

Discrimination - Urban Institute Report: On March 2, 1999, the Urban Institute issued a report, *A National Report Card on Discrimination in America: The Role of Testing* that calls for a national report card on discrimination in America. They contend that such a report card would promote greater understanding of the prevalence of discrimination, provide strategic guidance to civil rights enforcement agencies, and develop insight on the changing pattern and impact of discrimination. The report also shows that a research method called *paired testing* - the practice of sending individuals similar in all relevant characteristics except racial or ethnic backgrounds - can be used to audit critical areas of discrimination.

Currently, *paired testing* is used primarily by the Department of Housing and Urban Development (HUD) and other agencies such as Departments of Justice and Labor. The EEOC conducted a pilot project on the use of paired testing in the context of employment discrimination. However, Congress objected to the EEOC pilot project and EEOC agreed not to do any further testing in return for an increased funding. In the FY 2000 budget, the President's budget includes \$10 million for measuring discrimination including \$7.5 million to expand the HUD program. If the results of the EEOC pilot program show promise, we may consider expanding the *paired testing* method to employment discrimination but it may raise the ire of Congress.

and each Civil Rights agency has been asked to set aside \$500,000 to develop data

Fy 1999 \$7.5 taking the temperature of housing discrimination

What might we do -see result of EEOC - expand to employment

OFEdral Contract (OFCCP)- Shirley Wilshire - Labor 219-9475 - ABA - bank teller.

No new testing in FY 1999 in return for support for increased.

The Urban Institute Report proposes to expand paired testing into different areas including employment, and other daily consumer transactions such as car sales, taxi services, and health club memberships etc. However, there are some limitations on Federal Agencies use of paired testing. For example, the Truth and Lending Act prohibits providing false information on a loan applications

Eva Plaza - HUD

Two yearsr, EEOC proposed a pilot project and contracted with the two and decide what to do. Gingrich threw up because saying that you are looking for cases. Isn't this entrapment. - to

prevent funding. Paired testing can be useful but need to do a pilot. Still waiting for results in the Spring. But Won't use 99 funds for paired testing until get results from the pilot

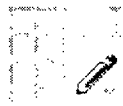
No legal restrictions, just political.

This report also provides strong support for the President's \$10 million request for additional funding to fight discrimination that would expand the use of paired testing.

(EEO - \$10 million in our budget to findout - equal pay act)

OSCCP

619-0403



Elena Kagan
03/03/99 04:25:22 PM

Record Type: Record

To: Irene Bueno/OPD/EOP

cc: Bruce N. Reed/OPD/EOP

Subject: Re: Urban Institute Report on discrimination 

We should probably do a weekly item on what the report says, what we're already doing, what we've committed to do, what we might do, what we can't do, etc. Employment testing raises a lot of hackles and we/the EEOC essentially struck a bargain last year on this issue in order to gain increased funding. You should call Julie Fernandes for the details.

Turner
Fix
Ad



URBAN INSTITUTE PRESS RELEASE

2100 M STREET, N.W. / WASHINGTON D.C. 20037

Office of Public Affairs, Susan Brown, Director

CONTACT: Richard Deutsch (202) 261-5283

RELEASE: March 2, 1999

NEW REPORT PROVIDES RATIONALE AND STRATEGY FOR A NATIONAL REPORT CARD ON DISCRIMINATION

Experts Say Field Testing Can Effectively Measure Unequal Treatment

WASHINGTON, D.C., March 2, 1999—A new report edited by Urban Institute researchers Michael Fix and Margery Austin Turner provides a strong rationale for instituting a national report card on discrimination and shows how a research method known as “paired testing” can be used to audit critical areas of discrimination.

A National Report Card on Discrimination in America: The Role of Testing makes the case that a national report card could promote greater public understanding of the prevalence of discrimination, provide strategic guidance to civil rights enforcement agencies, help assess how discrimination undermines social policy goals (such as expanded home ownership and reduced crime), and develop insight on the changing pattern and impact of discrimination.

