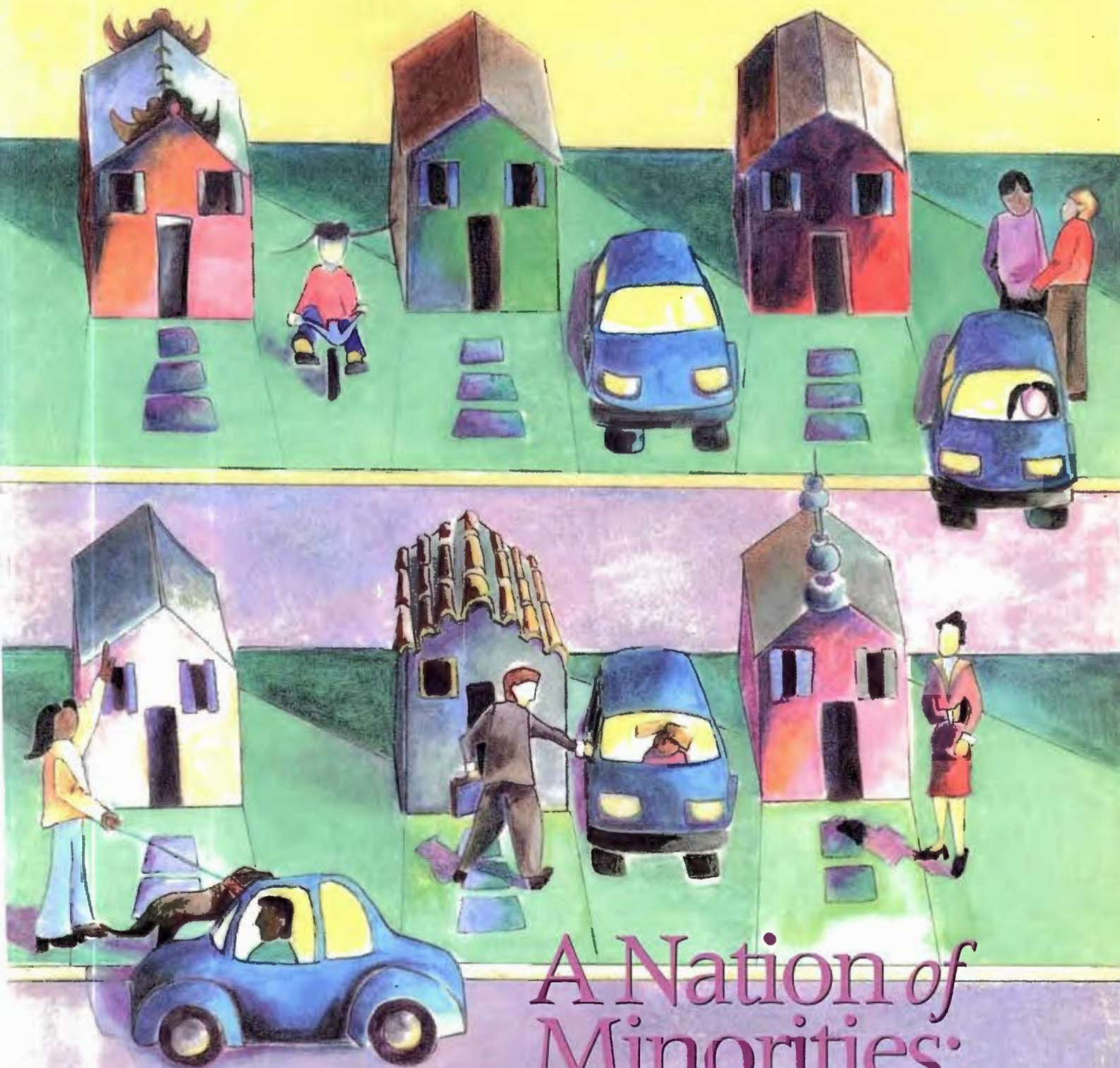


CIVIL RIGHTS

FALL 1999

JOURNAL



*A Nation of
Minorities:
America in 2050*

U.S. COMMISSION ON CIVIL RIGHTS

The U.S. Commission on Civil Rights is an independent, bipartisan agency first established by Congress in 1957 and reestablished in 1983. It is directed to:

- Investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, age, disability, or national origin, or by reason of fraudulent practices;
- Study and collect information relating to discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, disability, or national origin; or in the administration of justice;
- Appraise Federal laws and policies with respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice;
- Serve as a national clearinghouse for information in respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin;
- Submit reports, findings, and recommendations to the President and Congress;
- Issue public service announcements to discourage discrimination or denial of equal protection of the laws.

In furtherance of its fact-finding duties, the Commission may hold hearings and issue subpoenas (within the State in which the hearing is being held and within a 100-mile radius of the site) for the production of documents and the attendance of witnesses.

The Commission consults with representatives of Federal, State, and local governments, and private organizations.

Since the Commission lacks enforcement powers that would enable it to apply specific remedies in individual cases, it refers the many complaints it receives to the appropriate Federal, State, or local government agency, or private organization for action.

The Commission is composed of eight Commissioners: four appointed by the President and four by Congress. Not more than four of the members can be of the same political party. From among the Commission's members, the President designates the Chairperson and Vice Chairperson with the concurrence of a majority of the members.

Commissioners serve staggered terms of six years. No Senate confirmation is required. The President may remove a Commissioner only for neglect of duty or malfeasance in office.

Except in August, the Commissioners hold monthly meetings and convene several other times a year to conduct hearings, conferences, consultations, and briefings.

The Commission has 51 Advisory Committees—one for each State and the District of Columbia. Each is composed of citizens familiar with local and State civil rights issues. The members serve without compensation and assist the Commission with its fact finding, investigative, and information dissemination functions. Members are nominated by Commissioners or the regional director for the area and voted on at a regular meeting of the Commission. The term of office is two years.

A full-time Staff Director oversees the day-to-day activities of the Commission, headquartered in Washington, DC. The Staff Director is appointed by the President with the concurrence of a majority of the Commission's members, and serves at the pleasure of the President. All Commission personnel are employed under Federal civil service regulations and job classification standards.

Each of the Commission's six regional offices coordinates the Commission's operations in its region and assists the State Advisory Committees in their activities. Regional offices are in Washington, Atlanta, Chicago, Kansas City, Denver, and Los Angeles.

The Commission's Robert S. Rankin Civil Rights Memorial Library is situated in Commission headquarters, 624 Ninth St., N.W., Washington, DC 20425. (See page 60 for details on this clearinghouse of civil rights information.)

The Commission and its State Advisory Committees have produced hundreds of reports and studies on national, regional, and local civil rights matters. Copies of these publications are available free to the public, as is a "Catalog of Publications," by request to the Publication Office, U.S. Commission on Civil Rights, 624 9th Street, N.W. Room 600, Washington, DC 20425.

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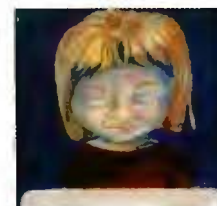
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Our Y2.05K Problem

Demography, social scientists are fond of saying, is destiny—by which they mean that changes in the make-up of a population group lead to slow but inexorable transformations in economic, cultural, and political power. If so, the seismic shift now underway in America's demographic composition is fateful indeed.

Consider the trend: in 1950, fully 82 percent of the US population was non-Hispanic white; 11 percent was black; and the remaining 7 percent was Hispanic, Asian Pacific American, and Native American. In 2050, only 53 percent of the US population will be white; 24 percent will be Hispanic, 14 percent black; 8 percent Asian, and about 1 percent Native American. Sometime after 2050, minority groups will outnumber whites. Or, to put it differently, we will all have become minorities.

The trend vexes some commentators, including some in the political mainstream, who argue unapologetically that America is a "white" nation and who advocate a ban on immigration. Other commentators reject racial arguments but are concerned that the growing diversity of today's minority groups, coupled with what they view as an over-emphasis on cultural pluralism, might lead to a dis-united nation lacking the strength that has traditionally come from widespread adherence to America's core values.

The optimistic view takes the truism that America is a land of immigrants not just as an historical fact but as an organizing value. From the Boston Tea Party on, self-defined groups of any sort are never more American than when protesting some perceived social wrong. America's cacophony is not a sign of its weakness, though it's often taken as such, but of its strength. (And surely there is some irony to the fact that multiculturalism is seen as so dangerous at the very moment that nativists the world over regard American cultural hegemony with such alarm.)

This issue of the *Civil Rights Journal* ranges widely, from such perennial topics as educational opportunity to such new concerns as the impact of the internet on social inequality.

In the cover article, freelance writer Farai Chideya focuses on the implications of the demographic transition now underway: "We have been a majority white nation obsessed with black and white issues. We are becoming a majority-minority nation with a multicultural population." The problem, Chideya observes, "is that in some ways we are neither here nor there." That is as succinct a diagnosis of our current situation as there is.

Harvard professor Gary Orfield, who has been at the forefront of research on educational opportunity for over twenty years, must at times feel like a modern-day Cassandra, issuing unpopular warnings that go unheeded. His study of the growing resegregation of America's schools is a sobering reminder that the transition to a multi-cultural, multi-racial society is not automatically going to be equitable—and that the inequalities may haunt us all.

At the root of many of our current controversies over race and ethnicity lurk fundamental differences of perception about the extent and nature of discrimination in America. In their article on paired testing, Urban Institute scholars Michael Fix and Margery Austin Turner propose a concrete, empirical method for measuring discrimination. This "report card" could not only serve as a compelling, factual baseline for our national conversation on race, but help advance a host of widely accepted social objectives.

Studying how other multi-cultural democracies have struggled to reconcile a commitment to equality with the need to remedy the effects of past discrimination can help expand our vision of what is possible. Legal scholar Clark Cunningham examines the legal and philosophical basis of affirmative action in India, which focuses on eradicating the enduring effects from centuries' of oppression.

Also in the issue are contrasting investigations into the wage gap between men and women, interviews with two new commissioners here at the USCCR, analyses of the health care dilemmas facing women and Native Americans, an evaluation of diversity training programs, and a look at the digital divide: as we become ever more reliant on modern technology, are those without access to it destined to become a disenfranchised underclass as surely as if they could not read or write?

The future of race, gender, and ethnic relations in this country is likely be decided in a thousand negotiations—over matters as mundane as where to place the next elementary school and as rarefied as colloquia on postmodern identity politics. How peaceable these negotiations will be will depend on factors, such as the future structure and growth of the economy, that are only partially within anyone's control. But the smart money is betting that race relations circa 2050 will be poised between the multi-cultural harmony of a soft drink commercial and a Mad Max dystopia divided along racial and ethnic lines into haves and have-nots—a society as raucous, democratic, and prone to hyperbole as our own. —DA

Elsie Meeks: First Native American To Serve on Commission

Elsie M. Meeks was born in Kadoka, S.D. in 1953 and raised on the Pine Ridge Reservation. She is an enrolled member of the Oglala Lakota Sioux Tribe. After studies at Oglala Lakota College, Ms. Meeks applied her skills as assistant manager and book-keeper at the Cedar Pass Lodge and served as finance officer and accountant for the newly formed Lakota Fund, a non-profit community development corporation which provides financial and housing assistance, business classes, and start-up counseling to small business owners and micro-enterprises on the Pine Ridge Reservation. She was appointed Executive Director of the Fund in 1991. Under her supervision the Fund has seen substantial growth. In 1995, she and a partner opened the Long Creek Store at Wanblee, a grocery store that also sells fast food and gasoline. She serves on various boards and community associations.

In 1994, Ms. Meeks was named Minority Small Business Advocate of the Year by the South Dakota Small Business Administration and a Woman of the Year by Ms. Magazine. In 1998, she was selected by Senator Bernie Hunhoff, the Democratic candidate for governor of South Dakota, to run with him for the office of lieutenant governor.

She and her husband live and ranch south of Interior, South Dakota, providing stock for western South Dakota rodeos. They have seven children and four grandchildren. Three of their sons are rodeo competitors.

Summer intern Jennifer Terfinko spoke with Commissioner Meeks in July, 1999.



CRJ: How do you feel your education and experience prepared you for your position as a Commissioner?

Although I was raised on a reservation for most of my life, my life experiences have given me a very broad perspective. I have been involved in community development for nearly 15 years and have seen firsthand the barriers that exist for minority people.

CRJ: What interests or issues do you feel you personally bring to the Commission?

I think my being involved in community development at the grassroots level brings a certain perspective. In addition, first-hand knowledge of reservation life and Native American interests have been absent from the Commission.

CRJ: What do you hope to accomplish as a commissioner during your six-year term?

During my six-year term I hope that I can bring a deeper understanding of Native and minority issues. Because I have been involved in development and other pursuits, both, off and on the reservation, I know that most prejudices come from a lack of knowledge and experiences with different people.

CRJ: How did you become interested in civil rights?

As I have been involved in economic and community development, it is apparent that economic issues are at the heart of civil rights issues. As people become self-sufficient, they become less oppressed.

CRJ: What do you see as some major goals or issues for the Commission on Civil Rights as we move into the 21st century?

A major goal, as I see it, as we move into the 21st century is that minorities have fair access to education and economic opportunities.

CRJ: What do you see in the future for the civil rights movement?

I truly believe that future progress in the civil rights movement will only come about as we (minority people) take control over our own lives and communities. Of course, this can only happen if education and economic opportunities are available at the community level.

CRJ: The Commission on Civil Rights has traditionally considered itself the moral conscience of the nation on civil rights. How do you see it fulfilling that role in the future?

In my view, the Commission must continue to monitor and examine issues concerning fair practices in education, public safety, lending, etc. I also think that the Commission needs to keep a watch on public programs to ensure that education and economic opportunities are available to communities.

CRJ: What specific areas or issues would you like to see the Commission focus on?

I do believe that we must continue discussion on affirmative action. My personal belief is that people that have been oppressed for many generations, as have most minorities, in order for them to have an equal place in society, must be given special opportunities. This does not mean that standards must be lowered. It may mean, though, that particular programs should be implemented in the community to ensure readiness.

CRJ: What types of programs?

For instance the Lakota Fund, because we are a community-based organization, we make the commitment to our community members that we will provide them whatever steps are necessary to get to the point where they can be good business people. We are committed to getting people to the

“Firsthand knowledge of reservation life and Native American interests have been absent from the Commission”

point where they can own their own business even if they enter with no prior management experience—basically any type of program that will provide equal access to education and economic opportunities.

CRJ: Which civil rights leaders do you feel have made the greatest impact on the nation?

Of course, Martin Luther King Jr. has had the most impact on the civil rights movement. There were others such as Cesar Chavez. For Native Americans, I would have to say that Russell Means, Dennis Banks and Clyde Bellecourte had the most impact. I think the most important role they all played was to raise people's sights; to give them a vision of not accepting oppression.

CRJ: Do you believe that the problems of Native Americans are seen as being in the mainstream of the civil rights movement?

No, I do not believe that problems of Native Americans are seen as being in the mainstream of the civil rights movement. I am always appalled at the lack of knowledge by most people of Native American issues.

There are certain legal issues that are at the heart of Native American issues such as treaties that were legally binding and then were violated. The trust imposed on Native Americans by the Federal govern-

ment (Bureau of Indian Affairs) has been habitually mismanaged. In addition, still today, rights that were given to Indians are being diminished.

CRJ: What could communities do to assist their members with the promotion of entrepreneurship and small business development in this area?

Communities do need to get involved in their own development. It will only be through community development organizations that community members will have access to educational and economic opportunities because of a community organization's commitment to its community.

CRJ: What would you suggest citizens do that would promote a better situation for all Native Americans in this country?

First of all, I would suggest people educate themselves and by doing that people might come to an understanding, especially of treaty issues, and how badly Native Americans were treated. The government issued binding documents, binding agreements, and then completely did not honor them.

CRJ: If you could wave a wand to solve one civil rights issue, which would it be and why?

It would be for people to be more tolerant of each other, because if they were, we would not have all of the issues that we have right now. ☐

Christopher Edley, Jr.

Harvard Law Professor, Presidential Advisor

Christopher Edley, Jr. has taught at Harvard Law School since 1981. His recent book, Not All Black and White: Affirmative Action, Race and American Values, grew out of his work as special counsel to President Clinton and director of the White House review of affirmative action. In that capacity, he participated in developing the President's "Mend It, Don't End It" speech on affirmative action. He is founding co-director of The Civil Rights Project, a recently launched think-tank based at Harvard.

Mr. Edley is a 1973 graduate of Swarthmore College and a 1978 honors joint-degree graduate of the Kennedy School of Government and Harvard Law School, where he was an Editor of the Harvard Law Review. Summer Intern Alicia Bond spoke with Mr. Edley in July, 1999.

CRJ: How did you become interested in civil rights?

I was born in 1953, and as I was growing up in Philadelphia, I began to pay attention to the events related to civil rights. Of course, my

My generation has failed

to define for itself its responsibility for carrying the civil rights struggle forward



father was active in the civil rights movement and also spent some time working as a consultant for the U.S. Civil Rights Commission back in the early 60s; working on Native American issues, visiting Indian reservations and investigating civil rights concerns facing American Indians. I've always been interested in public policy and politics and a career that would involve those issues particularly as they affect a broad audience.

CRJ: How has your educational background prepared you for work with civil rights?

My undergraduate training was in math and economics and my economics background has continued to be helpful. That's what I built on in graduate school by doing a joint degree in law and public policy. I always intended on a career focused on public policy issues. That combination of training in law and public policy has served me well.

CRJ: What do you hope to accomplish as a commissioner in the next six years?

I think that during the years of Republican control the Commission really became a shadow of its former self. It was not sufficiently aggressive in bringing the nation's attention to unmet challenges and new opportunities to advance civil rights issues. I think that we have an opportunity in the next few years to try and make up for lost ground and strengthen the institution. Substantively, I'm very interested in the ways in which civil rights law enforcement can be an effective tool in opening opportunity in education and employment. We have to continue working on the traditional anti-discriminatory agenda and issues related specifically to economic opportunity. The second general area I am very interested in is the set of new concerns arising from the Nation's exploding diversity. The expanding Latino and Asian populations are causing a lot of communities to think about civil rights issues. A great deal of civil rights thinking is stuck in a black-white paradigm. The Commission can help the nation update its conceptualization of the civil rights struggle.

CRJ: How do you foresee future race relations?

It depends on my mood. Some days I'm very optimistic and other days I feel as though there are substantial majorities that are indifferent to the moral shortcomings of the nation.

CRJ: You've been particularly focused lately on affirmative action. What do you see happening to affirmative action in the next few years?

Affirmative action is going to continue to be a battleground issue in the courts and in politics. There are deeply held values at stake on both sides, as well as sharp differences of perceptions. I personally am a strong supporter of President Clinton's "mend it don't end it" approach and believe that affirmative action is a critical tool

for remedying discrimination and creating inclusive institutions and communities in the pursuit of excellence. Opponents of affirmative action, however, are well organized, well funded and very skillful in attracting public attention to their views. I think it is important for civil rights supporters to continue to fight this important battle by recognizing that there are places where affirmative action needs to be modified in order to deal with shifts in public attitudes.

I am very interested in
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diversity

CRJ: What progress would you say minorities have made since 1990?

I don't have data at my fingertips, but, as a general matter, the economic recovery of the last several years has made a tremendous difference in a lot of minority communities—reducing unemployment rates to record low levels even though they continue to be twice that of the white community. It's always the case that urban communities are the last to experience economic recoveries and the first to experience economic downturns. Until there are structural improvements in education and community, and economic development and access to jobs, we can expect substantial disparity in opportunity to remain, and that cycle of last hired-first fired to continue. On a political front, I think

minority strength continues to grow, especially in the Hispanic communities. That's counterbalanced with the political importance of money so that campaign finance issues actually are beginning to have a profound effect on the political power of minorities. I think it's only a matter of time before political public policy observers start linking campaign finance reform issues with the issue of minority political access. I think that the most troubling thing about the decade, however, is the persistence of unequal educational opportunity.

CRJ: Would you say that is today's number one civil rights issue?

Yes. However there is no shortage of civil rights issues—from hate crimes to housing discrimination. But, in the longer run, we are going to have separate Americas unless we fix the schools.

CRJ: What civil rights issues will be at the forefront in the next 10-20 years?

Unequal education opportunity, language, gay rights, integration. I picked that list looking far ahead because I am looking at the long-term trends, the sources of strain and friction that we are going to have to grapple with. I mentioned integration, because at the moment, the integration idea is out of favor among people of all races. I think that in one or two decades it will be quite clear that without a concerted commitment to connect people across lines of class and color, our society will be in serious danger of falling apart.

CRJ: What are your thoughts on those who call for a color-blind society?

Different people have different motives in such a case. Some are doing it because they want to undermine the effectiveness of current strategies for creating opportunity for

Close Up

those that have been historically left out. I believe that we are still at a point at which we need to pay attention to color in order to get beyond it. There are other people who may be of good will, yet who believe that explicitly paying attention to race, or to gender for that matter, actually undermines the goal of tolerance and equality. I think they are wrong as an empirical matter, but I also think you need to be clearer about what the ultimate destination is. I don't want people taking away my blackness. It's a part of who I am. I don't want our differences to be invisible and I don't want them to be merely tolerated. Rather, I want them to be celebrated. Our religious differences are not things to which we are blind. We in fact recognize and celebrate the difference in our various religious practices and we understand that that is what helps to make America so unique and strong. Our goal should not be race blindness. It should be that we work to build an America in which the role of race is limited and is not the most important thing. So, it's a complicated answer because it's a complicated issue. The short response is that the color-blindness slogan has been appropriated by people who are opposed to virtually every effective strategy to close the opportunity gap.

CRJ: In an address you gave recently at Northeastern University you stated that your generation has failed. How has your generation failed and what is the best way for future generations to succeed?

I think my generation has failed to define for itself its responsibility for carrying the civil rights struggle forward. We grew up watching the successes of the older generation in knocking down barriers and advancing justice, but mistakenly concluded that progress is inevitable. We went about our own personal agendas and just assumed that justice would move


forward as inevitably as the years rolled by. That was wrong—every generation has to decide how to pick up the burden and carry it forward. I think my generation has also failed because we have not done enough to teach the younger generation about history and the equal rights struggle. There are too many minorities and women in their twenties and thirties who are afraid of the burden of a little stigma and feel as though their burden is as oppressive as Jim Crow and

The most troubling thing about the decade is the persistence of unequal educational opportunity

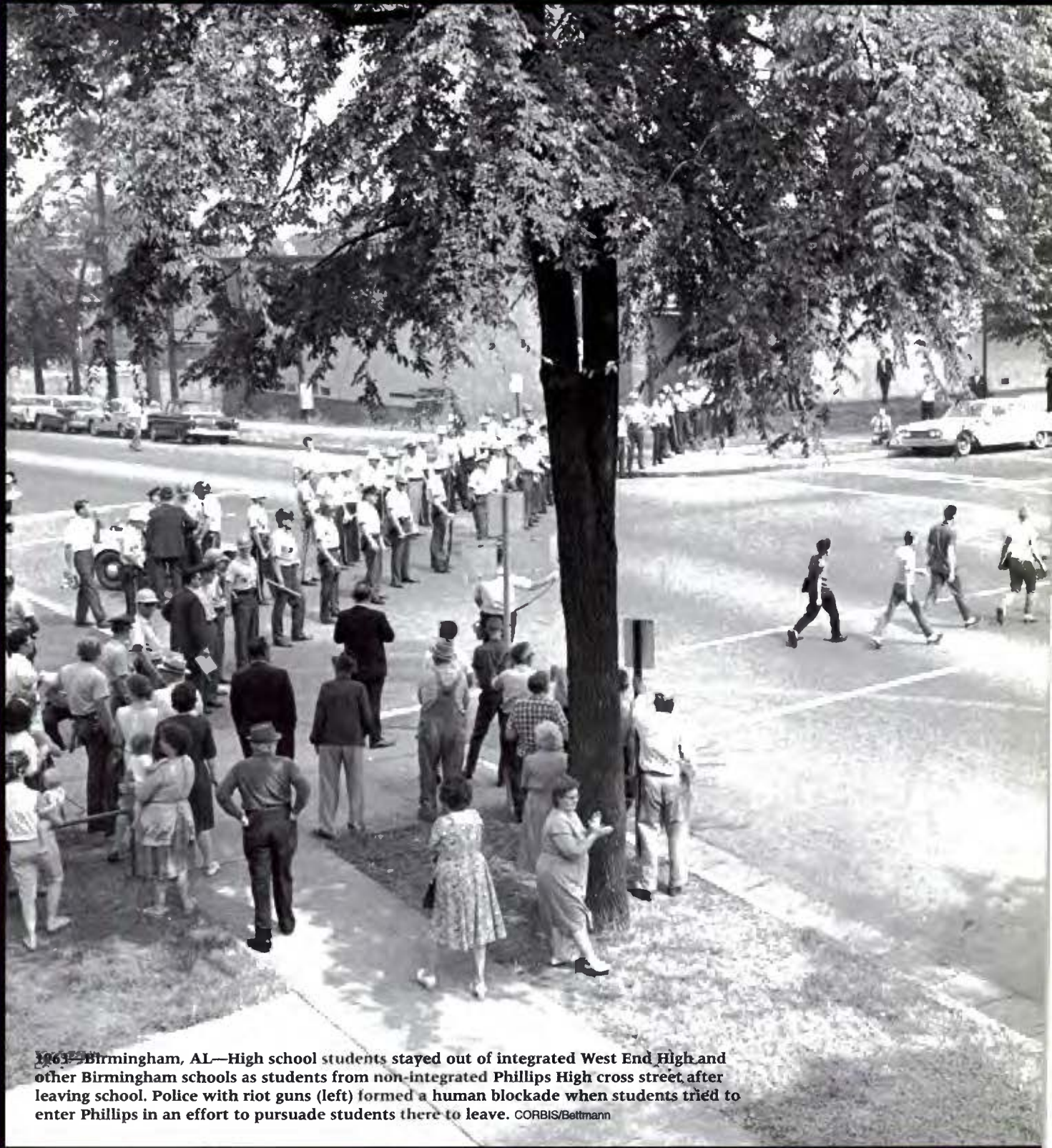
police clubbings. I think that kind of self-centered analysis of justice is shameful.

