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FOCUS

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POLITICAL TRENDLETTER®

Perspective

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National Health Care: Where Does It Hurt?

In national politics, 1992 promises to be the year of the Great American Health Care Debate. It also is the year the Joint Center launches a new program to make sure that the voices and views of black Americans are heard and, hopefully, heeded in this debate.

Even before the issue took center stage in political debate, the health care crisis had been seized upon by policymakers because it is so central to America's economic future. For the U.S. to compete on the world market, it must bring out the best in all of its workers. And, as the Department of Health and Human Services reported in its study, "Healthy People 2000: National Health Promotion and Disease Prevention Objectives," that means improving the health of all Americans.

To achieve this goal, the nation must improve the health of those most at risk of illness and injury, particularly poor people and members of racial and ethnic minorities. And that will require coming to grips with the health care crisis among black Americans.

At every stage in the life cycle, blacks tend to suffer more severe health problems than other Americans. These problems can be traced to lack of access to medical services and also to health-threatening lifestyles that, in turn, can be traced to a lack of both health care and health education. Approximately one-fifth of all black Americans do not have health insurance, compared to about 15 percent among the entire population. In predominantly black inner cities there is a shortage of doctors; many practitioners are unwilling to treat people whose only insurance is Medicaid and precious few are willing to treat those with no insurance at all. Without regular medical consultations, blacks are more likely to make lifestyle decisions that damage their health, from poor nutrition, smoking, and substance abuse to the failure to treat small problems before they become big ones.

The great national debate over health care will provide an opportunity to address these problems, but only if black concerns are anticipated, analyzed, and articulated. Unfortunately, with notable exceptions such as Health and Human Services Secretary Dr. Louis Sullivan, blacks are not playing prominent roles in shaping and implementing national health policy. To fill this gap in black involvement—and to make sure that black concerns are studied and addressed—the Joint Center is beginning a major five-year health care initiative.

The Center's program will focus on black leadership development in the health policy arena and will establish a basis for coalition building in the health policy field. It is envisioned as a developmental initiative that will require five years to be fully operational; during the first several years, however, the following objectives will be addressed:

- to provide information on the health status of black Americans, and to analyze the impacts on blacks of current and projected health policies;
- to identify and evaluate policies and selected model health care programs at all levels of government; and
- to share this research with black leaders to foster their effective participation in health care policymaking.

Our findings and recommendations will be shared with medical professionals, business leaders, policy makers at each level of government, and the public at large.

We are very grateful to Aetna Life and Casualty for making an initial grant of $100,000 to this effort, which is also encouraged and supported by the Ford, Rockefeller, and Hewlett foundations and the Carnegie Corporation of New York. ■

Eddie N. Williams

PRESIDENT

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Affirmative Action Debate Continues

Several Participants at December Joint Center Forum Attest to the Continuing Viability of Affirmative Action While Others Disagree

by David C. Ruffin

The two-year struggle to gain passage of the Civil Rights Act of 1991, as well as the exploitation of the affirmative action issue to polarize voters in the recent election campaigns of incumbent Sen. Jesse Helms (R-NC) and gubernatorial candidate David Duke of Louisiana, demonstrates that affirmative action remains controversial. On December 10, 1991, the Joint Center invited a diverse group of distinguished scholars and experts to discuss the status and viability of affirmative action as a continuing strategy for bringing minorities and women into America's social and economic mainstream.

The three selections that follow are summaries of lengthier presentations made by participants at the forum. They represent varying points of view about programs that seek to diversify the workplace. Clint Bolick of the Washington-based Institute for Justice asserts that affirmative action should be abandoned in favor of a new emphasis by government on education and job training. And although Harvard law professor Christopher Edley, Jr., maintains that the legal basis for affirmative action is well grounded in congressional statutes and Supreme Court precedents, Smith College professor Fletcher A. Blanchard insists that efforts to implement affirmative action are commonly and readily resisted.

The forum was part of the Joint Center's two-year study of group-sensitive remedies, funded by the Ford Foundation, and was organized by research associate Lynda Edwards, who is writing a monograph on affirmative action and editing a transcript of the conference proceedings.

Affirmative Action Is Legal and Effective

Christopher Edley Jr., Professor, Harvard Law School

The Congress, in its recent debates on civil rights issues, has made it clear from both sides of the aisle that flexible affirmative action is generally acceptable, both in the voluntary context and in the remedial context. Voluntary affirmative action, as a result of current Supreme Court doctrine and the current sentiment of Congress, does not violate either Title VII or the equal protection clause of the 14th Amendment. (Admittedly some members of the High Court—probably including Clarence Thomas—disagree with these earlier decisions.) Quotas are quite different from affirmative action in that they are more legally problematic, but even quotas have been found permissible by the courts in certain remedial contexts.

So much for the legal condition of affirmative action. What about its empirical standing? Both statistical and anecdotal evidence suggest that affirmative action continues to be effective in increasing diversity in the workplace. It also seems to be effective not just for elites or the middle class but for blue-collar and entry-level workers as well. Indeed, some studies suggest that it is more effective for entry-level, low-skilled workers. The problem, of course, is that those jobs are disappearing from the economy. While affirmative action has resulted in important success and progress, it is not a complete answer to the problem of minorities' economic and social integration into the economy and workplace.