Contributors to the volume also show that paired testing methodology is sufficiently advanced to conduct national tests in the areas of housing sales and rentals, entry-level hiring, and perhaps selected areas of public accommodation, such as taxi service and auto sales.

The release of *A National Report Card on Discrimination* comes as Congress begins debating President Clinton’s fiscal year 2000 budget proposal, which includes \$10 million to help government agencies increase efforts to measure racial and ethnic discrimination. The proposed funding would expand the use of paired testing—the practice of sending out individuals similar in all relevant characteristics except racial or ethnic backgrounds—to audit unequal treatment in response to requests for employment, housing, or other services.

While not specifically addressing the Clinton budget proposal, the new report provides the rationale and tools for supporting a broad effort to provide direct evidence of discrimination. The contributors to the report say such an effort could build a much-needed public consensus on the extent of discrimination and its contribution to inequality.

In the report, Fix and Turner present the results of a 1998 Urban Institute conference sponsored by the U.S. Department of Housing and Urban Development (HUD) that brought together many of the best-known national experts on measuring discrimination.

The volume includes detailed reports on discrimination in **housing**, by John Yinger of Syracuse University’s Maxwell School; **employment**, by Marc Bendick of Bendick and Egan Economic Consultants; **commercial transactions**, by Peter Siegelman of the University of

(more)

Connecticut Law School; and **business development**, by Timothy Bates of Wayne State University. It concludes with a look at **the future of civil rights testing** by Roderic Boggs, executive director of the Washington Lawyers Committee for Civil Rights under Law.

Why Try to Measure Discrimination?

“The absence of understandable and compelling information about discrimination contributes to the sharp differences in the ways different groups interpret patterns of inequality and the obligation of the government to alter them,” notes Margery Turner. “While 60 percent of whites think conditions for blacks have improved during the past few years, only 35 percent of blacks share those views.”

Michael Fix adds that even policymakers “often do not know where discrimination is most commonly encountered and how successful anti-discrimination interventions have been.” He says systematic national monitoring of discrimination “could help civil rights enforcement agencies rationalize their budgeting and targeting efforts.”

Fix and Turner point out that the United States is rapidly becoming a society of many ethnic minorities. The breakdown of the traditional black/white paradigm, they say, makes it increasingly difficult to understand how discrimination operates within society and to determine what protections government should provide.

Defining the Advantages and Limits of Paired Testing

The use of paired testing is critical to the development of a comprehensive portrait of discrimination, Fix and Turner contend. “There was general consensus at the conference that neither econometric studies, nor attitudinal surveys, nor data on changing enforcement caseloads tell the story about discrimination’s presence or absence with the same power of testing studies,” they write. “Testing studies involve the direct observation of unequal treatment of equals, a simple, concrete formulation that has great narrative power.”

Turner notes that paired testing has been used by HUD for more than two decades to expose significant and stubborn discrimination in housing markets. HUD is now planning another major round of such testing, which may send matched pairs of testers to more than 60 metropolitan markets to measure discrimination against not only African Americans but also Hispanics, Asians, and Native Americans.

The time is ripe, Fix adds, to conduct similar paired testing in the area of entry-level hiring: “After a decade of experience and 10 local pilot studies, we’re ready to do paired testing of employment discrimination on a national level, as it has been done in housing for a quarter century.” He and other experts warn, however, that experience so far indicates that paired testing may not be effective for measuring discrimination where employers must make complex choices such as hiring for jobs that require advanced skills. In general, Fix points out, paired testing “is not applicable to complex transactions in which a very large number of individual attributes are relevant to the outcome.”

While paired testing has not systematically been applied to daily consumer transactions, exploratory testing has been conducted for taxi service, car sales, and health club memberships. Building on existing experience, Fix and Turner say, national studies could be designed for car sales and taxi service without further methodological work. They caution, however, that more research is necessary to extend the use of paired testing to other promising areas, including mortgage lending and commercial finance.

