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In TrendLetter: The House Votes on Civil Rights Act

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POLITICAL TRENDLETTER®

Perspective

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From Voting Rights to Economic Empowerment

Today, as we observe the 25th anniversary of the enactment of the Voting Rights Act, we can take considerable pride in an unbroken record of political achievement. By virtually any measure, since 1965 blacks have made giant strides toward political empowerment. In voter turnout, the gap between blacks and whites has narrowed—from over 12 percentage points to about 4 points. Among some age groups we now out-vote whites.

The only elective offices that blacks have not held are those of president and vice president. The two Jesse Jackson presidential candidacies, the elections last year of L. Douglas Wilder and David Dinkins, all suggest that the nation's two highest offices may not be beyond reach.

We have been crossing new frontiers in appointive positions as well. Almost without notice, Colin Powell has occupied the highest national security position in the White House and is now the nation's top military officer. Inroads have even been made in highly technical strategic specialties. For example, Dr. Condolezza Rice, a black woman, is the top Soviet affairs advisor to the president, and Ron Brown heads the Democratic National Committee.

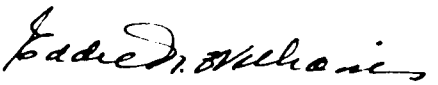
Black elected officials, who numbered around 300 in 1965, now total nearly 7,400, including the mayors of more than 300 cities, 24 members of the U.S. House of Representatives, and more than 400 state legislators. Moreover, there is growing evidence that black candidates are having increasing success in winning support across racial lines. Indeed, one of the challenges for black politicians over the next decade will be to make the transition from primarily racial representation to broad-based participation in governance at all levels. Although there is considerable room for further progress, blacks clearly are taking their place among elected leaders and decision-makers throughout the country.

But the political gains of the past two decades are only part of the picture. Unfortunately, we have not yet succeeded in matching our political success with similar gains in our economic status and thus in our overall quality of life. While economic opportunities have improved for many blacks, resulting in a growing and robust middle class, fully one third of the black population is mired in poverty. That compares with just 13 percent of whites. What is even more disturbing is the increasing intractability of this poverty.

I believe that *economic empowerment* is the new cutting edge in the pursuit of racial justice. It is a logical outgrowth of our political gains up to now. Therefore, the principal challenge of the 1990s and beyond is to translate our political gains into economic progress. This is true for those still in poverty as well as for those who are part of the middle class.

This is not as easy or simple as popular rhetoric might suggest. Political participation increases our capacity to influence the distribution of economic opportunities, but increased economic benefits are by no means automatic. Nor can politics deliver as much as is often assumed. For those of us who accept the primacy of the goal of expanding economic opportunities, we must develop effective strategies which take into account the political power available to us.

For as long as blacks have struggled for political rights, we have nourished the belief that political power is one of the crucial keys to economic opportunity. It is now time to use that key. ■



PRESIDENT

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Discrimination and Immigration Law

Members of Congress Struggle Over Legislative Alternatives to Deal With the Impact of Employer Sanctions Established by U.S. Immigration Policy

by Christopher Brown

This is the first of two articles developed as a part of ongoing Joint Center research on U.S. immigration policy being conducted under the supervision of Milton Morris, director of research.

In 1987, shortly after he moved to Los Angeles, Richard Trujillo applied for a job as a general laborer and sand blaster. He presented his social security card and driver's license as proof that he was eligible to work in accordance with immigration regulations. Later that day a company representative called Trujillo and told him his social security card was not acceptable and that he would have to bring in an Immigration and Naturalization Service (INS) number. Trujillo, who was born in Kansas City, Missouri, explained that he had no reason to possess an INS number because he was a U.S. citizen. The following week another company representative implied that Trujillo's social security card might be fraudulent, and refused to hire him. The company illegally denied him the job.

Startling Discrimination

Richard Trujillo's experience of employment discrimination is not unusual. Four years ago when Congress passed the Immigration Reform and Control Act (IRCA), it required the nation's employers to secure proof of citizenship or a resident alien card from all job applicants. Employers who knowingly hired illegal immigrants would face stiff fines and possible jail terms. Congress devised these new sanctions to discourage "undocumented workers" from seeking employment in the United States. Unfortunately, the civil rights of American workers have been violated in the process.

In a report published last March, the General Accounting Office (GAO) found that employer sanctions have produced a "widespread pattern of discrimination," not only against foreign workers who are authorized to work but even against American workers who "look foreign." Biased hiring practices are not a new development in the American workplace, of course. But IRCA has brought a new element of discrimination into the picture. The GAO report concludes by calling for reforms specifically designed to stem IRCA-related violations of civil rights. From its survey of 4,362 employers, the GAO estimates that 891,000 employers initiated one or more discriminatory practices in an attempt to comply with the law. Many Americans and legal residents must have been affected since those 891,000 employers hired 6.8 million workers in 1988 alone.

