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Charges, Rumors, and Allegations

Allegations of scandal are rife in Washington. Unsubstantiated rumors about the conduct of government officials dominate even the nation's most respected print and broadcast media day after day. But the President is not the exclusive focus of such allegations. Alexis Herman, our twenty-third Secretary of Labor, has also been connected with questionable charges of wrongdoing. I won't use this space to repeat spurious charges, but it should be said that Secretary Herman is a highly competent and experienced official who is providing valuable service to the American people.

She was nominated to replace Robert Reich as Secretary of Labor and assumed office with an overwhelming 85 to 13 vote of confidence from the U.S. Senate when she was confirmed for that post. As one of three black cabinet officers, Alexis Herman is an example of how President Clinton has held to his commitment to select an administration that mirrors the nation. She is eminently qualified to hold her current post and is proof that racial and gender diversity can be accomplished without compromising competence.

Her nearly two decades of experience in the workplace, as an entrepreneur, government official, and community leader have prepared her for the challenges of the nation's chief labor policy maker. She started out as a social worker for Catholic Charities in Alabama, working with a training program that helped unemployed youth and unskilled workers join the labor force at a nearby shipyard. In the 1980s, she was the national director of the Atlanta-based Minority Women Employment Program, which placed women of color in white-collar and nontraditional positions.

She founded a human resources consulting firm, A.M. Herman and Associates, that provided corporate and public-sector clients with advice on staff training and ways to reduce turnover. She's no stranger to the agency she now heads. During the Carter administration, she directed the Labor Department's Women's Bureau, which gave her excellent policy experience in an area that has traditionally been neglected.

Her service as assistant to President Clinton and director of the White House Public Liaison Office during the first term of this administration has provided her some of the best preparation for her present post. In that position, Herman headed up the effort to promote the President's programs and policies among a broad spectrum of the American public. She put that experience to good use by extending her good offices to workers and management in the resolution of the United Parcel Service strike. Helping to settle that strike, with its crippling potential, speaks to the credibility and confidence that Secretary Herman enjoys among corporate and labor groups.

The U.S. Department of Labor was created 85 years ago to promote the betterment of working people and ensure humane working environments. In time, that mission was expanded to include training, the enforcement of fair wage standards, the protection of children from exploitation, retirement security, and the maintenance of a safety net for unemployed workers. The department is fulfilling these mandates under the stewardship of Alexis Herman who understands the aspirations of American workers and seeks to overcome the hurdles they often face as they seek to achieve those aspirations.

No one should object to legitimate investigations of public officials, but we should take exception to the spiralling media frenzy that often feeds on rumors and allegations growing out of such investigations that are treated as though they were facts. ■



PRESIDENT

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Fight Over the Social Agenda on the Hill

House Committees That Were Once Safe Havens for Civil Rights, Workplace, and Education Legislation Have Become Ideological Battlefields

by David C. Ruffin

With the ascendancy of a more aggressive socially conservative agenda among Republicans, issues concerning education, civil rights, and the workplace have become ideological flash points of confrontation between right-wing and progressive forces on Capitol Hill. After the Republican Party won a majority in the U.S. House of Representatives for the first time in 40 years, these confrontations have been most heated in two House committees: the Judiciary Committee and the Committee on Education and the Workforce (formerly the Education and Labor Committee). Today, the conservative GOP leaders of these panels are working to limit or roll back civil rights and social legislation, much of which was first enacted during the administration of President Lyndon B. Johnson.

During those years, most of Johnson's Great Society program passed through both houses of Congress with bipartisan support. These measures included Medicare, the Elementary and Secondary Education Act, Head Start, the Job Corps, the Older Americans Act, and the National Endowments for the Arts and the Humanities. Civil rights also had strong bipartisan support. The Civil Rights Act of 1964 was passed with nearly as many Republicans voting for it (138) as Democrats (152). The Voting Rights Act passed the following year with similar support.

Currently, House Republicans heading committees that address domestic affairs have stalled action on measures to aid public schools, attempted to legislate an end to affirmative action, and introduced bills that labor leaders charge will hurt working Americans. As Rep. Bill Clay (Mo.), ranking Democrat on the Education and the Workforce Committee, recently put it, "Republicans continued their anti-worker agenda on many fronts by moving to weaken overtime pay protections for millions of workers, muzzle union workers by imposing new, onerous union dues procedures, and failing to protect the health care of Americans from abusive managed care practices."

Education

With respect to elementary and secondary education policy, the primary focus of Democrats on the Education and the Workforce Committee has been to buttress public schools through brick and mortar projects and other aid. By contrast, Republicans on the panel have pushed school vouchers to transfer public funds to private and parochial schools and offer parents an alternative to public education. Democrats generally oppose vouchers on the ground that government's prime responsibility is to use tax dollars to make high-quality public education accessible to all. According to 1995 Census data, 93 percent of black children and 88 of white children attend public schools.

Last year, Rep. Nita Lowey (D–N.Y.) introduced the "Partnership to Rebuild America's Schools Act" (H.R. 1104), which is part of President Clinton's school construction initiative. The bill would provide $5 billion for the repair or expansion of thousands of public schools across the nation and leverage billions more in local and state funding. A 1995 General Accounting Office (GAO) study concluded that one-third of the nation's schools need either to be replaced or to undergo major repairs. Many American schools lack even the electrical wiring required to support computers, modems, and other technology that is fast becoming essential to modern education.

