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# FOCUS

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

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# Pay Attention to Redistricting

This spring, using data from the 2000 Census and aided by powerful new computer software, elected officials will once again start carving nearly every U.S. political jurisdiction into new legislative districts. Mandated after each decennial head count, redistricting has enormous political consequences. Inevitably, the majority political party in each jurisdiction will strive to protect its incumbents and to divide the voter base of its opponents. The minority party will struggle to defend and advance its own interests. The jockeying will be most fevered in jurisdictions that are gaining or losing congressional seats.

For jurisdictions covered by Section 5 of the Voting Rights Act, the process is even more complex. The entire states of Alabama, Alaska, Arizona, Georgia, Louisiana, Mississippi, South Carolina, Texas, and Virginia, as well as parts of California, Florida, Michigan, New Hampshire, New York, North Carolina, and South Dakota were identified as having acted to subvert the voting rights of blacks or other minority citizens before 1965. Consequently, they must "pre-clear" all plans that change electoral practices, including redistricting plans, with the U.S. Justice Department or the U.S. District Court for the District of Columbia.

Parties dissatisfied with the results of this process must take up their grievances in the federal courts, making the U.S. Supreme Court the ultimate arbiter of redistricting disputes. But the High Court's stance remains a work in progress. While the Court has endorsed the drawing of majority-minority districts (those in which a minority group makes up the majority of the population) as the only way to ensure equitable representation in certain cases, it has modified that endorsement with caveats about "bizarre shapes," "racial gerrymandering," and "compactness." The bottom line is that the precise definition of what is permissible under specific conditions has yet to be worked out by the Court. The nine justices remain deeply divided on this issue.

Since 1982, the Joint Center has produced a series of studies that reflect how the debate on voting rights legislation and law has shifted over the years. The respect accorded our work is evident in the judicial record. We have provided expert witnesses in such key cases as *Hays v. Louisiana* (LA-4, 1995), *Johnson v. Mortham* (FL-3, 1995), and *Sinkfield et al. v. Bennett* (Alabama state legislative map, 1997). Our research was cited in the Supreme Court decision in *Thornburg v. Gingles* and by Associate Supreme Court Justice John Paul Stevens in his dissenting opinion in *Bush v. Vera*.

This vital work continues. The Joint Center is currently examining new empirical data with the aim of clarifying the definition of racially polarized voting and the weight that race can be given in creating acceptable voting districts. These studies will be distributed to people and organizations involved in the redistricting process or likely to be involved in the inevitable challenges to redistricting plans.

Whether you are a black elected official or other *FOCUS* reader, you have a huge vested interest in ensuring that the process and its results are as equitable as our winner-take-all

electoral system will allow. There are several things you can do. You can participate in public hearings on redistricting and demand a transparent process. You can lobby for the adoption of objective criteria. And you can also directly help support the research needed to ensure more equitable political representation of minorities. How? By using the envelope bound into this issue of *FOCUS* and making a tax-deductible contribution to the Joint Center.

Direct support from the readers of *FOCUS* is a double boon for the Joint Center. Beyond the direct financial benefit, it gives us the means to document that our readers actually use and value the work we do. It also allows us to show foundation and corporate funders that our audience is actually paying attention and that it likes what it sees. ■

## PRESIDENT



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# African Americans in the New Administration

## *Early in His Administration, Bush Has Surprised Many With His Appointment of African Americans to High-Level Positions*

*By Ronald Roach*

**D**espite his low popularity among black voters, President George W. Bush has selected a White House Cabinet and cadre of senior political officials notable for the inclusion of African Americans in path-breaking and politically visible executive roles. Among the appointments, General Colin Powell's appointment as Secretary of State has been hailed for its historic significance: Powell becomes the first black American to serve in this position, which is second in influence and visibility only to the President and Vice President. Likewise, the appointment of Condoleezza Rice is noteworthy because she becomes the first woman in the nation's history (and the second African American) to hold the highly influential post of National Security Council Adviser.

Two other top-ranking black appointees are Roderick R. Paige and Michael Powell. Paige, formerly the superintendent of Houston schools, has become Secretary of Education. Given the priority that the new President has placed on his education reform agenda, Paige now faces the formidable task of selling the new policies to a divided Congress and American public. Michael Powell, the son of General Powell, has been appointed chair of the powerful Federal Communications Commission.

While these four African American officials will play highly visible roles in the top rung of the Bush Administration, it remains to be seen whether blacks will gain appointments to many second- and third-tier leadership positions in cabinet departments and executive agencies. In an interesting twist, the one department that has announced the appointment of African Americans to important second-level positions is the Justice Department. After taking considerable heat from blacks for his record on racial issues, Attorney General John Ashcroft seems to be trying to allay their fears by appointing African Americans to some of the most important positions in his department: Larry Thompson to the number two position of deputy attorney general, Ralph F. Boyd as assistant attorney general for civil rights, and Charles A. James to head up the antitrust division.

