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FOCUS

The monthly magazine of the Joint Center for Political and Economic Studies®

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The Promise of More Black Judges

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POLITICAL TRENDLETTER®

Perspective

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Health and the Politics of Inclusiveness

We used to say that when white folks catch a cold, black folks get pneumonia, meaning that we, as a group, have had the problem a lot longer and have fared much worse than others. This aphorism comes to mind when I think about the so-called emerging health crisis in the nation today. It is an emerging crisis for those who are just now experiencing excessive health care costs or discovering a growing population of uninsured people. Blacks have lived with these shocking facts for a long time.

The contours of the crisis are quite clear. While the American health care system can provide the most technologically advanced medical care in the world, more than 40 million citizens are not adequately covered by insurance. Another 37 million have no medical insurance at all; by 1996 their number is expected to reach 60 million. The United States spends a higher percentage of its gross national product on health care than any other nation in the world, yet 11 million children receive inadequate care and seven million no regular care at all. Policymakers and providers agree that even if adequate health care financing were universally available, access to quality care would continue to be a major national problem.

For black Americans, these problems have had a disproportionate and devastating impact: blacks have the highest overall cancer rate of any group in the country, and black deaths resulting from cancer are increasing at four times the rate among whites. Black males under age 45 are 10 times more likely to die from hypertension than white males. The prevalence of diabetes is approximately one-third higher among blacks than whites. Infant mortality rates for blacks are nearly twice those of whites. And black women are almost four times as likely to die during childbirth as white women.

These appalling statistics can be traced directly to a number of deeply entrenched problems, including inadequate health education, limited access to health care, late diagnosis and treatment of illnesses and diseases, and inadequate insurance. The overriding reason the black health profile is not as good as the white profile, however, is that black people are disproportionately poor. This is not to say that blacks must be wealthier before they can be healthier. Rather, it says that blacks, more than other groups, are born into poverty and have a harder time getting out. It is also clear that poor health adversely affects educational achievement, employment and economic advancement, and thus perpetuates the poverty treadmill.

What is needed to address these problems is a broad-based, progressive health-care reform coalition that is powerful enough to get politicians' attention and mobilize the society's political will. Because blacks are major stakeholders in any attempts to reform health care, the National Medical Association, the professional organization of black physicians, must be at the core of such a coalition. In addition, we must educate and motivate all elements of the black community and attract allies among civil rights and women's groups, enlightened corporations and labor unions, parents and teachers, liberals and conservatives.

To assist in this effort, the Joint Center is now committed to a major new health policy program that has three basic goals: to provide information on health-related issues pertaining to the black population; to expand the knowledge and awareness of black leaders in the health policy arena; and to facilitate coalition building across racial lines. Through the power of information and politics, we can influence the policies that affect not only the quality of our health but all aspects of our lives. ■

Eddie N. Williams

PRESIDENT

FOCUS
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FBI Chief Discusses Racism, Drug War

William Sessions Says the Bureau Is More Accountable Than Before to Congress and Denies Targeting Black Elected Officials

On May 21, FBI director William Sessions met with the staff of the Joint Center for a "brown bag" lunch and discussion about a range of issues the Bureau is grappling with. Sessions practiced law in Waco, Texas, from 1958 until 1969 when he joined the Criminal Division of the U.S. Justice Department. In 1971 he was appointed U.S. attorney for the Western District of Texas, and three years later he became a federal district judge for the Western District, where he served until 1987 when he was named by President Reagan to head the FBI.

Created in 1908 as the Bureau of Investigation, the FBI was dominated by one director, J. Edgar Hoover, from 1924 until Hoover's death in 1972. Under Hoover, the Bureau rose from relative obscurity to become one of the most effective law enforcement and counterintelligence agencies in the world. It also grew to be feared by citizens of every rank and station because of the files it maintained on millions of Americans, including civil rights activists and Vietnam War protesters, and organizations like the Ku Klux Klan and other hate groups.

Today the Bureau has more than 23,000 employees, including 10,145 special agents. They staff 56 field offices and over 400 satellite offices. The Bureau's mandated activities include investigations of organized crime, white collar crime, public corruption, bribery, civil rights violations, bank robbery, extortion, kidnapping, air piracy, terrorism, foreign counterintelligence, and narcotics trafficking. Its state-of-the-art laboratory and law enforcement training facility serve police departments across the nation.

***FOCUS**: Minorities are poorly represented among FBI agents and the Bureau has been charged with racism on numerous occasions. How are you addressing this?*

Sessions: We must ensure that the Bureau is fair, impartial, nonracist, and nondiscriminatory. This policy should be driven not by the courts or by controversy but by the operational needs of the Bureau. The question is, are minorities going to be placed in dead-end jobs where they have no opportunities for training and promotion?

In the year 2000, our work force will be comprised of 15 percent white males and 85 percent immigrants, females, and minorities. In the first eight years that I will have served as director, we could lose as much as 55 percent of our special agent force. Soon 85 percent of the top-level management of the FBI will be eligible for retirement. If the Bureau is not perceived as being a fair, nondiscriminatory place to work, then it will be impossible for the agency to function and carry out its responsibilities.

