



FOCUS[®]

MAGAZINE

RENEWING THE NON-PERMANENT FEATURES OF THE VOTING RIGHTS ACT

By Chandler Davidson

The Voting Rights Act of 1965, signed into law by President Lyndon Johnson within months of the beating and gassing of peaceful civil rights demonstrators in Selma, Alabama, is probably the most successful civil rights statute in American history. It represented the climax of the period described by the late historian C. Vann Woodward as “the Second Reconstruction.” Like the first Reconstruction following the Civil War, its primary purpose was to secure the citizenship rights of African Americans, including the most fundamental of these, the right to vote freely and have one’s vote fairly counted.

Parts of the 1965 statute were permanent and applied nationwide. They remain in effect today. Other parts, which have been renewed periodically since 1965, were temporary and will expire in August 2007 if not reauthorized by Congress.

The prognosis for renewal is good. The chairs of both the U.S. Senate and House judiciary committees have expressed their support, as has President Bush. Moreover, a House bill to renew the Act was introduced in early May, with bipartisan support voiced by

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NEW! Beginning on July 5th, David Bositis, election expert and senior research associate at the Joint Center, will post bi-weekly election updates on our website, www.jointcenter.org. These updates will provide up-to-date data and analysis on the November 2006 elections.

FROM THE PRESIDENT'S DESK

Summer is usually a slow period for public policy as individuals focus more on vacation and time with their families. Before long, however, the fall election season will be upon us. For African Americans, the important issues will no doubt be the ones that rank highest in all the Joint Center National Opinion Polls—education, jobs and the economy, criminal justice, and health care. These critical policy issues are priority areas in the Congressional Black Caucus' alternative budget for Fiscal Year 2007, summarized by Michael Wenger in this issue's Political Report. It is hard to find room in the federal budget for additional spending, but the CBC has identified ways to increase funding for education, community development, criminal justice programs, and support for military veterans without adding to the deficit.

No CBC alternative budget has yet been adopted by the Congress. However, the CBC budget's thoughtful analysis and emphasis on programs that invest in our communities has gained increasing support over the years. The issues identified as high priority could set a framework for elected officials and voters as they think about both the fall election campaign and the policy development that will follow. Several articles in this issue of *Focus* address these and related issues, such as Social Security, wealth building through business ownership, and the reduction of racial and ethnic health disparities.

Another issue that remains salient for voters and policymakers is the American military. Military service, once viewed within the African American community as a way for young men to gain skills and experience, has become less attractive in recent years. This creates new challenges for the U.S. military services as they try to recruit and promote a diverse workforce. For twenty years, the Joint Center has provided a place for Army officers to grapple with such issues. This past year, we have been fortunate to have with us an outstanding military fellow who devoted his study year to issues of diversity in the Army. In this issue of *Focus*, Lt. Colonel Anthony Reyes discusses ways in which the Army, commissioning sources, and the African American community can work to address underrepresentation of African Americans in the officer corps and senior ranks of the Army.

The renewal of the Voting Rights Act represents another current issue with important implications for African Americans and other communities of color. This issue's cover story, a sobering report by Chandler Davidson, who is a member of the National Commission on the Voting Rights Act, explains the debate surrounding non-permanent provisions of the Act that are critical to preventing voter discrimination.

On the international front, the inauguration of Ellen Johnson Sirleaf as President of Liberia provides a more hopeful story. Some of us at the Joint Center remember when she was a featured speaker at our "Dialogues on Democracy," which provided a forum for African political activists to inform audiences in Washington of the struggles that were taking place across the continent during the 1990s. Now, as the first woman president of an African country and the leader of a nationwide reconstruction effort, President Johnson Sirleaf serves as an inspiration, both to her people and to the world. In her article on the new Liberian leadership, Willene Johnson, a member of the United Nations Committee for Development Policy, describes the challenges that President Johnson Sirleaf faces and how she may work to overcome them.

All of these issues and more are important not just to African Americans, but to all Americans. They represent critical pillars supporting a society committed to equality and justice for all. Many of these issues are covered in public forums and roundtable discussions hosted by the Joint Center, both in Washington and in various communities around the country. As a new feature of *Focus*, we will be printing a calendar of upcoming events to help spread the word and encourage the participation of diverse communities. We hope that you will use this calendar and the events section of our website to identify opportunities to join us for informative presentations on policy issues of importance in the upcoming election and beyond.

MARGARET C. SIMMS
INTERIM PRESIDENT



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Q & A

THE ENGINE OF INNOVATION: INTELLECTUAL PROPERTY OF SMALL BUSINESSES

AN INTERVIEW WITH E. ANDRÉ CARTER

André Carter is the founder and president of IRIMI Inc., a strategic consulting firm that helps small companies leverage their intellectual assets, human capital, and organizational culture to implement strategic and business planning. In his recent book, *Little Blues*, he explains the importance of intellectual property to small businesses and describes how they can effectively protect it. He recently sat down with *Focus* to discuss the nature of IP protection and its significance for small companies, particularly minority-owned businesses.



Focus: To begin with, what is intellectual property and why is it so important to small businesses?

André Carter: Think of intellectual property as a kind of intangible asset. It is the work product that comes from your mind or the minds of the people who work with and for you in your business. Processes, reports, algorithms, software products, slogans, web addresses, the name over the door—any of those things can have value in the real world.

The basis of corporate value is intellectual property, the basis of acquisition is intellectual property, and the basis on which you are financed is intellectual property—especially if you are a small business. Small businesses are often cash-constrained, which means they do not have those tangible assets that large companies have—a lot of real estate, a fleet of trucks, etc. So, for a small business, it is really about intellectual property and the rights they control.

Focus: *Little Blues* focuses on how a small business can create an “IP culture.” What do small companies need to do in terms of IP protection?

André Carter: Everyone needs to recognize that the value of the business lies predominantly in intangible assets because it is in the way you do it—better, cheaper, faster—that differentiates you from your competitor and gives you the advantage. People and businesses who do not manage their intellectual property effectively have problems a) holding their markets, and b) getting financing to do

things to help them hold their market because, without a handle on their IP rights, their competitive advantage is out there for anyone to use—perhaps against them. What generally happens when small companies do capture their IP rights is that they adequately protect one piece of intellectual property, but they do not create a network of rights around that piece. They have to understand that, hey, that’s a great idea I just had and I need to capture it and all the “good ideas” I add to it over time. Small businesses should go to the government and apply for a trademark, a copyright, or a patent to protect their IP and they should put their agreements with employees, contractors, and partners in writing. By capturing the rights, they can also then share it proactively and with confidence. That is how they can realistically look to franchise or license it.

The other problem is that, when it comes down to it, small companies fundamentally do not believe in formally capturing the rights. Small Business Administration reports show that small businesses have more patents per employee and have patents that are more often cited by follow-on work. That is, more people build new things based upon patented work from small businesses. Eighty percent of acquisitions occur because larger companies are trying to get some piece of intellectual property. But, in spite of that fact, small companies tend to rely on trade secrets more than formal rights. The self-perception of small businesses is that intellectual property is a big company game. That is just not the case. When small companies actually play, they do well.

Another important piece of this is branding, which is as valid a piece of intellectual property as a patent. The Starbucks brand is a piece of IP. They have the blend they use in their coffee and follow-on products with their name on them. There is a whole experience that you know and understand. For small businesses that are not high tech—especially a lot of minority businesses—a good reputation associated with their name is very important. Best auto body shop in town. Best courier in town—“always on time.” That gets around and has value to the business. That is part of your intellectual property, so you want to have your own website and maybe a trademark to make sure that nobody else (a competitor) is using your name. A website address is a mundane example of a critical piece of IP for a small business.