Also in 1997, Rep. Bill Clay sponsored the "Public Schools Renewal and Improvement Act" (H.R. 1436), which would allow local school boards or other local entities to request a Presidential declaration of a major public schools renewal effort in their communities. If approved, applicants would receive supplemental federal assistance for their projects.

A great deal of Republican legislative energy has been directed at a variety of school voucher proposals. One of the main initiatives was "Helping Empower Low-Income Parents Scholarship Awards of 1997" (H.R. 2724) sponsored by Rep. Frank Riggs (R–Calif.). The measure would amend Title VI of the Elementary and Secondary Education Act to permit states to redirect some of the federal funds they receive for public education to fund tuition assistance for students from low-income families to attend private and parochial schools.

Riggs and other Republicans assert that competition will force public schools that offer substandard education and are in some cases dangerous to improve. Democrats counter that vouchers are not a viable option for most poor families because they won't cover the full cost of most private schools. Democrats also observe that, unlike public schools, private and parochial schools are not required to open their doors to all and have broad latitude to turn away applicants who don't meet their admission requirements.

A major battle is brewing over the Higher Education Act, which is up for reauthorization this year. With a projected budget surplus for the coming fiscal year, Democrats are sure to press for funding increases for many of the Act's provisions. Currently, seven million students in postsecondary institutions, 40 percent of the nation's total,

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Mr. Ruffin is the editor of FOCUS.

Social Agenda

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receive federal financial aid. With ever-rising college costs, low-income students in particular are hoping for increases in direct financial aid programs such as Pell Grants and work-study assistance. Historically Black Colleges and Universities, Native American tribal colleges, and Hispanic-Serving Institutions are also looking for increased institutional aid.

Workplace Legislation

Several controversial workplace issues are pending before Congress. Perhaps the bill most ardently opposed by labor unions is the "Worker Paycheck Fairness Act" (H.R. 1625). In a much publicized move, Republicans on the House Education and the Workforce Committee approved H.R. 1625, which placed restrictions on the ability of unions to use workers' dues to back political candidates or issues. The move came in the wake of a concerted union campaign in 1996 to place political ads that attacked Republican congressional candidates for legislative action deemed to be counter to the interests of American workers. Democrats opposed H.R. 1625, noting that it imposed restrictive measures on unions while exempting organizations, such as the National Rifle Association, who also lobby on the behalf of their membership and usually favor one party over the other. This bill was reported out of committee on November 8 and awaits a vote on the House floor this session.

Another hotly debated employment issue has involved a bill to allow workers to choose comp time rather than overtime pay. Democrats denounced the Republican-sponsored "Working Families Flexibility Act" (H.R. 1) as a backdoor attack on workers' rights. They charged that the bill does not provide sufficient protections to ensure that employees can actually make a choice free of coercion from the employer and that it does nothing to protect part-time and temporary workers. Opponents of the bill included organized labor—the AFL-CIO, the Teamsters, and the United Auto Workers—as well as women's groups such as the Women's Legal Defense Fund.

Revelations in the past several years that sweatshops continue to exist in the United States prompted Education and the Workforce Committee Democrats to sponsor the "Stop Sweatshops Act." This act would make manufacturers and contractors jointly liable for any violations of labor laws in an effort to force better compliance with existing laws. According to a GAO investigation, one-third of the garment shops in New York and most of those in Los Angeles are in violation of the minimum wage, overtime, or child labor provisions of the Fair Labor Act.

Civil Rights

Prior to the Republican takeover of the House in 1995, leaders on the Education and Judiciary committees with jurisdiction over civil rights legislation had succeeded in reauthorizing measures enacted in the 1960s (the Voting Rights Act Extension Act of 1982, for example) and fighting off efforts by opponents to weaken such legislation. Some Republican leaders of these panels are now using their positions to reverse those legislative gains. A prime target has been national affirmative action policy.

H.R. 1909, introduced in June by Rep. Charles T. Canady (R–Fla.), chair of the House Constitution Subcommittee, purports to "provide for equal protection of the law and prohibit discrimination and preferential treatment on the basis of race, color, national origin, or sex in federal actions" according to its sponsor. Misleadingly named "The Civil Rights Act of 1997" and bearing a strong resemblance to California's Proposition 209, the legislation would ban the U.S. government from considering race or gender in employment or in the granting of contracts. A similar bill (S.950) was introduced in the Senate. As a part of their attack on affirmative action, Republicans have proposed an amendment to prohibit the Department of Education from using affirmative action remedies to enforce federal antidiscrimination laws in states where affirmative action has been banned.

Civil rights organizations such as the NAACP Legal Defense and Educational Fund and the Lawyers' Committee for Civil Rights Under Law counter that there is no evidence that affirmative action gives women or minorities unfair preferences, nor that it imposes quotas on employers or requires employers to hire unqualified people. On the contrary, they are convinced that affirmative action overcomes discrimination by giving qualified individuals of all backgrounds a fair chance for a good job, a quality education, and business opportunities from which they might otherwise be excluded.

