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THE WHITE HOUSE

WASHINGTON

May 23, 1991

MEMORANDUM FOR CURT SMITH
JENNIFER GROSSMAN

FROM: CAROL BLYMIRE *CMB*

SUBJECT: WEST POINT

I went on the pre-advance to West Point on Tuesday, May 21.
Here's the scoop:

POTUS is introduced into Michie Stadium at 10 a.m.
He will be escorted by the Superintendent
National Anthem
Benediction
Superintendent speaks
Eisenhower fellows are recognized (approx. 11 of them)
POTUS speaks
Presentation of class gift -- a print
POTUS will hand out honor diplomas (approx. 50 of them)
POTUS will then step back just to shake hands
Alma Mater
Graduates take the oath of office
Dismissal of Corps
POTUS participation ends

Michie[[Mikey]] Stadium is the "Home of the Black Knights".
POTUS will be facing the home team side. You might want to make
a joking reference to the Army/Navy game, since the visitors' side
will be empty for the ceremony. There is really nothing pretty to
look at -- it's just your typical football stadium.

There are approximately 970 graduates, and there will be 20-
25,000 people in attendance. Each cadet gets up to 10 tickets, and
6,000 are offered to the general public. There will be about 30-
35 people on the stage with POTUS, which will make acknowledgements
a lot of fun. Call Vicki Annin at (914)938-5402/5060 for the list
of who's on stage. You can count on the Secretary and Chief of
Staff of the Army being there.

The USMA band will play all the honors, etc. If memory serves
me correctly, they are the oldest military band, so POTUS might
want to mention that.

THE WHITE HOUSE

Office of the Press Secretary
(West Point, New York)

For Immediate Release

June 1, 1991

REMARKS BY THE PRESIDENT
IN COMMENCEMENT ADDRESS TO
UNITED STATES MILITARY ACADEMY

United States Military Academy
West Point, New York

10:10 A.M. EDT

THE PRESIDENT: Thank you all very much for that warm welcome back to West Point. (Applause.) Thank you all very, very much. Thank you General Palmer -- Dave Palmer -- for that introduction. May I salute our Secretary of the Army, Secretary Stone; our Chief, General Vuono. And might I say at the beginning that this country owes a great vote of thanks to both these general officers who have served their country with sacrifice and distinction. Please express yourselves by showing your appreciation to Carl Vuono and Dave Palmer, two great soldiers. (Applause.)

And may I single out at the outset several other special guests who, along with Secretary Stone and General Vuono, came up with me on Air Force One -- Congressman Sonny Montgomery, of Mississippi, a great supporter of a strong military -- (applause.) You guys better cheer, he's a Major General also. (Laughter.) And then, Congressman Ham Fish, who represents this West Point sister so well in Congress. (Applause.) And also may I single out my trusted National Security Advisor Brent Scowcroft, the Class of '47 at this Academy. Also Congressman Ben Gilman, who represents, as I understand it, the next congressional district over -- also a great friend of the Point. (Applause.)

And last, but certainly not least, let me single out a friend of our country -- Ambassador Bandar, the Saudi Arabian Ambassador to the United States. (Applause.) And look, don't hold it against him that he's a fighter pilot. (Laughter.) From day one of Desert Shield, all through Desert Storm, Saudi Arabia and the United States stood shoulder-to-shoulder versus aggression. And together we did what was just and right. (Applause.)

Now to the business at hand. A special greeting to the families and to the friends, and most important, to the Cadets of the Class of 1991. It is an honor -- and I mean that -- for both Barbara and me today -- it is an honor to be here at this symbol of "duty, honor, country" -- and to know what Douglas MacArthur meant when he said, "In the evening of my memory, I always come back to West Point." Barbara and I are proud to become honorary members of this Long Grey Line. (Applause.)

You know, it's really something to look out over this outstanding military audience. Now I know how Bob Hope feels. (Laughter.) Also, let me say it was good of you to invite a Navy man to speak at West Point. I left the goat outside, but I'm glad to be here. (Laughter.)

Before my remarks to this graduating class let me just make an announcement that is of interest to all here, to all around the world. The United States and the Soviet Union not many hours ago resolved our differences on the CFE treaty, clearing the way for an important step towards a superpower summit. And I congratulate our Secretary of State, the Foreign Secretary of the Soviet Union Bessmertnykh, and all involved. This is important to world peace,

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and I'm glad to make this announcement right here at West Point.
(Applause.)

You know, we meet this morning not as members of opposing teams, but as one people called Americans. Americans who know that -- like the memorial at Pearl Harbor, or the chapel at the Air Force Academy, its silhouette reaching toward the sky -- this ground right here at West Point reflects our deepest values and principles.

Look around you -- the majestic cadet chapel, the four statues in the mess hall, on grounds hallowed by generations of military heroes. Their lessons live as oral history, passed from one decade to another. Militarily and culturally, morally and spiritually, West Point has always been a metaphor for the American Character.

The American Character inspired generations of immigrants to push back the wilderness, establish settlements, and secure independence. One generation preserved the Union. Another fought "the war to end all wars." The generation of your parents and grandparents showed that the Iron Curtain could not hold back America's values, America's hopes, America's example.

Today, I want to talk of the American Character and how to make ours the greatest nation. This character has many elements, the foremost of which is our devotion to freedom. The love of liberty drives our national heartbeat. Might I add, that that beat is regular, not fibrillating. (Applause.) A central tenet of this devotion -- freedom of religion -- creates a special place for values, for morals and faiths and causes larger than ourselves.

Next, our character bursts with self-reliance and creativity -- two qualities that propel us from the drawing boards of today to the launching pads of tomorrow. Indeed, to this day, the only footprints on the moon are American footprints. The only flag, the Stars and Stripes.

Finally, we define our character through the service we render to others, by assuming responsibility for the welfare of our homes, our families and communities. We must serve those for whom the American Dream still seems an impossible dream.

You at West Point have established an example for the rest of the nation. Here people measure each other in terms of merit, heart, and will -- not creed or sex or color or national origin.

Look to your left and look to your right, and what do you see? People divided by race and religion? No. You see your friends -- and your future. Our Armed Forces have shown what Americans can do when they see themselves not as white and black and red or brown, but as one people united in common purpose -- pulling for each other, helping each other, relying upon each other -- and in the process, getting the job done. (Applause.)

More than three decades ago, the civil rights movement reshaped a nation by appealing to this American Character. It invited people to join hands in common cause against evil, to build a society upon common decency and respect. Martin Luther King dreamed of an America in which one day our children would -- and to quote -- "not be judged by the color of their skin, but by the content of their character." In the Army, just as here at West Point, that "one day" has arrived.

As Chief Justice Earl Warren wrote in Brown versus the Board of Education, "The road to progress for the victims of past discrimination is equal and excellent education." In the years since the Army became a volunteer force it has featured equal and excellent education. As a result, we have the best educated military in our history. The percentage of minority enlisted personnel has nearly doubled -- as has the number of minority noncommissioned officers. The number of minority officers has almost tripled.

And you may recall that at the beginning of the Gulf war -- think back now -- you may recall that at the beginning of the Gulf war some complained that we have too many minorities in the military. My disagreement could not be more clear. The military is, yes, the greatest equal opportunity employer around. And as our distinguished Chairman Colin Powell said at the time, we have nothing to be ashamed of. At West Point and at West Point certainly, you have plenty to be proud of. (Applause.)

Your class boasts the one thousandth black graduate of this institution, a great leader, as anybody who's been around this place knows, a great athlete. The one thousandth female graduate, also an all-around leader, a good soldier. And then the first graduate -- your class -- the first graduate from among the Hmong people of Laos. Yet the Army and West Point don't recruit minorities. They recruit soldiers -- the finest sons and daughters any country could ever have. (Applause.)

And so our country's task, America's task, is to achieve nationally what we celebrate today at West Point. We must think of ourselves not as colors or numbers, but as Americans, as bearers of sacred values. To reach that end, we must destroy the racial mistrust that threatens our national well-being as much as violence, or drugs, or poverty. We've all seen images of racial violence -- vivid pictures of fire and destruction, flashing lights and nightsticks. But we've also experienced little episodes of mistrust -- little ugly examples -- people slipping across the street to avoid someone of a different color; pressing themselves wearily into the back of an elevator. The practice of distrusting strangers because of their race or nationality. The habit of using patronizing or demeaning stereotypes.

Let's not kid ourselves. Regrettably, racism and bigotry still exist in this great country of ours. But let there be no doubt, this President and this administration will strike at discrimination wherever it exists. (Applause.) Because, you see, prejudice and hate have no place in this country, period. The real question that's facing us is not whether to fight these evils, but how.

Black and white, the great civil rights leaders of the '50s and '60s deplored intolerance, demanded equality of opportunity and equality under the law. Government's responsibility is to enhance, not redistribute, opportunity to ensure that all people get a fair chance to achieve their dreams.

And today, some talk not of opportunity, but of redistributing rights. They'd pit one group against another, encourage people to think of others as competitors, not colleagues. That's not the way to achieve justice and equality here in America. We need to adopt a more unifying, moral and noble approach.

I learned long ago that if you want something done, give someone a reason for doing it. Don't put them on the defensive; don't brow-beat them -- appeal to the better angels of their nature.

As I see it, this is the concept behind affirmative action. To me, true affirmative action expresses a duty of citizenship -- good-faith efforts to provide opportunity for individuals based on merit -- to reach out and create truly equal opportunity for those who have been left behind, those who have been excluded.

Some think affirmative action should involve a Rubik's Cube of workplace guarantees. And I believe that it should inspire people of all races to nurture affirmative values, affirmative views of themselves -- affirmative lives.

And that's why our administration is committed to a comprehensive attack on the problems facing disadvantaged Americans. We've called for a revolution in education with our America 2000

strategy. We've tried to reform the public housing system -- turn it into an ownership system -- with a program we call -- properly call -- HOPE, H-O-P-E. And we've proposed enterprise zones, to plant seeds of growth amid the ruins of crumbling cities and dusty rural areas. And we've offered tough anticrime legislation -- because no American is free if imprisoned by the fear of crime. And we have advocated community opportunity areas -- to shift power from the heavy hand of the state to the hands that run the home, raise the family. God bless the strength of the American family. We've got to do more to help strengthen it. (Applause.)

These policies give power back to the people and they move us toward achieving the goal of equal opportunity. They do not -- cannot -- ensure equal success.

In that spirit, consider our civil rights package. Our administration's S-1991 civil rights bill would forbid consideration of factors such as race and sex in employment practices. It will ensure that Congress lives by the same rules it prescribes for others. And it will not force employers to choose between using quotas or the risk of costly litigation. (Applause.)

I know there's another so-called civil rights bill out there, but it's a quota bill, regardless of how its authors dress it up. You can't put a sign on a pig and say it's a horse. It invites people to litigate, not cooperate. And this is no way in our country to promote harmony.

And so, let us cast off now the politics of division. Let's build a society in which people respect each other, work with -- not against -- each other, and strive to illuminate the American Character.

Tomorrow, our able Secretary of HHS -- Health and Human Services -- my colleague in our Cabinet, Dr. Lou Sullivan will address the high school in his hometown of Elakely, Georgia. What's unusual is that this distinguished doctor now, then was not permitted to attend that school when he was young. It would not admit black kids. He overcame the burdens of prejudice to become an eloquent advocate of good education and sound values. And Lou has forgiven, but he and we can never forget the terrible things that racism and prejudice can do to a land.

Here at West Point you have shown the essence of the American Character -- opportunity based on merit. And now, let us build a "We" -- not a "Me" -- generation by carrying the ideals of this school to the nation and the world.

You know, many of the servicemen and women who performed brilliantly during Operation Desert Shield and then, subsequently, Desert Storm have become what we call Points of Light at home. They've returned to their own communities and urged young people to follow their lead, to work hard, to stay in school, to stay away from drugs.

And so let's thank those who have taken this message back to the schools and communities across our land. And let's vow to do more. And I'd like to encourage all of you -- respected in your communities now -- to become Points of Light. Visit a school or a recreation center or a place of worship, and share some of your lives and your experiences. I ask communities to invite these wonderful men and women to speak at the schools and other forums.

You in this Class of 1991 can show that the story of the Good Samaritan is more than just an object lesson, for, you see, it's part of the American Character.

Douglas MacArthur, a son of West Point, once said, "The soldier, above all other people, prays for peace, for he must suffer and bear the deepest wounds and scars of war." America's magnificent military has helped secure the peace abroad. Our challenge now is to heal the wounds and the scars at home -- and help the extended hand

spur harmony and brotherhood, not faction and suspicion. (Applause.)

And so let us honor the true grandeur of America -- the dignity of the individual. You here at West Point, you all lead the way.

May God bless the Class of 1991 as you go on with your service to the greatest country on the face of the Earth. And may God bless the United States of America. Thank you all very much. (Applause.)

END

10:32 A.M. EDT

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Document No. 241426

WHITE HOUSE STAFFING MEMORANDUM

91 MAY 29 8:28

DATE: 05/28/91 ACTION/CONCURRENCE/COMMENT DUE BY: 10:00 a.m. 05/30

SUBJECT: PRESIDENTIAL REMARKS: WEST POINT COMMENCEMENT
(05/28 8:00 p.m. draft)

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MCCLURE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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SCOWCROFT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	PORTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROGICH	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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REMARKS: Please forward your comments directly to Tony Snow no later than 10:00 a.m. on Thursday, 05/30, with a copy to this office. Thanks.

RESPONSE:

CLOSE HOLD

PHILLIP D. BRADY
Assistant to the President
and Staff Secretary
Ext. 2702

Master draft check

(Smith/Grossman)
May 28, 1991
Draft Six
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MI KEE

PRESIDENTIAL REMARKS: WEST POINT COMMENCEMENT
U.S. MILITARY ACADEMY
SATURDAY, JUNE 1, 1991
10 A.M.

ack?
RA
Thank you, General Palmer, for that introduction. General Vuono, ladies and gentlemen, families, friends, and Cadets of the Class of 1991. // It is an honor to be here at this symbol of "duty, honor, country" -- and to know what Douglas MacArthur meant when he spoke of "coming home to West Point." Barbara and I are proud to be honorary members of the Long Grey Line. //

((What a sight to see such an outstanding military audience. / Now I know how Bob Hope feels. / Also, let me say it was good of you to invite a Navy man to speak at West Point. I didn't want to press my luck, so I left the goat outside.)) *RA* //

((Returning to West Point reminds me that no one should be shocked at the fierceness of our fighting ability in any conflict. // All they have to do is observe what we do to each other every year in the Army-Navy Game.)) //

We meet this morning not as members of opposing teams -- but as one people called Americans. / Americans who know that -- like the memorial at Pearl Harbor, or the Air Force Academy, its silhouette reaching toward the sky -- this ground at West Point reflects our deepest values, and our principles as a country. //

Look around you here -- at the four statues in the mess hall
 / ~~the five Stone-warriors~~ / ~~the buildings that housed Lee and Ike~~
 and Pershing. / Their lessons live as oral history -- passed from
 one generation to another. // They teach us what Woodrow Wilson
 knew: "The American Revolution is a beginning . . . never a
 consummation." Militarily and culturally / morally and
 spiritually / West Point has always been a metaphor for the
American Character. //

The American Character inspired settlers to push back the
 wilderness, establish colonies -- and fight for independence. /
 One generation forged the opening of the West. / Another lifted
 itself from the Depression -- because while poor in material
 goods, we were never ragged in spirit. // Still a later
 generation showed how the Iron Curtain was no match for the
 values, hopes and dreams that flourish here. //

Today, I wish to talk of this American Character -- and how
 it makes ours the greatest Nation in the history of the world. //
 This character grows naturally in our hearts, and reflects ideals
 that define us as a people. //

The first ideal is the self-reliance that moves America from
 the drawing boards of today to the launching pads of tomorrow.
 // This self-reliance expresses itself in a second ideal -- the
creativity as old as legends of Eli Whitney and Robert Fulton. //
 To this day, the only footprints on the moon are American
 footprints. / The only flag on the moon is the stars and
 stripes. // The know-how that put it there is American

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Angel
 Brown
 (SS)

technology. // The American Character is also rooted in a devotion to freedom that drives our national heartbeat. // ((Might I add: That beat is regular, not arhythmic.)) // One of those freedoms -- freedom of religion -- allows for a faith that shapes our character. //

We know, as Lincoln said: "The question is not whether God is on our side -- but whether we are on God's side." // Our religious roots have inspired us from the start to share our bounty and contribute out of generosity. / Think of Operation Provide Comfort for the Kurds in Iraq -- where freedom's flag reads, "Service to Nation, and to neighbor." / Or how here at home, many servicemen and women returning from Operation Desert Shield and Desert Home have become points of light. / Talking with students about staying in school // working hard // and turning off drugs. Their example -- which I urge you to follow - shows how for 200 years, we Americans have lent a hand, tended wounds, and helped the less fortunate. //

Today, more than ever, we must build on these foundations. We must measure ourselves also by the service we render to others, by assuming responsibility for the welfare of our home, our families, our communities. // We must apply our devotion to justice and equality to our neighbors. We must serve those for whom the American Dream still seems and Impossible Dream. //

You at West Point, have established an example and a challenge for the rest of the nation. // Within these grounds,

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people measure others in terms of merit, heart, and will -- not creed or color or origin. //

Look to your left. Look to your right. What do you see? People divided by race? Or your friends and buddies? // You see your friends -- and your future. You belong to a military that has shown what amazing things Americans can do when they see themselves not as tokens of a community, but as people united in common purpose -- pulling for each other, helping each other, relying upon each other -- and getting the job done. //

More than three decades ago, the Civil Rights movement reshaped a nation by appealing to the American Character. It invited people to join hands in common cause against evil, to build a society upon common decency. // It envisioned an America in which ~~one day our~~ ^{not} children will be judged ~~not by~~ the color of their skin, but by the content of their character."

In the Army -- as here at West Point -- that "one day" has arrived. // In the years since ours became a volunteer force, the Army has become smarter, better integrated, better equipped to meet the demands of world security. Entrance standards have risen. The number of minority members in the Army has grown to nearly 275,000 from fewer than 175,000. // The percentage of minority enlisted personnel has nearly doubled. / The number of minority officers has almost tripled. // Your class boasts the one thousandth black graduate of this institution; the one thousandth female graduate -- and the first graduate from among the Hmong people of Cambodia. The Army and West Point do not

(703) 692 8299

recruit minorities. They recruits soldiers -- the finest sons and daughters any Nation could ever have. //

America's task is to achieve what we celebrate today at West Point. We must think of ourselves not as colors or numbers, but as Americans, as bearers of sacred values. / Above all, we must combat the racial suspicion that threatens our national wellbeing as much as violence / or drugs / or poverty. It hides in the recesses of the human soul -- unbidden and unseen -- until some occasion triggers it. / We all have seen images of rage exploding on our streets. Cars burned / people maimed / stores destroyed by vandals. / Too often, these tragedies occur because one person read motives beneath the color of another's skin -- or used it as an easy excuse for unleashing personal rage. //

Racial suspicion inspires stranger to hate stranger. It hurls people of all colors into mindless conflict. // ~~Thirty~~ years ago, Martin Luther King observed, "Injustice anywhere is a ~~THE GREAT~~ danger to justice everywhere." // He knew that we must end the discrimination -- whether on the basis of race, national origin, sex, religion, or disability -- that tears the fabric of our society. / Black and white, the great civil rights leaders of the 1950s and '60s realized that only opportunity could feed America's body so that America could throw wide her heart. // They knew, too, that government could only enhance -- not redistribute -- opportunity. Opportunity is not a commodity, doled out in small dollops. It must be indivisible -- and infinite. //

Today, ignoring history, some talk not of opportunity but of redistributing rights. They would pit one group against other. Instead of equal rights for all Americans, they would ensure preferential treatment for some. / If we judge communities, schools, or businesses by the numbers, we dehumanize the human enterprise of brotherhood. For what these judgments demand -- often explicitly, more often implicitly -- is the use of quotas. Quotas that divide people who ought to -- and usually want to -- work together in racial harmony.

Many people hate the word, "quotas." I don't like it. It is an ugly word. But so is the reduction of brotherhood to bloodless numbers. //

Take the story of Mark Nevels, a Kansas City youngster ready for kindergarten. Across the street from his family was a superb "magnet school" with ample space -- ample, that is, except for blacks. // Mark was victimized by a rigid quota system mandating spaces for three blacks for every two whites enrolled. Lacking enough whites, 12 seats went empty -- even with a waiting list of 86 black children -- and Mark was bused past his neighborhood school. Why? Because he was black. //

Last year I vetoed a so-called civil rights measure that would have created powerful incentives for employers to adopt quotas in order to avoid litigation. This bill would have encouraged anyone to "sue-first, ask questions later." Instead of ignoring race it focused almost entirely on race. It would not have inspired unity; it would have ignited division.

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So do other things which make that suspicion their bequest.
 / Think of those who automatically dismiss college test scores as "racist" -- instead of taking a hard look at schools that may not be serving our students. / Think of the practice known as "race-norming." This system, which seeks to offer an advantage to minority workers, contains a powerful and ugly insult -- that blacks or hispanics just can't compete. / Race-norming is, in fact, race-baiting. It drives Americans apart instead of bringing them together. //

We cannot achieve justice and equality this way. We need to adopt a more unifying, moral and noble approach. I learned long ago that if you want something done, give someone a reason for doing it. Don't put them on the defensive. Don't brow-beat them. Appeal to their better selves.

As I see it, this is the concept behind Affirmative Action. To some, Affirmative Action should impose an "informal" system of numbers upon employers. To me, affirmative action expresses a duty of citizenship -- a duty to provide opportunity for individuals based on merit. / Some think Affirmative Action should involve a Rubik's Cube of entitlements. I believe it should inspire people of all races to nurture affirmative values / affirmative views of themselves / in short, affirmative lives.

This administration has approached that goal in a reasoned, realistic, measured manner. We have promoted educational choice. This lets parents choose schools for their children, rather than having government dictate the school to parents and students. /

We have asked Congress to extend independence and dignity to those who now live in blighted anonymity. Our HOPE Initiative - *think to sep things*
 - tenant management and homeownership for the poor -- gives public housing residents real property, not just a scrap of paper. / Enterprise zones: They encourage businesses to sew the seeds of prosperity amid the ruins of crumbling cities and dusty rural areas. / Tough anti-crime legislation -- because no American is free if imprisoned by fear of crime. / And community opportunity areas -- shifting the power from the heavy hand of the state to the hands that run the home and raise the family. //

These policies will ensure equal opportunity. They do not - cannot -- impose equal success. // In that spirit, consider our civil rights package -- one that congressional leaders don't want to consider. Our Administration's 1991 Civil Rights Bill will forbid consideration of factors such as race and sex in employment practices. / It reflects fundamental principles of fairness that apply throughout the legal system. / It will ensure that Congress lives by the same rules it prescribes for others -- ending Congressional exemption from Title VII of the Civil Rights Act of 1964. / It will not force employers to make a thankless choice between using quotas and facing costly and risky litigation. It will ensure equal opportunity and equal protection under the law.

Today I assure every man and woman in this land: This administration will strike at discrimination where it exists. It will assail racism, sexism -- any kind of prejudice. // Yet

Thomson's
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FBI

civil rights live and die with the normal deeds of normal citizens -- not with edicts issued from high courts. I have spoken today of how to substitute the ladder of pride for the crutch of dependency. I have tried to make it clear that the rights of none are secure unless the rights of all are respected -- that all Americans are equal and should be treated equally. //

Let us replace the politics of the angry fist -- of the taunt, the threat, the lawsuit, the bullying -- with a politics of the extended hand. I invite every American, regardless of race, creed, color, background, or political affiliation to dedicate themselves to embrace the politics of the extended hand. Let us create a land in which people respect each other, work with each other, and strive to illuminate the American Character.

Here at West Point, you've shown the essence of the American Character -- opportunity based on merit. Now, let us build a "We" -- not "Me" -- Generation -- by carrying the ideals of this school to the Nation and the world. //

This challenge issues from passions embedded in our national soul. Douglas MacArthur, a son of West Point, once said, "The soldier, above all prays for peace, for he must suffer and bear the deepest wounds and scars of war." // Our magnificent military has helped secure the peace abroad. Now, let us heal the wounds and scars at home -- and help the extended hand spur harmony and brotherhood, not faction and suspicion.

Let us honor the true grandeur of America -- the dignity of the individual. // Let us make it our heirloom of the heart. //

And let us realize today: You here at West Point -- you all lead
the way. // Thank you, and God bless this sacred land -- the
United States of America.

#

11 April 1991

MEMORANDUM FOR CURT SMITH

FROM: JENNIFER GROSSMAN

SUBJECT: WEST POINT COMMENCEMENT MATERIAL

I. WEST POINT, BACKGROUND

A. West Point literature

"Since 1802, the U.S. Military Academy has produced graduates who have contributed to our country in peace and war. Lee, Grant, Goethals, Pershing, Eisenhower, Borman...Academy graduates are known reverently as members of the Long Gray Line. It's often said, 'Much of the history we teach was made by those who taught.'"

"Today, the Corps of the Cadets numbers over 4400 men and women from every state in the Union as well as several foreign countries."

"West Point's role in our nation's history dates back to the Revolutionary War, when both sides realized the strategic importance of the commanding plateau on the west bank of the Hudson River. West Point was considered by George Washington to be the most important strategic position in America."

"Although Jefferson was concerned about the commitment of the aristocratic American military to democratic principles, as President he would sign legislation establishing the United States Military Academy in 1802."

"After gaining experience and national recognition during the Mexican and Indian Wars, West Point graduates dominated the highest ranks on both sides of the Civil War."