In cities with large Hispanic or Asian communities the discrimination was most pronounced. In the state of Texas, as also in the city of Los Angeles, 28 percent of the employers surveyed had begun illegal practices after the law was passed. Blacks are also affected, since about 20 percent of legal immigrants come to the U.S. from Africa and the Caribbean each year. Independent studies conducted by private, state, and local agencies, such as the New York Commission on Civil Rights, support GAO's findings and, in some cases, document discrimination that is even more pervasive.

Fine-Tuning or Repeal?

For many, the findings come as no surprise. The prospect of heightened discrimination was raised when IRCA was first being considered for Congressional passage. The GAO's recent findings have refocused legislators' attention on the elusive goal of enforcing immigration laws without infringing the rights of American minorities. Congressional supporters of employer sanctions concede that the law needs to be fine-tuned but insist that sanctions are the only effective way to curb illegal immigration.

Others disagree. Representatives from Latino organizations, such as the Mexican American Legal Defense and Educational Fund (MALDEF), La Raza, and the Coalition for Humane Immigration Rights of Los Angeles (CHIRLA), as well as the American Civil Liberties Union and the NAACP, have demanded that employer sanctions be repealed because of their discriminatory effects.

The INS estimates that there is a net annual increase of 200,000 illegal immigrants who remain in the United States. Economists and social scientists generally concur that the labor of immigrants, legal and illegal, helps the economy and supplements the national income. However, organized labor and many policy makers are concerned that in some industries, such as agriculture, construction, and the garment industry, large numbers of undocumented workers are competing with low-skilled American workers for jobs, thereby depressing wages and threatening the already

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Mr. Brown, a summer intern at the Joint Center, graduated from Yale University in June and will be attending Oxford University as a Rhodes scholar this fall.

strained social services of many cities.

These concerns have fueled a debate over whether employer sanctions should be repealed in favor of stronger enforcement at the border or whether the law can be reformed so that IRCA-related discrimination is stopped while sanctions remain in place.

Protective Measures That Failed

Congress had hoped in 1986 that it had found a humane and effective way to limit illegal immigration when it passed IRCA. Five years of intense negotiations and stalled legislation had preceded the law's passage. For the first time in American history, the law made it a crime to hire illegal immigrants. To ease the transition, amnesty was granted to approximately three million illegal immigrants—those who had resided in the country since 1982 or who had been employed as seasonal agricultural workers. Sponsors of the amnesty program reasoned that giving legal status to illegal aliens residing in the U.S. would put an end to the "shadow society" of those easily exploited by employers and living in constant fear of deportation.

To prevent biased hiring practices, the bill included anti-discrimination provisions and established the Office of Special Counsel (OSC) in the Justice Department to investigate and prosecute discrimination charges that were IRCA-related. An amendment sponsored by Sen. Edward Kennedy (D-Mass.) mandated a yearly GAO review whose purpose was twofold: to determine whether employer sanctions were effective enough to justify the regulatory burden imposed on employers, and to discover whether the law was producing discrimination.

Employer sanctions underscore the dilemma facing a free society that has an overwhelming immigrant population yet wishes to control its borders.

While GAO's 1989 report (its third annual study) did find that employer sanctions had "partially realized" congressional intent by "apparently reducing illegal immigration," its findings on discrimination startled many legislators who had supported the law. The report identified three possible reasons why employers discriminated: out of ignorance of the law's major provisions; from uncertainty about how to determine employment eligibility; and due to the prevalence of counterfeit documents, which in turn contributed to employer uncertainty about eligibility.

The report recommended that the government make a stronger effort to educate the nation's employers on complying with IRCA's anti-discrimination provisions. The OSC, the INS, the Equal Employment Opportunity Commission, and the Department of Labor have recently launched a public education drive to achieve this end.

Many workers, however, remain unaware of IRCA's protections, of what constitutes illegal discrimination under the Act, or even of OSC's existence. Although hundreds of thousands of job seekers may have been hurt by employer sanctions, only 708 cases had been brought to the OSC for investigation as of October 1989. And so far, only 83 of those cases have been investigated and settled with plaintiffs receiving some form of redress.

Michael Fix of the Urban Institute, based in Washington, D.C., testified that the current INS effort to inform employers about IRCA's antidiscrimination provisions was in practice "crowded out" by efforts to inform them of their new liabilities under the law's sanctions provisions. Educational initiatives can be intensified, according to the GAO, by focusing on just those employers that are most likely to discriminate—medium sized employers and employers in areas with large Hispanic or Asian populations.