Design Challenges for a National Report Card

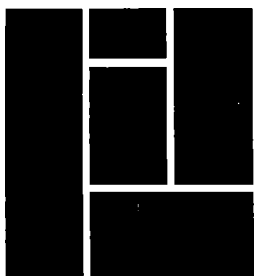
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Testing for a national report card on discrimination, Fix and Turner note, can also be designed to balance the interests of research and enforcement more effectively than has been done in the past. They suggest a number of measures to protect the integrity of research testing without completely barring later use of individual test findings for enforcement purposes.

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A National Report Card on Discrimination in America: The Role of Testing (March 1999), edited by Michael Fix and Margery Austin Turner, is available at www.urban.org and from the Urban Institute Publications Office at 1-888-847-7377.

The Urban Institute is a nonprofit, nonpartisan policy research organization established in Washington, D.C., in 1968. Its objectives are to sharpen thinking about society's problems and efforts to solve them, improve government decisions and their implementation, and increase citizen awareness about important public choices.



THE
URBAN
INSTITUTE

FIRST TUESDAYS

Do We Need a
National Report Card
on Discrimination?

March 2, 1999

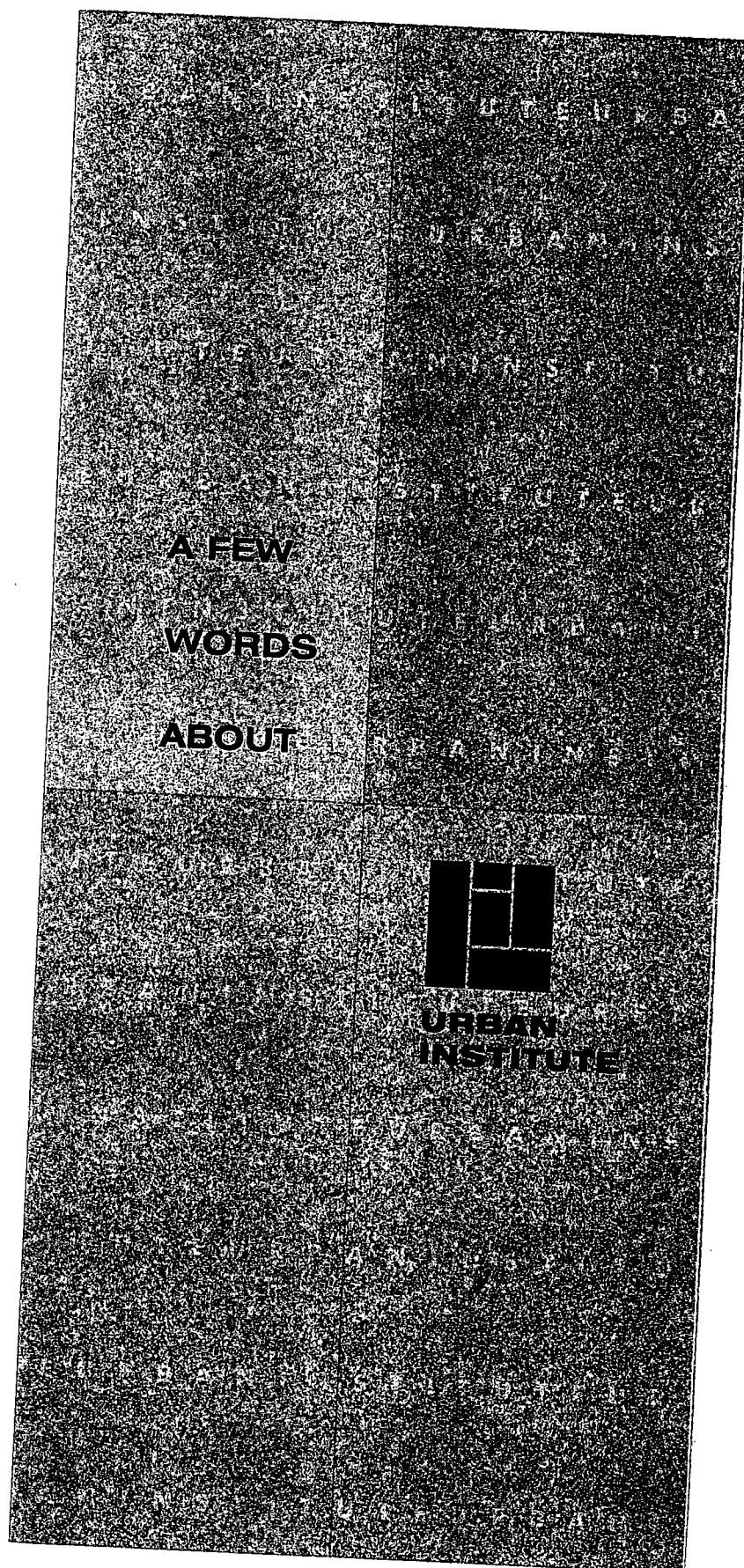
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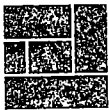
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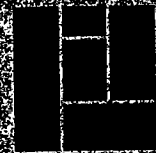