"In World War I, Military Academy graduates again distinguished themselves on the battlefield. After the war, superintendent Douglas MacArthur ...[saw that]..the cadet management of the Honor System, long an unofficial tradition, was formalized with the creation of the Cadet Honor Committee."

"Eisenhower, MacArthur, Bradley, Arnold, Clark, Patton, Stilwell and Wainwright were among an impressive array of Military Academy graduates who met the challenge of leadership in the Second World War."

"The entrance of women in 1976 was only the latest example of a diversification which has brought greater numbers of African-Americans, Hispanics, and other minorities into the ranks of the Corps of Cadets."

"Everything that cadets experience during their time at West Point is aimed at developing leaders of character."

"Each year during July, a new class, designated Fourth Class cadets, enters the United States Military Academy. In succeeding years, they become members of the Third Class, Second Class, and finally -- in their senior year -- First Class."

"Self-discipline, sensitivity to the needs and feelings of others, and unselfish, thoughtful service to the nation are among the characteristics most highly prized within the cadet corps."

"Upon entering West Point cadets suddenly find themselves physically challenged. Every cadet is an athlete at the intercollegiate or intramural and club sport level."

THE HONOR CODE AND SYSTEM

"The Cadet Honor Code states that 'a cadet will not lie, cheat or steal nor tolerate those who do.' The purpose of the Cadet Honor Code is to foster a commitment to moral-ethical excellence essential to the leaders of character for the nation..."

Although the exact origin of the Honor Code is unclear, it is believed to have evolved from the code of chivalry embraced by the officer corps when the Military Academy was established...

Leadership is built on trust; trust is built on honor."

II. CIVIL RIGHTS

A. Literature, excerpted

1. "America has fought at least three wars to defend and preserve that precious consensus [on what civil rights mean]. The American Revolution, to establish the civil rights of the colonists; the Civil War, to extend those rights to all Americans; and World War II, to protect those rights against totalitarianism."

"This traditional vision of civil rights is grounded in a commitment to individual self-determination, and it recognizes that any attempt to use the state's power to go beyond that point will ultimately detract from the underlying goal of individual sovereignty."

"...the revised civil rights agenda has shifted from the assertion of absolute rights to a negotiation of entitlements."

-- Clint Bolick

2. In Martin Luther King's "I Have A Dream" speech, on August 28, 1963, he described this dream as

"...a dream deeply rooted in the American dream."

*Character
Sept 5*
He also dreamed of an America in which his children
"..will not be judged by the color of their skin but by the content of their character." ***This America has become a reality in the United States Military.

3. "Military Minority Mobility," Ken Adelman, The Washington Times.

"..the armed forces have almost twice the proportion of blacks as the population at large. Blacks make up 12.4 percent of our population and 21 percent of our troops...But what's bad about that?"

"As President Bush said during the war, that overrepresentation is largely because 'the military of the United States is the greatest equal opportunity employer around.'"

"The Army was, after all, the first major U.S. institution to be integrated. Today, it may be the most successful institution to be integrated."

"As Gen. Colin Powell, chairman of the Joint Chiefs, told me recently, the military has been a key vehicle for upward mobility. It 'provides one heck of a social service to this country. We take in a couple of hundred thousand kids a year who hope to better themselves, to receive some education, to put money aside, to reap benefits so they can go to college.'"

SUGGESTED LANGUAGE

"You've paid your dues. You've toed the line, and -- for the most part, I guess -- you've stayed in line; and now you're ready to join the Long Gray Line."

"George Washington considered West Point to be America's most important strategic position. In many ways, it still is. Back then, it guarded the Hudson. Today, you guard the future."

15 May 1991

MEMORANDUM FOR CURT SMITH

FROM: JAG

SUBJECT: CONDENSED MONSTER FAX FROM WEST POINT'S ACADEMY
RELATIONS

- 1) The following excerpts are from a draft of some suggested language for the President's speech. Some of it is rather interesting and appropriate:

"In 1902, President Theodore Roosevelt, speaking at the centennial observance of the founding of the Military Academy, said: 'During the last century, no other educational institution has contributed as many names as West Point to the honor roll of the nation's greatest citizens.'"

"All Americans rightly share great pride in our recent military success. In large part that success can be attributed to lessons learned at West Point by such as Brent Scowcroft, my National Security Advisor; General Norman Schwarzkopf...and General Fred Franks, who led the U.S, VII Corps in the remarkable flanking maneuver which brought us victory in only 100 hours."

"Thousands of (West Point's) graduates served (in Desert Storm) and three died. I shook the hand of one of those, 1st Lt. Don Tillar, on this very stage when he graduated and was commissioned in 1988."

"One of the greatest rewards of my public service has been the opportunity to appoint young men and women to West Point and to other service academies. Two I appointed while serving as Vice President -- Louis P. Fortunato of Newburgh, just 15 miles north of West Point, and John Robert Stark of Mount Summit, Indiana -- are among your ranks today."

**"Also among you are the 1,000th black and 1,000 female graduates of this great institution. They are living proof of the commitment of West Point and the United States Army to equality of opportunity for all Americans in all walks of life."

- 2) West Point literature:

"The doors to the United States Military Academy are open to all young men and women from every state and territory in

the nation who satisfy the application requirements. Of the 1,340 new cadets admitted in the class of 1994, 16 percent were through minority recruitment."

Segue material
"West Point's purpose is to provide the nation with leaders of character who serve the common defense. Character underlies everything that happens to a cadet at the Military Academy."

3) USMA fact sheet:

"The military Academy now graduates about 900 new officers each year, a long way from the first graduating class that numbered two men."

4) Anecdote from article (Gamble material?):

"(statue of) the bareheaded bronze figure of Major General John Sedgwick, Sixth Army Corps, who was killed in action in the Civil War. The monument, cast from the cannon of the Sixth Corps and erected by its officers and men in General Sedgwick's memory.....Sedgwick is the guardian of the 'goat.' The word 'goat' means a low ranking student, and tradition says that if, on the night before a final examination, at midnight, a 'goat' will visit the monument and reach up to spin the rowels on the General's spurs, success will be with him on the following day's examination."

5) Joke:

What do plebes rank?

"Sir, the Superintendent's dog, the Commandant's cat, the waiters in the Mess Hall, the Hell Cats, the Generals in the Air Force, and all the Admirals in the whole damned Navy."

6) Trivia:

Q: When was over half of the American Army stationed at West Point?

A: After the Revolutionary War, Congress reduced the Army to 80 men, 55 of whom were stationed at West Point.

Q: What are the names of the Army mules?

A: Trooper, Spartacus, Traveller, and ***Ranger.

Q: Who put the reveille cannon on top of the Clock Tower?

A: It is believed that Cadet Douglas MacArthur and a small group of cadets put the cannon there one night. It took two weeks to get it down.

(I know you'll like this one) Q: With what is Abner Doubleday, Class of 1842, credited?

A: He is credited with having invented the sport of baseball.

Q: Who headed the building of the Panama Canal?

A: Major General George Washington Goethals, Class of 1880.

Q: What were Colonel Sylvanus Thayer's three D's of the fighting men?

A: Discipline; Decision; and Devotion to Duty.

7) Excerpt from "The Corps," a companion piece to the "Alma Mater" and equally beloved in the hearts of all graduates:

(of men of the Corps who have passed on)
"Grip hands tho' it be from the shadows,
While we swear, as you did of yore,
Or living, or dying, to honor
The Corps, the Corps, the Corps."

8) Notable West Point Graduates:

--George Washington Whistler: eminent civil engineer; chosen by Czar of Russia to build railroad from Moscow to St. Petersburg.

--Jefferson Davis: member of Congress from Mississippi; senator from Mississippi; president of Confederate States of America.

--Robert E. Lee: superintendent of the U.S. Military Academy; General in Chief of the Confederate Armies; president of Washington and Lee University.

--Ulysses S. Grant: General in Chief Armies of the United States; President of the United States.

--Thomas J. "Stonewall" Jackson: corps commander of the Confederate Army.

--John J. Pershing: commander-in-chief of Allied Expeditionary Force in World War I; General of the Armies 1919.

--Douglas MacArthur: superintendent of U.S. Military Academy 1919-22; Army Chief of Staff; Supreme Commander of Pacific; Supreme Commander of UN Forces Korea.

--Omar N. Bradley: commanding general 1st Army, 12th Army Group European Theater in World War II; Army Chief of Staff 48-49; first Chairman of the Joint Chiefs of Staff.

--Dwight D. Eisenhower: Supreme Commander Allied Forces Europe; Army Chief of Staff; president of Columbia University; President of the United States.

--Alexander Haig, Jr.: chief of staff to the President 73-74; Supreme Allied Commander in Europe 74-79; Secretary of State 81-82.

--H. Norman Schwarzkopf: Commander-in-Chief, Central Command, Operation Desert Storm.

SYMBOLIC PLACES/MONUMENTS AT WEST POINT

- 1) The four statues in the mess hall: as one enters the old center mess hall door, the statue on the right of the door represents Scholarship; the statue on the left of the door represents Loyalty; the statue on the right side of the center wing represents Physical Vigor; and the statue on the left side of the center wing represents Military Leadership.
- 2) The statue that adorns the face of the USMA Library is that of Athena, or Minerva, mythological protectress of heroes, the brave, and the valorous. With her right arm stretched out in a gesture suggesting the spread of knowledge, her left resting upon her shield, Athena is the goddess who is wise in the industries of peace and the arts of war. The figures right arm extends over the globe, indicating our country's concern over worldwide events. Space vehicles circle the globe, showing our thrust into space, and clouds, symbols for world problems, surround the lower part of the globe.
- 3) The stained glass window in the north wing of the mess hall depict the life of George Washington -- could be symbolic for our revolutionary beginnings, our democratic principles, and our deference to the founding fathers.
- 4) The Mural in Washington Hall depicts the history of arms from earliest times as symbolized by the leaders of 20 great historical battles decisive in charting the course of civilization.
- 5) The five Stone Warriors found between two main entrances to Thayer Hall depict the use of the horse throughout history: Mounted Soldier, Medieval Knight, U.S. Cavalryman, Western Indian, and the Horsemen of WWI.

To Jennifer
Date today Time 11:15

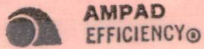
WHILE YOU WERE OUT

M. Evan
of Advance

Phone _____
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message _____
They think it will
be Gen. David Palmer
the superintendent of
the USMA. Will be able to
confirm by Thurs.
Operator CMB



23-000 50 SHT. PAD
23-001 250 SHT. DISPENSER BOX

LANGUAGE ON CIVIL RIGHTS PER YOUR REQUEST

Yes, blacks are overrepresented in our services // and that's because the military of the United States is the greatest equal opportunity employer around. And it's because black Americans are distinguishing themselves as some of the finest fighting men and women this nation has ever seen. // The Army was the first major U.S. institution to be integrated. Today it stands as one of the most successful examples of integration and equal opportunity.

The Army chooses its warriors not by color but by competence, not by ethnicity but by integrity, not by creed but by courage. And when someone physically and mentally up to the job steps forward and says, "I want to serve," they don't check what color his skin is. // No, the Army does not recruit minorities. It recruits soldiers. //

When I see how this approach has helped turn our military into the most formidable force in the world, I am compelled to redouble our administration's efforts to extend equal opportunity to every American. We will tolerate no barriers, no bias, no inside tracks, and no two-tiered system. That's why it's essential that the Congress act on our civil rights bill. This package will attack bigotry and discrimination with a four-pronged approach.

First, this legislation will operate to obliterate consideration of factors such as race and sex from employment decisions. Second, it reflects fundamental principles of fairness that apply throughout our legal system. Third, it will strengthen deterrents against workplace harassment based on race, sex, religion, or disability -- and it will do it clearly and decisively -- without inviting the travesty of endless litigation. And finally, it will ensure that Congress lives by the same rules it prescribes for others. We must eliminate congressional exemption from Title VII of the Civil Rights Act of 1964, giving congressional employees the same fundamental protections that employees of the Executive Branch have enjoyed for years.

We must seek out strategies that transcend statistics. And we must not let a centuries old quest for universal rights find its end in a contentious special interest lobby. A true commitment to the freedom and equality that is the birthright of all Americans means a focus on expanding opportunity rather than merely redistributing rights.

That means educational choice -- parents sending their kids to the educational establishment of their choice, not the choice of the education establishment. It means tenant management and homeownership for the poor. It means enterprise zones -- because you can't pull yourself up by the bootstraps if you don't have any boots to pull. It means community opportunity areas -- shifting the power from the heavy hand of the state to the hands that run the home and raise the family. And it means tough anti-crime legislation -- because no American is free if he or she

lives imprisoned by the fear of crime.

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UNITED STATES CODE
*Congressional and Administrative
News*

88th Congress—Second Session

1964

Convened January 7, 1964
Adjourned October 7, 1964

Volume 1

LAWS
LEGISLATIVE HISTORY

St. Paul, Minn.
West Publishing Co.

Brooklyn, N. Y.
Edward Thompson Co.

(including any State or political subdivision thereof and any agency of either) may obtain judicial review of such action in accordance with section 10 of the Administrative Procedure Act, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of that section.

Sec. 604. Nothing contained in this title shall be construed to authorize action under this title by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization except where a primary objective of the Federal financial assistance is to provide employment.

Sec. 605. Nothing in this title shall add to or detract from any existing authority with respect to any program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

TITLE VII—EQUAL EMPLOYMENT OPPORTUNITY

DEFINITIONS

Sec. 701. For the purposes of this title—

(a) The term "person" includes one or more individuals, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, or receivers.

(b) The term "employer" means a person engaged in an industry affecting commerce who has twenty-five or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but such term does not include (1) the United States, a corporation wholly owned by the Government of the United States, an Indian tribe, or a State or political subdivision thereof, (2) a bona fide private membership club (other than a labor organization) which is exempt from taxation under section 501(c) of the Internal Revenue Code of 1954: *Provided*, That during the first year after the effective date prescribed in subsection (a) of section 716, persons having fewer than one hundred employees (and their agents) shall not be considered employers, and, during the second year after such date, persons having fewer than seventy-five employees (and their agents) shall not be considered employers, and, during the third year after such date, persons having fewer than fifty employees (and their agents) shall not be considered employers: *Provided further*, That it shall be the policy of the United States to insure equal employment opportunities for Federal employees without discrimination because of race, color, religion, sex or national origin and the President shall utilize his existing authority to effectuate this policy.

(c) The term "employment agency" means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such a person; but shall not include an agency of the United States, or an agency of a State or political subdivision of a State, except that such term shall include

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the United States Employment Service and the system of State and local employment services receiving Federal assistance.

(d) The term "labor organization" means a labor organization engaged in an industry affecting commerce, and any agent of such an organization, and includes any organization of any kind, any agency, or employee representation committee, group, association, or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and any conference, general committee, joint or system board, or joint council so engaged which is subordinate to a national or international labor organization.

(e) A labor organization shall be deemed to be engaged in an industry affecting commerce if (1) it maintains or operates a hiring hall or hiring office which procures employees for an employer or procures for employees opportunities to work for an employer, or (2) the number of its members (or, where it is a labor organization composed of other labor organizations or their representatives, if the aggregate number of the members of such other labor organization) is (A) one hundred or more during the first year after the effective date prescribed in subsection (a) of section 716, (B) seventy-five or more during the second year after such date or fifty or more during the third year, or (C) twenty-five or more thereafter, and such labor organization—

(1) is the certified representative of employees under the provisions of the National Labor Relations Act, as amended, or the Railway Labor Act, as amended;

(2) although not certified, is a national or international labor organization or a local labor organization recognized or acting as the representative of employees of an employer or employers engaged in an industry affecting commerce; or

(3) has chartered a local labor organization or subsidiary body which is representing or actively seeking to represent employees of employers within the meaning of paragraph (1) or (2); or

(4) has been chartered by a labor organization representing or actively seeking to represent employees within the meaning of paragraph (1) or (2) as the local or subordinate body through which such employees may enjoy membership or become affiliated with such labor organization; or

(5) is a conference, general committee, joint or system board, or joint council subordinate to a national or international labor organization, which includes a labor organization engaged in an industry affecting commerce within the meaning of any of the preceding paragraphs of this subsection.

(f) The term "employee" means an individual employed by an employer.

(g) The term "commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States; or between a State and any place outside thereof; or within the District of Columbia, or a possession of the United States; or between points in the same State but through a point outside thereof.

(h) The term "industry affecting commerce" means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry "affecting commerce" within the meaning of the Labor-Management Reporting and Disclosure Act of 1959.

(i) The term "State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act.

EXEMPTION

Sec. 702. This title shall not apply to an employer with respect to the employment of aliens outside any State, or to a religious corporation, association, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, or society of its religious activities or to an educational institution with respect to the employment of individuals to perform work connected with the educational activities of such institution.

DISCRIMINATION BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN

Sec. 703. (a) It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or

(2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

(b) It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin, or to classify or refer for employment any individual on the basis of his race, color, religion, sex, or national origin.

(c) It shall be an unlawful employment practice for a labor organization—

(1) to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin;

(2) to limit, segregate, or classify its membership, or to classify or fail to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an em-

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ployee or as an applicant for employment, because of such individual's race, color, religion, sex, or national origin; or

(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(d) It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs to discriminate against any individual because of his race, color, religion, sex, or national origin in admission to, or employment in, any program established to provide apprenticeship or other training.

(e) Notwithstanding any other provision of this title, (1) it shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify, or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any individual in any such program, on the basis of his religion, sex, or national origin in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise, and (2) it shall not be an unlawful employment practice for a school, college, university, or other educational institution or institution of learning to hire and employ employees of a particular religion if such school, college, university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of such school, college, university, or other educational institution or institution of learning is directed toward the propagation of a particular religion.

(f) As used in this title, the phrase "unlawful employment practice" shall not be deemed to include any action or measure taken by an employer, labor organization, joint labor-management committee, or employment agency with respect to an individual who is a member of the Communist Party of the United States or of any other organization required to register as a Communist-action or Communist-front organization by final order of the Subversive Activities Control Board pursuant to the Subversive Activities Control Act of 1950.

(g) Notwithstanding any other provision of this title, it shall not be an unlawful employment practice for an employer to fail or refuse to hire and employ any individual for any position, for an employer to discharge any individual from any position, or for an employment agency to fail or refuse to refer any individual for employment in any position, or for a labor organization to fail or refuse to refer any individual for employment in any position, if—

(1) the occupancy of such position, or access to the premises in or upon which any part of the duties of such position is performed or is to be performed, is subject to any requirement im-

posed in the interest of the national security of the United States under any security program in effect pursuant to or administered under any statute of the United States or any Executive order of the President; and

(2) such individual has not fulfilled or has ceased to fulfill that requirement.

(h) Notwithstanding any other provision of this title, it shall not be an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of race, color, religion, sex, or national origin, nor shall it be an unlawful employment practice for an employer to give and to act upon the results of any professionally developed ability test provided that such test, its administration or action upon the results is not designed, intended or used to discriminate because of race, color, religion, sex or national origin. It shall not be an unlawful employment practice under this title for any employer to differentiate upon the basis of sex in determining the amount of the wages or compensation paid or to be paid to employees of such employer if such differentiation is authorized by the provisions of section 6(d) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206(d)).⁶⁴

(i) Nothing contained in this title shall apply to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of such business or enterprise under which a preferential treatment is given to any individual because he is an Indian living on or near a reservation.

(j) Nothing contained in this title shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this title to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, sex, or national origin in any community, State, section, or other area, or in the available work force in any community, State, section, or other area.

OTHER UNLAWFUL EMPLOYMENT PRACTICES

Sec. 704. (a) It shall be an unlawful employment practice for an employer to discriminate against any of his employees or appli-

64. 29 U.S.C.A. § 206(d).

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cants for employment, for an employment agency to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because he has opposed any practice made an unlawful employment practice by this title, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this title.

(b) It shall be an unlawful employment practice for an employer, labor organization, or employment agency to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, indicating any preference, limitation, specification, or discrimination, based on race, color, religion, sex, or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification, or discrimination based on religion, sex, or national origin when religion, sex, or national origin is a bona fide occupational qualification for employment.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Sec. 705. (a) There is hereby created a Commission to be known as the Equal Employment Opportunity Commission, which shall be composed of five members, not more than three of whom shall be members of the same political party, who shall be appointed by the President by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years, beginning from the date of enactment of this title, but their successors shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission, and one member to serve as Vice Chairman. The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission, and shall appoint, in accordance with the civil service laws, such officers, agents, attorneys, and employees as it deems necessary to assist it in the performance of its functions and to fix their compensation in accordance with the Classification Act of 1949, as amended. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and three members thereof shall constitute a quorum.

(c) The Commission shall have an official seal which shall be judicially noticed.

(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the action it has taken; the names, salaries, and duties of all individuals in its em-

ploy and the moneys it has disbursed; and shall make such further reports on the cause of and means of eliminating discrimination and such recommendations for further legislation as may appear desirable.

(e) The Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2201-2209),⁶⁵ is further amended—

(1) by adding to section 105 thereof (5 U.S.C. 2204) the following clause:

“(32) Chairman, Equal Employment Opportunity Commission”; and

(2) by adding to clause (45) of section 106(a) thereof (5 U.S.C. 2205(a)) the following: “Equal Employment Opportunity Commission (4).”

(f) The principal office of the Commission shall be in or near the District of Columbia, but it may meet or exercise any or all its powers at any other place. The Commission may establish such regional or State offices as it deems necessary to accomplish the purpose of this title.

(g) The Commission shall have power—

(1) to cooperate with and, with their consent, utilize regional State, local, and other agencies, both public and private, and individuals;

(2) to pay to witnesses whose depositions are taken or who are summoned before the Commission or any of its agents the same witness and mileage fees as are paid to witnesses in the courts of the United States;

(3) to furnish to persons subject to this title such technical assistance as they may request to further their compliance with this title or an order issued thereunder;

(4) upon the request of (i) any employer, whose employees or some of them, or (ii) any labor organization, whose members or some of them, refuse or threaten to refuse to cooperate in effectuating the provisions of this title, to assist in such effectuation by conciliation or such other remedial action as is provided by this title;

(5) to make such technical studies as are appropriate to effectuate the purposes and policies of this title and to make the results of such studies available to the public;

(6) to refer matters to the Attorney General with recommendations for intervention in a civil action brought by an aggrieved party under section 706, or for the institution of a civil action by the Attorney General under section 707, and to advise, consult, and assist the Attorney General on such matters.

(h) Attorneys appointed under this section may, at the direction of the Commission, appear for and represent the Commission in any case in court.

(i) The Commission shall, in any of its educational or promotional activities, cooperate with other departments and agencies in the performance of such educational and promotional activities.

⁶⁵ 5 U.S.C.A. § 2201 et seq.

(j) All officers, agents, attorneys, and employees of the Commission shall be subject to the provisions of section 9 of the Act of August 2, 1939, as amended (the Hatch Act), notwithstanding any exemption contained in such section.

PREVENTION OF UNLAWFUL EMPLOYMENT PRACTICES

Sec. 706. (a) Whenever it is charged in writing under oath by a person claiming to be aggrieved, or a written charge has been filed by a member of the Commission where he has reasonable cause to believe a violation of this title has occurred (and such charge sets forth the facts upon which it is based) that an employer, employment agency, or labor organization has engaged in an unlawful employment practice, the Commission shall furnish such employer, employment agency, or labor organization (hereinafter referred to as the "respondent") with a copy of such charge and shall make an investigation of such charge, provided that such charge shall not be made public by the Commission. If the Commission shall determine, after such investigation, that there is reasonable cause to believe that the charge is true, the Commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such endeavors may be made public by the Commission without the written consent of the parties, or used as evidence in a subsequent proceeding. Any officer or employee of the Commission, who shall make public in any manner whatever any information in violation of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned not more than one year.

(b) In the case of an alleged unlawful employment practice occurring in a State, or political subdivision of a State, which has a State or local law prohibiting the unlawful employment practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, no charge may be filed under subsection (a) by the person aggrieved before the expiration of sixty days after proceedings have been commenced under the State or local law, unless such proceedings have been earlier terminated, provided that such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective date of such State or local law. If any requirement for the commencement of such proceedings is imposed by a State or local authority other than a requirement of the filing of a written and signed statement of the facts upon which the proceeding is based, the proceeding shall be deemed to have been commenced for the purposes of this subsection at the time such statement is sent by registered mail to the appropriate State or local authority.

(c) In the case of any charge filed by a member of the Commission alleging an unlawful employment practice occurring in a State or political subdivision of a State, which has a State or local law prohibiting the practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to

institute criminal proceedings with respect thereto upon receiving notice thereof, the Commission shall, before taking any action with respect to such charge, notify the appropriate State or local officials and, upon request, afford them a reasonable time, but not less than sixty days (provided that such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective day of such State or local law), unless a shorter period is requested, to act under such State or local law to remedy the practice alleged.

(d) A charge under subsection (a) shall be filed within ninety days after the alleged unlawful employment practice occurred, except that in the case of an unlawful employment practice with respect to which the person aggrieved has followed the procedure set out in subsection (b), such charge shall be filed by the person aggrieved within two hundred and ten days after the alleged unlawful employment practice occurred, or within thirty days after receiving notice that the State or local agency has terminated the proceedings under the State or local law, whichever is earlier, and a copy of such charge shall be filed by the Commission with the State or local agency.