In an effort to rectify this lack of awareness, last spring Rep. John Bryant (D-Tex.) proposed the IRCA Anti-Discrimination Amendments of 1990 (H.R.4421). The legislation would set in motion a $20 million educational campaign by the Office of Special Counsel and the Equal Employment Opportunity Commission (EEOC), designed to inform employees of their rights and employers of their responsibilities under IRCA. Regional EEOC offices would be established in cities where employment discrimination has been prevalent.

Legislators who favor a complete repeal of the law, however, believe that by documenting "widespread discrimination" but only recommending that the sanctions be shored up with increased educational efforts, GAO has only complicated matters. Critics of the educational approach, including Arthur Fletcher, chairman of the U.S. Civil Rights Commission, doubt that it can ever be effective. Testifying on June 27, Fletcher told the House Subcommittee on Immigration: "If Congress intends to let this serious discrimination continue while it experiments with solutions that are clearly inadequate, then by all means, please have GAO continue documenting the damage."

Another reform proposal (S.2446), sponsored by Sen. Alan Simpson (R-Wyo.), would seek to eliminate biased hiring by requiring all legal workers to carry a fraud-resistant work authorization card. Simpson suggests that this would provide all employers with a reliable form of documentation. Seventeen different documents are currently acceptable as forms of identification, including a U.S. passport, a social security card, and 10 documents issued by the INS to legal residents.

However, some critics of the proposed mandatory I.D. card fear that only Americans who "looked foreign" or who had foreign accents would, in practice, need and be expected to carry it. The ACLU has campaigned against the card, arguing that it could threaten individual liberties by making possible the creation of a centralized data file on individuals' backgrounds, bringing together separate files on workers that are currently kept by independent federal, state, and local government agencies and by private businesses.

The worker I.D. card poses pragmatic problems as well. Implementing such a system would require years of

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POLITICAL TRENDLETTER®

In a special report, TL looks at how the 108 members of the House with large black constituencies voted on the Civil Rights Act of 1990.

Taking Names

On August 3, just hours before Congress adjourned for its month-long pre-labor day recess, the House passed the Civil Rights Act of 1990. The Senate had passed its version of the Act on July 18. The entire Congressional Black Caucus voted for the Act but some of their white Democratic and Republican colleagues who represent large numbers of black voters opposed one of the most important civil rights bills in recent years. The Act, sponsored by Sen. **EDWARD KENNEDY** (D-Mass.) and Rep. **AUGUSTUS HAWKINS** (D-Cal.), is designed to reverse five Supreme Court rulings handed down in June 1989, which have severely weakened the protections against employment discrimination provided by Title VII of the Civil Rights Act of 1964 and by Section 1981 of Title 42 of the U.S. Code. These Court rulings place greater burdens on plaintiffs to prove discrimination and make court challenges more costly and time consuming, thus making it more difficult for minorities and women to secure legal redress for job bias (See February and July 1990 TL).

The Senate version of the Civil Rights Act passed handily by a vote of 65 to 34. But passage of the House bill was by no means a *pro forma* affair. At the last minute, Rep. JOHN LaFALCE (D-N.Y.) and House Republican leader ROBERT MICHEL (R-Ill.) sponsored a substitute bill that nearly passed. The Congressional Black Caucus vigorously opposed the substitute, charging that it would codify the very Supreme Court rulings the Act had been drafted to overturn. The substitute was essentially identical to the Bush administration's alternative proposal, which the Senate had rejected. Among its provisions, the substitute would have defined "business necessity" more in favor of employers, making it more difficult to challenge a business practice as discriminatory. The measure would also have stricken the punitive damages provisions of the Act, allowing, instead, up to $100,000 in "equitable relief" and eliminating jury trials in some intentional discrimination cases.

On the eve of the vote on the measure, LaFalce sent a letter to House members charging that the Hawkins-Kennedy bill would force employers "to adopt *de facto* quotas" and would open the door to unending litigation and "reverse discrimination." The LaFalce measure, which was placed on the House calendar for consideration along with the Civil Rights Act, had powerful backing. By the morning of Thursday, August 2, civil rights advocates who had helped win passage of the Senate version by a strong majority were caught off guard when they realized that defeat of the Hawkins bill was imminent. While the civil rights coalition had lobbied extensively to secure the Senate victory, the House had been virtually neglected. Meanwhile, lobbyists for the U.S. Chamber of Commerce and business trade groups were steadily winning support for the LaFalce measure. Moreover, many members of the House Conservative Democratic Forum joined the LaFalce bandwagon, including 15 who had signed their own letter of endorsement. Also known as the Boll Weevils, the Forum is made up of about 50 white Democrats, mostly from the South. It was the Boll Weevils who in the early 1980s gave **RONALD REAGAN** the House majorities he needed to slash social programs. The Boll Weevils and a majority of House Republicans alone could have ensured the LaFalce bill's passage.

