

FOCUS[®]

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

STATES CUT PRISON COSTS

*In Face of Tight Budgets,
Shifting Public Opinion*

By Vincent Schiraldi

Faced with severe budget shortfalls and shifting public opinion, states around the country are rethinking harsh criminal justice policies that have led to budget-busting prison expenditures. State officials from both parties are beginning to close prisons, roll back mandatory sentences, give more discretion to sentencing judges and reform parole policies, according to a recent report by the Washington, D.C. based Justice Policy Institute.

"The combination of the current fiscal crisis and decreasing public support for the use of incarceration has created a national trend in states moving toward a more balanced response to crime," says Judith Greene, the report's co-author. —Continued on page 10

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Bunche, Young and Powell: Black Diplomats in the Middle East

First there was Dr. Ralph Bunche. Then there was Ambassador Andrew Young. And now, Secretary of State Colin Powell is the latest Black American diplomat to pursue peace in the Middle East.

Their stories provide an indication of just how difficult it is to settle a conflict that has raged over 50 years. Their work also provides some insight into the complexity of African American feelings about Israel and the Palestinians.

Black Americans have a stake in this and many other subjects that often are not considered "Black issues." It is important for African Americans to keep abreast of all critical questions, particularly when the stakes for life and death and U.S. involvement are so high.

For some, appreciating African American involvement in the region might facilitate an understanding of the crisis. Of the three diplomats, Bunche had the greatest success in the region, though it's much too early to judge Powell's ultimate contribution. As acting United Nations mediator in Palestine, Bunche won the Nobel Peace Prize in 1950 for his work on an armistice agreement between the Arab nations and Israel.

As a result of his efforts, Bunche also was feted with a ticker tape parade in New York, a Ralph Bunche Day in Los Angeles, the NAACP's prestigious Spingarn Medal and more than 30 honorary degrees.

Young's treatment was just the opposite. President Carter had appointed him ambassador to the UN, but in 1979 an uproar following his informal meeting with the Palestinian Liberation Organization's (PLO) representative to the UN forced his resignation. At the time, official U.S. policy prohibited American diplomats from even talking to the PLO, though the State Department knew about Young's back channel meeting.

Times have improved at least to the point where Powell did meet recently with Palestinian leader Yasser Arafat, though over Israel's objections. At the same time, many Palestinian supporters doubt the United States can be an honest broker because of its history of strong support for Israel. Powell could not overcome tough odds last month, and his shuttle diplomacy did not produce the cease-fire or the immediate withdrawal of Israeli troops from Palestinian territory that the Bush administration sought.

Beyond the diplomatic work of these Black statesmen, their roles provide some clues to African American attitudes toward the Middle East conflict. Powell represents an administration that strongly favors Israel. Like most Americans, Black Americans support a secure Israel and abhor the terrorist tactic of using suicide bombers to attack civilians.

Yet, Black Americans also opposed the harsh attacks on Ambassador Young's dialogue with the Palestinians. His resignation caused a serious wound in Black/Jewish relations. Furthermore, African Americans relate the plight of the Palestinians, a subjugated people fighting for their own land, to African struggles for liberation. It is not lost on Black Americans that Arab leaders steadfastly backed South Africa's democracy fight, while Israel was one of the apartheid government's few friends.

At the end of the day, Black Americans, like people everywhere, want a true peace, such as the one Bunche hoped would flow from his remarkable work. As he said when he accepted the Nobel Prize, "there will be no security in our world ... no enduring peace, until, in Shelley's fine words, 'reason's voice, loud as the voice of nature, shall have waked the nations.'"

Fifty-two years after he spoke those words, the Middle East still has not heard reason's voice. Nor, unfortunately, do we always hear reason's voice in U.S. deliberations over Middle East policy. ■



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Home Care In Crisis

Need for Care Grows, As Do Staff Shortages

BY MARC DEFRENCIS

Home-based care is a booming industry. For more than a decade, the field's paraprofessional workforce—home health aides, personal care attendants, and certified nurse's assistants—has been growing twice as fast as the rest of the nation's workforce. Today it numbers more than 800,000 workers, over a third of whom are Black women.

Despite this growth, staffing shortages have become acute, made worse by high turnover rates. Clients suffer increasingly long waits, while low pay, scarce benefits and high stress have remained sources of growing dissatisfaction among workers. The good news is that during the last few years, coalitions of home care workers, clients, and voters in several states have begun to force changes in public policy that are bringing about positive results.

Rising Demand

"There's a highly vocal movement among the disabled, who want the freedom to direct the people who work for them," says Howard Croft, a labor organizer who specializes in nonmedical healthcare workers at Service Workers International Union (SEIU). "Elderly people, too, are demanding the freedom to grow old at home."

These are just two of the many forces contributing to the rising demand for this form of care. Medical advances make home-based care more practical than institutional care. Hospital and insurer policies also encourage home care. With the baby boom generation moving closer to retirement age, it is not surprising that the federal government projects the need for these jobs to continue growing even faster.

Two years ago, the National Association for Home Care issued a warning to Congress that agencies were often unable to hire staff to provide the most fundamental care needed. Since that time, reports from provider agencies, consumer associations, and four-fifths of the states have underlined the same unresolved staffing crisis.

Although the field requires little or no training, a deepening worker shortage continues despite the abundance of low-skilled women in need of jobs. One factor is low wages. Nonmedical home care work today pays an average of \$7.50 to \$8.50 an hour in most states, with more than a third of these workers earning below or only slightly

"It's a bit like the Wild West. Most states regulate home care only minimally, if at all."

