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OUT OF MANY, ONE:

RACIAL AND ETHNIC JUSTICE IN 21ST CENTURY AMERICA

President Clinton's Report to the Nation

Draft

March 1999

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MISSING*

--as of March 17, 1999--

- **Part II: The America We Want (“Vision”)**, is summarized in the introduction, *infra*, and will be completed 3/22. Approximately 40 double-spaced pages in length, it presents the vision and then applies it in a (hopefully) thoughtful discussion of a series of vexing questions around which Americans have differing perceptions and views.
- **Part III, Section 2: Jobs, Neighborhoods and Economic Development**, approximately 20 pages, will be completed 3/20. It focuses on: breaking the epidemic of unemployment among young adults (especially men) in high-poverty minority communities; harnessing the power of markets to drive job creation in distressed communities, building on APICs to create, over time, a National Community Investment System comparable in ambition to the multi-component system we have developed since the Depression to support home ownership; and reinvigorating the ideal of integrated communities.
- **Part III, Section 4: Civil Rights Law Enforcement**, will be completed 3/20. It focuses on the more traditional agenda of antidiscrimination law enforcement. Approximately 35 pages long, it is balanced between: touching the expected bases with a few new twists; identifying discrimination issues that have new salience because of changing demographics; and suggesting how the antidiscrimination paradigm can be harnessed to the opportunity agenda.
- **Conclusion**, *awaits your guidance*.

*N.B.: *Fact-checking and footnote cleaning are on-going.*

OUT OF MANY, ONE:

RACIAL AND ETHNIC JUSTICE IN 21ST CENTURY AMERICA

*Grandfather
Look at our brokenness.*

*We know that in all creation
Only the human family
Has strayed from the Sacred Way*

*We know that we are the ones
Who are divided
And we are the ones
Who must come back together
To walk in the Sacred Way*

*Grandfather,
Sacred One,
Teach us love, compassion, and honor
That we may heal the earth
And heal each other.*

--Ojibway Prayer

America's greatest promise in the 21st century lies in our ability to harness the strength of our racial diversity. The greatest challenge facing Americans is to accept and take pride in defining ourselves as a multi-racial democracy. At the end of the 20th century, America has emerged as the worldwide symbol of opportunity and freedom through leadership that constantly strives to give meaning to democracy's fundamental principles. These principles—justice, opportunity, equality, and racial inclusion—must continue to guide the planning for our future.

**—Report of The President's Advisory Board,
President's Initiative on Race¹¹**

¹¹ The Advisory Board's Report to the President, President's Initiative on Race, **One America in the 21st Century: Forging a New Future** p.1 (GPO, 1998).

INTRODUCTION

At century's end, color in America remains a vexing paradox of ideals and ordeals, of hopes and fears. We must embark on the new century recommitted to right the wrongs. To do so, we must set a course that leaves behind our tainted legacy, leading us to strengthen opportunity, unite in a new spirit of community, and to redeem the purity of our individual hearts.

We are rightfully upheld in the eyes of the world as the most successful multi-racial democracy in human history. Emerging democracies and nations in the throes of horrific, often bloody ancient ethnic conflicts look to America as a model of peaceful co-existence. But, in our best moments we have always aspired to a higher standard -- one in which we not only tolerate difference, but actually celebrate the many races and cultures that make America. After more than 200 years, we still struggle to live by our Nation's founding creed, "that all men are created equal."

Each year, nearly a million people come legally to America. Today, nearly one in ten people in the United States was born in another country; one in five schoolchildren are from immigrant families. Today, largely because of immigrants, there is no majority race in Hawaii or Houston or New York City. In nine of our ten

largest public school systems, over 75 percent of the students are minorities. Within five years there will be no majority race in our largest state, California. In a little more than 50 years there will be no majority race in the United States.

All of this is happening against a backdrop of unparalleled peace and prosperity. Our economy has never been stronger. Our people have never been more confident in the future. And in the absence of a compelling racial crisis like the riots of the 1960s, many of our citizens have been lulled into thinking that America's racial problems are a thing of the past. That is simply not true.

An old enemy still lurks in the shadows. It continues to poison our perceptions, undermine our progress and threaten our future. Racism has been America's constant curse, predating the nation's founding by a century and a half. And race has also been our constant struggle. Many lives have been lost, many dreams deferred while we have grappled with this demon. And truth has too often also been a casualty, caught in the crossfire of our contradictions.

Consider this: We were born with a Declaration of Independence which asserted that we were all created equal and a Constitution that enshrined slavery. We fought a bloody civil war to abolish slavery and preserve the union, but we remained a house

divided and unequal by law for another century. We advanced across the continent in the name of freedom, yet in doing so we pushed Native Americans off their land, often crushing their culture and their livelihood. Our Statue of Liberty welcomes poor, tired, huddled masses of immigrants to our shores, but each new wave has felt the sting of discrimination, and for many that discrimination has burdened their native-born children and grandchildren. It is time we faced these contradictions squarely as a critical step, not only to healing the wounds of our past, but also of unleashing the power and promise of our future. We must become One America in the 21st century.

It is my hope that this report will help lay the foundation for a renewed national commitment to racial healing in America. At the beginning of this century, the great African American scholar and civil rights leader W.E.B. Dubois said that “The problem of the 20th century will be the problem of the color line.” He was right. America’s color line started centuries ago and stretches into our lives today. It was right there, plain as day, throughout my childhood in the segregated south.

As a boy growing up in the 1950s and early 60s in segregated Arkansas, I was perplexed by the stark lines drawn in black and white that separated neighbor from neighbor. The black children went to different schools, ate at different restaurants. The rough gravel streets they walked and played on stood in bleak contrast to the smooth

paved roadways on the white side of town.

But these disparities were mostly background music to me until 1957, when the high stakes drama of the Little Rock Nine shook me and the nation out of our indifference. I was only 11 years old at the time. Like most southerners then, I never attended school with a person of another race until I went to college. But the reality of unequal treatment based on race had always gnawed at me. When I saw the courage and sacrifice of those nine black children who endured constant attacks, both physical and emotional, to integrate Little Rock's Central High School, I realized how important the struggle for equality is. Little Rock made racial equality a driving obsession in my life, and I have done all I could to make it a reality.

After I launched the national Initiative on Race in San Diego in 1997, people asked me, why, in the absence of any similar great national crisis, should the American people focus anew on the challenge of racial reconciliation. That is a good question, and it has a good answer. I believe there is no more critical mission for our nation than to ensure that our diversity is not the great problem, but the great promise of the 21st century. This effort is especially important right now because, as we grow more diverse, our ability to deal with the new challenges this presents will determine whether we really bind ourselves together or tear ourselves apart. And even more importantly,

our ability to exercise world leadership for peace, freedom and prosperity in a world gripped with tense racial and ethnic and religious conflicts depends in large part on our ability to be a model for the world.

Consider also the great untapped potential of our expanding diversity. In the global economy of the 21st century, where free trade and open markets will link nations in new partnerships for mutual progress, it will be to our advantage that America looks like the world. It is already happening. Andrew Young -- former mayor, Congressman and U.N. Ambassador -- credits the diversity of his marketing team for landing the Olympics in Atlanta. When members of our Armed Forces join with soldiers of nations from every continent to preserve peace or provide humanitarian aid in far flung regions of the globe, America's diversity is a strength. Our shuttle missions and space explorations are increasingly conducted by multi-national teams, working side by side in space and in the process building bridges of trust and understanding right here on earth.

To those who say "Why now?" I say because our work is not yet done. It is true that we have moved out of the epicenter of racism that rocked our nation from the time of the Indian conquest and slavery until the great breakthroughs of the civil rights era. But we are still experiencing the aftershocks. Though people of color have more

opportunities than ever today, we still see evidence of unequal treatment. It is borne out most strikingly in the litany of disparities in jobs and wealth, in education, in criminal justice that so often still break down along the color line.

overcome
If we are ever going to truly overcome, we must begin to see our diversity as a source of solidarity and strength, not division and weakness. And we must begin by first, getting the facts right and then daring to be honest with ourselves and each other. That was one of the most potent reasons I launched the nation's first presidential initiative on race in 1998. And that is one of the core goals of this report.

In these pages, I will offer a rough blueprint and a bold challenge that calls every citizen to action in a renewed commitment to racial reconciliation. I will lay out three pathways for our journey: the pathway of opportunity, taking steps to make sure everyone benefits from America's growing prosperity by closing the opportunity gap; the pathway of community, building stronger bridges to connect people across lines of class and color by challenging them to take personal responsibility for uniting around a common agenda; and the pathway of the heart, coming to grips with the conscious and unconscious ways our obsession with race has distorted our views of ourselves and each other.

In Part I, *The America We See*, I will present the facts about race in America today, including demographic trends, evidence of disparities, and evidence of progress.

In Part II, *The America We Want*, I will outline my vision for the future by challenging us to think outside the box about a set of vexing questions surrounding our growing diversity. In Part III, *The Opportunity We Deserve*, I will present workplans designed to ensure equal opportunity in education, criminal justice, jobs and economic development and civil rights enforcement. In Part IV, *The Community We Must*

Build, I will explore the ways in which groups and communities are connecting people and toppling racial barriers. And finally, in Part V, *The Leadership We Need: The*

Road Forward, I will issue a call for the leaders in every community and every sector of American life and commerce to develop their own workplans for racial

reconciliation. Throughout this report, I will discuss the nation's special relationship and obligation to improve the lives of the first Americans -- Native Americans.

why single out
Indians?

*

What will the America we want look like? What vision should guide our work?

To begin with, *opportunity* will be shared so deeply and broadly that an observer will see no evidence of a past with slavery or conquest or nativist discrimination. Whatever forms of misery remain, they will not be the special burden of any racial or ethnic

group. Second, the sense of *community* must be so powerful a force that our social and economic lives pull us out of ethnic enclaves. Rather than merely tolerate our differences, we will celebrate and draw strength from them. Finally, our *hearts* will be healed of the crippling influences of prejudice and fear, free to appreciate the common humanity we share as the gift of our Creator. And we will not backslide into racial rivalries and distrust, because we will be steeled against them; ^ewe will study history and we will never repeat it.

Each of these elements -- opportunity, community, heart -- is necessary, and each is possible only in combination with the others. For example, we will never have a broad consensus on a bold opportunity agenda unless we care about each other as one community. Moreover, our laws and policies will only take us so far. It is true that, through law, we have torn down many of the barriers that have for generations kept so many from getting a fair shot at the American dream solely because of their race or color. But while more of this work remains, I believe at this juncture our most fundamental challenge is to make a journey of the heart.

Undergirding all the facts and plans presented here are a set of ethical precepts that I believe must guide us on this journey. The first is a spiritual law common to every major world religion. We hear its echo in our call for One America. It is the law

of oneness. *E pluribus unum*: Out of many, one. We must stop living under the delusion of separation. We are all born of the same creative source. There is no “other.” In Christianity it is expressed as loving thy neighbor as thyself. In Islam we are instructed to “Do unto all men as you wish to have done to you and reject for others what you would reject for yourself.” The Talmud teaches us, “Should anyone turn aside the right of the stranger, it is as though he were to turn aside the right of the most high God.” As a nation that takes pride in both the depth and diversity of religious expression, we must embrace racial reconciliation as a way to honor our highest spiritual values.

The second underlying ethical precept is my belief that we should approach this issue with proper humility. After all, if any one of us had all the answers we would have settled this problem a long time ago. We must not lock ourselves into old arguments and rigid beliefs. We must always search for the kernel of truth in what the other side is saying. With open minds and hearts, we can find common ground.

And third, we must recognize the ways we have allowed our racial differences to get inside our heads, causing many whites, for instance, to deny the existence of white privilege and many people of color to see themselves as perpetual victims, attributing every setback to racism.

*

Of the many things that have changed about race in my lifetime, as a lawyer and government servant I am particularly struck by the transformation in our legal and political culture. We cannot afford to be less vigilant in enforcing laws against discrimination and pressing to root out bias wherever we can find it. Yet, as I look ahead I am convinced that we must go beyond the agenda defined a generation ago. We will not achieve our vision unless we recognize that opportunity is not an accident in America -- it is a right of citizenship, not coded or discounted by color. And to redeem that right, we must embrace new civil rights for the new century. These must include:

- The right to a world-class education, and an equal opportunity for educational achievement;
- The right to have one's community be part of the nation's economic mainstream, neither ignored nor left behind; and
- The right to community security, with safety for one's family and home.

meaning?

The workplan to secure these rights must combine public investments and personal inspiration, community engagement and committed leadership. I know we can do it. The good and hard work that I have seen across our nation while President has

convinced me that America's greatest resource is the idealism of our people.

*

I want to thank The Advisory Board to the President's Initiative on Race for all they did during 1998 to re-engage the American people in the hard work of improving race relations. Led by the eminent scholar and historian, John Hope Franklin, the Advisory Board spent the year criss-crossing America, examining race, racism and the potential for racial reconciliation using a process of study, constructive dialogue and action. The other members of the Board were Linda Chavez-Thompson, Reverend Dr. Suzan D. Johnson Cook, Thomas H. Kean, Angela E. Oh, Bob Thomas and William Winter. The Board presented its final report to me in September, 1998, and many of their findings are reflected in this book.

No President or Advisory Board could be expected to resolve America's vexing racial problems in one year. We believe we have made a good start. Now, we must all continue to work together to find a way to cherish and celebrate what is unique about our distinctive racial and cultural identities, while uniting around a common vision of what it means to be One America.

*I dream a world where man
No other man will scorn,
Where love will bless the earth
And peace its paths adorn.
I dream a world where all
Will know sweet freedom's way,
Where greed no longer saps the soul
Nor avarice blights our day.
A world I dream where black or white
Whatever race you be,
Will share the bounties of the earth
And every man is free,
Where wretchedness will hang its head
And joy, like a pearl,
Attends the needs of all mankind-
Of such I dream, my world!*

Langston Hughes

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PART I: THE AMERICA WE SEE

A. INTRODUCTION

One of the most frustrating aspects of our ongoing national dialogue on race is the extent to which we find the nation stuck in a wheel-spinning debate about where we are in our journey to One America. Over and over we ask ourselves, "Is our racial glass half empty or half full?" Some would say that we have bridged the racial divide, largely eliminated discrimination and achieved equal opportunity by enacting antidiscrimination laws. They point to the growth of the minority middle class and exceptional achievers like Gloria Estefan, James Edward Olmos, Oprah Winfrey and Colin Powell and assert that any persistent racial problems or disparities are more a failing of personal responsibility than of society at large.

more diverse
level

On the other hand, there are those who, in the face of demonstrable progress over the past 50 years, insist that minorities in America are no better off today than a generation ago. They argue that racism is omnipresent, quietly sanctioned and the root of all evil in their lives and their communities—from perceived inequities in criminal justice to the fact that they did not get that job or promotion they so desperately wanted. There is a kernel of truth in each point of view, and in this chapter I hope to bring them to light while separating fiction from fact.

Our journey to One America must be guided by an agreed-upon set of navigational tools. Can you imagine where a ship at sea would end up if the captain had one view of north and the crew had another, or if one ship's lookout saw icebergs ahead while another saw only smooth sailing? We must find enough agreement on the current conditions of the ocean, the obstacles in our path and the destination we seek in order to steer a steady course. In short, we must share an understanding of where we are now and where we need to be. That requires taking an honest look at the facts about our changing **demographics**, the continuing reality of race-based **disparities**, the true extent of current **discrimination**, and the status of **group relations** among races and ethnicities.

In this chapter, I will highlight some of the more salient indicators of where we are in these four areas. But this is not just a recitation of facts and statistics. I want to challenge the American people to think about a set of fundamental questions: Will our growing diversity be a source of strength or weakness in the coming century? Will we choose to explain away, deny or turn our backs on the truth about discrimination and disparities in America, or will we enter the 21st century with a renewed commitment to closing the opportunity gaps? Will we be satisfied that fewer people seem to harbor overt racial animosities in their hearts, or will we continue to struggle until all prejudice, both overt and covert, is extinguished from the American psyche?

Before we can answer those questions, we must clear away the myths and misinformation that have cluttered our path and impeded our progress for too long. And

while we may not finally settle the "glass half full or empty" debate, perhaps we will see the kernel of truth in another point of view, which is always the first step to finding common ground. If we can agree on the America we see, we will have a better chance of smooth passage to the America we want.

Same
phrasing
2 pages
2 cities
click

B. DEMOGRAPHICS

Myth: Whites believe they make up 50 percent of the U.S. population. African Americans believe the country is 45 percent white and 26 percent black.

Fact: Whites currently make up 73 percent of the population; African Americans, 12 percent; Hispanics, 11 percent; and Asian Americans, about four percent. Hispanics will become the largest minority group in just a few years. Fifty years from now, whites will no longer be the majority race in America.

Myth: American Indians are a dying race.

Fact: The American Indian population is young. According to the 1990 Census, 39 percent of the American Indian population was under 20 years old, compared with 29 percent of the total U.S. population. The median age of Native Americans was 26 years old, considerably younger than the U.S. median age of 33 years.

How you react to these statistics tells us something about America's ability to cope with the most dramatic shift in racial composition in our history. Some of you may look at the statistics and be alarmed. Others may be overjoyed. Still others may not know what this will mean to them and to their communities. I do not pretend to have all the answers. But I can say that if we do not embrace this shift by finding ways to celebrate our diversity while uniting around a common vision of what it means to be an American, we are destined to repeat the mistakes of the past, with far graver consequences for our future.

[Insert CEA Table, "Racial/Ethnic Composition of the Population," p. 6]

Fifty years ago, whites made up 90 percent of our population, and the Census Bureau used only three major categories to describe us: white, Negro, and "other." Sometimes those distinctions were reduced to just white and non-white. Since then, there has been a rapid growth in our Asian

The Changing Face of America

In California in the late 1970s, roughly three-quarters of the population was Anglo. Today, barely 50 percent of the population is Anglo. Since 1990, California has seen large population growth, with nearly 90 percent of that growth from Latinos and Asians. Within a few years, there will be no majority race in California. In four or five decades, whites will barely be a majority of this country's population. In the schools in California, the number of students trying to learn English has increased in the last 25 years by 350 percent. Fully a quarter of all the public school students in California are trying to learn English.

American, Hispanic and American Indian populations. Hispanics, for example have grown from a population of less than 7 million in 1960 to over 25 million today.

Another factor complicating the racial identity of America is the growth of intermarriage involving all races. Before 1960, only two percent of black men married outside their race. That figure now exceeds 10 percent. In addition, a quarter of all Latino babies have a non-Latino parent, while a third of Asian children are born to a mixed race couple. Roughly half of all American Indian children have a non-Indian parent. Children of this increasing number of mixed marriages will have to decide if they wish to hold a single racial label or identity or whether some form of mixing or blending of identities is more suitable.¹

[Insert CEA Table, "Intergroup Married Couples," 1990]

This unprecedented infusion of diversity brings with it a complex and sometimes controversial set of issues. Who, for example, decides who is white and non-white? What will the terms "majority" and "minority" mean when there is no majority race in America? Will more people insist on identifying themselves to reflect every aspect of their heritage, as Tiger Woods did when he called himself "Cablinasian?" Will the leadership in our communities and institutions accurately reflect this new diversity? And, perhaps, most importantly, will the black-white schism that has so defined racial struggle in America morph into new minority versus minority divisions or can we build new coalitions for social change and equal justice across all racial lines?

C. DISPARITIES

Myth: *American Indians are a drain on the economy.*

Fact: *Off-reservation spending by reservation residents, tribal governments and reservation-based businesses totals in the billions and has a positive impact on local, state and national economies by creating jobs and generating income.*

Myth: *America's record of progress in the past 50 years has benefitted all citizens equally and closed the gaps between the "haves" and "have-nots" by race.*

Fact: *Although all racial and ethnic groups have experienced substantial improvements in well-being over the second half of this century, Blacks, Hispanics and American Indians continue to suffer disadvantages in opportunity and in material and physical well being. And some of the disparities are shocking.*

The source of the above fact is a report, prepared for my Initiative on Race by the Council of Economic Advisors. *Changing America: Indicators of Social and Economic Well-being by Race and Hispanic Origin* documents the fact that while we have reduced or eliminated some very harmful differences between whites and minorities, serious disparities remain.

The report reveals persistent, high rates of poverty among American Indians, African Americans and Hispanics, as well as the big racial differences between whites

and most minorities in wages, income and wealth. It provides evidence that minorities still have fewer options and access to quality housing and quality health care. It confirms the sad truth that far too many diseases, some of them preventable, like AIDS, are afflicting people of color at two and three and even five times the rate of whites. And it shows that for many children of color, poor schools and segregation are a shameful legacy we have yet to overcome.

[Insert CEA Table, "Poverty Rates for Individuals," p. 36]

While we can and should be proud of the record of civil rights progress over the last half century, it is untrue and foolish for us to pretend we have beaten the problem of racial disadvantage. Sometimes raw statistics don't even tell the whole story. Let me give you just one example. We have heard a lot about the growth of the black middle class in recent years. But a close look at the data shows that this may have been a time-limited phenomenon. Research shows that the white middle class expanded considerably in each decade from 1940 to 1970, while the rise of the black middle class—a sure sign of reduced inequities and greater opportunity—was significant in the 1960s only.

While some point to such figures as evidence of tremendous black economic progress from 1940, there was little growth from the early to mid-1970s through the early 1990s. So, while we can be pleased that there has been progress in the expansion of the black middle class between the 1940s and the early 1970s, this was followed by roughly

20 years of stagnation. I am pleased that our economic growth has led to a resumption of growth in the mid-1990s but it has not been enough for us to be sure there will be no reversals or stagnation and that we have undone the past's hurtful legacy.

This kind of surface, statistical accounting has led many whites to believe that they have done enough and that race-linked disadvantages deserve less attention from governments and other institutions, not more. Too many of us see signs of progress and believe that progress is either universal or sufficient. Enough blacks, Hispanics, American Indians, and Asians do, of course, manage a level of success to assuage our—whites'—guilt and reinforce our belief that our society really is fair and equal. The successes of the few, however, should only spur us to expect more. The exceptions are important harbingers of the changes that are needed for every child to compete on the same, equal playing field, with the very same expectations of success.

Of course, many minorities view their progress differently. Time and again, my Advisory Board heard from minorities that progress has been too slow, uneven, subject to reversals, and only skin deep; whites have clutched their racial privileges too closely and have often surrendered to civil rights reforms only when required.