Fearful of impending disaster, the Black Caucus met almost daily. With just 24 hours to block the LaFalce measure, each Caucus member participated in an all-out personal lobbying campaign. Here the political skill and experience of key black legislators paid off as, one-by-one, supporters of the LaFalce substitute were persuaded to defect. By August 3, the Caucus had been so successful that half of the signers of the Boll Weevils' letter reversed positions on the LaFalce proposal, which was defeated 238 to 188. The Hawkins-sponsored Civil Rights Act passed by a margin of 272 to 154 that same day. While the Act passed with strong

support, 36 of the 108 House members with congressional districts where blacks make up at least 15 percent of the population voted for the LaFalce substitute. All of the 36 were white, and 16 were Southern Democrats. Within the space of an hour, eleven of the sixteen Southern Democrats who had voted for the LaFalce measure turned around and voted for final passage of the Hawkins-sponsored Civil Rights Act.

A conference committee will now hammer out a compromise between the Senate and House versions of the Act. There is little doubt that Congress will move quickly to get the legislation to President Bush's desk for signature. Bush has indicated that he would veto legislation he thought was a "quota bill," a label applied to the Act by its opponents. The sponsors of the Act contend that the cry of quotas is a red herring issue since both versions clearly state that the measure shall not be construed to require an employer to adopt hiring or promotion quotas. Both the House and Senate bills passed just short of the two-thirds necessary to override a presidential veto.

Department of Health and Human Services Secretary LOUIS W. SULLIVAN and Office of Personnel Management Director CONSTANCE B. NEWMAN, two of the highest ranking black officials in the Bush administration, have met with the President to urge him to sign the Act. Other black leaders suggest that a veto would derail any plans Bush may have for attracting more blacks into the GOP. "If there's anything that specifically and concretely impacts upon blacks, it's civil rights," says House Democratic whip BILL GRAY of Philadelphia. "Therefore I think it would be a grave mistake for President Bush to veto the Civil Rights Act. Such a veto could become a litmus test among blacks on his administration, and much of the support he currently enjoys among African Americans could ebb away on this one issue."

How They Voted

The chart below shows how House members with districts that have black populations of at least 15 percent voted on both the LaFalce substitute and the final vote on the Civil Rights Act. A plus sign (+) indicates a vote favorable to the Black Caucus position, e.g., *against* the LaFalce measure or *for* the Hawkins-sponsored Civil Rights Act; a minus sign (-) indicates the reverse voting behavior; and (NV) indicates the legislator did not vote.

State	Congressional District	Member		Black Population (%)	LaFalce Substitute	Hawkins Bill
Alabama						
	1	Callahan	(R)	31	-	-
	2	Dickinson	(R)	31	-	-
	3	Browder	(D)	28	+	+
	6	Erdreich	(D)	34	+	+
	7	Harris	(D)	33	+	+
Arkansas						
	1	Alexander	(D)	19	-	+
	2	Robinson	(D)	17	NV	NV
	4	Anthony	(D)	28	-	+
California						
	8	*Dellums	(D)	27	+	+
	28	*Dixon	(D)	39	+	+
	29	*Hawkins	(D)	50	+	+
	31	*Dymally	(D)	34	+	+
Delaware (At-large)						
		Carper	(D)	16	+	+
Florida						
	2	Grant	(R)	24	-	+
	3	Bennett	(D)	27	+	+
	5	McCollum	(R)	16	-	-
	7	Gibbons	(D)	15	+	+
	12	Lewis	(R)	19	-	-

State	Congressional District	Member		Black Population (%)	LaFalce Substitute	Hawkins Bill
	15	Shaw	(R)	18	-	-
	17	Lehman	(D)	27	+	+
	18	Ros-Lehtinen	(R)	16	-	+
Georgia						
	1	Thomas	(D)	33	-	+
	2	Hatcher	(D)	37	-	+
	3	Ray	(D)	34	-	+
	5	*Lewis	(D)	65	+	+
	6	Gingrich	(R)	15	-	-
	8	Rowland	(D)	35	-	+
	10	Barnard	(D)	25	-	-
Illinois						
	1	*Hayes	(D)	92	+	+
	2	*Savage	(D)	70	+	+
	7	*Collins	(D)	67	+	+
	21	Costello	(D)	15	+	+
Indiana						
	1	Visclosky	(D)	24	+	+
	10	Jacobs	(D)	27	+	+
Kentucky						
	3	Mazzoli	(D)	20	+	+
Louisiana						
	2	Boggs	(D)	59	+	+
	3	Tauzin	(D)	20	-	+
	4	McCrery	(R)	32	-	-
	5	Huckaby	(D)	31	-	-
	6	Baker	(R)	25	-	-
	7	Hayes	(D)	20	-	+
	8	Holloway	(R)	38	-	-
Maryland						
	1	Dyson	(D)	19	+	+
	3	Cardin	(D)	16	+	+
	4	McMillen	(D)	21	+	+
	5	Hoyer	(D)	35	+	+
	7	*Mfume	(D)	73	+	+
Massachusetts						
	9	Moakley	(D)	16	+	+
Michigan						
	1	Conyers	(D)	71	+	+
	7	Kildee	(D)	15	+	+
	13	*Crockett	(D)	71	+	+
Mississippi						
	1	Whitten	(D)	25	+	+
	2	*Espy	(D)	58	+	+
	3	Montgomery	(D)	32	-	-
	4	Parker	(D)	42	-	-
	5	Taylor	(D)	19	-	-
Missouri						
	1	*Clay	(D)	52	+	+
	5	*Wheat	(D)	23	+	+
New Jersey						
	10	*Payne	(D)	58	+	+
New York						
	6	*Flake	(D)	50	+	+
	11	*Towns	(D)	47	+	+
	12	*Owens	(D)	80	+	+
	16	*Rangel	(D)	49	+	+