CRJ: How effective has President Clinton's One America initiative been and how can the Commission work along with the President on this initiative?

I believe the President's initiative has been far more effective than most people inside the beltway realize. We are still waiting for the President to complete his final report to the American people, which will be in the form of a book. But, around the country, there have been countless activities either started or given heightened prominence as a result of the President's initiative. There are newspapers that have done special series on race relations, programs at universities that did not exist before, State and local

human rights commissions that have stated that the President's initiative has given them more room to be ambitious and active, and there are people of all ages and all walks of life who have started to rethink what kind of person they can be in working for racial and ethnic justice in America. My sense is that there are millions of people who want help in this area, but do not know what to do. The President's race initiative as it continues and the particular book he is writing can help provide some useful suggestions about what people can do. The contribution can be very substantial and a major part of his legacy. I don't think the Commission should try to work directly with the President or the White House because it is important for us to have some measure of institutional independence. While I work closely with the President and members of his Administration, I separate that from what the Commission should do institutionally. On the other hand, the existence of the President's initiative creates opportunities for the Commission's work to have greater visibility and opportunities for us to engage the leadership of public sectors and pay attention to the civil rights concerns that we identify. But we cannot be part of the public relations apparatus of the White House. We must be prepared to be critical when the White House and the Administration fall short of the high expectations we should all have. 

The Resegregation of



1963—Birmingham, AL—High school students stayed out of integrated West End High and other Birmingham schools as students from non-integrated Phillips High cross street, after leaving school. Police with riot guns (left) formed a human blockade when students tried to enter Phillips in an effort to persuade students there to leave. CORBIS/Bettmann

Our Nation's Schools:

A Troubling Trend

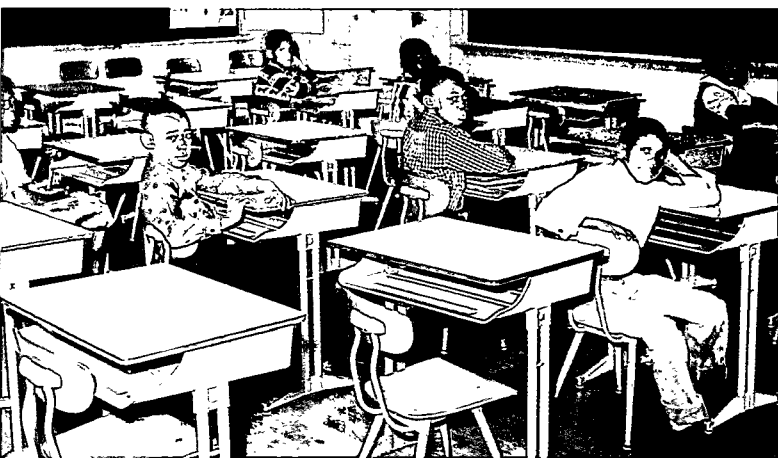
By Gary Orfield

At the beginning of the twentieth century, the great black sociologist W.E.B. DuBois said that "The problem of the twentieth century is the problem of the color line." In the middle of this century the Supreme Court directly challenged the color line in American schools and began decades of political and legal struggle over access for minority students to integrated schools. For several decades it appeared that a permanent turning point had been reached for African American students: even in spite of the Reagan Administration's efforts to end court orders, desegregation continued to increase. But by the 1990s, the tide began to turn. As the new century approaches we have become a far more racially and ethnically mixed nation, but in our schools, the color lines of increasing racial and ethnic separation are rising.



Legal Background

Forty-five years ago, in 1954, the Supreme Court responded to the history of discrimination in the seventeen states that mandated segregation in an eloquent ruling. The Court's *Brown v. Board of Education* decision held that denial of access to equal public education violated the basic rights of students and that segregation must end. This was probably the most important Supreme Court decision of the twentieth century, bringing back to life the anti-discrimination amendments to the Constitution enacted during Reconstruction, and creating a new sense of possibilities in the country about ending the apartheid that had shaped the lives of most blacks. "Separate but equal" had been tried for a century and failed, producing a momentum of growing educational inequality. (Separate but equal was a concept articulated in the 1896 *Plessy v. Ferguson* Supreme Court decision that justified laws segregating schools and other institutions.) *Brown* signaled a new start.



1962—African American students sit in a nearly empty classroom in newly desegregated Lincoln School in New Jersey during a boycott by students protesting desegregation. CORBIS/Bettmann

The Supreme Court put off its decision about how to enforce *Brown* until 1955 and then called for gradual change "with all deliberate speed." When Southern States refused to comply, it became necessary to sue each individual district. The district courts ordered very gradual implementation of limited "freedom of choice" plans which left the black schools segregated and permitted a few African American children to attend white schools. Ninety-eight percent of Southern black children were still in totally segregated schools in 1964. The great progress in desegregation came from the mid-1960s to the early 1970s, after the enactment of the 1964 Civil Rights Act and following a series of Supreme Court decisions tightening requirements, ending delay, and authorizing busing. In 1973, the Supreme Court in a case from Denver, *Keyes v. School District No. 1*, Denver, Colorado, extended desegregation requirements to Northern and Western cities with a history of local policies that fostered but did not directly require segregation. This case also recognized the right of Latino as well as African American students to desegregated education.

But the expansion of desegregation rights ended 25 years ago, with the Supreme Court's decision in *Milliken v. Bradley*, which would have desegregated students from the largely minority city schools with suburban students in metropolitan Detroit. This ruling was made in spite of findings of intentional discrimination by both State and city officials, which intensified segregation in the metropolitan area. Since many big cities, like Detroit, had rapidly declining white minorities in their schools, this meant that the large metropolitan areas with many separate suburban school districts would lead the nation in segregation, which they continue to do today. In the second Detroit case, *Milliken v. Bradley II*, the Supreme Court seemed to offer a new version of separate but equal when it authorized Federal courts to order money for programs in segregated schools to make up for the history of discrimination.

In the 1990s, a Supreme Court reconstructed by the appointees of Presidents Reagan and Bush handed down three very important decisions limiting desegregation rights and triggering a flood of lawsuits designed to end desegregation in major U.S. districts. In the 1991 *Dowell* case the Court held that desegregation orders were temporary and that school boards could return to segregated neighborhood schools. The next year, in the *Freeman v. Pitts* decision, the Court authorized piecemeal dismantling of desegregation plans. Finally, in the *Jenkins* case in 1995, the Court rejected the effort of a lower court to maintain the desegregation and magnet school remedy in the Kansas City case until it produced actual benefits for African American students, thus drastically limiting the reach of the separate but equal promise of *Milliken II*. According to the Supreme Court, the courts could order payments only for several years, and could not require that the programs produce measurable gains for the students subjected to a history of discrimination. Then the order must end.

Plessy permitted generations of unequal education and prompted decades of legal struggle against it. The resegregation decisions of our present period may well have a similar impact on the next century since there is considerable evidence that the resegregated schools of the nineties are profoundly unequal.

Demographic Changes

American schools are changing rapidly. The changes are the result of several factors including the surge of non-European immigration since the 1965 law ending discriminatory immigration laws, the low birth rate among native whites, and the much higher birth rate among Latinos. (Incidentally, although "white flight" is often blamed for the steady rise in the proportion of minority children in our communities and public schools, the evidence suggests that is not the case. In 1996, 11% of U.S. students were in private schools, compared to 12% a half century earlier, before *Brown*, and 15% in the mid-1960s, just before significant desegregation began.)

Census statistics for the 1940 to 1960 period show that non-white students totaled only 11 - 12% of the total

enrollment. By 1996, the non-white enrollment was 36% and the Census Bureau projected that the total school age population would reach 58% non-white by 2050. Since the Office for Civil Rights of the Education Department began collecting national school data in 1968, the enrollment of Hispanics has increased by 218%; African Americans have grown more than a fifth; and the white enrollment is down by a sixth. In the 1996-97 school year, the African American enrollment was 16.9% of the total enrollment and the Latino enrollment accounted for 14%.

The public schools of the U.S. foreshadow the dramatic transformation of American society that will occur in the next generation. We are a society in which the school age population is much more diverse than the older population. The social reality in our schools is far removed from the reality in our politics, since voters are older and much more likely to be white. When the modern school desegregation battles took shape in the 1950s, the issue was often described as the problem of opening up a white school sys-

tem to the one-tenth of students who were black. Latino students received very little attention nationally and Asian students were a virtually invisible minority in a society that had prohibited Asian immigration for many decades. Today, Asians are nearly 4% of all students, and on a path to become one-tenth of the school population in mid-century, if existing trends continue. For the first time we have a large racial group whose average achievement scores and family incomes exceed those of whites, requiring us to rethink some of the assumptions about who benefits from desegregating with whom.

Increasing Latino Segregation

Most reports about segregation since 1954 have primarily studied the isolation of black students from white students. During the past two decades there have been a series of reports which have also consistently reported Latino segregation statistics, though those received far less attention. Latino segregation by both measures has grown steadily throughout the past 28 years, surpassing the black level in predominantly non-white schools by 1980 and slightly exceeding the proportion in intensely segregated schools

Minority critics of desegregation claim, correctly, that there is nothing magic about sitting next to a white child, but sometimes end up advocating policies that put their children in inferior concentrated poverty schools

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Four Trends

The South Turns Back to Segregation

The South has always been the heartland of African Americans. Home to a majority of blacks, it had the most integrated schools in the U.S. for more than a quarter century—a phenomenon that came about precisely because of the South's legacy of segregation. The courts required a much higher standard of proof to obtain desegregation outside the South and never developed a workable remedy for the large metropolitan areas of the North. As late as 1964, 98 percent of Southern black students and nearly all Southern white students attended segregated schools. The enactment of the 1964 Civil Rights Act, the active enforcement of that law by the Johnson Administration, and major Supreme Court decisions tightening desegregation requirements made the South

(90-100% minority) in the 1990s. Residential segregation has been substantially lower for Latinos than for blacks but the school segregation statistics show that the next generation of Latinos are experiencing significantly less contact with non-Latino whites; 45% of Latinos were in majority white schools in 1968 but only 25% in 1996.

Whites Resegregate; Others Mix

Isolation from whites is obviously a very important issue in a predominantly white society, where the major institutions are controlled by whites, but statistics do not provide a full picture of an increasingly multiracial nation. One obvious question is: if non-white children are not in schools with whites, are they in school with children of their own racial group or a mix of non-whites? And as for whites, though they are, on average, in schools, with 81% white classmates, how much exposure do they have to each of the other groups?

It turns out that based on the national average, the average white student is in a school with 8.6% black students, 6.6% Latinos, 2.8% Asians, and 1% American Indians. Whites are the only racial group that attends schools where the overwhelming majority of students are from their own race. Blacks and Latinos attend schools where a little more than half the children are from their own group, on average, while American Indians attend schools that are one-third Indian [excluding Bureau of Indian Affairs (BIA) schools]. Asians tend to be in schools that are only about a fifth Asian.

Black schools have about a tenth Latino students, on average, while Latino schools have about a ninth African American students. Asians and American Indian public school students are in schools with a much larger number of whites (almost half) than other non-white groups. Both Asians and American Indians attend schools with far more Latinos than blacks, reflecting the racial composition of the West.

Segregation by Concentrated Poverty

Concentrated poverty is strongly linked to many forms of educational inequality. Black and Latino students, on average, attend schools with more than twice as many poor classmates as white students and Asians and American Indian students are about halfway in-between. Latinos have the highest average percentage of impoverished classmates (46%), compared to 19% for whites. The 1996 data also show that 47% of U.S. schools still had between 0-10% black and Latino students and that only one in 14 (7.7%) of those schools had half or more of their children living in poverty. On the other extreme, 8% of schools were intensely segregated with between 90-100% black and Latino students. Of those schools, 87% of the children were impoverished. In other words, the students in the segregated minority schools were 11 times more likely to be in schools with concentrated poverty and 92% of white schools did not face this problem.

This relationship is absolutely central to explaining the different educational experiences and outcomes of the schools. A great many of the educational characteristics of schools attributed to race are actually related to poverty. The impacts are easily confused since in most metropolitan areas there are few if any concentrated poverty white schools while the vast majority of segregated black or Latino schools experience such poverty and all the educational differences that are associated with it. This confusion can lead to unfortunate policy prescriptions, for example, by minority critics of desegregation who claim, correctly, that there is nothing magic about sitting next to a white child, but who sometimes end up advocating policies that put their children in inferior concentrated poverty schools.

The only offsetting force to the current trend of greater segregation is the rapid suburbanization of the black and Latino middle class. Whether or not this will produce lasting integration or merely a vast spread of suburban segregation is one of the great questions of this period. We find already high levels of segregation for blacks and Latino students in the suburbs of some of our largest urban areas. Unfortunately, there is no policy and no assistance for these racially-changing communities and an almost total absence of discussion among school districts about changes that will require regional responses if we want to avoid the sorry experiences of the intense segregation in the central cities.

A Failure to Respond

The Clinton Administration has presided over a period of substantial and continuous increase in segregation without

any initiatives to offset these trends. No significant litigation has been filed, the Justice Department agreed to a very weak settlement of its only metropolitan desegregation case, there has been no effort to restore the desegregation aid program that the Reagan Administration canceled, and no new major research on race relations, segregation, or desegregation in American schools. The President's race initiative came up with no significant recommendations that would address increasing segregation. Although the Congressionally-mandated study of Title I showed that Title I programs work very poorly in concentrated poverty schools, there has never been any proposal to reduce concentrations of poverty.

The current Administration affirms its support for integrated schools but has no set of policies that would foster or support them, no research program to learn how to help them work better, no aggressive legal strategy to fight against segregation, no critical discussion of the impact of the current pro-segregation court decisions on the country, and no plan to help stabilize integration in hundreds of racially changing suburban school districts. Recently, the Justice Department agreed to the abandonment of city-suburban desegregation opportunities in Indianapolis—the only Midwestern metropolitan area with substantial desegregation—without so much as a trial. The Administration's policies and seeming lack of concern about segregation implies an acceptance of a "separate but equal" strategy in public schools. Though the Clinton Administration is interested in interracial colleges through support of affirmative action, if more and more minority students are educated in less competitive schools, and the Administration's favored policies against "social promotion" and in favor of high stakes tests are enacted, these minority students will not be ready to succeed in college—and may face growing barriers to high school graduation. This is the first Democratic Administration in 40 years that has had no program for school integration.

We are floating back toward an educational pattern that has never in the nation's history produced equal and successful schools. There is no good evidence that it will work now. The 1990s have actually seen the once-shrinking racial achievement gaps begin to widen again on some tests. It is clear, then, that the Administration's educational policies are not likely to produce equal segregated schools. Reversing the trends of intensifying segregation and inequality will be difficult, but the costs of passively accepting them are likely to be immense. The new white minority in the schools, which will eventually become a white minority in politics, can only hope that the non-white populations show greater regard for access by minority whites than white leaders did for them. ☐

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Remembering Rosewood

By David Aronson

A desolate stretch of asphalt enlivened by the occasional glint of a crushed beer can or the bloodied carcass of an armadillo, Florida's Route 24 runs southwest from Gainesville, the university town, to Cedar Key, a straggling fishing port half-heartedly gentrifying itself for the tourist trade. A railroad embankment parallels the road through a forest of long-leaf pine, and though the iron tracks were stripped back in the 1950s, there are still intermittent signs of the settlements the Seaboard Air Line Railroad once served. About forty miles out of Gainesville, on land now seemingly uninhabited, is a green town marker labeled "Rosewood." Near the town marker, pumps rust on their handles in front of a defunct gas station. A fire tower rises from a clearing in the forest's dense undergrowth, where banana spiders weave gothic, five-foot cobwebs and razor-edged cabbage palmetto and prickly pear thrive. From the tower's summit, 200 steep steps up a gray, peeling stairwell, the tops of pine trees stretch to the horizon like blades of grass, swaying in the wind. The ocean is out of sight, beyond rolling hills, but above the pine tops, red-winged hawks and American kestrels catch drafts coming off the Gulf and soar for long minutes, then furl themselves

into tight bullet shapes and dive for prey. Every now and then, a beat-up Chevy S-10 with a gun rack on the back window eases from a laterite side-road, kicks up a puff of red dust, and recedes down the highway into the subtropical shimmer.

**Rosewood is a story of
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These dirt roads lead to a scattering of isolated trailers and plank shacks whose yards tend to be occupied by old cars, rusty machinery, and large, chained dogs. It's not clear how the people living here support themselves. The lumber, turpentine and brush companies that once thrived in this region and dotted it with hamlets are gone—lost to mysterious fires in the twenties, or abandoned decades ago and reclaimed by the woods. But hunting is clearly the primary avoca-

tion. On several houses, deer racks line the eaves, mounted on bent nails. Rottweilers in chain-link pens bark furiously at strangers, but cower as they approach. Generally, the houses are derelict. Porches sag. Tarpaper roofs droop. Windows are patched with cardboard. To an outsider, the place can seem sinister, even hostile. A woman with thin blond hair and a baby balanced on her hip, wearing a pink T-shirt that says "A woman's place is in the mall," shrugs silently when asked for directions to a neighbor's house.

Yet in this place, say some historians, there was once a thriving black township, boasting three churches, a school, a railroad station, a Masonic hall, two general stores, and a touring amateur baseball team named the Rosewood Stars. And unlike other towns in the area, towns like Wylly, Sumner and Gulf Hammock, Rosewood owes its extinction not to the vicissitudes of the Levy County economy, which even today remains mired on Florida's bottom rung, but to what has been variously described as a "race riot," a "n...r hunt," or, most enigmatically, the "Rosewood affair."

Rosewood made national news in the mid 1990s, mostly because of the Florida State legislature's controversial debate over whether to award repara-

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tions to the victims and their children. Partly as a result, historians, writers, and documentary makers flocked to the story, attracted less, perhaps, by what details are known than by the penumbra of mystery that surrounds it. Rosewood is a story of romance and violence set in the remote hammocks of north central Florida, and its very absence of ascertainable fact seems to license the imagination. The story reached a kind of modern-day apotheosis with John Singleton's Hollywood production, a box-office flop amalgamating fact and legend, and the State legislature's decision to award \$2.1 million to the victims. But the story of Rosewood's destruction and its subsequent imaginative resurrection poses more questions than it answers, questions about the nature of myth and memory, the use of history, and the terms by which this nation has and will acknowledge the insults of its past.

It is said that New Year's Day, 1923, dawned clear and cold in Sumner, a white lumber town three miles down the road from Rosewood. Most of the men, who did not have the day off, were already at the company mill when a young bride named Fannie Taylor burst from her clapboard house on the edge of town. Sobbing, barely intelligible, she claimed to have been assaulted by a black stranger. As the townsfolk gathered around her, she lapsed in and out of consciousness, seemingly overcome by shock, her face and arms bruised.

Sheriff Robert Elias Walker deputized a few men and brought in hounds from a nearby convict camp to help search for Fannie's assailant, believed to be a fugitive named Jesse Hunter who had escaped from a nearby chain gang a day earlier. But as word spread of the assault, more and more men joined the posse, and the sheriff realized he was losing control: "This crowd wants blood, and they are going to have blood," he told one young man, who would recollect the

scene before a committee of the State legislature 71 years later.

The dogs led the mob to Rosewood, where a local blacksmith named Sam Carter was strung up on an old, moss-covered oak and threatened with hanging until he confessed to having driven the suspect away in his wagon. But when Carter brought the men to the place where he claimed to have dropped Hunter off, the hounds were unable to pick up the scent. One of the mob then shot Carter point blank in the face. The coroner's report issued the following day ruled that Carter had been killed by "hands unknown."

Over the next several days, the mob would grow ever larger as word of the "n....r hunt" spread through north

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central Florida and into Georgia. But with prospects of finding Hunter diminishing, the search took on the atmosphere of a carnival—a "real piece of Americana," as one lynching survivor would recollect. Twenty miles outside of Rosewood, a group of whites drunk on moonshine shot and killed a black man nicknamed Lord God, apparently because they thought he was sassing them when they asked for his name. In Yallertown, where many of Rosewood's lighter complected blacks lived, a woman named Lexie Gordon was assassinated as she

scrambled to escape from her torched house. The most violent confrontation, however, would take place at the Carrier residence.

Sylvester Carrier was one of those men on whom legends like John Henry's are hung. A crack shot and splendid singer, married to the town beauty, Carrier had a way of squaring off against whites who tried to cut him down and coming out ahead. After the shooting began he had barricaded his clan in his mother's two-story frame house, armed himself, and sought to wait the violence out. But the mob heard rumors that the Carriers might be harboring the fugitive and decided to take matters in hand. Carrier had it coming to him anyway, some said. Accounts differ about who began the shooting, but after the first round two white men lay dead on the front porch. For several hours, the mob emptied their carbines into the house. Sometime in the early hours of the morning they retreated to Sumner to gather more ammunition. The Carrier children and most of the adults took advantage of the lull to escape into the moonlit woods, few of them wearing much more than their nightclothes.

The next morning, when the whites returned, another gunfight ensued. When it was over, the dead bodies of Sylvester and his mother lay slumped by the piano on the living room floor. Enraged that the rest of the household had escaped, the mob proceeded to set fire to every black-owned residence in the neighborhood. "Masses of twisted steel were all that remained of furniture formerly in the Negro homes, and several charred bodies of dogs, and firearms left in hasty retreat, bore evidence of the mob's fury," said the Associated Press, which carried the story nationally. Or as one of the survivors would recall, "A big blaze, just burning down, burning up the whole thing, just burning up my grandma's house, churches and everything. They burned up everything we had, all our clothes and

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everything. Yeah, they burned it up."

One final murder capped the violence. James Carrier, Sylvester's elderly uncle, was recovering from a stroke and unable to escape. Refusing to divulge the names or hiding places of the others involved in the siege, he was forced to dig his own grave beside that of his sister and nephew, and was shot until "his body was riddled with bullet holes." In all, the week-long rampage left eight confirmed dead: two white and six black. By early the following week, the *Tampa Tribune* could report that all was calm in Levy County. Although the town's negro population still were in hiding in the woods, "no further trouble was expected."

Not all whites behaved reprehensibly. Several, in fact, displayed unusual courage. John Wright, a white shopkeeper fondly remembered by the children who became Rosewood's aging survivors because he often gave them a piece of candy or sugarcane, hid several families in the basement of his home. Two brothers who worked as railroad engineers, John and William Bryce, conducted a train into the Rosewood depot and helped spirit dozens of women and children to safety. The mill superintendent, W. H. Pillsbury, also won respect for enforcing a curfew and seeing to it that his men didn't participate in the violence.

Reporters revisiting Rosewood in the 1990s spoke breathlessly of Florida's "buried past," of its "hidden history" and its "secret shame" as though the story of Rosewood's destruction were only just emerging. In fact, by the standards of its time, Rosewood was surprisingly well reported. *The New York Times* ran a front page story on it on January 4, 1923, and it dominated Florida's newspapers for a week. This was the era of "Judge Lynch," and racial violence was a staple of the news. The day before Rosewood erupted, the *Gainesville Sun* ran a front page story on the number of lynchings in 1922—

only 57, seven less, it noted approvingly, than the number for the year 1921. (A few days later, however, the *Sun* would conclude its editorial on the assault of an "unprotected white girl" by a "brutish negro" stating: "We feel too indignant just now to write with calm judgment and we shall wait a little while. One thing, however, we shall say now—in whatever state it may be, law or no law, courts or no courts, as long as criminal assaults on innocent women continue, lynch law will prevail, and blood will be shed.")

African American newspapers also reported extensively on the rampage. But they had a rather different take

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on it from the *Gainesville Sun*. Under a banner headline proclaiming "Florida Race War," The *Baltimore Afro-American* cited "Numerous Instances of Heroism as Men Defend Homes Against Savages." It described the siege on the Carriers' residence as a blow for black freedom everywhere: "Within their improvised fort the little colored group put up a defense that will bear comparison with many of the bravest feats of the colored soldiers on Flanders fields." The *Chicago Defender* went one step further, claiming an ex-soldier (and Chicago native) named Ted Cole as the hero of the hour. Cole, supposedly a World War I veteran who had seen service in France "on the lines and behind the lines," was said to have "led and inspired his brothers in blood against the assaults of the murderous mob." No other account mentions Cole or anyone like him.