### **General Colin Powell**

The nation's first black Secretary of State takes the reins at the State Department after a distinguished career of military and civilian public service. Americans came to know the calm and steadiness that marked Powell's public persona during the Persian Gulf War when Powell presided over

military briefings as chair of the Joint Chiefs of Staff. Powell's advocacy of strictly limited military intervention only when American interests are clearly threatened and when U.S. forces are in a position to use overwhelming force has come to be known as the Powell Doctrine, the most influential new U.S. foreign policy philosophy of the post-Cold War era.

Powell's proclivity toward military restraint, however, may put him at odds with more hawkish elements of the Bush inner circle. While serving as the Joint Chiefs' chair in the administration of George Bush, Sr., Powell was known to have clashed with Vice President Dick Cheney, who was then Secretary of Defense. Experts believe Powell and Cheney may clash again over the use of American military power. Cheney is said to be stocking the Defense department with hawkish senior civilian officials.

Nonetheless, Powell's popularity with the American people and his high standing among foreign leaders are likely to serve him well. His stint as National Security Council adviser to President Reagan and his many years as a military officer also put Powell in a good position to maintain a firm hand on U.S. foreign policy making during the next four years.

### **Condoleezza Rice**

Named as the National Security Council (NSC) adviser, Condoleezza Rice brings impeccable government experience and academic credentials to the job. The first woman to hold this powerful position, Rice will have to prove that she can flex the political muscle necessary to have a decisive role in foreign policy making. Observers will be closely watching to see how she wields her influence.

Rice, who was Bush's chief foreign policy adviser during the presidential campaign, has apparently chosen to scale back NSC's visibility by spearheading staff cuts that eliminate the communications and legislative offices. According to the *Washington Post*, she has also made it known that her office will neither initiate nor implement foreign policy. Instead, the NSC will focus on briefing the President on foreign policy, developing a strategic agenda that examines long-term policy questions, and brokering differences among the administration's foreign policy players.

Rice, 46, previously served as a senior NSC staffer under Brent Scowcroft, who was former President George Bush's National Security Council adviser. Prior to joining the campaign of the younger Bush, Rice was provost at Stanford

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University. A native of Birmingham, Alabama, she holds a bachelor's degree from the University of Denver, a master's degree from Notre Dame University, and a doctorate from the University of Denver's Graduate School of International Studies.

### **Roderick R. Paige**

If John Ashcroft represents the harsh, hard-line conservative branch of the Bush administration, Roderick Paige can be said to represent the administration's compassionate, moderate side. The former superintendent of the Houston school system, Paige takes control of the Department of Education with the new President having made education reform the cornerstone of his presidential campaign. Although untested in Washington politics, Paige is credited with having turned around the Houston school district, mainly by raising test scores and making school officials accountable.

Paige is expected to play a highly visible role in helping Bush sell education reform to the Congress and the nation. The centerpiece of Bush's education plan is a \$5 billion reading initiative. The administration is also interested in pushing for federally funded school vouchers, which would draw heated opposition from Democratic party circles.

A native of Monticello, Mississippi, Secretary Paige earned a bachelor's degree from Jackson State University in Mississippi and a master's degree and a doctorate from Indiana University.

### **Larry Thompson**

A former U.S. attorney in Georgia during the Reagan Administration, Thompson is highly respected in conservative legal circles. He is best known for his role as a close adviser to Clarence Thomas during Thomas' contentious Supreme Court nomination hearings in the U.S. Senate in 1991. In addition to supporting Clarence Thomas, Thompson ardently spoke out for federal judge Robert Bork during Bork's unsuccessful bid to join the U.S. Supreme Court. If confirmed to the Justice Department position, Thompson will be taking a leave from the Atlanta law firm of King and Spading, where he is a partner and specialist in antitrust and government investigations.

During much of the 1990s, Thompson served on the legal advisory board of the Southeastern Legal Foundation, a conservative public policy organization that has successfully challenged affirmative action, school busing, and domestic-partner programs. He left the organization in 1999 in a dispute over a foundation lawsuit against Atlanta's minority-contracting program. According to Thompson, he left because he supported affirmative action in hiring.

Thompson, 55, is a trustee and graduate of Culver-Stockton College in Canton, Missouri. He holds a law degree from the University of Michigan Law School.

### **Michael Powell**

Michael Powell, the son of General Colin Powell, was named the chairman of the Federal Communications Commission (FCC) by President George W. Bush in late January. Young Powell is said to have a more conservative posture than his father. An attorney by profession, he has indicated that he doesn't expect to take an activist approach to running the FCC, unlike his Clinton-appointed predecessors. Public interest advocates worry that Powell's hands-off approach to communications regulation will cause diversity and choice on the airwaves to diminish and limit public access to information technology.

"I am going to wait for issues to come to me, decide them, and get them out," Powell said in response to questions from reporters at the time of his nomination.

