 percent from 1988 to 1989, deaths of infants born to teen mothers experienced an increase. Twenty-three percent of the infant deaths were from this group.¹² High rates of infant mortality and poor health of women persist despite efforts of state agencies and community outreach organizations. Efforts are hindered by the inaccessibility of many of the services. Stewart reports that in a recent study, women suggested that lack of transportation, money, knowledge of facilities/activities and lack of child care were barriers that caused them to forego health facilities and related services.

Disparities in quality of life are reflective of an unequal distribution of wealth and income in Kentucky. Further, no trends toward a narrowing of the gap between the races are discernible, and only minuscule progress is being made between the sexes. From most indices, the income gap appears to be widening. Much of the gap between the haves and the have nots is grounded in gender and racial inequities that serve only to separate communities, deepen hostilities and preempt communication.

Social Inclusion

The degree to which women and minorities are part of the social fabric of a community is another benchmark on which to evaluate diversity. Full inclusion in the life of the community means the ability of all groups to live and to interact socially without prescribed constraints or other *de facto* barriers. Several laws have been enacted to ensure equality of opportunity and equal access for the women of Kentucky. Gender-biased signs and advertisements, for example, are illegal in Kentucky. In spite of the protections enacted, discrimination continues to inhibit the social inclusion of minorities. Nevertheless, recent tragedies in Kentucky have awakened citizens and communities to the consequences of hatred and bigotry.

Racial incidents over the past two years have highlighted two irrefutable facts in Kentucky: hostilities between the races continue to exist *and* much work remains to be done to bridge the gap between majority and minority cultures. The October 1994 accidental shooting of an African American youth by a white police officer sparked several days of civil unrest in Lexington where African American leaders have warned for years that racial problems, which run the gamut from jobs discrimination, to crime victimization, to housing access, have been simmering, largely unacknowledged by a white-dominated power structure.¹³

But crisis and conflict are helping Kentuckians forge community and confront racial divisions with a new honesty. The Lexington incident has resulted in unprecedented community attention to racial inequities. Groups such as Citizens Advocating Responsibility and Equality (a group of local black organizations and businesses) and the Mayor's Youth Council (a group of high school leaders) are sponsoring "speak outs" and other public forums to discuss race relations. Local institutions, including the urban-county government and the Chamber of

¹⁰ Stewart, 7.

¹¹ Stewart, 29.

¹² Stewart, 12.

¹³ Wilson, R. (1995, January 30). Lexington slaying puts races in touch as grand jury meets *The Courier Journal*, p. 1A.

Commerce, are initiating or expanding projects to make jobs available to minorities. And African American leaders are being consulted as public officials map city goals and objectives for the 21st century—a level of cooperation heretofore unheard of in Lexington.

Much the same kind of community togetherness was seen in Guthrie, Kentucky, when a white youth was killed by four African Americans angered by a Confederate flag in the back of the boy's pickup truck. The shooting precipitated numerous cross burnings and angry confrontations that exposed smoldering racial tensions in this Tennessee border town. But the boy's family and black churches in the community called for calm and unity. In McVeigh, Kentucky, a small coal mining community on the West Virginia border, clashes between black and white high school students have caused town leaders to begin openly discussing racial divisions. And in Bowling Green, several incidents in the city's predominantly black west side have spurred police efforts to recruit minority officers. The percentage of minority officers in the city's police department is lower today than it was 10 years ago. With an estimated minority population of 13 percent in the city, only four of the city's 90 officers (less than 5 percent) are minorities.

While racial incidents and hostilities still surface in both urban and rural areas, the state is making progress toward an inclusive, mutually accepting environment. The Commonwealth has come a long way since the 1960s when resistance to desegregation inflamed tensions. The key to continued progress is through social interaction and familiarity with "the other." In Jefferson County, where tensions flared 21 years ago when students were bused to achieve court-mandated racial balancing, integration has advanced significantly. The percentage of interracial marriages has more than doubled in the last 10 years. In 1985, one in every 100 marriage license issued in the county was for a black-white couple, compared to one in every 50 licenses in 1995. In 1970, 17 Jefferson County census tracts—home to more than 50,000 people—had no black residents. By 1990, only one all-white tract, home to about 4,000 people, remained. But the movement of African Americans out of inner city Louisville into the suburbs of Jefferson County is a work in progress, as most residents of Jefferson County, as well as elsewhere in the state, continue to live in neighborhoods that are racially identifiable.