— Howard Croft, Labor Organizer

above the poverty threshold. "Certainly, when you have an oversupply of something, you don't value it," says Steven Dawson, president of the Paraprofessional Healthcare Institute in New York City. "Until lately, employers have been able to 'buy cheap.'"

Moreover, more than half of these workers receive no employer-based health coverage, and a third are living without coverage of any kind. This is ironic, since their duties require frequent exposure to the frail and the sick, and their wages are largely underwritten by public funds. It is not surprising that holding on to workers is also

becoming more difficult. While annual turnover at home care agencies is not formally recorded, Dawson says it is currently well over 40 percent nationally.

The testimony of Mardell Bell, an African American home care worker in suburban Chicago, before a Senate committee last July is illustrative. Noting that she has been without health coverage for the four years of her employment, Ms. Bell, who suffers from severe asthma, went on to say, "I am running up and down the stairs all day long. . . . It takes two months to get an appointment at a [public] clinic. . . . So when I run out [of prescription medication] I just pray I don't have an asthma attack."

Many of these hardships stem from the way the industry is structured. Generally, neither home care agencies nor the employment firms that list available independent workers are required to train or screen nonmedical caregivers. "It's a bit like the Wild West," says Croft. "Most states regulate home care only minimally, if at all."

Taking Action

There are signs of hope on the horizon. One is the increase in local programs that train the underemployed and unemployed for home health care and related entry-level jobs. "Making home care work the first rung on a health career ladder could improve retention rates and upgrade this work in the eyes of prospective workers," says Wilhelmina Leigh, a senior research associate at the Joint Center. Several local programs offering such training will be featured in a forthcoming Joint Center publication, the "Resource Guide to Community-Based Health and Community Development Initiatives."

Because a majority of the money paid out for home-based care comes from Medicare and Medicaid funds, changes in public policy can make a big difference. In addition to California, at least eight other states have passed legislation benefiting home care workers during the last two years. Several have enacted structural changes. New Hampshire will now apply the state certification already required of health aides at nursing homes to those working in home-based care, and Massachusetts created a scholarship to pay for entry-level training, part of a comprehensive reform of its long-term care system.

Modest Wage Hikes

The most common state measures have been modest wage hikes. Unfortunately, it is unclear whether these pay increases are being passed through to workers as intended. In New Jersey, for example, more than half of a \$6 million reimbursement increase passed last year is being used by private home care agencies to pay themselves rather than their workers, according to Michelle Sforza, a labor analyst with the American Federation of State, County, and Municipal Employees (AFSCME).

“Agencies need to be held accountable,” Sforza says. The AFSCME union is currently busy, along with the SEIU, organizing home care workers in New Jersey with that aim in mind. “Roughly 80 percent of these workers have no employer health coverage,” she adds. “But once we can face the agencies across a bargaining table, we think the money to pay for coverage may turn out to be there.”

Before 1999, few home care workers belonged to any union, with the exception of those working in New York State, where SEIU has been organizing them for two decades. All that changed in February 1999, when 72,000 workers in Los Angeles County joined the SEIU, marking the largest single union vote in the country in 60 years. Organizing efforts continue throughout the state. Last fall, another notable union election brought San Diego County’s 12,000 home caregivers into the AFSCME fold.

Union elections were not even an option for California’s caregivers until the state assembly voted in 1999 to make every county establish an employer of record for the 200,000-plus independent home care workers. Persuading lawmakers to take that step required more than a decade of coalition building. “The media reported the 1999 SEIU election in Los Angeles as a victory for unionization, but in fact it was not about workers,” says Janet Canterbury, who served as a coordinator for the California Quality Home Care Coalition. “In California, it happened only because these groups—labor, the disabled and elderly, and the state agencies that fund care—opened their eyes to each other’s issues and worked together despite their own significant differences and suspicions.”

Under California’s 1999 law, by January 2003 every county must have not only an employer of record but also an advisory committee on which home care consumers hold a majority membership. San Francisco County already guarantees health coverage to all independent caregivers in its jurisdiction. “There is actually a waiting list in San Francisco now for people who want to become home care workers,” says Croft.

Two equally dramatic changes emerged from the fall elections of 2000 and 2001, when voters in Oregon and Washington State, respectively, passed referendums requiring their states to take a direct role in overseeing home care. In Oregon, the ballot measure enshrines this change as an amendment to the state’s constitution. “Voters were in favor of this measure because they believe seniors and others with disabilities ought to have a choice to stay in their own homes and have a trained workforce to provide care,” says Karla Spence, statewide home healthcare coordinator for the Oregon SEIU.

Governed by a consumer-directed commission, Oregon’s new home healthcare authority is now the employer of record for the state’s 13,000 non-medical home caregivers. It must ensure quality by establishing systems for training and referrals, and it is authorized to negotiate wages and benefits with unions. It is

currently building a statewide computerized registry that consumers, agencies, and caregivers can all access to match needs, skills, and schedules.

After the Oregon referendum passed, nearly half the state’s home care workers turned out for a union election, and 92 percent voted to be represented by SEIU, which had lobbied with consumer groups to get the measure on the ballot. Spence says her union’s chief aim now is to win healthcare coverage for all caregivers.

Because Oregon, like many states, is facing a severe budget shortfall, Spence is cautious about when that goal can be reached. “But overall,” she says, “legislators should recognize that this would be a great value for clients and great for taxpayers. In Oregon, every home care arrangement saves the state an average of \$20,000 per year, when compared with the average cost of care at an institution. Moreover, until these workers are fully insured themselves, the state is incurring the added cost of Medicaid and Food Stamps that many low-wage caregivers still depend on.”