Focus: *Minority populations are of particular interest to the Joint Center. Do minority-owned businesses face obstacles that are specific to them?*

André Carter: I think that intellectual property is more of a small-large issue with regard to capturing IP rights than it is a racial issue. You have to believe in the value of your ideas and then invest in spending the money to protect them, no

matter who you are. At the same time, I think there are historical underpinnings for why minority business owners do not do more to capture the rights to their ideas and other products of their minds and intellect. At the time of Eli Whitney's invention of the cotton gin, for example, slaves could not get intellectual property rights for anything they invented. If you look into the 1800s, there are stories of slave owners attempting to patent the inventions of their slaves. In the same way that it was illegal for certain minorities to learn how to read or to be taught to read, they could not protect their ideas and inventions. A historical absence of the ability to capture IP rights could influence habits today.

The other thing is that, because a minority business is more likely to be financially strapped due to the fact that it is small and minority owned, its money is going to go first to things like office space and employees. The things you cannot see are the things that are lost first—insurances and investment in capturing intellectual property rights.

But in terms of the ability to create intellectual property—I think that it is the most equal playing field in the world. Anybody can come up with a good idea. The important point is to understand that you need to capture that IP, that it is an investment and not a cost to capture it, and that you can create a currency for future transactions with other entities. That is the key for every small business.

Focus: Are there any trade-offs or instances in which IP protection can inhibit innovation or the expansion of a business?

André Carter: If someone were to create something and not share it or only use it for themselves, then it becomes stuck there with the inventor. But generally you use and patent something because you are going to do something to profit from it or license it to someone else.

It is not a zero-sum game. As a matter of fact, if you collect rights, you create more opportunity. Say I own a bagel shop. I can create rights for making some sort of dough with a great taste by patenting it and using it for bagels. But then a guy who makes pizzas says, I would love to use

that dough for pizza. I can get a license that says he can use the dough for pizza and I can still make my bagels. Now I make more money and he has a better business. So there is a multiplication factor because you have an effective way to share your IP.

Small Business Administration reports show that small businesses have more patents per employee and have patents that are more often cited by follow-on work.

Focus: What impact would establishment of an IP culture among small businesses have on their place within the marketplace?

André Carter: The real point for small businesses—and for minority businesses especially—is that this is the game. This is the nature of wealth creation. Establishing an IP culture is the only way that I feel they can play the game. Companies are getting invested in, they are getting bought, and they are building partnerships based on their intellectual property. If you do not have yours captured and then can talk about it effectively and understand where your fence, metaphorically, goes around your ideas, how can you play?

Focus: How is the legislative, judicial, and regulatory environment affecting the ability of small businesses to protect their IP? Can new policies be developed to support the efforts of small businesses to better protect their IP?

André Carter: There are a lot of reasons for small businesses—minority businesses included—to believe that they should protect their IP. From a judicial standpoint, there is an established precedent that if it is your idea, you should be compensated and no one should be able to use it no matter how big they are or how small you are. That is great for small companies. But it takes four years

to get a patent now. Small companies typically have an investor who has given them money to help execute something, and they cannot easily wait that long to get a patent. Trade secrets are simpler and faster up front so small businesses usually go that route, but they are expensive and burdensome to defend.

The patent system has to be tailored more to small businesses. The first thing to do is enable them to do as much as possible online. More examiners are also needed because, for a small company with more of its value tied up in its intellectual property, this approval process needs to happen more quickly. Small business is where a lot of the innovation is coming from, so let's make it so that they can actually benefit from it.

From a minority standpoint, the fact that the economic future is back to the strength of your ideas—well, everybody has a mind, so that can be a pretty flat playing field. If everybody is equally educated, that is, which probably is not the case today. But that makes an argument for why we need a better education system. On an international competitiveness level, we are now competing with Company B from another country. If you go to that country and they are educating every child to the full extent while we are only reaching 70 percent of our children, that is a problem. Eventually, we will not be as consistently innovative because we, as human capital, will not be as developed as we could be. That is why education and skills training is part of this whole new landscape of intellectual property.

Once you understand that small businesses, including minority- and women-owned businesses, represent the engine of innovation, then it starts to make sense to look at some ways to support them. Intellectual property is the future and everything you're discussing gets back to that. That's the new currency.

Focus: Thank you very much.

This is an edited transcript of an interview with E. André Carter, conducted by Susanna Dilliplane, editor of Focus, on March 27, 2006. Little Blues: How to Build a Culture of Intellectual Property Within a Small Technology Company is co-authored by E. André Carter and Raymond Millien. It was published in 2006 by Managing Intellectual Property.

LIBERIA: NEW LEADERSHIP FOR PEACE IN WEST AFRICA

By Willene A. Johnson

Colonized in the 1820s, Liberia—“land of the free”—inspired dreams of freedom for black settlers from the United States. With independence in 1847, Liberia became the first republic in Africa, and for decades struggled to maintain its independence from European colonial powers. Ironically, after considerable economic progress, Liberia was overwhelmed and nearly destroyed not by foreign powers, but by civil war and internal conflict. With the inauguration of Ellen Johnson Sirleaf, the first woman to be elected president of an African country, Liberia seeks to regain its role as a beacon of freedom. An expert in economic development and conflict resolution, President Johnson Sirleaf has taken on the task of motivating Liberians to reconcile their differences and rebuild their society and economy. The United States has emerged as a partner in this effort. It is worth exploring why this partnership and Johnson Sirleaf’s election are important—for Liberia and the United States, but also for Africa and the world.

Electing A Woman President

In November 2005, Ellen Johnson Sirleaf, a former finance minister, won the runoff election against George Weah, a football star and humanitarian. Who is the new President of Liberia and how has she managed to inspire such hope in her war-torn country?

President Johnson Sirleaf offered insights into her personal history in a recent speech before a joint session of the U.S. Congress. She spoke of her indigenous roots and the inspiration she drew from her village grandmothers, who were farmers and traders. She also referred to her education in missionary schools in Liberia and in colleges and universities in the United States—an education that culminated in a degree from the Kennedy School of Government at Harvard University. President Johnson Sirleaf described her political activism and

her imprisonment by the military regime, as well as her work at the World Bank and United Nations Development Program. She recounted these experiences to underscore that she draws strength from two different worlds: “the world of poor rural women with no respite from hardship and the world of accomplished Liberian professionals, for whom the United States is a second and beloved home.” With support from each of these worlds, the new president has set a clear agenda to meet the challenge of building a new, unified Liberia.

That agenda has been influenced by Johnson Sirleaf’s experience as a development economist and investment banker. But her work in organizations dedicated to governance lead her to give priority to a strategy that emphasizes the rule of law and the struggle against corruption. As a woman in a country where women and children were targets of terror, Johnson Sirleaf’s commitment to gender equity and to education and employment for Liberia’s youth will also be essential elements in the reconstruction.

The Seeds of Conflict

Liberia was nearly destroyed by conflict that began with a military coup in 1980 and continued with civil wars from 1989 to 2003. Violence erupted as a result of actions by agitators inside and outside of the country, but the seeds of conflict had been sown by inequities that trace back to the early years; Liberia, though a republic, was not truly a democracy. The country was founded by the American Colonization Society, an unusual mix of philanthropists and slaveholders who—motivated by somewhat contradictory lines of reasoning—arrived at the shared objective of moving free people of color out of the United States. With independence, the new country was led by the African American settlers, eventually called Americo-Liberians. Despite reforms implemented during the decades leading



President Ellen Johnson Sirleaf. Photo courtesy of Samuel Abu/Embassy of the Republic of Liberia.

up to the 1960s, the Americo-Liberian elite continued to dominate political and economic structures, while the indigenous, largely rural population remained poor. Corruption and mismanagement slowed economic development, exacerbated inequality, and undermined confidence in the government and its bureaucracy.

