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THE WHITE HOUSE
WASHINGTON

March 7, 2000

MEMORANDUM FOR HILLARY RODHAM CLINTON

70 → **FROM:** ANN O'LEARY
RUBY SHAMIR

CC: MELANNE VERVEER
SHIRLEY SAGAWA
LISSA MUSCATINE
PATTI SOLIS DOYLE

See notes + ?s —

SUBJECT: ISSUES UPDATE

LEGISLATIVE AND ISSUES UPDATE

EDUCATION

Education Savings Accounts. Last Thursday, the Senate passed (61-39) S. 1134, the bill containing Education Savings Accounts. The President has vetoed this bill twice and Secretaries Summers and Riley have recommended that he veto S. 1134. The bill was made more objectionable after the adoption of a Roth (R-DE) amendment making the increase from \$500 to \$2000 in the annual contribution limit to the educational savings account permanent. It also eliminated \$5.5 billion in budgetary offsets provided in the underlying bill. The House has not yet considered this legislation and has no plans to do so in the immediate future.

The Senate Democrats offered a number of their education message amendments, including class size, teacher quality, and accountability, which were all defeated, largely along party lines. Senator Boxer's (D-CA) amendment expressing the Sense of the Senate that Congress implement policies to reduce the threat of gun violence in schools before April 20th, 2000 failed (49-49) in a tie vote. There was no advance notice that the vote would be a tie. The Senate then considered an amendment by Senator Durbin (D-IL) providing \$7 million in grants for violence reduction programs and funding for public notices and school programs on the dangers associated with guns. Vice President Gore came to the Senate to break a tie on this vote had it been necessary. In order to prevent this from happening, Republicans supported the amendment, which passed easily (91-7).

Elementary and Secondary Education Mark-up: The Senate Health, Education, Labor, and Pensions (HELP) Committee began marking up Senator Jeffords' (R-VT) Elementary and Secondary Education Act reauthorization bill on Wednesday, March 1st. Committee Democrats oppose the Jeffords bill because it does not incorporate any new Democratic initiatives, including those put forward by the Administration, and it contains a version of "Straight As" legislation

passed by the House which would allow States to block grant most of their Federal education dollars with no accountability. Committee Republicans dislike the bill because it does not sufficiently block grant programs. The markup reconvened today and the Committee considered a number of amendments, including:

- pls give me details*
- **Senator Kennedy** offered an amendment to **improve teacher quality** that was voted down along party lines. The amendment included a major **teacher recruitment** component that would have authorized \$270 million for a national teacher corps, supported a \$75 million initiative to recruit and retain “hometown” teachers in high-need areas, and supported alternative routes to certification through the expansion of Troops to Teachers. This amendment also included a strong accountability component based on the Administration’s proposals to ensure that the public has good information on teacher quality and it would have demanded progress in improving teacher quality by reducing the number of unlicensed and out-of-field teachers.
 - **Senator Gregg** offered an amendment to include a slightly revised version of the “Straight As” block grant in ESEA. This amendment passed along party lines. The block grant would allow local school districts to use funds under 14 separate authorities for general education reform rather than for the purposes outlined in statute. The Democrats and the Administration have argued that the role of the Federal government in education is to set national priorities to help local communities focus on strategies that work for our neediest children, including reducing class-sizes, providing afterschool opportunities, and providing educational technology to prepare students for the 21st Century. This block grant obliterates this role and has very weak accountability measures to ensure that local school districts help children meet high academic standards.

Tomorrow the Senate HELP committee will continue marking up ESEA and is expected to consider several more amendments, including:

- details*
- **Senator Mikulski** will offer an amendment aimed at **closing the digital divide**. The amendment will create a “one-stop shop” for technology education that would include a clearinghouse for best practices, including public/private partnerships; double funding for teacher training in using technology in the classroom; expand the e-rate; create an E.Corps within AmeriCorps to support community service efforts to close the digital divide; put E.villages in public housing; and create tax incentives to encourage donations of equipment, training, and technology maintenance.

Single Sex Education. Due to the increase in public single sex schools and classrooms and a desire by the Administration to support educational reforms that offer schools and school districts more flexibility to address the diverse education needs of their students, the U.S. Department of Education has been drafting a new Title IX regulation on single sex education. The impetus for this new regulation stemmed from a case filed in Harlem. In August of 1996, the New York chapters of the National Organization for Women and the American Civil Liberties Union filed a complaint with U.S. Department of Education’s Office of Civil Rights. The complaint asserted that the Young Women’s Leadership Academy, a public single-sex school for girls located in Harlem, violates Title IX. This complaint along with several others forced the Department to re-evaluate its Title IX regulation regarding single sex education. The

major changes in the regulation include: (1) allowing school districts to provide single sex classes, programs, or activities in coeducational schools (2) clarifying that when school districts operate single-sex schools (as currently permitted), they must provide equal educational opportunity to both sexes and (3) further defining equality by explaining that equality does not mean that the programs need to be identical, but they do need to be equal in all fundamental respects.

pls keep me informed

The U.S. Department of Justice has raised Constitutional concerns about the proposed regulation arguing that it may not comport with the Equal Protection clause. Currently, the Domestic Policy Council is working with the White House Counsel, the U.S. Department of Justice, and the U.S. Department of Education to work towards agreement on a regulation that would be Constitutional and would give school districts greater flexibility to operate single-sex classrooms, programs, and schools.

In addition, this issue will come up in the context of ESEA reauthorization. Jeffords' mark includes a proposal to allow for Title VI (block grants to states for general education reform) to be used for single sex schools and classes, provided that equitable educational opportunities are provided for the excluded sex and that the proposal is Constitutionally sound. In addition, Senator Kay Bailey Hutchison is expected to offer a similar amendment on the floor allowing for the use of Title VI funds for single sex schools, classes, and programs provided that "comparable" educational opportunities are provided for the excluded sex.

In the past, women's groups have opposed Senator Hutchison's amendment on two grounds: (1) concern that we do not have the research to support single-sex education in elementary and secondary education; (2) concern that "comparability" will not be monitored or implemented effectively. Historically, the groups have also been concerned that schools would promote sex-based policies, programs, and classes based on out-dated and stereotyped notions of the differences between the sexes and of the limited abilities of girls and women.

PREVENTION OF YOUTH VIOLENCE AND CRIME

Gun Safety. As you recall, last session the Senate passed four major provisions of the Administration's gun control measures including (1) closing the gun show loophole; (2) mandating child safety locks for handguns; (3) banning the importation of large capacity ammunition clips; and (4) banning violent juveniles from owning guns for life. As you know, the House did not pass similar gun control measures as part of its companion bill. Republican Leadership teamed up with Rep. John Dingell (D-MI) and forty-nine other pro-NRA Democrats to defeat the McCarthy (D-NY) amendment. Although it is quite likely that the Conference Committee on this bill could resolve most of the discrepancies on the substantive juvenile justice measures, the committee has made no progress on the gun control provisions. Our objective has been to ensure that these four provisions, most importantly closing the gun show loophole, are included in the Juvenile Justice bill.

Today, the President met with Senators Leahy and Hatch and Representatives Conyers and Hyde to discuss the impasse over gun control. At this meeting, Chairman Hyde (R-IL) stated that he is willing to reach a compromise on gun shows, child safety locks and other issues. While Hyde

indicated a willingness to compromise, the reality is that Chairman Hyde and Senator Hatch have done very little to advance the conference, and, in fact, are trying to lay the blame for the impasse on Democrats. They claim – particularly on trigger locks – that the Republicans are willing and able to reach an agreement, but that the advocates, Democrats and the President want all or nothing. It is important to note, however, that the Hyde gun show compromise is a watered down version of a proposal Chairman Hyde (R-IL) has tried unsuccessfully to get Rep. Conyers (D-MI) to accept. The Hyde compromise is particularly ineffective in closing the gun show loophole because, among other things, it:

- Excludes events where items other than guns are sold, e.g. flea markets.
- Includes a “let’s step outside” loophole that allows an individual to advertise a gun at a gun show, but offer to sell that gun to a prohibited purchaser that same day at another location.
- Prohibits the tracing of all crime guns sold through “instant check registrants,” making gun shows a safe harbor for criminals to buy guns.
- Creates a loophole that weakens existing law by limiting the time law enforcement has under current law (from 3 business days to 24 hours) to complete background checks at gun shows when there are questions about certain “non-official” records relating to domestic violence restraining orders and mental health histories.

It is not clear whether Hyde could successfully sell his compromise to his own leadership. A full analysis of the Hyde proposal is attached.

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For this meeting, the President also released *Kids and Guns*, a bulletin derived from *Juvenile Offenders and Victims: 1999 National Report*, which provides an overview of national data that show the impact the availability of guns has had on the lives and well-being of American youth. While other types of homicide remained constant between 1987 and 1993, the number of juveniles killed with a firearm increased greatly. Analysis of the data show that the rise in murders of juveniles from the mid-1980's through the 1993 peak year was all firearm related, as was the subsequent decline in juvenile murders that occurred between 1993 and 1997. The bulletin also reports on the large role guns have in juvenile suicides.

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Public Trust and Integrity in Law Enforcement. This week, Representative John Conyers plans to introduce the “Law Enforcement Trust and Integrity Act” to help force a partnership between police and community groups. In his “Dear Colleague” letter, he conjures up the images of Diallo, LA’s Rampart division, and the Abner Louima case to argue for a comprehensive approach to address the issues of police accountability and trust between police and communities. This bill includes provisions to improve law enforcement management and to improve misconduct prosecution tools including: developing and refining accreditation standards for local law enforcement agencies, supporting the development of pilot programs such as civilian review boards, requiring the AG to establish a National Task Force on Law Enforcement oversight to coordinate investigations related to law enforcement misconduct, requiring Federal data collection on racial profiling, and including a whistleblower protection to protect law enforcement officers who expose police misconduct.

ECONOMIC ISSUES

Minimum Wage/Tax Cuts. On Wednesday, the President will hold a rally on Capitol Hill to boost support for the Administration's minimum wage proposal. On Thursday, the House will consider another round of tax cuts and the minimum wage. The Republican Leadership has decided to take up two bills (1) a \$110 billion, ten year unfinanced tax cut, \$80 billion of which is in high income, estate tax relief; and (2) a \$1.00, three year minimum wage measure. The Democrats will try to propose the Administration's \$1.00, two year minimum wage increase, and Representative Charlie Rangel (D-NY) will seek to offer a Democratic alternative tax proposal, which is fully paid for, is targeted at small businesses and includes school construction bonds (it also contains a number of other provisions that the Administration does not support).

Social Security Earnings Limit. This week, the Senate may consider H.R. 5, the Social Security Earnings Test Elimination bill. The bill would amend Title II of the Social Security Act to eliminate the earnings test for individuals who have reached retirement age. Last week the House voted unanimously to repeal the Social Security earnings limit. Senator Daschle (D-SD) stated that he would allow the measure to move through the Senate as a clean bill.

HEALTH CARE ISSUES

Vaccines. Last week, the President held a meeting with representatives of key pharmaceutical and biotechnology companies, foundations, and the public health community to follow up on his State of the Union challenge to develop and deliver vaccines for diseases world-wide. For the meeting, the Administration garnered significant commitments from these sectors that will boost the impact of the Administration's Millennium Vaccine Initiative. Please see attached paper from the meeting, as well as paper on the Millennium Vaccine Initiative.

Abortion: Gag Rule. As you know, one of the first Executive Orders the President signed when he took office was the revocation of the Federal gag rule which prevented medical practitioners in Title X funded facilities to offer women a full set of family planning options, including abortion. Now, Title X projects are required to provide non-directive counseling to the patient on all of her options, including abortion, but may not specifically promote or perform abortions. This rule permits clinics to provide referrals for abortion services, but prohibits additional action to secure abortion services for a patient. Although the lift of the gag rule became effective when the President signed the executive order, the final rule for its revocation has only now been submitted for final review by the OMB. Last week, we attended a meeting led by OMB to hear from pro-choice advocates who strongly recommended that we release the final rule as quickly as possible, and that we stick fairly closely to pre-gag rule (1988) language, so as not to engender a Congressional backlash, open it up to a legal challenge, and ensure that it remains strong after this Administration.

Abortion: So-called "Partial-Birth" Abortion. Tomorrow, the House Judiciary Committee will begin marking up HR 3660, the so-called "Partial-Birth" Abortion Ban. This bill is being marked-up even though the Supreme Court is set to hear arguments on April 25th regarding Nebraska's so-called "partial-birth" ban. The Supreme Court agreed to take this case after the federal court of appeals failed to agree on whether such laws are constitutional. Currently, the

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Administration is determining whether we should file an *amicus* brief in the case. The women's groups have weighed-in strongly arguing that this Administration should not remain silent in the Court's first opportunity to undermine *Roe*. The question being considered by the White House Counsel is whether we could put forth a brief that is broad enough to support the argument against Nebraska's ban. Currently, the Counsel's office plans to propose to the President that we should submit a brief and that we should consider doing so on three grounds: (1) that this ban is unconstitutional in that it constitutes an "undue burden" on a woman's right to choose; (2) that it is overly vague because it is unclear to what procedures the ban applies; and (3) that the law lacks an exception to protect women's health.

MISCELLANEOUS

FAA Authorization Conference Report. Last Wednesday, Senators Lott and Domenici and Congressman Shuster (R-PA) reached an agreement on the FAA reauthorization bill's budget provisions. The Senate and House are planning to take up and pass the conference report this week. The bill provides funding increases for the FAA and the nation's airports for fiscal years 2001-2003, including a \$2.6 billion increase in FY 2001. Both the Airport Grants and Facilities (AIP) and Equipment (F&E) programs receive significant increases in funding and the President's Operations request for FY2001 is fully funded. Although all aviation funds remain on budget, the bill creates a de facto firewall around aviation taxes and interest in the Airport and Airways Trust Fund. The Department of Transportation supports the general agreement; and the Administration, while concerned about the de facto firewalls, expects to support the agreement because it contains sufficient funding levels for FAA and aviation programs. Please see attached article on FAA Reauthorization.

CABINET REPORT

Below are selected Cabinet reports:

Department of Justice

Internet Child Pornography Conference: From March 14-16, DOJ will co-sponsor an Internet Child Pornography and Child Support Investigations and Prosecutions conference in Savannah, GA. Attendees will include federal, state, and local prosecutors, investigators, and service providers. The training will focus on computer search and seizure, child sexual exploitation, international parental kidnapping, and trial presentations in Internet and child support cases.

Firearm Background Check Report: This week, DOJ's Bureau of Justice Statistics is expected to release *Survey of States Related to Firearm Sales, Midyear 1999*. The report provides an overview of the firearm check procedures in each state and interaction with the National Instant Criminal Background Check System operated by the FBI. This report continues ongoing data collection on the number of applications received the number of rejections, the reason for the rejection, and other processing information associated with each application to purchase a firearm.

Department of Agriculture

Organic Foods: On March 8, Secretary Glickman will unveil USDA's new proposal to establish a national organic foods standard. When first announced two years ago, the proposal attracted

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more public comments than any other USDA proposal, over 250,000, and has since been rewritten to address concerns about the use of genetically-modified organisms, irradiation, and biosludge.

Department of Commerce

Child Online Protection Act (COPA): The COPA Commission held its first meeting today at DOC in Washington. As part of COPA, Congress established a Commission to study methods of reducing access to material that is harmful to minors on the Internet and to report its findings to Congress. DOC is working with the other ex-officio members of the Commission from DOJ and the FTC to organize this effort.

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Recommendation

Wireless Innovations Initiative: On February 29, DOC announced the Wireless Innovations in Communications Initiative (WICI) to enable Federal agencies to promote more actively innovation in communications technologies. WICI will be led by a committee of federal experts within the Interdepartment Radio Advisory Committee, which is chaired by NTIA.

Department of Housing and Urban Development

Selling Homes to Local Governments: HUD has launched a new initiative to sell local governments thousands of HUD-owned homes for \$1 each to create housing for families in need. On February 28, Secretary Cuomo and Congressman Kasich announced the new HUD Good Neighbor Policy. Under the policy, single-family homes that are acquired in foreclosure actions by the Federal Housing Administration will be eligible for sale to local governments around the nation for \$1 each whenever FHA is unable to sell the homes for six months. About 3,000 homes will initially be eligible for sale to local governments under the initiative, with additional homes available for sale each month.

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Record Home Sales: New and existing home sales reached their highest level in American history in 1999, according to a report released on March 2 by Secretary Cuomo. The report shows that in all of 1999: New home sales totaled 904,000, up 2 percent from 1998; Existing home sales totaled 5,197,000, up 5 per cent from 1998; Housing permits totaled 1,638,000, the highest since 1986; Housing starts were also at their highest level since 1986, with 1,663,000 homes started in 1999.

Housing Assistance: Secretary Cuomo and Congressman Crowley announced \$75,000 in HUD assistance to benefit residents of the Queensbridge public housing development in Queens, NY. Over 3,000 families currently live in Queensbridge, making it the largest public housing development in the nation. HUD awarded a \$50,000 Community Development Technical Assistance Grant to the development's Jacob Riis Community Center. The center will run a program with LaGuardia Community College to provide job training for young people in telecommunications and information technology. HUD also awarded a \$25,000 Drug Elimination Grant to Queensbridge.

Housing Fraud Initiative: Working with local housing and law enforcement officials, HUD's Fraud Initiative has produced theft and false claims convictions in Los Angeles, CA and Brooklyn, NY. The Initiative has also prompted arrests in Staten Island and Long Island, NY. HUD losses range from as low as \$24,000 to as much as \$6 million.

Department of Education

Annual School Safety Report: In March, the 1999 Annual Report on School Safety, produced by ED's Office of Safe and Drug-Free Schools, will be sent to every school and superintendent in the U.S. The report's findings, based on data from 1997, present an updated description of the nature and extent of crime and violence on school property. The report also describes the steps that schools have taken to prevent school violence, including 54 Safe Schools/Healthy Students sites.] *Copy*

Small Business Administration

Oil Price Relief: At the President's request, SBA will make government-backed loans available to small businesses struggling under the financial burden of rapidly rising oil prices. The 7(a) program loans would be available to qualified businesses that need funds to weather current problems caused by high oil prices. SBA will be able to meet the expected demand for funds using existing loan products under the business loan guaranty program. SBA has several short-term revolving loan programs which are especially suitable for helping small businesses get through this temporary crisis. On February 8, Administrator Alvarez directed SBA field offices to alert affected companies in the fuel oil business of SBA loan programs available to help them.

General Services Administration

African Burial Ground: On February 29, GSA awarded the African Burial Ground Interpretive Center Design and Fabrication contract to IDI Construction Company, Inc. of New York. The firm will have approximately four months to design the center and present the product to GSA.

Could I see examples of what it is?

Success of Afterschool Website: Since the launch of www.afterschool.gov by Vice President Gore a few months ago, the website's popularity has soared. More than 5,000 pages on the site are viewed each week. The website is the product of an interagency partnership initiative among GSA, NPR, and 15 other agencies, and is housed on the GSA server. It is a "one-stop" location to learn about Federal resources, programs and best practices to support out-of-school time programs and is the top-rated afterschool website on AOL.

Good Neighbor Efforts: Recently, GSA met with Utica city officials and congressional staff to discuss a new partnership to revitalize the downtown federal courthouse plaza and city park in Utica, NY. Currently the historically significant courthouse and federal building are adjacent to a city-owned park and parking lot. GSA is reaching out to the community to link its improvements to the federal plaza to these two properties in an effort to draw federal employees and building users out into the community and attract new local development.

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LEGISLATIVE CALENDAR

Senate

Senate is in town this week, with no recorded votes until Tuesday evening because of Super Tuesday. Next week, the Senate is expected to take a recess.

Senate Committee Hearings

In addition to FY 2001 Appropriations Hearings, some other Senate hearings include:

- Senate Energy and Natural Resources Committee (Chairman Murkowski, R-Alaska) will hold a hearing on Wednesday to examine energy supply and demand issues relating to crude oil, heating oil and transportation fuels.
- Senate Small Business (Chairman Bond, R-Mo.) will hold a hearing on the ability of small businesses to protect themselves from cybercrime.

House of Representatives

Following "Super Tuesday," the House reconvenes on Wednesday, March 8th for legislative business. Recorded votes are expected in the afternoon. In addition to considering several measures under suspension of the rules, the House will consider four measures subject to a rule. The last vote of the week is expected by 2:00 PM on Friday.

House of Representatives: Committee Hearings

Some House Committee Hearings include:

- The Full Judiciary Committee has placed HR 3660, the so-called "partial-birth" abortion ban, on the Committee calendar for March 8 at 2pm.
- The House Commerce Subcommittee on Health and the Environment will hold a hearing on the alleged illegal sale of fetal tissue for research on March 9 at 2pm.

UPCOMING POTUS SCHEDULE

Wednesday, Mar. 8

China "Framing" Speech

Location: Johns Hopkins University, Washington, DC site

Minimum Wage Event

Location: White House

Thursday, Mar. 9

Congressional/Prescription Drug Departure Statement

Location: White House

One America Religious Leaders Event

Location: White House

Child Abuse Prevention Act Signing Ceremony

(small signing ceremony in Oval with Members-- not message event)

Friday, Mar. 10	Possible FAA/Summer Delay Event Location: TBD
Saturday, Mar. 11	Live Radio Address Topic: TBD (possibly education)
Monday, Mar. 13	Prescription Drug Pricing Report Event Location: TBD, Cleveland, OH Travel to Chicago, IL
Tuesday, Mar. 14	Medals of Science and Technology Ceremony Location: White House
Wednesday, Mar. 15	Possible Press Conference Location: White House
Thursday, Mar. 16	Possible Digital Divide Event Location: TBD Speaker's St. Patrick's Day Luncheon Location: Capitol Hill
Friday, Mar. 17	Message Event TBD
Saturday, Mar. 18	Radio Address (taped Fri. 3/17) Topic: TBD Depart for Foreign Travel
Saturday, Mar. 18 - Sunday, Mar. 26	Travel to India and Bangladesh

THE WHITE HOUSE

WASHINGTON

March 15, 2000

MEMORANDUM TO HILLARY RODHAM CLINTON

FROM: ANN O'LEARY
SHIRLEY SAGAWA

SUBJECT: STANFORD LAW REVIEW

You have been asked to write the introduction to a Stanford Law and Policy Review journal focused on the topic of "Education Reform: Examining Alternatives to Traditional Public Education." Attached please find information about the articles that will be included in this journal.

We have drafted an introduction for you. Please let us know if you have any comments or concerns.

Thank you.

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copy of
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education proposals

INTRODUCTION TO STANFORD LAW AND POLICY REVIEW

Education Reform: Examining Alternatives to Traditional Public Education

A school where children have to move when it rains to avoid the leaking roof. Another where teachers are in such short supply that classrooms are bursting at the seams. Yet another where students pass through the corridors without mastering the basics at each grade -- and where some pass all the way through graduation reading at the third grade level.

Too often these are the images that Americans associate with public education. In my travels around the country, I certainly have seen some schools with all these challenges. But more and more, I see public schools that live by the rule pasted on a wall at Public School #1 in Manhattan, "All children can learn...No Exceptions...No Excuses." This revolutionary and profound statement challenges us to redouble our efforts to make quality public education a reality for every child. But, how? That is the question at the heart of this journal.

I know from personal experience that education reform is hard work. When he was governor, my husband asked me to chair a committee in Arkansas aimed at improving the educational system there. I traveled to school districts and met with all kinds of groups of people. And I saw the need for higher standards and stronger systems of accountability.

My husband was one of the co-chairs of the historic Education Summit a few years later, when the President and all of the Governors came together to commit to national education goals and higher academic standards for all children. Ten years later, we are starting to see results of this push for higher standards. A recent study of education reform in North Carolina -- which has one of the best track records of improving achievement and closing racial achievement gaps -- shows us that putting in place high academic standards does work, particularly for disadvantaged students. This commitment has paid off on the national level, too. Last year, our nation's reading scores were up for the first time in all three grade levels that are tested, our achievement scores for math and science were up, and the SAT and ACT scores continued to increase each year for the past five years.

Now because we have seen these signs of success, we have a much better idea of what to do to help fulfill the possibility of every student and a much better idea of what more we need to do to help all public schools put in place real reforms.

The next stage of educational improvement must include a commitment to teacher quality, a renewed focus on accountability, and opportunities for real public school choice for parents and students.

Children cannot learn to high standards if they are not taught to high standards. Research shows that the most important in-school factor for improved academic achievement is quality teaching. Today, fully one-quarter of our secondary school teachers do not even hold a minor in their main teaching field and, in our poorest school districts, often the majority of the new teachers are not fully certified. If we are to expect more from our children, we need to demand more for our teachers. Teachers should be fully certified in the subject for which they will teach, they should

be provided with real opportunities for growth and professional development throughout their careers, and they should be respected and valued with higher salaries.

Children cannot learn in schools that year after year having failing grades – low academic achievement, high absenteeism, and too few qualified teachers. It is critical that we put strong accountability plans in place to identify low-performing schools, help those schools turn around, and if they do not turn around take corrective action.

Children also need to learn in the environment that is right for them. We need to do more to create more competition, more challenge, and more encouragement within the public school system. Parents need more choices in selecting their public schools. Charter schools and magnet schools can provide this choice and can invigorate entire school districts into action. By giving schools greater flexibility and freedom, they can experiment with new approaches and still be held accountable. Charter schools are empowering teachers and helping citizens feel obligated to once again be part of the education commitment.

Just as we are today just beginning to see the fruits of standards reforms of a decade ago, we cannot expect to see the results of today's efforts tomorrow. Only a sustained effort, involving all parts of the education system, policymakers at every level of government, communities, businesses, and families can ensure that every child receives the quality education he or she deserves. Quick fixes – like vouchers – won't work. Together, we need to roll up our sleeves and do the hard work necessary to make every public school world class. Our children deserve no less.

Stanford Law & Policy Review

Volume 11:2, Spring 2000

***Education in the New Millenium:
Examining Alternatives to Traditional Public Education***

Clint Bolick, *Institute for Justice*

Mr. Bolick assesses the various, promising reform efforts that have been developed to respond to the failure of the nation's public school system to deliver quality educational opportunities to America's children. In addition to discussing other specific reform efforts, Mr. Bolick discusses the Milwaukee Parental Choice (MPC) Program, the nation's first school choice program targeted to inner-city, low income families. He argues that the MPC for the first time ever, will transfer control over public education funds from bureaucrats to parents, and force the public schools to compete for low-income students and the resources they command.

Dr. Stephen Gessner, *Director of Programs, Institute for the Academic Advancement of Youth, Johns Hopkins University*

Dr. Gessner assesses the dangers and limitations of the various reform efforts. He notes that the reform effort is more rooted in ideology and political considerations (vouchers) and gives incredible control to small local groups of non-educators (charter schools). Finally, Dr. Gessner proposes in their place a more rigorous approach to teaching and learning based on national standards for content and for teachers as well as rigorous on-going assessment.

Dr. Judith Johnson, *Acting Assistant Secretary for Elementary and Secondary Education, United States Department of Education*, and Alex Medler, *United States Department of Education*

Dr. Johnson and Mr. Medler describe the U.S. Department of Education's efforts to support the expansion of public school choice, focusing specifically on charter schools. They review findings from recent Department of Education research projects and use these findings to discuss the role of charter schools in serving low income and minority students, and students with disabilities. They also provide policy recommendations for state- and district-level education leaders.

Dr. F. Howard Nelson, *Senior Director of Research at the American Federation of Teachers*

In this article, Dr. Nelson looks at the roots of private business' interests in public education and evaluates the application of private management strategies and analysis to this area. The article concludes by comparing private industry's growing role in public education with its role in the healthcare industry.

Adele Robinson, *Education Policy Analyst*

Ms. Robinson assesses the impact of private school tuition tax credits on education reform. She

argues that tax credits for private school tuition are poor education policy and poor tax policy. Tax credits, she argues, fail to benefit the low income and working families, due to factors such as accountability for student achievement, and the inability of private schools to comply with civil rights laws.

John F. Witte, *Professor at the University of Wisconsin-Madison*

Professor Witte will both describe what is essential to preserve our existing education system and outlines the possible alternatives for the future of American education. He argues that the foundations of the American education system must be protected, specifically free and public education, financing free and public schools, and an excessive investment in education.

Amy Stuart Wells, *Professor at the UCLA Graduate School of Education and Information Studies*

Professor Wells draws on the data from the UCLA Charter School Study of ten school districts in California to explore what happened when a 1992 California law allowed for the creation of hundreds of charter schools and assigned local school districts responsibility for holding these schools accountable. Using data from interviews with district officials, including administrators and school board members, as well as the principals or directors of charter schools, Professor Wells explores issues of accountability for California charter schools.

Dave DeSchryver

Mr. DeSchryver reviews the impact and improvements that charter schools have on public education. He argues that charter schools have had a "ripple effect" on other public schools, and have paved the way for systemwide improvement of public education. He concludes that strong charter school laws are necessary to continue this positive trend.

THE WHITE HOUSE

WASHINGTON

February 29, 2000

MEMORANDUM FOR HILLARY RODHAM CLINTON

FROM: ANN O'LEARY
RUBY SHAMIR

CC: MELANNE VERVEER
SHIRLEY SAGAWA
LISSA MUSCATINE

SUBJECT: ISSUES FOLLOW UP

On our last issues memo you asked us for follow up in a number of areas. Below are some answers to the questions you asked.

Crime Policy in the 21st Century. You asked us for further information on the seminar being convened today and tomorrow by the National Institute of Justice and the Office of Policy Development on public trust and confidence in the justice system. This conference, the first in a series of sessions on Crime Policy in the 21st Century, stems from work the Justice Department started last year in preparation for the crime bill to gather innovative ideas for our legislative proposal. After initial focus groups with expert practitioners, criminologists, and researchers, the group decided to focus on three areas for further exploration: (1) public trust and gaining legitimacy in our justice system; (2) sentencing and corrections policy; and (3) the role of technology and science in the justice system. The series will bring together bipartisan groups of experts to discuss the crime policy ideas that best promise to meet the needs of communities over the next five to ten years.

The first session, on public trust, will address topics including police interactions with children and minorities, jury nullification, and racial profiling and will begin tonight with a presentation by Dr. Lawrence W. Sherman, Albert M. Greenfield Professor of Human Relations at the University of Pennsylvania. Attached please find the agenda and invitation for the conference and a list of conference participants. We will attend the meeting and provide you with a full briefing afterwards.

Unborn Victims of Violence Act: Follow Up. You asked us what the rationale was for supporting enhanced sentences for intentional violence against women whom the perpetrator knows or should know is pregnant. When the Unborn Victims of Violence Act came up in the House last year, Rep. Zoe Lofgren introduced a democratic alternative that would have created a separate Federal offense to commit such acts against pregnant women, but would have prosecuted the perpetrators on the basis of the harm caused to the woman (rather than harm caused to the fetus, thereby not identifying the fetus as a separate entity). The pro-choice

community did not support Lofgren's alternative, and the Administration has never publicly supported it. In an effort to come out against the underlying legislation, support Democratic members, and not alienate the pro-choice community, we developed a public position which was a compromise, giving individual judges the opportunity to determine if enhanced sentencing is necessary.

Identity Theft and Financial Privacy and Consumer Protection. You asked us for details on the President's financial privacy and consumer protection Initiative. Last May, the President announced a plan for financial privacy and consumer protection which included measures to protect financial privacy, expand consumers right to information, prevent fraud and abuse, expand access to financial services and educate consumers and improve financial literacy. Please see attached fact sheet from announcement for further details.

The Identity Theft Summit that Treasury is holding in mid-March is a direct result of the President's announcement. At the May event, the President announced that the Treasury Department would convene a National Summit on identity theft and work with the private sector to help prevent this crime. This Summit is part of a larger Administration identity theft initiative that includes case referral, a public education partnership, and sentencing enhancements. In particular, this Summit will highlight areas where the public and private sectors can work together to address identity theft. We will attend the conference and provide you with a full summary afterward.

**Crime Policy in the 21st Century:
Building Public Trust and Confidence in the Criminal Justice System**

DRAFT AGENDA

**National Institute of Justice
Office of Policy Development
U.S. Department of Justice**

Arlington, Virginia

Tuesday, February 29, 2000

5:30 p.m. - 6:00 p.m. Registration *Francis Scott Key Ballroom Foyer*

6:00 p.m. - 6:05 p.m. Welcome and Opening Remarks *Francis Scott Key Ballroom*

Eleanor D. Acheson
Assistant Attorney General
Office of Policy Development
U.S. Department of Justice
Washington, DC

Jeremy Travis
Director
National Institute of Justice
U.S. Department of Justice
Washington, DC

6:05 p.m. - 6:15 p.m. Meeting Overview and Attendee Introductions

Francis Hartmann
Executive Director and Senior Research Fellow
Program in Criminal Justice Policy and Management
Kennedy School of Government
Harvard University
Cambridge, Massachusetts

6:15 p.m. - 7:15 p.m. Participant Presentations

7:15 p.m. - 8:00 p.m. Group Discussion (Dinner is Served)

8:00 p.m. - 8:45 p.m. Presentation of Background Paper

Lawrence W. Sherman

Albert M. Greenfield Professor of Human Relations
Director

Fels Center of Government
University of Pennsylvania
Philadelphia, Pennsylvania

8:45 p.m.

Closing Remarks and Adjournment

Eleanor D. Acheson

Assistant Attorney General
Office of Policy Development
U.S. Department of Justice
Washington, DC

Jeremy Travis

Director
National Institute of Justice
U.S. Department of Justice
Washington, DC

Wednesday, March 1, 2000

8:00 a.m. - 8:30 a.m. **Registration** *Georgetown Ballroom Foyer*

8:30 a.m. - 8:40 a.m. **Welcome and Opening Remarks** *Georgetown Ballroom*

Eleanor D. Acheson
Assistant Attorney General
Office of Policy Development
U.S. Department of Justice
Washington, DC

Jeremy Travis
Director
National Institute of Justice
U.S. Department of Justice
Washington, DC

8:40 a.m. - 9:00 a.m. **Review of Prior Evening's Themes and
Framing the Day Ahead**

Francis Hartmann
Executive Director and Senior Research Fellow
Program in Criminal Justice Policy and Management
Kennedy School of Government
Harvard University
Cambridge, Massachusetts

9:00 a.m. - 10:30 a.m. **Openness and Accountability in the Criminal Justice System,
"In sight, it must be right"**

10:30 a.m. - 10:45 a.m.	Break
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10:45 a.m. - 12:15 p.m. **Engaging the Community: Access, Inclusiveness, Diversity**

12:15 p.m. - 12:30 p.m.	Break
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12:30 p.m. - 1:30 p.m.	Working Luncheon (continue discussion of conference themes)	<i>View Ballroom</i>
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1:30 p.m. - 2:45 p.m. **Treating Citizens with Respect and Dignity** *Georgetown Ballroom*

2:45 p.m. - 3:00 p.m. Break

3:00 p.m. - 4:15 p.m. **Communication with the Public**

4:15 p.m. - 5:00 p.m. **Synthesis of Discussion and Adjournment**



INVITATION LETTER

U.S. Department of Justice

Washington, D.C. 20530

January 19, 2000

Reverend W. Stephen Fails
First United Baptist Church
1409 Deep River Road
High Point, NC 27265

Dear Reverend Fails:

On behalf of the Department of Justice, we would like to invite you to participate in a discussion of crime policy issues facing the country in the next decade and beyond. At an initial meeting held in May of 1999, we brought together a group of policy-oriented academics and innovative practitioners who identified three major emerging crime policy challenges and opportunities: (1) public trust and confidence in the criminal justice system; (2) sentencing and corrections; and (3) technology and crime. Enclosed is the summary from this meeting.

To explore these issues further and define in more detail particular challenges and solutions, the Office of Policy Development (OPD) and the National Institute of Justice (NIJ) will convene three additional discussions in early 2000. The first meeting will focus on building public trust and confidence in the criminal justice system, and will be held on March 1. We hope you will attend.

Public concerns about the fair and effective functioning of the criminal justice system have arisen in a variety of areas. While public perceptions may vary with community, ethnicity, and personal experience, there appears to be a broad consensus that the public's confidence and trust in the criminal justice system needs to be strengthened. We hope our meeting will further the national conversation on how to achieve this broad goal and will help develop concrete, viable ideas and initiatives.

Frank Hartmann, Executive Director of the Program in Criminal Justice Policy and Management at Harvard's Kennedy School of Government, will facilitate this work. We expect to have approximately 20 participants.

We have commissioned Dr. Lawrence Sherman, Director of the Fels Center of Government at the University of Pennsylvania, to prepare a background paper outlining available information about the state of public trust and confidence in the criminal justice system. The paper will also identify major factors that affect public confidence, and will be distributed to participants in advance of the meeting.

In preparation for the meeting, we ask that you outline your thoughts on how public trust and confidence in the criminal justice system can be strengthened and the role, if any, the federal government can play in doing so. Areas to consider may include issues of how trust and confidence is affected by a) the openness of the system, b) the ways in which the system and the public communicate with each other, c) the ways in which the system treats those who come in contact with it, d) the system's effectiveness in providing for public safety, and e) whether existing means of holding the system accountable bring about desired change. Specific suggestions you can provide of strategies to address these or related issues will help produce a useful result from the discussion. We will share the brief (two to three page) memos with the other participants before the meeting, and use the ideas generated to shape the meeting agenda. Please submit your ideas by Monday, February 14, 2000, to NIJ's conference manager, the Institute for Law and Justice (ILJ). Even if you cannot attend, we invite your input.

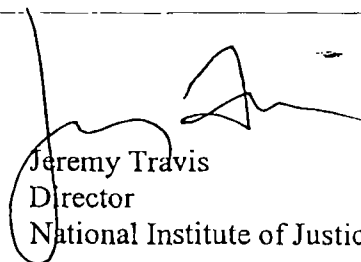
In addition, there will be a working dinner on the evening of Tuesday, February 29. We hope you will attend. NIJ will cover all travel-related expenses through ILJ. Please RSVP to Julie Allard at ILJ by Wednesday, January 26, at jallard@ilj.org or 703-684-5300. For more information about the content of the meeting, please contact Amy Solomon at NIJ (202-305-7941) or Andrea Tisi at OPD (202-616-2250).

We view this effort as an opportunity to step back and consider what the country and its communities need most in national direction of crime policy over the intermediate horizon and, to the extent possible, to develop effective strategies to respond to those needs. This meeting, in particular, will give us the opportunity to focus attention on the important issue of strengthening public trust and confidence in the criminal justice system. We look forward to your participation in what promises to be interesting and important work.

Sincerely,



Eleanor D. Acheson
Assistant Attorney General
Office of Policy Development



Jeremy Travis
Director
National Institute of Justice

Crime Policy Meeting, February 29 - March 1, 2000

Building Public Trust and Confidence in the Criminal Justice System

Participant Attendee List (Attendees who will be seated at the U-Shape)

22-Feb-00

Name	Full Address	Business Telephone Number	Business Fax Number	Registration Date
Eleanor D. Acheson	Assistant Attorney General Office of Policy Development U.S. Department of Justice 950 Pennsylvania Avenue, NW Washington DC 20530	202-514-4601	202-514-2424	04-Feb-00
David Anderson	Freelance Writer 39 W. 11th Street New York NY 10011	212-675-9538	212-675-9542	03-Feb-00
Veronica F. Coleman	U.S. Attorney Western District of Tennessee U.S. Department of Justice Federal Building, Suite 800 167 N. Main Street Memphis TN 38103-1898	901-544-4231	901-544-4230	28-Jan-00
Paul F. Evens	Police Commissioner Boston Police Department One Schroeder Plaza Boston MA 02120	617-343-4500	617-343-5003	18-Feb-00
William Stephen Fails	Pastor and Consultant First United Baptist Church Violent Crimes Task Force 1409 Deep River Road High Point NC 27265	336-882-6211	336-885-9032	28-Jan-00
Francis Hartmann	Executive Director and Senior Research Fellow Program in Criminal Justice Policy and Management Harvard University 79 John F. Kennedy Street Cambridge MA 02138	617-495-5188	617-496-9053	28-Jan-00

Name	Full Address	Business Telephone Number	Business Fax Number	Registration Date
Wade Henderson	Executive Director Leadership Conference on Civil Rights Suite 1010 1629 K Street, NW Washington DC 20006	202-466-3311	202-466-3435	03-Feb-00
Susan Herman	Executive Director National Center for Victims of Crime Suite 300 2111 Wilson Boulevard Arlington VA 22201	703-276-2880	703-276-2889	28-Jan-00
Gary R. Hinzman	District Director Sixth Judicial District Department of Correctional Services 951 29th Avenue, SW Cedar Rapids IA 52404	319-398-3675	319-398-3684	28-Jan-00
Scott L. King	Mayor of Gary 401 Broadway Gary IN 48402	219-881-1301	219-881-1337	08-Feb-00
Mike Lawlor	State Representative Connecticut General Assembly 3 Atwater Street East Haven CT 06106	860-240-0532	860-240-0021	28-Jan-00
Paul A. Logli	State's Attorney Winnebago County State's Attorneys Office 400 W. State Street, Suite 619 Rockford IL 61101	815-987-3183	815-987-3027	06-Jan-00
Tracey L. Meares	Professor of Law University of Chicago 1111 E. 60th Street Chicago IL 60637	773-702-9582	773-702-0730	28-Jan-00
Mark H. Moore	Guggenheim Professor and Director Criminal Justice Policy and Management Harvard University 79 John F. Kennedy Street Cambridge MA 02143	617-495-1113	617-495-0996	04-Feb-00
Scott C. Newman	Prosecutor Prosecutor's Office Marion County 560 City-County Building 200 E. Washington Street Indianapolis IN 46204	317-327-5662	317-327-5325	28-Jan-00

Name	Full Address	Business Telephone Number	Business Fax Number	Registration Date
Deborah Ramirez	Professor Northeastern University Law School Three Carol Lane Lexington MA 02420	617-373-4629	617-373-5056	02-Feb-00
Jerry Sanders	President and Chief Executive Officer United Way of San Diego 4699 Murphy Canyon Road San Diego CA 92123	858-636-4140	858-492-2014	31-Jan-00
Lawrence W. Sherman	Albert M. Greenfield Professor of Human Relations Director of the Fels Center of Government University of Pennsylvania 3814 Walnut Street Philadelphia PA 19104-6197	215-898-9216	215-243-1133	01-Feb-00
Cheryl Steele	Manager Community Mobilization Washington State Department of Corrections 4705 N. Addison Spokane WA 99205	509-482-3891	509-484-2006	28-Jan-00
James K. Stewart	Senior Fellow Center for Naval Analysis 4401 Ford Avenue Alexandria VA 22314	703-824-2802		04-Feb-00
Jeremy Travls	Director National Institute of Justice U.S. Department of Justice 810 Seventh Street, NW Washington DC 20531	202-307-2942	202-307-6394	04-Feb-00
Tom R. Tyler	Professor New York University Russell Sage Foundation 112 E. 64th Street New York NY 10021	212-750-6014	212-688-3393	28-Jan-00
JoAnn Wallace	Director Public Defender Services for the District of Columbia Room 219 451 Indiana Avenue, NW Washington DC 20001	202-628-1200	202-626-8423	11-Feb-00

Name	Full Address	Business Telephone Number	Business Fax Number	Registration Date
Beverly Walls Davis	Executive Director San Antonio Fighting Back 2803 E. Commerce San Antonio TX 78203	210-271-7232	210-228-0288	28-Jan-00
Fred Whiting	Senator South Dakota State Senate P.O. Box 8187 Rapid City SD 57709	605-348-0355	605-773-6806	18-Feb-00
Thomas A. Zlakel	Chief Justice Supreme Court State of Arizona 1501 W. Washington, #427 Phoenix AZ 85007	520-628-6682	520-628-6685	28-Jan-00

26 People Listed

THE CLINTON-GORE PLAN FOR FINANCIAL PRIVACY AND CONSUMER PROTECTION IN THE 21st CENTURY

May 4, 1999

Today, President Clinton Introduces Legislative Proposals and Executive Action to Protect Consumers in the New Economy, Based on Five Principles: (1) Protect Financial Privacy; (2) Expand the Consumer's Right to Know; (3) Prevent Fraud and Abusive Practices; (4) Expand Access to Financial services; (5) Educate Consumers.

PROTECT FINANCIAL PRIVACY. Cross-industry mergers and consolidation have given banks unprecedented access to consumers' financial and medical records at just the time when new technologies have made it possible -- and potentially profitable -- for banks to mine such data. President Clinton believes that consumers deserve notice and choice about the use of their personal information, and Vice President Gore has led the Administration's efforts to protect consumers' financial and medical privacy in the new financial marketplace. Today, President Clinton announced that Congress should:

- ✓ **Give Consumers More Power Over Their Own Information.** Require institutions to inform consumers of plans to share or sell their financial information; give the consumer the power to stop it. Current law does not limit on selling or sharing of information about consumers' transactions.
- ✓ **Protect Medical Information.** Impose special restrictions on any sharing of medical information within a financial conglomerate. As banks and insurance firms merge, for example, consumers should not fear that the results of a physical exam could be used to make a credit decision.

EXPAND THE CONSUMER'S RIGHT TO KNOW. Consumers face a bewildering array of choices in today's financial marketplace and often do not have sufficient information to make wise decisions. Aggressive marketing can obscure the truth about the financial choices a customer is being asked to make. For example, consumers are often surprised when low introductory credit card rates expire and interest rates spike. To address this, President Clinton announced that Congress should:

- ✓ **Improve Credit Card Disclosures.** Prevent misleading marketing of "teaser rates" by requiring equally prominent disclosure of expiration dates of low rates, eventual terms, and possible penalties; require disclosure of how long and how costly repayment would be if a consumer makes only the minimum payment.
- ✓ **Improve Disclosure Rules.** Improve disclosure rules for Internet credit card solicitations.
- ✓ **Require Greater Disclosure for Other Financial Products.** To allow consumers to comparison shop, require enhanced disclosures for rent-to-own arrangements, home mortgages and settlement services, and international money transfers.
- ✓ **Require Dual ATM Disclosures.** Require ATMs to provide disclosure of surcharges on the machine and the terminal screen, so consumers can shop with their feet.

PREVENT FRAUD AND ABUSIVE PRACTICES. More and more Americans are using the Internet to invest in the stock market and conduct other financial transactions. Fraud schemes -- including stock manipulation -- are uncovered each day. Off-line, old fraudulent practices continue, and new ones -- such as identity theft -- continue to arise. Low-income borrowers must often turn to unregulated, high-cost lenders whose terms are sometimes abusive. To crack down on financial fraud and attack other abuses, the Clinton Administration will:

- ✓ **Increase Funding for SEC Efforts.** Work with Congress to provide to the SEC \$16.5 million (\$5.5 million in addition to the \$11 million increase in the FY00 budget) to increase Internet prosecutions and surveillance, enhance the SEC's Enforcement Complaint Center, and augment training for law enforcement on Internet securities fraud.
- ✓ **Fight Identity Theft.** Launch a vigorous identity theft enforcement and prevention strategy led by the Treasury Department.
- ✓ **Fight Internet Fraud.** Crack down on Internet fraud under an effort led by the Department of Justice that will step up law enforcement training and public education.
- ✓ **Stop Sub-prime Lending Abuse.** Improve reporting of high-cost mortgage loans and give the FTC and HUD adequate authority to stop sub-prime lending abuses.

EXPAND ACCESS TO FINANCIAL SERVICES. Too many Americans cannot afford, or do not have access to, basic banking services. The Administration will increase and strengthen its efforts -- working with banks and consumer groups -- to increase access to low-cost banking services to all Americans.

- ✓ **Low-Fee Banking Accounts for Federal Beneficiaries.** The Treasury Department will pay set-up costs to encourage private banks to offer low-fee banking accounts for those who receive federal benefits like Social Security.
- ✓ **Expand Individual Development Accounts (IDAs).** The President's balanced budget would provide additional funds for accounts that allow low-income families to save for education, emergencies, homeownership or business.
- ✓ **Bolster the Community Development Financial Institutions (CDFI) Fund.** The President's balanced budget would increase funding for grants, loans, and equity investments in local institutions serving low and moderate income communities.

EDUCATE CONSUMERS AND IMPROVE FINANCIAL LITERACY. The daunting complexity of financial products and choices increases the importance of consumer financial education.

- ✓ **A Plan to Raise Financial Literacy.** President Clinton today directed that the National Economic Council prepare an interagency plan to raise financial literacy and increase the government's support for consumer financial education. Under the plan, for example, the Department of Education will publicize proven educational programs that integrate financial literacy into basic school curricula.

In America

BOB HERBERT

At the Heart of the Diallo Case

The cops had their day in court and were acquitted. The system was twisted this way and that to insure that they were treated fairly. More than fairly. The judge, Joseph Teresi, trumpeted his sympathies as soon as the trial was over by hobnobbing at a bed and breakfast with the defense lawyers.

The hope here is that the cops who killed Amadou Diallo for the crime of breathing while black will turn in their badges and their blue uniforms and move on. It would be best all around if they were to seek vocational satisfaction in some other venue.

Whatever they do, the problems that they have come to epitomize will remain — the humiliation and brutalization of thousands of innocent New Yorkers, most of them black and brown, by police officers who are arrogant, tyrannical, poorly trained, often frightened and not infrequently racist. (Remember, from the officers' perspective, the killing of Mr. Diallo was his fault.)

Much of the city remains in deep denial about the extent of these abuses. Only the most sensational cases draw the spotlight. Everybody recognizes the name Amadou Diallo. But you will get only a blank stare if you mention Brother Tyrone Davis, a teacher at a parochial school in Harlem who was stopped so often by the police he became reluctant to leave the school without his religious collar.

Mr. Diallo's mother, Kadiatou, zeroed in on a fundamental problem when she complained about the cops viewing her son as suspicious in the first place. Mr. Diallo was standing outside his home, breath-

Everyday brutalities.

ing. That was about it.

According to the police, he also looked up and down the street. "Peering" was the pejorative verb they used. Now, that's really suspicious. The next thing you know, he's dead.

Neither the mayor nor the police commissioner seemed particularly troubled by any of this. There is little in the way of official acknowledgment that there is something terribly wrong in the way that many of the city's police officers conduct themselves. Rudolph Giuliani and Howard Safir seem not to understand that their silence in the face of pervasive misconduct by the police is a way of encouraging misconduct.

Or, perhaps they do.

Mr. Giuliani would have been the perfect person to order a halt to the harassment of law-abiding New Yorkers, and to begin forging closer relationships between the police and the communities they are supposed to serve. But he did not, and it seems safe to say that he will not. Perhaps when Mr. Giuliani leaves office the city will get a mayor of all the people, and some progress will be made.

But there were missed opportunities on the other side as well. The impressive protests that followed the killing of Mr. Diallo drew nationwide attention, but that spotlight was not

used effectively. The main thrust of the protests became a demand that the cops who killed Mr. Diallo be indicted and, following that, convicted.

I think that was a mistake. The spotlight drawn by the killing of Mr. Diallo should have been thrown on the wide range of police abuses that plague New York, from the unwarranted harassment of innocent men, women and children who are stopped and frisked by the scores of thousands for no good reason; to the use of numerical quotas for summonses, gun seizures, arrests and other matters that drive cops to ignore good sense and the Constitution in a mindless attempt to satisfy mindless superiors; to the bullying and often brutal physical abuse that accompanies many encounters between the police and civilians and that results in tens of millions of dollars in legal settlements and judgments every year; to the false arrests that occur with horrifying frequency on matters large and small (the humiliating experience of Alton White, a star of the musical "Ragtime" comes immediately to mind); to the extreme tragedies, deliberate or otherwise, like the Abner Louima case and the slaughter of Mr. Diallo.

I agree with Fernando Ferrer, the borough president of the Bronx, who said, in the aftermath of the Diallo verdict: "The bigger issue is reform of the Police Department. That still has to happen. And that is all about building a relationship of trust between the community and its Police Department. That, at the end of the day, is what will keep people in the community and police officers safer." □



AFTERMATH: Officers Kenneth Boss and Sean Carroll (back to camera) embrace after hearing the verdicts. Protesters, right, in the Bronx wave their wallets, some jeering, "Looks like a gun!"



BLACK AND B

PHILIP KAMRASS—AP

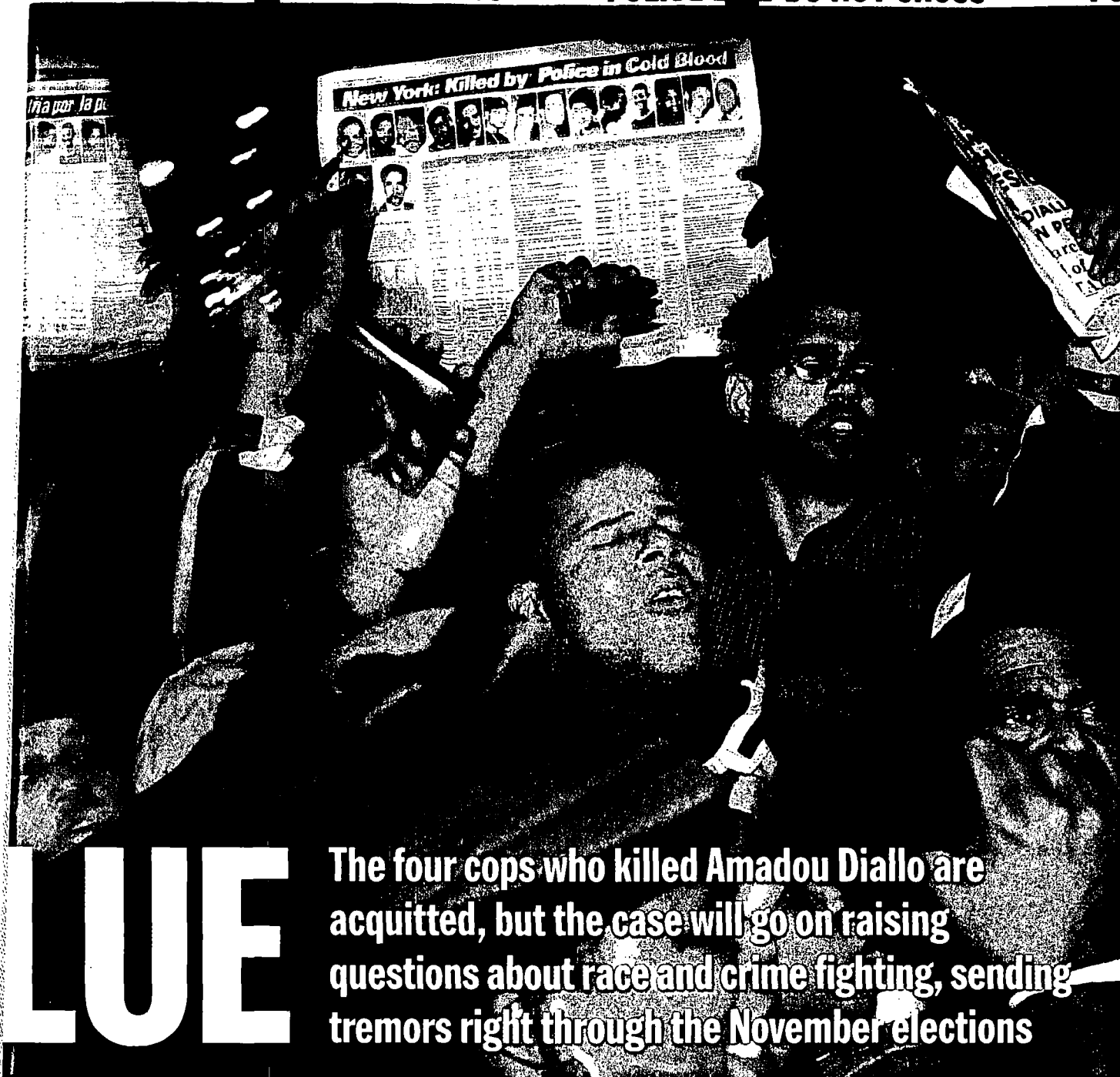


THE VICTIM: Amadou Diallo

By **HOWARD CHUA-EOAN**

THE FOUR WHITE POLICEMEN HAD FIRED 41 bullets at the young African immigrant; 19 hit their mark. Prosecutors brought six alternative charges against each of the cops; none of them stuck—neither of the counts of murder, nor the two of manslaughter; not homicide, not reckless endangerment. On Friday, as TV cameras recorded the verdict in an Albany, N.Y., courtroom, the only words that registered were "not guilty," drummed out again and again, 24 times by the time the last defendant was fully cleared. About 140 miles to the south,

in New York City, where the killing took place, where it was deemed too explosive to hold a trial, a cold, dull rain deepened the numbness brought on by the news. Anger could muster only brief marches through the Bronx neighborhood where the shooting occurred. One man raised his infant son in the air and pointed to the color of the child's skin. "Shoot him now!" But mostly it was momentary street theater; a demonstration the next day briefly tied up Manhattan traffic, but the shouting soon settled into foul, frustrated meditations on why so many bullets, why so little retribution. Still, the powers that be—or would be—watched warily and, for the most part, chose their words carefully.



LUE

The four cops who killed Amadou Diallo are acquitted, but the case will go on raising questions about race and crime fighting, sending tremors right through the November elections

BEBETO MATTHEWS—AP

In the courtroom, as the first “not guilty” sounded, the dead man’s mother had allowed herself a measure of despair. Her shoulders slumped; her bearing, which had been formidable in the face of four weeks of graphic testimony, finally gave way. As the 24th verdict was uttered, she clutched her brother’s hand. Then, with the court adjourned, Kadiatou Diallo walked out, tears streaming down her face, refusing to make eye contact with the four defendants and their families, who were giving themselves up to elation, hugging and making the sign of the cross. The Muslim woman, her ex-husband beside her, spoke calmly at a brief press conference, but her words had a touch more emotion when she got to the sanctu-

ary of her hotel room. “No human being deserves to die like that,” she told *TIME* as she imagined the last moments of her son Amadou. “Standing in front of your doorway where you live. Is that a crime? All he was doing was going home.”

Last week disparate pieces fell together, locked in place, and, suddenly, abstract controversies were framed in a comprehensible melodrama: a mother’s search for justice, a city’s battle against crime, the skin colors of power and powerlessness, the politics of outrage, the ambitions of a First Lady and a mayor—as well as the men who would be President. With the numbing beat of 24 not-guilty verdicts, racial profiling, police brutality, the rights of minorities and the promises of the Constitution



HIS MOTHER: Kadiatou Diallo

NATHY WILKINS—AP

were funneled into a compelling narrative. A different but equally riveting tale is unfolding in Los Angeles, where last week the FBI joined a widening investigation into allegations that antigang cops acted like gangsters themselves—lying, stealing and shooting people with no cause. The arguments about the consequences of policing the police now have a clear dramatic arc; the debate can now be conducted in parables.

Television had humanized the defendants, and audiences were both perturbed and moved by their relief at acquittal. "They are suffering," said John Patten, the attorney for Officer Sean Carroll. "This has

ests in Guinea, Togo, Liberia, Thailand, Vietnam and Singapore. Amadou had seen those troubles and been to those places, but he wanted to make his mark in America. He loved America, said an uncle, more than the Americans did. Diallo was so eager to live in the U.S. that he applied for the status of political refugee under false pretenses and, once in New York City, took a job as a street vendor selling videotapes, socks, gloves.

On Feb. 4, 1999, home for Amadou Diallo was an apartment in the Soundview section of the Bronx. It was just after midnight, a time when the city's elite Street Crime Unit could often be seen patrolling the

Officers Sean Carroll, Kenneth Boss, Richard Murphy and Edward McMellon were looking for a rapist when they spotted Diallo at the front door of his apartment building. And though other witnesses saw and heard things from a distance, the only close-up testimony comes from the cops. Officer Carroll's account would be pivotal to the court case. "The way he was peering up and down the block," said Carroll from the witness stand, had made the police suspicious of Diallo. "He stepped backward, back into the vestibule as we were approaching, like he didn't want to be seen ... And I'm trying to figure out what's going



MARKERS: At the building where Diallo died, plastic cups indicate where shell casings were found.

been terribly difficult for them." Kadiatou Diallo sensed all that. The trial, she says, was for the benefit of the four policemen. "Amadou did not come out here," she says. "It was limited to the people who were on trial. No one came to know who Amadou really was." She does not want people to forget who he was and what happened to him.

HE WAS THE GOOD SON, THE CHILD WHO ALWAYS smiled, who never hurt anyone. "He began reading the Koran by himself," Diallo recalls proudly. And always said his prayers, bowing toward Mecca the prescribed five times a day. Perhaps made shy by a youthful stutter, Amadou nevertheless chose to emulate the adventurous example of his father Saikou, a man who had risen from street vendor in West Africa and dodged coups d'état and other political turmoil to become a businessman with inter-

poorest neighborhoods. The SCU's motto said as much: We Own the Night. The unit had been expanded, perhaps too quickly, from 150 undercover officers to nearly 400. Recruits were given only three days of intensive training. The unit belonged to no precinct and was based on one of the islets in the East River, isolated from every borough but having the freedom of the city to search, frisk and arrest. It had been tremendously successful. Though making up less than 2% of the police force, the SCU accounted for more than 20% of the city's gun arrests, reducing the number of weapons by more than 2,000. The murder rate plummeted. But the unit's arrests came at a huge social cost: in 1997 and 1998 it stopped and searched 45,000 men, mostly African Americans and Hispanics, in order to make slightly more than 9,000 arrests. And on Feb. 4, 1999, it came upon Amadou Diallo.

on. You know—what's this guy up to? ... I was getting a little leery, from the training, of my past experience of arrests, involving gun arrests."

THE INDIVIDUAL TURNED," recalled Carroll, "looked at us. His hand was on—still on the door-knob, and he starts removing a black object from his right side. And as he pulled the object, all I could see was a top slide—it looked like a slide of a black gun ... Believing—believing that he had just pulled, was about to fire the gun at my partner, I fired my weapon."

A first barrage of bullets by the four officers was followed by a longer second set of shots. Diallo was pinned against the doorway. "There was splintering of wood," said Carroll. "There were sparks. And there ap-

peared to be muzzle blasts coming from where the individual was standing ... and I started to shoot at his legs. Because I figured if he's wearing a [bulletproof] vest, the only way to stop him was to take his legs out." Diallo's body had slumped down. "His head was propped up against the wall," said Carroll. "There was an object in his right hand."

Then Carroll made his discovery. "When I removed the object from his hand, which I believed to be a gun, I grabbed it, and it felt soft. I looked down at it, my left hand, and I seen it was a wallet. I lifted up his shirt a few inches, and I observed two bullet holes to his lower midsection, and

Gore and Bill Bradley were drawn into the debate. The Diallo debacle was at the core of the first question asked of the two candidates at a debate sponsored by TIME and CNN at Harlem's Apollo Theater last week. Both Gore and Bradley fell over themselves to become Commander in Chief of the forces against racial profiling—Bradley promising an Executive Order eliminating racial profiling at the federal level, Gore raising the ante to a national law outlawing racial profiling altogether.

It was no coincidence that the person who posed the question was the Rev. Al Sharpton, the controversial civil rights ac-

calling the demonstrations silly, and saw his mayoral approval rating plummet. After the verdict last week, Giuliani reached out to the Diallo family but spent as much energy calling on angry citizens to "put their prejudices and biases aside. We have racism in New York ... We also have a vicious form of antipolice bias." The First Lady, who had already apologized for the murder remark, was more cautious in her reaction. She asked people "to strive for a better understanding of the incredible risk police face," and for police and citizens "to treat each other with mutual respect." Her remarks seemed to be aimed at avoiding further con-

FOUR FACES, 41 SHOTS

The defendants were remorseful during the trial, and may yet face administrative charges



EDWARD MCMELLON

AGE: 27
FIRE: 16 shots
JOINED N.Y.P.D.: 1993
PROMOTED TO STREET CRIME UNIT: 1998
FELONY ARRESTS: 86
Five civilian complaints, none deemed to be substantiated; three citations for excellence



SEAN CARROLL

AGE: 36
FIRE: 16 shots; first officer to shoot
JOINED N.Y.P.D.: 1993
PROMOTED TO STREET CRIME UNIT: 1997
FELONY ARRESTS: 68
Two citations for excellence on duty



RICHARD MURPHY

AGE: 26
FIRE: four shots
JOINED N.Y.P.D.: 1994
PROMOTED TO STREET CRIME UNIT: 1998
FELONY ARRESTS: 55
No civilian complaints



KENNETH BOSS

AGE: 28
FIRE: five shots
JOINED N.Y.P.D.: 1992
PROMOTED TO STREET CRIME UNIT: 1998
FELONY ARRESTS: 97
One complaint involving a fatal shooting; 23 citations for excellence on duty

said, 'Oh, my God.' I just held him, his hand. I rubbed his face. 'Please don't die.'"

But Amadou Diallo was dead.

IN THE DAYS AND WEEKS AFTERWARD, protests and public outrage were all-consuming, even for a city used to fracas and brouhaha. Law-and-order advocates squared off against civil rights activists; columnists sparred and ranted; members of the O.J. Simpson dream team did cameos. In a daily ritual as practiced as a tea ceremony, hundreds of demonstrators, including actress Susan Sarandon and former mayor David Dinkins, got themselves arrested outside police headquarters. The SCU was suspended and then dispersed, its members promoted to detective and sprinkled throughout the police department. And as the presidential-campaign season dawned (and the March 7 date of New York State's primary neared), Al

tivist who has been a champion of the Diallo cause. Sharpton's question was carefully phrased: "We are asking you what concrete steps would you make if you were elected President to deal with police brutality and racial profiling without increasing crime. How would you keep crime down but at the same time confront the problem of police brutality and racial profiling?" After the verdict last week, he urged calm. After years of playing the bombastic gadfly, Sharpton has emerged as the most important black leader in the city, and how he manages the fallout from the Diallo case will not only shape his political future but may also influence the country's most-watched Senate race this fall.

As for those senatorial wannabes, Hillary Clinton and New York Mayor Rudolph Giuliani, both played to type earlier in the tragedy. She called the killing a murder. He lashed out at those who criticized the cops,

trovsky, while Giuliani, who has been taking heat from this case for a year, was ready to keep taking it. Clinton will probably face growing pressure from liberal supporters to push for the Justice Department's prosecution of the officers on civil rights charges. Giuliani contended that the case did not warrant such a trial, and some observers said the verdict got Giuliani out of a tight spot, since now he can defend the entire jury system instead of just the police.

Who lost the trial? Most critics point to Bronx district attorney Robert Johnson. For one thing, Johnson, who is African American, chose not to assign any blacks to the prosecution team, which probably meant a less passionate presentation of the case. Race was never articulated as an issue at the trial, even though its presence was pervasive. Prosecutors backed off the defendants when they stood by their stories and

appeared remorseful; the government also failed to press key points, including the possibility that Carroll was actually within the vestibule when the shooting started. More than a case lost, however, the trial was won. Defense attorneys had deftly kept their clients from testifying to the grand jury, depriving the prosecution of testimony to mull over until the witnesses actually got to the stand. Carroll's testimony dovetailed with Judge Joseph Teresi's four-hour instruction to the jury of seven white men, four black women and one white woman. He told them they must acquit a defendant if they believed he reasonably but mistakenly thought he had to use deadly force in response to a threat. After 21 hours of actual deliberation, the jury came down on the side of the police. The Justice Department, which has been monitoring the Diallo case from its inception, said it would look into civil rights violations, though most observers believe it will be hard to fault Teresi's court.

