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September 20, 2012

The Honorable Harry Reid  
Senate Majority Leader  
522 Hart Senate Office Building  
Washington, DC 20510

The Honorable Mitch McConnell  
Senate Minority Leader  
317 Russell Senate Office Building  
Washington, DC 20510

Dear Senators Reid and McConnell:

On behalf of the NAACP Legal Defense and Educational Fund, Inc. (LDF), we write in support of immediate passage of the Paycheck Fairness Act, S.3220.

Since its earliest days, LDF has worked to secure equal rights and equal access to opportunity and prosperity for African American workers, both male and female. One of our first cases, *Alston v. School Board of Norfolk*, 112 F.2d 992 (4th Cir. 1940), was filed by Thurgood Marshall in 1938 on behalf of an African-American female teacher and others and culminated with a court victory requiring equal pay for African-American and white teachers. Since that time, LDF has continued to advocate for equal pay and fair employment practices for African-Americans, including African-American women. *See, e.g., Wright v. Stern*, 553 F. Supp. 2d 337 (S.D.N.Y. 2008) (representing a class of African-American and Hispanic employees in action raising pay and promotion claims against the New York City Parks Department); *Anderson v. Westinghouse Savannah River Co.*, 406 F.3d 248 (4th Cir. 2005) (filing amicus brief in support of African-American women's claims of employment discrimination in pay and promotion); *Johnson v. Garrett*, No. 73-702-DIV-J-12, 1991 WL 96434 (M.D. Fla.1991) (representing employment discrimination victims in pay and promotion case).

Despite LDF's ongoing efforts in the courts to ensure equal pay for all, African-American women still lag far behind their white and male counterparts in economic security. Women of color suffer from pay disparities not only between men and women, but also between whites and minorities. Unfortunately, this wage gap has remained stagnant. Women generally still earn only 77 cents for every dollar earned by men, but the numbers are even worse for women of color: African-American women earn only 64 cents for every dollar earned by white men, and 69.5 cents for every dollar earned by men generally.<sup>1</sup>

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<sup>1</sup> See U.S. Census Bureau, Current Population Survey, 2011 Annual Social and Economic Supplement, Table PINC-05: Work Experience in 2011 – People 15 Years Old and Over by Total Money Earnings in 2011, Age, Race, Hispanic Origin, and Sex, available at [http://www.census.gov/hhes/www/cpstables/032012/perinc/pinc05\\_000.htm](http://www.census.gov/hhes/www/cpstables/032012/perinc/pinc05_000.htm) (last checked Sept. 20, 2012).

The consequences of this wage inequality for African-American women are enormous. A recent study highlighted huge gaps in wealth for women of color: Single African-American women have just one penny of the wealth that their black male counterparts have and just a fraction of the wealth that their white female counterparts have.<sup>2</sup> These statistics demonstrate the pressing need for greater protections and enforcement mechanisms to ensure that all workers, regardless of race or gender, are paid equally for their contributions in the workplace.

The Paycheck Fairness Act represents a tremendous step forward in the decades-long quest for pay equity among our nation's workers. The legislation has passed overwhelmingly with bipartisan support in the U.S. House of Representatives. It should now be passed by the Senate. The legislation provides a much needed update to the Equal Pay Act of 1963, which sadly has not fulfilled its promise in eliminating wage disparities due to limited enforcement mechanisms and insufficient remedies. The Paycheck Fairness Act would close the loopholes of the Equal Pay Act and strengthen its protections in several important ways.

First, the legislation ensures that women can obtain similar remedies for gender discrimination as those persons subjected to wage discrimination on the basis of race or national origin. It is critical that victims of discrimination are able to seek redress for discriminatory conduct in the same manner. Employment discrimination is abhorrent in any form; we do not support differences in remedies for the various classes of persons protected by the civil rights laws. Importantly, the legislation also requires employers to demonstrate that any wage differences between men and women doing the same work have a business justification and stem from factors other than gender. The legislation promotes transparency in the workplace needed to detect pay discrimination where it bars retaliation against workers who inquire about wage practices or disclose their wages to fellow employees, while still protecting certain confidential wage information. Finally, the Paycheck Fairness Act encourages strong enforcement of equal pay laws by reinstating the collection of wage-related data regarding sex, race and national origin and providing for training of workers who enforce our equal pay laws.

We strongly urge you to pass the Paycheck Fairness Act this year. In these difficult economic times, we cannot afford to wait to eradicate pay discrimination once and for all.

Respectfully submitted,



Leslie Proll, Director, Washington Office  
ReNika Moore, Director, Economic Justice Practice  
Abre' Conner, Legal Fellow, Washington Office

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<sup>2</sup> See Mariko Chang, "Lifting As We Climb: Women of Color, Wealth, and America's Future," (March 2010) (available at <http://www.insightcced.org/uploads/CRWG/LiftingAsWeClimb-WomenWealth-Report-InsightCenter-Spring2010.pdf>) (last checked Nov. 12, 2010).