I don't intend to sidestep the issue of fair employment at all but to take it directly head-on. We have begun to take corrective actions in the sense of examining and modifying programs to be sure we do not have unfairness or discrimination—may God forbid racism. We are now of talking with a number of black special agents whose complaints arose out of 10 unresolved equal employment opportunity matters. I went directly to them, feeling that we could not benefit further in the Bureau from litigation, and asked, "What are the problems?" They gave me 19 of them. I told them from the beginning, "This is not a substitute for your litigation if you choose to go forward with it."

I find it very healthy to attack these kinds of employment issues directly and with understanding. One of these days we're going to find that somebody will be able to walk up to a supervisor and say, "You're a discriminator and you're racist in what you've done." And the supervisor will say, "I realize that, I didn't think about that. Tell me where it is and let's discuss it and let's get rid of it rather than having it end up in an EEO complaint that has to be processed and investigated." Then we will have a true open grievance mechanism based on understanding and a willingness to be fair.

***FOCUS**: What is your response to charges that the FBI is targeting black elected officials for prosecution?*

Sessions: My response is the same now as it was to Dr. Benjamin Hooks' earlier statements about the Bureau's involvement in targeting black elected officials. It is absolutely essential, in my view, that you fight corruption where you find it. In South Carolina four of 11 legislators that were indicted were black. In Mississippi, in a long-term investigation, there were 79 or 80 county supervisors indicated and five of them, as it turned out, were black. I do not intend to back off of the pursuit of these cases.

No matter what community they come from, my feeling is that the community ought to stand and cheer that you get the rascals out who are doing things which violate their oath and responsibility. I want to convey to you it is my intent to be sensitive. My insistence is that the FBI must not be involved in targeting a specific group for non-articulated reasons. The law requires that you articulate your reasons. Specifically articulated facts lead to a probable cause, lead to indictments, lead to prosecutions.

***FOCUS**: It is the perception of some in the black community that the country's drug policy targets users and is not doing enough to stem the flow of illegal drugs.*

Sessions: Many people in America are concerned about the disproportion of incarceration of black Americans, especially black males. It seems to me that it's abso-

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Sessions

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lutely essential that we pursue our responsibilities regardless of race. If you took the product of the Bureau's National Drug Strategy, you would probably find that it is disproportionately strong in four areas. Probably first would be Hispanic, second would be Italians associated with the Cosa Nostra, third might be Sicilians and/or Asians, and fourth would probably be blacks. Is that targeting? In a sense it is because there are 450 major drug trafficking organizations from Central and South America and from Italy.

It is estimated that blacks may be 12 percent of the drug users, yet in arrests, convictions, and incarceration they are 50 percent. It is these kinds of statistics that give rise to the perception of selective treatment or harassment.

The Bureau's responsibility in the drug war is not interdiction, it is not destruction. It is not any of those things that relate to pharmaceutical drugs or marijuana or other drugs in the United States. It directly deals with major drug trafficking organizations that deal in heroin and cocaine. We work to identify organizations, determine the roles of members of the organization—whether it's supplying, manufacturing, laundering money, gathering money, moving money, or keeping people in line.

We do that with the idea of obtaining indictments, seizing assets, putting the organization out of business, and, hopefully, putting its members in the penitentiary. The point is to destroy the organization's trafficking capability. Beyond that our responsibility is to gather intelligence to share with all law enforcement agencies, to try to predict as best we can what the trends are and to then get the support of local law enforcement. And I will never, ever agree that we should legalize drugs or that we should do anything other than have strong law enforcement, strong rehabilitation, and strong education where we can get it.

***FOCUS**: What role does the FBI play in investigating hate crimes?*

Sessions: Hate crimes are unlawful acts designed to harm or frighten an individual because of race, religion, or ethnic background. They can range from verbal intimidation to murder. Not only does the victim of the crime suffer, but the group the victim belongs to and, ultimately, our entire society suffer as well.

As a result of the Hate Crime Statistics Act of 1990, which became law on April 23, 1990, the attorney general tasked the FBI's Uniform Crime Reporting Program with developing and implementing a national collection program and providing training for law enforcement officers in identifying hate crimes. The information being collected for this program is based on four factors—race, religion, sexual orientation, and ethnic origin.

Hate crimes are investigated by the FBI under two of our criminal investigative programs—our civil rights program, which deals with individuals, and our counterterrorism program, which deals with groups. Investigations into allegations of police brutality make up about 50 percent of our civil rights cases. During 1990 there was a total of 93 convictions and pretrial diversions in the FBI's civil rights program, including 58 federal convictions and 35 state and local convictions, where the FBI contributed significantly to case resolution.

***FOCUS**: When the Justice Department conducts a background check on a prospective federal employee, does it still ask about that person's membership in organizations that Justice may consider to be subversive?*

Sessions: All applicants to positions that require background investigations must complete a standard government application form (Standard Form 86), which specifically asks whether the individual has been an officer or member of, or made contributions to, an organization that is dedicated to the violent overthrow of the United States government and is engaged in illegal activities to that end. This form also asks the applicant whether he or she knowingly engaged in any act or activities designed to overthrow the United States government by force. The answers to those questions, among others, are actively and independently corroborated through FBI investigation.