What strikes a present-day reader

of these microfiche newspapers is not, however, the differences in perception between whites and blacks, as eerily as these tend to echo contemporary themes. It is the extent to which white on black violence—a theme largely absent from present consciousness—dominated the news. Implicit in the 1990s resurrection of Rosewood is the notion that it was a unique catastrophe hushed up because of the shame and stigma attached to its memory—"like incest in the family," as one journalist would write. In truth, Rosewood was left untouched for 60 years because it was utterly unremarkable. Not just lynchings, those baroque, Christic rituals of the South, but "white capping" and "driving out" and plain mob terror were once a routine part of American life. Twenty-seven race riots occurred in 1919 alone. A riot in Arkansas left up to 200 blacks dead. All 79 murder indictments in that case were issued against blacks. In Georgia, a World War I veteran was beaten to death for wearing his uniform in public. The mob ignored the man's protests that he had no other clothes. After a riot in Knoxville, Tenn., left six blacks dead, U.S. troops shot up an African American neighborhood on rumors (later proven false) that blacks had killed two white men. Nor were such events unknown to Florida. In November 1920, several blacks were killed and their homes destroyed in Ocoee, west of Orlando, when two local black men tried to vote. And less than a month before Rosewood, three black men were killed and several businesses and homes destroyed in Perry, also in north central Florida, after a white school teacher was murdered. It was only after forgetfulness permitted Rosewood to seem exceptional that it could be "discovered," and it was only the fiction of its singular terrible-ness that enabled it to generate such interest—from the legal, journalistic, and political communities, as well as from Hollywood. ☐



The Digital Divide

By Jessica Brown

If you work for a corporation, and you're looking for a little face-time, a little positive publicity, the sort of thing P.R. people call "corporate goodwill," which is an industry term that refers to engendering a warm fuzzy feeling in people whenever they think about your prod-

uct, a good thing to do is to hold a press conference and announce that you are donating a handful of computers to a local school. You'll pick an impoverished one, of course. The schools in wealthy neighborhoods already have computers; many have a few in every classroom. And it has to be computers. True, lots of impoverished schools don't have enough textbooks, or enough teachers, or even enough money for pencils, chalk, and toilet paper, but you can't really hold a press conference announcing that you are donating pencils or toilet paper to a low-income school because that makes people uncomfortable. Just thinking about schools that have to rely on corporate largesse to buy toilet paper is enough to make a lot of people change the channel. No, computers are better, mostly because they're still thought of as a luxury item. Unlike textbooks, it's okay that only wealthy schools are guaranteed to have them; and unlike textbooks, when poor children are given access to computers, this is still viewed as an act of generosity, and not the fulfillment of a basic right.

The Digital Divide

In August 1999, the U.S. Department of Commerce released a report that, for a couple of days at least, grabbed headlines. The report, *Falling Through the Net: Defining the Digital Divide*, was conducted by the National Telecommunications and Information Administration (NTIA) and examined trends in Americans' access to, and usage of, the Internet, computers, and telephones. It found that, while the overall number of American homes, schools and businesses connected to the Internet is rapidly increasing, a large segment of society, namely people of color, the poor, and residents of rural and inner city communities, are seriously lagging behind in access to this and other types of information technology. "The good news," note the study's authors, "is that Americans are more connected than ever before. Access to computers and the Internet has soared for people in all demographic groups and geographic locations. At the end of 1998, over 40 percent of American households owned computers, and one quarter of all households had Internet access." Accompanying this good news, however, was the persistence of what researchers and activists call the "digital divide," or the gap between the ability of privileged members of our society, and that of historically disadvantaged members, to access and use technology.



Not surprisingly, income remains a very strong factor in determining who will have access to electronic resources, and who will not. For instance, while about 80 percent of homes with annual incomes of \$75,000 or more had computers in 1998, and about 60 percent were using the Internet, less than 40 percent of homes with annual incomes between \$35,000 and \$25,000 had home computers and less than 20 percent had Internet access. Of the poorest homes, those making less than \$15,000 annually, computer ownership and Internet use fell to 15 percent and less than 10 percent, respectively. The data indicate, however, that income is not the only factor contributing to the digital divide. Whites of any income are still more likely to own computers and have Internet access than their black and Latino peers. For instance, while 33 percent of whites making between \$15,000 and \$35,000 had computers, only about 19 percent of blacks did. This overall discrepancy is so broad, reports NTIA, that a child in a low-income white family is still three times more likely to have Internet access than a black child in a comparable family, and four times more likely than a Hispanic child.

Unfortunately, the data for schools and libraries isn't any more encouraging. "Traditionally," write Susan Goslee and Chris Conte in *Losing Ground Bit by Bit: Low-Income Communities in the Information Age*, a report published by the Benton Foundation in June of 1998, "we have looked to schools and libraries to help eliminate disparities in access to infor-

mation resources." However, they note, "through no fault of their own, many of these institutions mirror the technology gap rather than mitigate it." According to a study released in 1997 by the Educational Testing Service (ETS), schools that serve historically disadvantaged communities are much less likely to offer computer and Internet services than schools serving other populations, and here, once again, race is a correlating factor. The ETS study found that while the average American school reported having about one computer for every ten students, schools where minority children made up 90 percent or more of the student body had average student to computer ratios of 17 to 1. The study also found that, while about 75 percent of schools in high-income areas had Internet access, only about 55 percent in low-income areas did. Libraries that serve low-income neighborhoods confront many of the same problems. Since most library funding occurs at the local level, institutions that serve poorer neighborhoods have fewer financial resources than those that serve wealthier areas. This often means that the communities that depend most heavily on public access points like schools and libraries to provide computer and Internet service are also the least

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likely to be able to afford them.

The most disturbing aspect of the technology gap, however, is that it is growing. For many groups the digital divide has widened in recent years as the information "haves" have outpaced the information "have nots" in gaining access to technology. For instance, the gaps between white and Latino households, and white and black households, have increased by six percentage points since 1994. Likewise, the gap between the wealthiest and poorest U.S. households grew by 29 percent from 1997 to 1998 alone.

Ramifications

Ironically, technology has always been viewed as a great equalizer. The Internet especially has created high hopes for a future of free information, where totalitarian control of speech is impossible, borders are irrelevant, and each citizen participates equally in the global "conversation." The development of the Internet, in fact, is seen as having such a strong potential to revolutionize world culture that it has been likened to the invention of the printing press. This may be an apt analogy insofar as the Internet, like the printing press, has revolutionized the spread of information, making it faster, cheaper, and, theoretically at least, avail-

able to everyone. The Internet has also changed the stakes. As we all become more reliant on this marvelous new invention, as it transforms our society and our economy, what happens to those people who have no ability to access it? Do they become, as a result of their inability to operate a computer or go online, a disenfranchised underclass just as surely as if they could not read or write?

If the direction of the U.S. economy over past few years is any indication, the answer to that question may be yes. With each passing year, computer skills become more and more of a prerequisite for basic participation in the workforce. According to the U.S. Department of Labor, almost 50 percent of all workers currently use a computer on the job, with these workers earning about 43 percent more than their less wired peers. Furthermore, by the year 2000, according to Larry Irving, Assistant Secretary of Commerce for Communications and Information, about 60 percent of all new jobs will require technology skills. Many of the jobs affected, moreover, will be in precisely those occupations that have traditionally been open to people without college

ing for at-risk youth in Washington, DC, the digital divide will also have troubling ramifications for the general economy. "If, in the workplace, you have this large demographic of people who are being locked out of jobs," he says, "you risk a shortage in the labor pool."

However, the digital divide threatens to leave people sidelined from even more than the job market. The web has and will continue to change the way we interact with business, government, institutions of education, and even information itself. Sources of information that have traditionally been paper-based, such as government and municipal records, job listings, and even entire newspapers and magazines, have begun to shift resources from publishing hard-copy versions to publishing in electronic formats. Schools that have Internet access in each classroom have begun supplementing, and in some cases replacing, traditional materials like textbooks with the more current, in-depth, and dynamic information that can be found on the web. States have begun exploring the possibility of allowing citizens to cast votes online in elections, with the potential end



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degrees or specialized training. As offices become more computerized, for instance, it will become harder for workers to find secretarial and clerical positions that do not require word processing and database skills. Even the industrial sectors have been affected, notes Dorothee Benz, a New York journalist who covers labor issues. "Everyone, ranging from inventory workers in warehouses to cutters and graders in garment shops, may now be called upon to use a computer on the job."

The most lucrative jobs in the new U.S. economy, however, will require much more than the ability to simply operate a P.C. They will require the ability to engineer them: to write code, to design websites and software, to troubleshoot glitches, and to build networks. These jobs, in computer science, computer engineering, and systems analysis, are the three fastest growing occupational sectors in the new economy, and many labor analysts are holding out hope that they will soon move in to take the place of vanishing manufacturing jobs. If that happens, says Darin Kenley, the executive director of Kids Computer Workshop, an organization that provides computer access and mentor-

goal of phasing out paper ballots altogether, and citizens can now lobby their elected representatives with the touch of a button, or download, in minutes, a particular legislator's voting record. For the privileged, the possibilities are endless, says David Geilhufe, director of the Eastmont Computing Center, a project that provides low-income high school students with technology training in Oakland, California. However, he warns, people without access to technology risk falling farther and farther behind. "The electronic medium has become the preferred form of information," says Geilhufe. "When you have a segment of society that doesn't have the opportunity to access information in the preferred form you have a group of people that have been redlined from active participation in that society."

Technology as a Tool for Change

On the other hand, when historically disadvantaged communities do gain access to information technology, it really opens doors. That is the experience of activists working with two of the poorest demographic groups in the U.S.

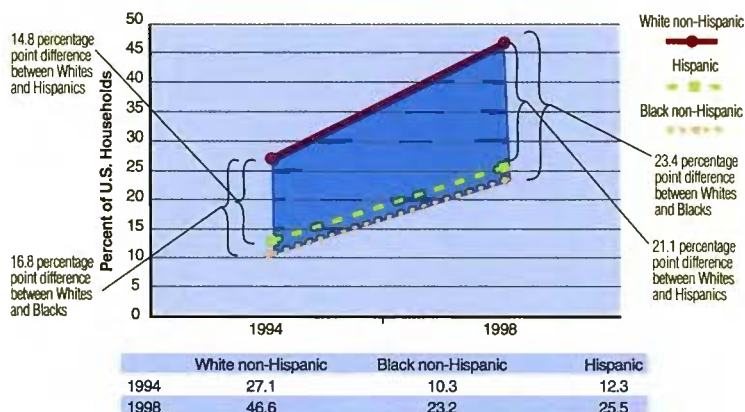
"The Internet is important because it allows Native Americans to live where they want, but have access to the rest of the world" notes Karen Buller, President of the National Indian Telecommunications Institute (NITI). "They can connect to the world while still keeping out of it, if they have Internet access." Another importance of the web is that it gives marginalized people the opportunity to have more of a voice. "On

the Internet anyone can be an author," Buller says, "You don't need a Ph.D. or a big publishing house behind you. Native Americans have been misrepresented for hundreds of years by historians, anthropologists, and other outside observers. This allows us to correct those wrongs, and represent ourselves. I find it interesting that when most people get on the web, they do so to retrieve information, but when Native Americans get on the web, they use it to put information out there about themselves."

Likewise, for people with disabilities, access to technology can be both a means to economic self-sufficiency, and a way to transcend physical limitations. "Traditionally" says Justin Dart, co-founder of Justice For All, a disability rights advocacy group based in Washington DC, "People with disabilities have been employed in sheltered workshops, making sub-minimum wage and doing elementary labor work. Now the trend is moving toward technology and the potential is tremendous."

Dale Brown of the President's Advisory Council on the Employment of People with Disabilities agrees. "Take a person with high level quadriplegia," she says by way of example. "There are computers that can be controlled with any muscle of the body. For instance, you can control a computer just through the movement of your eyes. Technology makes it easier to get information from the brain to the written page. In

Figure 1: U.S. Household Computer Penetration Gap by Race/Origin—1994 vs. 1998



Source: National Telecommunications and Information Administration (NTIA) and U.S. Census Bureau, U.S. Department of Commerce, using November 1994 and December 1998 Current Population Surveys.

civil rights issue, our country has, for the most part, not yet found the political will to begin treating it like one. While most people agree that connecting all Americans to the Internet is a worthy goal, "nobody is quite sure who is actually responsible for bringing technology into communities," says Geilhufe, "and nobody is sure who is going to pay for it." This is compounded by the fact that, for a lot of disadvantaged communities, the costs of a P.C. and a subscription to an Internet service provider are not the only barriers to getting online.

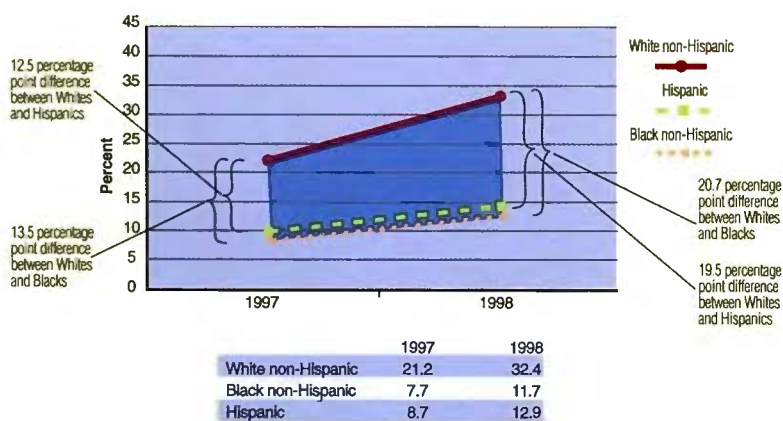
The problem is complex, explains Amy Borgstrom, the Executive Director of the Appalachian Center for Economic Networks (ACENet), an organization that works to connect citizens and small business operators in rural Appalachia to the World Wide Web. "I'm struck when I travel to any coast and people say 'Oh, Internet access is universal and affordable, it only costs \$15.95 a month.' In this community \$15.95

that regard, it's critical." Unfortunately, says Dart, most disabled people cannot use this type of technology, because it's just too expensive. "Statistically, people with disabilities are the poorest people in the U.S., so most, of course, do not have access to computers."

Barriers and Solutions

Although access to technology is beginning to gain recognition as a

Figure 2: Percent of U.S. Households Using the Internet by Race/Origin—1997-1998



Source: National Telecommunications and Information Administration (NTIA) and U.S. Census Bureau, U.S. Department of Commerce, using October 1997 and December 1998 Current Population Surveys.

a month can be the difference between having the ability to hire child-care so you can go to work, or having enough money to buy food." Nonetheless, she notes, the difficulties her low-income, rural clients face in getting access to the Internet don't end there. "We don't have the infrastructure, there's no affordable high bandwidth access. Some people out here still have party lines, and a surprising number of people don't even have phones."

Karen Buller, of NITEL, agrees. "A major challenge is just getting the lines out here. A lot of phone companies won't even give us service, they don't see us as a profitable market." Although the NTIA reports that about 94 percent of American homes overall have phones, an examination of telephone penetration across racial and geographic lines illustrates a different facet of the digital divide. While about 95 percent of white families overall have phone service, only about 85 percent of black and Latino families do. For some populations, such as Native Americans, the combination of poverty and living in a remote area can be a particularly strong barrier to accessing basic telecommunications. The problem was compounded by the passage of the Telecommunications Act of 1996, which dismantled a framework of Federal subsidies that once helped to defray the cost of running telephone lines out to rural homes. Now, reports Buller, phone companies pass construction costs onto consumers. "To get the original line out can cost \$10,000 to \$50,000 in connection costs," she says. "That's just to get the line out to the first house! No one, no matter how much money they have, is going to pay that."

Even in communities that have phone lines, the telecommunications infrastructure does not always support Internet access, says David Geilhufe. "There is a spotty commitment on the part of corporate America to making advanced communications abilities available to low-income neighborhoods," he says, referring to practices documented in a report released by the Consumers Union and Consumer Federation of America in February of 1999. The report, *The Digital Divide Confronts the Telecommunications Act of 1996*, notes that while phone companies are putting resources into building high-speed lines capable of providing fast Internet service to wealthier communities, many are lagging in building out these same services to low-income areas, unwilling to incur the cost for what they may believe is an inadequate return on investment. This creates a stark difference between each neighborhood's ability to access the web, Geilhufe explains. "Let's say I have a short health video on pre-natal care that I want to show people in the community, and I need to download it from the Net. In one neighborhood where you have high speed lines it takes 48 seconds, in another neighborhood where you're relying on old analog phone lines it takes 20 minutes."

One policy that partially addresses this issue is that of the education rate, or "e-rate." The e-rate, also a provision of the Telecommunications Act of 1996, provides discounts of up to 90 percent off of the cost of wiring qualifying schools, libraries, and health centers for Internet service. This is great, say advocates, but just getting the Internet into the schools and libraries will not meet the needs of an entire community. Many civil liberties groups, including the Civil Rights Forum on Communications Policy, and the National Urban League, have suggested that the e-rate be extended to provide discounted telecommunications services to community technology centers as well, insofar as these organizations also provide training and access and

may reach a larger population. However, says Buller, what we really need is a renewed commitment to getting the information infrastructure into every home as well. "To make universal service really universal," she says, "the simplest thing would be to apply the same solution to getting people wired for telecommunications service that we did to getting them electricity. At first the cities had electricity and the rural areas didn't. Then legislators who represented rural people put in legislation causing the cities to pay a little extra; it was pennies really, to wire every home in the countryside for electricity. They felt rural people deserved it." A similar tax, she says, could be used to make sure everyone in the nation has access to telecommunications service. "This service is not an add-on, or an icing," she says, "it's a necessity."

Then there is the issue of acquiring the computer hardware itself, a problem that is often overlooked due to the fact that the overall cost of buying a P.C. has begun to go down. Although falling computer prices are good news for middle class buyers, a few hundred dollars per machine may still be too much for a lot of families, or for low-income schools and community access sites that have to struggle to cover basic expenses like books and staff salaries. A few companies have made headlines by offering computers to a handful of schools in exchange for the right to place a constant stream of advertisements, targeted toward children, at the sides and corners of the screen. Others have offered individual buyers a "free" P.C. in exchange for buying three years of Internet service at \$20-\$30 dollars a month. These programs have been somewhat limited, however, and are very controversial. This means that most institutions that do manage to get technology programs going are still relying on donated computers, the quality of which vary widely.

"In lower income areas, computers tend to be donated, and they may be older," says B. Keith Fulton, Director of Technology Programs and Policy for the National Urban League. "Most work fine, but there are limits in terms of running higher functions. They don't always have the capacity for some of the multimedia and Internet applications." It also means that having machines, or having enough of them, is by no means assured, and that library, community center, and school district staff may need to take on the additional burdens of writing grants, holding fundraisers, or soliciting donations to obtain the necessary P.C.s and software.

Beyond acquiring the machines, says Fulton, teachers and community organizers also need to be taught how to use them. "What people end up talking about, unfortunately, is who has computers and who doesn't. Then when computer prices go down they say 'Oh that solves the problem.' But you could give a laptop to everyone in the 'hood and does that solve the digital divide? No, you still need to provide training." Training is a vital, and often neglected, foundation for a successful community technology program. Without it computers may sit unused, or be used pre-

dominately for simple applications like computer games, because teachers or library staff don't necessarily know how to use them either. Often, staff are simply expected to acquaint themselves with the machines, sometimes on their own time. This means, says Fulton, that students in less wealthy districts aren't always getting the promised educational benefits even when their schools do get a computer program going.

Finally, says Elsa Macias, a senior researcher with the Tomás Rivera Policy Institute, a policy research center focusing on issues affecting Latinos in the U.S., you have to make people understand why this is something they need to learn how to do. Part of that is getting people over a general fear or mistrust of technology. Some people still approach computers with the fear that they might "break them" if they hit the wrong key; other people assume that they simply aren't smart enough to ever understand how to use a computer. The barrier for many though, says Macias, is apprehension over what computers, and particularly the Internet, might bring into the home. "People worry about what type of content their children will see," she says. "What if they start to access porn or hate sites? There is also the fear that using a computer is an anti-social activity that will take time away from the family."

In fact, many disadvantaged people approach the Internet with the assumption that the net is a white, upper class media that doesn't feature much content of possible interest to anybody else. Bob Johnson, the producer of the Black Entertainment Television (BET) cable network, and the CEO of BET Holdings Inc., believes that this is one of the primary reasons people of color, in particular African Americans, do not use the Internet. "It's not so much a 'digital divide' as a mindset divide," Johnson told online news publication ZDnet. Blacks will use the web, he says, when web content producers make it clear they want their patronage. To that end, BET has announced its plans to build a web portal for African American Internet users. The site, BET.com, will offer visitors news, entertainment, financial information, and e-commerce opportunities all targeted toward the black community. BET.com joins a handful of other sites aimed at populations lagging in net participation. These include NetNoir, another portal site aimed at African Americans, and a number of web networks that target North American Latino users. These, according to Elsa Macias, are all positive developments. "There has always been Spanish language content on the web," she says, "but until recently it was all coming out of Spain or Argentina. Just because it was in Spanish, doesn't mean it was relevant to the lives and experiences of U.S. Latinos. People need to be able to find culturally relevant and community relevant content."

Mostly though, says Macias, coaxing people into sitting down at a computer and learning how to use it isn't so much of an issue anymore. Maybe it used to be that way, but now more people have come to understand that access to information technology is something they will eventu-

Hot Links

For more information, visit the organizations and agencies cited above at the following web addresses. Readers who lack access to the web may call the Civil Rights Forum on Communications Policy at (202) 887-0301. The Civil Rights Forum can be found online at www.civilrightsforum.org

The National Telecommunications and Information Administration: www.ntia.doc.gov

The Benton Foundation: www.benton.org

The Educational Testing Service: www.ets.org

The Eastmont Computing Center www.eastmont.net

The National Indian Telecommunications Institute: www.niti.org

Justice for All: www.jfanow.org

The President's Committee on Employment of People with Disabilities: www50.pcep.d.gov

The Appalachian Center for Economic Networks (ACENet): www.seorf.ohiou.edu

The National Urban League: www.nul.org

Tomas Rivera Policy Institute: www.tripi.org

BET.com: bet.com

NetNoir: netnoir.com

ally need to become competitive in the job market, and to fully participate in society. "People recognize that this is a train they need to get on," she says, "and if not them, they at least have to get their children on it, or they're going to be left behind." The big problem, she and other activists say, is that the approach to bringing everybody into the information age is patchy, the commitment not yet solidified or even entirely earnest. Some neighborhoods get high-speed Internet access, while some do not have wiring for phones. Some schools have advanced computers in every classroom, while others make do with a handful of older models, or none at all. All in all, though donations of services and equipment, and the efforts of activists and local technology programs, are doing wonderful things in the communities they touch, it will take more to close the divide. It will take a commitment on the part of government, business, charitable organizations, and communities to an ideal of universal service, and an acknowledgment that equal access to technology is, for individuals, a basic right, and, for the country as a whole, an economic and democratic necessity. ☐

Jessica Brown is the editor of the Forum Connection, a journal of the Civil Rights Forum on Communications Policy.

Affirmative Action: India's Example

By Clark D. Cunningham

As the U.S. debate over affirmative action seems to grow ever more rancorous and divisive, it seems clear that America desperately needs an infusion of new ideas to address the fundamental problems that affirmative action programs were intended to remedy. Help may be available from an unexpected source: the legal systems of other countries. Many other multi-cultural democracies have also been struggling to reconcile a commitment to equality with the need to remedy the effects of past discrimination; America might well be able to learn from their experiments. Indeed it is not even necessary that we know whether another country's experiment can be judged a success or failure in that country; studying their approach can be valuable simply if it expands our own vision of what is possible. The suggestions that appear here for redesigning American affirmative action are offered in this spirit: to provoke at least some new discussion and to prompt greater curiosity about what is happening outside our borders.

India has developed a legal system that is probably more similar to that of the United States than that of any other country, particularly in the field of constitutional law. Both countries use a federal system with power shared between states and a central

government. Both have written constitutions containing similar guaranteed rights; both have supreme courts with vast powers including the power to declare statutes unconstitutional; both countries turn to their courts to resolve their most important public controversies. (Indian law is also very accessible to U.S. readers because, like American law, it rests on the foundation of the English common law and because the constitution, statutes and



Prior to Independence, India's caste system made demeaning and menial occupations hereditary - creating a caste known as "untouchables"

CORBIS/Bettmann-1969

appellate court decisions are all written in English.)

Affirmative action in the U.S. focuses on whether it can be shown that each beneficiary of an affirmative action program is likely to have suffered from what can be called the "cognitive bias" form of discrimination, that is, a harm caused by an actor who is aware of the person's "race" and is motivated (consciously or unconsciously) by that awareness. Much of the current skepticism about affirmative action may result from this narrow focus: many white people seem to believe themselves free of such cognitive bias and thus doubt that it is a continuing problem of sufficient magnitude to justify affirmative action. Such a focus makes affirmative action particularly vulnerable in settings like university admissions where decisions based on grades and test scores seem, to many, to be immune to cognitive bias.