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**A FEW
WORDS
ABOUT**



**URBAN
INSTITUTE**

Our Mission— Then and Now

Leaving politics to others, the Urban Institute brings three critical ingredients to public policy debates on designing and financing America's domestic policy initiatives: accurate data, careful and objective analyses, and perspective. We also evaluate government programs—practical work that grounds our policy research in the everyday experiences of the people who create, run, and use these programs.

Strengths

Our strong suits are rigorous analysis, innovative methodology, fresh thinking, and technical expertise. In addition, much of our research spans several disciplines and blends quantitative and qualitative approaches to problem-solving.

Staff

Our researchers are economists, sociologists, and public policy analysts. Lawyers, statisticians, urban planners, demographers, communications experts, and other specialists are also on staff.

Research Sites

Our office is in Washington, DC, but we are involved in research projects—many with partners—in roughly 45 states and 20 countries.



HOW WE GOT OUR START

In 1968, the Johnson Administration saw the need for an independent look at government performance and for systematic research on America's cities and their residents in the wake of urban unrest. A blue-ribbon commission of civic leaders set up by President Johnson that year proposed chartering an independent nonprofit, nonpartisan research center. The Urban Institute became that center.

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Assessing the New Federalism Project

Launched in 1997 by a consortium of foundations: tracks how children and families are faring and how program structure, financing, and administration change as the federal government transfers authority for social welfare programs to states.

Education Policy Center

Carries out research on education reform—in particular, on decentralization and other structural changes in the school system, instructional changes in the classroom, and teacher shortages and opportunities.

Health Policy Center

Asks how the dynamics of the healthcare market affect how much care costs, who pays the bills, and who is left without access to care. Looks at Medicare, Medicaid, and private coverage.

Human Resources Policy Center

Addresses workforce trends, education and training policies, welfare-to-work incentives, patterns of homelessness and domestic violence, and income security. Also studies the impacts of income-support policies and social services.

Income and Benefits Policy Center

Studies how public policy influences the behavior and economic well-being of families throughout the life cycle. Looks at how income support, social insurance, tax, and noncash employee-benefit programs affect the composition and distribution of income.

International Activities Center

Works on social sector reform, privatization, civil society's growth, housing and urban development, public administration, and local government finance in Eastern Europe, the former Soviet Union, Latin America, Asia, and elsewhere.

Metropolitan Housing and Communities Policy Center

Identifies and tracks the dynamic forces shaping communities and analyzes the roles that federal, state, and local policies play in making housing affordable, creating access to jobs and economic opportunities, fighting poverty, and revitalizing neighborhoods.

Center on Nonprofits and Philanthropy

Examines what makes civil society work—especially the resources, the networks, the relationship between nonprofit organizations and government, and new roles for faith-based service providers. Maintains a national database on nonprofit organizations.

Population Studies Center

Asks how demographic changes influence and are influenced by public policy. Looks particularly closely at fertility and family planning, children and families, immigration and immigrants, and civil rights.