***FOCUS**: How are the FBI files that have been amassed on civil rights leaders being handled?*

Sessions: We are maintaining in our files only such information about an individual as is relevant and necessary to accomplish a purpose required of the FBI by statute or by executive order of the President. FBI files are maintained in accordance with the regulations governing the maintenance and disposition of records and in accordance with the Privacy Act of 1974.

***FOCUS**: The distrust of the FBI continues in minority communities. What is the Bureau doing to change how it is perceived? Will officials in the FBI and the Department of Justice admit that there are discrepancies in how justice is administered among different American communities? Would you, as the director of the FBI, disavow J. Edgar Hoover's policies regarding Martin Luther King Jr. in the 1950s and '60s? And will you apologize for those actions?*

Sessions: Mrs. King is not asking me for an apology. She is asking me to pursue in good faith a reconciliation that can only come about if I take her lead or she takes my lead. I have never gone back and looked at those things that are reported in the media, that Mr. Hoover did. This is a different time in terms of statutes, guidelines, and procedures that the Bureau must adhere to. I do not resent the attorney general's guidelines or being accountable to congressional oversight committees for what I do. The point is: I believe that the public is entitled to get from and insist upon a Bureau that operates under the law and under the Constitution. And if you find an FBI director who is not doing that, then that director is accountable. Brutality, illegal conduct, illegal wiretapping, illegal anything must not be tolerated within or without a law enforcement agency. ■

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July 1991

POLITICAL TRENDLETTER®

Inside This Issue

- Hiring discrimination against black Americans is still prevalent, study reveals.
- Supreme Court rules that Voting Rights Act applies to judicial elections.
- Kettering Foundation research concludes that voter apathy is a myth, voter disillusionment a reality.
- Thurgood Marshall steps down from the court.
- Across the Nation: Denver elects first black mayor; black candidates lose bid for mayor of Philadelphia; Georgia governor appoints two black attorneys to state bench; black woman elected mayor of Fitchburg, Wisconsin.

Job Discrimination Against Blacks Continues

As President Bush sits poised to veto the civil rights legislation, a recent Urban Institute study reveals that race-based employment discrimination in America is alive and thriving. The Institute, a nonprofit research organization in Washington, D.C., found that in cases where equally qualified black and white men were seeking the same entry-level positions in Chicago and Washington, D.C., white men advanced in the hiring process (submitting applications and gaining interviews) 20 percent of the time while black men only did so seven percent of the time. It also found that white men received job offers three times more often than their equally qualified black counterparts.

The report concludes that unequal treatment of black job seekers is entrenched and widespread. The research contradicts the popular claims that hiring practices today favor blacks systematically or are effectively colorblind and that reverse discrimination is commonplace. It also contradicts a widely held view that blacks seeking employment are more likely to be discriminated against in the suburbs than in central cities.

Entitled *Opportunities Denied, Opportunities Diminished: Discrimination in Hiring*, the study was conducted in the summer of 1990. Ten teams of two men each—one black and one white —sought entry-level positions advertised in the *Washington Post* and the *Chicago Tribune*. The pairs of participants were matched in age, physical size, education, work experience, and speaking ability. They were trained to conduct themselves similarly in an interview setting so that any pattern of differences in treatment by employers would have to be attributed to race. The pairs applied for 476 randomly selected jobs from various industries, including retail, manufacturing, construction, business and personal services, hotel, restaurant, and banking and finance.

The study found that certain job categories are more likely than others to feature discriminatory hiring. "Blacks are more likely to encounter discrimination in entry-level white collar jobs and in jobs involving direct client contact," says **MARGERY TURNER**, one of the three Urban Institute researchers who wrote the report. Blacks were sometimes "steered" to a job with lower salary and fewer responsibilities than the one they applied for. They were also more likely to encounter discrimination when applying for jobs such as clerical and sales positions requiring contact with the public.

More incidents of discrimination were observed in the nation's capital than in Chicago. Whites advanced further than blacks in the job seeking process 23 percent of the time in Washington, while in Chicago, whites were ahead 17 percent of the time. Additionally, 60 percent of the time in Washington blacks were treated "unfavorably" — subjected to long waits for scheduled interviews, discouraging remarks from prospective employers, and perfunctory interviews. There was no discernible difference in job interview treatment, however, between whites and

blacks in Chicago. The report noted that unfavorable interview treatment usually indicated slim chances of getting hired.

In a similar study by the Institute last year among whites and Hispanics, Hispanics were found to be even more likely than blacks to be victims of discrimination. Whites advanced further along in the hiring process than did their Hispanic counterparts in 31 percent of the cases, compared to a 20 percent differential in the current white-black study. This new study concludes, "pressures to dismantle civil rights enforcement are premature, and in light of the prevalence of disparate treatment in the hiring process, greater efforts are needed to detect discrimination and provide victims with access to justice."