So where can we find common ground? We can start by looking at the imposing litany of disparities reported in *Changing America*. It is clear, from this report, that we must do more as a nation to reduce these harmful inequities. How many of us would want

our children to look forward to a life where they were virtually assured of earning less than whites with a comparable education, having a higher and sustained risk of becoming unemployed, of dying at an earlier age, and of having less income and wealth to provide for our families during and after our lifetimes? Isn't it obvious that our ugly racial legacy has continuing force in our lives when the median wealth of black households is only one-twelfth that of white families? When Hispanics and blacks are on average about six times more likely than whites to be victims of murder? And when the unemployment rate in Indian Country is a staggering 49 percent? Regrettably, I am not making any of this up. These are all real-life examples of disparities and discrimination occurring in 1999.

[Insert CEA Table, "Labor Force Participation Rates of Persons Aged 25 to 54," p. 25]

Understanding these disparities will help us create the agenda for our future. I start from a belief that many of the disparities that place minorities at a disadvantage cannot be explained away as the fault of minorities themselves. Just as every American had a role to play in ending slavery and the egregious mistreatment of many people of color that followed in its wake, we all share responsibility for improving the lives of those who have been handicapped by a legacy of oppression. There is no doubt in my mind that we can close these gaps in education, health, economic well-being, and in so doing, make America stronger for all Americans.

D. DISCRIMINATION

Myth: Racial discrimination is no longer a problem in America.

Fact: Despite much progress and the strongest economy in 30 years, sound scientific evidence shows that discrimination against minorities continues today, significantly limiting and reducing opportunities and choices for many of them.

Racial discrimination is still a fact of life for many of our people. While that statement may seem self-evident to many Americans, according to a 1997 Gallup poll, three-quarters of white Americans believe that "blacks are treated the same as whites." A 1995 poll by the *Washington Post* reveals that only 36 percent of whites believe that "past and present discrimination is a major reason for the economic and social problems" facing blacks. There are comparable differences for Hispanics. Whites also believe that blacks and other minorities have made substantial progress over the last decade or more; indeed, lower-income whites are the most convinced that blacks have made lots of progress.

Minorities, however, perceive lots of discrimination: While most whites do not believe there is much current discrimination, virtually all minorities believe and experience the opposite. Numerous civil rights cases and social science reports carefully

document this stark divergence in viewpoints. Princeton Professor Jennifer Hochschild, for example, comments after her thorough review of surveys on racial attitudes:

African American (and other minorities) increasingly believe that racial discrimination is worsening and that it inhibits their race's ability to participate in the American dream; whites increasingly believe that discrimination is lessening and that blacks have the same chance to participate in the dream as whites.

The legal analyst, Richard Delgado, states this dilemma sharply: "white people rarely see acts of blatant or subtle racism, while minority people experience them all the time."² There is, in stark terms, a sense that whites and blacks live on different perceptual planets.³

This "perception gap" fuels debate while preventing action. So, we find ourselves in a quandary: Americans of good faith look at current conditions in our society and draw almost diametrically opposed conclusions. One of the problems created by this divergence is that it tends to paralyze the debate and stall us from taking action against the problem of discrimination. It contributes to what I call "the empathy gap" -- indifference caused by a failure to understand the obstacles faced by other groups. The persistence of the empathy gap threatens to constitute a bitter, enduring form of dissonance and disbelief that will further fracture our belief in the racial perfectibility of

this country.

Let me begin by stating my own uncomplicated conclusion: despite much progress and the strongest economy in 30 years, I am convinced by sound scientific evidence that discrimination against minorities continues today.

There is ample evidence of old-fashioned, blatant door-slamming, name-calling, even violent prejudice. The brutal 1998 truck-dragging murder of a black man, James Byrd, Jr., is a chilling recent example—and not the only one. But minorities today are often subject to a more subtle, less demonstrative brand of this affliction. Anyone who has ever experienced discrimination, including poor white southerners, understands the deep hurt and anger that it spawns. But aside from these emotional wounds, discrimination rips a hole in the social fabric of our nation and is a leading cause of many of the disparities I spoke about above. In this section, I will present concrete evidence of the continuing existence of discrimination, and offer a renewed call for the elimination of this cancer from the soul of our nation.

necessary?
poor people all
over the country

Hate crimes, ranging from hateful harassment to murder, are perhaps the most pernicious signs of old-fashioned discrimination, and they are sadly on the rise. In 1995, there were nearly 5,000 acts of hate crime against racial and ethnic groups, and nearly 3,000 more against other groups. In 1996, the number increased to 6,700 race incidents. And it is not all black and white. In June 1995, arsonists burned down the home of a

March 17, 1999

add an
Asian
example?

Latino family in Palmdale, California, spray painting “white power” on their walls. (A recent report on the subject of hate crimes concludes: “From killings and beatings to acts of arson and vandalism, these hate crimes injure or even kill thousands of people, terrify countless others, divide Americans against each other, and distort our entire society.”¹⁴ I agree and will do everything in my power to punish, as quickly as possible, those who commit such acts.

Many of the most common overt acts of racism from our past, such as signs in store windows saying, “Blacks need not apply” are gone, thanks in large part to the passage of civil rights laws. But many of the most visible signs of discrimination, have too often been replaced with more subtle, hidden, but no less damaging practices. Practiced with a smile, this kind of discrimination may not even be grounded in malicious intent, but the effect is no less harmful. The subtlety, or relative invisibility of discrimination, makes it harder for both minorities and whites to know that it is occurring. But those who face it daily know that something is wrong. People are treated differently, and worse, solely because of their race.

Let me offer a couple illustrations. The Department of Housing and Urban Development has sent identically matched “testers”—one white and one African American—to look for apartments in a score of cities throughout the United States over the last six years. What they found was convincing evidence that discrimination was occurring. The Justice Department has used testers to investigate housing discrimination

in over three dozen cases and settled these cases with penalties of over \$4 million.

Private fair housing groups recently announced that they have successfully concluded over 900 fair housing cases that brought \$95 million dollars in help to those who complained of discrimination.⁵

In one of these cases, a white tester went to the Boca Real Apartments in Miami and was told that the rent would be \$805 and the unit would be available in two weeks. The black tester arrived shortly after and was told no units would be available until the next year, and that the rent would be from \$845 to \$1,200 a month. In another Florida case, rental agents testified that their firm told them not to rent to blacks and to code minority applications so that they could be distinguished from those of whites. The firm paid a penalty of \$1 million for this violation.

The research on employment discrimination reveals some equally sobering results. For example, research by Dr. Marc Bendick shows that blacks and Latinos are on average likely to be denied employment at least 20 to 25 percent of the time. The studies are based on hundreds and hundreds of examples, like these: In a recent test, an Hispanic tester applied for the job of receptionist for a position in a Washington suburb. She was told that they were not taking any further applications, but the white tester called shortly after and was given an appointment for the next day. In still another recent case, a black tester was offered \$6.50 an hour for the position of sale's assistant in a department store while the white tester was offered \$1 dollar more or \$7.50.

And the more traditional civil rights enforcement tools still find plenty of work. In 1994, an Alabama bank paid a fine of \$225,000 because they were shown to have discriminated in hiring employees for entry-level clerical positions. One of the bank's personnel officers wrote in their files about a black applicant: "very large lips and hips, overweight, dark skin, black girl, her hair is longer than most, appearance is not good enough to meet the public." The Department of Labor investigated and concluded that no employer can use such racial stereotypes and biases to exclude otherwise qualified applicants. In response, the bank agreed to hire additional minority clerks.

Many Americans will recall the widely reported recent complaints of racial and gender discrimination that were leveled against and settled by Texaco. This complaint alleged discrimination in employment, training, promotion, tenure, layoff policies, and in the work environment. There are a number of other comparable cases and complaints against major employers in this country, including Shoney's, General Motors, Pitney Bowes and Avis. Indeed, the dramatic decline in racial discrimination litigation and complaints around the country that we would have expected to see over the past three decades has just plain failed to materialize.

The Challenges That Remain: The best social science evidence documents what many of us know -- discrimination is still a daily fact of life in America and much more needs to be done to weed it out. I have always said that any discussion of race must be

based on the facts. Myth, speculation and misinformation have led to much of the division among our people. That is why I am making a strong plea to the research community to produce more and better data about the extent of discrimination in America. Not only do we need more information in the areas that are already being studied, we need to develop new studies to examine sectors of society where no data currently exists. We need to find out if discrimination is as prevalent in other parts of society as studies have shown it to be in employment, housing, and public accommodation. Finally, studies need to be expanded or new studies conducted to gather data on other racial and ethnic groups. As I said earlier in this section and will discuss later, in the Workplan chapter, the bulk of the data concerns discrimination faced by African Americans and Hispanics, since information on other groups is either lacking or nonexistent.

The more information we gather, the better we can focus our efforts on reducing and, I hope, ultimately eradicating discrimination.

In closing this discussion, I think it is important to remind ourselves that over the last half century there has been clear, recognizable progress in the area of race relations and racial justice in the United States. For those too young to remember what life was like in the early 1950s, it is useful to recall the conditions blacks lived under in the South when I was a child:

“...[Blacks] could not live where they desired; they could not work where white people worked except in menial positions ... They could not use the same restrooms, drinking fountains, or telephone booths. They could not eat in the same restaurants, sleep in the same hotels, be treated in the same hospitals ... They could not attend the same public schools. They could not vote”⁶ (Jaynes and Williams 1989: 40-42).

Indeed, in 1964, there were only three black members of Congress; today there are nearly 40. The number of Hispanics in Congress has also grown—from 4 to 20. There are now 19 members of the Congressional Asian Pacific Caucus. And let me tell you that the African Americans, Hispanics, and Asian Pacific representatives in the 105th Congress have not just done an excellent job for their constituents, they have done an excellent job for America. For the generation of African Americans born in the 1920s and 1930s, only 45 percent graduated high school. Today, that number is 75 percent.⁷ In the 1940s, the entire armed services were deliberately segregated; they are now among the most racially integrated parts of society. Harvard Professor Randall Kennedy comments about the degree of racial progress in criminal law since that time - changes that appear analogous to other areas of social life: “...[T]he administration of criminal law has changed substantially for the better over the past half century and...there is reason to

believe that, properly guided, it can be improved even more.”⁸

A number of conservative authors and commentators look at this progress, however, and stop. Racial discrimination and systematic racial disadvantages, they conclude, are a thing of the past, an obstacle largely overcome. Discrimination might occur but it is small scale, isolated, and driven by random acts of racial prejudice of the few. All we need do, they say, is turn to our capabilities and skills to achieve whatever destiny, and the marketplace, bring to us.⁹ While I respect that view, I do not share it. The research evidence, my own observations, and conversations with many Americans have convinced me that discrimination remains real for too many of our citizens. I regret to say that all too many of us harbor in our hearts some feelings of racial superiority or inferiority that are part of the acid rain of racism in the United States in 1999.¹⁰ The work of our civil rights institutions, both public and private, is not yet done. But, more importantly, all Americans must rededicate themselves to the work of cleansing our hearts of the hurtful disease of discrimination.

That is the subject I would like to turn to next. Just how do Americans of different races and ethnicities feel about and behave towards each other today?

E. INTERGROUP RELATIONS

Myth: *In 1963, 6 out of 10 whites agreed with the sentiment that they have a right to keep blacks out of their neighborhoods. The same or a higher number of whites believe that today.*

Fact: *By 1996—less than 35 years later—86 percent of whites disagreed with this opinion.*

Myth: *Since the passage of civil rights legislation, our neighborhoods and schools have become steadily more integrated, moving us towards more mutual understanding and brotherhood.*

Fact: *Despite modest gains, most neighborhoods remain hypersegregated, while schools are becoming increasingly separated by race, after progress in the 1960s and 1970s.*

We have talked about our progress in breaking down the legal apparatus of social and economic separation over the past 50 years. Now I want to say a few words about the changes in personal attitudes and behavior that have accompanied this progress. Again, the picture is a mixed bag. On the one hand, there is clear, incontrovertible evidence that Americans have made great strides in interracial relations, but on the other, there is still a small, but hard-core group of extreme racists sprinkled through our midst. And many of

*Where do these
myths come from?
John L. Hume
people believe
this.*

us still harbor unconscious negative views about people of other races. Again, let me start with the facts.

For much of this century, social scientists and pollsters have conducted large-scale surveys of Americans to investigate racial attitudes. While no one would argue that changes in how people answer surveys are a complete indication of racial attitudes, I believe we cannot ignore the substantial changes in the public's stated opinions about race over the past few decades. Considering the fact that for more than three centuries, generation after generation of white Americans were taught to believe in the superiority of whites and the inferiority of people of color, the changes that have taken place in the last two generations are a remarkable testament to our efforts, as a nation, to put aside our biases and come together as One America.

Exhaustive research by respected scholars shows a substantial narrowing of the attitude gap separating the races. In 1963, for example, 47 percent of whites said they would either "strongly" or "mildly" object if a member of their family wanted to bring a black friend home for dinner. By 1985, the last year in which this question was asked and only one generation later, 77 percent of whites said they not object at all, with only 12 percent objecting mildly and 11 percent objecting strongly.¹¹ The classic 1967 movie, "Guess Who's Coming to Dinner," dealt with both this phenomenon and the just-weakening taboo of inter-racial marriage (The same year as the movie, the U.S. Supreme Court stuck down as unconstitutional a Virginia criminal law against such marriages; that

same case, I might add, also overturned the antimiscegenation law in my own state of Arkansas).

The public's attitudes toward inter-racial marriage have grown substantially more tolerant since then. In 1963, 62 percent of whites approved of laws outlawing intermarriage. By 1996, that number had dropped to only 13 percent, and today, fully 67 percent of whites personally approve of intermarriage.¹²

While most of the large-scale research data on this subject focuses on white attitudes, there has been some data suggesting improvements in attitudes among people of color. For example, in 1969, about half of the black population (48 percent) thought that whites in general were interested in keeping blacks down. By 1995, less than 30 years later, this number declined to 29 percent.¹³

Some people skeptical about the racial progress we have made argue that these changes only reflect that people are better able to conceal their attitudes on surveys. There is some truth to that, but it is surely good even if the data on attitudes are only proving that more people can tell right from wrong, even if their hearts and all of their behavior haven't caught up with society's norms. Moreover, there is no denying the significant changes in people's behavior, too. America is simply a more tolerant and integrated nation today than ever before.

Perhaps the most convincing indicator of this fact is that more Americans than

ever are living and working together. In 1966, only 21 percent of whites said they had at least some black neighbors. That figure had grown to 63 percent in 1996. In poll after poll it is clear, whites and people of color are less isolated from each other.

[Insert CEA Table, "Whites' Attitudes towards Integration," p. 68]

But despite these improvements, there is still a hard-core group of about 10-15 percent of Americans who cling to their negative stereotypes about African Americans and other people of color, and who often favor segregation and other divisive measures to maintain the subordinate status of minorities. While it would be easy to discount a 10-15 percent segment as statistically irrelevant, I believe we cannot afford to ignore the disproportionate impact these bigots—many of them operating invisibly in our midst—have on our racial climate. While almost every white person publicly professes a belief in racial equality, the fact is that about one in eight believe that certain people of color are less honest or less intelligent.

This situation is exacerbated for minorities by the fact that these hidden bigots are distributed throughout society, sometimes in power positions: the teacher in your child's school, a policeman who might detain you, or your supervisor at work. Given that these bigots generally do not publicly state their views, it would be difficult not to maintain a measure of distrust of all whites. This climate of distrust invades us all. We all become victims of the bigot's racism, and we all bear a responsibility to challenge him or her

whenever they show themselves.

Finally, let me say that some of the most interesting research being done on race today reflects the existence of attitudes we are not even aware we possess. I have seen the results of experiments showing that juries judge defendants differently based on race; that whites are less likely to respond to an African American in some emergency situations; that the terms “black” and “white” are still loaded, with black carrying many more negative connotations than white. This “unconscious” prejudice exists among many who authentically believe in racial equality. This make it all the more important that we create settings where we can honestly explore and discuss our deep-seated views about race.

F. CONCLUSION

In this chapter, I have challenged us to take an honest and factual look at the America we see so that we can move together to the America we want. Three critical themes have emerged from this examination.

First: Despite significant progress in expanding equal opportunity for all Americans, the considerable confusion about racial facts and trends confounds our sense of direction. Indeed, the distance between our perceptions of the problems is in part a

reflection of the distance between our communities and experiences. Big challenges, from closing the perceptual gaps that divide us to eliminating the very real inequalities among races, continue to impede our path to One America.

Second: Because the issue of race underlies and connects so many of the pressing challenges that we face, racial reconciliation must rise to the top of our agenda in the 21st century. Healing the wounds of the past and closing the gaps of the present remain the unfinished business of our democracy.

Finally: Every American shares responsibility for the state of race relations in our nation. We all must do our part to eliminate harmful disparities in education, employment and health. If the greatest economic boom in recent history has not cured or reduced significantly these disparities, we must find a better Workplan for the future.

This chapter does not mention any discrimination against Asian Americans. There are lots of reports that document race discrimination, even though Asians do as well or better than whites as a group. Our data is broken down by poorest Southeast groups. If we are going to mention discrimination against poor white Southerners, the least we can do is acknowledge that all Asians are not the least we hope achieving model. But many also think we need to acknowledge the special situation of women of color who face dual discrimination.

Endnotes:

¹ "...choosing a single identity may entail certain unacceptable psychological costs as one surrenders meaningful personal history. Another option...is the strategy of blending...one's cultural and racial allegiances to form a truly multiracial identity. These individuals may select from a host of cultural elements and experiences to create a kind of tailor-made identity. This kind of identity affirms ethnic traditions and ancestry, as well as incorporating a variety of alien elements into a single cultural repertoire and identity." C. Matthew Snipp. 1997. "Some Observations about Racial Boundaries and the Experiences of American Indians." *Ethnic and Racial Studies*. 20 (October): 667-689.

² Jennifer Hochschild. 1995. *Facing up to the American Dream: Race, Class, and the Soul of the Nation*. Princeton: Princeton University Press, p. 55; see also Richard Delgado. 1994. "Rodrigo's Eighth Chronicle: Black Crime, White Fears- On the Social Construction of Threat." *Virginia Law Review*. (March): 503-548.

³ The Multi-City Study of Urban Inequality study headed by Dr. Lawrence Bobo has gathered survey data from nearly 3,200 black, white and Hispanic residents of Los Angeles, Detroit, Boston, and Atlanta. They report that 62 percent of blacks say that there is a lot of job discrimination "that hurts the chances of blacks to get good jobs." Another 32 percent said it happens some of the time. When asked whether blacks miss out on good housing because whites will not sell or rent to them, 32 percent agreed and said it happened very often and another 45 percent said it happened sometimes. Unpublished tables provided by Dr. Reynolds Farley, the Russell Sage Foundation, New York, November 9, 1998.

⁴ Leadership Conference Education Fund. 1997. "Cause for Concern: Hate Crimes in America." (January). Washington, DC: Leadership Conference on Civil Rights, p. 1. In 1995, there were 2,988 anti-black hate crimes, another 1,226 against whites, 500 against Hispanics, and over 350 directed against Asians (op cit., p. 7). In 1996, there were 4,469 anti-black crimes, another 1,384 anti-white hate crimes, 710 against Hispanics, and 527 anti-Asian hate crimes. See "Hate Crimes Statistics: 1996", Uniform Crime Reports, Criminal Justice Information Services Division. Washington, DC: Federal Bureau of Investigation; table 1, 5. The Southern Poverty Law Center also reports regularly on such hate crimes.

⁵ "Fair Housing News" (October 1998) of the Fair Housing Center of Metropolitan Detroit, p. 1. Of the 1,160 total lawsuits, 611 or 53 percent involved race.

⁶ Gerald Jaynes and Robin Williams (eds). 1989. *A Common Destiny: Blacks and American Society*. Washington, DC: National Academy Press, pp. 40-42.

⁷ "Racial Issues Thirty Years after the Civil Rights Decade" in Reynolds Farley. *The New American Reality: Who We Are, How We Got There, Where We Are Going*. New York: Russell Sage Foundation Press, p.208.

⁸ Randall Kennedy. 1997. *Race, Crime, and the Law*. New York: Pantheon Books, page 388-389; see also Alfred Blumrosen. "The Law Transmission System at Work: Economic and Political Consequences of EEO Programs." in his *Modern Law: The Law Transmission System and Equal Employment Opportunity*. Madison, Wisconsin: University of Wisconsin, 1993; see also Stephan and Abigail Thernstrom. 1997. "Remarkable Change." Chapter 3 in their *America in Black and White: One Nation, Indivisible*. New York: Simon &

Shuster.

⁹ Stephan and Abigail Thernstrom argue: "Immense progress was made by black Americans before the idea of racial preferences was seriously entertained by anyone. By some measures, in fact, the pace of black progress was more rapid in the 1940s and 1950s than it has been since." In their *America in Black and White: One Nation, Indivisible*. New York: Simon and Schuster, 1997, p.95. They also minimize evidence of housing discrimination, see their p. 224-225, but see John Yinger. 1998. "Evidence on Discrimination in Consumer Markets." *Journal of Economic Perspectives*. 12 (Spring): 23-40. See Barry Bearak. "Questions of Race Run Deep for Foe of Preferences." *The New York Times*, July 27, 1997: 1.

¹² [Get Source]

¹³ Howard Schuman, Charlotte Steeh, Lawrence Bobo and Maria Krysan. 1997. *Racial Attitudes in America: Trends and Interpretations*. London: Harvard University Press, page 142-3).

¹⁵ Schuman, p. 106-7.

¹⁶ id., page 272-3.

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PART III: THE OPPORTUNITY WE DESERVE

[Introduction to Part III]

...

1. A HIGH-QUALITY EDUCATION FOR ALL

A. INTRODUCTION

I was eleven years old in September 1957 and living in Hot Springs, Arkansas. I remember listening to the radio one morning as, fifty miles away in Little Rock, nine black students tried to walk through the doors of all-white Central High School. I was riveted as the story unfolded. Those nine boys and girls were not much older than I was, and I tried to imagine what it would be like to be them, as mobs of white protesters glared, shouted, and spat at them on their first day of school.¹

It had been three years since the Supreme Court's historic decision in *Brown v. Board of Education* declared racial segregation in America's schools to be

¹ Of course, the President is going to want to edit this to make sure it is an accurate recollection.

unconstitutional, and the conflict at Central High would become the nation's first major confrontation over court-ordered school desegregation. The courageous efforts of the Little Rock Nine served as a catalyst for the integration of thousands of segregated schools around the nation and, over a period of years, produced great strides in opportunity and understanding.