The next move may be the Diallos'. In the fictional life he created to persuade immigration officers to let him stay in America, Amadou Diallo claimed he was a refugee from "ethnic cleansing" in the West African nation of Mauritania, that soldiers had tortured his uncle to death, that they had murdered his parents. Now, his parents, alive, have come back to seek justice for their dead son. After some squabbling, they have settled on how they will administer Amadou's estate. It could be worth a lot, especially if a civil suit against the police department succeeds. It will be the Diallo family's chance to make the city accountable for the acts of the SCU, which one TV commentator called an "unindicted co-conspirator." Even some cops expect a day of reckoning. Says a Brooklyn sergeant: "If there is anyone who should have been on trial, it is the department. Those guys went out for numbers—they didn't go out to kill anyone—but the department wants guns and numbers."

Kadiatou Diallo cannot yet bring herself to reconcile with the men who killed her son. Last week, the verdict still fresh, her lawyer said that reporters would ask her about Sean Carroll's wish to meet with her. Her response was to fold her arms across her chest. "Only when the person comes and says the truth," she says. "Then forgiveness will come."

—Reported by Elaine Rivera/
Albany and Edward Barnes, Eric Pooley and
William Dowell/New York

DIVIDING LINE ■ Jack E. White

Big Al's Finest Hour

Sharpton emerges as the voice of black outrage

IN THE END, THE TRIAL IN ALBANY NEVER CONFRONTED THE EXPLOSIVE QUESTION that lay at the heart of the case. If the unarmed Amadou Diallo had been a white youth instead of a dark-skinned immigrant from Africa, would he be alive today? "Race didn't become an issue during the trial," says attorney Johnnie Cochran, who got his start prosecuting cases of police misconduct in Los Angeles long before he ever heard of O.J. Simpson and who briefly served as a legal adviser to Diallo's family. "It was like there was a big pink elephant in the room and everyone acted like it wasn't there."



BLUNT QUESTIONS Sharpton leads protesters at the courthouse in Albany

That is why the not-guilty verdict left so many black New Yorkers feeling no justice and no peace. It is also why the Rev. Al Sharpton, for all his flaws, has become the man they turn to when they think they have been victimized by racist cops. Sharpton believes the all-white prosecution team from the Bronx district attorney's office botched the case by failing to offer rebuttal evidence and treating the defendants with kid gloves. "Heck, man, I could have asked better questions than that," Sharpton scoffed after a gingerly cross-examination of one of the accused officers. "The prosecution failed to raise a lot of issues that would have given the jury a better sense of what they were looking at. They never made it clear that many white cops come into the city thinking that they're going into the jungle to tame animals rather than serve the people."

Such bluntness, says the Rev. Floyd Flake, a former New York City Congressman, has so enhanced Sharpton's stature that no Democratic candidate would think of courting the black vote without his endorsement. But Sharpton's flamboyant image and checkered past have made him an easy target for right-wingers to use against their political enemies. For example, after Bill Bradley assailed George W. Bush for hustling votes at South Carolina's Bob Jones University, which still bans interracial dating, conservative pundit George F. Will homed in on Bradley's meetings with Sharpton. Noting that Sharpton "associated with a colossal fraud in the Tawana Brawley case," Will asked Bradley in a TV interview, "Are you comfortable around him? And why?" Bradley ducked the question.

That's one reason I wish Sharpton, 45, had the courage to apologize to Steven Pagones, the white former prosecutor he falsely accused of kidnapping and raping Brawley. Admitting that he did Pagones an injustice—and paying the \$65,000 defamation judgment Pagones won against Sharpton last year—is the right thing to do morally. And it would make it harder for Sharpton's critics to deflect his message by harping on lingering doubts about his character. When I made these points to Sharpton, he replied, "You may be right." But he insisted that he won't even consider apologizing unless he loses an appeal of the slander verdict.

It's a big mistake, maybe even a sin, to wait that long because at his best Sharpton has the makings of a moral leader. You could sense that as he stood outside the courthouse in Albany to appeal for calm. "Let not one brick be thrown, not one bottle be thrown," said Sharpton. "Those that believe in Amadou should not betray his memory by acting like those who killed him." That's the kind of talk New York needs to hear as it searches for answers to the questions that were not asked at the trial.

GANGSTA COPS

As the L.A.P.D. scandal keeps growing, a city asks itself, How could the police have gone so bad?

By ADAM COHEN

SO WHAT HAVE YOU GOT FOR US? It's the question D.A.s always throw back at criminals looking to save their own hides. O.K., then, what bigger fish are you going to help us fry? In this case the perp, Rafael Perez, was a Los Angeles cop accused of stealing 6 lbs. of cocaine from downtown headquarters to sell on the street. If Perez wanted to plea bargain that, he'd better offer something pretty good.

He did. Perez admitted that he and his partner had shot an unarmed, handcuffed 19-year-old and planted a rifle on him to cover it up. And then in 2,000 pages of riv-

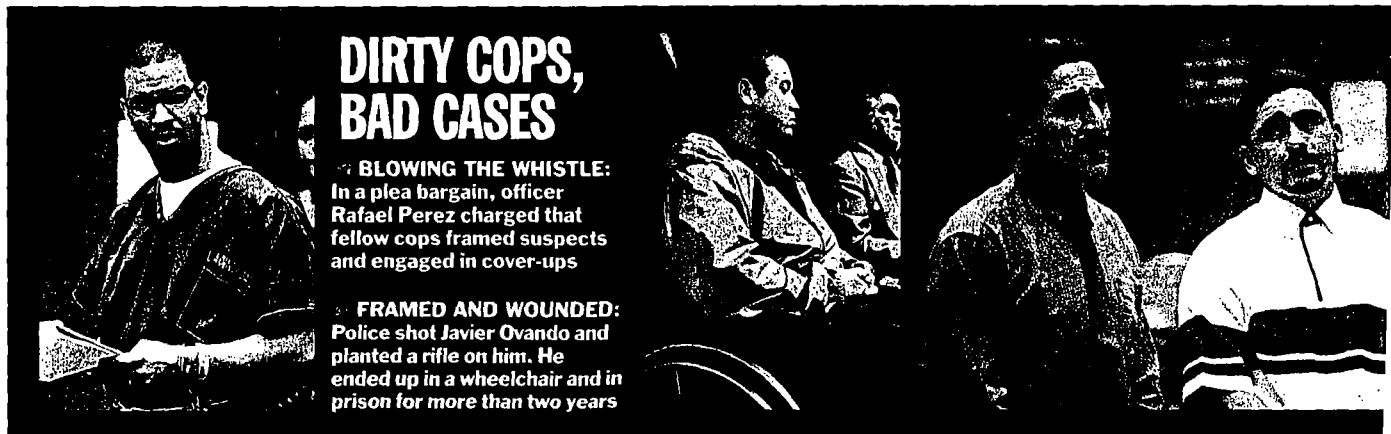
eting testimony, Perez yanked back a curtain on a dark, dime-store-novel world in which cops routinely frame the innocent by planting ("throwing down") drugs and guns, smack around ("thump") citizens on the street for kicks and perjure themselves ("join the liar's club") to get convictions.

The upshot has been the biggest police scandal in Los Angeles history. At the center is the Rampart division—a police station in one of the city's poorest neighborhoods—and its special antigang unit. In the six months since Perez started talking, lurid revelations about law enforcement Rampart-style have emerged almost daily: allegations that cops raped a woman while on duty; accusations that a cop interrogat-

ing a handcuffed man beat him until he vomited blood; a fast-growing list of prisoners who were allegedly railroaded with fabricated evidence and police lies.

Forty criminal convictions have already been reversed, and hundreds more are targeted for immediate review. Public defenders predict upwards of 4,000 cases could be affected. So far, 20 officers have been relieved of their duties, two others fired and scores more placed under suspicion.

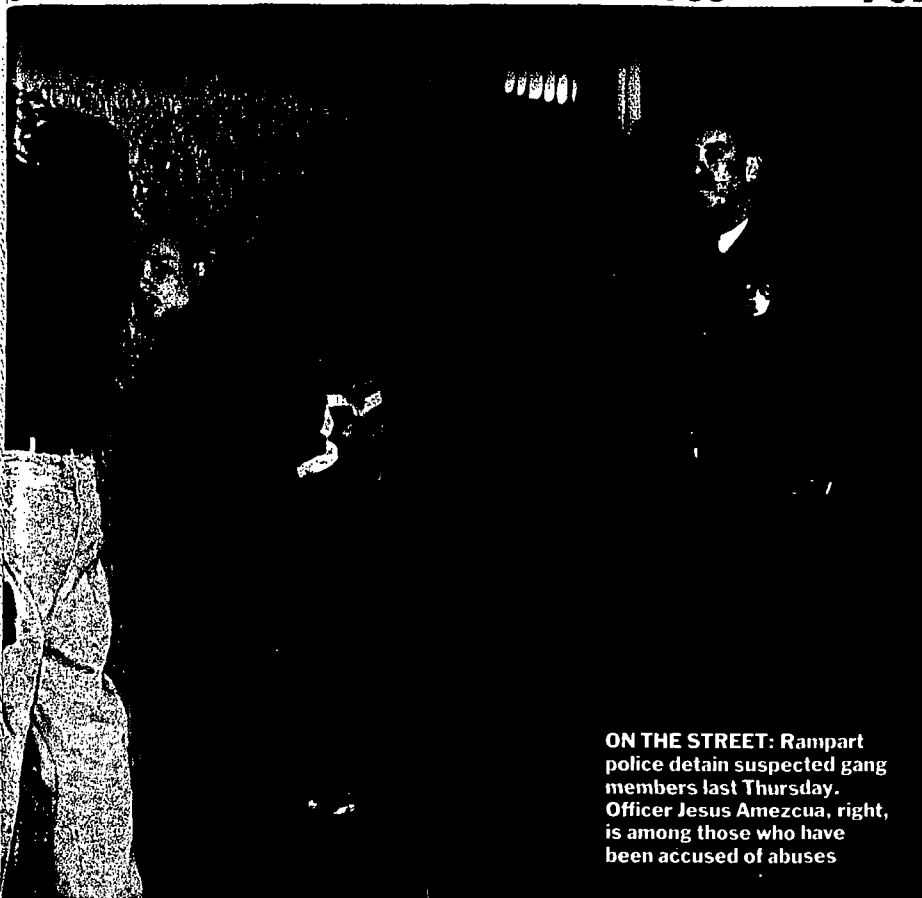
Last week the FBI joined the campaign to root out public corruption and civil rights abuses. The G-men assigned to the case have joined a crowd of other investigators—the civilian police commission, the Los Angeles district attorney's office, the



DIRTY COPS, BAD CASES

BLOWING THE WHISTLE:
In a plea bargain, officer Rafael Perez charged that fellow cops framed suspects and engaged in cover-ups

FRAMED AND WOUNDED:
Police shot Javier Ovando and planted a rifle on him. He ended up in a wheelchair and in prison for more than two years



ON THE STREET: Rampart police detain suspected gang members last Thursday. Officer Jesus Amezcua, right, is among those who have been accused of abuses

bad—a city is wrestling with a larger question: Who will police the police?

THE RAMPART POLICE STATION, IN THE shadow of downtown Los Angeles, is set in the middle of one of the city's toughest neighborhoods. It's a densely populated mix of Latino immigrants, Korean shopkeepers, down-on-their-luck drug addicts and gangs—lots of gangs. The 8-sq.-mi. area has 30 different youth gangs, with thousands of members among them, squaring off for turf.

To win the area back, the L.A.P.D. established a special antigang unit, Community Resources Against Street Hoodlums, or CRASH. In addition to their weapons and swagger, CRASH officers were armed with a powerful legal tool—sweeping antigang injunctions (since lifted) that gave them free rein to push around suspected gang members. Among the offenses the injunction covered: blocking sidewalks and carrying pagers.

In their domain, Rampart's CRASH officers ruled. "The most powerful public official in the city of Los Angeles is not the mayor," says Robert Hansohn, the recently installed captain brought in to clean up the Rampart division. "It's the officer we put out there on the street in a black-and-white car with guns, badges, shotguns and assault weapons." In the '90s the CRASH unit certainly lived up to its name, with a confrontational style of policing that aggressively took back the streets. It seemed to be getting results. In the 1960s the area had 170 murders a year. Last year there were just 33.

There have long been complaints that Rampart cops were playing dirty. "It's been happening for years," says Alex Sanchez, a former gang member arrested by Rampart and facing deportation. "We've seen cops take drugs and let the youths go. We've seen them plant drugs on others. Youths have been saying, 'That wasn't mine. He planted it on me!' But who would believe them?"

police department's internal-affairs unit along with a special task force. Following in their wake: an army of private lawyers who have been flooded with calls from alleged Rampart victims. By the time all the civil rights lawsuits are resolved, Los Angeles could face hundreds of millions of dollars in liability. Mayor Richard Riordan has called for using the city's \$300 million in tobacco-settlement money to resolve the litigation.

And the scandal shows every sign of spreading. Charges have been leveled that the Rampart division systematically targeted for deportation immigrants who were witnesses to police malfeasance. L.A.P.D. chief Bernard Parks told the city council that investigators will look beyond the alle-

gations at Rampart. One source close to the investigation said it could spill over into at least one nearby division.

The Los Angeles Police Department has had a troubled history, from the pervasive corruption of the 1930s and '40s to the bitter feelings of the city's minority communities toward former chief Daryl Gates' department, culminating in the uproar over the 1991 beating of Rodney King. But the Rampart scandal has taken police misconduct to a new level of lawlessness and given currency to a new term: the gangster cop—not much different from the gang members the police are battling. As investigators work to get to the bottom of it all—and to separate the good cops from the

EXONERATED: Steven Garcia, left, and Armando Carillo hear a judge throw out their convictions as a result of the Rampart scandal

FIGHTING TO STAY: Alex Sanchez says the L.A.P.D. is trying to deport him to his native El Salvador because he's an alibi witness in a murder case



COMING HOME: His drug conviction reversed, Joseph Jones greets his son Andrew Chavez, 10, after being released from state prison

BACK TO COURT: Raul Rodriguez has filed a civil rights suit against the cops—one of hundreds that may eventually be filed—for setting him up on murder charges



The fact was, as long as the complaints were coming from suspected gang members—some of whom had criminal records—no one much seemed to care. “If you peeled the layers back in a community and got down to the truth and asked, ‘Do you mind what we do to get them off the street?’ they’d say no,” says Hansohn. “Just get rid of the six gang members on that corner.”

That all changed when one of CRASH’s own started talking. Perez says he was part of a tight-knit group of CRASH officers who played by twisted rules. This antigang fra-

tells of another CRASH officer who shot a suspect repeatedly with a beanbag shotgun—a nonlethal weapon used to knock suspects to the ground—for the fun of it.

Some of the malfeasance was more lethal. Perez’s most incendiary story concerns the 1996 shooting of admitted gang member Javier Francisco Ovando. Ovando was a skinny 19-year-old whom Perez and his partner shot and then, according to Perez, planted a rifle on to make it look as if Ovando had attacked the police. Ovando was paralyzed, and may never walk again.

casings so they could deny having fired their weapons. When it turned out that two men had been shot, the police concocted a story: that the injured men had been aiming their guns at the police.

One of the most brazen officers was Perez’s friend David Mack. Mack is serving a 14-year prison sentence for robbing a bank of \$722,000. After the robbery, Perez says he traveled to Las Vegas with Mack for a high-living gambling spree. Mack has reportedly renounced his police associations and claims to belong to the Piru Bloods, an



TOUGH TACTICS: Police say antigang sweeps, like this one conducted by a Rampart unit in 1994, were needed to keep the streets safe. Critics say the sweeps led to abuses

ternity acted a lot like a gang itself. When a new recruit joined the unit, CRASH members allegedly circled around and beat him—an initiation ritual that criminal gangs call “jumping in.” In one case, a white CRASH officer leaving the scene of a police beating of a civilian—for which the city had to pay a \$25,000 settlement—allegedly yelled out, “*Puro Rampart!* [Totally Rampart],” an imitation of a gang slogan.

Perez has recounted a stunning collection of illegal acts, many as bizarre as they are disturbing. He told of one officer whose car tires were slashed. The cop and his partner tracked down the gang member they believed was responsible and dropped him—naked—in a rival gang’s turf. Perez

The judge at the trial lambasted Ovando—who had to be wheeled in on a gurney—for endangering the lives of two hero policemen, before sentencing him to 23 years in prison. In September, Ovando was released after serving two years and 11 months.

Perez also claims to have helped cover up two other unjustified shootings. In one, he says, he watched police plant a gun next to Juan Saldana, 21, whom they had just shot. Perez says the cops delayed calling an ambulance for Saldana while they worked with a supervisor on getting their stories straight. Saldana ended up bleeding to death. In another case, Perez says, police shot at New Year’s celebrators who were firing guns into the air at midnight. He says at first he helped pick up the officers’ shell

L.A. street gang. And the Los Angeles Times has reported that Mack is being investigated in connection with the murder of Christopher Wallace—the rapper Notorious B.I.G.—who was shot to death after leaving a party in 1997.

Last week the L.A.P.D. scandal veered off in a new direction as charges surfaced that the police have illegally used deportation as a weapon. Perez reported that CRASH officers conducted routine street sweeps to check the immigration status of suspected gang members. That would violate a 21-year-old Los Angeles policy that in most cases bars the police from arresting illegal aliens and turning them over to the Immigration and Naturalization Service. CRASH officers have also been accused of using the INS to have

antipolice witnesses deported. They allegedly worked from a list of 10,000 Latinos they believed to be deportable because of supposed gang ties. Latino leaders have charged that the list is so long it amounts to placing a whole community under suspicion.

The man at the center of the deportation controversy is Alex Sanchez, who is being held for deportation to his native El Salvador. A former gang member, Sanchez works with a group called Homies Unidos that fights gang violence. Sanchez also is an alibi witness for Jose Rodriguez, a 15-year-old charged with murder (and later acquitted). Sanchez says the police want to deport him because he was with Rodriguez at the time of the killing—at a Homies Unidos function—and because he knows how the cops operate. "They felt I was a threat," he says. "I knew how they beat up kids in alleys and threatened deportation. So I was a target."

But the heart of the scandal remains the thousands of convictions that have been placed in doubt. In words that defense lawyers will be citing for years, Perez told authorities that "90% of the officers who work CRASH, and not just Rampart CRASH, falsify a lot of information." Defense attorneys claim to be working from a list of 17,000 convictions that could possibly be tainted, involving 71 L.A.P.D. officers.

LOS ANGELES IS ONLY NOW HEARING many of those stories—like Rafael Zambrano's. Zambrano was at a party when 15 Rampart cops, including Perez, burst through the door. While Perez was arresting Zambrano, he found a gun, which Zambrano says was planted. Zambrano was familiar with Rampart officers. Before his arrest, he says, they regularly showed up at his home and harassed him and his family. Once, he alleges, they held his brother over a rooftop ledge and threatened to drop him. Zambrano, who served 16 months in prison, is suing the city.

Zambrano's lawyer, Gregory Yates, has an additional 30 clients with police-misconduct complaints against the city. He says the cases he has seen so far point to "systematic corruption" in the ranks of the L.A.P.D. One disturbing pattern: many of his clients have told him arresting officers tried to recruit them to sell drugs. Another lawyer, Steven Yagman, has filed 10 lawsuits against the city and says he expects to file 190 more in the next month. Not all involve Rampart directly, but most of the defendant officers spent some time there. Yagman says the current predictions for how much the scandal will cost are grossly low. "I think it will bankrupt the city," he says.

What went wrong in Los Angeles? A lot

of the blame seems to lie with poor hiring practices. Analyzing the scandal for the city council, Chief Parks admitted that four of the officers on official leave because of the scandal should never have been hired because of prior arrest records, bad debts or inability to handle financial problems.

L.A., like many other cities, is finding it hard to attract good talent. Police salaries are generally low, and in a tight labor market, there are lots of easier ways to earn a living. The L.A.P.D. is understaffed by some 700 officers. Although it has been advertising heavily, including on the Internet, the department has been falling short of its recruitment targets lately, hiring only 20 or so candidates a month when it needs more than 100.

Getting good recruits is particularly difficult when departments bulk up quickly, as the L.A.P.D. did in the late '80s and early '90s—so-called binge hiring. L.A. isn't alone on this score. In the early '90s Washington hired 1,000 police in a hurry for political reasons. Since then, 25% have been discharged for misconduct or indicted.

Weak supervision has also been a problem. Los Angeles lost 1,600 positions in the 1980s owing to budget cuts, and much of the attrition came among managers in the field. Parks says supervisors often didn't see—or worse, ignored—"red flags" that something was wrong. Perez has charged that a key reason for the misconduct he observed and participated in was that officers were "trying to impress supervisors."

This too is a problem that is not limited to the L.A.P.D. Law-enforcement experts say police nationwide are too often told by their supervisors, or by prosecutors and politicians, that the only thing that matters is getting a conviction. "The seed of corruption begins when cops are asked to fill in the blanks for district attorneys to make cases," says Gene O'Donnell, a professor at New York City's John Jay College of Criminal Justice and a former cop. "If they don't remember, there's a tremendous pressure for them to make it up." O'Donnell says one of the most common refrains he hears from police is that "this job is not on the level." Police then often find themselves adapting to a corrupt system.

The L.A.P.D. board of inquiry is expected to address many of these issues in a report to be released this week, a blueprint for turning the department around. One of its main recommendations, Parks has said, will be tightened screening of applicants, including better background checks, improved psychological testing, polygraph exams and more management in the field.

The L.A.P.D. scandal will surely shine a light on other cities, where complaints about police tactics may get new scrutiny. It will also focus attention on successful re-



Ex-LAPD Officer Is S Rapper's Slaying, Reco

Evidence File

Investigation of a slain rapper's death... LAPD officers... evidence... file...

A LINK TO A NOTORIOUS RAP MURDER?

The Los Angeles Times reported in December that police are investigating whether ex-cop David Mack, left, in red—now in prison for bank robbery—was involved in the murder of Notorious B.I.G., seen above left just before his death with Sean ("Puffy") Combs

forms in such cities as New Orleans, the site of the nation's last major police scandal. Things were ugly there in the 1990s. One policeman was convicted of murdering a young mother of three who filed a supposedly confidential brutality complaint against him. Nine officers were arrested in a sting operation and convicted of selling protection to a cocaine warehouse. Two cops were charged with raping a 14-year-old girl. More than 100 others were charged with a variety of felonies.

But in the past five years, a new police superintendent has turned the department around. Richard Pennington invited the FBI in, asking it to assign three agents to his

new Public Integrity Unit. He tightened the screening process for recruits, looking not only for criminal records but also for money troubles that could make them susceptible to financial temptation. Complaints against the department are down 27% in five years, the city's murder rate fell 31% last year, and public confidence is growing.

Will the L.A.P.D. be able to put its house in order? Critics of the department are skeptical. "The L.A.P.D. investigators have intractable conflicts of interest. They're

complicit in what has happened," says Los Angeles civil rights lawyer Michael Mitchell. "The supervisors are afraid they won't be able to put a lid on it." But with the public clamoring for answers—and the FBI involved—it may be difficult to fight off the tide of reform.

Rafael Perez's plea bargain was finally completed on Friday. He was sentenced to five years in prison for the cocaine theft. With time served, he could be out within two. Fortunately for him, he has been given

immunity for his worst crimes: the shootings, the cover-ups, the fabricated evidence. At his sentencing, a tearful Perez offered a moral to the story. "Whoever chases monsters," he told the court, "should see to it that in the process he does not become a monster himself." How to stop that from happening in the future is L.A.'s challenge—and the nation's. —Reported by Cathy Booth, Margot Hornblower, David S. Jackson and Stacie Stukin/Los Angeles, Edward Barnes and William Dowell/New York and Tim Roche/Atlanta

VIEWPOINT ■ WILLIAM J. BRATTON

The Legacy of Detective Sipowicz

AS THE TRAGIC POLICE STORIES CONTINUE TO UNFOLD IN New York City and Los Angeles, I'm reminded of the opening lines of *A Tale of Two Cities*. "It was the best of times; it was the worst of times." In both cities, after decades of steady increases, crime rates have fallen dramatically—due, in no small measure, to the efforts of the police. Yet at a time when they might expect to be glorified for that success, they find themselves vilified for some of the tactics and strategies used to achieve it.

The corrupt and brutal behavior that seems to have played a major role in the crime-reduction efforts of the Rampart division of the Los Angeles Police Department deserves to be vilified, whereas in New York City the four police officers acquitted in the shooting death of Amadou Diallo made a tragic mistake—one that not only took a man's life but also shook the trust and confidence of the minority community in the police department itself.

The common lesson to be learned from these apparently dissimilar incidents is that under no circumstances can police be encouraged—by politicians or police leaders or acquiescence from the community—to tolerate lowering of constitutional guidelines in order to reduce crime. Legal rules such as the Miranda guidelines are intended to curb police excesses. But those guidelines seem to disappear in the heat of an adrenaline rush and fear. Only constant supervision and training can prevent abuses and mistakes.

The glorification of the type of policing practiced by Detective Sipowicz on *NYPD Blue*, where the end always justifies the means, cannot be tolerated. This role model must be changed. Policing is not entertainment. It is real. It is complex. It can be a matter of life or death.

In the mid-1990s, police were in their glory days, as they saw that their work was winning the war on crime. Phrases

like "we own the night," the mantra of the New York Street Crime Unit, were meaningful to the good officers committed to taking back the streets from criminals. However, as crime rates fell and guns were removed from predators, the slogan and the tactics should have changed. Criminals were not the only ones in fear of aggressive policing; so were many law-abiding citizens, particularly in the minority community, with whom the safety of the night should have been shared.

Worse, in Los Angeles those corrupt officers believed they not only owned the night but owned everything in the name of that same war on crime.

Both the police and the community should be enjoying the dividend of more peaceful times in our cities. However, racial tension and community mistrust of the police abounds. The true tragedy of the New York City and Los Angeles events is that as crime rates fell, confidence in the police in the minority community fell with them. The police had an unprecedented opportunity to be at the front lines of healing the racial divide. Instead, the police remain the flash point for racial tension.

Just as police are essential for the reduction of crime, they are also essential for the healing of racial divisions. The opportunity that arises from these crises is for the police, political and community leaders to begin to communicate in an atmosphere of openness and trust. The goal is to seek a common ground, that means each group must appreciate the concerns of the others. Only then will we have bridges, not barriers, on the streets where the community and the police are still in fear of each other. It is time to end that fear. It is time to start talking to each other, not past each other.

Bratton served as New York City police commissioner from 1994 to 1996.



BAD MODEL Dennis Franz as *NYPD Blue*'s tough cop



Carroll and Boss (right) react

A jury acquits four New York officers who gunned down an unarmed man outside his home. Tougher tactics are helping reduce crime rates in America's big cities, but they can also lead to tragic mistakes.

Cops in the Crossfire

BY TOM MORGANTHAU

IN A CITY THAT OFTEN SEEMS TO have more than its share of heart-break, the story of Amadou Diallo stands out. He was by any measure a terrific young man—hardworking and quick with a smile, one of the thousands of immigrants who, year after year, come to New York to seek their fortune. And so it was shameful and terrifying that in a brutally quick misunderstanding with police, Diallo was shot dead in the vestibule of the apartment building where he lived in the Bronx. In eight seconds, the cops fired 41 rounds and scored 19 hits, smashing through Diallo's spinal column and severing the main artery to his heart. He was hit so many times he began to spin, like an animal on a spit, and he may have been dead before he hit the floor. Everyone agreed his death was a

tragedy—but was it, legally, a crime?

Last week a racially mixed jury in Albany, N.Y., said no—Diallo's death was not murder, not manslaughter, not even criminal negligence. The four cops involved in the shooting—Kenneth Boss, 28, Sean Carroll, 36, Edward McMellon, 27, and Richard Murphy, 27—hugged each other and their lawyers and left the courtroom without saying a word. The verdict stunned New Yorkers, and because Diallo was African and the four cops are white, the case symbolized the gulf between African-Americans and whites not only in New York City, but everywhere. Coupled with the dismaying news from Los Angeles, where authorities are pursuing a mammoth police scandal involving perjury, corruption, brutality and even murder, the Diallo case sheds light on the potential downside of more aggressive policing—tactics

that help reduce crime but that can also lead to abuses and tragic mistakes. The country may soon have to confront the question of whether the police crackdown in big cities—where many people are grateful for lower crime rates—justifies the continuing erosion of trust between police and minority neighborhoods. Federal authorities have prosecuted more than 300 cops nationwide for civil-rights violations in recent years, and more than 200 have been convicted. One question is whether police are trained well enough for the aggressive tactics now being used in many cities. “We probably don’t always do the best of training everyone,” Mayor Rudy Giuliani said after last week’s verdict. “We have to continue to make superhuman efforts to [improve] that.”

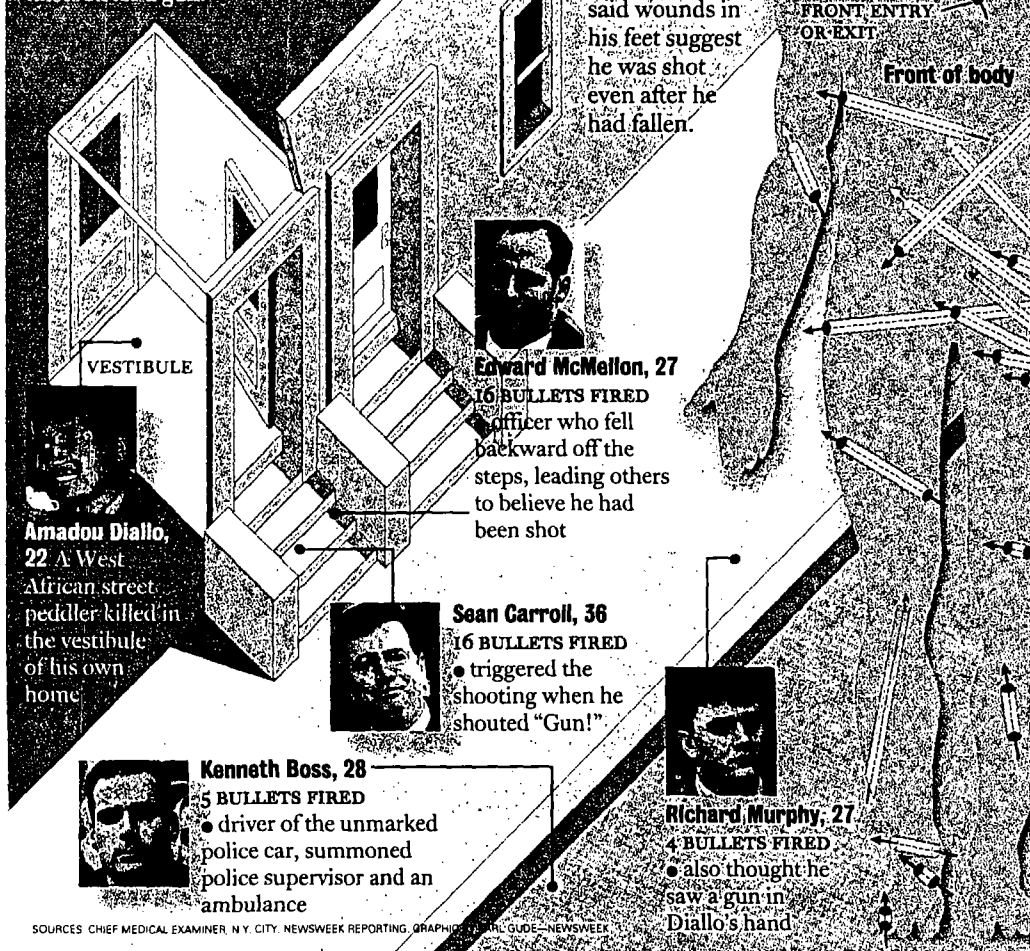
Then there’s the charge that police routinely target minorities—that they discriminate through “racial profiling.” A recent study by New York’s attorney general concludes that blacks and Latinos are significantly more likely to be stopped and frisked, particularly in majority-white neighborhoods. Was Diallo, who was unarmed, just collateral damage in the war on crime?

The four cops who were acquitted last week will never forget him—and they are free today in large part because they convinced the jury they felt real remorse at his death. The four were members of the NYPD’s elite Street Crimes Unit. Just after midnight on Feb. 4, 1999, Carroll, McMellon, Boss and Murphy were riding in an unmarked Ford Taurus when Carroll spotted Diallo in the doorway of 1157 Wheeler Ave. in the Bronx. Carroll didn’t like the way it looked. Afterward, he said he thought Diallo might have been a suspect the cops were seeking in a series of rape cases, or that he might be a lookout for a burglary in progress. Boss stopped the car and backed up. He and Murphy stayed in the car while Carroll and McMellon, in street clothes, jumped out and walked toward Diallo.

What happened next was a horrific blunder. Carroll and McMellon said they identified themselves as police and told him to keep his hands where they could see them. Diallo, they testified, didn’t do that. According to the

A Tragic Night

On Feb. 4, 1999, four undercover cops went looking for a serial rapist in the Bronx. They ended up killing an unarmed man whose wallet they mistook for a gun.



SOURCES: CHIEF MEDICAL EXAMINER, N.Y. CITY; NEWSWEEK REPORTING; GRAPHIC: JEFFREY L. GUNDE—NEWSWEEK

cops, he “darted into” the building, reached into his pocket and produced a dark object. Carroll shouted “Gun!” and both he and McMellon started shooting as they backed away from the vestibule. Then McMellon tripped and fell, which made it look as if he had been hit. Carroll and McMellon emptied their clips, 16 shots apiece. Boss fired five times, Murphy four times. Some rounds apparently ricocheted, making it seem to the cops as if they were under fire.

Diallo crumpled to the floor without a word, dying or already dead. The firing stopped. Carroll walked up to the body and looked for the weapon they all thought would be in Diallo’s hand. The dark object was only a wallet. “Where’s the f---g gun?” Carroll yelled. Then, he testified, he tried to give Diallo CPR, pleading, “Don’t die! Don’t die.” Telling his story on the witness stand, Carroll bowed his head and began to cry.

Prosecutors countered that Diallo was doomed from the moment the cops got out of the car—that the officers apparently never thought that Diallo might be an innocent civilian who had every right to be where he was. A pathologist, basing his conclusions on analysis of the 19 bullet wounds, said the cops kept on shooting after Diallo was down. Neighbors testified there was a split-second pause in the long sequence of gunshots, suggesting that the cops had had time to reconsider their decision. But none of that mattered. Under the law, the officers were justified in shooting if they thought Diallo had a gun, even though they were wrong. “There was certainly a lot wrong with what happened, but it shouldn’t rest on the heads of the police officers,” said Dr. James J. Fyfe, an expert on police training and tactics who testified for the defense. “If officers are encouraged to engage in high-risk encounters, the possibility



Quiet rage: *Protesting the verdicts in the Bronx*

WHO WAS WHO ON THE JURY:

Forewoman

• Middle-aged African-American woman who lived in the Bronx 17 years ago

Juror No. 2

• Elderly white woman whose husband was an agent for the FBI

Juror No. 3

• Middle-aged white man who opposes private handgun ownership

Juror No. 4

• White man in his 20s; added to the panel when original juror talked about the case

Juror No. 5

• Middle-aged African-American woman who said a family member was convicted in a drug case

Juror No. 6

• White Korean War veteran, said he has

not handled a weapon since the war

Juror No. 7

• Middle-aged white man, schoolteacher; his daughter was stabbed in 1989

Juror No. 8

• Middle-aged African-American woman with a 21-year-old daughter

Juror No. 9

• White man in his 30s; parents grew up in the Bronx

Juror No. 10

• Middle-aged white man who saw his wife's purse snatched in Florida

Juror No. 11

• Middle-aged white man, works in financial services

Juror No. 12

• Middle-aged African-American woman who visits the Bronx frequently

of these train wrecks grows exponentially."

This train wreck may cost the taxpayers millions if the city settles with Diallo's mother and father in the inevitable lawsuit. There is also the possibility that the four cops will face federal prosecution for violating Diallo's civil rights. "I definitely want them to go to jail," said the Rev. Al Sharpton, the New York political gadfly who helped turn the Diallo case into a cause célèbre. So do many in the city's black and Hispanic neighborhoods, where there were scattered protests and a few arrests last weekend. But there was no real unrest, thanks in part to Sharpton and Diallo's mother, Kadiatou, both of whom made public pleas for calm. The right goal now, said New York State Comptroller Carl McCall, watching the angry crowd on Wheeler Avenue, is to make sure nothing like this ever happens again.

With VICTORIA S. STEFANAKOS and KEVIN PERAINO

'Time and Again, I Stepped Over the Line'

If Rafael Perez is telling the truth, an L.A. cop scandal will cost the city millions—and more

BY DONNA FOOTE AND ANA FIGUEROA

FORMER POLICE OFFICER RAFAEL PEREZ BEGAN TALKING LAST SEPTEMBER, and by the time he finished, he was using the language of horror movies to describe his years in the LAPD. "Whoever chases monsters," a tearful Perez, 32, told a Los Angeles courtroom last week, "should see to it that in the process he does not become a monster himself." Perez pleaded guilty to stealing three kilos of cocaine from a police-evidence locker in March 1998. In exchange for a lighter sentence, he revealed to authorities a pattern of widespread corruption and brutality that was frightening in scope, gothic in detail. The elite anti-gang unit of the Rampart Division, he told investigators, unlawfully beat or shot suspects, planted evidence, sold drugs, intimidated witnesses and partied hard to celebrate their reign of terror.

As a result of the revelations, more than 20 cops have been fired; been put on paid leave or quit, and 40 convictions have been overturned. But it will be difficult to make criminal cases against the officers. Perez failed a lie-detector test, which his lawyer believes was improperly administered. "We have one witness who is basically uncorroborated. And that witness is an admitted liar," a source in District Attorney Gil Garcetti's office told NEWSWEEK. "You have to have more, or this case will be thrown out before it gets to a jury." Police Chief Bernard Parks criticizes Garcetti for not being aggressive enough. According to Chief Parks, dozens of LAPD detectives, spreading their investigation throughout the United States and Central America, have contacted witnesses or victims of alleged abuse in at least 57 cases.

Perez's testimony, says one LAPD source, "all jibes."

The specifics are gruesome. Cops allegedly used one suspect as a human battering ram, smashing his head against a target drawn on a wall. Perez told investigators that he and his partner shot an unarmed gang member, planted a gun on him, then testified that he attacked them. Perez, who was granted immunity for everything he confessed to, received a sentence of five years, but could be out by the end of this year.

Garcetti's office concedes that hundreds, and possibly thousands, of criminal cases could be tainted. Lawsuits are expected to cost the city at least \$125 million. "There will be lots of roads unpaved, libraries that don't open and parks that aren't improved around here for years to come," says Kenneth Miele, of the Coalition for Police Accountability. Last week the investigation intensified. U.S. Attorney Alejandro Mayorkas announced that six FBI agents would be joining the probe. According to one source in the U.S. Attorney's office, their civil-rights investigation will include "how much the D.A.s knew about the veracity of these officers." A district-attorney source denies any knowledge of police misconduct.

In court last week Perez testified that though he began his career an idealist, "the lines between right and wrong became fuzzy. Time and again, I stepped over the line." After five months and 2,000 pages of testimony, L.A.'s legal system will now have to redraw that line, and discover how many lives are on the wrong side of it.



A question of corruption: *Perez in court*

RESPECTFUL AND EFFECTIVE
POLICING:
TWO EXAMPLES IN THE SOUTH BRONX

Robert C. Davis
Pedro Mateu-Gelabert
Vera Institute of Justice

March 1999

HR-44. POSTSECONDARY EDUCATION

44.1 Preamble

States and private institutions have created an infrastructure for the nation's postsecondary institutions that is subsidized by the federal government through student aid and some other federal programs. As Higher Education Act (HEA) programs are reauthorized, Congress needs to recognize the state and institutional context in which these programs operate and work closely with states and institutions in the reauthorization process.

Federal aid comprises more than 75 percent of all student financial assistance provided in the country. States also provide aid to students through traditional aid programs and by heavily investing in state colleges and universities to keep tuition levels well below the cost of actually attending college. Although major federal funding for overall postsecondary education, with regard to student assistance, is less than 12 percent, states, localities, and institutions provide the remaining funding for an extensive and widely diverse system of education opportunities for students after high school.

44.2 Recommended Federal Role

The Governors support the primary goal of the Higher Education Act, which is to expand access to postsecondary educational opportunities for low-income students and ensure the affordability of postsecondary education for moderate-income families. At present, the federal government is responsible for ensuring institutional compliance with federal aid regulations and student aid programs at institutions. States do not determine which institutions or students are eligible for federal aid, nor do they have any recourse over an institution that fails to follow federal regulations. The Governors believe that this is clearly the responsibility of the U.S. Department of Education and HEA should be modified to reflect this responsibility.

44.2.1 Promoting Quality in Postsecondary Education. The Governors recognize the need to promote and maintain quality education in all higher education institutions. Many states have undertaken efforts to achieve this goal. However, states will have an increasing need for reliable measures of effectiveness. This is clearly an issue for states and institutions to address. The federal government should learn from the lessons of the states and not attempt to establish a federal set of quality measures.

44.2.2 Coordinating the State-Federal-Institutional Partnership. The Governors recognize the long tradition of direct relationships among federal agencies and their staff, colleges and universities and their faculties, and students. However, it is important that different levels of government coordinate their efforts when addressing similar public policy concerns. Without such coordination, small federal programs may have little or no impact. In addition, a well-intentioned federal effort may have a negative or disruptive effect if it runs counter to delicately designed state strategies. Therefore, the Governors urge Congress to design federal programs so that they result in an effective state-federal-institutional partnership in both the funding and delivery of student and institutional assistance.

44.2.3 Preparing the Workforce for a Changing Economy. Our nation's economy is undergoing a major transformation from one based on heavy industry to one based on skilled services and technology. This decrease in jobs in heavy industry and increase in jobs in skilled services and technology require a more educated workforce. Postsecondary institutions contribute significantly in the training of the workforce for these new jobs and contribute to the economic development of states and the nation. In addition, institutions provide information services and research essential to an efficient and productive workforce. HEA should support these critical efforts.

44.2.4 Preparing Teachers and Supporting Professional Development. A substantial number of our nation's teachers are approaching retirement and are expected to leave the classroom. At the same time, the number of students enrolled in elementary and secondary programs is at an all-time high and is expected to increase. Many states are considering proposals to reduce the student-teacher ratio in classrooms, thus further increasing the demand for teachers. There is a growing need to train more new teachers and teacher aides and support professional development for current teachers who are being asked to teach more rigorous curriculums to help students achieve higher academic standards.

“(a) PROGRAM PURPOSE.—The purpose of the program under this section is to enable States, through grants to communities, to support activities that—

“(1) promote children’s ~~healthy~~ cognitive, social, and behavioral development during the earliest years of life;

“(2) improve early childhood education ~~the quality of child care~~ for children aged five and under, including those with disabilities and those with limited English proficiency; and

“(3) encourage and facilitate emerging literacy, ~~and~~ language development, numeracy, and school readiness; ~~and~~

~~“(4) enhance programs designed to achieve these goals.~~

“(b) REQUIREMENTS FOR STATE PARTICIPATION.—

“(1) IN GENERAL.—In order to be eligible for Federal matching funds under section 418(c) of the Social Security Act, the State shall have in effect under its plan under section 658E an early learning program plan meeting the requirements specified in paragraph (2).

“(2) EARLY LEARNING PROGRAM PLAN REQUIREMENTS.—The early learning program plan shall meet the following requirements:

“(A) LEAD AGENCY.—The plan shall provide that the program will be administered by the lead agency designated under 658D.

“(B) COMMUNITY GRANT PROCEDURES.—The plan shall describe the standards and procedures to be applied in the review and approval of community applications, and in setting amounts, terms, and conditions of community grants, including the methods to be used to ensure that no less than 70 percent of grant funds are awarded to low-income communities, funded programs are designed to promote the educational outcomes specified in section subsection (b)(2)(E)(i), and funded programs reflect scientifically based research findings on emerging literacy, language development, numeracy, and school readiness.

Executive Summary

Serious crime in New York City has declined dramatically since 1990, and the decline has accelerated since the introduction of a set of new police strategies beginning in 1994. The number of civilian complaints against the police, however, rose dramatically after 1993, remaining 40 percent above the 1993 level in 1998. These two trends, moving in opposite directions, have led many to speculate that the inevitable price of the dramatic drop in crime is an aggressive police force that generates more anger and resentment.

This study by researchers at the Vera Institute of Justice refutes such speculation, showing that police commanders in at least two neighborhoods have been able to reduce complaints against their officers below 1993 levels while experiencing the same dramatic decline in crime characteristic of the city as a whole. The study shows that large reductions in crime can be achieved while practicing respectful policing.

The Vera researchers examined in detail the levels of crime and civilian complaints against the police in two precincts serving troubled neighborhoods in the South Bronx. Both crime and complaints declined in each precinct. The researchers then examined a variety of possible explanations for the decline in civilian complaints. They analyzed statistics supplied by the department and the civilian complaint review board and interviewed more than two dozen police officers, from the precinct commanders to the officers on patrol.

The authors conclude that the most likely explanation for the decline in civilian complaints against the police in these two precincts is the particularly effective manner in which the precinct commanders implemented departmental policies. Other possible explanations, including a reduction in the number of enforcement actions and changing community demographics, cannot account for the substantial decline in complaints, particularly in 1997 and 1998.

Although they adopted contrasting styles of management, both commanding officers improved the way that precinct personnel were supervised, and both improved community relations. They ensured that department-wide training was reinforced with training within their precincts. They administered the departmental monitoring programs for recidivist officers with zeal, attaching real consequences to the receipt of civilian complaints. They paired younger officers displaying attitude problems with more experienced officers. In sum, the commanding officers in these two precincts took common departmental policy and used it to further their visions of how police ought to interact with the public. Their strong management allowed the residents of these neighborhoods to reap the benefits of lower crime rates while enjoying the benefits of respectful policing.

Recent Policing Trends and Crime Reduction in New York City

Approaches to Policing in New York City

In 1994 the New York Police Department began a new approach to policing. For the first time, precinct commanders were given the responsibility for reducing crime levels within their jurisdictions. At weekly 'COMPSTAT' meetings, crime trends were reviewed, using state-of-the-art computer mapping techniques able to pinpoint crimes down to the block level. Precinct commanders were called upon to account for crime and asked to devise detailed strategies to attack crime outbreaks in their precincts.

COMPSTAT gave precinct commanders the incentive to reduce crime. To some extent, the means to get that job done were up to individual commanders. But the department also developed several new strategies that all commanders were expected to adopt.

William Bratton, police commissioner from 1994 to 1996, was a proponent of the "broken windows" theory of policing espoused by James Q. Wilson and George Kelling in the February 1982 issue of *The Atlantic Monthly*. Under his direction, the New York Police Department set out to enforce statutes aimed at curbing "quality of life" offenses such as public drinking, subway farebeating, and vandalism—offenses that are often overlooked in favor of efforts to concentrate on serious crime.¹ According to the broken windows theory, adopting a tough stance against these minor forms of antisocial behavior sends a signal to the community that law breaking of any kind will not be tolerated.

The broken windows notion was also an integral component of the community policing program adopted under the previous mayoral administration.² But the objective of the strategy shifted in 1994 from simply reducing public signs of disorder to "concentrating on strategies to improve intelligence gathering and increase arrests."³ Police officials believed that enforcing quality-of-life statutes could prevent serious crimes from occurring. Arresting youths bent on a night of hooliganism for public drinking at 6:00 P.M. might prevent the robbery they would have committed at 10 P.M., once they were drunk and out of control. Stopping people on minor infractions also made it riskier for criminals to carry guns in public. In addition, some of the persons arrested on minor charges would have open warrants for more serious crimes.⁴

¹ William Bratton, *Turnaround: How America's Top Cop Reversed the Crime Epidemic* (New York: Random House, 1998), 229.

² Jerome McElroy, Colleen Cosgrove, and Susan Sadd, *Community Policing: The CPOP in New York* (New York: Sage, 1993), 15.

³ Clifford Krauss, "Giuliani and Bratton Begin Push to Shift Police Aims and Leaders," *The New York Times*, 26 January 1994, sec. A, p. 1.

⁴ *Turnaround*, 168.

“(C) COMMUNITY PARTICIPATION IN PLANNING AND MONITORING.—The plan shall describe the methods to be used to ensure participation, in planning and monitoring activities under the community plan, of representatives of concerned elements of the community, including parents of young children, child care providers, child development and mental health professionals, early intervention specialists, health care providers, public school representatives, local interagency coordinating councils for children with disabilities, local government, and business leaders.

“(D) PROGRAM ACTIVITIES.—The plan shall specify which of the allowable activities enumerated in subsection (c) may be carried out under community grants under the plan.

“(E) PERFORMANCE GOALS AND MEASURES.—Children participating in early learning programs funded under section 658T of the CCDBG Act will be expected to progress toward, at a minimum, understanding and using language to communicate for various purposes; understanding and using increasingly complex and varied vocabulary; developing and demonstrating an appreciation of books; developing phonemic, print, and numeracy awareness; and in the case of children with limited English proficiency, acquiring the English language. States participating in early learning programs funded under section 658T of the CCDBG Act will be expected to make progress with regard to quality factors associated with improved developmental outcomes for young children, including parent education, enhanced provider training, increased ratios of child care staff to children, retention of child care providers, support for family child care providers, licensing and accreditation of child care providers and programs, and strengthened standards enforcement. The Secretary shall provide guidance, developed in conjunction with the Secretary of Education and the states, regarding specific performance goals, performance indicators, and acceptable

The NYPD's new approach was laid out in a series of strategy booklets. The first three dealt with guns, youth violence, and drugs. These strategies recognized what academics are now espousing as well: that the increase in violent crime in the second half of the 1980s was fueled by youths involved with drugs and guns.⁵ Serious efforts were made to keep guns out of the hands of potential criminals. Arrests in cases where perpetrators were armed were followed up by investigations to identify accomplices and the sources of the firearms. The citywide Street Crime Unit was deployed in a concentrated approach to one high-gun-violence area at a time in an effort to increase firearm-related arrests and reduce violent crimes in the city's toughest neighborhoods. The number of youth officers in each precinct was tripled and truancy teams were created to locate and return students absent from school. Precinct Street Narcotics Enforcement Units were allowed to work in plainclothes for the first time since 1985. Patrol officers were brought into secure areas after special teams had shut down drug markets. Civil enforcement measures were used to close locations where drug selling took place and to confiscate cars used to transport drugs.

Using data from COMPSTAT, police began to focus on crime "hotspots": active drug, gun, or violent-crime locations where crimes were anticipated to occur. Special squads were deployed to effect large numbers of arrests and to suppress criminal activity, followed by patrol efforts to consolidate the gains made.

There is no question that crime in New York City has plummeted. By 1997, homicides had declined 65 percent from their peak in 1990. Figure 1a depicts the steep decline in homicides beginning in the year that current NYPD policies were put into place. Figure 1b shows that total index crimes also have declined substantially each year starting with 1991. The decline began before the 1994 strategies were implemented, but the rate of decrease in crime complaints accelerated in 1994. By 1997, index crimes had fallen to less than half of their 1990 peak.

During the 1990s, crime fell not just in New York, but also in the nation as a whole. The National Crime Victimization Survey has shown a decline in violent crimes for the past seven years and steady declines in property crimes since 1975. Experts have speculated that the decline in the violent-crime rate might be attributed to a number of factors, including more effective policing strategies, the decline of the cocaine trade, a soaring imprisonment rate, changing demographics, and a healthy economy.⁶ But the decline in New York City has outpaced the national average. For example, homicides in New York fell from 31 to 11 per 100,000 between 1990 and 1997 (a decline of 66%), compared to a drop from 32 to 16 per 100,000 in U.S. cities with populations over 1 million (a decline of 50%). And, overall, index crimes in New York dropped 50 percent between 1990 and 1997 compared to an average 24

⁵ For example, Alfred Blumstein and Richard Rosenfeld demonstrate in "Assessing the Recent Ups and Downs in U.S. Homicide Rates" that the national spike in homicides during the late 1980s was driven exclusively by youth crimes. Jeffrey Fagan, Franklin Zimring, and June Kim, in "Declining Homicide in New York City: A Tale of Two Trends," make the point that handgun homicides were responsible for the 1980s homicide spike in New York City. Both papers are to appear in an upcoming issue of the *Journal of Criminal Law and Criminology* (88, no.4).

⁶ See, for example, "Crime in America: Defeating the Bad Guys," *The Economist*, 3 October 1998, 35-38.

methodologies for assessing progress, and states will be held accountable for progress toward performance indicators. The plan shall specify

(i) how the State will make progress toward the performance goals and indicators provided in guidance by the Secretary;

(ii) the methodology the State will use to assess progress toward the performance goals and indicators provided in guidance by the Secretary; and

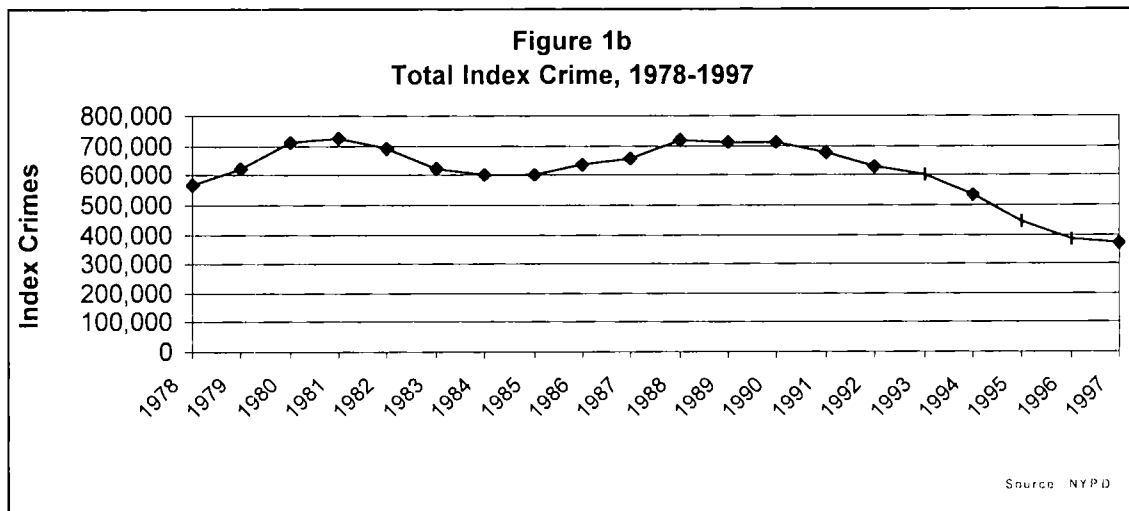
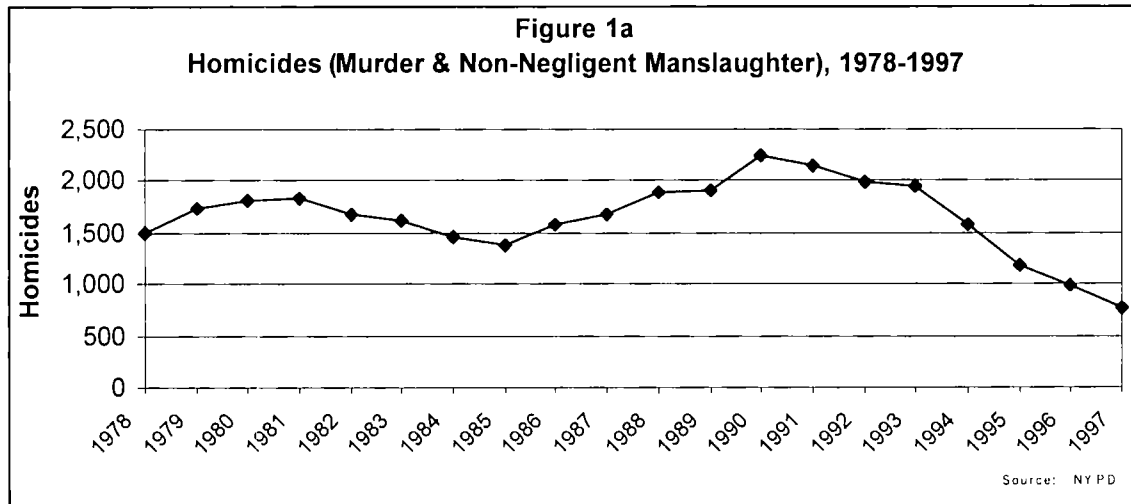
~~(i) performance goals to be achieved and the interim and long term performance measures and timetables, as appropriate, to be used to assess progress toward each goal under the plan, which —~~

~~(I) shall be developed pursuant to guidance provided by the Secretary and in consultation with local government authorities in accordance with section 658D(b)(2); and~~

~~(II) shall be designed to improve child development through coordination with health care and mental health services; enhanced early learning environments, especially those that promote language skills and literacy growth of children; quality of infant and toddler care; parental involvement; consumer education; reduced staff turnover; and increased rates of accreditation by nationally recognized accreditation organizations;~~

~~(ii)~~ iii) the steps to be taken by the State or grantees in accordance with guidance provided by the Secretary if the specified performance indicators benchmarks are not achieved.

percent decline in cities with populations greater than 250,000. Moreover, various reports discount the idea that New York's continuing decline in crime is primarily attributable to changing demographics⁷ or to the decline in the crack market.⁸



⁷ For example, the 1997 Citizens Budget Commission report *The State of Municipal Services in the 1990s: The New York Police Department* concludes (16-18) that the 9 percent decline in the New York City youth population between 1990 and 1994 is insufficient to account for the drop in crime during that period.

⁸ Cocaine use in New York City has not declined appreciably among all arrestees since 1990 and has not declined among youthful arrestees since 1992, according to the National Institute of Justice (National Institute of Justice, Research in Brief, July 1997, 7).

~~"(F) COORDINATION WITH ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE.—~~The State plan shall specify the methods to be used to coordinate activities under this section and section 658G(a), including coordination of planning and of performance goals and measures,~~in order to maximize the effectiveness of both programs and coordination with local educational agencies to ensure a smooth transition from child care programs receiving early learning program funds under section 658T to kindergarten and early elementary education. Funds provided for early learning programs under section 658T shall be used to supplement rather than supplant existing programs.~~

“(c) ALLOWABLE ACTIVITIES.—An early learning program under a State plan under this section may provide for any or all of the following activities to promote cognitive, social, emotional, and physical development in order to enhance emerging literacy and language development, and school readiness:

“(1) PARENTING EDUCATION TO PROMOTE LEARNING AT HOME INFORMATION AND RESOURCES.—

~~"(A) PARENTING EDUCATION.—~~Provision of parenting education, including use of or collaboration with Even Start or similar programs, for parents of young children by means including use of community-based resource centers, family literacy programs with parenting education components, collaboration with early intervention and preschool providers of services for children, public elementary schools, centers that serve children with special health care needs or disabilities and their families, and home visiting programs.

~~"(B) INFORMATION AND REFERRAL.—Initiatives to develop or increase the availability of consumer education information and referral services and other resources to assist parents to locate and assess the quality of available child care services.~~

~~"(C) FAMILY CHILD CARE NETWORKS.—Development of support~~

A Dark Side to the Decline in Crime?

Some, including Human Rights Watch,⁹ have argued that there is a price to be paid for the substantial drop in crime achieved in New York. According to this view, the strategies employed by the NYPD in targeting guns, drugs, youth, and quality-of-life crimes have made for an overly aggressive style of policing. For example, a recent article by David C. Anderson in *The American Prospect*¹⁰ asserts that in 1994, NYPD officers began to “stop and request identification of anyone they suspected of committing an infraction, accepting only government-issued picture ID. Those not carrying proper ID or found to be the subject of warrants were taken into custody...and turned over to detectives who interrogated them for whatever they might tell about drug and gun trafficking and recent crimes in the neighborhood.” Last year, the *Philadelphia Inquirer* carried a report of an anticrime action in Washington Heights that included erecting barricades to a single block of 163rd Street, permitting access only to residents and approved visitors.¹¹ “Trespass affidavits” obtained from property owners gave drug teams permission to root out and arrest indoor drug traffickers.

Critics argue that such aggressive tactics risk abuse of civil liberties by the police. The article by Anderson claims an increase in citizen complaints about harassment as a result of stop-and-frisk practices. A television program on policing in Pittsburgh, *Geraldo Rivera Reports*,¹² implied a link between aggressive patrolling and a Justice Department investigation of police misconduct and abuse. In 1997, New York Civil Liberties Union director Norman Siegel warned of a “dark side” to the positive crime news in New York City: “The attitude seems to be that violating civil liberties is an effective trade-off for effective law enforcement.”¹³

Did civilian complaints of misconduct, in fact, increase with the change in the NYPD’s tactics? Figure 2 depicts trends in civilian complaints since 1988. It shows that civilian complaints did rise at the same time the new policing strategies were introduced. Civilian complaints rose sharply in 1994 and again in 1995, and then declined somewhat from their new plateau in 1997.

Although the increase in civilian complaints in 1994 and 1995 coincided with the change in police tactics, it also corresponded to other changes as well. For instance, in mid-1993, the Civilian Complaint Review Board (CCRB) shifted from police to civilian control. This change was accompanied by community outreach efforts and significant media attention, each of which might be expected to produce an increase in complaints. There is also a suggestion that the new civilian CCRB screened complaints differently than the police-controlled board had done: At the same time that complaints investigated by CCRB increased from 1993 to 1994, minor complaints referred by CCRB to the NYPD Chief of Department decreased (these are

⁹ Allyson Collins and Human Rights Watch, *Shielded From Justice: Police Brutality and Accountability in the United States* (New York, Human Rights Watch, 1998).

¹⁰ David C. Anderson, “The Mystery of the Falling Crime Rate,” *The American Prospect*, May-June 1997, 49-55.

¹¹ Henry Goldman, “New York Attack on Crime a Success,” *Philadelphia Inquirer*, 21 June 1998, E3.

¹² “Blacks and Blue,” *Geraldo Rivera Reports* (National Broadcasting Company, Inc.), 25 October 1998.

¹³ Rusty Pray, “ACLU Warns of a Dark Side of NY Police Plan,” *Philadelphia Inquirer*, 16 December 1997, B2.

~~networks, information and referral services, and other supportive services addressing needs of family child care providers for access to such resources as education, training, and community support services."~~

"(2) ACTIVITIES TO PROMOTE QUALITY TEACHING IN CHILD CARE SETTINGS QUALITY AND AVAILABILITY.—

"(A) PROVIDER TRAINING.—Training of child care personnel, which may include training in early childhood development, early literacy, ~~health, nutrition, hygiene, first aid and safety,~~ best practices for serving children with disabilities in child care and those with limited English proficiency, and other appropriate matters.

"(B) IMPROVED STAFFING RATIOS.—Initiatives to increase ratios of child care staff to children in care and to reduce child care group sizes.

"(C) SALARY AND BENEFIT ENHANCEMENT.—Assistance to child care programs to increase the quality and continuity of care by attracting or retaining highly qualified child care staff working directly with children through enhanced compensation.

"(D) FAMILY CHILD CARE NETWORKS.—Development of support networks, information and referral services, and other supportive services addressing needs of family child care providers for access to such resources as education, training, and community support services."

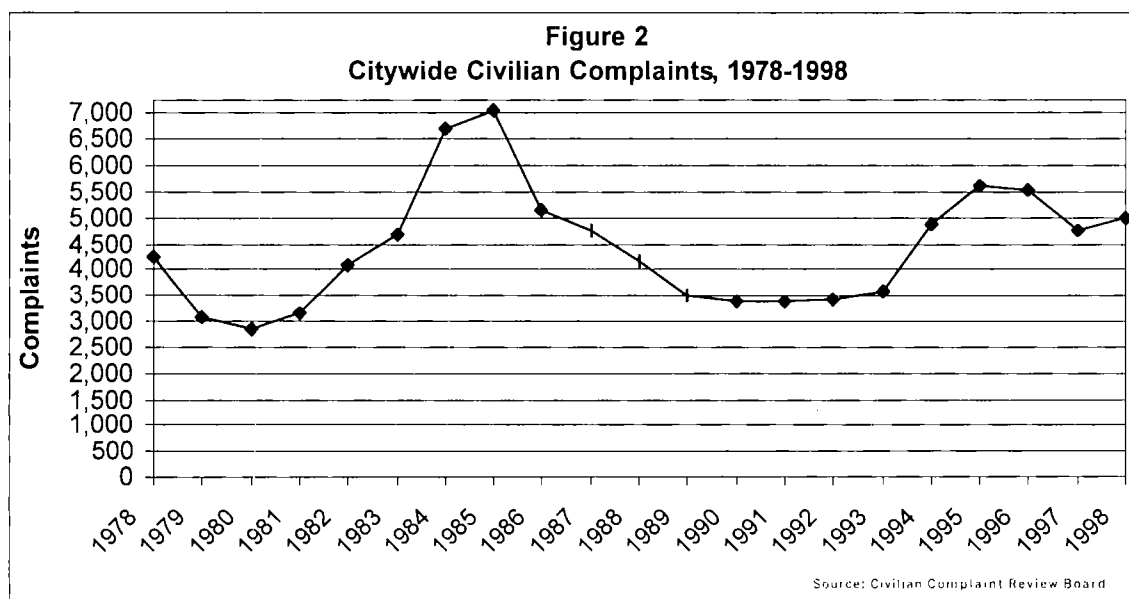
"(3) ACTIVITIES TO PROMOTE QUALITY CHILD CARE—

"(C) A) LICENSING AND ACCREDITATION ASSISTANCE.—Assistance to entities and individuals in meeting applicable child care accreditation and licensing requirements and in obtaining licensing or accreditation.

"(D) B) STANDARDS ENFORCEMENT.—Initiatives to increase the numbers of qualified child care licensing and standards enforcement staff and

not counted in CCRB's statistics). This may indicate that the civilian CCRB was more likely to retain minor complaints than the police board. Finally, 1995—the second year in a row that civilian complaints were up—was also the year that transit and housing police forces were merged into the NYPD, along with their civilian complaints.¹⁴

So many forces conspired to drive up civilian complaints between 1993 and 1995 that it is unreasonable to conclude that the more aggressive style of policing adopted in 1994 was the primary cause. However, reasonable people may still wonder whether police misconduct may be the price to be exacted for controlling crime.



Our Investigation

Our investigation tests the idea that crime control and police misconduct necessarily move in opposite directions. It is premised on the following observation: In spite of the citywide increases in civilian complaints following the change in policing strategies in 1994, all police precincts did not experience a significant increase in civilian complaints in 1994. Moreover, some precincts have actually showed a substantial decline in civilian complaints during the latter part of the decade. These precincts used the same crime-fighting tactics as the rest of the police force and demonstrated the same major declines in crime reports. If these precincts achieved substantial declines in crime without increased civilian complaints, then we have evidence that crime control and police misconduct are not inextricably linked.

The investigation focused on two commands in the South Bronx: the 42nd and the 44th

¹⁴ Figure 2 also shows that civilian complaints declined in 1997 by 11 percent from the 1995-96 peak. This may reflect the introduction of a new NYPD policy—Courtesy, Professionalism, and Respect—described later in this report.

activities to increase monitoring and enforcement of State and local health and safety standards.

