



# FOCUS<sup>®</sup>

THE MAGAZINE OF THE JOINT CENTER FOR POLITICAL AND ECONOMIC STUDIES

## SOCIAL POLICY: EVOLVING TOPICS IN TODAY'S WORLD

PROMISING PRACTICES  
IN ASSET BUILDING  
FOR LOW-INCOME  
COMMUNITIES  
OF COLOR

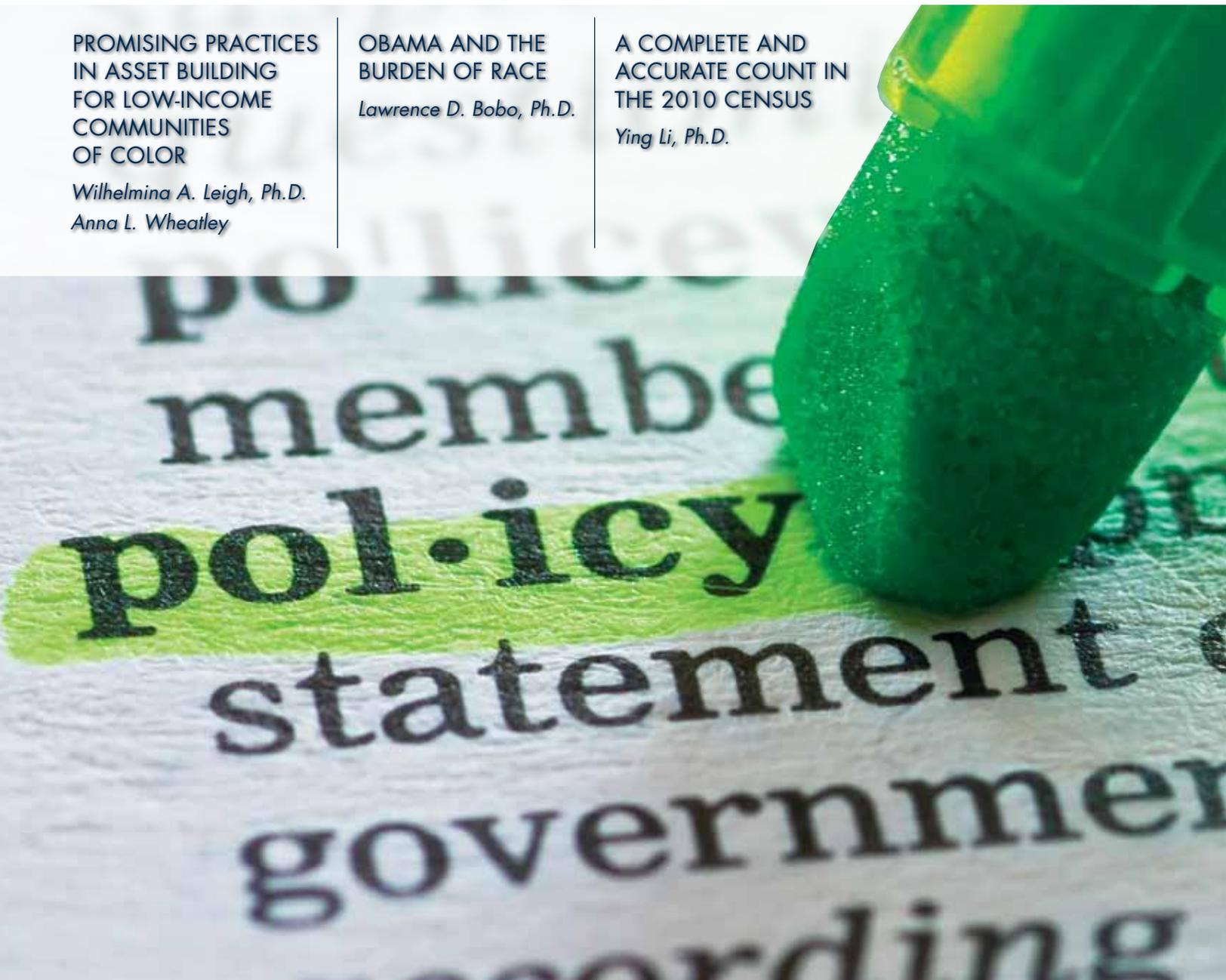
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# President's Message



In January 2007, having recently been selected as the Joint Center's new President and CEO, I wrote in this magazine the following:

*We will work with friends of all political affiliations to ensure that when key decisions are made, we are counted. Our obligation is to be the institution of which all policymakers and other people of influence will constantly ask: 'What does the Joint Center think?'*

Nearly three years later, at a time when Washington is humming with policy activity on issues from health care reform to global warming and fixing the economy, our Joint Center has been in the thick of it—engaging with policymakers, developing and advancing new ideas, doing all the things that one would expect of a top tier policy and research institution.

In recent weeks, we have convened a health reform discussion attended by Secretary of Health and Human Services Kathleen Sebelius, organized two broadband policy events featuring FCC Chairman Julius Genachowski and Commissioners Mignon Clyburn and Mike Copps, conducted a meeting on climate change attended by Environmental Protection Agency Administrator Lisa Jackson, and launched two groundbreaking reports – one on the costs of racial health disparities and the other on the views of African Americans with regard to global warming.

As health care moves to the forefront of the legislative agenda, our Health Policy Institute has continued to sharpen its focus, raise critical issues regarding health access and outcomes for people of color, and ensure that these issues are considered in the policy process.

At a time when the federal government is designing policies to expand broadband coverage in our country, our new Media and Technology Institute is building bridges and exploring ideas aimed at ensuring that no household is left without access to the digital world—which is so essential to life and learning in the modern era.

As our environmental policy enters a new era of decision, the Joint Center's *Commission to Engage African Americans on Climate Change* is bringing previously underrepresented voices and concerns to the debate on what to do about global warming.

And, while our national, state and local leaders continue to work toward policies and solutions that will get our economy back on track, the Joint Center's ongoing research on economic fairness and building opportunities in minority communities is helping lead the way toward an era of growth and prosperity that is more balanced, sustainable and far-reaching than ever before.

For nearly four decades, the Joint Center has been a critical source of information and ideas for all who seek to advance equality and opportunity, and to make America a better place through the fulfillment of its most cherished ideals. Over that time, with the complexities brought on by globalization, the march of technological progress and growing diversity in our communities, there has been an increasing need for an active and innovative think tank to bring the concerns of African Americans and other people of color to the table.

Today, as much as ever, the Joint Center is driven by our determination to get to the bottom of these issues, help our policymakers better understand them, and propose real solutions with lasting impact.

I have said often that the over-arching goal of this organization is not just to improve life for people of color, but to increase the understanding that advancing their opportunities benefits every single American in myriad ways.

I can think of no better way than to celebrate our upcoming 40<sup>th</sup> Anniversary redoubling our dedication to this principle—and ensuring that policymakers everywhere know what the Joint Center thinks about the burning issues of the day.

—Ralph B. Everett, Esq., President and CEO  
*Joint Center for Political and  
Economic Studies*



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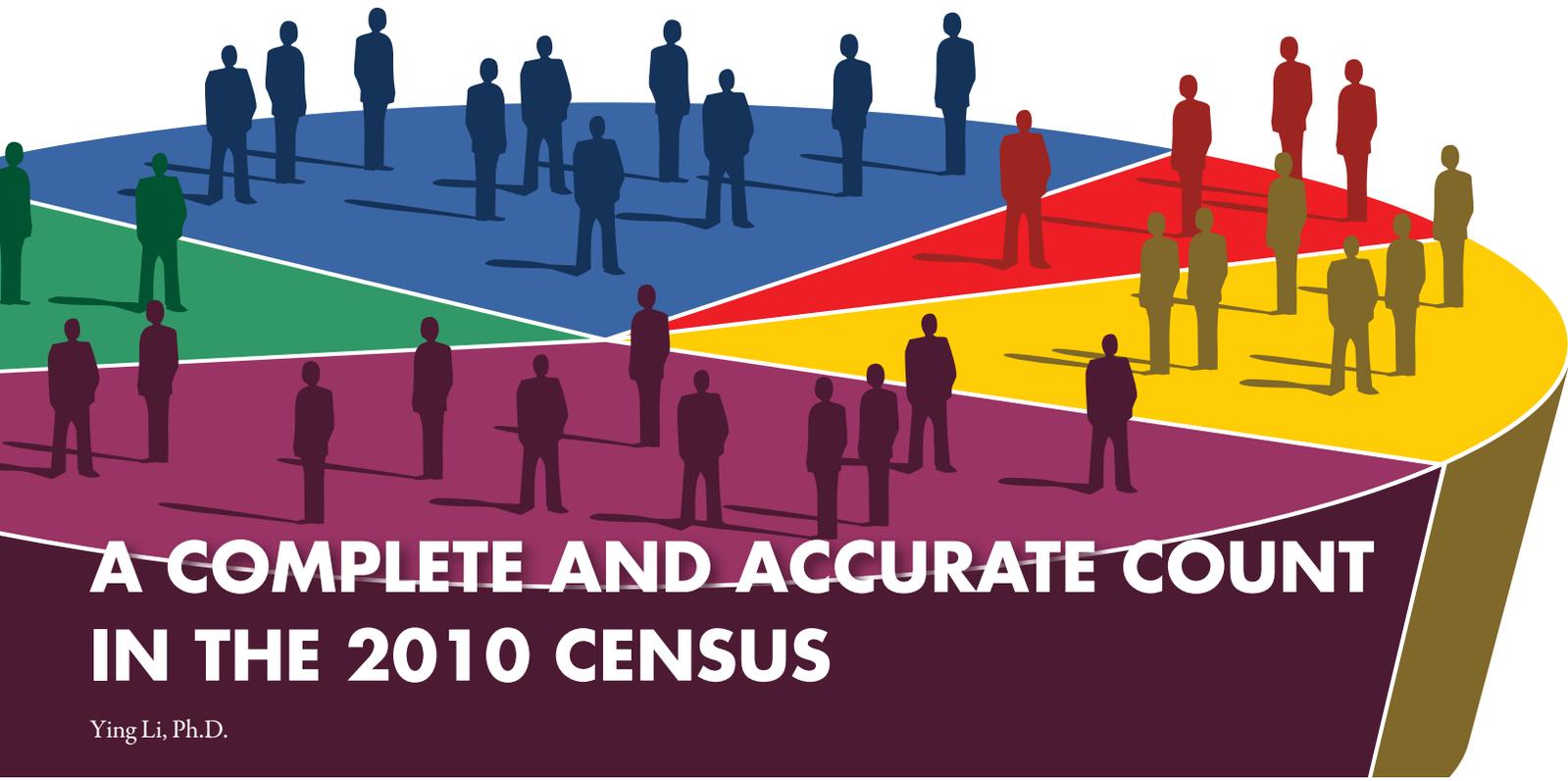
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# A COMPLETE AND ACCURATE COUNT IN THE 2010 CENSUS