State	Congressional District	Member		Black Population (%)	LaFalce Substitute	Hawkins Bill
	17	Weiss	(D)	16	+	+
	18	Serrano	(D)	44	+	+
	20	Lowey	(D)	16	+	+
	33	Nowak	(D)	19	+	+
North Carolina						
	1	Jones	(D)	35	+	+
	2	Valentine	(D)	40	+	+
	3	Lancaster	(D)	27	+	+
	4	Price	(D)	20	+	+
	5	Neal	(D)	16	+	+
	6	Coble	(R)	21	-	-
	7	Rose	(D)	27	+	+
	8	Hefner	(D)	20	+	+
	9	McMillan	(R)	23	-	-
Ohio						
	1	Luken	(D)	16	+	+
	2	Gradison	(R)	16	-	-
	3	Hall	(D)	18	+	+
	12	Kasich	(R)	15	-	-
	21	*Stokes	(D)	62	+	+
Pennsylvania						
	1	Foglietta	(D)	32	+	+
	2	*Gray	(D)	80	+	+
	14	Coyne	(D)	22	+	+
South Carolina						
	1	Ravenel	(R)	32	-	-
	2	Spence	(R)	35	-	-
	3	Derrick	(D)	23	+	+
	4	Patterson	(D)	19	+	+
	5	Spratt	(D)	33	+	+
	6	Tallon	(D)	41	+	+
Tennessee						
	5	Clement	(D)	22	+	+
	8	Tanner	(D)	20	+	+
	9	*Ford	(D)	57	+	+
Texas						
	1	Chapman	(D)	20	-	+
	2	Wilson	(D)	16	+	+
	5	Bryant	(D)	20	+	+
	8	Fields	(R)	17	-	-
	9	Brooks	(D)	21	+	+
	12	Geren	(D)	17	-	+
	18	*Washington	(D)	41	+	+
	24	Frost	(D)	32	+	+
	25	Andrews	(D)	25	+	+
Virginia						
	1	Bateman	(R)	31	-	-
	2	Pickett	(D)	23	+	+
	3	Bliley	(R)	28	-	-
	4	Sisisky	(D)	40	+	+
	5	Payne	(D)	25	-	+
Wisconsin						
	5	Moody	(D)	28	+	+

+ = Favorable - = Unfavorable NV = Non-voting * Member of the Congressional Black Caucus

Cleveland C. Woodson, a senior at Kent State University and summer intern at the Joint Center, was a contributing TL reporter/writer this month.

Voting Rights 25 Years After Selma

While the Political Participation of Black Americans Has Been Expanded Since the 1960s Through Litigation, the Fight Is Not Over and the Struggle Continues

by Frank R. Parker

Much of the following article is based on Mr. Parker's recently released book, Black Votes Count, *which he researched as a MacArthur Foundation Distinguished Scholar at the Joint Center. The book describes the struggle for political justice in Mississippi since the passage of the Voting Rights Act in 1965. As an attorney with the Lawyers' Committee for Civil Rights Under Law, Mr. Parker has spent many of the last 20 years fighting in the courts to secure the full protections of the Act.*

Twenty-five years ago, thousands of Americans responded to Rev. Martin Luther King's call to converge on Selma, Alabama, to complete the march to Montgomery that had been beaten back by state police at the Edmund Pettus Bridge on March 7, 1965, Bloody Sunday. This march became the catalyst for congressional passage of the Voting Rights Act and for President Johnson's signing the law in August of that year. Since then, black voters and civil rights attorneys have been fighting in the courts to secure the Act's full protections. As we celebrate the 25th anniversary of this landmark legislation, it is appropriate to take stock of the strides we've made so far while remembering that the march for political rights that began in Selma still continues in the courts.