Dawson applauds these changes, but urges that an even more comprehensive reform is needed across the country. His Paraprofessional Healthcare Institute, which designs training programs for both home-based and nursing home healthcare workers, has been tapped for its expertise by several reform-minded states, and is advising the federal Centers for Medicare and Medicaid Services on policies for caregivers’ recruitment and retention.

“In order to maintain a stable, competent direct-care workforce, both providers and consumers now find it in their essential self-interest to improve the quality of paraprofessional jobs,” Dawson says. He believes, too, that many of the nurses’ aides and others in this field, often perceived as unstable and undereducated, are anxious to treat it as a committed career.

“In focus group after focus group,” he adds, “we heard the same thing from these workers. ‘If we’re still here’, they tell us, ‘it’s because despite the wages and the way we are treated, we love the work.’” ■

POLITICAL REPORT

Kirk Wins Texas Senate Runoff; Others Seek Statewide Posts

By Mary K. Garber

With his strong victory in the Texas Democratic runoff, Ron Kirk is in contention to become the first Black senator from the state and only the third elected in U.S. history. But winning the November election won't be easy.

The former Dallas mayor now faces Attorney General John Cornyn, who enjoys the support of President Bush, the state's former governor. With the Bush name so popular in Texas, Kirk said no matter who the Republican candidate is, "I'd be running against the president."

The well-funded Kirk swept past schoolteacher Victor Morales. Kirk won 60 percent of the vote in the April 9 election. A *Dallas Morning News* poll just four days earlier showed him trailing by seven points.

Kirk will need to beat the odds in the general election on two counts to succeed the retiring Republican Phil Gramm. First, Black candidates have been nearly shut out of top statewide positions across the nation. Second, in recent years, only a few big city mayors of any race have made it into the Senate, still considered by many to be the "world's most exclusive club." Although the number of Black elected officials has skyrocketed—up almost sixfold in the 30 years that the Joint Center has been keeping track—the increase masks the paucity of African Americans in statewide office.

The Texas Senate Race

Born in Austin, Texas, Kirk, 47, was appointed secretary of state by Gov. Ann

Richards in 1994. The following year, he won election as mayor of Dallas, becoming the first African American mayor of any major Texas city. A former corporate and city lobbyist, Kirk benefited from the support of the Dallas business community while mayor. He cut property taxes and

pushed through such projects as a sports arena downtown and redevelopment of the Trinity River basin. During his tenure, crime rates fell and racial tensions diminished. When he ran for re-election in 1999, he garnered nearly three-fourths of the vote.

In the March 12 Democratic primary, Kirk ran neck to neck with Morales, a Hispanic schoolteacher with little political experience who had faced Gramm in his last re-election bid in 1996. Morales and Kirk each won about a third of the votes cast, with Morales gaining a slight edge. Coming in third was Rep. Ken Bentsen with 27 percent of the vote. Bentsen, who is the nephew of former Senator Lloyd Bentsen, later endorsed Kirk.

Kirk focused on his ability to bring people together from different racial and ethnic backgrounds and from different political and economic perspectives. "Dallas has less than 30 percent African American population," he told a National Journalists Roundtable briefing. "So it is not anything new for me to appeal to Anglos, Hispanics and others."

As in 1996, Morales ran a populist campaign that focused on his status as an outsider. Although Morales received the support of most of the Hispanic community, Kirk gained some high-profile endorsements from that segment as well—notably that of Henry Cisneros, former San Antonio mayor and a member of President Clinton's cabinet. The United Farm Workers, a largely Latino organization, also backed Kirk, as did Black, White and Hispanic members of Congress from Texas. One day before the runoff, the Democratic nominee for governor, Tony Sanchez, who had tried to stay out of the fray, endorsed Kirk.

Before becoming attorney general, Cornyn served on the Texas Supreme Court from 1991 to 1997 and as a district judge in Bexar County for five years prior to that. He also served on Bush's transition advisory committee after the 2000 election. With the balance of power in the Senate at stake, both the national Republican and Democratic parties

Election Calendar State Primaries

- May 7 – Indiana, Ohio
- May 14 – Nebraska, West Virginia
- May 21 – Arkansas, Oregon, Pennsylvania
- May 28 – Idaho, Kentucky
- June 4 – Alabama, Iowa, Mississippi, Montana, New Jersey, New Mexico, South Dakota
- June 11 – Maine, North Dakota, South Carolina, Virginia
- June 25 – Utah
- August 1 – Tennessee
- August 6 – Kansas, Michigan, Missouri
- August 13 – Colorado
- August 20 – Georgia, Wyoming
- August 27 – Alaska, Oklahoma
- September 3 – Nevada
- September 7 – Delaware, Guam
- September 10 – Arizona, Connecticut, District of Columbia, Florida, Maryland, Minnesota, New Hampshire, New York, Rhode Island, Vermont, Wisconsin
- September 17 – Massachusetts, Washington
- September 21 – Hawaii

likely will pour considerable resources into the race.

Texas Democrats are optimistic about their chances. With Kirk on the ballot in November, they believe they will be able to capitalize on the draw of a multiethnic “dream team” and generate enthusiasm for a ticket that also has a Hispanic nominee for governor and a moderate Anglo running for lieutenant governor.

“Turnout is key in off-year elections,” said David A. Bositis, a senior research associate at the Joint Center. But Bositis cautioned that in order to win, Kirk would have to run a perfect campaign and Cornyn would have to make some mistakes.

Kirk disclaims any interest in having his name in history books. “I’m not running to make history,” he is often quoted as saying. “I am running to make a difference.”