Yet the research and evidence that affirmative action has contributed to economic integration will do little to change public attitudes and political perceptions in some quarters about the value of this or other race-based policies. Focusing on the political condition of affirmative action, it is popular to suggest that we should substitute an emphasis on poverty for an emphasis on race in designing remedial measures, including affirmative action. This was suggested by U.S. Department of Education assistant secretary Michael Williams some months ago.

There are at least four important difficulties with the poverty-not-race approach. First, there are more poor white people than there are poor minorities (according to the U.S. Census Bureau, 22.3 million white Americans lived below the poverty line in 1990 compared with 9.8 million black citizens and 6.6 million Hispanics). So while it's true that simply as an empirical matter blacks and Hispanics are disproportionately represented in the poverty population (10.7 percent of whites were poor in 1990 while 31.9 percent of blacks and 28.1 percent of Hispanics were), if we're going to open up scholarship and job opportunities without regard to color and solely on the basis of economic disadvantage we can expect a net reduction in the amount of opportunity afforded to minorities. If we are interested specifically in closing the gap between, say, whites and blacks, in addition to redistributive economic goals, the objective of closing that color gap will be compromised by losing attention to race. What's at stake is a dilution of the effort to eliminate the correlation we observe between pigment and opportunity.

Second, it would be an error to disregard race and focus instead on economic disadvantage alone, because race remains the salient social category. Even if we focus on

Mr. Ruffin is the editor of FOCUS.

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Affirmative Action

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economic disadvantage, it is still the case that poor blacks will be discriminated against in relative terms—that is to say, relative to poor whites. Because race continues to be a salient social category, the poor who are black, from panhandlers to job applicants, will fare less well than the poor who are white.

Third, there should not be an either/or choice between race-based remedies and economic redistribution. We need both redistribution and affirmative action. It is important for proponents of affirmative action to embrace the goal of economic redistribution, as well as the objective of affirmative action based on economic disadvantage. But it is equally important to say that as we embrace the goal of affirmative action for the economically disadvantaged we must not abandon the goal of closing the color gap.

Fourth, although we have a crisis in persuasion, now is not the time to make tactical concessions. Now is not the time to say affirmative action and race-based remedies are politically unpopular and that therefore we will abandon them. Now is not the time to say that because President Bush and others inveigh against "quotas" we must retreat from moderate and sensible approaches to affirmative action. Quite the contrary. Now is the time for courage in our convictions, even as we learn from our experience.

Replace Race-Based Remedies With Better Education

Clint Bolick, Vice President and Director of Litigation, Institute for Justice, Washington, D.C.

I think we need to ask ourselves what we're after. Is our goal to secure the fundamental rights that we all possess as Americans, or is it to seek redistribution of those rights? Is our goal to empower disadvantaged individuals to control their own destinies as they see fit, or is it to substitute our judgments for theirs through elitist social engineering programs? The answer to these questions will determine whether all Americans, rich or poor, black and white, will one day soon finally share in the American dream. I do not care here to debate whether affirmative action in the past, as it has evolved, succeeded or failed. I do know that the enforcement of our nation's civil rights laws has opened the doors of opportunity for millions of Americans who were previously excluded. And I know that enforcement must continue. But I also know that affirmative action today does not have much real-world relevancy to tens of millions in the urban underclass.

That is why I opposed the legislation [Civil Rights Act of 1991] recently passed by Congress, for it established for the first time a legal presumption that any time racial groups experience significantly different outcomes in employment processes, the explanation is discrimination. That may have been a valid presumption at one time, but certainly it is not true today.

Don't misunderstand me. I am not saying that employers don't discriminate anymore. But what we're talking about in this context are cases in which discrimination is proven not by demonstrating that similarly situated people are treated differently—the legislation did not speak to that aspect of employment discrimination—but rather cases proven on the basis of different outcomes for different groups. The fact is that if an employer today adopts a high school diploma requirement or uses tests or even screens out applicants on the basis of conviction records, those standards will disproportionately affect members of minority groups. Are those standards discriminatory? Usually not. On the contrary, they are bare minimums for a productive, competitive society.

They are the minimum standards for success in our society, and they must be. The real explanation lies not in discrimination by particular employers in those situations, as this law erroneously presumes, but in an abysmal education system, crime, a debilitating cycle of dependency, isolation from the mainstream culture, disintegration of the family and so on. The point that I am making is one that the thoughtful columnist William Raspberry has made repeatedly: that if discrimination ended magically tomorrow, sadly the world would not necessarily look a heck of a lot different, for millions of disadvantaged Americans lack even the most basic skills, mobility, and experience necessary to take advantage of job opportunities in a completely nondiscriminatory environment. If ever we are going to escape this conundrum, both conservatives and liberals have got to face some cold, hard realities.

Conservatives need to get over their fixation that racial quotas are somehow the crucial civil rights issue of our era and acknowledge once and for all that there are many in our society who lack access to the most basic opportunities that are every American's birthright. For their part, liberals need to get over their addiction to race-based policies which divide Americans along racial lines, give fuel to demagogues like David Duke, and don't help those who need help the most.