"(C) INFORMATION AND REFERRAL.—Initiatives to develop or increase the availability of consumer education information and referral services and other resources to assist parents to locate and assess the quality of available child care services.

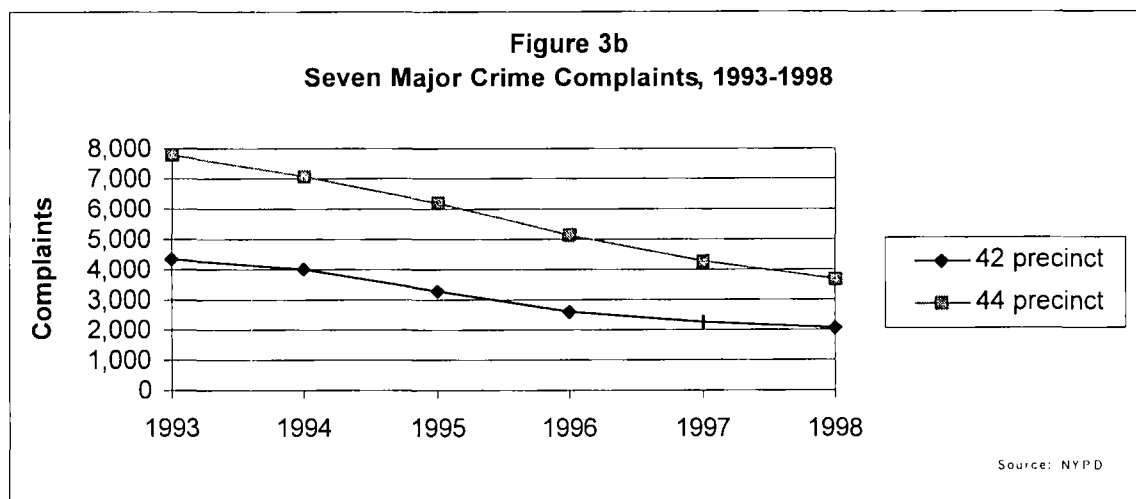
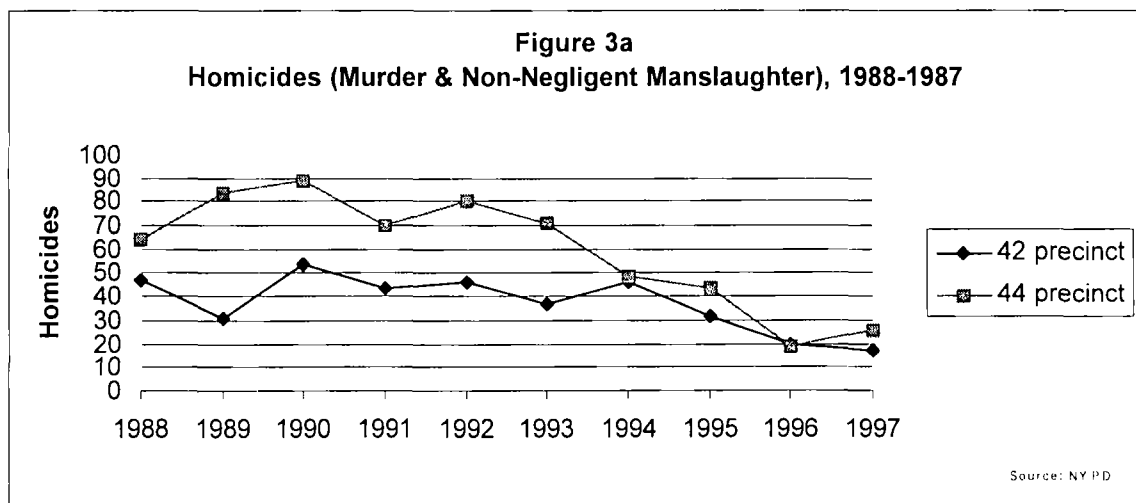
"(E D) HEALTH SERVICES.—Improving coordination of child care with appropriate health services including health and mental health consultations, hearing and vision testing, and immunizations, by methods such as co-location of health and child care services, referrals of children in child care to health care providers or screening services, and transfer of child health records to public school at school entry. Services under this subparagraph shall not include direct provision of or payment for health care services.

"(F E) CARE FOR CHILDREN WITH SPECIAL NEEDS.—Increasing the availability and quality of child care for young children with special health care needs, developmental delays, and disabilities and those with limited English proficiency; and coordinating with early intervention and preschool special education services.

~~"(G) SALARY AND BENEFIT ENHANCEMENT.—Assistance to child-care programs to increase the quality and continuity of care by attracting or retaining highly qualified child care staff working directly with children through enhanced compensation.~~

"(H F) MONITORING AND TECHNICAL ASSISTANCE.—Technical assistance to grantees, and monitoring of programs, assisted under this section. State expenditures under this subparagraph shall not exceed a percentage of total State expenditures for the program under this section equal to 10 percent for each of fiscal years ~~2000~~ 2001 through ~~2002~~ 2003, and 5 percent for fiscal year ~~2003~~

precincts. These are two of a handful of precincts throughout the city where both crime and civilian complaints declined substantially in 1997 and 1998. Figures 3a and 3b depict recent trends in homicides and other major crimes in these precincts. The figures show that crime has been declining steadily in the 42 and 44, just as in the rest of the city. Figure 4 shows trends in civilian complaints since 1992. In contrast to citywide trends, neither precinct exhibited a substantial increase in civilian complaints during 1994 and 1995, following introduction of the new style of policing. In both precincts there was a spike in civilian complaints in 1996, followed by large declines in 1997 and 1998. It looks as if a dramatic process was begun in 1997, and that it continued into 1998. As a result, civilian complaints in the 42 and 44 precincts were 54 percent and 64 percent, respectively, below their 1993 levels, while citywide the number of complaints was up by 39 percent.



2004 and each succeeding fiscal year.”.

(c) ANNUAL REPORT.—Section 658K(a)(2) of the Act (42 U.S.C. 9858i(a)(2)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting a semicolon; and

(3) by inserting after and below subparagraph (E) the following new subparagraphs:

"(F) the early learning program under section 658T, including—

"(i) the number and average dollar amount of grants awarded;

"(ii) the number, average dollar amount, and percentage of the total State award of such grants made to low-income communities;

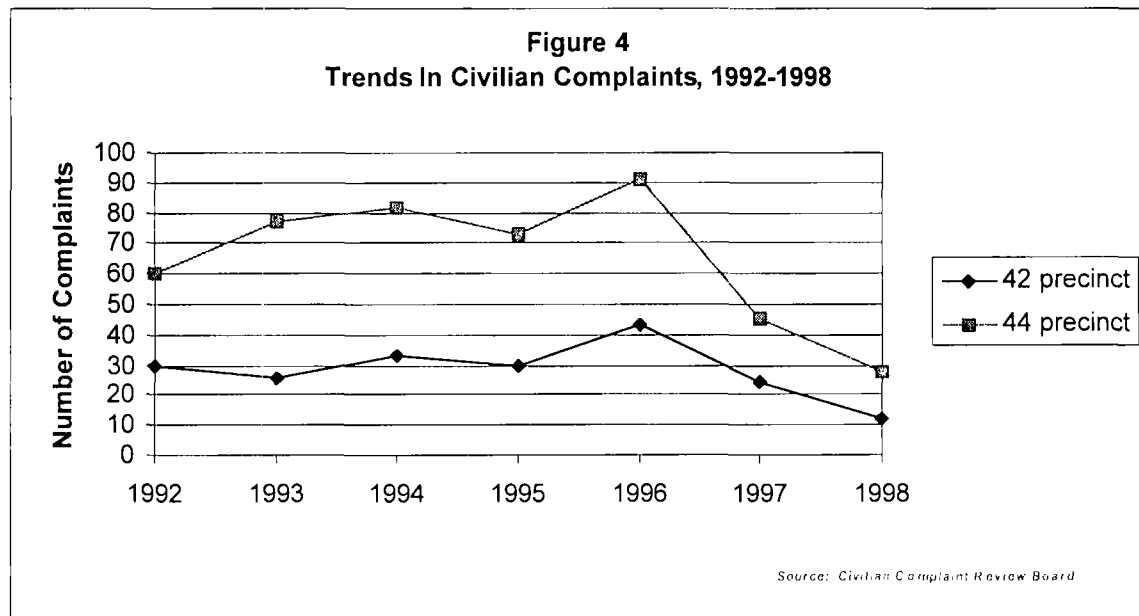
"(iii) the number of early learning programs;

"(iv) the number of children served with special health care needs, disabilities or developmental delays, and those with limited English proficiency;

"(v) the number of early learning programs that assist children with special needs;

"(vi) progress toward the educational outcomes and quality enhancements specified in section 658T(b)(2)(E), including specific and quantifiable measures of achievement of progress toward each performance goal and indicator provided in guidance by the Secretary, for each specific, quantifiable and measurable objective;

"(vii) expenditures for each allowable activity listed in section 658T(c), total expenditures and, to the extent feasible, the volume or frequency of such activity and the average expenditure per unit of such activity; and



In these two precincts, we hoped to discover management practices that accounted for the decline in civilian complaints. If the lower numbers of civilian complaints could be linked to specific management practices, then we could gather clues to methods for reducing civilian complaints elsewhere in the city.

But we were also open to other possible explanations for the sharp reduction in civilian complaints. The drop could have been influenced by a number of factors, including the number of police-civilian interactions, the behavior of officers, and the perceptions of citizens. As the number of interactions decreases—especially conflict-laden interactions—the number of civilian complaints is likely to fall. Thus, a reduction in crackdowns and other police strategies designed to increase arrests could result in a decrease in citizen complaints.

Obviously, citizen complaints will be strongly influenced by the behavior of officers. Rude, disrespectful, and physically abusive behaviors are likely to elicit complaints from citizens. However, how the behavior is perceived by citizens must also play a role in determining the level of citizen complaints. Residents who are hostile and mistrust the police may be more likely to report ambiguous incidents than persons who feel more positively about the police. Also, it seems probable that citizens would be more inclined to file complaints if they had faith in the grievance process. Citizens who believe that the complaint process is corrupt or unresponsive would be less likely to file than citizens who expect the process to be fair.

Our work therefore investigated a few possible explanations for the drop in civilian complaints.

There could have been a decrease in actions likely to give rise to civilian complaints. We know that most complaints against officers assigned to precincts arise from certain types of assignments and situations. Enforcement

"(viii) with respect to any allowable activity listed in section 658T(c) for which expenditures are made by the State both under section 658G(a) and under section 658T, the amount expended under each such section; and

“(ix) such other data as the Secretary may require.

actions, in particular, are likely to give rise to complaints. Enforcement of quality-of-life statutes may be particularly likely to draw complaints because such enforcement is often directed at citizens who consider themselves law-abiding and their behavior to be within reasonable, normative bounds. In the precincts we studied, if the number of arrests or radio runs had gone down, we would expect fewer citizen complaints.

The behavior of police officers toward citizens could have changed for the better. The most obvious way that behavioral change could have occurred is if the composition of the officers in a precinct changed appreciably through transfer or retirement. More interesting for our purposes, however, is if the composition of a precinct remained stable but the behavior of those officers was modified by management. Management policies could have been designed to moderate the behavior of all officers in a command, for example, in special trainings or in roll call briefings. Alternatively, management policies could have been directed at those officers who have a special propensity for eliciting civilian complaints.

Civilians could have become less interested in filing complaints. Decreased civilian propensity to file complaints could have come about because of a change in composition of the community. To the extent that communities underwent urban renewal—leading to reductions in social disorganization or changes in ethnic composition—we might expect a change in the number of people who filed complaints against the police. This possibility seems especially credible given the healthy economy and New York real estate market of the mid-1990s.

Community perceptions of the police could also have been affected by the management practices of precinct commanders. Outreach by the local police command could also have defused hostility toward the police and thereby lessened the propensity of the community to file civilian complaints. Police outreach could have included cultivating relationships with local ethnic organizations, inviting community members to participate in anticrime activities or on advisory councils, or speaking to community organizations.

With these thoughts in mind, we proceeded to investigate civilian complaints at the 42 and 44 precincts. With the help of the NYPD and the Civilian Complaint Review Board, we collected and analyzed data on a variety of trends, including crime complaints, civilian complaints, and enforcement actions. We also interviewed 26 police officers. In both precincts, we interviewed the commanding officers, the Integrity Control Officers (ICOs), and the training sergeants. In the 42, we also interviewed three other supervisors, a community affairs officer, and four officers who had been on the civilian complaint recidivist list. In the 44, we

interviewed three other supervisors, a community affairs officer, and five officers on the civilian complaint recidivist list. We also interviewed two instructors at the Police Academy, a sergeant in the Employee Management Division responsible for monitoring officers with multiple force complaints, and the commanding officer of Transit Division 2, who had been assigned to the Civilian Complaint Review Board during the 1980s. Finally, we interviewed a representative of one of the community boards covering these precincts (our attempts to interview a representative of the other community board were unsuccessful) and attendees at community council meetings.

We received outstanding assistance in our work from the commanding officers of the 42 and 44 precincts, the staff of the Office of Management Analysis and Planning, and staff of the Civilian Complaint Review Board. All officers we expressed interest in interviewing lent us their cooperation and insights into civilian complaints.

Some General Observations

Before proceeding to our analysis, we take note of two general themes that developed in the interviews. The first is that civilian complaints are, for at least some officers, a source of confusion and resentment. We spoke to recidivist officers who had long histories of complaints, ranging as high as 21 in a career. A number of the recidivist officers seemed confused that the department was now scrutinizing civilian complaints, since it had not done so in the past. The NYPD's new concern with civilian complaints was difficult for the group of recidivist officers we spoke to because it meant they were forced to reflect seriously on how they dealt with the public. Some professed not to understand how they could change their behavior because they did not believe their actions were the cause of the complaints they received. They blamed community antipathy toward the police, overzealous lawyers, or just bad luck for the complaints made against them.

Several officers told us that concern about civilian complaints resulted in avoidance of situations likely to generate complaints. As one officer put it, "A lot of cops are scared to do their jobs." This has resulted, these officers believed, in officers being less willing to get involved in enforcement actions, especially quality-of-life offenses or stop-and-frisk situations, which officers feel are likely to lead to complaints of abuse.

Our other general observation is that we were unable to find consensus on why civilian complaints are down in these precincts. Most officers we spoke to were aware that complaints were down. When we asked directly why they believed that complaints had dropped in their precincts over the past two years, a number of them said they had no idea. Some believed that civilian complaints had dropped because opportunities to receive complaints were fewer: Enforcement actions were down or calls for service were down, we were told. Some officers told us that complaints had declined because relations with the community had improved, either due to a changing population or improved police-community understanding. Other officers (and this was truer for supervisors than for patrol officers) attributed the decline to

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attention to civilian complaints by their commanding officers. No officers pointed to special programs unique to the 42 or 44 as the reason complaints had declined.

In the absence of consensus, our job became one of exploring alternative hypotheses about the decline in civilian complaints. In the succeeding sections, we evaluate the evidence for these competing explanations and finally synthesize what we have learned. We begin with a brief description of the two precincts.

The 42 and 44 Precincts

The 42 and 44 precincts encompass Community Districts 3 and 4, respectively, in the South Bronx. Community District 4 consists of 1.97 square miles, including two miles of waterfront and 53 acres of parkland. It incorporates the neighborhoods of Highbridge, Grand Concourse, Mount Eden, and Concourse Village. The Bronx Terminal Market, Yankee Stadium, Bronx House of Detention, criminal court, and supreme court are located in the precinct. Community District 3 is made up of the neighborhoods of Crotona Park, Claremont Village, Concourse Village, Woodstock, and Morrisania.

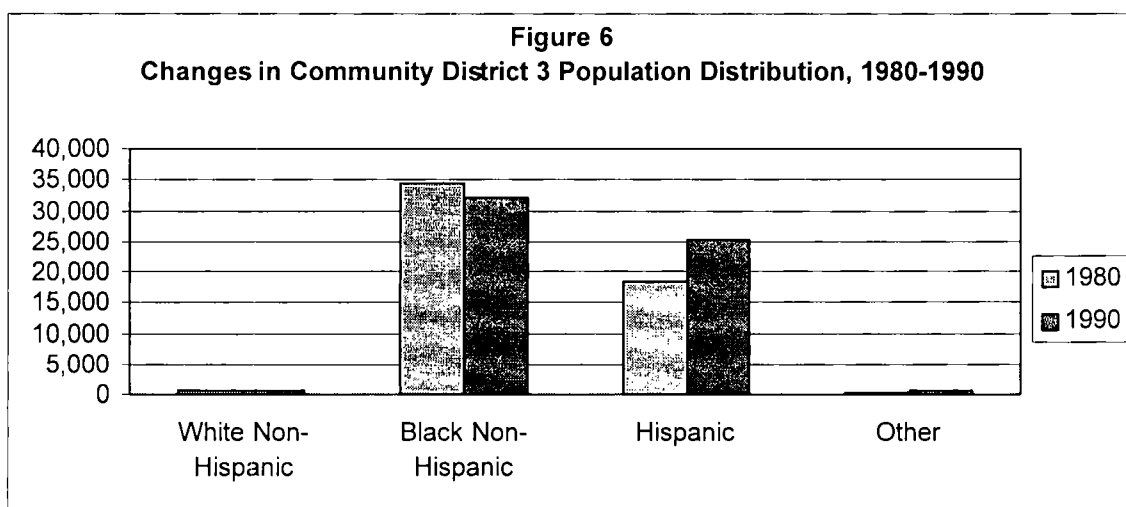
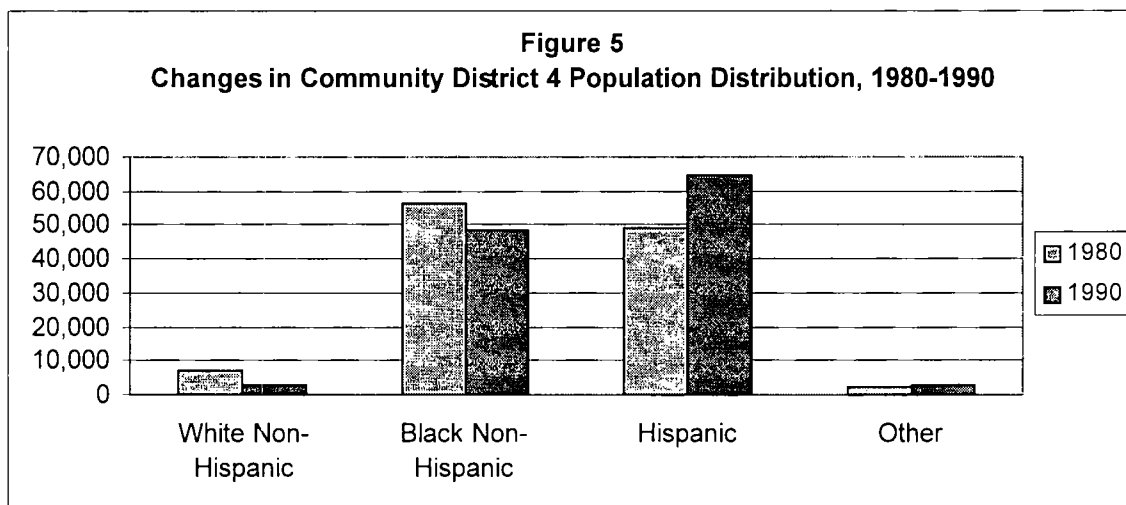
“The South Bronx looked like Berlin after World War II,” said a community affairs officer in the 42, describing his arrival at the precinct 16 years ago. Others we spoke to echoed these sentiments with respect to the many burned-out buildings and abandoned lots. And, as in a city under siege, the population left in great numbers during the 1970s. Community District 4 lost a fifth of its population; the drop in Community District 3 was even more drastic, as 65 percent of the population left the neighborhood.¹⁵

During the 1980s, both precincts began to recoup, posting modest gains in population. At the same time, the ethnic composition began to change radically. In Community District 4, the White and African-American populations declined while the Latino population increased by a third. By 1990, Latinos made up 54 percent of Community District 4’s population (see Figure 5). A similar pattern of ethnic change occurred in Community District 3, with Latinos gaining numbers while Blacks and Whites lost population. However, in 1990 Blacks were still the predominant ethnic group in the district (see Figure 6).

In the 1990s, a partnership among the Department of Housing Preservation and Development, private corporations, nonprofit organizations, and community-based organizations (some with colorful names, such as the Mid-Bronx Desperados) produced a surge of new housing. These new units have become home to an influx of new migrants in both districts. Many of them are low income, some were formerly homeless, and an increasing number are new immigrants. During the period 1990 through 1994, over 76,400 new

¹⁵ The sources of the statistical data contained in this section are from the reports Community District Needs (Department of City Planning and Office of Management and Budget, 1999) and Keeping Track of New York City’s Children (Citizens’ Committee for Children in New York, 1997).

immigrants moved into the Bronx, and Community Districts 3 and 4 were the neighborhoods attracting the greatest number of them. Most of the new immigrants in both precincts are from the Dominican Republic, with each district also hosting large numbers of Guyanese.



The community affairs officers in both precincts described the way their precincts had changed over the years. They noted that new businesses and banks have moved into the 44 precinct recently and that almost every week another abandoned building is being rehabilitated in the 42. The officer from the 42 added that it was “heartwarming” to see how his old neighborhood was improving.

Despite successful rehabilitation efforts, both neighborhoods remain seriously economically disadvantaged (see Figure 7). In 1990 nearly half of Community District 4 inhabitants (52,700 people) relied on public assistance—double the New York City average. By 1995, this number had increased to 63,500 people. In 1993, 56 percent of the families in the neighborhood were living below the poverty line, with household incomes of less than

66670

Privacy Issues in Bankruptcy

Summary

On Feb. 2-3, the EOUST held a workshop on privacy issues raised by disclosure of bankruptcy data in electronic format. The workshop gave interests the opportunity to discuss privacy principles and specific disclosure proposals by the Chapter 13 trustees. There was general agreement that EOUST guidelines for these disclosures are needed and they should balance access and the realization of efficiencies by parties in interest against privacy protections based on accepted privacy principles. There was also agreement that disclosures by courts raised privacy concerns. The federal judiciary is considering these concerns. While the bankruptcy legislation was not discussed, it is clear from the discussions that the provisions in the bills are not in agreement with privacy principles or with the trustees' proposals.

Principles

There was general agreement that it is a principle of the law to make *individual* case filings public (citizen right to monitor the judicial system at work) and make the trustee data on these *individual* cases available to parties in interest (because they need to assure that the bankruptcy process is paying the claims to which they have a right). But the release of this data in electronic datafile format raises additional privacy concerns and should receive specific privacy protection. (In fact this principle has been recognized by the Supreme Court.) What this translates into is the conviction that the ease of access afforded by a particular medium changes the presumption that there is a right of access because it increases the degree of exposure. There is an expectation of obscurity in requiring members of the public or parties in interest to come to the courts to "inspect and copy" the files that is violated when the cost of access becomes trivially small. Yet there are arguably economies from the electronic access, in aggregate form, to trustee data that would be useful to participants (including consumers) to realize. It is appropriate to find a balance between the two.

The concerns arise in both the disclosure of case file data by courts, as is now beginning to occur, and the disclosure of chapter 13 trustee data. Court case files may contain private or sensitive information, such as medical records, employment records, detailed financial information, tax returns, SS#s, and other personal identifying sensitive information. Trustee data may contain the case files and will contain case administration data, which would encompass outstanding claims of each creditor in the plan, the status of the debtor's payments to the plan, the unpaid balance payable to each creditor, and the amount and date of payments made under the plan.

Considerations for the courts

The courts are considering the privacy issues with regard to electronic access to case files. They have two real options—change the definition of "public case file" for electronic data purposes to remove sensitive information and fully disclose the remainder; or grant different levels of access to electronic files to different entities. They are just beginning to consider the privacy implications of each. *There may be a need for legislative guidance.*

Chapter 13 trustees

Trustees proposals: *At this time* the corporation planned and owned by the Chapter 13 Trustees does not plan to disclose in a searchable datafile any information from case filings. The plan is only to construct datafiles of their case administration. The corporation would enter into contracts with creditors and other parties in interest, whereby each party would be required to state they are using the data only for bankruptcy administration purposes or for prospective sales of the claims. They envision the corporation as a not-for-profit entity, operated by a third-party contractor, with voluntary participation by each trustee (but if the Senate provision is not altered, the participation is mandatory), operating under privacy guidelines set by the EOUST. The EOUST plans to draft guidelines drawn from the discussions at the workshop.

Applicability of current privacy laws: If the current plan to restrict the content and use of datafiles is carried out, the corporation is arguably not carrying out the functions of a consumer reporting agency; and the FCRA per se may not be applicable. (This is open to legal interpretation; the FTC offered to provide a staff opinion as to the applicability, which would offer guidance to courts.) No other privacy laws apply.

Bankruptcy Legislation. *It is important to remove the two provisions in the proposed bankruptcy bills.*

- ◆ The House provision would absolve trustees of liability for all but intentional errors.

This is a significant reduction of debtor protection, compared to current practice. Absent a compelling offsetting benefit yet to be revealed, this is inappropriate.

- ◆ The Senate provision would require such a corporation be created, require all trustees to provide data to it, require it to provide information at nominal or no cost, and substitute courts' interpretation of "reasonable" information to be disclosed for that of the EOUST. It is not clear whether parties in interest would be required to obtain data from the corporation.

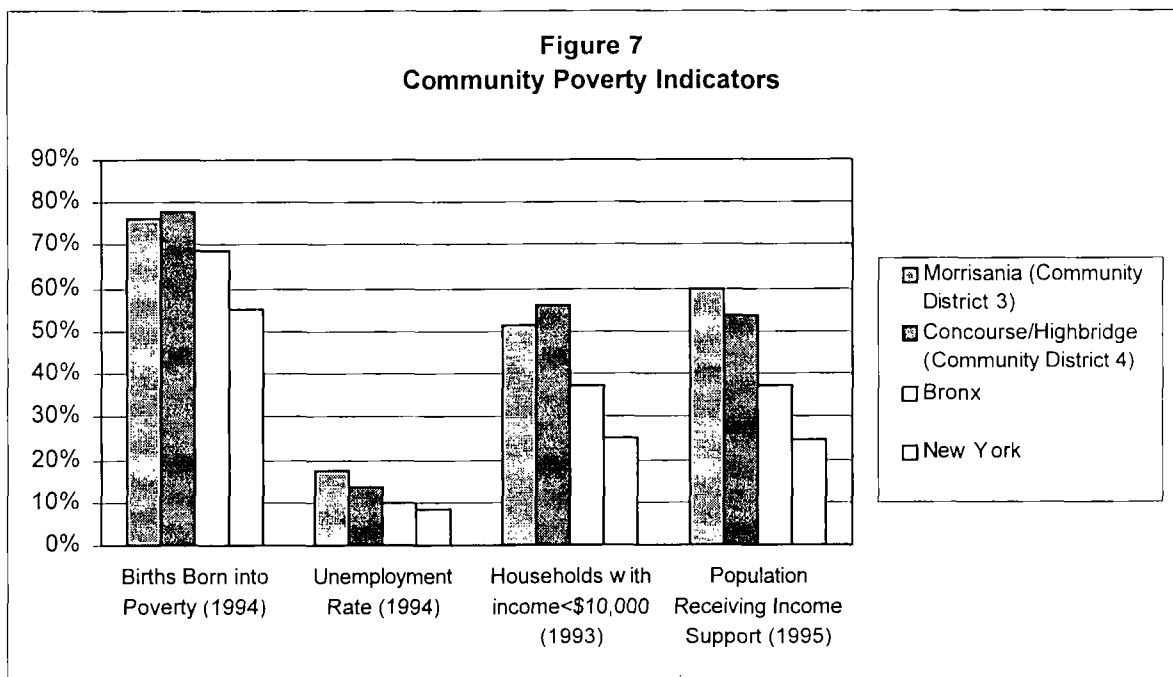
This could expose debtors in different districts to significant and unwarranted invasions of privacy by subjecting them to varying interpretations of the "reasonable" standard, and may run counter to efforts by trustees to develop guidelines for the handling of sensitive bankruptcy-related data, as revealed in the workshop. Adoption of either of these provisions at this time runs the risk of denying important privacy protections to parties in bankruptcy without adequate consideration of the consequences.

If legislative language to replace the Senate provision is desired, it should require that EOUST give guidance on information to be released, taking into account privacy principles. Consultation with EOUST would reveal whether they need any specific instruction for guidelines in the legislation, or whether their current authorities permit them to write appropriate guidelines. The fee prescription is probably wrong; the issue is raised below. It may in fact be useful to require that all trustees submit data to the corporation and that creditors get data from the corporation, assuming proper privacy safeguards are in place, as

\$10,000. (This compares to a citywide average of 25 percent.) The unemployment rate in the neighborhood was 13.5 percent, compared to the citywide average of 9 percent. Community District 4 is currently the city's sole intake location for families in need of emergency assistance. According to a recent report, the city's Emergency Assistance Unit has acted as a magnet, attracting homeless from all boroughs, many of whom remain in the district.¹⁶

Community District 3 has similar problems. In 1998, the district had 1,500 vacant lots, the most in the entire Bronx. In 1995, six in ten residents (34,957) were receiving public assistance (AFDC), supplemental security income, or Medicaid. This represents an 11 percent increase over 1990 rates. In 1994, 51 percent of families in the neighborhood had household incomes of less than \$10,000 and the unemployment rate was 17 percent, again substantially higher than the New York City average of 9 percent. The 1999 Statement of District Needs published by the District 3 Community Board concludes, "Statistics of this nature support Community District 3's ranking as one of the poorest communities within the poorest congressional district in the nation."

Reading and math scores in these districts are among the worst in New York City. In 1994, in the majority of school districts that serve Community Districts 3 and 4, fewer than 30 percent of the children read at or above grade level and only slightly more than 30 percent are at or above grade level in math.



¹⁶ Community District Needs, 104.

Examining Explanations for the Decline in Civilian Complaints

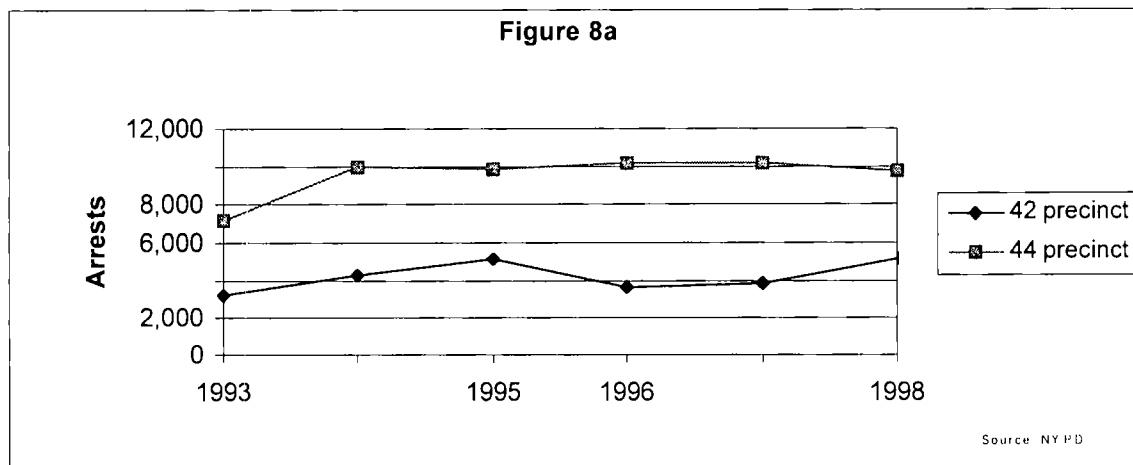
We used interview and statistical data to examine several potential explanations for the reduction in civilian complaints in the 42 and 44 precincts. In this section, we consider each of these explanations in turn. The final section of the report then synthesizes what we have learned from our work.

Explanation 1:

Is the Reduction in Civilian Complaints Due to a Decrease in Enforcement Actions?

Most civilian complaints arise from enforcement actions.¹⁷ The most frequent explanation provided by officers interviewed on why civilian complaints were down in the two precincts was that fewer enforcement actions were being undertaken. Some officers believed that enforcement actions were down because crime was down: They claimed there were fewer calls for service and fewer arrests than in previous years. Others told us that quality-of-life enforcement actions, in particular, were down because such actions were the most likely to lead to complaints of abuse by those targeted. With the department perceived as cracking down on officers for getting complaints, it was seen as smart to “keep one’s head down” and overlook public drinking and similar minor “victimless” offenses.

However, arrest statistics from these precincts do not support the claims of these officers. The data on arrest trends over the past several years (Figure 8a) do not conform to the trends in civilian complaints observed in Figure 4. Arrests in the 42 were flat from 1996 to 1998. Arrests in the 44 were flat from 1996 to 1997, but then increased by about one-third from 1997 to 1998.



¹⁷ Jerome McElroy and Michelle Sviridoff, *Processing Civilian Complaints Against Police: The Civilian Complaint Review Board* (New York: Vera Institute of Justice, 1988), 62.

this standardizes and protects all datafile releases and may give an added incentive to individual trustees to supply accurate data. The EOUST can advise as to whether this is a burden for small trustees.

Specific guidelines for release of data. Given the assumption that FCRA will not apply, there is a need to set privacy guidelines, which would provide the protection under the same privacy principles that motivate FCRA and other privacy laws, but be specific to the corporation. These would presumably be written by the EOUST pursuant to its oversight and enforcement authority. The EOUST believes it has the necessary authorities to do this. The trustees agreed in principle and pledged to propose appropriate guidelines in their operating plan.

There is probably at least a need for additional EOUST resources for oversight. EOUST could advise, once it develops its guidelines.

Components of appropriate guidelines

- ◆ *Notice* that the payments made by the trustees according to the plans of debtors who file under chapter 13 will be released in searchable format and any opportunity for debtors to gain access to the datafile, and any opportunity to correct it, or to any audit trail the trustees will construct.

The trustees will examine the bankruptcy process to see when this should be given and whether it is separate from the courts' notice about the public nature of case filings. (This depends upon the courts' resolution of its issues.)

- ◆ *Access limited to "parties in interest"*(and given by password) including creditors and attorneys to all cases in which they are a party, debtors and attorneys to their own case, trustees and court personnel to all cases. In the initial phase, the corporation will limit access to the above groups.
- ◆ *Protection of sensitive personal information:* The trustees propose that, while the SS#s, account numbers, and telephone numbers will be suppressed, creditors will have the ability to search datafiles by SS# for cases in which they are a creditor.

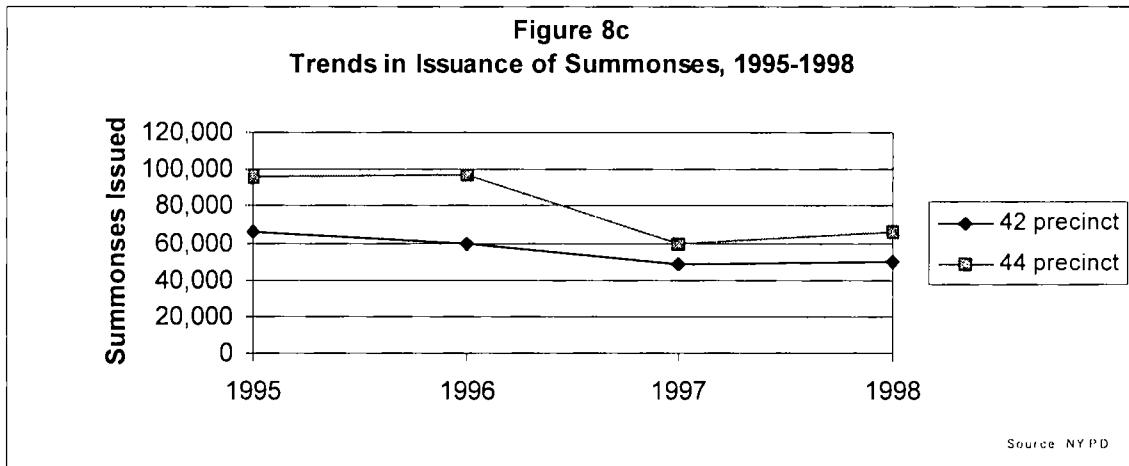
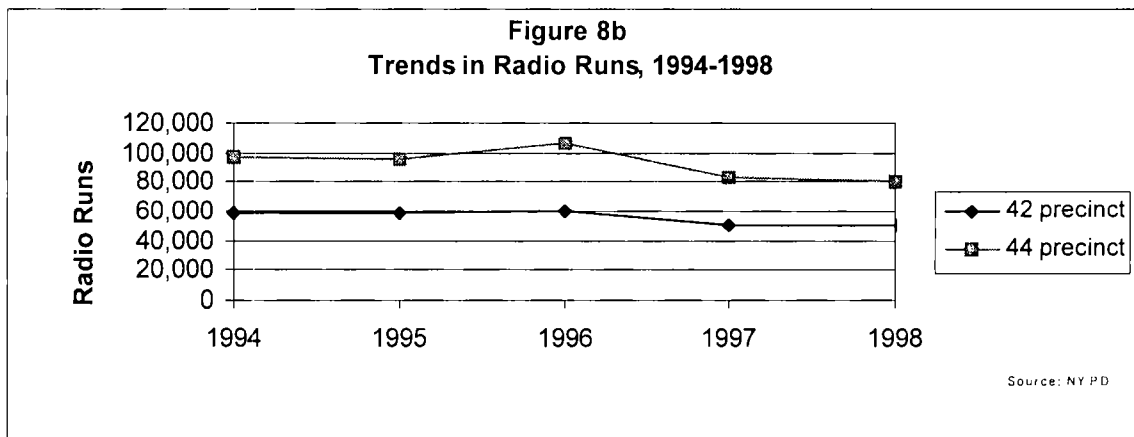
They may need also to address sensitive medical information, or information relating to nonfiling spouses, or children, if it is appearing in the trustees' data.

- ◆ *Accuracy and security safeguards:* the trustees propose to create a process by which debtors can complain about accuracy (debtors will have access), and their complaints will be addressed by relevant parties.

This was regarded as reasonable. Their password access proposal needs to address insider and contractor abuse, and the potential for unauthorized access by outsiders.

- ◆ *Use restriction on creditor data and enforcement:* under contract would be limited to creditors with claim to be paid in chapter 13 plan, for bankruptcy purposes. The latter

On the other hand, in both precincts, radio runs declined roughly 20 percent after 1996. Moreover, the number of summons issued declined even more dramatically, down in both precincts by about 30 percent during the same period (see Figures 8b and 8c). However, there are several reasons for not believing that these reductions are primarily responsible for the observed declines in civilian complaints. First, neither the decline in radio runs nor the decline in summonses was of the same order of magnitude as the observed decline in civilian complaints. Moreover, the decline in the two activity measures occurred only during 1996, while civilian complaints declined dramatically over two successive years. Most significantly, similar declines in activity occurred citywide, but civilian complaints did not decline in the same manner citywide that they did in the 42 and 44 precincts.



includes transfer to potential purchasers of debt. Enforcement procedure is envisioned as collection of complaints of improper use to the corporation, with the corporation taking certain actions against miscreant creditors, as specified in the creditor contracts. The trustees will consider the use of audit trails. Debtors presumably retain the ability to bring suit for individual damages against the corporation.

This is generally regarded as a significant weakness. In the case of creditors' affiliates using the information for other than the stated purpose, it is not clear how culpability would be proven. (The data useful for bankruptcy purposes is also useful for e.g., marketing by the creditor.) Audit trails maintained by the corporation and the creditors may be useful to track data sold or released to unqualified entities, either by the creditor or by entities to whom the creditor appropriately transferred the data (to decide whether to purchase the claims).

- ◆ *Making a "profit":* the trustees indicated they were considering two options (1) the goal is to charge prices that just cover costs, and any revenues in excess of costs in any year would be reinvested or distributed as debtor education support; (2) the corporation could plan to exact revenues in excess of costs to support debtor education on a consistent basis.

Should fees cover costs? First option is a user fee for providing data in an efficient manner. If creditors will capture all the benefits, it seems sensible that they should pay a user fee. If we can argue some will be transferred to debtors via competition, then some sharing of costs is appropriate. Then the corporation will need subsidies.

Option 2 is a worthy goal, but should not be their decision to charge fees in excess of user costs to fund a largely public educational purpose. As to whether it should be mandated by EOUST or legislation, it would be difficult to argue that creditors should be required to pay extra. Unless we can argue creditors reap benefits in form of lower bad debt costs and should therefore pay for the education, and we don't have education data to support that, it's an inappropriate tax to support a federal program.

It should be clear from their corporate form that they do not intend to make a "profit". Oversight by EOUST plus whatever reporting is required to maintain their nonprofit status should ensure that intention is realized.

This allows for more efficient caseload management by creditors; these gains arguably could be competed away by creditors and be offered as lower costs of credit to consumers.

Explanation 2:

Is the Reduction in Civilian Complaints Due to Changing Community Perceptions of the Police?

As indicated above, there has been a slow but steady rise in the population of both precincts for the last 18 years. This increase has changed the landscape of these two communities from almost complete abandonment to progressive urban redevelopment. Repopulation and redevelopment have provided the residents of these communities with a sense that the South Bronx is changing for the better.

The new residents are more likely to be Latino, poor, immigrant, and young, and some of the police officers we spoke to believed that this change in demographics was part of the reason for the drop in civilian complaints. We cannot say with any certainty whether demographic shifts have had such an impact. It does seem possible that immigrants who have come to this country with a fear of the authorities might be less likely to file complaints against the police than native-born residents. But even if changing demographics is related to the number of civilian complaints filed, the rate of change certainly has not been rapid enough to explain the substantial drop in complaints over two years.

Some officers also told us they attributed the decline in civilian complaints to improved relations between police and the community. In both precincts, community affairs officers told us that, although police officers frequently attend community meetings by invitation, the police do not engage in active outreach to community organizations.

Nonetheless, from the interviews we conducted, it was clear that the commanding officers in the 42 and 44 precincts took a strong interest in managing community perceptions of the police: Each had made community relations a priority and was responsive to community needs. Both commanders attend precinct community council meetings regularly and address community concerns and follow up at subsequent meetings. A community affairs officer in the 42 told us that his commander “gets the highest degree of respect” from the community because he maintains the same good rapport with community leaders that he has established with his officers and he tells the truth about what he can and cannot accomplish. The commander in the 44 eliminated the desk and bar in the precinct reception area to make the public feel less intimidated when coming to the stationhouse for business.

At a 44 precinct community council meeting we attended the participants had a wide range of complaints, from drug dealing to the phones at the precinct not being answered. None of the complaints, however, was related to police misconduct toward civilians. The commanding officer had patrol officers assigned to each beat of the precinct introduce themselves to community members. Attendance was quite good (about 35 residents on a stormy night), and we were told that attendance at the meetings was up generally over the past two years.

The district manager of Community Board 4 described in very positive terms the relationship between the 44 and the community: “The current commanding officer at the 44th precinct...has provided aggressive, intelligent leadership and has gained the respect of not only his officers but the community and civic leaders as well. He has taken a no-nonsense position

February 23, 2000 (4:53 PM)

EMBARGOED UNTIL 4:00 PM WEDNESDAY, FEBRUARY 23, 2000

SPAIN STATE DINNER

Wednesday, February 23, 2000

7:30 PM

THE PRESIDENT and MRS. CLINTON

Their Majesties King Juan Carlos I of Spain and Queen Sofia

His Excellency Abel Matutes; Minister of Foreign Affairs

His Excellency Fernando de Almansa; Head of His Majesty's Household

His Excellency Antonio de Oyarzábal and Her Excellency Beatriz de Oyarzábal

Ambassador of Spain to the United States

His Excellency Rafael Spottorno; Secretary General of His Majesty's Household

His Excellency Lt. General Gonzalo Rodríguez de Austria; Head of the Military Watch of
His Majesty's Household

His Excellency Manuel de la Cámara; Director General of

Security, Disarmament and Foreign Policy for North America, Ministry of Foreign Affairs

His Excellency Francisco Fernández Fábregas; Head of Protocol of His Majesty's Household

His Excellency José Cabrera García; Private Secretary to Her Majesty the Queen

His Excellency Manuel Barros Vales; Head of Security of His Majesty's Household

Her Excellency Asunción Valdés; Head of Media Services of His Majesty's Household

His Excellency José Luis de la Peña; Head of Protocol, Ministry of Foreign Affairs

Lt. Col. Juan Antonio Diaz Cruz; Aide-de-Camp to His Majesty the King

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Ms. Alice Albright (daughter)

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Hon. (Sen.) Jeff Bingaman; D/New Mexico

Hon. Anne K. Bingaman

in combating crime and monitoring police sensitivity and attitude towards civilians.”

Explanation 3:

Is the Reduction in Civilian Complaints Due to Personnel Management?

In this section, we first review department-wide programs aimed at encouraging respectful policing. Then we discuss how these programs were implemented in the 42 and 44 precincts.

✓ In 1997, concerned about citizen perceptions, the NYPD began a new policy: Courtesy, Professionalism, and Respect (CPR). CPR is precisely about how police officers deal with the public. The policy mandates training for new recruits and in-service training of veteran officers. It encourages psychological and personality screening of new recruits to identify candidates who will conform to CPR guidelines. It prescribes monitoring of officers who exhibit difficulty in dealing with the public and monitoring through COMPSTAT of aggregate civilian complaints received by each precinct. The policy defines discipline for officers who fail to act in a manner consistent with the CPR principles and rewards for those whose behavior toward the public is exemplary.

Training: Verbal Judo is a course in tactical communication run by the Police Academy. Based on the work of George J. Thompson, Verbal Judo encourages police officers to look creatively at conflict-laden situations and apply tactics designed to bring about peaceful resolutions. Participants learn a set of communication principles and strategies designed to generate cooperation and gain voluntary compliance from others. Verbal Judo is meant to be applied under stressful circumstances that arise when officers interact with citizens traumatized by victimization or angry or frightened by an enforcement action. It encourages officers to apply specific tactics based on an understanding of the point of view of others in the interaction.

When the NYPD imported the Verbal Judo course in 1995, it was a two-day course used for in-service training. Entire precincts were assigned to participate in the program, including officers from the 42 and 44 precincts. The course is now part of new recruit training and has been reduced to a single day. It is taught as a lecture, with class sizes of approximately 40 officers. The academy also holds special Verbal Judo classes for officers mandated to repeat the course by their commanding officers. The refresher classes are smaller than the classes for new recruits, allowing more opportunity for questions and discussions.

The feedback we received on Verbal Judo from police officers was quite positive. Several spontaneously described the course as teaching useful ways to deescalate tense situations. But some officers also question how large a role a one- or two-day lecture course can play in making significant changes in complex social behaviors. Certainly the effect of the Verbal Judo material would be more substantial with opportunities for role playing and regular refreshers.

In 1997, the academy also began an in-service training course in CPR. A key aspect of the course, according to officers we spoke to, was participation of neighborhood leaders to encourage better understanding between officers and community members.

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According to the 1997 policy manual, the CPR policy is also to play a prominent role in roll call and unit training. We do not know how well this prescription is adhered to citywide. But our interviews with training sergeants and others suggest that CPR is an integral part of training in the 42 and 44 precincts. Officers in both precincts told us that the commanding officers themselves stressed the importance of CPR, emphasizing that police officers and supervisors were now held accountable for civilian complaints and instilling pride that civilian complaints were down in their precincts.

Monitoring programs: The CPR policy manual defines two monitoring programs for officers who receive multiple civilian complaints. The Civilian Complaint Reduction Program places responsibility on precinct commanders for monitoring officers who accumulate multiple civilian complaints within a specified time frame. Each month, the research department of the Civilian Complaint Review Board prepares a list of officers by precinct who have exceeded the program's threshold of complaints. The list is forwarded to NYPD's Employee Management Division and, eventually, to precinct Integrity Control Officers (ICOs). We learned there is about a six-week lag between the date of complaints and receipt of the list at the precincts.

When officers make the list or when officers on the list receive additional civilian complaints, precinct commanders are required to meet with them to discuss the officers' conduct. The officers and their precinct commanders are required to meet with their borough commands to detail preventive actions COs have taken. In serious cases, this may include change of assignments or command discipline. Subsequently, precinct commanders are responsible for monitoring officers on the list. Officers come off the list when they have not had any civilian complaints for a specified period.

A second monitoring program, the Force Profile Assessment Program, was designed for officers with multiple force complaints. Officers are placed in the program automatically if they accumulate four or more force complaints within two years or five complaints within four years. However, COs can also recommend officers for the program even if they have not reached these thresholds. The program is administered by the Employee Management Division, which sends a letter informing precinct commanders of officers who qualify for the list. The commanders may elect to have the officer monitored by the Employee Management Division or to monitor the officer themselves. In either case, quarterly reports must be generated on the officer until he or she comes off the list.

Handling officers who receive complaints in the 42 and 44 : Our interviews did not uncover special programs in the 42 and 44 to deal with officers who are the targets of civilian complaints. We found no merit/demerit system, for instance, nor any task forces. What we did find were two commanding officers who held the officers in their command to high standards and who had a commitment to reducing civilian complaints. In fact, the CO in the 44 precinct had been in charge of monitoring civilian complaints while stationed at the borough command

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in the mid-1980s.

* The styles of the two commanders are very different. One was described as a “hands on” administrator who made a point of getting to know his officers and who encouraged a team approach. The other ran his precinct in a more traditional, hierarchical fashion. But both commanders shared a particularly strong commitment to respectful policing. Both made clear to the officers in their charge that they considered attention to civilian complaints a high priority in order to comply with the new NYPD policies. Both made clear to their supervisors and to their officers that civilian complaints were to be kept to a minimum. Both installed their own training sergeants in order to ensure that their message was delivered effectively, and both incorporated CPR as an integral part of roll call and unit training. Both spoke at training sessions regularly and hammered home the CPR message. Both paired younger officers with attitude problems with more experienced officers. One of the commanders also stressed to officers who receive special assignments, such as community policing or narcotics, that they would be out if complaints of abuse were lodged against them.

The commanding officers also had common styles of dealing with officers on the recidivist list for civilian complaints. Both COs talked to officers on the list personally when they received complaints, rather than leaving the matter to their ICO. Both COs also took decisive action to curb the behavior of recidivist officers. We were told of instances in which recidivist officers were given new assignments. (For example, one officer was reassigned to be the driver for his sergeant; several others were reassigned from patrol to desk duty in the precinct.) We were also told of officers in one of the precincts who were passed over for promotions and new assignments because they had received multiple civilian complaints. At least one officer was sent to the Verbal Judo refresher course. Another was told he might be reassigned to a shift that would have made his childcare arrangements difficult.

Data from the CCRB indicate that the attention to recidivists yielded results in the 42 and 44 precincts. The number of civilian complaints received by officers who had never had any before declined in 1997 and 1998. But the number of complaints received by recidivist officers declined even faster during the same two years (see Figure 9). In the 44, the proportion due to recidivists went from 29 percent in 1996 to 17 percent in 1997 and just 8 percent in 1998. In the 42, the proportion dropped from 17 percent in 1996 to 11 percent in 1997 and to 0 percent in 1998. In 1998, recidivist officers comprised only about one-half of one percent of all officers in the two precincts.

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Mrs. Cathy Isaacson; Attorney

Mr. Michael Jaffee; Artistic Director, The Waverly Consort
Mrs. Kay C. Jaffee; Co-Artistic Director, The Waverly Consort

Hon. Vernon Jordan; Partner, Lazard Frères
Mrs. Ann Jordan

Hon. Nicolas Kanellos; Director, Arte Público Press
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Mrs. Cathy Kangas; President and CEO, Hide Away Spa, Inc.
Mr. Benjamin Cohen; Founder, Chairman and CEO, International Business Solutions:
The Technology Center at the Waldorf-Astoria, New York (guest)

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Mr. Bill Robinson; Writer and Producer

Mr. Kasey Keller; Professional Soccer Player, United States National Team and
Rayo Vallecano, Spanish First Division
Mrs. Kristin Keller

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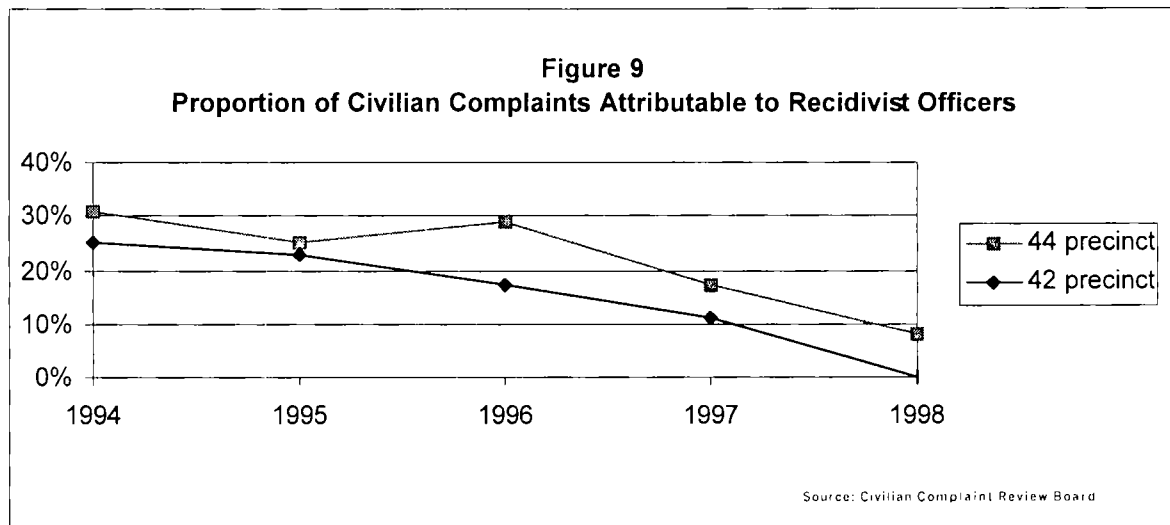
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Mrs. Mary Podesta

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Mrs. Irene Pollin

Mr. Dominic J. Puopolo; Boston, Massachusetts and Miami, Florida
Mrs. Sonia Puopolo



In the two precincts we studied, the message resonated clearly to officers on the beat that getting civilian complaints would reduce opportunities for advancement. According to one officer in the 44 precinct, “If you want to go places, you can’t get civilian complaints or they’ll deny you opportunities.” An officer in the 42 echoed the observation: “You’ve got to watch yourself on complaints because the department takes them seriously now. You can really hurt your career.”

Officers interviewed in the mid-1980s for an earlier study also expressed concerns that civilian complaints could hurt their careers, but at that time the officers denied that the concerns influenced their behavior toward citizens. In contrast, a number of recidivist officers we interviewed perceived their behavior toward citizens as shaped significantly by departmental sanctions against civilian complaint recipients.¹⁸

Conclusions

We started out to determine why civilian complaints declined substantially in two Bronx precincts in defiance of citywide trends. Given the nature of our investigation, our results represent our best guesses, rather than definitive answers. As we have stated, there are several factors likely to contribute to the volume of civilian complaints lodged against a precinct. And the truth is that no one has a good understanding of how much changes in citizen perceptions of the police or in the number of enforcement actions undertaken may affect the volume of complaints. Developing a definitive answer would have necessitated extensive surveys of police officers and citizens, not only in the two precincts under examination but in others where civilian complaints did not plummet.

¹⁸ Michele Sviridoff and Jerome McElroy, *The Processing of Complaints Against Police in New York City: The Perceptions and Attitudes of Line Officers* (New York: Vera Institute of Justice, 1989), 32.

Ms. Tita Puopolo; Graduate Student, Harvard University

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Mr. Dennis Quaid; Actor

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Ms. Hope Hernandez-Salazar

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Knighted by King Juan Carlos I of Spain into the Royal Order of Queen Isabella
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Mrs. Rosa Valdes; Professor

Mr. Vardis Vardinoyannis; Athens, Greece
Mrs. Marianna Vardinoyannis

HE Francisco Villar; Ambassador, Permanent Observer of Spain to the Organization of American States
Mrs. Isabel Escudero de Villar

The best answer we can give is that the diminution of civilian complaints in the 42 and 44 was the result of actions by the two precinct commanders taken within a context that supported a reduction in complaints. One contributor to that context was a substantial decline in police-citizen interactions likely to lead to civilian complaints. In both precincts, declines in calls for service and issuance of summonses began at the same time that civilian complaints declined. We noted, though, that the declines in activity measures were not nearly as substantial as the drop in civilian complaints nor did they occur over two successive years.

We also considered whether changing community demographics might have played a role in setting the stage for the decline in civilian complaints. While the number of recent immigrants in these precincts has been steadily growing, the population shift has been occurring for years and has not been abrupt enough to begin to account for the 1997–98 decline in civilian complaints.

The most important contextual factor was the adoption by the NYPD of the CPR policy with its training programs in respectful policing and monitoring programs for officers who establish patterns of abuse allegations. Officers interviewed thought highly of the training programs. The Verbal Judo course provides officers with the tools to manage conflict-laden situations without resorting to abusive language or physical violence.

These elements set the context for the drop in civilian complaints, but were not in and of themselves sufficient causes of the decline. The CPR policy and reductions in police activity measures were citywide, yet citywide, there was only an 11 percent reduction in civilian complaints from 1996 to 1997 and no reduction from 1997 to 98 (refer to Figure 2). We believe that the difference was the management styles of the COs in the 42 and 44 and their * interest in promoting respectful policing. Both COs improved the way that precinct personnel and community relations were managed. They ensured that departmental CPR training was reinforced by ongoing CPR training within the precincts. They administered the departmental monitoring programs for recidivist officers with zeal, attaching real consequences to receiving civilian complaints. In both precincts, officers had gotten the message that abusive behavior could be hazardous to their careers. In effect, the COs in the two precincts we investigated took a departmental policy and used it to further their vision of how police ought to interact with the public.

Both commanders not only managed their officers well, but also managed community relations in a way that demonstrated the police were responsive to community concerns. There is evidence that community leaders responded to the efforts made and held the commanders in high esteem. Social researchers have reported repeatedly that police and members of low-income urban neighborhoods usually view each other with suspicion. To the extent that these COs were able to overcome community antipathy toward the police, they may also have reduced the propensity of residents to lodge complaints against the police.

The changes we observed in New York are consistent with the thinking of policing experts on why police behave well or badly toward citizens. Law professor Jerome Skolnick and former police officer James Fyfe, for instance, argue that the “chief who is interested in reducing use

Mr. William Wardlaw; Principal, Freeman Spogli and Company

Hon. Kim McLane Wardlaw; United States Circuit Judge, Ninth Circuit Court of Appeals

of excessive force to a minimum must therefore make it absolutely clear that excessive use of force is unacceptable."¹⁹ In the 42 and 44 precincts that message, formulated by the NYPD, was delivered in a clear and unambiguous way by the precinct commanders. With this direction, a successful balance seems to have been struck between effective policing and respect for civil liberties.

¹⁹ Jerome Skolnick and James Fyfe, *Above the Law: Police and the Excessive Use of Force* (New York: The Free Press, 1993), 19.



National Institute of Justice

Research in Brief

Jeremy Travis, Director

July 1999

Issues and Findings

Discussed in this Brief: A research project to gauge the effects over time of social disorder (social incivilities) and physical deterioration (physical incivilities) on neighborhood residents' fear, crime changes, and changes in basic neighborhood makeup. Researchers interviewed residents in 66 Baltimore, Maryland, neighborhoods in 1982 after assessing conditions on the same street blocks in 1981. Researchers returned to 30 Baltimore neighborhoods in 1994, assessed physical and social conditions on 90 street blocks, and interviewed residents on those blocks.

Key issues: The impacts of social and physical incivilities *over time* have not been examined. To learn if incivilities contribute independently to changing neighborhood fear, crime, and decline, this study examined these outcomes at two points in time. More specifically, after controlling for other factors, researchers sought to determine whether incivilities at an earlier point in time result in subsequent increases in neighborhood fear and crime and a structurally weakened neighborhood, where vacancies and poverty are higher and education levels of residents or homeownership or house values are lower.

Key findings: Using assessment and survey data and crime and census data, researchers learned that:

- Physical conditions had deteriorated significantly on the street blocks assessed in 1981 and 1994. Graffiti and abandoned houses occurred more frequently.

Crime, Grime, Fear, and Decline: A Longitudinal Look

By Ralph B. Taylor

Changing urban neighborhoods are sometimes characterized by a pattern of deterioration where resident-based control of street life gives way to disorderly social and physical conditions known as incivilities. Examples of social incivilities include public drinking or drunkenness, rowdy and unsupervised teen groups, sexual harassment on the street, arguing or fighting among neighbors, open prostitution, and—since the mid-1980s—public drug sales and the presence of crack addicts. Physical incivilities include abandoned buildings, graffiti, litter, vacant and trash-filled lots, unkempt yards and housing exteriors, abandoned cars, and—again, since the mid-1980s—the conversion of houses and apartments to drug-selling locations.

To investigate the connection, if any, between incivilities and changes in crime, residents' fear, and further erosion of the neighborhood fabric, the National Institute of Justice (NIJ) supported a longitudinal study that examined developments in Baltimore, Maryland, neighborhoods over more than a decade. Researchers returned to 30 neighborhoods in Baltimore in 1994. They assessed conditions on 90 street blocks and interviewed residents. Researchers had previously interviewed other residents in these and 36 other Baltimore

neighborhoods in 1982 and assessed conditions on the same street blocks in 1981. This *Research in Brief* discusses the findings of the study.

In the late 1970s, researchers and policy analysts began connecting disorderly social and physical conditions with reactions to crime such as fear. Over the past 20 years, they have further expanded this thesis and developed new outcomes. Initially, researchers theorized that incivilities influenced residents' reactions to crime. Over the years, researchers have expanded their field of focus from individual residents to entire neighborhoods and added changing crime and neighborhood decline to the outcomes of interest (see *Evolution of the Incivilities Thesis*).

What do we know?

Since the early 1980s, researchers have successfully linked an individual's perception of incivilities with reactions to crime such as fear and a desire to protect one's family and property, and negative evaluations of neighborhood conditions—for example, decreased residential satisfaction and an increased desire to move.¹ Other researchers have observed these links at the neighborhood level, as well.²

continued...

Issues and Findings

continued...

- Despite the worsening physical conditions, residents did not report that local physical or social problems in the neighborhood were significantly worse. Nor were residents living in significantly more fear, as measured by three of four indicators.

- Some crimes increased faster in neighborhoods starting out with more incivilities. Nevertheless, the connections were not consistent across crimes, type of indicator (perceived by residents versus assessed by raters), or type of incivility (physical versus social).

- Neighborhood status at the beginning of the period showed a far more powerful influence on neighborhood crime changes. Five Part 1 crimes, including one property crime, declined faster, or increased more slowly, in neighborhoods with higher house values.

- Earlier deterioration did not cause a neighborhood to "go downhill" faster for most aspects of decline examined. Incivilities made no independent impacts on changes in house value, homeownership, or education levels. Incivilities did, however, shape later changes in poverty and vacancy rates.

- The earlier makeup of the neighborhood more powerfully influenced if or how fast a neighborhood went downhill. Again, initial status proved most important.

- Neither residents' reports of incivilities in 1982, nor incivilities assessed in 1981, contributed independently and substantially to changes in fear of crime in the neighborhoods between 1982 and 1994. Far more influential was earlier neighborhood status.

- Earlier incivilities showed a sizable impact on changes in moving intentions.

Target audience: Federal, State, and local law enforcement officials; State and local government officials; and criminal justice practitioners and researchers.

Nevertheless, researchers continue to question the impacts of incivilities. One national survey showed that those residents who see more local problems had less fear, after removing other factors.³ Data from 66 Baltimore neighborhoods, compiled during the earlier phase of this study, showed a nonsignificant overall impact of incivilities on residents' responses to disorder.⁴ Terance Miethe recently concluded: "The empirical evidence on the direct and indirect impact of measures of neighborhood incivilities on individuals' fear of crime is inconclusive."⁵

Most importantly, researchers have not examined the impact of incivilities *over time*. To learn if incivilities contribute independently to changing fear, neighborhood crime, or neighborhood decline, these outcomes must be examined at two points in time. More specifically, the current study, after controlling for other factors, addressed the questions of whether incivilities at an earlier point in time result in:

- Subsequent increases in neighborhood fear.
- Subsequent increases in neighborhood crime.
- A structurally weakened neighborhood where vacancies and poverty are higher and education levels of residents, homeownership, or house values are lower.

The questions are ecological and longitudinal concerning neighborhood shifts over time.

Gauging the independent contribution of incivilities to these outcomes provides important policy information in three arenas: community preservation, community policing, and neighborhood commitment. Those concerned with community preservation will benefit by learning the

potency of incivilities, helping them assess how much attention to devote to these concerns in contrast to other features of neighborhood health and stability.

The information proves relevant to practitioners charged with overseeing community policing efforts. Community policing and problem-oriented policing represent well-stocked toolboxes. Of late, incivility-reduction strategies, either "grime reduction" or "zero tolerance," have overshadowed other problem-oriented approaches, such as ministations or beat meetings with residents, in many locations. Many argue incivility reduction should be the first tool out of the box, whatever the problem may be.

Do incivility-reduction strategies deserve to be the first ones out of the problem-oriented policing toolbox? By concentrating on them, are we ignoring other effective approaches? Although the current project does not assess the relative efficacy of various community-oriented policing strategies, it does provide information on the long-term impacts of strategies designed to reduce incivilities.

Finally, the information to be gathered should prove relevant for those agents interested in reducing fear and promoting neighborhood commitment. In addition to community policing leaders, managers and officers, neighborhood leaders, and local planners have stakes in both of these outcomes.

Changes from 1981 to 1994

Looking at conditions on the 90 street blocks assessed by raters in both 1981 and 1994, researchers were not surprised to encounter the following changes:

- Graffiti had increased significantly. Whereas 80 percent of the blocks were graffiti free in 1981, only 63 percent were free of graffiti in 1994.

Exhibit 1a. Fear of crime: 1982 and 1994

Time of Day	Block				Neighborhood			
	Day		Night		Day		Night	
	1982	1994	1982	1994	1982	1994	1982	1994
Very Safe	(602) 81.9%	(538) 76.4%	(332) 45.2%	(217) 30.8%	(517) 70.3%	(400) 56.8%	(194) 26.4%	(93) 13.2%
Somewhat Safe	(114) 15.5%	(139) 19.7%	(229) 31.2%	(285) 40.5%	(160) 21.8%	(230) 32.7%	(244) 33.2%	(267) 37.9%
Somewhat Unsafe	(15) 2.0%	(17) 2.4%	(98) 13.3%	(116) 16.5%	(43) 5.9%	(50) 7.1%	(160) 21.8%	(161) 22.9%
Very Unsafe	(4) 0.5%	(7) 1.0%	(69) 9.4%	(79) 11.2%	(11) 1.5%	(124) 2.7%	(174) 16.9%	(19) 2.4%
Don't Know		(3) 0.4%	(7) 1.0%	(7) 1.0%	(4) 0.5%	(5) 0.7%	(13) 1.8%	(9) 1.3%
Mean	1.212	1.277	1.868	2.082	1.382	1.554	2.296	2.599
Standard Deviation	0.491	0.556	0.977	0.962	0.667	0.744	1.044	1.005

1982, n=735

1994, n=704

Note. The fear of crime items used a format similar to that of the National Crime Victimization Survey: "How safe would you feel being out alone (on your block/elsewhere in the neighborhood) (during the day/at night after dark)?"