Indeed, affirmative action programs have not resulted in a wave of "reverse discrimination" as some have claimed. In 1994 alone, 95,000 discrimination claims were filed with the Equal Employment Opportunity Commission (EEOC), but less than 2 percent were reverse discrimination claims, and the EEOC found that only 0.2 percent of the latter had merit. The vast majority of complaints, legal actions, and meritorious claims regarding unfair employment practices have been filed by women and minorities.

Most disturbing, the sponsors of H.R. 1909 are pushing for its passage despite drastic declines in the enrollment of minority students in University of California's law and medical schools and undergraduate institutions. These declines have been a direct result of the implementation of Proposition 209, which outlawed affirmative action in California. The *Hopwood* v. *The State of Texas* court decision that eliminated affirmative action in higher education in Texas, Louisiana, and Mississippi has had a similar impact in those states (see *TrendLetter,* December 1997). House Democrats were able to table any committee action on the bill before the House adjourned in November.

As long as the GOP holds a majority in Congress, supporters of public education, worker rights, and affirmative action will have little cause to believe that established policies promoting these issues are secure. Battles over these issues will resume this year, both in congressional action and in election campaigns. ■

Rewarding Government Innovation

Despite Widespread Cynicism About Government Effectiveness, Public Agencies at All Levels Are Proving They Can Provide Services Efficiently

by Mary K. Garber

Cynicism about government—both its effectiveness and its cost—has grown in the past few decades to record levels. Especially among young adults, there is the feeling that government social programs do not work and, even more unsettling, that solving social problems at all is a pipe dream. A major annual survey of college freshman nationwide, conducted by researchers at the University of California at Los Angeles, revealed that the proportion who believe it is important to keep up with political affairs has dropped to 27 percent from 40 percent at the beginning of the 1990s. During the same period, sutdents became less involved in social issues, as demonstrated by the percentage of students who considered it important to participate in environmental cleanups or to promote racial understanding.

The GOP's success in the 1994 elections was probably aided by this disillusionment, given the party's contention that federal efforts such as Lyndon Johnson's Great Society program have failed and that power should be shifted to lower levels of government and to the private sector. For African Americans, who have traditionally seen the federal government as the guarantor of their rights and who benefit from many social programs, these trends seem ominous.

But if much of the public dissatisfaction with government programs and agencies concerns a perceived lack of effectiveness, then it may be possible to alleviate this public apathy by ensuring that government programs do in fact have an impact on the problems they are designed to address. Many experts argue that this will involve an entirely different approach to program formulation, administration, and evaluation. Bureaucratic rigidity and adherence to minute rules and regulations form a familiar style of governing that nearly everyone today finds objectionable. But this style was deliberately formulated earlier in this century as a means of combating widespread corruption and favoritism. During the Progressive Era, it was believed that the only way to end these ills was to remove nearly all personal discretion and flexibility from the process. To a large extent, this effort succeeded. Nevertheless, over the years it has led to stultifying inefficiencies and depersonalizing insensitivity. Today we realize that continual change and flexibility are necessary to meet evolving circumstances.

Encouraging this shift to an emphasis on results rather than compliance with procedures has been the thrust of Innovations in American Government, a program administered by the John F. Kennedy School of Government at Harvard University and funded by the Ford Foundation. The program rewards government initiatives at all levels that find new and cost-effective ways to meet important societal needs.

First established in 1985 to recognize state and local government programs, the program was expanded in 1995 to include federal projects. To qualify for the award, the programs must be operated or administered by a governmental entity, have been in effect for at least a year, address a compelling social need, and have proof of their effectiveness. To date, the Ford Foundation has awarded $13.3 million to 205 government programs. Last year it received more than 1,540 applications. Twenty-five finalists were selected from these applicants. Ten received the top award of $100,000 each, and 15 received $20,000.

Described below are some of this year's winners. Among other achievements, these programs have made drugs available for the treatment of AIDS, improved health care for Medicaid patients, expanded education and career opportunities in teaching for black paraprofessionals, and made pre-Kindergarten available to nearly all children in Georgia. These initiatives prove that government programs can help solve social problems in ways that are innovative, flexible, fiscally responsible and, most of all, effective.

Reform of the U.S. Drug Approval Process

Since its inception, the Food and Drug Administration (FDA) has faced the challenge of getting promising drugs on the market quickly while ensuring that they are both effective and safe. Long delays in getting new drugs on the market hurt both drug companies and those who could benefit from the medicines.

In a new program, the FDA sought to reduce the length of time for drugs to receive approval by asking the drug companies to help. FDA promised to cut the length of the drug review process if the drug companies would agree to pay user fees to cover some of the costs of this accelerated service. These user fees, which amounted to about $200,000 per application, allowed the FDA to add 600 staff members, improve equipment, and eliminate its application backlog. The average approval time was cut in half, to about 15 months.

Drugs for critical illnesses such as AIDS, cystic fibrosis, and cancer are now often approved in six to nine months. A protease inhibitor, which is effective in treating AIDS symptoms, moved from application to approval in an astounding 42 days. The new speedy approval process is

Ms. Garber is a contributing editor to *FOCUS*.

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Innovation

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considered one of the key factors in the nearly 20 percent decline in AIDS-related deaths in the last year. Another benefit of the new process is that it gives U.S. drug manufacturers more incentive to develop new drugs rapidly. Applications to the FDA rose from 84 in 1993 to 115 last year.

