
FOCUS

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POLITICAL TREND LETTER

PERSPECTIVE

Black Male Youth: The Commonwealth Study

One of the major challenges facing our society is finding ways to open the doors of opportunity to more young African American males, who constitute a disproportionately large share of the unemployed, the underemployed, the incarcerated, and the drug-addicted.

Policymakers working to address this challenge would do well to study a new survey, "Dropping Out of High School: A Pilot Survey of Young African American Males in Four Cities." Carefully designed and rigorously executed, the survey was commissioned by the Commonwealth Fund in New York and carried out by Louis Harris and Associates, Inc. This unique poll consists of personal interviews with young black men themselves.

The findings explode commonly held stereotypes and should help reduce some of the fears related to young black males. For example, the survey shows that despite overwhelming pressures to the contrary, 85 percent of the youngsters surveyed have not been involved in gangs, 86 percent have not used hard drugs, 82 percent have never been to prison, and 20 percent have worked as volunteers. It also supports findings of other polls that show that leaving high school before graduating limits prospects for a successful, responsible adulthood.

More important, however, the survey pinpoints factors that lead youth to complete school and enhance their chances of success. The youngsters themselves told the researchers what would make a difference in their lives: having parents who are involved in their education and who have high expectations; having teachers who care about them; having a place to study; having mentors and counselors; having community programs; and having employment opportunities for themselves and their parents.


The survey results could not have been released at a better time. Too many public officials today seem excessively eager to abandon effective, publicly supported efforts that do meet the needs of troubled youth even though they are already inadequately funded.

The Commonwealth Fund's report is a clear, powerful call to good judgement—and a counterweight to the proposals of some legislators whose slash and burn proposals would hinder rather than help the advancement of young inner-city males. It points to the fact that modest investments at critical stages in the lives of our youth can result in significant returns for them as well as the communities in which they live. A policy of disinvestment virtually guarantees that their problems will be exacerbated.

The choice, it seems to me, is between paying something now or paying more later. Paying now means investing in programs we know to be successful, like Head Start, Job Corps, and teen pregnancy prevention programs, as well as better funding for our schools, job training, and summer jobs. In addition, there are numerous private efforts that can be better supported. A recent Joint Center study identified 763 community-based programs in just six

cities that are dedicated to the development of young black males. If we don't invest now in policies and programs that enhance the life chances of our underprivileged youth, then we'll pay for their incarceration later—at an annual cost of \$40,000 to \$50,000 per person.

The Commonwealth Fund survey is another in a long line of polls and studies that demonstrate the relationship between investment in programs that work and the development of young people into healthy, productive adults. I hope the Fund's findings will lead to even more extensive research and bring more clarity to the social policy debates in the 104th Congress. ■



PRESIDENT

FOCUS

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The Voting Rights Act Thirty Years Later

Black Political Empowerment Can Be Largely Attributed to the Passage of the Voting Rights Act of 1965 and the Selma March That Swayed Congress

by David J. Garrow

Many people under the age of forty-five may not remember the long-standing conditions and dramatic circumstances that brought the landmark Voting Rights Act of 1965 into being. Likewise, many people may not fully appreciate the degree of change that has taken place in American (and not just Southern) politics as a result of the 1965 Act and its 1982 strengthening amendments. As legal challenges against new majority-black Southern congressional districts build toward another potentially landmark decision by the U.S. Supreme Court this June, remembrance of how far the Voting Rights Act has brought us is particularly appropriate.

Across virtually the entire South, the era of black disenfranchisement that began with the Ku Klux Klan's "redeemer" violence in the 1870s culminated with legislative and constitutional sleights of hand by state governments in the 1890s and early 1900s. Those black officeholders and voters of the post-Civil War Reconstruction years who were not driven from the public stage by armed night-riders were dealt with by legal procedures that stripped them of their political rights.

From the early 1900s until the mid-1940s, black voter participation in Southern politics was minuscule. In 1944, however, the U.S. Supreme Court struck down the "white primaries" employed in Southern states by the Democratic Party to prevent even those few black citizens who might be tolerated as registered voters from casting ballots in the one election that really mattered, the Democratic primary. In the wake of that victory, more and more black southerners became motivated to brave their states' hostile and discriminatory registration procedures.

Tests and Purges

Throughout the late 1940s and early 1950s, Southern black voter registration totals crept slowly upwards. But after the Supreme Court's 1954 *Brown v. Board of Education* decision and the dramatic bus boycott launched one year later in Montgomery, Alabama, Southern white officialdom realized that powerful new civil rights winds were blowing. Many states moved quickly to head off further black gains at the ballot box by stiffening the registration requirements through a variety of "tests and devices."

These included five-page registration forms, voucher requirements that applicants present two already registered

voters as references, and literacy or "understanding" tests. The last were devices by which applicants were made to explain arcane and complicated sections of state constitutions to the personal satisfaction of an often discrimination-minded registrar, who could easily choose to exclude even the most highly educated blacks.