Ying Li, Ph.D.

The upcoming decennial census will, as it has in years past, have an enormous impact on political representation in the United States. An analysis by the Election Data Services, based on the 2008 population, estimates eight congressional seats would shift among 14 states: Texas would gain three seats; Arizona, Florida, Georgia, Nevada and Utah would each gain one seat; Iowa, Louisiana, Massachusetts, Michigan, New Jersey, New York, Ohio and Pennsylvania would each lose one seat. Nothing will be final, however, until after the official census is conducted in April 2010, when everyone living in the United States is supposed to be counted, including people of all ages, races, ethnic groups and citizenship status. Taken every ten years, a national census is mandated by the U.S. Constitution and affects political representation and allocation of government funding.

A lot of money is at stake. Over the next decade, the census data will guide the allocation of more than \$3 trillion in federal funds to local, state and tribal governments, as well as the planning for new roads, hospitals, schools and other services. This count will determine the per capita allocation for each state in the U.S. Table 1 reveals the federal domestic assistance for the 2007 fiscal year.

## Challenges Facing the 2010 Census

The goal of the census is threefold: to count all residents, to count each resident only once and to count them in the right location. Yet, studies of past census counts show that certain population groups are at higher risk of not being accurately counted.

African Americans, the poor and children are more likely to be undercounted, while whites, the wealthy and the elderly are more likely to be over-counted. Historically, African Americans have had higher undercount rates than the overall population, although the undercount for African Americans has fallen gradually over the second half of the last century—from 8.4 percent in 1940 to 2.8 percent in 2000 [Figure 1]. Overall, despite improvements over the years, the 2000 Census still neglected to count 6.4 million people and double-counted 3.1 million, resulting in a net undercount of 3.3 million.

Many communities are difficult to count due to problems of poverty, low educational attainment, unemployment, complex household arrangements and minority language status. In the District of Columbia, 71 percent of African American residents and 66 percent of Hispanic residents live in

hard-to-count areas, compared to 23 percent of whites. [Table 2]

With the next census fast approaching, some scholars and community leaders have voiced concerns that the 2010 undercount rates will rise considerably from the historically low levels achieved in 2000. There are a number of reasons cited. For example, since the events of 9/11, the Iraq War and Hurricane Katrina, trust in the government has plummeted. Perceived hostilities and threats to immigrant and undocumented workers have made some populations more wary of the enumeration. With displaced Katrina victims and growing Hispanic and African American populations, regions are experiencing substantial demographic changes that will make finding and counting everyone a more difficult task than it previously has been. Areas that were not considered diverse in 2000 are now experiencing an influx of ethnic populations that have historically been more difficult to count.

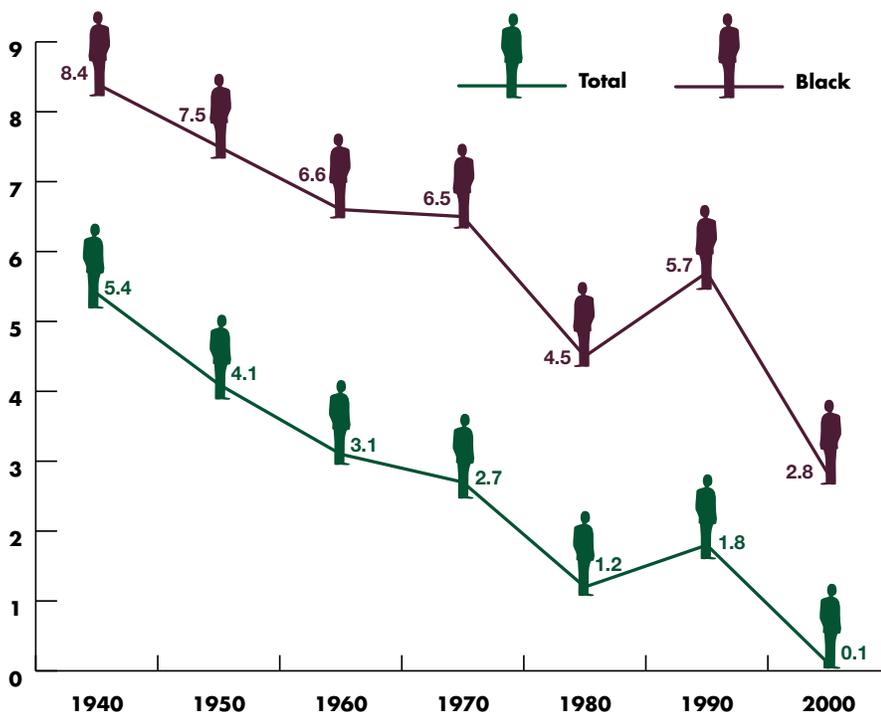
At the same time, the Census Bureau has suffered a period of low budgets and unstable leadership, and the agency experienced a major setback when, just two years before Census Day 2010, it had to forgo its plan to use handheld computers and revert to paper

**Table 1: Federal Domestic Assistance Allocated on the Basis of Statistics from the Decennial Census in Selected States, FY 2007**

	TOTAL ALLOCATION	PER CAPITA ALLOCATION
Alabama	\$5,874,282,135	\$1,269
Arkansas	\$4,499,190,418	\$1,587
Delaware	\$1,067,149,174	\$1,234
District of Columbia	\$2,074,938,749	\$3,527
Florida	\$17,402,265,204	\$953
Georgia	\$10,668,523,153	\$1,118
Illinois	\$14,317,759,069	\$1,114
Louisiana	\$11,570,415,837	\$2,695
Maryland	\$5,820,907,531	\$1,036
Mississippi	\$5,571,627,077	\$1,909
New York	\$38,211,064,767	\$1,980
North Carolina	\$11,267,970,159	\$1,244
South Carolina	\$5,470,335,179	\$1,241
Tennessee	\$7,950,690,640	\$1,291
Virginia	\$6,594,105,392	\$855

Source: Brookings Institution

**Figure 1**



Source: U.S. Census Bureau

to collect information due to mismanagement of the contract with Harris Corporation. Although favorability towards the Census Bureau reached a high point of 71 percent in July 2000, it has since fallen back to 63 percent.

### Campaign to Reduce Undercount

For the 2010 Census, the Census Bureau has launched an integrated communications campaign including partnerships, public relations, *Census in Schools* and paid media. The core of the campaign is the use of thousands of partnerships between the Census Bureau and businesses, faith-based groups, community organizations, groups of elected officials and ethnic organizations. These partnerships are helping bring the census message to all populations, especially those who do not speak English, are highly mobile, do not see the benefits or are simply fearful of participating. The Joint Center for Political and Economic Studies became a partner in this effort in early 2009.

The paid media plan encompasses all media types and is directed towards the hard-to-count communities. Media habits and interests of different population groups drive when and where media will be purchased. For example, paid advertising is considered the most effective way to reach the majority of African Americans. Research shows that in African American households the television is on an average of 11 hours, compared to the total U.S. household average of 8 hours and 25 minutes.

Another program emphasizing the hard-to-count populations is the *Census in Schools* program. This program was created to encourage students to talk to their parents about the importance of the census, with the intention of motivating them to complete and return the questionnaire.

Running a successful campaign is critical not only for ensuring an accurate population count, but also for achieving significant cost savings. For every one percent of households that return the census forms, the government saves \$75 million in enumeration costs. The mail response rate in the 2000 Census was 67 percent.