A former Army officer and graduate of the College of William and Mary, Powell, 37, earned a law degree at Georgetown University. His quick rise in Washington politics has included stints as a law clerk to a federal appeals court and chief of staff in the Justice Department's antitrust division.

### **Ralph F. Boyd**

Boyd has been selected by the new administration to run the politically sensitive civil rights division of the Justice Department. During the Clinton Administration, appointments to this position were repeatedly blocked by Senate Republicans, including then-Senator John Ashcroft.

Although he is now in private practice, Boyd served for six years as assistant U.S. attorney in Boston where he prosecuted many high-profile criminal cases involving gang violence, bank fraud, homicide, bombing, narcotics trafficking, and bank robbery. He also coordinated Operation Triggerlock, a national program set up by the Justice Department to prosecute gun crimes, and participated in a national urban crime initiative. At the Boston firm of Goodwin Proctor, he has worked on cases dealing with securities, product liability, and trade secrets.

If confirmed as head of the civil rights division, Boyd will be in charge of the federal enforcement of voting rights laws, school desegregation, and anti-discrimination cases. Boyd will come on board just as the politically charged redistricting process gets underway in state legislatures. His division has the chief responsibility for determining whether redrawn districts meet the requirements of the Voting Rights Act. Democrats have pointed out that he lacks experience in the area of civil rights law.

A graduate of Harvard Law School, Boyd was an intern at the Southern Poverty Law Center in Montgomery, Alabama, and clerked for U.S. District Judge Joseph Young during the 1985 case involving the bombing of abortion clinics.

### **Charles A. James**

James has impeccable credentials to run the Justice Department's powerful antitrust division. In fact, he has done so before: In 1992, he served as Acting Assistant Attorney General for the division, a position he assumed

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# Prospects for Election Reform

## *Congress and the States Are Promising to Fix a System that Failed Many Black Voters Last November*

*By Mary K. Garber*

*In this and the next two issues, FOCUS is addressing three current voting rights issues: election reform in this issue, redistricting in April, and felon disenfranchisement in May.*

The year 2001 is shaping up as pivotal for the future of black political participation, with voting rights advocates battling on at least three fronts: election reform, redistricting, and voting rights for felons. How these battles play out will be crucial to the political clout of African Americans and other minorities as well as the political futures of minority candidates. Also at stake are the fortunes of the Democratic Party, the political home of the great majority of African Americans. Further, the resolution of these issues will set the context for re-authorization of the Voting Rights Act in 2007.

While many voting rights advocates were focused on the upcoming redistricting battle in the state legislatures and the fight over the census figures, the November election supplied highly public and incontrovertible evidence that minority voting rights face threats on other fronts as well. The country discovered that many minority and low-income voters in Florida had been effectively disenfranchised by outdated and poorly maintained voting equipment, incompetent and ill-informed election officials, and a plethora of actions by state and local authorities that disproportionately denied these voters the right to cast their ballots and have them counted. Although these problems are apparently long-standing, they came to the attention of the public because of the closeness of the election. Minority voters in Florida became painfully aware that denial of their voting rights had likely cost Al Gore the presidency of the United States.

### **The Problem**

By now the problems experienced by black and Hispanic Floridians are well known: inaccurate voter registration lists, police checkpoints, faulty equipment, and inexperienced and uncooperative poll workers. For those minority voters who did manage to cast their votes, another hurdle remained: getting their votes counted. Statewide, more than 180,000 votes were discarded because of double punches or no punches in the presidential race. Huge numbers of these discarded ballots were in minority districts. Analyses by the *New York Times*, the *Orlando Sun-Sentinel*, and other news organizations found that the punch-card voting systems resulted in five times more discarded ballots than did the more up-to-date and expensive optical scanners. And blacks were much more likely than whites to have cast their votes

using the unreliable punch-card equipment. Later analysis by news organizations showed that voided ballots were much more likely to have contained a vote for Gore than for Bush.

The U.S. Civil Rights Commission held hearings in Tallahassee and Miami to determine whether the many reported incidents constituted violations of the civil rights of minority Floridians. It heard from top election officials, including Governor Jeb Bush, Secretary of State Katherine Harris, and dozens of citizens. The commission is now preparing a report of its findings for the Congress and the President.

The NAACP, American Civil Liberties Union (ACLU), and other civil rights organizations filed a lawsuit on behalf of Florida voters, claiming that election practices in Florida amounted to violations of the Fourteenth Amendment as well as the Voting Rights Act, which forbids voting practices that have the effect of diluting minority voting strength. The lawsuit seeks to force Florida to enact reforms that would ensure fair and nondiscriminatory election procedures. These include banning punch-card voting methods, adopting uniform standards for voting systems and procedures, and requiring appropriate training for election workers.

But the pattern of voting inequities last November extended beyond Florida and, in fact, plagued the entire nation. On February 1, the Southern Regional Council released a report on the 2000 election in Georgia, analyzed according to type of voting system (see Political Report for details). It found that while more than 3.5 percent of Georgia voters did not have their votes counted because of faulty equipment, Georgia voters who lived in poor or minority neighborhoods were much more likely than those in white areas to have their votes discarded.