- The percentage of vacant and boarded-up housing on the blocks also had increased from 1 to 2 percent of all residential addresses. This shift was not surprising given the large increases in vacant housing across Baltimore in the early 1990s.⁶
- Nevertheless, following trends first documented in the 1970s (with a few exceptions), most of the increased deterioration was concentrated in inner-ring neighborhoods, closer to the city center on the east and west sides of the downtown.⁷

Further, in keeping with the spatially concentrated nature of the increasing deterioration, when the 1982 and 1994 surveys were compared, researchers expected but did not find significant increases in reports of either physical or social incivilities. Compared with the 1982 interviewees, residents in 1994 did not see their neighborhood as markedly more problem ridden. The survey items used

here have been widely employed by researchers in numerous studies of perceived incivilities.

Finally, compared with those in 1982, residents surveyed in 1994 were not generally more fearful or more concerned about nearby danger. Residents of the 1990s were not more likely to see widely recognized dangerous locations nearby than were residents from the same neighborhoods in the 1980s. At both points in time, about 40 percent of respondents

reported one or more places nearby that were known to be dangerous. Further, when residents were asked whether they felt fear either on their block during the day or at night, their responses in 1982 and 1994 were not significantly different. Only when they were asked about their nighttime fears on blocks other than their own were the fears of 1994 residents significantly higher than those of 1982 residents (see exhibits 1a and 1b).

Do incivilities influence later crime changes?

To find out if incivilities influenced later neighborhood crime changes, researchers used information from all 66 sampled neighborhoods in the original 1981 and 1982 studies. For each Part I crime (except arson), they calculated how much each neighborhood's crime rate had gone up or down between the early 1980s and the early 1990s, relative to all other neighborhoods in the city. They then tried to predict these changes using each neighborhood's incivility scores from 1981 and 1982. Researchers looked at impacts of both assessed conditions at the beginning of the period and residents' perceptions of those conditions. To ensure that the impacts of incivilities over time were independent, researchers controlled for neighborhood structure.

Exhibit 1b. Dangerous places to avoid: 1982 and 1994

Are there any specific places in your neighborhood that many people try to avoid because they think these places might be dangerous?	1982		1994	
	N	%	N	%
No	376	51.20	363	51.56
Yes	280	38.10	295	41.90
Don't Know	79	10.70	46	6.53

Exhibit 2 shows connections between assessed incivilities at the beginning of the 1980s and unexpected crime changes over the following decade.⁸ In the first column, impacts are shown before controlling for 1980 neighborhood structure. The second column shows the independent impact of assessed incivilities after the influence of overall neighborhood structure was

removed. None of the nonparametric correlations were significant. Assessed incivilities did not influence later neighborhood crime shifts; the expected impacts failed to appear. The lack of significance is not attributable to a lack of statistical power.⁹

Because different types of incivility indicators often fail to provide closely

comparable "readings," examining the impacts of perceived incivilities might produce different results.¹⁰ Separate analyses of the impacts of perceived physical and social problems were performed¹¹ and revealed that various incivilities can have different impacts¹² (see exhibit 3).

D Evolution of the Incivilities Thesis

ifferent versions of the incivilities thesis have circulated for more than 20 years. In the mid-1970s, researchers, responding to early findings from the first National Crime Surveys that showed many more residents were fearful than were victimized, suggested urbanites found not just crime—but also the disorderly social and physical conditions around it—bothersome.^a Perhaps, James Garofalo and John Laub suggested, "fear of crime" was more than "fear" of "crime."^b

Al Hunter amplified the thesis by describing inferences residents make when they are surrounded by disorderly conditions.^c Seeing that matters have gotten out of hand in the neighborhood, they presume local actors and external agencies cannot or will not intercede, thus their own chances of becoming a crime victim are greater.

In their first *Atlantic Monthly* piece in 1982, James Q. Wilson and George Kelling elaborated on the thesis in several important ways.^d Changing neighborhood crime rates became an outcome. They outlined how a multistep process of increasing incivilities could unfold over time, leading to weakened resident-based control over street life and greater neighborhood fear and crime. They shifted the focus from individuals to groups of residents, offenders outside as well as inside the locale, and declining

neighborhood safety. Kelling and Catherine Coles further developed the rationale for order maintenance policing focused on social incivilities and attributed increasing social incivilities to shifts in public law over the past three decades.^e

Wesley Skogan further "ecologized" the thesis in 1990 by focusing on neighborhood change as the ultimate outcome of interest. He argued that disorder plays an important role in sparking urban decline.^f "Incivilities heighten residents' safety concerns, may contribute to additional crime, and soften the housing market," he wrote.^g He also suggested that "[d]isorder can play an important, *independent* role in stimulating this kind of urban decline."^h

Originally, the incivilities thesis suggested that those residents who experienced more fear than their neighbors were more sensitive to disorder-related problems in their neighborhoods. Later versions of the thesis suggested that, over time, physical disorder could spark not only resident concern but increase neighborhood crime, as well. Finally, researchers added neighborhood decline as the ultimate outcome of interest. Simply put, according to this thesis, researchers linked incivilities to three outcome categories: reactions to crime, increasing neighborhood crime, and neighborhood structural decline.

Author's note: An expanded discussion of the theoretical evolution of the incivilities thesis can be found in Taylor, R.B., "The Inci-

vilities Thesis: Theory, Measurement, and Policy," in *Measuring What Matters: Proceedings From the Policing Research Institute Meetings*, ed. Robert Langworthy, Washington, DC: U.S. Department of Justice, National Institute of Justice, July 1999, NCJ 170610.

Notes

a. Wilson, J.Q., *Thinking About Crime*, New York: Basic Books, 1975.

b. Garofalo, J., and J. Laub, "The Fear of Crime: Broadening Our Perspective," *Victimology* 3 (1978): 242–253.

c. Hunter, A., "Symbols of Incivility," paper presented at the annual meeting of the American Society of Criminology, Dallas, Texas, 1978.

d. Wilson, J.Q., and G. Kelling, "Broken Windows," *Atlantic Monthly* 211 (1982): 29–38.

e. Kelling, G., and C.M. Coles, *Fixing Broken Windows: Restoring Order and Reducing Crime in American Cities*, New York: Free Press, 1996.

f. Skogan, W., *Disorder and Decline: Crime and the Spiral of Decay in American Cities*, New York: Free Press, 1990: 2.

g. Ibid, 65.

h. Ibid, 12, emphasis added.

Exhibit 2. Correlations of 1981 assessed incivilities with later crime changes: 1980–1982 to 1990–1992

Crime	Assessed Incivilities	
	Not Controlling for 1980 Neighborhood Structure	Controlling for 1980 Neighborhood Structure
Homicide	0.2380 [*]	0.0431
Robbery	0.1207 [†]	-0.0294
Rape	0.1963 [*]	-0.0378
Aggravated Assault	0.1702 [†]	-0.0993
Burglary	0.2149 [*]	0.0294
Larceny	0.1664 [†]	-0.0023
Motor Vehicle Theft	-0.0089	0.0517

Note: Kendall Tau-B correlation coefficients. One-tailed probabilities: ^{*} p<0.10, [†] p<0.05; ^{*} p<0.01. n=66 neighborhoods. Crime change scores are unexpected crime percentile changes. The right column shows impacts after controlling for 1980 percentage owner-occupied, percentage black, and house value percentile. Incivility indicator used is based on principal components scores where the principal component included largely physical incivility indicators but some social ones as well. For details on indicator construction, see Taylor, R.B., W. Shumaker, and S.D. Gottfredson, "Neighborhood-Level Links Between Physical Features and Local Sentiments: Deterioration, Fear of Crime, and Confidence," *Journal of Architectural Planning and Research* 2 (1985): 261–275.

There are four significant impacts of partialled incivilities.¹³ Controlling for community makeup in neighborhoods where residents perceived more social problems in 1982, researchers found that increases in rape relative to other neighborhoods were more likely in the following decade.¹⁴ In neighborhoods where residents perceived more physical problems in 1982, relative increases in aggravated assault, burglary, and motor vehicle theft were more likely over the following decade. Robbery, the street crime thought to be the most fear-inspiring and the crime directly addressed by Wilson and Kelling, was not shaped by earlier perceived social or physical incivilities.

To sum up the question of crime change: There was some evidence that earlier incivilities had an independent impact on later crime changes. This impact, however, was not consistent across crimes, across type of indicator (assessed versus perceived by residents),

or across type of incivility (physical versus social).¹⁵

Do incivilities influence later neighborhood decline?

For structural decline, researchers focused on six indicators: changes in house value percentile, owner occupancy, percentage of single-unit structures, percentage of respondents

with a high school education, poverty, and vacant housing.¹⁶ These six indicators were collapsed into three independent dimensions:¹⁷

- Changes in homeownership and single-unit structures clustered together to reflect a shift in "stability."
- Changes in vacant housing and poverty rates joined to reflect changes in degree of "disadvantage."
- Changes in the portion of high school graduates and house value ranked together to form a dimension of "status" change.

Using the 1981 assessed incivilities indicator and controlling for neighborhood makeup, researchers examined the impact of incivilities on later changes in neighborhood structural disadvantage (see exhibit 4). Disadvantage increased more in neighborhoods where incivilities were initially higher. Relying on residents' perceptions of incivilities in 1982, however, there was no significant relationship for this aspect of decline or the other two change pathways, after controlling for 1980 neighborhood makeup.

Exhibit 3. Correlations of 1982 perceived incivilities with later crime changes: 1980–1982 to 1990–1992

Crime	Perceived Incivilities	
	Social	Physical
Homicide	0.0056	0.0590
Robbery	0.0648	0.0769
Rape	0.1142 [†]	0.0219
Aggravated Assault	0.0340	0.1152 [†]
Burglary	0.0564	0.1170 [†]
Larceny	0.0508	0.0089
Motor Vehicle Theft	0.0490	0.1226 [†]

Note: Kendall Tau-B nonparametric correlation coefficients. One-tailed probabilities: ^{*} p<0.10. n=66 neighborhoods. Perceived physical and social problems have been residualized with respect to: 1980 percentage black, percentage owner-occupied, house value percentile, and percentage ages 6–13.

In sum, whether the expected link between earlier incivilities and later neighborhood decline appeared depended on the type of incivilities indicator used and the dimension of decline examined. Broad lagged impacts across both types of indicators, affecting all three types of decline, failed to appear.

Impacts of structure

Contrasting disorder's impacts with the impacts of structure on later crime changes and structural changes is instructive. Several sociological theorists link fundamental neighborhood fabric to later neighborhood decline or later increases in crime through a complex web of relationships among the neighborhood, outside agencies, market forces, and service delivery.¹⁸ Some concentrate on impacts linked to low neighborhood status, others on racial composition, and still others on lack of stability.¹⁹

Neighborhood features connected very much as expected with later crime shifts (results not shown). Looking first at personal crimes, researchers found

that relative assault and rape rates were more likely to increase subsequently in neighborhoods with lower house values, more renters, and more blacks in 1980. Initial racial composition and status connected similarly to later relative homicide increases. In more stable neighborhoods, robbery was less likely to increase.

With regard to property crime, two connections appeared as expected: Relative burglary rates were less likely to increase in more stable locales and higher status locales. Another connection was unexpected: higher status neighborhoods experienced stronger, later increases in motor vehicle theft. Given that there were probably more attractive targets in those locales, however, the latter result makes sense from an opportunity perspective.

Examination of structural changes in the 1980s showed connections with the earlier neighborhood fabric (results not shown). Increasing status was more likely in neighborhoods that started with a higher status and less likely in neighborhoods with a higher proportion of blacks at the beginning of the

period. Increasing disadvantage was less likely in neighborhoods that were more stable at the beginning of the period.

In sum, earlier neighborhood fabric connected more consistently to later neighborhood decline and crime shifts than did incivilities. The dynamics that explain these connections are extremely complex. Neighborhood "basics" were at least as important as, and perhaps more important than, incivilities and changes in incivilities.

Impacts on reactions to crime and neighborhood commitment

As mentioned earlier, four questions associated with fear asked about residents' fear during the day, at night, on the block, and elsewhere in the neighborhood. Another survey question asked if there were dangerous places nearby that many residents actively avoided. To get at neighborhood commitment, a survey item asked if the respondent thought seriously about moving, and if so, how often.

For these analyses, researchers were restricted to the 30 neighborhoods where resident interviews were completed in both 1982 and 1994. They controlled for several factors: the composition of the neighborhood in 1980, crime in 1980–82, and each neighborhood's average score on the outcome in 1982. Because researchers controlled for this last variable, at the neighborhood level the outcome was *changes* in the reaction to crime between 1982 and 1994. Finally, the team included available incivility indicators from 1981 or 1982 in the equation. The key question is whether, after researchers controlled for these other factors, the earlier incivilities signifi-

Exhibit 4. *Correlations of assessed and perceived incivilities with neighborhood decline*

Neighborhood Change	Incivilities		
	Assessed	Perceived	
		Social	Physical
Stability	-0.0107	-0.0490	-0.0517
Disadvantage	0.1096 ¹	-0.0648	-0.0974
Status	0.0219	-0.0779	-0.0322

Note: Kendall Tau-B nonparametric correlation coefficients. ¹ = $p < 0.10$, one-tailed test. $n = 66$ neighborhoods. Assessed incivilities have been partialled with respect to 1980 percentage owner-occupied, percentage black, and house value percentile. Perceived incivilities have been partialled with respect to 1980 percentage owner-occupied, percentage black, house value percentile, and percentage ages 6–13. Neighborhood change indicators reflect unexpected change on three independent dimensions, where each dimension is defined by two change indicators: percentage owner-occupied and percentage one-unit structures for stability; percentage vacant for sale or rent and percentage households below poverty for disadvantage; and relative house value percentile and percentage with high school education for status.

cantly influenced subsequent changes in the outcome.²⁰ Researchers used multilevel models that permitted them to separate neighborhood dynamics from individual-level dynamics.

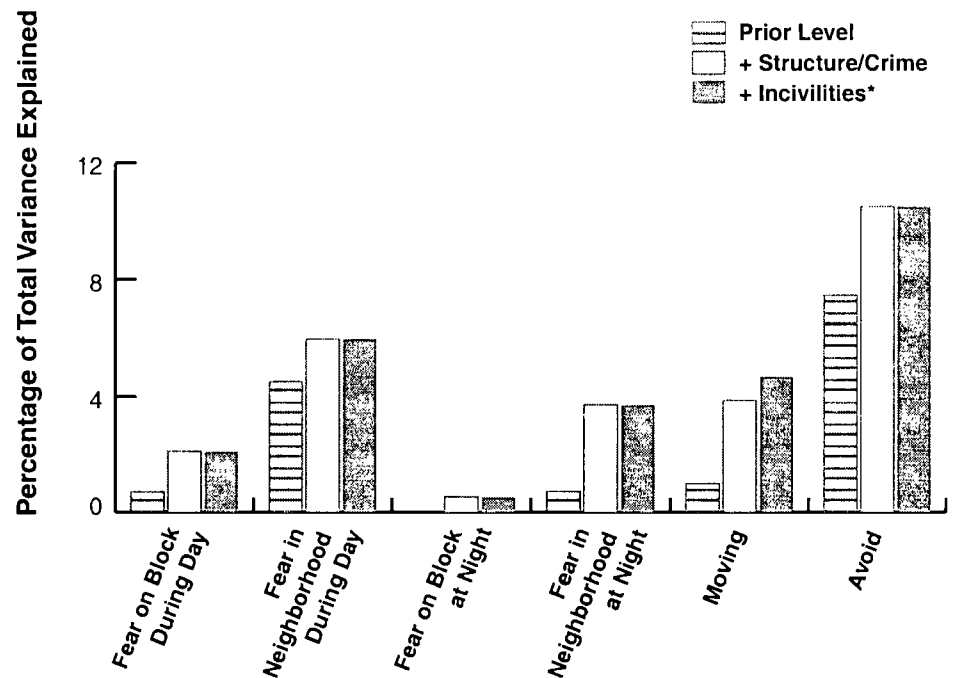
Exhibit 5 shows the contrast in neighborhood-level results from three sets of models.²¹ The striped bars show how much of the outcome was explained by entering the 1982 neighborhood outcome score. The white bars show how much was explained by the 1982 outcome score, 1980 neighborhood structure, and crime at the beginning of the period (1980–82). The solid bars show how much of the outcome was explained by all of the above, as well as by adding the 1981 assessed or 1982 perceived neighborhood-level incivilities.

The biggest contribution by prior neighborhood incivilities appeared for moving intentions. Adding 1982 perceived incivilities increases explained outcome variation from 3.9 percent to 4.7 percent. The only other significant impact of earlier incivilities was on nighttime fear on the block, which increased more in neighborhoods where graffiti was more prevalent in 1981.

For both neighborhood fear items, earlier neighborhood incivilities were not entered. After researchers had included earlier fear, neighborhood structure, and crime, no significant differences remained among neighborhoods for additional predictors to explain. For daytime fear on the block and dangerous places to avoid, 1981 or 1982 incivilities were entered but did not produce significant impacts.

In sum, for two out of six outcomes (moving intention and nighttime fear on the block), prior neighborhood incivilities showed statistically significant impacts, which were, in practical terms, modest.

Exhibit 5. *Percentage of total variance explained by level-two predictors*



* Incivilities not added to all models. See text.

For two other outcomes (daytime fear on the block and dangerous places to avoid), prior neighborhood incivilities were entered but had no significant effects. After controlling for other factors, incivilities for both neighborhood fear items did not even merit entry because only trivial between-neighborhood differences remained in the outcome.

Not shown here are strong cross-sectional connections at the *individual* level between these outcomes and perceived incivilities in 1994. Those residents who perceived more social or physical problems in their neighborhood than their neighbors did in 1994 also were more fearful, less committed, and more likely to see nearby danger. Most of the fear differences seen represented differences among neighbors, not differences among neighborhoods.

Summary

Using assessment and survey data as well as crime and census data, researchers learned that:

- Physical conditions had deteriorated significantly on the street blocks assessed in 1981 and 1994. Graffiti and abandoned houses occurred more frequently. Despite the worsening physical conditions, residents did not report that local physical or social problems in the neighborhood were significantly worse.
- Incivilities increased over time in neighborhoods where housing prices were lower and there were fewer black residents. Lower initial stability also contributed to later increases in graffiti.

B Study Design and Method

Baltimore neighborhoods served as the primary sampling unit in 1982. After excluding the downtown area, a dozen public housing communities, 39 unorganized areas that were generally small, and a half-dozen neighborhoods consisting extensively or exclusively of garden apartment complexes, researchers randomly sampled 66 of the city's 277 neighborhoods.^a

Within each neighborhood, the research team randomly selected census blocks and then random sides within each block. That block side, in essence, half of a street block, was "accepted" as a block if it met the eligibility criteria.^b If, in the course of interviewing, researchers failed to obtain the desired 25 completed interviews per neighborhood after contacting all sampled households on the eight sampled blocks, the team randomly sampled additional blocks and block sides using the same procedures. The research team drew an additional 35 blocks for this reason and sampled a total of 562 street block sides.

The team interval-sampled households from those with listed telephones, treating each of the 66 neighborhoods as a separate stratum. Eligible respondents were household heads or spouses of heads. When there was more than one eligible respondent, researchers used a random Kish selection procedure after sorting the eligibles by age.^c

The initial contact attempts were completed by telephone. Overall, although the completion rates varied considerably by neighborhood, 87.6 percent of all the interviews were completed by telephone. There were few differences between those contacted by telephone and those contacted in the field.^d The response rate was 73 percent.

The resulting sample was 66 percent female and 37 percent black; median 1981 household income was between \$20,000 and \$25,000; median education level was completion of the 12th grade.

1981 physical assessment procedures.

Separate from the selection of street blocks for interviewing purposes, researchers randomly selected 20 percent of all street blocks in each sampled neighborhood for physical assessment. Trained teams of raters completed assessments of onsite social and physical conditions on both sides of each street block. The features assessed included graffiti, abandoned houses, and other incivilities.^e Street blocks could be selected for assessment even if there were no occupied residential addresses there.

1994 sample selection. Although the Baltimore Department of Planning changed boundaries and names of some neighborhoods in its 1992 statistics, researchers opted to leave each neighborhood's boundaries unchanged to increase the comparability between current and previously collected data.^f

Because of financial constraints, the most recent study was limited to no more than 30 neighborhoods. The research team opted for stratified sampling over simple random sampling of the 30 neighborhoods from the original 66 neighborhoods. By stratifying, the researchers hoped to maximize crime changes from the early 1980s to the early 1990s. Strata were based on cross-classifying relative changes in violent and property crime during this period.

Researchers compared the 30 selected neighborhoods with the 36 nonselected neighborhoods in terms of percentage of black and percentage of owner-occupied households in 1990. On these two parameters, sampled and nonsampled neighborhoods were not statisti-

cally distinguishable by tests for differences in proportions. On the unexpected crime change parameters, since researchers oversampled increasing crime-change neighborhoods, the sampled neighborhoods scored higher than the nonsampled neighborhoods. The sampled neighborhoods also have a larger standard error, which was what researchers hoped to achieve with the stratification plan.

Block selection criteria were: 1981 incivilities assessment available, telephone numbers listed in Stewart's reverse telephone directory, telephone listings not dominated by large apartment buildings (more than six per address with different last names), and at least 12 households with telephones. In contrast to the 1982 sample, researchers took addresses from both sides of the street block rather than just one side, except in the case of neighborhood boundary blocks.

As onsite raters traveled to individual blocks, the research team discovered a small number of blocks (<5) that did not fit the sampling selection criteria, although they appeared to do so from the maps and the reverse telephone directory. These blocks were dropped and replaced with other blocks in the neighborhood meeting the same criteria as the original set.

As in 1982, telephone listings for selected blocks, three per neighborhood in 1994, were merged into a list. Duplicate telephone numbers, nonresidential telephones, and large apartment buildings (more than six telephones at an address with different last names) were eliminated. Simple random sampling was used to draw two replicate samples to reduce the chance on small blocks that residents

would be overwhelmed all at once with preapproach letters and initial contact attempts. Researchers used simple random sampling rather than the systematic sampling that was done in 1982 because it avoided some "mechanistic" outcomes of the sampling in neighborhoods with small blocks (e.g., taking every other house).

Although researchers did not treat street blocks as strata within neighborhoods, they hoped to conduct block-level analyses. To make such analyses more viable, they set minimum and maximum block quotas and instructed interviewers to obtain at least 4 and no more than 16 completed interviews per block.

The 1,279 sampled addresses within each neighborhood were transmitted to the survey team. An additional 100 numbers from 7 additional blocks, 1 in each of 7 neighborhoods, were sampled and forwarded in October 1994. It was necessary to open up additional blocks because of low response rates. Researchers obtained 704 completed interviews, for a response rate of at least 51 percent.⁹

To ensure interviews were spread over the length of a large block, sampled addresses were randomly sorted. Therefore, if interviewers worked halfway through a list of numbers on a block, they were unlikely to have worked halfway down the geographic block.

Researchers drew a random subsample of six addresses per block from the sampled addresses. Photographs were taken of those addresses, and raters used close-ended forms to rate housing conditions and territorial signage using previously developed scales.¹⁰ These data permit the team to contrast sampled and interviewed addresses with sampled but not interviewed addresses.¹¹ There appeared to be no upkeep or defensible space feature differences between interviewed and noninterviewed addresses, although territorial functioning may have been slightly

stronger at interviewed addresses, as reflected in gardening and neatness differences.¹²

Respondent selection was the same in 1994 as in 1982. If there was one household head, he or she was selected. If there were multiple household heads or spouses of household heads, they were listed by decreasing age, and one was randomly sampled using a Kish procedure.

Interviewing began in early September 1994 and was completed in early November 1994. All interviews were completed by telephone. (Data were processed using a CATI system.) Characteristics of 1994 respondents appear in exhibit 6.

Notes

a. Taylor, R.B., S. Brower, and W. Drain, *A Map of Baltimore Neighborhoods*, Baltimore, MD: Johns Hopkins University, Center for Metropolitan Planning and Research, 1979; and Goodman, A.C., and R.B. Taylor, eds., *The Baltimore Neighborhood Fact Book*, Baltimore, MD: Johns Hopkins University, Center for Metropolitan Planning and Research, 1983.

b. Taylor, R.B., and J. Covington, "Community Structural Change and Fear of Crime," *Social Problems* 40 (1993): 374-397.

c. Kish, L., "A Procedure for Objective Respondent Selection Within the Household," *Journal of the American Statistical Association* 44 (1949): 380-387.

d. Taylor and Covington, "Community Structural Change and Fear of Crime," 380.

e. For details on original data collection procedures see Taylor, R.B., W. Shumaker, and S.D. Gottfredson, "Neighborhood-Level Links Between Physical Features and Local Sentiments: Deterioration, Fear of Crime, and Confidence," *Journal of Architectural Planning and Research* 2 (1985): 261-275.

f. The research team later investigated the factors causing these boundary shifts. See Taylor, R.B., *Crime, Grime, Fear, and Decline*, New York: Westview, forthcoming; Chapter 10.

g. Many of the sampled addresses were not contacted because quotas on the block or the neighborhood already had been completed. If researchers looked just at the fraction of contacted addresses resulting in an interview, the response rate was more than 70 percent.

h. Taylor, R.B., S.D. Gottfredson, and S. Brower, "Block Crime and Fear: Local Social Ties and Territorial Functioning," *Journal of Research in Crime and Delinquency* 21 (1984): 303-331.

i. Six conditions were rated: gardening (intraclass correlation=0.92), neatness (intraclass correlation=0.74), ornamentation (intraclass correlation=0.89), real barriers between public and private property (intraclass correlation=0.97), presence of symbolic barriers between public and private properties (intraclass correlation=0.94), and overall structural condition of the housing unit (intraclass correlation=0.82). Ratings for each pictured address were averaged across the two raters. Inter-rater reliability, as shown by the above intraclass correlations, was quite high. Using a Bonferroni-adjusted alpha level of 0.008, there were no significant differences between interviewed (n ranged from 183 to 205) and noninterviewed addresses (n ranged from 196 to 242) on the amount of ornamentation ($t < 1$), presence of real barriers ($t = -1.72$, ns), structural upkeep ($t < 1$), and presence of symbolic barriers ($t = -1.98$, $p < 0.05$). There were significant differences in the amount of gardening ($t = -3.90$; $p < 0.001$) and neatness ($t = -2.74$; $p < 0.007$) with interviewed addresses scoring higher.

j. Taylor, R.B., *Human Territorial Functioning*, Cambridge, England: Cambridge University Press, 1988.

- Neighborhood status at the beginning of the period showed a powerful influence on neighborhood crime changes. Five Part I crimes, including one property crime, declined faster, or increased more slowly, in neighborhoods with higher initial house values.
- Neither residents' reports of incivilities in 1982, nor incivilities assessed in 1981, contributed consistently, independently, and substantially to changes in fear of crime in the neighborhoods between 1982 and 1994. These changes over time in outcomes, such as fear and moving intentions, were produced by earlier, more fundamental features of the neighborhood fabric.
- At the same time, results showed that those residents who view their neighborhood as more problem-ridden than their neighbors do were more fearful and less committed than their neighbors. There was a strong psychological connection for individuals between perceived problems—especially social problems—and these outcomes.
- High levels of incivilities may cause later increases in crime, but effects are not as consistent as expected.
- Earlier deterioration did not cause a neighborhood to "go downhill" faster. Incivilities made no independent impacts on changes in house value, homeownership, or educational levels. Incivilities did, however, shape later changes in poverty and vacancy rates.

Policy implications

The present results have implications for community planners, prevention specialists, and those involved in policing.

Community planners concerned with long-term neighborhood viability ought not overlook neighborhood basics. Neighborhood fabric and alterations in that fabric have strong impacts on later decline and moderate impacts on later crime changes. Direct efforts to enhance neighborhood stability, maintain house prices, and improve local economic development are needed to change crime levels.

For those concerned about reducing residents' fear and enhancing commitment to the locale, these results point toward the need for a "direct marketing" approach.²² Efforts should be made to find those individuals who are more fearful and less committed than their

neighbors and work with them. Can community policing officers effectively find those residents and business personnel whose local commitment needs the most bolstering and take steps to address those perceptions? With such strategies, what are the limits of the intervention? To what extent are these appropriate roles for community policing officers? These are some questions posed by the results of the research discussed here.

For community policing, more generally, the present results argue *against* according grime reduction or zero tolerance policies a privileged status, relative to other community policing

Exhibit 6. *Household demographics of 1994 survey respondents*

Part A	Mean	Standard Deviation	Median	Minimum	Maximum
Age	51.6	16.6	50	20	94
Length of Residence	18.8	16.2	14	0	85
Part B		N	%	Missing/Refused	
Gender	Male	275	39.1		
	Female	429	60.1		
Occupant Type	Owner	529	75.1		
	Renter	175	24.9		
Race	Black	231	32.8	15 (2.2%)	
	White	425	60.4		
	Other	33	4.7		
Education	<High school	121	17.2	13 (1.8%)	
	High school only	226	32.1		
	Some college	134	19.0		
	BA/BS only	115	16.3		
	Graduate degree	95	13.5		
Household Size	1	184	26.1	2 (0.3%)	
	2	236	33.5		
	3 or more	282	40.1		
Marital Status	Married	364	51.7		
	Single, widowed, divorced, never married	340	48.3		

initiatives. Although this study did not directly assess impacts of programs geared to reducing grime and disorderly street behavior, such features appear, depending on several factors, to be of weak to moderate relevance to neighborhood futures. Other community policing or problem-oriented policing tools, as well as resources devoted to traditional enforcement, should not be set aside a priori in favor of grime reduction or zero tolerance.

Neighborhood stabilization efforts that address disorder will prove most useful if carried out within a context recognizing the structural sources of neighborhood changes. Study results warn against problem-oriented policing or community oriented policing efforts that concentrate too heavily on fixing physical problems as a way to revitalize a neighborhood or reduce residents' fear. Neighborhood status and low crime are more important than "broken windows" in a neighborhood for long-term stability and low fear.

Notes

1. Miethe, T., "Fear and Withdrawal from Urban Life," *Annals of the American Academy of Political and Social Sciences* 539 (1995): 14-27; and Ferraro, K.F., *Fear of Crime: Interpreting Victimization Risk*, Albany, NY: State University of New York Press, 1994.
2. Hope, T., and M. Hough, "Area Crime and Incivility: A Profile from the British Crime Survey," in *Communities and Crime Reduction*, ed. T. Hope and M. Shaw, London: Her Majesty's Stationery Office, 1988: 30-47.
3. This was a negative direct impact in a path analysis. See Ferraro, K.F., *Fear of Crime: Interpreting Victimization Risk*, p. 62.
4. The total impact combined the direct and indirect impacts in a path analysis model using structural equation modeling. See Taylor, R.B., "Neighborhood Responses to Disorder and Local Attachments: The Systemic Model of Attachment and Neighborhood Use Value," *Sociological Forum* 11 (1996): 41-74.

5. Miethe, "Fear and Withdrawal from Urban Life," 21.
6. Taylor, R.B., *Crime, Grime, Fear, and Decline*, New York: Westview, forthcoming.
7. Taylor, R.B., and T. Webb, "Changes in Owner Occupancy and Vacancy Levels in Baltimore Census Tracts," *Census Note* 4, Baltimore, MD: Johns Hopkins University, Center for Metropolitan Planning and Research, 1982.
8. Assessed incivility indicators were collected in 1981; perceived incivility indicators were gathered in 1982. The incivility indicator shown is a principal components score based largely on physical incivilities but with some social incivilities included as well. For details on construction of the measure, see Taylor, R.B., W. Shumaker, and S.D. Gottfredson, "Neighborhood-Level Links Between Physical Features and Local Sentiments: Deterioration, Fear of Crime, and Confidence," *Journal of Architectural Planning and Research* 2 (1985): 261-275.
9. Siegel, S., *Nonparametric Statistics for the Behavioral Sciences*, New York: McGraw-Hill, 1956: 223. It was necessary to use nonparametric correlation coefficients because the crime change outcomes were markedly non-normal. In power analysis, $r=0.30$ is considered a medium size effect, and $r=0.10$ is considered a small effect. Given the 91-percent efficiency of the Kendall rank correlation coefficient compared to Pearson's r , assuming 60 cases rather than 66 given the partialling already carried out, and applying that to the results of power analysis for Pearson's r , this one-tailed test with an alpha of 0.10 has a statistical power of approximately 0.79 for detecting a medium size effect, which is quite close to Cohen's suggested benchmark of 80-percent power. Its power to detect a small effect size is unacceptably weak.
10. Taylor, R.B., "The Incivilities Thesis: Theory, Measurement, and Policy," in *Measuring What Matters*, ed. Robert Langworthy, Washington, DC: U.S. Department of Justice, National Institute of Justice, forthcoming. Also, see Taylor, R.B., *Crime, Grime, Fear, and Decline*, chapter 2.
11. The research team carried out a principal components analysis of the perceived problems, extracting two eigenvalues explaining 60 percent of the total variance. After rotation of the two components to a varimax solution, one component picks up just physical problems:

vacant houses, vacant lots, people who do not keep their property up, and litter. A second component focuses on social problems: insults, rowdy teens, noise, bad elements moving in, and people fighting. Vandalism had moderate loadings on both components. Putting vandalism together with the other physical problems, researchers created an index with a reliability (alpha) of 0.80. The reliability of the social problems was 0.86.

12. Taylor, R.B., and E. Kurtz, "Reactions to Crime and Specific Incivilities in Five Cities," paper presented at the annual meeting of the American Society of Criminology, San Diego, CA, November 1997.
13. It is necessary to use the $\alpha=0.10$ to generate sufficient statistical power. The power for these tests is the same for the prior tests.
14. Although an alpha level of 0.10 is used in exhibits 2 and 3, one could argue it should be lower, given the multiple correlated outcomes. The Bonferroni adjusted alpha level would be 0.014. To use that level, however, reduces statistical power markedly.
15. These independent impacts of incivilities control for earlier crime levels because the outcome represents changes independent of earlier crime levels.
16. As with the crime changes discussed above, these are "unexpected" structural changes residualized in the same way.
17. Principal components analysis with varimax rotation was carried out, and three dimensions, each with an eigenvalue >1.0 , were rotated. For the first two components, the variables mentioned loaded better than 0.80 on the component. For the last component mentioned, status change, house value loaded 0.76 and education change loaded 0.67.
18. Logan, J.R., and H. Molotch, *Urban Fortunes*, Berkeley, CA: University of California Press, 1987; Gottdiener, M., *The New Urban Sociology*, New York: McGraw-Hill, 1994; and Gottdiener, M., and C. Pickvance, "Introduction," in *Urban Life in Transition*, eds. M. Gottdiener and C. Pickvance, Newbury Park, CA: SAGE Publications, 1991: 1-11.
19. For status see Logan, J.R., and H. Molotch, *Urban Fortunes*; for race see McDougall, H.A., *Black Baltimore: A New Theory of Community*, Philadelphia, PA: Temple University Press, 1993; for stability see Bursik, R.J., "Social

Disorganization and Theories of Crime and Delinquency," *Criminology* 26 (1988): 519-551; Henig, J.R., "Neighborhood Response to Gentrification: Conditions of Mobilization," *Urban Affairs Quarterly* 17 (1982): 343-358; and Ahlbrandt, R., and J. Cunningham, *A New Public Policy for Neighborhood Preservation*, New York: Praeger, 1979.

20. Before entering predictors, we investigated how much of each outcome was due to differences between neighbors and error, and how much was due to "true" differences among neighborhoods. We learned that all of the

outcomes contained significant differences among neighborhoods (all $p < 0.01$). The significant between-neighborhood variation ranged from 15.1 percent to 3.7 percent of the total variance (mean=7.2 percent, median=6.2 percent).

21. Results here do not show the individual-level impacts. For more details, see Taylor, *Crime, Crime, Fear, and Decline*, forthcoming. There was a very strong cross-sectional connection between perceived incivilities in 1994 and the outcomes examined here. In other words, those residents who perceived more incivilities in 1994 than their neighbors also were more

fearful; were more likely to nominate dangerous places to avoid; and were more likely to intend to move. Those connections do not address the ecological, longitudinal decline and disorder thesis.

22. Policy implications on reactions to crime such as fear and commitment would be stronger if we were able to know which of the residents interviewed in 1982 stayed and which left. But this information is not available. It is plausible that policy implications about this class of outcomes, the psychological reactions, would be different if such information were available.

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Community Watch

Amitai Etzioni*

The way one thinks about and deals with crime depends on one's assumptions about human nature. If one assumes that people are good by nature, as many liberals do, then one blames conditions in society on ill conduct. Giving people jobs—well-paying jobs and not dead-end ones—is the most obvious treatment for anti-social behaviour. Education, rehabilitation, and psychotherapy are close seconds.

But if one shares the assumption of social conservatives (from the religious right to Michael Howard) that people have strong aggressive and sexual impulses, then one seeks ever stronger measures of law and order. In the US, Steve Forbes campaigned in favour of *one* strike and you're out. Yet there is a mountain of social-science evidence to support a third, communitarian position; infants are born without values (there are no altruistic genes) but, given the proper moral infrastructure, they can acquire values.

The building blocks of such an infrastructure are well known. Historically they have included families, schools, and communities (which encompass places of worship and voluntary associations). From this viewpoint, the sharp rise in crime in western societies is due to the weakening of all these moral elements. The family has clearly declined, and no new social agency has taken its place. Whatever one thinks about child-care centres, their focus is on custodial care, perhaps learning, but hardly on moral education. Schools in Britain still do a fair job of character-building, but as pluralism rises they are under increasing pressure to be value-neutral.

The sad fact is that even when families and schools are functioning to perfection as values-transmitters, as the moral agents of society they do not suffice. This takes us back to the pesky question of human nature. It is impossible to expunge all anti-social

urges: we all occasionally experience aggressive feelings, inappropriate sexual desires and selfish inclinations. The best families and schools can do—and this is crucial for our understanding of crime and how to deal with it—is to develop a conscience that serves as a counterweight. Human nature is condemned to an eternal struggle between these urges (which make us offend mores and often laws) and our conscience.

Most important, how law-abiding (and good) we are as adults is very much determined by the extent to which the conscience we acquired as children receives external reinforcement. This is particularly effective when it comes from those in whom we have an emotional investment: members of our communities. The stronger the communal bonds and the more they support pro-social behaviour, the more we are able to curb our urges, and the lower the level of crime. This is why we are all so surprised at crime in a small, tight-knit community, such as Dunblane.

The crimes I am talking about include not merely street violence, but also child and spousal abuse, white-collar crimes (embezzlement), corporate crime and political corruption.

Crime occurs in all social classes, not only in inner cities. While communities can curb even the most serious violent crimes, they are particularly effective in minimising most other crimes, releasing resources to fight the hard core.

Tony Blair's anti-crime programme, as drafted before his election, was successful in deflecting Tory accusations that Labour was soft on crime. Its focus on moving police from behind desks to the streets, "zero tolerance" for petty crimes, and fast-track punishment for persistent youth offenders, leaves plenty of room to make it more communitarian. The government programme could now take into

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account that crime is best prevented from the beginning rather than deterred by punishment after the fact. And that if one simply arrests most kinds of criminals (for instance, drug dealers), other people soon take their place. Both issues are best addressed when members of communities censure anti-social behaviour.

To mobilise communities to censure crime strongly, they must be treated as true partners with the police. Community policing does not quite cut it. While it is helpful to move more police on to the beat, it is also necessary to change the demographic composition of local police forces so they will not differ too much from the communities they are supposed to co-operate with. Community leaders must be involved in setting police priorities. Should the police concentrate on drug-dealers or on school safety? Should they focus on outsiders or entrap kerb-crawlers?

Some communities cannot be reached because they are hostile in general and to the police in particular. Yet in some instances, for example in Los Angeles, even gangs have been won over to help curb violence. Many disadvantaged communities already realise that they bear the brunt of crime. If they could be convinced that the police would deal fairly with them, they would be more likely to collaborate. Recently we learned that the curbing of quality-of-life offences—minor crimes such as playing cassette players loudly in public places, graffiti, and aggressive begging—is surprisingly effective in reducing more serious offences. Such drives re-establish community mores and mobilise the community to back crime-fighting.

Stigma is a useful device for addressing criminal behaviour; unfortunately it ruffles the feathers of liberals. They speak of returning to putting people in stocks. But while most everyone would agree that it would be a better world if one could prevent crime only by positive incentives, realistically, negative sanctions are unavoidable. Stigma is the least costly and the most—yes, the most—humane.

A young accountant is caught for the second time having embezzled money from a pension fund. Send him to jail, and he is most likely to graduate with even less respect for the law, be subject to punitive conditions, and carry the stigma of a crimi-

nal conviction, all at a high public cost. Make him carry a sign in his neighborhood (as a judge recently did in the US) and he will be deterred from repeating his offence—at minimal public cost.

Another way for communities to prevent crime is for them to wall themselves in—troubling, because communities sometimes employ these gates to keep out those of a different class or race. One notes that affluent communities and public institutions already have stringent entry controls. I cannot get into Parliament, the BBC, the High Court, and well-off people's residences, without identifying myself and explaining my business. Working-class neighbourhoods should be allowed the same protection, given that they are the likely victims of violent crime and that the state has not succeeded in keeping crime at bay. Gates and other methods of shielding target areas have proven surprisingly effective.

Gates have another constructive effect. They can help build community. When a neighbourhood in Dayton, Ohio, was flooded with drug-related crimes, gates—only to cars, not to pedestrians—blocked the traffic from the highway and divided the neighbourhood into six cul-de-sacs. Each of the six areas developed its own identity and social web. Children were heard to comment on the way to school that they must behave themselves because throwing stones or yelling aloud was not welcome in these parts. The undesirable effects of gated communities can be avoided by ensuring that neighbourhoods treat all who seek entry in the same manner. One still would prefer open communities, but gates seem necessary until crime, including terrorism, is better controlled.

Some pundits insist that the real issue is the exaggerated fear of crime, rather than crime itself. Fear is more pervasive in communities where crime rates are relatively lower. (A recent survey—which relies on self-reporting—found that in England more people reported themselves to have been a victim of crime last year than in the US, although crime rates in the US are several times higher.) This fear has barely declined even as crime has been reduced.

Many liberals draw from this the somewhat presumptuous conclusion that the members of such communities are irrational (the term "hysterical" is

sometimes used) and need reassurance, rather than more protection. But communities are sensible to worry about crime, even if after rising drastically (by more than five times between 1960 and 1990 in England and Wales) crime rates have now levelled off or been curtailed.

Crime has such devastating and lasting effects that limited changes in statistics do not much matter. Parents who yearn for a day when their children will be able to play outside unsupervised derive little comfort from a fall in crime of 11 percent. People won't walk at night in the "wrong" parts of a town simply because the murder rate is not as high as it used to be.

Among the more innovative ideas is an approach highlighted during the first Talk to Tony town meeting: restorative justice. It calls for offenders to meet their victims in the presence of other community members. The offenders are expected to apologise as well as perform community service that will help compensate the victim—for instance, restoring their vandalised property. The community determines the nature and scope of the compensatory service.

Untested so far is an idea from the Communitarian Network, which advocates sharing with communities savings that result from falling crime. The plan, "it takes a village to prevent a crime", offers communities a deal: it gives the community an estimate of the public cost caused by crimes committed on its turf. If the community agrees to fight crime, and if as a result crime falls in the following year, the community is awarded half the savings. These can

be used for shared purposes, from building a playground to a swimming pool, but not for projects for the benefit of individuals. This further enhances the communal bonds, which in turn enables the community to combat crime.

These measures are not meant to supplant the conservatives' law-and-order measures or the liberals' job-creation. Communities are partners which can shoulder an important part of maintaining public safety, but they can hardly combat it single-handedly. One should note that for many crime-fighting purposes, police are over-skilled and expensive. It is best to draw as much as possible on alternative sources, and sentence first offenders to community work rather than jail.

When it comes to policing, a certainty of punishment is more effective than extensive punishment, and communities would be better off if the numbers of cops and courts were increased, rather than the number of jail cells. Jails should accommodate more people, for shorter sentences, to better effect. Providing the right jobs can significantly reduce crime; unfortunately such jobs are difficult for governments to produce, especially for the areas in which violent crime is most common. Yet law-and-order and socio-economic cures have long been the focus of the debate over the best ways to deal with crime. These have overshadowed the importance of community as a reinforcer of pro-social mores. Whatever portion of crime community-based methods can prevent, they eliminate it in ways that are low in cost and humane.

DOJ Conference
Background Paper by Amy Sherman

INTRODUCTION

Criminal justice in America today is a paradox of progress: while the fairness and effectiveness of criminal justice has improved, public trust and confidence has apparently not. Four decades ago, national television brought the Birmingham, Alabama police into living rooms across America: white officers with police dogs, cattle prods and fire hoses attacking black and white civil rights marchers asking only for racial equality. Today, American criminal justice is far less corrupt, brutal, and racially unfair. It is arguably more effective at preventing crime. It has far greater diversity in its staffing. Yet these objectively defined improvements seem to have had little impact on American attitudes towards criminal justice.

Understanding this paradox of progress--better work but poor marks--is central to improving public trust and confidence in the criminal justice system. The paradox provides the basic answer to the Justice Department's mandate for this paper: two broadly framed questions, each with subsidiary questions:

- "1) **What are the public's expectations of the criminal justice system?** Are these reasonable? What are the public's perceptions of various components of the criminal justice system? Are these perceptions accurate? Is the system fair? Is the system perceived as fair? Is the system effective? Do people perceive that the system is effective? How does the public judge criminal justice agencies? Where do they get their information from? How much is based on personal experience?
- 2) **What are the factors that affect public confidence today?** What have we learned about the process by which public confidence in the criminal justice system is built?"

A review of the theories and data about these questions leads to four major conclusions documented in this paper:

1. American criminal justice is fairer and more effective than it has ever been.
2. Public confidence in criminal justice is low, and more change is demanded.
3. Increasing egalitarianism in modern culture has raised expectations and reduced trust in criminal justice, even as its performance has improved.
4. Criminal justice has failed to use the media-based "celebrity culture" to establish its authority in a society that rejects a remote hierarchy in favor of familiar personal leadership.

Many implications may be drawn from this analysis. This paper, as requested, stops short of suggesting implications, in order to allow readers to develop their own conclusions about what is to be done. The paper assumes that continued improvements in criminal justice are still urgent and essential. But the evidence suggests that merely doing the same things better is unlikely to improve public trust and confidence in criminal justice.

1. AMERICAN CRIMINAL JUSTICE IS FAIRER AND MORE EFFECTIVE THAN EVER

The history of American criminal justice is a useful reminder of how good things are now compared to how bad they used to be. The frequent nostalgia for a golden era of small towns and strong communities is not supported by the evidence of widespread inequity and ineffectiveness in local criminal justice. Throughout most of American history, criminal justice operated in ways that systematically favored the rich over the poor, whites over blacks, men over women, and adults over children. To the extent that these inequities still exist, they are dramatically smaller than they once were (Friedman, 1985, 1993). These inequities were not only unfair, but they reduced the effectiveness of the system in insuring domestic tranquility, and accomplishing the basic purposes of government.

INEQUITY AND INEFFECTIVENESS

Wealth. The criminal justice system at the time of the Constitutional Convention was available to those who could pay for it. Like medicine and education, justice was rarely offered for free. Lacking a public police force or prosecutors, victims had to pay for arrest warrants and other actions against offenders. These fees were often prohibitive for ordinary people. The result was that many offenders went free, even though they could have been identified and convicted if tried. In London, charities were created for the cause of "public prosecution," and for paying bounties to constables or sheriffs who were paid solely by user fees. It was not until after our Constitution was adopted that the Anglo-American system of justice heard a radical suggestion in print: that police should be paid by the government out of general taxes (Colquhoun, 1795).

The modern police organization providing 24-hour patrol protection to all citizens equally (in theory) and for free was not introduced until 1845, in New York City. Other cities quickly followed suit, but with a highly politicized police force. Some cities actually elected precinct captains. Most made appointment to the force conditional on political approval of the ruling party, leading to ethnic group struggles for control of police. But throughout the next century, urban police were usually on the side of big business, doing its best to suppress the labor movement. Rural police were also directed by the wealthy, in such industries as mining, sharecropping, and cattle ranching.

Most important, the wealth of criminals was a major factor in the direction of the system. The exposes of Lincoln Steffens and other early 20th Century "muckrakers" revealed many cases of police, prosecutors, judges and prison wardens being systematically corrupted either by politicians who had been bribed by criminals, by direct bribery from criminals, or both. For criminals who had no wealth to protect them, the extraction of confessions through beatings and torture (known as the "third degree") was not uncommon. Not until the 1940s did the U.S. Supreme Court bar the use of confessions obtained by force. Little wonder that one investigator for President Hoover's Crime Commission (The Wickersham Commission) produced a report entitled OUR LAWLESS POLICE. The Hollywood movies of the 1930s treat these facts as obvious and largely inevitable.

Race, Gender, Age. There is also strong evidence that the system discriminated against African-Americans, recent immigrant groups (especially Roman Catholics and Jews), and women and children, in

relation to white Protestant males. African-American slaves had no legal rights at all, and could be killed in most states by their owners without legal consequence; not much changed in the South for the first century after Emancipation (Butterfield, 1995). Women were not as badly off, but had lesser rights than men by law (Pleck, 1989). Children were exposed to substantial risk of assault by adults with little legal recourse, with incest and child abuse rarely prosecuted or even discussed as a problem.

SEA CHANGE: 1960-2000

Starting in about 1960, changes in American culture started rapid and substantial changes in these unfair practices that protected many wealthy and powerful criminals. The G.I. bill rapidly increased American educational levels, raising awareness of government conduct and expectations for its legality. The rise of television dramatically displayed the face of injustice, especially in the drama of the civil rights movement. The Warren Court took major steps to protect rights of defendants. A new generation of "racket busters" sought to make careers modeled on Thomas Dewey's, exposing corruption in government and convicting powerful criminals. Movies such as *TO KILL A MOCKINGBIRD* and the murders of three white northern civil rights workers in the South created national condemnation of racial discrimination in criminal justice. New voting rights legislation and federal protection of black voters began to change the power structure of cities in all regions. Betty Friedan's *THE FEMININE MYSTIQUE* crystallized the movement for women's rights, and added to the rising demand for greater equality.

At the same time, the onset of the Baby Boomers' adolescence fed a crime wave that produced a crisis in criminal justice. Caught between rising rates of serious crime and a wave of race riots arguably caused by police brutality, President Johnson appointed a series of blue ribbon commissions to examine the issues and make recommendations. Those recommendations led to the creation of the Law Enforcement Assistance Administration, massive funding for higher education for police, and the development of the egalitarian concept of "community policing" in competition with the more hierarchical and detached 1920s vision of "professional policing." The tumultuous 1960s led to a decade of reform in the 1970s, with the rise of a new generation of college-educated police chiefs, the formation of new reform groups such as the Police Foundation and the Police Executive Research Forum, and a wave of research examining the effectiveness of criminal justice practices. These reforms helped lead to the following results:

- o The creation of internal affairs bureaus to investigate complaints against police in most major police agencies, which previously had simply ignored complaints.
- o The appointment or election of far more minorities and women to the bench, prosecution offices, and police agencies, especially in top jobs such as police chief and district attorney.
- o A substantial decline in systematic criminal justice corruption and brutality.
- o A gradual ban on killing unarmed fleeing felony suspects, later adopted by the Supreme Court.
- o A substantial reduction in killings of citizens by police (Geller, 1992: 503).
- o A reduction in the racial disparity in police killings in cities over 250,000, reported in an NIJ-funded Urban League study to have dropped from 7 to 1 in 1971 to 2.5 to 1 in 1978.
- o Far greater criminal justice attention to violence against women and child abuse.

- o Creation of court-based victim and witness advocates to provide more personal support.
- o Widespread adoption of 911 systems to make police more responsive to citizen needs.
- o Greater controls on language and respect of officials to citizens of all races and classes.
- o Ongoing attention to patterns of discrimination in criminal justice.

Greater Effectiveness. The pace of change slowed with the social conservatism of the 1980s, but the ideas and research programs planted in the 1960s continued to drive criminal justice in the direction of greater effectiveness. The advent of personal computers in the 1980s created new opportunities for setting priorities and focusing scarce resources on serious problems. Federally-funded research discovered concentrations of crime among repeat offenders, leading to new efforts for better investigations and prosecutions of high-risk suspects, as well as better computer systems for identifying them. New computers also helped federal research to discover "hot spots," the 3 percent of addresses where over half of all crime occurs. These developments led to a more "problem-oriented" community policing in the 1990s, one focused on public safety results as much as consultation with citizens. New York City's application of these principles created a new management system called "Compstat," for computerized statistics, which some observers credit with at least part of the massive reduction in crime there over the past six years. Increased computer-driven efforts to confiscate illegally carried guns may have sparked the substantial increase in weapons arrests in 1993 that has consistently tracked the national drop of homicide rates back to their 1960s levels (Sherman, forthcoming).

As the century closes, American criminal justice is more focused on fairness and effectiveness than ever. Special courts have been established to solve difficult problems, such as drug courts and gun courts. Justice Department suits against police agencies under 1994 legislation places them under stricter scrutiny than ever before--although court supervision of prisons has been cut back by 1996 legislation. Monitoring of police conduct by surveillance cameras in patrol cars, lockups, and in the hands of citizens (as in the Rodney King case) has greatly increased the visibility of police encounters with citizens, probably producing less misconduct. Prosecutors increasingly embrace "community prosecution," decentralizing their offices in efforts to set priorities and improve citizen cooperation. Police agencies nation-wide, driven by public awareness of New York's successes in reducing crime, pay more attention to identifying crime patterns and focusing patrol resources for crime prevention.

Problems remain in the American criminal justice system. There are frequent allegations of racial discrimination, violation of citizen rights, waste and inefficiency. Racial profiling, sentencing disparities, pockets of corruption and unjustified killings remain major concerns. Much remains to be done, and progress is easily reversed by changes in leadership or political winds. But compared to the practices of the 1960s, criminal justice has come light years. Moreover, meetings with top officials in ten other nations since 1997 suggest that American criminal justice is doing well compared to other nations. The paradox is that these comparisons have not connected with the American people, who expect much more and want greater change.

2. PUBLIC CONFIDENCE IN CRIMINAL JUSTICE IS LOW; CHANGE IS DEMANDED

What we know about public trust and confidence in criminal justice is limited but sobering. No clear definition of this concept guides a consistent approach to measurement. No data at all about "trust" or "confidence" in "criminal justice" were gathered in recurrent national polls prior to the 1990s, although there were data on selected institutions. The clearest, most recent data we have compares public "confidence" in criminal justice institutions--without defining the term--to "confidence" in other institutions. Those data give "criminal justice" very poor marks, as well as its component institutions--with the major exceptions of the local police and the U.S. Supreme Court.

LOW CONFIDENCE COMPARED TO OTHER INSTITUTIONS

A 1999 Gallup poll found public ratings of confidence in criminal justice far below such ratings of institutions like banking, the medical system, public schools, television news, newspapers, big business and organized labor ([http:// www.gallup.com/poll/indicators/indconfidence.asp](http://www.gallup.com/poll/indicators/indconfidence.asp)). This poll in mid-1999 found the criminal justice system to have the third lowest level of public confidence among 17 institutions examined, with only internet news and Health Maintenance Organizations ranked lower. Figure 1 shows how criminal justice compared in percentage of respondents saying they had "a great deal" or "quite a lot" of confidence in selected institutions from the list. The 23% confidence level for criminal justice in 1999 is actually a fifty percent relative increase from the 15% confidence level in 1994. Yet the small absolute size of the increase (8%) could simply result from chance changes in telephone survey responses in an era of answering machine-screening, telemarketers and survey fatigue. More important is the fact that criminal justice is almost identical to the ranking given to the U.S. Congress, and that the low ranking of criminal justice relative to other institutions has remained unchanged.

Figure 1 Here

The most striking fact in Figure 1 is the difference between the low evaluation of "criminal justice" and the high evaluation given to the police, by far the largest component of the criminal justice system. While other data (Maguire and Pastore, 1998) show that confidence in local courts and in prisons is far lower than it is for the police, the large differences suggest that Americans may not think of police as part of the criminal justice system.

What is "Confidence?" It is also apparent that the meaning of "confidence" can vary with how the question is asked. While in June, 1999 respondents gave police a 57% general "confidence" rating, an October 1998 poll gave police only a 45% rating of a "great deal" or "quite a lot" of confidence "in the ability of the police to protect you from violent crime." The poll data are vague with respect to at least three possible definitions of "confidence":

- o trust and confidence in the integrity and fairness of the institution
- o confidence in the institution doing the right thing, like being "tough enough"
- o confidence in the results of institutional action to produce public safety

On the issue of being "tough enough," poll data from the 1960s and 1970s show striking transitions. From 1965 to 1969, for example, one consistent poll found an increase from 48% to 75% in respondents who said that courts were not harsh enough with criminals (Hindelang, et al, 1975: 204). The view that courts are too lenient has remained at about that level ever since (Maguire and Pastore, 1998: 135). But how toughness relates to "confidence," or even the social science concept of legitimacy (Tyler, 1990) is not at all clear. In 1972, for example (Hindelang, et al, 1975: 203), 83% of all respondents to a national poll said the police should be "tougher with crime and lawlessness," including 72% of nonwhite respondents. Yet a similar poll in 1970 found 64% of respondents rated the job police were doing as "excellent" or "pretty good."

Overall, confidence in police seems to have little to do with crime rates or perceptions of police conduct. Confidence "in the ability of the police to protect you from violent crime" barely changed from 1981 through 1998, despite substantial decreases in crime (Gallup website). Similarly, public ratings of the "honesty and ethical standards" of the police have hovered 45% "high" or "very high" from 1981 through 1997, with barely a drop in the aftermath of the Rodney King incident or the O.J. Simpson murder trial (Maguire and Pastore, 1998: 115).

Confidence in courts has been measured less often, but also shows little connection of measures of performance or crime. Public "confidence" in the U.S. Supreme Court as an institution has remained largely unchanged since 1980 (Maguire and Pastore, 1998: 110), even though the Court has increasingly supported police powers during that period. From 1987 through 1997, national samples of graduating high school seniors showed up to one-third decreases in those saying that the police, local courts, and the U.S. Supreme Court was doing a "good" or "very good" job, even while crime rates dropped substantially (Maguire and Pastore, 1998: 154).

THE RACIAL DIVIDE

What is most clear about trust or confidence in criminal justice is the racial division of opinion on its component institutions--although not for the system itself. There is a vast literature documenting racial and other demographic differences in the level of trust and confidence in criminal justice institutions (e.g., Wilson, 1975). Yet a 1998 Gallup poll (Maguire and Pastore, 1998: 106) reports that there is very little demographic difference within the overall 23% of respondents saying they had a great deal or quite a lot of confidence in the criminal justice system. Blacks actually have a slightly **higher** level of confidence than whites (25% versus 23%). Men have more confidence than women (28% vs. 20%), rural residents have more confidence than urban (28% vs. 18%), and people under 30 have slightly more confidence than people over 65 (26% vs. 22%). But these differences are quite small, and do not change the very low rating almost everyone has for the criminal justice **system** as a whole.

Far greater differences emerge when people are surveyed about specific criminal justice agencies. The same Gallup poll (Maguire and Pastore, 1998: 107) reports that whites have almost twice the confidence in **police** (61%) as blacks (34%). Race is also by far the biggest split of opinion among any demographic dimension reported, with the closest competitors being age (46% under 30 vs. 68% overage 65) and geography (50% for urban residents vs. 63% for rural residents). When asked about the U.S.

Supreme Court (Maguire and Pastore, 1998: 109), the racial difference is less great, but still present: blacks have less confidence (40%) than whites (51%), with race again the greatest demographic difference.

A different poll in a different year (1996) asking the same kind of question as the Gallup poll shows similar patterns by race for courts and corrections. Whites have twice as much confidence in their **local court system** (36% a great deal or quite a lot) as blacks (16%). Whites have almost twice as much confidence in their **state prison system** (26%) as do blacks (15%). For both courts and prisons, race is again the demographic factor producing the largest difference of opinion.¹

Figure 2

Race, Victimization and Punishment. These racial differences may be closely linked to major correlates of race: victimization and punishment. Blacks are about 31% more likely to be victimized by any personal crime than whites, and twice as likely as whites to suffer a completed violent crime (Maguire and Pastore, 1998: 182). Young black males are historically ten times more likely to be murdered than white males (Reiss and Roth, 1993: 64). At the same time, arrest rates are five times higher for blacks than for whites for robbery, 4 times higher for murder and rape, and three times higher for drug violations and weapons possession (Hacker, 1992: 181). Finally, blacks are eight times more likely to be in state or federal prison than non-Hispanic whites (and three times more likely than Hispanic whites); almost two percent of the black population, or one of every 63 blacks, was in prison in 1996 (Maguire and Pastore, 1998: 494).

Race and Neighborhood. What these data fail to show, however, is the extent to which the racial differences in attitudes, victimization and punishment are largely the result of a small number of high crime poverty areas concentrated in a small fraction of urban neighborhoods. What we may understand as a problem of race in America may largely consist of conditions in those neighborhoods that are generalized by both blacks and whites to conditions of the larger society. Harvard University sociologist Orlando Patterson has estimated that only one in every thirty blacks resides in these high-crime, high-poverty areas, although the proportion is higher for children. Whatever the proportion of African-Americans who live in urban poverty areas, the result means the same: a minority of blacks suffers extraordinarily high rates of crime, which generates massive disparity in rates of punishment that are also concentrated on these same neighborhoods. It also creates black distrust in criminal justice in all areas.

Whether it is the disparity in crime, punishment, or both that drives the lower levels of confidence among blacks is difficult to determine at the national level. Despite the well-known concentration of crime and perceptions of injustice in these neighborhoods, no national or federal systems of data

¹ It is worth noting that the major compilation of public attitudes about criminal justice, the 25-year old SOURCEBOOK OF CRIMINAL JUSTICE STATISTICS funded by the Bureau of Justice Statistics (Maguire and Pastore, 1998), is unable to report any current opinion data about prosecutors, local jails, probation or parole officers, or public defenders.

collection provide separate indicators for those areas. The insights we have about those areas come from city-by-city analyses, such as the Project on Human Development in Chicago Neighborhoods (Sampson and Bartusch, 1999). What such studies demonstrate, however, is extremely important for the national conversation about race, crime, and trust in justice:

1. There is no race-based subculture of violence. Blacks and whites have similar views on the legitimacy of law given similar neighborhood conditions. To the extent that there is a racial correlation with attitudes toward law, it is simply a reflection of the greater likelihood of blacks to reside in poverty areas. Anyone residing in those areas, regardless of race, is more likely than residents living in low-crime areas to view the law as non-binding. These attitudes may help to sustain high levels of offending, provoking higher levels of legal intervention, and creating more opportunities for conflict between criminal justice agencies--especially police--and community residents.

2. There is no race-based hostility to police in high-crime areas. High levels of dissatisfaction with police are endemic to high-crime areas. Whites residing in such areas are just as hostile to police as blacks (Sampson and Bartusch, 1999). This fact challenges a police racism explanation for such hostility--unless it is the racism of black police against white residents in high crime areas. It seems more likely that the distrust of police in high crime areas is driven more by crime than by police practice. If it is driven by police practice, it may be the failure of such practices to prevent crime, rather than an excess of police presence, that is at stake. Or it may well be the style of policing to which everyone in such areas is exposed, one that offers less recognition and dignity to police clients than is found in lower crime areas. But to the extent that police practices are affected by high crime rates, even that explanation is fundamentally about the experience of crime.

STRONG DEMANDS FOR CHANGE

Dissatisfaction with criminal justice agencies other than police goes far beyond the boundaries of inner-city poverty areas. A random digit dialing telephone survey of 4,000 residents of ten northeastern states in 1998 found that only 12 percent of respondents thought the criminal justice system "works well enough now" for dealing with violent crime, and 16% agreed with that statement for all kinds of crime. Over eighty percent--or four out of five respondents--preferred the idea of "totally revamping the way the system works" for violent crime, with 75% saying the same for all crime (Boyle, 1999). These findings varied little from state to state, with populations as diverse as New York City and Vermont. Nor did they vary by demographic group.

This level of dissatisfaction is extraordinarily high. It may reflect the sampling bias of telephone surveys, which is that respondents are more likely to cooperate with the interview if they have strong opinions on the subject. That bias is more likely to influence the results of surveys on "crime" than on matters in general, such as the surveys of confidence in major institutions of all kinds. Nonetheless, the survey provides useful clues to the causes of the dissatisfaction that is likely to be found all around the nation. The respondents believe that

o victims are not accorded sufficient rights in the criminal justice process

- o victims are not informed enough about the status of their cases
- o victims are not able to talk to prosecutors enough
- o victims should be able to tell the court what impact the crime had on them, but most victims do not get that chance
- o offenders, even if jailed, should reimburse victims for the cost of the crime
- o offenders should acknowledge their responsibility for the crime
- o victims should have a chance to meet with the offender to find out why the crime occurred and to learn whether the offender accepted responsibility
- o ordinary citizens, not courts, should set penalties for nonviolent crimes
- o drug treatment should be used more widely for drug-using offenders

These results can be contrasted sharply with the discussion at the National Conference on Public Trust and Confidence in the Justice System in Washington in May of 1999. The 500 attendees at this conference included state chief justices, court managers, and representatives of the federal judiciary, bar, and news media. The draft "National Action Plan" emerging from this conference focused on such strategies as improved education and training of judges, improved media understanding of the courts, more judicial involvement in public education on the role of the courts, and better use of information technology (<http://www.ncsc.dni.us/ptc/NAP/NAPdraft21.htm>.) The organizations participating in this plan are among the most important in the nation's criminal justice system: the American Bar Association, the U.S. Department of Justice, the Conference of Chief Justices, and the League of Women Voters. Even though the conference was about civil as well as criminal justice and did not focus on crime, the strategies seem unresponsive to the concerns about personal treatment of victims and offenders voiced in the northeastern states survey.

Consider, for example, a recent example from Philadelphia. On November 29, 1999, Jean Walker missed her bus. She was due at the 10:00 a.m. preliminary hearing for the defendant charged with robbing her at gunpoint. When she reached the Municipal Court at 10:30, she learned that the Judge had dismissed the charges and released the defendant on "DLOP, C/W FTA." This means that the case was "Dismissed for Lack of Prosecution, Complainant/Witness Failed to Appear." This action was part of a pattern of criminal justice adjustment to a new "zero tolerance" policy that has helped reduce homicide by 25% since 1998, but it has also doubled the rate of dismissal for felony charges as courts scramble to keep up with a big increase in arrests (Ferrick, 2000). This may be a good example of a policy that makes criminal justice more effective, but not fairer from the personal perspective of crime victims.

The personal concerns of the Northeastern states' survey respondents are consistent with a major theory about the declining public confidence in all government--not just criminal justice--in all modern nations, not just the U.S. These concerns arise from the decline of hierarchy and the rise of equality in all walks of life, increasing the emphasis on respect for individuals. To the extent that the survey shows public demands for greater respect of citizens by courts, it reflects a more general complaint about government in liberal democracies.