These discriminatory barriers went hand-in-hand with economic and physical retaliation against black activists who refused to cease voter registration drives, particularly in rural areas. Black sharecroppers could be threatened with eviction if they attempted to register, and black land-owning farmers could face devastating refusals to provide supplies or extend credit from white merchants unwilling to tolerate black involvement in local politics. Some local activists who persisted, such as Rev. George Lee of Belzoni, Mississippi, were killed by white gunmen.

Modest Government Measures

The first important federal initiative toward aiding Southern black voters came in the Civil Rights Act of 1957, which created a Civil Rights Division in the U.S. Department of Justice and authorized the department to file federal civil suits against public officials or private citizens who, for racially discriminatory reasons, hindered registration and/or voting. The 1957 provisions were modest, but they marked the federal government's first efforts since the 1870s to protect black southerners' constitutionally-guaranteed right to vote.

Three years later, in the even more modest Civil Rights Act of 1960, Congress supplemented its 1957 initiative by mandating that local registration records be available for investigative review by the U.S. Justice Department. But when Justice's Civil Rights Division moved during the Kennedy administration to make more effective use of the 1957 and 1960 provisions than had its predecessors in the Eisenhower administration, it quickly became clear how difficult a county-by-county investigative process would be. Civil rights activists feared that the massiveness of the task would enable biased local registrars to keep many prospective black voters off the voting rolls for years or even decades to come.

Attorneys in the Kennedy Justice Department persevered in a handful of hard-core jurisdictions, but even when they did build air-tight documentary cases against discriminatory registration procedures, local federal district judges from Georgia to Louisiana—including some named to the bench by President Kennedy himself—often refused to use the

Mr. Garrow is the author of *Protest at Selma* (1978) and *Bearing the Cross* (1986) which won the Pulitzer Prize for biography. He was a senior advisor for PBS's "Eyes on the Prize" series on the civil rights movement and is presently James Pinckney Harrison Visiting Professor of History at the College of William and Mary in Williamsburg, Virginia. He was a visiting fellow at the Joint Center in 1984.

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Voting Rights

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judicial remedy tools that the 1957 and 1960 Acts provided. Both civil rights activists and Justice Department officials understood the limitations of the judicially-oriented case-by-case method of remedying discrimination as early as 1962-1963. But even when the landmark legislation that was to become the Civil Rights Act of 1964 was first put forward in the summer of 1963, its voting provisions were limited to one modest title aimed at expediting judicial consideration of the Justice Department's research-intensive court cases.

Risking Lives and Livelihoods

While these federal efforts were underway, intensive grassroots voter registration efforts were taking place all across the South. Especially in locales where segregationist whites might take violent offense at blacks who stepped forward to become full-fledged citizens and where officials were known to utilize the full range of obstacles to registration, movement activism required considerable courage. Workers and volunteers from the Student Nonviolent Coordinating Committee (SNCC) and the other South-wide groups that often helped local activists—Martin Luther King, Jr.'s Southern Christian Leadership Conference (SCLC), the Congress of Racial Equality (CORE), and the National Association for the Advancement of Colored People (NAACP)—faced the difficult task of persuading local black adults to risk their lives and livelihoods in what were often unsuccessful registration efforts.

Such labor-intensive, person-to-person registration drives attracted little attention in the national media, except when registration workers suffered significant physical harm at the hands of white attackers. Even in the immediate wake of the 1964 Civil Rights Act's passage, movement leaders knew that meaningful progress on Southern voting rights still lay before them.

Bloody Sunday

One locale where both SNCC and SCLC knew that voter registration efforts had seen little success was the Dallas County city of Selma, Alabama. In late 1964, SCLC decided to launch a major voting rights campaign there early the following year. Rev. Martin Luther King, Jr., publicly announced SCLC's intentions in his January 1965 address in Selma.

What made Selma notable among the dozens of locales where registrars utilized Alabama's lengthy voter registration form to keep black applicants off the rolls was the manner in which local law enforcement officials used physical force against black activists. Throughout January and February of 1965, SCLC staff members, aided by several SNCC workers, helped Dallas County's black civic leadership mount a renewed effort to increase the number of registered black voters, which out of a black voting-age population of some 15,000, numbered only a few hundred.

But by mid-February, it was evident that the Selma campaign had failed to catch fire, and SCLC's leaders began to consider branching out into the even tougher rural counties outside Selma. On February 18, a movement rally in the Perry County town of Marion was violently disrupted by Alabama State Troopers. One young black participant, Jimmie Lee Jackson, was mortally wounded by a trooper's gunshot. Jackson's death sparked new protest ideas, and SCLC's James Bevel took the lead in suggesting a mass caravan from Selma to the Alabama state capitol in Montgomery, some fifty miles away.

