NLWJC - Kagan

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Race-Race Initiative - Book [2]

Race Book

Jose Cerda III   02/03/99 10:27:23 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Bruce N. Reed/OPD/EOP

cc: Leanne A. Shimabukuro/OPD/EOP, Laura Emmett/WHO/EOP
Subject: Revised comments to Edley draft

EK:

> I've tried my best to incorporate Bruce's points here, though only in the summary points. You may not want to spend too much time on my line-by-line comments. In most instances, they don't add much more anyway.
>
> jc3

Clara:

> Forgive the tardiness, but here are my comments on the initial draft of the race/crime chapter circulated last week. Since they're extensive, a bit repetitive, and not limited to line edits, allow me to summarize my major concerns:
>
> **1. Contradiction on whether the system is fair or unfair.** Most importantly, the draft suffers from a series of contradictions about whether we believe the justice system is fundamentally fair or unfair to minorities. We believe that the facts show that, if you control for criminal offending, the system is essentially fair, but that it doesn't do enough to protect minorities in high-crime neighborhoods. There are several things we need to do to convey this. First, the opening of the crime chapter should include a key set of facts that makes clear the rates of minority victimization <u>and</u> offending. Without such facts, it is almost impossible to engage in a broader discussion of race and crime -- and it is difficult to distinguish whether issues should be dealt with as matters of policy or perception. Second, given these facts, the draft should characterize America's race/crime problem as both a lack of opportunity <u>and</u> responsibility...too little opportunity for minority youth to avoid crime, stay out of jail, and get ahead...and too little responsibility in the form of high crime, public disorder, and broken communities. Beginning the race/crime discussion as such, we can begin to understand why minority communities mistrust a justice system that -- while not fundamentally unfair or intentionally discriminatory -- doesn't meet their public safety needs, despite incarcerating so many persons. And we begin to lay the groundwork for solutions that address these issues (i.e., more opportunity for youth, improved public safety) and build trust (i.e., engaging the community).
>
> **2. More focus on the need to build stronger communities.** The draft should focus more on the importance of building strong communities. That means more than simply picking up garbage, rehabbing housing, and targeting resources. Although these things matter, they are not the biggest predictors of violent crime. Falling crime rates in some of our worst neighborhoods have proved this. So, too, has the Earls/Sampson study on Chicago neighborhoods, which found that communities with a strong sense of shared values and people willing to reinforce those values -- whether black or white, rich or poor, uptown or downtown, etc. -- had 40 percent less violent crime. This is a powerful study that should be more prominently and

positively featured in the draft. It shows that community members who act responsibly and in the interest of their neighbors have a huge impact on crime and violence. It shows that even the best law enforcement is no substitute for strong communities. And, as is the case with the Boston Gun Project, it shows that one entire communities -- police, prosecutors, parents, and priests -- organize to reinforce certain behaviors, they can literally bring murder and gun violence to a standstill.

3. Concept of community justice not clear. I don't think the discussion of community justice makes clear exactly what policies the Administration is calling for. We are probably better served by discussing how community policing has revolutionized policing and public safety in America, and how its two component parts -- solving crime problems and engaging the community -- can help revolutionize our entire criminal justice system. More importantly, these two concepts -- more than the term "community justice" -- capture what it will take to address the paradox of America's race/crime problem: that, with respect to the criminal justice system, minorities are both fundamentally underserved and overrepresented.

4. Wrong tone for discussion of "hot button" issues. While I recognize the desire to touch on the difficult issues of racial profiling and police brutality. I think the draft's language will be viewed by our friends in law enforcement as inflammatory. Not only are the vast majority of law enforcement officers decent, hard-working public servants who put their lives on the line every day, but -- as a result of community policing -- they have become the harbingers of change in the criminal justice system. In many cities, police-led efforts to work w/the community have made the justice system more responsive, resulted in new prevention programs, and increased the flow of information to the public. Condemning them and their practices with a broad brushstroke strays from the known facts, and doesn't contribute to our goal of building trust. Equally important, I don't believe our own federal law enforcement bureaus -- who I'm sure don't think they engage in racial profiling -- are prepared to live under the executive order on racial profiling proposed in the draft. In many ways, dealing with this issue at the federal level (i.e., INS and Customs enforcement at the nation's borders) is even more difficult than locally (traffic stops and drug enforcement).

Also, with respect to the section on racial disparities in the rates of incarceration, I think this entire discussion is inconsistent with point #1. It ignores the disparities in criminal offending and suggests we excuse away behavior. We simply shouldn't.

5. More emphasis on President's record and its impact on minorities. Finally. the draft should include discussion and examples of falling crime rates in minority communities. It should mention the dramatic drop in youth gun homicides, mostly among minority youth, and it should include anecdotes with specific and well-known minority neighborhoods (e.g., Washington Heights in New York City, where the number of murders has dropped from a peak of 100+ per year to about 10 now). Also, we should take credit for major policy shifts that have benefited minorities -- such as taking on the gun lobby at a time when more teenagers were being killed by guns than by any natural cause; and transforming the nature of policing across the nation. Finally, the President's leadership in appointing an unprecedented number of high-caliber, minority law enforcement professionals (Holder, Noble, Johnson, Gonzales, etc.) is worth highlighting, too.

Here are some additional, specific comments:

1. Page 1, paragraph 4, 3rd sentence: Replace with, "Since 1993, the violent crime rate has dropped by more than 20 percent nationwide, including a 28 percent drop in the homicide rate, which is at its lowest level in 30 years." (1997 National Crime Victimization Survey, Bureau of

Justice Statistics).

2. Page 2, paragraph 2, between 3rd and 4th sentence: We should think about adding a sentence along the lines of, "Although African Americans represent 12 percent (?) of the overall population, they have represented approximately half of all murder victims for the past 30 years." (BJS crime stats...Scott should have this chart)

3. Page 2, paragraph 3. This is an important point that needs to be clearer and perhaps expanded. We need to make clear from the outset what we know -- what the facts are -- about rates of victimization and offending by race. I recall that Chris Stone's paper to the Advisory Board has a good discussion on this topic; perhaps it should be incorporated. And the recent BJS homicide study (12/98) including factoids showing that African Americans were 7 times more likely than whites to be murdered, as well as 8 times more likely than whites to commit murder. Perhaps we should come to agreement on the 5-10 most important facts here and break them out as bullets. And perhaps we should also include the findings from the GAO and DOJ studies, mentioned at the end of page 26, showing that -- if we control for the type of criminal offense committed -- rates of arrest, prosecution and conviction do not differ significantly by race. Again, the point being that we should make the facts of minority rates of victimization and offending very clear up front

4. Page 3, paragraph 1, last line: I believe this number is include in the DOJ/Interior report on crime in Indian Country, and that it might be that violent crime is up by more than 80%. (Scott should have this in his copy of the final report on crime in Indian Country.)

5. Page 3, last paragraph, last 2 sentences: I'm not sure this is right...or what we want to emphasize here. Don't we want to emphasize the cutting edge findings from Earls/Sampson Chicago Study that a strong, shared sense of community (collective efficacy) is a better predictor of violent crime than the usual demographic data -- by 40 percent, in fact.

6. Pages 4 and 5, the first full paragraph and the two following it: I would drop this discussion of perceived unfairness and high rates of incarceration from this section on criminal victimization and law enforcement need, and look to incorporate it into the section on Building Fairness (starting at page 20).

7. Page 5, final paragraph and sentence: A couple of comments on this sentence...(1 if the GAO study shows that, if we control for criminal offending, the rates of arrest, prosecution and conviction don't differ greatly by race, than what are the assumed "racial disparities" that are even greater in the juvenile system...or do disparities only really exist in the juvenile system? If we're trying to make a point about the juvenile system, let's cite the facts and make it. If not, let's drop the inconsistent rhetoric....We can't say throughout this chapter that the system is both fairer than people think...yet unfair...and (2) with respect to the following sentence, the sad truth is that we've already lost a generation of minority youth -- victims and offenders -- to the mix of crack/gangs/guns (discussed on pages 10 and 11), and this sad chapter accounts for many of the difficult issues surrounding crime and race. Perhaps this is a story that should be told more explicitly here.

8. Page 6, first full paragraph, drop everything after the 4th sentence: Again, either we believe the system is fundamentally fair or unfair, but it can't be both. I would argue that we want to say the system is fundamentally fair, but that it can be improved...that the relationship between law enforcement and some minority communities is not as strong as it could or should be...and that law enforcement and the community both lose when this is the case. Consistent with this point, I wouldn't generalize that unfair policies, racial biases and police brutality undermine the criminal justice system. Instead, I would point out that in some communities racial tensions, past riots, incidents of police brutality, police shootings, etc., have led to historically strained

relationship between police department and some minority communities, and that these strained relationships can and must be overcome. Perhaps a specific example of a community that overcame racial unrest/tension would help make the point.

9. Page 6, 2nd and 3rd full paragraph: Do we really want to introduce/coin the term "community justice" here? I'm not sure the term "community justice," without further explanation, is clear. Instead, I would suggest that, in the last sentence of the 2nd paragraph, we replace "community justice" with "community policing," and then drop the opening sentence of the third paragraph. Later in the workplan we can talk about applying what we've learned from community policing to other components of the criminal justice system -- neighborhood DAs, community corrections, special youth/gun/drug courts, etc.

10. Starting w/the last line on page 6 and over to page 7: I'd replace this w/a paragraph along the lines of:

"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, SC, where Police Chief Reuben Greenberg was at the forefront of the community policing movement. Through community policing, Chief Greenburg was both driving down the crime rate in public housing and strengthening the relationship between local police and community residents...(add more specifics here on what Charleston has done...and we can add more here on Charleston overcoming a difficult history of police mistrust)."

I would then add a paragraph on our policing initiative...something like:

"That is why when I became President one of my top priorities was to help our cities hire more police and expand the community policing philosophy. I was proud to work with an unprecedented coalition of law enforcement, teachers, clergy, local officials and other community leaders to pass our initiative to put 100,000 more community police on the street. Today, we have nearly reached our goal of funding 100,000 more police officers and helped expand community policing to thousands of police departments across the country. Our efforts are making a difference. Crime and the fear of crime have dropped to their lowest level in a quarter century..."

11. Page 7, 2nd paragraph, last sentence: Strike everything after "community policing," and replace with -- "applying the lessons learned from community policing to other areas of the criminal justice system, such as local prosecutors' officers, our courts, local jails, etc."

12. Page 7, "Community Justice" subheading and subsequent paragraph: Replace "Community Justice 'Hot Spots'" w/ "Targeting Crime 'Hot Spots.'"

13. Pages 7 and 8, bullets describing "Hot Spots" initiative: I would expand the first bullet on our 21st Century Policing Initiative to include more details on this initiative, and add bullets with other programs that would be specifically targeted. I would drop the 2 bullets on comprehensive community plans; they are meaningless in terms of message and substance...perhaps something like this:

* The federal government will target funds from its 21st Century Policing Initiative to help communities with high-crime neighborhoods to hire and redeploy up to 50,000 additional police officers, acquire the latest crime-fighting technologies, and engage their entire community in the fight against crime.

* The federal government will target key prevention programs, including afterschool

programs and programs for at-risk youth...

   * What else? (i.e., gun enforcement...drug testing...?)

14. Page 8, 1st full paragraph: Rewrite this paragraph to be focused on how targeting resources will allow high-crime, minority neighborhoods to develop comprehensive anti-crime strategies, and to engage their entire community -- schools, prosecutors, clergy, etc. Drop all references to economic development.

15. Page 8, penultimate paragraph: Drop entirely.

16. Page 12, first paragraph: We should quote David Kennedy's article from the NIJ journal; it's very powerful and persuasive.