Court Rules That Voting Rights Act Covers Judges

In June, a 6-to-3 majority of the U.S. Supreme Court declared that the Voting Rights Act covers the election of state and local judges. The Court determined that the word *representatives* in Section 2 of the Act, as amended in 1982, included judges because it meant all elected officials. The decision was based on two lawsuits emanating from Texas and Louisiana. In *Houston Lawyers' Association* v. *Attorney General of Texas*, blacks and Mexican-Americans argued that the at-large scheme for electing trial judges in Texas counties had diminished their ability to elect the judges of their choice. Of the 386 elected district judges in Texas, only nine are black. In the other case, *Chisom* v. *Roemer*, the Bush administration joined forces with the NAACP Legal Defense and Education Fund to argue that Louisiana's election laws have diluted the impact of minority votes. Five of the seven members of the Louisiana State Supreme Court are elected from "single-member" districts but two are elected from a combined "multi-member" district in Orleans Parish. The effect has been to submerge New Orleans' majority-black population within the whole district's larger white majority.

The Supreme Court holding in the two cases was narrow, but its potential impact is great. The justices did not determine whether Louisiana and Texas actually violated the Voting Rights Act; that question is left to the lower courts. Forty-one states must now make sure that their election laws do not violate the Voting Rights Act with regard to the election of judges. After the decision was announced, **SHERRILYN A. IFILL**, assistant counsel for the NAACP Legal Defense and Educational Fund, said: "The Supreme Court's rulings today are an unequivocal pronouncement that the political process in this country must be open to equal participation by all Americans."

Americans Not Politically Apathetic, But Disillusioned

In the last three presidential elections, nearly half of the nation's eligible population did not vote. National voter turnout was 52.5, 53.3, and 50.2 percent in 1980, 1984, and 1988 respectively. These numbers have prompted observers to characterize America's electorate as politically apathetic. However, a new study released this month by the Kettering Foundation, a Dayton, Ohio based research institution devoted to "putting the public back into politics," finds that Americans are not so much apathetic as angry and disillusioned because they perceive themselves to be "shut out of politics and politically impotent." "They feel government no longer solves our problems and they are mad as the devil," says **RICHARD HARWOOD**, author of the Kettering study, which is entitled *Citizens and Politics: A View from Main Street America.*

Based on focus group discussions in 10 cities throughout the country, the study concludes that although Americans are disillusioned with politics, they have not lost interest in public policy issues, particularly at the local level. One of the focus group participants said, "It's not that people no longer have a sense of civic duty, but it's that they don't have a sense of power." Among the findings in the study are the following:

There exists a fundamental lack of trust and confidence in public officials as a group. Citizens feel that public officials are seldom honest and do not level with their constituents. They believe that public officials are not really interested in the concerns of their constituency and that their overtures to solicit public opinion through public meetings, surveys, and letters are merely window dressing, rather than serious attempts to hear the public.

Citizens view politics as a system spiraling beyond their control, one in which the individual has no real voice. The study says politics is viewed as a "leviathan made up of all-too-powerful special interests, lobbyists, and

political action committees" that wield the real power. The study found that negative campaigning, exorbitant campaign costs, and broken campaign promises have caused many to turn away from elections and politics.

Citizens are leery of the media. They believe that media coverage of politics focuses on controversy, negative campaigning, and "sound bites over substance." They want the media to flesh out issues and help them understand the political and public policy jargon—what the issues are and how they affect the citizenry.

Despite these fears and complaints, the study points out, citizens have not altogether shirked their civic duty. Instead they have shifted focus, concentrating their political energies at the local level in neighborhood associations, school boards, and crime watch organizations, areas where they feel there are opportunities to bring about and witness change.

The study concludes that society's challenge is to reconnect citizens and politics—to find a place for citizens in the political process. According to the authors, merely making adjustments in campaign finance laws, ethics codes, term limits for elected officials, and other "quick-fix" efforts will not address the underlying problems main street Americans find in politics.

The authors issued several recommendations to meet the challenge, including: identifying ways to refocus the political debate on policy issues, rather than emphasizing political scandals, personalities, and mud-slinging; encouraging the media to focus more on the public dimension of policy issues, how the issues affect voters; and finding ways to change citizens' and public officials' views of one another's roles in the policy process. Participants in the study represented a cross section of the population by age, race, sex, income, education, and region. The cities surveyed included Philadelphia, Richmond, Los Angeles, Seattle, Memphis, Denver, Des Moines, Dallas, Boston, and Indianapolis.

Thurgood Marshall Retires from the Supreme Court

The retirement of Justice **THURGOOD MARSHALL** from the Supreme Court invites reflection on the life of a great American who has devoted 50 years to making this country a more just place. President Bush has nominated appeals court judge **CLARENCE THOMAS** to fill the vacancy left by Marshall's retirement. Marshall made history as the first Afro-American justice on the Supreme Court. He remains the nation's most revered civil rights lawyer, having had perhaps as much influence over the Court when he was the director-counsel of the NAACP Legal Defense and Education Fund as he has had on the bench of the nation's highest court. His historic victory in the 1954 *Brown* v. *Board of Education* case was the initial blow to the system of separate education for black and white children. Perhaps more importantly, the *Brown* case expanded the interpretation of the Fourteenth Amendment to apply to other civil rights protections, paving the way for passage of the Civil Rights Act of 1964 and, ultimately, for the destruction of all forms of segregation across the South and in other parts of the country. During his 24-year tenure on the Court, Marshall has been a champion of the rights of ordinary citizens, especially those with too little power or wherewithal to influence the judicial process.