(e) If within thirty days after a charge is filed with the Commission or within thirty days after expiration of any period of reference under subsection (c) (except that in either case such period may be extended to not more than sixty days upon a determination by the Commission that further efforts to secure voluntary compliance are warranted), the Commission has been unable to obtain voluntary compliance with this title, the Commission shall so notify the person aggrieved and a civil action may, within thirty days thereafter, be brought against the respondent named in the charge (1) by the person claiming to be aggrieved, or (2) if such charge was filed by a member of the Commission, by any person whom the charge alleges was aggrieved by the alleged unlawful employment practice. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security. Upon timely application, the court may, in its discretion, permit the Attorney General to intervene in such civil action if he certifies that the case is of general public importance. Upon request, the court may, in its discretion, stay further proceedings for not more than sixty days pending the termination of State or local proceedings described in subsection (b) or the efforts of the Commission to obtain voluntary compliance.

(f) Each United States district court and each United States court of a place subject to the jurisdiction of the United States shall have jurisdiction of actions brought under this title. Such an action may be brought in any judicial district in the State in which the unlawful employment practice is alleged to have been committed, in the judicial district in which the employment records relevant to such practice are maintained and administered, or in the judicial district in which the plaintiff would have worked but for the alleged unlawful employment practice, but if the respondent is not found within any such district, such an action may be brought within the judicial dis-

istrict in which the respondent has his principal office. For purposes of sections 1404 and 1406 of title 28 of the United States Code, the judicial district in which the respondent has his principal office shall in all cases be considered a district in which the action might have been brought.

(g) If the court finds that the respondent has intentionally engaged in or is intentionally engaging in an unlawful employment practice charged in the complaint, the court may enjoin the respondent from engaging in such unlawful employment practice, and order such affirmative action as may be appropriate, which may include reinstatement or hiring of employees, with or without back pay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice). Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable. No order of the court shall require the admission or reinstatement of an individual as a member of a union or the hiring, reinstatement, or promotion of an individual as an employee, or the payment to him of any back pay, if such individual was refused admission, suspended, or expelled or was refused employment or advancement or was suspended or discharged for any reason other than discrimination on account of race, color, religion, sex or national origin or in violation of section 704(a).

(h) The provisions of the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes," approved March 23, 1932 (20 U.S.C. 101-115), shall not apply with respect to civil actions brought under this section.

(i) In any case in which an employer, employment agency, or labor organization fails to comply with an order of a court issued in a civil action brought under subsection (e), the Commission may commence proceedings to compel compliance with such order.

(j) Any civil action brought under subsection (e) and any proceedings brought under subsection (i) shall be subject to appeal as provided in sections 1291 and 1292, title 28, United States Code.

(k) In any action or proceeding under this title the court, in its discretion, may allow the prevailing party, other than the Commission or the United States, a reasonable attorney's fee as part of the costs, and the Commission and the United States shall be liable for costs the same as a private person.

Sec. 707. (a) Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by this title, and that the pattern or practice is of such a nature and is intended to deny the full exercise of the rights herein described, the Attorney General may bring a civil action in the appropriate district court of the United States by filing with it a complaint (1) signed by him (or in his absence the Acting Attorney General), (2) setting forth facts pertaining to such pattern or practice, and (3) requesting such relief, including an application for a permanent or temporary injunction, restraining order or other order against the

person or persons responsible for such pattern or practice, as he deems necessary to insure the full enjoyment of the rights herein described.

(b) The district courts of the United States shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section, and in any such proceeding the Attorney General may file with the clerk of such court a request that a court of three judges be convened to hear and determine the case. Such request by the Attorney General shall be accompanied by a certificate that, in his opinion, the case is of general public importance. A copy of the certificate and request for a three-judge court shall be immediately furnished by such clerk to the chief judge of the circuit (or in his absence, the presiding circuit judge of the circuit) in which the case is pending. Upon receipt of such request it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted, to hear and determine such case, and it shall be the duty of the judges so designated to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited. An appeal from the final judgment of such court will lie to the Supreme Court.

In the event the Attorney General fails to file such a request in any such proceeding, it shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the case.

It shall be the duty of the judge designated pursuant to this section to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited.

EFFECT ON STATE LAWS

Sec. 708. Nothing in this title shall be deemed to exempt or relieve any person from any liability, duty, penalty, or punishment provided by any present or future law of any State or political subdivision of a State, other than any such law which purports to require or permit the doing of any act which would be an unlawful employment practice under this title.

INVESTIGATIONS, INSPECTIONS, RECORDS, STATE AGENCIES

Sec. 709. (a) In connection with any investigation of a charge filed under section 706, the Commission or its designated representative shall at all reasonable times have access to, for the purposes of examination, and the right to copy any evidence of any person being

investigated or proceeded against that relates to unlawful employment practices covered by this title and is relevant to the charge under investigation.

(b) The Commission may cooperate with State and local agencies charged with the administration of State fair employment practices laws and, with the consent of such agencies, may for the purpose of carrying out its functions and duties under this title and within the limitation of funds appropriated specifically for such purpose, utilize the services of such agencies and their employees and, notwithstanding any other provision of law, may reimburse such agencies and their employees for services rendered to assist the Commission in carrying out this title. In furtherance of such cooperative efforts, the Commission may enter into written agreements with such State or local agencies and such agreements may include provisions under which the Commission shall refrain from processing a charge in any cases or class of cases specified in such agreements and under which no person may bring a civil action under section 706 in any cases or class of cases so specified, or under which the Commission shall relieve any person or class of persons in such State or locality from requirements imposed under this section. The Commission shall rescind any such agreement whenever it determines that the agreement no longer serves the interest of effective enforcement of this title.

(c) Except as provided in subsection (d), every employer, employment agency, and labor organization subject to this title shall (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom, as the Commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of this title or the regulations or orders thereunder. The Commission shall, by regulation, require each employer, labor organization, and joint labor-management committee subject to this title which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purpose of this title, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which such applications were received, and shall furnish to the Commission, upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program. Any employer, employment agency, labor organization, or joint labor-management committee which believes that the application to it of any regulation or order issued under this section would result in undue hardship may (1) apply to the Commission for an exemption from the application of such regulation or order, or (2) bring a civil action in the United States district court for the district where such records are kept. If the Commission or the court, as the case may be, finds that the application of the regulation or order to the employer, employment agency, or labor organization in question would impose an undue hardship, the

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Commission or the court, as the case may be, may grant appropriate relief.

(d) The provisions of subsection (c) shall not apply to any employer, employment agency, labor organization, or joint labor-management committee with respect to matters occurring in any State or political subdivision thereof which has a fair employment practice law during any period in which such employer, employment agency, labor organization, or joint labor-management committee is subject to such law, except that the Commission may require such notations on records which such employer, employment agency, labor organization, or joint labor-management committee keeps or is required to keep as are necessary because of differences in coverage or methods of enforcement between the State or local law and the provisions of this title. Where an employer is required by Executive Order 10925, issued March 6, 1961, or by any other Executive order prescribing fair employment practices for Government contractors and subcontractors, or by rules or regulations issued thereunder, to file reports relating to his employment practices with any Federal agency or committee, and he is substantially in compliance with such requirements, the Commission shall not require him to file additional reports pursuant to subsection (c) of this section.

(e) It shall be unlawful for any officer or employee of the Commission to make public in any manner whatever any information obtained by the Commission pursuant to its authority under this section prior to the institution of any proceeding under this title involving such information. Any officer or employee of the Commission who shall make public in any manner whatever any information in violation of this subsection shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than \$1,000, or imprisoned not more than one year.

INVESTIGATORY POWERS

Sec. 710. (a) For the purposes of any investigation of a charge filed under the authority contained in section 706, the Commission shall have authority to examine witnesses under oath and to require the production of documentary evidence relevant or material to the charge under investigation.

(b) If the respondent named in a charge filed under section 706 fails or refuses to comply with a demand of the Commission for permission to examine or to copy evidence in conformity with the provisions of section 709(a), or if any person required to comply with the provisions of section 709(c) or (d) fails or refuses to do so, or if any person fails or refuses to comply with a demand by the Commission to give testimony under oath, the United States district court for the district in which such person is found, resides, or transacts business, shall, upon application of the Commission, have jurisdiction to issue to such person an order requiring him to comply with the provisions of section 709(c) or (d) or to comply with the demand of the Commission, but the attendance of a witness may not be required outside the State where he is found, resides, or transacts

business and the production of evidence may not be required outside the State where such evidence is kept.

(c) Within twenty days after the service upon any person charged under section 706 of a demand by the Commission for the production of documentary evidence or for permission to examine or to copy evidence in conformity with the provisions of section 709(a), such person may file in the district court of the United States for the judicial district in which he resides, is found, or transacts business, and serve upon the Commission a petition for an order of such court modifying or setting aside such demand. The time allowed for compliance with the demand in whole or in part as deemed proper and ordered by the court shall not run during the pendency of such petition in the court. Such petition shall specify each ground upon which the petitioner relies in seeking such relief, and may be based upon any failure of such demand to comply with the provisions of this title or with the limitations generally applicable to compulsory process or upon any constitutional or other legal right or privilege of such person. No objection which is not raised by such a petition may be urged in the defense to a proceeding initiated by the Commission under subsection (b) for enforcement of such a demand unless such proceeding is commenced by the Commission prior to the expiration of the twenty-day period, or unless the court determines that the defendant could not reasonably have been aware of the availability of such ground of objection.

(d) In any proceeding brought by the Commission under subsection (b), except as provided in subsection (c) of this section, the defendant may petition the court for an order modifying or setting aside the demand of the Commission.

NOTICES TO BE POSTED

Sec. 711. (a) Every employer, employment agency, and labor organization, as the case may be, shall post and keep posted in conspicuous places upon its premises where notices to employees, applicants for employment, and members are customarily posted a notice to be prepared or approved by the Commission setting forth excerpts from or, summaries of, the pertinent provisions of this title and information pertinent to the filing of a complaint.

(b) A willful violation of this section shall be punishable by a fine of not more than \$100 for each separate offense.

VETERANS' PREFERENCE

Sec. 712. Nothing contained in this title shall be construed to repeal or modify any Federal, State, territorial, or local law creating special rights or preference for veterans.

RULES AND REGULATIONS

Sec. 713. (a) The Commission shall have authority from time to time to issue, amend, or rescind suitable procedural regulations to carry out the provisions of this title. Regulations issued under this section shall be in conformity with the standards and limitations of the Administrative Procedure Act.

(b) In any action or proceeding based on any alleged unlawful employment practice, no person shall be subject to any liability or punishment for or on account of (1) the commission by such person of an unlawful employment practice if he pleads and proves that the act or omission complained of was in good faith, in conformity with, and in reliance on any written interpretation or opinion of the Commission, or (2) the failure of such person to publish and file any information required by any provision of this title if he pleads and proves that he failed to publish and file such information in good faith, in conformity with the instructions of the Commission issued under this title regarding the filing of such information. Such a defense, if established, shall be a bar to the action or proceeding, notwithstanding that (A) after such act or omission, such interpretation or opinion is modified or rescinded or is determined by judicial authority to be invalid or of no legal effect, or (B) after publishing or filing the description and annual reports, such publication or filing is determined by judicial authority not to be in conformity with the requirements of this title.

FORCIBLY RESISTING THE COMMISSION OR ITS REPRESENTATIVES

Sec. 714. The provisions of section 111, title 18, United States Code, shall apply to officers, agents, and employees of the Commission in the performance of their official duties.

SPECIAL STUDY BY SECRETARY OF LABOR

Sec. 715. The Secretary of Labor shall make a full and complete study of the factors which might tend to result in discrimination in employment because of age and of the consequences of such discrimination on the economy and individuals affected. The Secretary of Labor shall make a report to the Congress not later than June 30, 1965, containing the results of such study and shall include in such report such recommendations for legislation to prevent arbitrary discrimination in employment because of age as he determines advisable.

EFFECTIVE DATE

Sec. 716. (a) This title shall become effective one year after the date of its enactment.

(b) Notwithstanding subsection (a), sections of this title other than sections 703, 704, 706, and 707 shall become effective immediately.

(c) The President shall, as soon as feasible after the enactment of this title, convene one or more conferences for the purpose of enabling the leaders of groups whose members will be affected by this title to become familiar with the rights afforded and obligations imposed by its provisions, and for the purpose of making plans which will result in the fair and effective administration of this title when all of its provisions become effective. The President shall invite the participation in such conference or conferences of (1) the members of the President's Committee on Equal Employment Opportunity, (2) the members of the Commission on Civil Rights, (3) representatives of

State and local agencies engaged in furthering equal employment opportunity, (4) representatives of private agencies engaged in furthering equal employment opportunity, and (5) representatives of employers, labor organizations, and employment agencies who will be subject to this title.

TITLE VIII—REGISTRATION AND VOTING STATISTICS

Sec. 801. The Secretary of Commerce shall promptly conduct a survey to compile registration and voting statistics in such geographic areas as may be recommended by the Commission on Civil Rights. Such a survey and compilation shall, to the extent recommended by the Commission on Civil Rights, only include a count of persons of voting age by race, color, and national origin, and determination of the extent to which such persons are registered to vote, and have voted in any statewide primary or general election in which the Members of the United States House of Representatives are nominated or elected, since January 1, 1960. Such information shall also be collected and compiled in connection with the Nineteenth Decennial Census, and at such other times as the Congress may prescribe. The provisions of section 9 and chapter 7 of title 13, United States Code, shall apply to any survey, collection, or compilation of registration and voting statistics carried out under this title: *Provided, however,* That no person shall be compelled to disclose his race, color, national origin, or questioned about his political party affiliation, how he voted, or the reasons therefore, nor shall any penalty be imposed for his failure or refusal to make such disclosure. Every person interrogated orally, by written survey or questionnaire or by any other means with respect to such information shall be fully advised with respect to his right to fail or refuse to furnish such information.

TITLE IX—INTERVENTION AND PROCEDURE AFTER REMOVAL IN CIVIL RIGHTS CASES

Sec. 901. Title 28 of the United States Code, section 1447(d),⁶⁶ is amended to read as follows:

“An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise, except that an order remanding a case to the State court from which it was removed pursuant to section 1443 of this title shall be reviewable by appeal or otherwise.”

Sec. 902. Whenever an action has been commenced in any court of the United States seeking relief from the denial of equal protection of the laws under the fourteenth amendment⁶⁷ to the Constitution on account of race, color, religion, or national origin, the Attorney General for or in the name of the United States may intervene in such action upon timely application if the Attorney General certifies that the case is of general public importance. In such action the United States shall be entitled to the same relief as if it had instituted the action.

66. 28 U.S.C.A. § 1447(d).

THE WHITE HOUSE
WASHINGTON

Date: 5-14-91

TO: Members of the Domestic Policy
Reform Breakfast Group

FROM: **RICHARD W. PORTER**
Special Assistant to the President
and Executive Secretary to the
Domestic Policy Council

Attached are a number of articles
I thought you might find of interest.

The article on top was written by
Peter Ferrara of the Cato Institute
and was one of the topics during our
discussion with him at last Friday's
breakfast. (A few of you already
have this, I realize).

POLICY DIRECTIONS



Replacing Welfare with Work

■ ■ ■ ■
Peter J. Ferrara

Peter J. Ferrara is an associate professor at George Mason University School of Law and a Senior Fellow at the Cato Institute in Washington, D.C.

Children in poverty evoke the greatest sympathy of any group that seeks public assistance. They did not contribute to their condition, and they cannot improve it. But this does not mean that a solution to their plight is easy or that effective policy intervention is even feasible.

Morally and economically, assistance to children cannot be evaluated separately from the impact of that assistance on their families. How assistance affects parental behavior is crucial to evaluating the desirability of such assistance. Both morally and economically, the burden on taxpayers of providing assistance to the poor also must be taken into account. In the end, the most promising and just policies may be those that focus on removing the counterproductive effects of prior social-policy interventions.

Factors in Poverty

Three factors must be recognized before sound policies to address childhood poverty can be developed. First, children do not fall into poverty independently. Their poverty is due to the poverty of their parents. Moreover, poverty in America today is generally not the result of problems with the economy. Rather, it is the result of socially counterproductive behavior on the part of parents. This behavior includes having one or more children out of wedlock, dropping out of school, or engaging in drug or alcohol abuse. Few families in poverty in America include married parents who have completed high school.

Even when such families fall into poverty, most do not stay there. The poverty of parents that results in the poverty of children is the result of social and cultural trends, not economic trends.

Second, the United States provides a huge amount of assistance to the poor. Federal, state, and local governments spend approximately \$200 billion per year to counter poverty, not counting Social Security and Medicare. This massive effort has failed to solve the problem or even avoid deteriorating trends.

In fact, the current welfare system may contribute to the problem because it creates incentives that nurture socially counterproductive behavior.¹ When payments are provided for not working and for the bearing of children by unwed mothers, incentives are created to forego work, bear children outside of marriage, and drop out of school. Withdrawing benefits as income rises creates an effective tax on the poor that further discourages efforts to seek training and work.

Analysts debate whether these incentives produce significant changes in behavior. At the very least, the system provides the resources that allow the social and cultural trends producing poverty to flourish. Without these resources, single women would be less likely to bear children without fathers to support them. This would not be seen as a socially acceptable, viable course of conduct—as it is now in low-income communities. The same might be true of dropping out of high school.

Charles Murray and others document that as the welfare system has grown, counterproductive social and cultural trends have grown as well. In fact, progress against poverty has been stopped and even reversed at times in the recent past.²

Third, policies cannot assume that taxpayers must give carte blanche to the effort. Tax revenues come at the expense of workers trying to provide for their families and pursue their dreams with the resources they have earned in the marketplace. This freedom is fundamental to what is and should be most precious and cherished about American society. A heavy tax burden will undermine and perhaps reverse the economic growth on which the hope of all citizens depend.

Taxpayers are able and willing to provide a reasonable amount of resources to assist the poor. Policies, however, must recognize limits on the demands that can be placed on tax revenues. Proposals that do not consider these limits but demand vast new resources, increase rather than reduce social injustice—and may undermine the overall economy as well.

Problems and Opportunities

These three factors provide clear guidance as to what is needed to address childhood poverty. First, the current welfare system is part of the problem and should be abandoned. Redirecting revenues from this system to a more effective approach is the best possible revenue source for

the new effort. Moreover, policies are needed to reverse the counterproductive social behavior that produces poverty in general and childhood poverty in particular.

The most promising approach is to replace the current welfare system with an offer of employment—that is, to replace welfare with work.³ The nondisabled poor would not receive assistance without working. Instead, the government would contract out to private employment agencies the responsibility of assigning jobs to applicants. Agencies would first attempt to assign applicants to private-sector employers, emphasizing job opportunities that offer the greatest prospects for permanent employment. If private employment was not available, the applicant would be given government work until private employment could be found. The applicants would be paid the minimum wage for government work but would receive whatever higher wages employers were willing to pay for private-sector jobs.

The government would also contract with the private sector for day-care facilities for the children of applicants. Some applicants would work in such facilities. Children could be provided food, medical care, and perhaps clothing in these facilities. Those who made their own arrangements for child care could bring their children to the facilities for these benefits as well. As income rose, applicants would pay for this care on a graduated scale, with the fees eventually rising to cover full costs. Eligible workers who had found private employment on

their own could use these facilities on the same terms. Pregnant women would receive 30 days paid leave during the last month of pregnancy and 60 days paid maternity leave after birth.

Parents who worked at least 20 hours per week would receive Medicaid vouchers to purchase health insurance in the private sector. The value of these vouchers would be reduced and eventually phased out as income rose. Parents who had found private employment would also receive these vouchers. Both groups would also receive the earned income tax credit (EITC) under current law, which provides a modest supplement to income for low-wage workers.

This new system would replace all current welfare programs for the able-bodied—including Aid to Families with Dependent Children, food stamps, Medicaid, federal housing assistance, and general assistance. The Supplemental Security Income Program for the aged, blind, and disabled would continue. Able-bodied parents who refused to take jobs under the new system would be guilty of child abuse and subject to all the sanctions for such abuse under current law.

Education vouchers should also be adopted as part of this system.⁴ The current public-school monopoly is part of the problem, serving low-income communities poorly. Vouchers would encourage schools to compete to attract students and funds. Choice and the resulting competition tried in some public schools in Harlem in New York City have had a powerful

effect in improving school quality and student skills.⁵

Wage Supplement Impractical

Under the work-for-wages system proposed above, full-time workers at the minimum wage would receive a cash income of approximately \$7,500 (counting the EITC). An expanded wage supplement to bring this income to the poverty level, as called for by some economists, is impractical. If such a larger wage supplement were phased out with rising income, it would impose a stiff marginal tax rate on low-income workers, sharply discouraging efforts to climb out of poverty. If the wage supplement were phased out more slowly to reduce the effective marginal tax rate to a level that might not seriously impair the rise out of poverty, then the wage supplements would have to be paid at levels high enough to cover most of the population. This would make the subsidy impractically expensive. It would also extend the effective marginal tax rate and thus discourage many poor people from seeking work. This realization is what ultimately stopped the effort for a guaranteed annual income in the late 1970s.

Phasing out the Medicaid vouchers and the EITC would add a substantial effective marginal income tax rate to lower income workers; increasing the burden would be counterproductive. Indeed, the personal exemption for children should be increased so lower income workers experienc-

ing the effective marginal tax due to the phaseout of the voucher and EITC would not have to pay income tax as well.

The proposed system maintains incentives for expanded work efforts and growth while ensuring that children are not deprived. The children are offered additional food, basic clothing, and medical treatment, besides the cash incomes earned by their parents. In addition, parents are assured of medical care and enough cash assistance to make do. Indeed, in two-parent families, both parents could work, and that would generally assure a cash income at or above the poverty level.

Many would argue that recipients should be offered the option of choosing job training instead of work so they can prepare for better paying jobs. But government job training has been tried for 30 years and generally has been ineffective. Such job-training options tend to become excuses for not working, leading to longer periods of dependency. The best job training has proved to be actual work.

The value of the proposed system is that it creates powerful incentives to change behavior. The idea is not to have millions of low-income parents working in a government jobs program but to change the behavior that creates the need for such assistance and ultimately to reverse the social and cultural trends that foster such behavior. Under the new system, prospective unwed teenage mothers and fathers would know that if they had a child, the

mother or the father would have to work to support it and themselves. And they would know that if they dropped out of school and failed to develop skills, that even with such work, life would remain difficult until they entered the private sector and worked their way up.

Given such choices, having children out of wedlock would likely be less popular and occur less frequently. Unwed mothers would not have the alternative that is seen as an acceptable lifestyle today—being supported by the government without work and caring for the children at home. Unwed fathers might also be less carefree about having children if they knew someone would have to work to provide the needed support. High-school dropout rates may also decline as students would see that if they must work, the only sensible course would be to develop skills to secure good-paying jobs.

For those who are not deterred from such behavior and end up in need, few are likely to remain dependent on government jobs for any significant period. These jobs would require work just as private-sector jobs, but would pay only the minimum wage, with no opportunity to advance. The only sensible course in this case would be to turn to private employment, where wages can grow and skills can develop, leading to advancement. Experience indicates that once entering private-sector employment, workers soon climb out of poverty. The opportunity for private employment is there. The economy not only continues to

show sustained growth, but a labor shortage is emerging, largely spurred by long-term demographic trends. Moreover, with recognition of the reality of required work, a new work ethic may arise. Again, such incentives could lead to changes in social and cultural values, leading to behavioral change.

The proposed system, therefore, aids children in need but also does much more. It offers hope for cutting back on the behavior that produces such need and for reversing the social and cultural trends that promote such behavior. For those in trouble, the

new system sets up a structure that encourages them to seek private-sector jobs as the only path to escape poverty. In the end, the new system should lead to far less poverty for children and their parents, with far less dependency on government.



NOTES

1. See, for example, Charles Murray, *Losing Ground: American Social Policy 1950-1980* (New York: Basic Books, 1986).
2. Murray, *Ibid.*
3. Mickey Kaus, "The Work Ethic State," *The New Republic*, 18 July

1986, pp. 22-23; Kevin Hopkins, "A New Deal for America's Poor," *Policy Review*, Summer 1981, pp. 70-73.

4. For a description of an education choice/voucher system, see Clint Bolick, "Solving the Education Crisis: Market Alternatives and Parental Choice," in *Beyond the Status Quo: Policy Proposals for America*, eds. David Boaz and Edward H. Crane (Washington, DC: Cato Institute, 1984), pp. 207-222.
5. Sy Fliegel, "Parental Choice in East Harlem Schools," in *Public Schools by Choice: Expanding Opportunities for Parents, Students, and Teachers*, ed. Joe Nathan (St. Paul: The Institute for Learning and Teaching, 1989), pp. 95-112.

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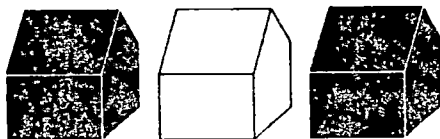


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A39

The course of education

MICHAEL J. BARRETT

Beneath those broad strokes on education President Bush painted on Thursday is a genuinely radical program — ambitious, new, politically potent and politically daring. Democrats will focus on the glaring omission of funding, but we need to look again: there is more to the education issue than money, and much in the president's plan to think about.

The Bush team would take the education system and yank it sharply upward and downward at the same time, creating national standards in place of local ones, crafting a role for parents, and leaving the political institutions in the middle — school committees and central offices — with much less power and much less to do.

The upward tug invites the schools to discard the bewildering variety of standardized exams in favor of a new set of American Achievement Tests. The goal is to create quality and excellence in a country with an almost fatally decentralized network of schools.

The Bush people reason that parents must be able to tell how well the local school compares with the schools not only in the next neighborhood or town, but also across the state, the country, and eventually the world.

A hidden upward tug in the program will come as the national exam forces local curricula to converge upon a core of common learning. Far from being nervous about schools "teaching to the test," the Bush team believes that as long as exams incorporate the latest research on fair and effective testing, and focus on key concepts and reasoning skills, convergence will be good. After all, they contend, there might be hundreds of ways to teach math, suited to different teachers and students, but there are not hundreds of valid definitions of what a math student should learn.