Slowing the movement, of course, is the lack of employment opportunities and low wages for many African Americans. The cost of homes in the suburbs remains outside the financial means of most black families. In Fayette County, for example, land values south of the downtown Lexington area have attracted mostly affluent whites. Less costly housing developments north of downtown have attracted less affluent blacks. The result is a city divided by race.¹⁴ This modern day version of segregation perpetuates a cycle of discrimination in Lexington and other cities that is caused by a housing market that discourages mixed-price-range homes within a neighborhood; subtle and institutionalized discrimination in mortgage lending, real estate, and insurance; school building policies that accommodate segregated neighborhoods; and the force of tradition. All feed a vicious cycle of housing segregation.¹⁵ Because of the new dialogue between the African American and white communities in Lexington, some community leaders want to break the cycle of segregation with a land use plan that encourages racially integrated, mixed-price housing; scattered site public housing; incentives to developers for affordable housing set-asides; and affordable housing mandates.¹⁶

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¹⁴ Kentucky Commission on Human Rights. (1995) *Human rights report*. Louisville, KY: Author.

¹⁵ Kentucky Commission on Human Rights. (1995).

¹⁶ Kentucky Commission on Human Rights. (1995).

Another innovative way to integrate neighborhoods racially, socially and economically is being tried by the Section 8 Housing Office of the Jefferson County Housing Authority. The Authority provides residents who are interested in moving into integrated neighborhoods with more housing options than are available in traditional minority neighborhoods with transportation to search for rental property and acts as an ombudsman between clients and potential Section 8 landlords.¹⁷

Innovative ideas like the Lexington land use plan and the Section 8 suburban, desegregated housing program are to be encouraged; no doubt the citizens of Fayette and Jefferson County have experienced firsthand the hostility, bigotry and misconceptions that physical segregation can cause. The Human Rights Commission of Kentucky has worked diligently for several decades to ensure that state agencies and businesses not only comply with civil rights laws and mandates but also to create an environment throughout the state that is inclusive. Several examples illustrate this effort. The Kentucky Civil Rights Act, under the Public Accommodations provision, prohibits racial discrimination in public facilities. At the urging of the Commission, racially offensive street signs throughout the state are gradually being removed. The Kentucky Tourism Cabinet adopted a policy in the Spring of 1994 concerning the sale of Civil War memorabilia in its state parks. The Department will sell only Civil War items with interpretative and educational value and only in parks with direct ties to the Civil War. The new policy was developed after the Tourism Department was notified by the Kentucky Commission on Human Rights that the display and sale of Confederate flags and symbols were considered offensive to African Americans.¹⁸

Conclusion

Kentucky, like most states, has its fair share of racial problems, as well as lingering gender inequities. But the state is fortunate to have a plethora of organizations and citizens who are seeking honest solutions to inequities and racial differences. Black and white Kentuckians agree that individuals and families are primarily responsible for improving race relations—more responsible than the media, schools, police or the government. Consistent with this belief in social responsibility, individuals throughout the Commonwealth are meeting in groups to discuss the problems that divide and opportunities that unite the races. Groups such as the Bridge Builders Roundtable and Network in Louisville and black and white congregations that speak out against church bombings are fostering a new climate of receptivity to diversity and change. These are the individuals on the front lines of the struggle for equity—groups of average citizens working shoulder to shoulder with elected and public officials and the business community to begin dialogues that will dissolve the hatred and the lies that divide us.

¹⁷ Kentucky Commission on Human Rights. (1994) *Human rights report*. Louisville, KY: Author.

¹⁸ Kentucky Commission on Human Rights. (1994).