**Table 2: Percent of Populations Living in Hard-to-count Areas by Race and Ethnicity in Selected States**

	TOTAL POPULATION	WHITE	BLACK	HISPANIC
<b>Alabama</b>	11.4%	4.6%	29.8%	16.0%
<b>Arkansas</b>	13.6%	8.4%	38.3%	25.2%
<b>Delaware</b>	7.4%	3.4%	21.7%	16.1%
<b>District of Columbia</b>	54.9%	22.5%	70.9%	66.1%
<b>Florida</b>	18.7%	12.7%	45.4%	33.6%
<b>Georgia</b>	15.4%	7.7%	30.9%	31.7%
<b>Illinois</b>	19.3%	9.1%	53.7%	48.2%
<b>Louisiana</b>	19.6%	8.2%	41.5%	19.5%
<b>Maryland</b>	10.5%	4.4%	24.4%	18.0%
<b>Mississippi</b>	18.6%	7.9%	36.6%	21.0%
<b>New York</b>	29.3%	14.7%	63.4%	66.8%
<b>North Carolina</b>	10.1%	5.1%	25.2%	20.0%
<b>South Carolina</b>	9.5%	5.0%	19.4%	15.2%
<b>Tennessee</b>	11.1%	5.5%	36.9%	22.1%
<b>Virginia</b>	7.5%	3.4%	21.3%	15.8%

Source: Annie E. Casey Foundation

The Census Bureau has awarded its campaign contract, worth an estimated \$200 million, to DraftFCB of New York. Global Hue is its partner agency that will work to reach the African American audience.

### What Local Officials and Leaders Can Do

A national census is really thousands of local censuses taken simultaneously. A successful census depends on active partnerships with local governments and organizations, especially those working in hard-to-count communities. Elected officials and community leaders should consider becoming official 2010 Census partners, which sends a strong message to their communities about the importance of the census and the benefits of being accurately counted.

Local officials and leaders can endorse the census publicly, conduct town hall meetings and form Complete Count Committees

to encourage census participation, and to help recruit census workers in their communities. Suggestions for tailoring paid advertising and for nontraditional venues to distribute promotional materials may also help in reducing the undercount. By doing so, officials and leaders can help their constituents receive their fair share of federal funds, census jobs and congressional representation.

### Conclusion

The U.S. Constitution requires that we take a snapshot of the population every ten years. The 2010 Census will be one of the largest civil projects in the history of the United States, employing hundreds of thousands of census workers, all in an attempt to ensure a complete count of every person and household.

As the size and complexity of our population increase, so have the challenges to conduct

an accurate census. The Census Bureau is undertaking an ambitious, integrated marketing effort to educate people about the 2010 Census, motivate them to return the questionnaire and to encourage cooperation with enumerators. Its success will be in direct proportion to how active and effective local officials and leaders are in cooperating with the enumeration effort. 

*Ying Li, Ph.D. is a research analyst at the Joint Center for Political and Economic Studies. Dr. Li is a member of the Steering Committee of the Census Information Center Program, created by the U.S. Census Bureau to disseminate meaningful data to underserved populations.*

## 2010 CENSUS KEY DATES

**Fall 2008:** Recruitment begins for local census jobs for early census operations.

**Spring 2009:** Census employees go door-to-door to update address list nationwide.

**Fall 2009:** Recruitment begins for census takers needed for peak workload in 2010.

**February – March 2010:** Census questionnaires are mailed or delivered to households.

**April 1, 2010:** Census Day

**April – July 2010:** Census takers visit households that did not return a questionnaire by mail.

**December 2010:** By law, Census Bureau delivers population counts to the President of the United States for apportionment.

**March 2011:** By law, Census Bureau completes delivery of redistricting data to states.

# Promising Practices in Asset Building for Low-Income Communities of Color



Wilhelmina A. Leigh, Ph.D.  
Anna L. Wheatley

The recent economic downturn has likely caused America's enormous wealth gap to widen. In 2007, the median family wealth (or net worth) of African Americans was \$17,000, one-tenth of the wealth of white families (\$170,400) at that time. The collapse in 2007 of the subprime market for home mortgages led to not only the 2008-2009 recession but also to the decline of homeownership (the major source of wealth for most people in the United States), especially among low-income people and people of color. Although recessions bring economic hardships to families across the income spectrum, their burden on low-income families and individuals is especially severe.

As an antidote to the 2008-09 recession and the loss of homeownership triggered by the subprime mortgage market collapse, states

could implement programs and policies to help their low-income residents increase their asset holdings. Such action could also help to narrow the racial wealth gap. To assist states in identifying practices that have promise for helping low-income people build assets, the Joint Center for Political and Economic Studies examined in selected states differences in programs and policies implemented to foster asset building among low-income people. This analysis, supported by the Ford Foundation, builds upon the *Assets & Opportunity* scorecards prepared by the Corporation for Enterprise Development (CFED) in 2002, 2005 and 2007-08.

To identify promising practices in asset building for low-income people, the Joint Center analyzed data for two groups of states—those with high CFED asset-

outcome rankings and those with low CFED asset-outcome rankings. The ten highly ranked states are Delaware, Hawai'i, Iowa, Maine, Michigan, Minnesota, New Hampshire, Vermont, Washington and Wisconsin. The ten states with low rankings are Alabama, Alaska, Arizona, Florida, Georgia, Mississippi, Nevada, New Mexico, South Dakota and Texas. In the CFED scorecards, states that rank higher on overall asset outcomes among low-income people generally have smaller populations of color than states with lower overall asset outcome rankings. For example, Iowa and Maine (with small populations of color) are among the states that make homeownership affordable to low-income people by providing dedicated funding for their Housing Trust Funds, a promising practice to foster homeownership. By comparison,

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Alabama, Alaska and Mississippi—three states with larger populations of color—do not provide this type of funding for homeownership support.

**Promising Policies, Practices and Programs**

Programs implemented to help low-income people build wealth have two main purposes: to provide financial security and to facilitate asset building. Examples of programs and practices most commonly used to foster financial security are Individual Development Account (IDA) programs, state Earned Income Tax Credit (EITC) programs, unemployment insurance programs and raising asset limits in public assistance programs to expand coverage of low-income people. Asset facilitation programs include college savings plans, business development programs, workforce development programs, financial literacy programs and homeownership support programs. Any and all of these programs can be designed and implemented with features that we label as "promising." In other words, these features enable the programs to serve greater numbers of low-income residents or to help low-income residents more rapidly accumulate assets. Several of these programs and features are discussed below for the highly ranked and the low ranked states.

IDAs are matched savings accounts that encourage monthly saving by low-income individuals and families for the acquisition of approved assets—usually a first home, post-secondary education, or starting a small business. A promising feature for IDA programs is the use of state dollars or federal dollars for the savings match. Six of the highly ranked states (Iowa, Maine, Michigan, Minnesota, Vermont and Washington) offer an IDA program supported by state funds, in contrast to the single low ranking state (New Mexico) that does so. In all of the highly ranked states as well as all of the states with low rankings, community-based organizations also receive federal funding to support IDA programs.

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State EITC programs provide low-income people a credit against the state taxes they pay. Most of the highly ranked states offer state EITC programs; in fact only two states (Hawai'i and New Hampshire) do not. New Mexico is the only state with a low ranking, however, that has a state EITC program. One way for states to use their EITC programs to foster asset accumulation is to allow EITC income tax refunds to be split and for a portion to be directly deposited into a savings account. None of the 20 states studied currently has this program option.

The use of categorical eligibility standards is a promising practice to expand eligibility among low-income people for public assistance programs administered by states (such as TANF, or Temporary Assistance for Needy Families, or SNAP, the Supplemental Nutrition Assistance Program). With categorical eligibility, proven eligibility for one program (such as TANF) is accepted as evidence of eligibility for another (such as SNAP). Categorical eligibility saves both time and money in program administration. Six of the highly ranked states (Delaware, Maine, Michigan, Minnesota, Washington and Wisconsin)—but only three of the states with low rankings (Arizona, Georgia and Texas)—administer public assistance programs using categorical eligibility.

In the implementation of state Unemployment Insurance (UI) programs, several promising practices have been identified, including extending eligibility to part-time workers. Eight of the highly ranked states (all except Delaware and Michigan) provide benefits to part-time workers, as do four (Arizona, Nevada, South Dakota and Texas) of the states with low rankings. Indexing benefits to state wage growth and establishing an automatic trigger to extend the duration of UI payments (if unemployment is high) also are promising features. Only three of the states with low asset-outcome rankings (Nevada, New Mexico and South Dakota) index UI benefits to state wage growth, as do six of the states with high asset-outcome rankings (Hawai'i, Iowa, Maine, Minnesota, Vermont and Washington). Fewer states with both

high and low rankings have an extended UI benefit trigger—three highly ranked states (New Hampshire, Vermont and Washington) and two states with low rankings (Alabama and New Mexico).

States can simultaneously foster the two main purposes of wealth building programs to provide financial security and to facilitate asset building (via business development)—by implementing a self-employment UI allowance. A self-employment UI allowance enables individuals who are eligible for UI and who wish to start a business (to provide them employment) to collect a weekly self-employment allowance while developing their businesses. Three of the highly ranked states (Delaware, Maine and Washington)—but none of the states with low rankings—offer this allowance.