The 1980 military coup, led by Master Sergeant Samuel Doe, was the first in a series of violent events that would rend the social and economic fabric of Liberia. Other attempted coups and outright civil wars followed. Although driven by internal dynamics, the violence was at times encouraged by outsiders. Liberia became enmeshed in a web of intrigue that included neighboring countries. Violence spilled back and forth across the borders with Cote d’Ivoire, Guinea, and Sierra Leone, and a flood of refugees soon contributed to instability throughout West Africa. Charles Taylor emerged from this chaos—first as a rebel leader and eventually in 1997 as an elected president. But the election that brought him to power was conducted in an atmosphere of fear, and his mandate, poorly grounded, could not withstand accumulating unrest. Facing the threat of attack by rebels and mounting international pressure to resign, President Taylor left Liberia in August 2003 for exile in Nigeria.

Emerging from Conflict

In the two years that followed Taylor’s exile, Liberia worked to prepare for a transition to peace and democracy. Tragically, in a country of only three million people, almost one-quarter of a million died

as a result of the conflict. Most casualties were civilian and the brutality of the attacks by various militia groups forced a million Liberians to flee their homes and become displaced within Liberia or refugees in other countries.

The transition government aimed to secure peace, disarm the thousands of combatants from various groups, and allow Liberians to return safely to their homes. These efforts received strong support from African regional organizations and the international community. The Economic Community of West African States had played an active role in mediation and peacekeeping, but Liberia soon received support from the broader international community, which saw Liberia's transition to democracy as critical to the recovery of Sierra Leone and to sustained peace in West Africa. By the end of 2003, the United Nations had deployed a large force of peacekeepers to disarm the various militias and help rebuild security in Liberia. Demobilization continued until October 2004; by this time, nearly 100,000 former ex-combatants had been disarmed. Plans to repatriate hundreds of thousands of refugees unfolded and, soon after, an electoral reform bill paved the way for elections.

The Challenges Ahead

So with everything to be done, what must we do first? We must do everything we can to consolidate the peace that so much was paid to secure, and we must work to heal the wounds of war. We must create an emergency public works program to put the whole nation to work and give families an income through the rebuilding of critical infrastructure, strengthening security, and attracting investment.

— President Ellen Johnson Sirleaf before the U.S. Congress, March 2006.

The years of strife have taken a horrific toll on the country. Most of the infrastructure was destroyed and income declined by 90 percent during the years of turmoil (as measured by gross domestic product per capita, the decline was from almost \$1269 in 1980 to \$163 in 2005). At her inauguration, President Johnson Sirleaf promised political and economic renewal. She also pledged a



“We must do everything we can to consolidate the peace that so much was paid to secure, and we must work to heal the wounds of war.”

— *President Ellen Johnson Sirleaf*

commitment to “transparency, open government, and participatory democracy.” To put these concepts into action, the government released its *150 Day Action Plan*, focusing on security, economic revitalization, infrastructure, and governance. Although each area is given equal importance, economic pressures and political expectations are likely to push certain objectives to the top of the list. Living without a public power grid, the Liberian population clearly supports the commitment to restore electricity to Monrovia by Liberian Independence Day on July 26, 2006. Plans to revitalize agriculture by distributing seeds and tools and training ex-combatants provide a welcome promise of food and income security. Ever proud and independent, Liberians are also eager to see the government establish sound financial management practices, especially for the forestry and mining sectors, so that UN sanctions can be lifted and the government can mobilize domestic resources. In the meantime, however, the government will continue to turn to its international partners for support.

Why has the United States been willing to take the lead among these international partners? U.S. leadership has been encouraged in part by the historical links with Liberia and sustained pressure from the Congressional Black Caucus. But the extent of the commitment and the deployment of U.S. Marines offshore near Monrovia to assure stability during the departure of President Taylor reflect broader concerns. The bulk of the U.S. funds for Liberia have been devoted to security—\$520 million for funding of UN peacekeepers and \$60 million for security sector reform. The international community, and the United States in particular, views fragile states such as Liberia as a threat to human security, not only because of the risks to their own populations, but because such states are vulnerable to infiltration by groups that pose a wider risk to world security.

The development efforts in Liberia also are unfolding within the context of an enhanced international commitment to African development. Liberia, where the new government preaches sound governance, provides an opportunity to reward efforts to implement good policy. All of the official efforts, combined with the work of civil society and business interests, will need to be sustained if Liberia is to rebuild its economy. Rebuilding will need to include strengthening the justice system so that good governance and the rule of law are assured and the abuses that lead to conflict do not re-emerge. Around the time of his exile, President Taylor was charged with war crimes by the UN-backed Special Court for Sierra Leone. The serious charges were based on allegations that President Taylor played a major role in directing and financing the violent campaign of the Sierra Leone rebels. By requesting the extradition of President Taylor from Nigeria, President Johnson Sirleaf has made clear that the rule of law extends to all and that even former heads of state should not be allowed to act with impunity. This is just one example demonstrating why Liberians voted for her leadership. □

Willene A. Johnson (waj3@cornell.edu) is an adjunct professor at Cornell University. As a member of the United Nations Committee for Development Policy (CDP), she contributed to the 2005 CDP report “Development challenges in sub-Saharan Africa and post-conflict countries,” available at http://www.un.org/esa/policy/devplan/cdp_publications/2005cdpreport.pdf.

ECONOMIC REPORT

RISKS TO THE THREE-LEGGED STOOL OF RETIREMENT INCOME: PENSIONS, SAVINGS, AND SOCIAL SECURITY

By Wilhelmina A. Leigh

THIS IS THE FIRST IN A THREE-PART SERIES REPORTING ON THE JOINT CENTER'S NATIONAL OPINION POLL OF AFRICAN AMERICAN ADULTS ABOUT SOCIAL SECURITY AND WEALTH

In recent years, the legs have become wobbly on the “three-legged stool” used to characterize the major sources of retirement income. In particular, employer pensions have increasingly been converted into retirement plans that are less costly to employers and less generous or more costly (or both) to employees. In addition, some plans have been frozen and exclude new employees, while others have been discontinued. These changes have “shortened” what used to be the strongest leg of the three-legged stool and, as a result, have increased the reliance upon the other two legs.

Recent data suggest that private savings and investments, another leg of the stool, also will fall short of the levels necessary to sustain most workers during retirement. In 2005, the personal savings rate in the United States was negative. The personal savings rate is defined as the difference between after-tax personal income (disposable income) and personal consumption, expressed as a percentage of disposable income.

As the Baby Boom cohorts move into retirement, Social Security, the remaining leg of the retirement income stool, is at risk of being lopped off as well. The 2006 Board of Trustees Report, titled *Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds*, predicts that by 2017, the Social Security system will take in less in tax revenue than it will pay out in benefits. The report also predicts that by 2040, the system's reserves will be depleted.

Despite the condition of the three-legged stool, Americans have a rosy and somewhat uninformed view of their likely financial status during retirement. For example, the Retirement Confidence Survey, released in April 2006 by the Employee Benefit Research Institute, found that although

only two of every five working couples (40 percent) are covered by pension plans, three of every five couples (61 percent) expect to get income from such plans in retirement.

To assess the knowledge, understanding, and expectations of African Americans about Social Security and related retirement and wealth issues, the Joint Center developed a questionnaire to survey 850 African American adults 18 years and older. Conducted by Research America between October 28 and November 18, 2005, this telephone survey found that African American adults have not fully incorporated private savings and investments into their retirement planning.

Social Security

African American adults have a good basic understanding of the types of benefits available from the Social Security system and the way its programs operate and are funded. Majorities know that Social Security provides retirement benefits (64 percent), benefits to families of workers who die (69 percent), and benefits to workers who become disabled (81 percent). Interestingly, African American adults are more likely to be aware of Social Security disability benefits than of retirement benefits. This greater awareness may reflect firsthand knowledge—i.e., knowing someone who gets disability benefits—since African Americans are more likely to get disability benefits (28.4 percent of all African American Social Security beneficiaries) than other racial/ethnic groups (e.g., 14.0 percent of all white Social Security beneficiaries).