North Carolina Senate Race

The only other viable Black candidate seeking a U.S. Senate seat is State Sen. Dan Blue of North Carolina. Blue is running an uphill battle against former Clinton chief of staff Erskine Bowles in the May 7 primary. They are seeking the Democratic nomination to the seat of right-wing Republican Jesse Helms, who is retiring. (Cynthia Brown, another African American seeking the nomination in North Carolina, has never held elected office and is not expected to be a contender.)

Before Bowles entered the race, Blue looked as though he might have a good chance of capturing the Democratic nod. Despite not being elected to statewide office, Blue gained name recognition across the state as speaker of the North Carolina House for two terms.

Bowles is favored not only because of his previous service with the Clinton administration, but also because he has broad support in the state party, as well as vast personal wealth to finance his campaign. Bowles’ father, Skipper Bowles, was a Democratic party stalwart and candidate for governor in 1972.

Whoever wins the Democratic nomination will likely face Elizabeth Dole in the general election. A North Carolina native, Dole was transportation secretary in the Reagan administration and labor secretary in the first Bush administration, as well as a high-profile president of the American Red Cross. Dole also received national attention when her husband, former Senate Majority Leader Robert Dole, ran for president in 1996. Polls show Elizabeth Dole with a commanding lead against any Democratic challenger.

Governors’ Races

The governors’ races offer little hope that an African American can break through the color barrier this year. While there are a number of African American candidates standing for election as governors of their states, only in New York and Wisconsin are Black hopefuls given a chance to win their party’s nomination.

New York — State Comptroller Carl McCall is seeking the Democratic nomination for governor to run against incumbent Republican George Pataki, whose political position has been strengthened since the terrorist attacks on New York City. McCall, the first African American to be elected to statewide office in New York, is currently serving his second term as comptroller. He served three terms in the state senate.

McCall’s chief opponent is Andrew Cuomo, a former secretary of Housing and Urban Development, and son of popular former Gov. Mario Cuomo. The McCall campaign has experienced a number of setbacks, “a series of stumbles (some of them just plain silly),” wrote *New York Times* columnist Bob Herbert. In March, McCall drew unnecessary negative press when he predicted victory in a straw poll among rural Democrats that ended up backing Cuomo. With the primary not scheduled until September 10, this race is still wide open. But whoever wins the Democratic nod will have a tough time defeating Pataki.

Wisconsin — Four Democrats are looking to unseat Republican Gov. Scott McCallum, who moved to the position from lieutenant governor after Gov. Tommy Thompson resigned to become secretary of Health and Human Services in the Bush administration. Gary George, the African American president pro tempore of the state senate, is running third among the four, but is still polling respectable numbers with the primary four months away. The top two contenders at this time are Attorney General Jim Doyle and Congressman Tom Barrett. A recent poll has heightened public interest in the Democratic primary as it showed both Doyle and Barrett with an edge over incumbent McCallum among likely voters. In the same poll, George trailed McCallum by only 6 percentage points. The primary is September 10.

Oregon, Florida, Illinois, and Michigan — In Oregon, Jim Hill, the former state treasurer, is seeking the Democratic nomination to replace Democratic Gov. John A. Kitzhaber, who is constitutionally prohibited from running for another term. Hill, however, is an underdog in the race, trailing the front runner by a more than two to one margin.

In Florida, state senator Daryl Jones is running well behind former U.S. Attorney General Janet Reno and Bill McBride for the Democratic nomination there.

In Illinois, African American candidate Roland Burris lost the Democratic March 19 primary to Rod Blagojevich, who will face Republican Jim Ryan, the state’s attorney general, in November.

In Michigan, Alma Wheeler Smith withdrew from the governor’s race, but at the same time announced that she will be a candidate for lieutenant governor on the ticket with Democratic Congressman David Bonier. ■



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ECONOMIC REPORT

Bush Proposes Changes To Welfare Reform Law

By Margaret C. Simms

The Personal Responsibility and Work Opportunity Reconciliation Act, which instituted welfare reform in 1996, is scheduled to expire September 30, 2002. By that time, the Congress and the president must reach agreement on an extension or revision of the Temporary Assistance for Needy Families (TANF) program begun under the welfare reform legislation.

The Bush administration has released its proposals for the next phase of welfare reform in a document entitled, "Working Toward Independence." When he announced his plan during a speech at a Black church school in Washington, DC, Bush emphasized four key components of his welfare agenda: (1) achieving independence through work; (2) protecting children and strengthening families; (3) encouraging innovation by states; and (4) providing food assistance to legal immigrants. While the proportion of African American families receiving support from TANF has decreased over the past five years, their families are still more likely to be on welfare than other families. Consequently, proposed changes in the welfare system are of particular interest to policy-makers and others who are concerned about African Americans.

Work Requirements

The White House proposes to change two major features of the work requirements, the minimum number of hours worked per recipient and the proportion of recipients who must work. The number of

hours TANF recipients would have to spend in work-related activities would increase from 30 to 40 hours per week. The administration emphasizes the fact that up to 16 hours a week of that time can be spent in skill enhancing activities such as vocational education, but critics point out that the number of work hours would go up from 20 to 24 and there would be many more restrictions in the types of work allowed than is the case under the current legislation. The Center on Budget and Policy Priorities notes, for example, that job search and vocational education activities do count as part of the current 20 hour work requirement but would not under the president's proposal.