Born in Baltimore in 1908, Marshall personally experienced the evils of segregation. He has been the only one of his contemporaries on the bench whose legal experience included defense of clients accused of murder. Many of his clients in the 1940s were black victims of a capricious system of racial subjugation practiced in the deep South. One man he agreed to defend was lynched before Marshall could take up his case. Based on those experiences as a defense attorney, Marshall has opposed capital punishment throughout his High Court tenure, condemning it as unconstitutional.

Working together with other justices of historic influence—including Chief Justice **EARL WARREN, WILLIAM BRENNAN, WILLIAM O. DOUGLAs**, and later **HARRY BLACKMUN**—Marshall helped write decisions that have narrowed the gap between the literal text of the law and the broader concept of justice. He joined with these others in finding that the right to privacy is implied in the Constitution, affirming as legal principle that ordinary citizens have a right to be left alone. He was also in the majority in the historic *Roe* v. *Wade* decision, which permits abortions in the first trimester of pregnancy. This was an important ruling for poor women: before the advent of *Roe*, safe abortions were a privilege for those who could afford to fly to Mexico or Europe, while back-alley operations left thousands of low-income women permanently and sometimes fatally injured. Marshall will be missed as a force in the nation's justice system. We shall not see his like on the High Court again.

ACROSS THE NATION

COLORADO: The street-level, hand-pumping campaign of Denver City Auditor **WELLINGTON WEBB**, 50, helped him beat the odds to became the city's first black mayor. He was elected auditor in 1987 after losing his bid for mayor in 1983. In a June runoff election Webb defeated the favored candidate, black district attorney and fellow Democrat **NORMAN EARLY**, by 16 percentage points. "This is a victory of grassroots over slick media campaigning. This is a victory of shoe leather over airwaves," Webb said.

Among a field of 10 candidates during the May 21 primary, Early captured 41 percent and Webb garnered 30 percent of the vote. But three days before the runoff, opinion polls showed the candidates were less than five points apart with Webb in the lead. Webb's come-from-behind victory is attributed to his ability to "capture the mood and tenor of the times," says **FLOYD CIRULI**, a political pollster and analyst in the city. Ciruli says Denver residents have become concerned about the upward trend of municipal spending.

Webb's campaign message stressed restraint and better financial management of the city. A number of economic development projects undertaken in the past eight years have included several big-ticket items such as a new airport and a convention center. Plans are also underway for the construction of an airline maintenance facility and a stadium to accommodate the city's expansion baseball team in 1993. Because the pricetags for these projects range from $100 million to $3 billion each, residents feel it's time to slow down on spending. Webb took office on July 1, succeeding Democrat **FEDERICO PENA**, the city's first Hispanic mayor, who opted not to run for a third term.

GEORGIA: Governor **ZELL MILLER** has named two blacks, **MICHAEL E. HANCOCK** and **W. LOUIS SANDS**, to state superior court judgeships. They will preside over courts of general jurisdiction, hearing civil lawsuits and criminal cases as well as appeals from lower courts.

Hancock is a former assistant public defender and DeKalb County solicitor who has served as the chief judge of Recorders Court in Dekalb County. The 41-year-old graduate of Emory University Law School will sit on the Stone Mountain Superior Court Circuit in north Georgia.

Sands, 42, was appointed to the Macon Superior Court Circuit, which has jurisdiction over three middle Georgia counties. A graduate of Mercer University Law School, Sands is a partner in a Macon law firm and has served as a state and federal prosecutor. This is the first time a black person has been appointed to either circuit. The appointments of Hancock and Sands brings the number of black superior court judges to eight out of the state's total of 135.

NEW HAMPSHIRE: After 12 years of heated debate and failed efforts, the state legislature has "sort of" approved a holiday to commemorate the birth of **MARTIN LUTHER KING, JR**. In May the legislature passed—and Republican governor **JUDD GREGG** signed into law—a bill recognizing the third Monday in January as "Civil Rights Day" (CRD), a paid state holiday. The holiday provides for the "recognition of the courage, determination, and personal sacrifice of the many people from a variety of cultural backgrounds who fought and died in the struggle to gain freedom and equality for all individuals." But the bill does not specifically mention Dr. King. The law represents a compromise between supporters and opponents of the King holiday in the legislature. Plans are in progress to introduce legislation to rename the day after Dr. King when the mood in the legislature is more receptive. The first CRD celebration will be January 20, 1992.

PENNSYLVANIA: Former district attorney **EDWARD RENDELL** captured the Democratic nomination for mayor in the May 21 Philadelphia primary. Winning 48.6 percent of the vote, Rendell, who is white, defeated two black former city council members **LUCIEN BLACKWELL** and **GEORGE R. BURRELL**, JR., who received 26.2 and 14.2 percent of the vote, respectively.

The city's former mayor and police commissioner, Republican **FRANK RIZZO** won the GOP with a winning margin of less than one percentage point over **RONALD CASTILLE**, a former district attorney. Rizzo died unexpectedly of a heart attack on July 16 and the GOP selected **JOSEPH M. EGAN** as its new nominee. Egan is a developer who enjoys little name recognition outside Republican Party circles.