Although cognitive bias-type discrimination based on caste status is treated as a serious, continuing problem in India, affirmative action there is focused more on eradicating the enduring effects from centuries' of oppression and segregation. There appears to be a more conscious commitment than in the U.S. to change the basic social structure of the country. The Indian approach perhaps can

be understood best using the economic theory pioneered by Glenn Loury that distinguishes between "human capital" and "social capital." Human capital refers to an individual's own characteristics that are valued by the labor market; social capital refers to value an individual receives from membership in a community, such as access to information networks, mentoring and reciprocal favors. Potential human capital can be augmented or stunted depending on available social capital. Economic models demonstrate how labor market discrimination, even several generations in the past, when combined with ongoing segregated social structure can perpetuate indefinitely huge differences in social capital between ethnic communities. The limitation of human potential caused when access to social capital is blocked is viewed in India not only as a personal tragedy, calling out for compassion and justice, but also as a huge loss to the society itself, that must be remedied given the vast needs and aspirations of the world's largest democracy. Although, for historical reasons, affirmative action in India is phrased largely in terms of assisting "backward" groups, "backwardness" should be understood as a comparative rather than a pejorative or patronizing term. Indians are acutely aware that the problem of unevenly distributed social capital can arise as much from the concentration of social capital in a few "forward" groups as from any deficiency in "backward" groups.

In 1951, only a year after the newly independent India adopted its constitution containing guarantees of equality taken in part from U.S. law, the Indian Supreme Court was faced with a case remarkably like the landmark 1978 *Bakke* case (in which the U.S. Supreme Court barred the use of racial quotas for admission to a state medical school but permitted consideration of race to achieve diversity). A medical school had used a detailed

and rigid quota system based on caste and religious categories to assure that its entering class had a demographic make up similar to that of the general population. The Court ruled in favor of the petitioner, a high caste Hindu denied admission. The Parliament immediately modified the ruling by using its power to amend the constitution by a two-thirds vote of each house to add an explicit "affirmative action" exception to the constitutional guarantee of equality, authorizing

**Affirmative action in
India is focused on
eradicating the
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and segregation**

"special provision" for the advancement of "socially and educationally backward classes of citizens."

For the next thirty years different states in India experimented with a variety of ways to interpret and implement this constitutional "special provision" with a pendulum swing from overemphasis on caste identity to purely economic criteria. A continuing problem was the extension of affirmative action to caste groups apparently based more on their political clout in a particular state than their actual need for preferential treatment relative to other groups, leading to repeated Supreme Court decisions

ordering states to redesign their programs using more objective and transparent processes.

In 1980 a Presidential Commission (known as the "Mandal Commission" after the name of its Chairperson) issued a comprehensive report and set of recommendations for national standards. Although the Mandal Report did not use the term "social capital," its central premise was that the mere prohibition of discrimination and a policy of "equal opportunity" were insufficient to remedy the profound social effects of the caste system. It stated: "People who start their lives at a disadvantage rarely benefit significantly from equality of opportunity ... Equality of opportunity is also an asocial principle, because it ignores the many invisible and cumulative hindrances in the way of the disadvantaged."

Responding to the Supreme Court's concern about objective and transparent processes, the Mandal Commission conducted a national survey that started with generally recognized group categories (typically based on caste name or hereditary occupation) and tested each group using standardized criteria of "backwardness" (such as comparing the percentage of group members who married before the age of 17 or did not complete high school with other groups in the same state). Eleven numerical factors, given varying weights, were assigned to each group based on the survey results and those groups with total scores below a specified cut-off point appeared in a list of Other Backward Classes (OBCs). The Commission then recommended that a percentage of new hires for most central government jobs be reserved for OBC members under a quota system.

The Mandal Report generated lively debate but it was not until 1990 that the national government actually proposed implementation of the Report. This announcement, by then-Prime Minister V.P. Singh, prompted wide-

spread civil disturbance, instances of self-immolation by high-caste Hindus in protest, and litigation leading to an epic three months of oral argument before the Supreme Court. In 1992 the Supreme Court reached a 6-3 decision, largely approving the Report and its recommendations, and issuing a book-long set of judicial opinions. A majority of the Supreme Court justices approved the following basic principles:

1. Reservation of government positions for OBCs should not be interpreted as a narrow exception to the constitutional guarantee of equality but rather as a way of achieving true, substantive equality. ("Turning the caste system on its head" in the words of Justice Jeevan Reddy, author of the majority opinion.)
2. Traditional caste categories can be used as a starting point for identifying OBCs but selection criteria must include empirical factors beyond conventional assumptions that certain castes are "backward."
3. Identification of a group as an OBC cannot be based on economic criteria alone.
4. Because the Mandal Commission used objective, empirical criteria to create these new group categories, distribution of government benefits based on OBC membership does not perpetuate the stigma of traditional caste categories.
5. OBC membership only creates a rebuttable presumption that a person needs preferential treatment; therefore, the state must also use an individualized economic means test to eliminate persons from affluent or professional families (termed "the creamy layer test").

At first glance it might appear that affirmative action in India and the United States are so different, both in terms of basic assumptions and implementation, that useful comparison is impossible. India's constitution specifically states that "special provision" for certain "backward classes" is not prohibited by the general right to equal-

ity. In contrast, according to the U.S. Supreme Court's 1995 decision in *Adarand Constructors v Pena*, there is no "affirmative action exception" to the constitutional guarantees of equal protection, even for programs created by Congress under its powers to implement the 14th Amendment. However, a closer look at the *Adarand* decision and cases that followed it in the lower courts suggests some ways India's experience might be relevant to the U.S.

**Parliament amended
the constitution to add
an explicit "affirmative
action" exception to the
constitutional
guarantee of equality**

The affirmative action program at issue in the *Adarand* case provides some striking similarities and contrasts to India's system of reserved government jobs for Other Backward Classes. *Adarand Constructors* was a subcontractor who lost a contract for federally financed highway construction to the Gonzales Construction Company, even though *Adarand* was the lowest bidder. The prime contractor received a bonus payment for subcontracting with Gonzales Construction because it had been certified by the State of Colorado as a "Disadvantaged Business Enterprise" (DBE). *Adarand Constructors* challenged this system as violating its right to equal protection because the only basis for the DBE certification was that Gonzales Con-

struction was owned by an Hispanic American. Congress had created the DBE program under the Small Business Act, which defined a DBE as a small business owned and controlled by one or more "socially and economically disadvantaged individuals" and had further created a presumption that all "Black Americans, Hispanic Americans, Native Americans, [and] Asian Pacific Americans" were socially and economically disadvantaged individuals. This presumption would only be set aside if some third party came forward with evidence that the owner was not in fact socially or economically disadvantaged; neither the government agency that provided the certification nor the prime contractor had a duty to verify whether the owner was actually disadvantaged. In contrast, persons not members of one of the specified groups who sought DBE status were required to prove by "clear and convincing evidence" that they met a five-part test for social disadvantage as well as a separate test for economic disadvantage.

By a 5-4 vote, the Supreme Court held that all racial classifications, even those enacted by Congress and intended to benefit groups affected by racial discrimination, must be analyzed by the same standard of "strict scrutiny." However, writing for herself and three other members of the majority, Justice O'Connor emphasized that "strict scrutiny" still left open the possibility of affirmative action if programs were "narrowly tailored" to further "compelling governmental interests," stating that the "unhappy persistence of both the practice and the lingering effects of racial discrimination against minority groups in this country is an unfortunate reality, and government is not disqualified from acting in response to it." Despite this language, many read the *Adarand* decision as sounding the death knell of affirmative action, notably the federal appellate judges who struck down the affirmative

action admission program at the Texas Law School in the 1996 case of *Hopwood v. Texas*, holding that neither diversity nor remedying past societal discrimination were sufficient "compelling governmental interests."

In the *Adarand* case, the Supreme Court did not actually decide whether the DBE system was unconstitutional, but sent the case back for a "strict scrutiny" review. On remand the trial court reviewed the extensive history of Congressional efforts to eliminate barriers preventing racial minorities from successfully competing in the highway construction industry, and concluded that Congress, acting under its 14th Amendment powers, did have a compelling interest in remedying the effects of past societal discrimination. Nonetheless, in 1997, the trial court

ruled in favor of Adarand Constructors and barred the use of the DBE program because its use of racial categories was not "narrowly tailored." As a result of this ruling, the State of Colorado changed its procedures for certifying DBEs by eliminating the presumption of disadvantage for racial and ethnic minorities, basing the determination of social disadvantage solely on the applicant's statement that he or she was disadvantaged. The owner of Adarand Constructors then applied for DBE status, apparently claiming that the pre-existing system of racial preferences for federally-funded contracts had made him, as a white male, socially disadvantaged. Colorado accepted this claim and granted him DBE status while the Federal government was still appealing


the trial court's decision. The Federal appellate court then dismissed the case entirely this past spring on the grounds that the case was moot since Adarand Constructors was no longer harmed by the DBE program, and vacated the district court's decision.

The lack of a final court decision on the specific facts in *Adarand*, and the strange turn of events in which an aggrieved white male ends up as a kind of affirmative action beneficiary, seems to leave considerable room for rethinking affirmative action, as does the Supreme Court's consistent refusal since *Adarand* to decide any new affirmative action cases (including the *Hopwood* decision, thus making the use of race for deciding admission to state universities unconstitutional in the three states under the jurisdiction

India's Castes

The traditional caste system of India is usually described as a hierarchy of four groups:

At the top were the Brahmins, who were priests and scholars; next was the warrior caste; third the merchant caste; and fourth (and much lower), the Shudras who provided menial labor for the first three castes. Below even the Shudras, often described as outside the caste system ("outcastes") were the "untouchables," so-called because they were considered ritually unclean and subject to drastic forms of segregation. (The Shudras approximately correspond to the ethnic groups referred to as "Other Backward Classes" in India's affirmative action programs; these "OBCs" are described as "other" because an earlier category of "Scheduled Castes" was created for descendants of the untouchables.) A central principle of the Indian independence movement, led by Mohandas ("Mahatma")

Gandhi, was abolition of caste prejudice, especially against the untouchables. This principle has been realized to a considerable extent in a remarkably short time. The primary draftsman of the Indian constitution and India's first Minister of Justice, Dr. B.R. Ambedkar, was from an "untouchable" caste, as is the current President of India. In several states, the reins of government are in the hands of political parties dominated by "lower castes." The convulsions of inter-caste and inter-religious strife that attract the attention of Western media almost always arise from the commitment of the government to promote the interests of ethnic and religious groups that have been the victims of discrimination, a commitment that has not disappeared despite the opposition of the privileged and numerically powerful. 



Family of Brahmins. Members of the highest Hindu caste, late 19th century. CORBIS/Hulton-Deutsch Collection

of that federal appeals court but leaving the issue up in the air for the rest of the country.)

There are a number of intriguing points of comparison and contrast between the DBE program and India's system of reservations for Other Backward Classes. Both the DBE and OBC programs begin with a general, abstract category of "disadvantage" or "backwardness" and claim to be providing preferential treatment to specific ethnic groups only because they happen to fit into the category. (This starting point does, however, create a risk of perpetuating demeaning and patronizing stereotypes and ignores other rationales for affirmative action advanced in both the U.S. and India, such as the values of diversity, inclusion, and positive role models, which are particularly relevant in the context of government and higher education.) Both programs insist that disadvantage cannot be explained solely in economic terms; for both social disadvantage provides the rationale for using ethnicity to identify and delimit beneficiary groups. A third similarity is that both programs treat ethnic identity as only a presumption of disadvantage that can be rebutted: by the creamy layer test in India or challenge by a third party in the DBE program.

Contrasts are even more intriguing because some of the most distinctive features of the Indian approach may actually suggest ways that a redesigned DBE program might survive even the strict scrutiny of American courts. The trial court found that the DBE system was *both* overinclusive *and* underinclusive. DBE certification was overinclusive because it presumed that all individuals within the four broad groups were socially and economically disadvantaged; it was underinclusive because it excluded other minority groups (unnamed by the court) whose members were in fact socially and economically disadvantaged. The trial court quoted with apparent approval Adarand Constructors' claim that the

selection of racial groups was "random and haphazard," including Aleuts, Samoans and Bhutans as ethnic groups who had suffered discrimination in the highway construction industry, and added the observation that even the famously rich Sultan of Brunei would qualify for a DBE certification. The fact that Adarand Constructors subsequently won a DBE certification after

Some of the most distinctive features of the Indian approach suggest ways that a redesigned Disadvantaged Business Enterprise program might survive even the strict scrutiny of American courts

the racial and ethnic presumptions were replaced with an applicant's mere claim of social disadvantage (seemingly inconsistent with the fact that Adarand Constructors was able to submit a bid that would have won if the DBE program had not been in effect) strongly suggests that the basic theory and criteria of "disadvantage" had not been well worked out.

According to the trial court in Adarand, Congress found that minority businesses were unable to compete effectively for construction contracts in large part because they lacked working

capital, could not meet bonding requirements, had inadequate "track records," and were unaware of bidding procedures—all deficiencies that could be attributed to the owners' lack of relevant social capital (despite plenty of potential human capital). After years of unsuccessful, race-neutral efforts to address these problems, Congress apparently decided that the only effective way to increase the number of minority businesses able to compete successfully for work was to get them more work in the first place, giving them relevant social capital directly. If the DBE program was viewed more clearly as a redistribution of social capital, Congress might then appoint its own version of the Mandal Commission to identify groups that clearly lacked relevant social capital to a degree likely to limit significantly the human capital of their members. (An additional criterion could be clear evidence linking the current lack of social capital to past discrimination.) Such an approach should address the critical concerns of "narrow tailoring" that group selection is not "random and haphazard" or, perhaps worse, the result of "racial politics."

An alternative approach even more likely to survive strict scrutiny would be to take the Indian experiment one step further by eliminating altogether explicit use of ethnic identity. If a key cause and indicator of inadequate social capital is segregation, why not ask persons seeking affirmative action to provide evidence of their personal experience of segregation rather than presuming it from their ethnic identity? (The Federal DBE regulations allow as one alternative to membership in one of the four specified ethnic groups a showing that the applicant has suffered from "long-term residence in an environment isolated from the mainstream of American society.") One category on an application might be residential segregation, requiring the applicant to list every neighborhood (identified by zip code)

in which he or she has lived, indicating the dates and applicant's age at the time. Another category could be educational segregation, listing elementary, junior and senior high schools, also by dates and age when attending. A Federal agency such as the Census Bureau could become the U.S. equivalent of the Mandal Commission by assembling a national data base rating zip codes and schools as to the degree of impact by segregation at various points in time and developing a standard formula for correlating the raw data supplied by applicants into a "severity of segregation" score. This segregation score could then be combined with an economic disadvantage score based on applicant-supplied information (primarily parental income and occupation during applicant's formative ages) and the total used to decide whether DBE certification was warranted. Certification might be granted to applicants from middle class backgrounds if evidence of severe segregation (and presumably reduced social capital) was presented; likewise applicants who grew up in poverty might be certified even if less affected by segregation (as might especially be the case for persons from small towns and rural backgrounds). This approach would resolve both the over-inclusion and under-inclusion problems raised by the trial court in Adarand. Persons not individually disadvantaged would not be included by an automatic presumption based on ethnic identity. Persons actually disadvantaged would not be presumptively excluded simply because their ethnicity did not fit within a limited number of groups. Indeed this approach might not even trigger strict scrutiny since the segregation factor would not be a racial or ethnic category as such and would not merely be a token substitute for such categories since not all members of an ethnic group would be able to present data giving rise to a significant segregation score.

However, our primary concern

should be to eliminate the "lingering effects" of discrimination that has been explicitly based on racial and ethnic identity for generations, and not merely to develop a program that survives judicial review. Can the effects of discrimination be adequately addressed without explicitly using ethnic categories? So far, in India, the government's answer has been no. Elsewhere I discuss why the answer may also be "no" in the United States,

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at least as to higher education, drawing on recent psychological research by Claude Steele, Joshua Aronson and others. This research suggests the existence of a "stereotype threat" that can haunt even the most successful members of ethnic groups when test-takers fear that failure will confirm social stereotypes about them. I urge that the proponents of affirmative action in higher education emulate the Mandal Commission by using such empirical research both to articulate a more compelling need and to design a more "narrowly tailored" response than were shown in the law school admission plan struck down in the Hopwood case.

Other useful insights can be gained by looking at India, for example from the many critiques by Indian intellectuals of the Mandal Report. Those critiques suggest some cautionary lessons about the use of affirmative action: the continuing pressure to expand beneficiaries by adding categories; the risk that affirmative action will be used primarily to mobilize voting blocks; the despair and resentment by members of the younger generation who feel their opportunities are restricted by their non-OBC status; the persistence and indeed revitalization of the very social categories that the state seeks to eliminate in creating a "casteless society" due to the value they are given by affirmative action; the way debate over affirmative action can distract attention from continuing acts of intentional discrimination, particularly in the private section; and the impact on the efficiency of government when merit in hiring and promotion is de-emphasized. Perhaps the most valuable lesson, though, that Americans might learn from India and other countries is greater humility: our problems may be more fundamental than we realize and, at the same time, our methods for addressing them may be less imaginative than we assume. **CR**

Clark D. Cunningham, Professor of Law at Washington University in St. Louis, has been working for three years on a comparative study of affirmative action in the U.S., India, S. Africa and other countries in collaboration with Dr. N. R. Madhava Menon, Member, Law Commission of India, and former dean, National Law School of India. An expanded version of this essay with footnotes; other articles and working papers by Cunningham & Menon and others on this subject; a bibliography; and proceedings of a 1997 conference on "Rethinking Equality in the Global Society" can be obtained from the following web site: <http://ls.wustl.edu/Conferences/Equality> or by contacting Cunningham (cunningc@law.wustl.edu or fax: 314-935-6493).

The Myth of the Wage Gap

By Diana Furchtgott-Roth

April 8, 1999, was dubbed Equal Pay Day by the National Committee on Pay Equity, which joined the National Organization for Women and the AFL-CIO to try to persuade the nation that women are paid only 74 cents on a man's dollar. Their organizational literature proposed stunts such as selling hamburgers for \$1 to men but for 75 cents to women; selling cookies with one quarter removed; distributing dollar bills with holes in them to reflect the gaps in women's pay; and organizing a New Year's party on April 8 to recognize that women have begun a new year after catching up to men's earnings from 1998. Such claims draw media attention, but do not accurately describe women's compensation in the American workplace.

At about the same time, the AFL-CIO and the Institute for Women's Policy Research (IWPR) released *Equal Pay for Working Families: National and State Data on the Pay Gap and Its Costs*. This report again propounded the fiction that women are paid only 74 cents on a man's dollar in the United States as a whole, and presented data for women's earnings in individual States. In Louisiana, women's earnings are supposedly 67 percent of men's, whereas in the District of Columbia women earn 97 percent of men's wages. In addition, the report looked at the percent of men and women working in different industries, and

concluded that "America's working families lose a staggering \$200 billion annually to the wage gap."

If these groups are to be believed, then American women are still second-class citizens, as they were before they had the right to vote. But before declaring another crisis, it is worth looking at how these numbers were put together and some of the reasons behind the differences.

During the nineteenth century, employers usually operated on the assumption that women in the labor force earned wages that were merely supplemental to household income. This assumption was reflected in women's average earnings, which, according to most historians, were approximately one-third of men's in 1820, rising to approximately 54 percent of men's by the end of the nineteenth century. Women's average wages continued to rise relative to men's wages during the twentieth century, reaching 74 percent of men's in 1998.

The 74 percent figure is derived by comparing the average median wage of all full-time working men and women. To obtain figures for individual states, average wages of men and women within that state are compared. So older workers are compared to younger, social workers to police officers, and, since full-time means any number of hours above 35 a week (and sometimes fewer), those working

60-hour weeks are compared with those working 35-hour weeks. These estimates fail to consider key factors in determining wages, including education, age, experience, and, perhaps most importantly, consecutive years in the workforce. That is why in States such as Louisiana, where it is less common for women to work, and where they have less education and work experience, the wage gap is wider. In areas where it is more usual for women to work, such as the District of Columbia, the gap is smaller. But this average wage gap, as it is known, says nothing about whether individuals with the same qualifications who are in the same jobs are discriminated against.

When discrimination occurs, and, as readers know all too well, it does occur, our nation has laws to deal with it. We need to focus on individuals rather than averages, and apply the Civil Rights Act and the Equal Pay Act to eradicate cases of discrimination as they occur.

How much less do *equally-qualified* women make? Surprisingly, given all the misused statistics to the contrary, they make about the same. Economists have long known that the adjusted wage gap between men and women—the difference in wages adjusted for occupation, age, experience, education, and time in the workforce—is far smaller than the average wage gap. Even just adjusting for age

removes a lot of the gap: in 1998, according to data published in *Employment and Earnings* by the Department of Labor, women aged 16 to 24 made 91 percent of what men made.

The wage gap shrinks dramatically when multiple factors are considered. Women with similar levels of education and experience earn as much as their male counterparts. Using data from the National Longitudinal Survey of Youth, economics professor June O'Neill found that, among people ages twenty-seven to thirty-three who have never had a child, women's earnings are close to 98 percent of men's. Professor O'Neill notes that "when earnings comparisons are restricted to men and women more similar in their experience and life situations, the measured earnings differentials are typically quite small."

What about the remaining gap, often referred to as the unexplained statistical residual? Economists Solomon Polachek and Claudia Goldin suggest that different expectations of future employment, or human capital investment, may explain the residual. In other words, since 80 percent of women have children, they may plan their careers accordingly, often seeking employment in fields where job flexibility is high and where job skills will deteriorate at a slower rate. This allows them to move in and out of the workforce with greater ease, or to shift from full-time to part-time work, if they so choose. But job flexibility frequently comes at the cost of lower wages in these fields.

Tenure and experience are two of the most important factors in explaining the wage gap. According to the U.S. Bureau of the Census, women on average spend a far higher percentage of their working years *out* of the workforce than men. As demonstrated by economists such as Francine Blau, Andrea Beller, David Macpherson and Barry Hirsch, this means that upon returning to the workplace, women will not earn as much as their male or

female counterparts who have more uninterrupted experience.

There are reasonable explanations for the differences in average wages between men and women. First, in the 1960s and 1970s women received fewer undergraduate, graduate, and professional degrees than men. It was only in 1982 that women began to

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earn more than half of B.A. and M.A. degrees, as they continue to do today. In 1970 women earned about 5 percent of all law and business degrees awarded, compared with about 40 percent today. These 1970 graduates are now highly paid professionals at the peak of their earning potential, and many more of them are men than women.

Second, many women still choose to major in specialties which pay less. Women get more degrees in public administration and communications and fewer degrees in math and engineering.

Third, many women choose jobs that enable them to better combine work and family, and these pay less than those with rigid or extensive hours. Even in higher-paying professions such as medicine, many women choose to go into pediatrics, psychiatry,

and family practice, all lower-paying fields than surgery, which is more demanding in terms of hours.

Many studies link increased numbers of children with decreased earnings. Professor Jane Waldfogel of Columbia University compared the gap in wages between men and women with the same education for two groups, mothers and women without children. She found that in 1991, women without children made 95 percent of men's wages, but mothers made 75 percent of men's wages. The difference can be explained by choices of occupations and hours worked, two variables which were not included in her study.

Naturally, there are different explanations for these data. One is that children take time away from women's careers, both in terms of time out of the workforce to bear the children and in terms of time put into work effort afterwards.

A second explanation is that women who qualify for high-paying jobs—who major in business or math, or who go to the trouble of getting professional training, for example—quite naturally choose to work more. With a high-paying career, it is more tempting to delay having children, or have fewer of them, or none at all.

Of course, many people would say that there is a third explanation: employers discriminate against married women. So wives are paid less for the same work or are forced into positions of low pay. But data show that employers do not pay unmarried women less: why should the employer care if a woman is married? If employers were against marriage, they would pay married men less. But data show that married men are paid more than unmarried men.

If women were systematically discriminated against, as some assert, then some entrepreneur would be able to step forward and take advantage of this. We would see that firms hiring only mothers would make

larger profits than others. In the same way, if women were truly paid only 74 cents on a man's dollar, then a firm could fire all its men, replace them with women, and have a cost advantage over rivals. We do not observe this happening.

Since average wage gaps occur naturally in labor markets for reasons described above, the only way to get rid of such gaps is to require not equal pay for equal work, but equal pay for different jobs. That is called "comparable worth," and it aims to eradicate differences in pay across male- and female-dominated occupations. In 1999 comparable worth has been proposed by President Clinton in his Equal Pay Initiative, by Senator Harkin in his Fair Pay Act, and by Senator Daschle and Representative DeLauro in their Paycheck Fairness Act.

Under comparable worth plans, a job's worth would be measured by having officials examine working conditions and the knowledge or skill required to perform a task. These officials would then set "wage guidelines" for male- and female-dominated jobs. These criteria not only favor traditionally female occupations over male ones, but favor education and white-collar jobs over manual, blue-collar work. Neither experience nor risk, two factors which increase men's average wages relative to those of women, are included as job-related criteria. And men's jobs are more dangerous—ninety-two percent of workplace deaths are male.