In terms of detail and substance, the plan creates an hourglass effect; below the national level, there is a long drop to the neighborhoods before the plan broadens out again. Here the emphasis is on parental choice and school board management, and the Bush people act on a daring assumption; that the typical parent cares about the individual school his or her child will attend, but doesn't care about the school "system" above it, the administrators and the school committee.

The lack of public interest creates a political opening for parental-choice advocates, who regard bureaucracy as the deadliest sin anyhow. They argue that the most effective schools are liberated from control up the line, run instead by school-site teams consisting of the teaching staff and the principal, and accountable only to parents — who will read the comparative test results, pick up other useful information on their own, and then vote with their feet and vouchers.

Interesting stuff, this: a strategy that is internally coherent and that knows its target audience, the American middle class and the substantial number of inner-city residents who don't belong to the discouraged underclass but are upwardly mobile and ready to choose.

No wonder Education Secretary Lamar Alexander has said confidently of the plan, "There's more than meets the eye to it, rather than less." The challenge for Democrats is to wrestle honestly and explicitly with the key premises here: convergence toward national standards; a means of measuring progress toward these standards; local power in the hands of parents and teachers, rather than the local school committee or administration. The plan will likely find ready public support, and a healthy period of serious competition over the nation's domestic agenda is finally about to begin.

However, the plan is not adequate to bring US education up to international standards.

Even if the net result of Bush's initiatives was genuine quality within the traditional American school year — a big if — this would not be enough. Quality learning at 180 days a year will always leave kids short of quality learning at 240 days (Japan), 230 days (Germany) or 220 days (South Korea). We need quality and time both, and for this the federal government will have to do more than fund pilot programs. We're starting to get serious about world-class excellence in education, but we're not there yet.

Michael Barrett is a state senator (D-Cambridge).



**Mike
Royko**

In past, life wasn't a game of chicken

Seeing the Washington riot scenes on television, I assumed that many of the rioters had suddenly been overwhelmed by a desperate craving for fried chicken. That seemed like a logical assumption, since they had smashed their way into a chicken joint and were looting it of every last wing and drumstick.

It wasn't until later that I discovered that it wasn't chicken they were after. Not at all. What they wanted was more bilingual education in their schools; more police officers who can speak Spanish; better paying jobs and more spacious housing; a more sincere effort by the rest of us to understand their culture; and a greater voice in government, even for those who aren't citizens or are here illegally.

I discovered this by reading what various experts on what is called the "Hispanic community" had to say about the riots.

One of them said: "We can't tolerate this situation no more. We have to let people know we are humans and we have rights too."

And what better way to do it than to smash into a chicken joint and make off with all the chicken?

It just shows how dumb my father was, may he rest in peace.

My father, like many Americans, was an immigrant. He came here alone all the way from Eastern Europe on an old boat when he was about 10. His widowed mother preceded him by three years so she could earn some money and bring him to Chicago.

He couldn't speak a word of English. And the insensitive school systems provided no bilingual education. Not for the Poles, Italians, Germans, Russians or any of the other great waves of European immigrants.

Of course it wouldn't have mattered if they had, since he didn't go to school. Times were tough, so he got a job on a coal barge. Child labor laws weren't very strict in those days.

Then he picked up other common labor jobs, whatever he could get, as long as it paid a buck. And by the time WW I broke out, and he went in the Army, he could even speak an understandable form of broken English. He couldn't read or write, but the Army didn't care so long as he could aim a rifle.

Later, though, he taught himself to read and write well enough to understand a newspaper and a racing form. He even got good enough at reading and writing and math to keep his own books when he ended his series of careers as a cabdriver, a cross-country trucker and a milk man to open his own saloon.

Of course, he never lost his accent, so for a long time he had to tolerate being called a "greenhorn" by those who didn't respect his ethnic and cultural background. Actually, he didn't tolerate it very well, since he had a very good left hook and right cross, and nobody called him "greenhorn" more than once.

I'm not sure if he was frustrated by the government's failure to provide him with better housing. As a kid, he lived in dumps. As a matter of fact, when I was a kid we lived in dumps. Of course, we didn't know they were dumps because nobody told us. They had running water, indoor toilets and the kerosene stove kept the place warm. The ceilings didn't leak and diligent use of rat traps kept the rodent problem under control. Young Abe Lincoln never had it so good.

Nor was he frustrated because the government didn't provide him a better job, business loans, student loans or any other form of assistance. At the time, about all the government provided was a neighborhood police station, firehouse, public school and garbage collection. Anything else, you were on your own.

However, his ethnic group, like many others, built churches and formed fraternal organizations, credit unions and other institutions to help each other out with loans and, in extreme cases, even charity. But you had to be really down on your luck to rate a handout. You didn't qualify just by being a loser.

I was always proud of the old man, his independence, the way he did it on his own while overcoming more than a few handicaps.

But now I realize that he was a sucker. What he should have done was bust into a chicken joint as a social statement of his discontent.

He could have cut a better deal for the rest of us.

On the other hand, he never liked fried chicken. He said it was better in soup with noodles. Stretched a meal better.

LAWSUIT FEVER

Richard
Parker: Fri 3P



AN AMERICAN DILEMMA: Writer Walter K. Olson.

IS LITIGATION CRIPPLING BUSINESS?

A QUICK CANTER THROUGH LAST WEEK'S business pages uncovered some interesting factoids about the legal profession and what it is doing to American business.

In San Francisco, clever lawyering may enable the inventor of the waterbed to collect more than \$2.8 billion in damages as a result of a \$4.8-million patent-infringement award. In New York, investors have begun grabbing for the stock of a small and floundering real-estate and gas-meter company as word has gotten around that the firm stands to collect \$1.8 billion in a lawsuit against three large and prosperous trucking companies.

Stories like these are why a book to be published later this month by Walter K. Olson of the Manhattan Institute (*The Litigation Explosion*; Dutton) will be enjoyed by any businessman who hates lawyers. It's become a familiar complaint that the "lawsuit industry" is crippling U.S. business. But Olson's book, if amusingly one-sided, is by far the best account yet available on how things got that way—and what to do about it.

Olson argues that America has gone suit-happy because, quite simply, it has "deregulated" the lawsuit business. Unlike Britain's courts, which also have a common-law tradition, those in the U.S. have always been widely available to par-

ties wanting to redress a wrong or press a complaint. But beginning in the sixties, theories of judicial activism got out of hand, as misguided judges made it far too easy for plaintiffs to start suits on fanciful claims, then bombard defendants and third-party witnesses with "discovery" orders seeking evidence later on.

"Over the years, we've made it easier to get into court," says Paul J. Bschorr, a partner at New York's White & Case, who heads the American Bar Association's section on litigation. "But at least with respect to discovery matters, I'd say yes, we've gone too far."

According to Olson, we've in fact gone way

too far, turning Americans by the millions into people who don't want to step out the door without first checking with a lawyer. In divorce and parental-custody battles, the evil genie of litigation now "seizes on former love and intimacy as raw materials to be transmuted into hatred and estrangement." In business, "it clogs and jams the gears of commerce." In tort actions, "it torments the probably innocent and rewards the palpably irresponsible." Litigation has become, Olson asserts, "the special American burden, the one feature hardly anyone admires of a society that is otherwise envied the world around."

Olson argues that one of the key areas of abuse involves so-called pretrial discovery—the subpoenaing of documents from adversaries and the taking of sworn testimony in depositions. Courts in other countries keep such evidence-gathering techniques under tight control. But American courts have let them expand to the point of recklessness.

"I've been a lawyer for 26 years," says David Samson, co-chairman of the ABA's Pretrial Practice and Discovery section, "and I can say from my own experience that discovery work has become more expansive and cumbersome."

Originally, the idea behind discovery was to lower the cost of litigation by enabling lawyers to find out the facts of cases earlier, thus encouraging settlement

before the parties ever got to trial. But over the years, it has been the discovery process itself that has driven up costs, as lawyers have seized upon it to send their fees into orbit.

Olson quotes a typical horror story from Nicholas deB. Katzenbach, house lawyer to IBM while the company was in the eleventh year of defending itself in an antitrust action. Katzenbach complains that lawyers for another company in the suit deposed IBM's chairman for 45 straight days on such subjects as the date when he became the boss, the square footage of IBM's plant in Poughkeepsie, and the address of the corporate offices in Westchester.

What's to be done? The best way to halt the proliferation of suits also happens to be the most obvious: Adopt the so-called English Rule, which is followed not just in Britain but in most other civilized countries. Basically, the rule allows a successful defendant in a lawsuit to recover his legal costs from the party that sued him—a formula certain to discourage plaintiffs from filing close-call suits in the first place.

Trial lawyers have fought the adoption of the English Rule for years. But Olson says there are still plenty of things that can be done in the meantime. Take punitive-damage awards in civil trials, which have by now become more ruinous than the worst criminal fines on the statute books. Olson argues that states should follow the lead of Colorado and scrap the civil law's "preponderance of the evidence" rule—which he defines as "50 percent plus a smidgen."

In its place, Olson would like to see something closer to the "beyond reasonable doubt" standard that prevails in criminal trials.

Any judge with guts and common sense should also prevent so-called expert witnesses from bringing their testimonial "junk evidence" into the courtroom. Hiring these traffickers in pseudo-facts normally has no other purpose than to make a shaky case appear convincing to gullible jurors—while forcing the other side to bring in its own parade of counterphonies.

Many of Olson's ideas will be familiar to lawyers and informed laymen alike. But he argues them with an elegance, wit, and understated passion that is a delight to encounter. So buy this book, read it, then give it to a lawyer; if nothing else, it will show him or her what good writing is all about.

'Privatization' would be far-reaching

Weld plan for companies to take over programs could reshape government

By Scot Lehigh
GLOBE STAFF

If Gov. Weld pursues "privatization" plans currently under consideration within the administration, Massachusetts state government would undergo a radical transformation, with private companies taking over dozens of functions now performed by traditional governmental bureaucracies.

State parks would be privately managed, state prisons privately run, the state's roads privately maintained and plowed, and court fees would be privately collected. It is possible that the Massachusetts Bay Transportation Authority and Logan Airport could be run by private firms.

Those and other privatization possibilities are contained in an internal planning document obtained by the Globe last week.

Asked about the document last week, Mark Robinson, Weld's chief of staff, called it "a first step toward what Gov. Weld meant by smaller government doing fewer things better," but said more extensive study will have to be done before any final decisions are made about which functions to try to privatize.

Still, Robinson said he thinks the administration will end up pushing many of the proposals, most of which would require enabling legislation.

"I think you will see a number of these ideas become reality," he said. "The governor and lieutenant governor want to change the face of state government and not just to downsize; but also to make it better and more efficient."

Chief Secretary John Moffitt, the point man on the privatization project, said Weld would be "looking at all that and more. I think there are substantial areas in government that could be privatized to the benefit of the taxpayer."

The idea behind privatization is that the private sector can more efficiently provide many services now performed by the state. In a time of strapped revenues, privatization holds the prospect of saving tax dollars or providing more services for the same amount of money.

A survey done by Mercer Group, an Atlanta-based management consulting firm, shows that other areas have been pleased with their experiments with privatization. That survey found that 97 percent of the cities and 99 percent of counties that had tried privatization liked the results. All the government entities

surveyed reported savings, while 45 percent thought the quality of the work was significantly improved.

If Weld decides to privatize some state functions, he can count on opposition from public employee unions, based on other states' experiences. He may also face opposition from a Legislature reluctant to give up control.

But if he succeeds, he will preside over a dramatically altered government.

Some of the biggest changes would take place in the Department of Correction, where the state would seek private companies to run "prison operations and maintenance" and provide inmate health care. Private operators would also be sought for the corrections boot camp Weld has talked about establishing for some juvenile offenders. The juvenile detention centers currently operated by the Department of Health and Human Services would also be privatized, as would the management of state hospital inventory.

The Department of Labor's employment and training functions would be privatized, and the Industrial Accidents Board, which reviews worker compensation claims, would have its arbitration functions and penalty collections contracted out. In the area of the environment, private companies would take over management of state parks and recreation facilities, fine and fee collections, and some training functions.

Court fees would be privately collected, while private firms, rather than the Board of Bar Overseers, would be responsible for administering the bar exam. The Massachusetts Health and Educational Facilities Authority be authorized to float bonds for scholarship funds.

Gathering momentum

Under a category of "additional privatization possibilities," the document lists general possibilities for privatization that would mean even larger changes. That list includes "airports, rail lines, convention centers, recreation facilities, seaports, waste disposal plants, and incinerators."

Specific facilities are not singled out in the document, but Robinson acknowledged the administration will explore privatizing the MBTA and commuter rail systems, as well as the Massachusetts Port Authority.

The administration's list touches on an especially wide array of government functions, but the direction is one any number of state and local governments are pursuing.

"We are definitely seeing a trend toward privatization in a major way," said Jack Nicholson, special industry consultant for Arthur D. Little Inc., the Cambridge-based consulting firm. "It is driven by the need for more efficient use of the money and increased specialization in the industries affected."

Based on a preliminary study done by Arthur D. Little, Nicholson said he expects the number of privatized functions will triple by the end of the decade.

Nicholson, whose recommendations 15 years ago resulted in Louisiana turning the Superdome over to private management, said that usual targets for privatization are "things that generate revenue easily: sports arenas, space centers, golf courses."

Tougher tasks

But other efforts have gone further. According to a 1991 report on privatization by Reason Foundation of Santa Monica, Calif., states have turned over prisons, roads, and social service programs to private companies to run.

That report says that 11 states, led by Florida, Tennessee, and Texas, now have privately run jails or prisons. "At least three of the privately operated facilities are maximum-security institutions, debunking the perception that the private sector only takes on easy, low-risk jobs," the report says.

Dr. Keon Chi, a senior fellow at the Council for State Governments in Lexington, Ky., says the experience of turning prisons over to private management has basically been positive. "In some cases you can find some problems, but despite the rhetoric from opponents, in my opinion privatization has been used very successfully," Chi said.

More and more, privatization involves functions once thought to be part of government's core responsibilities. For example, John Stainback, president of Privatization International, a New York City firm that specializes in privatization, is currently working on a plan under which a private firm would build a \$60 million toll road linking four Mississippi communities to the Jackson International Airport.

"Most governments really cannot afford to maintain the needed public facilities and services and infrastructure, and at the same time, they can't continue to raise taxes," Stainback said. "That can't always be the answer. So we believe that privatization is the answer."

E.S. Savas, chairman of the management department at the City University of New York, Baruch College, and an acknowledged expert on privatization, says a well-designed privatization program cuts costs by infusing former public-sector functions with private-sector incentives.

"Competition versus monopoly"

"The great advantage of privatization is that when it is done right you introduce competition, and that is the best and most proven way of improving the delivery of government services," Savas said.

Moffitt echoes those sentiments. "The issue is not public versus private," he says. "It is competition versus monopoly."

Savas says privatized government functions result in average costs savings of about 25 percent "for the same level and quality of services."

But that hardly means Weld can expect whatever proposals he makes to breeze through the Legislature without a fight. The Reason Foundation study found that public employee unions' objections are a significant barrier to taking functions private, while Chi says a governor proposing privatization programs can expect opposition from those fearing loss of jobs and loss of state control.

"The biggest opponents are public employee unions, who unnecessarily fear loss of jobs and elimination of unions," Savas said. "But that is not the case at all." In most cases, he has studied, Savas says, wages were not cut and in some cases the private firm actually paid more than the public sector.

Although work forces in privatized areas were generally smaller, that diminution was usually achieved through attrition rather than large layoffs. All that leads Savas to conclude that "the concern about job loss is exaggerated."

Boston Globe

4-29-91

BUSH SEES THREAT TO FLOW OF IDEAS ON U.S. CAMPUSES

New York Times

5-5-91

WARNING ON FREE SPEECH

'Political Correctness' Notion Gives Rise to Intolerance, He Says in Michigan

By MAUREEN DOWD

Special to The New York Times

ANN ARBOR, Mich., May 4 — In a commencement address at the University of Michigan today, President Bush attacked what he called the "notion of 'political correctness,'" saying it had led to "inquisition," "censorship" and "bullying" on some college campuses.

In a speech devoted to three "freedoms" — "enterprise, speech and spirit" — the President joined a growing political backlash against the idea that free speech should be subordinated to the civil rights of women and minority members.

"Ironically, on the 200th anniversary of our Bill of Rights, we find free speech under assault throughout the United States, including on some college campuses," Mr. Bush told an audience of 8,300 graduates and more than 55,000 others gathered in the University of Michigan football stadium.

Old Prejudices and New

"The notion of 'political correctness' has ignited controversy across the land," he said. "And although the movement arises from the laudable desire to sweep away the debris of racism, sexism and hatred, it replaces old prejudices with new ones. It declares certain topics off-limits, certain expressions off-limits, even certain gestures off-limits. What began as a cause for civility has soured into a cause of conflict and even censorship." Mr. Bush's speech, his first on an issue that has divided campuses around the nation, reflected the influence of his new head speech writer, Anthony Snow, a former editorial writer for The Washington Times, who was hired to bring a harder edge and ideological spirit to Mr. Bush's speeches as he moves toward the 1992 election.

White House officials said it fit in to a pattern of Presidential positions on civil rights. For instance, in opposing the Congressional measure that would have made it easier to sue employers for job discrimination, Mr. Bush said the Government should fight bigotry, but not if that meant court-imposed quotas for women and minority members.

At Michigan today, Mr. Bush said

that Americans should be alarmed at the rise of intolerance and bigotry but that they should also be alarmed at the "growing tendency to use intimidation rather than reason in settling disputes."

'Division and Derision'

"Neighbors who disagree no longer settle matters over a cup of coffee," he said. "They hire lawyers and go to court. Political extremists roam the land, abusing the privilege of free speech, setting citizens against one another on the basis of their class or race. Such bullying is outrageous. It's not worthy of a great nation grounded in the values of tolerance and respect. Let us fight back against the boring politics of division and derision."

"Political correctness" originated as an ironic term for a broad range of generally liberal attitudes, especially in support of expanded rights for women, minority members and gay people. But it has been seized by many conservatives and traditionalists, on campus and off, as a term of derision for those who espouse such attitudes to the exclusion of other rights, especially free speech.

In one celebrated case this academic year, Brown University expelled a student who shouted racist slurs, touching off a debate about freedom of speech on campus. In New York in March, a City College faculty committee rebuked two professors, one black and the other white, for comments about racial superiority; the case raised the question whether academic freedom included the right to espouse inflammatory teachings and beliefs about race and culture.

In a third case, Nina Wu, a sophomore at the University of Connecticut, was ordered to move off campus after gay students protested a sign she had posted on her dorm room making fun of "preppies," "bimbos," "men without chest hair" and "homos." After a Federal lawsuit was threatened, the university let her move back on campus and revised its code of conduct.

At Michigan today, the President said he would focus on "the nature of freedom," and he praised Americans like Henry Ford and the Rev. Dr. Martin Luther King Jr. for having the "vision" to "transform a world."

"When governments try to improve on freedom, say by picking winners and losers in the economic market, they fail," he said. And he criticized government programs that "have tried to assume roles once reserved for families and schools and churches."

"This crusade backfired," he said of President Lyndon Johnson's "Great Society" program to fight poverty. "Programs designed to insure racial harmony generated animosity. Programs intended to help people out of poverty invited dependency. We should have learned that while the ideals behind the Great Society were noble, and indeed they were, the programs weren't always up to the task."

Mr. Bush has himself been attacked over the issues of free speech and divisiveness to which he devoted most of today's speech. In 1989, critics complained that he was interfering with the Bill of Rights when he proposed a constitutional amendment against burning or destroying the American flag. And in the 1988 campaign, he and his campaign manager, Lee Atwater, were accused of practicing the politics of racial division with the campaign advertisements focusing on Willie Horton, a black convict who raped a white Maryland woman. Before Mr. Atwater died this year at the age of 40, he apologized for that campaign tactic.

Though Mr. Bush was heckled today by a small group of student protesters who opposed the Persian Gulf war, the response was generally warm. Walter Harrison, Michigan's executive director for university relations, said the debate over "political correctness" had been "engaged here now for the last year," and he called the President's speech "helpful, to the extent that it opens the discourse on this issue."

THE HERITAGE LECTURES

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**Black Hostages of
the Child Welfare
System:
Strategies for
True Reform**

By Robert Woodson, Sr.

children in foster care limbo for very long. So children were expeditiously placed back with their parents, adopted, or placed with relatives.

State Funds, State Regulations. But something interesting happened during the 1930s and 1940s. When the problem grew, and the local foster care institutions entered the state economy, receiving funds from the state, they had to comply with the systems and regulations that were being developed out of schools of social work. So they began to professionalize the whole institution of child care. As a consequence, there are a number of church agencies who care for children under contract to the state, what is called "purchase of service agreements." They receive monies, not for the number of children that they place in permanent homes, but for the number of children that they maintain in the foster care system. And so many of these institutions are church in name only, but not church by the way of function.

Where is the lion's share of the money then that goes for the maintenance of these children in the foster care system? There were several studies — one of the best was by Harrison Golden, Comptroller of New York, that revealed only 3 to 5 percent of the children entering the foster care system had personal problems. Their problems were crises within the family, either poverty, abandonment, or neglect. But as the children came into the system, and before they were nine years old experiencing between three and five moves from one foster home to the next, they suffered a dramatic decline in their social and psychological functioning. The system's policies discouraged bonding between the foster parent and the child because it was believed that since the intention was the child would be there only for a temporary period, it was necessary to make sure that the child did not bond with the foster parents. And so as soon as a close relationship developed, the agency would move the child. As a consequence, the child began to become dysfunctional.

The Golden study, and others, reveal that only 3 to 5 percent of the kids entering the system had problems themselves, but after three to five moves they began to decline in their social functioning to the point that 30 percent of them who remained in the system in excess of five years and experienced more than four moves ended up in prison. There they are being cared for at excessive cost, and there they have become dysfunctional. And so let us look at this system from a perspective of the various players to find out what happened.

Out of Control. I really believe that one of the primary problems is that we have a system out of control. Those of you who have been following the story about the foster care system in Washington, D.C., will know that the same study done ten years ago revealed exactly the same problem. And a similar study done fifteen to twenty years ago revealed exactly the same problem. The only thing that has changed is that the children are being damaged more and that it's costing taxpayers more dollars. And I want to talk about why and what we can do to change it. Because I do not celebrate problems or victimization. I talk about solutions, and I think it's incumbent upon all of us to begin to demand of speakers who come before us not just to celebrate the problem but to talk about what should be done to address the problem.

So as we look at the system today, we have about a half-million children in the foster care system, in limbo. Over half of those youngsters are black. And even with the kind of reforms that have been instituted over the past seven or eight years, the result has been increasing numbers of black youngsters coming into the system. The lion's share of the money, 80 percent, about two or three billion dollars, does not go for the direct care and feeding of the children but for administration and services, salaries to social workers. And so who are victims of this? The foster parents.

Foster parents are the ones who provide the primary care for the kids. They don't have vacations, they don't have sick leave, they don't have any benefits, and some of them receive as little as twelve and fifteen dollars per day. Even though the agency may be receiving \$25,000 per child per year, little of that money finds its way into the homes of foster parents. In one sense, foster parents subsidize the state for the care of children. And as a consequence, foster parents burn out. Their resources are exhausted as they have to spend their own resources to care for these children who are locked in the system.

Foster Parent Victims. If you look around the state, as we did, and inquire how much it costs to board a dog or a cat per day, you will find that we pay more to board a dog or a cat than we pay to board a child. In some cases, the amount of money that the agency receives each year goes up, but that money does not get passed down to the foster parents. So foster parents are victims. Sure, there are some foster parents who are abusive, but certainly, the majority of them care for the children out of a considerable love for them.

Also, the parents are victims, particularly the parents who voluntarily allow their children to go into the system. Now, we are told all these boarder babies are backlogged because caseloads are so high, because we do not have enough workers per clients. In fact you have to ask yourself if this is the case, why do we have a reluctance on the part of social work agencies to release children when there are *bona fide* parents ready to take them back? One case we brought to the attention of President Reagan. We sat him across the table from a woman from Wilmington, Delaware, who was on welfare and who had needed an operation. And so the social worker had persuaded her to sign commitment of her two children to the foster care system until she was recovered.

Within six weeks, she returned home ready to receive her children. Then they said to her, "According to the rules of foster care, the home you live in is inadequate because you need a two-bedroom house." She said, "Wait a minute, this is what I had before the children left." They said, "We're sorry." It took her and an attorney two years before she could get her children back.

Another problem of the foster care system is they tell us that they do not have people willing to adopt these children. And as a consequence, they languish in foster care. So we looked around. We found, according to the Golden study, that ten years ago New York City had around 37,000 children in various forms of foster care, and that only 5,000 children ever found their way out to adoptive permanent homes. This was precisely the same number of children that came into the system each year. New York law required children who are legally free for adoption to be photo-listed so that prospective parents would know about children who were waiting. And so they were required by law to photo-list every child legally free for adoption.

Well, the Comptroller found in New York City only 25 percent of the children legally free for adoption were ever even referred to the adoption exchange. While thousands of parents were turned away, they said, "We don't have children for you to adopt."

Always Restictions. Other barriers that these agencies impose are the requirements for people who are seeking to adopt. Either they are too old, too young, too disabled — there are always restrictions. I am 53 years old. I have four children, two of them are under the age of eleven years. I could not under existing adoption laws walk into an agency and adopt my two younger children. But I can biologically have two children.