In addition, large majorities of African American adults know that Social Security benefits are paid for by taxes levied on both workers and employers (85 percent) and that the taxes paid by today's workers are mainly used to pay for benefits going to today's retirees (75 percent). Virtually all

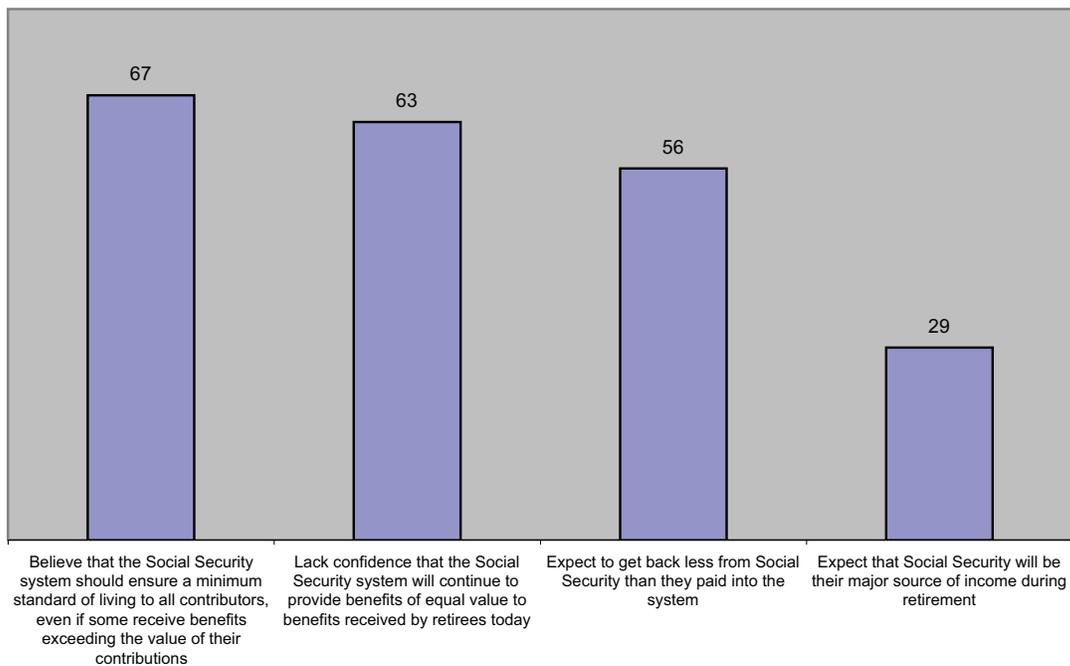
respondents (91 percent) know that the amount of retirement benefits received depends both on earnings covered and Social Security taxes paid.

Despite their general knowledge about the Social Security system, many African American adults do not know important program details. For example, three of every five survey respondents (61 percent) know that you can get benefits if you retire early, but only two of every five (39 percent) know that the early retirement age is 62 years. Similarly, although nearly three-fourths of the sample (73 percent) knows that the youngest age at which one is able to retire with full benefits is expected to rise in the future, only a third (32 percent) of respondents know that 65 years is the earliest age at which one can retire with *full* benefits. In addition, sizable proportions of the sample mistakenly believe that some of the taxes paid into the Social Security system are used to pay for the Supplemental Security Income (SSI) program (60 percent), for the Medicare program (51 percent), and for the Medicaid program (38 percent).

African American adults know that the Social Security system is a critical source of income for seniors. Large majorities know that Social Security benefits are the largest single source of income for most elderly Americans (78 percent of the sample) and that Social Security plays a major role in keeping senior citizens out of poverty (60 percent of the sample). Further, African American adults value the safety net provided by Social Security retirement benefits, despite their doubts that the system will provide them with enough money to live on during retirement. Most (67 percent) believe that Social Security should ensure a minimum standard of living to all contributors, even if some receive benefits exceeding the value of their contributions. Nearly six of every ten respondents (56 percent), however,

Expectations of the Social Security System, African American Adults, 2005

Percent



Source: Joint Center for Political and Economic Studies, National Opinion Poll of African American Adults About Social Security and Wealth, 2005.

expect to get back less from Social Security than they paid into it, and less than a third of respondents (29 percent) expect Social Security to be their major source of retirement income.

Other Forms of Retirement Savings

The Joint Center survey suggests that private savings and investments are not likely to fully support African Americans during retirement. When asked to describe their retirement savings situation, nearly two of every five respondents (38 percent) choose the reply: "I want to save every month, but don't seem to have enough money to do it." Consistent with this claim, only half of African American adults (51 percent) report having money in savings accounts, certificates of deposit, or money market funds. Two-thirds (67 percent) do not own stocks or mutual fund shares, and nearly three-fourths (73 percent) do not have money invested in an IRA (Individual Retirement Account) or Keogh plan. (IRA and Keogh plans are tax-favored retirement plans available to any individual and to self-employed individuals, respectively.)

Employer retirement plans also are not likely to meet the needs of African Americans during retirement. Slightly more than half (54 percent) of African American adults surveyed indicate that their employers have a retirement plan other than Social Security, such as a 401(k) or 403(b) plan. Although 83 percent of African Americans whose employers offer a non-Social Security retirement plan participate in these plans, taken together these findings indicate that less than half (45 percent) of the survey sample participates in non-Social Security employer-sponsored retirement plans.

Conclusion

African American adults have a good basic understanding of how the Social Security system works and have realistic expectations about the extent to which the system may be able to satisfy their retirement income needs. They have been unable, however, to amass the private savings and investments necessary to compensate for the likely shortening of the other two legs (Social Security benefits and employer pensions) of the retirement income stool. Thus, African Americans mirror the dominant trend of limited private

wealth accumulation in the U.S., which will challenge us as a nation when the Baby Boomers begin to retire. □

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The Office of Research on Women's Health at the National Institutes of Health, U.S. Department of Health and Human Services, has recently published the *Women of Color Health Data Book: Adolescents to Seniors*, 3rd Edition, prepared by Joint Center researchers Wilhelmina A. Leigh and Danielle Huff, as part of the Joint Center Health Policy Institute research agenda. For more information, go to <http://orwh.od.nih.gov/pubs/WomenofColor2006.pdf>.

POLITICAL REPORT

CBC OFFERS ALTERNATIVE BUDGET

by Michael R. Wenger

The Congressional Black Caucus (CBC), currently chaired by U.S. Representative Mel Watt (D-NC), recently stepped into the debate over federal budget priorities by issuing its own set of spending proposals. Guided by the theme of “Investing in Our Future While Returning to Fiscal Discipline,” the CBC alternative budget targets a number of areas for increased spending, the cost of which would be offset by spending cuts in other areas. The CBC proposal incorporates a requirement that all tax cuts, new entitlement programs, or expansions of existing entitlement programs be budget-neutral—i.e., offset by new taxes or cuts in existing entitlement programs. According to the CBC’s calculations, its budget proposal will save \$10.5 billion more than the Republican budget in interest on the national debt over the next five years and will balance the budget by FY 2011, while the GOP budget projects a deficit of \$163 billion in FY 2011.

Proposals to Generate Savings

Using the budget proposal of House Appropriations Committee Chairman Jerry Lewis as its base, the CBC proposes to re-allocate \$57.7 billion in non-defense spending. \$24.5 billion would come from rescinding the tax cuts enacted in 2001 and 2003 for individuals whose adjusted gross income is in excess of \$200,000 per year.

By eliminating corporate incentives for off-shoring jobs, the CBC proposes to save another \$10 billion in FY 2007. According to the CBC, the tax code has a number of preferences that directly or indirectly induce American businesses to relocate operations and jobs overseas.