In addition to the increased work hours, the proposed legislation would hold states accountable for higher rates of work participation. Currently, states must ensure that at least 50 percent of welfare recipients are working. The administration proposes to increase that to 70 percent in 5 percent increments over the next four years. At the same time, they are proposing to eliminate the work participation credit that states receive when individuals move off the welfare rolls into jobs. For every 1 percent reduction in the welfare population, a state's work participation rate requirement currently goes down by 1 percent. So a decline of 10 percent in the state's rolls reduces its required work participation rate from 50 percent to 40 percent. Some analysts argue that the proposed elimination of this credit would significantly raise the hurdles states must overcome to reach their goals at a time when the economy may be generating fewer new jobs than it has over the past five years.

The administration proposal does include a new provision for three months of substance abuse treatment or work-related training in lieu of work. This would allow individuals with acute but fairly manageable problems to become "work ready," but is unlikely to be sufficient for those with serious work deficiencies.

Strengthening Families

Two features of the president's proposals are aimed at strengthening families. One would increase the proportion of child support payments collected by the state that are actually passed through to mothers and children. Currently, states that collect child support payments from delinquent non-custodial parents must share them with the federal government and are allowed to keep the rest as an offset for welfare payments or pass it on to the custodial parent. If the administration's proposal were passed, the federal government would provide matching funds to states that increase the pass-through amount to the greater of \$100 per month or \$50 over the current state pass-through. For families formerly on welfare, the administration proposes to simplify the rules for distribution.

Increasing the portion of a non-custodial parent's payment going directly to the child is a step in the right direction, since many have argued (and evidence supports the fact) that parents are more likely to pay child support if they see that their children receive increased financial support as a result. Moreover, this support tends to make parental ties to children stronger even when the two parents are not living together. (See FOCUS, June 2001.) As noted by the Center on Budget and Policy Priorities, a separate House bill on child support is more generous, especially for states that are already passing through child support.

The administration proposes a number of measures that would increase state flexibility, most notably in regard to integration of efforts across programs or departments. But some players, including the National

Governors Association, feel that this flexibility would be more than offset by the proposed changes in work rules which would hamper states' ability to design programs that suit the needs of recipients. Moreover, the administration's proposals to further restrict assistance to immigrants would limit states' flexibility in addressing a population that is substantial in many places.

The proposed flexibility in program integration also raises questions with regard to the racial and ethnic disparities. For example, program integration and "one-stop" service centers tend to put more of the decision making for individual cases with the front-line workers. That added discretion can lead, intentionally or unintentionally, to very different outcomes for people from different racial groups. Disparities in existing TANF programs have been documented in a technical paper released by the Scholar Practitioner Program of the Kellogg Foundation's Devolution Initiative.

Level Funding

The administration proposes to maintain the TANF block grant at its current level

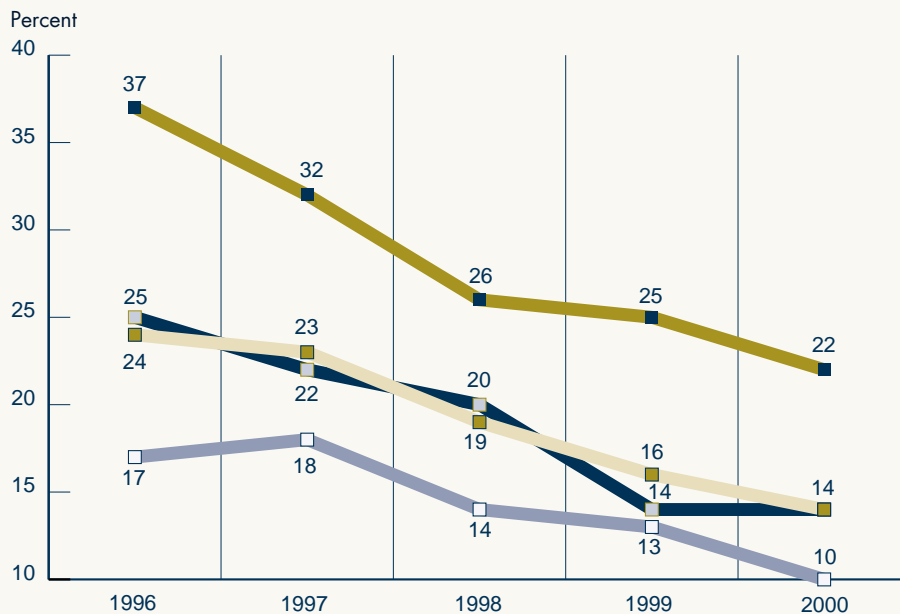
for the next five years. This level was set when the legislation was passed in 1996. While the administration considers this to be a generous level, given the sharp decline in caseloads, state and local officials argue that level funding will be a serious restriction going forward.

Many states have increased their spending in order to address recipients' needs associated with moving into the workplace, including child care, training, and transportation. The Center on Budget and Policy Priorities reports Treasury Department statistics showing that in fiscal year 2001, states collectively spent \$2 billion more than their \$16.5 billion federal allocation. They accomplished this by drawing down reserves and rainy day funds, which are now reaching the point of depletion. With inflation eroding the real value of the block grant and the likelihood that caseloads will not decline as precipitately in the future, states will find themselves between a rock (fixed funding) and a hard place (rising costs of services). Moreover, the administration's elimination of supplemental grants, some say, will perpetuate disparities between states due to uneven

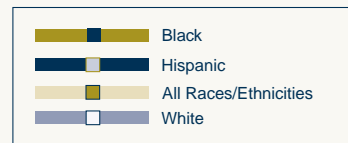
changes in caseload characteristics since the grant allocations were set in 1996.