ConnectCare

In 1994, the Arkansas Department of Human Services discovered a critical problem in the delivery of services to Medicaid patients. Many doctors were refusing to see Medicaid patients because the state's cumbersome claims process led to frequent delays and errors. The department responded by creating ConnectCare, a system of rapid and accurate electronic billing and payment that uses a card with a magnetic strip, similar to a credit card. Participating physicians are now accurately and quickly paid. As of January 1997, 1,600 primary-care physicians had joined the ConnectCare system.

In all, 153,000 of 185,000 Medicaid recipients in the state have enrolled in ConnectCare. Its broad access and ease of use are credited with a 50 percent decrease in emergency-room visits by Medicaid recipients because more of them have access to regular primary care. This reduction has not only saved the state tens of millions of dollars but vastly improved the health care available to these patients. The project is now being used as a model for "ArKids First," a plan to extend health coverage to all children in Arkansas whose families' incomes are at 200 percent of the poverty level or below.

Pathways to Teaching Program

Pathways to Teaching recruits blue-collar and clerical school employees from the Savannah-Chatham County Public School District and trains them for teaching positions. A state-sponsored program initiated and supported by the DeWitt Wallace-Reader's Digest Fund, its main focus has been to produce more black teachers.

Participants are given paid time off, scholarships, and other support to pursue a bachelor's degree and teaching certificates at Armstrong Atlantic State University in Savannah. Since the program began five years ago, it has had 80 enrollees and 38 graduates. Thirty of these graduates, including 10 black men, are now employed in the local public school system.

Elijah West, Jr., a former classroom aide who now teaches a special class for at-risk fifth-grade boys, assessed the effect on his life this way: "Before Pathways to Teaching it looked like I was going to have a long career as a paraprofessional, with no time and no money for college." Through Pathways, West says, he was given "the opportunity to change lives." West and other African American male teachers are particularly valued as role models. In West's own classroom, student suspensions have dropped 70 percent, and his students regularly volunteer to clean their school and contribute to other community projects on weekends.

Voluntary Pre-kindergarten Program

Recognizing that investments in early childhood education save money in the long run, the state of Georgia has committed to a $200 million program to make pre-kindergarten available to every four-year-old in Georgia, regardless of family income. According to state estimates, the Voluntary Pre-Kindergarten Program and the federally funded Head Start program together will allow 70 percent of the state's four-year-olds to attend free preschool.

The initiative began in 1992 as a pilot program funded from general revenues. Using state lottery funds designated for education, the program was able to expand quickly. In 1995, Governor Zell Miller convinced the legislature to extend the program to cover the entire state. Within two years, 45,000 more children had entered the program. Instead of constructing new facilities for the pre-kindergarten classes, the state has saved money by licensing 1,600 existing schools, both public and private, to offer the program. Staff from the state's office of School Readiness are responsible for visiting the schools and ensuring compliance with program goals. According to preliminary evaluations, the schools have been successful in boosting children's test scores and promoting more parental involvement in education.

Gallery 37

What was once known only as "Block 37," a vacant eyesore in downtown Chicago, is now known as "Gallery 37," a thriving multimedia art studio and gallery. Created as a summer jobs program in 1991, Gallery 37 is an arts-based employment and skill program that aims to draw thousands of the city's 14- to 21-year-olds into creative work in the visual and performing arts, literature, media, and architecture. Youngsters from throughout Chicago are offered paid apprenticeships with professional artists to produce works for display and sale throughout the city.

The program is not primarily designed to create new artists, however, but to boost young people's general job skills and work habits. Young Chicagoans are recruited from varying economic backgrounds, thereby exposing all participants to different traditions and cultural experiences, and those who pass through the program's rigorous application process can expect to be held to strict work schedules and standards. Supported through a mixture of federal, state, local, and private funds, Gallery 37 has added satellite neighborhood galleries and a year-round schools-based program. All this has led to an expansion from 260 participants in 1991 to nearly 2,000 last year. Gallery 37's success has made it a model that, to date, has been replicated in 16 other U.S. cities as well as Adelaide, Australia, and London and Birmingham, England. ■

Political Reform and American Democracy

Our System of Electing Leaders Is Plagued by Campaign Financing Abuses That Are Not New, But We Must Apply New Ideas to Address Them

by Bill Bradley

The twentieth century opened with progressive reformers and muckrakers raising questions of participation, influence, and access regarding the political process. They protested William McKinley's 1896 campaign for President, which gave birth to modern political fundraising. The innovator was Mark Hanna, a successful Cleveland entrepreneur-turned-political-king-maker, who backed McKinley, then governor of Ohio, in his 1896 campaign against William Jennings Bryan. Some reports suggest the campaign raised as much as $12 million, a staggering sum in those days. Most of the money came from New York bankers, who benefitted from McKinley's staunch support of the continuance of the gold standard. Other donations came from large corporations and wealthy individuals.

Hanna was also the predecessor of the modern media consultant, who controls the candidate's schedule to fit the message and strategy of the campaign. As McKinley sat on his front porch in Canton, Ohio, receiving delegations of well-wishers from across the country, Hanna mobilized an army of speakers to criss-cross the country, refuting Bryan's famous "Cross of Gold" speech and spreading word of the Ohio Republican.