State Policy Center

Evaluates promising ways to improve service delivery and public management. Also evaluates law and behavior programs (policing, the courts, corrections, and community-based initiatives) and maintains the Federal Justice Statistics Resource Center for the U.S. Department of Justice.



EVENTS

MARCH 2

FIRST TUESDAYS FORUM
DO WE NEED A NATIONAL
REPORT CARD ON
DISCRIMINATION?

Urban Institute researchers Michael Fix and Margery Austin Turner join Christopher F. Edley, Jr., of Harvard Law School and Peter Siegelman of the University of Connecticut to explore issues that arise in monitoring the nation's progress toward reducing racial discrimination. At the Institute, 12:00 to 1:30 p.m. RSVP required, call (202) 261-5709.

MARCH 5

LOCAL GOVERNMENT
COMPARATIVE PERFORMANCE
MEASUREMENT PROJECT
Advisory Committee Meeting,
convened by Institute researcher
Harry Hatry. At the Institute, closed
to the public.

URBAN INSTITUTE

is a nonprofit, nonpartisan policy research organization established in Washington, D.C. Since 1968, it has been sharpening thinking about efforts to solve society's problems, improve government decisions, and increase awareness about public choices.

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NEWS AND VIEWS

HELPING NEW GOVERNMENTS

The Institute's International Activities Center (IAC) will begin work this year on the Local Government Assistance Initiative, a U.S. Agency for International Development project, to help countries in Central and Eastern Europe and the former Soviet Union build effective, responsive, and accountable local governments. IAC will work with the Transition Policy Network (click on web), as well as the Barents Group, DATEX, Fannie Mae, the Institute for Public Administration, the Lincoln Institute for Land Policy, and the Training Resources Group.

A CLOSER LOOK AT WISCONSIN

Institute senior fellow **Michael Wiseman** offered local policymakers new information about welfare dynamics and family well-being in his keynote address at the Wisconsin Council on Children and Families conference on devolution in Milwaukee last month. He examined Wisconsin data from the National Survey of America's Families recently released by the Institute's *Assessing the New Federalism* project. Click Snapshots on the web.

BUDGETING THE SURPLUS

The Institute's 10th Annual Roundtable on the President's Budget and the Economy (click on web), introduced by senior fellows **Eugene Steuerle** and **Rudolph Penner** and by Allen Schick of University of Maryland, offered leading policymakers and media representatives the first chance to react and critique the Fiscal Year 2000 budget.

PUBLISHING NOTES

- This month the new report edited by **Michael Fix** and **Margery Austin Turner**, "A National Report Card on Discrimination: The Role of Testing," will be released at the March *First Tuesdays* forum. "Trends in Noncitizens' and Citizens' Use of Public Benefits Following Welfare Reform, 1994-1997," by **Michael Fix** and **Jeffrey Passel**, will also be available later this month.
- Watch for new health care reports on the District of Columbia next month: "Long-Term Care for the Elderly in the District of Columbia: Issues and Options," by **Joshua Wiener** and **David G. Stevenson**, and "Health Care for Low-Income People in the District of Columbia," by **Barbara Ormond**, **Linda Blumberg**, **John Holahan**, **David G. Stevenson**, **Susan Wallin**, and **Joshua Wiener**.
- Expect a new report from **Christopher Walker**, "The Partnership for Parks," completed for the Lila Wallace-Reader's Digest Fund.
- Coming soon from the Urban Institute Press: *The Home Front: Implications of Welfare Reform for Housing Policy*, edited by **Sandra J. Newman**.

PEOPLE AND PLACES

Elizabeth Boris, **Eric Twombly**, **Linda Lampkin**, **Nick Stengel**, **Tom Pollak**, and **Stephanie Scott-Melnik** present papers at the INDEPENDENT SECTOR Spring Research Forum. After serving as deputy director of the Medicare Payment Advisory Commission and before that as deputy executive director of the Prospective Payment Assessment Commission, **Stuart Guterman** joins the Institute, focusing his work on Medicare and safety net hospitals. Last month **Joshua Wiener** addressed Wisconsin state legislators on prospects for financing long-term care, and **Eugene Steuerle** and **Rudolph Penner** offered testimony on Social Security issues to the U.S. Congress (click Viewpoints).