Closing corporate tax loopholes, abusive shelters, and methods of tax avoidance—including provisions that the CBC says have been interpreted by the IRS, accountants, and tax practitioners to permit tax avoidance schemes—would save another \$2 billion in FY 2007. Various other provisions that close tax loopholes primarily affecting wealthy individuals and large oil companies would, according to the CBC, save another \$21.2 billion, bringing the total savings for FY

2007 to \$57.7 billion. By FY 2011, the annual savings that these changes would bring would grow to \$63.4 billion. The total savings over the five-year period would amount to nearly \$300 billion.

Programs Targeted for Increased Funding

More than half of the savings in FY 2007—over \$32 billion—would go to education. Among the key items proposed by the CBC are \$15.41 billion to fully fund No Child Left Behind. Included in the full funding proposal are additional funds for Safe and Drug Free Schools, 21st Century Learning Centers, Teacher Quality Programs, Education Technology, English Language Acquisition, and Migrant Education.

Under the CBC proposal, funding for the Individuals with Disabilities Education Act would go up by \$3.3 billion, school construction would receive an extra \$2.5 billion, Head Start would receive \$2.2 billion in new funds, and over \$1.5 billion more would go toward financial aid for higher education, including more than \$500 million for Historically Black Colleges and Universities (HBCUs) and Hispanic Serving Institutions. An additional \$2 billion would be allocated for rebuilding and restoring public schools and colleges in the areas damaged by Hurricane Katrina.

Investments in health under the CBC plan would claim the second-largest share of the savings—more than \$6 billion. This includes \$1 billion to re-authorize and fully fund the Ryan White CARE Act, which focuses on preventing HIV/AIDS and caring for its victims, and \$700 million for Medicare. More than \$350 million in Medicaid cuts would be restored, Community Services Block Grants would receive an extra \$630 million, Social Services Block Grants would get \$500 million more, and programs focused on improving minority health outcomes and eliminating health disparities would gain over \$300 million. Greater resources would be provided for programs that prevent violence against women, provide children with a “Healthy Start,” support rural health

activities, and assist with family planning activities. An additional \$1 billion would be provided to rebuild the health infrastructure in the Gulf Coast region.

For the \$3.1 billion in additional funds allocated for the administration of justice, priorities would include preventing juvenile crime and violence against women, assisting with prisoner re-entry and drug elimination programs, staffing of the Civil Rights Division of the Justice Department, and strengthening public safety and community policing programs. These increases would facilitate a greater focus on prevention and rehabilitation and an end to racial and ethnic profiling.

Spending for agriculture would grow by \$2.6 billion, including additional funds for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), HBCUs, the Department of Agriculture’s Office of Civil Rights, and other agriculture programs that affect minorities and socially disadvantaged farmers. Other non-defense items in the CBC budget include increased funding for the Section 8 Housing Program, the Low-Income Home Energy Assistance Program (LIHEAP), Child Nutrition Programs, and housing programs for the elderly and the disabled.

On the international affairs front, an additional \$2.3 billion would go toward foreign aid to Africa and the Western Hemisphere and toward global issues such as child survival and health, the AIDS initiative, development assistance, and family planning programs.

For defense, the CBC budget would reduce funding for Ballistic Missile Defense in FY 2007 by \$9.4 billion and reallocate the entire amount to provide additional support for the troops in Iraq (e.g., protective gear) and other defense items necessary to maintain our military strength and meet our homeland security needs (e.g., port and rail security, federal air marshals, and local law enforcement and first responders) and to strengthen veterans’ programs and benefits (e.g., health care and long-term care initiatives). □

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HEALTH REPORT

TRANS FATS ARE GREASY

by Gail C. Christopher

In July 2003, U.S. Health and Human Services Secretary Tommy G. Thompson announced that food labels would be required to list the amount of unhealthy trans fatty acids, or trans fats, on products. This requirement ensures that consumers have the information they need when purchasing foods. Now, almost three years after Secretary Thompson's announcement, food labels reflect the new requirement—"trans fat" is listed directly under the line for saturated fat.

This new information marks the first such label change since the Nutrition Facts panel was introduced on food labels in 1993. The Food and Drug Administration (FDA) estimates that this change in regulations will save between \$900 million and \$1.8 billion each year in medical costs, lost productivity, and pain and suffering.

The question for African American consumers is: Will our communities realize these projected savings? Will listing the amount of trans fat on food labels lead to a decrease in the consumption of this killer fat within minority communities?

Scientists now agree that consuming trans fat, saturated fat, and dietary cholesterol increases risk of coronary heart disease, the leading cause of death today in America. Data show that African Americans have the highest overall mortality rate from heart disease of any ethnic group in the United States, especially in the younger age cohorts. According to the U.S. Office of Minority Health, African Americans are 29 percent more likely to die from heart disease than non-Hispanic whites.

Trans fat occurs when food manufacturers use a process called hydrogenation (hydrogen is added to vegetable oil to turn a soft fat into a more solid fat). Many processed foods, such as shortening, some margarines, snack foods, baked food, fried foods, salad dressings,

candies, cookies, crackers, and other snacks, contain trans fat. It is now proven that trans fats increase the level of bad cholesterol (low density lipoprotein, or LDL). This is the type of cholesterol that causes atherosclerosis (hardening of the arteries) and heart disease. At the same time, trans fats decrease the level of good cholesterol (high density lipoprotein, or HDL). Adequate levels of HDL help to remove excess LDL from the bloodstream.

The new requirement—that food manufacturers must notify consumers about the amount of trans fats in foods—is long overdue. It is an important health policy development that can lead to significant progress in reducing racial and ethnic health disparities.

Trans fats also increase levels of C-reactive protein in the body, which causes inflammation of blood vessels and an increased risk for heart disease.

Approximately 25 percent of African American adults have high-risk lipid profiles. HDL levels are higher among African Americans, particularly African American men, than among their white counterparts. Between the ages of 45 and 64, African American males have a 70 percent higher risk for heart failure than Caucasian males. African American females between the ages of 45 and 54 have a 50 percent greater risk to develop heart failure than Caucasian females.

This dramatic difference in health status and health outcomes can be attributed to a variety of factors, including lack of access to healthier, low-fat food. Low-

income minority communities have more fast food restaurants and convenience stores than do more affluent communities (see the Health Report in the May/June 2005 issue of *Focus*). As a result, members of these communities have more "opportunities" to purchase prepared or processed foods that are higher in trans fat content and fewer opportunities to purchase fresh fruits and vegetables.

The new requirement—that food manufacturers must notify consumers about the amount of trans fats in foods—is long overdue. It is an important health policy development that can lead to significant progress in reducing racial and ethnic health disparities. It will only have an impact, however, if individuals begin to read labels and make more healthy selections. Consumers should look for the words "partially hydrogenated vegetable shortening," "partially hydrogenated vegetable oil," shortening, or margarine near the top of the ingredient list on a product. If these substances are near the top of the ingredient list, then the product contains a significant amount of trans fats. Deep fried foods, snack foods (e.g. potato and tortilla chips), crackers, and commercial baked goods usually deliver an unhealthy serving of trans fats. Hard margarines should also be avoided.

But this level of increased personal responsibility, in turn, requires improved availability of healthy choices within low-income communities, decreased availability of unhealthy foods, and health education campaigns. For example, an aggressive health education campaign is needed to raise awareness, especially among the most vulnerable consumers—i.e., those who experience greater risk for heart disease and other chronic illnesses.