Hanna's campaign machinery overwhelmed Bryan's and carried McKinley to victory, but the victory was not celebrated without second thoughts. Theodore Roosevelt, a young police commissioner from New York and McKinley's running mate, was disgusted by some of Hanna's methods, complaining that he "advertised McKinley as if he were a patent medicine" and fervently courted the very rich.

Roosevelt's assessment unfortunately rings eerily true even today. Although some rules have changed in the 100 years since the 1896 race, the central importance of money in politics has stayed the same. Twenty percent of the nation's annual gross domestic product is spent by the federal government. Millions of jobs and thousands of millionaires depend on government expenditures. Politicians rely on money and elaborate fundraising machines to get elected and re-elected each term. Money is woven snugly into the fabric of American politics.

As a result, money has become a tool for influence. Since majority votes in Congress govern government expenditures, efforts to influence legislators in our democracy are predictable. Unfortunately, this right to influence is often used only by people or groups that have the money to contribute to campaigns. The people who do contribute often want to direct government money in a particular way, either for their own personal benefit or the benefit of causes dear to their hearts. Political action committees, or PACs, are the largest source of this money. There are corporate PACs funded by the contributions of company employees, union or trade-association PACs funded by the contributions of members, and free-standing or cause PACs funded by those who believe in the cause.

Last year, the United States Senate launched a series of hearings on the subject of campaign practices during the 1996 election cycle. For some Americans, these congressional hearings recalled another set of hearings 25 years earlier, the so-called Watergate hearings. During the summer of 1973, Americans watched the televised hearings with a mix of fascination and horror as they revealed stories of bags full of cash, political slush funds, and other unseemly details of the 1972 elections. The event served as a catalyst for Americans to rethink the role of money in politics and led to the strengthening of the Federal Election Campaign Act in 1974. That reform created the system of political campaign funding that exists today.

So far, the 1997 hearings have failed to have the same catalyzing effect. They have not captured the imagination of the American public in the same way the Watergate hearings did. Perhaps it is the increasing cynicism of the public, which has watched a quarter century of political reform have little impact on reducing the power of money in politics, or perhaps it is the highly partisan nature of the debate. With some noteworthy exceptions, the politicians seem more interested in fixing the harsh spotlight on individual candidates or parties than in finding ways to strengthen our democracy.

Rather than asking which party or candidate has been more outrageous than the other in campaign practices, we should be asking a more profound set of questions about democratic reform. Opinion polls show Americans growing more and more cynical about their institutions, including government and political parties. This is not surprising given the constant quest for money that dominates political cycles. Most politicians begin fundraising for the next election only months after the last one ends.

As the growing power of PACS and special interests becomes more evident, the reaction of the public seems less a matter of outrage and more a kind of bitter resignation. The same could be said of the increasing power of the media in political campaigns. Today it is tempting to

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Mr. Bradley represented New Jersey in the U.S. Senate as a Democrat from 1979 to 1996. He is now a distinguished leadership scholar at the James MacGregor Burns Academy of Leadership at the University of Maryland.

Campaign Financing

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view politics as a spectator sport, a metaphor that many political journalists seem to encourage. Public disenchantment is reflected not only in the low voter turnouts during elections, but also in a decreasing sense of identification with the major parties. And this disenchantment is even more pronounced among Americans under the age of 30, which raises intriguing questions about the future of our democracy.

In many ways, the democratic process is like a Model T in a world of space shuttles. For example, the private sector has undergone radical change in the past ten years. Employee stock ownership plans, quality circles, flattened management structures, and innovative human relations practices have all transformed the workplace. Similarly, government institutions are making a historic shift away from old ways of operating and becoming more "customer oriented," contracting out human services to nonprofits, and including citizens in program design.

Despite this societal change, our political systems and structures remain painfully static and outmoded. The political process that determines who exercises power on behalf of others seems stuck in an out-of-date paradigm. Our way of voting—walking or driving to the neighborhood polling place—has hardly changed in the past 40 years. A poll worker still flips through a paper ledger of registered voters to confirm that we can vote. We still have only a 12-hour period on the first Tuesday in November in which to cast our ballots. Despite the best efforts of political parties and grassroots organizations, huge numbers of people do not even register to vote.

As we confront these issues, we should look beyond the limited debate in Washington to the free-wheeling experimentation going on in our nation's communities. Local communities are not only imposing legal limits on campaign spending, they are experimenting with public financing systems, voluntary campaign spending limits, and ways of channeling the persuasive power of public opinion. Some communities are finding ways to use video and cable technology to provide voters with more information about candidates and their opinions. The free-ranging innovations of local jurisdictions may provide national reformers with some important lessons.

There are so many issues to consider. For instance, what is the role that technology can play in making the political process more open and accountable? How can we make the system more accessible and relevant to young people, the people who will control the system in the future? As we think about the building blocks of democratic reform, we must recognize the important role education plays in fostering civic values and community engagement.

The genius of the American political system is that it is flexible enough to meet any array of challenges. Although technologies and possibilities may change, the issues of participation, influence, and access that Theodore Roosevelt raised have not changed. These are issues reformers have been grappling with since the beginning of the twentieth century. As we enter the twenty-first century, what better time is there to complete this progressive agenda?

