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25TH ANNIVERSARY 1970-1995

FOCUS

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

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POLITICAL TRENDLETTER

PERSPECTIVE

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The Joint Center at 25



This year the Joint Center celebrates its 25th anniversary. We are a quarter of a century old! And in the period from 1970 to 1995, profound social, economic, political, and technological changes have taken place. Among those changes, we have witnessed the transformation of the civil rights movement from protest to politics. We have documented a 550 percent increase in the number of black elected officials, and we have worked with four Republican and two Democratic presidential administrations. The Joint Center has evolved from an organization that provided training and technical assistance to novice African American officeholders to a nationally respected public policy research institution. But more than a think tank, the Joint Center has been committed to the advancement of the political and economic well-being of black Americans and to the expansion of justice and equality in our society.

A special 25th anniversary dinner celebration will take place on March 22. There will be the proverbial bells and whistles and praise from a host of VIPs and well-wishers. We would like to think that these honors are deserved. But when the celebration is over, what is the yardstick by which we measure the value of this institution? The single most important measure, in my opinion, is whether we helped to improve the quality of life among the poor and unempowered and are prepared to make an even greater contribution down the road.

We believe we have been a major force in the political empowerment of black America and will be a force in its economic advancement as well. Through our research, policy analyses, conferences, publications, and public commentaries, we were steadfast in our efforts to achieve three basic objectives:

- To improve the socioeconomic status of African Americans;
- To expand their effective participation in the political and public policy arenas; and
- To strengthen the nation as a pluralistic society by promoting communications and relationships across racial and ethnic lines.

With the support of our donors and friends, we will endeavor to improve the quality of our products and services, our responsiveness to changing needs, and our commitment to making even greater contributions in the future.

I have been president of the Joint Center for almost 23 of its 25 years. In that time, I have been privileged to work with a dedicated and industrious staff who, as a team, have made the Joint Center a valued resource to thousands of public officials, academicians, executives of corporations and foundations, heads of public interest groups, journalists, and ordinary citizens.

Along with our board of governors, we will take our bows on this special occasion to celebrate our past achievements, but we are also humbled by the challenges that lie ahead. ■



PRESIDENT

FOCUS

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Reclaiming the American Conscience

Assistant Attorney General Deval Patrick Talks About His Agency's Challenges and Victories in Enforcing Civil Rights Laws

On March 31, 1994, Deval L. Patrick was sworn in as Assistant Attorney General for Civil Rights at the Justice Department. Over the last year, he has worked to reestablish the government's commitment to vigorous enforcement of the nation's civil rights laws after 12 years of attempts to weaken federal antidiscrimination efforts by the Reagan and Bush administrations.

Patrick grew up in a poor and segregated neighborhood on the South Side of Chicago, attending public elementary and junior high schools near the city's notorious Robert Taylor Homes public housing project. He won a scholarship to the Milton Academy prep school in Massachusetts and went on to graduate cum laude from Harvard College in 1978 and from Harvard Law School in 1982.

Patrick clerked for Judge Stephen Reinhardt on the United States Court of Appeals for the Ninth Circuit for one year and then became a staff attorney at the NAACP Legal Defense and Educational Fund in New York City where he litigated a variety of civil rights cases, specializing in capital punishment and voting rights cases. In 1986, Patrick joined the Boston law firm of Hill & Barlow, where he spent nearly 30 percent of his time on pro bono civil rights issues while pursuing numerous other civil and commercial cases. He continued to work on behalf of the Legal Defense and Educational Fund, chairing its New England Steering Committee and serving as a director on its national board, and as a member of its executive committee.

Patrick has also served as a board member of the Boys and Girls Clubs of Boston, the Boston Bar Association Council, and WGBH, Boston's public broadcasting station. On January 25, he came to the Joint Center as part of the Leadership Discussion Series to discuss the status of the Justice Department's civil rights enforcement programs with the Joint Center staff. Following are excerpts from his comments which contain an overview of his agency's mission and responses to Joint Center queries.

The Department of Justice Civil Rights Division has a staff of about 530, roughly half of whom are lawyers. We are divided into several litigating sections that are responsible for enforcing numerous federal statutes. The criminal section handles matters like police misconduct and attacks on abortion clinic workers. It may come as a surprise to many that the criminal section also deals with a number of slavery and cross-burning cases around the country.

The housing section enforces the Fair Housing Act, is in charge of the Fair Lending program, and has begun to look into insurance redlining. It was the housing section that pursued the Denny's case in which secret service agents guarding President Clinton in Maryland were denied service at a Denny's restaurant. The housing section is taking on other public accommodations cases including one in Boston where an innkeeper refused to rent a room to a couple because they were Jewish. He said openly, "We just don't do that."

The employment section is responsible for litigating equal employment opportunity cases under Title VII of the Civil Rights Act of 1964 with respect to public employers. The focus has historically been on police and fire departments where there have been individual cases of discrimination as well as broad patterns and practices of exclusion. We plan to expand our efforts in educational institutions where there are race and gender disparities in hiring and promoting public school teachers.

The voting section enforces the Voting Rights Act. Under Section 5 of the Act, the Department of Justice must review and preclear proposed changes in the election laws in specified states before they can take effect. Such reviews may entail changes that may range from relocating polling places to rewriting congressional district lines. The voting section also administers the affirmative voting rights program under Section 2 of the Act that involves a variety of issues like eliminating barriers to registration and ensuring that bilingual voting forms are available in certain areas. Enforcing the National Voter Registration Act, the so-called "motor voter" law, is another important responsibility of the Voting Section.