On November 6, 1998, some forty years after the Little Rock Nine had first set foot in Central High, they came to the White House to receive the Congressional Gold Medal for their courage and their contributions to our nation. As President, I had the privilege of hosting them. At the ceremony, my friend Ernest Green, one of the original nine, spoke on behalf of the honorees. He said something of great significance. Yes, the Little Rock Nine understood in 1957 the importance of their effort to end racial segregation in their schools. But more than anything else, the Little Rock Nine were simply seeking the highest quality education they could find. "We simply thought we were doing the right thing," Ernie said, "and that it was our duty as students in Little Rock to try to advance and receive the best education available."²

Today, we have learned many lessons from our years of struggle. One of the most

² Ernest Green, White House signing ceremony designating Little Rock Central High School a National Historic Site (November 6, 1998).

important, for me, is the idea that our schools and our nation are stronger when persons of all races learn together. I believe this in my own heart. I have seen it with own my eyes.

If America is the land of opportunity, then, for generations, education has been the cornerstone of that ideal. During the great era of immigration, between the mid-19th and early 20th centuries, American reformers like the pioneering John Dewey recognized the economic and political importance of building a public school system that would serve all of the nation's children.³ The foundation of our modern democracy and free enterprise economy has been our belief in the great capacity of all citizens to lift up America while lifting up themselves. Education, as John Dewey said, can be America's "great equalizer."⁴

Challenges Ahead

Of course, we have not always lived up to that egalitarian ideal. We have sometimes denied full and fair educational opportunity, at times through malice, and other times through indifference or inadvertence. Today, we continue to deny opportunity in a way that hurts disproportionately children of color. *Racial disparities in both student*

³ Fn. David Tyack, *The One Best System?*

⁴ Fn. See Dewey, *Education and Democracy*.

achievement and educational resources mean that our children are not getting the excellent education that they deserve. Eliminating these disparities is among this nation's greatest challenges.

Tackling these problems is of vital importance for several reasons. First, education has always been important to our economic growth. It will become even more important in the knowledge economy of the 21st century. America's growth and prosperity will increasingly depend on the ability of institutions and people to innovate and continuously learn. And as our nation grows more diverse, our strength will depend more and more on whether we provide high-quality educational opportunities to those children of color who today receive the least.

Second, education is also a powerful arena for strengthening our American community. When young people learn together and serve together across racial and ethnic lines they begin to break down stereotypes and the walls that have kept us apart. I have seen this work across our nation. Our diversity is a great asset in education, but one that we exploit too little. Supreme Court Justice Thurgood Marshall, who led the fight for school integration a generation ago, put it best when he said, "Unless our children begin to

learn together, there is little hope our people will ever learn to live together.”⁵

Finally, providing sound educational opportunities to our nation’s youth is a moral imperative. Remember, if we fail our children, we fail ourselves. The decisions we make today could open the doors of unlimited possibilities for our children, or could shut them out of the promise of the 21st century. If we make sound choices today, not only will we make our nation stronger and our communities more dynamic -- we will also honor our obligations to future generations. Many urban parents, understandably tired of waiting for their local public schools to improve, have begun to entertain the idea of private school vouchers as a solution. And many parents, both urban and suburban, remind educational reform advocates that “local control” of schools is a long-standing and important American tradition. I understand the impetus behind these concerns. But I want to point out their liabilities.

I am for choice, but not through the use of vouchers, which could damage, perhaps irreparably, the public school system that has been one of the cornerstones of this society. And I am for local control. But not when it re-enforces race and class segregation.

It is clear that the American people agree with me. 90% of all children in this

⁵ Fn.

country attend public schools, and the vast majority of Americans believe in the value of public schooling.⁶ And, data also shows that the vast majority of *all* adults and students, no matter what race or socioeconomic status, believe that children of different races should attend school together.⁷

It is important that we honor all these bedrock American principles: high-quality public schools, local authority, and racial integration. The workplan I have crafted shows how this can be done. This is a national, not just a federal, plan. It will require a working partnership involving every American – parents and young people, teachers and administrators, business and community leaders. But before I turn to the workplan, let me first outline the educational opportunities and challenges that are an outgrowth of the increasing diversity in our society.

Diversity: Opportunities and Challenges

America, and America's schools, are becoming more racially and culturally diverse than ever in our history. Consider the fact that since 1976, the percentage of minority

⁶ Phi Delta Kappan? Or ED/Kent McGuire?

⁷ Kinder and Sanders, *Divided by Color*, polling data

students in public schools has increased from 24 percent to 35 percent.⁸ The number of Hispanic students has more than doubled and the number of Asian Pacific American students has tripled.⁹ Some schools are becoming diverse in ways we never before dreamed of. The schools of Fairfax County, Virginia, for example, have students from more than 180 countries who speak more than 100 different languages.¹⁰ By 2035, there will likely be no majority race in our public school population.¹¹

The growing diversity of our school population is an enormous national asset. Imagine what our country would be like if we were able to fully harness the gifts and talents of all of our young people. And imagine what our children can achieve in classrooms where students of different backgrounds, cultures, and faiths come together to forge friendships, learn lessons, and serve their communities. Academic studies have shown that when students of different races work together toward common goals, they can break down racial stereotypes, improve race relations, and improve student achievement.¹²

⁸ US Department of Education, National Center for Educational Statistics(hereafter, NCES) *Condition of Education 1998* 269, Table 43-1.

⁹ *Id.* and *Digest of Education Statistics 1997 edition*, Indicator 43, Table 3.

¹⁰ President's speech. Scott Palmer?

¹¹ This was added (Roderick Harrison)

¹² Robert E. Slavin, *Cooperative Learning* 44, 45, 68, 73, 75 Longman Publisher, New York & London (1983). These stats on achievement do not specify *minority* achievement. Waiting for more articles.

These findings confirm what we already know, in our hearts, to be true about the kinds of educational experiences we want to provide all our children. Imagine what we could learn from them if they learned in truly diverse classrooms.

But currently we are not making the most of our growing student diversity. One grave challenge we face is the achievement gap between white, black, and Hispanic children. It is true that over the last few decades, we have made important progress in educating students of all races. Though improvement has often been slow and uneven, test scores, high school graduation rates, and college participation rates have increased for all racial and ethnic groups. In some cases, these improvements have been greater for students of color than for whites, thus narrowing achievement gaps.¹³

Nonetheless, as the wide disparities in SAT and other measures illustrate, substantial challenges in educational achievement remain. [Insert graphs with SAT and NAEP trends by race.] Racial gaps in achievement persist throughout the “pipeline” -- from preschool through higher education. Consider these stark examples:

¹³ For example, since 1976, even as the pool of students taking college entrance exams has grown dramatically, average SAT scores for students of color have increased 21 points for Mexican Americans (from 781 to 802 out of 1600), 24 points for Asian Pacific Americans (from 932 to 956), 42 points for American Indians (from 808 to 850), and 58 points for blacks (from 686 to 744), while average scores for whites have increased only 2 points (from 944 to 946). See *Digest of Education Statistics 1997* 132, Table 128.

Why Mexican
Am + APAC
improvement?

- According to the National Assessment of Educational Progress (NAEP), average reading proficiency scores for 17-year-old Hispanic students are lower than, and average scores for black 17-year-olds are not significantly different from, the average score for 13-year-old white students.¹⁴
- Although 93 percent of whites and 87 percent of blacks ages 25 to 29 have a high school degree, only 62 percent of Hispanics and approximately 66 percent of Native Americans are high school graduates.¹⁵
- While the importance of a college degree is growing, so is the gap between whites and persons of color who have a degree: 33 percent of whites ages 25-29 have a four-year college degree or higher, compared with just 14 percent of blacks and 11 percent of Hispanics.¹⁶

Clearly, it is in the national interest to have more of our students performing at the highest levels.

¹⁴ See *Changing America: Indicators of Social and Economic Well-Being by Race and Hispanic Origin*, Council of Economic Advisers, 18 (September 1998).

¹⁵ *Id.* at 21.

¹⁶ *Id.* at 22.

I believe these disparities stem in large part from continuing gaps in educational opportunity. Minority children are still less likely than white children to have access to vital educational resources, including high-quality teachers, modern school buildings, current technology, challenging coursework, and more. Minority children are also more likely than white children to attend schools in high-poverty areas, and to face threats of violence during the course of their school day. Many minority students confront not just one, but all of these deficiencies in their schools.

These gaps in educational achievement and opportunity also afflict higher education. Over the last three decades, the importance of a college degree to economic advancement has grown dramatically. Today, a man with a college degree earns 54 percent more than a man with only a high school diploma, compared to a 19 percent advantage in earnings twenty years ago.¹⁷ Yet the proportion of blacks, Hispanics, and Native Americans receiving college degrees remains less than half that of whites.¹⁸ This must change. Improving K-12 achievement is the most important step, but we can't stop there. We can and must make it possible for more students of color to go on and succeed in college.

¹⁷ *Condition of Education 1998*, NCES, Indicator 32. This is the data for men. Women with a college degree earns 88% more than a woman with only a high school diploma, compared to a 58% advantage in earnings twenty years ago.

¹⁸ See *Changing America*, Council of Economic Advisors, *supra* note 14, at 22, Table 8.

These disparities mark the distance from the America we see to the America we deserve. In the America we deserve, every child will enjoy a high-quality education from preschool on. This education will be bolstered by high standards and will allow every student full and fair access to the best our schools can offer.

A second major challenge we face is the problem of resegregation. After a burst of progress in the late 1960s and early 1970s, segregation in our elementary and secondary schools, particularly in urban districts, is worsening. Students need the opportunity to learn together in ways that enrich the learning environment, improve race relations, and prepare them to thrive in the diverse world that awaits them. Therefore, integration should be properly understood as one important element of quality in our educational system. As the Advisory Board stated in its final report, "Simply put, high-quality, integrated schools provide a more complete educational experience for all students than high-quality, segregated schools."

But too many of our students today do not attend integrated schools. Today, 8 of the 10 largest districts in America have greater than 75% minority enrollment.¹⁹ Moreover, minority students within large districts are likely to be assigned to racially isolated schools, in which the student population is primarily black and Hispanic. Today,

¹⁹ *Common Core of Data Public Education Agency Universe, 1996-1997*, National Center for Educational Statistics (unpublished).

more than one-third of all black and Hispanic students attend schools with greater than 90 percent minority enrollment. Rates of segregation are worse for blacks than they were 15 years ago and, for Hispanics, 25 years ago.²⁰

Nearly 90 percent of these racially isolated schools also have a majority of children in poverty, and therefore face the extra burdens typical of deeply poor communities.²¹ A minority student is 16 times more likely than a white student to be in a high-poverty school.²² In many metropolitan areas, poor, majority-black or Hispanic schools are located very close -- sometimes minutes away by highway -- to wealthier, mostly white institutions. And so, in the midst of burgeoning diversity, we have increasing racial isolation.

Think about what the combination of these factors -- gaps in educational achievement and opportunity, and increasing racial isolation -- mean for children of color.

²⁰ Gary Orfield, Mark Bachmeier, David R. James, Tamela Eitle, *Deepening Segregation in American Public Schools* 11, Table 4 (Cambridge, MA: Harvard Project on School Desegregation) (April 1997).

²¹ *Id.* At 19, Table 7.

²² Is this accurate? The original sentence said: Or, to put it another way, if you compare students in schools that are overwhelmingly minority (90 percent or more) with those that are overwhelmingly white, a minority student is 16 times more likely than a white student to be in a high-poverty school.

Students attending predominantly minority secondary schools, for example, have only a 60 percent chance of getting a math teacher with a math degree and as little as a 50 percent chance of getting a science teacher with a degree in the subject being taught.²³ Seventy percent of predominantly minority schools have at least one serious building deficiency, such as poor heating, lighting, or ventilation.²⁴ Although gap between the number of black and Hispanic children using computers in school has recently narrowed, the difference in home computer usage is very large. In 1997, black and Hispanic children were almost 40% less likely to use computers at home than were white children.²⁵ In addition, recent studies indicate that computers are used less effectively in predominantly minority schools.²⁶ Furthermore, children for whom English is a second language often do not have enough resources to learn English and to participate fully in other subjects. In California, 19 percent of all students are Limited English Proficient (LEP)²⁷, yet for every bilingual

²³ *Condition of Education 1998* supra note 8 at 301, Table 58-2.

²⁴ *School Facilities: America's Schools Report Differing Conditions*, U.S. General Accounting Office, 50, Table II.12 (June 14, 1996).

²⁵ The statistics for home computer usage are, for grades 1 - 8: 54% of white students, 21% of black students, and 19% of Hispanic students; and for grades 9 - 12: 61% of white students, 21% of black students, and 22% of Hispanic students. The statistics for computer use at school are, from grades 1 - 8: 84% of white students, 72% of black students, and 68% of Hispanic students; and for grades 9 - 12: 72% of white students, 73% of black students, and 63% of Hispanic students. From *Digest of Education Statistics 1998*, NCES, forthcoming.

²⁶ Harold Wenglinsky, *Does It Compute?*, Educational Testing Service: Policy Information Center, 23 -24 (September 1998).

²⁷ The number was 19% in 1993 - 1994. From *Schools and Staffing in the United States, A Statistical Profile 1993 - 1994*, at 154, National Center for Education Statistics, (July 1996).

teacher who speaks Spanish or an Asian language, there are 81 LEP Hispanic students and 561 LEP Asian Pacific American students.²⁸

It is clear that we have not yet met our aspiration -- I consider it an obligation -- to provide all children with what Ernest Green and the Little Rock Nine bravely sought forty years ago: a high-quality education for all students of all races, and the chance for all students to learn together. To the parents of children who attend our best schools I pose this simple question: How would you feel if you had to send your child to a school with a leaky roof, outdated textbooks, no computers, and teachers teaching subjects in which they lack basic competence? Too many of our children face this reality every day. And more often than not, they are children of color.

There are many reasons for the persistence of these problems. Most Americans continue to live in residential neighborhoods separated by class and race. Just a few decades ago, laws in many U.S. states mandated that white, black and Hispanic students

Felicia's note: I'm sure the number is now up to 25%. The National Performance Review reported that figure 3/5/99, according to ED reports released this week, but neither Tom Snyder @ NCES nor the ED website yet have the data available.

²⁸ Laurie Olsen et al; *An Invisible Crisis: The Educational Needs of Asian Pacific American Youth*, Asian Americans/Pacific Islanders in Philanthropy, 21 (1997).

attend separate schools, with black and Hispanic children relegated to inferior schools.²⁹

Those laws are gone. But residential segregation remains, especially in urban centers, and it has been exacerbated by “white flight” as more and more middle class whites and others have moved to the suburbs or sent their kids to private schools.

In addition, we continue to fund schools based largely on local property taxes. This has left many poor, minority communities struggling to fund their schools from a limited and often shrinking tax base. These same schools have trouble attracting and keeping the best teachers, and they must cope with all of the challenges of life in high poverty communities. The result of both poverty-concentration and racial isolation is that, nearly a half-century after *Brown v. Board of Education*, many black and Hispanic children still attend inferior schools.³⁰

These conditions are socially and economically destructive. They are also morally unacceptable. While we point fingers in every direction, individual opportunity and our national strength suffer. How much genius and creativity are we failing to harness because of continuing racial disparities in educational opportunity? What would our lives

²⁹ Question: True of Hispanic kids, too? Where? Chris?

³⁰ See, e.g., Linda Darling Hammond, “Inequality and Access to Knowledge,” in *Access to Knowledge: An Agenda for Our Nation’s Schools*, ed. J. Goodland and P. Keating, New York: College Entrance Examination Board (1990).

be like today if we had provided every American regardless of race or class with the educational opportunity to succeed to his or her full potential? Would we have a cure for cancer? Or AIDS? Would we have more efficient energy sources and technologies that greatly reduced pollution? Would we have a new global movement for world peace and human rights? How far would we have progressed in weaving our diversity into one great fabric of community, and in purging our hearts of stereotypes and fears?

Each of us has both a reason and a responsibility to help overcome present disparities. We must build the highest quality educational system that will provide Americans of all backgrounds the opportunity to continuously learn.

*

Throughout my presidency, education has been among my highest priorities, and we have made important progress. [See text box on Administration proposals and accomplishments (forthcoming).] We have embraced the idea of high standards for all students, and we have taken some steps to close the opportunity gap in education. Our effort, for example, to help local schools hire 100,000 new teachers and reduce class size in early grades will help eliminate racial disparities in class size and have positive effects

on student achievement.³¹ But, much work remains to be done. Let me discuss three primary goals for the years ahead -- not just for federal action, but for all of us. These are the philosophical underpinnings of our workplan.

First, as we raise the bar for everyone, we must eliminate racial disparities in primary and secondary educational achievement.

Second, we must close racial disparities in college participation and graduation.

Third, we must promote integration in education.

In the balance of this chapter, I offer a workplan based on these three goals that will help guide us all in the struggle for educational equity and excellence over the coming decade. Let me first highlight the centerpiece for renewed federal leadership, which focuses on the problem of disparities in primary and secondary educational opportunity and achievement.

³¹ See e.g. Elizabeth Word, John Johnston, Helen Pate Bain, DeWayne Fulton, Jane Boyd Zaharias, Charles M. Achilles, Martha Nannette Lintz, John Folger, Carolyn Breda, *The State of Tennessee's Student/Teacher Achievement Ratio (STAR) Project: Technical Report, 1985-1990* 166-169 (1990).

*

**B. CENTERPIECE OF THE FEDERAL WORKPLAN:
THE COMPACT FOR EQUAL OPPORTUNITY IN EDUCATION**

For more than three decades, the Elementary and Secondary Education Act [ESEA] has been the foundation of our nation's support for millions of poor students and their schools. In my January, 1999 State of the Union address, I proposed that we fundamentally redirect that effort to put far greater emphasis on spurring concrete improvement in results while creating far stronger systems of accountability--not just to federal taxpayers, but to communities and families. I also proposed targeting federal resources to help turn around failing schools, to reward progress in raising achievement levels, to put high-quality teachers in high-poverty schools, to end so-called "social promotion," and to expand after-school and other academic support programs. I proposed building in accountability at all levels to focus not only on improving education for every child in America, but also, especially, on narrowing the gaps between poor and rich, rural and urban.

The changes I have suggested for ESEA are built on a number of principles that are fundamental to reforming education for our most underprivileged children, without regard to race. But making these kinds of changes is also critical for racial justice. The racial gap in achievement is the area in which the shortfall between our national ideas and stark realities is most dismaying. Therefore, closing the gap should be our nation's number one education goal. In this workplan, I describe a way in which we can achieve that goal. The major elements of the work¹plan include accountability for real education results -- students learning more -- rather than for more plans and promises; flexibility and some added federal funding, both of which will be awarded competitively, and will continue only if schools improve; and high standards for all students.

For the broad Federal programs in ESEA, I have proposed specific attention to ideas that we know can make a difference, such as quality teachers, and combined that with an emphasis on accountability for results. The Compact will take this emphasis on results a step farther, with a single minded focus on the particularly egregious problem of racial disparities. How individual states, districts or schools make progress is far less important than gaining their commitment -- backed by accountability -- for doing what is needed. I know this will not occur overnight or without debate, but I believe that in the end there will be a consensus: our nation's ideals and our national prosperity require a new determination to make quality education for all a reality. On this issue, people of good

faith and good will -- across party lines as well as lines of color and class -- agree: every American child must learn well.

To that end, we must make targeted efforts in those communities where racial disparities in achievement and resources present an especially tragic and worrisome picture. This simply is not the America we want. Federal leadership can be a catalyst, but our efforts will fizzle without broad-based community involvement.

What I propose is a new kind of partnership for education, building on ESEA. Quite simply, we need a new covenant to benefit America's children, with the goal of eliminating racial disparities in K-12 achievement. We need to enlist the participation of local jurisdictions as well as private sector allies in a **Compact for Equal Opportunity in Education**. The Compact will remind us that on education, in particular, all Americans are on the same side. It will be a coalition to which we bring our collective determination, creativity, and resources, helping to secure the opportunity all our children deserve.

Let me give you an idea of how this new partnership might work:

- School systems would commit to measure and close the racial disparities in achievement. They would adopt measurable goals and a strategy for meeting them. The strategy would be developed with participation from a wide range of stakeholders--from corporations to parents--and would identify roles for everyone.
- The proposed strategy would have a timetable, and a report-card style system of public accountability so that everyone could see whether the schools are getting the results they are supposed to. The school system should identify the carrots and sticks that will be used so that everyone involved, from students to school boards, has all the right incentives to succeed.
- The federal government should support the Compact in two ways. First, it should use a competition to award some new funding to help districts implement their plans. Second, it should offer Compact districts and schools the broadest possible flexibility in federal grant programs, tied to accountability. Both of these forms of help should be based upon a judgment, perhaps by panels of national experts and leading school innovators, that the proposed strategies are likely to succeed. For example, any expert panel is likely to expect schools to emphasize quality teaching, high expectations, and quick-response takeovers of failing schools.
- Schools that do not reduce racial disparities in achievement will feel the

consequences of failure. First, they would lose at least some of their grant flexibility from the federal government, and some of their Compact funding. Second, they would work with experts to reform their strategies, perhaps by getting different kinds of academic support, or perhaps through shock therapy and swift managerial change.

Simply put, this is a results-based approach to education. It focuses not on program administration and management, but on what students actually learn. We have seen states and school districts use this method to help all of their students achieve more. Let me give you an example. Dade County, Florida, which includes the city of Miami and is one of the most racially diverse school districts in America, had 45 low-performing schools on the “critical” list. But in two years, they raised their math and reading scores so much that all 45 were off the list. And they did this by focusing on results. Dade County officials and teachers refused to accept the proposition that because these students were poor or lived in tough neighborhoods, they could not learn.³²

³² From President's remarks to the Students, Teachers, Parents and the Community of Jackson Mann Elementary School, Brighton Massachusetts, February 2, 1999.

The evidence is now coming in: education reform that is based on high standards and on holding schools accountable for outcomes works. Consider the recent Rand Corporation study of education reform in North Carolina and Texas, the two states with the best track record of improving achievement generally and closing the racial achievement gap. The study shows that in both states, a sustained, statewide approach, based on holding schools accountable for outcomes, raising academic standards, providing schools with the flexibility and other tools they need, and targeting resources for extra help to low-performing students and schools, produced results.

As part of the Compact for Equal Educational Opportunity, the federal government would provide schools and districts new, greater flexibility to schools *that are able to achieve real results* in closing racial disparities in learning. Given an equal chance, all our children can succeed. I hope that the flexibility built into this proposal will spur innovation, tailoring of approaches to fit local needs, and emulation across the country. How would local Compacts work?

All of them would require several baseline goals, like a) strategies focused on putting high-quality teachers in high-need schools; b) plans to reduce disparities in other resources; and c) results-based plans for accountability at all levels, so that performance is measured fairly, and that both failure and success in meeting performance standards have consequences--and not just for the students.

