

FOCUS[®]

The magazine of the Joint Center for Political and Economic Studies

Affirmative Action Assailed

*The People and Organizations
Fueling the Attack*

By Lee Cokorinos

Just after the Supreme Court hearing on the University of Michigan's affirmative action admissions programs, supporters and opponents spoke to reporters on the court's plaza. The main spokesperson criticizing the university before the media was not the lawyer who argued the case. It was Curt A. Levey, the Center for Individual Rights' (CIR) director of legal and public affairs.

Levey had not stood before the justices that March morning, but his Center is behind the attack on Michigan's policy. The Center is just one of several organizations whose members attack affirmative action. Among the others are the Federalist Society's Civil Rights Practice Group, the Institute for Justice, the American Civil Rights Institute and the Center for Equal Opportunity.

In some cases, influential affirmative action opponents are connected through organizations that may not have adopted an official position on the issue. In other cases, the organizations are on the forefront of the fight.

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Public Perception and the War

One thing elected and appointed officials realize more than most of us do is the importance of how the public perceives official actions.

This was clearly demonstrated during the war against Iraq. The way the media covered the war, from the use of embedded reporters to what many charged was under-reporting of anti-war protests or of unproven U.S. allegations about the existence of weapons of mass destruction, helped solidify American public support for the Bush administration's policy.

One segment of the public that did not fall solidly in line with the White House, however, is Black America. Polls consistently reported, and Black elected officials often reflected, strong opposition to the war among African Americans.

Perhaps coincidentally, one striking aspect of the coverage was the near total lack of African American reporters at the daily televised combat briefings from Central Command (CENTCOM) in Doha, Qatar.

The dearth of Black journalists, and the unique perspectives they can bring to coverage of public policy, is not unusual. African Americans made up just 5.3 percent of newsroom staffers last year, according to the American Society of Newspaper Editors.

Fortunately, Black journalists were not totally missing in Doha. John "Jake" Oliver, president of the National Newspaper Publishers Association, the organization of Black-owned newspapers, had the foresight to send his editor-in-chief, George Curry, to cover the war from Doha.

Curry says that out of more than 700 journalists issued press credentials at CENTCOM, he was the only Black reporter among them, although other African American journalists were embedded with troops in the field. Given the various influences, including racial experiences, that affect perceptions, a greater deployment of Black reporters certainly could have influenced coverage.

For example, it was through Curry that we learned more about the man who in some ways became the face of the war, Vincent Brooks, the African American brigadier general who conducted the daily press briefings. Curry says Brooks went out of his way to show the Black press respect. That respect is something African American leaders too often don't show, complained Curry, who added that Brooks set an example for the way top decision makers should treat African American media. Curry's presence in Doha also set a new standard for the Black press itself. Oliver said the decision to send Curry represents "a powerful worldwide message that the Black press has indeed stepped out and up to a new level of involvement not seen in many years." That stepping up is something many involved in public policy would like to see the Black press continue on the home front.

And on the home front, it's noteworthy that Black newspapers generally did not comment on former House Speaker (and current Pentagon advisor) Newt Gingrich's aggressive attack on Colin Powell's policies. "The last seven months have involved six months of diplomatic failure and one month of military success," Gingrich said. The fact that Black leaders and the Black press did not jump to the defense of the first Black secretary of state indicates just how alienated African Americans have been from the Bush administration – despite strong support for Black troops in the field.

Now that the war is over, the help of African Americans, be they troops, elected officials, journalists or everyday folk, will be needed to craft post-war policies, at home and abroad, that reflect the best of America. Black leaders have a history of helping the nation through trying times. Because there are wounds to heal in the wake of this controversial war, that help is needed now more than ever. ■


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INVISIBLE PUNISHMENT

Block Housing, Education, Voting

POLICIES CALLED “IRRATIONAL, COUNTERPRODUCTIVE”

BY MARC MAUER

Dramatic increases in the nation's prison population fueled by the “war on drugs” and the disproportionate incarceration of African Americans are now all too familiar social trends. Black prison admissions for drug offenses increased almost 25-fold between 1983 and 1998, compared to a seven-fold increase for White admissions. In absolute numbers, the current inmate population of two million is a record high.

Because of the complex interaction of socioeconomic disadvantage, racial profiling and discriminatory sentencing policies, Black men between the ages of 18 and 65 are more than seven times as likely as White men to be in prison or jail, and 41 percent of young Black male high school dropouts are behind bars.

Much less understood, however, are the collateral consequences of sentencing policies. These consequences – termed “invisible punishments” by Jeremy Travis, former director of the National Institute of Justice – are legal barriers, many erected by Congress within the past decade, which are increasingly harming the economic, political and social well-being of African American communities in particular. These policies significantly affect the life prospects of the 600,000 prisoners of all races released back to the community each year, as well as the social and economic well-being of the low-income communities to which most of them return.

Socio-Economic Penalties

Buried in the federal welfare reform package passed by Congress in 1996 was a lifetime ban on the receipt of welfare and food stamp benefits for anyone convicted of a felony drug offense. States can choose to opt out of this provision, but 20 states enforce the ban in full. As a result, an

estimated 92,000 women today are ineligible to receive welfare benefits.

The rights to housing and to higher education benefits have also been taken away from drug offenders. Federal laws passed in 1996 and 1998 permit public housing agencies to deny housing to anyone who has ever engaged in “any drug-related” activity. After these laws were implemented, the number of applicants denied public housing because of “criminal backgrounds” doubled, from 9,835 to 19,405. And 1998 amendments to the Higher Education Act suspended eligibility for student loans for anyone convicted of a drug offense. In the 2000-2001 academic year, more than 9,000 students were found ineligible under this provision.