The requirement that food labels list trans fats is one small step toward improving health and well-being across all communities. Much more is needed, however, to reach the goal of enabling healthier living and eliminating racial and ethnic health disparities. □

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ADDRESSING THE CHALLENGE OF BLACK OFFICER UNDERREPRESENTATION IN THE SENIOR RANKS OF THE U.S. ARMY

by Lt. Colonel Anthony D. Reyes

“The U.S. Army is extremely diverse and draws its strength from the contributions of that ethnic and cultural diversity,” observed retired General Eric K. Shinseki, Chief of Staff of the Army from 2001-2003, in internal correspondence regarding representative leadership across the force on April 30, 2003. Despite the strength derived from such diversity, however, the Army continues to exhibit disproportionately low numbers of black officers in its senior ranks. According to the General Officer Management Office (GOMO), out of 318 generals in the Army today, only 26 (eight percent) are black. In addition, the number of black officers recruited into the U.S. Army through the Reserve Officer Training Corps (ROTC), the Army’s largest commissioning source, has fallen for both sexes. However, black males remain underrepresented with respect to the male officer population, while black females are substantially overrepresented with respect to the female officer population. For the purpose of this article, I focus on the specific problem of the decreasing pool of black males recruited by the ROTC and their underrepresentation in the senior ranks of the Army. First, current recruitment and commissioning efforts are examined. Potential strategies are then identified for enhancing these efforts in order to increase the number of black officers commissioned and subsequently advanced to the top ranks of the Army.

Building the Bench

If we are to increase the number of black officers at the senior level, we must increase numbers at the cadet and junior officer level—i.e., build the bench. Building the bench means ensuring that the black officer population is large enough to be representative. According to the U.S. Army Demographics office, that would be equivalent to at least 22 percent (the percentage of blacks in the U.S. Army). In the near term, however, a more realistic goal

would be 12.3 percent (the percentage of blacks in the U.S. population). Building the bench also requires that that same representative population is of a high enough quality to achieve field grade (major through colonel) and general officer rank.

After ensuring both quantity and quality, the next step in building the bench is to increase the desire among more black cadets to serve in one of the combat arms branches as opposed to combat support or combat service support. The majority of our general officers today are products of one of the combat arms branches. GOMO reports the background experience of these general officers breaks down as follows: 59 percent are from combat arms branches, 13 percent are from combat support, and 12 percent are from combat service support. The remaining 16 percent are split among the Special branches (three percent), the Army Medical Department (four percent), Acquisition (six percent), and Reserve Components serving on active duty (three percent).

Yet, as depicted in Table 1, black officers are clearly underrepresented in the combat arms across the ranks, which has a direct bearing on the numbers of blacks at the senior officer/general officer level. There may be many reasons for the underrepresentation of blacks in the combat arms, but one that has been repeated often over the years is that the

combat arms branches are a “hard sell” to black cadets. I found this to be true in my personal experience as a cadet from 1980-1984, and it still holds true today in many locations, according to the professors of military science whom I interviewed at various institutions. Many blacks believe that service in one of the combat arms branches makes an officer less marketable in the civilian sector after separation or retirement.

The Role of the ROTC

ROTC programs are crucial to the Army’s efforts to build the bench in terms of achieving both quantity and quality of black officers. The ROTC has an elaborate recruitment system that is designed to leave no stone unturned. For example, major initiatives are underway at one Historically Black College or University (HBCU) to achieve the following goals: 1) educate the communities about the military profession; 2) change the mindset of parents, guidance counselors, civic leaders, and other sources of influence on students about the opportunities and benefits of a career in the U.S. Army; 3) conduct mentorship, partnership, and outreach programs with local community organizations and leaders; and 4) perform many community-based exercises (CBXs) to win back the hearts and minds of major influencers (e.g., parents, guidance counselors, etc). ROTC

Table 1: Combat Arms Officers by Race, January 2006.

Rank	White non-Hispanic		Black non-Hispanic	
	Number	Percent	Number	Percent
Lieutenant Colonel	1896	86	178	8
Major	2818	82	268	7
Captain	6150	80	619	8
Lieutenant	5119	78	512	7

Source: U.S. Army Human Resources Command.

programs also have extensive advertising and informational operations targeting students and those who influence students' decisions.

The ROTC also makes a strong effort to encourage cadets to select combat arms branches. While I was attending Hampton University between 1980 and 1984, ROTC instructors used every tool at their disposal to help cadets visualize the combat arms as the center of gravity for the U.S. Army and pushed students to select one of the combat arms branches. Similar efforts are made today, as students are directed to select a combat arms branch as one of their three choices on the branch request. Indeed, ROTC programs today place an even stronger emphasis on serving in the combat arms, as recruiting efforts have evolved over time.

While ROTC programs across the nation's colleges and universities all employ rigorous recruitment strategies, HBCUs are at the forefront of attracting quality black officers for the U.S. Army, including many of those who achieve the rank of general officer. Out of the current 26 black generals, 11 attended an HBCU, while seven attended ROTC at non-HBCU schools, six attended the United States Military Academy (USMA), and two attended Officer Candidate School (OCS).

Despite their past record, however, black cadet numbers have sharply decreased over the past twenty years even at some prominent HBCUs. In 1985, South Carolina State University, an HBCU known for its ability to commission large numbers of outstanding black officers, commissioned 72 cadets. Their projection for 2006 is a mere six cadets. Since Congress has restricted service in the combat arms to men, HBCUs face a special challenge in recruiting black cadets into the combat arms (the most prevalent path to the senior ranks), as women now represent a majority of the student population in many of these schools. As of now, it appears that, while HBCU ROTC programs are skilled at producing high-quality black officers, their recruitment yield (and that of ROTC programs at non-HBCUs) is insufficient to address the quantity component of building the bench.

Engaging the Community

Why is the number of black officers recruited and commissioned insufficient? One problem that needs to be addressed is the lack of combat arms officers in the ROTC classrooms. An ROTC instructor with experience outside of one of the combat arms branches may find it difficult to convince a cadet that he should choose a combat arms branch. According to one professor of military science, low recruitment numbers are also partly the result of signals coming from black communities regarding the war in Iraq. On more than a few occasions, for example, cadets ready to join the program would receive a call from a concerned parent and decide to withdraw at the eleventh hour. As noted earlier, low numbers in the black officer corps, especially in the combat arms branches, may exist for other reasons as well, including the perceived lack of marketability in the civilian sector. (This belief may be unfounded, as employers are often attracted to officers with prior military experience more for their leadership skills and work ethic than for their affiliation with a specific branch of the military.)

To address these issues, attention must be paid to influences at the community level. For example, family members, religious leaders, and local politicians can all play an influential role in supporting recruitment efforts; yet, the Army must take the first step and reach out to them. Our ROTC units are doing an outstanding job, but they cannot do it alone. We as an Army must return to our communities and take the lead in teaching and reinforcing the historical contributions of blacks in the military. We do an admirable job during Black History Month, but current circumstances call for an ongoing process of raising awareness.

At the same time, we as an institution must ensure that the careers of black officers are as rewarding and upwardly mobile as the careers offered by our competitors in the civilian sector. Black officers must be represented across all ranks of the Army in numbers large enough

for them to serve as role models. Young lieutenants and captains just beginning their careers need to be able to see opportunities in the U.S. Army to advance to the higher ranks and to gain valuable experience.

What Has History Taught Us?

From the 54th Massachusetts Infantry in the American Civil War to the 369th Infantry in World War I, to the 761st Tank Battalion in World War II, to the many combatant commanders who fought so bravely during the Korean and Vietnam wars, the sacrifices of black soldiers are going unnoticed by the generation that is beginning college today. We can no more afford to overlook this generation than we can those that preceded it and those that will follow. Therein lies the importance of building the bench now.