The local symbol of Selma's hostile approach in law enforcement was Dallas County Sheriff James G. "Jim" Clark, a protégé of then Governor George Wallace. Movement activists had little doubt that both Sheriff Clark and the Alabama State Troopers would seek to block any such march. Well aware of Clark's explosive temper, SCLC strategists hoped to exploit it as a means of drawing attention to their new drive through the news media. When a column of some six hundred marchers crested Selma's Edmund Pettus Bridge spanning the Alabama River early on Sunday afternoon March 7, they could see a hundred or more troopers and deputies waiting for them. Among the law enforcement officers were some of Clark's volunteer horse-mounted "possemen."

As the trooper commander ordered the marchers to halt and turn back, SCLC's Hosea Williams, who along with SNCC chairman John Lewis was in the front rank, asked the officer if they could speak. The officer refused and replied, "You have two minutes to turn around and go back to your church." Approximately one minute passed in silence. But without further warning, the front line of helmeted, gas-mask-wearing troopers started forward, billy clubs at the ready. The officers began pushing the lead marchers backwards, shoving some to the ground and beating others with their clubs. The mounted possemen charged into the midst of the column, clubbing marchers as they turned to flee back towards the bridge. The sound of exploding tear gas canisters erupted and grey clouds of gas enveloped the marchers as they retreated over the bridge into Selma. The troopers and possemen pursued them as they ran into homes and churches in the black neighborhood that lay a few blocks north of the city's downtown.

Americans were horrified when images of the troopers' unprovoked attack on the nonviolent marchers appeared across their television sets and filled the Monday morning newspapers. What came to be known as "Bloody Sunday" catapulted the Selma campaign into the greatest national civil rights crisis since Birmingham lawmen had unleashed snarling police dogs and high-pressure fire hoses on black demonstrators two years earlier.

We Shall Overcome

By now, President Lyndon B. Johnson had already given serious consideration to new voting rights legislation because of the obstacles to voter registration that SNCC and SCLC had experienced in Alabama. He announced that

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POLITICAL TREND LETTER

Inside This Issue:

- The Black Leadership Forum met in Washington and developed a "Covenant for America's Future" to be used as a yardstick to measure public policy initiatives.
- Policy analysts charge that the proposed balanced budget amendment and unfunded mandate reform bill sponsored by congressional Republicans will affect African Americans negatively.
- A new government survey of state prison wardens reveals that most of them favor prevention to building more prisons.
- While the unemployment rate for all Americans has dropped, blacks still lag behind whites in joblessness and income.

Covenant for America's Future

*"In order to live creatively and meaningfully,
our self-concern must be wedded to other concern."*

—Rev. Martin Luther King, Jr.

That admonishment by Dr. King in the 1960s could have been the theme of the December convocation in Washington, D.C., of the Black Leadership Forum (BLF). Rev. **JOSEPH LOWERY**, the group's chairman and the president of the Southern Christian Leadership Conference, called the special two-day meeting to "develop public policy options that protect the progress we have made and guarantee future progress." Based on their sense of "other concern," in the words of Dr. King, the forum participants are alarmed by the retreat from social responsibility expressed in the policy pronouncements and proposals of a growing number of political leaders at every level.

Lowery said the December meeting was necessary because the results of the November 8th midterm elections have left "the American political landscape strewn with potential obstacles to progress." Participants at the meeting represented a broad spectrum of the organized African American community, including civil rights groups, professional associations, labor unions and businesses, student and academic organizations, women's groups, churches, and governmental caucuses. The meeting's agenda was coordinated by BLF Secretary Treasurer **EDDIE N. WILLIAMS**, president of the Joint Center.

As a tool to guide them in this season of political change, the forum participants issued "A Covenant for America's Future" on December 28, 1994. The "Covenant" is based on the premise that every American should be afforded the dignity of a decent job, a safe community, and an efficient government" that affirms the "legitimate aspirations" of the American people. The "Covenant" embraces the principle that America is one nation which must address its problems by seeking solutions that strengthen families and provide opportunity. The "Covenant" includes the following "principles of engagement" for evaluating all public policy initiatives:

Fairness. Do proposals reaffirm the basic moral principles of our society, including the protection of civil rights and advancement of equal opportunity?

Family Preservation. Do proposals strengthen and keep families together?

Economic Empowerment. Do proposals enhance opportunities for economic advancement?

Education. Do proposals ensure that young people, and indeed all citizens, get the education and training they need to take advantage of current and future job opportunities?

Safety Net. Do proposals ensure the existence of social safety nets for those who are severely disadvantaged?

Racial Justice. Do proposals guarantee equal application of the law regardless of race, gender, or class?

The BLF participants first applied these principles against proposals coming before the 104th Congress. Their assessment is summarized as follows:

On the Proposed Balanced Budget Amendment. "A balanced federal budget is a praiseworthy objective but it must not be pursued in ways that will require the U.S. government to abandon its obligation to the most vulnerable Americans. We are concerned that the amendment as proposed would deprive elected leaders of the discretion they need to deal creatively with problems our nation is sure to face in the future. A prerequisite for passage of any such amendment should be a corresponding vote by Congress that shows how a balanced budget will be achieved."