“In addition to there not being enough treatment programs and alternative sentencing approaches, there is also no or very limited access to affordable housing, temporary emergency public aid benefits, funds for higher education, or the possibility of better paying jobs or self-employment through occupational licensure,” said Sharron Matthews, Public Policy and Advocacy director for the Safer Foundation, a Chicago-based organization providing services to ex-offenders. “Providing more access in each of these areas is critical to a substance abuser's rehabilitation process during and post incarceration.”

The combined impact of these policies is irrational, counterproductive, and unjust. Since the barriers to public assistance, housing and higher education apply only to drug offenders, they create an anomalous situation in which a convicted armed robber can be released from prison and immediately qualify for welfare benefits and public housing, but a single parent convicted of a one-time drug sale cannot. And

the ban on higher education loans for drug offenders puts the race and class bias of these laws into bold relief. While the prohibition on student loans will not be a serious barrier to college for a convicted drug user from an affluent suburb, it may be an insurmountable obstacle for a student from a poor or working class community.

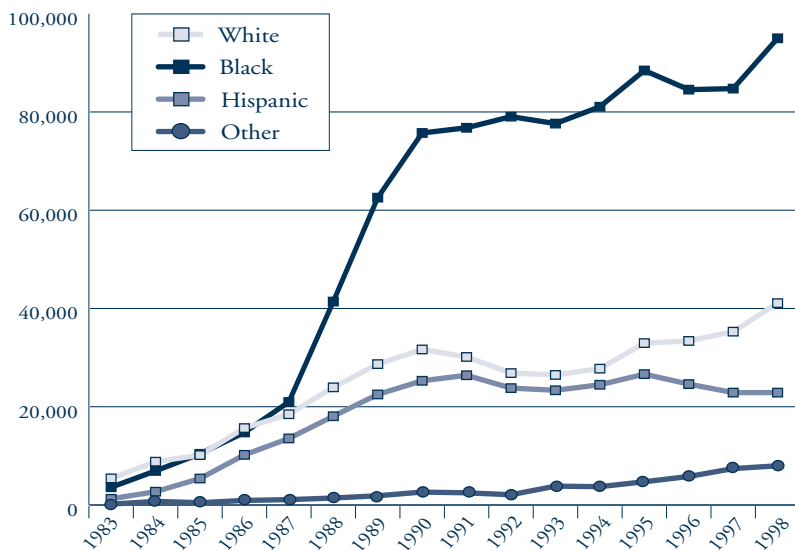
“Unfair and Discriminatory”

“The law is unfair and discriminatory, because it only causes difficulties for lower income students,” said Rep. Barney Frank (D.-Mass.) at an April press conference where he announced legislation to repeal the ban on college loans. “While I don't condone illegal drug use, I disagree with the idea of using the federal financial aid system to punish people who have been convicted of relatively minor drug convictions.”

The families and communities of prisoners are being increasingly penalized as well. More than 1.5 million children today have a parent in prison, including one of every 14 Black children. Due to an unprecedented surge in the numbers of women incarcerated in the United States – from 12,000 in 1980 to 93,000 today – more than 125,000 children have a mother in prison. Prisoners' children are among the country's most vulnerable citizens. Many of these children end up in state foster care systems. For those who are reunited with their mothers, the welfare, public housing and education loan bans, along with the difficulties ex-prisoners experience in gaining regular employment, greatly increase the prospects that these children will live in dire poverty.

Families of prisoners bear extraordinary economic burdens and often they are the families least able to absorb them. Not only do families lose the income of their loved

Number of drug-related admissions to U.S. prisons



Source: Rand Drug Policy Research Center, June 2001

one, but they also have to bear significant expenses related to supporting and maintaining contact with the incarcerated family member. For example, when prisoners call home, they are required to make the calls collect, allegedly for security reasons.

Because of sweetheart profit deals between phone companies and corrections systems, those calls cost families as much as 10 times the rate for persons in the free world. Many families are forced to have their phones disconnected because they can no longer afford telephone service, or make the difficult decision to refuse to accept the collect calls. The cumulative impact of these social and economic burdens adds increasing strains to family and community ties in inner city neighborhoods throughout the country.

Political Penalties

Mass imprisonment has significantly diminished the political power of African American and other minority communities as well. As a result of laws in 48 states and the District of Columbia that restrict the voting rights of convicted felons, an estimated 4.6 million persons are now unable to vote, including 1.4 million Black men. In a dozen states, the disenfranchisement laws apply not only

to persons currently serving a felony sentence, but to former offenders as well. Today, whether intended or not, felon disenfranchisement laws disproportionately prevent African Americans from exercising the right to vote.

Another longstanding policy with a negative political impact on communities of color is the method of counting the national census. For census purposes, prisoners are considered to be residents of the county in which they are incarcerated rather than their home communities. In most states, the majority of prisoners are from low-income urban neighborhoods but are housed in rural prisons. These dynamics serve to artificially inflate the populations of these rural communities. In Coxsackie, N.Y., for example, prisoners comprise 3,000 of the town's total population of 7,000 people. The net effect is to increase the power and influence of rural communities, since the census is used to determine political apportionment and a variety of federal and state funding formulas. Conversely, the urban neighborhoods that are home to most prisoners lose these same benefits, thereby reducing their ability to address many of the social problems contributing to crime and neighborhood disorder.

Need for Reform

The invisible punishments adopted by Congress and other legislative bodies have received little public scrutiny and have been largely hidden from view. The welfare ban, for example, was incorporated as part of the federal welfare reform package after exactly two minutes of floor debate. Proponents of these policies argue that they send a message to drug users and sellers that their activities will not be tolerated, but there is little evidence that these laws have had any effect on drug availability or use. There is, however, mounting evidence that the policies create substantial barriers to former offenders attempting to reestablish themselves as responsible members returning to their communities, and that they place enormous burdens on the families and communities least able to absorb them.