To facilitate asset building by enhancing financial literacy, states can mandate economic education and personal finance education throughout their school systems. Most states (with high rankings and low rankings) have requirements for economic education within their school systems; fewer, however, mandate personal finance education. Allowing TANF recipients to satisfy their work requirement by taking financial literacy classes is another way financial literacy education could be provided to help low-income people understand how to build assets. Currently, none of the 20 states studied allows the receipt of financial literacy education (by itself) to satisfy TANF work requirements. Delaware, however, provides financial education as part of the job training and education that satisfy mandated weekly work for TANF recipients.

## Summary & Conclusions

When compared to the states with low rankings and larger populations of color, the highly ranked states (with smaller populations of color) are more likely to implement programs whose features are generally viewed as promising to help low-income people build assets. How the racial/ethnic composition of a state interacts with the promising practices is difficult to sort out, however. The inverse relationship

between the overall ranking on asset building outcomes and the percent of people of color in a state likely reflects the intergenerational legacy of various federal policies (such as slavery of Africans brought to the United States and the forced removal of American Indians to reservations). The magnitude and intractability of the racial wealth gap in the United States suggest that this inverse relationship will indeed be difficult to change. In today's economic environment, states interested in adopting promising practices to help low-income residents build assets are likely to prioritize these practices by their cost. Low-cost or no-cost practices include allowing the direct deposit of part of a state EITC tax refund into a savings or investment account, establishing categorical eligibility for government assistance programs, and allowing TANF beneficiaries to satisfy their work requirement by taking financial literacy classes. Implementing program features such as these could help the states with low rankings to move toward parity with the highly ranked states in terms of asset building outcomes among their low-income residents. 🌐



*Wilhelmina A. Leigh, Ph.D., is a senior research associate and Anna Wheatley is a research assistant at the Joint Center for Political and Economic Studies. Related reports by the authors are entitled “Asset Building in Low-Income Communities of Color, Part 1: Predisposing Factors and Promising Practices in States Effective at Asset Building for Low-Income Residents” and “Asset Building in Low-Income Communities of Color, Part 2: State Comparisons.” Both reports can be downloaded from the Joint Center Web site ([www.jointcenter.org](http://www.jointcenter.org)).*



# The Supreme Court Speaks on Voting Rights and Employment

As the Supreme Court term ended last Spring, two decisions held particular interest for the African American community. These decisions, regarding voting rights and employment, are analyzed in the two briefs that follow.

## The State of Minority Voting Rights at the Turn of the Decade

**Kristen Clarke**

The early years of the Roberts Court have ushered in an era of intense debate and litigation under the *Voting Rights Act of 1965*—a law regarded by many as our nation’s most effective federal civil rights statute. Indeed, a number of critical cases have come before the Supreme Court in recent years that will impact the future of litigation and enforcement of the Act’s provisions. These cases may also have some impact on the upcoming round of decennial redistricting which will take place following the release of the 2010 Census. Among the most important of these cases are *Bartlett v. Strickland* and *Northwest Austin Municipal Utility District Number One v. Holder*.

### *Bartlett v. Strickland*

Last term, the Supreme Court heard an important voting rights case: *Bartlett v. Strickland*. The central question in the case was whether minority voters must make up at least 50 percent of a district in order to present a claim of vote dilution under the *Voting Rights Act*. Some districts, often called “coalition districts” or “influence districts,” have provided minority voters opportunities to elect candidates of choice when they have been able to form a coalition

with non-minorities. The lawsuit concerned the legality of a state legislative district (District 18) in the North Carolina House of Representatives, in which African Americans comprised 39 percent of the voting age population. Along with cross-over support from a limited number of white voters, the district at issue in the case had historically provided opportunities for African American voters to elect candidates to the state legislature over the last two decades.

The Court ruled, in a 5-4 decision, that Section 2 of the *Voting Rights Act* does not apply when a minority group’s population does not meet the 50 percent threshold in a single member district (a numerical majority).

As legislatures prepare for redistricting, it is important to realize the limitations of *Bartlett*. Clearly, *Bartlett* did not eradicate the importance or need to comply with Section 2 of the *Voting Rights Act*. Section 2 is a key statutory provision that remains available as a valuable tool to prevent those practices and procedures deemed to have a discriminatory effect on minority voters. Moreover, the *Bartlett* decision should not be interpreted as an invitation to dismantle districts that have provided an opportunity to elect a representative of choice for minority groups (i.e. influence or coalition districts that combine minorities with reliable white voters who will vote for a minority representative of choice). Such efforts could

be deemed motivated by discriminatory purpose and, in turn, become subject to future challenge.

Moreover, state legislatures throughout the country remain free to create affirmative opportunities for minorities to elect a candidate of choice even if a substantial minority population does not meet the 50 percent threshold. This is particularly true in those areas of the country that have experienced a significant increase in their minority population over recent time. In fact, *Bartlett* acknowledges that legislatures have the option of creating—and retain discretion to create—minority opportunity districts (when other redistricting factors are considered) even if a substantial minority population does not meet the 50 percent threshold. In that way, *Bartlett* does not bar the voluntary creation of a district where a minority group with less than the 50 percent threshold can have the opportunity to elect a representative of choice.

Most importantly, *Bartlett* recognizes that voting discrimination remains a part of the political reality in the United States, even after the election of Barack Obama. Specifically, the Court observes that “racial discrimination and racially polarized voting are not ancient history. Much remains to be done to ensure that citizens of all races have equal opportunity to share and participate in our democratic processes and traditions.”



## The 2006 Reauthorization of Section 5 of the Voting Rights Act

Section 5 of the *Voting Rights Act of 1965* requires certain jurisdictions with a history of discrimination in voting to obtain federal preapproval or “preclearance” before implementing any new voting changes. Preclearance can be obtained from the U.S. Department of Justice or from the D.C. District Court. Through the preclearance process, voting changes are reviewed before they take effect to ensure that they were not adopted with a discriminatory purpose and to ensure that they will not worsen the position of minority voters.

The preemptive role of the Section 5 preclearance provision of the Act has helped eliminate barriers to political participation and provide greater levels of access to minority voters. States that are fully covered under Section 5 include Alabama, Alaska, Arizona, Georgia, Louisiana, Mississippi, South Carolina and Texas. States that are partially covered include California, Florida, New York, North Carolina, South Dakota, Michigan and New Hampshire.

In July 2006, Congress voted to reauthorize Section 5 of the *Voting Rights Act* for an additional 25 years. The 98-0 vote in the Senate reflected the overwhelming view that voting discrimination continued to persist in the covered jurisdictions.

Although Congress kept the overall structure of the law intact, it made a number of revisions to the language of Section 5 to help clarify its intent and scope. These changes were made in response to a number of Supreme Court rulings in recent years that had significantly restricted the reach of Section 5. First, Congress made clear that Section 5 prohibits the implementation of voting changes that have not been shown to be free from discriminatory purpose. Second, Congress also revised the language of Section 5 to make clear the standard for determining whether a voting change has a discriminatory or retrogressive effect.

## Northwest Austin Municipal Utility District Number One v. Holder: A Challenge to the Recently Reauthorized Section 5 Preclearance Provision

The NAACP Legal Defense and Education Fund (LDF) represented several African

American voters in *Northwest Austin Municipal Utility District Number One v. Holder*, one of the most important cases to come before the Court last term. This was the first case testing the constitutionality of the recent reauthorization of Section 5 of the *Voting Rights Act*.

The utility district, a political subunit in the State of Texas, which is covered in its entirety by Section 5, attempted to terminate its obligations under Section 5 by seeking to “bailout” under a special provision of the Act. LDF and other defendants argued that the utility district was ineligible for “bailout” because it is not a state, county or type of jurisdiction deemed eligible for this special exemption under the Act. Alternatively, the district sought to have the court declare the Section 5 preclearance provision of the *Voting Rights Act* unconstitutional, arguing that Congress exceeded its enforcement powers under the 14th Amendment. The district also argued that Congress failed to identify sufficient evidence of ongoing voting discrimination in Texas and other covered jurisdictions to justify extension of the Act’s preclearance provision. In the summer of 2008, a three-judge panel of the District Court for the District of Columbia issued a ruling upholding the constitutionality of Section 5 of the Act. The district appealed the decision and the Supreme Court heard oral argument in the case earlier this year.

In an opinion authored by Chief Justice Roberts and joined by seven other Justices, the Supreme Court issued a ruling that leaves Section 5 intact. The Court recognized that “[t]he historic accomplishments of the *Voting Rights Act* are undeniable.” The Court’s ruling ensures that minority voters will continue to have the safeguards provided by the Section 5 preclearance process. This is of particular significance in the upcoming redistricting cycle for officials in the 16 states that are fully or partially covered under Section 5.

Beyond the constitutional claim, the Court issued a statutory ruling that expanded the number of places that can now seek to “bailout” from the preclearance requirement. Those jurisdictions seeking to do so must demonstrate a clean bill of health

for a ten year period. As we move forward, close attention must be paid to the bailout process to ensure that only those jurisdictions that satisfy certain statutory criteria are permitted to terminate their Section 5 obligations. Indeed, Section 5 of the Voting Rights Act remains a key federal statutory provision that helps prevent discrimination and provide minority voters with greater access to our political process while preserving the health of our democracy.