17. Page 12, 2nd paragraph, 3rd and 4th sentences: I don't think this rhetoric on the drug war works; we should drop it here and elsewhere. The truth is that much of the perceived unfairness and/or disparate impact in the drug war is tied to government's response to the crack cocaine epidemic. If we wanted to be brutally honest we'd point out that the crack epidemic did in fact cost us a generation of minority youth -- both as victims and perpetrators -- and that well meaning legislators/government officials of all races supported the drug war. The more important point to make, I believe, is that drugs and related crime have devastated minority communities, and that we can never let what happened with crack happen again. Instead, we must support a balanced drug strategy that supports tough enforcement, more treatment, better prevention...etc.

to p p. 13

18. Page 14, bullet at top of pace: Change to "Building stronger communities."

19. Page 16, 1st paragraph, last sentence: Drop entirely (economic development reference). why (generally)

20. Page 17, 1st paragraph...question: What do these numbers mean? How do they comport w/our earlier findings by GAO and DOJ that, if we control for criminal offending, there are no substantial differences between the races?

21. Page 19, bullet/subheading: Replace with, "Reinforce right from wrong by promoting appropriate punishments when kids first get into trouble."

22. Page 19, bottom paragraph, 4th sentence: After "including alcohol," add, "or to get money to buy drugs."

23. Page 20, 1st paragraph, 2nd sentence: We shouldn't use this reference to only 12 percent of prisoners receiving treatment; Justice has disclaimed it and believes its inaccurate. I think the more important point to make here is that numerous studies show -- convincingly so -- that most persons on probation, parole or in prison have a drug history/habit, but that we don't do everything we can...we don't use the full power of the justice system...to reduce their drug use and criminality. Also, this section provides an opportunity to laud the President's record on promoting drug testing/treatment, drug courts, etc.

24. Page 20, 2nd and 3rd paragraphs: I'd drop these entirely; I'm not sure they add anything.

25. Page 21, first full paragraph: I can't believe we want to get into a discussion of OJ and jury nullification. What would we say? Also, as I mentioned before, I wouldn't generalize that police "experiences, incidents, and policies" lead "law abiding persons of color to believe that they are targeted or threatened by law enforcement. I think that's inflammatory and inaccurate. As I mentioned before, I believe it's more accurate to point out that in some communities the

police have a historically strained relationship with minorities. If we want to explain why this is the case, than we should take the time to do it right. It's not simply because of recent police policies or racial profiling; recent police policies, in fact, have done much to improve relations with minority communities. Rather, I believe it has much more to do with 30-years of changes in some of our minority communities (population moving out, concentration of poverty and related social ills), tensions from riots during the civil rights era, the professionalization of urban police forces and the resulting gap between the police and the policed, the nature of the crack epidemic, the relatively rapid diffusion of guns in minority communities...etc

26. Page 22, 2nd paragraph, penultimate sentence...through the end of the chapter: I think these four-sections on racial profiling, police brutality, incarceration, and diversity in law enforcement are fundamentally problematic for a variety of reasons. First and foremost, in one fell swoop, we say that these are difficult issues that need to be addressed, but we haven't made a convincing case for them. Again, either we need to make the case that the system is fundamentally fair or unfair, and go from there. If the justice system is fundamentally fair, as I believe we should be saying, than we should say these are isolated problems that are important because of their disproportionate impact on perceptions and attitudes of the system's overall fairness -- not because they're implicitly widespread.

More specifically, I have the following concerns w/each of the sections...

Racial profiling: As I understand it, we are not in a position to propose the executive order recommended in the chapter. DOJ has, for some time, been reviewing their own policies, but they have concerns, especially with respect to INS (I believe, for instance, that some courts have held that the use of ethnicity is sometimes okay for law enforcement purposes). Secondly, Treasury -- especially with respect to the Customs Service -- is sure to have concerns as well. With respect to data collection, I'm not sure if there's any point in supporting the Conyer's bill. It was killed by the police groups last year and will easily be killed again this year. Thus, if we really want to do something on improved data collection, let's just direct the AG to work with law enforcement to do it now; we don't really need a legislative language.

Police Brutality: I would reverse the emphasis of the current section by leading with the fact that there are very few case of police brutality (less than 1 percent of police encounters), and laud the Administration's record on bringing federal civil rights and pattern or practice suits when necessary. Then I would go into the fact that we must have zero tolerance for police brutality...that it undermines the work of most honest, hardworking officers...poisons the trust between them and the people they're sworn to protect...etc.

Disparities in Sentencing/Incarceration: I would reverse the emphasis in this section, too. I would open with the GAO and DOJ studies showing that, if we control for criminal offending, rates of arrest, prosecution and conviction do not differ greatly by race. Perhaps we could also include Eric Holder's report from several years ago that comes to the same conclusion for federal crack and gun sentencing. I would then talk about how, over the long term, we can't be satisfied with a system that incarcerates so many Americans, especially so many minorities...that destroys so many families...disenfranchises whole communities...makes so many people unemployable. We can't simply be satisfied with high rates of incarceration; we must actually work to reduce criminality and recidivism. One way to do this is by using the power of the criminal justice system to get offenders to kick their drug habits. We can do this by making an unprecedented commitment to drug test, treat, and appropriately punish the millions of probationers, parolees and prisoners with drug habbits....etc.

Finally, I'm not sure what if anything I would include on the disproportionate minority confinement of juveniles or the death penalty. The draft seems to indicate we'll have more to say on these topics.

<u>Diversity in Law Enforcement:</u> Two quick points...we really should be able to tell a more positive story here. I'm sure our policing initiative has done much more to promote diverse police forces than we're acknowledging. Also, the President has a strong record of appoint minority law enforcement professionals; perhaps they're worth mentioning (Ron Noble, Jim Johnson, Eric Holder, Eduardo Gonzales...?).

THE WHITE HOUSE

WASHINGTON

January 25, 1999

TO: JOHN PODESTA
            BRUCE REED
            GENE SPERLING
            MINYON MOORE
            ANN LEWIS
            MELANNE VERVEER
            SHIRLEY SAGAWA
            PAUL BEGALA
            SIDNEY BLUMENTHAL
            MICHAEL WALDMAN
            ELENA KAGAN
            SYLVIA MATHEWS
            JOSH GOTBAUM

FROM: MARIA ECHAVESTE

SUBJECT: THE PRESIDENT'S RACE REPORT

Attached for your review and comment is the crime section of the Race Report's workplan chapter as well as a one-page outline of the report. In total, the workplan chapter will have five sections: (1) education, (2) community security and crime, (3) jobs and economic development, (4) civil rights law enforcement, and (5) strengthening democracy and civic engagement. Over the next several weeks, I will be circulating each of these sections for your review. Where there are issues in dispute, I will hold meetings to discuss them prior to sending a final draft to the President.

Please send comments on the attached crime section to Clara Shin by Monday, February 1. She will be compiling your comments throughout the review process of the President's Race Book. Thank you.

January 25, 1999

MEMORANDUM

TO: Maria Echaveste

FROM: Christopher Edley, Jr.
              Scott Palmer

SUBJECT: President's Race Report: Draft Crime Section

Attached for review and dissemination is a draft of the crime section of the President's race report. It is part of the workplan chapter, which will present workplans for the nation in various areas to help realize the President's vision of One America. A one-page book outline is also attached for your reference.

We want to make clear that this is a draft. Ellipses and brackets mark places where additional text will be added, additional issues will be discussed, questions need to be answered, etc. We are circulating the draft at this stage in development in order to keep the process moving, to get comments sooner rather than later, and to identify issues for decision.

Thank you.

BOOK SUMMARY OUTLINE

Introduction

Part I: The America We See
- Getting the facts straight: Demographic trends. What the best social science evidence is about disparities, discrimination, intergroup relations and attitudes. The overt and subtle influence of race on lives, and on our political and policy struggles.
- Is the glass half full, or half empty?

Part II: The America We Want
- A vision of what racial and ethnic justice mean for the 21ˢᵗ Century, including: *Opportunity* so broadly and deeply shared that there is no visible evidence of a legacy of slavery, colonialism or conquest; *community* so deeply felt that we celebrate our diversity and draw social and economic strength from our interactions and relationships; *hearts* healed of hatred and fears and prejudices, so that we are connected with one another across lines of class and color, caring about our neighbors, and living by the great commandment.
- Some of the vexing questions — the seeming clashes in values and perceptions that make progress on race so difficult. Modeling how to respectfully engage each other, searching for a way to pursue a common vision of a just community. (Examples: English-only; racial profiling; self-segregation by college students; etc.)

Part III: The Community We Must Build
- Promising practices from communities and organizations around the nation. (A few examples drawn from the hundreds collected by the Advisory Board and PIR staff.)
- How these projects can help us advance the *community* and *heart* elements of our vision for One America.

Part IV: The Opportunity We Deserve — A Workplan for the Nation [highlights attached]
- Education
- Jobs and Economic Development
- Community Security and Crime
- Civil Rights Law Enforcement
- Strengthening Democracy and Civic Engagement

Part V: The Leadership We Need for the Road Forward
- Creating Partnerships in Communities and Organizations
- Leadership and Action in Key Sectors (faith community, higher education, etc.)
- Leadership and Action in the Federal Government (reinvigorating the Civil Rights Commission, etc.)

Conclusion

PART IV: THE OPPORTUNITY WE DESERVE

[Introduction to Part IV]
[Sections 1-2]

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

INTRODUCTION

I ask every American who lives in a safe community to think of a specific time in your life in which you truly feared for your safety and imagine what it would be like to live in a place where you felt that way every day. What kind of nation have we become if we are willing to accept that there are places in America where law-abiding residents will live in fear and where other law-abiding persons simply will not go? More than anywhere else, our high-crime communities, most of which are communities of color, want, need, and deserve strong law enforcement to restore order, reduce crime, and help build stronger communities. At the same time, we must take action in those communities and across our nation to keep young people out of crime and build trust and confidence in the criminal justice system across racial lines.

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Whenever Americans are asked what issues concern them most, crime is near the top of the list. At the same time, most of us live in communities that are relatively safe and crime free. Most of us are 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.

However, some Americans 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. In the last

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five years, there has been an 18-percent drop in the rate of violent crime nationwide, including a 28-percent drop in the homicide rate, which is at its lowest level in 30 years.[1] Moreover, persons of color have in many cases experienced the sharpest decreases in crime victimization.[2] 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."[3]

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.[4] The homicide rate for black males is 58 per 100,000, compared to 5 per 100,000 for white males,[5] and homicide remains the leading cause of death for young, black and Hispanic males.[6] 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.[7]

Most crime is intraracial. Nine out of every 10 murders, for example, involve victims and offenders of the same race.[8] Existing disparities in criminal victimization, therefore, reflect disparities in criminal offending as well. Nonetheless, whites commit a majority of all crime,

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

[2] [DPC accomplishments document.]

[3] Advisory Board, *supra* note ___, at 81.

[4] *See* Changing America, *supra* note ___, at 53, Chart 1.

[5] 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).

[6]

[7] 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).

[8] [BJS data summary, page 9.]

including a majority of all violent crime.[9]

In large part, the fact that a greater proportion of minorities are likely to be victims of crime than whites is due to extremely high crime rates in a small number of poor, largely urban communities of color, with much of the crime being committed by and against young males of color. For example, nearly half of all homicides occur in only 47 of approximately 14,000 police jurisdictions.[10] And crime rates remain high in parts of Indian country as well. The homicide rate, for example, on reservations has risen __ percent in the last 5 years.[11]

Why do these conditions exist? It is too easy to throw up our hands and blame it all on some culture of lawlessness that most of us have only read about or seen on television. We must look beyond the footage on the 11 o'clock news. Contrary to conventional belief, I believe that crime in our highest crime communities is neither totally random 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 raising healthy children and building strong communities.

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.[12] Together, these factors result in concentrated disadvantage and the destruction of community order and cohesiveness. 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. These factors of poverty, family disruption, and residential instability are not excuses for crime; they are explanations for why crime has taken hold in some communities. Absent these factors, rates of criminal offending and victimization do not differ significantly by race, but the communities in

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[10] 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).

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

which these troubling conditions exist together are often communities of color.[13] [We will likely add language about the role of past governmental policies in contributing to these conditions.]