Other parts of the Compact will be tailored to fit local needs. For example, schools might, but would not be required to: d) find ways to engage families, businesses, and other local institutions; e) develop strategies for building partnerships across jurisdictional lines of school districts and local government agencies; f) find creative responses to the needs of immigrant children with limited English skills; g) establish other educational programs, scheduled during out-of-school-time, that would contribute to reducing the racial achievement gap. But ultimately, the test will not be these particular "inputs", but the results.

We should all follow this results-oriented approach. I propose it in response to a tragic irony that is at work in American education: too often, the children who need the

most are least likely to get it. And too often, those are children of color. Because our neighborhoods are separated by race and class, and because the vast majority of our schools still rely on local property taxes for funding, a shocking number of our school districts serve mostly students of color and are desperately poor. Schools in a sea of poverty are too often overwhelmed, or nearly so, by the extraordinary challenges they face. Students who live in low-income neighborhoods often bring the many burdens of their lives and their communities to school with them. Think about teaching in, or attending, a school in which the majority of students are coping with hunger, homelessness, or family crises; crime in their hallways, their streets, and their homes; or cramped living spaces where there is no quiet space to read or do homework.

These are simple, grinding pressures of poverty. They make family support and academic concentration very difficult to come by. Add to those problems aging inner-city school buildings or ramshackle rural schools, disparities in teacher training, high proportions of students with special language needs -- and you have a recipe for disaster. To address it, we must build on our record of improvement with the broad elementary and secondary education proposals I have offered. But the special challenge of racial disparities requires special measures, and hence the idea of a Compact.

Much of what we have already done to institute these kinds of reforms has brought

important and significant change. Early in my Administration, we worked with Congress to enact Goals 2000 and a major reform of the bedrock Federal grant program intended to help states and districts educate poor children, the so-called Title I program. Now funded at almost \$8 billion per year, the program is distributed by a formula related to the number of poor children. The law now tells participating states that they must raise standards, and that they must tests or some other assessment measures to hold themselves accountable for making progress in improving education outcomes for poor children. These reforms are moving us in the right direction. In schools and states across the country, there are important signs of promise and progress. But the pace is too slow, and our ambitions must be still higher.

Now, we must take on the additional challenge of closing the racial achievement gap, and do so directly. We should use the same methods -- accountability, flexibility, standards, and targeted resources -- that have begun to show promise for improving student achievement generally.

We have tolerated racial disparities in opportunity as well as in achievement for far too long. I share the burning impatience felt by many parents, civic leaders, and educators who are demanding more for all our children. Let us, together, channel that impatience, forging a new federal-state-local-community partnership to break the cycle of disadvantage and eliminate gaps in student achievement.

In forging this partnership, we must be sure to carefully coordinate education programs across all government agencies. The Vice President and I have led an effort to "reinvent" the federal government so that we all focus on the services we provide children, families, and communities, and on the real effects those services have on people's lives. We must do the same as we form our Compacts for Equal Educational Opportunity. As we work together to close disparities in schools, let us break down our own bureaucratic walls. We need to reduce the administrative burden on schools and teachers. We need to make sure that we focus not on the government agency granting money but rather on making sure that teachers have the resources they need to teach all children well. And we need to look beyond current solutions, which are so often limited by metropolitan boundaries. In many regions, we might find economies of scale as well as more diverse school populations. Such regional solutions might help us serve all children better, in more racially integrated schools, with the same allocation of resources.

Let me be clear: this is not Washington encroaching on local authority. In my years as a governor, working both within my state and on national policy, I came to appreciate fully that education is primarily a state and local responsibility. But I have also seen that sometimes a child's opportunity can be limited by the resources a local community can raise with a property tax, or the accident of a state's wealth or poverty, generous or stingy in aid to local schools. Some education programs are confining, with

red tape and narrow categorical purposes that are not well-coordinated with other education efforts. Thus these programs become, unintentionally, less effective. And across the board, I have seen education treated as an island, cut off from the mainland of challenges in the surrounding community. We have worked hard in the last several years to tackle these problems. I am proud of our accomplishments, and determined to build on them. This is an issue too important to become ensnared in jurisdictional, administrative, or partisan bickering. When it comes to the education of our children, politics must stop at the schoolhouse door.

As my Advisory Board on Race said in its final report to me, "To a great extent, we know what to do to promote educational equity and excellence; we just have to have the courage as a nation to do it. If we are successful here, fundamental change will follow." In the long-term, if we eliminate gaps in student achievement by race, we will ensure minority access to college and to a better future, and we will promote integration by making all public schools, and therefore the communities they serve, attractive to all Americans.

* * *

C. A WORKPLAN FOR THE NATION

The three goals I outlined above—closing racial gaps; increasing college participation and graduation; and promoting integration—are, of course, not only federal priorities. Federal leadership on these issues is important. But just as important are the contributions that all Americans can make to our progress, as parents and students, teachers and businesspeople, community members and civic leaders. We can build the educational system we deserve if we work in partnership, each taking tangible steps, prepared to reexamine our old assumptions and arrangements in order to prepare all of our people for new challenges and opportunities. We have often

A WORKPLAN FOR THE NATION

(1) Close Racial Gaps from Pre-School through High School

- *Support Families and Promote Early Learning Opportunities*
- *Provide Educational Resources and Opportunities Equitably*
 - *Teaching*
 - *Curriculum*
 - *Buildings*
 - *Technology*
 - *English Acquisition*
- *High Expectations and Accountability*
 - *Students*
 - *School Systems and Social Promotion*
 - *Charter Schools, Public School Choice*

(2) Increase College Participation and Graduation

- *Expand College Enrollment and Financial Aid*
- *Close Racial Disparities in Graduation Rates and Increase Minority Participation in Graduate and Professional Schools*
- *Support Minority-Serving Institutions and Build College Partnerships*

(3) Promote Integration to Enrich the Learning Experience for All Students

- *Reduce Racial Segregation Among and Within K-12 Schools*
- *Promote the Benefits of Diversity in Higher Education*

given lip service to the ideals of education that is both egalitarian and excellent, and then been too willing to accept compromises in those ideals because .

*

(1) Closing Racial Gaps from Preschool Through High School

The Compact for Equal Opportunity in Education, together with other efforts such as Head Start and Title I, represent an important Federal contribution to our national effort. But there are several important steps that require engaged attention and action from us all. We all have roles and responsibilities. Here are some key things we can do together that I believe will help close racial gaps in educational achievement.

- ***Support families and promote early learning opportunities***

A child's development in the earliest years is crucial to the rest of his or her life. Research shows that children who do not enter school ready to learn will spend a significant amount of time catching up to their peers and may never fully overcome initial learning gaps.³³ Families are the key here. Parents and caregivers must be every child's

³³ Best source we could come up with so far: Nicole Rabner suggested recent NAS report on school readiness...which we don't have...

first teachers.

The most important thing parents can do in the early years is read to their children. We have set a national goal of having all our children read independently and well by the end of third grade. To help achieve that goal, researchers tell us that parents should read to their children at least 30 minutes per day.³⁴ In just the last few years, the percentage of parents who are reading to their children on a regular basis has increased dramatically, and that increase has been greatest among parents of color.³⁵ This is important progress. But we can do better.

Today, parents of white children are still more likely to read to their children.³⁶ One reason for this difference is the racial gap in literacy among adults. Approximately 40 million American adults cannot read English or read only at the lowest level, and persons of color are overrepresented in this group.³⁷ Adults who cannot read cannot teach their children to read, and may not put as much emphasis on their children's schoolwork. For this and other important reasons, we must take action to increase adult literacy.

³⁴ Again, the NAS report?

³⁵ See *Changing America*, *supra* note 14 at 15, Table 1.

³⁶ *Id.*

³⁷ *Adult Literacy in America: A Look at the Results of the National Adult Literacy Survey*, National Center for Educational Statistics, 16 (1993).

Beyond parents' roles, we must mobilize other aspects of the caring "village" my wife Hillary has spoken about so often. Children of all races must, but too often do not, have access to high-quality pre-school. Quality preschool boosts child development, which leads to higher achievement in school, better social adjustment, and even decreased involvement in crime.³⁸ Head Start plays an important role here by providing quality pre-school to nearly one million children of low-income families. But we are currently serving fewer than half of all eligible students, and only 32 percent of eligible Hispanic students.³⁹ There is more to do.

Finally, families must remain involved in their children's education throughout school. A child's chances of success, regardless of race or class, are immeasurably increased when his or her family participates in the child's education. The more directly involved parents are in each child's school, the greater the return.⁴⁰ All schools should have parent compacts that clearly define parents' role in the school. As a *national goal*, I

³⁸ See Steve Barnett, "Long Term Effects of Early Childhood Programs on Cognitive and School Outcomes," Hirokazu Yoshikawa, "Long Term Effects of Early Childhood Programs on Social Outcomes and Delinquency," and Ellen C. Frede, "The Role of Program Quality in Producing Early Childhood Program Benefits," all in *The Future of Our Children*, Vol 5. No. 3, (Winter 1995).

³⁹ [According to U.S. Department of Health and Human Services, Head Start Bureau (based on U.S. Census Bureau, *Poverty Status of People in 1997*).]

⁴⁰ See, e.g., *The Family is Critical to Student Achievement*, Center for Law and Education, Anne T. Henderson and Nancy Berla, eds. (1997).

believe that every parent should do some form of volunteer work in their child's school every month, and that employers should provide the flexibility to help parents do so.

- ***Provide Educational Resources and Opportunities Equitably***

Over the last several years, we have embraced the idea of high academic standards for all students, including the use of tests to ensure that those standards are met. Half our states now have or will soon introduce high school tests that students must pass to graduate. These standards and tests can play a crucial role in ensuring the quality of teaching and learning in our schools, but only if we give all students a full and fair opportunity to meet the standards and pass the tests. If all our children are going to be held to the same high standards, and they should be, then all students must have an equal opportunity to meet those standards and succeed to their full potential. I'll be blunt: it's easy to talk tough about standards, duck the politically difficult task of investing the needed resources, and then blame powerless poor kids when they can't make the grade. And it is easy to turn the standards-based reform movement into a testing movement. It's not. It must be about excellence and equity, and that must include fair investments.

The unequal distribution of educational resources is dramatic, especially in our poorest, most racially isolated communities where large numbers of minority children are

struggling to learn in our lowest quality schools. It's a tangled knot of problems: we have a tradition of local control; we then leave most local school districts heavily dependent on property taxes; and school district boundaries separate the poor from the affluent -- and states may or may not choose to redistribute the resources to give every child a fair shot. In recent years, there have been over a dozen law suits brought under state constitutional provisions, challenging the school finance systems established by state laws. These have met with some success. I hope much more change of this sort is on the way.

Money isn't everything in education, but we can't expect schools to succeed without adequate resources. In tracking the dollars, however, simple per-pupil expenditures don't really tell the story of how much money is going into the classrooms, directly to kids, teachers and learning. On the other hand, students and communities are very different, and sometimes the numbers are comparing apples and oranges. Inner city schools, for example, often have much higher costs for security, dilapidated facilities, children with expensive special needs, English language learners, and so forth.

The fact is, students in our poorest communities often face disadvantages in so many areas that it is impossible to adequately discuss them all. But let me mention several issues that I believe are most crucial.

-- **Teaching.** The foremost problem is the shortage of high-quality teachers. Study after study confirms what many of us have always known -- teachers are our most valuable educational resource.⁴¹ As class size decreases and teacher quality increases, all students, especially poor and minority children, perform better. Yet today, poor and minority children are more likely than their white peers to be taught in moderately larger classes by less-qualified, less-experienced teachers. Nearly 50 percent of teachers in poor, minority schools leave after only 3 years.⁴² As I noted earlier, students of color are also more likely to be taught by teachers without certification, without a degree in their field, and with lower test scores -- and all of this at schools where student underachievement is commonplace.⁴³

odd phrasing

But this is an issue that we can do something about -- and an issue on which our action will have tangible effects. Studies show that if we can rectify these problems, much of the racial disparity in student achievement disappears.⁴⁴ We have already taken an

⁴¹ See, e.g., Eric Hirsch, "Teacher Policy: A Summary of Current Trends," in *State Legislative Report*, National Conference of State Legislatures, Vol. 24, No. 5, (February 1998).

⁴² ED/Scott Palmer. Is it from Darling-Hammond?

⁴³ See, e.g. Linda Darling-Hammond, "Unequal Opportunity: Race and Education," *Brookings Review*, Vol. 16, No. 2, March 22, 1998.

⁴⁴ *Id.* Darling Hammond, on p. 4 (non-publication copy) says that "After controlling for socioeconomic status, the large disparities in student achievement between black and white students were almost entirely due to differences in the qualifications of their teachers." See about Ferguson's article.

important step with Federal legislation in 1998 to help schools decrease class size; I hope that Congress will carry through on this commitment. Building on that, we must ensure, through recruitment, training, and professional development, that the teachers in those classes are fully prepared in the subjects they teach and in effective pedagogical methods. More of our brightest Americans must be encouraged to become teachers; colleges must commit to better teacher education; and more of our best teachers, including teachers certified by the prestigious National Board for Professional Teaching Standards, must be inspired and given incentives to teach in our highest-need communities.

We must find better ways to help new teachers succeed and encourage them to stay in the profession.

-- **Curriculum.** Students of all races must have equal access to challenging courses. This is important not only for reasons of equity, but also because studies have shown that high school curriculum is one of the single most important predictors of students' college success.⁴⁵ That is why it was so important to me that federal legislation early in my Administration gave a vital boost to the high-standards reform movement, including the effort to ensure that poor children are offered challenging course work.⁴⁶ Progress, however, is too slow. Today, poor and minority children are far more likely than middle class and white students to take "math for consumers" rather than a solid course in algebra. Today, minority students are far more likely than whites to attend a high school that offers

Also - ed reform efforts are the Governor led by the Secretary

⁴⁵ Scott? Is this right?

⁴⁶ Data? What part of the early administration proposals concentrated on poor and minority kids' curriculum?

few or no Advanced Placement courses, like calculus or second-year chemistry. And, most unfairly, research suggests that too many poor and minority children are put in “tracks” or so-called “ability groups” that might be advertised as offering extra help⁴⁷, but in reality limit students’ chances to attend college. If the courses most relevant to the jobs in tomorrow’s economy are offered in suburban schools but not in the inner-city 15 miles away, should we be surprised if America’s economic divide widens in the years ahead? We share an obligation to face these disparities in opportunity, and to end them.

We know that setting high expectations and offering challenging curriculum can help poor, minority schools achieve. El Paso, Texas – the 5th poorest major metropolitan area in the United States, with a school population that is more than 85% Hispanic – has formed a Collaborative for Educational Excellence between the schools, universities and community colleges, the mayor’s office, and local religious, business, and community leaders. Over six years, the Collaborative has fostered a culture of excellence by setting high standards for all students, creating a more challenging math curriculum, and setting the goal that every student graduates from high school fluent in English and Spanish, ready to attend college.

⁴⁷ Need to find source

The Collaborative's results have been encouraging. The number of schools in the district identified as low-performing has fallen, and the number of schools recognized as exemplary has risen dramatically. The percentage of students in El Paso passing the third-grade reading test now equals the Texas state average. Enrollment in algebra in the district rose from 59% in 1993 to 95% in 1996. And, over that same period, the percentage of students passing algebra rose from 32% to 58%. Minority passing rates in college preparatory courses have improved, in some instances doubling, since the Collaborative began its work.⁴⁸

I know that every child can learn. If you need proof, visit El Paso. Schools across America must follow El Paso's lead, setting high expectations for all children and providing the support that will help them succeed.

-- ***Buildings.*** Teachers cannot teach and students cannot learn effectively in overcrowded, deteriorating, or unsafe schools. What are we saying to our young people who go to schools with leaky roofs, crumbling walls, and flooded classrooms? We are saying that school doesn't matter, that education doesn't matter, that *they* don't matter. This is the wrong message, and it is harmful. These conditions are most dramatic in our

⁴⁸ From memo, February 5, 1999, Dan Bernal, US Department of Education. From ED's Planning and Evaluation Service. [Question: Do we want the El Paso example to go into a text box?]

inner cities, where large percentages of minority students attend outdated, dilapidated schools often just miles away from the modern suburban schools complete with the latest technology. These conditions are also prevalent in our rural and tribal areas, where schools are antiquated and inadequate.

The Federal government can and should help with this problem, but at least for the time being, politics seems to have gotten the better of good sense. Meanwhile, the best leadership at the state and local level recognizes that we cannot expect our children to raise themselves up in schools that are literally falling down. We must keep all of our schools in top-notch physical condition, and we must build new schools where needed.

-- **Technology.** Closely related to this is the importance of overcoming racial and class disparities in access to technology.⁴⁹ The changing nature of the economy is one of the major reasons that this gap is so critical. As recently as the 1950s, 20 percent of the workforce was professional, 60 percent was unskilled, and 20 percent was skilled. But today, fewer than 20 percent of the workforce is unskilled, while more than 60% of all jobs require advanced technical and organizational skills.⁵⁰

doesn't really make point very dramatically

⁴⁹ Disparity in tech access: do we have a quote or a stat here?

⁵⁰ Labor, Commerce, Education, SBA, and NIFL report, Lisa Stuart, etc. 21st c. Skills for 21st c. Jobs Report, www.vpskillssummit.org. Stuart and colleagues cite Frank Levy and Richard J. Murane, Teaching the New Basic Skills: Principles for Educating Children to Thrive in a

To prepare all students for jobs in the new economy, and to improve education more generally, every school must have a sufficient number of computers, access to the Internet, and training on how teachers and students can use technology effectively. My administration has established a \$2 billion Technology Literacy Challenge Fund, designed to put more computers and more trained computer teachers into classrooms.⁵¹ The new “E-rate” championed by Vice President Gore discounts the price of technology for schools, especially those with high levels of poverty, thereby providing precious technology resources. But the bulk of the investment must come from state, local and private efforts. If we fail at this, the color divide will be compounded by a digital divide.⁵²

-- **English acquisition.** There is strong consensus across racial and ethnic lines that all students should learn English, and that schools must provide the necessary resources to help all students learn English within three years. The current needs are great. Today, approximately 2.3 million children in the United States are deemed Limited English Proficient (LEP).^{53a} In addition to a shortage of bilingual teachers, only 28

Changing Economy, New York: 1997 Free Press, p. vii

⁵¹ Details? Cite

⁵² Again, need a statistic or a story or something illustrative here. Mike Davis, *Ecology of Fear*

⁵³ The 2.3 million figure is an estimate from 1993. It is likely that the 1999 number is higher. Most LEP children are clustered in large-city school districts, and in a small number of states. From Fleischman, H.L. and Hopstock, P.J., *Descriptive Study of Services to LEP Students, Volume 1 Summary of Findings and Conclusions*, Arlington VA, Development

percent of teachers with (LEP) students in their classes have received any training in teaching LEP students.⁵⁴ There are many possible models of success in teaching English, and the best approach depends on each student's needs. But whatever approach is chosen, it must be judged by its success at teaching LEP students English and helping them achieve at the same level as students for whom English is their first language.

At the same time, the ability to speak additional languages is a great asset in our increasingly diverse national and global economy. We should encourage foreign language learning, starting in early grades, so that all students are fluent in at least one language other than English. This is one arena in which our nation's growing language diversity can be beneficial. If we want our children to know many languages, it helps that they go to school with children who speak many languages.

-- ***Safety***. Most of our schools are safe, but violent crime is a real factor in ten percent of schools.⁵⁵ Moreover, while the numbers are low, black and Hispanic children are significantly more likely than whites to fear being attacked in school, to report having

Associates, Incorporated, 1993. [from ED website]

⁵⁴ *America's Teachers: Profiles of a Profession, 1993-1994*, U.S. Department of Education, National Center for Education Statistics, p. A-33.

⁵⁵ *Annual Report on School Safety 1998*, 3 (October 1998) (Citing, "Principle/School Disciplinary Survey on School Violence," National Center for Education Statistics (1997)).

street gangs in school, to see a gun in school, and more.⁵⁶ Let me be clear: Violence destroys opportunity. That is why I have proposed a comprehensive school safety initiative that supports efforts by schools and communities to eliminate guns, drugs, and violence from our schools.⁵⁷

- ***High Expectations and Accountability***

-- ***Students.*** In addition to providing better resources, we must promote high expectations for all students. In large part this means holding all students to high academic standards and, especially, making sure that tracking does not restrict learning opportunities. Too often, students are tracked based not on their educational needs but on their skin color or accent. This is discrimination in the form of low expectations by teachers and other adults. As I have said, we must not replace the tyranny of segregation with the tyranny of low expectations (I will have more to say on this subject later in this chapter, in my discussion of civil rights enforcement.)

Building higher expectations often starts with simply expecting more from students. Consider this: Surveys show that African-American and Hispanic students feel

⁵⁶ *Id.* at 5 citing, US Department of Justice, Bureau of Justice Statistics, *School Crime Supplement to the National Crime Victimization Survey* (1989 and 1995).

⁵⁷ Specifics on the school safety initiative?

they can bring home lower grades than their white and Asian Pacific American peers before their parents will get upset.⁵⁸ Other surveys show that minority students most hope to impress their teachers, not their parents, with their academic performance.⁵⁹ The data suggest that if students of all races are to be inspired to succeed, parents must demand more, and teachers must expect a lot.

Peer influence is also important. Too many children of all races seem to look down on academic work. Research suggests that this situation is even more dramatic for minority students, who may see academic achievement as a betrayal. As Stephen Carter, a professor at Yale law school, laments,

“[A] growing ethic in many inner-city schools insists that achievement itself is somehow a sign of a lack of solidarity -- that people doing well in school is something that only white people, or black people who are trying to be white, would seriously want to do... [W]hat our kids need ... is an end to the foolish and destructive notion that achievement is a betrayal. What is

⁵⁸ Ronald F. Ferguson, “Racial Test-Score Trends 1971-1996, Popular Culture and Community Academic Standards” 31, Draft of Paper presented at the National Research Council’s Conference on Racial Trends in the U.S. (September 28, 1998).

⁵⁹ *Id.* at 29. [Actually, what Ferguson says is that “evidence supports the conclusion that teachers’ perceptions and expectations are more important for the performance of black students than whites.” The point is about black students, not all students of color.]

needed most is a rededication to excellence.”⁶⁰

We must convince students of all races that being smart and doing well in school are not about acting “white” or any other color. Role models are important here, and I urge people who succeed to reach back to their communities to show students that educational achievement is the key to success in all aspects of life.