3. EGALITARIANISM IN MODERN CULTURE RAISED EXPECTATIONS, REDUCED TRUST

Americans' trust in all government, not just the criminal justice system, has declined sharply in the last quarter century. A similar loss of trust has been found in 18 other nations. Citizens now expect higher levels of recognition, respect and status from all government. Their frequent contacts with criminal justice in particular--about 1 in 5 Americans each year--makes criminal justice a flash point for this more general demand. That flashpoint reveals a mismatch between the hierarchical design of criminal justice institutions and the egalitarian demands of the public. Yet scattered experiments in creating more egalitarian forms of justice show substantial improvements in the level of trust and legitimacy for criminal justice, and even increased compliance with law.

TWO POLITICAL ETHICS.

To a large extent, the declining trust in government in general confirms Baltzell's (1979) analysis that the United States is moving further away from a political ethic of communal respect for government (historically rooted in Puritan thought) towards a political ethic of individualistic skepticism about government and most bureaucratic institutions (historically rooted in Quaker thought). Baltzell placed the cultural turning point towards distrust of government at 1964, when confidence in the federal government began a free-fall interrupted only by the early 1980s. While public trust has rebounded in recent years to the high 20s, it has shown no sign of returning to the level that it enjoyed in the early 1960s of three out of four respondents confident in government (Figure 3).

Figure 3

A recent Kennedy School of Government analysis of this trend rules out a wide range of competing explanations, including the economy and the quality of governmental performance (Nye, et al, 1997). The analysis concludes that the most likely explanation is the increasing demand for equality in political and social culture, one presaged by Count Alexis deTocqueville after his visit to the United States in the 1830s ([1848] 1969: 666):

"Equality, which makes men independent of one another, naturally gives them the habit and taste to follow nobody's will but their own in their private affairs. This complete independence, which they constantly enjoy among their equals ...makes them suspicious of all authority..."

Inglehart (1997) shows that an anti-authority shift in political culture has spread far beyond American borders, to seventeen of the twenty countries surveyed in 1981 and 1990. These surveys show declining respect for authority in general, and for hierarchical institutions in particular. Figure 4 shows the data for the only criminal justice institution he reports, the police. In an Australian survey, Bean (1995) also reports patterns of declining trust in government similar to those in the U.S. (25% decline in 1985-95), including far higher confidence in the police (65%) than in their courts (46%).

Figure 4

As the spread of equality has combined with growing freedom from want, political culture has shifted away from Puritan views of a **hierarchical** communal democracy to Quaker views of a more **egalitarian** individualistic democracy. Indeed, the consistently greater support for police than for courts may result from a perception of police as independent individualists (the new cultural ideal) while judges are seen as rule-bound conformists (the outdated ideal). The massive three-decade decline of public trust in liberal democratic governments suggests a deeper paradox of success: as democracies become more materially successful and better educated, their perceived need for governance declines and their expectations for government conduct increase (Fukuyama, 1992; Heclo, 1996; Balogh, 1996). The crisis of government legitimacy has thus been prompted less by declining quality of government conduct than by increasing public dissatisfaction with institutions in general, driven by what Inglehart (1997) calls "post-materialist values."

In the Kennedy School analysis, Nye and Zelikow (1997: 270) examine seventeen hypotheses about public loss of trust in government, including theories of government integrity and effectiveness. But only one hypothesis "fits all institutions and all countries:" the social changes normatively challenging the legitimacy of virtually all forms of social hierarchy of authority (although not wealth)--of husbands over wives, doctors over patients, schoolteachers over students and parents, parents over children, and government officials over citizens. Thus even at a time when advanced societies have become increasingly less egalitarian in their distributions of material wealth (LaFree and Drass, 1996), the post-materialist lack of struggle for daily survival may have made them more egalitarian in their cultural expectations of government and the rule of law. As Baltzell (1979: 103) observes, "from the beginning, the Quakers were levelers of authority rather than levelers of wealth." Across the world, this great awakening (and its material preconditions) may have constructed a widespread preference for the recognition of individual dignity over the recognition of communal authority.

Thus what Sampson (1999) and other scholars refer to as "legal cynicism"--the extent to which people feel that laws are not binding--is not the product of a criminal subculture. It is a 400 year old Christian political theology that has become globally influential across people of all religions in a egalitarian and individualistic modern culture. In such a world, people are less likely to obey the law out of a sense of communal obligation, and more likely to obey laws they support through their personal morality. Just as the U.S. held German officials criminally liable for obeying their country's government, and just as Mohandas Ghandi and Martin Luther King used civil disobedience to challenge immoral laws, the modern democratic culture supports citizens breaking laws that conflict with their personal moralities.

TRUST AND RECOGNITION

The trend towards a Quaker ethic does not mean that public support for most laws, or for a system of laws, is eroding. Survey evidence shows that most people still support laws against serious crimes, despite divisions over issues like drugs and abortion. What the changing culture creates is a world in which people trust **laws** but not **legal institutions**. This new world is one in which trust in criminal

justice is no longer automatic, but one in which trust must be earned every day, during each encounter between legal agents and citizens.

Tyler's Trust. Tyler's (1990, 1998) research shows that Americans—especially members of minority groups—are extremely sensitive to the respect they receive and the procedures employed when they come into contact with criminal justice. In survey research in Chicago, he found that people who said they had been treated unfairly or disrespectfully were less likely to judge legal institutions as **legitimate**--or justly exercising authority. This judgment rested much more on the **procedural justice** of their encounters than on the **substantive justice** resulting from the encounters. Fair procedures, with equal opportunity for all parties to engage in a polite dialogue with legal officials over factual issues, seem to mean more to public trust than rigidly consistent sentencing practices. Tyler's evidence suggests that in building citizen trust in the legal system, it matters less whether you receive the speeding ticket than whether the police officer addresses you politely or rudely during the traffic stop. By extension, it may be less important for building trust that sentencing guidelines punish crack possession more harshly than powdered cocaine than it is that police engaged in drug enforcement treat suspects and arrestees more like equals and less like someone who is an enemy.

Tyler (1998) concludes that the procedural justice of treatment by legal officials affects the level of trust citizens have in government. That level of trust, in turn, affects the pride we have in our government, and the degree to which we feel we are respected by other members of our democracy--including the government. Tyler's conceptual model of social trust relates these emotions of pride and self-respect to citizen willingness to accept the decisions of the legal system, and their sense of obligation to obey the rules. Figure 5 displays the causal relationships Tyler observes.

Figure 5

Tyler concludes that the odds of each citizen reaching the conclusion that the law is morally right for her or him are much higher when they feel that the law has given them adequate recognition and respect. Rather than creating a willingness to **defer** to the power of the law, Tyler suggests that respectful treatment creates a stronger **consensus** about what is moral, and what the law must be. The consensus model, which assumes more equality than the deference model, appears to be a much better fit to the new political culture than the deference model on which our legal institutions were designed.

Fukuyama's Recognition. Tyler's research is consistent with Francis Fukuyama's RAND Corporation analysis of the growing role of the state in offering recognition to individuals. Fukuyama (1992) hypothesizes that the quest for personal and group recognition is the central engine of "history," which he defines as the evolution of ideology and government. The quest for recognition through fame by princes and generals fueled millennia of wars. The "end of history" Fukuyama hypothesizes is liberal democracy, which he calls the final form of ideological evolution. Liberal democratic nation-states do not go to war (at least with other modern democracies, which is so far an empirical fact). But they do face strong internal demands by their citizens, whose human rights include the dignity of recognition, or what Plato called thymos. This demand is a source of the powerful emotions of anger, pride and shame that affect trust and confidence in government:

Thymos emerges in the Republic as being somehow related to the value one sets on oneself, what we today might call "self-esteem."...Socrates suggests a relationship between anger and "self-esteem" by explaining that the nobler a man is--that is, the more highly he evaluates his own worth--the more angry he will become when he has been dealt with unjustly....Thymos is something like an innate human sense of justice: people believe that they have a certain worth, and when other people act as though they are worth less--when they do not recognize their worth at its correct value--then they become angry. The intimate relationship between self-evaluation and anger can be seen in the English word synonymous with anger, "indignation." "Dignity" refers to a person's sense of self-worth; "in-dignation" arises when someone happens to offend that sense of worth. Conversely, when other people see that we are not living up to our own sense of self-esteem, we feel shame; and when we are evaluated justly (i.e., in proportion to our own true worth), we feel pride (Fukuyama, 1992: 164-65).

Braithwaite's Emotions. The emotions of shame, pride and anger figure heavily in John Braithwaite's theory in Crime, Shame and Reintegration (1989): fear of shame and pride in being law-abiding are the major social forces for preventing crime, but modern criminal justice has become disconnected from those emotions. Instead, Braithwaite suggests, the criminal justice system often creates anger (and indignation) at the state by offending citizens' dignity, undermining their respect for law and their willingness to obey it. Braithwaite and Fukuyama together may thus explain the data in Figure 6, which shows that public confidence in **local** government has actually been rising while confidence in the federal government has been falling (Orren, 1997: 83). The greater distance and impersonality of the federal government may give most Americans less recognition than the more personal face-to-face service they get from local government, including police (but not courts and corrections). As such recognition has become more important with the changes in political culture, the relative support for the more personal level of government has increased--but not for everyone.

Figure 6

As Figure 7 shows, trust in the federal government among African-Americans depends heavily on which party is in the White House (LaFree, 1998). Relative to whites, black respondents show as high or higher levels of trust in Washington when the Presidency is held by a Democrat, but lower levels of trust than whites when the President is a Republican. This fact may simply reflect the fact that some nine out of ten African-Americans are Democrats. But it may also reflect their perceptions of Party differences in civil rights enforcement and other criminal justice actions by the President. No matter how the fact is interpreted, it shows once again the complexity of assessing "public" perceptions of government and criminal justice.

Figure 7

FITTING LEGAL INSTITUTIONS TO THE CULTURE

For Americans of all races, however, the central cause of declining trust may be the misfit of hierarchical legal institutions in an egalitarian culture. It may be the procedures, rather than the content, of criminal justice that is the focus of declining trust. There are many ways in which citizens now experience the conduct of judges, prosecutors and police to be overly "bossy" and unnecessarily authoritarian. The hierarchical Calvinist premise that a judge or other official is a more important person than an offender (or a victim) is at odds with the rising Quaker ethic, and may provoke anger more often than a procedure implying that all citizens are equal.

Even the physical architecture of courts reflects a hierarchical separation between state and citizen that some judges find dysfunctional. One Texas Congresswoman, who was formerly a judge, recently commented that she disliked sitting up high and looking down on defendants and other citizens. She said she would have preferred to sit at a table or desk on the same level as others present in the room, or even in a circle, to gain more support for the proceedings. This hypothesis has recently been tested with the strong design of a field experiment, in which hierarchy and equality are compared for their effectiveness in building respect for the law.

The Canberra Experiments. Almost in anticipation of the results of the 1998 Northeastern States survey (Boyle, 1999), the Australian Police started testing victim-centered egalitarian justice procedures in the early 1990s. Since 1995, a controlled experiment funded by the Australian government with support from the National Institute of Justice tested this hypothesis: an egalitarian, consensual procedure of stakeholder citizens deciding the sentence for a crime creates more legitimacy in the eyes of both offenders and victims than the hierarchical, deferential process of sentencing by a judge (see details at www.aic.gov.au/rjustice/rise/index.html). Results of the experiment to date support the hypothesis. The experiment compared court sentencing of youthful violent and property offenders to a community justice conference making the same decisions. The conferences employed the police to invite victims, offenders and their supporters to a meeting in with the offenders—who must not (for these purposes) dispute their guilt. At these meetings, everyone sits in a circle to discuss the harm the crime has caused, express the pain and emotional impact of that harm, and to deliberate democratically as to how that harm should be repaired.

The egalitarian proceedings begin with the police officer moderating the proceedings offering only questions, not answers: what did the offender do? How did it hurt the victim? How does the victim feel about that hurt? How do the victims' friends and family feel? How do the offenders' family and friends feel about what has been said? What would be the right way for the offender to repay the debt to the victim and to society? Does everyone agree? Is there anything the offender wants to say to the victim (sometimes they say "I'm sorry"). Is there anything the victim wants to say to the offender? (possibly "I forgive you"). This is not what is said in every case, like a script. But the main points are generally covered, and the apology and forgiveness are far more frequent in the conference than in a courtroom (Sherman et al, 1999). Most important, everyone present is allowed to talk, just as in a Quaker meeting, and no one person dominates speech, as in a Calvinist church or in an Anglo-American courtroom.

No Lawyers. One corollary of the radical egalitarianism of the community justice conference is an anti-intellectual devaluing of learned professions (Hofstadter, 1963). No lawyers are allowed to attend the conferences as legal advocates of either offenders or the state. They are always on call, ready to be invoked to protect anyone whose rights may seem abused. But as long as the victim-offender consensus remains to proceed in a conference, everyone in the circle has equal authority, regardless of how much education they may (or may not) have. Community justice conferences take the view that "any fool"--or any citizen stakeholder in a crime--can fit the punishment to the crime based on common sense and civic experience.

Open Emotions. Another dimension of the community justice conference is the open expression of emotion. Unlike the emotional restraint valued by hierarchical Western law courts, the egalitarian culture of community justice supports intensely emotional displays. There is no ban on tears, nor any attempt to discourage them at a restorative community justice conference. All of this takes, on average, some seventy minutes to resolve a case that courts may hear in a total of ten minutes or so. Court time, moreover, is spread across several different appearances for legal technicalities, most of which have no emotional significance for victim or offender and leave citizens feeling like cogs in a wheel. A community justice conference is all about the people present (rather than legal formalities), people who come only once, prepared to stay until the case is resolved.

Trust in Justice. Within weeks after the cases were processed, both offenders and victims were interviewed. The sentences imposed were fairly similar in the two kinds of justice, despite the major differences in the decision making procedures employed (Sherman, Strang and Barnes, 1999). But the restorative justice conferences produced far better results for the both Fukuyama's concerns about citizen recognition, and Baltzell's concerns about respect for legal institutions. Offenders sent to conferences were far less likely than similar offenders sent to court to say that they were pushed around, disadvantaged by their age, income or education, treated as if they were untrustworthy, or not listened to. Offenders sent to conferences were more likely to say that their experience increased their respect for the justice system and for the police, as well as their feeling that the crime they had committed was morally wrong. Offenders sent to court were more likely to say that the experience made them angry--perhaps a sign of insufficient recognition by the state.

Victims were also far more satisfied with community justice conferences than with court proceedings. Much of this difference may stem from the fact that most victims connected to court cases were never informed of the offenders' court appearances, either before or after sentencing. But almost all victims offered a community justice conference were notified and present at those events. As a result, they were far more likely to receive an apology and restitution. Their response was increased trust in police and justice, as well as decreased fear of and anger at the offender.

Building Trust One Case at a Time. The four Canberra experiments suggest the highly personal nature of citizen trust in criminal justice. As Tyler (1998: 273) demonstrates, personal manifestations of the apparent motives and trustworthiness of the agents of government strongly affect legitimacy of the law and public willingness to obey it. Personal legitimacy of legal agents may depend, in turn, on institutional forms that encourage personal interaction and provide time for courtesy. Implicit in this

courtesy is a leveling of distinctions in rank between citizen and official. As Reiss (1971: 2,3; 59-65) observed, the legitimacy of police authority in the eyes of citizens varies widely from one situation to the next. Thus officials must earn the legitimacy of their authority one case at a time.

Building Trust While Making Arrests. The most dramatic demonstration of this principle is the finding that **how** police make arrests for domestic violence affects the rate of repeat offending. Paternoster et al (1997: 185) demonstrated this with the offender interview data from the Milwaukee domestic violence arrest experiment. Their analysis employed a composite measure of the "procedural justice" (Tyler, 1998) the suspect observed police provide in the course of being arrested. These items included the police taking the time to listen to both the offender and the victim, as well as not handcuffing the offender in front of the victim or using physical force. This composite measure of fairness in the eyes of the offender during an interview conducted in a jail cell was strongly related to the risk of repeat offending. As Figure 8 shows, the risk was 40% for offenders who had a low perception of procedural fairness, but only 25% for those who perceived a high level of fairness. The fact that these risks took prior levels of violence into account increases our confidence that **how** the police make an arrest can affect the crime rate--through trust and confidence in the criminal justice system.

Figure 8

Reducing Complaints Against Police. There are two other tests of the hypothesis that trust in criminal justice comes from egalitarian procedures. Both are about recent successes in reducing complaints against police. One example comes from New York City, where complaints against police dropped in a precinct that changed its architecture to better fit the culture. The 19th Century design of New York's police station houses featured a high desk in the reception room resembling a judge's in a courtroom. Desk officers, usually supervisors at the sergeant or lieutenant rank, stood or sat behind the desk to transact business with any citizens who came into the station, peering down on them from on high. This architecture was found both before and after citizen complaints against police began to rise city-wide with a major increase in misdemeanor arrests (and a major drop in homicide) from 1993 through 1998. In the 44th Precinct in the Bronx, complaints reached a ten-year high in 1996. But in the two years after Deputy Inspector Richard Romaine took command in 1997, the 44th precinct experienced a major decline in complaints. Among the elements of the program used to improve police relations with the area once known as "Fort Apache" was the elimination of the high desk and the bar in front of the desk in the reception area. This less hierarchical design was part of a general strategy that a recent Vera Institute of Justice report described as demonstrating that police were "responsive to community concerns" (LAW ENFORCEMENT NEWS).

The second test of the procedural equality theory comes from Prince George's County, Maryland, a 55% African-American community of almost one million people. In that suburban police department of 1400 officers outside Washington, DC, complaints dropped with a new procedure for traffic stops in 1997-99. The procedure was introduced by the Prince George's County Police as part of a strategy for reducing gun violence, called "Take Away Guns" (TAG). The TAG program targeted highways with high rates of gun crime. A 400-some percent increase in traffic enforcement (speeding, broken lights, missing license plates, etc.) gave police the opportunity to explain the program at the outset of each traffic stop,

and to hand out a letter from the district police captain explaining the program. The letter contained the Captain's phone number, and invited citizens to call the Captain if there were any complaints or questions about the program. Officers were trained to be very polite in "selling the program" to drivers, then to ask their permission to search the trunk or other parts of the car for guns. The program not only received a high rate of compliance with the requests, but also received praise from the drivers stopped who approved of the efforts to get guns off the street. Over the first two years of the program, both gun violence and citizen complaints of excessive force by police dropped substantially.

Reduced Tolerance for Police Violence. Additional evidence for how the new culture demands new practices is found in public opinion about police use of force. Across all income groups, the past three decades have seen increasing demand for police restraint. As the political culture has changed, Americans have become less tolerant of police using force to demand deference to their authority. From 1973 to 1996, General Social Survey respondents who approved of "a policeman striking a citizen who said vulgar and obscene things to the policeman" fell steadily by two-thirds, from 22% to 7% (Maguire and Pastore, 1998: 118). Approval also dropped one-fifth for striking citizens attempting to escape from custody, from 87% to 68%. At the same time, approval for an egalitarian and reciprocal form of police violence--striking a citizen who was attempting to punch a policeman--has remained above 90%.

In sum, a growing body of theory and evidence suggests that it is not the fairness or effectiveness of **results** of criminal justice that determines its level of public trust. Changes in modern culture have made the **procedures** and manners of criminal justice far more important to public trust, and left them out of step with modern culture. This explanation gains further support from scholarship on the effect of television and other communications media on the nature of authority and trust in government. For despite Tyler's focus on personal contacts with criminal justice, most citizens have little if any personal contact. For this majority of Americans, the level of trust in criminal justice may depend on how legal agencies are portrayed in entertainment and news media.

4. CRIMINAL JUSTICE HAS NO MEDIA CELEBRITY CULTURE TO BUILD TRUST

The future authority of the criminal justice system may well depend on how it appears not just to those directly involved in the system, but to all citizens. That, in turn, may depend very heavily on how criminal justice manages its image in the electronic media. Legal historian Lawrence Friedman writes in *THE HORIZONTAL SOCIETY* (1999: 14-15) that modern culture has changed the very nature of authority from **vertical** (where people look up to leaders in high position) to **horizontal** (where people look in to the center of society to find leaders who are **celebrities**, defined by the number of people who recognize their names and faces):

Authority changes meaning, too, in a horizontal society. Authority is no longer vested in the holders of vertical power....Leaders are no longer distant, awesome, and unknown; they are familiar figures on TV.....the horizontal society is a celebrity society. The men and women who get and hold power become celebrities; and they exercise their power in

a celebrity way....The difference between a "celebrity" and an "authority" is fundamental: a celebrity is someone we know, or think we know, through the media, through publicity, that is, vicariously...by contrast, traditional authority was vertical, and the higher up the authority, the more stern, distant and remote it was.

CELEBRITY CULTURE

These facts create still another paradox: Americans now feel more personal connection with celebrities living far away than they do to legal officials in their own home town. Just as many people felt more emotional loss at the death of Princess Diana than at the death of a neighbor, the celebrity culture makes us feel personal connections to people we do not know. The media give us the sense of being up close and personal to people far away, and take time away from being up close and personal to people near by. Thus for all the programs designed to foster "community policing" or "community prosecution" with legal officials in the neighborhood, Americans are still more likely to form their impressions of criminal justice from television shows than from their own legal system. The evidence is clear: on a Wednesday night when police convene a neighborhood meeting in a church basement, more local residents are home watching television than attending the meeting. And the people they are watching with most interest are celebrities: people whose biographies they know, whose careers they watch, and whose opinions they often respect.

We may well ask if there are any celebrities of American criminal justice, and if so who they are. Few Americans even know the names of Supreme Court Justices, for example. The untelevised proceedings of that Court appear to fit Friedman's characteristics of traditional authority: high, distant and remote. Television's Judge Judy, on the other hand, is an internationally recognized celebrity, with far greater name-face recognition than the traditional authority figures. From Australia to Europe and all across the U.S., Judge Judy sets a tone for the criminal justice system, modeling the values and personal basis for trust--or mistrust--in legal authority.

Unfortunately, the entertainment values of the television business conflict with the core values of legal institutions. What sells TV audiences is conflict and put-downs, tools Judge Judy uses to portray a rude, in-your-face (but perhaps egalitarian) power-control image of the bench. Audiences may find this fun to watch, but it may leave them happy that they do not have to appear before this legal official. The 1960s idea of a "power trip" leaves American distrustful of those who exercise power for the fun of pushing people around. Judge Judy may confirm their worst fears, and may leave them reluctant to have anything to do with the legal system.

It is interesting to note that health care issues have turned public officials into celebrities. Surgeon General Koop, for example, achieved more celebrity status than his predecessors or successors, largely over his actions on AIDS and smoking. This celebrity status, once achieved, is a powerful tool, one that allows the celebrity to reach the public more easily, and to compete more effectively in the teeming new marketplace for ideas (Friedman, 1999: 15). At the local level, some criminal justice leaders have also achieved high face-name celebrity status, including police chiefs with politics as diverse as the liberal Tony Bouza of Minneapolis and the conservative late Frank Rizzo of Philadelphia.

The difficulty in using celebrity power to send messages about the trustworthiness of criminal justice is the clash of cultures between law and entertainment. The reticence of the legal culture conflicts with the chattiness of celebrity culture. What works to reach out to most citizens may offend the ranks of criminal justice officialdom. One can imagine a legal official appearing weekly on a talk show with a huge audience, saying things that could help shore up public faith in criminal justice as an egalitarian and fair system. One can equally imagine such a strategy being condemned by leaders of the American Bar Association, conservative journalists, and other defenders of traditional remoteness of authority. The kind of "public education programs" of which legal culture would approve--such as tasteful PBS specials or public service announcements on radio and television--would seem unlikely to reach much of the public, let alone those citizens most distrustful of the system. But as James MacGregor Burns writes in *LEADERSHIP* (1978), positive change can only emerge through conflict, in which leaders make tough choices and persuade followers to join them.

ONE BAD CASE.

It may be especially important for celebrity power to say the right things when bad cases arise. Just as one airplane crash undermines public faith in the (very high) level of air travel safety, one bad case in criminal justice can undermine a strong record of fairness and effectiveness. It is especially true for cases that symbolize the lack of egalitarian respect of legal officials for the citizenry, or discriminatory disregard for entire minority groups when one of their number suffers from injustice. Moore (1997: 61) made this observation about interviewing one very brutal and corrupt New York City Police officer:

I had the sense that this one cop could single-handedly wipe out the day-to-day diligent efforts of hundreds of officers trying to establish better working relationships in communities. My heart sank as I realized how vulnerable the overall legitimacy of the system was to the destructive influence of a relatively small number of bad encounters between officers and citizens.

What makes that influence destructive is the portrayal of the event in the media. Anecdotes can only be overcome by the mass volume of cases if there is a celebrity spokesperson who can get out the message--or reveal that the bad case is indeed a tip of the iceberg of more serious problems that must be addressed. Much of what could be done to deal with such incidents, and to accomplish what the ABA meeting on trust and confidence suggested, is to explain the law in ways that people will find entertaining. That is a tall order, although an earlier generation found the trials of Perry Mason an irresistible weekly civics lesson. But in a society where basic understanding of law and the Constitution has never been very high, the value of explaining procedures somehow could be to increase trust. If celebrities could accomplish that task, they could make the system seem more "decent" and less "street," in the terms of inner-city street culture.

DECENT AND STREET VALUES

Based on years of field research in high-crime areas of Philadelphia, Anderson (1999) describes the following characteristics of the "decent" code of conduct:

- o Hopeful outlook
- o Mainstream values
- o Patience
- o Respect for Authority
- o Avoidance of Trouble
- o Predictability of punishment with
- o Thorough explanations of principles

Anderson's observation of the code of the "street," in contrast, shows the following dimensions:

- o Bitter outlook
- o Anti-system values
- o Impatience
- o Disrespect for authority
- o Demanding deference
- o Unpredictability of punishment with
- o Scant explanations of principles

It is clear that both criminal justice agents and citizens (including offenders and victims) vary in their conduct between the ideal types of decent and street. This variation is found not only from person to person, but within persons across time. Some people may behave "decently" most of the time, but succumb to "street" conduct on infrequent occasions. Others may succumb more frequently, while still others may follow one code or the other more consistently. From this perspective, it is not just the "one brutal officer" that Moore (1997) worries can destroy the work of thousands of good ones. It may be the one bad moment of one good officer that can wreak such destruction.

Values and the Media. The portrayal of criminal justice in news and entertainment media is often a morality play exploring the themes of "street" and "decent" values. Interviewers try to get officials to lose their tempers at provocative or insulting questions. Dramas portray heroes' impatience with "red tape," and may glorify their "street" enforcement of vengeance and personal respect. Klockars (1980) even describes this tension in law enforcement as "the Dirty Harry Problem," named after the Clint Eastwood character in a 1970s movie of the same name. In the end, Dirty Harry the detective does what he thinks is morally right by following "street" rather than "decent" values for law enforcement.

The paradox of such media portrayals is that the more legal officials break the official rules out of distrust for "decent" government, the less reason the public has to believe the criminal justice system will treat them decently. Just as horror movies may sell out to audiences who then suffer nightmares, what is

entertaining is not always reassuring. By showing criminal justice agents pursuing street values, the media may create a self-fulfilling prophecy, defining conduct for legal officials and the public alike.

Harmful Effects of "Street" Sanctioning. Just how much harmful impact "street" conduct by agents of criminal justice can have is revealed by experimental and quasi-experimental research on sanction effects in many diverse situations, and many different levels of analysis. This research is consistent with the theory that street sanctioning styles interact with different kinds of citizen personalities in ways that produce the following differences in repeat offending:

1. Decent sanctioning of "decent" people produces the lowest repeat offending
2. Street sanctioning of "decent" people produces higher repeat offending
3. Decent sanctioning of "street" people may produce even higher repeat offending
4. Street sanctioning of "street" people produces the highest levels of repeat offending

For present purposes, we need only consider the effects of "street" sanctioning on offenders.

Street Code Sanctioning. The effect of these codes adopted by people in positions of authority is always negative, but is worse on people with a "street" code orientation. As Nisbett and Cohen's (1996: 46-48) report of laboratory experiments at the University of Michigan shows, intentionally insulting behavior by authority figures produces very different reactions by code. Building on the literature describing southern culture as more inclined to violent responses to insults than northern culture, the researchers insulted both northern and southern student volunteers in an experiment. In the close quarters of a laboratory, volunteers were asked to fill out a questionnaire, then take it down the hall to place it in an in-basket. On the way back they were bumped by a lab worker who had to close a file cabinet to let them pass, which the worker capped off by calling each volunteer an "asshole." Subjects raised in the south became much more angry in response to the insult than did the subjects raised in the north. Saliva samples of both cortisol (a stress hormone) and testosterone (an aggression-related hormone) taken before and after the insult also show great differences by region of origin: measured levels of both hormones rose for southerners, while for northerners cortisol went down and testosterone rose only slightly.

Figure 9

The longlasting nature of the variable effects of insult by authority is also evident from a study of early life. Figure 10 shows the effect of maternal rejection by age one (including placement of the child in foster care) in a sample of Danish children (Raine, 1994: 986). There is essentially no difference in the risk of criminal violence by age 18 among children who are not rejected, who were rejected but who had no birth complications, and those who had birth complications but were not rejected. The combination of the mother's "street" behavior in rejecting the child with the child predisposed to street behavior by birth complications, however, doubles the risk of criminal violence over that in the other three groups.

Figure 10

It is even more interesting to note that the pattern in Figure 10 above is **not** found in the Danish life course data for nonviolent offending. Maternal rejection and birth complications combined do not elevate the risk of property crime. This suggests an emotional component to the effect of insult on people who are already sensitive to insult. Since violent offending is usually more likely to involve the emotion of anger than nonviolent offending, it appears that officials who insult people with "street" codes increase their risk of violence. Put in Fukuyama's terms, the demand for recognition and the potential for indignation among people with a street code makes the risk of insult by criminal justice officials--from Judge Judy to a patrol officer--even greater for "street" code people than for people in modern culture in general.

Decent vs. Street Code Sanctioning of Decent People. The pattern of code effects also holds up when citizen code is held constant and the sanctioning code varies. Makkai and Braithwaite's (1994) quasi-experimental study of nursing home operators--who generally fit Anderson's (1999) code of decent conduct--compared the effects of three different styles of sanctioning by regulatory agents who discover violations of operating standards. One style fits Anderson's decent code, as well as Braithwaite's (1989) theory of reintegrative shaming: condemn the sin, love the sinner, but insist on correcting the problem and not letting it happen again. The other two styles of regulatory agent conduct fit Anderson's harsh or inconsistent patterns of discipline by street code parents. One style (stigmatization) condemns the sinner as well as the sins. The other style shows tolerance and understanding, but fails to insist upon correcting the violations of operating standards. Figure 11 displays the results of the three styles of sanctioning, measured by the observed level of compliance with operating standards at the next visit: compliance levels went up substantially for the nursing homes sanctioned by a decent code, while they went down for the homes sanctioned on one of the principles of a street code.

Figure 11

Greenberg (1990) reports similar results from an experiment in cutting pay levels by 15% during a ten-week slowdown in work in a company with three factories. The experiment compared measured levels of employee theft in each of the factories before, during and after the pay cut. In one factory, management made every effort to give an adequate explanation of the reasons for the pay cut--including the choice they made between laying some people off or cutting everyone's pay, including management's. **A 90 minute meeting with all workers gave a detailed briefing on the company's orders, provided many expressions of remorse, and treated the workers with great respect.** In a second factory, management simply announced the pay cut in a 15 minute meeting with minimal explanation and no apologies. In a third factory--the "control"--there was no cut in pay, since that factory had enough work to keep busy. Figure 15 shows that workers in the factory where little explanation was provided almost tripled their level of employee theft during the wage reduction. The factory workers receiving an adequate explanation, in contrast, increased their employee theft rate during the wage reduction, but only by a modest amount. Theft returned to pre-pay cut levels in both of those factories when the pay cut ended, suggesting a clear connection between theft and resentment over the action by authorities. But the large difference in the amount of increase between the two factories suggests that **full explanation of bad news by people in authority can reduce resentment and help to build trust.** Perhaps the same is true for judges, prosecutors and police officers.

Figure 12

RESPECT BY AUTHORITY.

These findings consistently suggest the value of criminal justice officials showing more respect to, and taking more time to listen to, citizens involved in the system. To the extent that this message is portrayed in entertainment media and identified with celebrity authority, the criminal justice system might be able to increase its public trust and confidence. Yet to the extent that "decent" values are themselves communicated in an illegitimate way, it will be difficult to foster a more "decent" legal culture. Slogans and programs based on hasty decisions to "do something now" may fall far short of the mark.

One example of such hasty decisions may be the New York City Police Department's decision, in the wake of the killing of Amidou Diallo (by four police officers in a proactive situation), to encourage police to be more polite. The program included handing out wallet sized cards reminding police to say "Sir" and "M'am" when addressing citizens (Cooper, 1999). Whether such campaigns can actually change police conduct remains to be seen. But police conduct can demonstrably be changed.

Half a century earlier and half a world away, a French journalist observed during a two month tour of China in the early 1950s that police had become far more polite under Mao's early Communism:

"In the olden days the Peking Police were renowned for their brutality, and pedestrians frequently suffered at their hands, smacks in the face being the least form of violence offered them. Today they are formally forbidden to use any kind of force. Their instructions are to explain, to make people understand, to convince them." (de Segonzac, 1956).

It may be easier to change official conduct in a dictatorship than in a democracy, but the power of electronic media may make the dynamics totally different today. Electronic communications in our society comprise a highly democratized, free market institution that cannot be manipulated easily for official purposes. But it can be a venue in which celebrity power is built and put to use in fostering support for "decent" styles of criminal justice, both in the image and the reality of how criminal justice works.

In sum, it is useful to consider the three major domains affecting public trust and confidence in criminal justice:

- 1) the conduct and practices of the criminal justice system
- 2) the changing values and expectations of the culture the system serves
- 3) the images of the system presented in electronic media

Each one of these domains affects the others. Trust is the product of all three combined. Trust is likely to increase only when changes in all three domains can be aligned to create more "decent," egalitarian

practices and values. Discovering how that can be made to happen is a daunting task. But the data suggest that fairness builds trust in criminal justice, and trust builds compliance with law. Thus what is fairer is more effective, and to be effective it is necessary to be fair. Three decades after the 1968 Safe Streets Act declared a federal goal of increasing the fairness and effectiveness of criminal justice, we have found that they may be the same thing.

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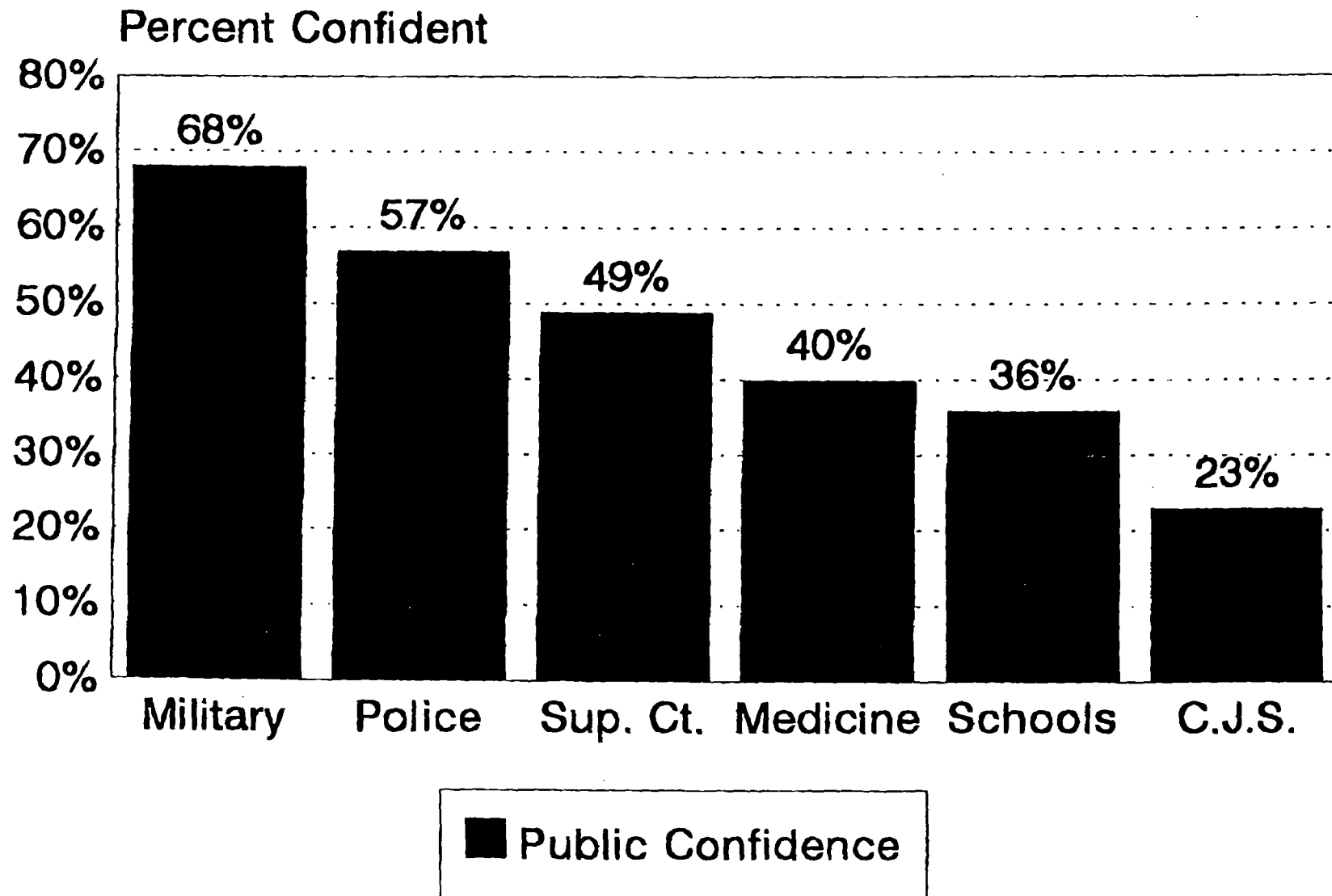
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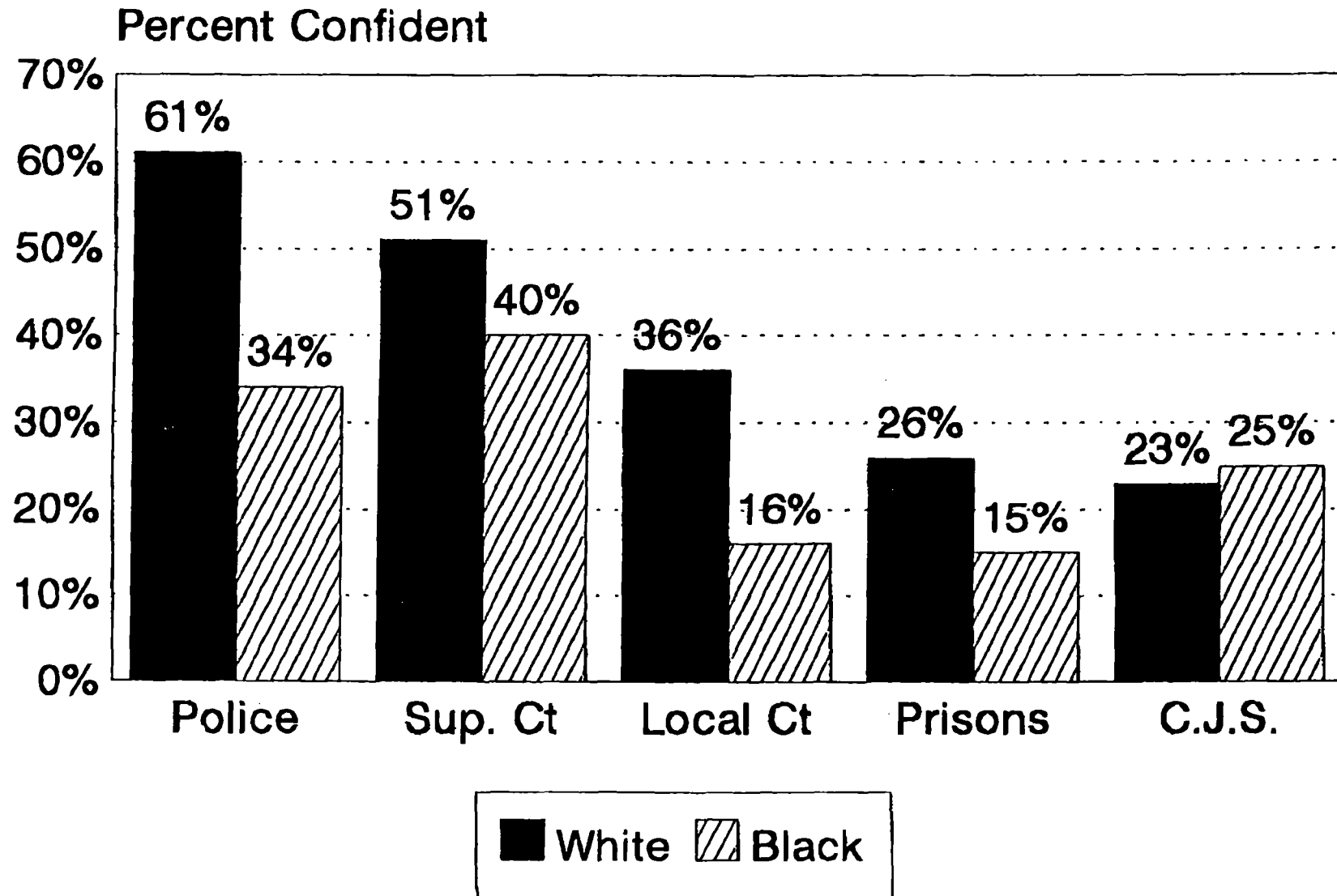
Figure 1

Public Confidence in Selected Institutions



Source: 1999 Gallup Poll

Figure 2
Confidence in C.J.S. Agencies



Source: Maguire and Pastore, 1998

FIGURE 3

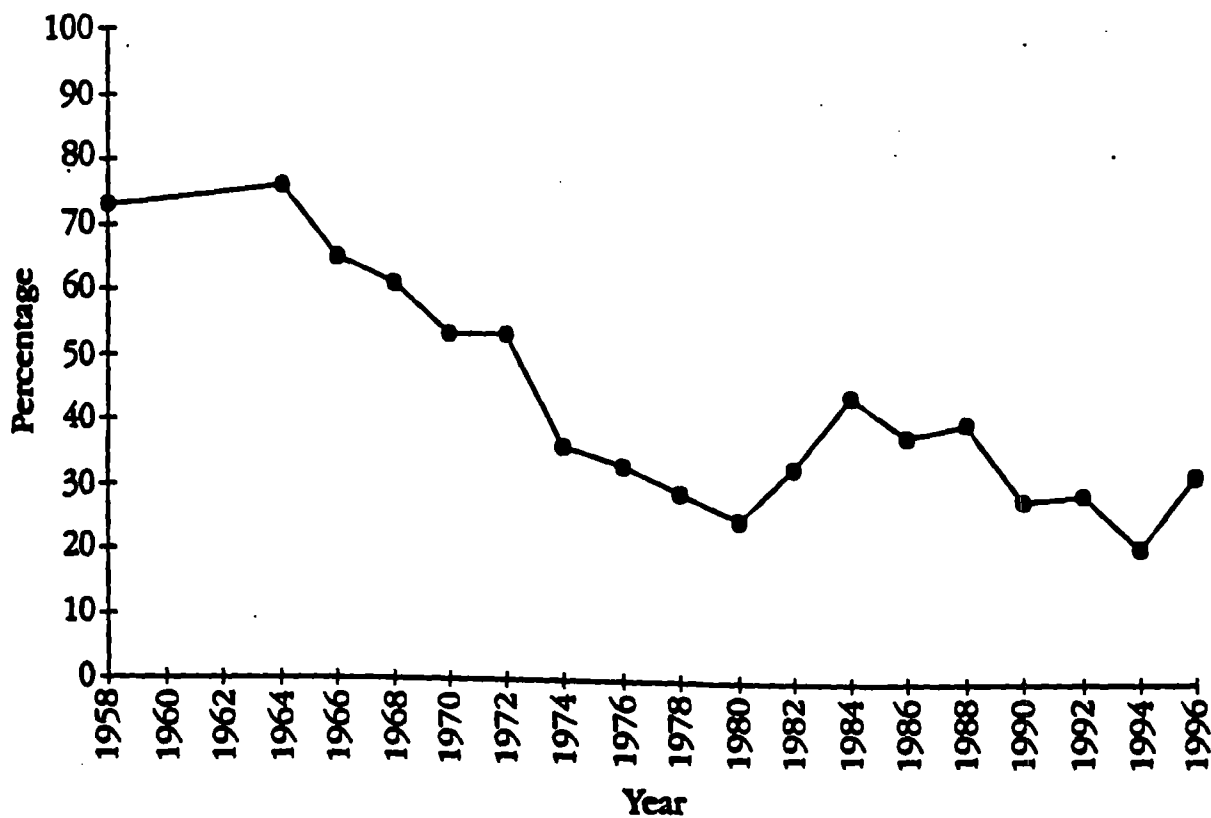


Figure 3-1. Declining trust in government

Respondents were asked "How much of the time do you think you can trust the government in Washington to do what is right—just about always, most of the time, or only some of the time?" The above figure traces the percentage who said that they trust the government "always" or "most of the time."

Source: American National Election Studies, 1958–1996, University of Michigan.

FIGURE 4

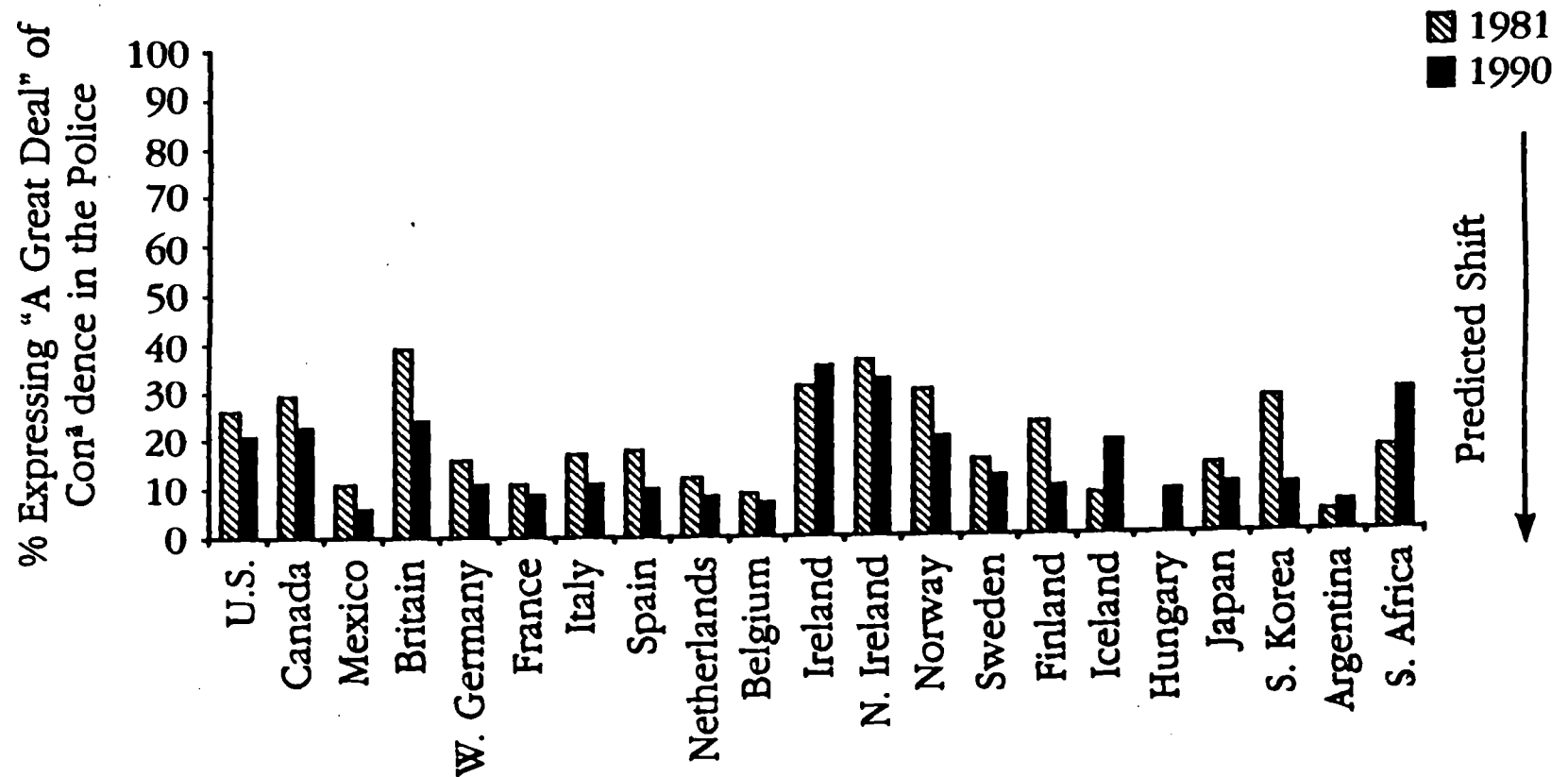
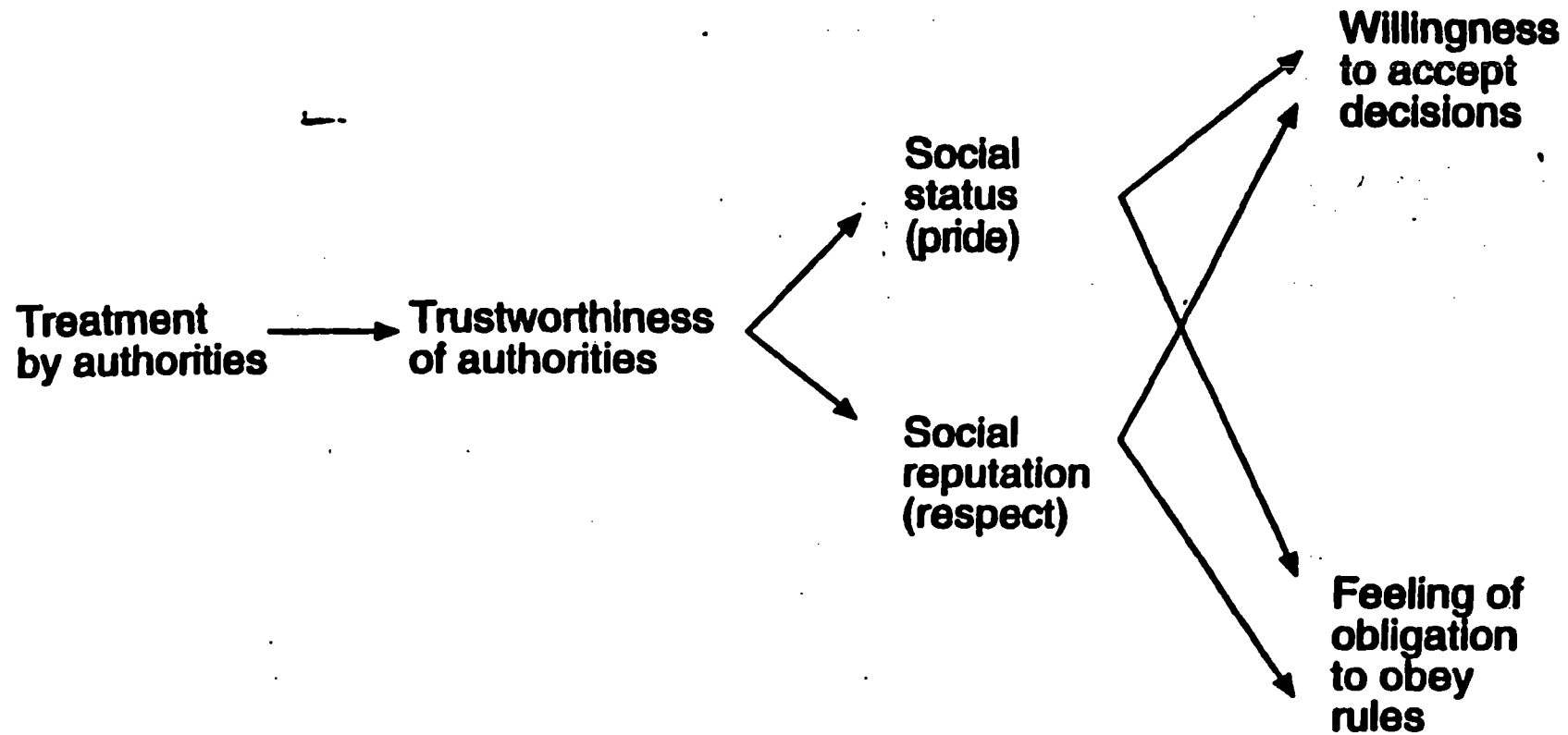


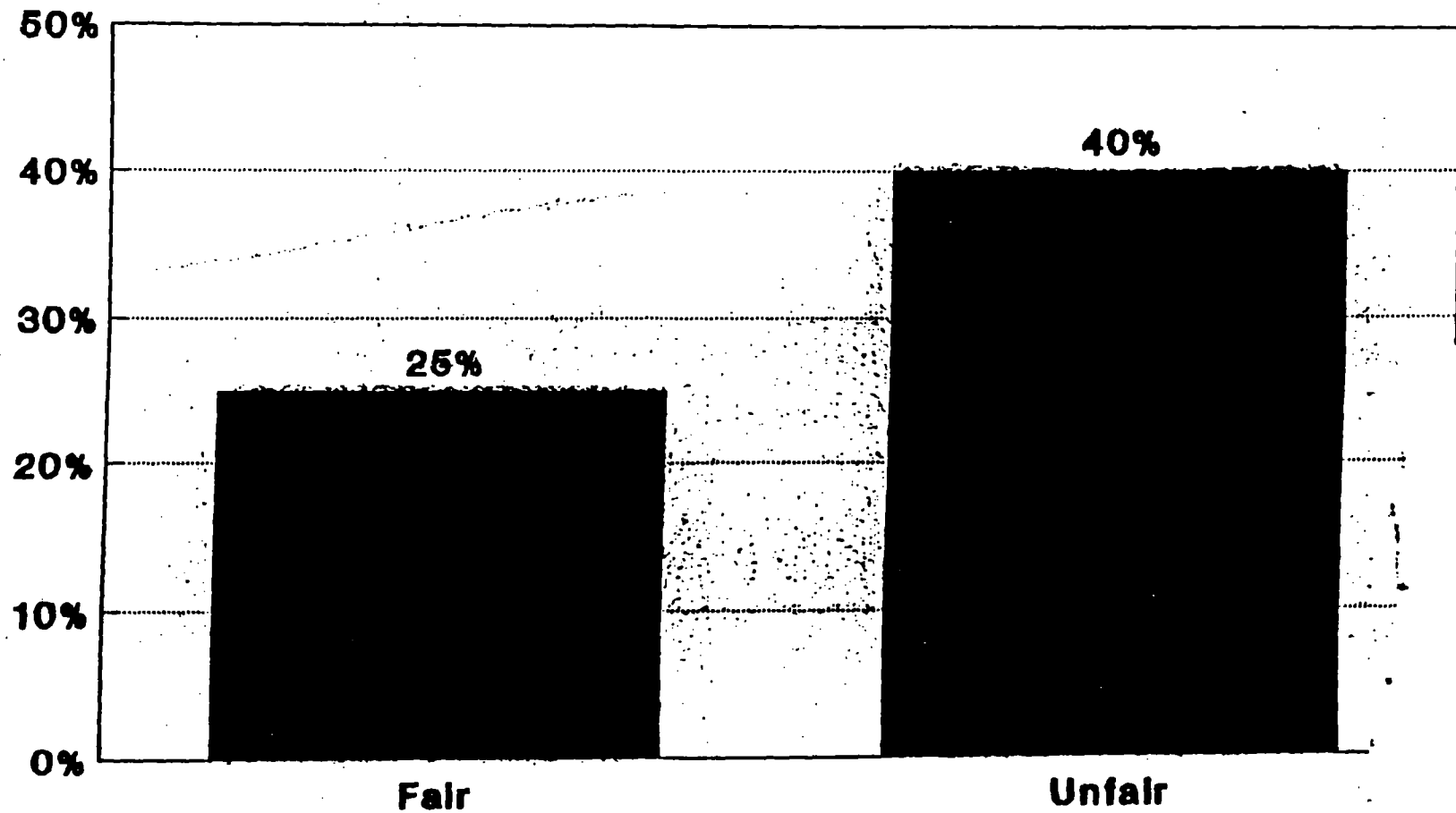
Figure 9-2. Percentages expressing "a great deal" of confidence in their country's police forces, in 1981 versus 1990, in twenty countries

Source: 1981 and 1990 World Values surveys (1981 data not available for Hungary).

Figure 11.1 Conceptual Model of Social Trust



Repeat Domestic Violence and Police Fairness



Source: Paternoster, et al

FIGURE 9

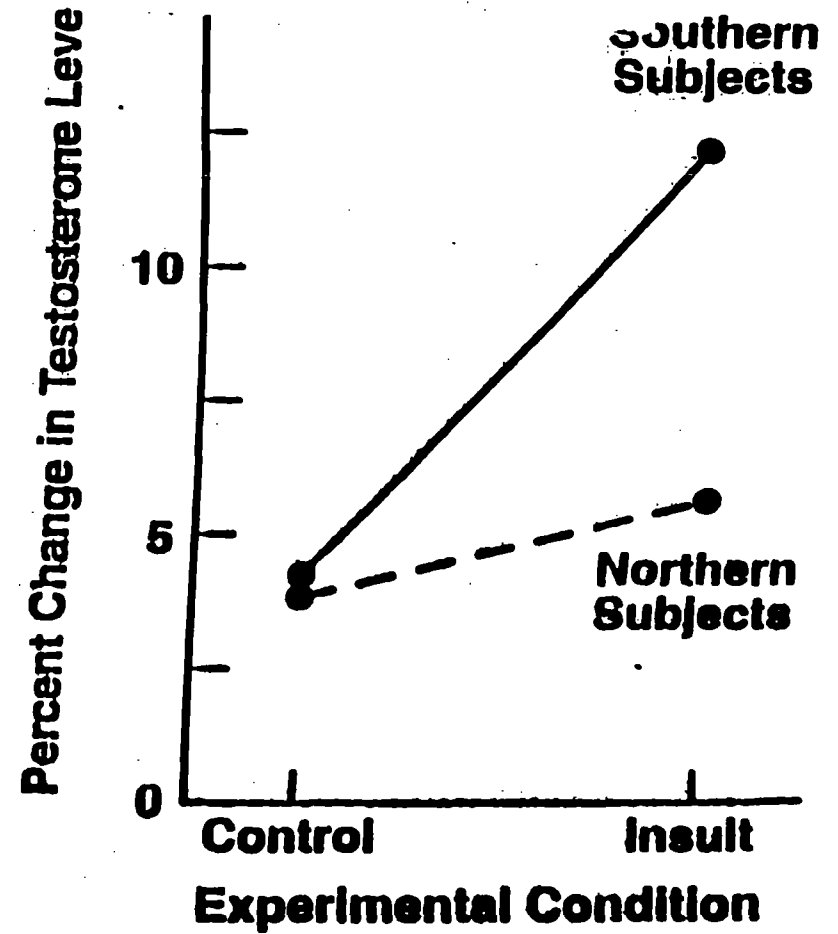
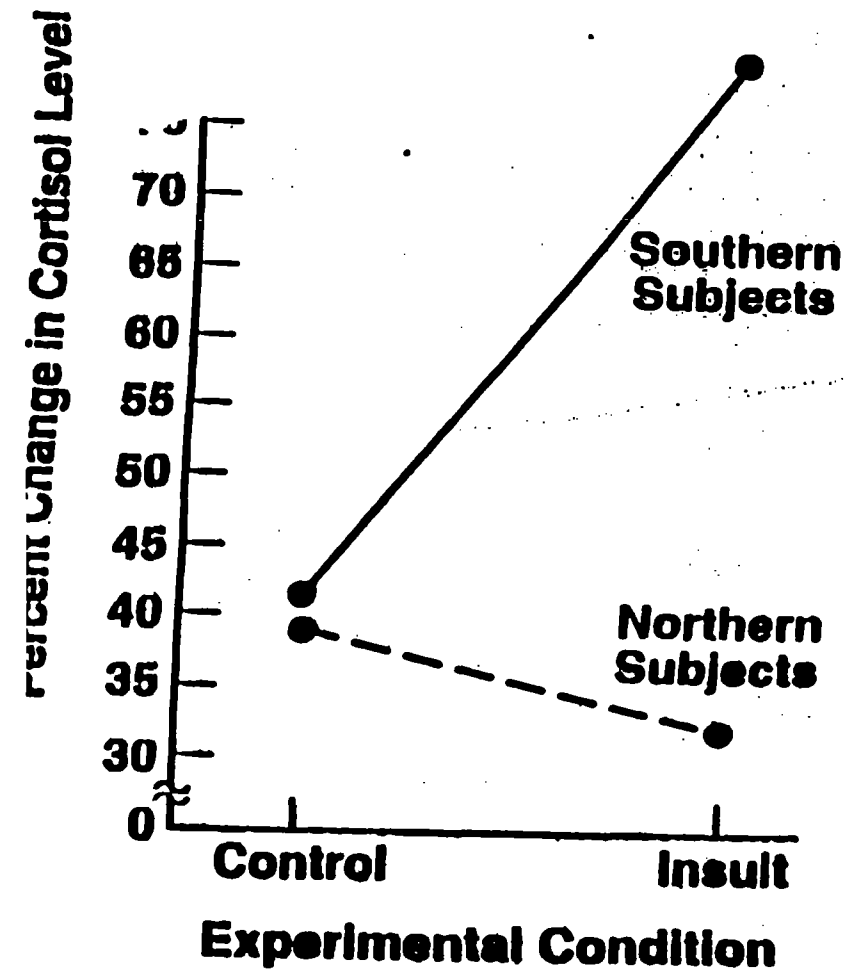


FIGURE 4.2 Change in cortisol levels and change in testosterone levels for insulted and noninsulted southerners and northerners

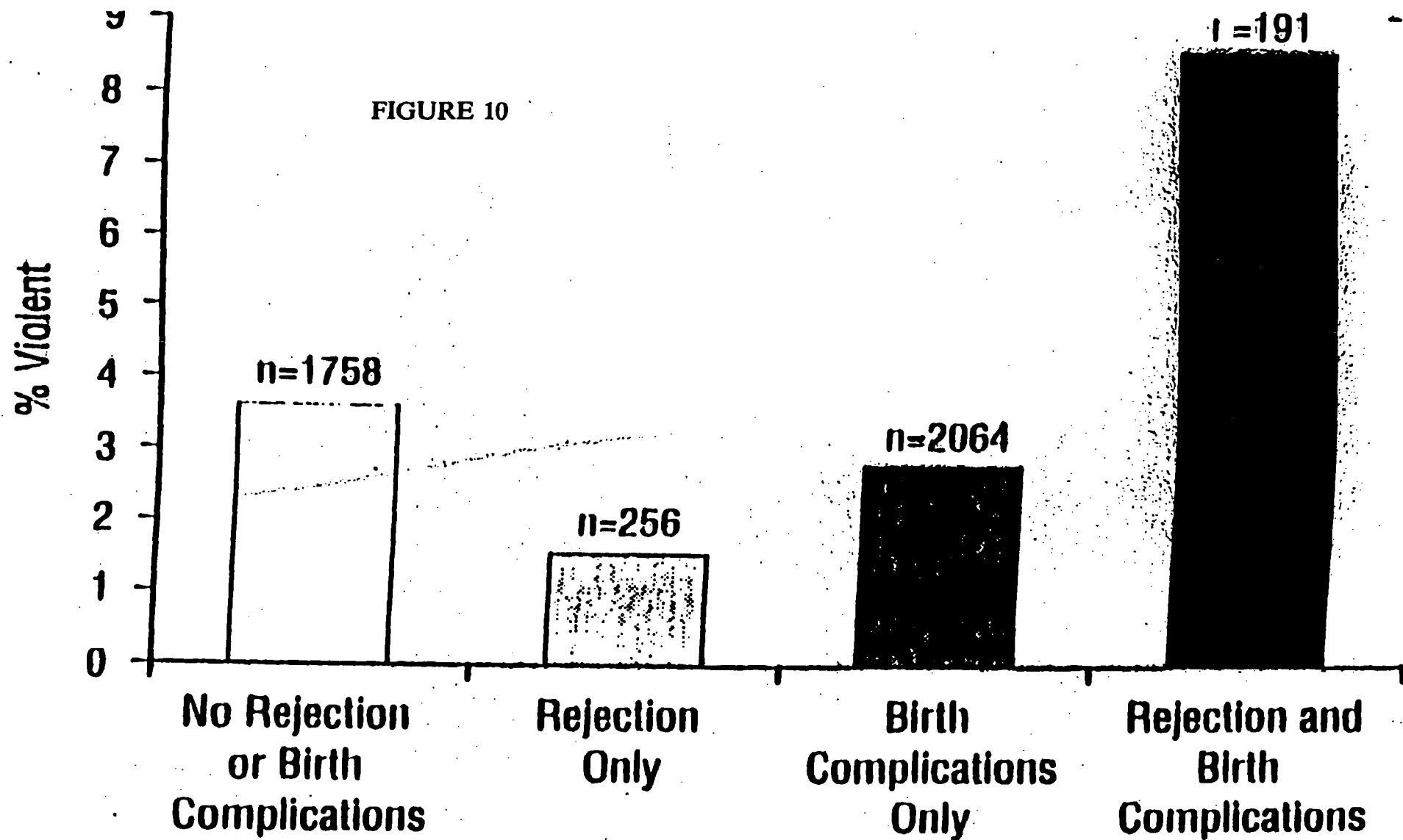


Illustration of the significant interaction ($P < .0001$) observed between birth complications and early maternal rejection at age 1 year in predicting outcome for criminal violence at age 18 years.