You also have a conflict between agencies within the state itself. For instance, the Department of Health and Human Services encourages states and provides grants for them to recruit black parents. So the agencies are encouraged to recruit black parents because of

the backlog of kids in the system. All right. Then, when they print their brochures and contact the black community, the Office of Civil Rights within Health and Human Services says, "You'll be violating the civil rights laws which prohibit you from referring to race in the recruitment and placement of a child." So the agency says, "Well, what do I do? If I take the money just to satisfy the problem on one hand, I'll be in violation of civil rights laws." And so this conflict continues to exist today.

I sat across the table from the person who runs the Civil Rights office and the person who runs the Child Welfare Family Preservation Office. I said, "Well, is there a solution?" They said, "No, we're just doing our jobs." But that's the kind of craziness that is employed.

"Informal Adoption." Another problem is the groups that are the strongest lobbyists are the ones that get some of the children. For instance, we are told that blacks don't adopt, yet surveys conducted by Dr. Robert B. Hill on informal adoption, found that there are 3 million children being cared for each year by non-relatives in what they call "informal adoption." Even though blacks are only 12 percent of the U.S. population, we care for 1.1 million children, or one-third of the children who are being cared for are being cared for in the black community. Without the benefit of welfare, without the benefit of any financial incentives at all, blacks tend to care for children in higher proportion than do whites or any other group.

Now, if the question is if we do this informally without any financial support, then why are we reluctant to care for the kids who are in the formal system? And the reasons are both policies and customs. Sometimes customs and practices have a much more profound impact than laws. And customarily we look for Ozzie and Harriet or the Waltons as the model for an adoptive family. That does not fit even many white families today.

And yet that is precisely the model that we have in mind when we are recruiting youngsters. The National Center for Neighborhood Enterprise, that is Bob Hill, conducted what we call a "black pulse," where we sent researchers out. Researchers in this case were community people who were trained to do interviews of their peers. We canvased 3,000 households. That is about an 80 percent sample size. And we asked people self-help questions. We found that 30 percent of all blacks in America expressed an interest in either adopting a child or taking in a child. That means for every child in the formal foster care system, there are about 24 families willing to take him in. Question: then why do we have this problem?

As I indicated, the rules and regulations prevent these children from getting into these families. There were, in the State of Indiana, for instance, 180 black parents on a waiting list, and a white homosexual male couple filed a lawsuit saying that they had a right to be parents. They were allowed to adopt a 14-year-old black boy while 180 black parents languished on a waiting list.

The State of Massachusetts has a struggle going on where the "gay rights" people are saying that they have a right to be foster parents and a right to adopt. It is our contention that children have a right to parents, but not all people have a right to be parents of adopted kids or even foster parents.

And so as a consequence of these political struggles, the red herring of trans-racial adoption is dragged across the trail. I was on the Oprah Winfrey show August 15, and the whole theme was, is it not better for black babies to be placed in the homes of white couples if the alternative is long-term institutional care? I said, "Yes, if that were the only option." But that is not the only option. There are thousands of black parents willing to adopt. Chicago, for example, some years ago had an aggressive campaign to recruit black parents. Eight

hundred couples responded. But after a year, only two couples found their way through the bureaucracy and through the red tape to obtain children.

So, many of those people who are turned away become discouraged because they don't blame the system for the problem, they believe that they are unworthy to adopt children. And, as a consequence, they don't come in. And I'm saying to you that as long as the perverse incentives exist where millions of dollars are going into agencies to maintain children in the limbo of foster care, this problem will never change. Let me just read to you, by way of example, of the kind of pain that people experience. And this is typical of people who are seeking children and being turned away by the system that says it cannot find black couples.

This woman writes — she saw me on the Oprah Winfrey show:

I'm not certain how to spell your name, I saw you on the Oprah show, but I would like more information concerning black families adopting black children. We are a military officer family, married 19 years. We have a daughter 17 and a son 15. We have wanted to adopt for years and not made much progress. We've been asked what our religion was, how old we are, how much income we have, why we want more children when we have two already, if we get along with our families, how much we weigh, what are our fantasies, how many bathrooms do we have, how we discipline, what year and make our car is, who are our neighbors, what references we have, our credit standing, et cetera.

We have a stable family and income, good education, good career progression. My husband has his master's from Catholic University and is currently living in the Salt Lake City area because of military orders. What can be done about families like ours? We had a home study done in October 1988. We applied for a child in June 1990 and they were not — they would not submit our home study because they said it was not current. The only thing that has changed is our income. It has increased.

We are all one year older, the cars and trucks are nearly paid off, we completed a full bathroom in the basement — so now we have three. My husband was promoted to major in January. We have plenty of experience with children. I am trained as a children's librarian. I have worked for years as a substitute teacher, K through 6. I have done volunteer work with Scouts, Cubs, Brownies, Girl Scouts, tap, ballet, flute, violin, T-ball, soccer, room mother, PTA, youth center, child care center, worked in preschool, have volunteered at an emergency shelter for the homeless with children the last ten years. We have license in Alaska, Virginia, and now Utah. We have worked at our church, as well.

When there are qualified homes that identify themselves and want children, why are they turned away? And when you mention the business of adoption and foster care, how can these children find homes? If you have any information you can send us, I'd appreciate it so much because we desperately want children.

This is typical of what you will find of people desirous of children. And yet we are told, "We cannot find children." The problem is that just as long as we have the kind of disincen-

tives for placing children in stable homes, as long as an industry exists, we will have this problem. And even some of the caring social workers who work for the system are victims of it. The foster care system is like a nuclear reactor. It feeds on its own fuel. No one's in charge of it. It has a budget that is open ended. The more expenses the system incurs, the more taxpayers pay. So until we address this fundamental problem, it will not go away. Now, what can be done?

Seeking Success. What we propose, what we do at the National Center is to seek success. You have to go out and search. As we often do. We don't think you can learn anything from studying failure except how to create it. And therefore we looked throughout the country for examples of where people were caring for kids. And we found that in Detroit homes for black children were being provided. Twenty years ago they challenged some of these practices and established a black adoption agency in the black community that operated on weekends, saw people at night. They reduced the study period from two years to six months. Their approach is "Is adoption the best decision for you?" not whether you qualify.

And as a consequence of this very caring outreach, they placed more children in one year than the public and private agencies combined, all thirteen of them, did in one year. They placed 900 kids over ten years, which meant that they closed down the entry-care units at the two public hospitals and a maternity home because there was no need for these facilities with babies with nets over them because they had expeditiously placed kids in new homes. And, as a consequence, they transformed some of the practices of the other agencies.

Now, when attempts were made to replicate this throughout the country, and they tried to go through some of the existing agencies, they were resisted. The only other successful replication of it was here in Washington where Homes for Black Children started about six or seven years ago with the same results that they had in Detroit. But it was an appendage of an existing agency. So the more success they realized, the more resistance they got from the D.C. adoption community. Though they were able to place more black children than all the other twelve adoption agencies, the regulators increased the homes' responsibility without increasing their staff. And now the United Way says to them, "You have to charge a fee." Black people have a strange response to paying for children. You know, there's a rich history of that. And so we have a problem with that.

Nevertheless, the city council agreed about four years ago to raise their fees from \$3,700 to about \$5,000. Some of the other adoption agencies charge \$10,000 and \$15,000. So if a black baby is available for adoption in Washington, the D.C. adoption community will not ask if the placement is in the best interests of the child, but what is in the best interests of the agency that can realize a fee. So if there's a white couple in Minnesota on a farm who can pay \$10,000, then that child is off to Minnesota and not in a home of a janitor whose husband works at the Post Office, who cannot pay that kind of fee. So money drives this system.

In conclusion, what should be done?

Challenging Conservatives. I think it is unfortunate — and this is my message to conservatives — that the lawsuits being filed in Washington, D.C., in the past twenty years had to come from the American Civil Liberties Union. Where are the conservative legal think tanks? Where are the conservative legal institutions? Why aren't they out there, filing lawsuits on behalf of some of these children? Why aren't they getting involved? It is the failure of conservative legal institutions to address issues that are important to poor people that makes it difficult for them to speak out on issues of civil rights or social policy in general. They do not earn the legitimacy to do that.

And I am challenging my conservative colleagues to go back to some of the legal institutions and let them begin to address some of these problems of foster care where the states are destroying children. The remedies that the ACLU and Washington are seeking will never solve the problem. The remedies I am hearing about are putting more money into the system to reduce caseloads and hiring more social workers for the existing system. I don't want the foster care system to be efficient. I want it to change. And the only way you're going to change it is to take the placement authority away from those bureaucrats in the foster care system and establish it in churches.

Challenging the System. I am recommending that Homes for Black Children be implemented throughout the black community in churches, that the state then confer authority on those churches to place the children, that the state be required to refer all children that are adoptable to these church-related organizations, that they roll up their sleeves. We have 150 black organizations that expend \$3 million each year at conferences around the country on various spurious issues. I am suggesting that part of those 150 black organizations tax themselves \$10 a year for their annual dues that will go into a Homes for Black Children foundation and that this money then can be used to support those churches. For as long as adoption agencies have to depend upon state financing, they'll have to conform to the state rules. So I'm saying this is an opportunity for the black community to stand up and help itself on an issue that is critical to its own future. Since 60 percent of the people who are homeless in New York have aged out of the foster care system, so this is an opportunity for the black community to help itself and do something specific and concrete to address a very critical problem. And then once that is done, we can see a decline in the number of foster care kids as they go into stable homes.

This would also have major implications for reducing the deficit. Because if you look at the number of kids in care, the costs are staggering. They go far beyond the \$2 billion or \$3 billion that we spend directly, because as those children go out and commit crimes, we pay far more than the \$2 billion. So I'm suggesting that we can reduce that problem by having the black community take responsibility to challenge this system. But the only time that we hear from some of our leaders is when the Klan comes to town.

And so I'm saying we have to roll up our sleeves and recognize that no one is going to do more for you than you're willing to do for yourself. We have to see that this is a problem that is apolitical, that needs to be solved. I cannot emphasize enough the importance of conservatives playing a critical role in this because you don't have proprietary interests that are similar to those of the ACLU and others. Therefore, I think you are freer to make and support recommendations that will empower the black church and the black institutions to take control of this one particular issue. Then I think when society sees some activity in this area, you will have increased credibility to talk in other areas as well.



THE HERITAGE LECTURES

309 **Children and
Family:
Do They Face a
Hostile
Environment
In the 1990s?**

By Constance Horner

When Vaclav Havel was in opposition for all those years, he was nonetheless a very strong leader. Something he called for during that time became almost a talisman of his movement. He called for "naming good and evil." Those who were underground were not permitted action — it was not safe to take action — but they were permitted intellectual liberty among themselves to "name good and evil."

Finding the Courage. Now Havel is empowered to govern because when it was hard, he told truths, he named good and evil. Conservatives in America have increasingly found the courage in the face of disapprobation also to name good and evil. We have had a substantial effect on the culture by saying something is evil, something is good, something is missing that is good, something is here that is evil.

Now, enjoying some acceptance, we must not stop doing that; we must not yield to the temptation to be polite. We must not stop prophesying. We need to continue to name good and evil, even as our ideas take hold where they have been opposed.

Especially we must name some things that are good and evil in the lives of American children.

There are some good things that adults must give children, but too often don't — things that we should require public policy, especially economic policy, as well as private culture to support.

Here are some of these things — not a comprehensive list — but some important things that children need today. They may seem obvious, but until recently, it was difficult for public officials to cite them.

Ancient Rules. First, it is good for children is to have a mother and father married and living together in the home. Second, it is good for children to spend time with their parents, a lot of time, in a relaxed and ordered environment. Third, it is good for children to be watched over by an attentive community of adults in the neighborhood. Fourth, it is good for children is to learn the practices of religious belief. Fifth, it is good for children to be taught to aspire toward an ideal in human conduct, and to expect to be held responsible for trying to achieve that ideal.

There are ancient rules about how to live that worked for millennia and still work where they're applied. We don't teach those rules anymore. We have to start teaching them again. We need to teach these kinds of rules: honor thy father and thy mother, get married before you have children, don't eat undercooked pork, carry a handkerchief....

The whole range of wisdom from the highest spiritual considerations to the mundane issues of hygiene needs to be taught. This wisdom is not a naturally occurring phenomenon; it is hard won by centuries of human experience and transmitted from parent to child, by great book to teacher to student, from preacher to parishioner — in all those ways of historic transmission that we now so little avail ourselves of.

We no longer learn enough from history, from literature, from human experience, and we also learn them from enduring religious teaching.

In recent years where have we looked for the truth? Where has our elite looked for the truth? We have looked for the truth in social science, especially in the public policy realm. Now social science is beginning to produce some findings consistent with traditional teaching, and we should be grateful for that. Perhaps we have indeed caused the right questions to be asked and the right kinds of searches to be made in the social sciences. It is good to

have one's traditional teachings validated by the findings of social science because it gives them a kind of acceptance they otherwise might not have.

Weak Reed. But relying on the social sciences for our truth about how to live and how to raise our children is counting on a very weak reed; they can blow with the wind of intellectual fashion. They should be a rhetorical tool for us, but not our main source of truth.

That being said, let's look at what social science is telling us about what's good for children. Let's look at the reinvented wheel.

What does social science tell us about having a mother and father in the home? The common denominator to the problems that are plaguing our youth today is not just race or just poverty; it is family structure.

While there are conditions and behavior patterns that make for family success regardless of family structure, study after study has shown that the presence of both a mother and a father greatly enhances the life chances of children.

Our country now has the highest rate of single parent households of all industrialized nations. In 1988, more than one in five U.S. households with dependent children was headed by a single parent — one in five. This is quite a dramatic change since 1960 when the figure was fewer than one in ten. Nowhere is the trend more apparent than in the black community, where 70 percent of children spend at least part of their childhood living with one parent.

We have heard in recent years a good deal of talk about the feminization of poverty. Michael Novak, of the American Enterprise Institute, has correctly captured another aspect of this problem when he refers to the "masculinization of irresponsibility" in talking about the problems single parenthood inflicts on children.

Daniel Patrick Moynihan, a longtime student of this issue, has said that problems of children in the United States, "...are overwhelmingly associated with the strength and stability of their families. Our problems do not reside in nature, nor are they fundamentally economic. Our problems derive from behavior."

Grim Future. Now here's what social science tells us it means to be a child missing a parent. If you're missing a parent, you are more likely to drop out of school and less likely to attend college. You are more likely to be a teen parent; you are more likely to form a single parent family yourself, either through marital breakup or out-of-wedlock birth. You have a higher rate of drug abuse and criminal activity — 70 percent of incarcerated youth did not live with both parents when growing up. You are more likely than any other children to be poor. Whereas only one out of ten children from two-parent families is poor in any year, one out of two children in female-headed households is poor.

From 1980 to 1988, there was a 51 percent increase in out-of-wedlock births: two out of three black babies were born to unmarried women, one out of three Hispanic babies and one out of five white babies. Today approximately one out of every four babies is born to an unwed mother — that is more than a million babies a year.

If you are a child living with a mother who has never married, you are most at risk. Two out of three of you are poor. This is due in part to the low level of financial support from men who father children outside marriage. Only 17 percent of never-married women receive any child support from the absent father. While two out of three black children living with a mother alone were poor in 1987, only 20 percent of black children living with a married mother and father were poor — a big difference.

The trend is similar for Hispanic children — 70 percent of those who lived with a mother only were poor, compared to 30 percent of Hispanic children from mother-and-father families. Something has gone very wrong in these homes. Even as late as 1940, only 18 percent of black families had female heads. Today the figure is 56 percent.

Finally, if you're a child born outside of marriage who grows up with a single parent, you are much more likely to be persistently poor, that is, poor for decades of your life.

Health Problems. While the link between single-parent households and child poverty has been well documented and well studied, much less attention has been paid to the impact of family disruption on health. A recent study by the National Center for Health Statistics found that children living in a single parent or stepparent family suffer more ill health and emotional distress than children living with their biological mother and father. Even after controlling for age, sex, race, and socio-economic status, if you are a child raised in a single-parent home you are more likely to get sick than your peers from two-parent homes. You are 20 to 40 percent more likely to suffer health problems than children living with both biological parents. You are more likely to be treated for emotional or behavioral problems. If your parents have divorced, you have an increased risk of accidental injury. Accidental injuries are the leading cause of childhood morbidity and death.

What about infant mortality? The U.S. spends a greater share of its gross national product on health care than any other developed country — yet it ranks behind 22 other nations in infant mortality.

The U.S. Department of Health and Human Services has over 93 programs administered by 23 agencies to reduce infant mortality. We have an enormous investment in trying to solve that problem through governmental action. The President in his FY 92 budget announced a new initiative to target ten cities where there are extremely high infant mortality rates to try to solve this problem by bringing to bear the resources the federal government can provide. That is in addition to the \$4.46 million the federal government now spends addressing infant health. However, we have no illusions about the degree of contribution that effort can make to solving the problem.

Leading Killer. Disrupted families and lack of social support are major risk factors for infant mortality. Nick Eberstadt at the American Enterprise Institute has studied infant health internationally. He has concluded: "If viewed as a medical condition, illegitimacy would be one of the leading killers of children in America." Unmarried mothers are more than three times as likely as married mothers to obtain late or no prenatal care.

Studies among migrants and refugees show that even very poor people can have healthy pregnancies, if the supporting social structure is intact — marriage, family, or close friends who help a lot.

Beyond the family is the question of the community; what do we need our communities to provide for children that they are not providing? The list is long. Let me focus just on one thing communities need to provide. We need busybodies watching over our children. We need people so confident of what is good for children that they do not hesitate to intervene with the children of strangers when they see a problem.

Right now, our children are unsupervised, even in the presence of adults. Recently, in a Virginia suburb of Washington, D.C., a young child, maybe about 3 years old, wandered out of her house and down the street. A neighbor looked out her window, saw the child wandering in the street, and became extremely concerned. The child was in great danger of being

hit by a car or of being lost. So what did the neighbor, a young mother, do? She called the police and asked them to come pick up this girl and take her home.

Frightened Neighbor. Now what kind of isolation must our children feel in their neighborhood when this woman was too afraid, as she said later, of being called a busybody, too afraid of being viewed as judging her neighbor's child-care capacities, too afraid of imposing her own views on what children needed by way of supervision, and too strange to her neighbor. She did not know her neighbor, and therefore, she was afraid of all these things.

That is an extreme case of a phenomenon which is real and subtly corroding our children. Our adults increasingly fear their own judgments about children so much that they cannot take simple, direct life saving actions on their behalf.

Why is this happening?

The reasons are many and complex. I will adduce two that stand out and are remediable. One is that we adults spend very little time in relaxed sociability with our neighbors, even with our co-workers, but especially with our neighbors.

We spend very little time with our children. *Policy Review's* winter issue had a remarkably interesting piece on the subject of how little time parents spend with their children. Why do we spend so little time with our children? It is not because we do not love them and it is not because they are not endearing and wonderful; it is because we are working all the time.

But that is a problem we can remedy both by personal choice and by public policy.

How can we remedy the problem of spending too little time with our children by personal choice? We can work fewer hours, we can consume less and spend more time with our children and neighbors. That can be a conscious decision that we make as private individuals.

What about public policy? How can public policy support our capacity to spend more time with our children? One way is to use the tax code to support the presence of parents in the home. Public policy can become explicitly pro-natalist and pro-family.

Our national productivity is falling in part because we spend too little time with our children – not because we don't spend enough time at work, but because we spend too little time with our children. That counter-intuitive statement has a simple explanation.

Downward Spiral. If we spend too little time with our children, they grow up less equipped to be productive themselves. They enter a downward spiral. Ironically, if we want to increase national productivity and increase our revenues, we ought to forgo some of those revenues right now up front, by tax advantaging parent time in the home. That time will be enormously well spent in producing productive citizens in the future, and those revenues will come back. It's guaranteed.

One of our problems with national productivity is the deterioration of our human capital; it is less educated, it is less healthy, it is less emotionally equipped for work. And part of the reason is that we have not made parental investments. There is a role for both public policy and private choice here.

Something else that children need is religious belief and aspiration toward the ideal. I have to say I speak as someone who is part of the secular culture, but I have observed in my lifetime, in my former work as an educator, some very interesting things. We remember the period of "values clarification" and "value neutrality" in the schools. We were to be free of

values and were to be "non-judgmental"; children were to work this all out themselves, each child write his own little testament.

It did not work.

Deprived of the Ideal. First of all, they couldn't write. This trend was accompanied by an elite alienation from religious experience that has informed attitudes toward child-rearing in all the institutions affecting children. These two trends are related and have combined to deprive children of a portrait of the ideal toward which to aspire. The opposite of aspiration is depression, and that's what we've got.

Now there is a move to introduce moral education into the schools. I think that is probably a good thing, but I can tell you it will not do the job. It will be helpful, but it will not do the job.

What we need is the real thing; we need to be taught religious faith. Now, faith can be defeated by critique — an intellectually-based critique or an experientially-based critique. There are all kinds of ways that faith can be defeated — so be it. It happens to many people.

But when a child has been taught religious belief, and then that belief is defeated, the moral teachings remain. And it is the residue of moral teachings that we are now beginning to miss in our culture. It's those old rules of living, those old aspirations toward an ideal that are emptying out of our lives.

When I was a high school teacher, I taught an honors course in world literature. I taught Dante to a group of children, the children of the Washington — how can I put it — the children of the new class.

They had been raised in a secular fashion, by and large, raised without religious education. They were really good kids, really smart kids and their parents who had all been raised with religion, had nonetheless taught these kids some good behavior and good ways to go, and good moral conduct.

Nonetheless, there was something missing, and what was missing was that they had never been afforded a structure for understanding moral requirements.

I taught them Dante's "Inferno" with all its layers of hell for different sins, for the absence of virtues — all those old sins and virtues that we used to teach through religion.

Enraptured Students. These students were enraptured by "The Inferno," simply enraptured by it. They drew paintings of the circles of hell; they wrote their own contemporary versions of it, and not because I assigned them to do this — they just did it. They had an enormous craving for a structured moral experience, moral learning. And that taught me something about what was missing in our children's lives.

The question for public policy is this: is there a role for public policy in thinking about this question? That is a very delicate question. Let me try to answer it very carefully.

The first role for public policy in this realm is the old injunction to physicians: "do no harm." Public policy should do no harm to religious belief.

Now there are two obvious ways that public policy can do harm. One way public policy can do harm is by ignoring the reality of religious belief, just acting as if it isn't there, discounting it, so it disappears from public consciousness. That is one way. (There is, for instance, evidence of a strong correlation between religious practice and good health. Health officials won't talk about it, because of either prejudice against religion or fear of

political disapproval.) The other way is by showing overt contempt for it, which is not unheard of among people who participate in influencing or forming public policy.

I saw a private sector instance of this on a network morning news show. The staff had poorly prepared the interview. It took unanticipated turns.

The anchorwoman was interviewing four former drug addicts; the purpose of the interview was to discover how these addicts had gotten off drugs and stayed off drugs. They had all been very successful in staying off drugs for a sustained period of time.

The interviewer inquired of the first former addict: "Tell me how you got off drugs." The reply was: "Well, first I found Jesus. Jesus helped me get off drugs." This really threw the interviewer, because then, what was the next question? And so she moved quickly to some other item with this person, and then she moved on to the next person and said, "Tell me, what was it in your life, your community that helped you get off drugs and stay off drugs?"

"Well, first I started going to church and then I found Jesus," and so on, and then to the third person, with the same result. When she got to the fourth person, the interviewer had regained control and said, "Now I'm sure you had some religious experience, but what *else* helped you get off drugs?"

Children and adults cannot live without an aspiration toward a better way. If religion is a very strong support for that aspiration, if it structures a good life, then it is a good thing regardless of one's assessment of theological truth.

If social science is to guide our opinion elite, then social science must at least look at the utility of religion as a social support and as a source of wisdom about how to live. Public policy does not need to tread on the ground of theology to look at religion in this way.

Vulgarity and Violence. Theologian Michael Novak has spoken about the popular culture in which our children are immersed, and of the awful impact of televised vulgarity and violence. He has referred to what he calls "the ecology of symbols and images in our homes."

If you turn on television, you will see no portrait of an aspiration to love, to honor, to truth, to caring and concern for others. What you will see is sadomasochism, brutality toward women, spite, idolatry of the immature, grownups behaving without wisdom, but adulated, and a lot of bitter self-contempt. A lot of it.

We cannot deal with this problem through law, we should not even try — but we should deal with it. Public policy and the rhetoric of public officials should reflect not only a commitment to the right of free expression, not only to the exchange of ideas in the marketplace of ideas, as it now does; it should also talk about and reflect a commitment to the civic obligation to take private action where necessary.

Turn the television off; rail against it publicly; boycott its commercial underwriters. Public policy and American politics should permit a climate in which public officials assert their freedom to express moral judgments.

The excesses of both the right and the left collide to deter the wholesome public expression of moral judgments. On the left, there are some who want to undermine private virtue in order to destroy civic strength so as to strengthen state power.

Among the right, some are drifting into a self-indulgent libertarian nihilism — "as long as we're free, we don't care what the consequences are." We have children, rich and poor, who

are in dire trouble from drug and alcohol addiction, promiscuity, illiteracy, out of wedlock childbearing, suicide and attempted suicide, criminality, and even easy murder.

The children who are in this condition right now are not going to be transformed into fine, steady, contributing adults. Our nightmare with them is only beginning to unfold.

We need to do everything we can do in a massive course of public and private action to help these children. But we should be under no illusions that we can pick up all these pieces. What we have to concentrate on urgently is the need to stop creating children like this, to change the environment so they are no longer produced.

We need a new interweaving of private virtue, communitarian values, and government action. Right now we don't have enough of any of those.

We need to name good and evil to ourselves, among our neighbors and within the halls of government. Only then will all our acts be legitimate, as Havel's were when he finally took power.