Ironically, the point of confluence may lie in affirmative action itself, retooled to address the realities of the 1990s—based not on race, but designed instead to give disadvantaged people the tools to take advantage of opportunities: basic skills training, literacy training, day care, mentoring, transportation of inner city residents to suburban jobs, public school partnerships, upward mobility training.

We need efforts directed at eliminating the real barriers that separate people from opportunities, geared not toward redistributing opportunities but creating them, not in lowering standards but in helping more people satisfy those standards—action that is truly affirmative.

Resistance to Affirmative Action Continues

Fletcher A. Blanchard, Associate Professor, Department of Psychology, Smith College

The policy of affirmative action remains today the key element of strategies that will promote the inclusion of members of those groups that have been excluded from

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POLITICAL TRENDLETTER

Inside This Issue:

- In his first civil rights case, Associate Justice Clarence Thomas sides with the Supreme Court majority to limit voting rights.
- Black Republicans call the GOP racially biased.
- A new study warns of resegregation of the nation's schools.
- Across the Nation: Black mayors reign in Cambridge, Massachusetts; Cincinnati, Ohio; and Newburgh, New York; New York State assemblywoman from Harlem named majority conference chair ; New Jersey attorney appointed to state superior court.

Clarence Thomas Votes No on Voting Rights

On January 27, the Supreme Court handed down a decision limiting the scope of the 1965 Voting Rights Act. In *Presley* v. *Etowah County Commissioners*, the Court ruled that the 1965 act does not cover local government decisions that don't directly affect voting procedures or practices.

After years of litigation, the black citizens of Alabama's Etowah and Russell counties succeeded in changing the election procedures for selecting county commissioners. As a result, in 1986, for the first time since Reconstruction, Etowah County elected one black commissioner, **LAWRENCE C. PRESLEY**, and Russell County elected two black commissioners, **ED PETER MACK** and **NATHANIEL GOSHA III**. These were very important positions, because traditionally each commissioner controlled the repair and construction of local roads in his county. However, by the time these black officials had been elected to the commissions much of that authority had been taken away.

In 1979, after a white commissioner in Russell County was indicted on charges of corruption, the commission turned authority over the local roads to a county engineer. The engineer would be supervised by the entire commission. Even though this had occurred seven years before their election, the two black commissioners argued that the change so diluted their office's traditional exercise of power that it should have been approved by the Justice Department or a federal court as required by the Voting Rights Act. In Etowah County, less than nine months after the new black commissioner took office, the majority-white commission voted to delegate control over the roads to the entire commission on the basis of majority rule. Presley argued that this change, again diluting the traditional authority of a county commissioner, was clearly racially motivated and illegal under the Voting Rights Act.

The Bush administration's Justice Department supported the black commissioners in both cases and argued that the Voting Rights Act prohibits Alabama from making any change which has a limiting effect on the power of newly elected black officials. In the 6-to-3 decision, the Supreme Court majority (which included Justice **CLARENCE THOMAS** in his first civil rights case) ruled that the "changes which affect only the distribution of power among officials are not subject to [the Voting Rights Act] because such changes have no direct relation to, or impact on, voting." In a strongly worded dissent, Justice **JOHN PAUL STEVENS**, joined by Justices **BYRON WHITE** and **HARRY BLACKMUN**, argued that "a few pages of history are far more illuminating than volumes of logic." Stevens reminded the majority that the Voting Rights Act was designed as a response to the "unremitting and ingenious defiance" of the Southern states.

A Justice Department official said it was difficult to gauge what the immediate impact of the ruling will be. However, a lawyer for the black commissioners, University of Virginia law professor **PAMELA KARLAN**, said

the ruling gives white elected officials permission to find ways to avoid sharing power with blacks: "Just at the point at which large numbers of blacks are starting to get elected to local governing boards, the Court has created a sort of road map for local jurisdictions that want to continue to discriminate."

Black Republican Group Charges GOP With Discrimination

The Freedom Republicans, a 13-year-old independent, predominantly black organization based in New York City, has accused the national Republican Party of discrimination in the way it apportions delegates to the national presidential convention and in its rules for membership on the Republican National Committee (RNC). The 1,000-member organization contends that minority members of the party are relegated to racial and ethnic auxiliary groups that are merely "ornamental quotas" with no real power; and that under the party's current structure, minorities' population ratios will never be reflected in their representation on the party's two major organs—the RNC and the national convention.

Under the present system, only three (all from the U.S. Virgin Islands) of the 165 RNC members are black. Even the members from majority-black Washington, D.C., are all white. And at the 1988 Republican convention, black delegates were just three percent of the 2,277 total. These concerns led the Freedom Republicans to lodge a formal complaint with the Federal Elections Commission (FEC) in December to compel RNC to comply with federal anti-discrimination law—Title VI of the Civil Rights Act of 1964. The FEC dismissed the complaint, claiming lack of jurisdiction, so in January the organization filed a lawsuit against the Commission in the U.S. District Court in Washington, D.C., where the case is now pending.