As more constituencies have become aware of the destructive effects of invisible punishments, a movement for reform has grown. Nine states, including populous ones like New York, have elected to opt out of the welfare ban, and an additional 21 others now provide exemptions for persons such as offenders participating in treatment programs. Grassroots organizing around the felon disenfranchisement issue has led to seven states scaling back their voting prohibitions in recent years.

These are all steps in the direction of reversing policies that do far more harm than good. Invisible punishment is not just a criminal justice issue; it is a deeply troubling civil rights issue that demands redress. ■

Marc Mauer is assistant director of The Sentencing Project, a national organization that promotes criminal justice reform. He is the co-editor of Invisible Punishment: The Collateral Consequences of Mass Imprisonment (The New Press). Readers of FOCUS can order copies of Invisible Punishment at a 20 percent discount. (Regular price: \$26.95 clothbound). To order, call 800-233-4830. For more on the disenfranchisement of ex-felons, see Mauer's "Polls Closed to Many Black Men," in the May 2001 FOCUS.

POLITICAL REPORT

Education, History Face Budget Cuts

By Pamela M. Prah
and Jason White

Education consistently ranks as a top priority for American voters, but that hasn't spared it from the chopping block as state lawmakers struggle to balance their budgets. At least 20 states have targeted this crown jewel of public services, a sure sign of just how bad the states' fiscal crunch has become.

At the same time, many state historical societies are fighting to preserve their own futures in the face of deep budget cuts. Facing cuts of 10, 15 and even 20 percent, historical societies in many states are planning layoffs, reducing visiting hours at historical sites and libraries, and eliminating educational programs.

On the education front, the cost-cutting scenarios across the country are being played out in a variety of ways:

Teachers in Claremore, Okla., are doubling as janitors because of cuts while principals in Putnam City and Enid, Okla., are filling in for missing teachers because districts are not hiring substitutes.

Portland, Ore., teachers have agreed to work 10 days without pay to prevent the city from dropping 24 days from its school calendar. Springfield, Mass., left 100 teaching and 80 paraprofessional slots unfilled this year, laid off 12 nurses, eliminated its hot breakfast program and closed all the school pools.

Idaho's Twin Falls School District was able to keep its hearing specialist on staff only after teachers gave up a day's pay to help cover the audiologist's salary.

In Utah, the Weber School District increased class size by one student and put 10th grade competency testing and some written tests on hold.

The budget crunch comes at a time when states are scrambling to meet new federal education requirements. Critics complain that the Bush administration's "No Child Left Behind's" testing and reporting requirements will cost up to \$35 billion more than the \$29 billion Congress recently authorized.

On top of this, a slew of states, including Ohio, New Hampshire and Wyoming, are under court order to assure adequate funding of schools. "Many places have cut as much as they can," said Michael Griffith, a school finance policy analyst at the Education Commission of the States, a Denver-based organization of state education officials and experts. Will the courts let states slide on meeting court-ordered mandates because of the budget crunches? "No one knows," Griffith said.

At least 20 states have cut K-12 funding in fiscal 2003, which ends June 30 for most of them, and some states are making rare mid-year cuts that are forcing many schools to restrict travel, lay off staff and even downsize the school year. Other common casualties: school repair projects, art and music programs, after-school tutorials, programs for gifted students, help for bilingual students and computer upgrades.

Cuts to higher education are creating equally dramatic consequences on state college campuses. Massachusetts led the way in raising tuition with a 24 percent increase last year. It was followed by Missouri, Iowa and Texas, at 20 percent,

according to the National Center for Public Policy and Higher Education, a nonprofit organization that researches higher education public policies and that is funded, in part, by The Pew Charitable Trusts, the same organization that funds Stateline.org.

Per-Pupil Student Spending, 2001 Data

AK	7,129
AL	6,686
AR	6,047
AZ	5,006
CA	5,603
CO	6,173
CT	8,804
DE	8,552
FL	6,251
GA	6,955
HI	6,409
IA	7,603
ID	5,853
IL	6,968
IN	8,296
KS	7,591
KY	7,639
LA	6,695
MA	7,837
MD	7,616
ME	7,802
MI	7,922
MN	8,621
MO	6,323
MS	6,062
MT	7,032
NC	6,570
ND	8,983
NE	7,961
NH	6,967
NJ	9,362
NM	6,956
NV	5,911
NY	8,858
OH	6,890
OK	6,591
OR	7,614
PA	8,117
RI	8,630
SC	7,275
SD	7,157
TN	6,282
TX	6,772
UT	4,579
VA	6,965
VT	8,622
WA	6,256
WI	8,744
WV	8,444
WY	8,657

Source: The National Center for Public Policy and Higher Education; The Washington Higher Education Coordinating Board.

In addition to tuition hikes, some students are getting socked with higher fees. Those at the University of Maryland, for example, found out in late January that their bills would be 5 percent higher for the spring semester. Chancellor William E. Kirwan called the increase "unavoidable" because of the fiscal problems plaguing the state.

But it's not just sticker shock that has students reeling. Some are finding courses they planned to take a lot more crowded or not offered at all. That means it could take students longer than four years to graduate since they have to wait longer for classes they need. "We estimate that one-quarter of our students will run into problems," Bill Walker, a spokesman for Virginia's College of William and Mary, said. Over the last 18 months, William and Mary cut 58 classes and course sections, ranging from economics to music to kinesiology.