Fewer Theories. We need to destroy the shards and remnants of the liberal theory in its final redoubts in the universities and in the TV studios. We need to avoid the destructive immature pleasure of irresponsible libertarianism. We need to do away with the adulation of theory, which is an adult pleasure, and turn to received wisdom with all its hard applications, its self-denial and above all, its requirement for rock hard commitment.

The Earl of Rochester 300 years ago wrote this: "Before I got married, I had six theories about bringing up children; now I have six children and no theories!"

And perhaps that is a condition we need to bring ourselves to — more children, fewer theories. It is dangerously late. We are not a country incapable of action when we finally confront a problem. I have every confidence that we will take action, but we surely need to do it fast.



10 Free the Universities . . .

By DINESH D'SOUZA

As the classes of 1991 walk down the aisle to accept their diplomas, and attention turns to next year's crop of students, it is an appropriate time for the discussion of the future of higher education to move to a more mature stage. Rather than exchange heated allegations of "racial insensitivity" and "political correctness," we need to begin a debate on concrete proposals to remedy the crisis facing our colleges and universities. Toward this end I offer three proposals.

As the testimony of many voices across the political spectrum indicates, liberal education is in danger of abandoning or even inverting three of its most cherished principles. At most universities, equal opportunity in admissions policy has given way to preferential treatment based on race. The goals of racial integration and the close interaction of diverse perspectives have been replaced by a new segregation on campus. Finally, standards, academic freedom and free speech are under attack at many colleges. My proposals are intended to reverse these illiberal trends.

In admissions policy: Universities should retain their policies of preferential treatment, but should alter their criteria from race to socioeconomic disadvantage. This means that admissions officers would take into account such factors as the applicant's family background, financial condition and primary and secondary school environment, giving preference to disadvantaged students so long as it is clear that they can be reasonably expected to meet the academic challenges of the university. Race or ethnicity, however, would cease to count either for or against any applicant.

Academic Merit

Ordinarily the admissions policy of selective colleges should be based on academic and extracurricular merit. Preferential treatment is justified, however, when it is obvious that measurable indices of merit do not accurately reflect a student's learning and growth potential. Every admissions officer knows that an SAT score of 1,200 out of 1,600 by a student from Harlem or Anacostia, who comes from a broken family and has struggled against negative peer pressure and a terrible school system, means something entirely different from the same score from a student from Scarsdale or Georgetown, whose privileges include private tutors and SAT prep courses.

Universities are entirely justified in giving a break to students who may not have registered the highest scores, but whose record suggests that this failure is not due to lack of ability or application, but rather to demonstrated disadvantage. Admissions officers are right to see the academic potential in these students.

Socioeconomically based affirmative action offers many advantages over the current race-based approach. No longer will the children of relatively affluent black and Hispanic families receive preference over the children of lower middle class and poor white and Asian families. Yet all minority groups would disproportionately benefit from such a program, because they are disproportionately represented in the ranks of the disadvantaged.

While it is true that extending affirmative action benefits to all groups would somewhat reduce the number of blacks

and Hispanics at the most selective schools, this change could have the positive effect of placing many of these minority students into colleges where they would effectively compete with their peers, and graduate at comparable rates. Race-based preferences often have the effect of misplacing black and Hispanic students into academic environments where they are dramatically outmatched by their classmates, and this contributes to extremely high dropout rates among these groups.

Finally socioeconomically based affirmative action would not create the special stigma that is attached to racial preference. No longer would universities be forced to explain the anomaly of enforcing racial discrimination as a means to combat racial discrimination. The euphemism and mendacity currently employed to justify ethnic preferences can stop—the new program can be explicitly stated and de-

Universities should discourage minority self-segregation by refusing to fund any group that is racially separatist, or that excludes students based on skin color.

fended. Students are to be judged as individuals, based on their ability, in the context of their circumstances.

In life on campus: Universities should discourage the practice of minority self-segregation by refusing to recognize or fund any group that is racially separatist, or that excludes students based on skin color. Universities should, however, sanction groups based on shared intellectual or cultural interest, even if these groups appeal predominantly or exclusively to minority students.

What this means in practice is that universities would not permit a Black Students Association, but they would permit a W.E.B. Du Bois Society based on interest in the writings of the early 20th century author. Colleges would refuse to support a Latino Political Club but they would permit a Sandino Club based on interest in the thought of the Nicaraguan revolutionary hero. This principle could extend beyond race, so that universities would decline to fund a homosexual association but would fund a Sappho Society.

In all cases, university-funded groups should be built around intellectual and cultural interests, not skin color or sexual proclivity. Thought and expression are the currency in which universities trade and specialize. The consolidation of identity based on race or sexuality may be a project that some students ardently seek, but it is not always consistent with the mission of universities.

If this solution is adopted, no longer will universities have to justify the double standards that profess allegiances to cultural exchange, and then foster minority subcultures on campus; that encourage minority-pride groups and ethnic fraternities while prohibiting white-pride groups and segregated white fraternities.

There is no reason to think that a Mal-

colm X Society, for instance, would not attract any white or Hispanic or Asian students, but even if only blacks do happen to join, at least others would have been extended the opportunity. In some cases, perhaps, groups will be formed on the mere pretext of a shared idea, but inevitably this pretense will be challenged by some persistent outsider who insists on signing up and who cannot be refused membership.

In the curriculum: Universities should retain their core requirements emphasizing the classics of Western culture, but they should broaden the reading list to expose students to the greatest works of other civilizations as well. What Matthew Arnold termed the "best that has been thought and said" would remain the criterion for selection of books, only now the geographical range would not be limited to Europe but would cover the entire globe. In practice this means that Homer, the Bible, Shakespeare and Faulkner would be read in conjunction with the Bhagavad Gita, the Koran and "The Tale of Genji."

Young people must be familiarized with the fundamental texts of their own civilizations. Just as it would be embarrassing to encounter an educated Chinese who had never heard of Confucius, however well versed he might be in Mark Twain, so also it would be a failure of liberal education to teach Americans about Asia without immersing them in their own philosophical and literary tradition. American students of all races should know something about the Constitution and the Declaration of Independence, and about the civil war and the civil rights movement.

Self-Knowledge

In fact such self-knowledge can prepare Americans to better understand other cultures. And it is useful, as the world becomes a smaller place and as this country becomes more diverse, for students to move beyond their own cultural shores. For instance young people should not graduate in the liberal arts without knowing something about the rise of Islamic fundamentalism, and for this purpose it is helpful to read the Koran. We hear about Max Weber's doctrine about the Protestant ethic and the rise of capitalism; is there a "Confucian ethic" that explains the enormous success of Asian entrepreneurs?

These sorts of questions constitute authentic multicultural education, which may be contrasted with the bogus multiculturalism currently practiced on many campuses, where texts are selected largely based on the race, gender or sexual habits of the author, and where non-Western study amounts to little more than ethnic cheerleading or Third World romanticism, combined with intemperate invective leveled against racism, sexism and homophobia in the West. If students learn to eschew such vulgar reductionism, then the greatest works of the human mind can help to liberate them from their provinciality and prejudice, so that they can develop stronger rational and moral bases for adopting the norms of others, or for reaffirming their own.

Mr. D'Souza, a research fellow at the American Enterprise Institute, is the author of "Illiberal Education: The Politics of Race and Sex on Campus," recently published by the Free Press/Macmillan.

The Schools' Burdens

President Bush was right to focus the nation's attention on its lagging schools performance. Any country that still sends 18-year-olds into the world saying, "I got no idea"—with matching skills in writing and arithmetic—is probably going to come up a little short in the next century's economic competition. We're glad to join the swelling chorus of support, and we wish the President luck—of the sort Indiana Jones needed in the Temple of Doom.

Everyone knows what Indiana Jones usually has to overcome to make it to the jewels—machete-bending jungles, snake pits, crazed mobs, collapsing walls, booby traps, bullets, wild-eyed fanatics. Of course you recall that Indiana Jones is a teacher.

We think America's schools have gotten into so much trouble academically largely because their central mission—teaching—has become overwhelmed by so many nonacademic mandates. Over the past 20 years, America's political system has burdened the schools, their teachers and administrators with many objectives that steal time from core instruction. Perhaps we can put it this way:

- A is for asbestos removal.
- B is for busing and bilingual ed.
- C is for child-care programs.
- D is for discipline problems.
- E is for Earth Day.

If school choice has become popular, we would suggest it is because increasing numbers of parents are fleeing from the modern ABCs of public-school education, a system that has been turned into a pack horse for all the woes and worries of American society, or at least its most activist worrywart members. Often these parents are seeking private or parochial schools that are better able to fend off nonacademic crusades and stay focused on learning.

Large urban systems are especially burdened, so much so that some cities, such as Boston, recently have had great problems hiring new superintendents. Corrosive local politics—not the daunting educational challenge—make the jobs unfillable. Battles over ethnic entitlements, bilingual requirements, disciplinary proce-

dures, condoms and racial balance are unending.

Suburban systems are calmer, but crazy in their own ways. Not too many U.S. high-school students may be able to tell you in which half of the 19th Century the Civil War occurred (a recent survey revealed) but they can tell you a lot about recycling, whales and safe sex. Johnny can't add, but he's learned to be concerned.

One of our favorite nonacademic burdens has been federally mandated asbestos removal. Some 670 school systems that answered a survey by the National School Board Association reported accumulated removal costs of \$6 billion. What an extraordinary misallocation of scarce and precious educational dollars. Congress created the law.

Loopy crusades routinely roll over the system. Recall the curriculum on preventing nuclear war introduced by the NEA, the country's largest teachers' union. Or the great Alar poisoned-apple scare of 1989 in which administrators in California and New York dramatically (and preposterously) pulled apples from their lunch programs.

Meanwhile, biologists and mathematicians have both issued recent reports pleading for reforms in the teaching of their disciplines. The reports sank like rocks. But Hollywood actresses get instant access to television to wail about pesticides and children. The U.S. is a diverse country with many lively interests, but it is very susceptible to letting politics divert and smother its institutions, most notably its schools.

One of the recurring charges against efforts such as President Bush's is that they won't commit "enough resources." Here are the latest available figures on per-pupil spending for public education in the U.S. and countries with which we are often compared unfavorably. The U.S.: \$3,603; Britain: \$2,687; France: \$2,393; Japan: \$2,096; West Germany: \$1,941.

The lesson is clear. If America's schools are in trouble, it's because they've been turned into political playpens. Before this country gets back to basics, it needs to get serious.

A Simpson-Mazzoli Riot

The riot in the Mount Pleasant neighborhood of Washington, D.C., was sparked by an alleged abuse of force by a police officer against an immigrant from El Salvador. The kindling for the violent reaction, however, may have less to do with the police or Hispanic complaints about a largely black-run city than it does with the larger plight of immigrants in America.

The neighborhood not far from downtown Washington has a great concentration of immigrants from Central America, mostly from Salvador, Nicaragua and Guatemala. Many inevitably are here illegally, but even Hispanics here "legally" bear the burden of the 1986 immigration law that criminalized the hiring of undocumented workers.

The bill backed by Senator Alan Simpson for the first time put the burden on employers to guarantee that workers were in the U.S. legally. Employers in the Washington-area restaurant and hotel businesses were leading employers of Hispanics until several of these companies became key targets for Immigration and Naturalization Service raids. The INS picked D.C.-area firms as national examples of what happens to employers who hire illegal workers. In addition to fines, employers can now go to jail

for agreeing to hire an illegal worker.

It didn't take long for employers to figure out that their choice often came down to discriminating or risking trouble with the feds. Hispanic groups have cited the INS crackdown in the Washington area, and by now resentment against the immigration agency is palpable in Mount Pleasant. When word got out that the INS was helping police check the backgrounds and identities of those arrested, area residents were outraged. "Whatever we can do to keep calm is what we need to do," Mayor Sharon Pratt Davis said yesterday. "To the extent that it might inflame passions, then I would prefer [the INS] not do that at this time." An INS spokesman promised that the agency was not checking out the citizenship of arrested Hispanics for possible deportation, but there is skepticism.

There can be no excuse for violence or rioting. This ugly episode is a reminder, however, that we only add to the burdens of urban living when we make it harder for immigrants to find and keep jobs. As city officials try to come to grips with what happened in Mount Pleasant, federal officials and politicians need to reconsider an immigration bill that only contributes to resentments.

MIKE ROYKO

I don't remember the exact date. But I should have made a note of it because it was personally significant — the day I underwent a change in my political and social views.

It began with a simple phone conversation, much like dozens I get every day.

The woman said, "I have a problem that I wonder if you can help me with."

I asked her what the problem was.

Her voice rose in anger as she said: "I bought a mink coat about 2½ years ago from [store name] on Michigan Avenue. And now the coat is starting to shed. I've complained to the store, but they aren't doing anything about it. So I thought you might want to write about this."

I told her that I was sorry, but I wouldn't write about her shedding fur coat.

"Why not?" she asked.

I explained that it was likely that many readers have problems more serious than a shedding mink coat and they might think it a strange subject for a column.

She accepted that. But then she asked, "What agency should I call?"

"Yes. Who handles problems like this?"

You mean a government agency?"

"Yes."

I told her that if a government agency existed for the purpose of

It's a fur, fur better thing...

investigating complaints about shedding mink coats, I wasn't aware of it.

"Well, is there an agency that would know?"

You mean a government agency that could recommend another government agency that deals with the problem of a mink coat that sheds?"

"Yes."

I told her I didn't know about that, either.

"Then what should I do?" she asked.

You might talk to a lawyer.

"I don't see why I have to pay a lawyer for something like this. Isn't there anyone else on your paper who handles things like this?"

I'm afraid not.

"Well thanks a lot," she said, and hung up.

That's when I became convinced that politicians, especially Democrats, had done too good a job of persuading many Americans that if they have a problem, just about any kind of problem, a social agency should be there to solve it. And if no agency existed, a law should be passed creating one.

Why else would that woman have assumed that the great social safety net provides a soft landing for someone whose mink coat is shedding?

Every day we hear about schools and how they are failing to do the job. The administrators get most of the heat, and they deserve some of it. The teachers take their knocks, and some need it.

But you almost never hear about the fundamental reason so many kids drop out of school or muddle through without learning anything. Go to their homes and see how many books or other forms of reading material you'll find. Ah, but the TV set will be going full blast. Ask the parent or parents if they ever check to see if the kid is doing homework. Or if they even check to see that he's home at night.

A teacher in a city school has a room full of kids about six hours a day, five days a week, nine months a year. Minus weekends and holidays. And the teacher is supposed to make up for what the parents fail to do the other 18 hours a day, plus weekends, plus holidays, plus summer vacation.

Then there is Armando. He lives in the Washington neighborhood where the riots took place this week. Armando says he is angry at society. He has not found life in this country good enough.

Armando, 29, has been here nine months. He has a regular job as a waiter. He has a place to live. He is

not suffering from malnutrition. Nine months, a regular job, shelter and a full tummy, and he's already complaining. I wonder if he's thought about giving Bangladesh a try?

Or maybe he will stick around long enough to complain that his wife's mink coat is shedding and demand that an agency can resolve the problem.

Anyway, this is why I'm glad to see that there has emerged in the Democratic Party a faction called the Democratic Leadership Council.

It's made up of Democrats who have decided that the party can no longer try to appeal to every special interest group that believes government must solve its problems; that for every lack of individual responsibility, there is a government program; that for everybody who sticks out his hand and says "Where's mine?", there's an automatic hand-out.

These radical ideas have upset the Democrats who have been running the party for the last few decades, giving us the political conventions that sent forth Michael Dukakis, Walter Mondale, George McGovern and other giants. They say these less weepy Democrats are abandoning the party's traditions of compassion for the downtrodden.

I don't agree. I think that what they're saying is that they want to show the downtrodden how to get up so he doesn't get trod on anymore.

And I wish them success. If they don't make it, we might wind up with the Department of Shedding Mink Coats Investigations.

Mike Royko is a nationally syndicated columnist.

More Health Care for Less Money

By Joseph A. Califano Jr.

The \$750 billion Americans will spend on health care this year — and the trillion dollars in 1994 — should be an opportunity to release the poor from rationing and give all Americans all the health and long-term care they need. Instead, to stem rocketing costs, Richard Darman, Director of the Office of Management and Budget, some legislators and the General Accounting Office suggest rationing health care for all of us. ♣

No politician or bureaucrat has the wisdom to decide who should suffer how much pain for how long, who should walk and who should limp, who will live and who will die — and when. Here are some ways to free up resources to provide all Americans with the care they need for what we are now spending, or less.

Revamp the medical malpractice system. The Bush Administration is right to use Federal programs to prod state malpractice reform. We should develop standards of care to establish under what circumstances which

Joseph A. Califano Jr., a lawyer, was Secretary of Health, Education and Welfare from 1977 to 1979.

medical procedures work. Any doctor who follows those standards should have a defense to any charge of malpractice. Where providers are negligent, states should limit recovery for pain and suffering and sharply reduce contingent legal fees.

Relax the doctors' monopoly over the practice of medicine. Once essential to protect patients from quacks and charlatans, the doctors' monopoly is now an economic hammerlock

**Rather than
ration, change
how we spend.**

that keeps costs high and denies us the savings and efficiencies of modern technology. Today, trained nurses can perform all sorts diagnoses and treatments of common ailments like respiratory diseases, sprains and breaks, just as competently and far less expensively than doctors. Midwives can handle normal deliveries. These physician assistants earn less than half the income of doctors.

Require that insurers and managed care plans compete on the basis

of service and price, not on the basis of who can attract the most low cost patients. Now most insurers and managed care plans vie for the healthiest beneficiaries. If all plans were community based — with rates determined by the needs of the entire community — and were required to cover anyone who could pay, they would be forced to compete on the basis of price, service and efficiency.

Medicare, Medicaid and private insurers should refuse to reimburse (or at least reduce payments to) hospitals operating at less than 60 percent capacity. We've got to eliminate the inexcusable level of excess capacity in our hospitals. Residents of towns with hospitals where doctors and nurses don't perform operations enough to maintain proficiency, much less attain excellence, would be better off investing in a first-class primary care clinic and a helicopter. Insurers would save money by paying for of such transportation rather than to keep the hospital open.

Eliminate the pharmacists' monopoly over dispensing drugs. The era of doctors writing in Latin and pharmacists mixing powders and potions is long gone. Today, virtually all prescriptions can be filled by anyone who can read and count. Mail order houses do it and some provide prescriptions for as little as 50 cents an order. The cost at retail pharmacies

is three to 10 times higher. Pharmacists can help counsel about potential drug interactions, but their monopoly over filling more than a billion prescriptions a year is rooted in self-interest, not consumer protection.

Change the way we pay doctors. It's time to pay doctors to talk with us, not just to do something to us. Fees for such consultation are better spent, particularly when physicians are talking about health promotion and life style changes. It's also time to pay family practitioners more and some specialists less. Medicare is moving in this direction; private insurers should follow.

There are other things we can do to reduce costs. Insurers and the Government should promote disease prevention with financial incentives to take care of ourselves. And everyone involved in the health care industry should sign a paperwork nonproliferation treaty. Electronic processing, standardizing and simplifying claims and audit procedures could save a quarter of the more than \$100 billion we will spend this year to administer the system.

Before politicians and bureaucrats resort to rationing for everyone, they should stop tinkering and make fundamental changes in the way we deliver care. Then we can provide high quality care to all — rather than a declining quality of care to some. □

Cash-Strapped Cities Turn to Companies to Do What Government Once Did

By MICHAEL deCOURCY HINDS

Special to The New York Times

PHILADELPHIA, May 13 — Seventy years after Philadelphia helped launch a new era in American politics by having public workers provide most public services, many politicians here are saying the city's survival may depend on bringing that era to a quick close.

To help solve the city's fiscal crisis, say four of the eight politicians who are vying to be Philadelphia's next mayor, the city must put many costly public services, including trash collection and custodial services, out to competitive bid by private companies.

That kind of radical rearrangement would normally be unthinkable in this overwhelmingly Democratic and highly unionized city. But public policy analysts say the time is ripe for radical change here and in many other cities, particularly older ones in the Northeast and Midwest.

An exception is New York, where there is a fiscal crisis but so little impetus toward shifting public services to private companies that Mayor David N. Dinkins has not even mentioned it in his recent statements on the city's financial problems.

Felix G. Rohatyn, chairman of the Municipal Assistance Corporation, the state agency that monitors New York City's finances, favors contracting out more services and attributed the lack of action to political inertia.

Move to Shed Services

Elsewhere, the trend is clear. "Since the beginning of the 1980's the prevailing political philosophy has been that governments should shed what services they can," said Dr. Anita A. Summers, professor of public policy and management at the Wharton School of Business at the University of Pennsylvania. "When you add to that prevailing philosophy the fiscal imperatives that are arising in a lot of cities — and none are more urgent than Philadelphia's — you add a lot more momentum to the privatization process."

The buzzword here, in both Democratic and Republican circles, is privatization. The term, popularized by the Reagan Administration, refers to a process of stripping government to the bones: While public officials continue to regulate and administer the city government, private companies bid to provide public services.

Such arrangements have become relatively common around the nation, though much less so in large older cities like Philadelphia.

Many cities have experimented with privatization, according to a survey last year of 82 municipalities in 34 states by the Mercer Group, a management consultant in Atlanta that advises cities on ways to contract out services.

The savings that result from contracting out services are hard to measure, but numerous studies put the savings at a 10 percent to 40 percent reduction in costs, with the greatest savings coming from contracting out labor-intensive services. Savings also vary de-

A time of fiscal crisis in big, tired cities is a time ripe for change.

pending on how bloated a city's work force is and how out of line city compensation is with the marketplace. But most estimates do not include many hidden costs like writing and bidding contracts, monitoring contractors, cost-overruns and employee severance.

State governments have been generally less experimental than local governments, but many states have started to hire private companies to manage prisons, roads, parks, commuter railways and hospitals. Cities in the South and West, where unions are weaker and where growing populations have strained public services, have been the most active in contracting out public services.

Los Angeles County recently contracted out the management of five small airports, and the Los Angeles City Council last month discussed selling the Los Angeles International Airport. Fort Worth is turning the operation of its zoo over to a not-for-profit organization that will seek charitable donations to cover annual deficits.

Chicago is contracting out a string of

services and, in some cases, turning money losers like vehicle towing into small profit centers. Lansing, Mich., is looking for companies or not-for-profit organizations to take over the city's ambulance service, cemetery and recreation programs.

And among Northeastern cities, Newark has taken the lead by contracting out a dozen functions, including a third of the city's trash collections. "The hardest part of it is laying off men and women who live in the community," said Mayor Sharpe James.

Reversal in Phoenix

In 1978, Phoenix set up a competitive system in which private contractors bid against the city for trash collection. For several years, the department was underbid and lost contracts to serve half the city. But by 1987, the department had won back all the contracts.

"Competition forces you to improve productivity, develop teamwork and raise morale," said Ron W. Jensen, director of the department. A city audit estimated that competition had saved the city \$20 million in the last decade.

Despite the boom in privatization, experts say it is easy to do wrong, because public officials are just learning to write these novel contracts. In March, for example, Los Angeles County officials canceled a five-year contract to maintain city vehicles because of cost overruns.

Labor leaders, facing the prospects of layoffs, say that contracting with private companies to run public services is merely a way for politicians to hide their own management failures.

"Philadelphia is not in a mess just because of union work rules," said Linda M. Lampkin, director of research for the American Federation of State, County and Municipal Employees.

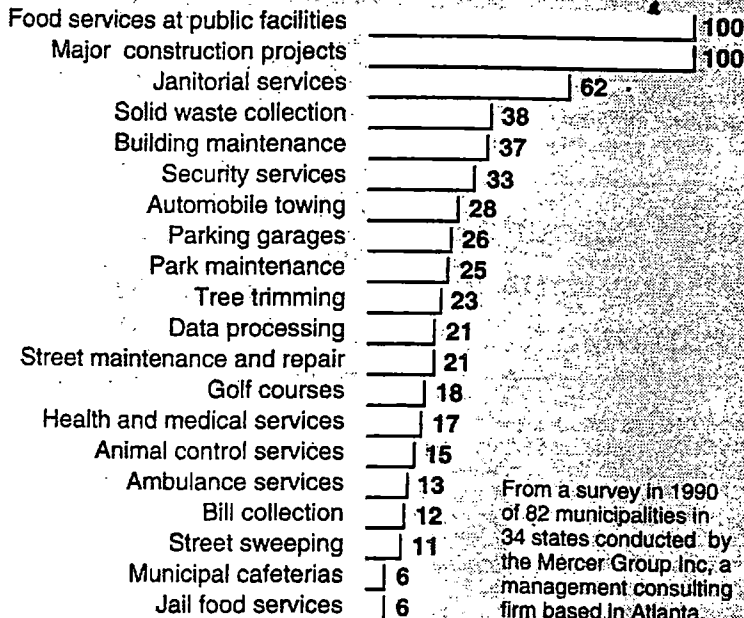
Savings Can Be Small

Even where there are considerable savings in some departments, they can be relatively small compared to the overall budgets of many cities. And Paul Starr, a sociologist at Princeton University, said that in many privatization plans the savings are largely a result of private companies' paying low wages and providing minimal health benefits.

Continued →

Public Services, Private Contracts

Of 82 cities surveyed, the percentage that contracted each service to private companies.



From a survey in 1990 of 82 municipalities in 34 states conducted by the Mercer Group Inc., a management consulting firm based in Atlanta.

The New York Times

Criticism of Contracts

The candidates with backing from city unions oppose contracting out services.

Former Mayor Frank L. Rizzo, who is running as a Republican, is one of the staunch opponents to privatization. "I'm pro union, I've been that way all my life," he said at a recent candidates forum the issue.