According to their attorney **FRED KELLOGG**, the plaintiffs want the FEC to establish regulations applying the provisions of Title VI to the Federal Election Campaign Act of 1971, under which the FEC was established. The Freedom Republicans also want the FEC to withhold federal funds from the Republican Party's 1992 convention until the party fully complies with Title VI.

The group points out that the party's current structure locks minorities out of convention delegate and membership opportunities, concentrating control in the party's strongest constituency—white males. The party rules allow only three RNC members from each of the 50 states, the District of Columbia and the U.S. territories—a committeeman, a committeewoman, and the state's party chair. These three national members are elected by members of the state parties. The Republican Party also recognizes as members 16 official auxiliary groups, including four that solely represent minorities: (1) the National Black Republican Council, (2) the National Hispanic Assembly, (3) a representative of Jewish Americans, and (4) the National Republican Heritage Groups, which represent persons of Italian, Asian and Polish heritage. According to RNC officials, the auxiliary groups are ex officio members of the RNC but are not allowed to vote. The groups' chairs are chosen by the RNC chairperson.

In their suit, the Freedom Republicans suggest that in order for the GOP to comply with Title VI, its rules should reflect a "federalized structure" that would give each state a number of RNC and convention delegates equal to its electoral college vote. Under such a system, populous minority states like California would have not three RNC members but 54, Georgia would have 13, Florida 25, New York 33, Texas 32, and so forth. A federalized structure, the plaintiffs claim, would increase the probability that states with a significant minority population would elect some minority members to the RNC.

LUGENIA GORDON, president of the Freedom Republicans says the lawsuit was a last resort, that for the last 10 years her organization has "made every possible effort to address this issue by working through party channels." At the last three presidential conventions the organization has addressed the Rules Committee, requested a study of minority representation in the party, and submitted its restructuring proposal, but to little avail. Gordon asserts that their proposal would strengthen the party by opening it to meaningful minority participation and would benefit blacks by giving them "true access to a two-party system." She adds that her organization's efforts are in keeping with Republican principles because they seek integration without installing special privileges.

The RNC's deputy press secretary, **HENRY HALL**, says the Republican National Committee will not comment on the case because it is not a party to the lawsuit. Nor, have the Freedom Republicans received any support from other minority Republican organizations. **JOSE MANUEL CASANOVA**, chairman of the Republican

National Hispanic Assembly, would not comment on the case but says that Hispanic Republicans have no complaints. "We have always been well represented in the party," says Casanova, a Cuban American. "We certainly have access and they pay attention to us," he says. **MILTON BINS**, president of the Council of 100, an independent group of black Republicans based in Washington, D.C., says discrimination does not necessarily account for low representation. He points out that the road to committee membership and delegate election is paved with participation in the party process. "We effectively lock ourselves out because we are not active in party politics," he says. Nevertheless, Kellogg, the Freedom Republicans' attorney, says the group is prepared to take the case all the way to the Supreme Court.

Study Reports a Rise in School Segregation

The Status of Desegregation: The Next Generation, a study recently released by the National School Boards Association, reports that the nation's changing demographics, coupled with court decisions to return responsibility for desegregation to local courts and school boards, opens new risks that the nation's schools will be resegregated. The 53-page report covers the 20-year period from 1968 to 1988 using data provided by the Office of Civil Rights of the U.S. Department of Education. The report finds that the country's changing residential patterns and demographics have left inner cities racially and economically isolated. In the wake of these changes, both racially diverse and racially segregated suburbs have emerged. Where countywide or city-suburban desegregation plans do not exist, and in areas where desegregation plans may be abolished, the report concludes, the risk of returning to segregated schools is serious.

Moreover, the report contends that the conservative court-packing of the Reagan and Bush administrations has resulted in court decisions that allow cities to forgo mandatory desegregation plans. In January 1991, the U.S. Supreme Court outlined conditions for an end of court supervision of desegregation plans in *Board of Education of Oklahoma City* v. *Dowell*. This spring the court will issue a decision in a similar case, *Pitts* v. *Freeman*, involving the large Atlanta suburb of Dekalb County. The courts' general movement toward returning desegregation responsibilities to local school boards may hasten the trend toward resegregation. Several major cities—including Dallas, Ft. Worth, Austin, and Los Angeles—have voluntarily abandoned their desegregation plans and returned partially or totally to neighborhood-limited schools. Other cities are considering similar moves.

Following are further highlights from the report's findings.

• Segregation of Hispanics increased during a period when the nation's Hispanic enrollment soared and the group grew from less than a 20th to more than a 10th of American students. In 1968, the proportion of Hispanic students attending schools with 90 to 100 percent minority enrollment was 6.6 percent; by 1988 their proportion had risen to 9.9 percent.

• Desegregation plans served black students better than Hispanic students. In 1968, 64.3 percent of black students attended schools with 90 to 100 percent minority enrollment. That number dropped to 32.1 percent by 1988, with most of the progress taking place in the South which had a desegregation level of 19.1 percent in 1968 and 43.5 percent in 1988. In the Northeast the desegregation level actually worsened, from 33.2 percent in 1968 to 22.7 percent in 1988.