University of Nebraska (Lincoln) students saw a master's program in museum studies eliminated and subsidies for students studying veterinary medicine wiped out as a result of a \$21 million cut in state funds.

The cuts come as the 'baby boom echo' generation graduates from high school, raising the number of students trying to get into college. Cheryl Fields, a spokeswoman for the National Association of State Universities and Land Grant Colleges, which represents 215 public universities, says all these factors taken together "produce a gloomy picture for many students and for public universities in the months ahead."

Many inside and outside the education community worry that the cuts in education will shortchange today's youth and threaten the country's future prosperity. "Education drives the quality of your work force and drives whether you are going to be competitive in a knowledge-based economy," Virginia Gov. Mark Warner (D) said in an interview with Stateline.org. He exempted K-12 spending from a recent round of budget cuts that trimmed many Virginia programs by as much as 20 percent.

Students, teachers, parents and activists have demonstrated in California, Maryland, Kentucky, New Jersey, New York and other states to protest proposed cuts. But state lawmakers trying to close large budget gaps can't afford to exempt an endeavor that accounts for half of all state spending.

Missouri Gov. Bob Holden (D) noted in his State of the State speech that some 100 school districts in the United States had shut down schools one day a week to save money, a course Holden said he did not want to take. That's not a large number, since there are 15,000 school districts nationwide – just 0.6 percent.

Districts in Arkansas, Colorado, Louisiana, New Mexico, Oregon, South Dakota and Wyoming are among those losing days, according to the National Association of State Budget Officers.

Oregon's school funding problems wound up in the national spotlight thanks to a recent series of "Doonesbury" cartoon strips that lampooned Portland's bid to drop 24 days from the school calendar as a way to cut costs. "Oregon is the poster child of what is going on in the states because of declining revenues," said Jan Chambers, spokeswoman for the Oregon Education Association in Portland. "It's ghastly here," she said.

Portland teachers agreed to work 10 days without pay as long as the city finds the money to keep schools open the remaining 14 days. The tentative deal means new teachers who earn \$28,000 a year will take a \$1,500 pay cut, half the amount of lost salary had 24 days been dropped from the school calendars.

History Programs Cut

On the history front, at least 14, including Arizona, California, Colorado, Connecticut, Florida, Kentucky, Kansas, Minnesota, Missouri, Montana, New Jersey, Oklahoma, Rhode Island, South Carolina and Wisconsin, are planning to cut agencies and programs responsible for preserving state history, according to the National Trust for Historic Preservation. The trust, a

nonprofit organization based in Washington, D.C., provides education and advocacy to save diverse historic places.

Scott Pattison, executive director of the National Association of State Budget Officers, said funding for historical preservation is well below one percent of total state spending, making it one of state government's smallest programs. As a result, even cutting it entirely would do little to ease state budget deficits.

Nonetheless, Pattison said that with most states involved in a top-to-bottom search for savings, many are rethinking even small programs. "How do we approach all these functions? Are they just things we'll do less of? Will we do more private partnerships?"

Regardless of how states answer these questions, one thing is clear: state historical societies often have a tougher time holding on to state funding than do other agencies and programs.

There are two main reasons: The first is that many historical societies have access to other sources of revenue, such as museum entrance fees and private donations, unavailable to other state agencies; the second is that cuts to state historical societies tend to have a more muted impact than do cuts to healthcare or education.

"[I]f you cut your historical society no one's going to die. And there really are other programs where if they are cut significantly people will die. There's a tradeoff that has to be made there," said David Haury, associate director of the Kansas State Historical Society.

Still, Haury said his agency is working hard to preserve its funding. "We feel cultural agencies are an important part of what the state does. Plus we're an absolutely miniscule part of the overall state budget, which is just over \$4 billion. We're \$5.5 million or less. . . We think that's not too much to spend on history," said Haury. ■

Jason White and Pamela M. Prah are staff writers with Stateline.org, which gave permission to reprint this story.

ECONOMIC REPORT

Education Gains Produce Mixed Economic Impact

By Margaret C. Simms

Increasing educational opportunity has been a major goal within the African American community. In light of that objective and its potential economic benefits, it is useful to examine statistics on educational attainment that were released in March. These statistics reveal great progress over the last half of the 20th century, but the evidence on its economic impact is mixed. And though African American college completion rates have increased significantly, that progress may be

thwarted by rising tuition and shrinking financial aid.

Census Bureau data on the educational attainment of the adult population in 2002, combined with data from 1940 to 2001, show several notable trends. First, both Whites and African Americans have increased their rates of college completion. Among the White population, rates have increased approximately five-fold since 1940. Among Blacks, the rates have increased about 12-fold. As a result of the higher increase in completion rates, the gaps between Whites and Blacks have closed considerably. In the 1940s, White people were four times as likely to have completed college as Black people. By 2000, the ratio was about 1.6 to 1.

Another noteworthy trend is the extent to which the gap between the genders has closed among Whites, with college completion among 25 to 29 year old White women slightly higher than the rate among their male counterparts. Within the African American population, gender gaps were never that large, with the exception of isolated periods in the 1990s and 1960s, when the percentage of Black women completing college exceeded that of Black men.