-- ***School Systems and Social Promotion.*** As I said in outlining the Compact for Equal Opportunity in Education, it is vital that school systems commit to measuring and closing the related racial gaps in educational resources and educational achievement. This results-oriented strategy, in which we hold schools and school systems accountable for student success, is vital. As Secretary of Education Richard Riley has said, “Creating a democracy of excellence for the 21st century requires a new level of accountability so we can raise achievement for all our young people.”⁶¹ School report-cards and other accountability measures help ensure that schools are given incentives to succeed.

Ending social promotion is one important part of a results-oriented strategy. There

⁶⁰ Stephen Carter, “The Black Table, the Empty Seat, and the Tie,” in *Lure and Loathing*, ed. Gerald Early, full pub data.

⁶¹ U.S. Secretary of Education Richard W. Riley, “New Challenges, A New Resolve: Moving American Education Into the 21st Century,” *The Sixth Annual State of American Education Speech*, Long Beach, California, February 16, 1999.

are millions of students earning passing grades in their schools while scoring miserably on all kinds of standardized tests that compare them with students elsewhere. Some of these “social promotions” occur because teachers and administrators simply don’t expect that certain kids can and should achieve at grade level. Others occur because it is extremely difficult to hold back entire classes of students, even if all of those students have not yet learned enough to earn a grade-level promotion. These kinds of “social promotions” move a student along, but don’t serve those students in the long-run.

So, yes, we need to end social promotion. *But we must do it the right way.* Simply holding a child back to repeat an unsuccessful learning experience is no solution, either. Especially since retaining a child in grade can produce alienation and, ultimately, increase dramatically the chances that child will drop out of school.^b So, before it comes to that, we must support students who need extra help with policies like extended learning time, after-school programs, and tutoring. We must enforce civil rights laws to ensure that the no-social promotion policies aren’t abused, and invoked to hold behind those students whom teachers and administrators believe “can’t learn,” or whom they just can’t manage to provide with the needed interventions and supports. But, overall, we must make sure that students aren’t simply given credit for “seat time,” but really learn the kinds of lessons and skills that they will need for future success.

-- ***Charter schools and public school choice.*** Public school choice is based on a simple idea: that children often have different needs and different interests. Some children, for example, learn best in small schools, with personalized attention from teachers and classes based on small-group discussion. Other children thrive in larger schools, which can provide a variety of academic courses as well as many sports and extracurricular activities. Therefore all children, and their parents, deserve choice.

In my administration, we have encouraged the growth of different kinds of public schools – some small, some larger, many based on specific academic themes – that are “chartered” by states. We have also supported student and parent choice among those schools, as well as among more traditional institutions. Families ought not be restricted by neighborhood, and thus restricted by race- and class- boundaries. Charter schools and public school choice together help families obtain the kind of education they want for their children within the public schools.

Charter schools, and public school choice, have been very successful, particularly at raising the achievement scores of students in poor, majority-minority communities. District 4 in New York City’s East Harlem, a predominantly black and Hispanic area, has been transformed by charter schools and by public school choice. The newer charter schools in East Harlem have increased achievement levels for all students. Somewhat

surprisingly, even students in larger, more traditional schools are learning more.⁶² Experts believe that the higher scores are a result of the competition generated by charter schools. In East Harlem, charter schools and public school choice have shown, over more than two decades, that we can reduce racial gaps in achievement by providing all students the kinds of educational opportunities they deserve.

*

So why
not private
School voucher?
Nowhere is the
case made that
Vouchers would
hurt minority
students

(2) Increasing College Participation and Graduation

While improving K-12 opportunity and achievement is the long-term solution in education, we must take additional action to increase college participation and graduation. Let me mention just three that are central to our pursuit of racial and ethnic justice in One America.

- *Expand college enrollment and financial aid*

We must continue to expand college access and ensure that all students who want

⁶² "Study Backs School Choice," *The New York Times*, February 24, 1998, p. A21.

and deserve to go to college can afford it. I am proud that we have made much progress in this area. But much more can be done. Black and Hispanic students are still less likely to go to college than white students.⁶³ In many cases, this is simply because students from disadvantaged backgrounds are less aware of college options and of how to take advantage of those options. Evidence shows that we can increase participation in college by building partnerships between colleges and high-poverty schools.⁶⁴ These partnerships can increase college expectations and provide support services, such as mentoring and tutoring. We have taken important action to develop these partnerships through our GEAR UP program [Descriptive text box to come.] We must build on that to ensure that every degree-granting college partners with high-poverty schools to make the dream of college a reality for more low-income and minority students.

Over the last several years, we have retooled and dramatically increased financial aid for college, including substantial increases in Pell Grants, which are received by more than half of all minority college students. Nonetheless, the high cost of college remains the major reason why many students decide not to attend college⁶⁵ and why too many minority students drop out.⁶⁶ Money for college is available to all who need it, and we

⁶³ See *Digest of Education Statistics 1997*, *supra* note 13, at 196, Table 186.

⁶⁴ *High Hopes for College for America's Youth*, Background document prepared by U.S. Department of Education, 5 (February 4, 1998).

⁶⁵ *Factors Related to College Enrollment*, U.S. Department of Education, Office of the Under Secretary, 26 (1998).

⁶⁶ See info for footnote 48 in Ed binder, Dan Goldenberg memo.

must get that message out. But we must also take additional action to help families that face undue hardships due to the loss of a college student's contribution to family income.

This last point is critical. As I described earlier, the income disparities between minorities and whites is bad enough, but the wealth disparities are staggering. In large part, that reflects the differences in opportunities one, two and more generations ago. But one important consequence today is that minority families have less wealth to fall back on to help with college costs or emergencies, and the ability (much less the willingness) of a student to incur college debt may depend on how securely "middle class" his or her family feels, or whether the aspiration to middle class security seems genuinely realistic to them. In the years ahead, achieving equal opportunity in access to higher education means ensuring that our financial assistance recognizes fully the differences in family circumstances.

- ***Close racial disparities in graduation rates and increase minority participation in graduate and professional schools***

Getting into college is only half the battle. The better colleges already make a considerable commitment to ensuring that their students finish successfully, and every college should do the same. Graduation rates for persons of color remain far below those

for whites. Of those students beginning college in 1989 and seeking a bachelor's degree, 48 percent of white students and 47 percent of Asian Pacific American students earned a degree by 1994 compared with 34 percent of blacks and 32 percent of Hispanics.⁶⁷ Part of the difference has to do with financial stresses -- the greater risk that financially strapped students will have to slow down or drop out.^c Studies show, however, that support services such as counseling, tutoring, and mentoring in college can significantly increase graduation rates, especially for Hispanic students.⁶⁸ We should expand these efforts.

Community colleges play an important role in expanding educational opportunity, especially for Hispanic students. These colleges also serve as a bridge to further education. Studies show that where there are clear agreements linking 2-year and 4-year colleges, more minority and other students successfully transfer from community college and more transfer students receive bachelor's degrees.⁶⁹ Two-year and 4-year colleges must build strong, clear relationships to enhance coordination, increase student transfer rates, and increase graduation rates.

⁶⁷ See *Digest of Education Statistics 1997*, *supra* note 13 at 324, Table 310.

⁶⁸ Scott, D of Ed

⁶⁹ Tom Snyder suggests that we not footnote this. But if we do, we could probably use Dorothy M. Knoell, "Moving Toward Collaboration in Transfer and Articulation" in *New Directions for Community Colleges*, No. 96, Winter 1996, in the ERIC digest. Available on-line at www.ed.gov/databases/ERIC_digest/ed416934.html.

Finally, students of color are underrepresented across the board in graduate education. Recent changes in some universities' affirmative action policies have led to ~~some~~ precipitous, and well-publicized, drops in black and Hispanic law and medical school attendance.

This situation is especially dramatic in the science and technology arenas. Almost 95 percent of all doctorates in science and engineering are earned by whites or Asian Pacific Americans, and the number of black doctorates is smaller now than 20 years ago.⁷⁰ This is untenable. As a simple demographic matter, as well as a democratic one, if we want breadth, depth and excellence in these professions, we must be inclusive, and we must reach out to black and Hispanic students.

- ***Support minority-serving institutions and build college partnerships***

We must support minority-serving institutions, including historically black colleges and universities (HBCUs), Hispanic-serving institutions (HSIs), and Tribal colleges. These institutions have played and continue to play a vital role in educating

⁷⁰ Scott; Artie Bienenstock. Snyder thinks that this last number (black doctorates smaller than 20 years ago) is wrong. Other stat from *Digest of Education Statistics, 1998*, NCES.

students of color. Fifteen percent of black college students attend HBCUs, but HBCUs award 28 percent of all bachelor's degrees received by blacks. And HSIs award more than 50 percent of all bachelor's degrees received by Hispanics.⁷¹

Minority-serving institutions typically go the extra mile to retain their students, and more colleges should follow their lead. For example, Xavier University of Louisiana, a small, historically black university with only 3000 students, leads the nation in producing black physics, chemistry, and biology graduates and sends more black graduates to medical schools and pharmacy schools than any other college or university in the nation.⁷² Norman Francis, President of Xavier University, attributes Xavier's success to demanding hard work while providing all students with the support services they need to succeed, including advising, tutoring, and assistance in applying to graduate schools.

In addition, we must encourage partnerships between minority-serving institutions and predominantly white research universities. These partnerships can enrich academic offerings available to students. In addition, the partnerships can increase diversity by providing opportunities for students and faculty to interact in different environments.⁷³

⁷¹ *Digest of Education Statistics 1998, ibid.*

⁷² Scott, article

⁷³ Note: We now have info on the AUC Engineering Dual Degree. Felicia isn't sure whether it's worth including -- it's a bit complicated, and students from Spelman, Morehouse, etc. can partner either with mainstream white institutions or with other black universities like North Carolina Agricultural and Technical. Please advise.

*

(3) Promoting Integration to Enrich the Learning Experience for All Students

Parents, students, institutions, and communities should be able to choose a racially and ethnically diverse education. Segregation in elementary and secondary schools is worsening, for several reasons. Housing and demographic trends are the worst culprits, but there has also been a shift away from court-ordered desegregation remedies put in place years ago, and some lessening of local political support for voluntary school district efforts that would ease racial isolation. Furthermore, diversity in higher education, though strongly supported by the higher education community and the nation, is under attack on several fronts.

As I said earlier,⁷⁴ I firmly believe in the value of integration in education, while recognizing that it has been a painful subject in families and communities around the country for generations. As my Advisory Board said in its final report, the goals of quality and integration in education are complementary. Diversity is not about political

⁷⁴ See the discussion of integration in Part II, *supra*.

correctness. We know that, for minorities, racial isolation in K-12 education is almost always combined with concentrated poverty, and quite often with an underperforming education system; integrated schools are far more likely to narrow the racial disparities in achievement. ^{cxn} Moreover, integration has real, tangible benefits for *all* students, and for our society. Diversity improves teaching and learning by providing a range of perspectives that enrich the learning environment. It teaches good citizenship by giving students the opportunity learn with, learn from, and build relationships with people different than they are. It improves students' preparation for employment by teaching them how to function in work settings with people of different backgrounds and beliefs. And it fosters the advancement of knowledge by encouraging students to study a rich variety of issues and cultures.

Integration is vital to the healthy functioning of our economy, our democracy and our society. To encourage it, we must take several actions:

- ***Reduce racial segregation among and within K-12 schools***

Today, 67 percent of black students and 74 percent of Hispanic students attend primary and secondary schools with greater than 50 percent minority enrollment, and more than one-third of black and Hispanic students attend schools with more than 90 percent

minority enrollment.⁷⁵ We must reduce this racial segregation and isolation among schools. *The single most important thing we can do to promote integration is to make all schools excellent, and make sure that excellence attracts a diverse student population.*

There are also innovative ways to give more parents and children the option of an integrated education. We should expand interdistrict magnet and charter schools. Many of these schools are small, and therefore can provide students important individualized teaching. Many of them also build their curriculum around exciting themes, like science and technology or performing arts, and so attract students of all backgrounds who share the love of a certain subject. We must also /support schools that are located in large employers' facilities and on university campuses. These can help break down the class- and race-barriers that still plague our neighborhood schools. And, finally, we must attack the residential problem directly by promoting housing integration efforts that will allow neighborhood schools to be truly multi-racial. (More on this later.)

Even in so-called integrated schools, however, too many students are resegregated into different classes, with students of color overrepresented in remedial and special education classes.⁷⁶ Furthermore, students sometimes self-segregate in inappropriate

⁷⁵ Orfield et al., *supra* note 20, at 11.

⁷⁶ Scott

ways. We must take action to ensure that tracking based on biased expectations and faulty policies does not resegregate students and thereby undermine our efforts to have the kind of quality that will build One America.

- ***Promote the benefits of diversity in higher education***

College and university leaders have long known that diversity in the student body is essential to providing everyone on campus with a complete educational experience. According to Neil Rudenstine, President of Harvard University, "The conception of a diverse student body as an educational resource -- comparable in importance to the faculty, library, or science laboratories -- is the most direct expression of an idea that we have seen emerging over the course of more than a century."⁷⁷ Studies show that where the resource of racial diversity is used effectively, all students benefit.⁷⁸ However, diversity in higher education is poorly understood in the public arena and is under attack on several fronts. Most dramatically, in states where affirmative action has been outlawed, we have seen a dramatic decrease in the numbers of students of color accepted at the most prestigious institutions. For example, in 1998, the University of California, Berkeley had

⁷⁷ Neil Rudenstine, President, Harvard University, *Report to the Harvard University Board of Overseers*, 1993-1995, 33 (January 1996).

⁷⁸ Scott

to reject more than 800 highly qualified black, Hispanic, and Native American applicants each of whom had a 4.0 or higher GPA and scored 1200 or higher on the SAT.⁷⁹

I address elsewhere the issue of affirmative action. But here I want to make the more general point that as a nation we must recognize the great value of diversity in higher education. In their recent book *The Shape of the River*, William G. Bowen and Derek Bok showed that college students of all races want a diverse educational experience.

According to surveys of black and white graduates of selective universities who began college in 1989, a majority of both blacks and whites believe that “the ability to work effectively and get along with people of different races and cultures” is “very important.”⁸⁰

A majority of both blacks and whites also believe their undergraduate experience was of “considerable value” in developing those skills based on interactions with students of different races.⁸¹ And the vast majority of both blacks and whites believe that their school should continue to place the same or greater emphasis on diversity.⁸² What was true for elementary and secondary schools is just as true for college: properly understood, diversity

⁷⁹ Rene Sanchez, “With Ban on Preferences, UC Will Enroll 12% Fewer Blacks, Hispanics,” *The Washington Post*, May 21, 1998, p. A10.

⁸⁰ William G. Bowen, Derek Bok, *The Shape of the River: Long-Term Consequences of Considering Race in College and University Admissions*, 221-240 (Princeton, NJ: Princeton University Press, 1998).

⁸¹ *Id.* At 239.

⁸² *Id.* At 245.

and integration are important parts of educational excellence.

We must preserve and develop appropriate mechanisms to ensure diversity in the short- and long-term. Furthermore, colleges and universities must promote the educational benefits of diversity by creating supportive campus environments and by promoting positive cross-racial interactions among students.

*

CONCLUSION

Tearing down the walls of disparity and division in American education is as vital to our future as the defeat of fascism was in World War II, or the global stabilization of struggling economies is today. For too long we have professed support for equal opportunity without grappling with the glaring inequities faced by too many of our children. As the new century begins, it is time to recognize that quality education, with an equal opportunity to achieve, is a civil right indispensable to our effort to create One America with racial and ethnic justice. I have no illusions about the difficulty of this. Yet, as challenging as it may be to some of our old ideas about roles and responsibilities, this vision is true to our best ideals. And we must not fail to act. The costs of delay are mounting. Our children and our nation are in danger of falling behind in a world that is

forging ahead.

Remember, these are all our children. Each of them is eight years old but once. The choices we make will put them on a track to nowhere or a track toward achieving their full, God-given potential. If we do not prepare them well, they may spend a lifetime struggling to find a way in from the cold margins of the new economy. And if our children learn apart, they won't know how to live together. This requires more than passing laws against hateful conduct. It requires a passage of spirit, from the old world of racial separation, to a new world of shared hopes, common values, and unity. Education is the vessel that will get us there. It must be our number one priority. Nothing less is at stake than the strength of our economy, the vitality of our democracy, and the soul of our nation.

How we meet the challenge remains a window on our hearts.

[Editorial endnotes:]

- a. Should we use the term “English Language Learners”?
- b. Get cites.
- c. Check this and get cite if possible.

PART III: THE OPPORTUNITY WE DESERVE

[Introduction to Part III]

[Sections 1-2]

...

3. COMMUNITY SECURITY, AND A CRIMINAL JUSTICE SYSTEM THAT SERVES ALL AMERICANS FULLY AND FAIRLY

A. INTRODUCTION

I ask every American who lives in a safe community to imagine what it would be like to live in neighborhood where you and your family feared violence every day. Are we willing to remain a nation that seems to tolerate having communities where law-abiding residents live in fear and other law-abiding persons fear to enter? More than anywhere else, our highest-crime communities—many of which are communities of color—want, need, and deserve strong law enforcement to restore order, reduce crime, and help build hospitable environments for families and businesses. But we must not

substitute prisons for playgrounds, or parole officers for church deacons and college teachers. As we redouble efforts to ensure every family's right to a safe community, we must take action in every community across our nation to keep young people out of crime and build trust and confidence in the criminal justice system across racial lines.

*

Whenever Americans are asked what issues concern them most, crime is near the top of the list even though we've been reducing violent crime rates. Most of us live in relatively safe and crime free communities, confident that our children won't get mixed up in crime and will have the chance to succeed to their full potential. And most of us believe that the criminal justice system exists "to protect and to serve" us—to ensure public safety, prevent crime, and promote justice.

Some Americans, however, live in communities in which crime is pervasive and fear of crime is constant. Some children grow up struggling to avoid being victims of crime, in places where their peers are more likely to go to prison than they are to go to college. Some law-abiding citizens have had experiences with our criminal justice system that lead them to believe that they are more likely to be targets of law enforcement than they are to be served by it. And more often than not, the people and communities

facing these conditions are people and communities of color.

Some of our deepest and most complex challenges of race in America arise in the context of criminal justice. Today, crime rates are at their lowest levels in nearly 25 years. Since 1993, the violent crime rate has dropped more than 18 percent nationwide, including a 28-percent drop in the homicide rate, which is at its lowest level in 30 years.¹ These are astonishing achievements. Nonetheless, as the Advisory Board on Race said in its final report, "Racial disparities persist in both the realities and perceptions of crime and the administration of justice."²

Despite recent, substantial decreases in criminal victimization across racial lines, persons of color remain significantly more likely than whites to be victims of crime, especially violent crime. For example, American Indians are more than twice as likely to be victims of homicide than whites or Asian Pacific Islanders; Hispanics are approximately 3 times more likely; and blacks are approximately 8 times more likely.³ The homicide rate for black males is 58 per 100,000, compared to 5 per 100,000 for white

¹ *Crime in the United States, 1997*, U.S. Department of Justice, Federal Bureau of Investigation, 5-16 (November 1998).

² Advisory Board, *supra* note __, at 81.

³ See *Changing America*, *supra* note __, at 53, Chart 1.

males.⁴ Homicide, moreover, remains the leading cause of death for young, black males, and ranks second for young Hispanic males.⁵ Persons of color are also significantly more likely than whites to fear crime. Black and Hispanic households, for example, are approximately twice as likely as white households to identify crime as a neighborhood problem.⁶

Also sobering are figures that show that women of color are prone to be victims of violent crime. A forthcoming Justice Department study found that victimization of African American women was 32 percent greater than for white women.⁷ An earlier study found that Hispanic women were victims 21 percent more often than non-Hispanic women.⁸ Most sobering, a 1999 Justice Department study revealed that American Indian

⁴ Christopher Stone, *Race, Crime and the Administration of Justice: A Summary of Available Facts*, Presentation to the Advisory Board of the President's Initiative on Race, 2 (May 19, 1998).

⁵

⁶ Carol J. DeFrances and Steven K. Smith, *Perceptions of Neighborhood Crime, 1995*, U.S. Department of Justice, Bureau of Justice Statistics Special Report, 2 (April 1998).

⁷ For black women, 44.7 per 1,000 persons age 12 and over, versus 33.9 for white women. *Criminal Victimization in the United States, 1997: A National Crime Victimization Survey Report*. Forthcoming. Bureau of Justice Statistics.

⁸ The rate for Hispanic women was 52 per 1,000, versus 43 per 1,000 for non-Hispanic women. *Criminal Victimization in the United States, 1994: A National Crime Victimization Survey Report*. May 1997. Bureau of Justice Statistics, NCJ-162126. Page 3.

women are twice as likely to suffer from a violent crime than women of all other races.⁹

In fact, the rate of violent crime

experienced by American Indian

women is nearly 50 percent higher than

that reported by black males.¹⁰ These

startling numbers tell a story that is

often missed in discussions about

crime: not only are communities of

color more likely to be victimized by

violent crime, but women in those communities are especially at risk.

Chart/Graph on Victimization

[Provide a bar chart or other graphic to illustrate racial disparities in victimization.]

Most crime is intraracial. Nine out of every 10 murders, for example, involve victims and offenders of the same race.¹¹ So, the fact that minorities are disproportionately more likely to be victims is connected to the fact that more minorities are disproportionately committing offenses. Nonetheless, whites commit a majority of all crime, including a majority of all violent crime.¹²

⁹ *American Indians and Crime*. 1999. Bureau of Justice Statistics, NCJ-173386. Page 4

¹⁰ *Id.*

¹¹ [BJS data summary, page 9.]

¹²

Here's another key fact. Overall, the greater risk of crime faced by minorities is due to extremely high crime rates in a small number of poor, largely urban communities of color, with much of that crime being committed by and against young males.¹³ And crime rates remain high in parts of Indian country as well; the number of murders in Indian Country rose sharply between 1992 and 1996, contrasting sharply with the promising national trend during the same period.¹⁴

Why do these conditions exist? It is too easy to throw up our hands and blame it all on some culture of lawlessness which most of us have only read about or seen on television, and which too many people unfairly adopt as a stereotype. But we must look beyond the footage on the local TV news. Despite what some may say, I believe the crime in our highest-crime communities is neither inevitable nor incurable. Much of it can be stopped and prevented if we refuse to ignore it and if we are resolute in our approach to establishing order, raising healthy children, and building strong communities. Consider this parallel: In education, we are spurred to expect excellence by believing that every child can learn. In criminal justice, we must believe

¹³ For example, nearly half of all homicides occur in only 47 of approximately 14,000 police jurisdictions. Lawrence Sherman, *Cooling the Hot Spots of Homicide: A Plan of Action*, in What Can the Federal Government Do To Decrease Crime and Revitalize Communities, U.S. Department of Justice, Executive Office for Weed and Seed Report, 42 (January 1998).