• In 1968, black students in the South were the most segregated students in America; 20 years later, Hispanic students in the inner cities of the Northeast, West, and Midwest were the most segregated students.

• The level of total racial separation formerly evident in the South is now more characteristic outside of that region. In the 1988-89 school year, 48 percent of blacks in the Northeast and 42 percent of those in the Midwest—compared to 24 percent in the South—attended schools that were 90 to 100 percent minority. The report says desegregation has been most successful and longest lasting in the South because enforcement was strongest there.

The study concludes that desegregation is still considered important to American school systems and that policy makers must encourage maintenance (and in some cases establishment) of desegregation plans, particularly countywide and city-suburban plans. These plans, the authors argue, could be flexible and include such features as voluntary transfers, magnet schools, and limited return to neighborhood schools—options busing opponents find more appealing than transporting students.

ACROSS THE NATION

MASSACHUSETTS: Forty-year-old black attorney **KENNETH E. REEVES** was chosen in November by his eight city council colleagues—all of them white—to become mayor of Cambridge. A Democrat serving his second term on the council, Reeves is the first black to hold the mayor's position. As mayor he will also serve as head of the school committee. Since his council tenure began in 1990, Reeves has been a vigorous supporter of rent control, serving on the rent control subcommittee. A graduate of Harvard and the University of Michigan Law School, he has an extensive record of community service and grassroots activity that includes founding a weekend mentoring program for young black boys. Cambridge, located across the Charles river from Boston, has a black population of roughly 15 percent.

NEW JERSEY: Democratic Governor **JIM FLORIO** appointed Republican attorney **TRAVIS L. FRANCIS** in December to become the first black superior court judge in Middlesex County (New Brunswick). Francis, 43, was sworn in on the birthdate of Dr. Martin Luther King, Jr. His initial term of office is seven years; after that he can serve until the age of 70 if he is reappointed. Prior to assuming the judgeship, Francis worked in private law practice, as state public defender, and as a trial attorney for several insurance agencies.

NEW YORK: Drawing on support from a strong black and Hispanic coalition, Democrat **AUDREY CAREY** was elected in November as mayor of Newburgh, a small city of 26,000 with a 53 percent minority population. Located in upstate New York, Newburgh is about 50 miles north of New York City. A nurse for a local high school, Carey served three years on the city council and made two unsuccessful bids for mayor in 1983 and 1987. This time around, she defeated her closest competitor by 508 votes in a four-way contest. Her November election marked the first time a woman has been elected mayor anywhere in the state and the first time a black person was elected mayor of the city.

In the state assembly, **GERALDINE L. DANIELS**, 59, was appointed chair of the New York State Assembly's majority conference in January by assembly speaker **SAUL WEPRIN**. A Democrat who represents Harlem's 70th assembly district, Daniels is the first woman in the history of the state to be named to this position, which requires her to preside over party caucus meetings and gather support for the party's legislative agenda. Now serving her 12th term in the assembly, Daniels has chaired the majority steering committee and the legislative women's caucus and served as vice chair of the assembly's Black and Puerto Rican Caucus. A strong proponent of health issues, Daniels has sponsored legislation to expand funding for the state's preventive health care programs and to increase Supplemental Security Income benefits for senior citizens. She also sponsored a measure to rename the Harlem State Office Building after black former congressman **ADAM CLAYTON POWELL**.

OHIO: Cincinnati attorney **DWIGHT TILLERY**, a Democrat, became the city's first black mayor elected directly by the voters on November 5 by besting a field of 26 candidates in the city council race. Under the city charter, the top vote-getter in the city council race assumes the position of mayor. Tillery, a 43-year-old native son, won a decisive 52,020 votes, leaving even the incumbent **DAVID MANN** as the third-largest vote getter. A former city solicitor, law professor, and senior assistant attorney general for the state of Ohio, Tillery will preside over the nine-member council and the city—which is 38 percent black—for the next two years. His priorities include the establishment of a children's commission to monitor the quality of life of the city's juvenile population, programs to rehabilitate abandoned housing, and neighborhood economic development. The city's first black mayor, who was appointed by his city council peers, was **THEODORE M. BERRY**, who served from 1972 to 1975.

REDISTRICTING UPDATE: When the 103rd Congress convenes next January, seven to 10 additional black members are expected to enter the U.S. House of Representatives. They will come from newly drawn majority-black districts, mainly in Southern states.

As a result of reapportionment after the 1990 census, Georgia, Maryland, North Carolina, Texas, and Virginia have already created new districts that are likely to send blacks to Congress (for details about Maryland and Texas, see the December 1991 TrendLetter). Three of these states (Georgia, Texas, and Virginia) have each added at least one new seat to their congressional delegations. The addition of these seats has made it easier for state legislators to form districts with majority-black populations.