Education's Economic Returns

Going to college clearly pays off. People ages 25 and over who had at least a college degree had median earnings of \$45,273 in 2001, compared to \$24,655 for high school graduates and \$17,159 for those workers who did not complete high school. African American college graduates earned less than White graduates (\$40,211 compared to \$45,941), but the boosts in earnings from additional education were similar. However, the gains appear to be no greater for younger

Percent of People 25 Years Old and Over Who Have Completed College*, by Race** and Sex: Selected Years 1940 to 2002 (Noninstitutional Population)

Year	Whites	White Males	White Females	Blacks***	Black Males	Black Females
2002	27.2	29.1	25.4	17.0	16.4	17.5
2000	26.1	28.5	23.9	16.5	16.3	16.7
1997	24.6	27.0	22.3	13.3	12.5	13.9
1992	22.1	25.2	19.1	11.9	11.9	12.0
1987	20.5	24.5	16.9	10.7	11.0	10.4
1982	18.5	23.0	14.4	8.8	9.1	8.5
1977	16.1	20.2	12.4	7.2	7.0	7.4
1972	12.6	16.2	9.4	5.1	5.5	4.8
1967	10.6	13.6	7.9	4.0	3.4	4.4
1962	9.5	12.2	7.0	4.0	3.9	4.0
1957	8.0	10.1	6.0	2.9	2.7	3.0
1952	NA	NA	NA	2.3	2.1	2.4
1947	5.7	6.6	4.9	2.5	2.4	2.6
1940	4.9	5.9	4.0	1.3	1.4	1.2

*Beginning in 1992, college degree or more

**Racial totals include Hispanics who identified as either White or Black.

***Data for Blacks and other races for 1940 to 1962.

Source: U.S. Bureau of the Census

Median Earnings in 2001 for College Graduates, by Age and Race: March 2002

All Workers

Age	Whites	Blacks	Black/White Ratio
25 to 34 years	\$37,435	\$33,747	0.90
35 to 44 years	50,855	41,200	0.81
45 to 54 years	51,182	45,495	0.89
55 to 64 years	48,738	41,652	0.85

Year Round Full-time Workers

Age	Whites	Blacks	Black/White Ratio
25 to 34 years	\$41,991	\$36,911	0.88
35 to 44 years	56,756	42,096	0.74
45 to 54 years	55,865	46,377	0.83
55 to 64 years	60,271	47,480	0.79

Source: U.S. Census Bureau, www.census.gov/population/socdemo/education/pp1-169/tab09.pdf

Black workers than for older Black workers.

Given increased opportunity for college attendance at prestigious institutions and greater opportunity for upward mobility in employment, we might expect to see higher Black-White earnings ratios among younger Blacks, but the data on median earnings among college graduates by age do not reveal a clear pattern on this. Although Blacks in the 25 to 34 age group are closer to their White counterparts than are those in the 55 to 64 age group, this may be partly the result of greater similarity in jobs at the beginning of careers than toward the end.

During the first decade of this century, the number of jobs is expected to increase by 15.2 percent. Over 40 percent of that increase will require some postsecondary education. Among the jobs expected to grow at a faster rate are those in occupations requiring scientific training, especially in the health, biomedical, and environmental fields.

Few Black Scientists

Overall, Blacks constituted only 2.6 percent of all employed doctoral scientists and engineers in 2001, according to a National Science Foundation report released in March. If recent enrollment trends continue, this percentage will slowly increase over time. Between 1993 and 2001, the number of U.S. citizens and permanent residents enrolled in graduate study in the sciences fell by 10 percent, with White, non-Hispanic enrollment dropping at nearly twice that rate. African American enrollment in graduate programs in science and engineering, on the other hand, increased by 27 percent. Consequently, Blacks grew from 5.2 percent of graduate student enrollment in these fields to 7.4 percent.

The past growth of African Americans in science is reflected in the number of years that African Americans have held doctorates, compared to their White counterparts. Blacks are more likely to have held their degrees less than five years and less likely to hold them for 25 years or more. Among

both Whites and Blacks, women are much more likely to be recent doctorates than men. These changes no doubt result both from a larger pool of eligibles (Blacks and women who are college graduates) in recent years and from affirmative action programs at science and engineering departments.

Cost of College Education

It is clear that the economic returns to education are positive. African Americans with a college education do better than those without, and this advantage has been increasing over time. But college enrollment among African Americans has leveled off in recent years. While some attribute this to less vigorous pursuit of affirmative action, others point to the increasing cost of a college education.

Clearly, economics is a factor. A Department of Education study released at the end of 2001 documents the rising tuition costs over the decade from 1988-89 to 1997-98. In all non-profit higher education institutions, public and private, the average tuition charged increased faster than inflation, with the highest annual percent increases being among public four-year institutions. Average increases ranged from 4.3 percent at bachelor's institutions to 4.1 percent at research/doctoral institutions. In private institutions, the average increases were highest at comprehensive institutions (4.1 percent) and lowest at research/doctoral institutions (3.6 percent) for the period ending in 1995-96. The lowest average increases were in two-year institutions (3.4 percent). A major factor in the greater tuition increase at public four-year institutions has been decreases in state appropriations for them. The budget cutbacks are not likely to be reversed in the near future, given the budget situation in most states.

Looking at tuition costs alone is not sufficient to assess the impact on enrollment. A substantial portion of tuition costs is covered through grants and loans. In addition to relying on those provided by

state funds, students in both public and private institutions rely on federal grants. In public two-year institutions, these federal grants (Pell grants in particular) account for about half of the financial aid offered. In public four-year institutions, they are the second leading source (after loans) of tuition support for first-time, degree-seeking undergraduates. Federal grants have not kept pace with tuition increases and have contributed to the growing gap between tuition cost increases and student ability-to-pay. For African American students, the rising cost of education and the shrinking coverage of aid, especially at public institutions, could play a critical role in their failure to enroll at greater rates in recent years.