It took over 80 years (from 1860 to 1944) for blacks to prove that they were worthy of representing their country in combat. We need to take a hard look at the direction in which we are heading and the possible changes required to regain momentum in our communities if we are to increase black officer representation at the senior ranks. We must gain the support of communities by staying engaged with them and reinforcing their understanding of the Army's history and its current ongoing programs. Only then will we be able to begin to build the bench that is so crucial to increasing black representation at the highest ranks of the Army. We may stand as a country divided on the current war in Iraq, but this division should not negatively affect what it means to serve one's country and to add to the long lineage of blacks who made it possible for so many to wear the uniform today. □

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members of both the House and Senate. The precise nature of the Act if it is renewed, however, remains unclear. And when the new version is challenged in the courts, as is likely if passed, the Supreme Court may declare the renewed portions unconstitutional for reasons discussed below.

Preventing Voter Discrimination

Central to both the post-Civil War Reconstruction and the “Second Reconstruction” was the Fifteenth Amendment, which states, simply:

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

Ratified in 1870, the amendment’s basic principle quickly came under attack by whites. By the beginning of the twentieth century, after a brief period in which black males were able not only to vote but also to elect fellow blacks to office in significant numbers, the franchise was taken from them throughout the South and in many northern venues as well. Ninety-five years after the ratification of the Fifteenth Amendment, Congress and President Johnson fashioned a law that was intended, at long last, to enforce it.

The Voting Rights Act has served to combat two forms of voter discrimination that African Americans in particular, as well as other racial and ethnic minorities, have encountered since the end of Reconstruction: *disfranchisement* and *vote dilution*. Disfranchisement until 1965 resulted largely from the poll tax and state-imposed “tests and devices” such as

literacy tests—the latter often administered unfairly by whites. These measures severely restricted black voter registration. Consequently, black voter turnout in the South was significantly lower in comparison with the rest of the nation, where black and white turnout rates were similar. Today, black turnout rates in the South are similar to those of whites, thanks to the aggressive enforcement of the Act’s provisions.

The precise nature of the Act if it is renewed, however, remains unclear. And when the new version is challenged in the courts, as is likely if passed, the Supreme Court may declare the renewed portions unconstitutional.

Vote dilution, however, can occur even when a minority group is fully able to vote and have its votes fairly counted. The effectiveness of vote dilution depends on racially polarized voting—for example, a situation in which blacks or Latinos vote overwhelmingly for their preferred candidates and non-Hispanic whites vote as a bloc for a different set. If whites are in the majority, they can prevent minority voters from electing their preferred candidates when certain arrangements or practices are employed (e.g., at-large elections or racial gerrymandering).

An important measure of the Act’s success in preventing both disfranchisement and vote dilution is the increase in the number of black elected officials (BEOs). The Joint Center has tracked the data since 1970, when there were only 1,469 BEOs nationwide. By 2000, there were 9,040. Without the Act’s protection, many of the current BEOs would not have been able to gain office in the venues

in which they reside, where racially polarized voting is still a fact of life. The Act has required the creation of numerous districts containing enough black voters to enable them to elect their candidates of choice. Indeed, the majority of both black and Latino U.S. Representatives and state legislators in 2000 were elected from districts in which non-Hispanic whites composed a minority of the voting-age population.

Key Provisions of the VRA

The basic permanent feature of the Act is Section 2, which applies nationwide and prohibits any voting qualification or practice that results in denial or abridgment of voting rights on the basis of a citizen’s race, color, or membership in one of four language-minority groups.

Section 5, an important temporary provision, requires states and subdivisions covered according to a formula (“trigger”) in Section 4 to submit all proposed electoral changes for “preclearance” either to the Attorney General or the U.S. District Court for the District of Columbia. Proposals that must be precleared range from a change in polling place location to statewide congressional redistricting plans. The purpose of Section 5 is to ensure that the proposed change “does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color.” If the preclearance process reveals a discriminatory purpose or effect, the federal government states an “objection” prohibiting the change. Section 5-covered jurisdictions include eight entire states, most in the Deep South. Eight others are partially covered. Another related temporary provision enables the Attorney General to send federal observers to certain jurisdictions on Election Day when racial voter discrimination appears likely.

Other temporary provisions concern citizens who are not proficient in English. In 1975, Congress concluded that

“through the use of various practices and procedures, citizens of language minorities have been effectively excluded from participation in the election process.” The groups are “persons who are American Indian, Asian American, Alaska Natives, or of Spanish heritage.” Under different coverage formulas, Section 4(f)⁴ and Section 203 enable citizens in these groups who are not English-proficient to receive help in a wide range of election-related activities so that they can register and vote without hindrance.

Research by the National Commission on the Voting Rights Act, a panel of citizens formed by the nonprofit organization Lawyers’ Committee for Civil Rights Under Law, focused on the extent to which these temporary provisions were employed by the government to combat racial or language discrimination since 1982, the last time that Congress renewed all of the temporary features. Among the Commission’s findings are the following:

- *The Justice Department sent 626 letters objecting to one or more proposed discriminatory election changes in Section 5 jurisdictions, preventing over 1,100 changes. There would have been even more objections if some jurisdictions—after receiving queries from the Department regarding proposed changes—had not decided to withdraw them from consideration.*
- *The Justice Department sent several thousand federal observers in 622 separate Election Day coverages when it had reason to expect racial discrimination. These observers, who were able to enter polling places and to observe votes being counted, reported instances of discrimination. In fact, their presence probably discouraged even greater discrimination. In Mississippi alone, there were 250 coverages since 1982 where more than 3,000 observers were dispatched to election sites. Significantly, Louisiana, Mississippi, Alabama, Georgia, and South Carolina—five of the six states originally covered by Section 5—accounted for almost two-thirds (66 percent) of all 622 coverages since 1982.*

In addition to examining the effect of temporary provisions, the Commission tried to ascertain how many Section 2 lawsuits were filed in the post-1982 period that were resolved favorably for minority plaintiffs. Each successful lawsuit would indicate one or more instances of electoral discrimination. Constraints on time and resources precluded a tally of the number of successful cases in the nation as a whole (Section 2 applies nationwide), but the Commission found, at a minimum, that minority plaintiffs in nine southern states filed 653 successful Section 2 suits. Seven of these nine states are covered entirely by Section 5.

Renewing the VRA’s Temporary Provisions

In summary, the Commission’s research, as well as that reported in other recent studies, point to a continuation of the racially inspired vote discrimination prohibited by the Act. There has been a sharp decline since the mid-1990s in one measure of voter discrimination in particular: Section 5 objections by the Justice Department. The probable reasons for this decline are complex, however.

For example, a narrowly decided 2000 Supreme Court decision emanating from Bossier Parish, Louisiana, drastically narrowed the ability of the Justice Department to object to intentionally discriminatory voting changes. Further, political appointees in the Justice Department have allegedly overruled career attorneys for partisan reasons. In addition, most covered jurisdictions have become used to the preclearance process and see an advantage in gaining preclearance quickly and cheaply. Whether they would continue to make non-discriminatory electoral changes if Section 5 were abolished is unknown. The civil rights community believes that aggressive federal protection against racial vote discrimination is still needed and that the strongest permanent protective weapon—Section 2, which puts the burden on those who believe they are discriminated against to file suit and to pay the costs if they lose—is not

sufficient for this purpose. Hence the demand for renewing temporary provision Section 5, which puts the burden on the covered jurisdictions.

The bill introduced in the House in May would extend most of the temporary provisions for another quarter of a century, including Section 5 and Section 203. The trigger formula for Section 5 coverage, last changed in 1975, would remain the same. Moreover, the bill would revise two recent Supreme Court decisions, including the above-mentioned Bossier Parish case, that significantly changed the impact of Section 5.

Some critics of the bill reject it in its entirety, saying that the permanent features, especially Section 2, are now sufficient to protect racial minorities against voter discrimination. Other critics believe that the temporary provisions should be retained a while longer but criticize various aspects of the current bill. For example, some argue that a 25-year renewal is too long and that Congress should have a chance much sooner to see whether the Act is still needed. Others argue that failure to develop a more up-to-date coverage trigger for Section 5 invites the Supreme Court to declare the section unconstitutional, based on the argument that the trigger does not ensure that Section 5 focuses precisely on jurisdictions where federal oversight of elections is currently a proven need.