The GOP has not held the mayor's seat for more than 40 years. **W. WILSON GOODE**, the city's first black mayor, is prevented by law from seeking a third consecutive term.

WISCONSIN: **FRANCES HUNDLEY-COOPER** of Fitchburg became the first black person elected mayor in the state when she defeated fellow city council member **ALAN COLVIN** on April 2. Two weeks later, the 39-year-old social worker was sworn in as mayor of the predominately white, middle-class town of 15,648, which has a black population of less than two percent. Cooper has been a member of the city council since 1987; during her tenure she chaired the personnel and finance committees. Her candidacy was supported by the town's state representative and two former mayors, including outgoing Mayor Tom Capp.

African Summit: Forming New Bonds

A Delegation of African-American Leaders Met With African Officials to Expand Trans-Atlantic Economic and Technological Cooperation

by Niara Sudarkasa

Dr. Sudarkasa is president of Lincoln University in Pennsylvania and was a member of the African-American planning committee and delegation to a summit meeting with African leaders in Abidjan, Cote d'Ivoire, held on April 17 through 19 of this year. This article is her assessment of the summit and the follow-up steps that lie ahead.

The first Africans to arrive in the United States came on a cramped slave ship in 1619. Nearly 400 years later, in April 1991, a crowded chartered plane took some 300 African-Americans back to their motherland for an unprecedented summit meeting with African leaders, including heads of state, heads of government, cabinet ministers, and ambassadors from 24 independent nations. Altogether, about 2,000 African and African-American delegates, observers, and officials from international agencies based in Abidjan gathered for this first-of-a-kind summit in Abidjan, capital of Cote d'Ivoire, hosted by that country's venerable president, Felix Houphouet-Boigny. This first African/African-American summit was conceived, convened, and chaired by the Reverend Leon H. Sullivan, founder of the job training program, Opportunities Industrialization Centers (OIC), and architect of the Sullivan Principles, the 1977 guidelines that laid the ground rules for equitable treatment of black employees by American companies doing business in South Africa.

The purpose of the Abidjan summit was to initiate a program of cooperation and collaboration between Africans and African-Americans to promote Africa's development in several vital areas, including economics, education, agriculture, and health. The summit was also a fulfillment of the century-old dream of W.E.B. Du Bois, Marcus Garvey and others who sought to build a bridge of cooperation to span the technological and cultural distance between Africans and African-Americans.

The Abidjan summit differed significantly from earlier Pan-African conferences. Its mission was much more practical and pragmatic. And its financial base was built from a combination of American corporate interests and black community interests that could provide a strong continuing source of support for the summit's plan of action.

Broad Participation Sets Summit Apart

In terms of its potential long-range impact, no aspect of the summit was more significant than the great variety of its participants. The American delegates and participants were not a homogeneous group of intellectuals and political activists. Nor was there a dominant ideology among them as there had been with the DuBoisian Pan-Africanists, on the one hand, and the Garveyites on the other.

The African-American contingent was a diverse group of mainstream leaders: members of Congress, heads of national civil rights organizations, mayors, college presidents, civic and religious leaders, business executives, professionals, and scholars. Forty college students, who attended as junior delegates, were sponsored by corporate donations. Many in the U.S. delegation are in positions to mobilize support for Africa among millions within their constituencies if they can convince them that the effort will be mutually beneficial. The occupational, political, generational, and geographic heterogeneity of the group that boarded the plane with Sullivan in New York made it seem like a latter-day Noah's ark. Sullivan's ark contained a representative group of African-Americans, brought together out of a belief that Africa would survive the trials, tribulations, and torment now being rained down upon it and see new growth and prosperity after the storm has passed.

On the African side, the summit was also unique. This was the first time African states had sent official delegations to meet with African-Americans. Of course, many of the earlier meetings had taken place during the colonial era, before African countries had independent governments. Nevertheless, it is significant that heads of state, heads of government, ambassadors, ministers, and other officials came to Abidjan to meet with private citizens in what both sides agreed was a historic meeting. The summit was unprecedented not only in representing a broad spectrum of nations and interests; it was also exceptional in its emphasis on setting "achievable goals," a phrase first used in an impromptu speech by Nigeria's former president, General Olusegun Obasanjo. This phrase was immediately picked up and used throughout the meeting to emphasize the importance of crafting concrete programs of action with realistic timetables for their accomplishment.

Setting "Achievable Goals"

The call for financial, technical, and professional cooperation between Africa and African-Americans emphasized concrete programs with realistic timetables. Many of the recommendations from summit workshops provided models for such programs. In the education workshops, for example, many concrete recommendations were made by

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African-American Summit

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the ministers of education from Uganda, Botswana, and the Ivory Coast, as well as by panelists and participants from the World Bank, U.S.A.I.D., the African Development Bank, African universities, and historically black (as well as some predominantly white) American colleges and universities.

Dr. Ruth Love, former superintendent of the Chicago School System, recommended teacher training institutes throughout Africa to help prepare master teachers; a joint African/African-American curriculum development program; a continent-wide literacy project, in which every high school or college graduate would be required to teach at least one person to read and write; and student and teacher exchanges in high schools and colleges. Others called for scientific collaboration and a massive campaign to collect books, computers, and other equipment for African schools. A proposal was also forwarded to send a corps of 1,000 African-American teachers to the continent.