Among private institutions, the largest source of aid is institutional support. Given that these institutions, on average, provide financial aid to between two-thirds and three-fourths of first-time students, it is important to keep the doors to their institutions open to African Americans and other students of color. Frequently these efforts go hand in hand with an enlightened affirmative action plan. ■

For more information on educational attainment, go to the Census Bureau website at www.census.gov/population/www/socdemo/educ-attn.html. The National Science Foundation report, Characteristics of Doctoral Scientists and Engineers in the United States: 2001 is available at www.nsf.gov/sbelsrs/nsf03310/start.htm. Employment projections can be obtained from the Monthly Labor Review on-line www.bls.gov/opub/mlr/2001/11/art4full.pdf. The Study of College Costs and Prices, 1988-89 to 1997-98 is available at www.nces.ed.gov/pubs2002/2002157.pdf.



For educational attainment information from the Joint Center's DataBank, visit our website.

BUDGET CUTS, ANTI-TERROR DUTIES STRAIN LOCAL POLICING EFFORTS

COMMUNITY POLICING HALVED

BY KAVAN PETERSON

State and local law enforcement agencies have been expected to do more to protect the nation's critical infrastructure and major landmarks from terrorist attacks since Sept. 11, 2001. But those increased anti-terrorism responsibilities and budget cuts are straining a 10-year effort by law enforcement to reduce crime rates by putting more police officers on the streets.

Police agencies "have to pull officers off the street to guard landmarks, bridges, water treatment plants, power plants, and the whole time officers are doing that they can't be on their regular patrols or beats," said Bill Johnson, executive director of the National Association of Police Officers.

In addition, Justice Department cuts to federal funds for community policing programs have a particularly harsh impact on state and local law enforcement efforts.

The Justice Department reported that funding for the Clinton-era COPS (Community Oriented Policing Service) program that helped police departments hire 117,000 new officers has been cut in half in the past four years, from \$1.1 billion in 1999 to \$584 million in 2003. That "has had a dramatic impact for the worse, especially for local police departments," Johnson said.

According to the Bureau of Justice Statistics, the violent crime rate declined 10 percent from 2000 to 2001, continuing a decade-long trend of crime reduction that some experts attribute in part to increased policing. But preliminary data released by the FBI in December 2002 found that criminal offenses reported by law enforcement agencies in the first six months of 2002 increased 1.3 percent when compared to figures reported for the same period of 2001.

Fiscal conditions in state and local governments have forced one in four cities to lay-off police officers in the past year, according to a recent survey by the National League of Cities (NLC). In addition, the recent mobilization of National Guard and military reserve troops, many of whom are police, has reduced the number of available officers in two-thirds of the nation's metropolitan police departments, NLC found.

A fierce debate is being waged between

Cities "obviously have considerably more responsibility in terms of public safety due to the threat of terrorism, so you've got a growing challenge in terms of stretching a police force which has diminished in size to meet a challenge that has increased significantly."

— Carmen Whitman, National League of Cities

federal, state and local governments over how much federal money should be given to state and local governments for domestic homeland security. So far this year, the Department of Homeland Security (DHS) has released \$566 million to state and local governments to help equip and train "first responders" — police, fire and health personnel. But city officials say this is not enough to cover their homeland security costs, estimated by NLC at \$3 billion in 2002, mostly for police overtime.

Cities "obviously have considerably more responsibility in terms of public safety due to the threat of terrorism, so you've got a

growing challenge in terms of stretching a police force which has diminished in size to meet a challenge that has increased significantly," the NLC's Cameron Whitman said.

The strain on local and state police is compounded every time Homeland Security raises the terrorist threat level. When the threat level is at orange, or "high risk," it can cost some cities millions of dollars a week in law enforcement overtime. "Each week we're on orange alert, New York City spends an additional \$5 million in costs directly for police work, just in terms of overtime and keeping officers on 12-hour shifts and bringing on people who would normally be off duty," Johnson said.

In San Francisco, the high alert costs \$2.6 million a week to increase security at landmarks like the Golden Gate Bridge. Detroit, Los Angeles and Washington, D.C., have also reported cost overruns in the millions. Despite being on orange alert, the Oregon Department of State Police is so shorthanded it cannot patrol state highways for four hours early every morning. A crippling state deficit of \$2.5 billion forced Oregon to lay off 100 state police troopers — one-fifth of the force.

State and local police officials also said that since domestic terrorism has become the top priority of federal law enforcement agencies like the FBI, state and local police departments have lost federal support in terms of expertise and personnel to fight crimes unrelated to terrorism.

The FBI, for example, has 55 regional offices throughout the country, and before Sept. 11, several agents in each office were working directly with state and local agencies to combat everything from organized crime to the trafficking of drugs and illegal immigrants, NLC's Whitman said.

The FBI is now focused on tracking down domestic terrorists, and agents working in cooperation with local authorities on other crimes have walked away from those partnerships, Whitman said. ■

Kavan Peterson is a staff writer for Stateline.org, which gave permission to reprint this story.

AFFIRMATIVE ACTION

Continued from cover

Either way, the effect is an unprecedented assault on affirmative action programs and the tools necessary to make the central gains of the civil rights movement real.

Much about today's attacks on affirmative action is grounded in Clint Bolick's book, *Changing Course: Civil Rights at the Crossroads*, published 15 years ago. It outlined a "focused, aggressive legal agenda" that has since taken the form of a half-dozen right-wing organizations fighting diversity policies. Bolick is the head of "state initiatives" for the civil rights practice group of the Federalist Society and co-founder of the Institute for Justice.

Dismissing the prevailing sentiment on the right at that time — favoring the principle of judicial restraint and suggestions that such decisions belong properly with the legislature — Bolick called for a forceful form of judicial activism that would reject the national consensus, namely that practical steps remain needed to redress racial imbalances in American institutions. Writing that the right must dispose of the "intellectual bogeyman" that "the judiciary must always defer to the popular will," Bolick sketched out a legal agenda that included repealing longstanding Supreme Court decisions and called for the creation of a well-organized and determined movement to press it.