On Crime. "The African American community is disproportionately victimized by crime. The 103rd Congress took a giant step forward in addressing this problem through the crime bill it passed. The bill contains provisions for both crime prevention and punishment. We urge the 104th Congress to retain levels of funding for prevention and rehabilitation as well as punishment."

On Welfare Reform. "The ultimate goal of welfare reform should be to integrate the poor more fully into the nation's economic institutions and to encourage their full participation in American life. Toward this end, new policies must strive for deliberate inclusion. Income support should be provided in a way that (a) strengthens families and promotes good parenting; (b) increases the capacity for self-support; (c) encourages and rewards work; and (d) protects the interests of all children."

On Economic Advancement. "As part of the emerging new economic order, our government has an obligation to find more effective methods for providing more Americans with training and education in skills and knowledge appropriate to the emerging global economy. It is the duty of government to ensure a level playing field for full participation in the U.S. economy through business ownership and access to capital."

On Health Care. The BLF participants support continuing efforts to address the twin problems of the high cost of care and inadequate access to health insurance faced by large segments of our population.

GOP's Budget Amendment: Discipline or a Blank Check?

A proposed Balanced Budget amendment, a key clause in the GOP Contract With America, is moving on a fast track for passage in Congress. Asserting that the government needs such an amendment to balance the federal budget, Republican members of Congress claim that they will achieve that end by the year 2002. In the words of Rep. **BILL ARCHER**, the new chairman of the House Ways and Means Committee, "The Balanced Budget amendment will provide the discipline to force the government to make the tough decisions." It is generally agreed that the tough decisions entail cutting federal spending by a total of \$1.2 trillion over the next seven years. Republican legislators plan to balance the budget without reducing funds for social security, but increasing spending for the military, and cutting taxes for citizens. Beyond those general parameters, they have given no specifics despite demands for details by Democrats in Congress and the Clinton administration.

Top administration officials oppose the amendment proposal charging that the realities of the federal budget process are not consistent with a rigid balanced budget mandate. Furthermore, such an amendment will force the government to cut too deeply into programs that aid the poor. One of the skeptics is **ALICE RIVLIN**, President Clinton's director of the Office of Management and Budget (OMB). Testifying before the House Judiciary Committee in January, Rivlin stated that, based on OMB calculations, in order to achieve \$1.2 trillion in budget reductions by 2002, without touching social security, the federal government would have to cut all federal programs by 17 percent.

She went on to state that if social security, interest on the national debt (which is 15 percent of all spending), defense, and medicare were exempted from cuts, then the government would have to cut all federal programs by 32 percent. Asserting that the GOP proposed amendment is not the way to balance the budget, Rivlin said, "The way to do it is to do it." House Democrats and leaders of socially oriented public interest groups fear that a balanced budget amendment would force Congress to eviscerate programs that are vital to low-income Americans like Head Start, the Job Corps, student financial aid to college students, food stamps, and Medicaid.

Also on a congressional fast track is the Unfunded Mandate Reform bill (S.1). The bill would require Congress to pay for mandates it imposes on state and local governments that have an annual cost of \$50 million or more. The measure would exempt bills or resolutions which enforce constitutional rights or enforce statutory rights prohibiting discrimination. Nevertheless, civil rights leaders are wary of the measure. NAACP Washington Bureau chief **WADE HENDERSON** warns that civil rights are too narrowly defined in S.1 and may essentially repeal many laws already on the books such as family medical leave, the Motor Voter law and the Americans with Disabilities Act. Republican Governor **PETE WILSON** of California has already stated that he will not implement the Motor Voter law passed by Congress in 1993 in his state because it's too expensive. The Motor Voter law permits citizens to register to vote when they apply for or renew their drivers' licenses or seek services at other public agencies.

Despite Improvements, Blacks Lag in Unemployment, Income

While the unemployment rate last year improved significantly for all Americans, the rate of unemployment for blacks remained twice that for whites. U.S. Department of Labor statistics for December 1994 showed that the overall unemployment rate, seasonally adjusted, was 5.4 percent. At 9.8 percent, the rate among African Americans dipped below double digits for the first time in two decades. Nevertheless, it was still twice the rate for whites, which was 4.8 percent. There also continued to be a large gap between the earnings of black and white workers (especially white males). According to Labor Department figures, the median weekly earnings of white male workers were more than 27 percent higher than those of their black male counterparts, and 36 percent higher than for black females (see chart below).

Median Weekly Earnings of U.S. Workers by Race or Gender

	White Men	White Women	Black Men	Black Women	Hispanic Men	Hispanic Women
\$600						
500	\$534*					
400		\$409	\$388			
300				\$341	\$342	\$311
200						
100						
0						

Source: U.S. Department of Labor
 * Figures are taken from the third-quarter of 1994 and represent full-time wages.