The disability rights section (formerly the public access section) is responsible for enforcement of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act which is an earlier version of the ADA. We have been building up that program to give some shape to what is a relatively new law.

Other sections address discrimination in education, prisons and other state facilities, and law enforcement agencies. The whole subject matter of civil rights is highly charged. We get a lot of support in the department for which we are very grateful. And despite what appears in the newspapers we get a lot of fan mail.

FOCUS: *Affirmative action is often described as "quotas," or "reverse discrimination." What's your definition of affirmative action?*

Patrick: Affirmative action, under the law—and it's fair to say in the Supreme Court's view—should be flexible, and have as its objective creating or enhancing opportunities for excluded classes of Americans, primarily minorities and women. Its numerical goals, if any, should be reviewed from time to time to see if they are sensible and successful. But affirmative action does not have to trammel on the rights of third parties, such as white men.

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Deval Patrick

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There are legitimate objections to how the policy is implemented in some cases. There are ways in which the numbers become a "straitjacket" rather than flexible goals. There are times when valid and bona fide qualifications are compromised and where an unqualified person from a minority group gets a job over a qualified white person. But I am persuaded by the data available to me that those are exceptions. Much of the conversation about affirmative action these days, however, is terribly irresponsible. To call every affirmative action plan a "quota" is not helpful or accurate. Much affirmative action is defensible under existing law and many of the problems in implementation can be reasonably and successfully addressed.

FOCUS: *Congress passed the Civil Rights Act in 1964. Why was it necessary to put affirmative action programs in place with a strong antidiscrimination law on the books?*

Patrick: Affirmative action, as a policy, was implemented after the civil rights laws were passed and had been in effect for a while, but changes were not taking place. There was a need to take affirmative steps such as setting goals and timetables to bring different kinds of people into the workplace and into schools. Incidently, setting affirmative action goals is not inconsistent with the way business is done in this country. If one says to business, 'We would like you to take these general equal employment aspirations into account,' they would say 'OK,' and then nothing would happen. But when businesses really want to do something, they set goals. Furthermore, despite the way it is often characterized, affirmative action is now mostly voluntary. It's rarely *imposed* by courts or government agencies.

FOCUS: *Is there any basis to the charge that affirmative action has benefitted mainly middle-class minority Americans and not lower-income people?*

Patrick: I would say, prove it. I am sure I have benefitted from affirmative action, and I was a welfare kid.

FOCUS: *What is the Civil Rights Division doing in the area of lending discrimination?*

Patrick: We're focusing on three kinds of cases in this area. The first involves disparities in underwriting that have to do with decisions on whether or not to extend credit. The second kind is disparities in pricing where a bank or savings and loan institution routinely charges a higher interest rate to minority borrowers than to majority borrowers. In one Georgia bank for example, interest rates for minority borrowers were routinely 10 points higher. And the bank couldn't justify the disparity for any reasons based on risk.

The third type of lending bias cases involve "marketing discrimination" or what used to be called "redlining." Our recent investigation of the discriminatory policies of the Chevy Chase Bank focused on that bank's refusal to make its products available to minority communities within the Washington, D.C. area, the bank's declared market. The bank showed a pattern of making loans in suburban Prince George's County communities where upper and upper-middle income whites were concentrated. But in the same county, the bank refused to make loans in communities where upper and upper-middle income African Americans with similar credit profiles were concentrated. Memos in the bank's files also confirmed that loans would not be made east of Calvert Street and South of Connecticut Avenue [which would exclude most of Washington, D.C.'s black neighborhoods.]

This is one of the most pernicious forms of discrimination because it affects whole communities. Taking all the policies of Chevy Chase Bank together, their refusal to make loans to minority applicants in minority neighborhoods had a devastating impact on the development of those neighborhoods.

FOCUS: *Could the Civil Rights Division have won a lawsuit against the bank?*

Patrick: We believe we could. Otherwise, we wouldn't have pressed the matter. But let me be clear, we are not interested in proportioning credit by race. The bank settled the case out of court because if we had tried the case before a Washington, D.C., jury, Chevy Chase wouldn't have done well. The remedy, which addresses the absence of lending in minority communities, includes changes in the racial makeup of the bank's loan officer ranks and adjustments in the structure of new mortgage loans in previously redlined communities so that the same inexpensive loans that had been available to whites would be available to minorities. As a result of this and other cases, we have seen more voluntary compliance in the banking industry than in almost any of the industries where we are involved with litigation.

FOCUS: *What's the status of the court challenges to majority black congressional districts?*

Patrick: I have described the Supreme Court's decision in *Shaw* v. *Reno* as naive. The Court said that because of their "odd shapes," these [majority-black] districts [drawn after the 1990 Census] violate the equal protection clause of the Fourteenth Amendment. But if one were to look at all the maps of the congressional districts around the country it would be difficult to find one that could be fairly called "regular" or "normal-shaped." They all go every which way, mostly for incumbency reasons. The state legislators [responsible for drawing district maps] have testified that district lines go all over the place primarily to protect members of Congress who are in office already. Some district boundaries are drawn for geographic reasons. One court complained about a line that squiggled this way and then turned that way and then hooked back this way. We pointed out that his complaint focused on the course of a river.