FIGURE 11

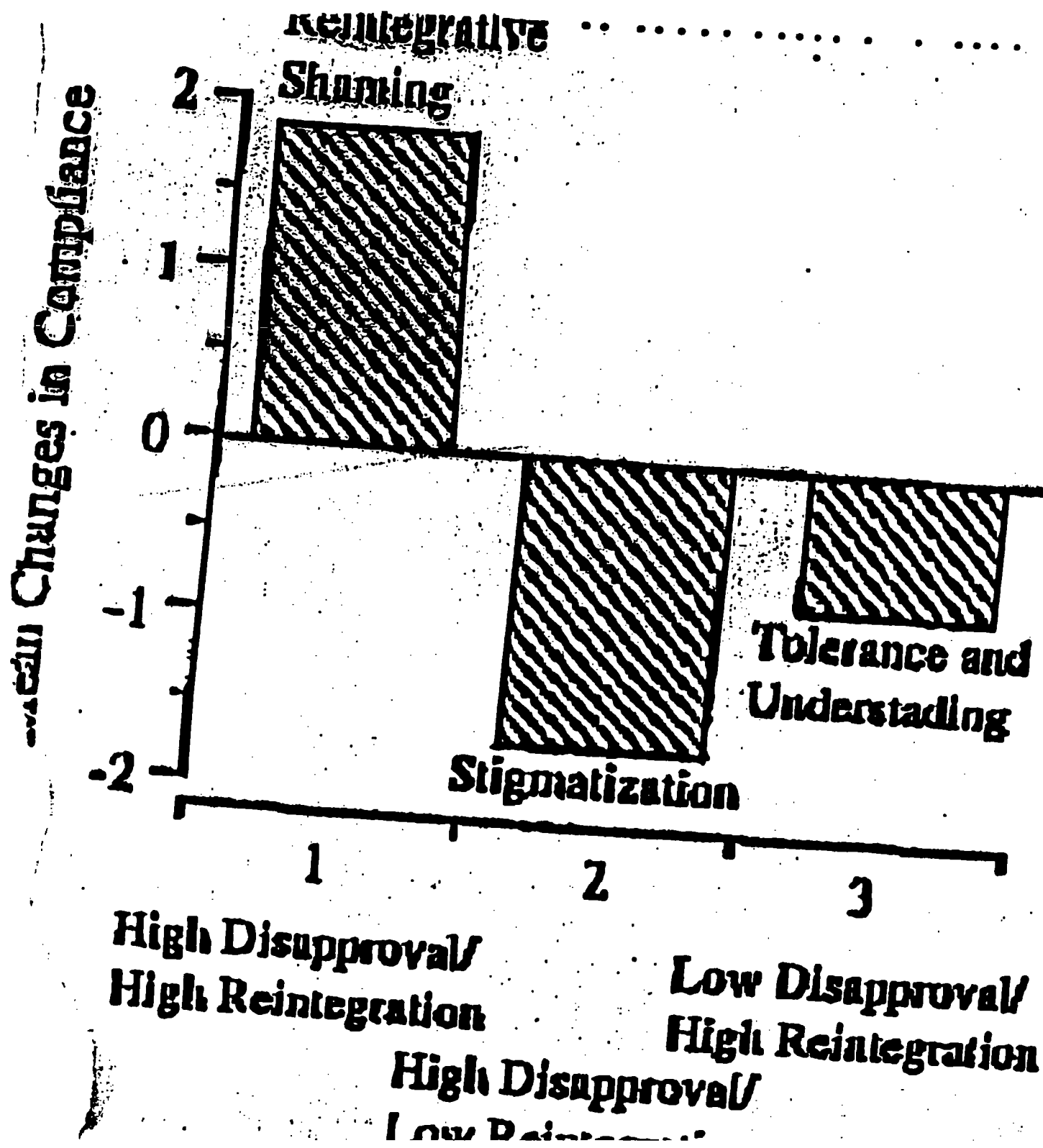


FIGURE 12

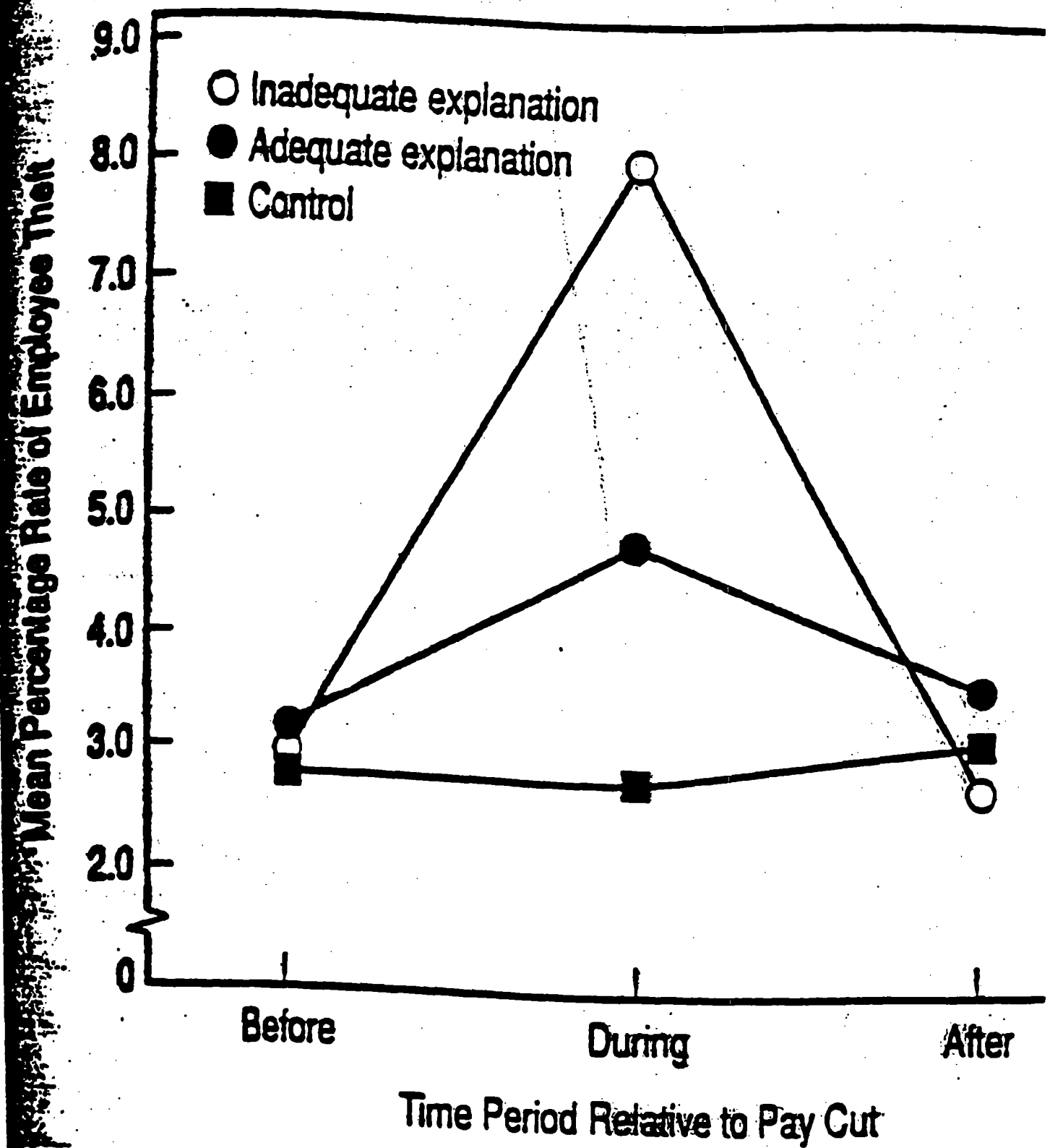


Figure 1. Mean percentage of employee theft as a function of time relative to pay cut.

FIGURE 6

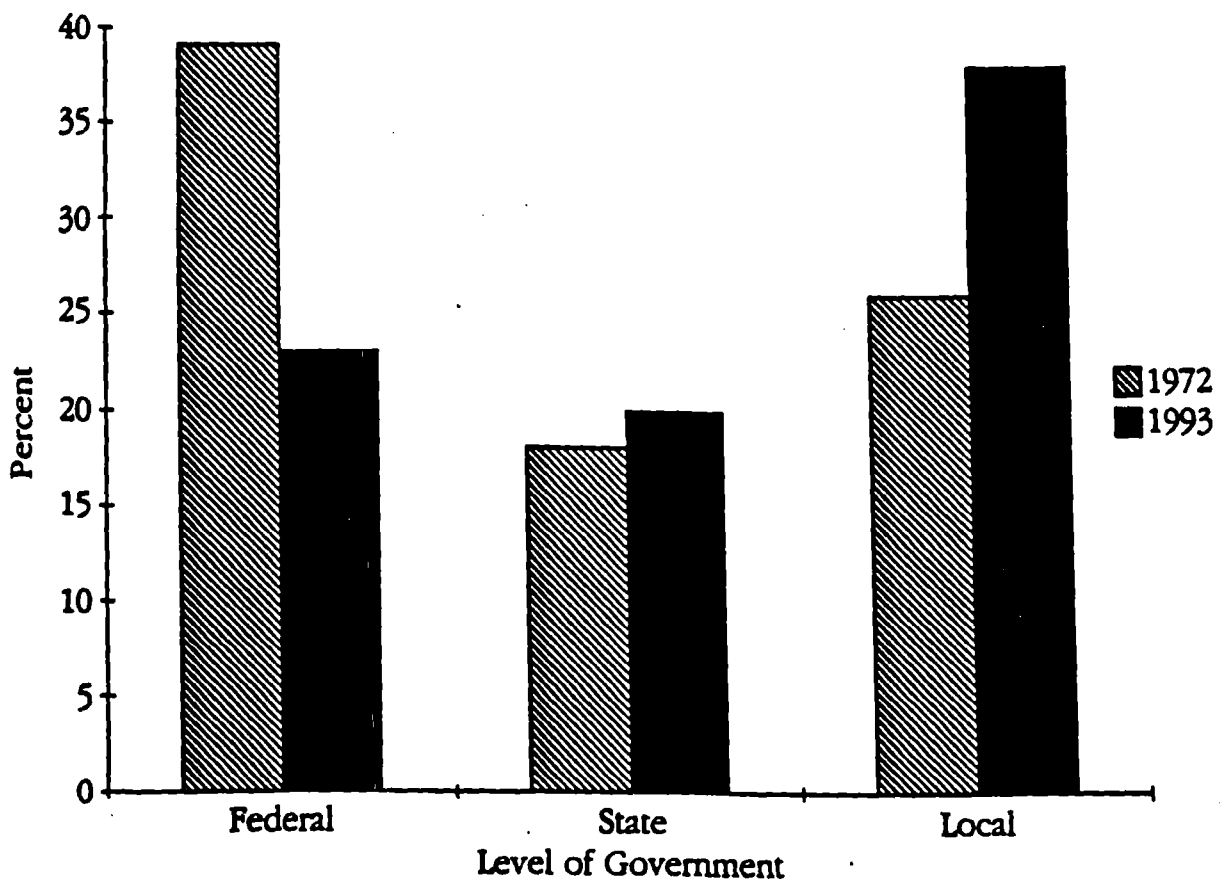


Figure 3-3. Which level of government gives the most for the money?

Source: *Changing Public Attitudes on Governments and Taxes*, U.S. Advisory Commission on Intergovernmental Relations, Washington, D.C., 1993.

FIGURE 7

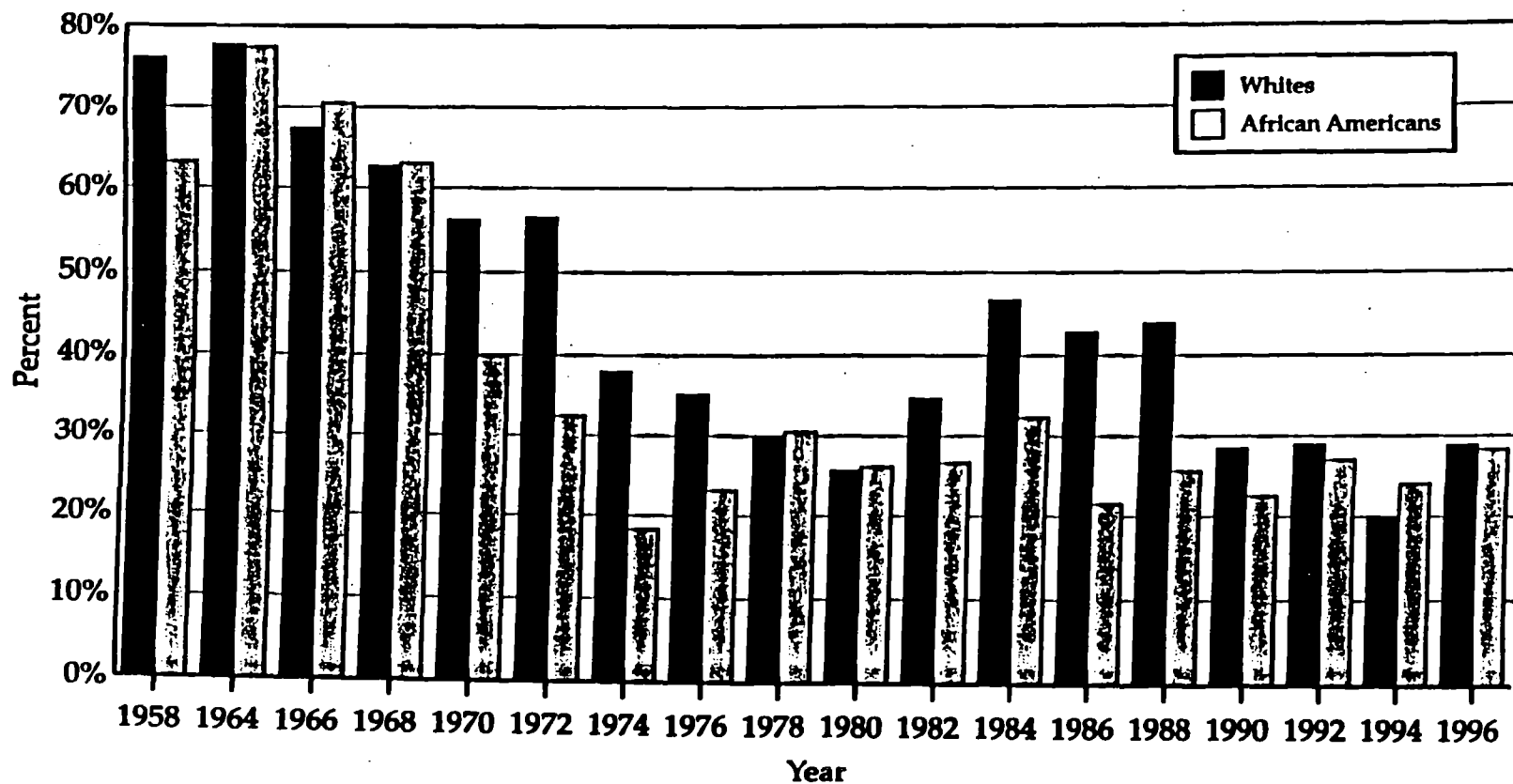


FIGURE 6.1 Percent of Americans Who Trust Their Government, 1958–1996

Percent of Americans who answer, "Most of the time" or "Just about always" to the question, "How much of the time can you trust the government to do what is right?"

SOURCE: Warren E. Miller, *American National Election Studies Cumulative Data File, 1952–1996* (Ann Arbor, MI: Center for Political Studies, 1996).

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THE WHITE HOUSE
WASHINGTON

February 28, 2000

MEMORANDUM FOR HILLARY RODHAM CLINTON

FROM: ANN O'LEARY
RUBY SHAMIR

CC: MELANNE VERVEER
SHIRLEY SAGAWA
LISSA MUSCATINE
PATTI SOLIS DOYLE

Please see notes
+ ?s

SUBJECT: ISSUES UPDATE

The purpose of this memo is to provide you with brief updates on a number of national issues in which you have been involved or expressed interest.

LEGISLATIVE AND ISSUES UPDATE

Education: Tax Exemption for K-12 Education Expenses. Last week, the Senate began debate on S. 1143, a bill that would provide parents tax exemption for up to \$2,000 in K-12 education related expenses for each of their children. The bill would establish Education Savings Accounts by expanding the higher-education Education IRAs to allow expenditures on, among other things, tuition, fees, room and board, academic tutoring, special need services, books, and supplies and equipment incurred in connection with enrollment in public, private, and/or religious elementary or secondary schools. The Administration sent a Statement of Administration Policy (SAP) to the Senate in strong opposition. A vote on a cloture motion is scheduled for 2:30 on Tuesday, February 29.

This proposal is not new. In 1998, the President vetoed HR 2646, the "Education Savings and School Excellence Act" that included similar provisions. In addition, a tuition tax credit proposal for K-12 was included in the Republican tax package vetoed by the President last year.

A number of States have also begun to provide tax incentives to help parents pay for K-12 education through tuition tax credits. In states that have provided tuition tax credits to parents of school-aged children – such as Minnesota, Iowa, and Arizona – the tax credits are helping higher income families that already intended to send their children to private school, rather than giving children from low-income families more choices and opportunities.

Recommendation: When you publicly speak out against vouchers, you might also consider speaking out against these tax exemption or tax credits for elementary and secondary education and equating them to vouchers. Like vouchers, these tax incentives can be criticized for: (1)

draining money away from Federal resources that improve education for all children through smaller class sizes, teacher quality, modernizing and repairing schools, and the establishment and expansion of public charter schools; (2) helping wealthy families more than low-income families; and (3) narrowing the division between church and state.

Education: Update on Reauthorization of the Elementary and Secondary Education Act (ESEA). This week, the Senate Health, Education, Labor and Pensions (HELP) committee will mark-up Senator Jeffords' proposed reauthorization of the Elementary and Secondary Education Act (ESEA). Given that the House has already passed major portions of the bill from Title I to Teacher Quality and that ESEA will expire on September 30th of this year, the Senate is feeling pressure to get a bill out of Committee and onto the floor. Senator Lott has committed to bring ESEA to the floor as soon as it is reported out of Committee (early April is the expectation).

The ESEA is only authorized every five years and was last reauthorized in 1994 with a one-year extension. *This reauthorization will be the major Federal education framework through 2005* and, thus, both the Republicans and Democrats are trying to shape the next stage of Federal Education policy through this bill.

HELP Committee Mark-Up of ESEA: Senator Jeffords' proposal tries to balance Republican's call for flexibility with a "stay the course" approach to keeping the law as is currently written. It does not include any of the Administration's proposals to reduce class-sizes in the early elementary grades, strengthen accountability, improve training for teachers and teachers' aides, or ensure targeted funds to our highest need communities. It does, however, maintain much of the current law of Title I, but then proceeds to include the Republican's "Straight A's" proposal which would allow States to block grant most of their Federal education dollars with no accountability.

Democrats are expected to offer amendments that represent the Democratic education priorities outlined in the Administration bill (S. 7). Senator Murray is expected to offer an amendment promoting the President's class-size reduction program. Senator Bingaman is expected to offer an amendment to strengthen accountability, which is similar to the Administration's Accountability Act. Senator Dodd plans to offer an amendment to strengthen training for child care providers and early childhood educators. Senator Kennedy is likely to offer an amendment that would address teacher recruitment and Senator Mikulski is expected to offer an amendment that would address the disparity of access to technology between high- and low-income students and school districts. Senator Harkin will advance the school modernization and construction agenda by putting forward an amendment that would help school districts either raise money for construction or provide federal assistance for emergency repairs.

Floor Action: Once the bill reaches the Senate floor, it will intersect with the proposal of moderate Democrats led by Senator Lieberman (co-sponsors include: Senators Bayh, Landreiu, Linson, Kohl, and Wyden). Senator Lieberman's bill incorporates many of the Administration's priorities including strong accountability measures tied to greater flexibility, the promotion of public school choice, and provisions for teacher quality and teacher recruitment. The major problem with the bill is that it block grants several of the

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Administration's top priorities, including 21st Century Community Learning Centers, Safe and Drug Free schools, technology initiatives and Reading Excellence grants.

In addition, Senator Schumer has introduced a bill, the "School Quality Counts Act," that includes the Administration's proposal for school, state, and district report cards on key quality indicators to go out to parents and community members; teacher recruitment and teacher quality provisions; and Academic Achievement Awards for schools and districts.

Youth Violence: National Campaign Against Youth Violence. On Tuesday, February 22nd, the President held a conference call to welcome and thank the newly appointed board members of the National Campaign. The President discussed the work the Campaign is doing on three fronts: a city-by-city effort to engage local communities that will be kicked off in Memphis on April 14th, a national media campaign, and a school-based program led by young people.

Board members talked about some of the work they are already doing to prevent youth violence. For example, AOL is planning a feature on its Teen Channel to allow kids to speak out on violence; Discovery will air a national town hall and produce a three-part series on youth violence; and Major League Soccer will lead an effort by professional sports leagues to promote good citizenship through sports.

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The call energized the board members and several proposed some interesting ideas to the President. Steve Case pointed out that as the variety of forms of media begin to merge, it will become increasingly necessary to give parents tools to understand what is right for their kids. He further discussed the need to come together around a ratings system that makes sense for all forms of media and entertainment.

Board members include: Sherri Abufakuseh, National Youth Advisory Council; Steve Case, AOL; Mayor Bent Coles, Mayor of Boise, Idaho and Mayor-Elect to Chair U.S. Conference of Mayors; Ron Burkle, the Yucaipa Companies; Henry Cisneros, Univision; Benjamin Civiletti, former U.S. Attorney General; John Devine, New York University; Senator Dole; Jason Doresey, youth representative; Representative Jennifer Dunn; Greg Favre, the McClatchy Company; Representative Martin Frost; Donald Garber, Major League Soccer; Carter Gaston, youth representative; Leo Hindery, GlobalCenter; Todd Howard, Tommy Hilfiger; Bob Iger, Walt Disney; Rick Inatome, ZapMe!; Francine Katz, Anheuser-Busch; Mel Karmazin, CBS; Geraldine Laybourne, Oxygen Media; Ira Lipman, Guardsmark; Judith McHale, Discovery; Neal Nelinger, Banque Paribas; Dick Parsons, Time Warner; Bud Paxson, Paxson Communications; Deborah Prothrow-Stith; Eli Segal, Welfare to Work; Leigh Steinberg, Sports Management; Mayor Wellington Web, Mayor of Denver; Bob Wright, NBC; and, Anne Zehren, Teen People.

Youth Violence: White House Council on Youth Violence. Last week, Bruce Reed held the first Council meeting to discuss how various agencies could more effectively work together to prevent youth violence. Secretaries Herman, Shalala, Summers, Attorney General Reno, and Deputy Secretary Holleman were in attendance. They discussed moving forward on the Council's mission to develop a citizen's information hub, produce reports on youth violence, expand the Safe Schools/Healthy Students model of collaboration, and coordinate the federal research agenda.

In addition, Secretary Shalala applauded the idea of you hosting a White House Conference on Raising Responsible Teenagers; Secretary Summers called for a "Parents-Asking-Parents" campaign to help parents feel comfortable asking other parents if they have guns in their homes; Attorney General Reno suggested providing cities currently receiving multiple federal grants with technical assistance; and Secretary Herman suggested bringing other federal partners to the table, including HUD.

Unborn Victims of Violence Act. Last week, Assistant Attorney General Eleanor D. Acheson testified before the Senate Judiciary Committee on the Unborn Victims of Violence Act stating that the Department of Justice would recommend that the President veto the bill if it reached his desk. The legislation, which passed the House last September by a vote of 254-172, would make it a separate Federal offense to cause "death or bodily injury" to a "child in utero" in the course of committing certain specified Federal crimes. It uses violence against women as a guise for the legislation's purpose – to identify the fetus in Federal law as a separate and distinct entity, in this case, a distinct victim of a crime. In her testimony, Acheson reiterated the Administration's strong opposition to the bill saying that "identification of a fetus as a separate and distinct victim of crime is unprecedented as a matter of federal statute." She urged the Congress to reauthorize VAWA as a mechanism to diminish violence against women and said that the Administration would favor alternative legislation that would strengthen punishment for "intentional violence against women whom the perpetrator knows or should know is pregnant."

What is national?
Child Custody Protection Act. The Child Custody Protection Act is expected to come up in the Senate within the next few weeks. This legislation, which proscribes the transportation of minors across state lines in an effort to circumvent state parental abortion notification laws, passed the House last year by a vote of 270 – 159 (a veto-sustaining margin). Last year, we sent a SAP to the House threatening a Presidential veto because, in addition to a number of constitutional infirmities, the bill did not exclude close family members – including grandmothers, aunts, and minor and adult siblings – from criminal and civil liability for coming to the aid of a relative in distress. The bill also did not ensure that people who only provide information, counseling, referral, or medical services to the minor would not be subject to liability. The Senate bill is identical to the House bill, and we intend to send up the same SAP. Unfortunately, at this point our prospects on the vote are not looking very positive. The preliminary vote count is: 29 definitely no (including three Republicans: Jeffords, Chaffee, and Specter); 6 leaning no; 10 undecided; 4 leaning yes; and 51 definitely yes.

Civil Rights: Traffic Stops and Racial Profiling. This week the House Judiciary Committee is expected to mark up H.R. 1443, the Traffic Stops Statistics Study Act of 1999, introduced by Rep. Conyers and it is expected to go to the floor shortly thereafter. The President endorsed this

legislation last year when he announced the directive on racial profiling, requiring certain federal agencies to collect data on the race, ethnicity and gender of individuals stopped or inspected by federal law enforcement. H.R. 1443 requires the Attorney General to conduct a nationwide study of stops for traffic violations by federal, state and local law enforcement officers, and provides grants to state and local agencies to assist them with data collection. As for the President's directive, plans for field tests were completed in December and the agencies have now begun data collection, with results and recommendations due at the end of this year. In the meantime, we have also created a working group to be led by Deputy Attorney General Holder to consider possible immediate changes in policy and practice.

Breastfeeding in the Workplace. This week, Congresswoman Carolyn Maloney plans to introduce a bill to amend the Pregnancy Discrimination Act of 1978 to prohibit the harassment and discrimination of women who breastfeed or express milk during their own lunch or break times at work. The Administration is coming out in strong support of the goals behind this proposal, but believes that the PDA's coverage of "pregnancy, childbirth, or related medical conditions" already encompasses breastfeeding or expressing milk. Several breastfeeding PDA cases are currently pending in the court and it is our opinion that we should wait for the Court's ruling before amending the PDA. The Administration will continue to come out in favor of Maloney's goals and will work with her staff to address this issue. Next week, the Surgeon General and Irasema Garza, Director of the Women's Bureau at the Department of Labor will hold an event with Congresswoman Maloney to rollout the bill.

CABINET REPORT

Below are selected Cabinet reports:

Department of Treasury

details? **Identity Theft:** On March 15-16, following up on the President's Financial Privacy and Consumer Protection Initiative, Treasury will host the National Summit on Identity Theft. The Summit will focus on the prevention and remediation of the effects of identity theft. It will be the first national level conference of law enforcement, victims, industry and non-profits interested in this issue and will be the first step towards building a public-private partnership to combat identity theft. Secretary Summers will deliver opening remarks at the Summit.

pls. keep me informed **Vaccines:** On February 22 and 25, in order to engender support for the Administration's Millennium Vaccines Initiative, Secretary Summers and NEC Director Gene Sperling met with representatives of major pharmaceutical companies and foundations to discuss the delivery and development of vaccines. On February 14 and 22, Acting Assistant Secretary for Tax Policy Talisman participated in meetings with tax representatives of the pharmaceutical industry to discuss issues relating to the proposed vaccine tax credit, which would provide a tax credit for sales of vaccines for malaria, tuberculosis, HIV/AIDs, and any infectious disease causing over one million deaths annually worldwide. This week, the President will hold a meeting on vaccines.

Department of Justice

pls. give me report **Crime Policy in the 21ST Century:** On February 29, the National Institute of Justice and the Office of Policy Development will convene a seminar on public trust and confidence in the

justice system, the first in a series of sessions on Crime Policy in the 21st Century. The series will bring together bipartisan groups of experts to discuss the crime policy ideas that best promise to meet the needs of communities over the next five to ten years. The first session, on public trust, will address topics including police interactions with children and minorities, jury nullification, and racial profiling. Sessions in March and April will cover sentencing and corrections policy and the role of science, such as DNA evidence, in the justice system.

Juvenile Justice Publications: DOJ expects to release *Challenging the Myths*, a bulletin extracted from OJJDP's recent *Juvenile Offenders and Victims: 1999 National Report*. The bulletin responds to the much-publicized concerns about the emergence of "juvenile superpredators." The bulletin states that, although rates of serious violence did increase in the early 1990s, levels of juvenile predatory crime have dropped since 1994. In early March, DOJ is expected to release *Overview of Portable Guides to Investigating Child Abuse: Update 2000*. This bulletin provides an overview of the series and synopses of its 13 publications to date. The Portable Guides to Investigating Child Abuse provide practical guidance for on-the-job reference by individuals investigating child abuse and neglect.

Department of Commerce

Partnership for Critical Infrastructure Protection: On February 22, Secretary Daley delivered opening and closing remarks to the National Planning Retreat of the Partnership for Critical Infrastructure Protection. DOC took the lead role in coordinating the meeting to more clearly define the working relationship between government and the private sector in ensuring the security of the nation's critical infrastructure. Upcoming DOC events include a risk assessment summit of corporate leaders and internal auditors at the White House in April, and a follow-up meeting of the Partnership for Critical Infrastructure Protection in June.

Rural and Small Market Access to Local Broadcast Signals: On February 14, DOC's National Telecommunications and Information Administration published a request for comments in the *Federal Register* regarding a public meeting on rural and small market access to local television broadcast signals to be held March 2. The notice requests public comment by April 14, with reply comments to be filed by May 15.

Department of Health and Human Services

Adolescent Behavior Problems and Alcohol Use: During the week of February 28, the Substance Abuse and Mental Health Services Administration will release a new study that shows adolescents, ages 12-17, who use alcohol are more likely to report behavioral problems, especially aggressive, delinquent, and criminal behaviors. The study concludes that there is a strong relationship between problem behaviors and alcohol use among youths, including fighting, stealing, driving under the influence of alcohol and/or drugs, skipping school, and deliberately trying to hurt or kill themselves. According to the study, adolescents who drink heavily are 16 times more likely than non-drinkers to have recently used an illicit drug. Even "light drinkers" were eight times more likely to have used an illicit drug in the past month than non-drinking adolescents. These findings are based on a new analysis of 1994-96 National Household Survey on Drug Abuse data.

FY2000 University-Head Start Partnerships and Graduate Head Start Research Projects:

On February 24, a Notice was published in the *Federal Register* announcing the availability of funds for University-Head Start Partnerships and Graduate Head Start Research Projects. These grants will support research activities in the areas of infant toddler development. The maximum Federal share for the University-Head Start Partnerships is \$75,000 for the first-year budget period, and approximately \$150,000 for each year of the project period. It is anticipated that 4-6 projects will be funded. The Federal share for the Graduate Head Start Research Grants range between \$10,000-\$20,000 for the first year budget period or a maximum of \$40,000 for a two-year project period. It is anticipated that five to ten projects will be funded.

Department of Housing and Urban Development

Closing the Digital Divide With Neighborhood Networks: Neighborhood Networks is a community-based initiative of HUD that encourages the development of resource and computer learning centers in privately owned HUD-assisted or HUD-insured housing. Neighborhood Networks is working to increase employment opportunities and access to health and wellness, improve educational performance of children, empower residents, increase participation by property owners and decrease dependency on federal funding.

Department of Energy

National Community Action Conference: On March 1, in Washington, DC, Secretary Richardson will address leaders of the community action agencies which administer DOE's Weatherization Assistance Program (WAP). Secretary Richardson is expected to announce the award of FY2000 weatherization grants to states, as well as changes being made to WAP. The Weatherization Assistance Program implements energy efficiency measures in low income homes to reduce energy use by an average of 25 percent. Since 1976, WAP has weatherized 4.7 million homes. The funding FY2000 will weatherize 67,340 low-income homes. WAP is a, long-term solution that seeks to make low-income communities resistant to heating oil shortages and sharp price fluctuation. DOE has proposed a new strategy called Weatherization *Plus*, which will allow local weatherization providers to expand their traditional approach of addressing heating and cooling needs to a comprehensive whole-house approach using more advanced, cost-effective technologies. It should result in greater energy savings for more low-income families, and more livable communities.

Heating Oil Crisis Studies: DOE has held initial meetings with the Energy Information Administration for the planning of studies of the effects of interruptible gas contracts and the possibilities for conversion of heating oil customers to natural gas. The conversion study was announced on February 16.

LEGISLATIVE CALENDAR**Senate**

In addition to considering S. 1134, the Affordable Education Act, there is a chance that the Senate will consider S. 2081, the "Religious Liberty Protection Act" (RLPA), this week. This bill, which is sponsored by Senator Hatch (R-UT), would in many cases, forbid state and local governments from imposing a substantial burden on the exercise of religion, unless they could demonstrate that imposition of such a burden is the least restrictive means of advancing a

compelling governmental interest. Although the Administration and many Senate Democrats are strongly supportive of the legislation, we remained concerned that RLPA could be used to circumvent numerous civil rights laws (for example, a landlord could potentially use the law to refuse to rent to gay couples on the basis of religion). We continue, therefore, to advocate for a civil rights exception or a more narrowly tailored provision.

House

The House will convene on Tuesday, February 29th for legislative business, with recorded votes after 6:00 PM. It will consider several measures under suspension of the rules. On Wednesday and for the balance of the week, the House will consider three measures subject to a rule. The last vote of the week is expected by 2:00 PM on Friday.

Social Security Earnings Test Elimination Act. Among a few other pieces of legislation, the House is expected to consider H.R. 5, the Social Security Earnings Test Elimination Act (SAP under development, support). The legislation would eliminate the earnings test for individuals who have attained retirement age. As reported to the floor, this will be a clean bill, free of any other issues. However, we will need to monitor the Rules Committee to determine what, if any, of the amendments might be made in order. One such possible amendment would eliminate the earnings limit for blind persons. The bill should pass with overwhelming bipartisan support.

House Notes

Minimum Wage: The Republican Leadership has indicated that this issue may be debated on the floor the week of March 6th. They will likely bring up, as separate measures, a tax proposal and a minimum wage proposal. The tax component will likely total tens of millions of dollars in unfinanced business tax cuts. It is not clear whether the wage package will stick to the \$1 over three years plan.

THE CLINTON-GORE ADMINISTRATION: WORKING TO MITIGATE THE EFFECTS OF HIGH HOME HEATING OIL PRICES

February 28, 2000

Today, in a meeting with the National Governors Association, President Clinton will emphasize that his supplemental appropriation FY2000 request to Congress includes important assistance for consumers and businesses affected by unexpectedly high home heating oil and diesel fuel prices. The request includes \$620 million in additional funds for the Low Income Housing Energy Assistance Program, the Dept. of Energy's (DOE) Weatherization Assistance Program, and the Small Business Administration (SBA) to help provide SBA loans to those affected by high home heating oil and diesel fuel prices. In addition, President Clinton will also urge the Governors to adjust LIHEAP eligibility standards to assist as many low and moderate income families as possible under federal law and emphasize that Federal law permits states to use Temporary Assistance for Needy Families (TANF) funds to provide emergency heating assistance to very low income families with children.

THE SUPPLEMENTAL APPROPRIATION REQUEST INCLUDES:

- \$600 million to replenish the Low Income Housing Energy Assistance Program (LIHEAP) fund which was depleted by recent disbursements of \$295 million.
- \$19 million in additional funds for the DOE Weatherization Assistance Programs. These funds will meet the President's original request for weatherization and help increase the energy efficiency of homes, thereby reducing homeowners' energy burden and cost.
- \$1 million for SBA program to support \$86 million in loans for small businesses affected by rising oil prices. This will allow home heating oil dealers, for example, to extend flexible payment terms to their customers.

THIS REQUEST BUILDS ON EARLIER ADMINISTRATION STEPS IN RESPONSE TO THE INCREASE IN HOME HEATING OIL PRICES: In addition to the steps announced today, the Administration has already taken aggressive steps to expedite the delivery of home heating oil to markets in the Northeast and to help mitigate the effects of the unexpected price spike.

Recently, the President:

- Released a total of \$295 million of LIHEAP emergency funds. The funds are being distributed so as to give priority to states most affected by increases in heating oil prices.
- Encouraged states, which administer the LIHEAP program, to adjust their eligibility standards to assist as many low and moderate income families as possible under federal law.
- Directed the Secretary of Energy to conduct a 60-day study of diversifying energy supplies in the Northeast, including converting factories and other major users from oil to other fuels, in order to free up oil supplies for use in heating homes.

- Directed the Small Business Administration to ensure the availability of Small Business Administration loans for heating oil distributors who need a better cash flow in order to buy heating oil and make deliveries to their customers.

In addition, the Department of Energy has:

- Recently hosted a home heating oil summit in Boston with refiners and major distributors of home heating oil, elected officials, analysts, and consumers to discuss the reasons for the problems in home heating oil markets, and how the government and industry can work together to better meet the needs of consumers in the Northeast and New England now and in the future.
- Requested that refiners defer routine maintenance turnarounds, subject to safety requirements, so that heating oil production remains at full throttle until the home heating oil problem has passed.
- Urged eligible utilities to switch from heating oil to natural gas.
- Created a DOE/Coast Guard Task Force for Product Movement, to prioritize heating oil shipments at terminals when necessary, clear rivers as needed, deploy Coast Guard vessels and other resources to make certain there are no shipping or loading delays.
- Initiated a DOE's Energy Information Administration and Office of Policy study on the impact of interruptible contracts on home heating oil supply. Such contracts direct gas customers to switch from gas to other fuels when the temperature drops below certain levels, to reduce peak demand for gas.
- Announced plans to re-establish an Energy Emergency Office at the Energy Department to enable the federal government to work more closely with the states to anticipate, plan and respond in a more immediate and coordinated way when energy crises occur, including heating oil/gasoline shortages, power outages, or pipeline emergencies.

HOW THESE PROPOSED ADDITIONAL FUNDS WILL HELP

- **Low Income Home Energy Assistance Program (LIHEAP):** LIHEAP helps eligible families pay the costs of heating and insulating their homes in the winter, and cooling their homes in the summer. States determine eligibility and benefit levels based on federal law. Approximately 4 million low-income households receive assistance each year. As part of LIHEAP, the Congress sets aside emergency funds (\$300 million in FY 2000) to help States meet urgent home heating or cooling needs. The President determines when an emergency warrants the release of these funds, and directs the Secretary of Health and Human Services to release the funds to the States.
- ✓ On January 25th, the President directed Secretary Shalala to release \$45 million to eleven states that were hit hardest by increases in home heating fuel prices this winter.
- ✓ On February 10th, in response to further increases in the price of home heating oil, the President directed Secretary Shalala to release an additional \$130 million.
- ✓ On February 16th, the President directed Secretary Shalala to release the \$120 million remaining in the LIHEAP Emergency Fund, in response to fuel prices that kept climbing -- by

more than 80 percent compared to last year in some states -- and causing significant hardship for low-income families throughout the country.

- **DOE Weatherization Assistance Program:** DOE's Weatherization Assistance Program reduces the heating and cooling costs for low-income Americans by improving the energy efficiency of their homes while ensuring their health and safety. The President is calling on Congress to fund his original request for weatherization.

- ✓ The FY 2000 appropriation level of \$135 million will weatherize 67,340 low-income homes. The supplemental request of \$19 million will restore the funding level to the President's FY 2000 request of \$154 million and will weatherize an additional 7,000 low-income homes. To date, 4.7 million homes have been weatherized, however, more than 29 million households are eligible for weatherization services.

- ✓ This additional funding will also allow DOE to provide the resources for community agencies to employ more advanced technologies that will increase the energy savings for this under-served group. It will also enable more low-income households to moderate the impact of sudden energy commodity price increases of the type recently experienced by fuel oil consumers.

- **Small Business Administration Loans:** SBA will make loans available under existing 7(a) programs to qualified businesses that need funds to weather current problems caused by high oil prices. SBA will rely on a variety of loan programs, such as *SBAExpress* and *CAPLines*, which are especially suitable for helping these small businesses get through this period.

- ✓ The President has asked Congress for a supplemental appropriation of \$1 million, enough to support \$86 million in loans.

- ✓ These loans will allow home heating oil dealers, for example, to extend flexible payment terms to their heating oil customers.

- ✓ Loans will also be available to other types of businesses, such as logging and trucking, which have been affected by the price spike.

THE WHITE HOUSE
WASHINGTON

February 15, 2000

MEMORANDUM FOR HILLARY RODHAM CLINTON

FROM: ANN O'LEARY
RUBY SHAMIR

CC: MELANNE VERVEER
SHIRLEY SAGAWA
LISSA MUSCATINE
PATTI SOLIS DOYLE

SUBJECT: ISSUES UPDATE

The purpose of this memo is to provide you with brief updates on a number of national issues in which you have been involved or expressed interest.

LEGISLATIVE UPDATE

Bankruptcy. On Wednesday, February 2nd, the Senate passed the Bankruptcy Reform bill in a vote of 83-14-1. While the Administration still has some reservations about the bill, the Senate made a good faith effort to strike a balance between debtors and creditors. The Senate Democrats pushed for and won significant improvements on the issues of consumer credit disclosure, protections for low-income debtors, and scaling back on coercive reaffirmation agreements. Apart from the substantive bankruptcy provisions, the Senate also approved the Domenici minimum wage and tax amendment that was attached to the bill on the floor. As the bill goes to conference, the Senate Democrats are pushing to have the non-relevant non-germane amendments removed from the conference report and final bill. Details on the amendments are below:

- *Consumer Credit Disclosure (Torricelli Amendment):* This amendment requires credit card companies to disclose information concerning the consequences of making minimum payments. While the cost of making minimum payments would be expressed based on an example rather than information about the specific terms of the consumer's loan, the lender would be required to provide an 800 number for consumers who desire more specific and accurate information. The House bill, on the other hand, allows for disclosures based on unrealistic illustrations and only requires disclosures upon opening an account and once a year thereafter.

This amendment also requires prominent disclosure of the permanent interest rate in immediate proximity to first disclosure of the temporary (teaser) rate. No such provision is included in the House bill.

preserving roadless areas in our national forests, establishing over 700,000 acres of conservation buffers, and protecting more than 120,000 acres of wetlands.

California MTBE Waiver Request. To meet his pledge to phase out the use of MTBE in the State's gasoline, CA Governor Davis has asked EPA for a waiver from the Clean Air Act (CAA) oxygenate requirement. The CAA specifies that reformulated gasoline must have an oxygenate content of at least 2 percent by weight. MTBE is the oxygenate most widely used by CA refiners to meet this requirement. Under the CAA, to receive a waiver, EPA must determine that compliance with the oxygenate requirement prevents or interferes with the attainment of an EPA air quality health standard (e.g., EPA's ozone smog standard). On December 24, 1999, CA officials provided EPA initial documents in support of the State's waiver request. Additional data and analysis is needed and California officials have indicated their plan is to submit this additional information to EPA in the near future. Once EPA receives this information, EPA will be able to perform the technical analysis of CA's waiver request required under the CAA. If the statutory conditions for receiving the waiver are met, EPA is required to provide public notice of its decision. Such procedures include a comment period of a minimum of thirty days.

LEGISLATIVE CALENDAR

Senate

The Senate will stand in recess for the week of February 14 in observance of President's Day, and will reconvene on Tuesday, February 22 at 11:00 AM.

The following is a list of legislation Senator Lott has indicated may be considered prior to the March recess. This list is not exclusive, not in any particular order, and does not include consideration of Executive Nominations:

- Concurrent Budget Resolution
- Elementary and Secondary Education Act
- Any available appropriations bills
- Marriage Penalty bill
- Child Protection Custody Act, which proscribes the transportation of minors across state lines in circumvention of state parental abortion notification laws.
- FAA Conference Report
- Elian Gonzalez bill
- Africa/CBI Trade Conference Report
- Iran non-proliferation bill

House

The House will be in session this week, but will hold no votes on Friday, February 18. Among other legislative business, the House today will consider awarding a Congressional gold medal to John Cardinal O'Connor, Archbishop of New York.

- *Protections for Low-Income Debtors – “Safe Harbor” provision (Schumer Amendment):* This amendment requires a safe harbor from means test motions for debtors below the higher of the state or national median income plus \$583 for each family member over four. It appears to count income of a separated spouse, even if he is not a debtor in the case. Unlike the House bill, S. 625 provides no protections against non-means test abuse motions by creditors.
- *Curbing Coercive Reaffirmation Agreements (Reed-Sessions Amendment):* The Reed-Sessions amendment (1) requires disclosures related to the underlying credit agreement rather than the reaffirmation agreement; (2) eliminates existing filing and disclosure requirements; and (3) protects creditors who fail to comply with the law by requiring debtors who choose to challenge a creditor practice to prove that the creditor acted in bad faith. This provision is a change from current law under which court filing requirements allow courts to oversee the reaffirmation process.
- *Non-Relevant, Non-Germane Amendments: Minimum Wage and Tax Amendments (Domenici):* Under this amendment, the minimum wage would be increased from \$5.15 to \$6.15 over three years, instead of over two years as proposed by the Administration. In addition, the amendment included \$76 billion in tax cuts over 10 years – many of which were vetoed by the President in the Republican’s 1999 tax package. These tax breaks include a major expansion of pension-related tax preferences for high-income individuals and an “above the line” deduction for health insurance premiums.

Drive-By Mastectomies. You asked for an update on drive-by mastectomies. As you know, in 1997, Congresswoman Rosa DeLauro introduced the Breast Cancer Patient Protection Act guaranteeing a minimum hospital stay of 48 hours for a woman having a mastectomy, and 24 hours for a woman undergoing a lymph node removal, and ensuring that any decision to have a shorter hospital stay would be made by the patient and her doctor – not an insurance company. This bill, H.R. 116, has 209 co-sponsors. There is a similar GOP bill, H.R. 383 sponsored by Rep. Sue Kelly, which has 94 co-sponsors. The main difference between the two bills is that the GOP version does not include how much time patients can spend in the hospital, while the DeLauro bill specifically calls for a 48 hour stay. There has not been any major action on either of these bills, and the Administration has not taken any specific position. However, Dr. Kristen Zarfes, who joined you to watch the State of the Union in 1997 and this past year, has spoken out strongly in support of the DeLauro bill.

This issue has also come up in the context of debate over the Patients Bill of Rights. Last summer the Senate passed a version of the Patients Bill of Rights that was not supported by the Administration which included a provision on overnight hospital stays for women who have mastectomies. Not a single Democrat voted for this amendment because it compelled insurance companies to pay for overnight stays only if they were deemed medically necessary. The House-passed version of the Patients Bill of Rights, which was supported by the Administration, did not include any provision on drive-by mastectomies.

REPORTS AND STUDIES

Child Care and Welfare Reform. The findings from a new report on the effects that welfare reform has had on child care were released last week. The study, conducted by Bruce Fuller of University of California at Berkeley and Sharon Lynn Kagan of Yale University, focuses on how low-income mothers and their children are faring under welfare reform. Among its findings, the report acknowledges that welfare caseloads have dropped and that many parents are now working, but the researchers question whether conditions have improved and suggest that welfare reform, in large part, is responsible for the placement of children in mediocre or low-quality care. The findings make a strong case for the need for better quality care, but the report does not provide evidence for the link between welfare reform and low quality care. HHS prepared guidance on this report with several strong arguments: (1) We agree with the authors of the report that quality child care is important for low-income families, and that well-targeted subsidies can improve the quality of child care. That's why this Administration has proposed a comprehensive child care initiative to improve access, affordability and quality of child care. (2) The problems with child care quality have been around for a long time, and cannot be traced to welfare reform. (3) Child care has actually improved over the course of this Administration because of the consolidation of child care funds under welfare reform, and the doubling of federal child care dollars since President Clinton took office.

Charter Schools. On February 11th, the President released the fourth annual U.S. Department of Education report on "The State of Charter Schools." The report shows that more than 250,000 students nationwide are now enrolled in charter schools in 30 states and the District of Columbia. (Thirty-six states and the District of Columbia have now passed legislation allowing the creation of charter schools). According to the report, seven out of ten charter schools have waiting lists for students. The report also shows that most charter schools are small schools. In fact, the median enrollment of all charter schools is 137 students, compared to 475 for all public schools in the same states. Seven of ten charter schools are also newly created schools. Eighteen percent are pre-existing public schools that convert to charter status, while 10 percent are converted private schools. The report also reveals that charter schools enroll a slightly higher percentage of students who are eligible for free or reduced-price lunch than other public schools in their states and reflect similar racial diversity.

CABINET REPORT

USDA

New Federal Milk Orders. On February 4, USDA announced prices for milk products under the new Federal milk marketing order reform pricing system enacted by Congress as part of the FY2001 consolidated appropriations bill, which overturned USDA's plan to reform the milk marketing order system. For January, the new class III price – which measures butter, cheese, and dry whey prices, and which replaces the old basic formula price – was \$10.05 per hundredweight, \$0.42 higher than the December level, but \$6.22 below the comparable measure's level in January 1999. In related developments, on February 8, the Senate agriculture committee held a hearing on Federal dairy policy, focusing on why the U.S. needs a dairy

program and the current state of the dairy industry, and on February 9, held another hearing on the dairy pricing system.

LABOR

Parental Leave. The comment period for Birth and Adoption Unemployment Compensation rules, which would allow states to use their unemployment compensation programs for parental leave, expired on February 2. The 3,000 comments currently logged are fairly evenly divided pro and con. There have been a number of challenges from the Congress to the Department of Labor's authority to provide this flexibility through regulation. The next step will be to draft a final rule and obtain OMB clearance. Given the extent of the comments, the Labor Department's most ambitious estimate for a final rule publication would be in the late spring.

As you know, the President devoted his radio address last week to announcing the \$20 million proposal to provide grants to states and regions to make parental and family leave more available and affordable for those who need it. Under the President's proposal, states will be able to: 1) identify workers who face the greatest financial barriers to taking family leave, and 2) use Unemployment Insurance, Temporary Disability Insurance, or other mechanisms to offer these workers paid leave.

ENERGY

Home Heating Oil. Last Wednesday, Secretary Richardson met with heating oil refiners and distributors to discuss ways to increase supply and last Thursday, he announced a multi-point plan to deal with the recent price-surge. Tomorrow, Secretary Richardson and the National Association of State Energy Officials will host a Northeast Home Heating Oil Summit in Boston, and the Secretary plans to visit Maine and Rhode Island in the coming weeks. As you know, last week the President released an additional \$130 million in Low Income Home Energy Assistance (LIHEAP) emergency funds for states, territories and tribes due to continuing increases in home heating fuel prices this winter.

EPA

Public Awareness of Chemicals. As part of its commitment to increase the public's right to know about chemicals in their community, EPA is making information available on health and environmental data for 2,011 chemicals. The High Production Volume Chemical Challenge Program is part of the Vice President's commitment to inform the public about toxic chemicals. The voluntary effort makes basic screening-level toxicity information available to the public on chemicals manufactured or imported into the U.S. in amounts over one million pounds a year.

Second Anniversary of Clean Water Action Plan. February 19 will mark the second anniversary of the Clean Water Action Plan. More than one-third of the 111 key actions to restore and protect the nation's waters have been completed, creating more livable communities along our rivers, lakes and coasts. Major accomplishments include doubling the investment in polluted runoff control, establishing a management strategy for animal feeding operations,

House Committee Hearings

Some House Committee and Subcommittee hearings include:

- **Low Income Housing Issues.** The Housing and Community Opportunity Subcommittee (Chairman Lazio, R-N.Y.) of House Banking and Financial Services Committee will mark up legislation that would revise and reauthorize a number of federal housing programs, including section 8 homeownership subsidies, Community Development Block Grants, Home Investment Partnerships Program, Local Homeownership Initiatives, Manufactures Housing Improvement Program and the Indian Housing Homeownership program. The legislation enjoys considerable bi-partisan support, but has at this point received some criticism from seniors groups and some low-income housing advocates who fear that the bill focuses too little attention the poorest populations.
- **Social Security Work Incentives.** The Social Security Subcommittee (Chairman Shaw, R-Fla.) of House Ways and Means Committee will hold a hearing on guidelines that affect how much income senior citizens can earn before they begin to lose their social security benefits.
- **Pension and Investments.** The Employer-Employee Relations Subcommittee of (Chairman Boehner, R-Ohio) House Education and the Workforce Committee will hold a hearing on "The Evolving Pension and Investment World After 25 Years of ERISA."
- **Affordable Prescription Drugs and Medical Privacy.** The Health Subcommittee (Chairman Thomas, R-Calif.) of House Ways and Means Committee will hold a hearing on ways to make prescription drugs more affordable for senior citizens. This subcommittee will also hold hearings later in the week on the Administration's proposal to protect patient privacy
- **Medicare Drug Benefit.** The House Commerce Committee (Chairman Bliley, R-Va.) will hold a hearing on proposals to establish a prescription drug benefit program for senior citizens.
- **Fiscal 2001 Budget Review.** The House Budget Committee (Chairman Kasich, R-Ohio) will hold hearings on the president's fiscal 2001 budget.
- **Employer Health Insurance.** The House Small Business Committee (Chairman Talent, R-Mo.) will hold a hearing on ways to expand access to employer-based health insurance for small business owners and employees and their dependents.

UPCOMING POTUS SCHEDULE

Wednesday, Feb. 16	Possible Press Conference
Thursday, Feb. 17	Address Opening of Africa Summit
Friday, Feb. 18	Medical Errors Event Location: TBD
Saturday, Feb. 19	Radio Address (taped Friday, Feb. 18) Topic: One America
Monday, Feb. 21	President's Day Holiday
Tuesday, Feb. 22	Live Teleconference with Mandela on Burundi Message Event TBD
Wednesday, Feb. 23	State Visit of the King and Queen of Spain Location: White House Possible Food Stamp Reg./Transportation Event
Thursday, Feb. 24	Address Business Council (closed press) Location: DC TBD Granoff Lecture on the New Economy Location: University of Pennsylvania
Friday, Feb. 25	Possible Departure Statement on Native American Budget Initiative (T) Present Malcolm Baldrige Awards Location: Washington, DC
Saturday, Feb. 26	Radio Address (taped on Friday, Feb. 25) Topic: TBD – Possibly Failing Schools Guidance
Monday, Feb. 28	NGA Roundtable Location: White House Amtrak Announcement Location: White House
Tuesday, Feb. 29	Departure Statement Topic: TBD Travel to Florida

THE WHITE HOUSE
WASHINGTON

February 3, 2000

MEMORANDUM FOR HILLARY RODHAM CLINTON

FROM: ANN O'LEARY
RUBY SHAMIR

CC: MELANNE VERVEER
SHIRLEY SAGAWA
LISSA MUSCATINE

SUBJECT: UPDATE ON ECONOMIC PROPOSALS

The purpose of this memo is to give you a brief overview of the Administration's record on fiscal discipline and some of our major economic proposals for the FY 2001 budget, including saving Social Security, increasing the minimum wage and building on our New Markets initiative from last year.

MAINTAINING FISCAL DISCIPLINE AND ECONOMIC EXPANSION

Maintaining Fiscal Discipline

Currently, we are experiencing the first back-to-back budget surpluses in 42 years. Last year's surplus of \$124 billion was the largest in our history and the latest numbers from the Treasury indicate the surplus for this year will be even larger. This surplus is considered even more significant when contrasted with the \$209 billion deficit the President inherited when he was elected. In just the last two years, we have already paid down \$140 billion of the national debt. Because we have resisted efforts to push our nation off the path of fiscal discipline with large and irresponsible tax cuts, our debt is \$1.7 trillion less this year than it was projected to be back in 1993.

The FY 2001 budget accelerates the date that we will be able to pay off our debt to 2013 -- two years earlier than we had originally planned. The President's plan will protect Social Security funds, extend the solvency of the Social Security trust fund, and enable us to make Medicare secure now through 2025. We will be debt-free for the first time since 1835, when our nation had only 24 states and fewer than 15 million people. The President's plan to pay down the debt will result in lower interest rates and stronger investment. For typical families it will mean lower mortgage payments and car payments.

Nearing the Longest Economic Expansion in U.S. History

- America is currently in the longest peacetime expansion in its history. By the end of February, the U.S. will have enjoyed 107 consecutive months of expansion – the longest economic expansion in history.
- Since President Clinton took office in 1993, the economy has created 20.4 million new jobs – the highest number of jobs ever created under a single President. These are overwhelmingly good jobs: according to a study by the Council of Economic Advisers and the U.S. Department of Labor, 81 percent of all new jobs are located in industry/occupation categories that pay above-median wages.
- The vast majority of the new jobs – 18.8 million or 92 percent of the total – were created by the private sector, the highest private sector share of job creation since Harry S. Truman was President.
- The unemployment rate in 1999 fell to 4.2 percent – the lowest rate in 30 years. For African Americans, the unemployment rate fell to 8.0 percent – the lowest on record. For Hispanics, the unemployment rate fell to 6.4 percent – the lowest on record.
- The economy has expanded at 3.8 percent annually under President Clinton – the fastest growth rate of any administration since President Johnson.
- As a result of the strong economy and investments in people, 7.7 million people have been lifted out of poverty under President Clinton. The poverty has fallen to 12.7 percent – the lowest rate since 1979. For African Americans and African American children, the poverty rate is the lowest on record. For Hispanics, the poverty rate is the lowest since 1980. For single mothers, the poverty rate has fallen to the lowest level in history.
- In the third quarter of 1999, the homeownership rate rose to 67.0 percent – the highest rate ever recorded. The homeownership rates for African Americans and Hispanics also reached record levels in 1999.
- The underlying core rate of inflation was 1.9 percent in 1999 – the lowest rate since 1965.

SUPPORTING WORKING FAMILIES AND COMMUNITIES

Protecting and Strengthening Social Security

When the President releases the budget next week, he will include this year's proposal to strengthen Social Security. As he did in 1998 and 1999, the President is calling on Congress to enact his plan to save Social Security first – and strengthen it. Like last year, the President is proposing to reserve the entire Social Security surplus for Social Security and debt reduction. The President's proposal devotes the entire Social Security surplus to paying down the debt held by the public by a projected \$2.2 trillion over the next 10 years. Additionally, after a decade of debt reduction from protecting Social Security funds, all the interest savings from this debt reduction will then be reinvested in Social Security, extending its solvency from 2034 to 2050. Projected interest savings for the first five years of the transfer (2011-2015) would be \$690 billion. If the interest savings were prudently invested in equities, solvency would be extended to 2054. The Republican so-called "lockboxes" do not transfer interest savings to Social Security and thus do not add a single day to the life of the Trust Fund. Furthermore, because of their exorbitant tax cut proposals, the Republicans would probably end up spending hundreds of billions of dollars of the Social Security surplus.

Expanding the Earned Income Tax Credit (EITC)

The President is calling on Congress to pass his \$21 billion plan to expand the Earned Income Tax Credit. Treasury estimates that the President's proposed EITC expansion would deliver tax relief for 6.8 million families, providing up to \$1,200 in additional tax relief for some of these hard-pressed, working families. The President's proposal would build on the EITC expansion that he signed into law in 1993 which provided a tax cut for 15 million families. That expansion made the EITC even more effective at encouraging work and reducing poverty: In 1998, 4.3 million people were directly lifted out of poverty by the EITC – more than double the number in 1993.

The President's proposal would:

- ***Expand the Maximum Credit for Working Families with Three or More Children By \$500.*** This would provide a tax break for 2.1 million low- and moderate-income working families. This expansion is targeted at the highest concentration of child poverty: in 1998 the poverty rate for children in families with three or more related children was 28.5 percent -- more than twice the 11.9 percent poverty rate for children in families with one or two related children.
- ***Expand the Credit for Married, Two-Earner Couples.*** This would benefit over 1.3 million married filers. For married, two-earner couples, this provision by itself would provide an average tax break of \$250.
- ***Increase the Reward to Work While Expanding the Credit for Families with Two or More Children.*** This would provide an additional tax break, and an additional incentive to work, for families with two or more children by lowering the phase-out rate to give more rewards to families struggling to work their way into the middle class.
- ***Encourage Savings Through Simplification.*** Currently, when a working family contributes to a 401(k) they may see their EITC reduced. This proposal encourages savings and simplifies the calculation of earned income for the purposes of the EITC.

Simplifying Taxes and Rewarding Marriage and Work

The FY01 budget includes the President's proposal to reduce the marriage penalty for married, two-earner couples by increasing the standard deduction by nearly \$2,000. The President will propose to increase the standard deduction for two-earner married couples to twice that of single filers, providing substantial tax relief for 9.1 million families. The President would provide an additional \$500 increase in the standard deduction for single-earner married couples that do not face a marriage penalty. He would also increase the standard deduction for single filers by \$250. The President's plan would cost \$45 billion over 10 years and benefit 42.1 million families.

Yesterday, the House Ways and Means Committee approved a \$182 billion marriage penalty relief bill on a party line vote. The bill would raise the standard deduction for married people, expand the income bracket for couples that would be subject to the lowest tax rate of 15 percent, and make more couples eligible for the Earned Income Tax Credit. The committee voted, 23 to 13, along party lines, with many Democrats, including Ranking member Rangel, saying that it was too expensive a proposal to accept without first figuring out its ramifications in the context of the larger budget, and the White House and Treasury have indicated support for a more modest approach. Democrats also pointed out that nearly half of the tax relief provided by the bill would benefit people who have no increased tax liability due to marriage.

Minimum Wage Increase

The President is calling on Congress to pass a \$1 increase in the minimum wage, the same proposal as last year. A working parent with two children earning the minimum wage in 1993 made \$10,559 with the EITC (in 1998 inflation-adjusted dollars) – well below the poverty line. As a result of the expanded EITC and higher minimum wage, a similarly situated family in 1998 was above the poverty line – making \$13,268 – a 26 percent inflation-adjusted increase in their standard of living. As you know, the President's challenge to build on the success of these policies by raising the minimum wage by \$1 would help 11.4 million Americans – 70 percent of whom are adults and 59 percent of whom are women.

Yesterday, the Senate passed the Bankruptcy Reform Bill. Although the Administration does not have a veto threat on the substantive bankruptcy provisions of the Senate bankruptcy bill, we strongly object to the minimum wage and tax amendment that was attached to the bill on the floor. This amendment would raise the minimum wage by \$1.00 over three years and provide \$18.4 billion in tax cuts over five years. The amendment also includes a provision that would undermine overtime pay for hourly employees by excluding bonuses and commissions from the rate of pay used to determine overtime pay.

The New Markets Initiative

As you know, last year's final budget included some funding for a number of New Markets programs. For FY01, the President is proposing to expand the New Markets Initiative to spur \$22 billion in new capital investment in businesses in these economically distressed areas through a package of tax credits and loan guarantees. The proposal includes: more than doubling the New Markets Tax Credit to spur \$15 billion dollars in new investment in community development in economically distressed areas; expanded Empowerment Zone Tax Incentives to extend and improve economic growth in the 31 existing urban and rural Empowerment Zones; fully funding America's Private Investment Companies (APICs), which would provide guaranteed debt to private investment companies to help leverage private equity capital and lower the cost of capital for investments in low- and moderate-income communities; expanding the New Market Venture Capital Firms (NMVCs) which provide both long-term growth capital and expert guidance to entrepreneurs who need both in order to transform their small businesses and great ideas into thriving companies. APICs and NMVCs received some funding last year, but still require the passage of authorizing legislation.

Additionally, the proposal calls for increasing the funding for SBA's microenterprise lending program; funding PRIME -- a program providing technical assistance to low-income entrepreneurs; boosting CDFI funding; expanding support for BusinessLINC to encourage large businesses to work with small businesses in new markets; and establishing a New Markets University Partnerships pilot project which, under the auspices of HUD, would provide Universities with funding to develop local community partnerships, assistance to intermediaries, and technical and business development assistance to new and existing firms. The President is also proposing a comprehensive initiative to reduce poverty in the Mississippi Delta and additional funding to expand the New Markets initiative to Indian Country.

The Republicans have pledged to work with us on New Markets. Representatives Watts and Talent have developed a Republican proposal called the American Community Renewal Act which mirrors our proposal in some significant ways.

From Digital Divide to Digital Opportunity

As you know, there is strong evidence of a "digital divide" – unequal access to technology by income, education level, race, and geography. To address this troubling trend, the President yesterday announced that his budget will include \$2 billion in tax incentives over 10 years to encourage private sector donation of computers, sponsorship of community technology centers, and technology training for workers; \$150 million to help train all new teachers entering the workforce to use technology effectively; \$100 million to create 1,000 Community Technology Centers in low-income urban and rural neighborhoods; \$50 million for a public/private partnership to expand home access to computers and the Internet for low-income families; \$45 million to promote innovative applications of information and communications technology for under-served communities; \$25 million to accelerate private sector deployment of broadband networks in under-served urban and rural communities; and \$10 million to prepare Native Americans for careers in Information Technology and other technical fields.

Also, you should know that together with America's Promise, AOL, the YMCA and others, AmeriCorps*VISTA is deploying up to 400 members to work in schools, local YMCA's, Boys and Girls Clubs and community technology centers across the country. This effort, called PowerUP, is a major public-private effort to help ensure that America's underserved young people acquire the skills, experiences and resources they need to succeed in the digital age. AOL, Gateway, Sun Microsystems and other corporate partners have pledged more than \$10 million to this effort.

Strengthening the Farm Safety Net

As the President has noted on numerous occasions since its passage, the 1996 Farm Bill fails to provide America's farmers with an adequate safety net. As prices have remained depressed for the past two years, the Federal government has provided over \$15 billion in emergency assistance. In order to provide American farmers and ranchers with the critical assistance that they need and deserve, the President's budget includes \$11 billion to strengthen the farm safety net until the next farm bill in 2002, with three key components: conservation, supplemental income assistance, and crop insurance. The FY01 budget includes:

- \$1.3 billion to help family farmers take steps to protect water quality and the environment and to preserve farmland, including \$600 million for a new conservation security program that will assist farmers who voluntarily adopt comprehensive plans to curb erosion and protect water supplies from pesticide and nutrient runoff.
- \$3.1 billion for a new targeted supplemental income assistance program that will provide payments to producers whose farm revenue falls more than 92 percent below its 5-year average.
- \$640 million to subsidize the cost of crop insurance premiums, to allow farmers to purchase higher levels of coverage than are included in the basic catastrophic coverage.

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Ensuring Equal Pay

The President's FY01 budget will include a \$27 million Equal Pay Initiative, an increase of \$12 million over FY 00. The Initiative requests \$10 million for the Equal Employment Opportunity Commission (EEOC) to provide training and technical assistance to about 3,000 employers on how to comply with equal pay requirements and to launch a public service announcement campaign on wage issues; \$10 million for the Department of Labor (DOL) to train women in nontraditional jobs, including high-tech jobs and other skill shortage occupations; and \$7 million for DOL to help employers assess and improve their pay policies, support public education efforts, provide for projects in non-traditional apprenticeships, and implement industry partnerships.

Retirement Savings Accounts To Help Families Save and Invest

The President's Retirement Savings Accounts (RSAs) proposal will give 76 million Americans the opportunity to build wealth and save for their retirement through a progressive tax cut. The President's proposal builds on the successful model of Individual Development Accounts (IDAs), extending generous matches to all low- and moderate-income families to encourage them to develop savings and assets. Workers between the ages of 25 and 60 with family earnings of at least \$5,000 are eligible to receive matching contributions. When fully phased in, eligibility for matching contributions extends to couples with incomes of up to \$80,000 and single filers with incomes up to \$40,000. A person who participated for 40 years in this savings program could accumulate over \$266,000 – enough to produce \$24,000 a year of income in retirement. This proposal would cost \$54 billion over 10 years.

Expanding Pension Coverage for Small Businesses

Currently only 18 percent of workers employed at organizations with fewer than 25 workers have access to pensions through their current job. In an effort to expand pension coverage, the President will offer businesses with up to 100 employees a tax credit that will pay for 50 percent of the qualified contributions made by small businesses to the pension plans -- 401(k)-type or defined benefit -- of non highly-compensated employees for three years. Those plans would have to provide pension benefits equivalent to at least 1 percent of pay for non-highly compensated employees who work at least halftime. Small employers would receive an additional credit for the administrative costs of starting a new plan and educating employees about retirement. This provision would cost \$17 billion over 10 years.