The AFL-CIO/IWPR study calculated the cost of alleged "pay inequity" caused by the predominance of women and men in different occupational categories. The study compared the wages of workers in female-dominated occupations with those in non-female-dominated occupations. The workers had the same sex, age, race, educational level, marital and parental status, and urban/rural status; they lived in the same part of the country and worked the same number of

hours; and they worked in firms of the same size in the same industry. The study concluded that women were underpaid by \$89 billion per year because of occupational segregation. Without sex, race, marital and parental status, and firm and industry variables, this figure rose to \$200 billion per year.

The study boasts an impressive list of variables, but it leaves out two major factors. First, it omits the type of job, saying in a footnote that "no data on the content of the jobs (the skill, effort, and responsibility required by workers who hold them nor the working conditions in which they work) are available" in the data set used. Second, it leaves out the field of education. It is meaningless to say that the earnings of a man or a woman with a B.A. in English should be the same as the earnings of a man or a woman with a B.A. in math. So the study compares workers without regard to education or type of work: secretaries are being compared with loggers, bookkeepers with oil drillers. Such numbers do not present an accurate estimate of wage gaps, and illustrate the difficulties of implementing the comparable worth proposals suggested by legislators.

Advocates of comparable worth deny that they support a centrally-planned economy, and say that all they want to do is stop discrimination against women. But a preference for more time at home with less pay and less job advancement over more time at work with more pay and advancement is a legitimate individual choice for women. Similarly, the choice of some men to retire early and forego additional earnings, a continuing trend, does not prove inequality between young and old. Neither of these phenomena is a policy crisis calling for government interference.

One of the greatest harms that feminists have inflicted on American women is to send the message that women are *only* fulfilled if their salaries are equal to men's, and that a preference for more time at home is some-

how flawed. Neither men's nor women's education and job choices prove social inequality.

The main question in the wage gap debate is whether individuals or employers will bear the costs of women's personal choices, such as majoring in subjects which command lower salaries, and taking time off to raise children. The practical consequences of forcing employers to bear these costs include less hiring—fewer jobs and more machines. In an international economy that means more jobs abroad instead of at home. Women's wages made the biggest strides in the 1980s, a time of strong economic growth but one in which the minimum wage shrank in real terms and affirmative action enforcement was not a priority. There are also issues of fairness. Artificial increases in working women's wages at the cost of lower salaries for men, or higher prices in stores, hurt non-working women who rely on men's incomes. And why stop at comparable worth for men's and women's jobs? Why not have it for jobs between blacks and whites, or the disabled and the healthy, or tall and short people?

The average wage gap is not proof of widespread discrimination, but of women making choices about their educational and professional careers in a society where the law has granted them equality of opportunity to do so. Comparable worth promotes a dependence for women, and a reliance on government for protection. Given women's achievements, such dependence is unnecessary. American women enjoy historically unparalleled success and freedom, and the progress they have made in the past half century will continue. ☐

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Women are Paid Less— They and Their Families Deserve Pay Parity

By Heidi Hartmann

Equal pay is a bread-and-butter issue for America's working families. Two-earner families are the norm among today's married couples, and a growing number of single women provide all or most of the support for themselves and their children. Yet women today earn on average only 74 percent of what men earn.

A recent report, *Equal Pay for Working Families*, researched by the Institute for Women's Policy Research (IWPR), shows that America's families lose a staggering \$200 billion of income annually to the wage gap. Each family with a working woman loses an average of more than \$4,000 every year because women suffer from low pay. And, for women of color who experience a pay gap of 63 percent (African Americans) and 54 percent (Latinas) compared with white Anglo men (for full-time, year-round work), the dollar cost of inequality is even larger, approximately \$5,000 for African American women and \$6,000 for Latina women and their families.

Given this family budget gap caused by pay inequity, it is particu-

larly stinging to working women when the wage gap is discounted as non-important or even non-existent. In their recent book, *Women's Figures*, co-authors Diana Furchtgott-Roth and Christine Stolba tell American women that the pinch they feel in

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their pocketbooks doesn't really exist. They say there are plenty of good reasons for women to earn less than men, such as their own preferences, and they dismiss the findings of many economists (including myself) that women still face substantial wage discrimination in the labor market.

The 74 percent figure, which Furchtgott-Roth and Stolba dismiss as

misleadingly large, comes from using government data (the Current Population Survey) to compare all men and women who work full-time year-round, regardless of which jobs they work in or the attributes they bring to the labor market. We all know that, despite considerable progress in integrating many occupations, women and men still tend to work disproportionately in different jobs—male truck drivers and female secretaries, for example. Men still bring (on average) more (and different) education into the labor market and have accumulated more years of experience, all factors which affect productivity on the job and therefore, legitimately affect wages.

But is a wage gap figure that reflects all this misleading? No. The wage gap is a valid indicator of economic inequality between women and men. It accurately reflects men's and women's different life probabilities of having equal access to earnings from employment. It is a number that is used routinely not only by the US government but by governments around the world. In fact, since the usual wage gap figure excludes

women and men who work part-time (and more women work part-time than men do), it understates gender-based economic inequality. The Canadian government includes part-timers and calculates a wage ratio of 65 percent; in the US a similar calculation results in a wage ratio of 62 percent rather than the 74 percent commonly used.

The common use of the wage gap as a measure of inequality reflects an understanding that, in a perfect world, where all children could get as much education as they wanted in an environment free from stereotyping and where women had as much freedom as men to choose occupations regardless of family responsibilities (because men did an equal share of child care and because subsidized high-quality child care and paid family leave were available to all), women and men would pursue more similar educational tracks and make more similar choices about how much time to spend in and out of the labor market. In other words in a more perfect world, men's and women's choices and opportunities would be more equal and their wages would also be more equal. In fact, a 100 percent wage ratio between women and men is a reasonable goal to work toward. As a society, beginning with a wage ratio of 57 percent in 1959, we are nearly two-fifths of the way toward achieving this goal (since the wage ratio now stands at 74 percent, and 74 percent is about two-fifths of the way from 57 percent to 100 percent).

Studies that do investigate some of the factors that cause the gender wage gap and try to isolate the effects of productivity-related factors, such as education and time spent in and out of the labor market, repeatedly show that one-quarter to one-half of the overall gender pay gap cannot be explained by such legitimate factors. Many economists conclude that labor market discrimination accounts for

much of the unexplained portion. Thus, of the 26 percent average remaining pay gap, perhaps about 9 to 13 percentage points are unexplained by anything else and are likely to be due to continuing discrimination.

Studies that try to isolate the effects of productivity-related factors show that one-quarter to one-half of the overall gender pay gap cannot be explained

A 1998 report by the President's Council of Economic Advisers, *Explaining Trends in the Gender Wage Gap*, estimates that as of the late 1980s, when the most recent comprehensive study was done, the unexplained portion of the wage gap stood at 12 percentage points, having fallen from as much as 22 percentage points in earlier years when the overall wage gap was much larger. Progress has clearly been made in reducing discrimination against women in the labor market, but few economists believe discrimination has been entirely eliminated.

The figures from IWPR's report *Equal Pay for Working Families* given at the outset take into account differences in years of education, age, and

hours worked between women and men and thus control for some of the productivity-related differences between women and men in the labor market. Therefore, much of the approximately \$4,000 loss per woman due to unequal pay estimated in this study probably stems from discrimination, either in wage rates or in hiring, job placement, or promotion.

And what of *Women's Figures'* 98 percent figure — the much ballyhooed claim that young women earn only 2 percent less than young men? This figure is misleading at best. It is based on a comparison of women and men age 27-33 who have never had a child, from unpublished research by economist June O'Neill—a summary of which appeared in an opinion piece she wrote for the *Wall Street Journal* five years ago. In her unpublished paper, O'Neill claims that these groups of young men and women who never had a child are similar in unmeasurable qualities related to their productivity, such as commitment to their job and work intensity. But are they? Women who have never had a child by that age are likely to be especially committed to work and career since the median age for a first childbirth is 23.9 years in the United States. Men without children by that age may be more likely than the women to be drop-outs, low rather than high achieving males, since for men, having a family and children is a mark of their economic success. So this figure probably does not compare equals at all, but rather highly committed and work-oriented women to much less committed men. Perhaps, in the absence of discrimination these women should be earning more than the men to which they are inappropriately compared!

But the most telling aspect of the *Women's Figures'* claim is that it seems to imply that such a small proportion of the labor force should be the norm. When the vast majority of women and men marry and have children,

why imply that to have wage equality with men, women must forego marriage and childbearing? The reality today is that the vast majority of women and men are combining work and family and do not wish to give up either. Surely that should not be required. Perhaps because they have implemented pay equity policies and provide much better supports for working families, such as more and better child care and paid and extended family leaves, many other countries are enabling women to achieve greater equality with men in earnings. The United States can and should do better.

Despite the fact that women are increasingly working outside the home and increasingly choosing similar careers to men's (women are earning almost 40 percent of the MBA's and more than 40 percent of law and medical degrees, for example), evidence of discrimination in the U.S. labor market is still ample. Recent case studies of scientists at the Massachusetts Institute of Technology and lawyers who are members of the New Hampshire bar found pay differences that could not be explained by differences in qualifications, age, or experience. In New Hampshire, more than \$17,000 in average annual pay differences between full-time male and female lawyers remained unexplained. At MIT, the president of the university said, "I have always believed that contemporary gender discrimination within universities is part reality and part perception. True, but now I understand that reality is by far the greater part of the balance." MIT has taken corrective measures.

Several new studies of the entire labor force, referenced in the Council report, also document substantial unexplained differences in pay. Workers in the 1990 Census were matched to data about their employers; fully one quarter of the wage gap was found to be the result of pay differences between women and men

working in similar jobs and establishments. Using a similarly large matched data set, a National Bureau of Economic Research Working Paper reports that women were 85 to 96 percent as productive as men but were paid only 66 to 68 percent as much as men.

Virtually no one claims that the

The wage gap accurately reflects men's and women's different life probabilities of having equal access to earnings from employment

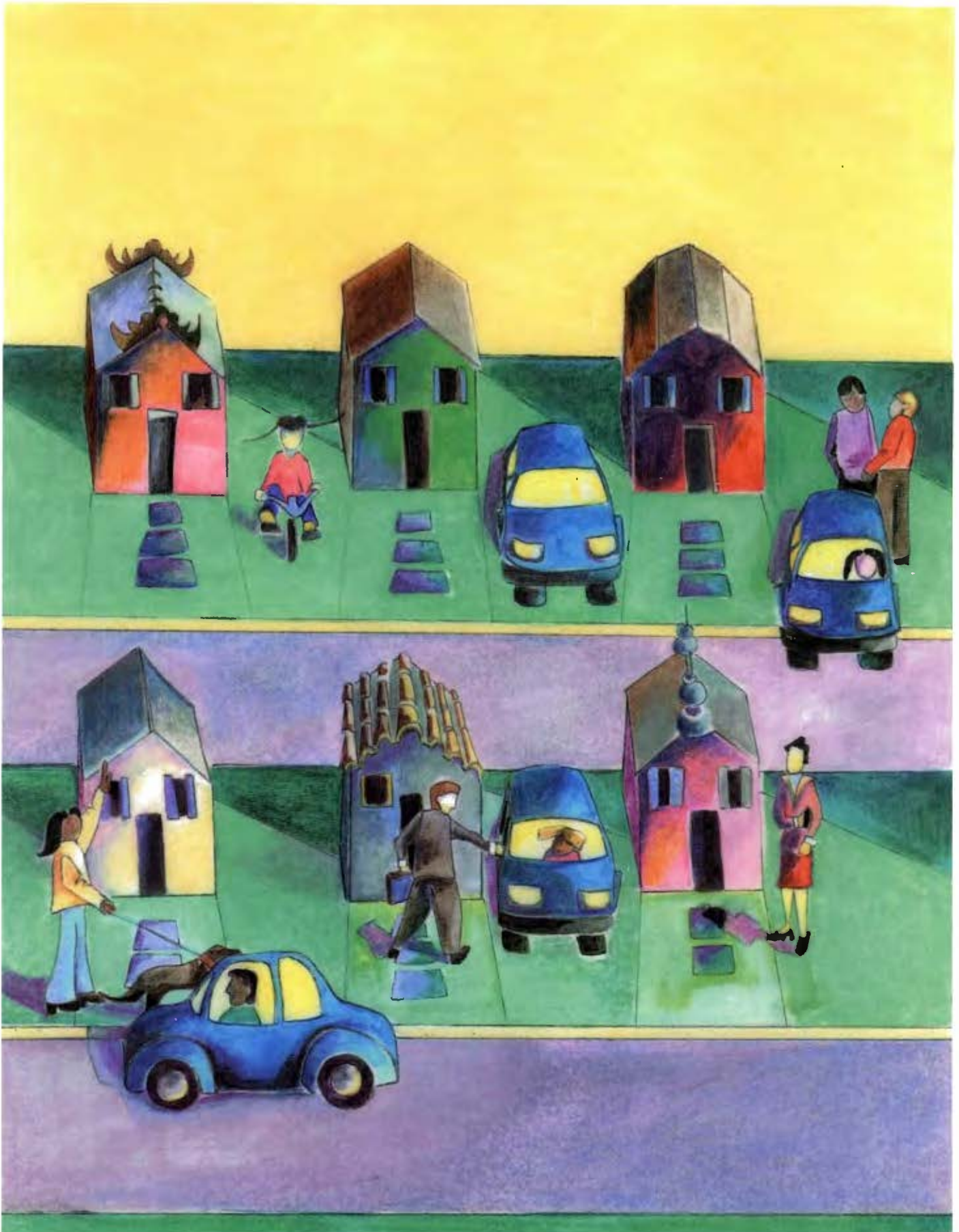
entire pay gap between women and men is due to discrimination, and virtually no serious scholar claims that none of it is. The evidence is simply too overwhelming that discrimination continues to play a significant part in the labor market, to the detriment of women and their families.

The real story of the gender gap is that most of the progress that was made in narrowing the gap occurred in the 1980s. Progress has been much slower in the 1990s. Government action—stronger enforcement of our equal pay and equal opportunity laws and new laws to ensure equal pay for jobs of equal value—is very much needed to get the wage gap closing again. Perhaps that's why some try to convince women there is no problem. No problem means no intervention,

and businesses, schools, and the traditional division of labor in the family can all continue unmolested, perpetuating the status quo forever.

With stronger government action, girls can continue to gain access to math and science classes, to competitive athletic scholarships, to training programs in skilled crafts, and to business and professional schools, and women can continue to gain access to better paying jobs and promotional opportunities and receive fair pay for the work they do. Today women have virtually the same legal rights as men and are increasingly exercising their political power, yet their economic rights lag behind. It is past time for women to attain full equality. Our society, economy, communities, and families will all benefit. ☐

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Heidi Hartmann, Ph.D., is the president and director of the Institute for Women's Policy Research and a 1994 MacArthur Fellowship winner for her "pioneering work in the field of women and economics."





A Nation of Minorities: America *in* 2050

By Farai Chideya

America is facing the largest cultural shift in its history. Around the year 2050, whites will become a “minority.” This is uncharted territory for this country, and this demographic change will affect everything. Alliances between the races are bound to shift. Political and social power will be re-apportioned. Our neighborhoods, our schools and workplaces, even racial categories themselves will be altered. Any massive social change is bound to bring uncertainty, even fear. But the worst crisis we face today is not in our cities or neighborhoods, but in our minds. We have grown up with a fixed idea of what and who America is, and how race relations in this nation work. We live by two assumptions: that “race” is a black and white issue, and, that America is a “white” society. Neither has ever been strictly true, and today these ideas are rapidly becoming obsolete.

Just examine the demographic trends. In 1950, America was nearly 85 percent non-Hispanic white. Today, this nation is 73 percent non-Hispanic white, 12 percent black, 11 percent Hispanic, 3 percent Asian and 1 percent Native American. (To put it another way, we’re about three-quarters “white” and one-quarter “minority.”) But America’s racial composition is changing more rapidly than ever. The number of immigrants in America is the largest in any post-World War II period. Nearly one-tenth of the U.S. population is foreign born. Asian Americans, the fastest-growing group in America, have begun to come of age politically in California and the Pacific Northwest (where a Chinese American is governor of Washington State). And the Census projects that the Latino Americans will surpass blacks as the largest “minority” group by 2005.

Yet our idea of “Americanness” has always been linked with “whiteness,” from tales of the Pilgrims forward. We still see the equation of white=American every day in movies and on television (where shows like “Mad About

You,” set in majority-“minority” New York, have no non-white main characters). We witness it in the making of social policy. (The U.S. Senate is only 4 percent non-white—though over 20 percent of the country is.) We make casual assumptions about who belongs in this society and who is an outsider. (Just ask the countless American-born Asians and Latinos who’ve been complimented on how well they speak English.)

“Whiteness” would not exist, of course, without something against which to define itself. That thing is “blackness.” Slavery was the forging crucible of American racial identity, setting up the black/white dichotomy we have never broken free from. The landmarks of American history are intimately intertwined with these racial conflicts—the Civil War, Jim Crow, the Civil Rights movement. But today, even as America becomes more diverse, the media still depicts the world largely in black and white. The dramas and sitcoms we watch are so segregated that the top-10 shows in black households and the top-10 shows in white households

barely overlap. Or examine the news media. The three-year long coverage of the O.J. Simpson trials portrayed a nation riven by the black/white color line. And when "Nightline" did a first-rate series on race, it still didn't cover the true range of diversity but "America in Black and White." Race is almost always framed as bipolar—the children of slaves vs. the children of slaveowners—even when the issues impact Asians, Latinos and Native Americans as well. School segregation, job integration—they're covered in black and white. Political rivalries, dating trends, income inequalities—they're covered as two-sided dilemmas as well.

Everyone gets exposed to media images of race. Kids who have never met an African American will learn about slavery in school, listen to rap or R & B, and read an article on welfare reform or the NBA. It's only human nature to put together those pieces and try to synthesize an idea of what it means to be "black." The media and pop culture have such a tremendous power in our society because we use them to tell us what the rest of the society is like, and how we should react to it. The problem is that, too often, the picture we're getting is out of kilter.

If you're not black and not white, you're not very likely to be seen. According to a study by the Center for Media and Public Affairs, the proportion of Latino characters on prime-time television actually dropped from 3 percent in the 1950s to 1 percent in the 1980s, even as the Latino population rapidly grew. Asian Americans are even harder to find in entertainment, news, or on the national agenda, and Native Americans rarer still. How we perceive race, and how it's depicted in print and on television, has less to do with demographic reality than our mindset. National opinion polls reveal that, in the basest and most stereotypic terms, white Americans are considered "true" Americans; black Americans are considered inferior Americans; Asians and Latinos are too often considered foreigners; and Native Americans are rarely thought of at all.

The media's stereotypic images of race affect all of us, but especially the young Americans who are just beginning to form their racial attitudes. I call the young Americans coming of age today the Millennium Generation. These 15-25 year olds are the most racially mixed generation this nation has ever seen—the face of the new America. As a group,

US Population Racial and Ethnic Group Trends

The U.S. is becoming increasingly diverse. Under the "middle" projection envisioned by the Census Bureau, which incorporates the most likely future scenarios in fertility, mortality, and immigration rates, a

majority of the U.S. population will belong to minority groups sometime shortly after 2050 (see Figure 1.)

The largest absolute growth will be in the Hispanic population. They will outstrip blacks as the

Nation's largest minority group by 2010. After 2020, they will add more each year to the population than all other ethnic/racial groups combined. Their numbers are anticipated to rise 32 million by 2050, when they

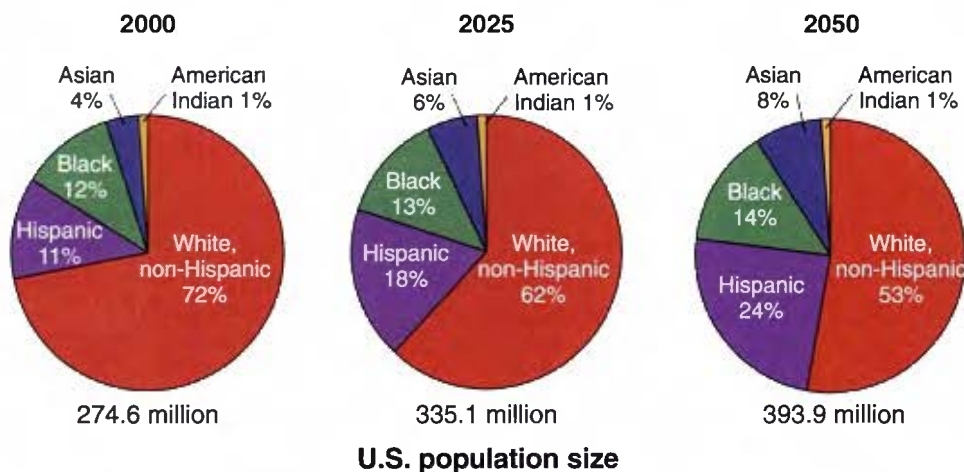
will constitute 24 percent of the US populace.

In proportional terms, however, Asian and Pacific Americans are the fastest growing group. They will have doubled their proportion of the populace (and nearly quadrupled their absolute number) by the middle of next century. That translates to an annual growth rate over 2.5 percent. (By contrast, the US population did not grow by 2 percent even during the baby boom.)

Blacks will see their numbers nearly double to 61 million people. After 2016, more blacks than non-Hispanic whites will be added to the population each year.

Whites will see the smallest net gain over this period. In fact, from 2030-

Figure 1:
U.S. Population by Race and Ethnic Group, 2000, 2025, and 2050



Note: This medium series projection assumes annual net immigration of 820,000.
Source: U.S. Bureau of the Census, Current Population Reports P25-1130 (1996).

they are 60 percent more likely to be non-white than their parent and grandparent generations, those American Baby Boomers aged 35 and older. No less than one-third of young Americans aged 15 to 25 are black, Latino, Asian or Native American. While the older generations largely rely on the media to provide them with images of a multi-ethnic America, this generation is already living in it.

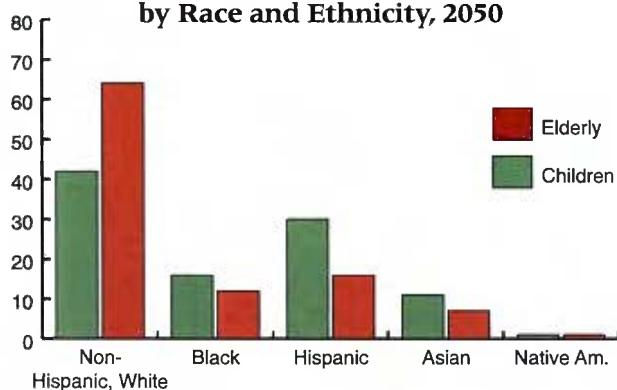
The Millennium Generation

The teens and twenty-somethings of the Millennium Generation are the true experts on the future of race, because they're re-creating America's racial identity every single day. They're more likely to interact with people of other races and backgrounds than other generations, and they've grown up seeing multi-ethnic images. Critically important, a third of this generation is non-white, not just black but Asian, Latino, Native American and multi-racial. Yet the rhetoric which they hear about race clashes abruptly with the realities of their lives. 1990s-style conservatism (led by the "Republican Revolution" which swept Congress in 1994) has included a healthy dollop of anti-immigration

and anti-multicultural rhetoric. Politicians (and parents) of every political persuasion tend to cast the race debate in black and white, but the truth of this generation's lives is far more complex and colorful.

The members of the Millennium Generation defy the easy racial stereotypes. Take an issue as heated as illegal immigration—and the life of an Oakland teen named Diana. Serious and thoughtful, with hopes of going on to college, the Mexican immigrant has lived most of her life in California. She's more familiar with American culture (not to mention more articulate in English) than most teens. But she doesn't have a green card, and her chances of pursuing her college dreams seem slim. Her dad has a green card and two of her four siblings are U.S. citizens because they were born in the United States. Diana was born in Mexico. So, even though she came to the U.S. at the age of two, Diana will have a nearly impossible time getting citizenship unless she finds the money to hire an immigration lawyer to fight her case. It would be easy to think of Diana as some kind of anomaly, but she's not. Countless undocumented immigrants have spent the majority of their lives in this country.

Figure 2:
Percentage of Children & Elderly
by Race and Ethnicity, 2050



2050, the non-Hispanic white population will decline in absolute as well as relative size.

These trends are even more remarkable if they are disaggregated by age and State of residency. A majority of children (under 18) will belong to minority groups sometime after 2030. By 2050, 58 percent of children will be

minorities. By contrast, 66 percent of the elderly (over 65) will be whites (see Figure 2.) Race and ethnicity may exacerbate the inter-generational conflicts that are anticipated as social security, Medicare, and other social contracts are renegotiated.