FOCUS: *How do you respond to the charge that these majority-black districts are another form of segregation?*

Patrick: Some courts and a few critics have said that these majority-black districts segregate voters by race. That, I think, is the most charged and the least sustainable claim. Contrary to the rhetoric, it is not true that we are trying to Balkanize the races. We have not taken the position that a minority voter can only be represented adequately by a

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March 1995

POLITICAL TRENDLETTER

Inside This Issue:

- Corporal punishment has been under consideration in the legislature of Mississippi and other several states.
- The U.S. House of Representatives has passed a bill to repeal a federal program that has promoted minority ownership of broadcast stations.
- The House has also approved a measure that would weaken citizens' Fourth Amendment protection against improper searches and seizures.
- While the Los Angeles fire department's affirmative action program bears fruit, a movement in California is underway to eliminate such programs.
- President Clinton's budget aims to increase funds to education and young people while GOP legislators approve cuts to programs that serve the poor.

Whipping Post Justice

Most people identify caning or flogging as methods of punishment employed only in our less noble past or in other countries—not as part of today's system of American justice. That may change, however. Last month, Mississippi's house of representatives passed a measure permitting judges to order corporal punishment as an alternative to imprisonment, a practice abandoned by most states in the 19th century. The measure was killed in the state senate's judiciary committee. But legislation to permit corporal punishment has been introduced in other states.

The effort to reinstitute corporal punishment in Mississippi centered on an amendment to House Bill 365 that would authorize circuit and county courts to sentence convicted criminals to labor instead of incarceration. Democratic state representative **STEVE HOLLAND**, from Tupelo, added an amendment to the bill that would allow judges to mete out corporal punishment as well. Holland's amendment was adopted on February 6 by a vote of 63 to 56, and the full bill passed the same day by 76 to 43. He says that he introduced the amendment to "restore respect for the law, deter crime and break the cycle of criminal activity, especially among young offenders." Holland was not able, however, to specify which laws he thought should merit a sentence of corporal punishment and had few ideas on how such a sentence should be carried out. He did suggest that a "leather strap" or "wooden board" might be used and added that he "would not be opposed to caning." Holland also favors capital punishment and said "hangings should be carried out on Friday afternoons in the courthouse square."

All of the 37 African American members of the House voted against the measure. According to black Representative **GEORGE FLAGGS, JR.**, from Vicksburg, the flogging amendment violates the 8th Amendment of the U.S. Constitution forbidding "cruel and unusual punishments." Flaggs declared that, "Given Mississippi's history, we don't need to pass legislation that reminds us of our past." This was a reference to the state's antebellum era when there were no legal impediments to plantation owners' beating slaves, torturing them, or putting them to death.

The history of corporal punishment in this country dates back to colonial times when public flogging was common. In the early 19th century, military and naval commanders had virtually unfettered discretion in ordering that soldiers and sailors serving under them receive punishments of a dozen or more lashes with a "cat-o-nine-tails." In response to protests from human rights advocates, the states began to abolish the practice as a criminal penalty in the first half of the 19th century. The navy ended flogging in 1850, conceding that it was a barbaric form of punishment and did not deter criminal behavior. Delaware, whose first recorded whipping took place in 1679, was the last state to remove corporal punishment from its books, in 1972.

Delaware's history is instructive. As late as the 1950s, that state's courts sentenced criminals to public whippings. The state's wooden whipping post, dubbed "Red Hannah" by blacks in southern Delaware, was last used in 1952 when a shackled and bare-backed **JOHN P. BARBIERI** received 20 lashes as punishment for beating a woman. The public (except women) was invited to view the whipping, administered with an instrument that had nine thongs of flat half-inch-wide leather attached to a short broom handle. Between 1900 and 1942, 1,604 people were sentenced to this punishment in Delaware. In a state where the black residents have never comprised more than 16 percent of the population, 66.2 percent of those whipped were black.

The idea of resurrecting corporal punishment became popular among some public officials in this country when an American teenager, **MICHAEL P. FAY**, was caned in Singapore on May 5, 1994, after he confessed to painting graffiti on cars and committing other acts of vandalism. A Singapore court sentenced Fay to six strokes from a cane and four months in prison. The sentence was reduced to four strokes, after President **BILL CLINTON** protested the caning as extreme. Proposals to reinstitute corporal punishment has been introduced in other states including Arkansas, California, Maryland, New York, and Tennessee.

by David C. Ruffin

Minority Broadcast Ownership Opportunities Threatened

On February 21, 1995, the House of Representatives passed a bill designed to dismantle the only effective method of advancing minority broadcast ownership. The measure, H.R. 831, introduced by new House Ways and Means Chairman, **Rep. BILL ARCHER** (R–Tex.), would repeal a 50-year-old provision of the tax code, Section 1071. The earliest version of Section 1071 was adopted by Congress in the early 1940s to help free up space on the broadcast radio band during wartime. Under Section 1071's terms, the Federal Communications Commission (FCC) may issue a tax certificate to companies who sell broadcast properties where the sale promotes FCC policy. The certificates allow a company to defer (not avoid) taxes on the gains realized from the sale of their property.