On June 5, 1998, former U.S. Senator Bill Bradley will host a national conference, "Leadership for A New Century," with community, state, and national leaders to explore strategies for building a more participatory and effective democracy. The conference, sponsored by the University of Maryland's James MacGregor Burns Academy of Leadership, will take place at the National Press Club in Washington. For more information, see "Annual Conferences" at http://academy.umd.edu/NationalIssues, or call 202-625-8500. ■

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JANUARY 1998

TRENDLETTER

POLITICAL REPORT

Black Nominees for Judgeships Awaiting Confirmation

In his annual "State of the Judiciary Message," Supreme Court Chief Justice William Rehnquist reprimanded the Senate for holding up confirmations of President Clinton's judicial nominees. Issued on New Year's day, Rehnquist's statement charged that, with nearly one of every 10 of the 846 federal judgeships unfilled, "vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the federal judiciary."

A judicial conservative appointed by President Richard Nixon, the chief justice has joined the President and other members of the judiciary to urge the Senate to expedite the confirmation process on pending judgeships. There are currently 85 vacant judgeships and 51 judicial nominees awaiting action by the Senate, including eight African Americans (see list below). Some of the President's nominations have languished in the Senate Judiciary Committee for as long as two years.

Rehnquist noted: "The Senate confirmed only 17 judges in 1996 and 36 in 1997, well under the 101 judges it confirmed during 1994," the last year the Democrats were in control of the Senate. The log jam began to build during the 1996 presidential campaign, when GOP candidate Bob Dole accused Clinton of stacking the federal bench with "activists" pursuing a liberal agenda.

Many judicial observers disagree with Dole, asserting that Clinton's appointees are less liberal in judicial philosophy than those of President Jimmy Carter. For example, Clinton's two appointments to the Supreme Court, Ruth Bader Ginsburg and Stephen G. Breyer, both highly qualified, would be more accurately described as moderates than as "liberal activists."

Nan Aron, president of the liberal Alliance for Justice, says that certain Republican members of the Judiciary Committee, in conjunction with right-wing groups such as the Judicial Selection Monitoring Project of the Free Congress Research and Education Foundation, have mounted "a well-coordinated effort that threatens the independence of the judiciary." The main participants in the delaying tactics are Republican Senators John D. Ashcroft (Mo.), Jeff Sessions (Ala.), and Jon Kyl (Ariz.).

Other critics charge that these delays are violating the informal rules that respect a president's right to appoint judges who share his philosophy. According to the Department of Justice, Republican Presidents Ronald Reagan and George Bush together appointed 580 Supreme Court, circuit court, and district court judges, of which 20 (or 3 percent) were black. Judges appointed by Reagan and Bush were overwhelmingly conservative, but few faced the delays that have plagued Clinton's judicial nominees.

The following black candidates for federal judgeships have been nominated by President Clinton and are awaiting confirmation: James A. Beaty, Jr., for the Fourth U.S. Circuit Court of Appeals; Frederica A. Massiah-Jackson for the U.S. District Court, Eastern District of Pennsylvania; Ronnie L. White for the U.S. District Court, Eastern District of Missouri; Victoria A. Roberts for the U.S. District Court, Eastern District of Michigan; Ivan L.R. Lemelle for the U.S. District Court, Eastern District of Louisiana; Martin J. Jenkins for the U.S. District Court, Northern District of California; Richard W. Roberts for the U.S. District Court, District of Columbia; and Stephan P. Mickle for U.S. District Court, Northern District of Florida.

Bill Lee Heads Civil Rights Unit at Justice

The former Western Regional counsel for the NAACP Legal Defense and Educational Fund (LDF), Bill Lann Lee, became the nation's top civil rights enforcement officer when he was sworn in as the Acting Assistant Attorney General for Civil Rights at the U.S. Department of Justice on December 15, 1997. Lee

was first nominated to the post by President Clinton last year. But Republicans on the Senate Judiciary Committee, led by committee chairman Orrin Hatch (Utah), attempted to kill the nomination as part of a nationwide conservative campaign to end affirmative action. After a protracted and rancorous debate, Democrats succeeded in preventing a committee vote on the nomination. When the Senate adjourned before Thanksgiving, President Clinton withdrew Lee's name from Senate consideration and appointed him to the position in an "acting" capacity. This move allows Lee to enjoy the full powers of the post for the remainder of the Clinton presidency.

The Civil Rights Division enforces federal laws that prohibit discrimination on the basis of race, color, religion, sex, national origin, disability, and other factors. Matters the division handles include police brutality, attacks on abortion clinics, and violations of the equal employment provisions of the Civil Rights Act of 1964 by public employers, as well as enforcement of the Voting Rights Act, the Fair Housing Act, and the Americans With Disabilities Act.

Lee has spent 23 years as one of the nation's foremost civil rights attorneys. He has fought against discrimination in the areas of employment, housing, voting, and education as well as access to public transportation and healthcare. An excellent litigator and consensus builder, Lee has developed a reputation for his ability to settle many disputes out of court and find solutions that serve the interests of all parties. His integrity, competence, judgment, and pragmatism have won him broad respect, even among his adversaries.

Lee was born in New York City to Chinese immigrant parents who owned a small laundry. He credits his late father, who experienced bigotry despite his proud military service to this country, with providing the inspiration for a career in civil rights law. Lee attended Yale University as a beneficiary of the school's affirmative action recruitment program and graduated Phi Beta Kappa and *magna cum laude* in 1971. In 1974, he earned his law degree from Columbia University Law School.