Within a few years of *Changing Course's* 1998 publication, a number of key organizations were founded, including: The Center for Individual Rights in 1989; the Institute for Justice, 1991; and the Center for Equal Opportunity, 1994.

Here is a brief look at some groups connected to the fight against affirmative action.

The Federalist Society

The Federalist Society has risen to become the preeminent legal networking organization of the right. Its leadership includes some of the most influential figures on the right, including former

Attorney General Edwin Meese III and former Supreme Court nominee Robert Bork. Formed in 1982, the Federalist Society has some 25,000 members and chapters at over 150 law schools across the country.

Backed by millions of dollars from leading conservative foundations, the Federalist Society is successfully shaping emerging jurisprudence through its 15 practice groups, spanning the entire spectrum of the law.

Conservatives Speak On Affirmative Action

It's not uncommon for members of conservative organizations to say they do not oppose affirmative actions that broadly spread the word about opportunities for employment and college admissions. But once the programs employ tools that have proven effective, such as the University of Michigan's use of race as one of several factors, the opponents take strong objections against what they call "preferential treatment."

Some of those opponents have been identified in the accompanying story, "Affirmative Action Assailed, the People and Organizations Fueling the Attack." FOCUS spoke with some of the conservative leaders who are prominent in the fight against affirmative action programs.

Roger Clegg chairs the Federalist Society's Civil Rights Practice Group and is general counsel of the Center for Equal Opportunity (CEO). While CEO is on the forefront of efforts to block affirmative action strategies, such as those at Michigan, Clegg says the Practice Group has taken no formal position on affirmative action. But he doesn't deny the influence of Practice Group members who work to block affirmative action efforts. "It's certainly true there are Federalist Society members who oppose affirmative action," he says, "and some of them are in the administration."

Curt A. Levey, the Center for Individual Rights' director of legal and public affairs, says he and his compatriots "usually have a good chuckle" at analysts who look for an organized effort against affirmative action among right wing groups, "because it is so disorganized."

Ward Connerly, the African American founder of The American Civil Rights Institute, compares those fighting affirmative action programs, like Michigan's, to David fighting a pro-affirmative action Goliath: "They are stronger, they are presumed to be on the side of the angels. They can call corporate donors."

Linda Chavez, president of the Center for Equal Opportunity, also uses the David vs. Goliath analogy. She credits her organization with changing "the terms of the debate" by, she says, effectively demonstrating through research that the affirmative action battles can be fought on empirical grounds. At a Joint Center forum on the Michigan case in March, she spoke in favor of expanded outreach, but against giving African Americans points in the college admissions process, as the university also does for applicants from rural areas and others.

Clint Bolick, co-founder of the Institute of Justice, says though the organizations fighting affirmative action "tend to march to their own drummer," their representatives do hold monthly strategy sessions hosted by the Center for Equal Opportunity, and that the litigation groups meet periodically at the Heritage Foundation. He's pleased that his books are considered influential among those opposing affirmative action, but says his *Changing Course: Civil Rights at the Crossroads*, which outlined a legal agenda for the fight, sold only 600 copies. ■

The Society's Civil Rights Practice Group is a virtual "Who's Who" of the anti-affirmative action movement. Its leadership has included such notables as Charles Cooper, the Practice Group's former chair, who held multiple posts in the Reagan Justice Department from 1981 to 1988. Cooper had a close relationship with Federalist Society board of visitors member William Bradford Reynolds, who served as Reagan's assistant attorney general for civil rights. Reynolds was also Bolick's superior when he was with Justice's Civil Rights Division.

Michael A. Carvin, Cooper's former deputy at Justice and law partner, is past chairman of the Practice Group and a co-founder of the Center for Individual Rights. Roger Clegg is the Practice Group's current chairman and general counsel of the Center for Equal Opportunity. The Practice Group's director for pro bono outreach is Levey, who also is CIR's legal affairs director.

Center for Individual Rights

The Center for Individual Rights (CIR) has taken the lead in the most important affirmative action case in recent years—an attempt to overturn admissions practices at the University of Michigan. CIR first blazed onto the national litigation stage in 1996 when it won *Hopwood v. University of Texas*, in which the Fifth Circuit held that the University of Texas' use of race or gender as a criterion for admissions in higher education was unconstitutional. According to Michael Greve, CIR's co-founder, "the only legalized discrimination in this country is against Whites and males."

When the Supreme Court refused to hear an appeal of *Hopwood*, the Fifth Circuit decision stood, placing affirmative action policies throughout the entire circuit in jeopardy. Theodore Olson, the former leader of the Federalist Society's cornerstone Washington, DC, lawyers chapter and the current solicitor general of the United States, aided CIR in the *Hopwood* case. As solicitor general, he argued the Bush Administration's position against Michigan

in the Supreme Court, taking a more radical position on the impermissibility of using race as a factor than even the plaintiffs' attorney.

The Institute for Justice

Although the Institute for Justice (IJ) has focused its efforts on trying to privatize the public school system through vouchers in the last few years, Bolick, IJ's vice president, is a leading figure in the nationwide attack on diversity policies. In the late 1980s, Bolick, who also is IJ's director of litigation, wrote a "litigation blueprint" for organizations fighting affirmative action. This blueprint is laid out in one of Bolick's earliest books, *Unfinished Business: A Civil Rights Strategy for America's Third Century*. Bolick's *The Affirmative Action Fraud*, published by the Cato Institute in 1996, has become the bible for anti-affirmative action groups.