The American Civil Liberties Union has filed suits in Georgia and Illinois alleging that flawed voting systems in those states disproportionately affected minority voters. In Cook County, Illinois, which includes the city of Chicago, official results showed that in areas with large white majorities, 4.9 percent of ballots were discarded, while in areas where minorities made up 90 percent of the voters, the percentage of uncounted ballots was in excess of 9 percent.

In St. Louis, election day problems landed in the courts by early evening, with Democrats getting a court order to keep the polls open and Republicans appealing that order and having the polls closed an hour and a half later. St. Louis' election nightmare apparently was precipitated by a pre-election purge of voter rolls that dropped more than

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## *Election Reform*

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28,000 people from the rosters before the election, many of them mistakenly.

### **Comparison of Voting Systems**

The relative reliability of voting systems has been documented in a study by the CalTech/MIT Voting Project, which has looked at voting in four presidential elections. For 1988, 1992, 1996, and 2000, project staff examined data in two-thirds of the nation's 3,155 counties. With the "hodge-podge" of voting systems across the country and the frequent changes of systems by localities, the project was able to obtain data that compared voting systems used by the same population and by different populations. Its findings are clear: the type of voting system that produces the lowest incidence of uncounted ballots is manually counted paper ballots, not exactly state-of-the-art. Optical scanners (which read darkened circles) and lever-type machines were also found to be very good. The worst systems were punch-card ballots and direct electronic voting devices, with error rates 50 percent higher than the others. The poor performance of the ATM-like devices was considered surprising because of their newness. About half of the nation's counties use the less reliable punch cards or electronic devices. The report noted the excellent performance of the optical scanners and touted their potential to become even better with improvements in technology, election official training, and voter education.

### **State and Local Solutions**

Around the country, governors, legislatures, and state and local election boards are looking at their voting equipment, election procedures, laws, and regulations to see if they are subject to the same problems as Florida.

Shortly after the election, Florida Governor Jeb Bush set up a bipartisan panel to investigate his state's voting problems and recommend solutions. At the end of February, the panel handed in a 59-page report that was highly critical of Florida's election process. Recommendations included: (1) adoption of a uniform system of voting statewide, (2) establishment of a uniform standard for recounting contested ballots, (3) banning election officials from working on campaigns, and (4) undertaking a strong program of voter education.

In Missouri, the Secretary of State has already studied the problems in St. Louis and published an assessment of what went wrong. While the report made a number of specific recommendations about improving equipment, communications, training, and record keeping, the report reserved the bulk of the blame for the local board and its lack of proactive leadership. The report also noted that St. Louis spent much less on elections than comparable Missouri jurisdictions, such as Kansas City (\$1.10 per voter vs. \$1.53).

At its January meeting, the National Association of Secretaries of State put together recommendations both for the states and for the U.S. Congress. The secretaries of state, who are usually the chief election officials for their states,

expressed concern that the problems of the 2000 election would cause undue federal intervention into state control of elections. Sharon Priest, Arkansas Secretary of State and head of the association's task force on election reform, said that extensive studies were not needed because the problems were well known to those who worked with the states' voting systems. The association's recommendations to Congress mostly involved money, including full funding for the continuous update of the Federal Voting Systems Standards, for the development of voluntary management practice standards for each voting system, and for implementation of any congressional recommendations. In addition, the secretaries of state asked Congress to promote better communication and cooperation among jurisdictions for the maintenance of accurate voter registration rolls. They received assurances from representatives of both parties that congressional legislation would be accompanied by sufficient federal funding.

### **Federal Action**

Federal legislation is now being contemplated that could for the first time in the nation's history mandate standards for federal elections. Until the U.S. Supreme Court's decision to stop the recount in Florida, the conduct of elections and tabulation of results had been considered constitutional prerogatives of the states. In many states, localities have nearly complete control over selection and maintenance of voting equipment as well as decisions about election procedures and training of election officials.

With the election still fresh in the minds of the electorate and their representatives, many new pieces of legislation have been offered in both the Senate and House. Among these a consensus has emerged on two features: a commission to study the election process and make recommendations for changes, along with the commitment of sufficient federal funds to implement any federal mandates to the states. One bill with promise was proposed by Senator Charles Schumer (D-NY) and Senator Sam Brownback (R-KS). It calls for a commission to study all aspects of ballot reform and provides \$2.5 billion in matching grants over five years to help states update equipment, train workers, and implement other reforms. Some issues that have been suggested for commission scrutiny include: the rationale for keeping the electoral college; the use of a uniform national ballot; a nationwide poll closing time; standardization of voting regulations for absentee, military, and overseas ballots; and proportional voting systems and runoffs. Currently, with the poor performance of Florida and other states still fresh in the minds of the public, few Congressmen are voicing the concerns about "States' Rights" that have hindered previous attempts to impose standards. The new President and members of both parties in the Congress have expressed their support for reform measures.