¹⁴ "Final Report to the Attorney General and the Secretary of the Interior," the Executive Committee for Indian Country Law Enforcement Improvements, 4 (October 1997).

that every family in every community can be safe.

Studies show that the dramatically high crime rates in these communities are linked to a number of community factors, including extreme and pervasive poverty (especially mass unemployment), widespread family disruption (including the predominance of single-parent households), and frequent residential turnover.¹⁵ Together, these factors result in concentrated disadvantage and the destruction of community order and cohesiveness, and put enormous stress on community institutions such as schools and small businesses. Young people who grow up in these communities have limited legitimate opportunities, few role models, and little community supervision. Add to these conditions the proliferation of guns and illegal drug markets, and the result is high rates of crime among youth and young adults. Poverty, family disruption, and residential instability are not excuses for crime; they are explanations for why crime has taken hold in some communities and how it has destroyed the communal need to take care of each other. Absent these factors, rates of criminal offending and victimization do not differ significantly by race, but the communities in which these troubling conditions exist together are often communities of color.¹⁶

¹⁵ E.g., Robert Sampson, *The Community, in Crime*, James Q. Wilson and Joan Petersilia, eds., 193-202 (1995); Stone, *supra* note __ at 2.

¹⁶ Sampson, *supra* note __, at 202; Stone, *supra* note __, at 2; Robert Sampson and Janet Lauritsen, *Violent Victimization and Offending: Individual, Situational, and Community-Level*

The costs of crime in these minority communities are dramatic. In addition to the direct costs to crime victims and their families, there are substantial psychological, social, and economic costs for the other law-abiding citizens who live there. We must not forget that in the poorest, highest crime neighborhoods in this country, the vast majority of people get up every day, go to work, obey the law, pay their taxes, and do their best to raise their kids. In these communities, however, fear of crime limits social interactions and destroys the sense of community. Fear of crime restricts economic investment and job opportunities. Fear of crime creates the very conditions of social disorder in which crime itself can flourish. It is these communities in which strong, effective law enforcement is needed most.

However, persons of color often have less trust and confidence in law enforcement than whites, and these perceptions of unfairness limit the effectiveness of law enforcement in communities of color. For example, more than 7 out of 10 blacks believe that blacks are treated more harshly by the criminal justice system than whites, and more than 4 out of 10 whites agree.¹⁷ Furthermore, of those crime victims who did not report the incident to police, approximately twice as many blacks than whites say they

Risk Factors, in Understanding and Preventing Violence, National Academy of Sciences, Albert J. Reiss and Jeffrey Roth, eds., Vol. 3 (1993). [?]

¹⁷ Changing America, *supra* note __, at 59, Chart 7.

did not report the crime because the police would not care or would be inefficient, ineffective, or biased.¹⁸ Why do so many believe the system is unfair? There are many reasons, of course, both historical and current: the use of so-called racial profiling, incidents of police brutality, racial disparities in incarceration rates and sentencing, the lack of diversity in the criminal justice system, and of course the ever present sense that the rich get a better shake than the poor.

Let me be clear: I believe the justice system is for the most part fair, though areas of unfairness remain. These limited areas are serious problems by themselves, but their existence also feeds perceptions that the system fails to protect people of color. During a meeting I had last year with a group of black journalists, I asked how many of them had been stopped by the police within the last few years for no reason other than the color of their skin. Every one of them raised his or her hand. Whether this is a matter of reality or perception—and I believe it is a combination of both—it must be addressed by all of us with responsibility for law enforcement and community security. *How many?*

And while many minority communities want and need strong law enforcement, they are also bearing an enormous price for high rates of incarceration, especially for young men of color. Today, one-third of all young, black males are under the supervision

¹⁸ [BJS data summary, 27.]

of the criminal justice system (on probation, in prison, or on parole).¹⁹ In cities such as Baltimore, more than 50 percent of young, black males are under criminal justice supervision.²⁰ Overall, the chance that a young male will go to prison during his lifetime is approximately 4 percent for whites, 16 percent for Hispanics, and nearly 30 percent for blacks.²¹ While persons of color comprise less than one-third of the overall population in the United States, they comprise more than two-thirds of the Federal and state prison populations, with blacks alone comprising nearly 50 percent of the prison population.²² These rates of imprisonment have substantial social and economic effects on minority communities, contributing to the rise in poor, single-parent, female-headed households, the lack of employable males of color, and the disenfranchisement of 1.4 million black males alone--they don't vote because they aren't permitted to.²³

These conditions are intolerable. No American should have to live in constant fear of crime. No American should have reason to mistrust the very officers of the state assigned to protect him or her. No American should grow up

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²¹ *Lifetime Likelihood of Going to State or Federal Prison*, U.S. Department of Justice, Bureau of Justice Statistics, 2 (1997).

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believing that a stay in prison is a rite of passage. We must take action to eliminate these conditions and to build a criminal justice system that serves Americans of all races fully and fairly. I believe we must do three things:

First and foremost, we must reduce crime and restore order in selected communities of color where crime and fear of crime are greatest. Every American has the right to live in a safe community, and we should not be able to identify high-crime neighborhoods based on the race of the residents who live there.

Second, we must prevent young people of color from becoming involved in crime and the criminal justice system. The present situation is dramatic. For black males born today, the odds of going to prison are greater than the odds of going to college. And racial disparities—from arrest through incarceration—are greater in the juvenile justice system than in the adult system. The debate about whether there is something fundamentally wrong with “the system” is not going to be settled, but that should not stop us from responding to these disparities decisively: we must intervene to prevent juvenile delinquency before we lose another generation of minority youth to crime, as either victims or offenders. And for the kids who do get in trouble, we must intervene in their lives to help them become productive and successful members of society.

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Third, we must build trust and confidence in the criminal justice system among persons of color. The vast majority of law enforcement officers in this nation are dedicated public servants of great courage and high moral character who deserve the respect of citizens of all races. I also want to stress that concepts such as community policing—a subject I will discuss more below—is helping to restore trust in the justice system. Furthermore, though some will disagree, evidence suggests that racial discrimination is not endemic to law enforcement. Evidence also shows, however, that racial stereotypes and biases still exist, incidents of police brutality based on race still occur, and policies that have an unjustified disparate impact on persons of color are still functioning. Absent an extraordinary justification,^a no person should be the target of law enforcement based on the color of his or her skin. We must eliminate these conditions and increase fairness and trust in the criminal justice system.

In summary, to help us achieve our vision of One America, our workplan for criminal justice must increase community safety, prevent young people from entering the system, and build confidence and trust in law enforcement. We have laid the foundation for this approach, and we have already made important progress. That foundation is community policing—an approach to criminal justice that emphasizes strong partnerships between law enforcement and communities to prevent crime.

Community policing is a relatively new model of law enforcement that focuses on preventing crime by restoring order in communities, solving community problems, and building partnerships between law enforcement officers and the citizens they serve. Community policing is based on several interrelated principles: First, studies show that reducing disorder in communities can help reduce fear of crime, encourage citizens to interact with one another and their community, and thereby decrease crime itself. Second, preventing crime requires more than making arrests; police must also identify and help solve the underlying community problems that cause crime. Third, both reducing disorder and solving community problems require strong relations between law enforcement officers and the communities they serve. In order to reduce disorder and fear of crime, police must get to know the concerns, needs, and values of law-abiding citizens. In order to solve problems that cause crime, police must look to these same law-abiding citizens for information about those problems. Finally, citizens and community organizations can play a vital role as partners in reducing disorder and solving community problems, and these efforts can directly improve community cohesiveness, which in turn can further reduce crime.

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Before I ran for President, I traveled across the country and visited different cities where local officials were leading the way in solving some of the nation's most difficult domestic problems. One of the places I visited was Charleston, South Carolina, where

Police Chief Reuben Greenberg was at the forefront of the community policing movement. Through community policing, Chief Greenberg was both driving down the crime rate in public housing and strengthening the relationship between local police and community residents.

*What's the
answer to
initiate
we do?*

When I became President, one of my top priorities was to help our cities hire more police and expand the community policing philosophy. Vice President Gore and I were proud to work with an unprecedented coalition of teachers, clergy, law enforcement and elected officials, and other community leaders to pass our initiative to put 100,000 more community police on the street. Today, we have nearly reached this goal and helped expand community policing to thousands of police departments across the country. Our efforts are making a difference. Crime and fear of crime have dropped to their lowest levels in a quarter century. And I have asked Congress to extend the program by adding another 50,000 officers.

Our efforts in community
policing provide a solid foundation for
achieving the goals of enhancing safety
in our highest crime communities,
keeping young people out of the

**Community Policing and the Clinton-Gore
Administration**

[Text box on ways in which the Administration has
promoted community policing.]

criminal justice system, and increasing trust and confidence in law enforcement. To fully achieve these goals, we should build on that foundation by applying the lessons learned from community policing in other areas of the criminal justice system, such as local prosecutors' offices, our courts, and local jails.

In the balance of this chapter I offer a workplan to guide us all in our efforts. Let me first highlight the centerpiece for continued federal leadership.

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B. CENTERPIECE OF THE FEDERAL WORKPLAN:

THE COMMUNITY JUSTICE "HOT SPOTS" INITIATIVE

In order to reduce and prevent crime in our highest crime communities, I propose a **Community Justice "Hot Spots" Initiative**—a comprehensive community policing and crime prevention initiative targeted to neighborhoods of concentrated disadvantage, social disorder, and high crime rates. Like multiple fire hoses aimed at the center of a blaze, Hot Spots will target proven community safety efforts into a single stream aimed at crime hot spots. For communities willing to tackle conditions in their highest crime neighborhoods:

- The federal government will target funds from a number of key criminal justice programs -- both enforcement and prevention -- including our 21st Century Policing Initiative, which will extend our community policing initiative by supporting additional police and other resources in the places that need them most.
- To be eligible for this pool of targeted funds, communities will be required to bring all the actors to the table (federal, state, and local; public and private; law enforcement and other services; and, most important, concerned citizens and community leaders) to develop a coordinated, comprehensive action plan aimed at preventing and combating crime in specific high-crime neighborhoods.
- The community action plans will promote accountability by setting concrete goals for reducing crime, reducing fear of crime, increasing confidence and trust in law enforcement, and more. Continued federal support from the targeted pool would be tied to progress.

With this Hot Spots support, communities will implement comprehensive plans aimed at high-crime areas and designed to (1) enhance law enforcement and establish

community policing, (2) rebuild community infrastructure, and (3) initiate proven prevention programs aimed at young people, such as mentoring and after-school programs. I cannot stress this third element enough. Just as overcoming disparities in educational achievement requires taking action in early childhood and elementary education, preventing crime by teens and young adults requires taking action early in their lives to increase community supervision, provide adult support, strengthen families, and instill a belief in opportunity. All of this should go hand-in-hand with other community and economic development efforts aimed at our most distressed communities, so that community plans should include business, education, faith and other sectors as partners.

Many strategies show promise for reducing crime in our highest crime communities. But hard evidence from program evaluations has been limited because too few good studies have been done. Much of this is hard (not impossible) for social science to measure, and no one has all the answers. The "Hot Spots" Initiative, therefore, is designed to be flexible and to support innovative local approaches to reducing crime. All community plans must, however, include evaluation mechanisms, and those evaluations must show positive results to receive continued federal support.

By focusing the resources of many programs and many actors on the concentrated

problems facing our highest crime neighborhoods, we can vastly improve public safety, and we can do so in a way that helps keep young people out of crime and builds confidence and trust in our criminal justice system as well.

*

C. A WORKPLAN FOR THE NATION

The nation's agenda in criminal justice should focus on both decreasing crime and improving the administration of justice. To Build One America, we must:

- Ensure public safety in our highest crime communities;
- Keep young people out of crime and the criminal justice system; and
- Build fairness and trust in our criminal justice system across racial lines.

These are interrelated. We cannot, for example, enhance public safety in our highest crime communities without implementing proven crime prevention programs aimed at youth or without improving relations between citizens of color and law enforcement.

Still, it helps to separate these goals and focus more concretely on how to achieve each of them.

*

(1) Ensuring Public Safety in Our Highest Crime Communities

Today, although crime rates are dropping across the nation and for all racial groups, they remain unacceptably high in a small number of deeply poor, mostly minority communities. These high-crime areas are concentrated in urban centers, but exist in other areas as well, including parts of Indian country. The Community Justice “Hot Spots” Initiative, described above, would expand the Federal commitment to those communities. Whether as part of Hot Spots or otherwise, there are several important, interrelated actions for all of us to take—all levels of government, and community partners as well—to reclaim these communities so that parents can raise their children in safety, businesses can invest with confidence, and all law-abiding citizens can enjoy the simple pleasures of life free from crime and fear of crime. Americans of all races deserve no less.

- ***Enhance targeted law enforcement and address the problems of gangs, guns, and drugs***

Research confirms that increased law enforcement can help prevent crime, and these returns can be greatest in our highest crime communities.²⁴ According to a recent study, “each additional police officer assigned to a big city prevents six times as many serious crimes each year as an officer assigned nationally by population.”²⁵ But to be most effective, increased law enforcement must be aimed at the right places and factors.

Crime is largely a concentrated phenomenon. Even within our highest crime areas, the vast majority of crime occurs in relatively few places and at relatively few times. Studies have shown that as little as three percent of all street addresses can account for as much as 50 percent of the crime in a given community.²⁶ These “hot spots within hot spots” may include buildings, parks, or street corners that serve as havens for

²⁴ Lawrence Sherman, *Policing for Crime Prevention*, in Preventing Crime: What Works, What Doesn't, What's Promising, U.S. Department of Justice, Office of Justice Programs Report prepared by the University of Maryland Department of Criminology and Criminal Justice, 8-9 to 8-10 (1997).

²⁵ *Id.* at 8-37; Thomas B. Marvell and Carlisle E. Moody, *Specification Problems, Police Levels and Crime Rates*, in *Criminology* 34:609-46 (1996). [?]

²⁶ *E.g.*, Lawrence Sherman, Patrick R. Gartin, and Michael E. Buerger, *Hot Spots of Predatory Crime: Routine Activities and the Criminology of Place*, in *Criminology* 27-55 (Volume 27, 1989). [?]

criminal activity. The best law enforcement strategies identify high-crime places through computer mapping, and then increase police patrols at those high-crime places at high-crime times. Importantly, research shows that enhancing such targeted law enforcement does not simply displace crime, but actually reduces it.

In addition, whatever unique problems exist in a given high-crime community, two problems likely to be pervasive are guns and drugs. And we know that the heart of the violent crime problem is the combination of guns and drugs. Alfred Blumstein and other noted criminologists postulate that the rise in violent crime in our highest-crime communities during the 1980s was the result of a rise in gun violence among youth caused by the emergence of crack cocaine. According to Professor Blumstein:

[C]rack arrived in the mid-1980s, initially in the larger cities, and spread from there to the smaller cities. Because crack required many more sellers to meet the increased demand ... there was major recruitment of young minorities to serve in that role.^b They were carrying valuable property—drugs or the proceeds from the sale of those drugs—and so they had to take steps to protect themselves from robbery. Because they were dealing in an illegal market, they could not call the police if someone tried to steal their valuables. Their self-protection involved carrying handguns. Because young men are tightly networked and highly

imitative, their colleagues—even those not involved in selling drugs—armed themselves also, at least in part as a matter of self-protection against those who were armed. That led to an arms race in many inner-city neighborhoods.

It is widely recognized that violence has always been part of teenage males' dispute resolution repertoire, but that has typically involved fights, the consequences of which were usually no more serious than a bloody nose. The lethality of the ubiquitous guns contributed in a major way to the doubling of the homicide rate by (and of) those 18 and under.²⁷

One important lesson from this theory is that guns do kill people, especially young people of color in our most disadvantaged communities. In places where community supervision is limited, many young people are armed, and gangs exert great influence, disputes are more likely to be "resolved" through gun violence. Nearly half of all murders committed in the United States each year are committed by persons under 24 years old with guns.²⁸ In the words of criminologists Philip Cook and Mark Moore,

²⁷ Alfred Blumstein, *The Context of Recent Changes in Crime Rates*, in What Can the Federal Government Do To Decrease Crime and Revitalize Communities, U.S. Department of Justice, Executive Office for Weed and Seed report, 15 (January 1998).

“There are very few drive-by knifings, or people killed accidentally by stray fists.”²⁹ We must take action to stop gun violence and to keep guns out of the hands of those who should not have them, including convicted felons and juveniles. Promising approaches include increased seizures of illegally carried guns at crime hot spots, “tracing” of guns seized in crime to crack down on illegal gun sales, and Brady Act background checks to prevent gun purchases by convicted felons and others prohibited from buying guns.

In addition, we must crack down on gang activity. Today, there are an estimated 23,000 gangs with 665,000 members in 2,000 jurisdictions across the country, and there is evidence that these numbers are growing.³⁰ Research shows that gang members account for a high percentage of crime in our highest crime communities and that gang membership itself encourages criminal activity.³¹ We must prevent and reduce gang membership and crime. In large part, this means increasing support for prevention programs aimed at our young people. Simply put, we must draw the line against gang and gun violence in our highest crime communities. By doing so, we can reduce crime and save lives. For example, in Boston, law enforcement and community leaders—especially

²⁹ Philip J. Cook and Mark H. Moore, *Gun Control, in Crime*, James Q. Wilson and Joan Petersilia, eds., 273 (1995).

³⁰ J.P. Moore, *The 1995 Youth Gang Survey, Report to the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Programs* (1996). [?]

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clergy leaders—came together in 1996 and made clear to gang members that any gun violence by any gang member would

be met with a massive, comprehensive

crackdown against all members of the

gang. The result was an immediate

decline in the number of juvenile

homicides in Boston to zero for two

consecutive years. Still, researchers tell

us that we know far too little about the

strategies most likely to work in

different communities. Gangs sow

chaos, and we must redouble our efforts to combat them not only with effective police

work, but also by strengthening families, improving our schools, and strengthening the

community institutions that create hope.

The Boston Gun Project

The Boston Gun Project presents an innovative approach to deterring violent crime: combining the efforts of the Boston Police Department, the departments of probation and parole, the U.S. Attorney's and county prosecutor's offices, the Attorney General's Office, school police, youth corrections, social services, and other partners, the Ceasefire Working Group meets with gangs, makes it clear that violence will not be tolerated, and backs up that message with swift and strong reactions if violence does occur. The strategy has demonstrated that communicating up-front the consequences of gang violence and backing up the message brings about impressive results.

Finally, while the use of some drugs is decreasing in many places,^c the percentage of persons who commit crimes under the influence of drugs is increasing, and drug markets continue to threaten order in our highest crime communities.³² That's why we cannot ease up our attacks on drug use and illicit drug markets. However, we must also acknowledge that the war on drugs has taken a terrible, disproportionate toll on persons

on communities of color—compounding the destruction from the drug scourge itself. We cannot allow the war on drugs to be a war on minority persons or communities, or to be perceived that way in the very communities upon whose cooperation our efforts depend. So, with more effective enforcement, we need a reinvigorated focus on prevention, treatment and promoting greater fairness in administration of our drug laws.

We have made important progress in the war on drugs, but we cannot “incarcerate” ourselves to victory in these most needy communities.

- ***Engage the community and establish community policing***

While increasing law enforcement can help reduce crime in our highest crime communities, it must be the right kind of law enforcement done in the right way. Most importantly, it is essential that the community itself be fully engaged in both the development and implementation of any new public safety effort. Without that involvement, targeted law enforcement efforts may be perceived not as comprehensive community building but as a full-scale assault on selected minority neighborhoods. Instead of increasing public safety, we can end up increasing mistrust of law enforcement, thereby actually reducing its effectiveness.

Research shows that by improving the legitimacy of police in the eyes of the community, we can not only reduce tensions, but also help prevent crime.³³ Building that police legitimacy requires training police and citizens to interact effectively, with mutual respect, and building lines of communication through community meetings and other mechanisms. (I will say more on these issues below with regard to building confidence and trust in the criminal justice system.) In all of this, however, we must recognize that racial and ethnic differences, festering as mistrust and suspicion, stand in the way of achieving what both the community and the police seek: the community security to which every American is entitled.

The community must also be fully engaged because each community's crime problem is to

some extent unique, and the law-abiding citizens of each community are the best resource for understanding the roots of the crime and fear of crime they face. Partnerships are, therefore, the heart of community policing. Since 1993, the number of communities implementing community policing has increased from hundreds to more than 9,000. In

TEXT BOX

Chicago's Alternative Policing Strategy (CAPS): Chicago's Alternative Policing Strategy (CAPS) seeks to identify and resolve problems of crime at the neighborhood level by putting more police on the street, training police and citizens in problem solving and partnership building, and holding hundreds of community meetings each month around the city at which thousands of Chicagoans interact with their community policing officers. Evaluations of CAPS show that the effort has been successful in reducing crime, reducing fear of crime, and improving relations between citizens and law enforcement.

³³ See Sherman, *supra* note __, at 8-26; Tom Tyler, *Why People Obey the Law* (1990). [?]

1998, we took action at the federal level to target community policing resources to our highest need cities, and I have proposed similar targeting of future federal community policing resources as well. Evidence shows —as with Chicago’s Alternative Policing Strategy (CAPS) (see text box)³⁴ —that the expansion of community policing has contributed greatly to the decrease in crime across our nation and to better police-community relations.

As difficult as these problems are, there is reason to hope. Law enforcement need not be a losing battle if we use what we know, invest what we can, and stay focused on the goal of community security.

- ***Build stronger communities***

While law enforcement is important, crime prevention in most communities is a consequence not only of government or law enforcement, but is primarily based on the strength of the community itself, and the families within it. As one authority has put it:

Each person’s bonds to family, community, school and work create what criminologists call ‘informal social control,’ the pressures to conform to the law

that have little to do with the threat of punishment. Informal controls threaten something that may be far more fearsome than simply life in prison: shame and disgrace in the eyes of other people you depend upon.³⁵

Emerging research shows that crime rates in communities are related to what researchers call “collective efficacy,” which simply means the degree of social cohesion in a community—the extent to which neighbors know, trust, and look out for one another; the more there is, the lower the crime rates.³⁶ So, formal law enforcement efforts must be fully aligned with and support a range of community- and school-based efforts that leverage informal social controls—from parent-teacher associations to neighborhood watch programs.