IJ mostly pursues what it calls "cutting edge litigation" on school vouchers and property rights issues. Bolick was the driving force behind the fatal assault on Lani Guinier's nomination. President Clinton was forced to withdraw her as his chosen head of Justice's Civil Rights Division in 1993 because her views were decried by conservatives as too "radical." In 1995, Bolick worked with Newt Gingrich, then speaker of the House, to cut off funding for 160 affirmative action provisions in federal law. Bolick was also one of three Washington legal advisors to the sponsors of California's Proposition 209, the successful 1996 referendum that ended affirmative action local and state government programs.

American Civil Rights Institute

The American Civil Rights Institute (ACRI)—born out of the campaign to pass Proposition 209—was founded by Ward Connerly, an African American contractor appointed to the California Board of Regents by Republican Gov. Pete Wilson. However, ACRI's ties to the right cover a broader agenda than just race politics. Thomas L. "Dusty" Rhodes, currently ACRI's co-chair with Connerly, is president

of *National Review* magazine—one of the leading and longest-established conservative publications.

Connerly, has actively explored ballot initiative campaigns to ban affirmative action in Michigan, Colorado, Nebraska, Oregon, and Florida—even against the opposition of Republican politicians such as Governor Jeb Bush.

Center for Equal Opportunity

Linda Chavez founded the Center for Equal Opportunity (CEO) in 1985 to "counter the divisive impact of race conscious public policies." Despite Chavez's statement that, "I have been a beneficiary of affirmative action. You can't be a minority woman today without being a beneficiary," she has led CEO to become one of the most aggressive anti-affirmative action organizations in the country.

Although once a Young Socialist, Chavez was appointed as staff director of the U.S. Commission on Civil Rights by President Reagan, and went on to become a prominent conservative columnist and consistent voice opposing diversity policies. She was an unsuccessful nominee for Labor Secretary under George W. Bush.

More than a year before President Bush came out against the Michigan admissions programs, incorrectly labeling them "quotas," Chavez told the Federalist Society that conservatives would have to fight "racial preferences" through the judiciary. "I'm hoping and looking to the courts to bail us out," Chavez concluded.

If the Supreme Court does that in the Michigan case, Chavez and her confederates will have won another major battle in America's definition — or redefinition — of civil rights. ■

Lee Cokorinos is research director of the Institute for Democracy Studies and author of The Assault on Diversity: An Organized Challenge to Racial and Gender Justice (Rowman & Littlefield, 2003), on which this article is based.

CONGO: DEADLIEST WAR SINCE WORLD WAR II

PEACE ACCORD SIGNED

NAIROBI (IRIN) - The war in the Democratic Republic of the Congo (DRC) has cost more lives than any other war since World War II, according to the International Rescue Committee (IRC), a New York-based aid agency.

Between August 1998, when the war began, and November 2002, at least 3.3 million Congolese died, the IRC estimated. In an April report, the agency said it found the mortality rate in the DRC to be higher than those reported by the United Nations for any other country in the world.

The mortality figure does not include the hundreds of people who were massacred in Congo's Ituri district just two days after an April 2 DRC peace accord was signed in South Africa by all parties to the conflict. On April 7, President Joseph Kabila was sworn in as the interim head of state over a two-year transitional government that will be in charge until democratic elections.

The killings, said IRC President George Rupp, "is a humanitarian catastrophe of horrid and shocking proportions. The worst mortality projections in the event of a lengthy war in Iraq, and the death toll from all the recent wars in the Balkans, don't even come close. Yet the crisis has received

scant attention from international donors and the media."

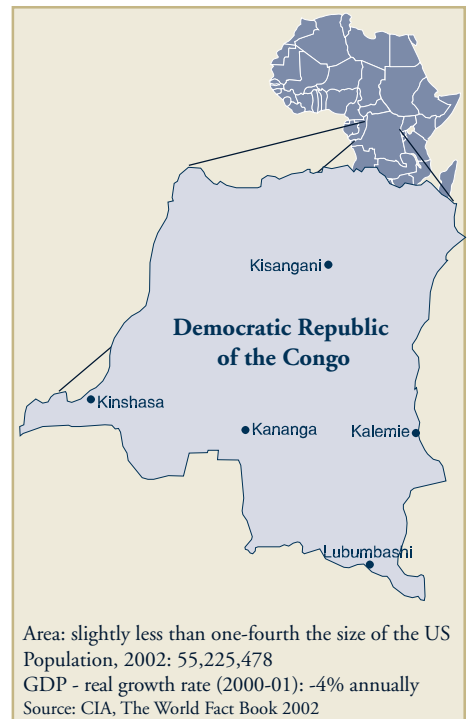
Rather than from direct gunfire or bombs, about 85 percent of the deaths in the IRC study were attributed to easily treatable diseases and malnutrition, but were linked to war related displacement and the collapse of the country's health services and economy. An IRC survey carried out in three areas in the eastern DRC found that more than 50 percent of children under five died before the age of two years.

Ironically, the IRC said the rate of violent death in eastern DRC dropped dramatically in 2002, compared to the three previous years.

Meanwhile, the United Nations High Commissioner for Human Rights, Sergio Vieira de Mello, said those behind the Ituri district killings could be charged before the International Criminal Court (ICC).

The UN Security Council requested the human rights commissioner to investigate the massacre and report to the Council as soon as possible. Members of the Council condemned the killings and called for the perpetrators to be identified and brought to justice.

De Mello said the ICC in The Hague, the first permanent international tribunal



established to try cases of war crimes, crimes against humanity and genocide, would bring the killers to justice. "The perpetrators of these atrocities," de Mello said, "will be put under the spotlight and will have to answer for their actions." ■

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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