### **Necessary But Not Sufficient**

Measures to standardize voting systems are not sufficient, however, to guarantee the voting rights of minority citizens,

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# 2000 Census: Good News, Bad News

## *The Census Bureau Has Abandoned Its Plan to Adjust the Raw Numbers, But It Did a Much Better Job of Counting Minorities This Time*

*By Roderick Harrison*

**O**n March 1, the United States Census Bureau stunned most observers by recommending that the 2000 Census not be adjusted for the undercount. The decision, made by career professionals at the Bureau, ended a political battle of several years' duration over the need to use sampling techniques to correct the manual count. Accurate census numbers are crucial because they are used to reapportion the U.S. Congress, to redraw congressional and state legislative districts, to allocate public funding, and to supply demographic and other data for public and private purposes.

While advocates for African Americans and other minorities with traditionally high undercount rates are disappointed, there is good news. The Bureau and its more than 140,000 partner organizations have won major victories in the decades-long struggle to reduce the undercount, particularly among minority populations.

### **Sampling and the Adjusted Numbers**

Because of the large number of people missed by the 1990 Census, the Census Bureau had planned to use sampling techniques to adjust the raw numbers from the 2000 count. In January 1999, the U.S. Supreme Court ruled that sampling could not be used in counting the population for the constitutionally mandated purpose of apportioning the 435 seats of the House of Representatives among the states. However, the Court's ruling allowed the use of adjusted census data for other purposes. (See March 1999 *FOCUS*.)

Shortly after the 2000 Census, the Bureau surveyed 314,000 housing units scientifically chosen to represent the entire country. Using this survey and a sample of census forms, it estimated the number and characteristics of the people who did not complete a census form as well as those who completed more than one form and were therefore "overcounted." The net undercount figures were derived from these data.

The adjustment would have added about 3.3 million people to the 281.4 million counted by the census. This new total, however, exceeded by more than 5 million the total population estimates obtained by demographic analyses of 1990 census data updated with birth, death, and immigration records. While there were a number of plausible explanations for the discrepancy, the Bureau could not rule out the possibility that the adjustments had overestimated the nation's population. It concluded that it could not

recommend adjustment in time to meet the April 1 deadline for providing redistricting data to the states.

### **Reductions in the Undercount**

While the reductions in the undercount of the total population are significant (from 1.6 percent to 1.2 percent), of greater importance are the even more substantial reductions in the undercount of African Americans and other historically under-enumerated populations. The 2000 Census counted 34,658,190 blacks who reported a single race, and 36,419,434 who reported black alone or in combination with other races. The undercount estimate for the non-Hispanic black population is 2.2 percent, less than half the 4.6 percent undercount in 1990. An estimated 726,683 people who checked black alone were missed in the census, and another 46,211 were missed who reported black and other races.

Undercount rates for other historically undercounted populations were also much lower. The undercount of American Indians and Alaska Natives on reservations in 2000 was 4.7 percent, compared to 12.2 percent in 1990. For American Indians living off reservations in 2000, it was even lower (3.3 percent). For Hispanics, it was 2.9 percent, down more than 40 percent from the 5.0 percent undercount in 1990. Despite these reductions, the differential undercount—the greater likelihood of undercounting minorities—remained large. For non-Hispanic whites, the undercount was only about 0.7 percent in both 2000 and 1990.

The reductions in the undercounts of minority populations represent a historic accomplishment, especially given the growth of hard-to-enumerate groups, such as immigrants, migrant workers, and the undocumented, along with the deep-seated suspicion of government by many minority, poor, and immigrant communities. The success of the 2000 Census validates the new strategies and additional resources applied to the enumeration after the High Court decision mandated a traditional head count. Credit should also be given to the more than 140,000 organizations, including the Joint Center, that formed partnerships with the Bureau to encourage people, especially in historically undercounted populations, to fill out their Census forms and be counted.

Despite these dramatic improvements, millions of African Americans and other minorities were not counted in the 2000 Census. The result is lost political representation and funding to which these groups are entitled, even if these losses are much smaller than in the past. ■

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Dr. Harrison is Director of the Joint Center's Databank.

## Election Reform

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particularly in states with a poor history of respecting minority rights generally. In the flurry of activity to improve voting equipment and processes, it must be remembered that the problems minority voters experienced went beyond bad equipment and poorly trained workers. Many localities where minority voters had problems have a long history of denying or limiting minority voting rights and significant political reasons to continue to do so. Both Florida and Georgia are still covered by Section 5 of the Voting Rights Act for their actions in the not-too-distant past to suppress and minimize minority voting strength. Today the impetus may be more partisan than racial, but the effect is the same. In areas controlled by white Republicans, there may be compelling reasons for local officials to attempt to suppress the black vote since it is likely to be overwhelmingly Democratic. Suppression can be subtle. Any actions that tend to keep down turnout are likely to rebound to their benefit. Curtailing voter registration hours and places, limiting hours of voting, conducting frequent purges of voting rolls, placing policemen in the vicinity of polling places, asking for multiple forms of identification, and other such tactics are more likely to be impediments for minority voters than white middle-class citizens.