Following the Debate

As with most federal legislation, the parameters are expected to change as the decision making process moves along. Alternative proposals have been put forth by others both inside and outside of government. There are a number of resources that interested parties can use to stay on top of the debate. The Joint Center, with support from the Kellogg Foundation, has redesigned its devolution sub site to feature reauthorization issues (www.jointcenter.org). The Joint Center's two partners in the devolution initiative are also on-going sources of information. The Center on Budget and Policy Priorities will have regular updates on the welfare and budget issues (www.cbpp.org). The Center for Law and Social Policy (CLASP) has a regular audio conference series which will focus throughout the year on "Making Welfare Work." The one-hour programs that can be accessed by phone will run through November 8, 2002, and participants can register on-line (www.clasp.org). ■



Low-Income Families with Children Receiving Public Assistance in the Past Year, by Race and Ethnicity of Parent, 1996-2000



Analysis of Current Population Survey data by Kenneth Finegold and Sarah Staveteig, Urban Institute. Public assistance refers to cash payments from AFDC, TANF, or general assistance

Reproduced with permission of Alan Weil, Kenneth Finegold, eds., *Welfare Reform: The Next Act* (Washington, D.C., The Urban Institute Press, 2002)

STATE ACTION MOVES SLOWLY

ON CAMPAIGN FINANCE REFORM

The April edition of FOCUS reported on the campaign finance reform legislation Congress recently passed. This article examines what the states are and are not doing on the issue.

BY GREG McDONALD

When it comes to curbing the influence of special interest money in politics, state lawmakers are sometimes credited with doing more to end questionable practices than Congress, which has voted to ban so-called soft money, the unregulated donations to political parties. But reform advocates say campaign fundraising is as open to mischief at the state level as it is at the federal level and state changes are unlikely any time soon.

“The kind of problems we see at the federal level we see at the state level as well . . . The pressure to find more ways to get more money into campaigns is everywhere,” says Ed Davis, who tracks campaign finance laws for the Washington, D.C.-based government watchdog group Common Cause.

Campaign reform advocates in a number of states have been trying to take advantage of the federal action on the issue to push through companion legislation. But most bills under consideration, including two before the Maryland Assembly, focus more on public disclosure requirements in hopes that shining a brighter light on donors will help check the influence of soft money in campaigns.

Critics say the federal measure amounts to an unconstitutional infringement on freedom of expression. If the new law survives legal challenges, it is expected to slow down the amount of national money pouring into state party coffers to help finance congressional and presidential

campaigns. But it won't stop state parties from seeking soft money to help statewide and local candidates. If anything, campaign finance experts say, it's likely to put pressure on the state organizations to go after even more special interest money.

“What we think it will stop is the use of the state parties as money laundering apparatuses for the national parties in federal elections. That's a good thing. But it won't stop the state parties from raising all the soft money they want for themselves and using it in statewide races,” says Davis. “That concerns us because, generally, there has been an increase in (special interest soft money) going to state candidates.”

The new federal measure contains a provision that would let individuals and political action committees (PACS) donate up to \$10,000 to state parties and their affiliates (county, precinct, caucus or other designated committees) for use in voter registration or get-out-the-vote drives to help influence federal elections. This provision helped ensure Black support for the legislation.

Chris Neeley, executive director of the South Carolina Republican Party, says he's concerned that the new campaign finance law will interfere with “the ability of citizens to contribute and express their views and their rights” in the nation's political process. But Neeley acknowledges that the new federal restrictions could also have the unintended effect of boosting the status of state parties as fund-raising tools.

“It actually could potentially make state parties more powerful . . . What we could see is a lot of the corporate money and large donors giving more (soft money) to the state organizations. Instead of the money going to Washington, it's going to the states,” Neeley says. In the 2000 election cycle, state parties took in more than \$600 million in soft money.

Twenty-two states ban direct contributions to the parties from labor unions or corporations, but not from other sources such as individuals or special interest groups. Donations to state parties could be regulated by state legislation. But currently, only Connecticut bans soft money contributions. Alaska also did so for a while, but court rulings led lawmakers there to reverse some of the campaign finance regulations passed in 1996.

Massachusetts, Arizona, Maine and Vermont have tried to eliminate soft money by offering candidates the option of accepting public funds to run their campaigns. But most of the statutes impose only voluntary limits on fund-raising and spending, and they are facing legal and legislative challenges.

A few states—South Carolina, Michigan and Ohio—have created loopholes that actually encourage soft money contributions. In those states, state parties and their affiliates can use soft money for administrative or operating accounts. Moreover, the amount of money and how it's spent does not have to be reported, although a measure that would change that has been introduced in Ohio.

Loosely written laws make it easier on those who want to avoid them. “I'm getting the feeling that lots of money is slipping through” at the state level, says Edwin Bender, director of research for the nonprofit, Montana-based National Institute on Money in State Politics, “because nothing's being done to close these kinds of loopholes.” ■

Greg McDonald is a senior writer with Stateline.org, which provided reprint permission for this article.

PRISON BUDGETS REEXAMINED

Continued from cover

A more balanced response would be particularly welcome to African American politicians and activists who have long argued that federal and state criminal justice policies unfairly target and incarcerate Black people. Surveys indicate that public opinion in general also is swinging toward alternatives to incarceration.

Reducing Prison Costs

The experience of several states points to three major reforms that can reduce state prison populations and corrections costs, without reducing public safety. Those reforms are: repealing mandatory minimum sentences and restoring judges' discretion; employing effective non-incarceration penalties where appropriate; and crafting post-prison programs that reduce the likelihood of recidivism.

While no two states are alike, a half dozen states—Alabama, Mississippi, Michigan, Indiana, Connecticut and Utah—have already restructured “mandatory minimum” sentencing laws by returning sentencing discretion to judges. In Louisiana, State Sen. Charles Jones expects the elimination of several mandatory sentences will save the state an estimated \$60 million. North Dakota repealed mandatory minimums for first-time drug offenders last year. Legislators there also cited increased use of alternative sentencing programs as they voted down construction of a new women's prison.