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BUILDING ON RECORD OF FISCAL DISCIPLINE, PRESIDENT CLINTON ANNOUNCES 2001 BUDGET WILL PAY DOWN DEBT BY 2013 -- TWO YEARS EARLIER THAN PLANNED

January 25, 2000

Today, President Clinton announces that his budget for 2001 will put America in a position to pay off the \$3.6 trillion debt by 2013 -- 2 years earlier than planned. The President will emphasize that debt reduction will be accomplished by protecting Social Security funds -- and dedicating the interest savings to Social Security. This will extend Social Security solvency past 2050. In contrast, the Republican lockbox plans in Congress fail to extend the life of Social Security by even one day. The President is also announcing that his budget will make Medicare secure through at least 2025.

This Plan Builds on Largest Budget Surplus In History and the Largest Pay Down of Debt in History. In 1993, President Clinton put in place a three-part economic strategy of fiscal discipline, investing in people, and opening markets abroad. The latest data provides even more evidence that this strategy is working:

- ✓ Last year's unified budget surplus was \$124 billion, the largest surplus ever -- the latest numbers from the Department of the Treasury indicate that the numbers for this year will be even higher.
- ✓ America has paid down \$140 billion in debt held by the public over the last two years, the largest debt pay down ever. And we are buying back debt this year for the first time in history.
- ✓ The debt at the end of FY 1999 was \$1.7 trillion lower than it was projected to be when the President took office.

Largest UNIFIED Surplus Ever

- **Largest dollar surplus ever, even after adjusting for inflation.** The \$124 billion surplus in 1999 was the largest dollar surplus in American history, breaking the record \$69 billion surplus in 1998. Even after adjusting for inflation, it is still the largest surplus in American history.
- **Largest surplus as a share of the economy since 1951.** The 1999 surplus was expected to be about 1.4 percent of GDP -- the largest surplus as a share of GDP since 1951.
- **The first back-to-back surpluses since 1956-57.** The 1999 surplus of \$124 billion was the second year in a row of surplus, following a \$69 billion surplus in 1998. The last time the Nation had budget surpluses in two consecutive years was in 1956-57.
- **Seven years in a row of fiscal improvement -- the first time in U.S. history.** The achievement a larger surplus in 1999 than in 1998 marked the seventh consecutive year of improved fiscal balance -- extending what was already the longest period of sustained fiscal improvement in American history.

LARGEST DEBT REDUCTION EVER

- **Paying down \$140 billion of debt held by the public over the last two years.** In 1999, debt held by the public was reduced by \$88 billion, which follows the \$51 billion debt reduction in 1998, and brings the two-year total up to \$140 billion.
- **In 1992 the deficit was \$290 billion and projected to rise to more than \$400 billion this year.** In 1993, the deficit was projected to reach \$429 billion in 1999. Instead the budget was actually in *surplus* by \$124 billion. *This is a \$552 billion improvement in 1999 alone.*
- **The debt held by the public is \$1.7 trillion lower than was projected when the President took office.** In 1993, the debt held by the public was projected to balloon to \$5.4 trillion by 1999. Instead, shrinking deficits and surpluses in the last two years have brought the debt down to \$3.6 trillion.
- **As a result, interest payments on the debt were \$91 billion lower than projected.** In 1993, the net interest payments on the debt held by the public were projected to grow to \$321 billion in 1999. Fiscal discipline has slashed this figure by \$91 billion.

Spending Restraint Helped Usher in an Era of Surpluses

- **Federal spending smallest share of economy since 1974.** The spending restraint under President Clinton has brought spending down from 22.2 percent of GDP in 1992 to 18.7 percent of GDP in 1999 -- the lowest in a quarter century. *In fact, Federal spending as a percentage of the economy has been lower in every year for which President Clinton submitted a budget than it was for any year under either of the two preceding Administrations.* At the same time, President Clinton has increased investments in education, technology and other areas that are vital to growth.
- **Discretionary spending is down under President Clinton and up under the previous two Administrations.** Real discretionary spending has *fallen* by about 1 percent per year under President Clinton; from 1980 to 1992, real discretionary spending *increased* by about 1 percent per year.

What Fiscal Discipline Means For America

- **Lower interest rates will cut mortgage payments by \$2,000 for families with a \$100,000 mortgage.** Because of the policy of deficit and debt reduction, it is estimated that a family with a home mortgage of \$100,000 might expect to save roughly \$2,000 per year in mortgage payments - effectively a large tax cut.
- **Lower interest rates will cut car payments by \$200 for families with a car loan.**
- **Lower interest rates will cut student loan payments by \$200 for a person with a typical student loan.**

- **Lower debt will help maintain strong economic growth.** With the government no longer draining resources out of capital markets, businesses have more funds for productive investment. This has helped to fuel a 12 percent real annual increase in producers durable equipment investment since 1993 -- the sixth year in a row of double digit growth. This compares to 3 percent annual growth from 1981-92, a period that saw the debt held by the public quadruple.
- **Rising investment has contributed to increased productivity.** Non-farm business productivity has grown at a 2.1 percent average annual rate for the last four years and 2.8 percent over the last year. This compares to 1¼ percent growth from the 1970s through the early 1990s.

Under the President's Framework to Strengthen Social Security and Medicare, the Debt Held by the Public Is Projected to be Eliminated by 2013.

- **Interest payments would be eliminated.** Currently we spend almost 14 cents of every Federal dollar on interest payments. These payments, which were once projected to grow to 26 percent of all federal spending in 2013, would be eliminated under the President's plan.
- **Prepare for the retiring baby boomers.** Paying off the debt will create room in the budget for the increased Social Security and Medicare costs of the baby boomers. It will also free up funds for investment, help keep interest rates low, and boost workers' productivity and incomes. This fiscal discipline is the best way to prepare the government, and the Nation, to meet the challenge of the retirement of the baby boom generation.

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THE WHITE HOUSE
WASHINGTON

December 22, 1999

PHOTOCOPY
HRC HANDWRITING

MEMORANDUM FOR HILLARY RODHAM CLINTON

FROM: MELANNE VERVEER
NICOLE RABNER
ANN O'LEARY

*please keep me advised
HRC*

CC: SHIRLEY SAGAWA

SUBJECT: POLICY PROPOSALS STEMMING FROM THE WHITE HOUSE
CONFERENCE ON PHILANTHROPY

As a follow-up to the White House Conference on Philanthropy, three policy proposals are being considered in the context of the FY '01 budget: (1) eliminate the excise tax on investment income of private foundations, (2) allow tax deductions for non-itemizers, and (3) develop a Nonprofit Capacity Building Program (NCBP).

All of these proposals have general support from both the DPC and the NEC, but none of the proposals are top priorities in terms of new initiatives. Therefore, we are concerned that the budget will not include any of these proposals and, thus, we will have no substantive policy proposal following up on the Philanthropy Conference. At this point, the elimination of the excise tax is still in play, the tax deductions for non-itemizers are uncertain, and the NCBP is off the table. Please advise as to how you would like us to weigh in on your behalf. Our recommendation is that we push strongly for the non-itemizer option. Below, please find background on each of these proposals with information on where each stands in the process.

BACKGROUND

Eliminate Excise Tax on Investment Income of Private Foundations: Private foundations pay an excise tax on their net investment income, which includes interest, dividends, and net capital gains and is reduced by expenses incurred to earn this income. While the intent of the distinction between a 1 and 2 percent rate of tax on investment income was to prevent foundation disbursements from falling, the mechanism is unduly complicated and may even reduce foundation giving. This excise tax should be eliminated or modified. (Cost: \$3 billion over 5 years)

This proposal has received favorable play and, at this point, has been included in the FY '01 proposed tax package.

Deductibility of Charitable Contributions for Nonitemizers. One broad change that could affect both the level and composition of individual gifts would be to allow non-itemizers to claim a deduction (or tax credit) for charitable contributions above a certain floor. In addition to affecting the total amount of charitable contributions, allowing non-itemizers to take such a deduction could also affect the proportion of gifts going to different types of recipients since non-itemizers gifts disproportionately benefit religious organizations and social service groups as opposed to educational institutions and private foundations. (Cost: \$2 to \$6 billion a year).

This proposal was raised in the President's tax meeting on Thursday and, while it received a tentatively favorable consideration, it is not yet included in the proposed FY '01 tax package. Of all the proposals, this one has the most likelihood of being included with your strong support.

Nonprofit Capacity Building Program (NCBP). This program would provide capacity and technical assistance to train and manage assistance for nonprofit and community-based organizations through development centers nationwide. The NCBPs would provide counseling, training and technical assistance in all aspects of nonprofit management. These services may include: assisting nonprofits with start-up, budgeting and financial management, marketing, fundraising, board development, technology assistance, volunteer management, human resources, strategic planning, personnel management and program evaluation. They could also assist in creating and maintaining a centralized access point of information and databases about nonprofit organizations. The structure of the program could be through grants made by the Corporation for National Service to statewide nonprofit associations or technical assistance providers 501(c)(3) organizations that would then provide services to other nonprofit and community-based organizations. (Cost \$100 million)

Currently, DPC has been pushing for this proposal, but it is no longer on its list of priorities. We would recommend that you push for this proposal. At this point, however, it would take very strong support from you to get it back on the table.

THE WHITE HOUSE
WASHINGTON

January 6, 2000

MEMORANDUM FOR HILLARY RODHAM CLINTON

FROM: ANN O'LEARY
RUBY SHAMIR

CC: MELANNE VERVEER

SUBJECT: MEDIA RATINGS SYSTEMS

The purpose of this memo is to update you on the President's challenges to the media industry to improve its ratings systems and to lay out some of the policy implications of implementing a uniform ratings system for media and entertainment. To provide you with a reminder of the various ratings systems, we have attached a copy of the memo to the President prepared by Neera Tanden explaining the different ratings systems for the various media and entertainment industries.

As you have pointed out, the main problems with the various ratings systems are that there are far too many ratings each based on different criteria, parents are not given good information on how to best use the ratings in many of the industries, and many of the ratings systems are not being adequately enforced. In order to address some of these concerns, the President has issued a number of challenges to the various industries. By and large, the industries have been working hard to meet those challenges, and should be applauded for their efforts. These various efforts, however, have not been aligned in order to develop one comprehensive system that would be easy for parents to understand and could be more easily enforced. As you recently noted, the industries need to be pushed further to work toward an easily understandable and enforceable system.

In order to move forward on this agenda, we agree that you should meet with industry representatives in order to hear about their progress thus far, to better understand the reasoning behind each system, and to brainstorm with the industry about a uniform system, but also to hear ideas from them on other ways in which the ratings systems could be simplified for parents and could be more readily enforced.

Action Taken on the President's Challenges

Below, we have outlined the President's challenges and the progress the industry has made to meet those challenges. As you will see, there are potential impediments to developing a uniform ratings system.

FTC Report: As you know, the President called for the Federal Trade Commission (FTC) and the Justice Department to jointly study the marketing of violence to children and, specifically, to evaluate the various rating systems. The FTC report will also evaluate the issue of enforceability of movie ratings. The FTC plans to complete the report by the fall of 2000.

Movies: The President made a number of challenges to the motion picture industry. First, he challenged theater and video store owners to enforce more strictly the ratings systems on the movies they show, rent, and sell – a challenge that the theater owners accepted. The National Association of Theater Owners (NATO) accepted this challenge and has been working to promote enforcement of the ratings by disseminating information to its members on the importance of checking ID's, and contacting sellers or theaters when informed of a break with policy. NATO has had on-going consultations with educational associations such as the PTA to develop ways to better educate parents. Although it is not yet public, NATO and the Motion Picture Association of America (MPAA) plan to release a new program which will include on all movie advertisements and posters both the rating, as well as movie-specific content information for each individual movie advertised.

Additionally, the President has challenged the whole industry to stop showing guns in any ads or previews children might see, and in response the MPAA has since implemented a policy of heightened scrutiny on movie advertisements.

Finally, the President challenged the movie industry to reevaluate its entire ratings systems, especially the PG rating, to determine whether it is allowing too much gratuitous violence in movies approved for viewing by children. At this point, we are not sure how far the industry has come to meet this challenge, but the FTC is including an evaluation of the movie industry ratings system in its report.

Television: The major push in the television industry has been to protect children from programming that their parents believe is inappropriate. In order to accomplish this goal, the President fought for legislation that requires the V-Chip to be installed in all new television sets sold beginning January 1, 2000. This goal was accomplished on time so that all televisions now on the market are installed with the V-Chip. The technology of the V-Chip is based on the television ratings system already developed and currently in use by the television industry. V-Chip is technology built into a TV set that "reads" the rating for a particular TV program and is used by parents to block out programs with these ratings. Currently, all programs on the broadcast networks are rated and encoded for V-Chip use (TV7, TV14, etc.), and all the networks, excluding NBC, use content descriptions in their ratings as well (S,V,L, etc.). Additionally, all cable channels, excluding the Black Entertainment Network (BET), encode their programming with the V-Chip ratings.

In order to promote awareness and give parents tools they need to effectively use the V-Chip, the President called for two new initiatives to make sure the V-Chip becomes a useful tool for parents. The first was the establishment of a V-Chip Task Force to ensure that the V-Chip law is implemented effectively. The FCC established the task force to ensure the V-Chip requirement is enforced; promote parental awareness about the V-Chip; encourage adoption of a standard label identifying television sets that contain the V-Chip; study the use of the V-Chip; and

evaluate the effectiveness of the industry's ratings system. The President also announced a major public awareness campaign about the V-Chip. Since the announcement, all four major networks have agreed to run PSAs on the V-Chip and the Kaiser Family Foundation in partnership with the Center for Media Education have produced a free booklet for parents on how the V-Chip works (please find copy of booklet attached).

One potential impediment to developing one uniform rating system is that the V-Chip has been programmed to read the ratings developed by the television industry. These ratings are based on age-appropriateness, as well as whether a program contains violence, sexual content, or explicit language. While the ratings offer a solid indicator on the age appropriateness and general content of the programming, some in the field have criticized these ratings for not being rigorous or substantive enough. If one uniform system was developed, the V-Chip would need to be reprogrammed to align with the new system or the entire system would need to be aligned with the television ratings.

Interactive Electronic Games: The President has also challenged the video game industry to widely inform the public of their ratings and enforce the ratings at the point of sale. In 1994, the Interactive Digital Software Association (IDSA) established an independent board, the Entertainment Software Ratings Board (ESRB) to develop and implement ratings for computer software. These ratings provide the most extensive and comprehensive ratings of any in the system and have been applauded by Senator Lieberman for their comprehensive nature. Recently, the IDSA accepted the President's challenge and worked with ESRB to set tough standards in advertising to ensure that video game software makers are providing appropriate, responsible, truthful, and accurate advertising.

The industry also has developed guides for parents to be able to more effectively use the ratings on video games and has distributed these guides at the counter of video game stores over the holiday season. And, the industry has created a point-of-sale system to remind clerks to ask for identification from buyers to ensure that stores are not selling adult-rated games to minors.

If a uniform ratings system were developed, the IDSA would most likely work very hard to ensure that the standards were as tough as those already developed. The most significant problem in this industry is that the ratings are confusing and not easy for parents to understand, and the industry has been criticized for not enforcing the ratings. They are, however, working to address both of these issues.

Internet: The Administration has been actively working to encourage the Internet industry to self-regulate and to help give parents the tools they need to protect their children from inappropriate material. As a result of the call to action that you and the President issued last May, the Administration has worked with the Internet industry to encourage the 25 largest Internet providers to develop a comprehensive resource for parents. These companies developed "getnetwise" – a one-stop site where parents and teachers can learn how to provide kids with a safe, educational, and entertaining and age-appropriate online experience. Through this web site, parents can access more than 80 technologies that allow them to monitor the amount of time their child spends on the Internet, and provide them with tools to block inappropriate information, as

well as links to report troubling or illegal material. Both the Internet industry and parent advocacy groups have been very supportive of this work.

A number of large companies on the Internet have begun to use the ratings system for their products with little prodding. One example is America On-Line which recently announced that it will require all games played on the AOL service to be rated by the Entertainment Software Rating Board (ESRB), and will work with others in the industry to press for wide adoption of game ratings across the Internet. Games which are rated adults-only or which are not rated will not be available for play on the AOL service. Beyond.com, CNET and eToys joined AOL in this announcement and have agreed that any games in their inventory which have been rated by the ESRB will have their ESRB rating prominently displayed wherever they are sold. Additionally, Amazon.com uses ratings on the music, DVDs and games sold on its web site.

Legislative Action

In June of 1999, Senators McCain and Lieberman introduced the "Media Violence Labeling Act of 1999," which calls for a consistent and comprehensive system for labeling violent content in audio and visual media products (including the labeling of products in advertising and marketing). The bill calls for the various industries to come together and voluntarily submit a joint proposal to the FTC for consideration.



**THE V-CHIP
EDUCATION
PROJECT**

A Parent's Guide to the TV Ratings and V-Chip

THE CENTER FOR MEDIA EDUCATION

THE HENRY J. KAISER FAMILY FOUNDATION

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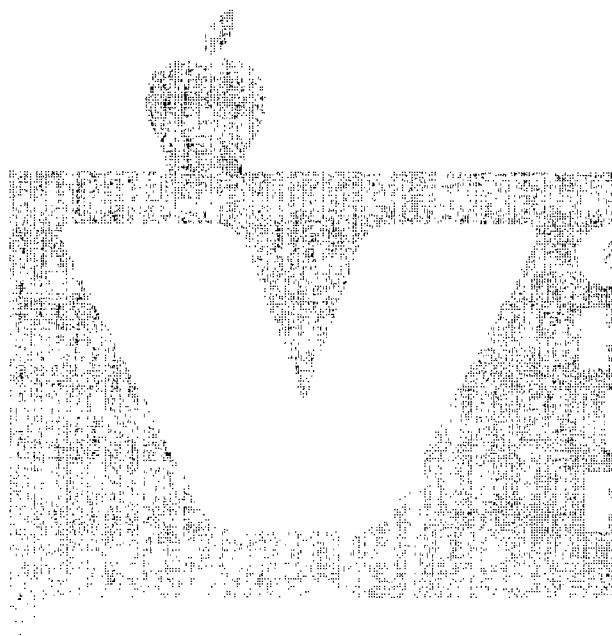
Making Your Voice Heard

Why A Parent's Guide to the TV Ratings and V-Chip?

Many parents are more concerned than ever before about the impact of TV on their children. They want to do what they can to monitor the kinds of violence, sex or adult language their children are exposed to on TV.

The TV ratings and the V-Chip can help parents navigate their children's way through the vast world of television. The TV ratings can help parents figure out which programs are inappropriate for a certain child's age or unsuitable because of sex, violence or adult language. The V-Chip can help parents "screen out" the programs with TV ratings they don't want their children to watch. The V-Chip is already built into new TV sets - parents who want to use it just have to turn it on when they set up their new TV. If you want to use the V-Chip, but don't plan to buy a new TV, you can purchase a special "set-top box" that does the same thing.

Not all parents will want to use the V-Chip, but many will. This booklet is designed to help parents understand how the TV ratings and the V-Chip work. It explains what each rating means, how to use the V-Chip, and who to contact if you have other questions. Once you know how the ratings and the V-Chip work, you can decide if these new tools can work for you and your family.



W H Y A P A R E N T ' S G U I D E ?



Understanding the TV Ratings

What the TV Parental Guidelines Mean

In 1997, the TV industry began using a TV ratings system designed to give parents more information about the content and age-appropriateness of TV shows. These ratings are called the TV Parental Guidelines.

Here are the official TV Parental Guidelines symbols and definitions. We've also provided some additional tips—in italics—to help you understand what each rating means, based on what we've learned from monitoring how the ratings are applied to programs.

Audience: Indicates the audience for which a television program is appropriate

Content Label: Indicates shows containing higher levels of violence, sex, adult language, or suggestive dialogue



The Content Labels

TV Parental Guidelines may have one or more letters added to the basic rating to let parents know when a show contains higher levels of violence, sex, adult language or suggestive dialogue:

- V - violence
- S - sexual situations
- L - coarse or crude indecent language
- D - suggestive dialogue (usually means talk about sex)
- FV - fantasy violence



All Children

This program is designed to be appropriate for all children. Whether animated or live action, the themes and elements in this program are specifically designed for a very young audience, including children from ages 2-6. This program is not expected to frighten younger children.

***What you need to know:** Not all TV-Y shows are violence-free. Some shows with cartoon violence are rated TV-Y, such as the "Road Runner" cartoons. There is no content rating to let you know if a TV-Y show contains violence.*



Directed to Older Children

This program is designed for children age 7 and above. It may be more appropriate for children who have acquired the developmental skills needed to distinguish between make-believe and reality. Themes and elements in this program may include mild fantasy or comedic violence, or may frighten children under the age of 7. Therefore, parents may wish to consider the suitability of this program for their very young children.

***What you need to know:** TV-Y7 shows that contain a lot of fantasy violence are supposed to be labeled with the "FV" rating. But even some TV-Y7 shows without the FV label may contain fantasy or comedic violence that could be of concern to some parents, although it is usually much milder than in those shows with the FV rating.*



Directed to Older Children - Fantasy Violence

For those programs where fantasy violence may be more intense or more combative than other programs in the TV-Y7 category, such programs will be designated TV-Y7-FV.

***What you need to know:** A TV-Y7-FV rating indicates a program that may contain some or all of the following characteristics: violence as a prevalent feature of the program; fighting presented in an exciting—even thrilling—way; villains and superheros valued for their combat abilities; violent acts glorified; and violence depicted as an acceptable and effective solution to a problem. Fantasy violence may be part of an animated cartoon, a live-action show, or a program that combines both animation and live-action.*



General Audience

Most parents would find this program appropriate for all ages. Although this rating does not signify a program designed specifically for children, most parents may let younger children watch this program unattended. It contains little or no violence, no strong language and little or no sexual dialogue or situations.

***What you need to know:** Most TV-G shows don't contain any sex, violence or adult language at all. Those that do have such content are usually mild. There are no content ratings used on TV-G shows to let you know if they do contain such content.*



Parental Guidance Suggested

This program contains material that parents may find unsuitable for younger children. Many parents may want to watch it with their younger children. The theme itself may call for parental guidance and/or the program contains one or more of the following: moderate violence (V), some sexual situations (S), infrequent coarse language (L), or some suggestive dialogue (D).

***What you need to know:** Many TV-PG shows do contain moderate levels of sexual dialogue or violence, and not all of them are labeled with the content ratings. TV-PG shows with higher levels of sex, violence or adult language are usually labeled with content labels.*



Parents Strongly Cautioned

This program contains some material that parents would find unsuitable for children under 14 years of age. Parents are strongly urged to exercise greater care in monitoring this program and are cautioned against letting children under the age of 14 watch unattended. This program contains one or more of the following: intense violence (V), intense sexual situations (S), strong coarse language (L), or intensely suggestive dialogue (D).

***What you need to know:** Most TV-14 shows contain sex, violence or adult language. Not all of those shows are labeled with the content descriptors. TV-14 shows with the highest levels of sex, violence or adult language are usually labeled with the content ratings. A TV-14 rating without content labels may also indicate a program with a mature theme.*



Mature Audience Only

This program is specifically designed to be viewed by adults and therefore may be unsuitable for children under 17. This program contains one or more of the following: graphic violence (V), explicit sexual activity (S), or crude indecent language (L).

***What you need to know:** Very few shows are labeled TV-MA.*



More About the TV Ratings

Answers to Frequently Asked Questions

The chart in the previous section explains what each TV rating means. Once you become familiar with the guidelines, it's up to you to decide how to use them in your family's best interests. Remember that the TV Parental Guidelines are a tool—not a substitute for parental responsibility. Here are some answers to frequently asked questions about the ratings.

What are the TV Parental Guidelines?

The TV Parental Guidelines have two parts: an age-based rating that indicates the age group for which a particular program is designed, and a content-based rating that lets you know if the show contains higher levels of sex, violence or adult language. The age-based ratings are similar to those used to rate movies, except that the TV Parental Guidelines also include two ratings for shows specifically designed for children: TV-Y, for all children; and TV-Y7, for children 7 and older.

How do the ratings work with the V-Chip?

The V-Chip is technology built into a TV set that "reads" the rating for a particular TV program. Once you decide which TV ratings are inappropriate for your children, you can use the V-Chip to block out programs with these ratings.

Can I use the ratings without a V-Chip?

Even without a V-Chip, ratings offer useful information for parents who may be concerned about the age-appropriateness or content of a program. By understanding what the different ratings mean, and finding out how different shows are rated, you can use the ratings to guide your children's viewing habits.

How can you find out what a program is rated?

To find out a program's rating, check your local TV program listings, *TV Guide*, or look for the on-screen display at the start of a show. Most newspapers print the rating next to the program name and scheduled time in the TV listings guide. If your local newspaper does not include the program rating, call the publisher and ask that it be included. If you have a V-Chip, you don't need to check the rating of each show, since you can simply program your TV to block any shows that receive particular ratings.

**How is the rating displayed on the TV screen?**

The rating symbol appears in the upper left-hand corner of the TV screen during the first 15 seconds of a program. If a program is longer than one hour, the symbol is repeated again at the beginning of each hour of the broadcast.

Are all television programs rated?

The TV Parental Guidelines are used to rate most types of programs—including talk shows, soap operas, sitcoms, dramas, and movies. Two types of shows are not rated by these guidelines: news and sports. Also, unedited movies shown on premium cable channels—such as HBO, Showtime or Cinemax—are not rated with this system. Unedited movies on cable TV will display a rating, but it is the original movie theater rating from the Motion Picture Association of America (MPAA). For more information about the movie ratings, see page 6.

Who decides how a program is rated?

The TV industry is responsible for rating its own programming. This means that the producer who creates the program or the network that broadcasts it decides what the rating will be.

Do all broadcast networks and cable programmers rate their TV programs?

The ratings system is voluntary. The entire TV industry has been strongly encouraged to rate its programming, but not everyone is participating. This is why some programs you watch do not display a rating, and others display age ratings but not content labels. As of this writing, BET (Black Entertainment Television) does not rate its programs at all, and NBC does not use the content labels to indicate if a show contains sex, violence or adult language.

Why are children's programs rated differently from other programs?

Children are a special audience—they watch and understand television in different ways than teens and adults. Research has shown that many young children do not yet have the ability to distinguish between fantasy and reality and can be easily influenced and frightened by sights and sounds.

What are the ratings for children's programs?

Children's programming is divided into two age categories: TV-Y and TV-Y7. A TV-Y rating means that the producers consider the program to be appropriate for children of all ages, including those as young as 2 years old. The TV-Y7 rating means the producers designed the show for children ages 7 and older. The reason that the guidelines divide at age 7 is because experts have found that children younger than 7 often cannot tell the difference between what is real and what is make-believe.

**How can I tell whether or not a children's show contains violence?**

You can't always tell from the ratings whether or not a children's show contains violence. A special rating for "fantasy violence" (FV) is used to indicate more intense levels of violence than in other shows in the TV-Y7 category. Mild levels of fantasy or animated violence can appear in the TV-Y and TV-Y7 categories without receiving the "FV" label.

What kinds of violent content may appear in a program with an "FV" rating?

A TV-Y7-FV rating indicates a program that may contain some or all of the following characteristics: violence as a prevalent feature of the program; fighting presented in an exciting—even thrilling—way; villains and superheros valued for their combat abilities; violent acts glorified; violence depicted as an acceptable and effective solution to a problem.

Fantasy violence may be part of an animated cartoon, a live-action show, or a program that combines both animation and live-action.

What about violence and sexual content in the news?

News is exempt from the TV ratings, so it will not carry either the age-based or content labels.

What can you do if you don't agree with a TV rating?

Anyone who wants to question a rating given to a particular TV program can contact the TV Parental Guidelines Monitoring Board. The Monitoring Board makes sure the ratings are applied in a consistent and appropriate way. The Board is made up of 24 members: six each from the broadcast industry, the cable industry, and the creative community; and five non-industry members drawn from leading child advocacy, medical, religious and educational organizations. It is currently chaired by the president of the Motion Picture Association of America.

To contact the TV Parental Guidelines Monitoring Board, use the address and phone number on page 14 of this booklet.

WHAT ARE THE MOVIE RATINGS?

When you watch a movie on cable TV that has not been edited for television, the original movie rating by the Motion Picture Association of America (MPAA) is used instead of a TV rating. The V-Chip can be set to block MPAA-rated movies on premium cable channels, such as HBO, Showtime or Cinemax. Movie ratings are as follows:

- G** General Audiences. All ages admitted.
- PG** Parental Guidance Suggested. Some material may not be suitable for children.
- PG-13** Parents Strongly Cautioned. Some material may be inappropriate for children under 13.
- R** Restricted. Under 17 requires accompanying parent or guardian.
- NC-17** No One 17 and Under Admitted.



Using the V-Chip

What Parents Should Know About the V-Chip

How does the V-Chip work with the TV ratings?

The rating that flashes on the screen during the first 15 seconds of a program contains a special electronic identification signal that registers how the program has been rated. All TVs with the V-Chip can receive and understand the electronic rating signals. These signals are sent from TV broadcasters and cable networks in the same way that closed-captioning information is transmitted.

Parents can use the TV ratings to identify programs they want to block with the V-Chip. In fact, the V-Chip allows parents to identify the ratings they wish to block on two different rating systems: the TV Parental Guidelines, and the Motion Picture Association of America (MPAA) movie ratings (used on any unedited movies shown on premium cable channels). By following the screen directions offered for the two separate ratings systems, parents can ensure that TV programming rated on either system is included in their V-Chip programming "strategy." For more information on movie ratings, see page 6.

Is it possible to block all shows that contain violence?

It's not quite that easy. No matter how you program your V-Chip, some shows with violence will get through. Some shows with violence, including those shown on BET and NBC, and even some children's shows, will not be filtered out by simply selecting "V" or "FV." In addition, news and sports are exempt, so they would not be blocked by selecting "V." The best way to block out most violence is to use the age-based ratings to determine what programs are not appropriate for your children.

How do I program my V-Chip TV set?

Once you understand what each of the ratings means, programming a V-Chip TV set is a matter of following step-by-step directions. All new sets will include V-Chip programming instructions in one or two places: (1) an on-screen menu that displays set-up options once the TV has been turned on, and (2) a written instruction guide that is included with the operator's manual for the new TV.

Is the V-Chip activated as soon as I turn on my TV?

The V-Chip will not operate unless you select the option to activate it. Then, a display of the ratings menu will show on the screen that allows you to pick the ratings you wish to block. It is important to remember that you must first activate the V-Chip (by choosing the appropriate option given through the on-screen or written instructions) and then program your settings (by choosing the ratings to block) before it will start to work.



How do I prevent my children from undoing the V-Chip?

All V-Chip TV sets will request that you enter a personal identification number just as you would do with an automatic banking card. This number—called a parental lock code—will act as your password in order to change settings, activate and de-activate the V-Chip. Most TV brands will request this number through a display on the screen. Check the written instructions for your TV set to find out how to enter the code.

Do I have to buy a new TV to get a V-Chip?

A V-Chip set-top box, which can be attached to your old TV set, allows you to block programs in the same way as the new V-Chip TV sets. Check to see which local stores carry the set-top boxes.

What if I forget my password number?

You should look in your TV's operating manual to find out what to do if you forget your parental lock code number. Each TV brand may differ slightly, but most will offer one of two options: (1) a 1-800 customer service phone number, which you can call to find out how to re-set your password number, or (2) instructions in the new operating manual, which will explain how to void an old password number and set a new one. It's a good idea to write down your parental lock code number and keep it away from children.

Can I override the V-Chip settings if I want to watch a program?

You can turn off the V-Chip any time you want by entering your parental lock code number and following the directions for your TV set. You can re-activate the V-Chip the same way.

What happens when I turn my V-Chip TV set off?

Once you have entered your parental lock code number, selected the ratings to block and then activated the V-Chip, this information is stored in the TV's "memory." If you turn off your TV and then turn it on to view later, the V-Chip will continue to block programs with the ratings you have selected.

How do I change the settings on my V-Chip TV?

You can change the V-Chip settings at any time, whether you want to add new ratings to block or simply change your previous selections. First, enter your parental lock code number and then follow the same basic steps as before.

**Can I program my V-Chip TV set to block either age-based or content-based ratings, or a combination of both?**

It is possible to program the V-Chip to block all shows in a particular age-based rating, or to block only those shows in that age group that have higher levels of sex, violence, adult language, or sexual dialogue. Some V-Chip TV sets have separate on-screen menu displays for age and content categories, while others may display both age-based and content-based ratings in the same screen. No matter how your TV set operates, the V-Chip will block programs the same way:

Blocking Age Categories:

To block all shows within a certain age category, set the V-Chip for that age rating. It automatically blocks out all programming at that age level as well as all higher age categories. For example, if you set the V-Chip to block programs with a TV-PG rating, all programs with TV-PG, TV-14, and TV-MA ratings will automatically be blocked.

Blocking Content Categories:

If you'd prefer to block only TV-PG shows that contain higher levels of violence, while letting through other TV-PG shows, you can select TV-PG-V instead of TV-PG. This will only block those shows with the "TV-PG-V" label, and not TV-PG shows with adult language (L), sexual situations (S) or suggestive dialogue (D).

Can I block individual programs?

Many TV sets allow parents to block programs based on date, time or channel. For example, if you don't want your child to watch a particular show that airs at 10 p.m. on a particular channel, check your written instructions to see how to program this into your TV. Once you have set your TV to block programming that airs on the day, time and/or channel you've identified, this setting remains until you decide to change it. It is important to remember that not every TV set includes this feature, so check your operating manual to make sure.

Can I block individual channels?

Check your TV's operating manual to see if you are able to block individual channels. If your TV set has this feature, you can program your TV to block a particular channel permanently until you decide to change this setting.

Which TV manufacturers offer the V-Chip TV sets?

As of January 2000, all TV manufacturers in the United States are supposed to include V-Chips in TV sets 13 inches and larger. Many V-Chip TVs will be available for purchase by July 1, 1999. You should be able to purchase V-Chip TVs at any retail outlet that sells TV sets.

*TV Tips*

Viewing With Your Family

Every family uses TV differently. If you are concerned about the amount of time your kids spend with TV, or the kind of content they're watching, there are steps you can take, in addition to using the TV ratings or the V-Chip:

Plan Your TV Time

- ✎ Set TV time limits—experts recommend children watch no more than 1 to 2 hours each day, including videotapes.
- ✎ Help children make a TV plan for each day—how much, which programs and when to watch. If you don't approve of their TV choices, explain why and help them make a more appropriate selection.
- ✎ Make a "no TV" rule during dinner—use this time for family conversation.

Make Your Own TV Guidelines

- ✎ Get into the habit of checking the TV rating before you watch a program.
- ✎ If you have not seen a program your child watches, prescreen an episode to make sure the TV rating is accurate and the content is appropriate.
- ✎ Whether or not you decide to use the ratings and the V-Chip, let your children know which shows are off-limits.

Watch TV With Your Child

- ✎ Whenever possible, watch TV with your child and talk about the program while you watch.
- ✎ Keep TV sets out of kids' bedrooms.
- ✎ If TVs are in a room where you spend time as a family, that will increase your opportunities to watch together and talk about the program.
- ✎ If you can't watch together, try to know what your kids are watching and find a time to talk with them about it later.

**Learn to Watch TV Carefully and Critically**

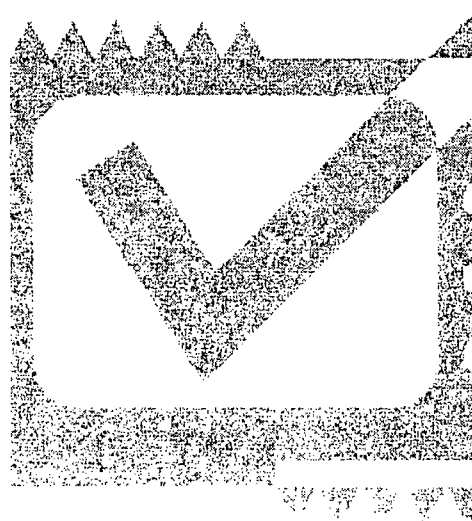
- ✘ Pay attention to how TV and other media might be affecting your children's behavior—what they talk about, how they dress, who they admire, and what items they own with product logos.
- ✘ Help your children interpret media messages for themselves—ask them how they feel about the way a character handled a situation and how they might handle it differently.
- ✘ Use the VCR as a tool to tape special programs that help kids deal with tough issues, and then watch these shows with your children.

Use TV to Talk With Kids About Tough Issues

- ✘ Television can offer you a springboard to discuss tough issues with your kids. It's not always easy to talk to kids about violence, sex, alcohol or drugs, but once a TV character opens the door the time is right.
- ✘ Teach children to question and challenge messages that promote violent solutions to problems, encourage inappropriate and risky sexual behavior, or make it look cool to use alcohol and drugs—point out how these values compare to the ones you want them to learn.
- ✘ Discuss any alternative solutions TV characters could use to resolve real-life problems.

Set an Example When You Watch TV

- ✘ Be selective when you use TV—pay attention to how much and what you watch when children are around.
- ✘ Watch programs that you believe are unsuitable for children when they're not around—videotape these shows to watch at another time.
- ✘ Make it a habit to use all media critically—choose movies, magazines, music, books, websites and other media for yourself that support your values.





Talk With Your Kids

Talking With Your Kids About Tough Issues

In today's world, kids are confronting issues about sex, relationships, violence, alcohol, drugs, and other tough issues at increasingly early ages. Parents want to protect their kids, educate them, and impart their values, but they often express uncertainty about how and when to do so. Having conversations with a child about sex and other tough issues can be difficult for parents, but it is essential. Here are some tips about talking with kids about tough issues:

1. Start Early

As a parent, you have a wonderful opportunity to talk with your child about these issues first, before anyone else can confuse your child with incorrect information or explanations that lack the sense of values you want to instill. We need to take advantage of this "window of opportunity" with young children and talk to them earlier and more often, particularly about tough issues like sex, HIV/AIDS, violence, alcohol and drugs.

2. Initiate Conversations With Your Child

While we want our children to feel comfortable enough to come to us with any questions and concerns—and thus give us the opportunity to begin conversations—this doesn't always occur. That's why it's perfectly okay—at times even necessary—to begin the discussions ourselves. TV and other media are great tools for this. Just one or two questions could help start a valuable discussion that comes from everyday circumstances and events.

3. Especially about Tough Topics Like Sex, Drugs, and Violence

If you feel uncomfortable talking about such sensitive subjects with your young child, you're not alone. Many parents feel awkward and uneasy, especially if they are anxious about the subject. But, for your kid's sake, try to overcome your nervousness and bring up the issue with your child. After all, our children are hearing about it both through the media and other sources, and that information may not include the values that we want our kids to have.

4. Create an Open Environment

Young children want their parents to discuss difficult subjects with them. However, our kids will look to us for answers only if they feel we will be open to their questions. It's up to us to create the kind of atmosphere in which our children can ask any questions—on any subject—freely and without fear of consequence. How do you create such an atmosphere? By being encouraging, supportive and positive.

5. Communicate Your Values

As a parent, you have a wonderful opportunity to explain important issues before anyone else can confuse your child with "just-the-facts" explanations that lack the sense of values and moral principles you want to instill. Don't hesitate to make your beliefs clear. Remember, research shows that children want and need moral guidance from their moms and dads, so don't hesitate to make your beliefs clear.

6. Listen to Your Child

Listening carefully to our children helps us to better understand what our children really want to know as well as what they already understand. And it helps keep us from talking above our youngsters' heads and confusing them even further.

7. Try to Be Honest

Whatever your children's age, they deserve honest answers and explanations. It's what strengthens our children's ability to trust. Also, when we don't provide a straightforward answer, kids make up their own fantasy explanations, which can be more frightening than any real, honest response we can offer.

8. Be Patient

By listening patiently, we allow our children to think at their own pace and we are letting them know that they are worthy of our time.

9. Use Everyday Opportunities to Talk

It's important to talk with your kids about tough issues often, but there isn't always time in the day to sit down for a long talk. Also, kids tend to resist formal discussions about today's toughest issues, often categorizing them as just another lecture from mom and dad. But if we use "talk opportunities," moments that arise in everyday life, as occasions for discussion, our children will be a lot less likely to tune us out.

10. Talk About It Again. And Again

Since most young children can only take in small bits of information at any one time, they won't learn all they need to know about a particular topic from a single discussion. That's why it's important to let a little time pass, then ask the child to tell you what she remembers about your conversation. This will help you correct any misconceptions and fill in missing facts.



Talking With Kids About Tough Issues is a public education campaign to support parents by the Kaiser Family Foundation and Children Now. For more information about the campaign, or for a free booklet on how to talk with kids, contact: **1-800-CHILD-44** or www.talkingwithkids.org



Getting Involved

Where To Find Out More

This is your chance to let the folks who rate TV shows know how you think they're doing: Is the rating system helpful to you as a parent? Do you disagree with how certain shows are rated? There are a number of places you can send your comments. Pick any one of those listed below, or let them all know how you feel! If you'd like, copy the form on page 16, and use it to send in your comments.

(1) The TV Parental Guidelines Monitoring Board.

This is the group that handles public comments on the ratings system or how individual shows are rated.

You can call them at:
202-879-9364

Or write them at:
TV Parental Guidelines Monitoring Board
P.O. Box 14097
Washington, DC 20004

You can also look them up
on the Web at:
www.tvguidelines.org

(2) Your local television station or cable operator.

Look them up in the phone book, and let them know if you agree or disagree with how their shows are rated.

(3) The Federal Communications Commission's V-Chip Task Force.

The FCC is the government agency working with TV manufacturers, program producers and parents to ensure the effective implementation of V-Chip technology.

You can call them toll-free at:
1-888-225-5322

Or write them at:
Mass Media Bureau, or
Cable Services Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

You can also look them up
on the Web at:
www.fcc.org



(4) The major broadcast networks.

If you have some comments directed toward one of the TV networks, you can contact them directly:

ABC Television Network
77 West 66th Street
New York, NY 10023
212-456-7777
abc.go.com

UPN Network
11800 Wilshire Boulevard
Los Angeles, CA 90025
310-575-7000
www.upn.com

WB Network
4000 Warner Boulevard
Burbank, CA 91522
818-977-5000

Fox Broadcasting Company
10201 West Pico Boulevard
Los Angeles, CA 90035
310-369-1000
www.foxworld.com

CBS Television Network
524 West 57th Street
New York, NY 10019
212-975-4321
www.cbs.com

Pax-TV
601 Clearwater Park Road
West Palm Beach, FL 33401
561-659-4122
www.pax.net

NBC Television Network
30 Rockefeller Plaza
New York, NY 10112
212-664-4444
www.nbc.com

WHERE TO FIND OUT MORE

There are many organizations and resources to help your family make quality TV choices and learn more about media's effects on children. Here are a few to get you started.

American Academy of Pediatrics
601 13th Street, NW, Suite 400 North
Washington, DC 20005
202-347-8600
www.aap.org

American Academy of Child and Adolescent Psychiatry
3615 Wisconsin Avenue, NW
Washington, DC 20016
202-966-7300
www.aacap.org

American Psychological Association
750 1st Street, NE
Washington, DC 20002
202-336-5500
www.apa.org

Center for Media Literacy
4727 Wilshire Boulevard, Suite 403
Los Angeles, CA 90010
323-931-4177
1-800-226-9494
www.medialit.org

National PTA
330 N. Wabash Avenue, Suite 2100
Chicago, IL 60611
312-670-6782
www.pta.org

National Institute on Media and the Family
606 24th Avenue South, Suite 606
Minneapolis, MN 55454
612-672-5437
www.mediaandthefamily.org

Center for Media Education
2120 L Street, NW, Suite 200
Washington, DC 20037
202-331-7833
www.cme.org

Children Now
1212 Broadway, Fifth Floor
Oakland, CA 94612
510-763-2444
www.childrennow.org



HOW DO YOU RATE IT?

THE V-CHIP EDUCATION PROJECT

How Do YOU Rate It? Making Your Voice Heard

You can copy this form and use it to send your comments to the TV Parental Guidelines Monitoring Board, or to any of the other groups listed on pages 14 and 15.

Your name: _____ Date: _____

Your address: _____

PLEASE
CHECK

☐

I disagree with how a particular show I watched was rated.

Name of show: _____

Date and time it was on: _____

Station call letters or cable network: _____

How the show was rated: _____

Why you disagreed with the rating: _____

☐

I often disagree with how certain shows are rated.

Why: _____

☐

Thank you for the TV ratings system—it's helpful.

☐

I usually agree with how most shows I watch are rated.

☐

Other comments: _____

Send to: TV Parental Guidelines Monitoring Board, P.O. Box 14097, Washington, DC 20004

A PARENT'S GUIDE TO THE TV RATINGS AND V-CHIP
The Center for Media Education (CME) is a national non-profit, nonpartisan organization, founded in 1991, dedicated to creating a quality electronic media culture for children, their families, and the community. Through its research, public education, and outreach initiatives, CME has been the leading force behind expanding children's educational TV programs and fostering safeguards on the Internet and television.

The Henry J. Kaiser Family Foundation, based in Menlo Park, California, is an independent national health care philanthropy and is not associated with Kaiser Permanente or Kaiser Industries. This project was conducted as part of the Foundation's Program on the Entertainment Media & Public Health, which was established to examine the impact of entertainment media on society, and to work with the entertainment industry to help convey important health messages to the public.



Center for Media Education
2120 L Street, NW
Suite 200
Washington, D.C. 20037
Tel: (202) 331-7833
Fax: (202) 331-7841
www.cme.org



Kaiser Family Foundation
2400 Sand Hill Road
Menlo Park, CA 94025
Tel: (650) 854-9400
Fax: (650) 854-4800
www.kff.org

For another free copy of this booklet, call:
1-877-2-VCHIP-TV

To order multiple copies of this booklet, call:
1-800-656-4533 (ask for publication #1491)

Visit the V-Chip Education Project Web Site:
www.vchipeducation.org

Author Attributions

Bobbie Eisenstock, Ph.D. is the primary author of this parent guide. An educator and media consultant, Dr. Eisenstock specializes in the social and psychological effects of television and new interactive media on children and the family.

Cathryn C. Borum is the co-author and managing editor of this publication.

The chapter "Talk With Your Kids" is excerpted from a booklet by Children Now and the Kaiser Family Foundation, and was written by Lynne S. Dumas. A free copy of the full booklet is available by calling 1-800-CHILD-44 or at www.talkingwithkids.org.

Design:

Words • Pictures • Ideas (www.wpiweb.com)

July 1999





**THE V-CHIP
EDUCATION
PROJECT**

**CENTER FOR MEDIA
E D U C A T I O N
2120 L STREET, NW
S U I T E 2 0 0
WASHINGTON, DC
2 0 0 3 7 - 1 5 2 7**

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(2nd installmt)

TO: Neema Tanden

w/ Mrs. Clinton's Staff
Frx: 310-203-4084

From: Ann O'Leary
Officer - the First Lady
Phone: 202-456-6275

Re: Education Report

Neema -

Elizabeth asked me to get you
the "Study & Educational Resources"
report released by the Dept. of Ed on Friday.
Attached pls. find the press release &
Executive Summary. I will give HRC
a copy of the full report when she returns.
- Ann

Dinner:

[Chpotasun]

→ Full long grain

For Release:
August 11, 2000

Contact:
Melinda Kitchell Malico
(202) 401-1008

FEDERAL K-12 EDUCATION FUNDING TARGETS HIGH-POVERTY DISTRICTS; PROVIDES TECHNOLOGY, EXTENDS LEARNING TIME

A new study released by the U.S. Department of Education shows that federal funding is significantly helping level the playing field between high- and low-poverty schools, but per pupil spending in high-poverty districts still lags behind more affluent districts by more than 10 percent.

"These numbers underscore the critical need for federal support for education, particularly for disadvantaged children," said U.S. Secretary of Education Richard W. Riley. "From teachers to technology, summer school to after-school, critical federal funds are reaching the neediest children and making up for support that often falls short."

The study looked at the degree to which funds were used to help schools improve student achievement through professional development, technology and extended learning, and how federal program funds are targeted at the district and school levels, compared with state and local funds.

The *Study of Educational Resources and Federal Funding: Final Report* examined federal support for school districts and schools from six federal programs during 1997-98. The programs include Titles I, II, III, IV and VI of the Elementary and Secondary Education Act (ESEA) and Goals 2000, comprising 41 percent of federal K-12 revenues.

The findings show that more high-poverty schools than before are receiving targeted federal funds — 96 percent of the highest-poverty schools received Title I funds in 1997-98, up from 79 percent in 1993-94.

Federal revenues added \$692 per pupil in the highest-poverty districts, 11 percent of total revenue, compared to the 6.1 percent received nationally on average from the federal government.

Other findings include:

- Of the \$8 billion spent on Title I, 77 percent of the funding to help disadvantaged children meet high standards was spent on instruction, mainly supporting the hiring of teachers and aides. The remainder was divided between instructional support and local program administration.
- Teachers' aides accounted for more than half of Title I-funded instructional staff and nearly one-quarter of spending on instructional staff. Aides spent 60 percent of their time teaching or helping to teach students. Of the time spent teaching, four in ten aides reported that at least half was without a teacher present.
- Overall, federal education funds were much more targeted to high-poverty districts than were state and local funds. Districts in the highest-poverty quartile, which have 25 percent of the nation's school-age children and 49 percent of the nation's poor children, received 43 percent of federal funds but only 23 percent of state and local funds.
- Federal funds paid for one-quarter of the new computers that schools received during 1997-98, and 13 percent were purchased with Title I funds. In the highest-poverty elementary schools, federal funds paid for 58 percent of new computers, with Title I funding one-third of them.
- Nearly two-thirds of schools offered before-school, after-school or weekend instruction, but only 7 percent of all students were served. Extended learning time programs served more children in high-poverty schools (14 percent) than in low-poverty schools (5 percent).

- Summer school was offered in 56 percent of schools. It was more common in the highest-poverty schools and offered more frequently in high schools (66 percent) versus elementary schools (51 percent).

The report and an executive summary will be available by calling 1-877-4ED-PUBS or at <http://www.ed.gov/offices/OUS/eva/elem.html>.

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PLANNING AND EVALUATION SERVICE

STUDY OF EDUCATION RESOURCES AND FEDERAL FUNDING: FINAL REPORT

EXECUTIVE SUMMARY

2000

U.S. DEPARTMENT OF EDUCATION OFFICE OF THE UNDER SECRETARY

OC #2000-05



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Study of Educational Resources and Federal Funding: Final Report Executive Summary

Background and Purpose

The enactment of the Goals 2000: Educate America Act and the 1994 reauthorization of the Elementary and Secondary Education Act (ESEA) brought important changes in the federal role in elementary and secondary education. Categorical programs were redesigned to provide more flexible support for educational improvement in a framework of challenging state standards, assessments aligned with those standards, and capacity building through sustained professional development in core academic subjects. Goals 2000 has supported state and local activities in developing aligned standards, assessments, curricula, teacher preparation, and professional development.

The Study of Education Resources and Federal Funding (SERFF) examines the allocation and use of funds provided to school districts and schools through Goals 2000 and five of the largest ESEA programs for FY 1997, which corresponds to the 1997-98 school year. The six federal programs included in this study are:

- Title I, Part A: Helping Disadvantaged Children Meet High Standards, Grants to LEAs
- Title II: Eisenhower Professional Development Program, Elementary and Secondary Programs
- Title III, Section 3132: Technology Literacy Challenge Fund
- Title IV: Safe and Drug-Free Schools and Communities, State and Local Agency Programs
- Title VI: Innovative Education Program Strategies
- Goals 2000: Educate America Act, State and Local Systemic Improvement

The study examines the extent to which program funds are used for various strategies for improving student achievement, including professional development, technology, extended learning time, and schoolwide reform and improvement. The report also examines the targeting of federal program funds at the district and school levels, in comparison with the distribution of state and local funds.

A preliminary report was released in July 1999; this final report presents a more comprehensive set of findings from the study, with additional information on targeting, the comparability of state and local resources in Title I and non-Title I schools, the uses of Title I funds at the district and school levels, and the impact of Title I funds on total resource levels in different types of Title I schools. The final report examines the share of Title I funds used for teachers, aides, technology, and professional development, comparing high- and low-poverty schools as well as in Title I schools overall. The final report also examines the financial contribution of Title I in comparison to state compensatory education programs.

Study of Education Resources and Federal Funding

Overview of the federal programs under study

The six programs in this study accounted for 41 percent of all federal revenues for elementary and secondary education for 1997-98 and 2.7 percent of total revenues for elementary and secondary education from all sources (federal, state, and local). Title I, Part A is by far the largest of the six programs (\$7.3 billion), followed by Goals 2000 (\$476 million), Title IV (\$425 million), Title VI (\$310 million), Title II (\$260 million), and the Technology Literacy Challenge Fund (\$200 million).

Four of the programs provide funding to a large majority of school districts through formula grants, while two provide competitive grants to a smaller number of districts. All 14,000 school districts are eligible to receive funds from Title II, Title IV, and Title VI, and Title I funds go to 12,900 districts (92 percent of the districts). In contrast, Goals 2000 provided competitive grants to 6,700 districts (47 percent) and Title III grants supported technology programs in 2,600 districts (18 percent).

Study design

Data were collected from a national sample of 180 districts and 720 schools within those districts.¹ At the district level, a questionnaire on the uses of funds was administered from each of the programs in this study, and also collected information on expenditures from federal programs, personnel data, and Title I allocations to schools. At the school level, a questionnaire was administered on programs and resources available in the school, with a focus on professional development, technology, and Title I. Surveys of classroom teachers, Title I teachers, special education teachers, and Title I aides were also conducted. Surveys were distributed to "Title I" teachers and aides in both targeted assistance and schoolwide programs if they were identified by their schools as being paid through Title I funds. Information on the uses of Title I funds at the school level was collected if available. In addition, the study collected information from all 50 states on state suballocations of program funds to school districts. All data collected was for the 1997-98 school year (FY 1997 appropriations) unless otherwise indicated.

Analyses of school and teacher level data in this report often examined differences between high- and low-poverty schools, elementary and secondary schools, Title I and non-Title I schools, and Title I schoolwide and targeted assistance programs. School poverty levels were based on the percentage of students eligible for the free and reduced-price lunch program. District poverty levels were based on census poverty data. The term "highest-poverty schools" was used to refer to schools where at least 75 percent of the students were eligible for free or reduced-price lunches. "High-poverty schools" included all schools at or above the 50 percent poverty level, and "low-poverty schools" included schools below 35 percent poverty.

¹ The sample of 180 school districts was drawn from a previous sample of more than 3,000 districts used for another Department of Education study, the District Implementation Study, which excluded districts with fewer than 300 students (Hannaway and Kimball (1997), Reports on Reform from the Field, Washington, DC: U.S. Department of Education). As a result, the estimates for the Study of Education Resources and Federal Funding are generalizable to the population of districts that have 300 or more students. Districts with fewer than 300 students account for a relatively large proportion of all districts (21 percent) but a very small proportion of students (less than 1 percent) (National Center for Education Statistics (2000), Digest of Education Statistics: 1999, Table 91).

Executive Summary

Targeting of Federal Funds

Each of the six federal education programs in this study has different priorities and provisions governing the allocation of funds among states, school districts, and other agencies. For all six programs, the Department of Education allocates funds to states in accordance with statutory formulas, and the states then suballocate the funds to school districts and other agencies eligible to receive the funds, either through formula (Titles I, II, IV, and VI) or through competitive grants (Title III and Goals 2000). The number of poor school-age children is a factor in allocations for five of the six programs.

Distribution of federal, state, and local revenues among high- and low-poverty districts

Federal education funds in general were much more targeted to high-poverty districts than were state and local funds. Districts in the highest-poverty quartile, which have 25 percent of the nation's school-age children and 49 percent of the nation's poor children, received 43 percent of federal funds but only 23 percent of state and local funds. In contrast, districts in the lowest-poverty quartile, which have 25 percent of all children and 7 percent of the poor children, received 11 percent of federal funds but 30 percent of state and local funds.

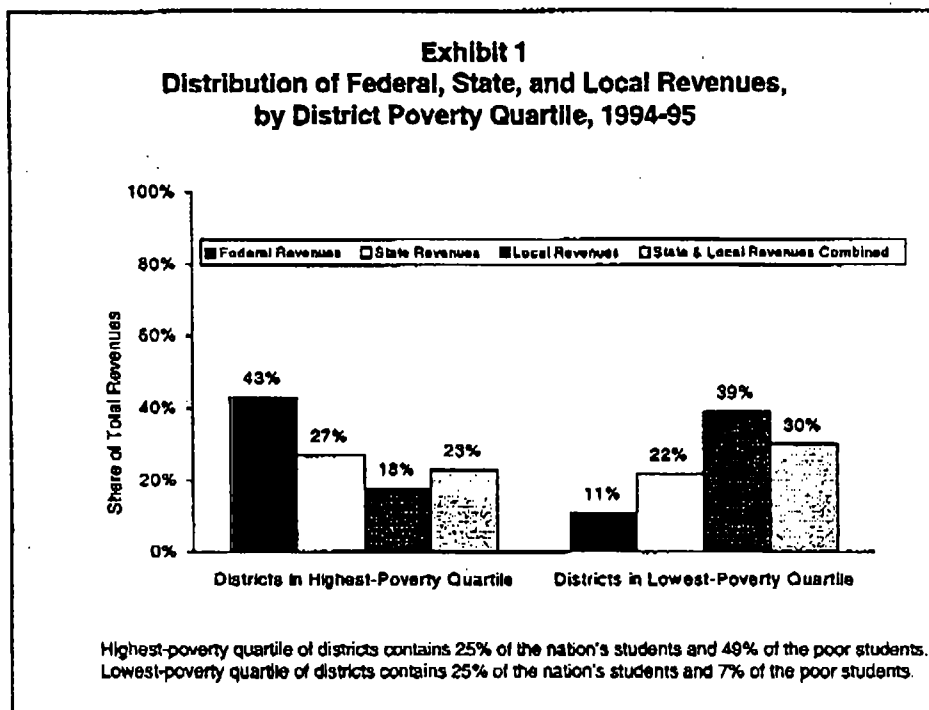


Exhibit reads: The highest-poverty school districts received 43 percent of all federal revenues, compared with only 23 percent of state and local revenues.

Study of Education Resources and Federal Funding

Although state revenues were somewhat targeted to high-poverty districts, they did not fully compensate for funding disparities related to the local property tax base. Districts in the highest-poverty quartile received 18 percent of local education revenues and 27 percent of state education revenues, but their share of state and local funds combined (23 percent) was still less than their share of school-age children (25 percent). Districts in the lowest-poverty quartile received 39 percent of local revenues, more than double the amount in the highest-poverty quartile.

Despite the higher level of federal support for the highest-poverty districts, total revenues per pupil in these districts were 10 percent lower than in the lowest-poverty districts. The highest-poverty districts had federal revenues of \$692 per pupil and total revenues of \$6,245 per pupil, while the lowest-poverty districts had federal revenues of \$172 per pupil and total revenues of \$6,958 per pupil.

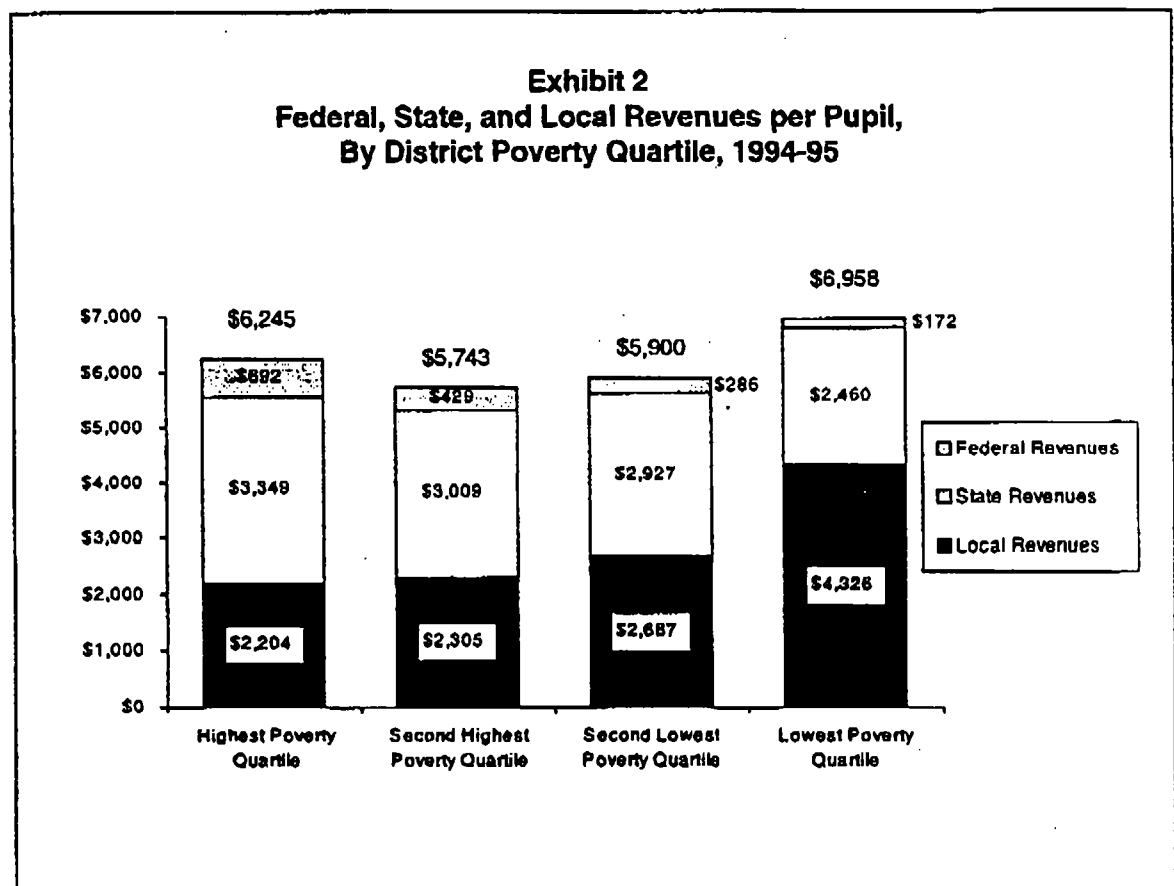


Exhibit reads: Although federal revenues provided an additional \$693 per pupil in the highest-poverty districts, compared with \$172 in the lowest-poverty districts, the highest-poverty districts still received 10 percent less in total revenues per pupil (\$6,248) compared with the lowest-poverty districts (\$6,967).

Executive Summary

In the poorest districts, federal funds accounted for 11.1 percent of district revenues, compared with only 2.5 percent in the lowest-poverty districts. Similarly, Title I provided 4.5 percent of total revenues in the poorest districts, compared with 0.7 percent in the lowest-poverty districts. Across all districts, federal funds comprised 6.3 percent and Title I comprised 2.4 percent of total revenues.

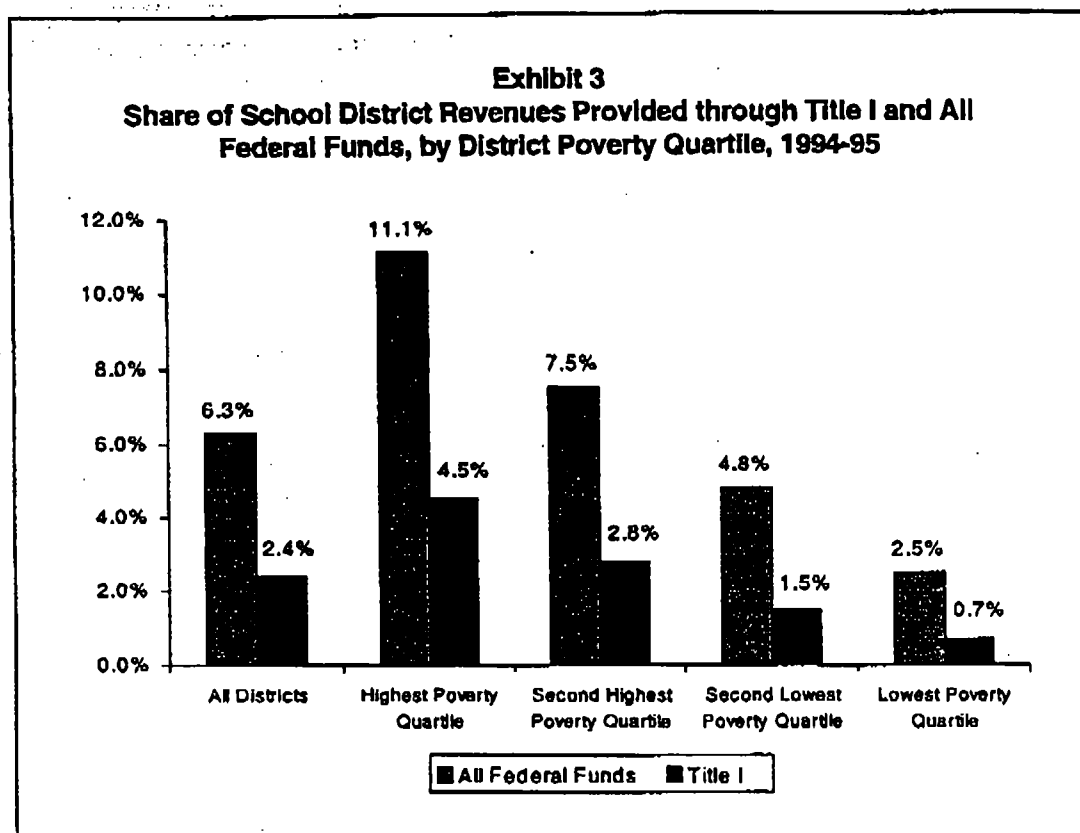


Exhibit reads: In the highest-poverty districts, federal funds provided 11.1 percent of district revenues and Title I provided 4.5 percent—about twice as high as the national average for all districts (6.3 percent and 2.4 percent, respectively).

Title I targeted the largest share of its funds to high-poverty districts, but other federal programs also targeted significant shares of funding to these districts. Districts in the highest-poverty quartile received one-half (50 percent) of Title I funds and about one-third of the funds from Title II (35 percent), Title III (36 percent), Title IV (33 percent), Title VI (34 percent), and Goals 2000 (33 percent). Districts in the lowest-poverty quartile received 8 percent of Title I funds and somewhat higher shares from Title II (17 percent), Title III (11 percent), Title IV (21 percent), Title VI (17 percent), and Goals 2000 (15 percent).

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Distribution of federal program funds by urbanicity

Rural districts received a relatively large share of the funds for competitive grants, while large urban districts received a share of these funds that was less than their share of school-age children and poor children. Rural districts received 21 percent of Goals 2000 funds and 26 percent of Title III funds, well above their share of school-age children (13 percent) and poor children (14 percent). In contrast, large urban districts received 16 percent of Goals 2000 funds and 15 percent of Title III funds, less than their share of school-age children (18 percent) and poor children (29 percent). The distribution of formula grants (Titles I, II, VI, and VI) among urban and rural districts was more closely related to the distribution of school-age children and poor children.

Impact of 1994 reauthorization on targeting

The 1994 reauthorization had little impact on district-level targeting. For all five programs in this study that existed in FY 1994, the distribution of funds among district poverty quartiles was virtually the same in FY 1997 as in FY 1994. For Title I, changes in district targeting provisions have had little impact on district-level targeting of Title I funds because most funds continue to flow through the Basic Grants formula. Funding for the more targeted Concentration Grant formula did increase substantially, but this formula still allocates only 14 percent of total funding. A new Targeted Grants formula created in the 1994 reauthorization would direct a greater share of the funds to the highest-poverty districts, but this formula has not been funded.