In the financial arena, in health, agriculture, trade, and industry, a number of specific initiatives were also proposed. For example, the body called for more African and African-American business partnerships and an investment fund to create an International Bank of Africa in the private sector. Two recommendations that were unanimously approved were the creation of opportunities for dual citizenship for African-Americans in participating African countries and U.S. government forgiveness of all of sub-Saharan African debt.

Next Step: Implementation

A planning team headed by Dr. C.T. Wright, executive director of Sullivan's International Foundation for Education and Self-Help, expects to release the summit's proceedings and a more detailed plan of action before the end of this year.

Sullivan's personal leadership and contacts are the key to moving positively and quickly to action in the summit's wake. By late June he had already met with various leaders who were at the summit as well as some who could not attend, to establish committees that will take the lead in implementing the summit's major recommendations. On July 17, he and four other summit participants reported on recommendations to the Senate Subcommittee on Africa.

There are a number of hurdles that must be cleared if the purpose of the summit is to be achieved. First, there is the fact that some African states were conspicuously absent or underrepresented as the meeting. Nigeria's head of state was expected, but did not come. Zimbabwe and a number of other influential countries were not represented at all. With the exception of the Ivory Coast, the countries represented by their heads of state were among the smallest on the continent. It remains to be seen whether, or to what extent, the vision of a new African/African-American covenant of cooperation will be embraced by the most influential of the sub-Saharan African countries.

A second potential obstacle to the successful follow-up of the summit lies in the difficulty of getting the leadership and the rank and file in the African-American community to give high priority to programs that will benefit Africa. Once we left Abidjan, everyone returned to their own personal and institutional agendas that leave little room for an action item on Africa. Opposition to apartheid in South Africa is about as much of a commitment to Africa as many African-Americans are willing to make.

One key to mobilizing African-Americans on behalf of Africa will be educating them to see the continent in a more positive light. Although some of those who went to Abidjan were knowledgeable about Africa, and a few were experts, it is fair to say that most people on the trip knew very little about the continent but probably had more information about Africa than the average person on the street.

Increasing trade with Africa, investing in industries and other institutions, establishing new educational programs, transferring technology, and creating new jobs all require substantial capital outlays. Without concrete benefits for African-Americans, there is little likelihood that altruism alone will lead them to put significant resources into Africa's development.

The development effort envisioned by the summit will require commitments of billions of dollars. Not all of it can or should come from the black community. In order to induce the U.S. public and private sectors to increase investment in sub-Saharan Africa, the African-American community must develop strategies to leverage its buying power and voting power.

Finally, one must ask whether there are leaders waiting in the wings who are willing to help Sullivan in this massive effort. The plan is too big and the time frame too long to expect any one man, especially an elder, to bear sole responsibility for its implementation, even in the early stages.

A Century-Old Vision

The legacies of Du Bois, Garvey, and others remind us that although this recent meeting of Africans and African-Americans in Abidjan was the first that could properly be called a summit, it was by no means the first attempt to involve the overseas sons and daughters of Africa in the development of their motherland. It is significant that at the close of the 20th century, nearly one hundred years after the first Pan-African Conference, the children of Africa are still seeking to realize the century-old vision of mutual help and assistance.

The summit was a celebration that energized participants with its seriousness of purpose and its optimism. In the final analysis, the success of the summit will hinge on the ability of its organizers and participants to implement the recommendations that form the new covenant between Africans and Africa's descendants in America. Reverend Leon H. Sullivan said it best: "T.T.T.—things take time." To that formulation one must add two more elements. Things also take effort—from summit participants and the others they can marshal. And things take the follow-through that can make of the summit's vision a reality. ■

The Promise of More Black Judges

New Joint Center Roster Shows Practically No Growth in Black Judges in Four Years, But a Supreme Court Ruling May Bring an Increase

by David E. Anderson

Just a week before Justice Thurgood Marshall announced his retirement, the Supreme Court ruled that provisions of the Voting Rights Act are applicable to the 41 states where judges are elected. To civil rights lawyers and minority voters, this ruling means that the struggle to reshape the nation's state-level judiciary, especially in the South, may finally bear fruit.

University of Virginia law professor Pamela Karlan, one of the lawyers who has sued on behalf of black Louisiana voters, calls state judiciaries "the last plantation of government." The High Court's June 20th 6-to-3 ruling in *Chisom* v. *Roemer* and *Houston Lawyers* v. *Texas Attorney General* should help change that situation. "The implications are that courts will be striking down at-large judicial elections where voting is racially polarized and blacks' votes are diluted," says Frank Parker, director of the Voting Rights Project of the Washington, D.C.-based Lawyers Committee for Civil Rights Under Law.

In 1986, a survey by the Joint Center for Political and Economic Studies found there were 824 black federal, state and local judicial officials and 17 quasi-judicial officials among more than 12,000 full-time judges in the nation. Hispanics made up an even more minuscule number—150. New figures in the Joint Center's *Elected and Appointed Black Judges in the United States, 1991,* a roster of black judicial officials (released in July), show virtually no change in the number of blacks holding judgeships despite significant growth among black elected officials holding other posts. According to the figures, there are 867 black federal and state judges and 29 blacks holding quasi-judicial offices. In the five years since the Joint Center's first judicial roster appeared, only Connecticut and Georgia have appointed blacks to their supreme courts. In Alabama, the number of blacks elected to the state's three highest courts has grown from 9 to 11.