## The Obligation to Develop Fair Employment Practices

### Joshua Civin

Although many view the Supreme Court's recent decision in *Ricci v. DeStefano* as a setback in our nation's struggle to overcome its long history of workplace discrimination against African Americans and other racial minorities, it is important to recognize that *Ricci* does not free employers from their obligation to comply with our nation's anti-discrimination laws. *Ricci*'s key lesson is that employers—whether government entities or private companies—must devote far more attention to developing employment practices that fairly and effectively identify the highest quality candidates of all backgrounds.

In this case, New Haven, Connecticut became the target of litigation because, after administering tests to determine municipal firefighters' eligibility for promotion to lieutenant and captain, it decided not to proceed with the promotions. New Haven feared an employment discrimination lawsuit from African American test-takers because, based on the test results, none qualified for available vacancies. But New Haven's actions precipitated a legal challenge from high-scoring white test-takers who claimed that the city discriminated against them when it decided not to go through with the promotions. By a 5-4 vote, the Court agreed, concluding that, once an employer administers an employment test, it may not disregard the results unless it can demonstrate a "strong basis in evidence" that the tests are discriminatory. According to the five

justices in the *Ricci* majority, New Haven failed to provide sufficient evidence to satisfy this standard.

While *Ricci*'s new standard places additional hurdles in front of employers seeking to fulfill their legal duty under Title VII to eliminate discrimination in traditionally segregated jobs, it should not be impossible to meet in other cases. Moreover, it bears emphasis that *Ricci*'s new standard applies only *after* an employer administers an employment test. As Justice Kennedy's majority opinion made clear, "Title VII does not prohibit an employer from considering, before administering a test or practice, how to design that test or practice in order to provide a fair opportunity for all individuals, regardless of race." Indeed, *Ricci* reaffirmed the core premise of Title VII that it is unlawful for an employer to continue to use a test that has adverse impact on racial minorities if there is a less discriminatory alternative available that also serves the employer's legitimate business needs.

New Haven might have avoided this controversy if it had adopted a better selection procedure from the outset. Successful fire officers must be able to lead personnel effectively, maintain discipline, promote harmony, exercise sound judgment under tremendous pressure, and cooperate with other officials. But, as even New Haven's test designer conceded, the tests that the city administered were not well suited to measure key leadership qualities. They were weighted so that 60 percent of a score was based on written answers to multiple choice questions and the remaining 40 percent was based on an oral interview. Both components included highly technical questions, designed primarily to evaluate how well candidates had memorized the fine print of fire manuals.

Other employers have realized that heavy reliance on multiple choice tests is not the best way to select top candidates for jobs like fire officers. According to a 1996 study cited in Justice Ginsburg's *Ricci* dissent, those municipalities that continue to use multiple choice tests have counted such tests, on average, for only 30 percent of the total score. Moreover, as of 1996, nearly two-thirds of municipalities preferred to use "assessment

centers," which evaluate critical job skills by simulating real-world work experiences. Experts have confirmed that a well-designed assessment center not only identifies quality candidates but also reduces adverse impact for African Americans and other minorities.

Developing fair employment procedures is particularly important in firefighting. We have made substantial progress, but racial discrimination in fire departments remains a significant problem. A recent study of 2000 census data concluded that nationwide, racial and ethnic minorities accounted for 16.7 percent of the firefighter workforce, compared to 30.1 percent of benchmark occupations. One federal court recently found that, as of 2004, most African American firefighters in Cleveland, Ohio were segregated in one battalion, known as "Monkey Island." In 2009, the U.S. Department of Justice entered into settlement agreements requiring Portsmouth, Virginia and Dayton, Ohio to cease using discriminatory procedures to hire firefighters. *Ricci* does not undermine—and, in fact, encourages—the federal government and minorities who are victims of discrimination to vigorously challenge employers that fail to ensure equal access to employment opportunities for all citizens. 🌐

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# Expands Access to Quality Post-Secondary Education

By Michael M. Crow, Ph.D.  
President, Arizona State University

Arizona State University (ASU) is at once the youngest, largest and fastest growing of all major American research institutions, enrolling more than 69,000 undergraduate, graduate and professional students on four campuses across metropolitan Phoenix. In July 2002, ASU began its transformation as a university for the 21<sup>st</sup> century and a new paradigm for public higher education through the creation of a solution-focused institution that combines the highest level of academic excellence, inclusiveness to as broad a demographic as possible and maximum societal impact.



Predicated on excellence, access and impact, our model is conceptually framed as the “New American University,” and its objectives are inherent in eight “design aspirations” that, reduced to their essential terms, enjoin the academic community to:

1. Embrace the cultural, socioeconomic, and physical setting of the institution;
2. Become a force for societal transformation;
3. Pursue a culture of academic enterprise and knowledge entrepreneurship;
4. Conduct use-inspired research;

5. Focus on the individual in a milieu of intellectual and cultural diversity;
6. Transcend disciplinary limitations in pursuit of intellectual fusion;
7. Socially embed the university, thereby advancing social enterprise development through direct engagement; and
8. Advance global engagement. The advancement of ASU is taking place in the context of the design aspirations of the New American University.

Research universities both in the United States and around the world are the primary source of the knowledge and innovation that have driven the global economy and provided those of us in advanced nations with the standard of living that we have come to take for granted.

But in America and elsewhere, leading institutions tend to be *exclusive*—that is to say, they define their excellence based on exclusion. It is generally taken for granted that there are two types of universities: those that focus on academic excellence and discovery, and those that focus on access—providing a base level of higher education. Institutions that focus on academic excellence generally admit only the finest students, many of whom come from privileged socioeconomic backgrounds and have enjoyed undeniable advantages. All others are expected to attend less competitive schools. In terms of societal outcomes, this implicit calculation is not only shortsighted, but, in the long run, it may be a fatal error. There is growing social and economic stratification between those with access to a quality higher education and those without. All too often, students who would most benefit from access to this most obvious avenue of upward mobility—those historically categorized as “disadvantaged” or “underrepresented”—are denied access either due to a lack of means or because they choose not to pursue due to a lack of

understanding of a high-quality university education.

Education is the means by which a skilled workforce is produced and the source of new knowledge capital and thus economic growth and advances in society, for the benefit of both the individual and the collective. The global economy requires skilled workers, and the wage gap between those with education and skills and those without continues to widen. More and more knowledge inputs are increasingly required to perform almost any job in the new global knowledge economy. The economic success of individuals contributes to the success of a society—in fact, it is the main driver. Without it, our nation may face a reduction in our quality of life in the next generation. To avert what sometimes appears to me an impending societal train wreck, education must become the central focus of society. In order for any nation to remain competitive, it is imperative that its universities prepare students to learn rapidly, and make them capable of integrating a broad range of disciplines in an evolving world.

If we continue to exclude a high proportion of the population from reaching their prosperity potential by excessive and sometimes arbitrary “culling,” we deprive countless individuals of opportunities to attain prosperity. We need to make more of an effort to understand how to educate greater numbers of individuals successfully, but we must also educate people to be successful. This economic dimension is intrinsic to the societal mission of colleges and universities. Individuals deprived of higher education through lack of funds represent not only personal opportunity lost, but also the loss of societal economic prosperity. Individuals deprived of college educations will likely earn lower wages and generate fewer jobs than they would have as graduates. A lack of higher education is not only a personal loss; it is a loss for all of society and the global economy.

We believe that many U.S. public universities, particularly research grade universities, have abandoned certain core elements of their public mission, and have in a sense morphed into hybrid institutions, or semi-privatized universities, that operate on a narrow band of engagement. ASU rejects the notion that excellence and access cannot be achieved in a single institution, and thus proposes the paradigm of the New American University. Our attempt to advance ASU on both agendas represents an effort to transcend this ubiquitous bifurcation and demonstrate that it is false. Our mission, as we have conceived it, is to build a comprehensive metropolitan research university that is an unparalleled combination of academic excellence and commitment to its social, economic, cultural and environmental setting. Excellence, access and impact are thus integral to our mission and integrated in a single institution.

ASU is a leader among 150 major research institutions with egalitarian admissions standards. Our approach at ASU has been to expand the capacity of the institution to meet enrollment demand, and to provide expanded educational opportunities to the many gifted and creative students who do not conform to a standard academic profile, as well as offering access to students who demonstrate every potential to succeed but lack the means to pursue a quality four-year undergraduate education. We have therefore committed ourselves to building an institution that combines the highest levels of academic excellence with access to a broad demographic, and to accomplish this at scale. Such an institution seeks

to provide the best possible education to the broadest possible spectrum of society, embracing the educational needs of the entire population—not only a select group, and not only the verbally or mathematically gifted. And its success will be measured not by who the university *excludes*, but rather by who the university *includes*, and from this inclusion will come the diversity necessary for the advancement of society. Our admissions standards are determined by our assessment of a potential student's ability to do university-level work, not by test scores or some other arbitrary indicator. Access means leaving no student outside of the institution who has the ability to do university-level work.

In support of our commitment to enhance access to quality higher education, we have established four campuses of differing focus yet equal quality across metropolitan Phoenix and populated them with the best faculty, state-of-the-art facilities and thousands of talented students from every state in the nation and 147 countries. Total enrollment of historically underserved students as a percentage of total student population has increased by 25 percent since 2003, with African American student enrollment experiencing a 64 percent increase.