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.[14] Furthermore, of those crime victims who did not report the incident to police, approximately twice as many blacks than whites say they did not report the crime because the police would not care or would be inefficient, ineffective, or biased.[15] These perceptions of unfairness in the criminal justice system are likely due to a number of historical and present factors, including the use of so-called racial profiling, incidents of police brutality, racial disparities in incarceration rates and sentencing, and the lack of diversity in the criminal justice system... 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, perception, or both, it must be addressed.

And while many minority communities want and need strong law enforcement, they are also being harmed by high rates of incarceration, especially for young men of color. Today, one-third of all young, black males are under the supervision of the criminal justice system (on

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[13] Sampson, *supra* note ___, at 202; Stone, *supra* note ___, at 2; Robert Sampson and Janet Lauritsen, *Violent Victimization and Offending: Individual, Situational, and Community-Level Risk Factors, in* Understanding and Preventing Violence, National Academy of Sciences, Albert J. Reiss and Jeffrey Roth, eds., Vol. 3 (1993). [?]

[14] Changing America, *supra* note ___, at 59, Chart 7.

[15] [BJS data summary, 27.]

probation, in prison, or on parole).[16] In cities such as Baltimore, more than 50 percent of young, black males are under criminal justice supervision...[17] 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.[18] 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.[19] 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 million black males alone.[20]

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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 and to serve" him or her. No American should grow up 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 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... We must intervene to prevent juvenile delinquency before we lose a whole generation of

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[17] [?]

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

[19]

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minority youth to crime, as either victims or offenders. And for the good kids who do get in trouble, we must intervene in their lives to help them become productive and successful members of society.

Third, we must build trust and confidence in the criminal justice system among persons of color. Let me be clear: 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. Furthermore, though some will disagree, evidence suggests that racial discrimination is not endemic to our criminal justice system. However, evidence also shows 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. 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 sum, we must develop a comprehensive model of criminal justice that can increase community safety, prevent young people from entering the criminal justice system, and build confidence and trust in law enforcement. Fortunately, I believe we have the foundation for this model, and we have already made important progress toward achieving these goals. The foundation is community justice -- an approach to criminal justice that emphasizes strong partnerships between law enforcement and communities to prevent crime.

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The cornerstone of community justice is community policing. 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 look to law-abiding citizens about their concerns, needs, and values. In order to solve problems that cause crime, police must look to 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.

In 1994, I proposed and Congress enacted the Public Safety Partnerships and Community

Policing Act, which provides grants and technical assistance to local communities to increase the number of police in communities and to enhance community policing. Today, we have nearly reached our goal of supporting 100,000 new police officers -- a 20 percent increase in the number of officers -- and promoting community policing efforts in the vast majority of communities across our nation. Program evaluations, as well as the dramatic decrease in crime rates across the country, indicate that these efforts have been successful in reducing crime, reducing fear of crime, and improving relations between citizens and law enforcement...[21] [A text box will summarize prior administration actions consistent with the above themes and the workplan that follows.]

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 criminal justice system, and increasing trust and confidence in law enforcement. To fully achieve these goals, we must build on that foundation by continuing support for community policing, expanding community justice into other areas, such as community prosecution, and promoting comprehensive, multi-faceted efforts to strengthen our most troubled communities and prevent crime.

In the balance of this chapter I offer a workplan to guide us all in our efforts. Let me first highlight the centerpiece for renewed federal leadership, which focuses on the severe problems facing our highest crime communities.

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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, this Initiative 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, including our 21st Century Policing Initiative, which will build upon our community policing initiative and support more police and other resources for

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the areas that need them most.

- To be eligible for this pool of targeted funds, communities will be required to bring together relevant actors (federal, state, and local; public and private; law enforcement and other services; and most important, concerned citizens and community leaders) and develop a coordinated, comprehensive plan aimed at preventing crime in high-crime neighborhoods.

- The community 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 new and revitalized "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, and build a sense of opportunity. Finally, these comprehensive public safety plans should go hand-in-hand with other community and economic development programs aimed at our most distressed communities. The "Hot Spots" Initiative will, therefore, give preference to community plans that promote economic development by including business, education, and other sectors as partners.

Many strategies show promise for reducing crime in our highest crime communities. But program evaluations to date have been weak, 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 comprehensive 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.

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A WORKPLAN FOR THE NATION

The nation's agenda in criminal justice focuses 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.

As indicated above, these agenda items are greatly 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. I believe it is useful, however, to disaggregate these goals to focus more concretely on what we need to do to achieve each of them. [A text box will summarize administration policy downpayments on the elements of this workplan.]

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ENSURING PUBLIC SAFETY IN OUR HIGHEST CRIME COMMUNITIES

Today, crime rates are dropping across the nation and for all racial groups. Nonetheless, crime remains unacceptably high in a small number of deeply poor, socially disorganized communities, the vast majority of which are minority communities. These high-crime areas are concentrated in urban centers, but exist in other areas, such as parts of Indian country, as well... The Community Justice "Hot Spots" Initiative, described above, represents a new commitment to increasing public safety in those high-crime communities. Whether as part of that Initiative or otherwise, there are several important, interrelated actions we must take in our highest crime communities to make them safe communities in which parents can raise their children, 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.[22] 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."[23] 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. For example, studies have shown that as little as 3 percent of all street addresses can account for as much as 50 percent of the crime in a given community.[24] This in part reflects a concentration of crime in some places. These "hot spots within hot spots" may include buildings, parks, or street corners that serve as harbors for criminal activity. We must take action to enhance targeted law enforcement within our highest crime communities. Federal, state, and local governments must work together to identify high-crime places through computer mapping and to 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 crime. [We could add something about nuisance abatement and/or other strategies to address the conditions of high-crime places themselves. We should also add language about the lack of police resources in Indian country.]

In addition, whatever unique problems exist in a given high-crime community, two problems that are likely pervasive (and that remain widespread national problems as well) are guns and drugs. Indeed, much of the problem of violent crime in our highest crime communities likely emanates from the overlap 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

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[22] 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).

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

[24] *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). [?]

smaller cities. Because crack required many more sellers to meet the increased demand (composed of many more buyers and with more transactions per buyer) there was major recruitment of young minorities to serve in that role. 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.[25]

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.[26] In the words of criminologists Philip Cook and Mark Moore, "There are very few drive-by knifings, or people killed accidentally by stray fists."[27] 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 crackdown 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 crackdown on gang activity. Today, there are an estimated 23,000 gangs with 665,000 members in 2000 jurisdictions across the country, and there is evidence that

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[25] 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).

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

these numbers are growing.[28] 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.[29] We must prevent and reduce gang membership and

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TEXT BOX
The Boston Gun Project

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crime. In large part, this means increasing support for proven prevention programs aimed at our young people. [Lawrence Sherman, Malcolm Klein, and other criminologists suggest that we don't know much about how to reduce gang activity. We are continuing to explore this.] 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 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... [We could tell a more complete story about Boston here or in a text box. We are exploring this.]

Finally, while the use of some drugs, including crack cocaine, is decreasing in many places, 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.[30] We must take action to reduce drug use and illicit drug markets. However, we must also acknowledge that the war on drugs has had a disproportionate, negative impact on persons of color, and we cannot allow the war on drugs to be a war on minority persons or communities. In large part, this means promoting a renewed focus on prevention and treatment and promoting greater fairness in our drug laws. (I will say more on these issues below with regard to both keeping youth out of the criminal justice system and building trust in the criminal justice system.) [Does this work?]

- *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 full community involvement and

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[28] 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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support, any targeted law enforcement effort is likely to be perceived not as comprehensive community building but as a full-scale assault in which police and other governmental entities assail select minority neighborhoods. Rather than increasing public safety, such an effort could increase mistrust of law enforcement, which would likely reduce the effectiveness of law enforcement. Research shows that increasing police legitimacy in the eyes of the community not only reduces tensions, but can also help prevent crime.[31] Building police legitimacy requires training police and citizens on how 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.)

The community must also be fully engaged because each community's crime problem is, at some level, unique, and the law-abiding citizens of each community are the best resource for understanding how crime and fear of crime manifest themselves in that community. Partnerships between law enforcement and the community are, therefore, essential for solving community problems and, thereby, reducing crime. This is the heart of community policing. As described above, we must take action to establish community policing in our highest crime communities to help restore order, solve community problems, and improve relations between citizens and law enforcement. Since 1993, the number of communities implementing community policing has increased from hundreds to more than 9000. In 1998, we took action at the federal level to target community policing resources to our highest need cities, and (as discussed above) I propose to target future federal community policing resources, including funds to support 50,000 new police officers, to our highest crime areas as well.

Evidence shows that the expansion of community policing has contributed greatly to the decrease in crime across our nation and to better police-community relations. For example, 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

TEXT BOX
Chicago's Alternative Policing Strategy (CAPS):
Cleaning Up Gill Park

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...[32]

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

[32]

• **Build community infrastructure and promote economic development**

While law enforcement is important, crime prevention in most communities is a consequence not only of law enforcement or any government action, but is primarily based on the strength of the community itself. "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."[33] Emerging research shows that crime rates in communities are related to what is called in the literature "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 greater the collective efficacy in a community, the lower the crime rates.[34] Thus, it is essential that formal law enforcement efforts be fully aligned with and support community based efforts that seek to promote and leverage informal social controls -- from parent-teacher associations to neighborhood watch programs.

However, the communities with the highest crime rates not surprisingly have the worst social conditions for preventing crime. These conditions include pervasive unemployment, family disruption, and residential instability. For example, despite our booming economy, some communities, most of which are minority communities, face unemployment rates as high as 80 percent,[35] and half of all black children today are raised in single-parent households.[36] In addition, high-crime neighborhoods suffer from so-called community disorder, which refers to the sense of lawlessness that pervades many high-poverty, minority communities. According to Wesley Skogan:

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[33] 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).

[34] 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).

[35] William Julius Wilson, *When Work Disappears: The World of the New Urban Poor* 19 (1996). (?)

[36] Joseph P. Tierney, Jean Baldwin Rossman, and Nancy L. Resch, *Making a Difference: An Impact Study of Big Brothers/Big Sisters*, Public/Private Ventures (1995). (?)

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 cares 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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[37] Wesley G. Skogan, *Disorder and Decline: Crime and the Spiral Decay in American Neighborhoods* 2-3 (1990). Several years ago, James Q. Wilson and George Kelling published a revolutionary article explaining how community disorder is likely related to crime:

[I]f a window in a building is broken and is left unrepaired, all the rest of the windows will soon be broken. This is as true in nice neighborhoods as in rundown ones. Window-breaking does not necessarily occur on a large scale because some areas are inhabited by determined window-breakers whereas others are populated by window-lovers; rather, one unrepaired broken window is a signal that no one cares, and so breaking more windows costs nothing. . .

We suggest that "untended" behavior also leads to the breakdown of community controls. A stable neighborhood of families who care for their homes, mind each other's children, and confidently frown on unwanted intruders can change, in a few years or even a few months, to an inhospitable and frightening jungle. A piece of property is abandoned, weeds grow up, a window is smashed. Adults stop scolding rowdy children; the children, emboldened, become more rowdy. Families move out, unattached adults move in. Teenagers gather in front of the corner store. The merchant asks them to move; they refuse. Fights occur. Litter accumulates. People start drinking in front of the grocer; in time, and inebriate slumps to the sidewalk and is allowed to sleep it off. Pedestrians are approached by panhandlers.

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 increase collective efficacy. One simple key is to get organizations involved. Stable community organizations can and must reach into high-crime neighborhoods, encourage civic participation, and build a foundation of community support...[38] [Wesley Skogan and others have presented research that shows limited success for these types of interventions, but Chicago and others have had more recent success. We are following up.] 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 economic development to overcome the concentrated disadvantage that plagues many high-crime communities... [We will briefly reference policy and bully pulpit actions in the economic development section of the workplan regarding job training, business investment, etc.]