The Voting Rights Act enabled black and Hispanic voter registration, as well as the number of black and Hispanic elected officials, to increase dramatically. Moreover, it improved the quality of state and local government, particularly in the South and Southwest. The Act, which has helped make possible the election of several minority members of Congress, promoted democratic pluralism by making the composition of state and local governments more reflective of the racial and political diversity of their communities. In most of the Deep South's Black Belt, the Voting Rights Act put an end to plantation government and domination by white segregationist elites.

Apart from striking down such barriers to voting as poll taxes and literacy tests, the Act's greatest impact at the state level has been the elimination of at-large elections in multimember legislative districts. Multimember districts, which once prevailed throughout the South and Southwest, dilute the voting strength of minorities by submerging existing concentrations of minority voters in citywide or countywide at-large elections.

The language of the Act does not expressly forbid multimember districts. But the law's general protections against racial discrimination in voting practices have been interpreted by the Justice Department and most courts to prohibit such districts. These case rulings have resulted in the racial diversification of state and local governments.

A Sea Change in Mississippi

For many states, this change was a long time coming. Nowhere was it harder to achieve than in Mississippi—one of the last bastions of resistance to the Act. Here the single lawsuit challenging at-large state legislative elections went on for 14 years, including nine trips to the Supreme Court, until multimember districts were finally eliminated in 1979.

The full import of this change did not hit Mississippi until eight years later. By 1987, a new majority coalition had been forged in the state House of Representatives from two new forces in legislative politics. One element of the coalition was the House Black Caucus, made up of 18 members. Most of them were first elected in 1979 as a result of court decisions that required large multimember districts to be subdivided into smaller, single-member districts. Many of the new districts were majority black.

The other, larger element of the coalition comprised what political scientist Earl Black has termed the "New South generation" of white legislators: younger, better-educated representatives who reached maturity after state-enforced school segregation had come to an end. Their election to the Mississippi legislature was an unexpected—and little noted—bonus of the switch to single-member districts. Elected primarily in 1979 and 1983, they won office for two reasons. First, the remapping of election districts had eroded the countywide power bases of the old guard. Second, the smaller, more compact districts now made it possible for younger white candidates to challenge well-funded incumbents, since the smaller districts made campaigns less costly and made door-to-door canvassing an effective election tool.

By the mid 1980s, this new political majority was poised to wrest control of the House from its 11-year domination by Speaker C.B. "Buddie" Newman and the white planter elite. A force in state government and long an avowed

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segregationist, Newman, like powerful speakers before him, had used his position to block enactment of numerous progressive measures. Also, like previous speakers, Newman had his political base, ironically, in the heavily black Delta region.

The new coalition of black and white legislators had combined in 1987 to force passage of a House rule change that dramatically reduced the speaker's power. On March 26, 1987, Newman announced he was stepping down with the comment, "I just think it's best for Mississippi if I get out of the way." As political columnist Bill Minor of Jackson, Mississippi, noted at the time, "Historically, it is more than the Newman era that is coming to an end. It could be said that it will be the end of the Delta dynasty in the House." The forces that had brought Newman down were rooted in the elimination of multimember districts eight years earlier.

Newman's departure symbolizes the dramatic changes that the Voting Rights Act has produced throughout the Deep South. The impact of the law is evident in national as well as state politics. Southern Democratic senators once led the opposition in Washington to any civil rights measure. In the last decade, however, they provided crucial votes to extend the Voting Rights Act, defeat the nomination of Robert Bork to the Supreme Court, and pass both the Civil Rights Restoration Act in 1988 and the Civil Rights Act of 1990. Similarly, the new breed of Southern governors—like Ray Mabus of Mississippi, "Buddy" Roemer of Louisiana, and Bill Clinton of Arkansas—depend on black votes to get elected and are much more responsive to black interests than were many of their predecessors.

The Struggle Continues

Despite this progress, the struggle for full minority voting rights is far from over. The gratifying successes of David Dinkins' election as mayor of New York and L. Douglas Wilder's election as governor of Virginia, along with the new record of 7,370 black elected officials (according to the Joint Center's 1990 *Roster of Black Elected Officials*) must be balanced against realities. Today, black officeholders still constitute less than two percent of all elected officials nationwide, and in most parts of the country black and Hispanic candidates still can win election only in jurisdictions where the majority of voters are, like them, black or Hispanic.

This brings us to what the Rev. Jesse Jackson has termed the "unfinished business of the Voting Rights Act." The Act swept away poll taxes and literacy tests, but it left undisturbed other restrictive voter registration procedures, such as limits on time and place of registration, restrictions on appointment of deputy registrars, and dual registration requirements, which continue to impede minority progress.

The United States today has the lowest level of voting participation of any major industrialized democracy. A major factor in this low turnout is the country-wide crazy-quilt of state voter registration procedures. While more than half of the states have adopted mail-in and agency-based registration (such as at motor vehicle bureaus), this leaves the other half with restrictive procedures that have a discriminatory impact on minorities. These include requirements that voters register twice, once with the municipal registrar to vote in municipal elections and again with the county registrar for federal, state, and county elections.