Prison Wardens Call for Prevention Program

On December 21, Sen. **PAUL SIMON** (D-Ill.), a member of the Senate Judiciary Committee, publicized the findings of a U.S. Department of Corrections survey that asked prison wardens in eight states their views on how best to fight crime. The advice of this group of experts, who speak from real experience in law enforcement differs considerably from “tough-on-crime” politicians on how to address the nation’s crime problem. Of the 157 wardens who responded, the majority oppose building more prisons and instead favor more prevention programs, smarter use of prison resources, the repeal of mandatory minimum sentences, and an expansion of alternatives to incarceration. “It looks like Congress will be gearing up for another crime bill,” says Simon. “That makes this a good time for a reality check on what works and what doesn’t work in fighting crime. This survey is an effort to elevate the debate so we have a chance of finding real answers, not answers that sound tough. Some of those tough-sounding answers are unquestionably making the crime problem worse.”

Most of the surveyed wardens who govern prisons in California, Delaware, Florida, Illinois, Michigan, Ohio, Pennsylvania, and Texas, believe society should pay more attention to the root causes of crime such as poor education and limited employment opportunities. A majority of those wardens disagreed with the politically popular notion that prison-based rehabilitation programs should be abolished. On the contrary, most said prison drug treatment, education, and vocational training programs reduce recidivism. “We’ve just passed the dubious milestone of having one million people in prison,” says Simon. “But for all the new prisons we’ve built and filled over the last two decades, we feel less safe today than we did before. Loading our prisons with nonviolent drug criminals means that, today, we are committing more nonviolent offenders to hard time than we are violent criminals who should be put away to make our streets safer.”

Some of the primary findings of the survey follow.

Balanced approach. When asked how they would allocate an additional \$10 million to fight crime in their communities, the wardens say they would spend 57 percent on prevention programs and 43 percent on law enforcement.

Address crime’s root causes. When asked to identify factors that would make a major difference in reducing crime, 71 percent of the wardens point to improving the educational quality of schools; 66 percent to the expansion of employment opportunities; and 62 percent to the extension of programs that teach young parents how to be better mothers and fathers.

No more prisons. Sixty-five percent of wardens surveyed would like to use prison space more efficiently by imposing *shorter* sentences on nonviolent offenders and *longer* sentences on violent ones. They indicate that, on average, 50 percent of the offenders under their supervision would not be a danger to society if released, and they would rather cut sentences for all crimes, or use prison space more efficiently, than build more prisons.

Eliminate mandatory minimums. Fifty-eight percent of wardens oppose mandatory minimum sentences of five, 10, 20, or more years for drug crimes.

Employ alternatives to incarceration. Ninety-two percent of the wardens think that greater use should be made of alternatives to incarceration, such as home detention, halfway houses, boot camps, and residential drug treatment programs.

More police are better than longer sentences. Seventy-eight percent of wardens believe that increasing the likelihood of being caught is more effective at reducing crime than increasing the length of prison sentences.

Prison programs reduce recidivism. An overwhelming majority of the wardens support a variety of prison-based rehabilitation programs to reduce the incidence of repeat offenses. Eighty-nine percent favor increasing drug treatment, 93 percent favor increasing literacy and other educational programs, 92 percent favor increasing vocational training, and 74 percent favor increasing psychological counseling.

The Crime Bill—Good Politics, Bad Policy

Congressman Blasts Crime Bill for Focusing More on Incarceration Than Prevention While the GOP-Led Congress Prepares Harsher Amendments

by Bobby Scott

This article is an excerpt of a speech by Congressman Bobby Scott (D-Va.), on the Violent Crime Control and Law Enforcement Act of 1994 passed in August. The speech was delivered to a group of journalists at the Knight Center for Specialized Journalism at the University of Maryland on October 20. Scott, who voted against the Act, objects to the measure's 60 new death penalties, "three time loser" provision, and authority to try 13-year-olds as adults, among other provisions. He worked for and supported elements of the Act that include community policing, an assault weapon ban, and crime prevention programs. The Republican leaders of the new Congress plan to amend the measure with even harsher provisions.

The crime bill debate was all about more incarceration versus more prevention. I believe that prevention should have won the debate. But regrettably, it didn't. As a representative of the 3rd congressional district of Virginia, the issue of crime is important to me. In my community, 11-year-olds are planning their funerals and 25 percent of our young black men are under the control of the criminal justice system—either awaiting trial, incarcerated, or on parole. Three cities within my district are among the 30 cities with the top murder rates in the United States. These are some of the reasons why crime reduction is important. I believe that the best way to reduce crime is through prevention, not measures that lead to more incarceration.

We Know How to Prevent Crime

We know how to prevent crime. Many studies have shown that a continuum of services, beginning with teenage pregnancy prevention and prenatal care, parental training for teen parents, Head Start, quality education, recreational programs, dropout prevention programs, summer jobs, job training and guaranteed college scholarships, will significantly reduce the incidence of crime. For example, studies have shown that children who have gone through Head Start have greater high school graduation rates, lower teen pregnancy rates, and lower involvement in crime than those who do not. Similarly, the Job Corps deters crime. About 75 percent of Job Corps participants move on to a job or full-time study; they earn about 15 percent more than those who do not participate in the program. And Job Corps participants are about one-third less likely to be arrested than non-participants.