North Carolina has drawn two majority-black districts: one is mostly rural and located largely in the Northeast corner of the state; the other is nicknamed "I-85," the interstate highway that connects the three major cities of Durham, Greensboro, and Charlotte that lie within its boundaries. The majority-black district in Virginia runs from Richmond to the Tidewater area on the Atlantic coast. No black person has represented North Carolina or Virginia since Reconstruction. Georgia's plan, which would provide a second majority-black district in the southern part of the state, was rejected by the Justice Department's Civil Rights Division in accord with its authority under the Voting Rights Act. The Civil Rights Division determined that the plan would have a discriminatory effect on black voters.

Poverty, Politics, and Ecology in Africa

Expanding Deserts, Deforestation for Cash, and Imported Toxic Waste Combine With War and Poverty to Threaten the African Environment

by Paul Ruffins and Marsha Coleman-Adebayo

The African continent contains some of the world's largest and most diverse ecosystems, including dense forests, coastal wetlands, vast inland lakes, and savannah grasslands all teeming with countless plant and animal species. Nevertheless, every African state must confront some of the world's most pressing environmental challenges. These challenges can be grouped into five large categories: war; toxic waste dumping; desertification; soil erosion and deforestation; and poaching and other human-vs.-wildlife conservation conflicts.

Unlike the West, where environmental problems largely stem from affluence and overconsumption—too many cars, consumers discarding too much solid waste, and suburban sprawl replacing forests and farmlands—in Africa the source of environmental problems lies in poverty, compounded sometimes by war. In South Africa these poverty-based problems combine with Western-style industrial and consumer pollution that have not yet become serious in the continent's less developed nations.

Although the edges of the Sahara Desert contain fragile ecosystems, nomadic and pastoral peoples have managed to live there successfully for thousands of years. According to *Greenwar*, published in 1991 by the Panos Institute (an international environmental group with offices in Washington, D.C.), the ecological efficiency of desert cattle raising can often be as great or greater than the intensive farming of industrialized countries. The animals convert sparse vegetation into meat and milk and provide wool and hides, and the manure left behind by the herds is an important source of fertilizer.

However, over the past three decades the traditional balance among people, plants, and animals living on the desert's edge has been disrupted, with severe environmental consequences. Driven by a desire to increase agricultural production, many African governments have encouraged farmers to plant crops in marginal areas. These areas, however, are better suited to traditional forms of nomadic or pastoral life where cattle have grazed in different places each year or season to make the best use of scant or unpredictable rainfall.

Within the vast Sudano/Sahelian region along the edges of the Sahara—a territory that extends from West Africa to Ethiopia and Kenya—the destruction of shrubs and trees is pervasive in almost every country. In Ethiopia, forest cover has fallen from 40 percent to less than 3 percent. In Mauritania, forests have virtually disappeared. The United Nations Sudano/Sahelian Office (UNSO) reports that due to the logging and export of hardwoods to generate currency for foreign exchange, the climatically critical forests of West Africa are disappearing at a rate of five per cent a year.

War has also played a major role in the harmful expansion of African desert areas. The warfare in Chad, Libya, the Sudan, and other parts of Africa has contributed to the degradation of the environment by creating hundreds of thousands, perhaps even millions, of refugees. The high demand for food and firewood created by the refugees and their livestock crowded into small areas quickly strips the land of crops and vegetation. The thin layer of topsoil is destroyed and the desert spreads.

War also destroys wildlife and the environment directly. In Angola, one of the ways Jonas Savimbi's rebel forces, the National Union for the Total Independence of Angola, reportedly sustained themselves was by poaching elephants and selling the ivory through South African sources. In Eritrea many of the forests were deliberately destroyed by Ethiopian government troops trying to deny shelter to rebel forces.

Hazardous Refuse From Teeming Shores

Of all the ecological threats to Africa, one of the most pernicious is the legal and illegal dumping of hazardous wastes from overseas. According to reports by TransAfrica (the African-American foreign affairs lobby) and Greenpeace (an international grass-roots environmental organization), at least nine African nations—Benin, Equatorial Guinea, Gabon, Guinea Bissau, Guinea (Conakry), Nigeria, Sierra Leone, South Africa, and Zimbabwe—have already been used as repositories of dangerous waste materials from the United States and Europe.

Ironically, European and American companies are exporting their toxic wastes because their own governments have passed stringent disposal regulations to help clean up the domestic environment. The cost of disposing of toxic wastes in legitimate, government-approved facilities in the United States and Europe can exceed $2,500 a ton, causing companies to search for cheaper disposal sites elsewhere.

(Continued on next page)

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Africa

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Some African states, facing widespread poverty and massive foreign debt, have succumbed to the economic pressure to import waste.

In the mid-1980s, Benin signed contracts to accept industrial waste containing asbestos and cyanide. In February of 1988, Guinea-Bissau signed a five-year contract to accept 15 million tons of European industrial waste in exchange for $120 million a year, an amount nearly equal to that nation's gross national product of $150 million.

In some instances, toxic waste has been illegally dumped in African countries because local authorities were bribed, deceived, or lacked the technical expertise to accurately assess the toxicity of the imported material. One Norwegian firm dumped 15,000 tons of "raw material for bricks" on a resort island owned by Guinea. After trees and plants there started dying, an investigation revealed that the material was really incinerator ash originally from Philadelphia containing lead and other heavy metals. An Italian firm deposited 10,000 steel drums in an empty lot in the small Nigerian town of Koko. Reportedly the company paid $100 a month to rent the lot and hired workers at $2.50 a day to unload the drums, which were later found to contain toxic and nuclear wastes.