Title I targeting at the school level increased significantly after the 1994 reauthorization. In 1997-98, nearly all (96 percent) of the highest-poverty schools received Title I funds, up from 79 percent in 1993-94. In addition, low-poverty schools became less likely to receive Title I funds (28 percent in 1997-98, down from 49 percent in 1993-94).

School-level targeting of Title I funds

Data on Title I allocations to schools show a mixed picture of school-level targeting. On the one hand, the highest-poverty schools received most of the Title I allocations to schools in 1997-98, and their share of Title I funds was greater than their share of low-income children. The highest-poverty schools were much more likely to receive Title I funds than were low-poverty schools. However, low-poverty schools that did receive Title I funds received substantially higher allocations per low-income student than did high-poverty schools.

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The highest-poverty schools received 46 percent of Title I funds allocated to schools in the 1997-98 school year – greater than their share of low-income students (33 percent). Schools with poverty of 50 percent or more received 73 percent of Title I funds. Low-poverty schools received 18 percent of the funds and accounted for 25 percent of low-income students.

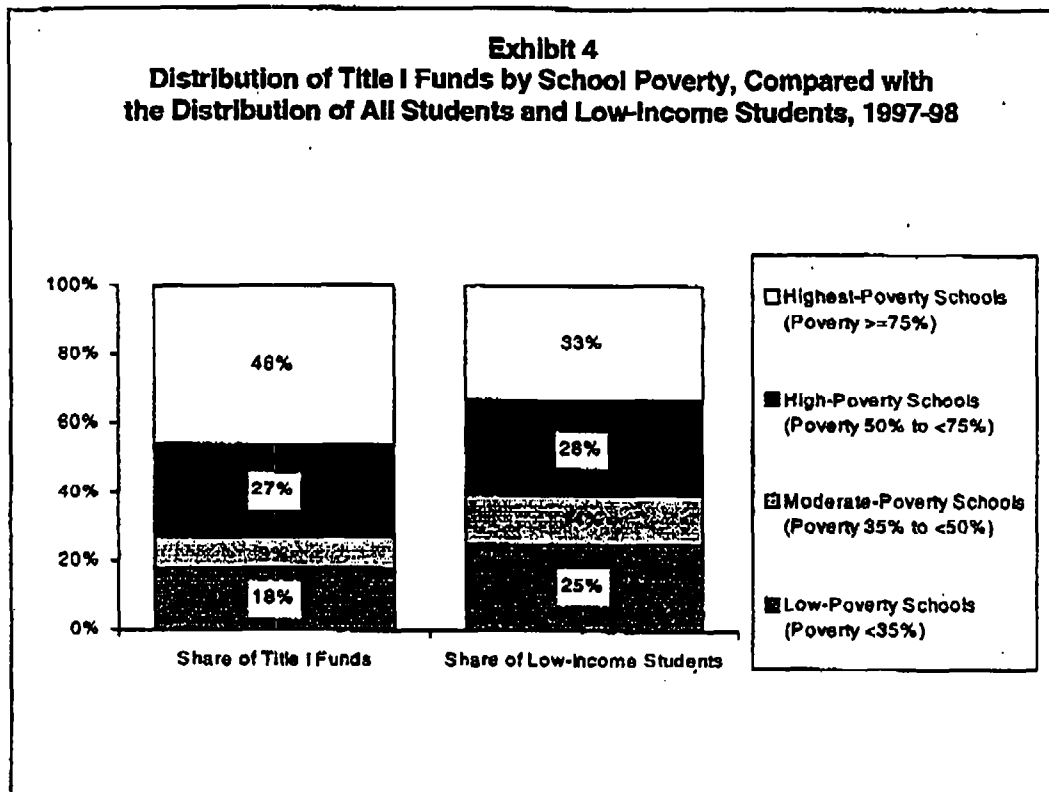


Exhibit reads: The highest-poverty schools (over 75 percent low-income students) receive 46 percent of Title I allocations—greater than their share of low-income students (33 percent).

High-poverty schools are much more likely to receive Title I funds than are low-poverty schools. Nearly all (96 percent) of the highest-poverty schools received Title I funds in 1997-98, compared with only 28 percent of low-poverty schools.

Executive Summary

The above school allocation data underestimate total school-level spending for Title I, because 8 percent of Title I funds are used for districtwide programs and services related to instruction and instructional support—services that affect teachers and students in schools throughout the district, rather than being used for resources and services at the discretion of individual schools. In addition, because the allocation data are based on FY 1997 appropriations, the average allocation amounts may seem low compared to current (FY 2000) appropriations levels, which are 9 percent higher than in FY 1997. If the school allocation estimates are adjusted to take both of these factors into account, the average school funding level rises from \$472 to \$563 per low-income student for the 2000-2001 school year, and ranges from \$567 in the highest-poverty schools to \$920 in the lowest-poverty schools.

School-level targeting for other federal programs

For the other federal programs in this study, most districts used the funds for services for all schools in the district or for all schools (or teachers) that wanted to participate. Districts did not usually target these funds to schools with high concentrations of low-income students or low-achieving students. One-fourth of Goals 2000 coordinators reported that funds were targeted to schools with low student achievement, but this practice was less common for Title II (9 percent) and Title VI (4 percent). Some districts targeted Title II and Title VI funds to schools identified for improvement under Title I (14 percent of Title II districts and 11 percent of Title VI districts). About one-sixth (17 percent) of the districts targeted Title VI funds to schools that received fewer resources from other federal programs or other sources.

Comparison of Title I with state compensatory education programs

In states that had state compensatory education programs, Title I funds per poor student exceeded state compensatory education funds by more than one-third. Comparisons between Title I and state compensatory education programs are not straightforward due to ambiguity over which states have programs that can be classified as state compensatory education. However, according to two sets of data with different sets of states of reporting state compensatory education revenues, Title I provides about 35 percent to 40 percent more funds per student than the state programs (in states that have such programs). The difference between Title I and state programs in the level of funding would likely be greater if states that do not have compensatory education programs were taken into account.

schools.

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compensatory education funds were somewhat less targeted to high-poverty Title I funds. Districts that were in the highest poverty quartile in their state

On average, state comp districts and schools than were

Study of Education Resources and Federal Funding

Although low-poverty schools were less likely to receive Title I funds, those that did receive funding tended to receive substantially larger allocations per low-income student (\$771) compared with the highest-poverty Title I schools (\$475) and the average for all Title I schools (\$472).

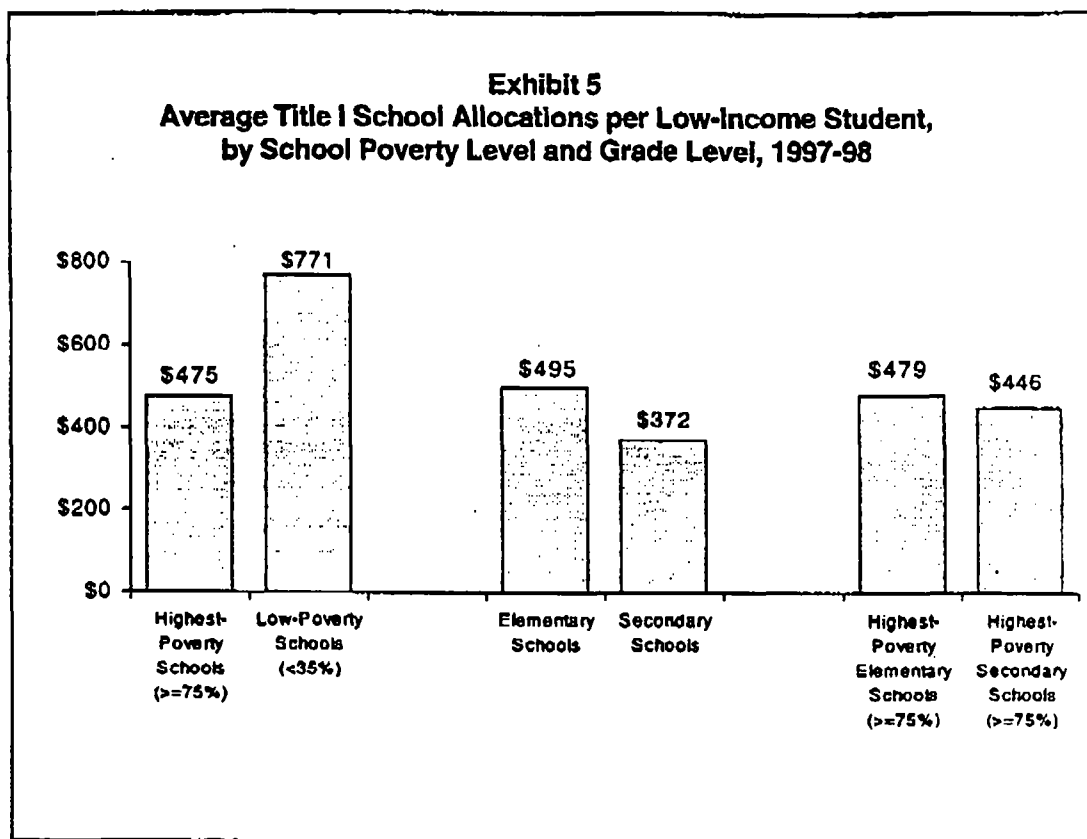


Exhibit reads: Title I allocations per low-income student were lower in the highest-poverty Title I schools (\$475) than in low-poverty Title I schools (\$771).

Secondary schools were less likely to receive Title I funds than elementary schools, and secondary schools that did receive Title I funds tended to receive smaller allocations than elementary schools (\$372 and \$495 per low-income student, respectively). As a result, the share of Title I allocations going to secondary schools (15 percent) was substantially less than their share of the nation's low-income students (33 percent).

The highest-poverty secondary schools, however, received allocations that were comparable in size to those in the highest-poverty elementary schools (\$446 and \$479 per low-income student, respectively). Moreover, changes made in the 1994 reauthorization resulted in a dramatic increase in the proportion of the highest-poverty secondary schools that receive Title I funds, from 61 percent in 1993-94 to 93 percent in 1997-98—about the same as the percentage of the highest-poverty elementary schools that received Title I funds in 1997-98 (95 percent).

Allocation of Federal Funds between the District and School Levels

Funds for the six programs in this study may be used at the school or the district level for a variety of strategies for supporting teaching and learning. For Title I, districts allocate a substantial share of the resources to individual schools to permit them to design and implement programs that meet the needs of their specific student populations. In contrast, funds for the other five programs are primarily used for districtwide programs and services related to instruction and instructional support.

For Title I, districts allocated 83 percent of the funds to individual public schools and used an additional 1 percent for services for private school students. Districts used 8 percent of the funds to support districtwide programs and services related to instruction and instructional support, including teachers and support staff who serve more than one school, districtwide preschool and summer school programs, professional development, technology, and parent involvement programs. District-level expenditures on program administration accounted for 8 percent of Title I funds.

In contrast, most of the funds for Title II, Title IV, Title VI, and Goals 2000 were used for services and resources to enhance instruction and instructional support throughout the district, rather than being allocated to individual schools. This approach is not surprising, because districts receive much smaller allocations from these programs (e.g., an average of \$87,000 for Goals 2000 and \$18,000 for Title II) than from Title I (\$521,000). While Title I funds may be of sufficient magnitude to be used for employing teachers or aides within individual schools, the smaller amounts of money that districts receive from these other programs may be used more effectively by leveraging dollars from other funding sources and supporting districtwide efforts to improve teaching and learning through professional development, increased access to technology, programs designed to reduce student violence and drug abuse, implementing standards and aligned assessments, and other strategies.

Across all six programs, district-level expenditures on program administration ranged from 3 to 8 percent of program funds. These funds primarily include salaries and benefits for district federal program coordinators and administrative support staff, as well as contributions to indirect costs.

*Executive Summary***Comparability of State and Local Resources in Title I and Non-Title I Schools**

The Title I statute requires that districts provide comparable levels of state and local resources to their Title I schools as to their non-Title I schools. This study takes a broader view of the comparability issue, examining the comparability of non-Title I resources across Title I and non-Title I schools nationally (not just within districts), as well as across high- and low-poverty schools.

Across all schools, the base amount of non-Title I expenditures on school staff was about the same in Title I and non-Title I schools (\$3,664 and \$3,620 per pupil, respectively). At the elementary level, Title I schools spent 5 percent less than non-Title I schools, while at the secondary level, Title I schools spent 7 percent more.

At the elementary level, differences in the comparability of personnel expenditure levels were greater between high- and low-poverty schools than between Title I and non-Title I schools. Before Title I funds were added, Title I elementary schools had slightly lower personnel expenditures (\$3,611 per pupil) than non-Title I schools (\$3,807)—a 5 percent difference. The highest-poverty elementary schools spent 7 percent less (\$3,556) than low-poverty elementary schools (\$3,822). The difference is greatest when comparing high- and low-poverty Title I schools—the highest-poverty Title I schools had 10 percent less (\$3,553) than low-poverty Title I schools (\$3,942).

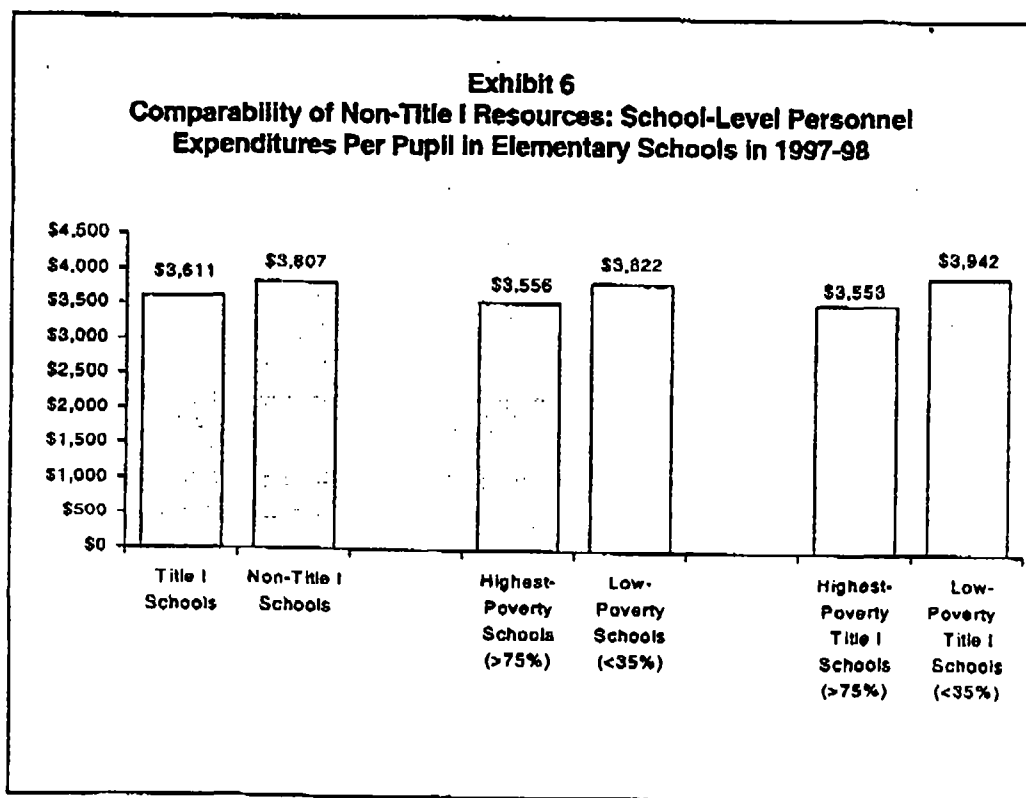


Exhibit reads: Before Title I funds were added, personnel expenditures in Title I elementary schools (\$3,611) were 5 percent lower than in non-Title I schools (\$3,807).

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Despite their lower spending on personnel, the highest-poverty elementary schools had more teachers compared with low-poverty schools, resulting in lower class sizes. However, teachers in the highest-poverty schools earned lower salaries, had fewer years of experience, and were less likely to hold an advanced degree. Teacher salaries were 14 percent lower in the highest-poverty elementary schools (\$35,115) than in low-poverty schools (\$40,839).

Exhibit 7
Comparability of Staffing in
High- and Low-Poverty Elementary Schools, 1997-98

	Highest-Poverty Schools (Poverty $\geq 75\%$)	Low-Poverty Schools (Poverty $< 35\%$)
Spending on School Personnel	\$3,556	\$3,822
Average Class Size*	21.1	22.9
Average Teacher Salary	\$35,115	\$40,839
Average Years Teaching Experience	13.3 years	15.5 years
Percentage of Teachers with Masters Degree or Higher	37%	49%

* Average class size data include self-contained special education classrooms.

Exhibit reads: The highest-poverty schools had smaller average class sizes than low-poverty schools; however, teachers in the highest-poverty schools received lower average salaries.

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Use of Title I Resources to Improve Educational Opportunities for At-Risk Students

Title I, Part A, the largest federal education program, provided \$7.1 billion in FY 1997 to support district and school efforts to help disadvantaged children meet high standards. Most Title I funds are used for instruction, supporting the hiring of additional teachers and instructional aides, providing instructional materials and computers, and supporting other instructional services and resources. Overall, three-fourths (77 percent) of Title I funds were spent on instruction, with an additional 12 percent used for instructional support and 12 percent used for program administration and indirect costs. Title I spending on instruction amounted to an estimated \$5.5 billion for the 1997-98 school year, including \$3.3 billion spent on teachers (47 percent of total Title I expenditures) and \$1.0 billion on instructional aides (15 percent).

Exhibit 8
Use of Title I Funds for Instruction, Instructional Support,
and Program Administration, 1997-98

	Total Expenditures (\$ in millions)	Share of Total Expenditures
Instruction	\$5,473	77%
Teachers	\$3,342	47%
Teacher Aides	\$1,043	15%
Instructional Materials	\$468	7%
Instructional Technology	\$287	4%
Other Instructional Expenditures	\$333	5%
Instructional Support	\$822	12%
Professional Development	\$212	3%
Other Instructional Support	\$610	9%
Program Administration	\$835	12%
District Administration	\$594	8%
School Administration	\$241	3%

Note: Total components may not add to totals due to rounding.

Exhibit reads: Title I spending on instruction amounted to \$5.473 billion in the 1997-98 school year—77 percent of total Title I funds.

Comparing the above Title I expenditure data to school district expenditure data collected by the National Center of Education Statistics indicates that the share of funds used for instruction is greater for Title I (77 percent) than for school district expenditures overall (62 percent). The share of funds used for instructional support appears somewhat larger under Title I (12 percent) than for district expenditures overall (9 percent), while the share used for administration appears similar for Title I (12 percent)

Study of Education Resources and Federal Funding

and district expenditures overall (11 percent). The remaining school district expenditures were used for building operation and maintenance (10 percent), transportation (4 percent), and food services (4 percent).

Schoolwide programs accounted for nearly half (45 percent) of Title I schools and an even higher share (60 percent) of the funds. More than four-fifths (82 percent) of Title I schools that were eligible to operate schoolwide programs were doing so, and an additional 12 percent were considering doing so.

What Title I adds to school resource levels

Overall, Title I provided an additional \$472 per low-income student in Title I schools. Title I allocations per low-income student were substantially higher in low-poverty schools (\$771) than in higher-poverty schools (\$475).

Title I funds added 6 percent to total personnel expenditures in Title I schools, or \$236 per student (total enrollment). If the Title I funds are calculated in terms of low-income students, then the amount added by Title I equaled \$434 per low-income student—a 12 percent increase over the non-Title I base. In terms of funding per Title I participant, the amount Title I added to school staffing averaged \$412 per Title I participant—a 11 percent increase over the base. (This analysis assumes that schools spend the same amount of non-Title I resources on low-income students and Title I participants that they spend on the average student.)

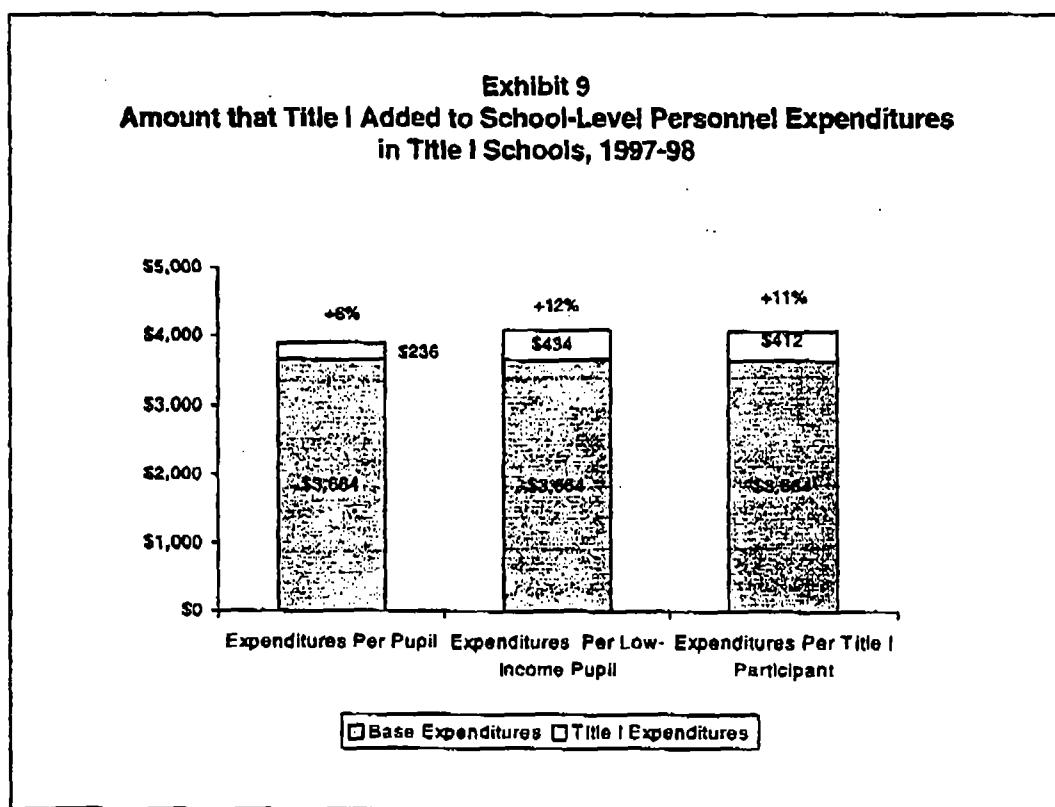


Exhibit reads: The amount that Title I funds added to personnel expenditures amounted to \$236 per pupil (a 6 percent increase), \$434 per low-income student (a 12 percent increase), and \$412 per Title I participant (a 11 percent increase).

Executive Summary

In terms of total school personnel expenditures, Title I funds added more resources in the highest-poverty Title I schools than in low-poverty Title I schools. The increase in total personnel expenditures that resulted from Title I funds was 10 percent in the highest-poverty elementary schools (\$355 per pupil), compared with 6 percent in low-poverty elementary schools (\$247 per pupil).

However, in terms of funding per low-income student, the story was reversed: Title I resources caused a much greater addition to funding per low-income student in low-poverty Title I schools. The amount that Title I added to personnel expenditures resulted in 26 percent higher personnel expenditures per low-income student in low-poverty elementary schools (\$1,035), compared with a 12 percent increase in the highest-poverty elementary schools (\$415 per pupil).

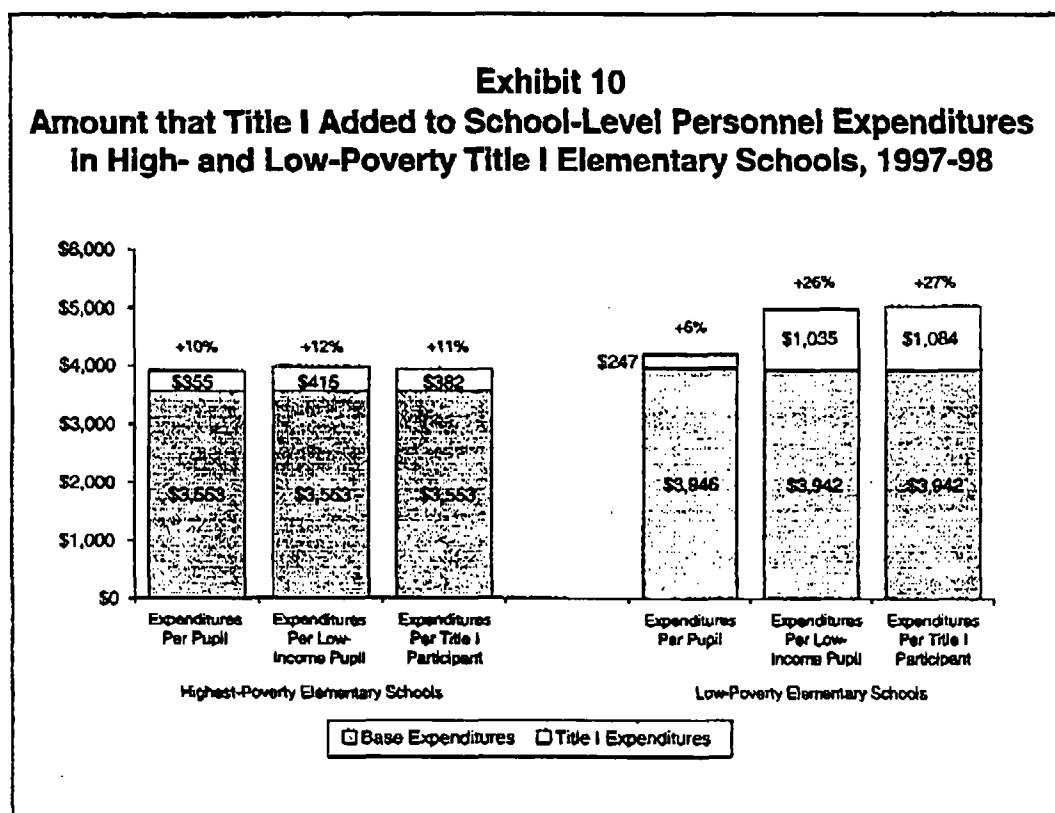


Exhibit reads: Title I funds added more to expenditures per pupil in the highest-poverty elementary schools (a 10 percent increase) than in low-poverty schools (6 percent). However, low-poverty Title I schools experienced a greater increase in expenditures per low-income student (26 percent) and per Title I participant (27 percent).

Similarly, the amount that Title I added per Title I participant was much higher in the low-poverty Title I schools (27 percent) than in the highest-poverty Title I schools (11 percent). Most of the highest-poverty schools use Title I funds for schoolwide programs, in which all students are counted as Title

Study of Education Resources and Federal Funding

I participants, while low-poverty schools use Title I funds for targeted assistance programs that serve only the lowest-achieving students.

The total number of full-time staff added to a typical-size Title I elementary school with 500 students amounted to 4.4 additional full-time equivalent (FTE) staff, including 2.1 FTE additional teachers, 1.9 FTE additional teacher aides, and 0.5 FTE additional noninstructional staff. In secondary Title I schools, using the same standardized enrollment level of 500 students, Title I added a smaller number of FTE staff (1.9), consisting of 0.6 FTE teachers, 0.7 FTE teacher aides, and 0.6 FTE noninstructional staff.

Use of Title I funds for teachers and teacher aides

Teacher aides accounted for half of Title I-funded instructional staff, although they accounted for only 15 percent of total Title I expenditures and 24 percent of spending on instructional staff. The average annual salary for an FTE teacher aide (\$12,627) is about 35 percent of the average salary for a Title I teacher (\$36,427).

Exhibit 11
Use of Title I Funds for Teachers and Teacher Aides, 1997-98

	Teachers	Teacher Aides
Total Full-Time Equivalent (FTE) Staff	66,002	68,724
Percent of Instructional Staff	50%	50%
Percent of Title I Expenditures on Instructional Staff	76%	24%
Percent of Total Title I Expenditures	47%	15%
Average Annual Salary per FTE	\$36,427	\$12,627

Exhibit reads: Teachers account for about half of Title I instructional staff but 76 percent of spending on instructional staff.

Paraprofessionals were used in many Title I schools for teaching and helping to teach students, although their educational backgrounds did not qualify many of them for such responsibilities. Title I teacher aides reported that 60 percent of their time, on average, was spent on teaching or helping to teach students. Moreover, 41 percent of Title I teacher aides reported that half or more of the time they spent

Executive Summary

teaching or helping to teach students was on their own, without a teacher present, and 76 percent spent at least some time teaching without a teacher present. Although 99 percent of Title I teacher aides had a high school diploma or a GED, only 25 percent (and 10 percent in the highest-poverty schools) had a bachelor's degree.

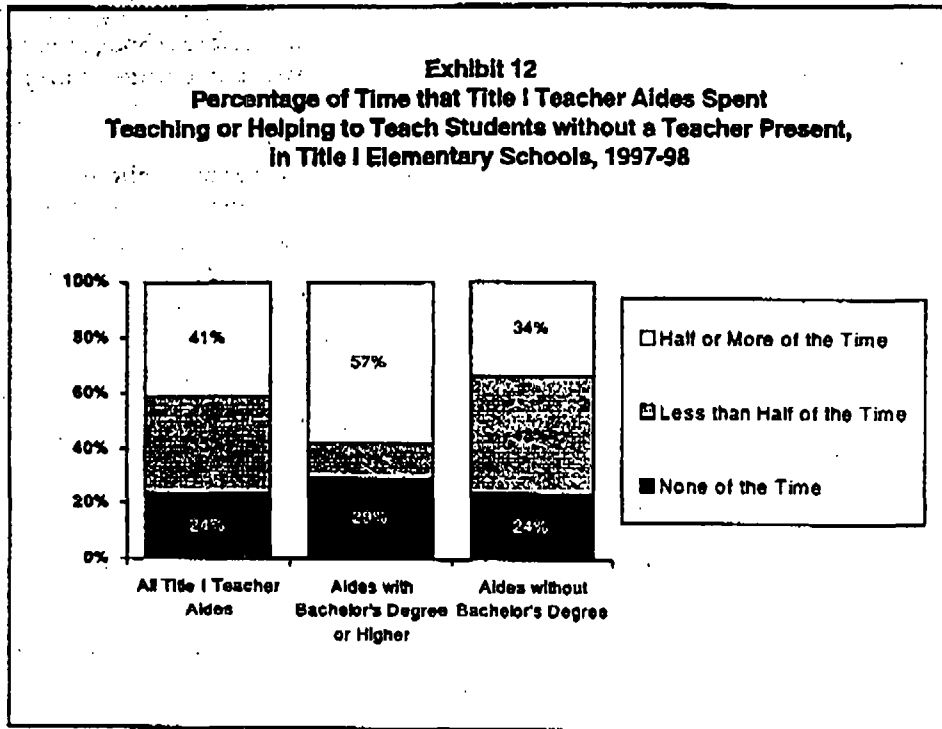


Exhibit reads: Forty-one percent of Title I teacher aides in Title I elementary schools spent half or more of their time teaching or helping to teach students without a teacher present.

Title I teachers spent two-thirds of their time working with students. Title I teachers reported that they spent 66 percent of their time in instructional activities. This instructional time was primarily spent in resource rooms (i.e., pullout) and departmentalized classes, which accounted for 49 percent of their time. Title I teachers spent 14 percent of their time teaching students in in-class settings, and another 3 percent on informal tutoring. The remaining time was used for planning, preparation, and grading (19 percent of total time); consulting with other staff (6 percent); interacting with parents (3 percent); and administrative duties (6 percent).

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Although low-poverty schools were less likely to receive Title I funds, those that did receive funding tended to receive substantially larger allocations per low-income student (\$771) compared with the highest-poverty Title I schools (\$475) and the average for all Title I schools (\$472).

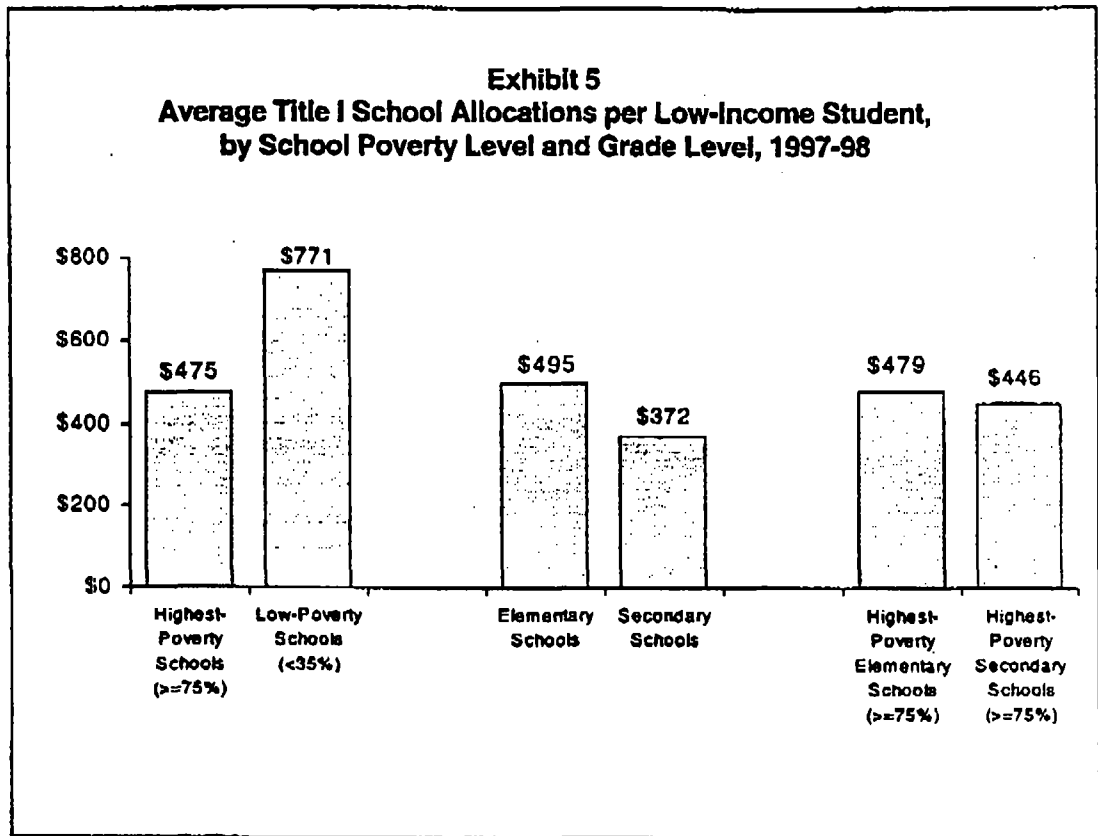


Exhibit reads: Title I allocations per low-income student were lower in the highest-poverty Title I schools (\$475) than in low-poverty Title I schools (\$771).

Secondary schools were less likely to receive Title I funds than elementary schools, and secondary schools that did receive Title I funds tended to receive smaller allocations than elementary schools (\$372 and \$495 per low-income student, respectively). As a result, the share of Title I allocations going to secondary schools (15 percent) was substantially less than their share of the nation's low-income students (33 percent).

The highest-poverty secondary schools, however, received allocations that were comparable in size to those in the highest-poverty elementary schools (\$446 and \$479 per low-income student, respectively). Moreover, changes made in the 1994 reauthorization resulted in a dramatic increase in the proportion of the highest-poverty secondary schools that receive Title I funds, from 61 percent in 1993-94 to 93 percent in 1997-98—about the same as the percentage of the highest-poverty elementary schools that received Title I funds in 1997-98 (95 percent).

Preschool and Extended Learning Time Programs

Districts and schools often seek to increase instructional time for students—particularly at-risk students—through preschool programs that help prepare students for their subsequent schooling experiences; programs that provide additional instructional time during the regular school year (before school, after school, and on the weekends); and summer school programs that provide additional instruction outside of the normal school year.

Preschool programs were offered in one-third (32 percent) of all elementary schools and enrolled 9 percent of the estimated preschool-age population. Preschool programs were much more prevalent in the highest-poverty schools (61 percent) than in low-poverty schools (14 percent) and also served a higher proportion of the preschool-age population in the highest-poverty schools (24 percent, compared with 3 percent in the low-poverty schools).

Two-thirds of all schools offered extended-time instructional or tutorial programs during the school year through before-school, after-school, or weekend programs. Secondary schools were more likely to offer extended time programs (79 percent) than elementary schools (54 percent). High-poverty schools were also more likely to provide extended-time programs (74 percent of the highest-poverty elementary schools, compared with 36 percent of low-poverty elementary schools). Similarly, extended-time programs were offered in 74 percent of elementary schools with Title I schoolwide programs, compared with 50 percent of elementary targeted assistance schools and 38 percent of non-Title I elementary schools. One-fourth (23 percent) of Title I targeted assistance schools reported that their use of extended-time programs had increased since the 1993-94 school year.

High-poverty schools were more likely than low-poverty schools to offer extended-time instructional programs, and this difference was particularly pronounced at the elementary school level. Three-fourths (74 percent) of the highest-poverty elementary schools offered extended-time programs, compared with only 36 percent of lowest-poverty elementary schools.

After-school instructional programs were more widely used than before-school or weekend programs for instruction during the school year. At the elementary level, 48 percent of schools offered after-school programs, 15 percent offered before-school programs, and 2 percent offered weekend programs. Among secondary schools, 73 percent offered after-school programs, 34 percent offered before-school programs, and 14 percent offered weekend programs.

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Extended-time instructional programs served a relatively small percentage of students: 11 percent of the students in schools offering extended-time programs and 7 percent of students in all schools. However, the percentage of students served was higher in the highest-poverty schools (14 percent of all students in these schools). Extended-time instructional programs added an average of 116 hours of additional instructional time during the school year—about a 10 percent increase in instructional time for participating students.

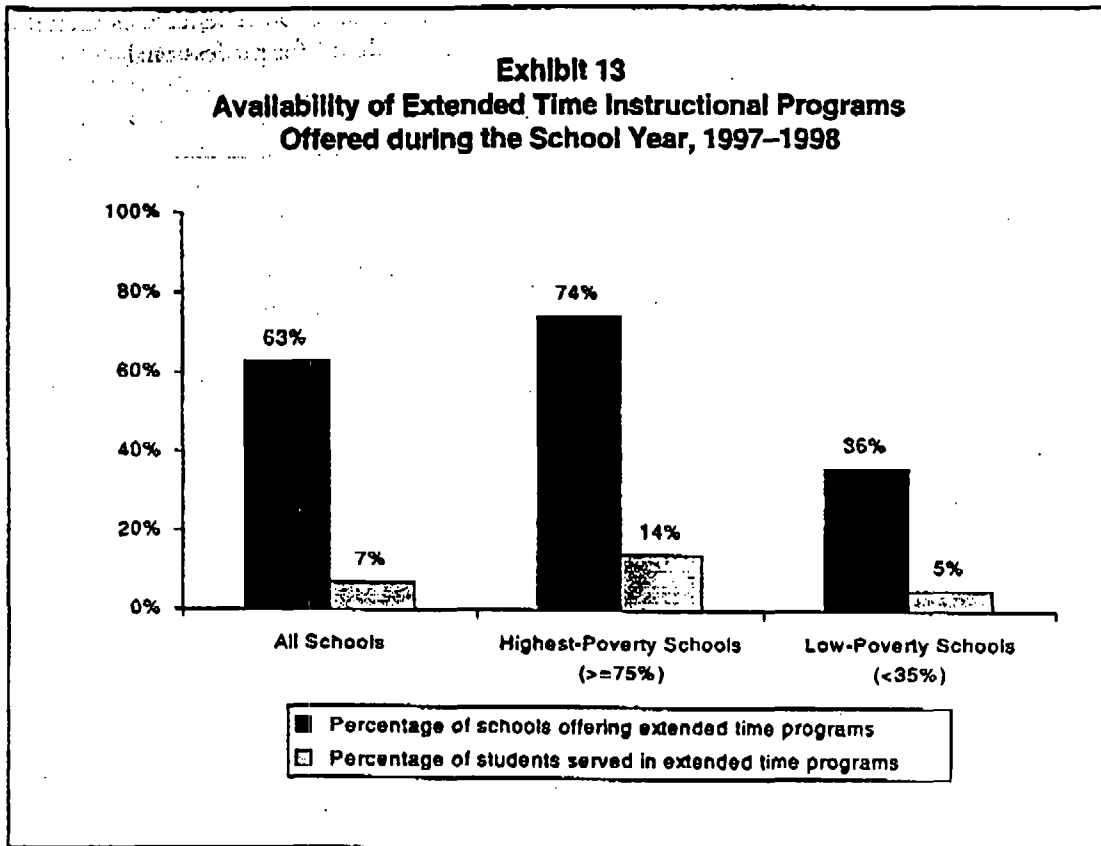


Exhibit reads: Nearly two-thirds of all schools (63 percent) offered before-school, after-school, or weekend instructional programs, but these programs served only 7 percent of all students.

Summer school programs were offered in 56 percent of all schools and served somewhat higher percentages of the students (14 percent), compared with extended-time programs during the school year (7 percent). Secondary schools were more likely to offer summer school (66 percent) than were elementary schools (51 percent). At the elementary level, summer programs were more prevalent in the highest-poverty schools and in Title I schools.

Improving the Skills and Knowledge of Teachers

Five ESEA programs and Goals 2000 provided an estimated \$785 million for the 1997-98 school year to support professional development to improve the skills of teachers and other staff. The Title II Eisenhower Program provided a total of \$294 million through elementary/secondary grants to school districts (\$244 million) and grants to institutions of higher education (\$50 million). Title I expenditures on professional development at the district and school levels amounted to \$212 million, and Goals 2000 expenditures amounted to \$189 million. Districts also used Title VI (\$45 million) and Title IV (\$45 million) for professional development activities.

Exhibit 14
Financial Contribution of Six Federal Programs to
Funding for Professional Development, 1997-98

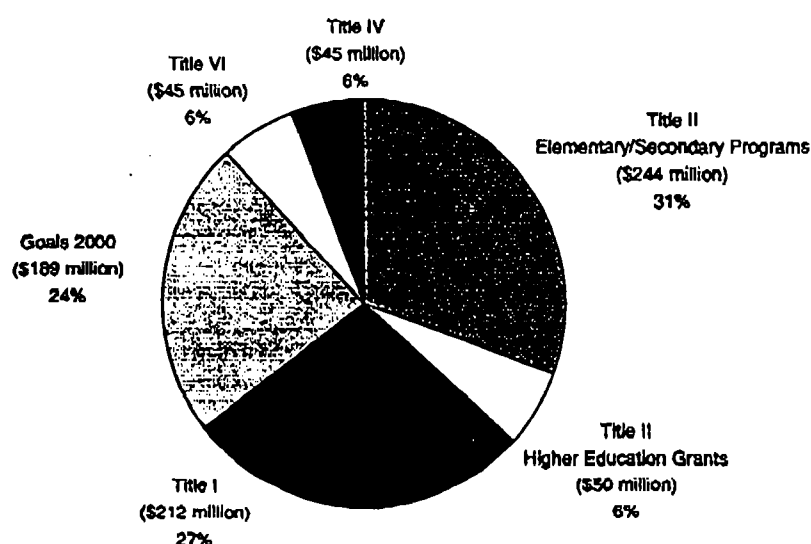


Exhibit reads: District and school spending on professional development from Title I funds amounted to \$212 million in the 1997-98 school year—27 percent of total support for professional development from the programs in this study.

Note: Technology Innovation Challenge Grants are included in this exhibit in order to provide a more complete picture of federal funds available for technology, although this program is not otherwise included in this study.

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Few districts were able to provide information on their total spending on professional development. In the 19 districts that did provide this information, federal programs provided 28 percent of total funds used for professional development. State categorical programs also provided substantial support for professional development in these districts (21 percent); most of the remaining funds came from the district's general fund (47 percent).

Topics of professional development supported by federal programs were generally aligned with the purpose of the programs. Professional development focused on curriculum or instruction specific to reading or language arts was the highest priority for Title I directors. Goals 2000 funds predominantly supported activities related to content or performance standards, enabling students to meet proficiency standards, and assessments linked to standards. Title II funds were most often used for activities focused on math and science curriculum and instruction, followed by content and performance standards.

Teachers participated in professional development activities focused on specific content areas such as mathematics or reading more than any other topic. Classroom teachers reported participating in 13 hours of professional development on this topic in the 1997-98 school year (23 hours for teachers in the highest-poverty schools). Other activities included parent or community involvement (7 hours), teaching academically, ethnically, or linguistically diverse learners (7 hours), integrating technology into instruction (6 hours), developing teachers skills in using technology (5 hours), and content or performance standards (5 hours).

Workshops, conferences, and institutes were the most prevalent type of professional development activity. Teachers were far more likely to attend workshops, conferences, or institutes than participate in any other professional development activity, and nearly all schools and districts reported supporting teachers' attendance at these activities.

Many teachers also reported some participation in less traditional and more collaborative forms of professional development. Teachers spent an average of 25 hours on planning lessons or courses with other teachers, 8 hours on developing curriculum, 7 hours on developing content standards or student assessments, and 3 hours observing other teachers in their classrooms. While many schools and districts reported supporting teacher involvement in collaborative work, few teachers reported receiving release time to participate in these activities.

Districts varied in how they made decisions about the use of professional development funds in general and Title II funds in particular. District curriculum administrators were primary decisionmakers about the use of all professional development and Title II funds in more than half of the districts (55 percent and 54 percent, respectively), while Title II coordinators were primary decisionmakers in just under half of the districts (45 percent and 46 percent, respectively). Districts most often cited student performance data and assessment of teacher needs as factors that were extremely influential in making decisions about the use of these funds.

*Study of Education Resources and Federal Funding***Increasing Access to Technology**

Four ESEA programs and Goals 2000 provided funding for increased access to technology in school districts and schools that amounted to an estimated \$688 million for the 1997-98 school year. Two programs focused on education technology, the Technology Literacy Challenge Fund and Technology Innovation Challenge Grants, provided \$244 million (35 percent of the total amount provided through these five programs). District and school spending on technology from Title I amounted to \$287 million, more than the funds provided through the two technology-focused programs. Significant support for education technology also came from Goals 2000 (\$85 million) and Title VI (\$72 million).

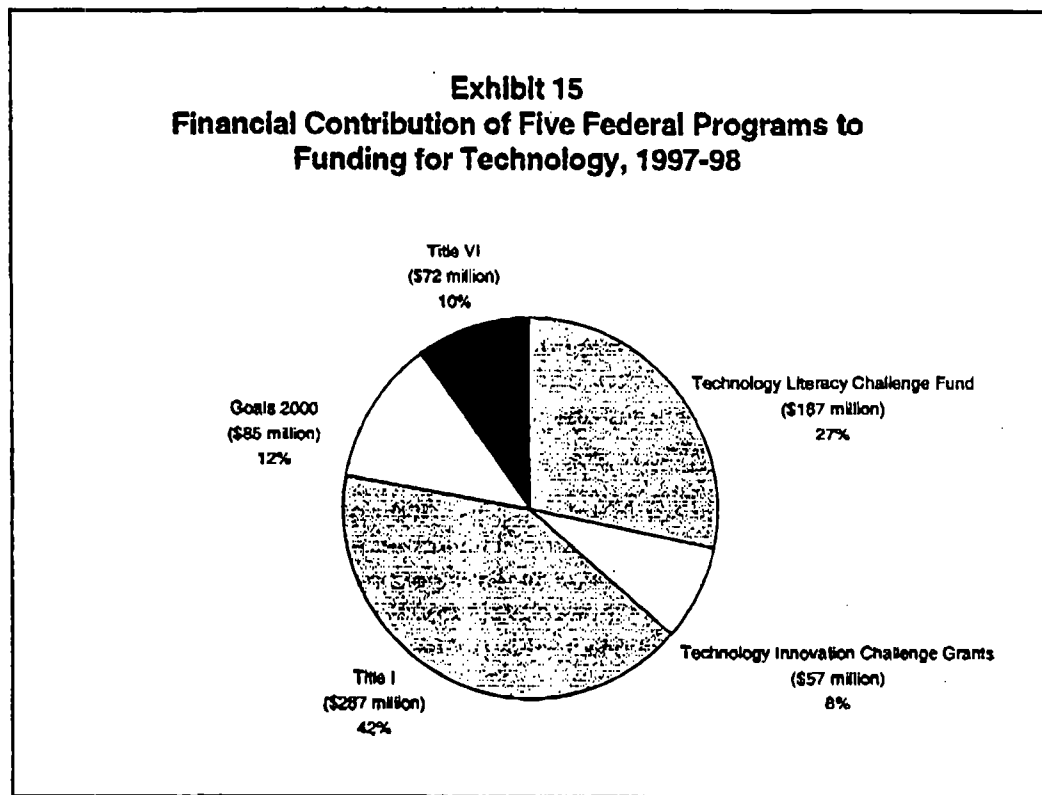


Exhibit reads: District and school spending on technology from Title I funds amounted to \$287 million in the 1997-98 school year—more than the funds provided through the Technology Literacy Challenge Fund and Technology Innovation Challenge Grants.

Note: Technology Innovation Challenge Grants are included in this exhibit in order to provide a more complete picture of federal funds available for technology, although this program is not otherwise included in this study.

Districts used technology funds primarily to purchase computers and provide professional development related to using technology. Most districts reported using these funds “a great deal” to increase teachers’ and students’ access to computers (84 and 83 percent of districts, respectively), to develop teachers’ skills in using technology (75 percent), to integrate technology into classroom instruction (72 percent), and to increase students’ access to the Internet (71 percent).

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Federal funds paid for one-fourth (24 percent) of the new computers that schools received during the 1997-98 school year, and half of these were purchased with Title I funds (13 percent). State and local funds paid for two-thirds (66 percent) of the new computers, and private sources (which may include parent-teacher associations, businesses, and foundations) provided 10 percent of the new computers. In elementary schools, federal funds were even more significant, paying for 34 percent of the new computers (with 21 percent purchased with Title I funds).

Federal funds were a much more significant source of support for new computers in high-poverty schools. In the highest-poverty elementary schools, Title I funds alone paid for 33 percent of the new computers and federal funds from all sources paid for 58 percent of the new computers. In contrast, low-poverty elementary schools received a relatively small proportion of their new computers either from Title I (5 percent) or from federal funds overall (10 percent).

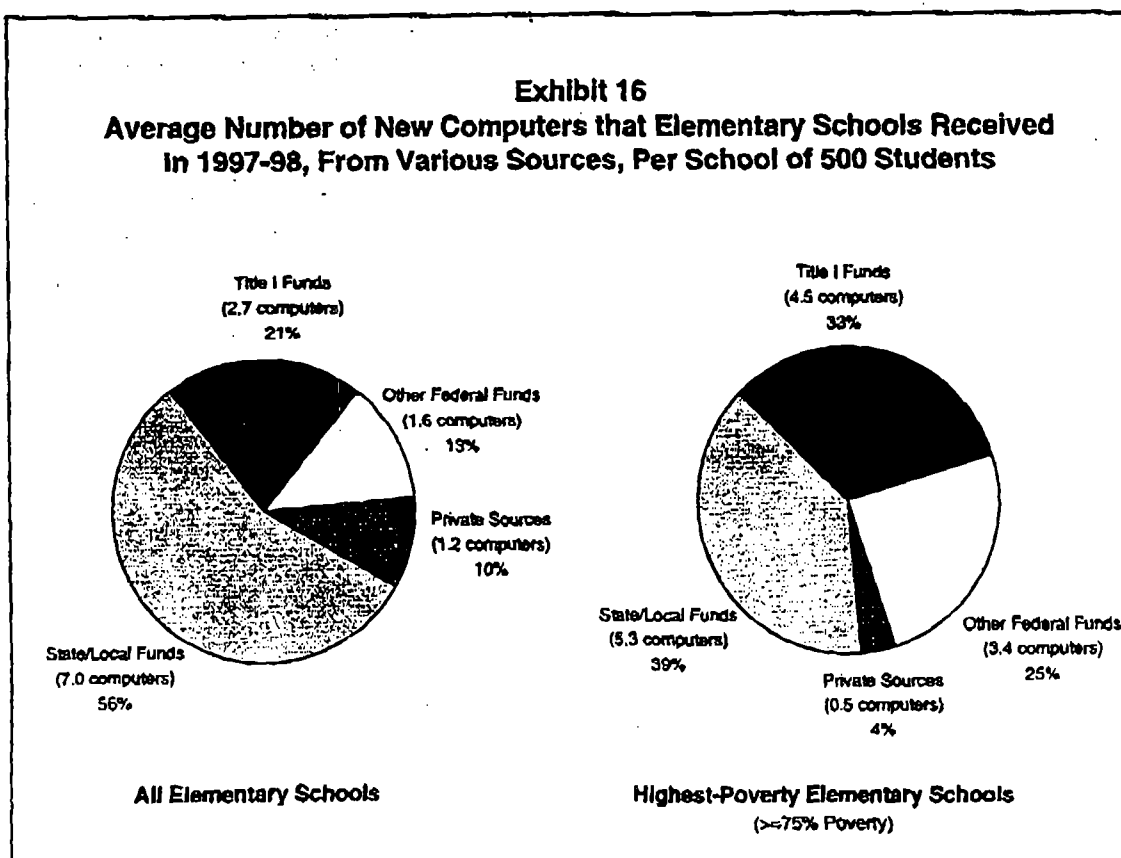


Exhibit reads: In the highest-poverty elementary schools, Title I and other federal funds paid for 58 percent of the new computers received in 1997-98, compared with 34 percent of the new computers in elementary schools overall.

Study of Education Resources and Federal Funding

In the 1997-98 school year, the highest-poverty schools received more new computers than did low-poverty schools. In a typical-size elementary school of 500 students, the highest-poverty schools received 13.7 new computers, compared to 9.1 new computers in low-poverty schools. The highest-poverty schools received fewer new computers from state and local funds and private sources but more from Title I and other federal funds.

Overall, however, high-poverty schools had less access to technology than low-poverty schools in terms of the quantity, quality, and connectivity of computers. The highest-poverty schools had only one computer for every 17 students, while low-poverty schools had one computer for every 12 students. Computers in the highest-poverty elementary schools were less likely to be more advanced multimedia computers (40 percent of computers, vs. 52 percent in low-poverty schools) or to be connected to the Internet (22 percent vs. 34 percent).

Most teachers reported that their lessons required students to use computers, but relatively few incorporated use of computers on a daily basis (28 percent of elementary classroom teachers and 8 percent of secondary classroom teachers).

Teachers typically did not integrate use of the Internet into instructional activities. About 62 percent of elementary and 71 percent of secondary classroom teachers reported that their lessons "never" or "hardly ever" required students to use the Internet.

A major barrier to effective use of technology was insufficient teacher understanding of ways to integrate technology into the curriculum, according to 70 percent of school principals and 45 percent of classroom teachers. However, teachers were more likely to express concern about an insufficient number of computers, lack of software integrated with the school's curriculum, and insufficient technical support. To address the knowledge barrier, more than 91 percent of districts indicated that professional development had focused "a great deal" on developing teachers' skills in using technology.

Standards-Based Reform and the Goals 2000 Program

The Goals 2000 program provided \$476 million in FY 1997 funds to promote systemic educational reform, primarily by supporting the development and implementation of state and district content and student performance standards. Districts sometimes targeted Goals 2000 funds to schools with low student achievement (23 percent), but more often used the funds to serve all schools in the district (35 percent) or all schools or teachers who wished to participate (39 percent).

Districts most commonly used Goals 2000 funds to improve teachers' ability to teach to high standards. Most districts (89 percent) used Goals 2000 funds "a great deal" to provide professional development linked to standards. About three-quarters of the districts used the funds "a great deal" for aligning curriculum and instruction with standards (76 percent) or for developing assessments linked to standards (70 percent). About two-thirds of the districts used the funds "a great deal" for expanding use of technology (62 percent). About half of the districts used the funds "a great deal" for supporting school-based improvement efforts (48 percent). About one-third of the districts used the funds "a great deal" for building partnerships with parents and community (40 percent).

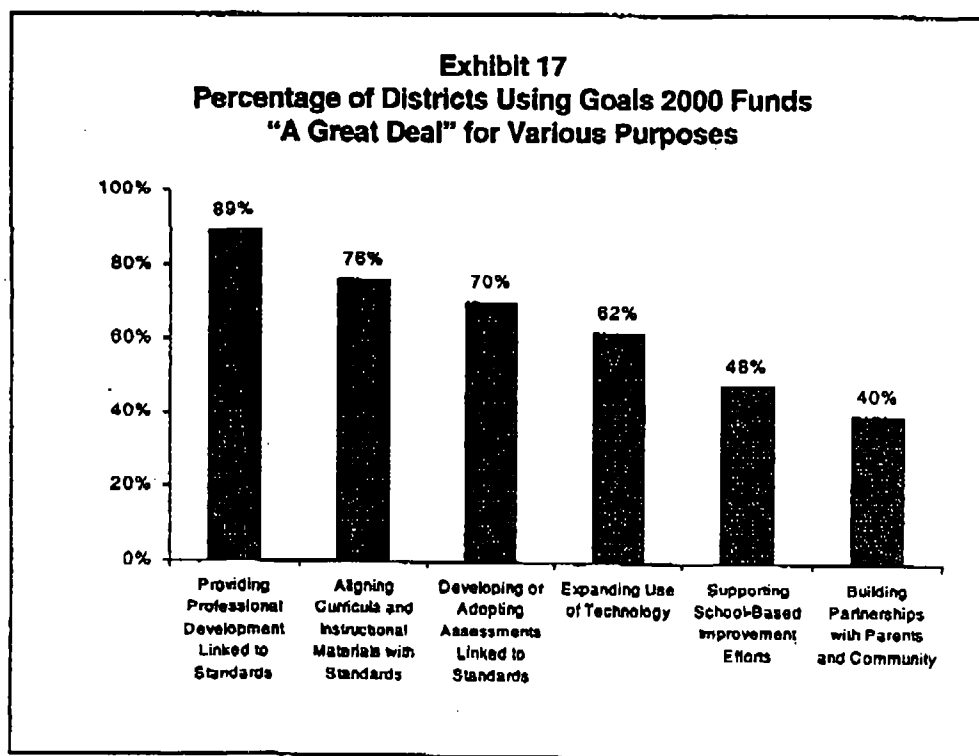


Exhibit reads: Eighty-nine percent of districts reported using Goals 2000 funds "a great deal" for professional development linked to standards.

Study of Education Resources and Federal Funding

Professional development supported with Goals 2000 funds most commonly addressed state or district content or performance standards and enabling students to meet state or district proficiency standards—each topic supported “a great deal” by 71 percent of districts. Other topics frequently supported include assessments linked to standards (46 percent), curriculum and instruction specific to reading or language arts (40 percent), and teaching academically, ethnically, or linguistically diverse learners (39 percent).

Goals 2000 administrators and district curriculum and instructional administrators were the primary decisionmakers about the allocation and use of Goals 2000 funds. Nonetheless, decisions were made collaboratively: almost half of district Goals 2000 coordinators (44 percent) reported that decisions about the use of funds were made jointly by districts and schools, while almost one-third of the districts (29 percent) reported making decisions at the district level but with input from schools.

Almost three-quarters of districts (71 percent) reported that the long-term district plan was “extremely influential” in making decisions about the use of Goals 2000 funds. More than half of the districts (56 percent) reported that student performance data was “extremely influential” in making decisions about the use of Goals 2000 funds.

Title VI - Innovative Education Program Strategies

The Title VI program provided \$310 million in FY 1997 to support local innovative educational strategies. Resources and services were widely distributed to schools within each district and were generally not targeted to schools based on poverty or student achievement. Forty-three percent of districts provided resources or services to all schools in the district and another quarter provided these resources to all schools or teachers wishing to participate in the program.

Executive Summary

Title VI funds were most often used to acquire educational materials, including library materials and software. Fifty-eight percent of districts used funds "a great deal" for this purpose, followed by expanding the use of technology (39 percent) and providing supplemental targeted academic services (34 percent).

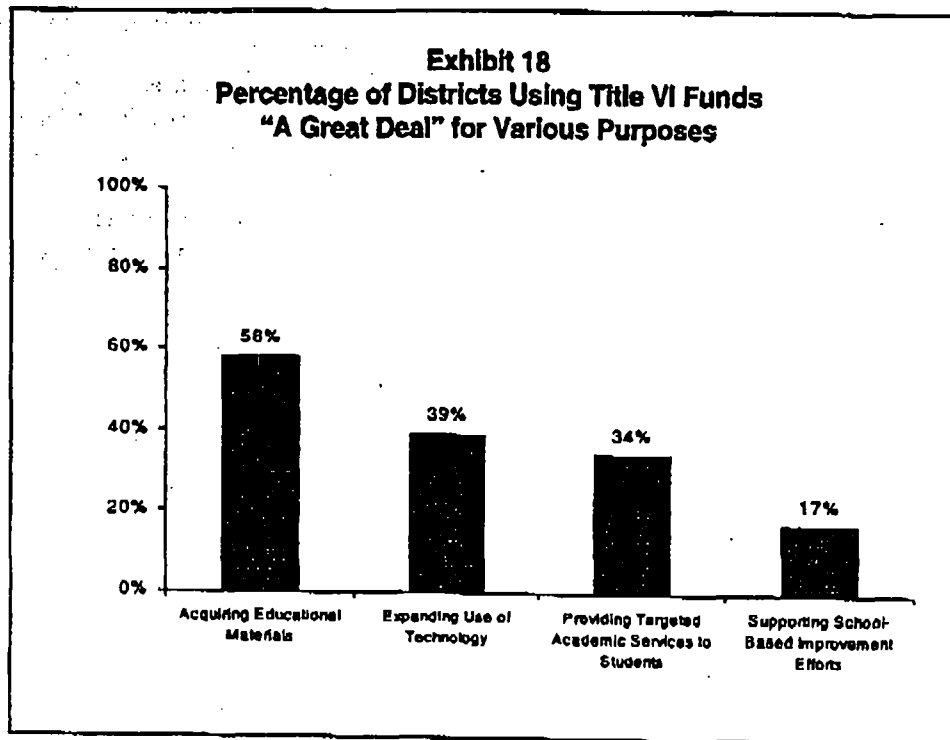


Exhibit reads: Fifty-eight percent of districts reported using Title VI funds "a great deal" for acquiring educational materials.

Title VI funds were less likely than Goals 2000 or Title I funds to be used for activities related to implementing standards, such as aligning curriculum and instructional materials with standards (13 percent) or professional development linked to standards (13 percent).

Larger districts were more likely to use Title VI funds for professional development activities than were smaller districts. Although only 13 percent of all Title VI districts reported using funds for professional development, these districts enrolled 33 percent of all students. The most commonly supported topics were district or state performance standards, enabling students to meet state or district proficiency standards, building partnerships with parents and community, and reading/language arts curriculum or instruction.

When making decisions about how to use Title VI funds, districts were more likely to be influenced by long-term district plans (52 percent) and priorities of individual schools (52 percent) than by state policies (21 percent). About a quarter of districts cited student performance data (28 percent) and research showing that particular program models work well (24 percent) as factors that were "extremely influential" in making decisions about the use of Title VI funds.

Safe and Drug-Free Schools and Communities

Title IV, the Safe and Drug-Free Schools and Communities program, provided \$425 million in FY 1997 to support school districts' efforts to prevent violence and the use of alcohol, tobacco, and drugs in and around schools. In addition, Title IV funds administered by governors' offices provided an additional \$106 million to serve children and youth not normally served by school districts and populations that need special services (such as runaway or homeless children, dropouts, teen parents, and youths in detention facilities); these funds are not primarily granted to school districts and thus were not included in this study.

The clear priority for districts was to use Title IV funds for strategies that affected student attitudes. Most districts (83 percent) reported using funds "a great deal" to affect student attitudes related to drugs or violence. Districts also used Title IV funds to strengthen school communities through improving staff knowledge and skills (47 percent) and through building partnerships with parents and the community (26 percent of districts, enrolling 44 percent of students). Given the statute's 20 percent cap on the amount that districts may use for security hardware and personnel, it is not surprising that few districts (4 percent) used funds "a great deal" to improve school security.

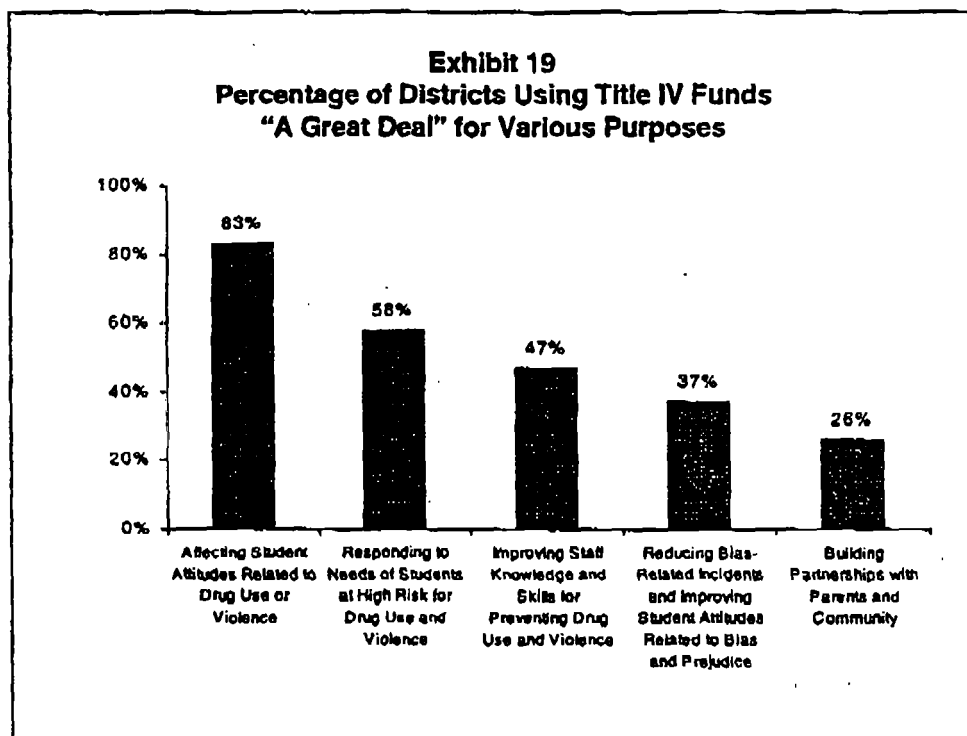


Exhibit reads: Eighty-three percent of districts reported using Title IV funds "a great deal" for affecting student attitudes related to drug use or violence.

Executive Summary

Title IV funds were used widely to support professional development activities. About half of the districts (53 percent) used these funds for professional development activities focused "a great deal" on preventing alcohol, tobacco, and other drug use and violence among students. A quarter of the districts (enrolling 40 percent of all students) used Title IV funds for professional development focused "a great deal" on building partnerships with parents and communities.

Title IV funds also supported student participation in drug and violence prevention efforts. Three-fourths of districts (74 percent) used Title IV funds to enable students to attend specialized training in drug and violence prevention. Many districts also used these funds to teach students how to serve as instructors or peer leaders in school-based projects related to drug and violence prevention (57 percent) or to support student participation in school committees, panels, or councils (48 percent).

Long-term district plans were most often reported as being "extremely influential" in making such decisions about the use of Title IV funds. Half of the districts (52 percent) reported being "extremely influenced" in their decisionmaking by rates of alcohol and drug-use among school-age children, while 41 percent reported incidences of violence and crime in schools as a factor.

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