To regain the confidence of black voters, who turned out in record numbers in many of these states, election reform must address the abuses and indignities encountered by these minority and low-income voters, as well as ensure that their votes are counted. Along with the federal legislation under consideration, the outcome of court cases alleging that these disparities amount to violations of the Voting Rights Act and provisions of state and U.S. constitutions will have an enormous effect on equality in the voting booth. ■

## New Administration

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after two years as the division's Deputy Assistant Attorney General for Policy and Legislation. In addition, he held several positions at the Federal Trade Commission during the early 1980s. Both before and after his previous service with the Antitrust Division, he focused on antitrust issues in mergers, acquisitions, and joint ventures as a partner in the Washington office of the law firm, Jones, Day, Reavis & Pogue.

James, 46, chairs the Antitrust Law Committee of the American Bar Association's Business Law Section. He holds a law degree from the National Law Center at George Washington University.

## Implications

Putting African Americans in prominent positions has earned Bush political capital with black citizens. But it remains to be seen whether these appointments will be enough to improve the Republican Party's standing among black voters. While these black Republicans represent a range of political views, all are more conservative than most black citizens who overwhelmingly identify with the Democratic Party. In the long run, African Americans will be looking to see how much influence these appointees have within the administration and how they use it to advance issues of importance to black Americans. ■

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# TRENDLETTER

## POLITICAL REPORT

### Bush Courts Black Caucus

By Mary K. Garber

As part of a high-profile campaign to improve his image among black Americans, President George W. Bush met with members of the Congressional Black Caucus (CBC) little more than a week after taking the oath of office. Even before taking office, Bush had begun courting the approval of African Americans, who had resoundingly rejected him in the election. Early on, Bush appointed prominent African Americans Colin Powell, Condoleezza Rice, and Roderick Paige to important positions in the Administration and met with the Rev. Jesse Jackson. A series of less substantive photo opportunities also prominently featured African Americans.

The decision to meet with the CBC won high marks for courage since it brought the new president face to face with some of his harshest critics. Members of the CBC have repeatedly questioned the legitimacy of the Bush victory. Among the meeting's attendees was Rep. Sheila Jackson Lee, a Democrat from Bush's home state of Texas, who officially objected to certification of the Florida vote in the House of Representatives. The CBC's three Florida members, Carrie Meek, Corrine Brown, and Alcee Hastings, boycotted the meet-

ing. Rep. Maxine Waters (D-CA) also missed the meeting, noting that she was busy working against John Ashcroft's nomination.

Meeting with the CBC this early in the administration was seen as a signal that Bush wants to mend fences with black Democrats who were outraged by the Florida debacle. Aside from the problems in Florida, the Bush people are well aware of his lack of support among black voters. Nationwide, Bush received only 8 percent of the black vote in the November election, the lowest percentage of any major party candidate in three and a half decades. In Texas, where he was governor, he gained only 5 percent of the black vote. Joint Center Senior Political Analyst David A. Bositis and other experts noted that Bush's current outreach to black Americans also is intended to make him appear more moderate to white Americans who are fearful of Bush's conservatism.

While the meeting received positive ratings from all sides, CBC members candidly expressed their views on a number of controversial subjects, including the voting inequities in Florida. Many said that Bush seemed unaware of the depth of anger and resentment among black voters. They explained that for African Americans who have experienced deliberate denial of their right to vote in Southern states such as Florida, stories of police barricades, inaccurate voter registration roles, uncooperative poll workers, and other barriers to voting

smacked of regression to pre-Civil Rights era practices. They stressed the need for election reform so that qualified minority voters are not deterred from voting and can be confident that their votes will be counted. Bush promised to support reform measures.

CBC members also expressed their strong disapproval of Bush's nominee for Attorney General, John Ashcroft. Ashcroft's opposition to the nomination of black Missouri Supreme Court Justice Ronnie White to the federal bench and to Bill Lann Lee for the civil rights post in the Clinton Justice Department were part of what members saw as Ashcroft's decidedly anti-civil rights record during his tenure on the Senate Judiciary Committee. Ashcroft's opposition to school desegregation plans when he was governor of Missouri was also mentioned by CBC members as a reason for questioning whether he could be trusted to enforce civil rights laws rigorously.

Bush emphasized issues on which he felt that he and CBC members were in agreement, including his pledge to give top priority to improving the nation's schools. He also noted the need to address the AIDS epidemic in Africa.

Despite disagreements on many issues, CBC members seemed to appreciate the President's gesture in inviting them to the White House.