In summary, if Congress sends a bill renewing the Act to the president, it is not clear as of this writing what it will contain. It is entirely possible, moreover, that once it is signed, the statute will be challenged in the courts. If so, the Supreme Court will have the task of deciding whether it passes constitutional muster. □

Chandler Davidson is Tsanoff Professor of Public Affairs Emeritus at Rice University. As a member of the National Commission on the Voting Rights Act, he was the primary author of the Commission’s report, Protecting Minority Voters: The Voting Rights Act at Work, 1982-2005, available at <http://www.votingrightsact.org>.

LEADERS CALL FOR NEW ALLIANCES IN DISASTER PLANNING

SPEAKERS AT JOINT CENTER “NEVER AGAIN” FORUM IDENTIFY STRATEGIES FOR INCLUSIVE EMERGENCY PLANNING

By Michael R. Wenger

Recalling the days of the civil rights movement, speakers at the National “Never Again” Forum on Capitol Hill on April 11, 2006, urged forum participants to build new alliances and raise the “noise level” in an effort to ensure that the suffering and devastation in the wake of Hurricanes Katrina and Rita are never repeated. The purpose of the forum, convened by the Joint Center in cooperation with the National Policy Alliance (NPA), was to explore strategies for emergency planning that will make certain that the needs of all citizens, regardless of class or skin color, are addressed in future disasters. It was the first in a series of forums on inclusive disaster planning that will yield recommendations for public policy changes.

“In order for these horrors to never again be repeated,” declared Johnny Ford, co-chair of NPA and Mayor of Tuskegee, AL, “we must once again come together as we did 40 years ago.” Webster Guillory, president of the National Organization of Black County Officials and tax assessor for Orange County, CA, raised the critical question, “Where is the noise level?” He expressed the view that a strong organizing voice is needed if we are to avoid making “public policy in desperation.”

The forum was attended by a standing room-only crowd of about 70 people, composed largely of advocates for change in emergency planning. In his keynote address, *Washington Post* columnist Eugene Robinson told the audience that “we knew in advance what would happen, but officials at every level chose to do nothing about it.”

Other speakers spoke to the question of how future disasters can be handled more effectively. SHERECE WEST, director of the Louisiana Disaster Recovery Foundation, praised the generosity of the public since the disaster, but asserted that much of the tragedy could have been avoided had there been advance planning with the involvement of the community, clear lines

of authority, and better knowledge among authorities of the rules and regulations and how to adapt them to such emergencies. Roz Lasker of The New York Academy of Medicine described her organization’s “redefining readiness” efforts, which involve the development of a process to produce inclusive emergency planning. The four communities participating as local demonstration sites—including Savannah, GA, and Chicago, IL—are racially diverse and encompass both urban and rural populations. Dr. Lasker described the local demonstration sites in an article appearing in the March/April 2006 issue of *Focus* magazine.

In the concluding discussion, Reilly Morse of the Mississippi Center for Justice once again urged the forum participants to build new alliances. “We need people who work on social justice issues across the board to come together if we are to effectively plan for future disasters,” he said. Other speakers included Jim Carr, senior vice president of the Fannie Mae Foundation; Felicia Moore, city council member from Atlanta, GA, and president of the National Black Caucus of Local Elected Officials; Joe Fuller, president of the National Association of Black County Officials and a police juror in Rapides Parish, LA; and George Smith, supervisor in Hinds County, MS.

Dr. Gail Christopher, vice president for health, women and families at the Joint Center, closed the forum by emphasizing that “we need a change of heart in the country.” She also described a series of regional forums on inclusive disaster planning that the Joint Center Health Policy Institute, which she directs, is planning to hold around the country, including one in the Gulf Coast region. These forums are supported by a grant from the California Endowment.

Dr. Margaret Simms, vice president for governance and economic analysis at the Joint Center, served as moderator of the panel discussion. Dr. Simms has since



Johnny Ford, co-chair of NPA and Mayor of Tuskegee, AL, at the “Never Again” Forum.

been appointed as the Joint Center’s interim president and chief executive officer. “Through our discussions, we were able to help policymakers and other community leaders understand that effective emergency planning requires inclusiveness and the cultivation of alliances,” she said after the forum. “The demonstration projects described by Dr. Lasker and the regional forums planned by Dr. Christopher are important steps in developing new public policies for emergency planning and creating opportunities for policymakers and the public to weigh in with their ideas.”

The AT&T Foundation and other donors provided support for the National “Never Again” Forum. The National Policy Alliance is composed of organizations representing black public officials at every level of government. Its purpose is to strengthen the voice of the African American community and raise public awareness regarding issues of concern to the entire nation and to the global community. The Joint Center serves as convener of the Alliance. □

Michael R. Wenger (mwenger@jointcenter.org) is acting vice president of communications at the Joint Center. He is former director of the Network of Alliances Bridging Race and Ethnicity (NABRE) for the Joint Center and former deputy director for Outreach and Program Development for President Clinton’s Initiative on Race.

JOINT CENTER UPDATES

RECENT PUBLICATIONS



- **Medicaid Responsiveness, Health Coverage, and Economic Resilience: A Preliminary Analysis**, by Stan Dorn, Barbara Markham Smith, and Bowen Garrett
- **Rising African American Leaders: Challenges for a New Generation**, by Michael R. Wenger
- **Young Men of Color in the Media: Images and Impacts**, by Robert M. Entman
- **Men and Communities: African American Males and the Well-Being of Children, Families, and Neighborhoods**, by James B. Hyman
- **Measuring the Divide: African Americans' Access to the Online Universe**, by Margaret C. Simms
- **The Sexual and Reproductive Health of Young Men of Color: Analyzing and Interpreting the Data**, by Wilhelmina A. Leigh and Danielle Huff
- **African Americans and Medicare Part D: Knowledge, Understanding, and Enrollment Intentions**, by Wilhelmina A. Leigh and Danielle Huff

Joint Center 2005 Annual Report
Available on the Joint Center website on July 1st, 2006

For an updated list of Joint Center events and publications, as well as ordering information for Joint Center products, please go to www.jointcenter.org or call 202-789-3500.

GIVE US YOUR PERSPECTIVE

In the upcoming November 2006 elections, all 435 seats in the U.S. House of Representatives, one-third of the U.S. Senate seats, and state and local offices throughout the country will be at stake. Control of both houses of Congress may hang in the balance. What, in your opinion, is the most pressing question that candidates who want to represent you need to answer? What is the most important issue that your representatives, once elected, need to address? If you are an elected official, what is the most critical issue with which you are confronted? E-mail your responses to sdilliplane@jointcenter.org with "Election Reader Response" in the subject heading, and we will publish a selection of the responses in the September/October 2006 issue of Focus. We hope that these responses encourage campaign debates and subsequent action on issues of importance to our readers.

CALENDAR OF EVENTS



Joint Center Events:

July 10, Time: 4:30-6 pm

Reproductive Health and Behavior of Young Men of Color
Location: Prince George's Community College, Largo, MD

Details: One of a series of three community forums that will be convened to discuss issues related to the reproductive health and behavior of young men of color, examine promising practice interventions and public policies, and develop intervention and public policy recommendations that will expand life options for young men of color.

August 7, Time: TBA

Reproductive Health and Behavior of Young Men of Color
Location: Morehouse School of Medicine, Atlanta, GA

Details: See July 10 for a description of this event.

National Policy Alliance Members:

Blacks In Government Twenty-Eighth National Training Conference August 21-25, New York City, NY

Congressional Black Caucus Annual Legislative Conference September 6-9, Washington, DC

National Black Caucus of State Legislators 30th Annual Legislative Conference November 27-December 3, Jackson, MS

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