For example, a central FCC policy has been to encourage competition. Along those lines, tax certificates were issued to NBC in the late 1940s in order to ease the sale of NBC's second radio network, a sale that fostered the creation of ABC. Similarly, tax certificates have been used to ease the breakup of a variety of media combinations, such as newspaper/broadcast combinations and telephone/cable combinations. Those uses of tax certificates continue today.

In 1978, the FCC decided to use tax certificates to address the severe underrepresentation of minorities among broadcast owners. At that time, less than one percent of the 8,500 broadcast properties were controlled by minorities. From 1978 through October of 1994, the FCC awarded 281 tax certificates to encourage minority broadcast ownership. At present, of the 11,128 broadcast stations, 323 (2.9 percent) are controlled by minorities. While minorities continue to be underrepresented among broadcast owners, tax certificates have proven to be the most effective tool to change that.

Chairman Archer and his colleagues, including Rep. **ROBERT MATSUI** (D–Cal.), have represented H.R. 831 as a way to help finance increasing health insurance tax benefits to self-employed individuals. Archer and Matsui argue that eliminating the tax certificate program for broadcasters will result in an increase of $1.6 billion in revenues to the Treasury over the next five years. But Archer and Matsui's calculations have not been supported by any Congressional Budget Office analysis, and they ignore the fact that the tax is *not* avoided but deferred. Moreover, many station sales that might not otherwise occur have been promoted by the tax-certificate incentive. In purely financial terms, eliminating the certificates would be more harmful to whites than to minorities, since the overwhelming majority of businesspersons who have benefitted from the FCC policy on tax certificates over the last five decades have been nonminorities.

A chief reason for the new-found interest in the tax certificate policy is media giant Viacom's recently announced sale of its cable television system to a minority-controlled company, Mitgo, for $2.3 billion. But Viacom has already indicated that if the tax certificate is dead, so is the deal. Black representatives **CHARLES RANGEL** (D–N.Y.) and **CARDISS COLLINS** (D–Ill.) have issued strongly worded statements protesting the policy's proposed repeal. However, many are predicting the bill will move quickly through the House, particularly given its health insurance provisions. The bill awaits senate action. For more information, contact the Minority Media Telecommunications Council at (202) 332-0500.

Gutting the Fourth Amendment

The following is an excerpt of an American Civil Liberties Union analysis of the Republican sponsored "Exclusionary Rule Reform Act of 1995" that was passed by the U.S. House of Representatives in February.

Last month, the U.S. House of Representatives passed six separate crime-related bills that were taken from the "Taking Back Our Streets Act" contained in the Republican Contract With America. The most alarming of the measures was the "Exclusionary Rule Reform Act of 1995" (H.R. 666) which civil liberties advocates condemn as a direct assault on the Fourth Amendment. Sponsored by Rep. **BILL McCOLLUM** (R–Fla.), H.R. 666 would permit police officers to nullify some of the current statutory protections against unreasonable searches and seizure as long as the officers act in "good faith," even in cases involving warrantless searches. The House adopted H.R. 666 by a vote of 289 to 142 on February 8, 1995.

The Exclusionary Rule is the enforcement mechanism of the Fourth Amendment, which protects people against unreasonable searches and seizures. It provides that if a search is conducted illegally, then no evidence obtained from

that search will be admissible in the main part of a criminal trial. The threat of excluding of such evidence is intended to compel police officers to comply with the requirements of the Fourth Amendment. Significantly, the bill would exempt gun owners, and thus create a double standard of constitutional rights.

The heart of the Fourth Amendment is the issuance of a warrant based on probable cause. In obtaining a warrant the police officer appears before a federal magistrate and attempts to show that the circumstances indicate that there is evidence of a crime, or that probable cause exists. Current law already allows significant exceptions to the warrant requirement, for instance where evidence is in plain view, or in situations like hot pursuit of a fleeing suspect or where evidence is about to be destroyed. Creating a new excuse for a constitutional violation—where an officer claims to have made a "good faith" mistake about whether one of the exceptions to the warrant requirement applied to his conduct—would dramatically and unnecessarily dilute the Fourth Amendment. As a practical matter, the Act would encourage police to search homes without warrants and make up explanations for their conduct after the fact. If enacted, the Act would essentially eliminate the Constitution's warrant requirement.

Despite claims by Rep. McCollum, there is little evidence that the exclusionary rule results in large numbers of criminals being released on technicalities. He asserts that the Act is necessary because, "The technicalities are killing a lot of our police officers' efforts and the prosecutors' efforts to get convictions." However, several statistical studies refute this argument. For example, a study by the Comptroller General's office found that motions to suppress evidence on the grounds that it was illegally seized were granted in only 1.3 percent of federal cases. Moreover, the process of obtaining a warrant is not cumbersome for police and the vast majority of warrant applications are approved. Police officers can even obtain a warrant over the telephone. On average, magistrates take only 2 minutes and 45 seconds to approve a search warrant.

Two members of Congress, **PATRICIA SCHROEDER** (D–Colo.) and **BOBBY RUSH** (D–Ill.) recounted personal experiences of being victimized by warrantless search and seizure practices. Schroeder stated that when she began her campaign in 1972, "The FBI came trooping through my house over and over." Years later, through the Freedom of Information Act, she discovered "50 pages of incredible revelations" that the FBI hired an agent to break into her home undercover. The "revelation" he obtained at taxpayer expense, in addition to a campaign button, was "the fact that I belong to the League of Women Voters and the fact that I had been a Girl Scout."