These programs not only reduce crime, they save money. Studies estimate that \$4.75 is saved for every dollar spent on Head Start by reducing future costs of remedial education, welfare, and crime. And studies of the Job Corps estimate that \$1.45 in future expenditures on participants is avoided for every dollar spent on Job Corps. Yet, only one-third of the children eligible for Head Start and six percent of those eligible for the Job Corps participate.

Improvements in education and training are important components of good crime prevention, particularly in a time in which well paying jobs require greater skills. The correlation between crime and education is evident when studies show that two-thirds of all prison inmates are high school dropouts. In one prison study in Virginia, 75 percent of the inmates were found to have reading achievement levels of fourth grade or worse.

The Politics of Crime

But even though politicians know that the best way to effectively reduce crime lies in addressing its root causes—poverty, poor education, joblessness—there is no issue we face where the gap between responsible governing and political popularity is so great. In the politics of crime, the right thing and the politically popular thing are totally opposite. The politics of crime involves emotional appeals for mandatory minimum sentences, life in prison without parole, no probation, no rehabilitation, and more death penalty provisions without appeals. While espousing these simple-minded policies appeals to the emotions of a fearful public and helps politicians get elected, they do nothing to reduce crime in the streets. This conclusion is supported by criminologists, mental health professionals, and police chiefs of major cities who contend that, after a point, increasing incarceration will do nothing to decrease crime.

If one only read headlines and listened to political speeches, it would appear that the American criminal justice system didn't lock up enough people. Nothing could be further from the truth. The U.S. and Russia trade first place from year to year in the number of people they incarcerate per 100,000 of their populations. Currently, Russia is in first place at 558 per 100,000 and the U.S. is running second at 519. South Africa is third at 368. The average rate of imprisonment in most other countries is about 100 people per 100,000, with Japan at 36, Mexico, 97, and Canada, 116. In many cities across the United States, the incarceration rate is in excess of 3,000 per 100,000.

Rep. Scott, a member of the Congressional Black Caucus, was recently reelected to his second term from Virginia's 3rd district, which includes Richmond and Tidewater communities.

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Crime Bill

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This approach to dealing with crime helped create the environment that resulted in the passage of the crime bill that contains several expensive, draconian measures that are unlikely to reduce crime. Some of the Act's provisions include: massive prison construction and incentives for states to abolish parole; 60 new death penalties; "three strikes and you're out"—life sentences without parole provisions; the treatment of 13-year-olds as adults; and finally, the termination of access to the federal Pell grant student financial aid program to pay for higher education for inmates. Let's take some of these issues individually.

New death penalty provisions. I oppose the death penalty on moral grounds, and because innocent defendants have been executed. And there is no crime prevention justification for expanding the death penalty to the 60 separate crimes listed in the crime bill, including the unconstitutional provisions applying it to crimes in which no death occurs. Furthermore, capital punishment has always been applied in a discriminatory manner. A General Accounting Office study found that the race of the victim and the race and class of the defendant are significant factors in determining who receives the death penalty and who does not. A recently released report of a study of federal death penalty prosecutions since 1988 by the House Subcommittee on Civil and Constitutional Rights revealed that despite the fact that 75 percent of those individuals prosecuted under the general drug kingpin statute were white, of the 37 prosecutions under the death penalty provisions of the Act, four were white, four were Hispanic, and 29 were African American.

Now retired Supreme Court Justice Harry A. Blackmun, a long-time death penalty supporter, made the following statement against the death penalty on February 22, 1994: "Twenty years have passed since this Court declared that the death penalty must be imposed fairly, and with reasonable consistency or not at all, and, despite the effort of the states and courts to devise legal formulas and procedural rules to meet this daunting challenge, the death penalty remains fraught with arbitrariness, discrimination, caprice and mistake."

Although 60 new death penalties were added, Congress failed to add the Racial Justice Act to the crime bill. This is a provision to prohibit racial discrimination in the application of death sentences. The Racial Justice Act, supported by most of the members of the Congressional Black Caucus, would have merely stated that at the end of capital trials, racial bigotry should not be the deciding factor in who gets to live and who has to die. The courts are well versed in deciding racial discrimination cases: proof of discrimination is routinely considered in employment, housing and public accommodations. So the same evidence ought to be allowed when someone's life is at stake.

"Three strikes and you're out." This provision, that requires that offenders who commit three felonies be sentenced to life prison terms without parole, was the most popular, vote-getting element of the federal crime bill. But

its effectiveness is doubtful. The Federal Sentencing Commission has found that the present federal sentencing guidelines already provide for a 30-year sentence, without parole, for those who would be sentenced under the three-time loser provision. But violent inner-city youth, who perceive their life expectancy to be about 24 years, who are not now deterred by a 30-year sentence, will not be deterred by the possibility of life without parole.