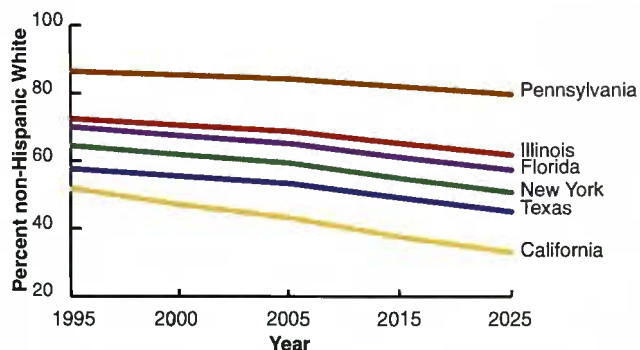
Today, only New Mexico, Hawaii, and the District of Columbia have

majority minority populations. California, which will remain the Nation's largest state, is expected to become majority minority this year. By 2025, only one third of California's population will be white. Less dramatic changes are expected for most other states, including Texas, Florida, New York, and Illinois (see Figure 3.)

Fueling these demo-

graphic transformations has been a vast rise in immigration, which accounts for over a third of the current population growth directly and a high percentage of its growth indirectly, as first and second generation Americans are generally more fertile than average. Today about one million immigrants arrive each year and one out of ten Americans was

Figure 3:
Selected State Population Trends to 2025



And in California alone, there are over a million residents who belong to families of mixed immigration status. Another flashpoint is the battle over affirmative action. Berkeley student LaShunda Prescott could be portrayed as a case of affirmative action gone awry, a black student admitted to a school she wasn't ready for. An engineering student, LaShunda dropped out of Berkeley twice before graduating. But during that time she looked out for a drug-addicted sister, took care of one of the sister's children, and dealt with the death of one family member and the shooting of another. In context, her circuitous route through college is not a failure but a triumph.

LaShunda's schoolmate Steve Mohebi shows another side of the new racial dilemmas. The vice president of the Berkeley College Republicans, he defends, even promotes, recruiting in fraternities where "minorities are not welcome." What's new is not the sentiment, but the fact that Steve himself isn't even white. Nor is he black. He's Middle Eastern, a Persian immigrant. The lives of people like Diana,

LaShunda and Steve are compass points on a map of America's complex social terrain. If we want to understand where America is headed, we've got to take a look at where this generation is today—and how they differ from the generations of the past.

A Splintering Divide

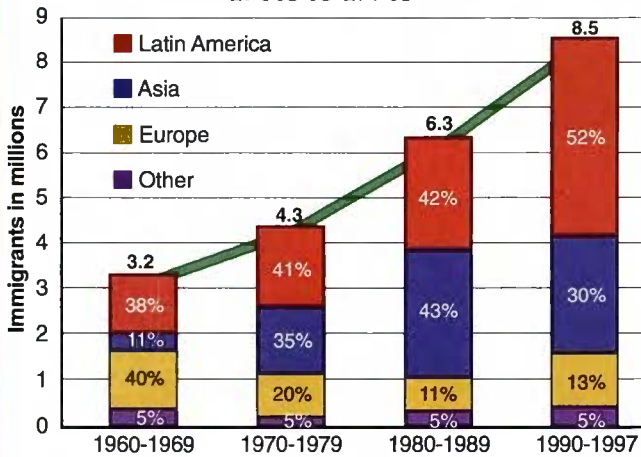
Young Americans like these illustrate a fault line in the race debates that most of us don't even think about: a massive generation gap. On the one hand, America is led by Baby Boomers and people from the generations that came before them. These movers and shakers in government and industry came of age before and during the Civil Rights era, while America was dealing with (and reeling from) the struggles of blacks to gain legal equality with whites. When they grew up, America was much whiter, both demographically and culturally. The most powerful images of the era show the divide. The top movies and television shows excluded blacks, and our archives are filled with photographs of

born abroad. (No one knows for sure how many unauthorized immigrants there are, but estimates suggest around 225,000 arrive each year and that they now number over 5 million.)

The current migration flows stem from a 1965

immigration law passed during the height of the civil rights movement, which abolished national quotas explicitly favoring northern and western European immigrants. Instead, it instituted a complex system that prioritized three groups of

**Figure 4:
U.S. Immigrants by Region of Birth
1960s to 1990s**



Note: The total for 1990 to 1997 includes 2.2 million immigrants who were legalized in 1987 and 1988 and granted immigrant status in the early 1990s. The sum of the percentages may exceed 100 because of rounding.

Source: Immigration and Naturalization Service, Annual Report, no. 1 (January 1999), and Statistical Yearbooks from 1970.

**Figure 5:
Immigration to the United States, 1820-1997**



Note: IRCA refers to the amnesty provisions of the Immigration Reform and Control Act of 1986, under which 2.7 million unauthorized foreign residents were transferred to legal immigration status.

Source: Immigration and Naturalization Service, Annual Report, no. 1 (January 1999), and Statistical Yearbook, 1996 (1997): Table 1.

foreigners: family members of U.S. citizens; those with needed job skills; and (a small number of) refugees. As scholars Philip Martin and Elizabeth Midgley have observed, the law had an unintended impact: "The main countries of origin

for U.S. immigrants shifted from Europe to Latin America and Asia" (see Figure 4.)

There have been three great waves of immigration to the United States after the arrival of north and western European settlers. Each brought

black and white youth during the Civil Rights Era, such as the stormy desegregation of Little Rock High.

On the other hand, Americans in their teens and twenties are coming of age at a time which seems less momentous than the Civil Rights Era, but is even more complex. This generation sees firsthand evidence in their own schools and neighborhoods that America is becoming less white and more racially mixed. Yet the court battles of today aren't over providing legal equality for African Americans; they're about whether to keep or end programs like affirmative action, which were set up to achieve civil rights goals. The cultural battles loom even larger than the legal ones, from the debate over multiculturalism on campus to issues like inter-racial dating. America's pop culture today is infinitely more likely to show blacks as well as whites (though other races often remain unseen). The billion-dollar hip hop industry, produced by blacks but driven by sales to young fans of all races, is one indicator of the cultural shift. Even more significant,

eighty percent of teens have a close friend of another race.

Young Americans today aren't just on one side of a generation gap. They ARE a generation gap, the core of a massive transition. America has been a majority-white nation obsessed with black and white issues. And America is becoming a "majority-minority" nation with a multi-racial and multi-cultural population. The problem is that, in some ways, we're neither here nor there. We haven't left the first model behind, nor fully embraced the second. A moment emblematic of the tensions between the black/white and multi-ethnic views of America occurred in 1997, when President Bill Clinton convened a seven-member advisory board on race relations. One of the members, Korean American attorney Angela Oh, announced that she thought the board shouldn't waste too much time analyzing slavery and race relations via "the black-white paradigm." "We need to go beyond that, because the world is about much more than that," she said.

populations regarded under the prevailing ethos as unassimilably alien; and each was accompanied by a sometimes perfervid debate over the newcomers' traits and abilities (see Figure 5.) The current migration flow is as large as the previous one in absolute terms, but in comparison to the size of the contemporary US population, it is considerably smaller.

If immigration were

dramatically reduced or even eliminated, the projected ethnic/racial balance in 2050 would be significantly different from what it would be otherwise. Under low and no immigration scenarios, the proportion of non-Hispanic whites would rise from 53 percent to 56 and 61 percent, respectively (see Figure 6.) However, the general trend would still be toward a substantial increase in the per-

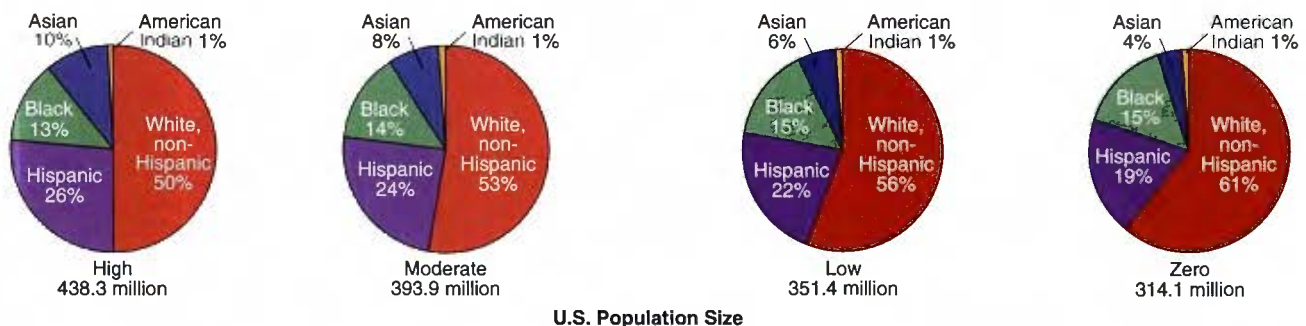
centage of minorities, with the Nation achieving majority-minority status within an additional generation or so.

One variable may attenuate the growth of racial and ethnic divisions: the rate of out-marriage. Already, some Asian/Pacific Islander American groups are out-marrying at rates similar to Jewish Americans, at nearly 50 percent. America's racial lines will

become ever more blurred if that trend continues. The question then would be how to count all the Iraqi-Nigerians, Chinese-Brazilians and other exotic blends this country of exogamous immigrants will increasingly produce—or whether such identities will even matter as much as they do today.

—Editor

Figure 6: U.S. Population Projections under Alternative Immigration Scenarios



Note: High population projection assumes annual net immigration of 1,370,000 people per year; Moderate projection assumes annual net immigration of 820,000 people per year; Low projection assumes annual net immigration of 300,000 people per year; Zero projection assumes annual net immigration of no people per year. Source: U.S. Bureau of the Census, Current Population Reports P25-1130 (1996).

"We can't undo this part of our heritage. But what we can affect is where we are headed." Oh is in her early forties and grew up in Los Angeles, a multi-racial city with strong ties to Asia, Mexico and Latin America. She became a spokesperson for Korean shopkeepers looted after the Rodney King verdict, and serves on the Los Angeles Human Rights Commission. Even though she's a Baby Boomer, she grew up in one of the nation's most multi-ethnic enclaves, and thinks along those lines.

But esteemed African American historian John Hope Franklin, professor emeritus at Duke University, responded sharply to Oh's request. "This country cut its eye teeth on black-white relations. Without knowledge of the past, we cannot wisely chart our course for the future," he said. Franklin was born in Oklahoma in 1915. Unlike Oh, he's seen Jim Crow and the Civil Rights movement firsthand.

Of course, Franklin and Oh are both right. No one can deny that slavery created both racial income inequalities and the American concept of "blackness" (including the stereotypes of intellectual inferiority) which exist to this day. But we can't think that studying black and white relations alone will give us the keys to a better future. That future will come in many colors, not in monochrome. But we can't forget the economic disparities between blacks and whites during this time of transition. Many blacks and whites fear (with some justification) that in a "multi-racial" America, blacks will simply be pushed to the bottom of a bigger barrel. It doesn't help matters that America's non-white groups have so much trouble learning to cooperate. In cities as far flung as New York, Washington, Houston, Chicago, Los Angeles and Oakland, there have been tensions between Latinos and blacks, or blacks and Asians, or all three groups at once. In Houston and Oakland, blacks and Latinos battled for control of the school systems; in Los Angeles and New York, blacks and Asians warred over who should profit from shops in the 'hood. But Mexican Americans have joined blacks as scapegoats of the affirmative action wars, and Asians have joined the ranks of those most targeted for hate crimes. While all of these groups are battling each other, they're ignoring one important fact: they're all the common enemy of people who think that one day soon, America will become "too" non-white.

The very idea that America will become "majority-minority" scares the hell out of some people. That's why we find ourselves not only at a point of incredible change, but of incredible fear. The 1990s have seen a full-scale backlash against immigrants and non-whites, both in word and in deed. As the visibility of non-whites has been rising, hate crimes have too—with attacks on increasingly visible Lati-

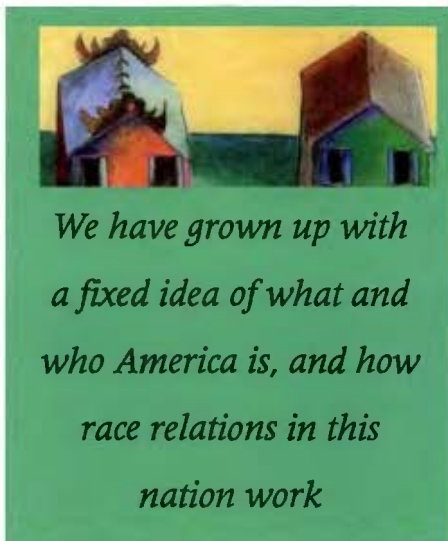
nos and Asian Americans rising the fastest. Over the 1999 Fourth of July weekend, a white supremacist named Benjamin Nathaniel Smith went on a shooting spree in Illinois, killing an African American and an Asian American, and wounding another Asian American and six Orthodox Jews. But extremists like Smith are not the only Americans clinging to prejudices. A study by the National Opinion Research Center found that the majority of whites still believe blacks to be inferior (with smaller numbers holding the same views of Southern whites and Hispanics).

The biggest backlash has been in America's policy arena. In 1997, the U.S. Congress passed and President Bill Clinton signed restrictions not just on illegal but legal immigrants. (For example, many legal immigrants are no longer eligible for government medical care.) The debate over affirmative action has turned ugly, with opponents like University of Texas law professor Lino Graglia stating that "blacks and Mexican Americans are not academically competitive with whites" because of "a culture that seems not to encourage achievement." (He later added: "I don't know that it's good for whites to be with the lower classes. I'm afraid it may actually have deleterious effects on

their views because they will see people from situations of economic deprivation usually behave less attractively.") Sadly, even the basic tenets of the Civil Rights movement are still controversial. Take Supreme Court Justice Antonin Scalia's response when asked by a law professor how he would have ruled on the *Brown v. Board of Education* case which ended legal segregation. Scalia pondered for a moment—then said he might well have decided in favor of the segregated school system.

The halls of power in America are still segregated. Many corporations and even government agencies look much like they did half a century ago, before Martin Luther King, Jr. marched to Selma. Ninety-five percent of corporate management—the presidents, vice presidents, and CEOs who run America—are white males. Or as Newsweek's article put it: "White males make up just 39.2 percent of the population, yet they account for 82.5 percent of the Forbes 400 (folks worth at least \$265 million), 77 percent of Congress, 92 percent of state governors, 70 percent of tenured college faculty, almost 90 percent of daily-newspaper editors, 77 percent of TV news directors." The image of a hostile takeover of America by non-white guerrilla forces is patently a lie.

What remains a sad truth is the racial divide in resources and opportunity. The unemployment rate is one good indicator. For decades, the black unemployment rate has been approximately twice that of whites. In 1995, the unemployment rate was 3.3 percent for whites, 6.6 percent for



blacks, 5.1 percent for Hispanics, and 3.2 percent for Asian Americans.

Recent polls indicate that most Americans know little about the profound differences separating the income, health and educational opportunities of Americans of different races. This makes a profound difference in how we think of racial issues. In a series of polls, Americans who believed that the opportunities and incomes of blacks and whites were equal were much less likely to support programs to end racial discrepancies. Too many of us try to wish the problem of race away instead of confronting it. Instead of attacking the problems of race, we seem intent on attacking non-white races, including those members of the next generation who belong to "minority" ethnic groups.

Paths for the Future

We have better options than tearing each other apart. Instead of fearing the change in American society, we can prepare for it. Here are some simple suggestions:

— *Know the Facts About America's Diversity.* Evaluate how much you know about race in America. According to an array of surveys, white Americans—who at this moment in time make up over three-quarters of the adult population—have an inaccurate view of the racial opportunity gap. Those misperceptions then contribute to their views on issues like the need for the government to address racial inequality.

— *Demand Better Media Coverage of Race.* One study which tracked a year's worth of network news coverage found that sixty percent of images of blacks were negative, portraying victims, welfare dependents and criminals. That is a far cry from the reality about the black community. The news and even the entertainment we read, listen to and watch has a tremendous influence on our perception of societal problems.

— *Foster Coalitions Between Non-White Groups.* Particularly in urban areas, it's becoming increasingly likely that various non-white groups will share the same community. For example, South Asians and Latinos live next to each other in parts of Queens, New York, and Blacks, Latinos, and Asians share the same neighborhood in Oakland, California. But even though blacks, Latinos, Asians and Native Americans often share common issues, they don't have a good track record of joining together. Every city has groups trying to make a difference. One example is Los Angeles's MultiCultural Collaborative, a group of Korean, Latino and

black grassroots organizers formed in response to the destruction following the Rodney King verdict.

— *Foster Coalitions Between Whites and Non-Whites.* Just as important as forming coalitions between different non-white groups is changing the often antagonistic politics between the racial majority (whites) and racial "minorities." One way of doing this is to bring together like-minded groups from different communities. For example, the Parent-Teacher Association from a majority-black school could meet with the PTA from a mostly-Asian school, to discuss their common goals, specific challenges, and how they might press government officials to improve education in their district.

— *Demand "Color Equality" Before "Color Blindness."* Segregation is still a pervasive problem in American society, most of all for blacks but for virtually every other race as well. But does that mean we should attempt to overcome segregation and bias by demanding a "color blind" society—one where we talk less, think less, and certainly act without regard to race. The term "color blind" has become increasingly popular, but it avoids a couple of fundamental truths. If racial inequality is a problem, it's terribly difficult to deal with the problem by simply declaring we're all the same. Moreover, do we want to be the same, or equal? Who, for example, could envision New York without a Chinatown and a Little Italy?

— *Re-Desegregate the School System.* Four decades after the Brown v. Board of Education ruling, over sixty percent of black students still attend segregated schools. In many municipalities, the statistics are getting worse, not better. The Supreme Court has consistently ruled in the past decade that even strategies like creating magnet programs in mostly-minority schools could not be used as a desegregation strategy. It would be

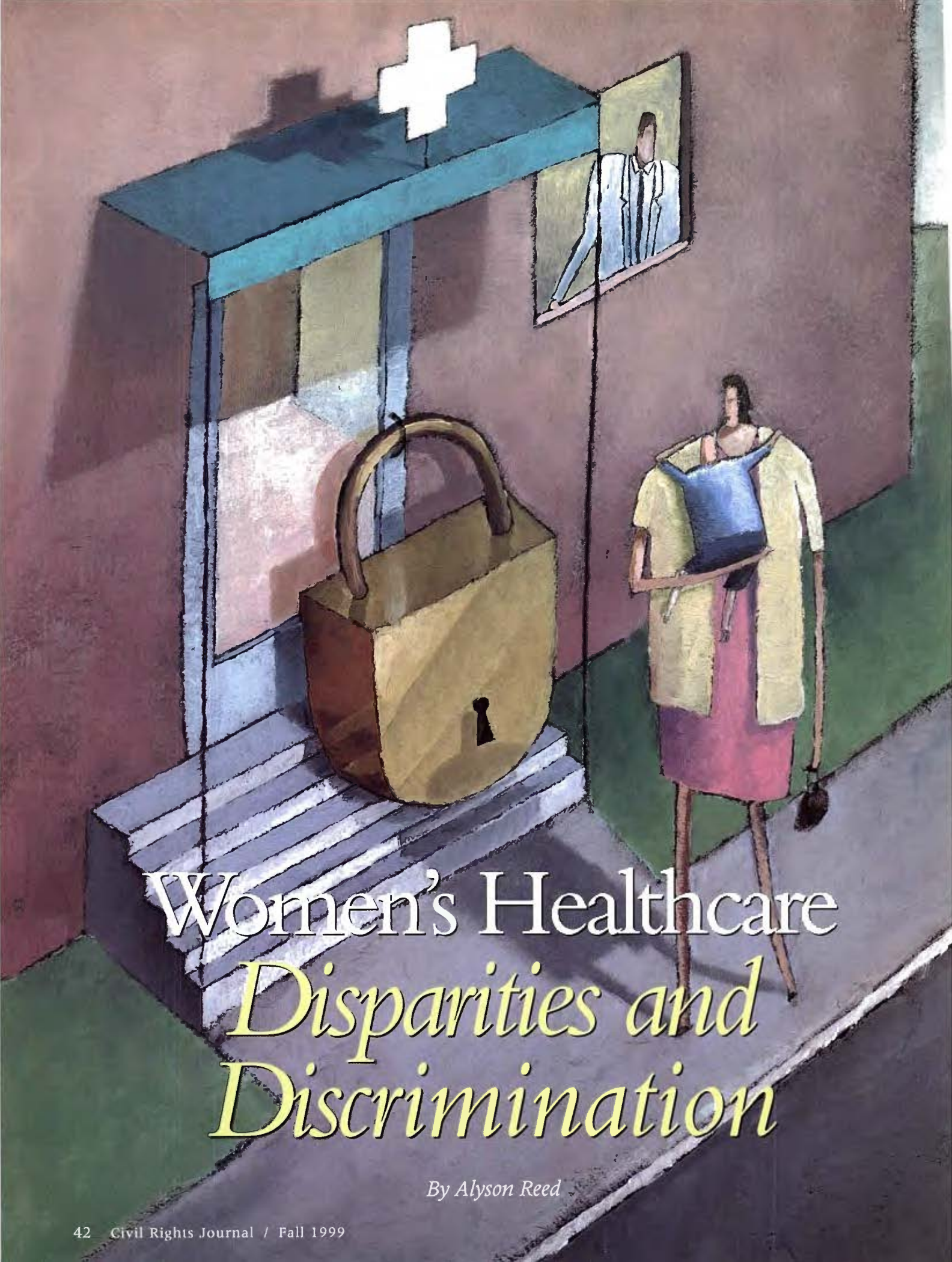
nothing less than a tragedy if at the precise moment we are becoming a more diverse country, we are steering children and teens into increasingly segregated schools.

The changes the next millennium brings will at the very least surpass and quite possibly will shatter our current understanding of race, ethnicity, culture and community. The real test of our strength will be how willing we are to go beyond the narrowness of our expectations, seek knowledge about the lives of those around us—and move forward with eagerness, not fear. ☐



America has been a majority-white nation obsessed with black and white issues. And America is becoming a "majority-minority" nation with a multi-racial and multi-cultural population. The problem is that, in some ways, we're neither here nor there.

Farai Chideya is the author of "The Color of Our Future" (William Morrow, 1999) from which this is adapted.



Women's Healthcare
*Disparities and
Discrimination*

By Alyson Reed

This article was written pursuant to the limitations relating to abortion found under 42 U.S.C. §1975a(f) in the Civil Rights Commission Act of 1983. The author regrets the limitations that this law imposes on the content and scope of this article.

Access to health care has never been treated as a basic human right in the United States and has been viewed as a *civil right* only to the extent that it is denied to individuals on the basis of their race, sex, or membership in a "protected" class as defined by law. However, it is the ability to pay that continues to be the chief determinant of whether individuals can access health care. Although hospitals may not legally turn away patients who need emergency treatment, any other type of health care service is usually preconditioned on the source of payment, be it public or private.

Any discussion of women's health disparities, and discrimination against women in the context of the U.S. health care system, therefore needs to address the economic status of women and the role that economics plays in their ability to access health care and the quality of the health care services they receive. According to a 1997 guide on women's health issues published by the Institute of Medicine (IOM), the lack of preventive services for those without health insurance coverage "creates a deadly class disparity." (The IOM was chartered in 1970 by the prestigious National Academy of Sciences to enlist distinguished members of the appropriate professions in the examination of policy matters pertaining to the health of the public.) But economic class is not the only cause of disparities or discrimination in the health care field. A number of minority groups have traditionally suffered from discrimination based on race/ethnicity, sexual orientation, disability, age, and/or immigrant status. Finally, there is the overarching issue of gender-based discrimination, which is prevalent throughout American society and affects every aspect of women's lives, including their health, both physical and mental. Clearly, economic status, membership in a minority group, and gender are all overlapping and interacting factors in determining both access to health care services and the content of health care research.

A Historical Pattern of Disparities and Discrimination

To understand gender-based discrimination in the health care field, it is important to understand the history of the U.S. health care system and women's interaction with health care providers. According to the IOM guide, "the medical enterprise, both in scientific research and in clinical practice, has traditionally viewed female lives and bodies through a lens of masculine experience and assumptions." A common medical view has been that the "female reproductive organs occupy a special realm, distinct from the body at large, and one that just happens to define their owner's essential nature." Under this model, the male body and male behavior were viewed as normative, while the

female body was viewed as "other," with particular emphasis on the reproductive tract as setting women apart from men.

Given the gender breakdown within the health care professions, this history is not surprising. Women have traditionally been care givers for their families, and this expertise is reflected by women's dominance of the nursing and midwifery professions. Meanwhile, the better paid and higher status medical profession, which has an unfortunate history of excluding and resisting women physicians, remains dominated by men to this day. For reasons based on economic competition and sexist attitudes, many male physicians denigrated the female-dominated care-giving professions and asserted their role as the "experts" on the provision of women's health care. Despite this so-called expertise, women patients were frequently ignored, mistreated, not taken seriously, or denied access to needed services. For example, early gynecologists had an unfortunate history of "treating" women for symptoms such as nymphomania, epilepsy, and nervous and psychological problems, such as hysteria, by removing the ovaries and/or amputating the clitoris. As recently as the 1970s, a popular gynecology text advised gynecologists that the greatest diagnostic aid to use when listening to women's health complaints is the ability to distinguish "fact from fancy," implying that women were not to be taken seriously.