Similarly, Rep. Rush described a search and seizure incident in 1969, conducted by the Chicago Police Department that resulted in the murders of two members of the Black Panther Party, **FRED HAMPTON** and **MARK CLARK**, and the wounding of seven others. Rush, then a member of the Black Panthers, had his own apartment illegally raided the following day. "They came with weapons pulled, weapons blazing. They shot my door down. They entered my apartment, did not find any weapons, but they justified it... saying that they [found] contraband... a bag of what they identified at the time as marijuana... [which was later found to be] nothing more than bird seed."

Affirmative Action and the L.A.F.D.

Just as **GEORGE BUSH** played the race card in his successful 1988 bid for the White House with his Willie Horton ads, GOP aspirants for the '96 presidential sweepstakes have identified affirmative action as a hot button wedge issue. And in California, the state with the most electoral votes, victory or defeat may well revolve around an initiative that would essentially eliminate affirmative action in the state's public employment, educational institutions, and contracting that is expected to go on the ballot next year.

The initiative is being promoted by two San Francisco-based university professors, **THOMAS WOOD**, the executive director of the California Association of Scholars (a conservative group of academicians), and **GLYNN CUSTRED**, a professor of cultural anthropology at California State University at Hayward. The campaign over the initiative is bound to be nasty because its authors have vilified the policy by referring to it in divisive and emotionally charged terms: "affirmative discrimination," "reverse discrimination," and "race and gender preferences." They claim that we are moving away from a colorblind society and that affirmative action guarantees equality of results instead of equality of opportunity.

Opponents of affirmative action rarely acknowledge that discrimination, usually systemic and institutional, continues to plague large segments of the U.S. population, and that frequently, broad remedies must be applied to address it, sometimes over periods that may last several years. And critics seldom admit that most affirmative action plans are voluntary and not imposed by courts or government agencies. Throughout the nation over the past two decades, states and municipalities have employed affirmative action plans, often in the form of voluntary consent decrees, to redress systemic and institutional discrimination. Contrary to what has become popular mythology, middle class blacks have not been the main group these programs have helped. State and municipal affirmative

action plans generally help men and women from a variety of ethnic groups gain entry to such blue-collar occupations as police officer and fire fighter. This has certainly been true in California.

A notable example has been the Los Angeles Fire Department. In 1974, the department was 100 percent male and 93.7 percent white in a city with a minority population of about 36 percent. This represented a broad and obvious disparity between the ethnic makeup of the city's workforce and that of the fire department. Thus minority taxpayers were supporting a fire department that systematically excluded most Hispanic, black, and Asian American applicants from its employment rolls. After establishing hiring goals and timetables under a consent agreement with the U.S. Department of Justice, the fire department now better reflects the demographic makeup of Los Angeles. Minorities now make up 38 percent of the department's 3,103 fire fighters—23 percent of whom are Hispanic, 11 percent African American, 4 percent Asian American, and 62 percent white (100 of the fire fighters are women). This is a marked improvement, even though minorities currently comprise 62 percent of the city's population. But the process of achieving equitable employment continues. Presently, the department is working to ensure upward job mobility. The upper ranks of the department, battalion commander and higher, are virtually all white. There is little doubt the patterns and practices that resulted in excluding minorities and women from the Los Angeles fire department would not have been corrected without a long-term affirmative action program.

Meanwhile, the promoters of California's anti-affirmative action initiative have not decided whether to attach it to the March or November ballot in 1996. In either case, they will have to muster around 670,000 signatures, or eight percent of votes cast in the last gubernatorial election.

Cutting Programs Without Compassion

Republican members of the House Appropriations Committee on Capitol Hill have approved a measure that would cut $17 billion in infant and child nutrition programs, summer jobs for teens from low-income families, and housing for the poor. Some programs, like heating assistance for the elderly and ensuring safe and drug-free schools, would have their funding zeroed out. The cuts that are to take effect in the current fiscal year are designed to offset about $5 billion in federal expenses for California earthquake relief and earmark about $10 billion as a down payment on future tax cuts for corporations and wealthy individuals. At a recent meeting with the Joint Center staff, Department of Housing and Urban Development Secretary **HENRY CISNEROS** called the cuts "the clearest attack on poor people and their needs since the GOP announce its 'Contract With America' in the fall."

Rep. **DAVID OBEY** (D–Wisc.), the ranking Democratic member of the Appropriations Committee, was outraged at the lack of compassion on the part of the measure's sponsors. He pointed out that they were willing to reduce funds for programs that serve the poor while leaving untouched less essential programs such as the development of the F-22, a new generation fighter aircraft, or new military construction (even while bases are being closed).

By contrast, the federal budget plan that President Clinton submitted to Congress on February 6 would maintain the social safety net for the poor and increase support for education and youth development programs. It also proposes more spending for the armed forces while cutting taxes as a part of his "Middle Class Bill of Rights." The president asked for major funding increases in time-tested educational programs that have proven their value as well as several newer programs including an additional $400 million for Head Start and $347 million for the Title I compensatory education program for disadvantaged elementary and secondary school children. Both programs were created in the 1960s under the administration of President **LYNDON JOHNSON**. Pell Grants, the federal government's primary financial aid program for students at post secondary educational institutions, would receive a $362 million increase.