The Administration's response to concerns about Ashcroft came fairly

quickly. Less than two weeks after the CBC meeting, the Bush Administration nominated two African Americans to high-level positions under Ashcroft in the Justice Department. Larry Thompson was tapped for deputy attorney general, the number two position, and Charles A. James for antitrust. Since then, the Administration has announced the nomination of another African American, Ralph F. Boyd, to head up the civil rights division.

### **SRC Report Confirms Disparities in Uncounted Georgia Votes**

The Southern Regional Council (SRC) has added its voice to calls for a reform of the nation's voting system. Its study of election data from the 2000 election in Georgia, released February 1, confirms that disparities in the reliability of voting systems translated into substantial racial and partisan disparities in uncounted votes in the presidential election in that state. The analysis contradicts a report previously released by Georgia Secretary of State, Kathy Cox, that stated no significant differences were found based on type of voting system.

The SRC report found that 2.72 percent of the votes cast in 66 Georgia counties that used optical scanning technology were discarded. The discard rate for the punch card system used in 17 Georgia counties was much higher, at 4.67 percent. Lever-type voting machines used in 74 Georgia counties had a rate that fell between the two extremes (3.98 percent).

Nearly half of all black voters in Georgia (46.23 percent) voted on the least reliable type of equipment, punch cards, while less than a quarter of white voters (24.73 percent) had to use this inferior equipment. Conversely, white registered voters in Georgia were much more likely to live in areas that used the up-to-date,

more reliable optical scanners than were black voters. While more than half of all white voters cast their votes in counties using such equipment, little more than a third of black voters did so. Predictably, the result was that many more black voters had their votes discarded.

Partisan differences in discarded votes were also significant. While 61 percent of Georgians voting for Bush used the most reliable equipment, only 37 percent of Gore voters were able to cast their votes using these machines.

SRC Associate Director Ellen Spears called the number of uncounted votes "unacceptable in a democracy." The study concluded that overall, 3.51 percent of the votes cast by Georgians were not counted. The ACLU has filed a lawsuit alleging that the Georgia voting system is "fatally flawed."

### **New Office of Faith-Based Programs Established**

Less than two weeks into his term, Bush moved to fulfill a campaign promise by creating a White House Office of Faith-Based Programs and Community Initiatives and appointing University of Pennsylvania professor of political science John J. DiIulio, Jr., to head up the new initiative. The purpose of the office will be to integrate the social service efforts of religious institutions and other nonprofits with those financed by the federal government.

The appointment of DiIulio instead of a member of the clergy is seen by political observers as an effort to make the office more acceptable to critics that question the constitutionality of such links between church and state. However, DiIulio is not without controversy. A well-known social scientist and scholar in criminology,

DiIulio has harsh critics on both the left and the right. Earlier in his career, he strongly advocated mandatory minimums and used the term "superpredator" to describe juvenile offenders who committed heinous crimes seemingly without remorse. Now he says that he regrets using that term and repudiates mandatory minimums.

In 1995, DiIulio began studying the positive effects of religion and religious institutions on individuals and communities, including reductions in crime rates. At Penn, he started the Center for Research on Religion and Urban Civil Society. During that time, he also felt that his own Catholic faith was renewed.

Administration spokespersons emphasized that DiIulio envisions faith-based programs as only one means of providing services in such areas as substance abuse prevention and treatment, teen pregnancy, and violence prevention. The new faith-based programs office is also seen by the Bush Administration as a way to attract the support of African American clergy.

A small group of African American pastors headed by Bishop Charles E. Blake, pastor of a large Los Angeles church, and the Rev. Eugene Rivers, pastor of a small Pentecostal church in Boston, have in fact been seeking a closer relationship with the administration and other Republicans because they feel that they have common ground on such issues as public support of faith-based initiatives and school vouchers. Other African American leaders wonder whether these popular moves are more symbolic than substantive and may serve to distract attention from a weakening federal commitment to providing social services for the poor. ■

# ECONOMIC REPORT

## Unemployment Inches Up

by Margaret C. Simms

The United States entered the new year with a slight increase in the unemployment rate. When the news was released in early February, it added to a seemingly growing list of bad news on the labor front. But the picture was far more complicated than it appeared at first glance. Several reports released by the U.S. Bureau of Labor Statistics (BLS) revealed an interesting picture of the U.S. labor force, its status and well-being.

### Employment at the Beginning of 2001

January unemployment rates released by the BLS showed the unemployment rate for the civilian labor force up by 0.2 percentage points, from an overall rate of 4.0 percent in December to 4.2 percent in January. An examination of the rates by race and gender shows some differences in the impact of the economic slowdown. So far, white women seem to be slightly less affected by the slowdown than white men. Among the African American population, the impact of rising unemployment seems to have fallen harder on women than on men (Table 1). The unemployment rate for adult black men was 6.9 percent in January 2001, as opposed to 7.3 percent for adult black women. Moreover, the number of black women with jobs in January 2001 was lower than that reported for December, while black men seem to have maintained or slightly increased the number of jobs they held coming into the new year. Compared with whites,

however, blacks had relatively high unemployment. Specifically, black men were twice as likely as white men to be unemployed, and black women twice as likely as white women. But a higher proportion of black than white women had jobs, reflecting their greater need to earn money to support their families, either because they are single heads of household or because their husbands earn significantly less than their white counterparts. Adult white men earned, on average, \$727 per week at the end of 2000, compared to \$538 for adult black men.