The Modern Women's Health Movement

The approval of the contraceptive pill by the FDA in 1960 and the so-called sexual revolution which followed were profound events in the lives of women, not just for health reasons but also for their social and economic well-being. Approval of this new, highly effective contraceptive meant that women could now control their reproductive functions to an extent previously unknown. In conjunction with larger social transformations, this helped to reduce maternal mortality and morbidity rates, enabled women to pursue educational and employment opportunities not widely available earlier, and spurred a revolution in women's attitudes about their own sexuality and those of their partners. As a result of these developments, and women's frustration with their mistreatment by the male dominated health-care establishment, the modern women's health movement was born, coinciding with the larger women's liberation movement of the early 1970s. As one history of the era has written, "The women's health movement was informed by the belief that women had the right to full and accurate information concerning diagnosis, treatment, and treatment alternatives; that women should be full partners in making decisions about their health; and that they were capable of making reasonable decisions given adequate, accurate information." Women were concerned about being under-treated (for conditions traditionally associated with men, like heart disease) and about being over-treated (for conditions associated with the reproductive cycle, such as uterine cancer). The care received by pregnant women is a good

case in point. On the one hand, less than a third of uninsured pregnant women get proper prenatal care, while well-insured pregnant women suffer from many unnecessary medical interventions, such as cesarean sections, episiotomies, labor inductions and continuous electronic fetal monitoring. According to Dr. Stephen Thacker of the Centers for Disease Control and Prevention (CDC), the high rate of cesarean sections in the U.S. "is a major public health problem impacting health care delivery. Reducing the rate of cesarean section by five percent would save \$800 million that could be spent on prenatal care and preventive programs."

Disparities Persist

Despite the progress made by the women's health movement, the health status of men and women is still not equal. The IOM guide offers many examples of these disparities, both in terms of access to care, treatment, and the quality of services received. While women live longer than men, they are also sicker than men. Although a

greater percentage of girls survive through infancy and childhood, girls are at least twice as vulnerable to childhood sexual abuse as are boys, which is linked to major depression later in life. In fact, mental health disorders affect men and women in strikingly disparate patterns: women suffer more from manic depression, schizophrenia and phobias, while men have more substance abuse problems and antisocial personality disorders. Men tend to "externalize" mental distress, while women tend to "internalize" it. When it comes to screening, detection and treatment, women are frequently short-changed. For example, battering is a major factor in illness and injury among women, but is often overlooked by medical professionals. Men with AIDS are four times more likely to receive the "therapy of choice" than women, even when controlling for other factors, and treatment programs for alcoholics are usually based on the model of the male alcoholic, even though women alcoholics have very different needs and responses to treatment. For example, women are more likely to need a mental health assess-



INDIAN COUNTRY'S Hidden Healthcare CRISIS

by Mark Anthony Rolo

Although only a handful of the more than 500 Federally recognized tribes have benefited from gaming, mainstream America seems obsessed by the idea that Native Americans are basking in unmeasured wealth. The truth is that desperate conditions of poverty and unemployment remain widespread throughout Indian Country. Even worse is the deplorable state of health care in many Indian communities. While a substantial number of Americans struggle to secure affordable health insurance, Native Americans—who are three times more likely to live in poverty than other races—often cannot afford any type of health plan. And even if they could, many are denied care simply because the appropriate medical services are out of geographic reach.

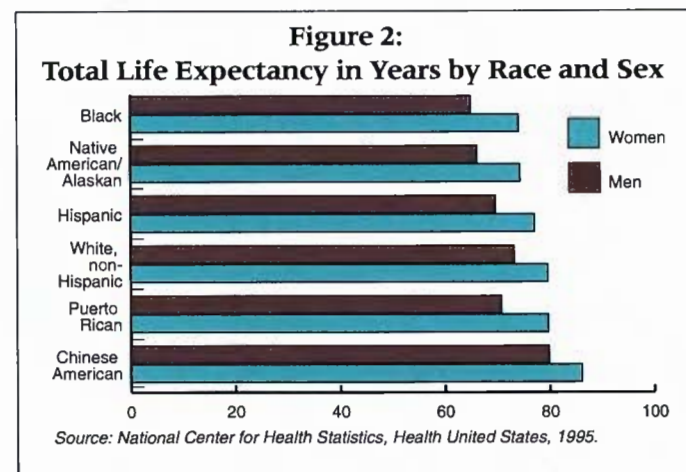
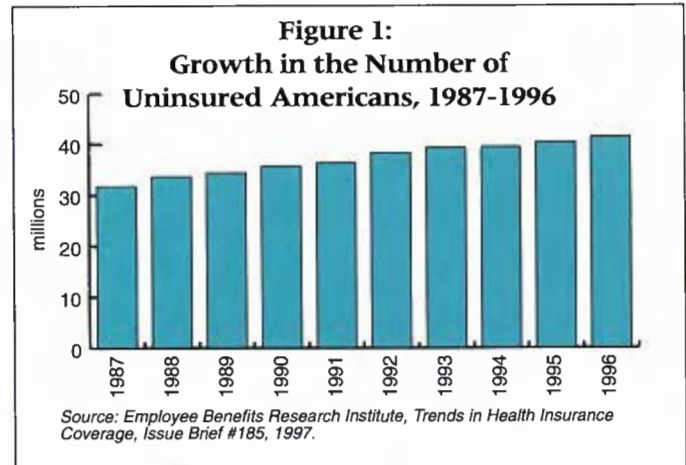
How severe is Indian Country's health crisis? For decades, Native people have suffered disproportionately from alcoholism, diabetes, obesity, mental illnesses, and suicide. While there are some indications that health conditions for Native Americans have improved significantly in recent years, they still have the shortest life expectancy and the highest mortality rates of any racial/ethnic group. Consider these trends from a recent study: While tuberculosis and gastroenteritis, once major causes of death among Native populations, have been reduced to levels very close to the levels of all races, Native people are still disproportionately at risk for such infections as meningitis, acute respiratory infections, viral hepatitis, sexually transmitted diseases and intestinal infections. The incidence of end-stage renal disease is three times higher among Natives than it is among white populations, and six times higher due specifically to diabetes. Diabetes is a particular problem to older Native Americans. For Native people 55 to 64 years of age, diabetes is the third leading cause of death, and its incidence among the young is increasing.

Indeed, the health status of Native American youth is another untold tragedy. The leading cause of death for ages 5

ment, treatment for depression, and support services, such as child care.

Due to illness, adult women spend more days confined to bed, take more time off from work, go to the hospital more, and see doctors more often, causing one expert to comment that "women don't suffer from unique conditions, they just report more of the same conditions reported by men." But this commentary cannot account for the vast disparities reported in the IOM guide, which posits that the disparities found in the health status of men and women stem from three sources: "different biologies and physiologies; divergent life courses; and unequal social statuses." Males and females have bodies that differ in important respects. They still have remarkably dissimilar experiences in growing up, during maturity, and as they age. And, despite the rapid social change of the last generation, they still play different roles in society and face different pressures and expectations. "We do not know, and perhaps never will," concludes the IOM, "just how much one's physical and mental state depends on culture and experience and how much on physiological and anatomical traits."

Perhaps the most important factor influencing health status is economic. As a group, women are far less able than men to pay for all of the health care services they need, primarily because they are paid less than men. Although a greater percentage of women are covered by some form of health plan, women more often depend on public sources of coverage than do men. As noted in the IOM guide, "Women in the childbearing years face the highest risk of



through 24 is injuries—intentional and unintentional. The second major cause is homicide. The devastating effects of alcoholism have found their mark on Indian Country's youth as well. A Native teen's chance of dying from alcoholism is *seventeen times* higher than a teen from another race. Most tragically, Native youth are more susceptible to suicide than any other group. In late 1997, the Standing Rock Lakota reservation, which spans across the North Dakota and South Dakota border, received national attention when five teens took their lives and more than 40 others attempted to do the same—all in a period of four months.

Such a tragedy is symptomatic of the underlying problems facing Native Americans. Though it is difficult to discuss and easy to misunderstand, any honest examination of the health care crisis in Indian Country must begin not with economics but with something deeper—with how the effects of conquest and colonization have touched the very souls of Native people. Conquest meant more than the taking of land and the outlawing of Native religion and languages, it also meant the denial of a positive Indian identification. Shame about being Indian has led to a debilitating sense of self-hate. Indeed, for

For decades, Native people have suffered disproportionately from alcoholism, diabetes, obesity, mental illnesses, and suicide

many Native people, the struggle for civil rights has been less about gaining the same rights and privileges as white America as it has about facing down the legacy of internalized oppression that has been handed down from generation to generation for two hundred years. Today's high rates of alcoholism, drug use, and other behavior-induced health problems can all be linked to that legacy.

That is not to say that the health problems in Indian Country are all "just" psychological, or that the Federal government doesn't have an affirmative obligation to do more. Tribal nations have a unique relationship with the U.S. government. Allowed to govern their own affairs as "nations within a nation," tribes hold a semi-sovereign status. According to century-old treaties signed between tribes and the Federal government, Indians gave up immense tracts of land in exchange for promises that the government would provide for their care. The Bureau of Indian Affairs (BIA) was created in order to handle education and other services for Indian Country. And the Indian Health Services (IHS) was created to meet the health needs of Native people.

For most of the past century, despite judicial determina-

inadequate coverage, at a time in their lives when the need is most acute." For low-income women, the lack of child care, adequate transportation, a dearth of providers willing to accept public insurance, and shortages of providers in rural and inner-city areas compound the problem of access.

These disparities in health status between men and women are further reinforced by the disparities in the area of clinical research. A major concern of the women's health movement has been that women are excluded from clinical trials. This exclusion has been based on fears among researchers that women's menstrual cycles and their potential for becoming pregnant might skew the results and/or harm the mother/fetus. Consequently, many conditions that disproportionately affect women have been understudied. Many researchers are particularly concerned about how the growing dominance of managed care has diminished the amount of private sector research funds available, leaving the government as the principal funder of health research. Unfortunately, this may result in a reversal of the improvements that have been observed in the area of women's health research in the 1990s.

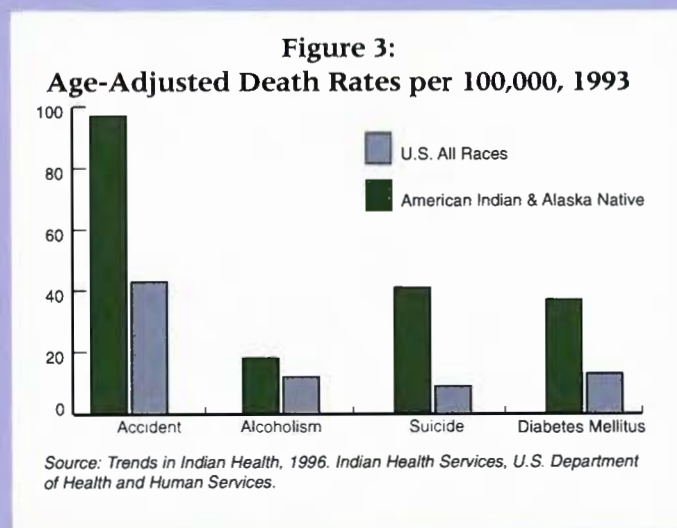
Disparities Among Women

In addition to the health disparities between men and women, there are marked disparities among different subgroups of women. To document some of these differences, the National Institutes of Health published a *Women of Color Health Data Book* in 1998 with an exhaustive compilation of

statistics relating to life expectancy, causes of death, behavior and lifestyle issues, utilization of health care services, access to health insurance and services, and morbidity and mortality rates associated with acute and chronic mental and physical conditions among women. In every category studied, significant disparities exist. In addition to the category of race/ethnicity, other studies undertaken by public and private researchers reveal that there are significant disparities in health status among adolescent, adult and elderly women, among heterosexual women and lesbians, among disabled and non-disabled women, among legal residents and illegal aliens, and perhaps most significantly, among different economic classes. These disparities intersect and overlap in ways that make it difficult to isolate their causes and thus propose remedies. For example, black women are four times more likely to die from pregnancy-related complications than are caucasian women, one of the largest racial disparities among major public health indicators.

Current Issues and Controversies

Given the disparities between men and women, and among various subgroups of women, a good deal of public attention has been focused on eliminating some of these gaps. Women's health issues have gained the attention of politicians, the media, and the health care industry, as women have flexed their economic and political muscles and become more vocal about getting access to the quality of health care they deserve. At the federal level, passage of the



tions, congressional acts and presidential executive orders that have affirmed and upheld the Federal government's responsibility to adequately provide education, health, and other services to Native Americans, terrible conditions of poverty and ill-health went unnoticed and unchallenged. Much of the neglect can be explained by the apathy of the government bureaucracy—made possible in part by the fact that Native people were nearly invisible because they were left, forsaken, on mostly isolated reservations.

It has only been in the last two or three decades, as tribes began exerting their right to stronger self-governance, that the government has begun to admit to years of inexcusable bad stewardship. Such activism by tribal nations has pushed the Federal government to start honoring Native Americans' basic rights to education and health care. And yet, even today, Indian Health Services continues to fail in its goals of providing for the physical, mental, social, and spiritual health of Native Americans. Much needed quality health care is simply not available to reservation communities. The scarcity of clinics, advanced technology, and medical practitioners are all part of the story. And it is still unusual to find an Indian community with adequate education and prevention programs in healthy nutrition, safe sex, planned pregnancy and alcohol and drug abuse.¹

The main reason for this failure: budgetary priorities. The Indian Health Services serves more than 1.4 million Native people, often as their sole provider and insurer. But it is allocated a pitiful amount of dollars. Per capita, a Native person receives around \$1,100. Non-Natives receive around \$3,200 for services under the auspices of Medicaid, a roughly equivalent program in terms of mandate, if not in terms of funding.

It is difficult to imagine how the Federal government could do worse than it has on Native health issues, but in this era of backlash against tribal self-determination, a greater reduction in funding poses a very real threat to Indian Country. In

Violence Against Women Act, the Mothers and Newborn Protection Act, and increased spending levels for a variety of women's health initiatives, reflect the increasing political power of women, as both legislators and as voters. At the State level, hundreds of new laws have sought to address the specific health needs of women, particularly in the context of managed care. For example, in the past decade, States have enacted measures specifically addressing coverage of FDA-approved contraceptive drugs and devices, breast reconstruction, breast and ovarian cancer screening, osteoporosis, mastectomy, standards for post-partum discharge, infertility, and direct access to providers of obstetrical and gynecological services. Central to most of these State initiatives is a response to the needs of middle and upper class women who already have health insurance coverage. Few, if any, of these laws apply to Medicaid or other indigent populations, while the number of women without any health insurance continues to grow.

Another troubling disparity for women relates to the treatment of pregnant women. While everyone can agree that access to maternity services is a desirable public health

goal, we single out pregnant women for expanded insurance coverage while failing to provide similar coverage for contraceptive services. Women's health is about more than just childbearing. "The study of women's health has often paid more attention to the health of a woman's children than to the mother herself and devoted more resources to improving their welfare than hers," notes the IOM study. The tendency to view the health status of the fetus and the health status of women as separate or even oppositional concerns is an unfortunate trend in women's health. For example, in recent years, pregnant women who have tested positive for drug use have been incarcerated for child endangerment rather than treated for substance abuse, and childbearing women have been encouraged to undergo all kinds of unnecessary procedures to insure the well-being of the fetus, including some instances in which women have been ordered by the courts to have their children delivered by cesarean section against their will. As the IOM guide observes, "Over the past several decades, the obstetrician's primary concern has shifted from the mother to the fetus and newborn child."


recent years, a number of legislators have been actively seeking to cut appropriations to the Indian health budget. Arguing that tribal nations should not be allowed to earn millions in gaming proceeds and receive federal monies as well, anti-Indian politicians are attempting to void treaty language. Given these hostile political currents, Indian Country faces the prospect of having to swim hard simply to stay in place.

However, Indian nations are refusing to allow their struggle to improve the lives of their members to be undermined. One of the most successful initiatives tribes are taking to address the health care crisis is direct involvement in delivery services. Through congressional legislation, Native American tribes and tribal service organizations have become directly involved in the billing and receiving of Medicare and Medicaid programs. In an effort to better identify health care needs and to streamline services, tribes are becoming partners with IHS rather than mere recipients of aid. The old system of depending on an understaffed and under-funded institution to meet Indian Country's health care needs was not only grossly insufficient, but contributed to a lack of sense of ownership and responsibility for tribes' members.

Between the struggle to make do with the inadequate health services that are currently provided and the war to hold on to Federal dollars that are perpetually on the chopping block, the general health and welfare of Native Americans remains in a precarious state. What is needed is a broader understanding of Indian issues by the public at large. Mainstream America must understand that the Federal government undertook certain responsibilities towards Native people during the signing of treaties. Providing for

Providing for the health care needs of Native people is not an act of charity by the U.S. government

the health care needs of Native people is not an act of charity by the U.S. government, but an obligation. People must understand that the notion that Native Americans are basking in casino riches is little more than a myth. They must learn about the real state of poverty, unemployment and health care in Indian Country, and make sure that Congress dutifully and adequately allocates the needed dollars to meet Indians' unmet health care needs.

Finally, the relationship between the IHS and Indian Country may need to be reexamined. Tribes stand poised to take the lead in the education and provision of services to their communities. By being the sole caretaker of Native American health services, IHS has sometimes been more of an interference than a friend in meeting Indian Country's needs. It is time that the Federal government allow tribal governments to have a greater hand and voice in healing their own health care crisis. 

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The crisis off-reservation can be just as troubling. Often facing the same economic barriers to treatment as those on reservations, many Native people find that much of mainstream medical practices are also socially and culturally insensitive. Although medical anthropology has consistently underscored the fact that the cultural and spiritual dynamics are crucial in the diagnosis and treatment of disease, the practices and beliefs of Indians are infrequently considered. For example, in some tribal cultures, the sick like to burn sweet grass or sage during their illness. It is not uncommon for Native people to be denied this right while hospitalized because medical staff are unaware that the ceremony is an integral part of the patient's recovery. While a few hospitals have recognized the role culturally appropriate medicine plays in Native health, the reality is that most medical institutions serving Native populations have not implemented a cultural component. Even in many reservation communities, spiritual practices can be dismissed. Sadly, traditional medicine has come to be regarded as mere superstition in numerous tribal communities. As a result, traditional healing methods are becoming lost forever with the passing on of tribal elders.

Meanwhile, women are more likely to be the victims of domestic violence during pregnancy than at any other time during their lives. While major progress has been made in addressing violence against women, the unique needs of battered women are sometimes forgotten by policy makers. For example, when Congress enacted welfare reform legislation in 1996, women's advocates feared that the work requirements and time limits on benefits imposed under the new law would have a disparate impact on battered women. As a result, the law was amended to allow states to waive certain

requirements for victims of domestic violence in their state welfare plans, while establishing a screening process that still left some advocates leery about exposing women to further harm by the system and/or their abusers. And like victims of rape, battered women are frequently the victims of sexist attitudes and gender-based discrimination by the very institutions that are supposed to be helping them. For example, battered women lose custody of their children to batterers in 40 to 70 percent of all custody disputes, and some insurance companies have sought to deny coverage for battered women on the grounds that they constitute a high-risk population.

Women who are immigrants to the U.S. may be at the greatest risk of all. In addition to the welfare reform legislation enacted in 1996, Congress also passed a new law severely limiting access to publicly-funded health services by immigrant populations, including legal residents of the U.S. Taken together, these two laws constitute a huge denial of access to health care services for those most vulnerable to poor health outcomes. Although the welfare law did not alter the Medicaid entitlement, early reports from the states show that there has been a precipitous decline in the Medicaid rolls, without a corresponding increase in employees with health insurance coverage. For immigrant women, even those here legally, the new law has had a chilling effect, creating a complex system of rules and exceptions that is virtually impossible to navigate even for many experienced policy advocates in the health care field, let alone by those for whom English is a second language.

Finally, and perhaps most importantly, the population of women without any health care coverage continues to grow. Despite all the efforts of women's health advocates to increase access to care, to improve the quality of services, to expand the field of women's health research, and to move more women into positions of power within the health care industry, this central disparity—between the



haves and the have nots—still persists, and gets worse every day, even though our economy is thriving.

Recommendations

How do we begin to address the fundamental issues of discrimination and disparities in the field of women's health? The IOM report concludes that we must eliminate the "women's health ghetto," wherein women access the health care system primarily to seek care for their reproductive systems: "The segmented nature of women's health services has interfered with our ability to envision

health care across the life span for women." But even if we succeed in developing a more holistic view of women's health, we will not have addressed the more basic issue for women: access and quality: "Spurred by women's unique psychological needs and often complicated by their particular social and economic situation, the challenge of navigating the costly and uncoordinated care system will grow no easier until thoroughgoing reform puts adequate health care within the reach of all Americans of both genders." For those concerned with civil rights, it is time to demand that access to health care be established as a basic human right for all people living in the U.S., regardless of their ability to pay. ☐

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The USCCR has released a report assessing the status of health care in the United States with regard to people of color and women, *The Health Care Challenge: Acknowledging Disparity, Confronting Discrimination, and Ensuring Equality*. Volume I of the report highlights the disparities in access to services and subsequent differences in health status of racial and ethnic minorities and women, and examines efforts by Federal, State, and local government and private agencies to redress these problems. Volume II examines Department of Health and Human Services Office for Civil Rights enforcement efforts with regard to Title VI of Civil Rights Act of 1964 and other civil rights statutes. Both volumes are available from the Office of Publications, USCCR, 624 Ninth Street, NW, Washington, DC, 20425. Tel: (202) 376-8128.



Testing for Discrimination

The Case for A National Report Card

By Michael Fix & Margery Austin Turner

Despite the fact that minorities have made substantial economic and social progress over the past 30 years, significant disadvantages based on race persist within the United States and serve as markers of continuing policy failures. A body of empirical and anecdotal evidence indicates that discrimination based on race and ethnicity has yet to be eliminated by the nation's civil rights laws. For example:

- The hourly earnings of black men are 65 percent those of white men;
- Black men pay more than \$1000 more for the same new car as white men;
- Deep disparities persist in the receipt of state and local contracts for all minority groups;
- Schools and neighborhoods are becoming more not less segregated as we approach the 21st century.

Why Testing Is Needed

While these statistics suggest the persistence of racial and ethnic discrimination, they do not, in and of themselves, help us gauge its extent with any accuracy. In other words, disparity of results does not prove discrimination. The absence of understandable and compelling information about the extent of discrimination in our society contributes to sharp differences in the way groups interpret patterns of inequality and the obligation of government to alter them. So while 60 percent of whites think conditions for blacks have improved during the past few years, only 35 percent of blacks share those views. Indeed, it is probably fair to say that beneath many of the current controversies about race and ethnicity in the United States lurk fundamental differences of perception about the empirical reality: To what extent are racial and ethnic minorities subject to discrimination?

It is not surprising that there is so little social consensus over the contribution of discrimination to social inequality. As Peter Siegelman notes, blatant Jim Crow discrimination is largely a thing of the past and the so-called have-a-nice-day discrimination—to the extent that it exists—is harder to detect, measure, and ultimately counteract. At the same time, progress toward integration paradoxically may mask an overall decline in discrimination, as the noted scholar Orlando Patterson argues. That is, increased interaction between members of differing racial or ethnic groups may lead to greater friction and more perceived acts of discrimination—despite the fact that the broader trend may be toward less discrimination and fewer discriminators. Thus, while “have-a-nice-day” discrimination may lead to premature claims that we have achieved a color-blind society, conflicts associated with progress towards integration may generate exaggerated claims of victimization. Both types of distortion, along with the misguided policies that flow from them, can be

corrected by more accurate and widely understandable measures of discrimination.

Evidence of discrimination has come from several sources, including analysis of aggregate employment, housing, and other data sets. While the statistical techniques employed in these analyses have much to offer, they fail to provide the clear, direct measures and narrative power offered by paired testing. In a paired test, two individuals are matched for all relevant characteristics other than the one that is expected to lead to discrimination. The testers apply for a job, an apartment or some other good and the outcomes and treatment they receive are closely monitored.

Paired testing is an excellent vehicle for understanding and measuring actual discrimination (understood here simply as the practice of treating people differently because of their membership in a protected group). First, testing provides a feasible method for directly observing discriminatory treatment by comparing two people equally qualified for the transaction in question, who differ significantly only in their group membership. In technical terms, paired testing design minimizes "omitted variable bias"—the possibility that differences in outcome are caused by variables that the researcher cannot observe.

Second, paired testing can allow researchers to observe many types of agent behavior and the conditions under which they occur and therefore to determine if different agents discriminate in different ways on different occasions. Such "race-plus discrimination" occurs if black and white customers who, in the normal course of events, might be treated equally receive disparate treatment when something goes awry: for example, when a diner complains about a restaurant's service. Existing evidence suggests that discrimination comes in interwoven and multifaceted forms; no other research method could discern such patterns.

Third, as economist Mark Bendick writes, "In a world in which stories have more power than studies, testing generates studies that are stories." Anyone can imagine what it would be like to be treated the way testers in a protected class are treated, and anyone can understand why differences in treatment between equally qualified testers constitute discrimination. The narrative power offered by paired testing may provide a persuasive impetus to more aggressively enforce, or more precisely target, existing civil rights laws.