The White House budget also calls for major investments in newer educational programs, like Goals 2000, which provides grants to states as incentives to establish world-class educational standards, and School-to-Work, also a state-grant program, which supports training to ease the transition from high school to the workplace among the 75 percent of America's youth that do not go on to college.

The Republicans' Appropriations Committee cuts are a prelude to the budget decisions legislators will have to make when the federal budget for the next fiscal year is debated in earnest. Nearly half of any budget the Congress comes up with will comprise big ticket- items that are virtually untouchable—including interest payments on the national debt, estimated at $257 billion, as well as allocations to defense ($261 billion) and Medicare ($178 billion) that enjoy powerful political support. If the Republican controlled Congress is to fulfill its stated commitment to balancing the budget by the year 2002 while cutting taxes and raising military spending, it will have to make even more draconian cuts in discretionary funding for education, nutrition, housing, job training, and welfare programs.

—D.C.R.

The Job Corps–A Good Investment

The 30-Year-Old Federally Funded Job Training Program Continues to Provide a Bridge From Poverty to Self-Sufficiency for Many Youth

by LaVera Leonard

In 1967, Curtis Gadsden was a 17-year-old black youth trapped in a world of little opportunity. Today, at age 44, he is the division director for marketing at IBM in Newark, New Jersey, and an expert at developing high-tech computer data storage systems—an executive position he earned after working his way up from stock room clerk. His rise to professional success began in 1968 when he graduated from the federally funded Job Corps, a residential job training and education program for young Americans from low-income families. The Corps celebrated its 30th anniversary last year.

You Can Do It

Gadsden was 18 years old in 1968 when he read about the Job Corps in the newspaper. He applied and was accepted. Like all Job Corps enrollees, his options were limited by poverty. He grew up in Stevenson, South Carolina, then a rural community where his father, a farmer and electrician, could barely make ends meet. Gadsden and his seven brothers and sisters attended segregated schools and studied by the light of kerosene lamps until the family could afford electricity in the mid 1960s.

"We didn't have much of anything growing up," says Gadsden. "There were never seconds to eat. I got my high school diploma, but I simply couldn't ask my parents for money to go to college or get job training. My future prospects were restricted by racial discrimination and my own lack of skills." After graduating from high school, he went to Jersey City, New Jersey, where he stayed with an older sister and worked at a minimum-wage job in a laundry.

A turning point came when Gadsden was accepted by the Job Corps and was sent to the program's Clearfield Center in Utah. In addition to training in bookkeeping and accounting, he developed an interest in computers there that would last a lifetime. The center provided meals, medical care, and even social skills training. Job Corps staff also helped Gadsden increase his self-confidence. "I remember one counselor in particular just kept saying the words, over and over, 'You can do it.' At the Clearfield Center, Gadsden was also exposed to young people from different cultural backgrounds, including his Hispanic roommate from New Mexico.

Gadsden later transferred to the Job Corps' Rodman Center in Massachusetts to train in basic machine operations and wiring. At the time, the center was operated by IBM and offered the most up-to-date technological training. The programs at Clearfield and Rodman provided Gadsden with the foundation of skills that would serve him throughout his career.

He was hired at the IBM Newark facility where he started off in the stock room and doubled as a mail clerk. "I pushed a mail cart," he says, "but I had a vision that I'd be doing more." Although Gadsden did not initially use his computer training in the mail room, his supervisors saw his potential and promoted him to a computer operator trainee. Gadsden went on to become, successively, a senior computer operator, systems engineer, and finally marketing manager. While working at IBM he earned a bachelor's degree in computer science from Rutgers University. Gadsden says the Job Corps gave him not only job training and a basic education, but the motivation and courage to make more of his life: "After the Job Corps, I never lost the desire to succeed."

Discipline and a Respect for Deadlines

President Lyndon Johnson created the Job Corps in 1964 as one of his Great Society programs as he declared "all-out war on poverty and unemployment in these United States." Job Corps' mission was "to assist young individuals to become more responsible, employable, and productive citizens by providing them with the training and opportunity to succeed." On January 15, 1965, the first Job Corps center opened at Catoctin, Maryland, with 30 students and 14 staff members. Since then, Job Corps has grown to 111 centers in 47 states serving 63,000 youth. Corps participants must come from low-income families, be between the ages of 16 and 24, and have no significant criminal record. It is estimated that six million youths in America today are impoverished. Job Corps is equipped to serve only 1.1 percent of them.

The average Job Corps student is a 17-year-old high school dropout who reads at a seventh grade level. Forty-three percent of Job Corps students are from families on public assistance. Half of the students are black, 30 percent are white, 14 percent are Hispanic, 3 percent are Native American, and 3 percent are Asian Americans.

Job Corps programs provide students with vocational training, basic education that includes the attainment of a high school equivalency diploma, social skills training, and counseling in residential settings. The training offered covers more than 100 occupations, from construction trades to high-tech white-collar fields such as solar technology and computer operations. After training is completed, students are placed in entry-level positions such as recep-

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Dr. Leonard is chair of the National Job Corps Coalition.

Job Corps

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tionists, cooks, carpenters, and clerks, and many Job Corps graduates eventually work their way into management.