Efforts to reform drug policies have received broad voter support in California and Arizona. Under California's Proposition 36, passed in 2000, petty drug offenders are now being sent to community-based treatment in lieu of incarceration. According to projections by the California Legislative Analyst's Office, implementation

of Proposition 36 is expected to save \$100 million to \$150 million in prison costs annually, avoid construction of at least one new prison, divert as many as 36,000 offenders to treatment programs yearly and fund a \$120 million “treatment superfund” to provide drug treatment for those diverted from imprisonment.

A similar 1998 referendum in Arizona, Proposition 200, was supported by a phalanx of conservatives including former U.S. senator and Republican Party presidential nominee Barry Goldwater. A recent assessment by the Arizona Supreme Court reports high treatment success rates—62 percent successfully complied with the requirements of their treatment program. And nearly \$7 million was saved during fiscal year 1999 by diverting Arizona drug offenders from incarceration to treatment.

Rethinking Parole

With a public more ready to support rehabilitation and “re-entry” programs to reduce recidivism, parole may once again be a politically acceptable alternative to prison.

In 1996, Ohio's legislators approved sentencing reforms that prodded judges to impose long prison sentences for repeat violent criminals, but encouraged them to use community sanctions, including parole, instead of prison for many less serious, nonviolent offenders. Reginald Wilkinson, Ohio's director of rehabilitation and correction, says that “careful reform has helped Ohio to manage its budget without decreasing personal accountability or public safety.”

Nationally, about 40 percent of state prison admissions are offenders returned to prison for a violation of parole. Studies of the reasons for parole revocation indicate that failed drug tests and failure to participate in

treatment programs account for almost half of these violations. Another 10 percent are filed simply for “failure to report.”

In 2000, Kansas legislators mandated that instead of sending probation and parole violators to prison, violators should be required to perform community service, be monitored electronically or have intensive supervision. The Kansas Sentencing Commission now estimates that the state's correction system reforms made 774 prison beds available for more serious offenders.

Public Opinion

The public now generally supports diverting nonviolent offenders from imprisonment into other forms of punishment and rehabilitation and is rethinking mandatory sentencing.

Recent surveys by Peter D. Hart Research Associates for the Open Society Institute (OSI) (www.soros.org) indicate that attitudes have shifted away from imprisonment over the past seven years. In surveys before and after September 11, Hart found that almost two-thirds of respondents prefer “reduc[ing] prison sentences for people convicted of nonviolent crimes.”

The Joint Center is preparing a survey, supported by OSI, of Black elected officials on criminal justice issues.

Public support for proposals to reduce prison populations grew stronger when such proposals were combined with treatment or restitution requirements, according to Hart's surveys. About three-quarters of respondents thought nonviolent drug offenders should be required to attend treatment rather than prison and also approved sentencing nonviolent offenders to probation instead of imprisonment. More than twice as many members of the public favored rehabilitative programs instead of longer sentences.

“Public opinion on crime and criminal justice has undergone a significant transformation over the past few years,” Hart reported. “Support for long prison sentences as the primary tool in the fight against crime is waning, as most people reject a purely punitive approach to

criminal justice. Instead, the public now endorses a balanced, multifaceted solution that focuses on prevention and rehabilitation in concert with other remedies.”

This shift away from favoring more punitive sanctions accompanied a significant decline in the percentage of people who believe crime is the number one issue facing the country. The Joint Center’s 2000 National Opinion Poll indicated that just 9 percent of the general population considered crime the top issue that year, compared to 14 percent the year before. For African Americans, the rate dropped to 16 percent from 26 percent.

In November, voters in Michigan, Florida and Ohio will be able to display or challenge that public sentiment when they face ballot questions similar to those passed in California and Arizona that diverted drug offenders from prison to treatment programs.

During the 1990s, corrections constituted one of the fastest growing line items in state budgets. Today, it costs states, counties and the federal government nearly \$40 billion to imprison approximately two million state and local inmates, an eight-fold increase since 1978. About \$24 billion is annually spent on the incarceration of nonviolent offenders. Despite the modest recent decline in state prison populations, the massive growth in state prisoners over the past two decades has meant that one dollar out of every \$14 in state general funds was spent on prisons in 2000.

While policymakers may have felt they could afford incarceration largess during the boom years of the 1990s, state budgets are now groaning under the weight of the recent recession, compounded by the revenue loss associated with the September 11 terrorist attacks. The National Association of State Budget Officers (NASBO) estimates that states around the country are facing a \$40 billion dollar shortfall this year.

Some states have already responded with prison cutbacks or closures. For example, since the recession began, Republican governors in four states—Florida, Illinois, Michigan and Ohio—have decided to close

prisons, and prison closures are currently being debated in a number of others. As recently as March, the governors of Massachusetts and Wisconsin floated prison closure proposals.

While in many states prison populations are dropping, the federal prison system continues to grow by leaps and bounds. In April, the Justice Department reported prison growth for the 50 states and the District of Columbia grew only 0.4 percent last year, while the federal prison system grew 18 times that rate. In the last six months of 2001 alone, *the federal system added more prisoners than the entire 50 states combined.*

The federal government oversees a prison system ripe for the kind of reforms being enacted on the state level: over 70 percent of federal prisoners are incarcerated for non-violent offenses—mainly drug offenders and a growing group of immigration violators. In sharp contrast to the cuts in state corrections spending, the Bush administration’s 2002 proposed budget would increase federal prison spending by \$300 million next year.