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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

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James Q. Wilson and George L. Kelling, *Broken Windows: The Police and Neighborhood Safety, in* Atlantic Monthly (March 1982).

> At this point, it is not inevitable that serious crime will flourish or violent attacks on strangers will occur. But many residents will think that crime, especially violent crime, is on the rise, and they will modify their behavior accordingly. They will use the streets less often, and when on the streets, will stay apart from their fellows, moving with averted eyes, silent lips, and hurried steps. "Don't get involved.". . . Such an area is vulnerable to criminal invasion.

[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).

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 overrepresented 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] 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 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 criminal offending 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 criminal offending among 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 chance to succeed in life rather than getting caught up in a life of crime.

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[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.

[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. Farington, eds. (1998).

[44] *Id.* at 42.

- ***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, we launched in 1998 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 and, most importantly, in communities to expand such efforts. [We will add additional information regarding successful youth crime prevention efforts, including more on the experiences in Boston and/or Houston.]

       First, as reported in the education section of this chapter, emerging evidence shows that early childhood and family support programs can help reduce criminal 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 3-5 and their families. Children who participated in the project 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] [We will check on the status of this project?] 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

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     [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.

children and their families during these hours, we can provide our children with safe havens from crime, promote constructive activities, and develop 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 Americans must get involved in the lives of our young people as mentors.

- **Reduce recidivism by promoting alternative punishments for good kids who get in trouble**

Rates of criminal recidivism among juveniles and adults are astounding. Data show that the majority of adult prisoners released from state prison are rearrested within 3 years, and these recidivism rates are highest for persons of color...[49] [We will add data on juvenile recidivism rates.] For some violent juvenile and young adult offenders, arrest and incarceration is necessary, justified, and effective... However. in many instances and many ways, 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.[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.

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[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.

[49] [BJS data summary, 22.]

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Too many Americans, and particularly too many Americans of color, are presently incarcerated for drug offenses or for offenses committed under the influence of drugs while not getting the treatment they need to overcome their addictions. In fact, the majority of all state and federal prisoners were under the influence of drugs or alcohol at the time of their arrests, yet only 12 percent have ever received any form of treatment.[51] Drug treatment is humane and cost-effective and must be given a more prominent place in our criminal justice system...

Second, programs that work with parents and families in the home to deal with delinquent youth have shown signs of success at preventing future delinquency, and at much lower costs than out-of-home placements. These programs provide family counseling and other assistance to disengage troubled kids from factors that lead to crime, such as gangs... In one study, 22 percent of youth who participated in such a program were arrested again within 4 years compared to 87 percent of youth who did not participate.[52] [This is apparently called "Multisystemic Therapy." We are continuing to learn more.]

Third, 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.[53] In addition, both offenders and victims who participate in restorative justice report greater respect for the criminal justice system, which also reduces criminal offending...[54] [Again, we are still exploring this.]

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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

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[51] Christopher J. Mumola, *Substance Abuse and Treatment, State and Federal Prisoners, 1997*, U.S. Department of Justice, Bureau of Justice Statistics, 1 (December 1998).

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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.[55] [Add more examples here, such as the differing reactions to the O.J. Simpson verdict and/or the growing debate over jury nullification.] 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.

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. Two United States attorneys who are African American talked at a recent Department of Justice conference about having similar conversations with their own children.[56] 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 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.[57] A similar study found that persons who perceived that police treated them fairly in

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[55] 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)).

[56][Confirm this]

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

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).[58] 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 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. Studies as well as individual cases indicate, for example, that law enforcement officials are often more likely to stop motorists who appear 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 sole factor in identifying criminal suspects, which is quite clearly unlawful. Furthermore, this is not about the use of race 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. 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?"[59] 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

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[58] Tyler, *supra* note ___, at ___. [?]

[59] Randall Kennedy, Race, Police, and "Reasonable Suspicion," Speech at the Department of Justice, National Institute of Justice (1998).

drugs. Should the officer be any more or less likely to stop and question the young men if they are black or white or Hispanic or Asian Pacific American or American Indian or all of the above? And what should our policy be?

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

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.[60]

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, I begin with the fact that traffic stops and searches are a vital tool for effective law enforcement. . . At the same time, we agree that traffic stops must be conducted in a manner that ensures fairness and nondiscrimination. As I have said before, it is wrong to assume that members of one race or ethnic group are more prone to criminal behavior than any other. Reliance on such racial stereotypes is as wrong in law enforcement as it is in other endeavors. And 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 circumstances. . .

I don't view these twin goals as inconsistent. 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

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[60] Advisory Board on Race, *supra* note __, at 82.

often most needed.[61]

I believe we must take action at all levels of government to restrict the use of racial profiling. We can start by ensuring that all levels of law enforcement develop and explain clear policies concerning racial profiling. 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 virtually all contexts, and create safeguards whenever exceptions are warranted. [Insert Text Box on Executive Order on Racial Profiling.] Second, we must promote greater training for law enforcement officers on how to avoid acting based 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. [Insert Text Box example of a police department's training efforts.] Third, 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 has proposed legislation to accomplish this, which I support.[62] Indeed, the legislation should be broadened to ensure we have adequate data to monitor several aspects of fairness in the administration of justice.

Finally, we must enhance civil rights enforcement to correct situations in which persons of color are being inappropriately targeted by law enforcement. Currently, for example... [Describe a current DOJ Civil Rights Division case on this issue, in human terms.]

• ***Eliminate police brutality***

Of all the issues of race in the administration of justice, none looms larger than the issue of police brutality. We all know many of the most egregious incidents, from Rodney King to Abner Louima. 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.

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[61] *Attorney General Janet Reno*, Remarks for problem solving group on law enforcement stops and searches (December 8, 1998). [This was the prepared text.][?]

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

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 brutality, 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 officers who are sworn "to protect and to serve," and sometimes appears, when it does occur, to be motivated by racial or ethnic prejudice.

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 1 percent of police-citizen encounters), but that a disproportionate number of these incidents involve persons of color.[63] This preliminary study is very 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 apart from the need for better monitoring and information, we must acknowledge 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 wisdom and resources of the federal government can offer, because police brutality is corrosive to 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.

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[63] U.S. Department of Justice, Bureau of Justice Statistics.

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

The racial disparities throughout the administration of justice raise legitimate and important questions about the fairness of the criminal justice system. For example, 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.[64] Blacks account for 43 percent of arrests, 54 percent of convictions, and 59 percent of prison admissions for violent crime.[65] Moreover, America has a greater percentage of its citizens behind bars than any other nation in the world, except Russia.[66] 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. 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.[67] In addition, a study by the U.S. Department of Justice, Bureau of Justice Statistics tracked more than 10,000 adult, felony defendants in the nation's 75 largest cities through all stages of

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[65] *Changing America, supra* note __, at 57, Chart 5.

[66] [We are re-checking this.]

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

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.[68]

The fact is that every racial or ethnic group appears to have higher rates of offending than others groups with regard to at least some forms of crime.[69] But persons of color, especially young black and Hispanic males, appear to have higher rates of offending and repeat offending with regard to the crimes most likely to lead to incarceration, specifically violent crimes. Once again, these disproportionate rates of offending are closely related to the conditions of concentrated disadvantage and community disorder in which a disproportionate amount of minority children are raised

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. While drug use is roughly equal across racial lines, blacks, for example, are approximately five times more likely than whites to be arrested for drug-related offenses. [This is old data, and we are getting newer data here, and trying to reconcile with above-cited GAO and BJS studies on disparities in arrests, etc..]

The war on drugs is a war *for* our communities and children, not a war against 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 campaign. Under present federal

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[68] *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 or equal length); however, that disparity appears to be explained largely by factors other than race... *Id.* at 50-51.)

[69] Sampson and Lauritsen, *supra* note __, at 326. For example, whites are overrepresented in sex offenses; Asian Pacific Americans are overrepresented in gambling offenses; American Indians are overrepresented in alcohol-related offenses; and blacks are overrepresented in robbery and other violent offenses.

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.[70] 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.]

Third, racial disparities in the death penalty have long been a concern... [What should we say about this?]

● *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.

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Furthermore, I am proud that, as President, I have 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.

<center>***</center>

<center>CONCLUSION</center>

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. Is it not more humane and cost effective to invest in our children at the front end of their lives -- in education, in prevention, in strong communities -- than to invest in them 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.

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The Community We Must Build

The unsung heroes of America's long march to racial reconciliation have always been ordinary citizens working together to make a difference.

> Bill Clinton: *from the opening page of*
> **Pathways to One America in the**
> **21st Century**

Introduction

As President and especially during our Initiative on Race, I have had the privilege of meeting and talking with Americans from all parts of our country. Whether I am chatting with my neighbors back home in Arkansas, or listening to the concerns of urban families struggling to give their kids a decent education, or trading insights with students -- from Maine to California, not a day goes by that I am not reminded that most Americans of all races are people of good faith who are committed to building a stronger America across racial lines. But, at the same time, most Americans do not fully understand the nature or extent of our racial challenges, nor do they know what they can do to help bring about racial reconciliation. Many want to do their part. They are just not sure what to do or where to begin. This has greatly limited our ability to forge a consensus for action.

In **The America We See**, I described our present challenges of race: lingering discrimination, persistent disparities and strained race relations based on the fears and stereotypes in our hearts. In **The America We Want**, I put forth my vision of the America we must strive for. In the next several chapters, I will discuss what we need to do -- all of us -- to "get to the promised land." I want to begin with what is most important: a discussion of "promising practices" -- the things that Americans of goodwill are doing and must do, one person, one neighborhood, one school system, one workplace at a time to promote racial reconciliation and build One America.

What is Racial Reconciliation?

First let's be clear about what we are talking about. Racial reconciliation has a nice sound to it and many of us think we know what it means. But do we really? There are many programs and projects across America that are dedicated to strengthening families and communities. America is a big-hearted country. We are always there to help people in need -- whether victims of floods and other natural disasters or the less fortunate

among us who might need food, shelter or life-saving blood. But, racial reconciliation is about more than filling the charity gap -- it is about closing the empathy gap.

Closing the Empathy Gap

For too long, we have largely defined ourselves by the things that make us different -- color, gender, religion, class. That kind of thinking has caused people of privilege to view the plight of those less fortunate -- especially when they are minorities -- as the problems of "those people." And it has caused many minorities to believe that no white person can be trusted and that people of color will never be fully accepted as mainstream Americans. This has devastating public policy consequences. It is much harder to marshal public will to empower and improve the lives of the less fortunate, or to join with people to strengthen communities and institutions, if we see them only as people "other" than ourselves. And if people of color retreat into enclaves of isolation, trusting no one but themselves, they will never form the kind of multiracial coalitions that are so necessary for change.

But, if we can start to see each person as part of our multi-racial American family, then we can begin to conquer our fears, narrow the distance between us, and take action for positive change. Our justified fear of teenage gang violence might be tempered by the idea that the newest gang member might be our wayward cousin who might have made different choices if more adults had shown him alternatives. Our frustrations about people seeming to prefer welfare over work might be different if we could imagine our impoverished aunt having to make a choice between a job with no health benefits and public assistance that includes health care for her children.

The most extreme consequence of seeing people as "other" is not seeing them at all. For example, many of us do not even know about the extraordinary levels of unemployment on Indian reservations that would cause public outrage in suburbs or even urban centers. We lament but tolerate levels of crime within urban ghettos five times that in even non-affluent suburbs. We also tolerate national levels of poverty for blacks and Hispanics three times that for whites. A major reason for our collective complacency about these problems is that many of the people struggling with these conditions appear to be "other" than ourselves.

Thus the opportunity gap is tolerated because of what might be called an empathy gap. The divisions based on race in America are at their root, divisions of the heart. Each of us, by our actions, by our silence, by our acquiescence, by our denial, rage or indifference, is a part of the dynamic we call race relations in America. And each of us must take responsibility for building that "more perfect union." As I told the 1998 graduating class of Portland State University, "Around the world we see what can happen when people who live on the same land put race and ethnicity before country and humanity." It is time we all began to acknowledge and accept responsibility for the way

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racism has affected people of color, ourselves and our nation. Only when we grapple with this problem on a deeply personal level, will we produce a society where people are treated equally.