Equally disturbing—but perhaps not surprising—is that the number of black federal judges actually declined during the second term of the Reagan administration and the first term of the Bush administration, from 74 in 1986 to 44 in 1991. On U.S. appeals courts, the number of black judges dropped from 11 to 9, while on the U.S. district benches, the number fell from 41 to 34.

President Bush nominated seven blacks to federal judgeships out of a total of 130 judicial nominations (not including Clarence Thomas who was appointed to the court of appeals for the District of Columbia in March 1990 and recently nominated to replace the retiring Marshall). Hispanics have done little better; Bush has nominated just four Hispanics to the federal bench.

Among the issues addressed by the Supreme Court in its June ruling was whether Section 2 of the Voting Rights Act (which was amended in 1982 to include discriminatory effect as well as intentional discrimination) covered judicial elections. The amended section uses language indicating the Act is violated when, on the basis of race, some voters have less opportunity "to participate in the political process and to elect *representatives* of their choice."

The debate hinged on the word "representatives," with lawyers for the states of Texas and Louisiana asserting that judges are not representatives. The U.S. Court of Appeals for the Fifth Circuit had agreed with that argument, but the Supreme Court rejected it. Justice John Paul Stevens, writing for the majority, said, "If executive officers, such as prosecutors, sheriffs, state attorneys general and state treasurers can be considered representatives simply because they are chosen by popular election, then the same reasoning should apply to elected judges."

Section 5 of the Voting Rights Act, which requires a number of states to obtain advance approval from the U.S. Justice Department before making changes in their voting procedures, already applied to judicial elections. Before the 5th Circuit decision that the High Court overturned, civil rights lawyers had been using the Act to strike down at-large elections. "In every state where at-large judicial elections have been struck down, there has been an increase in the number of black judges," Parker notes. He cites Mississippi and North Carolina as examples. In Mississippi, before the Lawyers Committee and other civil rights attorneys challenged the voting system, there was one black trial judge. Now there are eight. In North Carolina the number has grown from zero to 12 (out of 44).

Because 41 states elect some of their judges, the impact of the High Court ruling could be nationwide, but Parker believes most of the immediate challenges—and progress—will come in the South. Already, lawyers are challenging judicial elections in Alabama, Arkansas, Georgia, Illinois, Mississippi, North Carolina, and Ohio, as well as Texas and Louisiana.

"One of the interesting things to me," Parker says, "is that during the 19th century Reconstruction period there were no black trial judges. Blacks were heavy among the legislators, court clerks, and justices of the peace. The result is that some of these states are getting their first black trial court and appeals court judges ever." ■

Mr. Anderson is a reporter for United Press International.

Sessions

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The Fight for Fair Employment in the Bureau

The decades-old perception that the FBI is hostile to black Americans has been reflected in charges that its employment practices are racially biased. In recent years, the Bureau has paid large sums in out-of-court settlements to black and Hispanic employees who have sued the agency for discrimination. This spring, a group of black FBI special agents submitted to Director Sessions a list of complaints citing 19 areas in employment where they charge the Bureau's employment policies and practices are discriminatory and working conditions are unfair.

Sessions has expressed a willingness to be responsive to the complaints of the black agents and has expanded minority recruitment efforts. Currently, only 4.8 percent of the Bureau's 10,145 agents are black and 5.6 are Hispanic. Some white agents have countercharged that the director's responsiveness could result in "quotas." There is little evidence, however, that white agents are endangered. Just three of the Bureau's 172 top managers in its senior executive service are black (three are Hispanic). Only one of the Bureau's 56 field offices (San Juan, Puerto Rico) is headed by a black agent.

The black agents leveling the most recent complaints have retained attorneys who are conducting an investigation to determine whether the Bureau is violating Title VII of the Civil Rights Act of 1964. The agents and their attorneys are working toward a settlement with the Bureau that will result in individual as well as classwide relief and changes in the agency's employment procedures. If the parties fail to make substantial progress toward an agreement by the August 15 deadline, the agents may be forced to sue the FBI. Some of the most significant complaints are as follows:

- Promotions. Career advancement for black agents on average takes longer than for their white counterparts. Black agents are often given routine or low-visibility assignments. They also charge that the Management Assessment Process, in which they are rated for supervisory positions, is a subjective system where the "old boy network" prevails and promotions are awarded not on merit but according to who your friends are.
- Compensation. Black agents are frequently denied bonuses and incentive raises, which are awarded on the basis of personal recommendations.
- Racist Working Environment. Several black agents have been subjected to racial slurs, degrading treatment, and threats.
- Discipline. Black agents are disciplined more severely and more frequently than white agents for the same infractions.
- Assignments. Black agents are usually assigned to large urban offices where the cost of living is high. They are also routinely denied their choice of assignment and hardship transfers.
- Retaliation. Those who complain of unfair treatment have been singled out for abuse and retaliation.

—David C. Ruffin

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