He began his career at the LDF as an associate counsel in 1974. In 1983, he joined the California-based Center for Law in the Public Interest as a supervising attorney for civil rights litigation. In 1988 he rejoined LDF, this time as head of its western region in Los Angeles. He has also served as an adjunct professor of political science at Fordham University and as counsel to the Asian American Legal Defense and Education Fund.

The following are Lee's comments at his swearing-in ceremony:

"I am the son of immigrants. My parents came to this country in search of the American Dream. They became citizens by dint of hard work, respect for the law, and an unshakable belief in our country's most cherished ideals. That the President has chosen me for this position of trust and responsibility redeems my parents' hope and faith that the American Dream can come true for all Americans.

"All Americans deserve the opportunity to work hard, to enjoy the fruits of their labor, and to build lives for their families. Discrimination because of race, religion, ethnicity, disability, age, or gender should never be allowed to stifle the potential of any citizen. America has traveled far and is still traveling a long, hard road to redeem its commitment to equal justice. It is a path haunted by the ghosts of slavery, Civil War, Jim Crow, and internment; a path littered with desecrated churches and synagogues, persistent intolerance and bigotry. However, our progress as a nation has been marked by a succession of civil rights laws, standposts that rise above political party and endure as lasting bipartisan achievements.

"It was President Eisenhower who signed the first modern civil rights act—the Civil Rights Act of 1957—preventing interference with the right to vote and establishing the Civil Rights Division of the Department of Justice. It was Presidents Kennedy and Johnson who worked to enact the Civil Rights Act of 1964 and the Voting Rights Act of 1965—laws that safeguard the right of citizens to vote, to work, to use public accommodations, and to go to school. It was President Bush who signed the Americans with Disabilities Act in 1990, recognizing that individuals with disabilities should have access to American society.

"The solemn duty of the Civil Rights Division is to enforce the letter and spirit of the civil rights laws. Without proper enforcement, these laws are merely empty promises. Every time the division prosecutes a civil rights enforcement case, America strives to make real the promise of equal opportunity for all.

"In closing, I wish to say it will be a great privilege to serve the lawyers and staff of the Civil Rights Division. The division's lawyers include some of the most talented and dedicated individuals that I have ever met. I am honored to join and promise to continue their proud tradition of steadfast, nonpartisan law enforcement. With God's help, I pledge to enforce, without fear or favor, our nation's civil rights laws on behalf of all the American people." ■

ECONOMIC REPORT

On the Fast Track to Another NAFTA

by Cecilia Conrad and Malinda Lindquist

Although President Clinton was unable to garner enough congressional support last year to regain his fast-track trade authority on international trade agreements, which lapsed in 1994, the White House is likely to make this a priority in 1998. Fast-track authority allows the President to quickly negotiate international trade agreements with foreign countries. Although Congress is still allowed a role in trade policy under this procedure, once the President submits legislation Congress is not allowed to amend it, only to vote for or against it.

Every president since Gerald Ford has had fast-track authority. Proponents argue that continuing to withhold this tool from President Clinton will hinder the ability of the United States to fully participate in trade talks. Without fast-track, they argue, the United States lacks credibility when participating in trade negotiations, since after these talks are concluded Congress retains its right to amend trade agreements.

The AFL-CIO and others oppose reauthorizing fast-track. They contend that any trade policy that does not speak directly to fair labor and environmental standards but grants the executive and legislative branches authority to quickly implement new trade agreements will spell disaster. Many of these opponents point to the North American Free Trade Agreement (NAFTA) as evidence of the dangers of fast-track authority.

The Case for Free Trade

While the debate over fast-track is mostly political, its roots are planted in a controversy over the economic benefits and costs of free trade. Proponents of free trade argue that it contributes to output expansion—increasing employment and economic growth. With a free-trade agreement, each country tends to specialize in the production activities in which it is most efficient (i.e., its costs are most competitive).

For example, if the United States is more efficient at designing computer networks and Mexico is more efficient at making children's clothing, free-trade will lead to an expansion of the apparel industry in Mexico and of the computer network industry in the United States. Because it is relatively cheaper to produce children's clothing in Mexico than in the United States, U.S. consumers will pay lower prices for those products.

And because Mexico's income and employment levels are likely to rise as their exports increase, Mexican consumers in turn can purchase more American computer networks. In theory, free trade can simultaneously increase the economic output of both the United States and Mexico.

Even proponents of free trade acknowledge, however, that there are winners and losers. The United States tends to be most efficient, relative to Mexico and other developing nations, in activities that require skilled labor. Hence a free-trade agreement with Mexico would tend to increase the demand for skilled labor in the United States and bid up skilled-labor wages. On the other hand, the same agreement is likely to reduce the demand for low-skilled workers in the United States and reduce those workers' wages. Hence, trade liberalization could take the United States in the direction of greater wage inequality. Minority workers are particularly at risk because they tend to be overrepresented in industries and jobs that are most vulnerable to competition from countries where labor is cheaper. Given this dynamic, it is not surprising that the groups opposed to fast-track authority represent constituencies that are likely to be harmed by NAFTA.