What is a Promising Practice for Racial Reconciliation?

Just as the concept of racial reconciliation is not fully understood, neither are the steps we must take to bring it about. That is why a commitment to seek out and showcase effective racial reconciliation strategies by individuals and communities is a key part of our Initiative on Race. As a result of that effort, we have put together a compendium of what we call "Promising Practices for Racial Reconciliation." This is a description of more than 125 programs my Advisory Board and staff found which are actively working on bridging racial divisions and moving us closer to that elusive One America.

While I refer you to that publication, **Pathways to One America in the 21st Century, Promising Practices for Racial Reconciliation**, in this chapter, I will discuss the conceptual framework behind our selection of Promising Practices as a guide to others who wish to create similar efforts in their communities.

During the course of our Initiative on Race, we encountered a variety of opinion as to just what is meant by a "Promising Practice." So, I want to begin with our working definition. We defined a Promising Practice as:

> *an effort or program intended to increase awareness of racial issues, improve the lives of individuals who are affected by past and/or present discrimination, or eliminate racial prejudice and discrimination from societal institutions such as workplaces, schools, or retail establishments. The programs may vary in scope, duration and intensity, but they all must be targeted to racial reconciliation.*

I believe that racial reconciliation requires attention to two distinct but intertwined aspects of America's racial schism. One is the racial divisions in our hearts -- those barriers between us based on fear, distrust and stereotypes that may manifest as overt bigotry or unconscious prejudice. The second is racial disparities -- the gaps in social and economic well-being that break down along the color line and have their roots in discrimination practiced both by individuals and organizations.

We cannot afford an "either/or" attitude about the dual nature of racial polarization. We have to address both the divisions in our hearts and the disparities in our lives simultaneously. Our path to a better future must be paved by large-scale changes in social institutions and effective public policy initiatives, as well as individual changes of heart. We must talk to each other honestly and openly and be willing to see another point of view. So, the program models featured in our compendium all reflect a commitment to one or both of those objectives.

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And the struggle for personal awareness must be coupled with a determination to set the institutions and organizations of our society on the right path. Our schools, businesses, places of worship and other institutions all play critical roles in perpetuating or healing racial divisions. So they deserve focused attention. As we used to say in the heyday of the civil rights movement, "If you're not part of the solution, you are part of the problem." For example, a school system where low expectations and rigid tracking by teachers produce racially segregated classrooms sends young people a message, connecting minorities with low academic performance. Similarly, widespread housing discrimination that produces segregation reduces our exposure to other groups and teaches us to divide communities into "their" and "our" racial neighborhoods. So we must build communities where both people and their institutions are actively engaged in the process of eliminating disparities, divisions, and distrust.

In the rest of this chapter, I will describe what I believe are the essential elements of successful community efforts at racial reconciliation. We reviewed each Promising Practice within the framework of eight key characteristics, although few programs included every element. Each program had to possess at least one of these characteristics:

- Promotes racially inclusive collaboration
- Educates on racial issues
- Raises racial consciousness
- Encourages participant introspection
- Expands opportunity and access
- Fosters civic engagement
- Affects systemic change
- Assesses its impact on the community

As I discuss these elements, I trust you will recognize ways that you, along with others in your community, might become engaged in our task of building One America. To help, I will pepper the discussions with references to programs from around the nation that show Americans taking concrete action to address issues of race at the community level.

Promoting racially inclusive collaborations -- We must create settings for peer-to-peer collaboration that foster mutual respect and joint tasks among the racially diverse members of each community.

One of the best ways to tear down racial barriers is to come together in service with people from other groups. As I said at the volunteer summit in Philadelphia in April, 1997, "[I]f we serve each other, if we work with each other...we will make sure that our diversity is a rich resource to make our union more perfect, not an instrument of our national undoing in the 21st century."

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Despite the fact that we know this, there are still unfortunate facts of life that prevent this from taking place. Most of us do not live in proximity to people of other races; few of us have close friends of other races or socialize in mixed settings. Our religious communities, where a great deal of volunteer work is done, are also, by and large, segregated. The truth is, in 1999, Americans have few opportunities other than the workplace to get to know each other as equal peers in a personal way.

While the workplace might be the strongest exception to the trend of segregation, even it has limitations. It is often not enough to tally up the numbers and announce that there is a good mix of diversity in a company. Too often, people of color are over-represented in certain levels or divisions of organizations. And, as has historically been the case, these are often the lowest paying, most menial positions. Many people rarely get a chance to interact with others on the job outside their group. Even in some non-profit organizations, dedicated to improved group relations, we still see the persistence of hierarchal patterns where people of color are subordinate to whites who hold most of the positions of management and authority. So, when looking at diversity in the workplace, we must do more to end the kind of job stratification that results in racial isolation, covered up by surface diversity.

In addition, concerns about the maintenance of smoothly functioning working relationships often create a disinclination to discuss difficult issues such as race when they arise, even though relationships might be healthier if this discomfort was worked through. Furthermore, though people of different races can work together, other factors, like the intense competition for promotion and related tensions of the work place (including racial discrimination, real and perceived) inhibit people from forming personal connections that transcend racial barriers.

As a nation we must continue to press for reductions in workplace discrimination. But we must also seek out other opportunities for people to join forces and work interdependently as peers. At their best, such relationships not only give people a chance to know someone of a different race, they also provide opportunities for these people to see themselves as a team, working together for the first time in a cooperative way. This contributes to the tearing down of racial barriers and negative stereotypes. Through the course of the Initiative, my staff discovered a number of programs that pursue racial reconciliation by creating such working relationships. (See text boxes 1 and 2 for examples of workplace and youth collaborations).

Educate on racial issues -- We must improve our understanding of the facts about the history and current state of race relations in America

Racial misunderstandings and animosities often result because of ignorance. If we are to make progress on race, we must improve our understanding of the facts about America's

legacy of racial struggle, filling in the blanks of history and painting a truer picture of where we stand today.

First, at the simplest level, we must do a better job of informing all Americans about the contributions of our nation's diverse racial groups. For too many of us (and here I don't just mean whites), the only notable people of color are stars in the sports or entertainment worlds. We are less likely to know about people of color who have made heroic contributions in science, law, the military, politics or engineering. People from every group have made extraordinary sacrifices to create our thriving multi cultural democracy. But this story is often not fully told. To rectify this problem, people can take steps to educate themselves. These steps can be as simple as reading a book, seeing a movie, watching a play, or visiting new areas that can expand your understanding of the history and current lives of a group different than your own.

Second, let's not lose sight of the institutional responsibility here. Those places that we turn to for education -- our schools, places of worship, the media-- must do more to fill in the knowledge gaps about the contributions of different groups and the history, both good and bad, of our long march to racial reconciliation. But, a true understanding of race in America must go beyond stories of heroes and chronology. We must bring those stories and times to life by describing the dimensions of the challenges we have faced throughout history and analyzing how they have shaped our past and our present. Imagine talking about the problems of ethnic conflicts in Africa and Northern Ireland based on nothing more than a list of historical figures and treaty dates. Imagine, understanding America's own struggle for independence without understanding the depth of feeling behind such words as "taxation without representation," or "give me liberty or give me death."

Schools are obviously central. Given the tremendous demands on school systems, it may seem unrealistic to expect them to make up for past omissions, with a massive new effort to provide students with a full education about race. It is my strong belief, however, that we must do a better job of giving young people the full picture of America's racial history, including the sacrifices and contributions all our citizens have made to our strength as a nation. This is not only the right thing to do, it is essential if we are to properly prepare our young people for the national and global diversity that is the overarching reality of the 21st century. Fortunately, there are tools for helping schools do this. My Initiative highlighted a number of curricula that schools can obtain that are designed to foster greater knowledge of race issues and racial tolerance among our youth.

One of the most effective ways adults can ensure that our children grow up in a world of less racial tension is to encourage our school systems to consider using these curricula models or other youth oriented programs designed to educate them about race. This is especially important for communities that are not racially diverse. (See Text Box 3).

In addition to focusing on our schools, we must make sure that other informal sources of education -- especially print media, television, and radio-- include racially diverse opinions, story ideas, analysis, and experts. People all over the country are starting to come together to exhort media outlets to eschew negative stereotypes and be more reflective of the diversity of the audiences they serve. We need more of these efforts. There are proven community models to guide us. (See text Box 4).

It is not my intention to single out or indict the media as a pillar of racism. People who control media imagery are no more subject to having biases against minority groups than others. However, I do think that because the media play such an important role in teaching, confirming, or countering racial stereotypes, both creators of media images and average citizens should urge these organizations to appropriately reflect different racial groups.

Raise Consciousness and Encourage Introspection -- We must confront, through honest dialogue, the subtle ways that race affects how we see ourselves and how we interact with others.

To some, becoming more conscious of race may sound like the opposite of what we need, given the level of discomfort that we have about this issue. But I believe the only way to get past the discomfort is to break the taboo against talking about it. In my view, too many people believe that talking about race is in fact impolite. They are uncomfortable when the issue is raised. Many of these people believe that the current racial divide is set in stone, so why even talk about the irreconcilable divisions between us.

Our common but unspoken agreement to not talk about race because it is too divisive is ironically counterproductive. In fact, our silence about the issue helps perpetuate divisiveness and the sense that people in other groups are different. The truth is that most people actually do have quite strong and well-articulated opinions and emotions about race. They just rarely have the opportunity to share them -- in a setting of respectful listening -- with those who view the issue differently. So we continue to talk to people who hold similar opinions. This prevents us from broadening our understanding and developing the ability to engage in respectful and productive exchanges with people who hold another point of view.

We must create more settings where Americans of all colors and walks of life can talk openly and honestly about their racial attitudes. That is why my Advisory Board encouraged extensive use of dialogue in numerous town hall settings and identified other model settings dedicated to fostering effective racial dialogue. (See text boxes 5 and 6).

This kind of dialogue not only helps people learn more about people who are of a different color, it also introduces the very real possibility that racial issues can someday be transcended. When people come together in settings where they can honestly probe

their anger, comfort, guilt, curiosity, frustration or other responses related to race, it becomes more possible for them to transcend their own perspective and gain a richer understanding of how race functions in our nation. Most important, such dialogues allow people who have strong but very different perspectives on race to establish the trust that can be a precursor to joint involvement in projects that combat racial disparities and/or divisions.

We need more person-to-person and group dialogue about race so we can better understand other perspectives as well as our own. That is why my Initiative produced a guide to conducting racial dialogue that is designed to be used in a variety of settings: **The One America Dialogue Guide.** In addition to providing instruction about how to organize and conduct dialogues, this guide suggests a few of the many organizations that can be helpful as facilitators.

Expand Opportunity and Access -- We must expand the horizons of the historically disadvantaged.

Healing the divisions in our hearts and communities is not just the work of government. Communities and individuals must lead the way. Narrowing these divisions is an important precursor to building the consensus for the large-scale policy changes that will expand opportunity. Certainly, it is important that government play a major role in expanding opportunities. And I have worked hard at that throughout my presidency. But expanding opportunity and access for those who have been left out is too big and important a job to leave to government alone. Everyone must be a healer.

There are many programs across the nation that are meeting this challenge -- especially as it relates to bringing hope and positive alternatives to at-risk youth. Some of these programs focus on raising awareness, others focus directly on education and helping students achieve success. While policy makers contemplate large scale initiatives to expand opportunity for all our people, there is a real need for all of us who are concerned about race relations to reach out to disadvantaged minority youth. With a little encouragement, many of these young people can rise above their circumstances and become well-adjusted, productive adults. My Initiative found numerous projects focused on expanding opportunity which can serve as models. (See Text Box 7).

Civic Engagement and Systemic Change -- We must prepare future leaders to change our institutions and society

In addition to taking action to better understand the role of race in our society and to right the wrongs of our past, we must also focus on building leadership for the future. We need a new cadre of enlightened leaders who will take us not only the next step, but to the finish line in our journey to One America.