Job Corps is unique in that it has a documented rate of success: seven out of 10 graduating students get jobs, join the military, or enroll in higher education. For young people who are undereducated, unemployed, impoverished, and living in troubled families or neighborhoods, Job Corps is one of the few alternatives to crime, welfare, or unemployment. In addition to skills and education, the program teaches students discipline and a respect for deadlines. Participants in the program must adhere to a national "zero tolerance" policy regarding drugs, alcohol, and violence. Those who cannot abide by the rules undergo staff and peer counseling. If they still break rules, they are terminated.

For students, like Curtis Gadsden, who accept what Job Corps has to offer, the program is a place for development and learning without the stigma of being poor. "At this point, our nation still has a choice," says Gadsden. "We can make America either a prison or a globally competitive nation. If we invest in Job Corps, we're making the right choice."

Job Corps has served 1.6 million young people over the past 30 years. Among its graduates are Sergio Gutierrez, the first Hispanic to be appointed an Idaho state judge and George Foreman, world heavyweight boxing champion. Many Job Corps graduates own small businesses, particularly in the construction field. Other businesses owned by Job Corps graduates include Call-A-Nurse, a temporary nursing service founded by Sandra Tilton in Atlanta, Georgia, that grossed over $1 million last year, and Graffiti Sign and Design, a graphic arts business started by Karen Anderson in St. Paul, Minnesota. Other alumni include Alexis Castelazo, a NASA flight researcher at Edwards Air Force Base in California; Kevin Shaw, director of computer operations for U.S. Fish and Wildlife Service centers; and Aaron Carr, a painting contractor in Shreveport, Louisiana.

No Free Ride

Gadsden sees Job Corps not as a free ride but as a federal investment in him—one that he has been repaying for over half his lifetime. "I'm doing very well," says Gadsden. "I am self-sufficient and I'm a very hardworking American. I've paid enough taxes to reimburse the government many times for my Job Corps training. I give thousands of dollars each year to various charities and to my church. I can afford it today. This country invested in me. I give it back every day."

According to independent longitudinal studies conducted by Mathematica Policy, Inc., for every dollar invested in the program, Job Corps returns $1.46 through increased taxes paid by graduates and through reduced welfare, crime, and incarceration costs.

The program is a public-private partnership. Private contractors operate Job Corps centers for the U.S. Department of Labor. The staffs at these centers use their familiarity with local employers and job markets to place students in private sector jobs. Many graduates receive specialized training and work experience at local businesses.

During their vocational training, Job Corps students work on construction and service projects currently worth more than $42 million annually in communities nationwide. During the past two years, they have built shelters for homeless people, installed hot water systems in public schools, and provided flood relief in the Midwest. Job Corps centers interact with their local communities on many levels, including working with local police departments to present crime prevention seminars to local teenagers.

More of a Good Thing

Because of its excellent record of turning around the lives of so many, there is a movement to offer the benefits of Job Corps training to even more young people. In response to bipartisan congressional calls to enhance and expand the Job Corps, the "50-50 Plan" was formulated in 1990 by the National Job Corps Coalition, an alliance of more than 70 business, labor, volunteer, and child advocacy groups. The plan calls for increasing appropriations to improve existing services and gradually expanding the program by building 50 new centers over the next decade to serve 50 percent more youth. Over the past five years, Congress has provided funds to build and begin operations at 14 of these new Job Corps centers.

This year, however, Senator Nancy Kassebaum (R–Kan.) who chaired the Senate Labor and Human Resources Committee's oversight hearings on Job Corps in January, has called for the elimination or reconfiguration of many federal job training programs and has expressed concerns about Job Corps' effectiveness. During the hearings, committee members from both sides of the aisle defended the program by emphasizing Job Corps' proven effectiveness, including a high job placement rate and a dropout rate of only 30 percent—lower than the rate for both public and private post-secondary schools. Supporters also pointed out that Job Corps offers each student comprehensive services for $61 a day—less than the average costs at group homes, homeless shelters, foster care, and youth incarceration programs.

The cost of keeping a youth in prison has risen to $38,000 a year (equal to $104 a day), according to the U.S. Department of Justice. The average Job Corps student, who stays at a center for 7.6 months, receives 24-hour residential care and many other services for an average of $14,071. Senator Paul Simon (D–Ill.), at an oversight hearing on Job Corps last October, pointed out that the program is a far better investment than prison. "We have just signed a crime bill that included $9 billion for new prisons, while Job Corps' FY 1994 funding was $1.1 billion. Why not take $5 billion of that prison money and give it to the Job Corps?" he asked.

"As a businessman, I know a good investment when I see one," says Curtis Gadsden. "The more we invest in Job Corps, the greater the economic and social rewards for this country. I hope that more young people who were like me find their way through Job Corps. Because without it, where else will they go?" ■

Today's Army: Lean and Flexible

Army Secretary Togo West Is Preparing American Forces to Fight Traditional Conflicts and Participate in Peacekeeping Operations

Appearing at a November 7 session of the Joint Center's ongoing Leadership Discussion Series, Secretary of the Army Togo D. West, Jr., addressed the Army's challenges of recruiting, training, and equipping today's soldiers who must meet the nation's security requirements and fulfill an increasing number of international peacekeeping roles.

On November 22, 1993, West was sworn in as the nation's 16th Secretary of the Army. Before accepting his present post, he was a senior vice president for government relations at the Northrop Corporation. From 1984 to 1990, he was the managing partner of the Washington office of the New York law firm Patterson, Belknap, Webb & Tyler.