Demographic diversification among ASU students is accompanied by differentiation in wealth. The average family income of the upper quintile of our students exceeds \$200,000 per year. The bottom quintile has a tenfold lower level of income, less than \$20,000 per year. ASU awarded a record \$519 million in financial aid to its students last year alone and has greatly expanded both

its investments in general financial aid, and in specific programs designed to help low-income Arizona students attend and graduate. The number of students enrolled from families below the poverty line has risen by roughly 500 percent and the number of Pell Grant recipients has grown by 56 percent since 2003. In May 2009, ASU announced the President Barack Obama Scholars program, which will more than triple the number of students from families with the greatest financial need who are eligible for financial aid that will cover the full cost of college attendance. President Obama asked other colleges and universities across the nation to follow ASU's lead in providing this type of program.

Earlier this summer, President Obama announced his American Graduation Initiative, which calls for the U.S. to once again have the highest proportion of college graduates in the world by 2020. In response to this call to action, and consistent with its ongoing evolution as a model for a New American University, ASU is actively exploring and pursuing trajectories that will contribute meaningfully to the attainment of this goal. To learn more about our continuing and multifaceted efforts to advanced public higher education in terms of access, excellence and impact, please visit <http://newamericanuniversity.asu.edu>. 

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# 2008 Joint Center National Survey of African American Families' Views on Education

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*The 2008 Joint Center for Political and Economic Studies Education Survey is a national survey of 750 African American households, conducted between September 16 and October 6, 2008. The findings should be interpreted with a margin of error of +/- 3.6 percentage points.*

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David A. Bositis, Ph.D.

African Americans continue to view education as a major issue and a critical determinant of their children's economic future. They are dissatisfied with public schools in the abstract and support alternatives to standard schools, including vouchers. At the same time, they are not dissatisfied with their own children's schools, which are presumably the ones they are most familiar with. There is strong evidence they believe that quality teaching is the core issue in improving public schools. When casting their votes for most public offices, African Americans consider education as one of their top priorities.

Fewer than three in ten African Americans view their local public schools as excellent or good [see table]. In contrast, 68 percent rate them as fair or poor with one in three rating their local public schools as poor. African Americans' evaluation of their local public schools in 2008 was significantly more negative than in previous years when the Joint Center has polled on the same question; the proportion rating their local public schools as excellent or good has declined about 25 percent since 2004, while the proportion of African Americans rating their schools as poor has increased by approximately half.

African Americans rate their local charter schools more favorably than their local [non-charter] public schools, and they rate their local private schools much more favorably than their local public schools; however, about one quarter of African Americans say they do not know enough about their local charter or private schools in order to rate them. Almost equal numbers of African Americans rate their local charter schools as excellent or good (35 percent) as fair or poor (40 percent). However, those rating charter schools excellent or good outnumber those rating them poor (15 percent) by more than two to one; thus, ratings of charter schools contrast favorably with those for public schools, where poor ratings outnumbered excellent or good ratings.

African Americans rate their local private schools much more favorably than either public or charter schools. A majority (52 percent) rate their local private schools as excellent or good—more than twice the proportion of those who rate them as fair or poor (24 percent). Seven times as many African Americans rated their local private schools as excellent or good as rated them poor (seven percent).

A majority of the children of the African Americans interviewed in the survey attend public schools; 68 percent attend regular public schools and 14 percent attend public charter schools. Less than one in five of the respondents interviewed have children in nonpublic schools with roughly equal numbers in private schools (10 percent) and parochial schools (eight percent).

When the respondents were asked how satisfied they were with their own children's schools, the responses were much different than for those regarding schools in general. A large majority of African American parents were satisfied with their children's schools, with 38 percent saying they were very satisfied and 42 percent saying they were somewhat satisfied. Only five percent said they were not satisfied with their children's school with an additional 15 percent saying they were not too satisfied.

The apparent inconsistency of African American parents giving largely failing grades to public schools in the abstract but passing grades to the schools their children attend mirrors the way African Americans view race relations. In Joint Center surveys over the past 25 years, large majorities of African Americans have expressed the belief that race relations in the United States are generally fair or poor. In contrast, similarly large majorities have stated that race relations in their own communities are excellent or good. The pattern seems to be a higher level of negative judgments when asked about abstractions (local schools or race relations in the U.S.) than when asked about experience-based specifics (your child's school or race relations in your community).

There is a hierarchy of attributes that black families are looking for in the schools their children attend. The paramount characteristic they seek is safety (90 percent), followed by academic excellence (84 percent) and school environments that instill discipline in their students.

The idea that hard work can compensate for a poor education is largely passé among African American families, as almost all of the survey respondents (94 percent) said that a quality education is very important in determining their children's future economic

prospects. Perhaps for this reason, there is almost universal agreement among African Americans that the government is spending too little on education (85 percent); only 10 percent think current spending is sufficient.

Among African American families, support for school vouchers in the Joint Center's 2008 survey is at its highest level ever recorded, and opposition at its lowest level (see table). Close to two-thirds (63 percent) of African Americans supported school vouchers in the survey, and only 29 percent expressed opposition. What was new about the findings in this survey from previous Joint Center surveys on education was support for school vouchers from older [than 50 years] African Americans. In past surveys, as in this survey, there is a generation gap, with younger African Americans being more receptive to school vouchers than older African Americans; in 2008, African Americans younger than 50 years were 11 percentage points more likely to support vouchers than those over 50 years. While older African Americans are less attracted to vouchers than younger African Americans, for the first time a majority of older African Americans support vouchers, and this is what accounts for the record support for vouchers in 2008.

In comparing the results of this survey to earlier Joint Center surveys on education,

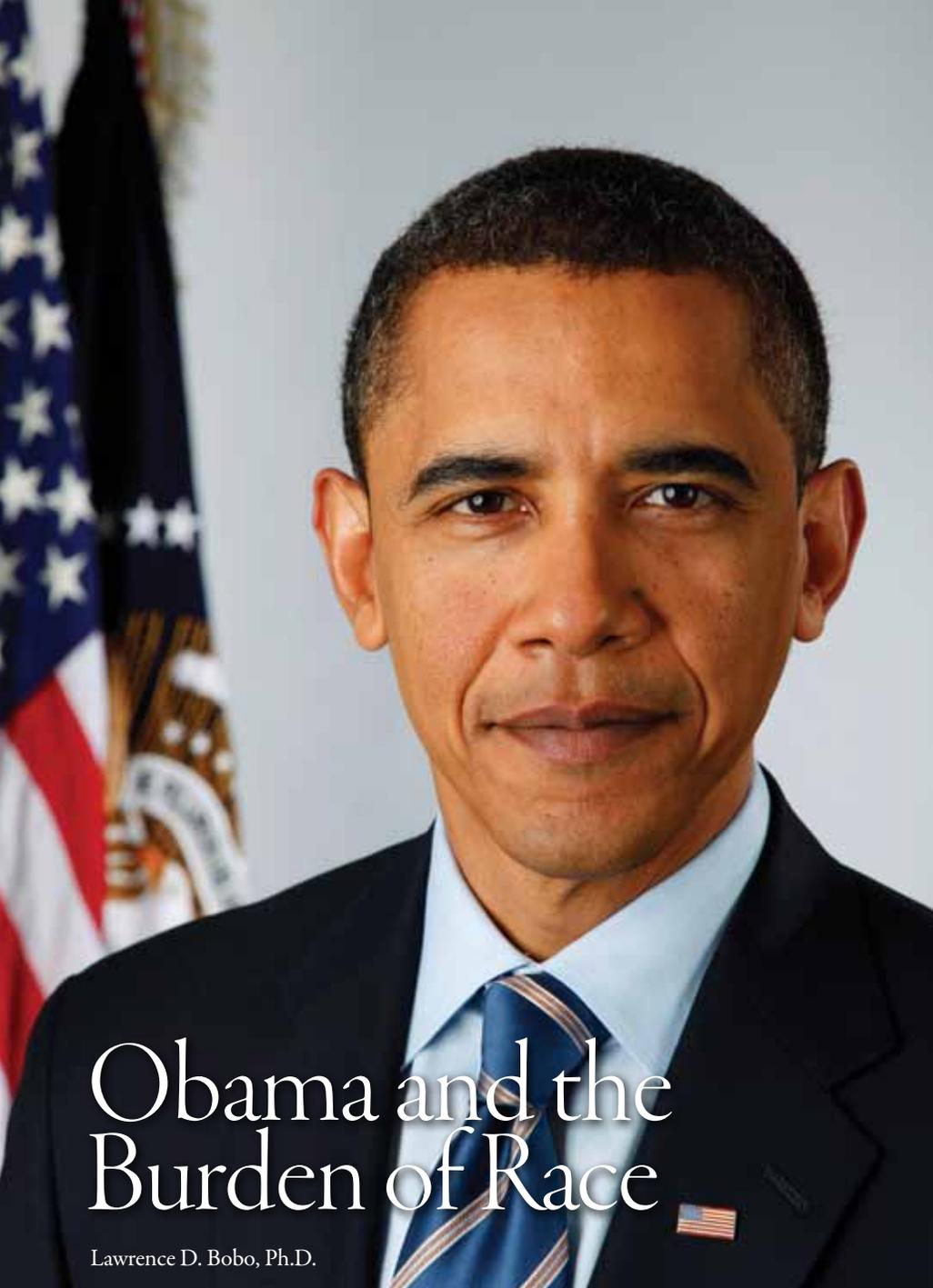
there is a definite relationship between evaluations of local public schools and support for vouchers. When African Americans' evaluations of their local public schools are improving, there tends to be a corresponding decline in support for school vouchers, and when their evaluations are trending in a negative direction, support for vouchers increases. Since 2004, black opinions of their local public schools have been in decline and, since then, support for school vouchers has spiked.