In many ways, we must all become leaders. And we must begin by becoming active and vocal citizens and consumers. We should go out of our way to support organizations that demonstrate a commitment to inclusion and we should call, write or e-mail them to let them know they are doing the right thing.

A more daunting but perhaps more effective way to become leaders is to challenge injustice within the organizations we belong to, either as volunteers or employees. We need more people to appropriately but firmly demand that their organizations clean their own houses. We must not silently sanction racial injustice in our midst. Without question, it is often uncomfortable for employees or, even volunteers, to raise such questions. Nevertheless, we must summon the courage to bring the issue of racial diversity to the table. In fact, with the tremendous demographic changes that will usher in the 21st century, every organization ought to be talking about this issue. In no small measure, our success in becoming One America, depends on the commitment our institutions have to racial reconciliation and diversity.

But, many of our people and institutions need help doing this. We need help avoiding the pitfalls of defensiveness and denial. We need help assuring the organization that we do not mean to imply that everyone in the group is a racist. In fact, in most cases, the key to better organizational behavior lies not in finding and routing out hard-core bigots, but rather in changing the inadvertent behavior of people of goodwill who have influence over how the organization deals with people. (See Text Box 8 for examples of community based programs focused on this issue).

Constant Assessment

While we need many more community efforts to address racial divisions and disparities, we are equally in need of better information about what works and what doesn't. It is essential that these programs undergo rigorous and on-going assessment and evaluation. Unfortunately, many programs do not reserve funds for evaluation and assessment, so the lessons from their failures or successes are often not documented.

We need rigorous assessment for two reasons. First, the more programs can demonstrate success, the more they can attract more people and money to the cause. Second, because our racial dynamics are so fluid, programs must constantly change. A program that was properly conceived, targeted and run five years ago, may not be appropriate today.

Conclusion

Just as they take to the front lines to defend America on the fields of battle, ordinary Americans, of all colors and all walks of life, must lead us on the path to One America. There is no magic wand that government or organizations can wave to bring about lasting racial reconciliation. This is primarily a journey of the heart. It is up to each of us, from

Wall Street to Main Street, to join hands and embrace the job before us. People of goodwill are making a difference. And there is help if you want to join them. There is reason to hope and to act. To a great extent, we must be our own teachers and leaders on this journey. But that doesn't mean we walk a darkened path. There is no shortage of promising people and promising practices lighting the way.

Text Boxes

Start Text Box 1

Workplace Collaboration:

        Project Change, a Levi Strauss project, reduces prejudice and improves race relations by dismantling institutional discriminatory policies and practices within the company. This effort is also directed at promoting diversity in other local institutions such as banks, schools, community boards and commissions. *Diversity, A Passage to the Future*, a program developed by Xerox Corporation, addresses racism in the workplace by reviewing the pattern of minority promotions within the company. The program also fosters collaboration between all employees, and educates senior management on issues of diversity. Darden Restaurants has developed a program called *Diversity Management*, which offers diversity management training and promotes collaboration among all employees. The company's Community Alliance Project also promotes the use of multicultural vendors and minority owned businesses. Darden Restaurants regularly assesses its progress in these areas.

End Text Box 1

Start Text Box 2

Youth Collaboration:
        The *Greater Philadelphia High School Partnership* brings together youth from city and suburban schools to work as teams on service projects for which the students can get academic credit. The students work on projects such as food drives, park clean-ups, or educational skits about drug use, and thus have the opportunity over several months to build relationships with peers from a different ethnic background whom they would be very unlikely to get to know otherwise. *City Year*, which is based in Boston is an *AmeriCorps* program that unites youth, 17-23 years of age, from diverse backgrounds for a year of full-time community service, leadership development, and civic engagement. To reach younger students, City Year developed "Young Heroes," a Saturday-service project designed specifically for middle school students. One of the main highlights of City Year is its scholarship program. Once City Year members have met the program's requirements, they receive a scholarship award of $4,725 for use towards their continuing college education.

End Text Box 2

Start Text Box 3

School Curricula:

Those programs highlighted by the Initiative which have developed curricular models to assist educators and schools as they teach students about race include: ***Teaching Tolerance, Green Circle, Facing History and Ourselves***, and *A World of Difference*. Although there are substantial differences between these programs, they all share one important goal: they offer age-appropriate lessons about diversity that attempt to take advantage of young people's natural open-mindedness and encourage them to remain free of biases against others. For more information on these and other curricula models, or if you would like to include diversity curricular in your school or classroom, please see the publication *Pathways to One America in the 21st Century, Promising Practices for Racial Reconciliation*.

End Text Box 3

Start Text Box 4

Media Efforts:

Several organizations are working with the media to ensure that racially diverse opinions, story ideas and analyses are being incorporated into their reporting. The ***Multi-cultural Advisory Committee on the Media*** was formed after a major newspaper in Chicago printed an article in 1992 that some people found racially offensive. This organization monitors media portrayals and creates better communications between minority communities and mainstream media outlets. A similar project was formed in DuPage County, Illinois in 1995 after the O.J. Simpson verdict indicated that different groups can have different perceptions of the same public events. ***The DuPage Media and Community Network*** holds regular meetings to allow media executives and local leaders to learn more about their different perspectives and common interests. In addition, the *Newswatch Project*, a national organization formed and run by minority journalists, monitors media portrayals of minorities and educates communities about how to improve these portrayals in their local areas.

End Text Box 4

Begin Text Box 5

What is Racial Dialogue?

Racial dialogue is a very specific type of conversation which has the potential for truly changing people's attitudes and beliefs through its transformative techniques. First, racial dialogue must allow participants to examine the similarities and

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differences of their world perspectives, opening the way for new insights. Second, it must include conversation which allows each participant to both speak and listen to others. Third, it must have a facilitator whose conscious goal is to expose and explore the underlying agreements and disagreements about race that are too often unexamined or assumed to be unresolvable. Racial dialogue sometimes, but not always, achieves a breakthrough resulting in people with initially opposing views committing themselves to work together for greater understanding and equity.

End Text Box 5

Begin Text Box 6

Racial Dialogue Workshops:

Racial dialogue workshops are designed to raise adults' racial awareness and to provide training in methods for building a stronger community. For example, *Dialogue: Racism* in Houston and the *Center for the Healing of Racism* in Little Rock both lead participants through multiple-week seminars where they examine personal and collective issues about racism. Workshop participants raise their awareness of the impact of racism in their communities and identify actions they want to take to combat racism. *CommUnity-St. Louis* runs a 6-day intensive workshop called Dismantling Racism which also works to raise awareness and motivate participants to take action. Once participants finish the workshop, they become diversity facilitators not only in their own organizations but for other community organizations as well.

End Text Box 6

Begin Text Box 7

Working With At-Risk Youth:

There are a number of youth-centered programs dedicated to expanding opportunities for at-risk students. *Sponsor-A-Scholar(SAS)* in Philadelphia, for example, matches disadvantaged youth with mentors who provide tutoring, enrichment, and college application assistance. Each student who meets *SAS* requirements and remains enrolled in college has access to a $6,000 fund for college expenses. On Columbia University's campus, the *Double Discovery Program* connects Columbia University staff, faculty, and students with young people from Harlem. These students spend 6 weeks living, studying and participating in campus activities, in addition to receiving mentoring, tutoring and counseling throughout the year. This multi-faceted approach provides students with the chance to envision themselves as successful college students. Based in New York, the *I Have a Dream Foundation* is a nationwide program which targets a single grade school-class or a particular city neighborhood-block, guaranteeing them funds for college and offering mentoring, tutoring and cultural activities to help them get there.

End Text Box 7

Begin Text Box 8

Fostering Systemic Change:

   The Bridging the Gap Project, Inc. in Atlanta, seeks to improve relations between immigrant and minority communities and police, firefighters, and social workers. The program uses diversity training workshops to sensitize police and social workers to the special needs of these communities. As a result of these training efforts, officers have increased their ability to serve in immigrant and minority communities. Another of the project's achievements is a hotline with bilingual staff which helps recent immigrants obtain emergency assistance from the police and fire department.

   The Cleveland Mortgage Credit Association exemplified institutional courage when it responded with immediacy and sensitivity to a report citing the use of discriminatory policies within the Boston mortgage industry. Cleveland Mortgage officials initiated several task forces to ensure that all people applying to their company for mortgages were treated fairly in every stage of the process. As a result of Cleveland Mortgage's efforts, the financial community called on other mortgage institutions to bolster their antidiscrimination policies, communicate more directly to the public about these policies, offer bias-reduction training to company officials, and regularly review operations for evidence of discriminatory treatment.

End Text Box 8

Start Text Box 9

TEN THINGS EVERY AMERICAN SHOULD DO
TO PROMOTE RACIAL RECONCILIATION:

(1) Make a commitment to become informed about people from other races and cultures. Read a book, see a movie, watch a play, or attend a cultural event that will inform you and your family about the history and current lives of a group different than your own.

(2) If it is not your inclination to think about race, commit at least one day each month to thinking about how issues of racial prejudice and privilege might be affecting each person you come in contact with that day. The more that people think about how issues of race affect each person, the easier it will be for Americans to talk honestly about race and eliminate racial divisions and disparities.

(3) In your life, make a conscious effort to get to know people of other races. Also, if your religious community is more racially isolated than your local area, encourage it to form faith partnerships with racially different faith groups.

(4) Make a point to raise your concerns about comments or actions that appear prejudicial, even if you are not the targets of these actions. When people say or do things that are clearly racially biased, speak out against them, even if you are not the target. When people do things that you think might be influenced by prejudice, raise your concerns that the person or institution seriously consider the role that racial bias might play, even unconsciously.

(5) Initiate a constructive dialogue on race within your workplace, school, neighborhood, or religious community. The One America Dialogue Guide provides some useful ideas about how to construct a dialogue and lists some organizations that conduct dialogues and can help with facilitation.

(6) Support institutions that promote racial inclusion. Watch television programs and movies that offer racially diverse casts that reflect the real world instead of those perpetuating an inaccurately segregated view of America. Support companies and nonprofit organizations that demonstrate a commitment to racial inclusion in personnel and subcontracting. Write the institutions to let them know of your support for what they are doing.

(7) Participate in a community project to reduce racial disparities in opportunity and well-being. These projects can also be good ways of getting to know people from other backgrounds.

(8) Insist that institutions that teach us about our community accurately reflect the diversity of our Nation. Encourage our schools to provide festivals and celebrations that authentically celebrate the history, literature, and cultural contributions of the diverse groups that comprise the United States. Insist that our children's schools textbooks, curricula, and libraries provide a full understanding of the contributions of different racial groups and an accurate description of our historic and ongoing struggle for racial inclusion. Insist that our news sources--whether print, television, or radio--include racially diverse opinions, story ideas, analysis, and experts. Support ethnic studies programs in our colleges and universities so that people are educated and that critical dialogue about race is stimulated.

(9) Visit other areas of the city, region, or country that allow you to experience parts of other cultures, beyond their food. If you have an

attitude that all people have histories, cultures, and contributions about which you could benefit from learning, it is usually not difficult to find someone who enjoys exposing others to their culture.

(10) Advocate that groups you can influence (whether you work as a volunteer or employee) examine how they can increase their commitment to reducing racial disparities, lessening discrimination, and improving race relations. Whether we are a member of a small community group or an executive of a large corporation, virtually everyone can attempt to influence a group to join the national effort to build One America.

End Text Box 9

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THE WHITE HOUSE

WASHINGTON

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January 13, 1999

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed
                   Mike Cohen

SUBJECT: Education Issues in Chris Edley's Memo

The attached memo from Chris Edley argues that our ESEA proposals do not go far
enough in holding states and school districts accountable for results, while going too far in trying
to end social promotion. We respectfully disagree with both criticisms, and believe that the
alternative proposal Chris lays out is unlikely to achieve our policy objectives. Both the
Department of Education and OMB share our views respecting these matters.