Fortunately, waste dumping is an environmental issue that will probably get better in Africa rather than worse. By and large, local reports of dumping have been met with outrage. In 1988, the Organization of African Unity passed a resolution unanimously asking African nations to cancel any agreements to import nuclear or hazardous waste. Nigeria, which has made such dumping a crime punishable by death, called a special summit of West African states which resulted in the creation of a program called Dumpwatch to monitor the situation. In addition, the European Common market has adopted measures to control the shipment of certain kinds of wastes.

South Africa: A Billion Miles of Smog

As Africa's most highly industrialized country, where most whites enjoy a standard of living close to that of the United States, South Africa has many of the environmental problems experienced by wealthy nations. With high per capita automobile ownership, South African citizens are plagued by urban smog. In addition, the processing of the country's mineral riches of gold, diamonds, coal, and chrome requires large amounts of water and harsh chemicals such as sulfuric acid and cyanide, which generate toxic waste products that leach into the soil and water.

South Africa's system of apartheid has caused a combination of unique ecological disasters. Since the country's economy has been on a war footing for almost two decades, laws established to protect the environment are simply not enforced. This has produced a level of air and water pollution as bad as that found in Russia and Eastern European countries, where desperate governments promoted industry regardless of the environmental consequences.

South Africa's economic isolation has also made it willing to trade its environmental interests for foreign investment. It is one of the few industrialized countries willing to import toxic wastes. In the June 1990 issue of *Greenpeace* magazine, Judy Christrup describes how Britain's Thor Chemical company operates "what it claims is the world's largest mercury reprocessing facility" on the edge of the so-called Zulu homeland in the Natal province. When Greenpeace took sediment samples from the Mngeweni River near the plant, they found mercury contamination at 8,800 times the levels deemed acceptable by the United States' Environmental Protection Agency. High levels of mercury in the soil and water can cause birth defects and neurological damage.

Moreover, the apartheid policy of residential segregation annually forces millions of black South Africans to travel billions of cumulative miles between their jobs and the black townships or so-called homelands, creating unnecessary air pollution and wasting fuel. And ever since the 1913 Land Act, which separated the races by moving more than half of the nation's 23 million black citizens onto 13 percent of the country's worst land, the black population has suffered the same problems commonly found in densely populated refugee camps in drought-stricken areas of the Sahel. According to Max Sisulu of the African National Congress, "over-grazing, soil erosion, and serious land degradation in the so-called homelands. . . constitute the inevitable destructive consequences of apartheid."

Solutions Lie in Peace and Development

Many successful conservation programs are being instituted across Africa, ranging from replanting deserts with drought-resistant trees like mesquite, to making charcoal briquettes from peanut shells rather than trees, to designing more energy-efficient clay stoves that can cut firewood consumption in half.

Supporting relief and wildlife conservation organizations can help promote these efforts. But since most of Africa's environmental problems result from a combination of war, poverty, and government policies, perhaps the most important thing that can be done is to address these issues through national programs that promote civil stability and economic development.

Some of the following measures would also help solve many of the environmental problems facing poor nations not only in Africa, but in Asia and South America as well: Pressure should be placed on the International Monetary Fund and the World Bank to provide debt relief to poor countries and to consider the environmental impact of the development projects they fund. Legislation should be passed banning the export of U.S. and European toxic wastes. Continued pressure should be maintained on South Africa to dismantle apartheid. Peace should be promoted by restricting the international arms trade and strengthening the U.N. and regional bodies committed to resolving conflicts without bloodshed. ■

Will Term Limits Help?

The So-Called Reform Movement to Cap Terms Is Unlikely to Reduce Corruption But Could Limit Black Political Advancement

by David A. Bositis

Across the country, a new rallying cry is being heard: term limitation. The promoters of this new form of enforced retirement for public officials charge that capping terms of service is the way to rid government of corruption and the undue influence of special interests. The movement has won important early victories in California and Colorado and in the cities of Dallas, Houston, and New Orleans. Current efforts to limit U.S. House terms to six or eight years and Senate terms to 12 years are underway in nine states. And groups calling for term limits at the congressional, state, and local levels are forming throughout the country.

Unfortunately, this movement, which professes to aim at cleaning up government, is in fact a partisan effort to shift legislative power from one party to the other. Moreover, term limits could impede the ability of black Americans to participate in the political process. There are three myths associated with term limitations that bear examination.

Myth #1: The term limitation movement is a bipartisan movement. Less a reform movement and more an effort to shift political fortunes, the term limitation movement is almost completely led and supported by the Republican party and conservative organizations.

The GOP is promoting term limits principally because it has failed to elect majorities to legislative bodies. Democrats hold strong majorities in both houses of Congress and they control both legislative houses in 29 states (compared with six states for the GOP) and split control of the remaining states. Term limits would generally benefit the GOP by removing incumbent Democrats from office, opening new opportunities for GOP candidates to win seats.