However, communities with the highest crime rates not surprisingly have the worst social conditions for preventing crime—pervasive unemployment, family disruption, residential instability, and symptoms of disorder and seemingly petty

³⁵ Lawrence W. Sherman, *Thinking About Crime Prevention in Preventing Crime: What Works, What Doesn't, What's Promising* 2-7, U.S. Department of Justice, Office of Justice Programs Report prepared by the University of Maryland Department of Criminology and Criminal Justice (1997).

³⁶ Robert J. Sampson, Stephen W. Raudenbush, Felton Earls, *Neighborhoods and Violent Crime: A Multilevel Study of Collective Efficacy*, in *Science*, Vol. 277, 918-24 (August 15, 1997).

lawlessness. According to Wesley Skogan:

Disorder is evident in the widespread appearance of junk and trash in vacant lots; it is evident, too, in decaying homes, boarded-up buildings, the vandalism of public and private property, graffiti, and stripped and abandoned cars in streets and alleys. It is signaled by bands of teenagers congregating on street corners, by the presence of prostitutes and panhandlers, by public drinking, the verbal harassment of women, and open gambling and drug use. What these conditions have in common is that they signal a breakdown of local social order.

Communities beset by disorder can no longer expect people to act in a civil fashion in public places. . .

Researchers have found that perceptions of disorder have many ill effects on urban neighborhoods. Disorder not only sparks concern and fear of crime among neighborhood residents; it may actually increase the level of serious crime.

Disorder erodes what control neighborhood residents can maintain over local events and conditions. It drives out those for whom stable community life is important, and discourages people with similar values from moving in. It threatens house prices and discourages investment. In short, disorder is an

instrument of destabilization and neighborhood decline.³⁷

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quote
In short, concentrated disadvantage and community disorder greatly reduce collective efficacy and, thereby, promote crime in our highest crime communities. We can and must take action to rebuild community infrastructure and strengthen the forces of cohesion. One simple key is to get organizations involved. Existing community organizations can and must reach into high-crime neighborhoods, encourage civic participation, and build a foundation of community support.³⁸ Furthermore, the community can be an essential partner in helping to restore order in high-crime communities by cleaning up areas and promoting positive activities for youth. Indeed, these roles might be more appropriate and successful ones for citizens and organizations than a more traditional law enforcement role. Finally, we must promote quality education and strong economic development to overcome the concentrated disadvantage that plagues many high-crime communities. The elements of the workplan I have proposed in these other areas are also vital to building secure communities.

³⁷ Wesley G. Skogan, *Disorder and Decline; Crime and the Spiral Decay in American Neighborhoods*. 2-3 (1990).

³⁸ Wesley Skogan, *The Community's Role in Community Policing, in Communities: Mobilizing Against Crime, Making Partnerships Work*, U.S. Department of Justice, National Institute of Justice Journal, 34 (August 1996).

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(2) Keeping Young People Out of Crime and the Criminal Justice System

After increasing dramatically for nearly a decade, juvenile crime has been decreasing rapidly for the last few years at rates even greater than adult crime. However, too many children are still falling prey to crime, as either offenders or victims. And kids who commit crime are significantly more likely to become adults who commit crime.³⁹ There are nearly 3 million juvenile arrests across the nation each year, and children of color are over represented in those arrests and at every stage in the juvenile justice process.⁴⁰ For example, minority youth constitute approximately 32 percent of the juvenile population, but they represent 68 percent of the juvenile population in detention.⁴¹ The further you go in the process, the worse the disparities look: black youth constitute approximately 15 percent of the juvenile population, but blacks alone account for 26 percent of juvenile arrests, 32 percent of delinquency referrals to juvenile court, 41 percent of juveniles detained in delinquency cases, 46 percent of juveniles in correctional institutions, and 52 percent of juveniles transferred to adult criminal court after judicial

³⁹ See Peter W. Greenwood, "Juvenile Crime and Juvenile Justice," in *Crime*, James Q. Wilson and Joan Petersilia, eds., 98-99 (1995).

⁴⁰ *Id.* at 17.

⁴¹ *Id.* at 32.

proceedings.⁴²

In part, these figures raise serious concerns about the fairness of the juvenile justice system, which I discuss below in the context of building fairness and trust in the criminal justice system. But they also reflect disparities in the commission of crimes and the need for greater efforts to keep our young people, especially young males of color, out of crime and the criminal justice system. Once again, research suggests that racial disparities in the commission of crimes by youth are closely tied to factors such as concentrated poverty, family disruption, and residential instability that plague many communities in which children of color are raised.⁴³ Controlling for those factors, juvenile offending rates do not differ significantly by race.⁴⁴ Therefore, supporting efforts in our highest crime communities, described above, to increase law enforcement, enhance community policing, rebuild collective efficacy, and promote economic development will help reduce and prevent youth crime. However, in addition to and as part of those efforts, we must also renew our commitment to prevention and treatment programs aimed directly at youth and young adults to ensure that our children have every

⁴² [OJJDP summary...]

⁴³ Darnell F. Hawkins, John H. Laub, and Janet L. Lauritsen, "Race, Ethnicity, and Serious Juvenile Offending," in *Serious and Violent Juvenile Offenders: Risk Factors and Successful Interventions*, 39-43, Rolf Loeber and David P. Farrington, eds. (1998).

⁴⁴ *Id.* at 42.

chance to succeed in life rather than getting caught up in a life of crime.

- ***Prevent crime by supporting young people***

Several strategies show evidence of success at keeping young people out of crime and the criminal justice system and would likely have a disproportionately positive effect on young people of color. Implementing those strategies successfully will require the support and participation of families, schools, and communities. At the federal level, in 1998, I was proud that we launched a Values-Based Violence Prevention Initiative to support community-based efforts led by civic and religious organizations and designed to target the problems facing young people, including youth violence, truancy, and gangs. I believe these efforts show great promise, and we must do more at all levels of government -- especially at the community level.

First, as reported in the
education section of this chapter,
emerging evidence shows that early
childhood and family support
programs can help reduce criminal

Youth Crime Prevention Programs

[Descriptions of Houston and Boston Efforts
focused on community-based civic efforts,
forthcoming]

activity years and even decades later. The Perry Preschool project in Michigan, for

example, provided early childhood education and in-home family support for low-income, black children ages three to five and their families. Children who participated in the project^d were found to be less than one fourth as likely to become involved in crime by age 24 as children who did not participate in the program.⁴⁵ Similar programs have also been found to reduce child abuse, which is a great evil in itself and a risk factor for future child delinquency and adult criminality.⁴⁶ We must increase support for early childhood development, family support, and quality pre-school programs to reduce juvenile delinquency and increase educational achievement.

Second, after-school programs can help reduce delinquent activity. Data show that juvenile crime peaks sharply at 3 p.m., just as school lets out, and remains high until approximately 8 p.m.⁴⁷ It is during these hours of 3 p.m. to 8 p.m. that our kids are often on their own and most likely to fall prey to gangs, drugs, and/or crime. By keeping schools open to serve children and their families during these hours, we can provide our children with safe havens from crime, promote constructive activities, and develop

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Achievement
as accomplishment
in this area

⁴⁵ J. Berrueta-Clement et al., *Changed Lives: The Effects of the Perry Preschool Program on Youths through Age 19* (1984); Lawrence Sherman, *Family-Based Crime Prevention, in Preventing Crime: What Works, What Doesn't, What's Promising*, U.S. Department of Justice, Office of Justice Programs Report prepared by the University of Maryland Department of Criminology and Criminal Justice 4-10 to 4-15 (1997); James F. Short, Jr., *Poverty, Ethnicity, and Violent Crime, 1998-99* (1997); Greenwood, *supra* note __, at 115.

⁴⁶ See Sherman, *supra* note __, at 4-1 to 4-15.

⁴⁷ *Juvenile Offenders and Victims*, *supra* note __, 26.

Need to look
at more recent
Perry preschool
report
It's a large federal
study that
I think was
done in 1997
or 1998

educational and other skills.

Third, many young people get into trouble because they lack adult and/or community supervision. Mentoring programs can prevent juvenile crime by providing that supervision and vital support. For example, a recent study of the Big Brothers and Big Sisters of America program, which has existed for more than 90 years, found that children participating in the program, 60 percent of whom were children of color, were significantly less likely to use drugs or alcohol, get into fights, or skip school than kids who did not participate in the program.⁴⁸ If we are going to prevent our young people from getting involved in gangs and crime, more caring adults must get involved in the lives of our young people as mentors. Community-based organizations and institutions are often the best sources for this kind of civic investment.

- ***Reinforce right from wrong by promoting appropriate punishments when kids first get in trouble***

Rates of criminal recidivism--repeated law-breaking--among juveniles and adults are astounding. Data show that the majority of adult prisoners released from state prison

⁴⁸ Jean Baldwin Grossman and Eileen M. Garry, Mentoring -- A Proven Delinquency Prevention Strategy, U.S. Department of Justice Juvenile Justice Bulletin (April 1997); Sherman, *supra* note __, at 3-20 to 3-26.

are rearrested within three years, and these recidivism rates are highest for persons of color.⁴⁹ For some violent juvenile and young adult offenders, arrest and incarceration are necessary, justified, and effective. In many instances and many ways, however, we can do more to intervene in the lives of young people who commit crimes or delinquent acts and help them and their families turn their lives around. Once again, several strategies have shown signs of success.

First among these strategies are youth, gun, and drug courts, as well as drug treatment more generally. These courts provide alternative interventions for non-violent youth offenders and offer treatment and other services as long as those offenders stay out of further trouble. Drug courts have become particularly important, both for children and adults. Data show that the majority of all crime is committed under the influence of drugs, including alcohol, or to get money to buy drugs.⁵⁰ Drug courts and related treatment strategies can help reduce recidivism by offering first-time, non-violent offenders drug treatment, but requiring consistent drug testing and exacting immediate sanctions for failing a drug test. There is a related challenge posed by the fact that too many of those arrested for drug offenses never get the treatment that makes it more likely that they will overcome their addictions. Most people on probation, parole, or in prison

⁴⁹ [BJS data summary, 22.]

⁵⁰

have some form of drug history, but we have not done enough to reduce their drug use and the criminal behavior it often provokes. That's a self-defeating approach to fighting crime, and we must do better.

Second, programs that promote what is called "restorative justice" can help reduce repeat offending. Restorative justice holds youth offenders responsible for their delinquent acts to both their victims and communities. Delinquent youth are required to make restitution and perform community service, but they are also given adult mentoring and employment training. Studies indicate that such programs can reduce recidivism and strengthen community values.⁵¹ In addition, both offenders and victims who participate in restorative justice report greater respect for the criminal justice system, which also reduces criminal offending.⁵²

It's not enough to just hope that families, and perhaps churches and schools, will keep youngsters on the right path, or "straighten them out" if things go wrong. Wishing that things would be like they were in some idealized past seems a sorry romantic response in communities that are struggling against all but overwhelming problems. It takes hard work but committed people in their personal lives, and by people

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in positions of community or public leadership, to help strengthen families and institutions to help youngsters make the right choices for their future.

Our country has a higher proportion of our people in prisons and jails than any other democracy. While we have had important success in reducing violent crime in recent years, it remains intolerably high, especially in our poorest communities. Taken together, these facts are overwhelming proof that we need far more attention to challenges of prevention and diversion, to stop criminal behavior before the seeds of wrongdoing take root in adolescent minds. It has been said that the best social policy is a good job. There's much truth to that, because a good job anchors a strong family and strong families anchor a vibrant community. Yes, we must redouble our efforts to create jobs so that no community is left behind. But meanwhile, we cannot write off children and leave them vulnerable to crime or the seduction of criminal behavior. We cannot build the One America we want if one in six black children born today, and one in eleven Hispanic children, can be expected during their lives to spend time in a prison, while white children face only a one-in-40 lifetime chance of incarceration.

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(3) Building Fairness and Trust in Our Criminal Justice System Across Racial Lines

There is no more fundamental tenet of our governmental system than the entitlement of every person, inscribed in our Constitution, to equal protection under the law. That seemingly simple notion means many things in many contexts. But at its heart, it means that the state shall not without compelling reason treat people differently because of such factors as race, color, or national origin. The criminal justice system is the most powerful domestic arm of the state. It has the power to restrict individual freedom and, in extreme cases, even to take human life. With that power comes the great responsibility and obligation to implement our laws fairly and justly.

Today, persons of color continue to have less confidence and trust in our criminal justice system than whites. In a recent poll, for example, a majority of blacks said they believe that the criminal justice system is biased against them.⁵³ These perceptions are based on a number of experiences, incidents, and policies that lead some law-abiding persons of color to believe that they are likely to be targeted or threatened by law enforcement for no reason other than the color of their skin.

⁵³ Gallup Poll Monthly (1995) (*cited in* Randall Kennedy, Overview of Racial Trends in the Administration of Criminal Justice, Draft paper submitted to NAS/NRC conference (1998)).

For white Americans, it is difficult but important to fully understand what this means. Recently, the brother of a young, black member of my staff got his driver's license. But, as my staff member explained to me, before his brother was allowed to drive, his parents would have to have "the talk" with him. I wasn't sure what that meant. "The talk" in this case was that when (not if, but when) the young man is stopped by the police for no reason other than the color of his skin, he is to hide his frustration and anger so that an upsetting situation does not escalate into a dangerous one. Many African Americans have dubbed this phantom crime "Driving While Black." Two United States attorneys who are African American talked at a recent Department of Justice conference about having similar conversations with their own children.⁵⁴ That is a talk that most white parents do not have to have with their children. And it is a talk that no American family should have to have.

The lack of trust and confidence in our criminal justice system among persons of color is not only morally disconcerting, it also limits the effectiveness of law enforcement, and may even promote crime. Recent studies show that persons are more likely to obey the law when they believe the law and its officers are legitimate, and when they are treated with respect. One study in Milwaukee, for example, found that persons

⁵⁴ Problem Solving Group on Law Enforcement Stops and Searches, Report on the proceedings (December 9-10, 1998).

arrested for domestic violence who believed they were treated fairly by law enforcement officials in their interactions were significantly less likely to commit another act of domestic violence compared to those who believed they were treated unfairly.⁵⁵ A similar study found that persons who perceived that police treated them fairly in their interactions (such as when they were stopped by the police for traffic offenses) were less likely to commit minor crimes (such as parking violations or petty theft).⁵⁶ While the studies may not put the social science question to rest, these troubling results are in a way unsurprising. The fact is that we are all more likely to obey rules, respect authority, and feel like members of a community when we believe that the rules are legitimate, the authority treats us fairly, and the community respects our concerns.

We must take action to build the same levels of confidence and trust in our criminal justice system among persons of color that other Americans have. In no small part, this means improving relations between law enforcement and minority communities. Community policing can play an important role here by establishing stronger lines of communication—through community meetings, door-to-door visits, and more—and by building partnerships between citizens and law enforcement. In addition, we must do a

⁵⁵ Raymond Paternoster et al., *Do Fair Procedures Matter? The Effect of Procedural Justice on Spouse Assault*, in _____, 163-204 (199_).

⁵⁶ Tyler, *supra* note __, at __. [?]

better job of training law enforcement officials in how to interact effectively with citizens of all races. Finally, we must address several important and difficult issues underlying the present racial gap in trust and confidence in our criminal justice system, including such issues as racial profiling, police brutality, disparities in incarceration rates and sentencing, and the lack of diversity in law enforcement. It is to those issues that I now turn.

- ***Restrict racial profiling***

“Racial profiling” refers to the use of race, color, or ethnicity by law enforcement as a factor in identifying criminal suspects. Several studies as well as individual cases indicate, for example, that law enforcement officials are often more likely to stop motorists who look black or Hispanic for traffic violations, to search black motorists for drugs following a stop, and to question Hispanic persons about their immigration status.

Let me be clear: this is not about the use of race as the single reason for attention by police or other officials, because there is always some kind of added triggering circumstance—whether it is erratic driving, being in a place where authorities have good reason to suspect criminal activity, etc. The problem is that a reasonable person might look at that triggering circumstance and consider it too trivial, such as a minority teenager driving in a “white” suburb. On the other hand, the controversy isn’t about the use of race

not based on
wrong

often - always
contradicts “the table”
in previous
section

or ethnicity as one of several identifying characteristics of a specific criminal suspect; most of us would agree that if a robbery victim provides a good description, including race, police should not be “color blind” in their search. Instead, the question here is, “Should police be able to use race as a proxy for an increased risk that people of a given racial background have engaged in or are about to engage in criminal misconduct?”⁵⁷ For example, a police officer sees two young men on a street corner at night engage in a very quick transaction in which cash is exchanged for some small object that the officer thinks may be drugs. Should the officer be any more or less inclined—or justified—in stopping and questioning the young men if they are black or white or Hispanic or Asian Pacific American or American Indian? What should Federal, state and local law enforcement policy be?

Profiling is a difficult subject in part because many people focus on supposed efficiencies and may not see immediately the great unfairness, the insult to our ideals. In a sense, however, this is the perfect example of why perceptions about the criminal justice system can differ so dramatically across racial and ethnic groups. If it has never happened to you, or to someone close, you may not believe it is real, or may simply not consider it important. But in fact, it is important to all of us because it goes to the very

⁵⁷ Randall Kennedy, Race, Police, and “Reasonable Suspicion,” Speech at the Department of Justice, National Institute of Justice (1998).

legitimacy of our system. Without fairness and trust, law enforcement will be seen as just the raw, unaccountable power of the state. And that is a poisonous idea.

The Advisory Board on Race summarized this issue well in its final report to me:

Some in law enforcement may see racial profiling as a necessary, legitimate practice given limited law enforcement resources and evidence of racial disparities in criminal behavior. . . . But racial profiling also imposes costs on innocent persons, perpetuates and reinforces stereotypes, creates situations that can lead to physical confrontations, and contributes to tensions between persons of color and the criminal justice system.⁵⁸

Not only is racial profiling fueled by negative stereotypes and inconsistent with our fundamental belief in equal protection under the law, it is also simply bad policy that hinders effective law enforcement. As Attorney General Janet Reno said at a recent Department of Justice sponsored conference on police stops and searches:

First, it is wrong to assume that members of one race or ethnicity are more prone to criminal behavior than any other. Reliance on such

⁵⁸ Advisory Board on Race, *supra* note __, at 82.

racial stereotypes is as wrong in law enforcement as it is in other endeavors. This includes situations where law enforcement officers improperly use race to target individuals for a traffic stop, a pedestrian stop or a request for consent to search, in the absence of information about a specific suspect or other special characteristics.

[In addition,]...there are many points throughout the criminal justice system where discretion plays a role—from the investigation stage, to arrest, to the charging stage, to sentencing. Race-neutral policies at all of these stages are essential to sound and credible law enforcement and the fair administration of justice.

It is incumbent on law enforcement to critically review our efforts to ensure that stereotypes and prejudice, whether conscious or unconscious, do not creep into the work that we do. All citizens must respect the law, but the law must also respect all of our citizens.⁵⁹

⁵⁹ Attorney General Janet Reno, Remarks at “Race, Crime, and the Administration of Justice,” Advisory Board Meeting, The President’s Initiative on Race, Washington, DC (May 19, 1998).

I agree with the Attorney

General. I don't consider enforcement and fairness as inconsistent goals. They are complementary. Without the trust of the community in which the police operate, our law enforcement efforts simply cannot be effective. And the subject of racial profiling, as I know you are

all aware, is one that has

galvanized many communities. The perception that law enforcement stops are biased has a corrosive effect on our ability to protect and to serve the very communities where effective law enforcement is often most needed.

Executive Order on Racial Profiling

The Federal executive order will include:

- A general prohibition against the use of race or ethnicity by federal law enforcement officers;
 - Authority for cabinet officers to grant limited exceptions, based on specific justification offered by an enforcement agency, and disclosed to the general public;
 - Any exception would require a showing that there are no reasonable alternative enforcement strategies, and would be accompanied by thorough data collection, training, and monitoring;
 - Periodic evaluation of the implementation of this policy.
-

I believe that to achieve our vision of One America with community security and community faith in law enforcement, all levels of government must take this issue head on. First, we must promote greater training for law enforcement officers on how to avoid basing their actions on improper racial stereotypes and how to interact fairly and

constructively with citizens of all races in ways that de-escalate situations and build trust. The Department of Justice is working on this at the national level, and many local jurisdictions have already tackled this challenge.

Second, we must improve data collection so that we know the extent to which persons of color are being inappropriately targeted by law enforcement and can take steps to restrict such actions. (Congressman John Conyers is preparing legislation to accomplish this, which I support.⁶⁰ Indeed, the legislation should be broadened to ensure we have adequate data to monitor several aspects of fairness in the administration of justice.)

Third, we must use the full force of our civil rights law enforcement agencies to correct situations in which persons of color are being inappropriately targeted by law enforcement. Specifically, the Civil Rights Division of the Justice Department investigates the most serious allegations of this sort; I believe this work is vital to public confidence in the criminal justice system, and needs the ongoing support of U.S. attorneys as well as state and local officials.^e

⁶⁰ [Cite to Conyers legislation on data collection on race and administration of justice.]

Finally, we should encourage all levels of law enforcement to develop and explain clear policies concerning racial profiling. Both our officers and the general public deserve that. At the federal level, I have instructed the Attorney General to prepare an Executive Order for my signature that will establish policy throughout all of federal law enforcement, and provide an example to state and local jurisdictions that have no policy. That order will prohibit the use of race or ethnicity as a factor for general screening of the population in all contexts, with one limited exception. I want to leave law enforcement officials with the possibility of making a special case for the use of race or ethnicity, but only by providing a detailed public justification and instituting reliable mechanisms to collect data and monitor their practice to detect and correct any abuses. Any exceptions would have to be specifically approved by the responsible Cabinet Officer, and would require periodic reconsideration.

I believe this strong presumption against any use of race or ethnicity is consistent with our values, and with a vision of One America in which we build diverse communities, replacing stereotypes with trust. But I want to leave the door open just a crack for the possibility of extraordinary justifications. For example, the career professionals at the Immigration and Naturalization Service believe there are some situations close to the southwest border in which the problem of illegal crossings and alien smuggling is so serious that the Border Patrol must do some "random" car stops,

and there is no reasonable alternative to using apparent ethnicity as one of several factors in their selection of cars to stop. Although this procedure is constitutionally permissible, none of us should feel comfortable with it. Inevitably, citizens and lawful residents will be stopped, largely because of the way they look. They are made to pay a cost for the border security we all want. We should not ignore that cost. Instead, we should insist that their impositions (on our behalf), as policy, are very carefully justified by their true contribution to law enforcement and the absence of alternative strategies. That means careful data collection. And it means the policy must be monitored to minimize abuses. I have asked the Attorney General to address thoroughly all of these concerns.