In February of this year, the National Voter Registration Act (H.R.2190), designed to ease these barriers to voting, passed the U.S. House of Representatives. A similar measure (S.874) is currently pending in the Senate. But even if the legislation passes Congress and is signed into law, individual states will be free to maintain their own restrictions for state and local elections, because the bills apply only to federal elections.

Furthermore, there are areas of the country and election systems that until recently have remained untouched by voting rights litigation. Arkansas, for example, retained racially gerrymandered legislative districts until last year when the courts struck them down. Discriminatory at-large elections for state judicial officials, which Lawyers' Committee attorney Robert McDuff has called "one of the last bastions of political segregation," went unchallenged until the Lawyers' Committee won the first case nationwide in 1987. Cases challenging at-large judicial elections are now pending in Alabama, Arkansas, Florida, Georgia, Louisiana, Ohio, and Texas.

Remapping Opportunities?

As states get ready to remap their districts based on 1990 census results, civil rights leaders are concerned about a number of voting rights problems. The anticipated undercount of minorities will place them at a disadvantage, not only in the distribution of federal funds, which are based on population statistics, but also in the redrawing of district maps, where the undercount of minorities is likely to be translated into their electoral underrepresentation.

The redistricting of congressional, state, and local jurisdictions that follows each decennial census provides new chances to improve minority political participation, but it also creates new opportunities for racial gerrymandering. Current projections indicate that 20 of the 24 congressional districts now held by black members of Congress must be redrawn, some substantially. On the other hand, seven states, mostly in the South and Southwest, are projected to gain new seats—California (seven), Texas and Florida (three each), and Virginia, North Carolina, Georgia, and Arizona (one each). These reallocations of congressional seats carry with them the opportunity to create new majority black and Hispanic districts.

The passage of the 1965 Voting Rights Act caused minority political participation to bloom, not only in the South and Southwest, but nationwide. Nonetheless, despite tremendous progress, the Act's promise of equitable access to the electoral process remains unfulfilled. While practically all of the overt obstacles to political participation have been removed, subtle barriers remain. To eliminate these last remnants of inequity, civil rights advocates are pursuing in the courts the struggle that was begun by marchers in Selma two and a half decades ago. ■

Welfare Reform Short-Changed

State-Run Programs to Bring Welfare Recipients into the Job Market Are Threatened by Limited Funds and Employment Opportunities

by Katherine McFate

The 1988 Family Support Act (FSA), designed to reform the longstanding Aid to Families with Dependent Children (AFDC) program, must be implemented in every state by October. The Act aims to transform AFDC, the nation's primary system of income support for poor families, into an education, training, and employment program, one that will help heads of welfare families enter the labor market. But state budget difficulties and lagging political commitment to the measure are likely to undermine the impact of the Act's reforms.

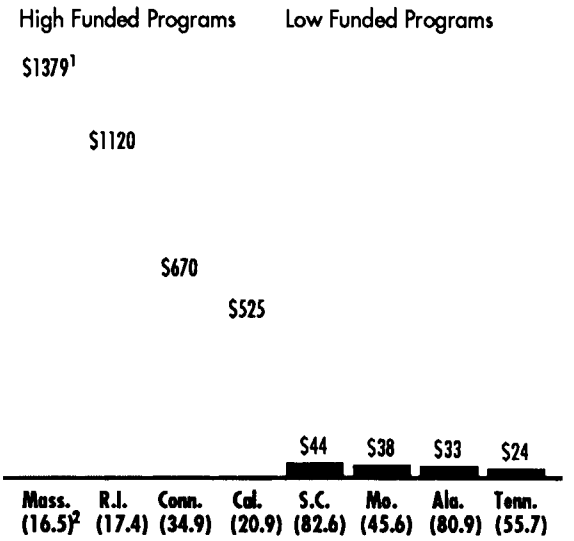
The federal government will provide matching grants to states to support the mandated services under the Job Opportunities and Basic Skills (JOBS) section of the Act. Long-term welfare recipients and those at risk of becoming long-term dependents (e.g., teen mothers and high school dropouts are targeted). Blacks are overrepresented among each of these groups.

The Act's reforms are likely to be very costly. Educational programs and support services such as child care (which enables welfare mothers to participate in employment programs) have already proven more expensive than was anticipated. For example, administrators of California's welfare-to-work program, Greater Avenues for Independence Gain, initially underestimated the number of AFDC recipients needing basic remedial education; instead of 15 percent, it turned out that 60 percent required this service. The price tag for California's education component therefore mushroomed by 130 percent. In other states, half the funds spent on welfare-to-work programs go to pay for child care expenses alone.