A. Ensuring Accountability

With all due respect to Chris, our ESEA proposal is simply not "too soft." The proposal
requires all states -- on penalty of losing ESEA funds -- to identify and intervene in failing
schools (including in appropriate cases by reconstituting or closing these school), prevent the use
of unqualified teachers, end social promotion (more on this below), and issue school report cards.
In short, our proposals require states to put into place the set of education reform measures that
every recent study tells us works. In addition, our proposal includes specific, appropriate, and
feasible bonuses and penalties for performance. At your request, we have developed a new
mechanism for providing extra money to schools that make progress on state assessments over
several consecutive years. Also in response to your concerns, we have developed a plan to deny
administrative cost-sharing to school districts that do not make adequate progress.

It is important to understand two ways in which this proposal diverges from Chris's.
First, Chris's proposal would leave Title I and all other programs now authorized under ESEA
completely untouched. His proposal relates only to a currently non-existent funding stream,
which is unlikely for many years (if ever) to comprise a substantial percentage of federal
education funding. Second, Chris's proposal includes no requirements for specific school
reforms; it is instead a block grant -- albeit one that can be taken away in certain circumstances --
for a broadly defined educational purpose (reducing racial disparities). Chris would make a
virtue of this approach, arguing that it is more "Presidential." But we have never accepted the
view that the federal government should leave all education policy decisions to the states; to the
contrary, we have tried to use our education dollars to get the states to adopt certain policies we
believe will improve performance (for example, reducing class size and modernizing facilities).
As Chris himself concedes, we increasingly know what works in this area -- and we know that

too few states are implementing these policies. To rely <u>only</u> on a far-off threat of removing federal money -- a threat that both past practice and common sense suggests is not altogether credible -- is to deprive the federal government of much of its leverage.

B. Ending Social Promotion

Our proposal to end social promotion is sound and will be effective. We do not share Chris's view that ending social promotion is "a distraction" from your education reform agenda. On the contrary, it is a central part of holding schools, teachers and students accountable for results, as you demonstrated in Arkansas and as Chicago, Boston, and other communities are demonstrating today. The policy focuses the attention of students, parents, teachers, schools, and entire school systems on getting students to meet standards, which is the core goal of our education policy. Recall that in Arkansas, passing rates on the eighth grade reading and math tests went from about 83 to about 96 percent once a no-social-promotion was put into effect.

We do not doubt that our proposal will be controversial in some quarters, particularly in the traditional civil rights community. Chris is right to note that some members of this community oppose the use of tests to hold students accountable for performance under almost any circumstance. They will not be happy with any policy to end social promotion that goes beyond paying lip-service to this goal.

We believe that the best way to respond to the concerns of the civil rights community is to insist that states and school districts end social promotion *the right way*. This means, as you have always said, coupling no-social-promotion policies with other steps to strengthen learning opportunities in the classroom, such as extended learning time for students who need it. It also means ensuring enforcement of the civil rights laws and putting in safeguards to prevent abuses. Our proposal that the Department of Education review and approve state plans to end social promotion -- as well as our proposal that states take up to five years to phase in these plans -- should help to ensure high-quality implementation. (By contrast, if we do nothing in this area, some states will adopt irresponsible ways of ending social promotion.) We may not be able entirely to persuade Chris and others, but we believe that our continued insistence on ending social promotion policy the right way will blunt their objections.

THE HARVARD LAW SCHOOL
CAMBRIDGE MA 02138

January 5, 1999

Memorandum for the President

From: Christopher Edley, Jr. _C K_

Re: Your Request for Candid Further Discussion of Opportunity-Related Ideas in Relation to the Race Book, Budget and SOTU

More details are in the attachment. In brief, you and I discussed these items:

Education: ESEA/Title I accountability for results. I stressed that ESEA reform, to present a credible alternative to vouchers, must emphasize accountability for *results*, not just promises. The draft race book urges a specific national commitment to close racial disparities in achievement. I also questioned the "Nation's Superintendent" model of federal leadership which focuses on carrots to spur changes in education inputs and processes, rather than focusing the national debate on accountability for results while leaving state and local governments to choose the means.

Education: Ending social promotion, with associated supports/protections. I stressed the likely objections to this from progressives and the civil rights community without equally forceful rhetoric and measures to deter abuses. The National Academy of Sciences has reported on the risks of high-stakes testing and abusive retention policies. Won't districts claim the right policies but practice something that grabs political credit for toughness while avoiding the resource investments in early intervention, remediation, and improved instruction? I fear a reprise of the National Voluntary Test fiasco, when Administration officials dismissed the concerns of progressives (like me) who support high standards but want enforceable safeguards.

Economic Development, Trillion Dollars, etc. I credited the good will of the "Trillion Dollar" and HUD packages, but voiced concerns that the blizzard of proposals really offers little hope for the well-informed observer. These helpful ideas pale in comparison to the creation of FHA and FNMA. Twenty SBICs and three turtle doves do not a bold legacy make. The draft book recommends re-chartering the Federal Home Loan Bank Board GSE to focus on community development, with a broad set of tools financed off budget or on the mandatory side.

Jobs: I noted the book's "mountain top" goal is to break the back of hyper-unemployment among minority young adults, and contrasted this with a plethora of ideas lacking focus and edge. Something like DOL's new $250 million Youth Opportunity Areas program is not an answer, with 20 sites, each ten square blocks, serving only 60,000 kids nation wide: A drop in the swimming pool, impossible to scale up. The draft book recommends a challenge grant to leverage metropolitan reinvention; reinvention across bureaucracies; and accountability for results. I'm pleased that the budget is silent, because if your book says we must go to the moon, I don't want the budget to unveil the first step as the purchase of a wrench and two screws.

Attachment

1. Education: ESEA/Title I accountability for results in closing achievement disparities

The DPC/Department reauthorization proposal as of 12/23 is exciting, but leaves the nagging concern that states/districts get and keep their money just by *planning and promising*. Or, arguably worse, we push them to change specific management practices or education inputs (interventions for failing schools, personnel policies) without holding anyone accountable for whether those actions in fact produce better learning outcomes. There are two conceptual problems:

   a. Find the Stick. On a scale of incentives running from lofty exhortation to tactical nukes, either extreme is bad, but aren't we still far too soft? As between the "be patient" view of entrenched educrats and the "revolution, else vouchers" view of frustrated parents and business leaders, whose side are we on? I'm told that DPC is now working on options to add stronger consequences. I believe these must be both powerful and credible.

   b. Superintendent, or President? Are we going to continue focusing on inputs – leaky roofs, teacher certification, Advanced Placement offerings, technology, class size – or should we try to shift the national discussion to the heart of the matter: *Everyone must be judged by results, and federal taxpayers will not subsidize failure or underwrite excuses.* · All of the input interventions and regulations are individually sensible and many are research-based, but most strike me as the agenda for a superintendent of schools rather than a President -- particularly a President trying to demonstrate that New Democrats don't throw money at problems. I suspect you are focusing this way because an idea like fixing the roofs or shrinking class size has just enough intuitive appeal to trump conservative anxiety about an expanding federal role. The alternative conception of presidential leadership, however, is to focus public discourse on closing the achievement disparities and creating tough accountability for results, while stepping way back from top-down prescription of the means of achieving those results. And I think this alternative is the way to present a meaningful, values-based alternative to the Heritage Foundation agenda, striking a responsive popular and populist chord.

   c. Connection to your race book. Finally, you have seen the draft chapter urging a focus on the "mountaintop" of eliminating the racial disparities in achievement. I urge that this "man on the moon" goal be explicit in the ESEA reauthorization, and that some dimension of accountability be tied to progress in achieving this goal. The draft chapter recommends a specific challenge fund for this purpose, on the theory that it is politically infeasible to put the larger body of Title I funding at risk when everyone pretty much thinks of that formula as a vital fiscal entitlement.

2. Education: Ending social promotion, with associated supports/protections.

We discussed the danger that, like your call for a Voluntary National Test, calling for an end to social promotion will generate a backlash from progressives who fear abuses – retention driven by the results of a single test, rather than a range of factors, and imposed without the various early interventions and remedial supports that you and the your advisers usually emphasize. In 1997 I urged an early amendment to the VNT proposal to build in protections against the kind of test misuse the expert testing community fears, but Administration officials were, frankly, polite but dismissive of my substantive and political concerns, even after hearing the same message in last minute consultations with civil rights advocates. The response of Congressional progressives, and the results of Congressionally-chartered analyses by the National Academy of Sciences [NAS] (in which I played a role) validated my 1997 concerns. I am right this time, too.

According to the NAS, retention is linked to significant and sometimes dramatic increases in drop-out risk, and while virtually every district has a written retention policy stating all the right things about multiple considerations and early interventions, actual practice is poorly understood but known to include abuses and, civil rights advocates believe, discrimination.

These violations of the professional standards of educators and testing experts are perfectly predictable, and so are the responses to your initiative. No important constituency favors social promotion. I and others fear, however, that it is politically easy for some state or local official to say he's for tough standards and then show it by flunking poor colored kids (we know something is wrong with them anyway). On the other hand, it is politically difficult to spend a lot of money on the interventions, supports, and summer school that will forestall or ameliorate retention. And even more difficult to hold someone other than the kid, like a teacher or principal, responsible for the failure to achieve.

I have heard no persuasive response to these concerns. I predict that, absent adjustment, important voices will be raised against the proposal. It will alienate many of the very interests you should be rallying to unite in a bold school reform strategy. I see no easy way out of it, especially at this late date. As a conceptual matter, however, retention policies are just one of the "inputs" to the achievement equation. If the Federal leadership is focused on results instead of inputs, a new categorical program about social promotion is a distraction. It should be a bully pulpit item, as should other particular solutions that a superintendent ought consider.

3. Economic Development, Trillion Dollars, etc.

You wanted my reaction to the various HUD and "Trillion Dollar Roundtable" proposals. The blizzard of elements gives clear and convincing proof of good will and commendable energy. From a Race Initiative perspective, however, the elements aren't bold enough to make an informed observer believe this will make much difference. They do not inspire an educated hopefulness.

As the draft race book suggests, your goal should be to harness the power of markets and financial institutions and put them to work for distressed communities. But now, judge the FY 2000 proposals by that standard, or the standard of policy historians. When past presidents identified home ownership as a goal, they created FHA, chartered FNMA, and transformed market forces and institutions. When rural depression seemed an intractable blight, past Presidents created the TVA and REA. These ideas were as important for the *structural* changes they wrought as for the incremental dollars involved. Today, your package expanding the SBIC program and so forth is not comparable in vision or boldness, notwithstanding great rhetoric about leveraging billions of dollars. Giving Andrew $100 million to promote "regionalism" is the substantively right direction, but an almost comic application of the aphorism that a journey of a thousand miles begins with a single step. If I were on the outside, I would write that the scale of the problem makes these measures too much like a handful of band aids, old-Democrat style. These initiatives aren't wrong or bad. Needy people will be helped and important policy principles underscored. But I believe you should offer a grander vision, while respecting fiscal discipline, and make clear that the proposals ready for announcement are part of that grander whole.

As I mentioned to you, the draft book suggests a major refocusing of the large housing-related GSEs -- FNMA, Freddie Mac and the Federal Home Loan Bank Board System. In particular, the FHLBB should be re-chartered as the **National Community Investment Bank**, with a new mission: working side-by-side with CDFIs to fuel economic revitalization in our most distressed communities through affordable financing of a range of community development and job-creating projects. In general, GSEs commonly assert that they are "private" and cannot be expected to make uneconomic investments. But their profitability is fueled by their access to "cheap" money via an implicit government debt guarantee tantamount to a discount Fed window. The FHLBB is the most egregious at playing loose with the public purpose, making much of its profit through arbitrage. Specifically, the Administration should propose to:

- First, adopt new regulatory and statutory provisions to **(a)** press the GSEs to focus more of their housing activity on severely distressed communities, and **(b)** give the GSEs more effective tools to promote targeted lending for community development purposes.