The respondents were asked how important education is in determining their vote for federal, state and local offices. Substantial majorities of the African Americans interviewed said education is an important factor in their vote for every office, ranging from President of the United States to seats on the local school board. The variation across offices was not great: 87 percent said education was very important to their votes for school boards followed by governor (82 percent), President of the United States (79 percent), state legislator (75 percent), U.S. Senator (74 percent) and U.S. Representative (73 percent) and mayor (71 percent). 🗳️

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	Rating Local Public Schools		
	Excellent/Good %	Fair %	Poor %
<b>1996</b>	41	37	17
<b>1997</b>	34	38	23
<b>1998</b>	46	30	17
<b>1999</b>	40	35	23
<b>2000</b>	30	34	33
<b>2002</b>	35	37	25
<b>2004</b>	40	32	21
<b>2008</b>	28	36	33

	Support for Vouchers		
	Yes %	No %	(N)
<b>1996</b>	48	44	750
<b>1997</b>	57	38	850
<b>1998</b>	48	40	850
<b>1999</b>	60	33	850
<b>2000</b>	57	37	850
<b>2002</b>	57	43	850
<b>2004</b>	48	47	850
<b>2008</b>	63	29	750



# Obama and the Burden of Race

Lawrence D. Bobo, Ph.D.

In the United States and around the world, the election of Barack Obama as the 44<sup>th</sup> President of the United States was a landmark achievement. Obama's success can be traced in part to his own exceptional qualities as a candidate, as well a tide of anti-Republican sentiment in the waning days of the Bush administration burdened with the War in Iraq and a failing economy. But what was it about the 2008 presidential election that made it historic?

While Obama's success was indeed due to a multitude of factors, this election's landmark status was due to Obama's race. Obama's

candidacy, and his ultimate success, was premised on an enormous transformation in racial attitudes among citizens of the United States. The single most consistent trend from more than six decades of national studies of racial attitudes in the United States is a repudiation of the Jim Crow racism of an earlier era and the emergence of new norms calling for racial equality, nondiscrimination and integration.

A clear illustration of this point has been the unabated decline in the number of white Americans who say they would not support an African American candidate nominated

for president by their own party. In 1958, a Gallup poll found that nearly three in five white Americans said they would not vote for a "qualified" African Americans candidate for president. That proportion fell to below one in five by 1980 and to below one in ten by the 1990s.

Obama's election thus validated both the general trend of racial liberalism in America and the specific pattern of widespread readiness to seriously consider an African American presidential nominee from one of the major political parties.

Yet, Obama's electoral success is as much an achievement defined and still constrained by race, as it is an achievement that signals a potential for finally laying down the burdens of race. Obama received 53 percent of the vote. Yet, national exit poll data reveal that Obama received only a minority (43 percent) of the white vote. His winning multiracial coalition supplemented this substantial white minority with supermajorities of the Asian (62 percent) and the Hispanic (67 percent) vote, as well as a significant majority of the African American vote (95 percent). It is impossible to read these results as signaling the irrelevance of race.

The talk of a "post-racial" politics is premature, as is evident in the racially sensitive environment both candidate and President Obama did and will continue to navigate. Research shows that while negative stereotypes of African Americans are ever-present in today's world, they are expressed with a greater measure of subtlety and qualification than would have been true in the past. As recently as 1990, the National Opinion Research Center's General Social Survey (NORC's GSS) found that 64 percent of whites rated themselves as more hardworking than African Americans and 56 percent rated whites as more intelligent than African Americans. By 2008, those percentages had declined to 42 percent and 24 percent, respectively, yet they both remain at noteworthy levels. Thus, both in his campaign and his presidency, Obama faced the challenge of escaping these and other negative stereotypes.

A number of prominent research perspectives from political psychology suggest that new types of racial grievances of high political relevance have crystallized in the United States. These ideas, or more precisely collective racial resentments, involve judgments about current conditions of group life and appropriate relations between black and white America. A key assumption about the conditions of group life reflected in these sentiments among white Americans is a belief that discrimination plays a diminishing role in constraining the life chances of African Americans (a view shared to a lesser but growing extent among African Americans, as well). The sentiment at the core of these resentments among many whites, addressed directly by Obama in his Philadelphia speech on race and highlighted some time ago by journalists Thomas and Mary Edsall in their important book *Chain Reaction*, involves an insistence that African Americans have no real grounds to make special claims or demands on white society.

One example of a political survey question on this topic asks people to agree or disagree with the assertion that “Irish, Italians, Jewish and many other minorities overcame prejudice and worked their way up. Blacks should do the same without special favors.” Roughly three-fourths of white Americans endorse this sentiment and have done so for more than a decade. Fifty-five percent of African Americans endorse this view, as well. For African Americans, however, this sentiment tends to a) be coupled with a far greater likelihood of believing that racial discrimination is still a significant impediment in life; b) lack the intensity of emotion often attached to it among whites; and c) have less immediate relevance to other political factors such as one’s party identification or vote.

A close corollary to the persistence of negative stereotyping, deepening skepticism about racial barriers to opportunity, and the development of new racial resentments is a rejection of a strong activist role for government in reducing race-linked inequality. To be sure, public opinion on affirmative action is complex, with levels of support contingent on exactly how one

words the question. Polling questions that speak of increasing opportunities for skill enhancement and of rewarding hard work appear to strike a more resonant cord among American voters. Questions that speak of preferential treatment and fixed outcomes or results, particularly with regard to jobs or employment (i.e. quotas), tend to be significantly unpopular.

From the early days of affirmative action NORC’s GSS has asked national samples of Americans the following question: “Some people think that blacks have been discriminated against for so long that the government has a special obligation to help improve their living standards. Others believe that the government should not be giving special treatment to blacks.” Respondents are asked to place themselves on a one to five scale running from agreement to disagreement. In 1975, just one in five white Americans endorsed such a sense of government obligation, a number that falls to just one in 10 by 2008. In 1975, a full 52 percentage points separated black and white Americans on this question. African Americans also show a downward trend in their endorsement of the notion of a special government obligation to equality, falling from 71 percent in 1975 to just 42 percent by 2008, reducing the white-black gap by almost half (to just 31 percentage points).

African Americans bring a set of racialized outlooks to politics, as well. No doubt, Obama’s governing strategy must bear in mind the agenda of this important segment of his constituency. To wit, there remains a strong tendency for African Americans to view politics through a lens of shared or common fate identity. Based on a 2009 national survey conducted by the Polimetrix firm, more than one third of African Americans see “a lot” of connection between one’s fate as an individual and that of the group as a whole. Moreover, substantial fractions of the African American population see white Americans as economically better off than blacks. Further, whites are three and one-half times more likely than blacks to say that the United States has already achieved racial equality (61.3 versus 17.4 percent). African Americans are about three times as

likely as whites to declare that the United States will never achieve racial equality (12.9 versus 4.4 percent).

Obama’s path to the Presidency as well as the road that he travels now is full of racial challenges. Nothing illustrates the potency of these challenges more than the explosive and sharply divisive reactions to President Obama’s remarks on the arrest of Harvard Professor Henry Louis Gates, Jr. at his home in Cambridge, Massachusetts. But even without this incident, many events have indicated the presence of a continuing racial wound in our national body politic. These events include Rush Limbaugh’s immediate post-election insistence that “I want him to fail,” the chimp-shooting cartoon, Glenn Beck’s denunciation of President Obama as a racist, anti-health insurance reform activists depicting Obama with a Hitler-style mustache and most recently, the unprecedented epithet “You lie!” hurled at the President by South Carolina Congressman Joe Wilson (R-SC) during an address to a Joint Session of Congress.

These might all be grounds for disabling cynicism save for a fortunate confluence of circumstances. Enormous positive changes in racial attitudes and relations have occurred in the United States, and these appear to be deeply rooted, not superficial transformations. Obama assembled a winning multiracial political coalition that is now part of American history. There are ample grounds, particularly in light of his intelligence, skill and character, to expect that Obama will prove able to sustain a high level of support from these voters. Despite the evidence that we still have a long way to go to heal the real racial divisions and tensions that persist in the United States, it is fair to say that this nation remains pointed in the direction of laying the burdens of race to rest. 🌐

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## The Feasibility of Green Jobs: Renewable or Unrealistic?

Phaedra Ellis-Lamkins

The current economic crisis has taken an immense toll on people in every corner of the country, from every background, at every income level. The looming climate crisis threatens to intensify and prolong this suffering as water becomes scarcer, food production becomes more difficult and more expensive, and climate-related natural disasters strike with ever greater frequency.

The challenges posed by these twin crises are not new to the nation's communities of color. Urban America and the rural poor have been feeling the effects for decades as job opportunities have dwindled and environmental health has declined.

Yet efforts to address these pervasive problems stand a greater chance of success if they are rooted in a common approach: a new, inclusive green economy strong enough to lift people out of poverty. Green economic renewal holds the potential to create millions of jobs and billions of dollars in sustainable new wealth, all while restoring the environment.