States where large numbers of black AFDC clients are concentrated vary greatly in both their commitment and their financial ability to support JOBS programs. At one end of the welfare-to-work continuum are California, Michigan, Ohio, New York, Illinois, and Pennsylvania (whose AFDC clients are majority white) which began offering a comprehensive array of services to AFDC family heads several years before FSA passed. At the other end stand most of the Southern states, where a majority of AFDC clients are black. The funding of their employment and training programs has been minimal.

Even in the most progressive states, welfare-to-work programs are imperiled by growing budget crises. This year, New York State has a deficit of $4 billion; California's is $3 billion, and Illinois' is $300 million. New Jersey had to impose $1.4 billion in new taxes to head off its own deficit. Although Michigan, Ohio, and Pennsylvania have not yet had to impose new taxes, their governors have announced belt-tightening spending policies.

1988 Funding Levels Per Recipient for Welfare-to-Work Programs in Selected States



1 Funding per participant in state welfare-to-work programs
2 Black AFDC recipients as a % of state AFDC population
Source: National Governors' Association; U.S. House Ways and Means Committee

JOBS is predicated on the notion that the economy would provide employment to the heads of poor families—if they just had the proper skills and adequate day care support. Yet even in areas with low unemployment, black joblessness rates are usually twice those of whites. It is not clear that these disparities would disappear even if differences in educational attainment did.

If regional and local economies cannot absorb new, low-skilled labor market entrants, JOBS will not be able to increase employment or reduce the welfare rolls. If politicians and the general public come to believe that inability to move into the labor force stems from a lack of motivation on the part of the poor themselves, rather than from the limited opportunities available to them, the stage could be set for a more punitive approach in the next round of welfare reforms. ■

Ms. McFate is a senior research associate in social policy at the Joint Center. This article is excerpted from her working paper, "Blacks and the Family Support Act: The Geography of Welfare Reform." Copies can be obtained by writing the Joint Center.

(Continued from page 4)

planning and billions of dollars. Sen. Orrin Hatch (R-Utah) describes the proposal as a search for a "holy grail" that is "doomed to be costly, lengthy, and futile."

Limiting Equal Protection

Advocates of repeal reject the idea that we must accept limits on the Fourteenth Amendment principles of equal protection if illegal immigration is to be stopped. Hispanic congressman Edward Roybal (D-Cal.) says, "In my opinion, the failure of Congress to repeal employer sanctions is tantamount to the abdication of its responsibility to protect the rights of Americans, regardless of their race or ethnic origin."

Those who advocate ending sanctions also challenge the GAO's conclusion that IRCA has reduced illegal immigration significantly. According to Raul Yzaguirre, president of La Raza, it is too early to pronounce sanctions effective. Yzaguirre notes that reports from the U.S. Department of Labor as well as anecdotal reports from other sources "indicate that undocumented persons continue to find work in the United States while working in conditions worse than before."

Roybal and Hatch have introduced the Employer Sanctions Repeal Act of 1990 (H.R.5185 and S.2797), which would enforce immigration laws at the border rather than in the workplace. The bill would expand funding and personnel for the border patrol. It would expand the resources for the Labor Department's Wage and Hour Division, which investigates violations concerning high concentrations of undocumented aliens, and fix stiffer penalties for smuggling and harboring undocumented immigrants. In effect, the provisions of the bill would once again make the Immigration and Naturalization Service solely an enforcement agency, relieving it of the responsibilities of a regulator and educator of the nation's employers.

The Future for Employer Sanctions

The prospects for overturning sanctions in the near future by means of the Roybal-Hatch proposal are not good. Legislators may be reluctant to back out of the carefully-crafted compromise in the 1986 law, whereby the amnesty program was accepted in exchange for approval of the sanctions. Recent action by the House Subcommittee on Immigration, Refugee Affairs, and International Law indicates that neither repeal nor reform will be considered by Congress this fall.

Both houses await the report of a special task force appointed in June by the attorney general to study IRCA-related discrimination. Headed by John Dunne, assistant attorney general for civil rights, the task force expects to report its findings to Congress in September.

The controversy over employer sanctions underscores the fundamental dilemma facing a free society that has an overwhelmingly immigrant population yet wishes to control its borders. Many legislators believe that employer sanctions are the least offensive way to control our borders. Heightened border enforcement measures could threaten the civil liberties and rights of many American citizens and legal residents who live along the border, promoting unlawful searches and seizures. If employer sanctions remain on the books, Congress will have to carefully monitor their impact. If they are repealed, legislators will have to return to the drawing board to find an effective and fair means of enforcing immigration policies.

In a year when Congress's commitment to civil rights has already been affirmed by passage of the Civil Rights Act of 1990, employer sanctions pose yet another test of Congressional will to extend equal protection under the law to all Americans. ■

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