And as for protecting society from repeat, violent offenders; repeat felonies are committed by offenders who are between the ages of 16 and 30. Society is not protected by holding 80-year-old men in prison who can't get up and down the cellblock without a walker, for crimes they committed over 50 years ago. The cost of imprisoning these octogenarians averages \$25,000 a year plus health care costs. And in light of the notoriously discriminatory application of death penalty and minimum sentencing laws already on the books, we can expect the "three-strikes" provision to be applied in a racially disparate manner.

Treating 13-year-olds as adults. The crime bill also casts away over a hundred years of juvenile justice wisdom in exchange for the politically expedient fix of trying 13-year-olds as adults in the federal system. Although the House modified this idea, there is still no provision in the federal system for appropriate social services during incarceration, or for a reasonable trial process for juveniles. If we are to focus on 13-year-olds who have committed heinous crimes, it should be done in state systems that have already been established and prepared to deal with the problem.

Pell grants for prisoners. I don't support providing federal Pell grants to inmates because they deserve them, but because studies have shown that inmates who use them to pay for college are so much less likely to return to prison because of their improved education that the taxpayer will pay less for Pell grants than on future incarceration for those who would otherwise return to prison.

But the federal crime bill also has some good parts to it, including: funds for community policing, programs to reduce domestic violence, and a prevention package which enables localities to tailor their youth development/crime prevention initiatives to the different communities. Crime prevention funding in the bill totals more than \$6 billion.

We know what to do, we know what works, we know incarceration is expensive and does little to reduce crime. If we are going to spend more money to address the crime problem, the additional money is better spent on prevention initiatives. I am not recommending this out of any compassion for criminals, but on behalf of society, and in response to the challenge to use our limited resources to reduce crime as much as possible, thereby reducing the number of victims of crime in the future.

But the politics of crime takes us in absurd directions. We have ended up with some dysfunctional criminal justice policies simply because politicians have been making complex public policy decisions based on simplistic vote-getting appeals and not the intelligent analysis of facts and figures. This is an issue of expedient politics versus effective policy. In my opinion, politics is winning. ■

A Contract on Black Children?

An Examination of the Personal Responsibility Act Reveals That It Will Target African American Children for Cuts From Public Assistance

by Katherine McFate

The welfare proposal found in the Republican "Contract with America" is designed to disqualify whole categories of poor children and families from receiving government assistance, and the groups targeted for exclusion are disproportionately African American. If the Contract had been enacted five years ago, at least 2 million of the 3.6 million black children currently receiving income support under Aid to Families with Dependent Children (AFDC) would have been disqualified from receiving income support. And there is no evidence that private charities will be able to meet the needs of millions of children denied AFDC support.

The majority of families receiving welfare today are *not* black. About 39 percent of all AFDC families are white, 37 percent are black, 18 percent are Hispanic, and almost 3 percent are Asian. Of the 9.5 million children who receive AFDC today, only 3.6 million are black. Moreover, overall black representation in the AFDC program has declined since 1969. However, a higher percentage of blacks (17 percent) than of Americans overall (5 percent) participate in AFDC. Likewise, while about 14 percent of all American children receive support from AFDC, about 37 percent of all black children receive it. Thus, any welfare reform will affect a larger percentage of black than white children.

Called the "Personal Responsibility Act" (PRA), the Contract's welfare reform proposal targets three groups of current recipients that are disproportionately black: the children of unmarried teenage mothers; the children of unmarried mothers for whom paternity has not been legally established; and the families of adults who have accumulated five years of AFDC support.

Children of unmarried, teenage mothers. In 1991, over half a million teenagers gave birth, more than 70 percent of whom were unmarried. Over 157,000 black teens gave birth, of whom over 90 percent were unmarried. The Contract would make the *children* of unmarried mothers under 18 *forever ineligible* for AFDC assistance; states could also choose to deny AFDC support to all children born to unwed mothers under 21 years of age. This means that in its first year of operation, the PRA would immediately disqualify between 130,000 and 170,000 black children from ever qualifying for income assistance. Even if a teenage mother later married, her child could not receive assistance. Each year the number of children excluded would grow with the teenage birthrates. Children would be labelled and penalized for the circumstances of their birth. Poor teenagers without family or friends on whom to rely

for support would be expected to give their children up for adoption, foster care, or orphanages.

Children whose paternity has not been established. Older women (over 18 or 21 years of age, depending on a state's choice) who bear children out-of-wedlock and do not legally establish the paternity of their children will be barred from receiving income assistance, too. Currently, over half of all African-American households receiving AFDC are headed by unmarried mothers; an estimated two-thirds of these mothers have not established paternity. Paternity establishment rates vary dramatically from state to state, as does the time it takes to establish legal paternity (due to backlogs, it can take up to two years). Under federal regulations, a state child-support agency has 18 months to establish paternity after the father is located. A family would not qualify for AFDC income assistance until paternity had been established.