Inmate Population

The expansion of America’s prisons has been largely driven by the incarceration of nonviolent offenders. These offenders accounted for 77 percent of the growth in intake to the country’s state and federal prisons between 1978 and 1996. The latest prison statistics show that, at year end 2001, there were 1,240,000 nonviolent prisoners in the United States.

The population boom has not distributed equally across racial and ethnic lines. African Americans and Latinos bear the brunt of U.S. prison policies. Although African Americans made up about 12 percent of the nation’s population in 1997, they are half of the nation’s prison population, and are imprisoned at nearly seven times the rate of Whites. A Justice Department study found that three in 10 African American male babies born in 1991 likely would go to prison at some time in their lives if future incarceration rates remained

at the 1991 rate—and indeed that rate has already been surpassed. (For related articles, see May and September, 2001, FOCUS).

The higher rate of incarceration for Blacks and Hispanics cannot be simply blamed on greater criminal activity by minorities. As Wade Henderson, executive director of the Leadership Conference on Civil Rights, has said: “Unequal treatment of minorities characterizes every stage of the process. Black and Hispanic Americans, and other minority groups as well, are victimized by disproportionate targeting and unfair treatment by police and other front-line law enforcement agents; by racially skewed charging and plea bargaining decisions of prosecutors; by harsh mandatory sentencing laws; and by the failure of judges, elected officials and other criminal justice policy makers to redress these problems.”

In addition to the racial implications, it has become increasingly clear to policy makers that funding for prison expansion comes at a cost to other state priorities, especially education and social programs that are important to the Black community. “Every dollar spent on imprisonment is a dollar not available for a different public investment,” said Martin Horn, currently New York City’s probation commissioner. Previously, Horn was New York State’s parole director under Democratic Gov. Mario Cuomo and corrections secretary under GOP Gov. Tom Ridge in Pennsylvania. “We cannot speak about increased investment in corrections today,” he added, “without allowing that those dollars will have to come from policing, teen pregnancy prevention programs, pre-natal and perinatal programs and, increasingly, public education.” ■

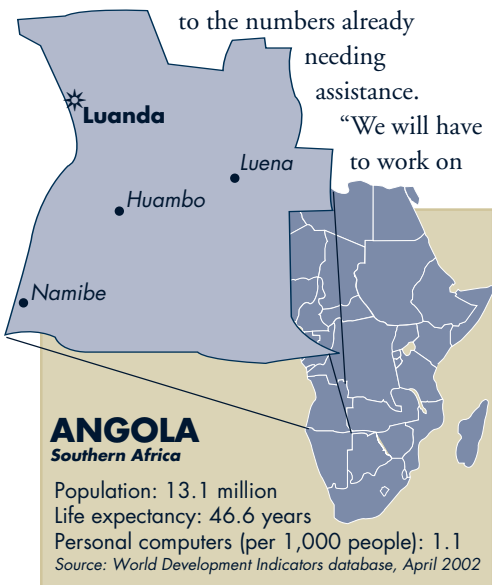
Vincent Schiraldi, president of the Justice Policy Institute (www.cjcj.org), is co-author with Judith Green of Cutting Correctly: New Prison Policies for Times of Fiscal Crisis.

ANGOLA, REBELS SIGN CEASE-FIRE

PEACE BRINGS NEW CHALLENGES

JOHANNESBURG - (IRIN) - Now that the Angolan government and rebel UNITA movement have signed a formal cease-fire, aid workers say peace will present a new set of challenges for the humanitarian community after almost three decades of civil war.

Four million Angolans — one-third of the population — have been displaced by the conflict. With the humanitarian operation already stretched to the limit, the initial impact of a cease-fire agreement could be to add 100,000 to 300,000 people



two fronts: impress again on the government that they could do more, and go back to the donor community [for increased funding]," said United Nations Humanitarian Coordinator Erick de Mul.

UNITA rebels and government representatives signed a memorandum of understanding last month in the eastern town of Luena. The memorandum returns both sides to the 1994 Lusaka power sharing agreement. That protocol, abandoned in 1998, includes the disarmament and reintegration of the rebels into the national army, and UNITA's transformation into a purely political party. The formal cease-fire signing ceremony was held in Luanda on April 4.

De Mul said he was optimistic over the peace settlement, but noted the humanitarian situation would not change immediately.

Among the challenges are arranging access to those in need, organizing security for displaced persons returning to their homes, and repairing roads and bridges destroyed in the long years of fighting.

"The majority of people will want to be assisted when they return [to their homes]. It is very important to create the adequate conditions for people so that they can survive," de Mul said. That

would include the proper demarcation of landmine fields.

"This will not happen overnight, but there could be a turning point this year, hopefully," de Mul said. "What is critical is the full cooperation of the authorities to make sure access is possible."

More than 457,000 Angolans are refugees within the region, the majority based in neighboring Zambia and the Democratic Republic of Congo (DRC). Although the government and humanitarian community's priority would initially be the resettlement of locally displaced Angolans, the UN refugee agency UNHCR launched two assessment missions to eastern and northern Angola to examine conditions for the future return of the refugees.

"A return is not about bringing people in and dumping them here, they need to return in safety and dignity," said Zelda Sinclair, a representative of the UN High Commissioner for Refugees. Among her concerns are the persistence of landmines, the limited amount of land that would be available to returnees, and guarantees over their safety. "There's a lot of things that have to come into play before you can talk of a mass return," she added.

IRIN, the Integrated Regional Information Networks of the UN Office for the Coordination of Humanitarian Affairs, provided reprint permission for this story. ■



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