- More important, re-charter the FHLBB system as the *National Community Investment Bank* [NCIB] to stem arbitrage abuses and focus on investments and technical assistance that implement *comprehensive strategies for community economic development*, analogous to (good) IMF and World Bank missions in developing nations.

- Third, some or all of the fiscal impact of these Federal subsidies could be placed off-budget or on the PAYGO side; the *NCIB* could even be a source of financing outside the discretionary caps for CDFIs, SBICs, and many related efforts.

A thoroughly reinvented FHLBB/*National Community Investment Bank* could be a tremendous source of financial support and strategic planning assistance for distressed communities. As an intermediary, it could nurture secondary markets, allocate tax or other subsidies to attract private

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financing for SBICs and CDFIs, create insured equity investment vehicles, and more, subject to the existing government safety and soundness oversight.

4. Jobs: Breaking the back of endemic hyper-unemployment in distressed communities.

The point I made to you was that, from the perspective of the race book, there is a need for some focus on a clear goal. We should break the back of hyper-unemployment of minority young adults in distressed areas, raising their employment levels to that of non-minorities in the same metro labor market. The three structural challenges here are: *metropolitan reinvention* across political jurisdictions; *service delivery reinvention* across a wide range of bureaucracies (from schools to reverse commuting to childcare to welfare); and *accountability for results* in closing the employment disparities. The draft book proposes a honey pot of resources available in a competitive challenge grant to metro and state applicants.

In my budget discussions with staff, there was reasonable interest in the idea, but not enough to push other ideas (from HUD, DOL, DOT, NEC) off the table and make the new investment substantial enough to be meaningful. I withdrew the proposal, because I hope to persuade you to include the "Man on the moon" statement of ambition in the book. I don't want to make it hollow with a budget down payment that belies the seriousness of the vision, draining hope away.

THE WHITE HOUSE

WASHINGTON

January 13, 1999

MEMORANDUM FOR THE PRESIDENT

FROM: GENE SPERLING

SUBJECT: Edley Memo

Chris's attached memo stresses two areas in <u>economic opportunity and development</u> where he feels our efforts so far are inadequate. While we will agree that if we had unlimited resources it would be good to do even more and while there are legitimate differences on how best to tackle these challenges, it is important to put his ideas in both areas in perspective.

Economic Development:

On top of your Empowerment Zones, the Community Reinvestment Act, the Community Development Financial Institution (CDFI) fund, you will announce on Friday the New Markets Initiative, which will dramatically expand capital investments in our underserved areas. This initiative will include:

- **A New Market Investment Tax Credit:** You will propose a new $1 billion tax credit, which will be available for qualified equity investments in a range of vehicles financing businesses in America's new markets. An investor will receive total tax credits up to a fixed percentage of his/her investment. This tax credit will leverage $6 billion in additional investment in our distressed communities.

- **The Creation of America's Private Investment Companies (APIC):** In response to concerns that the SBICs are too limited in size to meet the need for larger-scale investment in underserved areas, you will propose a new program to provide government guarantees for investment partnerships targeting larger businesses relocating or expanding in inner cities and rural areas. This initiative will allow government guarantees on debt up to two times the amount of equity investment allowing up to five investment firms each with up to $300 million to invest -- or up to $1.5 billion in investment.

- **New Markets Venture Capital Firms (NMVC):** To help small-sized firms in underserved areas that need investment *and* technical assistance, you will propose that SBA finance investment firms offering a new combination of investment and technical assistance to smaller businesses in targeted areas. The program should provide long-term, patient growth capital and facilitate critically needed technology and management skills development for these firms.

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- **SBIC Targeting for Underserved Areas:** In order to meet better the needs of minority firms and underserved markets, SBA will hold a series of workshops throughout the country to educate the business and investment community about the SBIC program and to promote the formation of SBICs focused on equity capital for underserved areas. SBA will also provide a new financing mechanism and more favorable regulatory treatment, if an SBIC invests in businesses in underserved areas (or which draw a significant proportion of its employees from those areas).

- **250 Percent Expansion of Microenterprise Investment:** In many underserved areas, fostering opportunities for the smallest of entrepreneurs can help to build the job base and provide economic stability to a community. Your budget calls for a 250-percent increase in funding for technical assistance and lending to very small businesses.

Chris recommends re-chartering the Federal Home Loan Bank System (FHLBS) to create a National Community Investment Bank with the goal of promoting community development. While we share Chris's interest in the potential of GSEs doing more to meet public policy objectives, the issues involving Fannie Mae, Freddie Mac, and the FHLBS are complex and delicate. In the end, we believe that our chances are far greater to get a sound New Markets Initiative passed by this Congress than a prudent new GSE.

However, the complexity and unlikelihood that Chris's proposal will pass Congress in a sensible form are not sufficient enough reasons to exclude it from a visionary statement. You should know, though, that experts within your Administration have significant problems with the proposal on substance grounds.

For example, there is much skepticism that political dynamics will allow us to add new public purpose obligations on the FHLBS -- the off-budget subsidies of which Chris writes -- and reduce arbitrage significantly at the same time. More likely, some fear, the mission will be expanded and the leakage of federal subsidy to private hands will *grow*. Treasury has thus far insisted that these "abuses" be stemmed before any -- even modest -- mission expansion can go forward.

If you would like to pursue this idea further, we can convene a process to evaluate this option and develop a pro/con memo to inform your decision on how to proceed.

Youth Jobs:

We share Chris's goal of "breaking the back of endemic hyper-unemployment in distressed communities." However, we must respectfully disagree with Chris's belief that your Youth Opportunities Initiative is not a good answer because it is too concentrated in a few areas and will serve "only" 60,000 poor children this year.

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The overwhelming weight of the academic research shows that in order to truly help out-of-school youth we need to saturate small areas with a lot of resources so that we change the culture of joblessness and high unemployment. This is precisely what the Youth Opportunity Initiative will do. It is important to note that serving 60,000 out-of-school youth nationwide is not a "drop in the swimming pool." For example, last year, there were 280,000 unemployed African-American teenagers. Therefore, we are taking an significant first step toward addressing the problem.

Finally, it is important to note that Youth Opportunities Areas was only one piece of your agenda to help politically powerless disadvantaged youth. Besides the $250 million in last year's budget for the new Youth Opportunity Areas, you won $120 million for GEAR-UP -- a program based on solid research on mentoring programs -- and $70 million more to help minorities prepare for college and stay in college through the TRIO program. In sum, you won $510 million more in FY99 than in FY98 -- an enormous one-year increase for investments in poor children.

If you include the doubling of GEAR-UP, a new $50 million regional youth initiative, the new $100 million Right-Track partnership, and the expansion of existing programs in your FY2000 budget, our investments in programs specifically targeted at poor children will be $902 million higher than in 1998. (See attached table) In the face of a partisan Republican Congress, this is quite significant progress and will certainly purchase more than "a wrench and two screws."

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FUNDING FOR PROGRAMS THAT HELP DISADVANTAGED YOUTH					
	Actual FY1998	Actual FY1999	Proposed FY2000	Increase from 1998-2000	5-Year Total
Youth Opportunity Areas	—	$250 million	$250 million	$250 million	$1,250 million
GEAR-UP Mentoring Program	—	$120 million	$240 million	$240 million	$1,200 million
Right-Track Partnerships	—	—	$100 million	$100 million	$500 million
Regional Youth Initiative	—	—	$50 million	$50 million	$250 million
Rewarding Achievement in Youth	—	—	$20 million	$20 million	$100 million
TRIO -- Helping Minorities Go to and Stay in College	$530 million	$600 million	$630 million	$100 million	$500 million
YouthBuild	$35 million	$43 million	$75 million	$40 million	$200 million
JobCorps	$1,246 million	$1,308 million	$1,348 million	$102 million	$510 million
TOTAL				$902 million	$4,510 million

Michael Cohen
01/25/99 12:05:27 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc: Laura Emmett/WHO/EOP, Cathy R. Mays/OPD/EOP
Subject: comments on education section of Edley's book

I reviewed the education chapter and introduction again over the weekend, and have a number of comments. Please note, I did not have a chance to do any fact checking -- I presume the number Chris uses are right and have been double checked by him and others.

1. The fundamental concern with this chapter has been addressed already, in our memo to POTUS. The Compact for Equal Opportunity in Education is clearly at odds with the President's State of the Union proposals and the direction that ESEA reauthorization is taking, so I can't imagine that piece staying in here as is. If it is removed or substantially changed to reflect what POTUS has already proposed, the structure (but not necessarily the content) of much of the rest of the workplan would also need to be altered, since some of the issues in the workplan--quality teachers, social promotion, accountability for all--are addressed in the SOTU proposals. However, I'm not clear what the process is for resolving this conflict, so rather than relitigating now, I'll offer other comments designed to strengthen the rest of the chapter.

2. A couple of editorial comments:
- p.1 of the education section: I don't remember if in 1957 there was such a thing as "breaking news" television coverage. Someone should check before POTUS declares he remembers it.
- p.6: sentence describing our class size reduction effort should end with the point that reducing class size will "...have positve effects on student achievement *particularly for minority youngsters.*"
- p. 8: The sentence "On the other hand, I have seen that Federal education programs are often too confining, with their red tape and narrow categorical programs." is a problem (beyond the fact that it is contained in the disputed section on the "Compact". First, in the beginning of the Administration, we made a major and successful effort to reduce regulations and red tape in el/sec programs (e.g., we cut regs in ESEA programs by 2/3). This sentance doesn't reflect our own success. Second, since then, we have added several of our own programs with "narrow categorical purposes" including Class Size reduction and the America Reads initiative, which are as categorical as anything we found when we came into office. I would simply drop this point.

3. In the section highlighting aspects of the nation's workplan - the education issues that must be addressed -- Chris pays inconsistent attention to the extent to which our own initiatives help the nation address the challenges in question. While I know this section is not intended to be a compendium of federal education programs, it does seem important to highlight Presidential initiatives that support the nation's work. To that end, I offer the following suggestions (a number of these highlight NEC initiatives, so I assume they will respond similarly):
- *Support familiies and promote early learning opportunities.* the discussion here should mention that our America Reads initiative includes a significant effort -- through outreach, work with community based organizations, development of materials, etc. as well as budget proposals -- to encourge parents to read to their kids and to become literate themselves.

- *Teaching* -- This section should at least mention the initiatives POTUS highlighted last week -- scholarships to recruit people to teaching in high poverty communities, Troops to teachers and the Native american teacher recruitment initiative.
- *Buildings* -- Should underscore our battle over the past 2 years to enact federal legislation to support school modernization.
- *Technology* -- In addition to the e-rate, there should be some mention of our nearly $2 billion technology Literacy Challenge Fund, to help get computers and trained teachers in the classroom.
- *English Language Acquisition.* I think there should be some indication that POTUS believes that if local communities should strive to help kids become proficient in English in 3 years.
- *Safety* -- There should be some mention of our school safety initiatives, with a particular emphasis on zero - tolerance for guns in schools, other efforts to keep guns away from kids, and after-school programs designed to keep kids safe.

Overall, I think this section is otherwise quite good.

4. I think this section could hit harder on state and local responsibility to provide kids with an equal education opportunity. Chris walks up to this on p.5, when he briefly discusses the impact of financing schools from the local property tax base. While I would not favor an extended Presidential assualt on current school finance mechanisms and local governance arrangements, I think a more forceful discussion from the former Governor of Arkansas would be appropriate, on how states must step up to their constitutional responsiblitiies to provide equal education opportunity -- even though it can be tough politically and may require some states to take a new look at how education is financed. POTUS could argue that as states step up to the plate here, they should couple their efforts with strong accountability for results.
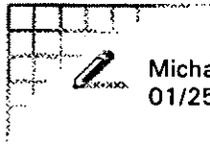
Michael Cohen
01/25/99 02:16:26 PM

Record Type: Record

To: Maria Echaveste/WHO/EOP, Clara J. Shin/WHO/EOP

cc: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP
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