While the change in unemployment rates was small, the public's attention was more focused on announcements of mass layoffs by many major corporations, including Daimler-Chrysler, Lucent Technologies, and Sara Lee. A February 19 article in the *New York Times* suggested that the announcements will not translate into the massive joblessness and economic deprivation implied by the numbers. According to the article, many of the job cuts will be overseas, and some laid-off workers, such as those at Daimler-Chrysler, will be paid 95 percent of their regular pay due to union-negotiated agreements.

In spite of this rosy interpretation of recent layoff announcements, job cutbacks are already being felt across the country. The BLS released a report on layoffs, based on individuals actually filing for initial unemployment claims. When any given establishment has 50 or more claims filed against it in a consecutive five-week period, the data for that establishment is flagged for inclusion in a mass layoff database. Information from that database showed a sharp increase in mass layoffs at the end of 2000. Overall for the year, there were 15,738 layoff events affecting 1.57 million workers. The number of

events was higher than in 1999, but lower than in 1998. However, the number of workers affected in 2000 was greater than the number affected in each of the prior four years covered by the report. Manufacturing was the industry with the most layoffs, accounting for 50 percent of the workers losing jobs. The largest number of events in the fourth quarter of 2000 took place in California and involved 154,156 workers losing jobs. The greatest increase (133 percent), however, was in Michigan, where 56,531 workers were affected.

### Union Membership and Self-Employment

At the same time, fewer U.S. workers than in the past are able to take advantage of the negotiation strength offered by unions, which can soften the impact of layoffs. Union membership continued to fall during 2000, with 13.5 percent of the workforce holding union membership in 2000 as compared with 13.9 percent in 1999. The figures for 2000 reveal a 33 percent decline in membership since 1983.

The highest rate of unionization (39.4 percent) is among protective service workers. Union membership is also high among government workers, 37.5 percent of whom are organized. The rates were lowest in occupations and industries where the number of jobs is growing. Sales (3.5 percent) and finance, insurance, and real estate (1.6 percent) were among the lowest. Blacks are much more likely than whites to be union members (Table 2). This probably reflects their higher concentration in government jobs and other jobs with more union penetration.

The BLS also reported that self-employment among American workers had fallen between 1994 and 1999, suggesting that entrepreneurship may be on the decline. However, there

seems to be a distinct difference between those who left self-employment and those who continued to be their own bosses. In fact, those who were most likely to leave self-employment were workers at the lower end of the labor force who took jobs in big companies. Workers who continued to be their own bosses tended to be people with high levels of education. This difference between those who stayed in self-employment and those who left contributed to a 30 percent increase in the average income of the self-employed over the five-year period. The changing pattern of self-employment is consistent with the strengthening of the economy, which provided more attractive jobs for

those with fewer skills and new entrepreneurial opportunities for those with high skills and access to capital. A turnaround in the economy could very well reverse the five-year trend in self-employment, since many workers with modest skills and incomes become self-employed when they lose their company jobs.

### Outlook for 2001

Economists do not agree on the direction of the economy for 2001. The greatest consensus is on a slower rate of growth, as most economists believe the pace of economic growth in recent years (4 percent annually) is impossible to maintain. However, only a few are currently predicting an

actual recession, that is, two quarters of decline in gross domestic product. Consumer behavior may very well affect the direction of growth, and consumer confidence has declined over the past two months. Even without a recession, the slower pace of growth will likely have an adverse effect on the unemployment rate since the labor force will probably grow more rapidly than the number of new jobs available. Since little has changed in terms of the black-white unemployment ratio, it seems clear that African Americans will once again bear more of the burden for the economic slowdown than will their white counterparts. ■

**Table 1: Employment Status of the Civilian Population by Race, Selected Months**

	Black Men	White Men	Black Women	White Women
<b>Unemployment Rate</b>				
January 2001	6.9	3.2	7.3	3.0
December 2000	7.3	2.9	5.7	3.1
January 2000	7.3	2.8	7.1	3.1
<b>Total Employed (thousands)</b>				
January 2001	6,918	58,571	7,731	49,270
December 2000	6,897	58,581	7,861	48,973
January 2000	6,811	58,395	7,722	48,719
<b>Employment/Population Ratio</b>				
January 2001	68.0	74.5	60.6	58.7
December 2000	67.6	74.6	61.7	58.4
January 2000	68.0	75.0	61.5	58.5

**Table 2: Union Membership of Employed Wage and Salary Workers, by Race, 2000**

	Black Men	White Men	Black Women	White Women
Union Membership (thousands)	1,282	7,911	1,208	5,183
Percent of Employed	19.1	14.9	15.4	10.9