- ***Eliminate police brutality***

No issue looms larger than the issue of police brutality. We all know many of the most egregious incidents, from Rodney King to Abner Louima to Amadou Diallo. We have all read the headlines: “New York Police Officer Accused of Brutalizing Haitian Immigrant.” We have also lived through the community violence and racial unrest that such incidents can spark. But what we must understand is that to many persons of color, incidents of police brutality are more than just discrete, horrific acts; they are seen as harbingers of what could happen to them if they are caught in the wrong place at the wrong time with the “wrong” kind of officer. That lack of trust is a reality, and it is

corrosive.

But there is another reality. Most police officers are, quite simply, heroes who do an extremely difficult job with fairness, honor, and skill. Furthermore, most officers abhor the improper use of force because it hurts their legitimacy, makes their jobs more difficult and, most importantly, is inconsistent with their responsibility to enforce the law. When we take action against police misconduct, we are not taking action against our law enforcement officers, we are taking action to support good law enforcement and to protect all citizens from crime. Simply put, police brutality is a violent crime made more vile by the fact that it is committed under the supposed authority of the state, by servants of the community, and sometimes appears, when it does occur, to be motivated by racial or ethnic prejudice.

I want to make two points here: First, we know too little about police use of excessive force. As of 1994, federal law requires the U.S. Department of Justice to collect and analyze data on excessive use of force. A preliminary report, for example, suggests that police use of force against anyone is infrequent—occurring in approximately one percent of police-citizen encounters—but that a disproportionate number of these incidents involve persons of color.⁶¹ This preliminary study is very

⁶¹ U.S. Department of Justice, Bureau of Justice Statistics.

limited, and the Bureau of Justice Statistics is conducting a more comprehensive analysis. What is clear is that all levels of government can do a much better job monitoring police use of force and communicating to police and citizens that excessive use of force is unacceptable and will be punished. That is what both professionalism and fairness require.

But, second, apart from the need for better monitoring and information, we must acknowledge that excessive use of force against persons of color still occurs. There are just too many examples, some horrific, to ignore the problem. Later in this book, I will challenge communities across the nation to formulate workplans to help achieve their vision of a healed, “opportunity community” in a just One America. I believe that any such community workplan must include a determined effort to root out police brutality and punish those who commit it.

I pledge whatever advice and assistance the experience and resources of the federal government can offer, because police brutality is destructive of the trust so essential to community law enforcement. We know some of what works. Police leaders have found certain training to be helpful, including how to communicate across racial lines, how to de-escalate situations, and how to use force only in appropriate circumstances and in appropriate ways. It helps to have clear mechanisms for dealing

with allegations of excessive use of force that include clear chains of management and independent review. And finally, federal and state prosecutors must be prepared to combat brutality through appropriate enforcement actions, because these are crimes in which the victims include the community and justice itself.

- ***Reduce disparities in incarceration rates and sentencing***

While persons of color make up less than one-third of our nation's population, they make up more than two-thirds of the state and federal prison populations.⁶² Blacks account for 43 percent of arrests, 54 percent of convictions, and 59 percent of prison admissions for violent crime.⁶³ Moreover, America has a greater percentage of its citizens behind bars than any other nation in the world,^f except Russia.⁶⁴ These rates of imprisonment and racial disparities are disconcerting regardless of the cause and, as I have argued, we must take bolder steps to prevent crime and recidivism. However, in terms of fairness in the administration of justice, the key question is to what extent are present disparities caused by discrimination in the administration of justice. Most of us believe that discrimination is a very small factor, but some of our citizens feel otherwise.

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⁶³ *Changing America*, *supra* note __, at 57, Chart 5.

⁶⁴ [We are re-checking this.]

Still more of us believe that, even if there is not discrimination, there is some subtle role of racial difference and color that has stacked the deck.

The answer to the question of whether there is discrimination in the administration of justice should not be, “We don’t *know* there is discrimination.” The answer must be, “We know there is *not* discrimination, and we have processes in place to ensure that.” Clearly, we’re not there yet.

Having said that, the best available evidence indicates that most of the existing disparities in the administration of justice—from arrest through sentencing—are not due to discrimination, but are primarily due to underlying disparities in the commission of crimes: once the crime is committed, the rates of arrest, conviction and imprisonment do not seem to differ significantly by race. For example, a recent analysis by the U.S. General Accounting Office (GAO) compared racial differences in arrest rates for several violent crimes to data from a national survey of crime victims concerning the race of their assailants. GAO found no significant difference between the two, suggesting that controlling for criminal offending, arrest rates do not differ significantly by race.⁶⁵ In addition, a study by the U.S. Department of Justice, Bureau of Justice Statistics tracked

⁶⁵ See letter from Laurie E. Ekstrand, Associate Director, Administration of Justice Issues, General Accounting Office to the Honorable John Conyers (January 20, 1984).

more than 10,000 adult, felony defendants in the nation's 75 largest cities through all stages of the criminal justice process. The study, which focused on black and white defendants, found that the defendants were equally likely to be prosecuted and convicted, and received the same sentence regardless of race.⁶⁶

Finally, there are a few key areas in which disparities in the administration of justice raise immediate, greater concerns of discrimination. Racial disparities in drug arrests and sentencing are dramatic. In part, this is an unintended consequence of the war on drugs. Let me be clear: I believe that drugs, drug use, and especially drug trafficking should be unlawful and subject to punishment. Drugs destroy individuals, families, and communities, and threaten the strength of our nation. However, we cannot ignore the disproportionate impact that drug laws and enforcement have had on persons of color in America. Blacks, for example, are approximately five times more likely than whites to be arrested for drug-related offenses.⁶⁷

The war on drugs is a war *for* our communities and children, not a war against

⁶⁶ See Patrick A. Langan, *No Racism in the Justice System*, in *The Public Interest* 48 (Fall 1994) (The study did find that blacks were more likely than whites to receive a prison sentence (though prison sentences were of equal length); however, that disparity appears to be explained largely by factors other than race... *Id.* at 50-51.)

⁶⁷ Patrick A. Langan, *The Racial Disparity in U.S. Drug Arrests*, U.S. Department of Justice, Bureau of Justice Statistics (October 1, 1995).

them. That is why I have urged increases in support for prevention and treatment. This also means making sure kids get the message on drugs, and we have launched at the federal level a \$200 million anti-drug media campaign to promote that message. However, this also means revising drug policies and practices that have an unjustified negative impact on persons of color. Chief among these is the present gap in sentencing for crack versus powder cocaine. Under present federal law, possession of 5 grams of crack cocaine triggers a 5-year mandatory minimum sentence, the same sentence imposed for possessing 500 grams of powder cocaine, a 100:1 ratio. Black defendants comprise 86 percent of those convicted in federal court of crack cocaine offenses, compared with 35 percent of those convicted of powder cocaine offenses.⁶⁸ There are some legitimate justifications for treating crack cocaine offenses more harshly than powder cocaine offenses, but, as the Advisory Board on Race said in its final report, the disparate racial effect of the present policy and the racial division it engenders make the present 100:1 ratio “morally and intellectually indefensible.” I believe we should, in effect, lower the sentence for crack cocaine while raising the sentence for powder cocaine to reduce the present sentencing disparity to 10:1 and, thereby, reduce the reality and perception of unfairness.

Second, racial disparities in the juvenile justice system are even greater than in the

adult system and less clearly explained by legitimate factors. [There is a major DOJ initiative here under OJJDP requiring states to reduce disproportionate minority confinement of juveniles. But most plans appear to pursue this as a disparity issue, promoting better prevention programs for minority youth. We are still exploring this, but will discuss it either here or as part of the section on keeping youth out of crime and the administration of justice.]

- ***Increase diversity in law enforcement***

Police and prosecutors, judges and jurors, are officers of our society empowered on behalf of all of us to enforce the laws and serve us all. Quite simply, they are likely to receive greater trust and confidence when all persons in society see themselves reflected in those officers. When it comes to diversity in law enforcement, we are, to some extent, caught in an unfortunate cycle. Increasing minority representation in law enforcement would likely increase trust in law enforcement among citizens of color. But the lack of trust and confidence in law enforcement among persons of color likely makes it more difficult to attract minority law enforcement officers.

We have made some important gains in diversifying law enforcement. In 1993,

persons of color comprised 18 percent of all police officers in local police and sheriff's departments across the nation and 30 percent of all officers in larger cities. Since that time, our COPS initiative has helped fund nearly 100,000 additional police officers in communities across the nation. And one goal of that initiative has been to increase diversity in law enforcement. Furthermore, I am proud that, as President, I have appointed several minorities to some of the country's top law enforcement posts and appointed more persons of color as federal judges than any other President in our nation's history. We must continue this progress at all levels of government and in all segments of the criminal justice system.

D. CONCLUSION

All that we have talked about—ensuring public safety, keeping young people out of crime, and guaranteeing fairness in the administration of justice—is crucial to building One America. We can no longer ignore the crime and fear of crime that threatens some of our American communities and too many of our fellow citizens. Nor can we ignore the frustrations of many Americans of color who too often experience injustices at the hands of our criminal justice system.

But I do not think you can talk about crime in America, especially the proliferation of crime and violence among young people of color in deeply poor communities, without talking about the values and the lessons we teach our young people. A child's world view—whether positive or negative—is formed early in life, not only by the love or lack of love we show them, but also by the investments we make or don't make in their futures, the values and images we present them through the media, and the opportunity or lack of opportunity that surrounds them. We cannot be satisfied when some states spend more on prisons than education, or when America, the land of the free, has one of the highest incarceration rates in the world. Doesn't it make more sense to invest in our children at the front end of their lives—in education, in prevention, in strong communities—than to pay at the back end by building more and stronger prisons in which to warehouse them? We cannot talk about race and crime in America without talking about our commitment, as parents and as a nation, to embrace all children as our own and to give them something to say yes to.

[Editorial Endnotes on Crime]

- a. This statement must be coordinated with decision on INS/Border Patrol use of profiling.
- b. What role? Retail distributor? Courier?
- c. I removed “including crack cocaine” because I recall reports that crack use has stabilized, not declined. please check.
- d. [We will check on the status of this project?]
- e. Describe a current DOJ Civil Rights Division case on this issue, in human terms.
- f. Please reconfirm with DOJ. There have press accounts that say, highest among democracies, or highest among industrialized nations. Would seem like Russia counts under either of those categories.

PART III: THE OPPORTUNITY WE DESERVE

[Introduction to Part III]

[Sections 1-3]

...

4. A RENEWED COMMITMENT TO CIVIL RIGHTS

A. INTRODUCTION

On a hot August day in 1963, the civil rights movement in America reached a watershed moment when hundreds of thousands of citizens of all colors joined in the famous March on Washington. As a 17-year-old boy growing up in the rural South, I was inspired by the determination of those who boarded buses and organized car-pool caravans, some traveling thousands of miles, intent on redeeming the unfulfilled promise of America. "When the architects of our republic wrote the magnificent words of the Constitution and Declaration of Independence," said Martin Luther King, Jr. at our memorial to The Great Emancipator, "they were signing a promissory note to which every American was to fall heir.... We refuse to believe that there are insufficient funds in

the great vaults of opportunity in this nation.”

The vision of the peaceful warriors of that time has moved us further down freedom’s trail and much closer to our ideal of One America. In a twenty-year period, we built the indispensable legal foundation for our progress on issues of equality and opportunity, including such legislation as the Civil Rights Acts of 1964¹ and 1968,² the Voting Rights Act of 1965,³ as well as landmark court cases such as *Brown v. Board of Education*⁴ (striking a mortal blow at “separate-but-equal” Jim Crow laws) and *Griggs v. Duke Power Co.*⁵ (establishing the practical effectiveness of the antidiscrimination statutes laws). And while I have said that civil rights for a new century must include the rights to educational and economic opportunity as well as community security, we cannot move forward without addressing continuing civil wrongs rooted in continuing discrimination.

Although the finish line remains some distance away, in the last several decades, we have made great strides in prohibiting discrimination in the law. We have also built a strong national consensus around the belief that all Americans should have equal access to opportunities without regard to race. As a result, much of the overt racial prejudice and hatred that has plagued our nation for centuries has been dramatically reduced. As the Advisory Board on Race said in its final report, “Those who argue that there has been no change. . . and that racism is an unchanging fixture in American life are, in our

observation, incorrect.”⁶

Yet, more covert and subtle impediments to our goal of equal opportunity persist. Today, discrimination often occurs beneath the surface and is difficult to see. As I stated in **The America We See**, we do not have all the answers about the nature and extent of discrimination in America, and we need to do a better job of collecting and analyzing data. But based on what we now know, it is clear that discrimination is still an unfortunate fact of life in America.

My Advisory Board made this prescient observation: “[N]ow, more than ever, racial discrimination is not only about skin color and other physical characteristics associated with race; it is also about other aspects of our identity, such as ethnicity, national origin, language, accent, religion, and cultural customs.”⁷ Still, some might ask why, in an era of relative racial calm, without streets erupting in racial unrest, do we need a renewed focus on civil rights law enforcement. To me, and many other Americans, the answer is clear. While overt racial prejudice has diminished, the discrimination of today is often more camouflaged. In a sense, this makes it more dangerous: If you are denied a job, apartment, or prompt service in a store on the basis of bigotry that is never expressed, and even cloaked in politeness, then you have no signal telling you to object, to fight. In order to build One America, to finish the work that we have started, it is vitally important that all Americans understand that discrimination -- intentional or not, obvious or

camouflaged -- still exists and that each of us has the opportunity and responsibility to help eradicate it. This is about more than enforcing laws. It is about living up to our values and keeping our promises.

Let me offer three recommendations, which in turn are the focus for the workplan I propose for the nation in this arena:

- We need to strengthen our laws and enforcement strategies to complete the traditional antidiscrimination agenda;
- We need to define an enforcement agenda to meet the new challenges of racial and ethnic justice; and
- We need to prevent law violations by fundamentally reducing racial tensions and promoting reconciliation.

Let me elaborate. First, we must have strong civil rights enforcement because our basic antidiscrimination laws and principles are still violated far too often. There are still too many instances of hate crimes, too many times when people of color face discrimination in stores and other retail establishments, and too many people waiting for an administrative agency or a court to deal with their discrimination complaint about matters as fundamental as a job or a place to live. Our civil rights laws cannot be slogans about justice. They are tools with which to build justice, and we must use them more

skillfully than ever. In many areas, we should consider new enforcement approaches, such as more support for voluntary compliance, or for mediation of disputes. Essentially, the goal of local, state and federal enforcement of antidiscrimination laws should be simple: remedy discrimination wherever we find it, and protect against it everywhere.

Second, as we tackle this traditional antidiscrimination agenda, we must begin to focus on the new civil rights I have spoken about by ensuring that the antidiscrimination laws and ideals are applied effectively in such areas as education, health care, stopping worker exploitation in sweat shops and environmental justice. Recall Dr. King's admonition that the laws securing formal civil rights are only a foundation for erasing the opportunity gap. Our successful work strengthening America's prosperity has helped deepen and broaden opportunity, but it also gives us a foundation upon which to build, and again, the antidiscrimination laws are one tool in that effort.

Finally, we must give individuals and communities the tools they need to make effective civil rights a reality at the local level. The federal government, through such efforts as the Justice Department's Community Relations Services, can be a partner in easing racial tensions, and should have an expanded mission to help support sustained local action directed at reconciliation. But I also believe we can have prevention and progress of an even more fundamental sort by working with students to teach them the history, meaning and purposes of our civil rights laws. After all, that's one of the best ways to teach them about the America we want.

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B. CENTERPIECE OF THE FEDERAL WORKPLAN:

STRATEGIC INVESTMENTS AND A STRENGTHENED ENFORCEMENT INFRASTRUCTURE

With our unprecedented economic strength, it is all the more intolerable that there are still doors to opportunity that are padlocked by prejudice. The simple business of enforcing antidiscrimination laws should be a bipartisan commitment. Very few of the specific^{1. existing} laws are controversial, so we *should* be able to agree on at least this much: *enforce the law, and promote voluntary compliance with it.*

That is why I have proposed substantial new investments to strengthen civil rights enforcement at the federal, state, and local levels. Although money by itself will not achieve our civil rights goals, a strong enforcement agenda depends on a sufficient level of resources. For the 1999 budget year, I proposed and Congress enacted the largest increase in funding for civil rights enforcement in nearly two decades. I am committed to continuing this progress, and have therefore proposed a second round of investments for the 2000 budget, bringing the two-year increase to 28% percent.⁸ (See text box)

Both now and in the years ahead, however, the federal workplan must be more

than added resources: *First*, we must act strategically to put the federal investments where they will do the most good. *Second*, we must continually explore fresh approaches to winning greater compliance with the law, using tools that complement our litigation. *Third*, we need better coordination among the agencies and the White House to keep everyone focused, to share strategies, and to forge partnerships with our state, local and private enforcement partners. And *fourth*, we need to hold ourselves accountable, and do a better job of teaching the wider public about these issues. To that end, we must establish a permanent program of ongoing data collection to provide the best achievable measurements of the extent of discrimination in various sectors of American life. Let me explain each of these a bit more.

Investing strategically: There are several particular areas where what we do in the next few years can have an important effect on the national effort to build One America. Here are some examples:

- The Federal government should lead all of the nation's enforcers by working to eliminate the unconscionable backlogs in processing discrimination complaints. That is why we are making important new investments in the Equal Employment Opportunity Commission, while the Commission continues to streamline operations which are complex, duplicative, and unwieldy.

Civil Rights Enforcement (Budget Authority in Millions of Dollars)			
	1998 Actual	2000 Proposed	% Change
Equal Employment Opportunity Commission	242	312	28.9%
HUD: Fair Housing Activities	30	47	56.7%
DOJ: Civil Rights Division	65	82	26.2%
DOJ: Civil Rights Enforcement Partnerships	--	5	NA
DOL: Office of Federal Contract Compliance Programs	62	76	22.6%
DOL: Civil Rights Center	5	6	20%
Education: Office for Civil Rights	62	73	17.7%
HHS: Office of Civil Rights	20	22	10%
USDA: Civil Rights Programs	15	19	26.7%
U.S. Commission on Civil Rights	9	11	22.2%
DOT: Office of Civil rights	6	8	33.3%
EPA: Office of Civil Rights	2	2	--
Subtotal:	518	663	28.0%

- Similarly, people should have to look no further than Washington for leadership in the fight against hate crimes. Our investments in the Department of Justice will help us put the full force of federal power behind that effort.
- Because a quality education is so fundamental, the Department of Education must

increase its vigilance and creativity in ensuring that school districts that receive Federal funds obey the antidiscrimination laws in their allocation of all resources – from quality teachers to roof repairs to computers.

- And, because the rapidly changing demography in many communities can create new enforcement problems, the enforcement agencies must make sure that their caseloads reflect the new realities. For example, there may be housing discrimination against a new population of Asian immigrants in a Midwest city, or language discrimination against Hispanics in a Southern community more accustomed to black-white issues.

There are other *examples*, but the principle is simple: if we can't solve every problem, we have to make the enforcement choices most likely to bring about systemic improvements leading to One America. That also means trying new approaches.

New approaches: Like other federal activities, civil rights law enforcement has to be conducted within a framework of fiscal discipline and competing national priorities. It is increasingly important to use the best social science evidence we can to help target investigations and enforcement where our actions will have the greatest impact on opportunity and on the public's understanding of racial and ethnic justice. For example, the kind of matched-pair testing I described earlier as one tool for detecting

discrimination, can help agencies identify regions or sectors where problems are most severe. Federal enforcers can identify and develop the best practices of this sort and share them with their state and local colleagues.

But enforcement is a last resort, because the laws will be most effective when voluntary compliance is highest. Part of our civil rights success is that most Americans now embrace the principle of nondiscrimination. We can make even greater strides by helping people of good will understand how to evaluate their own practices and avoid even inadvertent actions that are unfair and perhaps illegal. Several federal agencies have taken important steps to promote voluntary compliance, and this effort will be increasingly critical in the years ahead. For example, the EEOC will provide employers across the country with the tools to evaluate and improve their pay policies, so that they may voluntarily make their employment practices fairer. I should also say that straightforward advice about what the law requires, delivered professionally by enforcement authorities, will be an antidote to the swirl of misinformation that too often confuses the public about what is or is not lawful, especially concerning affirmative action.

Important
point -
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at beginning
of section

Finally, being smart with federal investments means recognizing that enforcing the antidiscrimination laws is a responsibility we share with other levels of government. I have proposed to Congress that the Justice Department award competitive grants to state

attorneys general – a Civil Rights Enforcement Partnership – to help demonstrate effective strategies. Just as we have tried to use federal resources to support states and localities in their fight against crime, we should do more to support their fight against discrimination.

Improved coordination: Earlier in my Administration I issued a directive establishing an interagency working group on civil rights enforcement. That collaboration has been valuable, but I believe we can do more. I have now instructed my White House chief of staff to convene on a regular basis a senior working group on civil rights enforcement to be composed of both cabinet and subcabinet officials. I expect this group to do four things. First, to review and resolve any policy issues that are languishing in the bureaucracy. Second, to ensure that enforcement agencies are working cooperatively and sharing insights and resources as appropriate. Third, to establish effective avenues of communication with those outside the federal government concerned with civil rights enforcement issues. And finally, to give me a written report every month. In addition to consultations with state and local enforcement authorities, this group will also seek input from public interest organizations, both liberal and conservative, who may want to offer suggestions about how to improve our performance. At the agency level, the Civil Rights Division of the Justice Department will continue to be “first among equals” in the effort to bring coherence to the varied work of federal enforcers, and will be strengthened in that role by the increased resources in my proposed budget. As a down payment on this

aspect of the federal workplan, I have budgeted \$65 million for the Justice Department's Civil Rights Division -- a 19-percent increase over last year and the largest increase in nine years.

Measuring discrimination: All of these efforts, however, must be tied to results, because if today's enforcement tools and methods can't get the job done, we must find better ones. Moreover, the confused public discussion of where we are on race cries out for better information. The sad fact is that we know much more about how we are doing at producing soybeans and machine tools, ^{or} ~~and~~ how many television sets are in use on Tuesday at 9:00 p.m., than we do about how much discrimination there is in such areas as housing, employment, ordinary dealings in a retail store, access to insurance or a bank loan, fair expectations for a child from his or her teachers, and fair treatment when a health professional prescribes a medical procedure (or doesn't). This must change.

My workplan requires a renewed commitment to change, and we need information to gauge our progress, focus our investments and continually improve our strategies in the years ahead. I believe the Federal government should take the lead, working closely with the best researchers, in developing a consensus set of social science tools to measure discrimination and publish a regular report card on how America is doing. I have asked Congress for the funds to launch this effort, building on valuable research over the years at several agencies, especially HUD. I envision this as a