FIRST TUESDAYS



URBAN INSTITUTE

Do We Need a National Report Card on Discrimination?

March 2, 1999
12:00 - 1:30 p.m.

About the Presenters

Christopher F. Edley, Jr. has taught at Harvard Law School since 1981. His recent book, *Not All Black & White: Affirmative Action, Race and American Values*, grew out of his work as special counsel to President Clinton and as director of the White House review of affirmative action. He is also the author of *Administrative Law: Rethinking Judicial Control of Bureaucracy*. He is founding co-director of The Civil Rights Project, a recently-launched think tank based at Harvard. Edley's academic work includes administrative law, the role of law in the policymaking process, civil rights, federalism, budget policy, defense department procurement law, public interest litigation, and national security law. In June 1997 he was named, in a consulting capacity, Senior Advisor to President Clinton for the Race Initiative, and consultant to the President's Advisory Board on Racial Reconciliation.

Michael Fix is a lawyer and Principal Research Associate at the Urban Institute, where he directs the Immigration Studies Program. The focus of his work in recent years has been in the areas of discrimination measurement and immigration policy. In the area of immigration he has written or edited five books in the field, all of which have been published by the Urban Institute Press. They include: *Poverty Amid Prosperity, Immigration and the Changing Face of California* (1997) and *Immigration and Immigrants: Setting the Record Straight* (1994). In the area of discrimination measurement he has co-authored or co-edited: *Opportunities Denied, Opportunities Diminished: Racial Discrimination in Hiring* (1991); *Clear and Convincing Evidence: Testing for Discrimination in America* (1993); and *Do Minority-Owned Businesses Get a Fair Share of Government Contracts?* (1997).

Peter Siegelman is an economist who has taught at the Yale and University of Connecticut Law Schools and at Amherst College. He has conducted empirical research on employment discrimination litigation, discrimination in the sale of new cars, the economics of crime, and externalities in the provision of radio broadcasting.

Margery Austin Turner directs the Urban Institute's Metropolitan Housing and Communities policy center. Much of her current work focuses on the Washington metropolitan area, investigating conditions and trends in neighborhoods across the region and analyzing issues of residential location, racial and ethnic discrimination, and their implications for anti-poverty policies. Ms. Turner served as deputy assistant secretary for research at the Department of Housing and Urban Development from 1993 through 1996. Prior to joining HUD, Ms. Turner directed the housing research program at the Urban Institute. Ms. Turner co-authored a national housing discrimination study, which used paired testing to determine the incidence of discrimination against African-American and Hispanic homeseekers.



CONTACT: Richard Deutsch (202) 261-5283

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Recent Urban Institute Publications on Discrimination

The Discrimination Series

Mortgage Lending Discrimination: A Review of Existing Evidence

Edited by Margery Austin Turner and Felicity Skidmore (Forthcoming: May 1999)

A National Report Card on Discrimination: The Role of Testing

Edited by Michael Fix and Margery Austin Turner (March 1999)

Testing for Discrimination in Home Insurance

By Douglas Wissoker, Wendy Zimmermann, and George Galster (November 1998)

Do Minority-Owned Businesses Get a Fair Share of Government Contracts?