Myth #2: Incumbency creates so powerful an edge that challengers cannot prevail. Misconceptions about the power of incumbency are fueled by reporting on congressional elections that downplays the actual turnover of legislators. It is often noted, for example, that in 1990, 96 percent of the members of Congress seeking reelection succeeded. What these reports usually fail to make clear is that in each congressional election since 1980, an average of 31 House members and five senators retired, leaving seats open to new candidates. The median term of service for U.S. senators today is only 11 years, while House members serve a median of just 10 years.

Myth #3: Term limits are more democratic and would make government more accountable. Actually, the reverse is true. Term limits would shift greater power to two groups that owe little accountability to the public: legislative staff and interest groups. At the outset, most fledgling legislators rely heavily upon staff members to digest the details of legislative proposals and help them master the ins and outs of government procedures. If term limits became law, by the time officials were able to mold their staffs to reflect their own priorities and personal styles they would be swept out of office by the revolving door. Staff, who are unaccountable to voters, would gain much more power. By the same token, interest groups—with their professional lobbyists, mastery of information, and institutional expertise—would more readily influence and even manipulate the perennial freshmen officeholders.

Limits Would Reduce Black Influence. Term limits threaten black political advancement. Limits would undermine the progress black legislators and city council members have made during the past two decades by wiping away the valuable experience and seniority they have gained. Through their seniority, black state legislators have risen to chair more than 100 committees and subcommittees. Seniority has yielded the same results on city and county councils and other local bodies. Term limits would sweep out of office the entire cadre of the most experienced, ablest black elected officials, depriving their constituents of their leadership and hard-won influence.

Moreover, if term limits were instituted for various state and local bodies, the seniority system, which has been the basis for organizing and assigning leadership within those bodies, may no longer be relevant. Leaders and committee chairs would most likely be selected in party caucuses, making it more difficult for outnumbered black elected officials to attain higher levels of influence. One consequence would be an overall reduction in the responsiveness of the governing bodies to minority communities.

Even if it were not the case that term limits would weaken the status of black elected officials, term limits would still fail to achieve their own stated objective of curbing corruption. There is no evidence that officials who held office for shorter periods would not take up corrupt and dishonest practices simply because their terms were limited. Furthermore, since term limits deny voters the right to keep in office those individuals they are satisfied with, they contravene popular will, offering not more but less democracy. After all, under the present system American voters have an opportunity to limit the term of any official they don't like—by voting against him (or her) when the politician comes up for reelection and by encouraging others to do the same. ■

Dr. Bositis is a senior research associate at the Joint Center.

Affirmative Action

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the major institutions of American life for centuries. No one has offered an effective alternative to the broad call for all manner of positive action to eliminate discrimination that the policy of affirmative action invites. We must demand that the critics of affirmative action present the full details of the alternative strategies with which they would replace it.

Some of the formal features of affirmative action are crucial to its past accomplishments and to its promise for future success. For example, record keeping is critical. No one will notice the patterns of systematic discrimination unless the data are collected, analyzed, and monitored regularly. Similarly, goals and timetables are critical because they provide a basis for evaluating the progress of an organization toward achieving a fair and inclusive workplace.

Four of the prominent contemporary barriers to full participation of all members of American society are these:

1. Current patterns of racial segregation in housing, employment, and education remain a significant barrier to the achievement of high rates of inclusion in the workplace. The friends that we make in our largely homogenous neighborhoods and classrooms are the ones we talk to about employment opportunities. As the research indicates, employers who rely on informal, word-of-mouth procedures for attracting job candidates and hiring them tend to perpetuate homogenous workplaces, not because they necessarily intend to, but because the information networks that reach out from their places of employment tend to extend at much higher rates to others of the same race or ethnicity or gender as those already working there.

2. There has been weak national leadership. Over the last decade and a half, few political, civic, religious, or educational leaders have publicly shown their commitment to civil rights and equality of opportunity. Few have spoken out to condemn bigotry. Few have urged redoubled efforts toward achieving these ends. This leadership is important not only because these are the people that control the resources required for the achievement of fairness in employment, but because they also influence the norms that guide the rest of us.

3. There is a widely shared belief that affirmative action is exclusively concerned with historical wrongs that occurred some time in the distant past, the discrimination enforced by a previous generation. It is unfortunate that some advocates of affirmative action invoke the broad history of discrimination as the moral basis for positive action toward inclusion today. Contemporary affirmative action is justified by contemporary patterns of discrimination. While most of the formal barriers to inclusion have been dismantled over the last 25 years, there is sufficient bias in the informal practices of contemporary employers to justify ongoing systematic scrutiny required by affirmative action.

4. Misunderstanding of color-blindness and color-consciousness. It is just as clear now that a color-blind or sex-blind perspective to understanding the subtle, but no less systematic, contemporary barriers to full participation invites a color- and sex-consciousness orientation. Race, ethnicity, and sex are nearly impossible to ignore. It is not possible to exorcise race and ethnicity and gender in settings where people interact face to face. We simply cannot and should not attempt to separate people from the culture and heritage they bring with them. The goals of contemporary affirmative action require attention to the differences and similarities among us. ■

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