James S. White, a Democrat and former managing director of the city who just dropped out of the race, said: "We've already privatized the health care in prisons, solid waste disposal, the golf courses, the trolley service in Fairmount Park, certain custodial services in certain buildings and all road resurfacing."

But in New York, Mr. Rohatyn said: "When you begin to talk to politicians about privatization, they look at you with blank stares because they know that kind of process takes years here." He recalled that in the midst of the city's mid-1970's fiscal crisis, the assistance corporation proposed contracting out trash collection but that the proposal died after running "into a brick wall of opposition," mostly from unions and private trash haulers.

Philadelphia's fiscal crisis has turned up the volume in the debate over contracting out services, but it remains to be seen whether a new Mayor could persuade the City Council to lay off city workers. Three years ago, when the city first invited competitive bids for collecting trash, the council rejected a contract that its advocates said would have saved the city \$40 million in the first year. It chose to keep sanitation workers on the job and contract out only waste disposal.

To some local history buffs, the debate echoes one that took place more than 70 years ago, when city ordinances required officials to contract out all services. Corruption was rampant. Then in 1919, Philadelphia repealed those ordinances and developed professionally managed service agencies.

Frederick L. Voight is executive secretary of the Committee of Seventy, a not-for-profit group founded in 1904 after the muckraker Lincoln Steffens wrote that Philadelphia was "corrupt and contented."

"We have to be very careful," Mr. Voight said, "about going private in a way that we don't repeat the mistakes of the past under the guise of doing something new and different."

Apart from the individual hardship, he said, the net social result was that one branch of government saved money while social welfare agencies and public health agencies spent more because more city employees were out of work.

Ray F. Ybarra, business manager of the Phoenix sanitation workers' union, said the private contractors were hardly free of problems and added: "The city is wasting money going through the bidding process. It's a myth that competition keeps you on your toes."

In Philadelphia, there are discussions about selling the city-owned gas and water utilities, Veterans Stadium, parking garages and the Philadelphia International Airport, which, like nearly all other airports that receive Federal subsidies, is operated as a not-for-profit entity. But laws, politics and opposition from companies that benefit from current arrangements make it unlikely that major city-owned assets would be sold or leased any time soon.

Time for Consideration

But the city's labor contracts, which prohibit layoffs, expire next year, and a new mayor could consider contracting out things like trash collection, custodial services, vehicle repairs and building maintenance, said Dianne E. Reed, director of the Pennsylvania Economy League, a not-for-profit re-

search organization.

She said a conservative estimate of savings produced by these contracts was \$20 million to \$30 million a year; other experts in privatization say the savings would be much higher. The savings would only dent the city's deficit, which is over \$230 million on this year's \$2.1 billion budget, but would be "psychologically significant," she said.

Many of the mayoral candidates who are lining up for the May 21 primary have prescribed more state aid and contracting out services as the most powerful remedies for Philadelphia's financial ills. Mayor W. Wilson Goode

The fashionable word is 'privatize.' The goal is survival.

is completing his second term and by law cannot run for a third consecutive term.

"Contracting out public services can produce significant savings and restore credibility to the city in Harrisburg and up on Wall Street," said Edward G. Rendell, a former Philadelphia District Attorney and a Democratic candidate for mayor.

MARKETPLACE

Law: Judge criticizes U.S. over alleged dumping at Love Canal

Page B8.

Media: Senate panel approves bill to curb rise in cable TV fees

Page B8.

Whittle Develops Plan to Operate Schools for Profit

By GARY PUTKA

Staff Reporter of THE WALL STREET JOURNAL

Whittle Communications Inc., which broadcasts to schools a news program that includes advertising, plans to launch a division that will operate schools for profit.

The venture, expected to be announced by Whittle tomorrow, includes several elements that mesh with President Bush's education strategy unveiled last month. It also promises to stir up more furor about Whittle, whose Channel One news show has drawn criticism from many educators for commercializing the classroom.

The plan raised questions about whether Christopher Whittle, the company's chairman, would use the new schools as an expanded outlet for his educational advertising, which touts such things as Nike sneakers, Gillette razors and Burger King restaurants.

"Watch out," says California school superintendent Bill Honig, who has banned Channel One in his state. "While theoretically you could run a for-profit operation

EDUCATION

that offers quality, my experiences with Chris Whittle lead me to be suspicious of the whole thing. He tends to let the commercial side take precedence over the educational side."

A spokesman for Whittle, based in Knoxville, Tenn., and 50%-owned by Time Warner Inc., would say only that the concern "will make a major announcement" about "a new entry into education."

But education lobbyists and others briefed by Mr. Whittle say he has done extensive work on an ambitious plan for profit-making education. They say Mr. Whittle plans to hire 100 education researchers in a new unit in Knoxville to "find out what works," followed within one or two years by schools incorporating their findings. The schools would enroll students from kindergarten to 12th grade and offer day-care starting with children three

months old. Mr. Whittle also told them he plans to develop his own curriculum, texts and video and computer resources.

Albert Shanker, president of the American Federation of Teachers and one of those briefed by Mr. Whittle, said the plans "could change the whole ball game," adding: "He's talking about a massive investment and a chain of schools around the country. A private, for-profit sector presents good possibilities. It would have the freedom to try things that the public educational bureaucracy can't do. The danger, of course, is that it could descend into crass commercialism."

Mr. Shanker and others say Mr. Whittle spoke, perhaps hyperbolically, of investing "billions." Whittle, which publishes specialty magazines and sells advertising, expects \$210 million in revenue this year.

The framework of private research and

development leading to innovative model schools is what President Bush offered last month in his "America 2000" education strategy. In his briefings, Mr. Whittle repeatedly referred to his concept as "the new American school," the same term Mr. Bush used to describe 535 model schools he wants the federal government to fund.

President Bush's plan also calls for a private, not-for-profit company funded by corporate philanthropy to raise \$150 million to \$200 million for research and development that will be contracted out.

Although Mr. Whittle indicated he would charge tuition, he said he wanted a per-pupil cost no higher than public schools, about \$4,500. Those Mr. Whittle briefed suggested that one way of making a profit would be to sell advertising that would appear in the halls, in texts and in any broadcasting feeds used by the schools. Mr. Whittle said he would "lend or sell" the school model he devises, or elements of it, to public school systems.

The Litigation Explosion and Quayle's Time Bomb

Dan Quayle's aides complain that only his snafus ever get any attention, so here-with an account of a speech the vice president gave last Thursday that received no coverage in the general press. Fair or not to Mr. Quayle, the silence deprived contingency-fee lawyers and other interested parties of any warning about some potent proposals the White House plans for reforming the litigation system.

Rule of Law

By L. Gordon Crovitz

"I don't want to bash lawyers," Mr. Quayle said (noting that this group includes his wife and him), and so bashed the legal system instead. He said that by now every neurosurgeon in Washington, D.C., has been sued at least once, there's one lawsuit filed each year for every 15 Americans and the liability crisis is now a \$300 billion annual drag on the economy.

"It used to be that people could reach across the table, shake hands and know they had a deal," Mr. Quayle told the annual conference of the U.S. Court of Appeals for the Federal Circuit, but the law has been corrupted to the point where "the idea of binding agreements is almost laughed at." He also criticized the Racketeer Influenced and Corrupt Organizations Law. He said, "No wonder people lose confidence when legitimate businessmen—even parties to divorce actions—have found themselves in federal court, characterized as 'racketeers' under a law that was clearly aimed at criminal organizations."

The big news in Mr. Quayle's speech was that the Competitiveness Council he runs in the White House soon will get a report from its Working Group on Civil Justice Reform, which is headed by Solicitor General Kenneth Starr. The group, which

includes Justice, Commerce and Treasury Department representatives, has some ambitious proposals for legislative and judicial reforms on how we try cases.

According to sources in the working group, one proposal is no less than to abolish punitive damages. This would be a wonderful contribution to justice. These quasi-criminal fines once were limited to egregious intentional injuries, but now are routinely doled out as punishment in even the most trivial accidents. Punitives have become a serious drag on the economy, creating enormous and unpredictable costs and even bankruptcy (remember Texaco). The occasional plaintiff and contingency-fee lawyer get windfalls, but the purpose of civil litigation is to compensate for losses, not to redistribute money. A law abolishing punitive damages also would save the Supreme Court from again having to consider when these arbitrary punishments violate constitutional due process.

Any proposal by the White House to abolish punitive damages probably would cover only federal cases, though with many state judges encouraging juries to sock it to out-of-state defendants there's an argument for abolishing punitives in the states as well. Punitive damages have been abolished in several states with no apparent harm.

The group also plans to cut back on the costly and time-wasting discovery process. "Anyone who has ever been sued or whose company has been sued knows that discovery rules allow lawyers to go on what is essentially a cost-free fishing expedition," Mr. Quayle said in his speech. He said one proposal the group is considering is a return to the requirement that parties plead their cases in some detail. No longer could parties start cases simply by alleging some general wrong and ask to see all the other side's memorandums, reports and analyses. Nor could defendants any longer insist on thousands of pages of depositions to harass a plaintiff with a good case into

settling for less now rather than suffer justice delayed.

The working group also wants to encourage more control by trial judges over abusive discovery. Once a case is filed, judges' would create a "discovery plan" that would limit the amount of fishing on both sides. The working group is also considering a neat way of ending the abusive use of warring "expert witnesses" in trials. This would be to limit the percentage of income a person can earn by testifying in trials and still be judicially recognized as an expert in a field.

Among the other ideas under consideration is changing the way we finance lawsuits by forcing the losing party to pay the winner's legal bills. This is called the English rule on attorneys' fees, though more accurately it is the Everywhere-but-America rule. Mr. Quayle said the idea might be controversial, but it could be "a powerful incentive against frivolous and abusive litigation." (I got interested in the subject after studying law in England and the U.S., so was asked by the working group to brief them on the English rule.)

In its pure application, winners of lawsuits (plaintiffs or defendants) would have their legal rights totally vindicated by not being stuck with any legal bill when the case ends. Another version of the idea is that parties who turn down reasonable settlement offers and then lose at trial must pay the other side's legal bills. One proposal under serious consideration is for losers in federal cases except for civil-rights cases to pay at least some of the

other side's discovery costs.

Once the White House proposes these changes, it will be fascinating to see how the politics plays out. Almost no one defends the American way of trying cases, or doubts that many useful products are unavailable here because of unreasonable litigation risks. The added costs of legal uncertainty clearly make U.S. businesses less competitive. All this makes legal reform a popular cause, which means there is some chance that the debate won't be partisan in the predictable way.

Indeed, a recent meeting of the working group included a broad collection of legal experts, from Robert Bork and federal appeals Judge Frank Easterbrook to federal appeals Judge Stephen Breyer, who was chief counsel to the Senate Judiciary Committee under Sen. Edward Kennedy, and Mark Gitenstein, who held the same post in Sen. Joseph Biden's Judiciary Committee. The president-elect of the American Bar Association also attended.

Punitive damages didn't come up, but according to several participants, there was little disagreement on the broad point that the civil-justice system needs a major overhaul. There was even a consensus that we should move to some version of the English rule, at least when the discovery process is abused in cases between big corporations.

The main lobbying group in opposition to reform, as always, will be the contingency-fee plaintiff lawyers. The influence of the Association of Trial Lawyers of America never should be underestimated, especially in a Congress that includes several former members.

On the other hand, legal reform apparently has a champion in Mr. Quayle, who could use the *gravitas* of taking on a serious issue. The political pundits would never imagine that a lightweight could reverse several decades of the litigation explosion.



Dan Quayle

aren't likely to go away, since they indicate genuine ideological fault lines within the party. No crisp, partisan message can emerge until a candidate capable of delivering one step forward. "The Democratic Party is now up for grabs," says Michael McCurry, a former DNC official. "Anybody who wants it can have it." •

A speechwriter's guide.

FACTS FOR HACKS

By Mickey Kaus

In presidential campaigns, the "message" comes first. Then speechwriters insert the facts to back it up, preferably startling facts. This process does not lend itself to scrupulous accuracy. Ronald Reagan set the modern standard here, which is lax.

Even as you read this, Democratic hacks and young idealists eager to serve the party's 1992 candidates are loading up the save-get keys on their computers with statistics from groups like the Children's Defense Fund and the Center on Budget and Policy Priorities. Some of these facts will be right. But some will be misleading in ways that reveal deep gaps between the Democratic message and the real world. Until a few years ago, for example, Democrats routinely argued that "the average length of stay on welfare is only two years." Then David Ellwood of Harvard discovered it was 6.6 years. Could this help explain why Democratic rhetoric on welfare failed to resonate with voters?

Once the 1992 campaign is under way, popular Democratic "facts" will become unassailable matters of faith. That means the time for Democrats to get their facts—and, maybe, their message—straight is now, before the campaign begins. Even when the statistics are unrevealing clichés, stacked up like bricks in the middle paragraphs of stump speeches, they might as well be right. What the hell. In that spirit, here is a brief critical guide to the potential Democratic stat-bites of 1992:

1. "Due to lack of funding, the Head Start preschool education program reaches only 20 percent of the eligible children in this country..." Obsolete. The old rallying cry of the Children's Defense Fund was indeed that Head Start served only a fifth of poor preschool kids aged 3, 4, and 5. But funding increases have now raised the CDF number to 35 percent. And of the remaining 65 percent, some kids are in state preschool programs, some are in private programs, some are scattered in rural areas that are difficult to serve, and some wouldn't want to use Head Start. Head Start doesn't reach enough poor chil-

dren, but the shortfall isn't close to 65 percent. CDF now urges more spending to improve programs (e.g., converting half-day programs to all day) rather than simply to cover "eligible" kids. "The focus on numbers isn't the issue," says CDF's Helen Blank. Now they tell us.

2. "... and, despite President Bush's promises, the Women Infants and Children (WIC) nutrition program reaches only about half those eligible." True, but misleading. WIC serves lower-income women who are pregnant or have children under 6. Pregnant women get priority; 70 to 85 percent of them are already receiving WIC. Also, eligibility for WIC extends way above the poverty line, to families of four with incomes of \$24,000. You could easily cover all remaining poor mothers who wanted the program without doubling it.

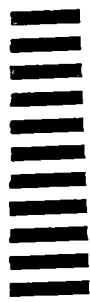
3. "A startling number of American children [are] in danger of starving. . . . One out of eight American children under the age of 12 is going hungry tonight." Dan Rather said that. It's crap. Rather misreports a "study" by the Food Research and Action Center, a Washington organization that lobbies for government food aid. The study did not measure malnutrition, much less starvation. It purports to identify children whose families were strapped for cash to buy food at any time over the previous year (not each night). Low-income people were asked eight "key questions," some of which might draw affirmative responses from Donald Trump (e.g.: "Do your children ever say they are hungry because there is not enough food in the house?"). Those who said yes to five of the eight questions were pronounced "hungry." Those who gave even one "yes" were deemed "at risk" of hunger. The results of seven small, unrepresentative surveys then were transformed, somehow, into a national number. The surveys were conducted by local advocacy groups with an interest in getting "yes" answers (e.g., the Alabama Coalition Against Hunger). They were financed by Kraft General Foods, a major corporate beneficiary of federal food subsidies. The whole project oozes phoniness.

4. "Average weekly earnings in America today are lower than they were in the last week that Dwight Eisenhower was president." If this stat-bite from Senator Daniel Patrick Moynihan is true, the country's really gone to hell. But it isn't true. Moynihan uses data from the Bureau of Labor Statistics for "production and nonsupervisory workers." The BLS survey is screwy, in part because it has been measuring a smaller and smaller segment of the labor force as the economy shifts to white-collar work. Figures for the entire work force, from more reliable Social Security records, show an average 30 percent gain since Ike's day.

5. "Real, after-tax income fell for most American families in the '80s." Nope. Like Moynihan's, this statistic (used by William Raspberry and *Time*, among others) is a bit too bad to be true. One problem comes in measuring income by "families." Families are getting smaller. A couple with one child living on \$30,000 in 1990 is a lot better off financially than a family of six trying to make

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do on the same real income in 1950. When the Congressional Budget Office corrects for these shifts, the bottom 40 percent (not "most") of the population has lost ground since 1977. But significantly (for Democrats, anyway) the bulk of the damage occurred before 1980. In the much-maligned '80s, the top 70 percent of families gained, with or without the CBO adjustments. Sorry.

6. "Since 1980 the share of after-tax household income has fallen for everyone except the richest 20 percent." Correct. Even when most Americans gained, those in the middle didn't gain nearly as much as those at the top. Inequality of income has grown. This stat-bite is probably accurate even if you count government "non-cash" benefits like food stamps. It's also true that "inequality is now at the highest level since World War II." But are Republicans to blame? This brings us to . . .

7. "[S]ome two-thirds of that shift in after-tax income toward the top 1 percent can be attributed to the supply-side tax changes of 1977 and, especially, 1981 . . ." An interesting, but dubious, statistic from Robert S. McIntyre of Citizens for Tax Justice. Most people who've studied the subject conclude that tax cuts played only a small role in the inequality of the '80s. Changes in the underlying economy caused the rich to earn more before taxes. But McIntyre argues that the rich invested their tax cuts, and the earnings on that investment showed up later as a rise in pre-tax income. His calculation requires some peculiar assumptions, though. For example, he measures his "tax cuts" not from the tax code as it was in 1977 before the cuts, but from a hypothetical code he assumes would have been constantly changed to preserve progressivity. Nor is it clear the rich invested, rather than consumed, their tax windfalls. Even McIntyre concedes that inequality would still have risen without the tax changes. It's safer to stick with Kevin Phillips's fudged formulation: tax shifts "go a long way to explain" rising inequality. Who's going to argue about what a "long way" is?

8. "Some 375,000 drug-exposed babies are born each year, 11 percent of all births." Handle with care. The National Association for Perinatal Addiction Research and Education sent out a questionnaire to hospitals. Some had conducted detailed interviews of new mothers for drug exposure. Some hadn't. NAPARE concluded, according to a spokesperson, that 11 percent of newborns or "as many as" 375,000 babies "may have been affected" by drugs because their mothers took them at one point

during pregnancy. "Drugs" includes alcohol as well as illegal substances. There are not 375,000 drug-addicted babies. There are not 375,000 cocaine-exposed babies or anywhere near 375,000 "crack babies."

9. ". . . and it's a disgrace that 3 million Americans are homeless each night." The 3 million number was promoted by homeless advocates in the mid-'80s. Not even they bother to defend it anymore. What's the right number? Clearly higher than the 250,000 homeless the Census actually counted one day last year. A 1988 study by Martha Burt of the Urban Institute came up with 600,000 as a maximum estimate. Any number between 250,000 and 600,000 is defensible, and still a disgrace.

10. "Fewer than 10 percent of families today fit the old 'Ozzie and Harriet' model of homemaker mother and breadwinner father." Representative Pat Schroeder's favorite factoid is misleading. It's concocted either by counting only families with exactly two kids, or by inflating the number of non-Ozzie "families" by including seniors, roommates, couples without children, and single people living alone.

If you look at only households with children, about 25 percent fit the traditional model. About 45 percent of mothers work full-time. That's still a huge shift from the 1950s.

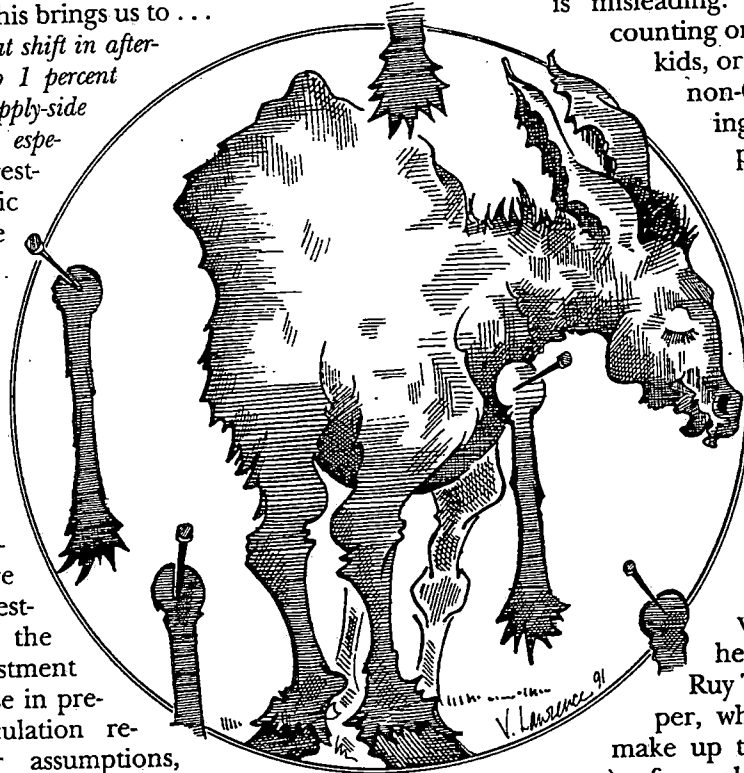
11. "Between now and the year 2000, most new entrants into the work force will be minorities." A "net" vs. "gross" scam is at work

here. As Lawrence Mishel and Ruy Teixeira note in a recent paper, white non-Hispanics will still make up the vast majority (66.8 percent) of people entering the work force.

But because they will also be the vast majority of people leaving the work force, their contribution of "net"—or "new"—workers will be less than 50 percent. The work force will become a bit less white. But its majority won't be minority anytime soon, if ever.

12. "Approximately 64 percent of all poor children—or nearly two of every three—live in families with one or more workers." This stat-bite from the Center on Budget and Policy Priorities is designed to shock voters who think the poor don't work. But it counts someone as a "worker" even if they work only a day or two a year. Unfortunately, many people don't work much more than that. Less than half of poor families with children field even a quarter-time worker. Fully 40 percent do no work at all. Only 25 percent are families where the total work effort adds up to 35 hours a week.

13. "The popular idea of a so-called black underclass is mistaken. Blacks made up only 45 percent of all welfare recipients



in 1969. That percentage actually fell to 40 percent in 1987." Contrarian liberals are starting to produce numbers that dispute the notion of a black underclass. Don't buy them. Yes, blacks are about 40 percent of welfare recipients (as are whites; the Hispanic share has grown to 16 percent). But a majority of families who are on welfare for a long period of time are black—including 63 percent of people who got most of their income from welfare in at least eight of the ten years from 1975-84 (according to Michigan University's Panel Study of Income Dynamics). If you define the underclass as urban neighborhoods with extreme poverty, it is 68 percent black. If you define it as neighborhoods with extreme social problems, it is 58 percent black.

14. "72 percent of black children born from 1967 through 1969 had spent at least a year on welfare by the time they reached age 18." Another bizarre statistic promoted by Moynihan that, if accurate, would show the country to be in terrible trouble. There is a difference, though. This statistic startles not by confounding the crude, popular wisdom but by confirming it. There's another difference: the statistic is accurate. ●

The complacent congressional Dems.

HILL POTATOES

By Fred Barnes

Senator Lloyd Bentsen of Texas didn't fool around with lofty idealism in recruiting congressional Democrats as active campaigners for the national Democratic ticket of 1988. He wasted no time arguing that a Democrat in the White House would get America moving or create a fairer society. Bentsen appealed to political self-centeredness. With a Democratic president, he said, Democrats in Congress would get credit for all the pork barrel they'd steered to their state or district. Instead of congressional Republicans, tipped off by a GOP administration, announcing grants and federal projects, the Democrats would. No longer, Bentsen insisted, would Republicans be able to "steal the announcement."

Bentsen knew his audience. A selfish appeal (even it didn't work very well) was the only one with a chance of wooing congressional Democrats. Now, after three clear, successive Republican victories, congressional Democrats view presidential races with dread. "Most feel a presidential race can't help them, only hurt them," says Richard Moe, a Washington attorney who's been involved in the last four Democratic campaigns. There's a reason they think this. In presidential years, their chances of losing in

a Republican tide grow significantly.

Nor does the prospect of a Democratic president thrill them. Many Democrats have more clout with a Republican in the White House. If there's a Democratic administration, "policy direction shifts from a committee chairman to a Cabinet secretary or a White House aide," says Democratic Representative Robert Torricelli of New Jersey, who worked in Jimmy Carter's White House. Senior Democrats, who are full negotiating partners with a Republican president, would become mere followers with a Democrat in the White House. They know this. So electing a Democratic president is not a high priority.

It's a Faustian bargain. In exchange for control of Congress and almost certain re-election, congressional Democrats have ceded national policy-making to Republicans. Sure, Democrats have a policy role. They bargain with the White House and sometimes, as in last year's budget deal, they affect policy dramatically. But mostly they pursue the interests of the Democratic pressure groups, collect PAC money, and win reelection. They're in fat city. Most Democrats on Capitol Hill are chairmen of a committee, subcommittee, or select committee. In the Senate, there are 103 chairmanships to spread among 56 Democrats. In the House, there are 166 chairmanships for 267 Democrats. In the 1990 election, Democrats raked in 66 percent of the PAC money that went to congressional incumbents. Small wonder they're complacent.

Until the 1980s Democrats had a congressional party and a presidential party, just like Republicans. There was usually a titular head of the party, an Adlai Stevenson or a Hubert Humphrey. Now there's only a congressional party. It turns out a steady stream of clever legislative leaders, but few national leaders. Those who rise in Congress are adept at putting together a legislative agenda that can be enacted. But packaging a clear national message that dominates a presidential campaign requires a different talent. "One is the politics of compromise, the other the politics of national inspiration and leadership," says Michael McCurry, former spokesman for the Democratic National Committee.