Families on AFDC more than five years. Although only a minority of all AFDC users (15 percent of white women and about a third of black women) spend five or more years on welfare, of those that do rely on AFDC for long periods a majority are black. Therefore, the *average* length of time black families spend on welfare is eight years. Estimates suggest that if a five-year time limit on AFDC had been put in place five years ago, 48 percent of the current caseload and 54 percent of the current black caseload would have exhausted their eligibility for support. Within the next five or six years, a million black families—with over 2 million black children—could be forever barred from receiving AFDC due to the time-limit provision. A lifetime limit on the amount of time spent on welfare would also disproportionately affect black families, who are more likely to experience long and/or repeat spells of poverty.

Because the three groups targeted for exclusion overlap (teen mothers are less likely to have paternity established and more likely to be long-term recipients), and because only new applicants will be affected by the provisions, it will take a few years before the full impact of these exclusionary provisions is evident in most communities.

Congressional sponsors of the Personal Responsibility Act claim that adoption, foster care, and private charities will fill the void created by government retrenchment. The facts belie this scenario. Less than one percent of black mothers give up their children for adoption. There are already 460,000 children in foster care, a 70 percent increase since 1982. Of the children in foster care awaiting adoption, 38 percent are black, yet only 25 percent of the children who are adopted from foster care each year are black. ■

Ms. McFate is associate director of social policy at the Joint Center.

Voting Rights

Continued from page 4

the executive branch would introduce a powerful new bill in Congress posthaste. On March 15, 1965, Johnson went before a nationally televised joint session of Congress to call for prompt passage of the new measure and to pledge—invoking one of the movement's own most memorable slogans—that “we shall overcome” America's centuries-old legacy of racial hatred and discrimination.

Ten days later, with Martin Luther King, Jr., and a host of other civil rights leaders and international notables in the lead, a vastly larger march of thousands successfully completed the pilgrimage from Selma to Montgomery. The triumph of the march, however, came at the cost of two more tragic deaths—Detroit housewife Viola Liuzzo and Massachusetts Unitarian minister James Reeb, both white northern civil rights supporters who had come south to help the crusade, each fell victim to Klansmen.

On August 6, less than five short months after the Selma March, Lyndon Johnson signed into law the Voting Rights Act of 1965. One major provision of the new law immediately suspended all “tests and devices” that could be used as barriers to voter registration in any jurisdiction where less than half the adult population had been registered or had voted in the 1964 presidential election. Another provision allowed for federal registrars to be sent into those jurisdictions to enroll previously excluded citizens.

Although the Justice Department made very cautious use of such federal agents, dispatching them only to counties where local registrars made clear their disinterest in abiding by the new law, black voter registration shot upwards rapidly all across the deep South after the law's enactment. For example, pre-Voting Rights Act statistics showed statewide black registration in Mississippi and Alabama of 28,000 and 92,000, respectively; the 1966 totals were 139,000 and 246,000, respectively. Even more notably, at the time of the Act's passage, statistics showed a South-wide total of 72 black elected officials. By 1970 that figure had climbed to 711, and by 1976 it stood at 1,944.

Those gains, and the far more dramatic ones that followed during the 1980s (today, the South-wide number of black elected officials has risen to 4,924—a 68-fold increase since 1965) were the result not just of increased black voter registration and turnout. They were also the result of two

other powerful and sometimes overlooked factors. First, post-1970 enforcement of the Voting Right Act's Section 5 required the Justice Department to “preclear” any change in state or local voting laws made by covered jurisdictions which might dilute the political influence of black voters. Second, the dramatically effective 1982 amendments to the Act countermanded a disappointing 1980 Supreme Court ruling (*City of Mobile v. Bolden*) and hastened a South-wide shift away from multimember at-large elections (which diluted the voting strength of minority voters) to single-member districts, a change that dramatically increased the number of black elected officials.

In short, the Voting Rights Act, whose thirtieth anniversary we celebrate this year, is not just a major landmark in American political history; it also remains a powerful present-day force for protecting minority views and voices in American political life. As we stand at what may be the threshold of a new era of more narrow judicial interpretations of minority voting rights protections, supporters of the Voting Rights Act and its provisions need to appreciate that the struggle is not over. ■

Join Us at Our 25th Anniversary Dinner

The Joint Center's Board of Governors and its many friends invite you to our 25th Anniversary dinner to be held on Wednesday, March 22, 1995, at the Washington Hilton Hotel. National chairman of the 25th Anniversary celebration is Alex Trotman, CEO of the Ford Motor Company. Assisting Mr. Trotman in making this occasion a success is Ronald Townsend, president, Gannett Television Group, and chairman of the general dinner committee.

The dinner, which is the Joint Center's only public fund raising event, provides significant support for our research and outreach programs. Dinner tables are: Silver Anniversary Circle \$25,000; Chairman's Circle \$10,000; and Sponsor \$5,000. Individual tickets are also available at \$500 each. Opportunities to advertise in the dinner souvenir program are available. For reservations and further information, please contact Alfreda Edwards, dinner coordinator, at 202-789-3545.

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