Impacts of NAFTA

In 1994, under the terms of NAFTA, the United States officially adopted a trilateral free trade agreement with Canada and Mexico. NAFTA called for the immediate elimination or phasing out of tariffs over a 15-year period, the removal of most limits on foreign investment, the liberalization of regulations on both the service trades and transportation, and the increased protection of intellectual property. Supporters of NAFTA argued that it would expand our trade with these partners and lead to the creation of a substantial number of jobs in the United States.

Since its implementation, NAFTA has received mixed reviews. Clearly, trade has increased among all three countries and barriers to trade have been reduced, but what is at issue is the effect NAFTA has had on the U.S. economy as a whole and U.S. industry and workers in particular.

A U.S. International Trade Commission (ITC) report released in June 1997 and the President's July 1997 "Study on the Operation and Effects of NAFTA" both argue that the agreement has had a positive, if modest, effect on exports and export-related employment in the United States. The Commission's detailed examination found that since NAFTA's implementation, U.S. employment has either increased or remained the same in all but two industry sectors (apparel and women's athletic shoes).

The President's report was more positive. It found that increased exports to Canada and Mexico resulted in the creation of between 90,000 and 160,000 jobs in 1996. The report also boasts that U.S. real income and business investment grew significantly (by $13 billion and $5 billion, respectively) in 1996 due to NAFTA.

In contrast, a critique of NAFTA prepared by the Washington-based Economic Policy Institute (EPI) concludes that the increase in exports to Canada and Mexico have been more than offset by increases in imports from these countries. The resulting increase in the trade deficit, according to EPI, has reduced overall U.S. job opportunities.

EPI does not contest the claim that the United States' growth in exports has contributed to job creation. In fact, their research shows that the increase in exports to Canada and Mexico generated at least 402,480 U.S. jobs between 1993 and 1996. However, EPI argues that the disparity between the annual average growth rate of imports and that of exports to these two nations has resulted in a net loss of job opportunities.

Between 1993 and 1996, the growth in real U.S. imports from Canada and Mexico dwarfed the growth in real U.S. exports to the two countries. Exports to Canada grew by 24 percent while imports grew by 33 percent. Exports to Mexico grew by 31 percent while imports grew by a whopping 87 percent. EPI estimates that this worsening of the U.S. trade deficit has caused the loss of 797,315 U.S. jobs to Canada and Mexico, 394,835 more jobs than NAFTA helped create in our country.

A U.S. Government Accounting Office (GAO) review concludes that EPI's estimate overstates the job loss due to NAFTA while the President's report probably understates it. The EPI analysis assumes that the entire increase in imports from Canada and Mexico represents a reduction in U.S. production, whereas some of the increase in U.S. imports from Canada and Mexico was balanced by reduced imports from other countries. Since this group of goods was not produced in the United States before NAFTA, no U.S. jobs were lost. The President's report does not bother to calculate the number of jobs lost to rising imports at all.

Although the net effect of NAFTA on total U.S. employment is in dispute, the agreement has clearly caused displacement or job loss for some workers. The Transitional Adjustment Assistance program (NAFTA-TAA) offers assistance to these workers in the form of employment and training services, relocation allowances, and up to one year of income support once their unemployment insurance is exhausted.

The program is available to workers in selected industries (workers in some service industries are excluded) and has covered 142,884 workers to date. Eligible workers may apply for assistance without having to demonstrate that their displacement resulted from NAFTA. Data from this program suggest that NAFTA may have had its most harmful impact on U.S. workers in the apparel, electrical and electronic, lumber and wood, fabricated metal, and industrial/commercial machinery and computer equipment industries.

Minorities and Trade

NAFTA has not resulted in a disproportionate displacement of African American workers. An EPI study concluded that African Americans have lost jobs in proportion to their representation in the workforce. Although African American workers are overrepresented in low-skilled jobs, they are not heavily concentrated in industries where NAFTA may have had its greatest impact. African Americans represent 10.7 percent of workers in all industries. While they are slightly overrepresented in the apparel industry (14.6 percent), they are underrepresented in the remaining industries reported by the NAFTA-TAA program. In contrast, Hispanics, who compose 9.2 percent of industry workers overall, are overrepresented in three of the most affected industries: apparel (24.5 percent), electrical machinery (9.7 percent), and fabricated metal (11.4 percent). Furthermore, the ITC's report confirms that African Americans are overrepresented in two industries, textiles and motor vehicles, where U.S. job opportunities have grown since NAFTA.

The debate over fast-tracking trade agreements is likely to reemerge in 1998. A bill under consideration in Congress proposes giving Caribbean Basin countries the same privileges enjoyed by Mexico under NAFTA. A free-trade agreement with Caribbean nations would eliminate their competitive disadvantage relative to Mexico. Moreover, an expansion of free-trade agreements could fuel economic growth in other developing regions, including Africa, that are of interest to the African American community.

The impact of this and future trade agreements on the United States will vary by industry and will depend on the nature of the agreement. However, the aggregate effect on U.S. employment and growth is likely to remain small, in part because the United States already has low tariffs on imported goods. Furthermore, most economists conclude that trade agreements have not been a major factor contributing to the wage gap between skilled and unskilled labor. Technological change and the decline in unionization, most argue, cause more of the growth in inequality than NAFTA does. ■