Not only do congressional Democrats lack skill at presidential politics, they've come to resent those who do—namely Democratic political consultants who fret over the party's national image. Before a session of the DNC on March 23, House Speaker Tom Foley used a line of labor leader John L. Lewis to zing consultants who criticized congressional Democrats for their handling of the war: "It ill behooves one who has supped at labor's table and who has been sheltered in labor's house to curse with equal fervor and fine impartiality both labor and its adversaries when they become locked in a deadly embrace." Foley got a noisy ovation. Later he singled out consultants by name in addressing the House Democratic caucus.

What Democratic consultants want is hardly outlandish. They think Democrats in Congress should do ev-



William E. Sauro/The New York Times

At Plainfield High School in New Jersey, young mothers came after classes to pick up their children at the school's nursery. The boy, not a father, was among other students invited to visit the nursery.

Schools to Help With Life as Well as Learning

By **SUSAN CHIRA**

Special to The New York Times

PLAINFIELD, N.J. — At 7:45 each weekday morning, 20 Plainfield High School girls descend from school buses, holding the hands of their children. Inside the high school, in a nursery filled with children's artwork and toys, the toddlers will sing, play and sleep while their mothers go to school.

Plainfield High is part of a radical redesign going on in some schools around the country: moving an extensive array of social services, like the program here for teen-age mothers, into the schools. The idea uses schools to reach troubled families whose problems are crippling their children's abil-

Social Work Goes to School

A special report.

ity to learn, and to connect them with social services they need.

San Diego is placing city social workers, child abuse workers, probation officers and welfare administrators on the grounds of an elementary school. In a dozen states from Connecticut to California, selected schools offer year-round child care and teach parents about child development.

New York City is building three new schools specially designed to include space for health care, counseling,

after-school programs and adult education.

Such "one-stop shopping" schools, they are called by educators and social service professionals, are trying to bridge the gap between the social American schools were intended for and the one that exists today. The spread of poverty, drugs, single-parent families and two-career couples has transformed the task of schooling, swamping teachers who try to be surrogate parents, social workers and psychiatrists.

"Schools can't handle it alone; they're overwhelmed," said Jan Levy, director of Joining Forces,

Continued on Page A25, Column 1

A New Role for Schools: Directing People to the Social Services They Need

Continued From Page A1

Washington-based organization that counts nearly 1,000 partnerships between schools and social service agencies around the country, from elementary schools to high schools.

While the programs are fairly new, preliminary results show improved grades, attendance, and behavior. Advocates of one-stop schools say that linking children, families and schools not only makes sound educational sense but could eventually save millions of dollars spent on welfare, jails, and hospitals. In theory, they say, the idea does not have to be too costly because existing social service programs can be moved to schools. But critics warn that already-overburdened schools may be taking on too much, and that many schools are too inflexible to do the job.

Case Studies

Many Needs, Many Forms

One-stop schools come in dozens of forms. The scope varies considerably, from \$31,000 to run a small elementary school program with one full-time employee in Owensboro, Ky., to much more comprehensive programs like the one in Plainfield. Last year, the Plainfield program cost \$400,000, half of which paid for the teen-age parents' program and its nursery.

These figures represent start-up expenses. Advocates of the concept say the one-stop schools could eventually save money because social services would be streamlined. Counselors or social workers are sometimes paid for out of regular social service budgets, sometimes out of special grants.

The School Based Youth Services Program in Plainfield, one of 29 in New Jersey, shows how the idea can work. Every school that participates must offer services in health, mental health, employment, substance abuse and family counseling in or near the school, as well as recreational programs. The program is run by the New Jersey Department of Human Services.

Although only three years old, the

program is one of the oldest and most successful in the country, according to Ms. Levy. Students' attendance records and grades are up, and fewer are dropping out, according to Edward Teitelman, who developed and oversees the program.

A model for statewide efforts in Kentucky and Iowa, the Plainfield program offers an array of services, including dance and theater programs in the summer, employment training with the local office of American Telephone and Telegraph Company and child care and parental-skills classes for teen-age mothers.

"Now I can come down here and see him whenever I want to," Jeannette Jordan said of her 2-year-old son. "They read to him, and sing songs, and it's all free."

Raising Their Sights

Many of the teen-age mothers held jobs at A.T.&T. over the summer and made the honor roll. "We are not grooming them to be day-care providers," said the program's director, Yvonne Duncan. "I expect them to go to college."

In two years, only one student in 34 has had a second baby, Ms. Duncan said. To avoid political and religious objections, the program does not distribute contraceptives, but refers students to a local health clinic.

Through the halls and up several flights of stairs is the program's main office, complete with pool and Ping-Pong tables. By noon on a recent day, students filled the office, joking and jostling one another but obeying admonitions on the blackboard to take turns and avoid fights.

The office is open every school day until 8 P.M. and throughout the summer. Not only do students have something to do after school, but by hanging around they come to know and trust the counselors.

While New Jersey is aiming at adolescents, many other programs are based in elementary schools, in an effort to resolve problems earlier.

In St. Louis, for example, the Caring Communities program serves pre-schoolers through fifth graders at the Walbridge Elementary School. Khatib Waheed, the project's director, draws on state programs and on activities he has designed for the school's students, who are mostly black and poor, and their families. The programs include tutoring, after-school child care, parental-skills training and home visits for families



William E. Sauro/The New York Times

"Now I can come down here and see him whenever I want to," said Jeannette Jordan, a senior at Plainfield High School in New Jersey, of her 2-year-old son,

Tieem, who is cared for at an in-school nursery while she attends classes. The nursery is part of the state's School Based Youth Services Program.

In danger of having children removed by the state.

Some programs are more narrowly focused on child care and child development. Mattia Finn-Stevenson, associate director of Yale University's Bush Center in Child Development and Social Policy, is working with elementary schools around the country to develop such services in the center's "School of the 21st Century" program. Its creators believe it makes more sense not to try to do too much at once, she said.

Other programs, like the one in San Diego, are part of a nationwide movement to reorganize the maze of different programs that confronts and confuses many families in trouble. City, county, and education officials in San Diego have worked for three years at

a program to open this summer at a local elementary school. The project, "New Beginnings," will place city and county social service workers at a center on the grounds of the Hamilton Elementary School, in a neighborhood with high rates of crime and child abuse.

Families will have to register their children for school at the center, so that staff workers can get to know families, said Jeanne Jehl, who directs the program. Teachers will refer children and families with problems to the center, where city and county workers who are being retrained as "family service advocates" will guide them through the supermarket of services.

Measures in New York

In New York City's Washington Heights neighborhood, the public schools and the Children's Aid Society are teaming up to finance three one-stop schools, two of them elementary and one junior high. Each school will be designed to stay open late, with classroom areas in separate wings so they can be closed at 3 P.M. Extra street lighting will be installed to make it safer to be at school at night. The schools will offer health care, counseling, adult education and recreational activities to a largely Dominican neighborhood that is one of the city's roughest.

Meanwhile, in a hint of what is to come, the school board, Children's Aid, and a local community group, Atlanta United Bank, are sponsoring

them to consider children's family, emotional and social needs.

One-stop schools go a step further by teaming schools with the often-bewildering array of social services. But they are not a panacea. Even the concept's most committed backers say the problems are complex and deeply-rooted and can seem intractable.

Those Who Got Away

Despite considerable success in improving grades, attendance and school discipline, Jill Rone is still haunted by the families she has just. For two years, Ms. Rone, a former teacher, has worked with 28 families as the coordinator for the Kentucky Integrated Delivery System program in Owensboro. She is their link to social agencies for such services as health screenings, psychological counseling, welfare or housing.

Ms. Rone tells of one family in which the father, an alcoholic, regularly abused the mother. Three of the four children were in school and all were in trouble. One child was expelled from school for violent behavior; two others were scraping by. Over a three-month period, Ms. Rone helped the family find 10 temporary housing sites. At each one, the father would go on a binge, destroy property and end up on the street.

Drawing on contacts and advice garnered from monthly meetings with representatives of social service

ing out candy for good behavior and subtracting points for misconduct. Over a year and a half, the children's grades soared from D's and F's to A's and B's. Then the family moved, out of the school district.

"I think of the man-hours we fed into this family," she said. "And I wonder, did they have enough to sustain them?"

Hurdles

Stumbling On Regulations

Schools must not only battle entrenched social ills, but overcome a number of hurdles to establish partnerships with social service agencies.

Atella Melaville, who studied dozens of such efforts for a group of school, government and business organizations called the Education and Human Services Consortium, found a number of common problems. Turf battles and disputes about confidentiality are common. So is red tape. Teachers and school administrators may be suspicious of the programs, fearing that ultimately they will be held responsible and that money will come out of school budgets.

Many social service agencies and schools have trouble sharing information with each other because of rules on confidentiality. Many agencies draw up special waivers. Here in Plainfield, program officials keep their cases out of official school files.

Regulatory nightmares abound. In Plainfield, for example, when Ms. Duncan established the child-care center, she wanted to buy a van to bus mothers and their families. The State Department of Education insisted on a more expensive school bus. The child-care center had to meet three separate codes. A dispute broke out about whether infant car seats on the bus had to be installed by minority contractors.

"The schools are, in almost every instance, the agency that is struggling in red tape and bureaucracies and rules and codes," said Milbrey Wallin McLaughlin, a professor of education at Stanford University. "People don't want to work with schools because they're such a pain in the neck."

But others who have tracked successful programs say they have overcome such barriers. Martin Gerry, assistant secretary for planning and evaluation of the Department of Health and Human Services, has examined one-stop programs in 15 states and 15 cities.

Programs worked best, he found, when they helped families as well as individual children, set reasonable goals, offered comprehensive services and involved parents and local community organizations. They need high-level political support and must be judged by results, not just efforts.

Nor do programs offering comprehensive services for families necessarily have to be based in schools, which some parents may shun be-

Meanwhile, in a hint of what is to come, the school board, Children's Aid, and a local community group, Alianza Dominicana, are sponsoring an after-school program. Every afternoon at Intermediate School 143, 150 sixth-, seventh- and eighth-graders can get help with homework, eat snacks, and play sports.

Vladimir Alvarez chewed a chocolate chip granola bar and sipped fruit punch. Despite the chatter of other children, the 13-year-old worked diligently, reading an article about baseball stars and then writing a few sentences about each one. Before the after-school program started in January, he said, he would play outside until dark and go home. "It's easier to work here," he said. "There are people to help you."

Limitations

Some Problems Seem Intractable

The approaches vary, but they all recognize that trouble at home usually spells trouble at school. The philosophy behind one-stop schools draws on ideas successfully tested by the Head Start program and by James P. Comer, a child psychologist at Yale University who has helped revive New Haven's public schools.

For 25 years, Head Start has helped prepare needy pre-school children for kindergarten by combining educational programs with health and family counseling services. Head Start teachers visit homes, and parents help run the program.

Dr. Comer has turned schools around in New Haven by creating teams of teachers, psychologists, social workers and parents and training

Drawing on contacts and advice garnered from monthly meetings with representatives of social service agencies, Ms. Rene was able to place the father in Alcoholics Anonymous and counseling programs. She worked with the mother, trying to convince her to leave her husband unless he stuck with his treatment. She tutored the child who had been expelled and enrolled him in a special program.

She met weekly with the other two children, going over homework, do-

Nor do programs offering comprehensive services for families necessarily have to be based in schools, which some parents may shun because they hated school when they were young. But many program advocates argue that schools are still the best place to reach children and their families.

"If you can keep your eye on the kids, you can get through countless controversies," said Roberta Knowlton, director of the New Jersey program. "If you look at the rules and regulations, kids get lost."



Carmen Melendez, a hygienist for Children's Aid Society, demonstrating good dental hygiene to 13-year-old Michelle Mangru during after-school program at Intermediate School 143 in Washington Heights.

How Affirmative Action Really Works

The following is an abridgement of an account of a faculty search that appeared under a pseudonym in the April issue of Lingua Franca: The Review of Academic Life, published in Westchester, N.Y. The author changed some details to protect the privacy of the persons involved.

Sept. 23, 1989. The first faculty meeting of the term for the Department of English at Midwestern State. One of our assistant professors was denied tenure last year, and, given the financial constraints on the university, we were anxious to find out whether we would be able to replace him. The chair of the department told us the following: "The dean has authorized a search at the assistant professor level for a 'minority' candidate."

Most of my colleagues—largely liberal, left ideologically and disillusioned Democrats politically—were sympathetic to the need to have minorities and women on the faculty. To this end, the department had been quite conscious of the need to hire women—who, as a consequence, were represented at all ranks, including full professor. Some years ago we had a black assistant professor who left when he received a better offer from an Eastern university. All this had been done without any specific pressure from the administration.

First Compromise

We decided to put an ad in the principal English-literature-association newsletter for job hunters. In doing so, we made our first affirmative action compromise: Although we had specific needs in certain areas, we decided not to limit the search by area. Quite simply, to do so would have reduced the minority-candidate pool to minuscule, or even nonexistent, size. The advertisement could not exclude non-minority candidates from applying. It could only state the "Midwestern State is an Affirmative Action/Equal Opportunity employer. Minority candidates are especially encouraged to apply."

In addition to placing an ad in our association newsletter, the chair placed an ad in a magazine I'll call Black Opportunity, a newsletter aimed specifically at listing jobs for minority candidates. In addition, we wrote letters to the major Ph.D.-granting departments asking them to recommend minority candidates. Finally, a number of us who had minority friends in various departments called them and asked them to recommend minority faculty who already had jobs.

A search committee, of which I was a part, was set up. We would receive about 300 applications.

Oct. 15. The dean informed us that blacks, "Hispanic-surnamed" persons and Native Americans counted as minorities; East Indians and Asians did not. Someone born in Argentina to a Jewish family

named Mendoza would count. A "boat person" from Vietnam would not.

Applications began to arrive. **Oct. 17.** In a conversation in the hall, the chair told me that he had gotten a bill from Black Opportunity for the advertisement we had placed. It was for \$300—approximately five times the cost of the advertisement in our association newsletter. This "academic mugging" seemed to me disgraceful, if also a nice lesson in affirmative action economics.

Nov. 2. I am screening the applications. A problem emerges: How do you tell who is a minority candidate? The applications,

potential minority interviewees. In fact, we had about 20 minority applications in all, about half of whom were just not qualified. We decided on four people to be interviewed—with Ph.D.s from Princeton, Penn, CUNY and Rutgers—all blacks, as it turned out, and none from this year's crop of Ph.D.s. Rather, they were faculty members in tenure-track jobs. If we hired, we were going to be raiding other institutions. (The remaining 10 interviews were scheduled with non-minority men and women.)

Dec. 28-30. Nobody who hasn't sat in a stuffy hotel room for nine hours a day of job interviews can fully appreciate the hor-

rite three black candidates to campus fourth is held in reserve. The man from Rutgers came, he saw, he conquered. I paper was interesting and thoughtful. I held up well under questioning, not over-defensive but holding his ground. The other two candidates more or less repeated the disappointing interviews. All three saw the dean.

Jan. 12. A startling development. The dean was so impressed with two of the people on the short list that he has given permission to hire both of them.

We go around the room and get ever one's impressions. It becomes clear that the first offer is non-controversial. Indeed it is unanimous: the man from Rutgers. He is in a field that we do not cover now. He is highly qualified. He is not an American black (he's a West Indian), but that's the dean's worry. What about the second offer? Here things turn slightly nasty. It becomes clear that the people in his area do not think that he is good enough. They have read his work and do not think it original or well argued. But, the argument from the opposition goes, we can't be sure that he isn't good enough. Why not hire him and let the tenure process decide the issue? Meanwhile we have an extra member of the faculty. How can it hurt?

But others, the majority, see another scenario as more convincing. In six years this person will have a long publication list in respectable journals. He will have made the academic contacts to get good letters of recommendation. He will have made himself useful around campus. At that point, given that he is black, it will be impossible for the university to deny him tenure—no matter what the judgment of his peers. So if we think now that the person is unlikely to produce excellent work, we must not make the appointment in the first place. Ultimately, that is the decision of the department.

Political Realities

Ironically, in this case the candidate's race worked against him. Had he been white, many would have been willing to give him the benefit of a trial period. But political realities made that impossible. It's also true that had he been white, he would not have made it to the interview stage.

To his credit, the dean does not question the decision of the department. The search is over. Now it is a matter of wooing.

Jan. 17. I learn in the hall from the chair that the dean has made the candidate the following offer. He will enter at a salary \$4,000 greater than any other assistant professor, including those who had been in rank for five years longer. He is offered a research fund of \$10,000 a year for three years. Unlike other research funds awarded to professors in the department, this money could be used for summer salary. He will have a reduced teaching load for his first year.

Jan. 27. The candidate, who was teaching at a state university in the Northwest, accepted.

Nov. 1. Now that it's all over, what is my view of how affirmative action works? It certainly does not conform to the picture painted by opponents of "quotas." No unqualified individual was forced upon a department against its better judgment, at the cost of passing up much better qualified non-minority candidates. Had this been a color-blind competition, our winning candidate would almost certainly not have made it to the interviewing stage, where his talents were able to show. Nor is it the case that the department had "internalized" the process so that, without being forced to, it voluntarily lowered its standards as a means to a good end. On the other hand, I do think that we were lucky: The outcome easily could have been worse.

I don't know if the applicant would have felt better if I had said, "You're not going to get an interview. You're white." But I would have.

quite reasonably, have no place to indicate race.

One looks for subtle, or not so subtle, clues. If the candidate has an undergraduate degree from a largely black school; if the candidate is working on a Ph.D. that involves minority issues; if the candidate belongs to a primarily minority professional organization; if the candidate was born in Ethiopia; if the thesis supervisor is wily enough to somehow get in a reference (not so easy without being open to charges of patronizing or racist behavior).

I usually checked with one of my black professional acquaintances. The grapevine is sufficiently accurate that they are almost always able to make a positive identification. Only once did I actually have to call a department to ask bluntly if a candidate was black (he wasn't). I began to develop moral qualms.

Nov. 10. My equivocal moral position soon took on a more personal cast. A candidate at another school where I had been a visiting professor called me to inquire about the job. While he was otherwise quite promising, I knew that he really did not stand a chance of even getting an interview. How much of the situation ought I reveal?

After some thought I decided that if someone asked me whether the job was a "real one"—i.e., competitive in the normal way—I would tell the truth: The position had been "designated" by the dean as a minority position; it was extremely unlikely that a non-minority person would be hired. On the other hand, if I were not asked point-blank, I would maintain silence about the limitations of the search.

Nov. 15. The search committee began to make a short list of candidates to invite for interviews at our annual association conference. Given the time and faculty available, we figured we could interview 14 people, but it was clear that we didn't have 14

ror of it all. Virtually every applicant was worse in person than on paper.

One, however, the man from Rutgers, actually proved more lively, more acute and wittier than his letters of recommendation suggested. He displayed a wide range of learning and an analytical mind, impressing the entire committee. Of course, we now had to read his work in more detail and he had to come give a paper to the department, but so far, so good. In addition, two other minority candidates were possibilities. Neither did particularly well at the interview, but they both seemed to be good teachers and their letters were impressive.

That same day, one of the non-minority candidates we had interviewed, an extremely promising young professor from a major graduate department, cornered me in the hall. He was currently in an unhappy academic position that left him little time for research. In spite of which he had just had a book published by Stanford University Press. He was desperate to get another position, and he knew we had nobody in his area of expertise.

"How did I do? Do you think I will get an invitation to campus?" Following my policy of not revealing more than I had been explicitly asked, I told him that while he had done well in the interview, the department would make the decision about whom to invite to campus, we had various needs and priorities, blah, blah, blah. But I knew that when he got the standard rejection letter he would blame himself for not doing better in the interview, not getting that extra letter of recommendation. I don't know if he would have felt better if I had said, "You're not going to get an interview. You're white." But I would have.

Jan. 5, 1990. The first faculty meeting after the holidays. The interviewing committee makes its report. We decide to in-

Second City Rethinking

Deteriorating services and bloated budgets have cities all over the country treading water these days. Some, such as New York, are reacting the old-fashioned way—by raising taxes and cutting vital services as a first step before making final appeals to state or federal leaders. But there's a more hopeful story to tell as well. Other cities—from Phoenix to Chicago—have decided they can no longer afford mismanagement-as-usual and are questioning entrenched bureaucratic models of governance. The future of America's major cities may lie in which approach they adopt.

Chicago Mayor Richard Daley, a Democrat, has just begun his second term by declaring war on "the most powerful force in government—inertia." In a boat-rocking inaugural address he pledged to downsize government by scrapping outdated programs and practices.

Mayor Daley zeroed in on Chicago's public schools, considered some of the worst and most spend-thrift in the nation. "The call for new money to sustain what many see as the same, old system simply will not fly," he declared. "The school bureaucracy still stands in the way of change, rather than leading it." He warned that if the bureaucracy didn't surrender its stranglehold on reform, he would consider backing a voucher program for the schools.

The mere mention of vouchers sent the local educational politburo into a tizzy. Under relentless assault, the mayor eventually suggested his voucher program would only allow students to attend other public schools. But his taboo-breaking comments will surely fuel support for a true educational-choice bill backed by members of the black caucus in the Illinois Legislature. It would create "scholarship accounts" that would al-

low Chicago students to attend any qualified school of their choice. Public schools could scrap a host of bureaucratic regulations and allow teachers to do their best.

Mayor Daley also pledged to step up his efforts to improve the delivery of services. A key weapon in that battle has been "prudent privatization." This year the city of Chicago announced it would use competitive bidding to contract out sewer cleaning along with drug- and alcohol-treatment programs. Last year the privatization of parking-ticket collections alone generated \$12 million in additional revenues. "The concept of privatization is now accepted here, because the benefits are so obvious," says Alejandro Bertuol of Chicago's Heartland Institute.

But such lessons are still lost on other cities. Though faced with a \$3 billion deficit and paying dearly to sell notes and bonds, members of the New York City Council typically attack privatization as "union-busting" and "part of the Reagan era of greed." They complain that New York has special problems other cities don't have. They are right. No other American city has adopted so many collectivist policies and yet clings to them in the face of all available evidence.

Political leaders such as Chicago's Mayor Daley who question the status quo won't find it easy to change things. Many of the practices Mr. Daley is challenging were popularized when his late father served as mayor. But he and other mayors are beginning to realize that public-sector monopolies are the policy dinosaurs of the 1990s. Cities that recognize that fact will survive and prosper. Those that do not will increasingly be at a competitive disadvantage, as residents and capital depart to cities that have had the courage to innovate and reform.

A Presidency President

Proponents of the interesting academic discipline of Public Choice begin with the assumption that politicians act in their self-interest, which explains, for example, campaign-finance laws that protect incumbents. The glaring exception to this rational incentive system has been the past 20 years of acquiescence by Presidents to micromanagement of government by Congress beyond all reasonable bounds. Especially since the closing days of the Nixon White House, Presidents have done little to protect their constitutional turf. As a consequence, concepts such as separation of powers, limited government and accountability to voters are now weak or blurred.

These heady subjects were the theme of a fighting speech last week by President Bush, who in effect said he's not going to take it anymore. Mr. Bush's announcement of his strategy for winning back powers and duties that belong to the executive branch deserves some attention, especially after the performance of the Commander in Chief in the Persian Gulf.

"Although our Founders never envisioned a Congress that would churn out hundreds of thousands of pages' worth of reports and hearings and documents and laws every year," Mr. Bush said, "they did understand that legislators would try to accumulate power." He quoted James Madison's famous warning in the Federalist Papers that "the legislative department is everywhere extending the sphere of its activity and drawing all power into its impetuous vortex."

Here's some of what the vortex sucks in. "For fiscal year 1989 the Pentagon devoted 500 man-years and over \$50 million just to write reports responding to congressional queries on such items as plans for manning tugboats and accounting for the number of bands," Mr. Bush said. He noted that Pentagon staffers respond to 750,000 inquiries from congressional staffers every year representing the 107 congressional committees and subcommittees that "oversee" Pentagon programs. These never-ending requests make it hard for anyone to function, and "waste the time and energy of the executive." They are especially a waste now that we have seen how well all those \$600 toilet seats performed against Iraq.

Mr. Bush also complained about congressional meddling in trying to mandate whom he appoints to various offices and the habit of "writing too

specific directions for carrying out a particular law." The foreign-aid bill for example, has become an international pork-barrel system where Congressmen get to "earmark" the most minute detail of how the \$14 billion program is spent. Last month, the White House proposed new legislation that would "put an end to micromanagement of all of our foreign economic, security and humanitarian assistance programs."

Mr. Bush emphasized that he sees the veto as a strong weapon for fighting back not just against bills he opposes on their merits, but also legislation that violates the constitutional design. He noted that "six times in my presidency I have vetoed bills that would have weakened presidential powers." Writing nearby, Terry Eastland describes this as the presidential "self-defense veto."

Mr. Bush has also declared in his signing statements that dozens of particular provisions in bills are unconstitutional and that he would therefore instruct his officials to ignore them. These look like item vetoes to us, though Mr. Bush still asked in his speech for the power to line-item veto, which he said he would use to stop such absurdities as "the federal grant to study cow belches or a Lawrence Welk museum." Mr. Bush pushed the item-veto debate further by reminding his audience that "some believe that I already have that power under the Constitution." But for some reason the White House hasn't tried a test case yet.

Mr. Bush's commitment to finding ways to correct the imbalance between the presidency and Congress is a far cry even from Ronald Reagan, who failed to veto the infamous Boland amendments and reauthorized the special-prosecutor law. In addition to watching the Reagan presidency founder on the criminalizing of policy differences known as Iran-Contra, Mr. Bush's experience as a Member of Congress during its continuing era of imperial overstretch must have taught him how high the separation-of-powers stakes have become.

It is appropriate that Mr. Bush made these comments at Princeton University, whose former president, Woodrow Wilson, wrote a classic political-science text many decades ago titled "Congressional Government." A power-grabbing Congress is nothing new, but a President willing to fight back is both new and overdue.