West's prior government experience has included a judicial clerkship in the federal district court of Southern New York in 1968 and a commission in the Army's Judge Advocate Corps, serving in the office of the assistant secretary of the Army for manpower and reserves from 1969 to 1973. He also served as associate deputy attorney general in the Justice Department, general counsel of the Navy, and general counsel of the Defense Department. West, 52, holds degrees in engineering and law from Howard University.

Secretary West outlined the four main security challenges to the United States, stressing that the first challenge is the threat of nuclear proliferation. He said that although the United States is constantly at work to reduce that threat through diplomacy and negotiation, it must be willing "to act forcefully, if necessary, with nations that don't see their agendas to be the same as ours regarding nuclear weapons."

"What that means for my own soldiers," West continued, "is that when they are deployed overseas, one of the first things they face early on is the possibility of some tactical challenge from weapons of mass destruction." The United States maintains Patriot missile batteries in many places around the globe to protect against that threat.

The second challenge, West explained, "is the threat of regional conflicts based on ethnic, cultural, and racial differences." This challenge "replaces those of the old bipolar world dominated by a long-term rivalry between the two superpowers." This is the way in which the Army is perhaps most employed these days, West said, noting, "Wherever we have turned that has required the deployment of American forces, it has almost always been because of regional hot spots or the potential for regional hot spots." He cited Somalia, Haiti, Kuwait, Rwanda, and Operation Desert Storm as examples.

"Those are the kinds of contingencies that virtually consume ground forces. We talk about how air power can intimidate or how we can send out an aircraft carrier and show the flag, but the commitment of the United States is generally registered when a soldier or marine puts his or her foot on the ground. It says, 'This is where we will stand. This is where our commitments and our national interests are to be found.'"

He called the third challenge that of understanding that our national security also involves economic security, which in turn is part of the larger global security. "But its impact on the Department of the Army, of course, is that as the President tries to pay attention to the federal deficit, I am required to make the Army leaner and do more with less. I am required to buy smarter, to buy more quickly, to look for reforms in acquisitions such as those that are dictated by the national performance review or by the recent Procurement Reform Act."

Lurking in the background of the first three challenges is a fourth one—the possibility that democratic reforms in the Soviet Union and other nations might fail. Secretary West sees the role of U.S. armed forces as a different and less traditional one. "Through military-to-military contacts we can teach other military leaders how to behave in a democratic society. We can show them how to be part of a society where there is civilian control of the military."

In summing up the Army's challenges for this decade, West said, "An Army exists to compel, to deter, to reassure, and to support. Let's make no bones about it, armies are recruited and equipped to wage war, to impose the will of this country on some other entity or some other society or some other group of people. It is an unattractive fact, but it is the fact." He stressed that that was what we were prepared to do in Haiti and that's what the United States did in Desert Storm. "If we can compel, and if we are perceived as able to compel, then we can serve as a deterrent, which is where we hope the Army will be most used."

Dealing with "peacekeeping or peace enforcing" and doing less fighting calls for greater flexibility, according to West. "During peacekeeping operations in foreign lands, the streets our soldiers walk down not only contain hostile agents who are waging war, but innocent civilians, the media, and all sorts of people who are there as part of the scene. And we have to be able to adapt to those conditions. But I doubt that we will ever be able to afford to train a whole division or two just to do that one thing. American forces will always have to be flexible and at times we will have to take advantage of all the attributes found in the Army. In other words there will not be a special Army for peacekeeping, but one for fighting wars that can also do peacekeeping." ■

Deval Patrick

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minority office holder. These cases arise in particular jurisdictions where politics are already so racially polarized that it is not possible for minority voters to elect a candidate of choice no matter what the race of the candidate.

We must remember that in many states, race had been used in redistricting plans to dilute the voting strength of minorities in the past. In most cases, the majorities in these districts are narrow ones so they are among the most integrated districts in the country and are generally drawn to promote coalition building across racial lines. States with histories of racial exclusion have taken it upon themselves to create districts that make it possible for minorities to elect candidates of choice some of the time. The Justice Department is defending these districts because they are defensible.

FOCUS: *Do you believe integration is something this society should continue to work for?*

Patrick: I still think integration is a valid goal. The question as to what should receive more emphasis, integration or equality, depends on the circumstances. In the schools for example, I think there is greater concern in the public about quality than about who sits next to you in the classroom. We have always sent children to do what the adults wouldn't do. So we integrated the schools, but we didn't integrate the neighborhoods. Over the long haul, I would like to see more neighborhoods integrated and let the schools take care of themselves. I think there are opportunities under existing law to use the authority we have in the Civil Rights Division to address issues of equality.

FOCUS: *How would you define success in terms of the job that you are doing?*

Patrick: When I first came to this position, I said that what I thought we needed to do above all else and that our hardest job would be to reclaim the American conscience. I still think that's true. Americans have to ask themselves if they want this to be one country that is not divided along racial lines. I believe that civil rights is very much connected to basic American ideals, that a win for civil rights is a win for American aspirations. And so we should not view the success of an African American's claim for educational equality as a success only for African Americans but as a success for everybody. I am an optimist and I intend to leave this job with my idealism intact. ■

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FOCUS
Joint Center for Political and Economic Studies
1090 Vermont Ave., NW, Suite 1100
Washington, D.C. 20005-4961
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