In 2007, Congress passed the *Green Jobs Act*, the first-ever federal investment in training low-income and disadvantaged Americans for career opportunities in emerging green industries. In 2009, President Obama's *American Recovery and Reinvestment Act* seized the green jobs challenge and brought it to a new scale by creating the nation's single largest investment to date in clean energy and green jobs.

But, all too often, we have seen large waves of investment come and go without touching the communities of color that so desperately need the economic and environmental benefits that the new green economy has to offer.

We must work at all levels to ensure that the investments made with federal dollars live up to the promise of the *Green Jobs Act*, and that states, cities and towns have the information, models and support to understand how they can lay a new foundation for a strong, stable 21<sup>st</sup> century economy—an equitable, green economy in which everyone has the opportunity to succeed.

### Two Challenges for a Green Recovery

The stimulus package has created high hopes of bringing home the green recovery to those who need it most—and state and local governments now face the task of making that happen as stimulus programs are implemented. In doing so, two dangers jeopardize any policymaker's ability to use recovery funds effectively: the difficulty of “chasing a hundred rabbits,” and the confusion created by the “gold rush.”

#### Chasing a Hundred Rabbits

The stimulus package contains dozens of separate funding streams, flowing through many departments, distributed through varied formulae and intermediaries. For anyone looking to bring home the green recovery, there are two areas of funding to put near the top of the list.

The first is green job training. State and local officials can ensure this money comes into their communities and trains their workers by encouraging strong partner programs to apply

for grants and supporting them through the process.

The second is investments in energy efficiency and renewable energy. These investments create green infrastructure, generate jobs and improve environmental health. Funding streams include the Weatherization Assistance Program, Energy Efficiency and Conservation Block Grants and the State Energy Program.

### The Gold Rush

The other problem flows from the sheer amount of money at stake. With billions of dollars on the table, the swarm of people and institutions vying for funds is akin to a gold rush.

To differentiate between effective proposals and speculators, a policymaker must become a bit of a '49er, sifting through silt and stone to find the projects genuinely worthy of public investment. Careful review of those vying for funds can help policymakers avoid “fool's gold:”

- **Greenwashing:** Some projects present the veneer of being environmentally friendly, while being pollution-based at their core. A 2007 study by eco-labeling watchdog TerraChoice analyzed over 1,000 consumer products labeled as environmentally friendly and found that 99 percent made misleading claims. In the realm of economic development, new energy sources or production methods being promoted are often more controversial than they appear; a “climate-friendly” plant may still pollute surrounding neighborhoods, or a supposed clean energy technology may not in fact reduce net carbon emissions.
- **Phantom jobs:** Promising to create green jobs is easy; the delivery is more difficult. The phenomenon of “phantom jobs” is familiar to hundreds of communities that pinned their hopes (along with millions in taxpayer dollars) on companies that assured local leaders they would bring in hundreds of new jobs and revitalize the local economy—if only they could get an attractive economic development subsidy package. Without enforceable provisions to create and maintain local jobs, too often

subsidy-seeking companies simply take the money and run.

- Given the need to spend new workforce development funds, phantom green jobs pose an additional challenge: how to accurately target workforce development programs. Channeling jobseekers and youth into vocational “green-collar job training” is appropriate if and only if there are sustainable jobs waiting for trainees when they graduate. Training must be driven by hard data on job creation, compensation and career potential.
- **Poverty jobs:** Without strong standards for job quality, career opportunities and community hiring, the green industry will follow the well-trodden path of the “race to the bottom.” In Nevada, for example, the state government attempted to spur green job growth by providing energy company Solargenix with a \$15 million tax incentive to build a massive 64-megawatt solar thermal power plant. The result was less than inspiring. Solargenix hired the majority of its construction workforce from out-of-state and paid them well below the Nevada prevailing wage standard.

Avoiding these traps will be important in using this opportunity to lay the foundation for a green economy. However, that will not suffice. We also need to have affirmative principles regarding the investment of recovery dollars. One model for such principles has been developed in California.

### Five Principles for a Green and Equitable Economic Recovery

The California Green Stimulus Coalition, spearheaded by the Ella Baker Center for Human Rights, has adopted five principles that should guide all stimulus investments:

- Invest in a green future
- Invest in people and communities
- Invest for long-term gain
- Invest in justice
- Invest in transparency

States, cities and communities should seek to develop similar principles by which to guide all stimulus investments.

A set of widely agreed-upon and deeply held principles plays a critical role in keeping policymakers’ “eyes on the prize:” directing all investment to the goals of an equitable green recovery and striving to ensure that stimulus funds do not become yet another wave of investment that has no lasting impact to low-income communities and communities of color.

### Models and Examples

Agreeing on guiding principles is only the first step; putting them into practice is the essential next step towards a green economy. The following are three examples of state and local approaches to the implementation process.

#### California’s Stimulus, Economic Recovery and Jobs Task Force

In California, Assembly Speaker Karen Bass formed a new task force as soon as the stimulus package became law. In conjunction with local governments, business leaders, workers and community groups, *The Stimulus, Economic Recovery and Jobs (SERJ) Task Force* generates strategies to leverage and maximize the benefits to California from federal stimulus, finding creative ways to speed California’s recovery and turning the state’s job losses into job gains.

#### The Campaign for Clean and Safe Ports

A model of green and equitable economic development predating *The American Recovery and Reinvestment Act* can be found in the Campaign for Clean and Safe Ports.

In 2005, the neighboring Southern California ports of Los Angeles and Long Beach faced daunting challenges. Pollution from the ports and their 16,800 diesel trucks was contributing to cancer and asthma in nearby neighborhoods, not to mention a sizable carbon footprint. The port truck drivers themselves were living on poverty wages in a dangerously outmoded trucking fleet, referred to by an academic study as “sweatshops on wheels.” The two ports needed to expand in order to remain competitive, but had repeatedly been blocked from doing so due to their negative environmental impacts.

In 2006, three dozen community, labor, environmental and public health organizations came together to form the Coalition for Clean and Safe Ports. This unlikely partnership developed a creative solution: trucking companies contracting with the ports would be required to bring their trucks into compliance with new diesel emissions standards and—a critical component—assume accountability for the trucks by converting their drivers from independent contractor status to employees. At the same time, companies that complied would benefit from increased business, as well as considerable financial incentives for early adopters.

The essence of the Clean Trucks Program is the transformation of port trucking from a classic “low-road industry”—one where competition is based solely upon cutting costs, including costs for wages, health and safety, legal compliance, maintenance and investment—to a “high-road” industry where competition is based primarily upon innovation, efficiency and quality of service. Similar models are now being considered in Oakland, New York, Seattle and other port cities along both coasts.

### We Can Do This—Together

The stimulus package has presented more than an opportunity to invest in our communities. It has presented a chance to create lasting partnerships and alliances that stretch beyond the disbursement of recovery funds.

If organizations committed to building a fair and just green economy start building partnerships with elected officials and other policymakers, we can build an equitable green economy capable of resolving the ecological crisis and lifting millions out of poverty. 🌱

*Phaedra Ellis-Lamkins is the Chief Executive Officer of Green for All. Since March 2009, Ms. Ellis-Lamkins has been leading Green for All in its pursuit to build an inclusive green economy that is strong enough to lift people out of poverty.*



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## Joint Center Welcomes New Members to the Board of Governors

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*Veteran national political strategist  
Donna Brazile and philanthropist  
Norma Ketay Asnes are the newest  
members of the Joint Center for  
Political and Economic Studies  
Board of Governors.*

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*Ms. Donna Brazile* is the founder and managing director of Brazile & Associates LLC, a general consulting, grassroots advocacy, and training firm based in Washington, D.C. A television commentator who appears regularly on CNN and on ABC News, Ms. Brazile has worked on numerous political campaigns since the age of nine, culminating in 2000 when she was the presidential campaign manager for Vice President Al Gore.

*Mrs. Norma Ketay Asnes* rejoins the Joint Center board. A longtime supporter of the Joint Center, she is the president of Ketay Asnes Productions and the widow of Marvin Asnes, President and CEO of Becton, Dickinson and Company. She also serves on the board of the Global Diversity Foundation, which promotes agricultural, biological and cultural diversity around the world through research, training and social action.



## Climate Change Initiative Welcomes New Visiting Scholar

Michael K. Dorsey, Ph.D. is now a visiting fellow at the Joint Center for Political and Economic Studies and an assistant professor at Dartmouth College's Environmental Studies Program. For more than a decade, he has provided strategic guidance and advice to governments, foundations, firms and a multitude of others on the relationship between multilateral environment policy, finance and economic development.

More recently, he served as a member of the energy and environment policy team for Senator Barack Obama's presidential campaign. In January 2009, the Ford Foundation recognized his contributions with a grant to support his research on how emerging carbon markets shape justice-based climate policies.

Dr. Dorsey is a graduate of the University of Michigan School of Natural Resources and Environment (B.S. & Ph.D.), Yale University's School of Forestry and Environmental Studies (M.F.S.) and The Johns Hopkins University (M.A.). Before joining Dartmouth's faculty, he held the college's Thurgood Marshall Fellowship in Environmental Studies and Geography.