By María E. Enchautegui, Michael Fix, Pamela Loprest, Sarah von der Lippe, and Douglas Wissoker (December 1997)

Books

Insurance Redlining: Disinvestment, Reinvestment, and the Evolving Role of Financial Institutions

Edited by Gregory D. Squires (January 1997)

Mortgage Lending, Racial Discrimination, and Federal Policy

Edited by John Goering and Ron Wienk (1996)

Clear and Convincing Evidence: Measurement of Discrimination in America

Edited by Michael Fix and Raymond J. Struyk (1993)

Exploring the Reasons Behind the Gender Gap in Hiring

By Elaine Sorensen (1991)

Opportunities Denied, Opportunities Diminished: Racial Discrimination in Hiring

By Margery Austin Turner, Michael Fix, and Raymond J. Struyk (1991)

Employer Hiring Practices: Differential Treatment of Hispanic and Anglo Job Seekers

By Harry Cross with Genevieve Kenney, Jane Mell, and Wendy Zimmermann (April 1990)

Reports

Civil Rights for the Underclass: How Lower Income Blacks and Hispanics Fared in the 1960s By Harriet Orcut Duleep and Mark C. Regets (1994)

Workforce 2000, Silver Bullet or Dud? Job Structure Changes and Economic Prospects for Black Males in the 1990s
By Ronald B. Mincy (1990)

Race and Housing Policy: Affordability and Location
By Raymond J. Struyk (1990)

HUD Housing Discrimination Study 1991

Synthesis
By Margery Austin Turner, Raymond J. Struyk, and John Yinger

Analyzing Racial and Ethnic Steering
By Margery Austin Turner, John G. Edwards, and Maris Mikelsons

Mapping Patterns of Steering for Five Metropolitan Areas
By Maris Mikelsons and Margery Austin Turner

Incidence of Discrimination and Variations in Discriminatory Behavior
By John Yinger

Incidence and Severity of Unfavorable Treatment
By John Yinger

Journal Articles

“Acting for the Sake of Research: The Use of Role-Playing in Evaluations,” by Margery Austin Turner and Wendy Zimmerman, in Wholey, Hatry and Newcomer (eds.) *Handbook of Practical Program Evaluation*, Jossey-Bass Publishers, (1994).

“The Persistence of Segregation in Urban Areas—Contributing Causes,” by Margery Austin Turner and Ron Wienk, in Kingsley and Turner (eds.) *Housing Markets and Residential Mobility*, Washington, D.C.: The Urban Institute Press (1993).

“Patterns of Racial Steering in Four Metropolitan Areas” by Margery Austin Turner and Maris Mikelsons in *Journal of Housing Economics* 2, 199-234 (1992).

“Discrimination in Urban Housing Markets: Lessons from Fair Housing Audits,” by Margery Austin Turner, *Housing Policy Debate*, 3 (2) (1992).

C O V E R

S H E E T

Urban Institute FAX

To: Irene Bueno/ White House Domestic Policy Council
Fax #: 202 456-5581
Subject: March 2nd Discussion on A National Report Card on Discrimination
Date: March 1, 1999
Pages: 2, including this cover sheet.

COMMENTS:

Dear Ms. Bueno:

I am sorry that this invitation did not get to you earlier, and hope that it is not too late for you to plan to join us. Andrea Kane told me that you had just joined the Council and that you might be interested in the discussion. Please let me know, and I will reserve space--and I look forward to meeting you.

Best,

Susan Brown

From the desk of...

Susan Brown
Director
Office of Public Affairs
Urban Institute

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Fax: (202) 728-0232

261 5702

FIRST TUESDAYS



a monthly roundtable and luncheon

Do We Need a National Report Card on Discrimination?

Leading civil rights experts explore issues raised in monitoring the nation's progress toward reducing racial discrimination as Congress considers the merits of the President's \$10 million proposal to help government agencies measure its extent and impact.

Join Christopher F. Edley, Jr., Harvard Law School
Michael Fix, Urban Institute
Peter Siegelman, University of Connecticut
Margery Austin Turner, Urban Institute

on Tuesday, March 2, 1999
12:00 to 1:30 p.m.
(a light lunch will be available)

at The Urban Institute
2100 M Street, NW, 5th floor, Conference Room A

RSVP Office of Public Affairs, (202) 261-5709

"A National Report Card on Discrimination: The Role of Testing," a new Urban Institute report edited by Michael Fix and Margery Austin Turner, will be released at this First Tuesdays session and will be available in hard copy or on line (www.urban.org).