Testing: Experience to Date

Housing and employment are two areas where paired testing has been particularly well developed by researchers and practitioners. HUD has twice launched national paired testing studies to measure the national incidence of discrimination in housing rentals and sales transactions. The first of these stud-

ies—the Housing Market Practices Study (HMPS)—was completed in 1977. It involved more than 3,200 paired tests of discrimination against African Americans in the rental and sales markets of 40 major metropolitan areas. The HMPS sites were randomly selected to be nationally representative of large urban areas, and samples of advertised rental and sales units were randomly selected from major newspapers in each site. The HMPS found evidence of significant discrimination against blacks in both the sales and rental markets. A follow-up testing study in Dallas found high levels of discrimination against Hispanics, particularly those with dark skin. The HMPS report showed that paired testing is an appropriate and feasible method for studying discrimination in housing. Indeed, the strong HMPS results played a major role, albeit after a nine-year lag, in the passage of the 1988 amendments to the Fair Housing Act.

In 1987, HUD built upon the HMPS experience by launching a second national audit study—the Housing Discrimination Study (HDS). This study involved 3,800 paired tests for discrimination against African Americans and Hispanic Americans. Again, both rental and sales markets were tested in a random sample of 25 major metropolitan areas. Black-white tests were conducted in 20 of these sites and Hispanic-Anglo tests were conducted in 13 sites. The HDS methodology also involved expanded sample sizes in five metropolitan areas, which supported in-depth analysis of variations in patterns of discrimination within urban areas.

According to the HDS study, black renters face a 10.7 percent chance of being excluded altogether from housing made available to comparable white renters and a 23.5 percent chance of learning about fewer apartments. Real estate brokers also are much more likely to offer financial advice to white than to black customers. HDS analysts also constructed a type of index that counts the number of times a black

or Hispanic tester is treated less favorably than is his or her white teammate. The index reveals that, on average, black home buyers can expect to encounter about one act of discrimination each time they visit a real estate broker and that Hispanics can expect to receive discriminatory treatment at some point in more than half their visits.

Unfortunately, housing discrimination does not appear to be declining. A comparison of the 1989 HDS results with those of the 1977 HMPS finds no clear evidence of a trend in either direction. Nor do preliminary comparisons with five studies conducted in the 1990s. Overall, as economist John Yinger has concluded, "this research demonstrates that black and Hispanic home seekers continue to encounter discrimination in many aspects of a housing transaction. They are told about fewer available units and must put forth considerably more effort to obtain information and to complete a



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perception about the
empirical reality**

transaction. These barriers are not absolute, but they impose significant costs on black and Hispanic home seekers relative to comparable whites in the form of higher search costs, poorer housing outcomes, or both."

Rigorous and reliable testing methods have also been developed to measure discrimination in other domains—for example, hiring decisions for entry-level job openings. The first systematic application of paired testing to hiring, conducted in 1989, focused on discrimination against Hispanic men applying for entry-level jobs in Chicago and San Diego. In each of these sites, approximately 150 paired tests were conducted, based on random samples of job openings advertised in the major metropolitan newspapers. A similar study of hiring discrimination against African American men was conducted a year later in Chicago and Washington, D.C. Again, about 200 paired tests were conducted in each metro area, based on random samples of advertised job openings. Two hundred and eighty-five paired tests of discrimination against both Hispanic and African American men were conducted in Denver at about the same time.

Pioneering efforts by both researchers and practitioners have explored the applicability of paired testing to a number of other areas: taxicab service, car sales, access to health club membership, access to property insurance and mortgage lending. The results have been published elsewhere and continue to receive scholarly scrutiny. More importantly, however, these testing studies (as well as enforcement tests conducted by advocacy and regulatory organizations) have produced an accepted and credible methodology to test for discrimination.

Despite this signal achievement, testing studies in areas other than housing have only been sporadically mounted over the past two decades, and efforts to measure discrimination, both in and outside government, have been largely haphazard and infrequent. Indeed, one might argue that we know far less about the effectiveness of the nation's civil rights laws than we do about the effectiveness of laws intended to combat pollution or reduce tax non-compliance because the tools that have been developed to measure the problem—and therefore direct the location, type, and intensity of enforcement—are that much less sophisticated.

Testing as the Basis for a National Report Card on Discrimination

Paired testing has its limits. It can be costly, time-consuming, and logistically complex when implemented on a large scale. Testing may not be applicable to complex transactions in which a very large number of individual attributes are relevant to an outcome. Nor can it be easily implemented in situations that may require testers to violate the law; for example, in filing false information on a mortgage application. But

properly used, testing can form the core of a much-needed "report card" on the extent, nature, and intensity of discrimination in America. Such a report card could significantly contribute to the nation's ongoing conversation on race and ethnicity, in several ways:

Guiding Civil Rights Enforcement Policy

The absence of direct, longitudinal measures of discrimination means that policymakers often do not know where discrimination is most commonly encountered and how successful anti-discrimination interventions have been. Many of the measures that have been heavily relied upon to identify problem areas and to evaluate interventions, such as court filings or enforcement actions, are imperfect guides to action. This owes in part to the fact that discrimination has historically led to low levels of legal actions and to the selectivity inherent in such measures.

Further, this tighter linking of enforcement activities to compliance results responds to the imperatives of the Government Performance and Results Act. By systematically assembling longitudinal data on a random sample of firms, sectors, and geographic regions, and noting changes in discrimination levels, a national report card could help civil rights enforcement agencies rationalize their budgeting and targeting efforts. The report card could also help these agencies evaluate their performance and generate support for shifting resources to differing enforcement initiatives.

The need for effective anti-discrimination enforcement has risen in an era in which the scope of affirmative action policies has been circumscribed in several important fields, particularly government contracting and—in Texas and California—higher education. This retreat from affirmative action should increase the pressure that policymakers feel to ensure that

people are treated as equals across sectors of economic life and that anti-discrimination policies are adequately funded and strategically targeted.

Monitoring Discrimination That Defeats Other Social Goals

Other policy goals also dictate that discrimination be monitored. Welfare reform, for example, is spurring the entry of a new cohort of low-wage, low-skilled workers into the labor force. Most of the new entrants are women; many are members of racial and ethnic minorities. The success of the policies designed to promote welfare-to-work transitions is premised upon low barriers to labor force entry, including low levels of workplace discrimination. Similarly, U.S. housing policy has historically supported and encouraged the expansion of homeownership opportunities as a means toward individual wealth accumulation, neighborhood revitalization, and social cohesion. Clearly, discrimination in home sales transactions,



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mortgage lending, and property insurance would undermine continued gains in homeownership nationwide. Progress on other widely shared policy goals, such as assimilation of new immigrants and productive employment of young people who are at high-risk of involvement in crime and violence, also depends upon the sustained reduction of discrimination based on race and ethnicity.

Understanding the Implications of Increasing Diversity for Patterns of Discrimination

Confusion over the contribution of discrimination to inequality is not restricted to debates centered on African Americans. High sustained levels of immigration, dominated by non-European countries, have dramatically expanded and diversified the populations that are perceived as racial and ethnic minorities in the United States. By the year 2040, about 40 percent of the population will consist of racial and ethnic minorities, with blacks constituting less than one-third of the minority population. The breakdown of a black/white racial paradigm complicates any easy understanding of the ways in which discrimination operates within society, who practices it, who its victims are, and the protections that government should provide.

One issue that high levels of immigration from non-European countries presents is whether new non-white immigrants and other ethnic minorities will be subjected to discrimination in housing, employment, and other domains of daily life. In fact, recent analyses of immigrant integration routinely ascribe the differentiated or "segmented" assimilation of some groups at least in part to discrimination. Moreover, housing and employment audits carried out by the Urban Institute and the Fair Employment Council of Greater Washington provide some direct evidence to support their claims, although studies conducted to date have focused on Latinos and not immigrants, per se.

At the same time, congressional concerns about illegal immigration have led to the imposition of broad new restrictions on employment and services to illegal immigrants that may be inducing increased discrimination against foreign-looking minorities. Specifically, some employers report they have chosen to hire only U.S. citizens. Employers have also mistakenly and illegally required that noncitizens present a "green card" before they can be hired, despite the fact that they must accept other types of identity documents, as well.

Developing a Comprehensive Portrait of Discrimination

A report card on discrimination could play a vital public education function by simultaneously examining discrimination across several key areas of economic life (such as housing, employment, public accommodations) within specific communities. This comprehensive approach could serve a public education function by painting a more complete and powerful portrait of the role that discrimination plays in daily life than studies that touch on a single area of economic activity, and might consequently help build public support for targeted anti-discrimination enforcement activities. This multi-point

examination of discrimination should also help policymakers identify communities and populations where discrimination occurs across sectors. It could be useful, then, in obtaining greater cross-agency cooperation in law enforcement.

Discrimination against Whom?—by Whom?

The United States is becoming increasingly diverse, and African Americans are not the only racial or ethnic group to experience discrimination. Therefore, the national report card should not focus exclusively on discrimination against African Americans. However, not every ethnic group faces persistent barriers to opportunity and upward mobility. And it would not be feasible to measure the incidence of discrimination experienced by every racial or ethnic minority group in the U.S. Therefore, the report card should focus on discrimination against a limited number of racial and ethnic minorities, selected on the basis of evidence of past discrimination, persistent inequality, or institutional pressures which may lead to discrimination in the future. Finally, as the country's demographic makeup shifts, racial and ethnic minority groups may not just be the victims of discrimination, but will be its perpetrators. A recent Los Angeles survey reveals that Asians and Latinos hold more negative views of African Americans than do whites.

In sum, a national report card structured around the methodology of paired testing would be valuable in an era in which patterns of inequality continue to follow racial and ethnic lines, public opinion is widely divided on the contribution of discrimination to these uneven outcomes, and the scope of affirmative action is being circumscribed. The report card could help target the enforcement efforts of civil rights agencies and align them with the dictates of the Government Performance and Results Act. It could help policymakers assess the degree to which discrimination might be serving as a barrier to the achievement of other policy goals, specifically reducing barriers to work for welfare recipients or reducing the number of young people at high-risk of involvement in crime. It could monitor the evolution of prejudice as the nation becomes increasingly diverse racially and ethnically. Most importantly, it could serve as a compelling, factual baseline for a national conversation on race, helping to avoid misguided policies that flow from premature claims of the advent of a colorblind society or unsupported victim-claiming. ☐

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A complete version of the report on which this article is based, including citations, can be obtained at the following web address: www.urbaninstitute.org.

T DIVERSITY TRAINING:

What Works, What Doesn't, and Why?

By Katrina Jordan

American businesses, educational institutions, and governmental agencies have spent untold millions on multi-cultural awareness and diversity training. The intended outcome: organizations that value and celebrate differences as well as similarities, thereby creating a more harmonious and productive work/study environment. The goal is both laudable and self-interested. Enlightened managers know that diversity within the American and global workforce will continue to grow into the 21st century and that this reality must be harnessed effectively in order for organizations to compete, survive, and thrive in the world market place. And yet—after affirmative action programming, Equal Employment Opportunity legislation, thousands of hours of diversity training, community-based initiatives, and endless dialogue, what evidence do we have that these efforts have made a difference? What have we learned about fostering change, and how do we go about measuring it?

The U.S. census and other Federal tracking devices can provide broad measures of social inequality, and national surveys can measure racial opinions and attitudes, but neither can capture the fine-grain changes that take place within individuals and organizations as a result of specific education programs. The challenge is especially great because these programs aim to change the way people think and feel—and on such matters, self-reported change is notoriously unreliable.

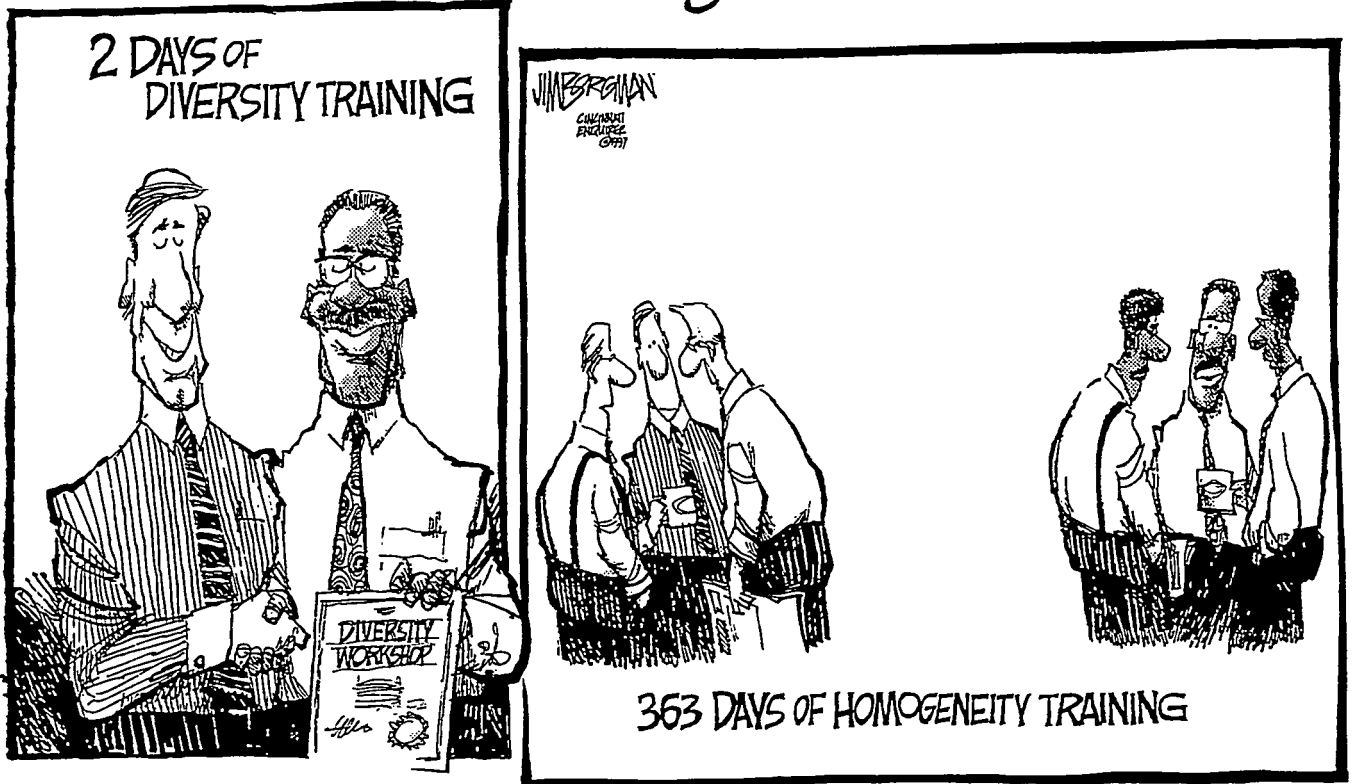
Some organizations focus on the number of EEO complaints and pending lawsuits on such matters as sexual harassment. While these provide “objective,” easily measurable ways to determine the cost effectiveness and the

“return on investment” of diversity training programs, they take the organization into a reactive, defensive mindset. A more proactive and far-reaching approach is called for.

Fortunately, human resource managers and corporate researchers have been developing criteria to help determine what works and what doesn't. One approach is to “take the pulse” of an organization before, during, and after training, through such objective elements as the number of lawsuits, retention and turnover rates, absenteeism (which generally decreases when people feel valued), and affirmative action hiring and promotion figures. Other, harder to measure elements that should be monitored include changes in staff behavior; increased staff sensitivity; increased recognition of diversity as a business imperative; less blaming or attacking of white males for problems; recognition that diversity is not just a matter of affirmative action; and stronger emphasis on multi-culturalism. These can be measured using attitude surveys and exit interviews as well as direct observation, particularly if respondents can be made to feel comfortable about speaking truthfully.

In general, the studies that have been undertaken using these criteria are revealing several “lessons learned.” According to a Society for Human Resource Management (SHRM) study regarding the effects of diversity training, training typically has a markedly positive short-term impact on the attitude of attendees, but long-term assessments were decidedly less positive. This position is supported by other studies that

Racial Sensitivity IN THE 90's



show that almost three-quarters of the respondents judged their diversity training to be effective immediately after implementation. But among organizations that conducted some kind of long-term evaluation, the after-glow of the training faded rapidly. About 50 percent described their programs as having mixed or negligible effects and another 18 percent admitted their programs were largely ineffective.

These are sobering results, and it is worth examining the small number of organizations in which diversity training continued to receive high marks to understand how and why their training succeeded where others failed. If one factor unites them, it is, perhaps surprisingly, not the type or quality of the training that was received, but that the organizations in which these positive experiences occurred all shared a deep commitment to practicing equality. They did not view diversity training simply as an add-on but as an integral part of their corporate culture. Little behavior and attitude change is likely to occur when the organization's diversity goals are not perceived as serious. As one human resources expert noted, "We need to practice what we are preaching. What is the most effective I believe is something that uses several different kinds of delivery systems and is not a one-shot deal. It's got to be continuous, on-going, [with] all kinds of reinforcement."

Those that indicated that their organizations have made a commitment to diversity stated that cultural change can be evidenced by:

- the types of employees they hire;
- internal and external recognition for diversity efforts;
- willingness to allow minority groups to form support groups;
- support for diversity efforts tied to compensation;
- alignment of diversity efforts with systems, procedures, policies, philosophies, norms, and values;
- community involvement; and
- celebration of cultures via holidays and special programs.

Many of the successful organizations practiced some type of long-term follow-up and monitoring to sustain the positive effects of training efforts. These efforts included: establishing a committee and/or developing a newsletter to track progress, highlight various cultures, etc.; administering a survey periodically to gauge results; and meeting regularly with key managers, administrators, etc. to review these efforts.

Progress is possible and progress is being made. The business of educating for a multi-culturally aware society is complex. There is no simple solution to assessing our effectiveness in this regard. Research continues to tell us that these efforts are needed. ☐

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A USEFUL WOMAN: The Early Life of Jane Addams

By Gioia Dilberto

(Scribner, 1999. 320pp. \$26)

During a period when Jane Addams was gaining national and international acclaim for her work among the immigrant poor in Chicago, she visited with the Russian writer Leo Tolstoy at his home. In her new biography of Addams, Gioia Dilberto writes about this meeting of the Russian and American idealists. Though Tolstoy lived on his ancestral estate, attended by servants, Dilberto describes him as a "tormented, white-bearded egomaniac...in the grip of a Christian vision of an ideal world." Among other affectations, Tolstoy wore the simple clothes of a Russian peasant, and when Jane Addams' work with the poor was described to him, his immediate response was to pull on the fashionably large sleeve of her dress and demand to know whether this style did not create a "barrier to the people."

Addams' answer reveals her American pragmatism and her connection to Victorian cultural mores:

Jane explained that her sleeves were no bigger than "those of the working girls in Chicago and that nothing could more effectively separate [her] from 'the people' than a cotton

blouse following the simple lines of the human form." (p. 227)

As Dilberto's new biography makes clear, Jane Addams was both a pioneer and a woman sensitive to, and even respectful of, social conventions. It is this connection between past and future, between traditional and non-traditional approaches to charity and to perceptions of the proper spheres

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for women, that gave an interesting tension to Addams' early life and provides the focus of Dilberto's exploration. As Dilberto aptly states, "Jane was a transitional figure embodying both the purity and innocence of the Victorian angel and the bold independence of the Gibson girl."

It is this same tension that informs

the structure of Dilberto's biography of Addams. Her sub-title is *A Useful Woman*, a phrase which, in the context of Addams' life story, is both ironic and genuine. Addams' mother died when Jane was a young girl and was eulogized in the local paper as having lived "a life of usefulness." In a period when self-effacing usefulness was a womanly virtue, Jane Addams' mother was an ideal type. She truly embodied the characteristics of what Victorians called "the angel in the house," a woman who selflessly and tirelessly lived her life for others, within the nearly invisible sphere of home and family. Though, as Dilberto makes clear, Addams spent her early years countering "conventional notions of femininity," she was also very much her mother's daughter in devoting herself to the poor in pragmatic, "useful" ways. However, where her mother was bound by home and family, Addams played out her ideals on a much larger stage, eventually winning the Nobel Peace Prize in 1931. Dilberto emphasizes both the connection and the break with her past by titling the three sections of this biography "Angels in the House," "Angel of Halsted Street," and "Angel of the World."

By focusing on Addams' early life, Dilberto does more than show Jane Addams' connection to the values of her family and social class. She also delves into Addams' psychological processes as she took on the great task

of founding and directing Hull-House, the settlement house for poor immigrants in Chicago, which became a model for similar social initiatives both in the United States and abroad.

Addams was part of the first generation of American women to receive an education beyond the high school level. And like many educated women in late 19th century America, she was imbued with a sense of idealism and possibility during her college years, only to find that after college, there were few outlets to express her new sense of her own talents and potential. Also like other women of her time and class, Jane tried to occupy herself with travel and cultural activities. She eventually succumbed to depression and was treated by the fashionable Dr. Silas Weir Mitchell, who specialized in the problems of "neurasthenic" women. However, once Addams decided on a focus for her energies and intelligence, the "depressed, emaciated invalid turned into an energetic, busy woman..."

Jane Addams, then, worked out of a sense of compassion for the poor (inspired by the charity work she had seen in England), but equally important, she worked out of a need to express her own talents and ambitions. Dilberto's description of Addams' psychological steps in coming to found Hull-House gives us insight into the work of many idealists; she causes us to think about both the inner and outer forces that motivate and direct social leaders.

Just as Addams found an outlet for her own talents, she provided at Hull-House an opportunity for other educated women, who comprised the staff of the settlement house. As Dilberto says, "Jane was offering women like herself a chance to escape their suffocating lives." Throughout her life, Addams emphasized that the founding of Hull-House served her own needs as much as it did the needs of the project's clientele.

Who were the people who visited

and used the facilities and services of Hull-House? In describing the social conditions of turn-of-the-century Chicago, Dilberto emphasizes both the similarities and differences with our own end-of-century urban problems. Like many cities today, Chicago was a city of immigrants: "By 1890, 68 percent of the population had been born abroad and another 10 percent were the children of foreign-born parents." Like today's proponents of welfare reform, Addams believed the poor could best be helped by being given

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the skills and confidence to help themselves. She also emphasized the special needs of urban youth; her efforts led to the founding of the first juvenile justice system, a system that many today are questioning. Though we no longer live in cities where half the children die before the age of five, as was true in the Chicago Addams knew, Dilberto's descriptions of an enormous gap between rich and poor, between urban misery and Gilded Age

splendor, does find an echo in this era of instant internet millionaires and service sector workers making minimum wage. One can also see both similarities and differences in Dilberto's descriptions of the women who worked with Addams at Hull-House: They shared the skills and ambition of today's corporate success stories, but as Dilberto points out, they differed from modern feminists in finding fulfillment not in "personal success" but in "the great opportunity [of] going to live with the poor."

In her examination of Addams' early life, the period when she struggled with her dreams and her fears, when she faced first the constraints and later the encouragement of society, Dilberto has created a story that could be especially interesting reading for young women today who are inventing their own futures. Certainly Addams is a legendary inspiration, but in Dilberto's book, she becomes a very real person, whose success came both from an allegiance to her family's ideals and a break with society's strictures. Primarily we come to see Addams as a woman whose fulfillment came out of a real interest in using her abilities to the utmost.

Though Dilberto does write about Addams' intimate emotional relationships with other women, her examination of this private part of Addams' life is not lurid or invasive, but more an attempt to see Addams in her social context. Dilberto emphasizes the fact that in a pre-Freudian age, such intimate relationships had an innocence that they might not enjoy now. In any case, Jane Addams protected her privacy, and the nature of her relationships may never be known. Thus, though Dilberto does examine Addams' personal life, her book could still be recommended to adolescents. Her prose is simple, and the story of Jane Addams, a woman who both reflected and advanced the times in which she lived, is certainly compelling.

Shorts

RACIAL ATTITUDES IN AMERICA:

Trends and Interpretations

by Howard Schuman, Charlotte Steeh, Lawrence Bobo, and Maria Krysan
(Harvard University Press, 1997. 401 pp.)

This revised edition of the authors' 1985 classic study examines the evolution of racial attitudes in America from 1945 to the present, as reflected in public opinion polls and other national survey data. The authors are careful to distinguish attitudes from norms, behavior, and inner convictions, and demonstrate a subtle under-

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standing of the methodological pitfalls inherent in mapping such emotionally complicated terrain. Nevertheless, they conclude that while Americans are not much more color-blind than they ever were, "the normative definition of appropriate relations between blacks and whites has changed." How deeply this change has been internalized may be difficult to discern, but it is "only because so much of the population . . . is now too young to have any memory of race relations circa 1940 or even 1960 [that there] can be any doubt about the magnitude of the change." This new edition contains additional material on the impact of class, education, and income on racial attitudes, as well as reconsiderations of the authors' theoretical and methodological con-

structs. Perhaps future editions will explore in greater depth America's growing racial diversity—the current edition is set firmly within the paradigm of race as a black and white issue.

TOWARD AN END TO HUNGER IN AMERICA

by Peter K. Eisinger
(Brookings Institution Press, 1998. 177 pp.
\$39.95/\$16.95)

Not since the mid-1980s has much media or policy attention been paid to hunger. Yet government data indicate that one in eight American households continues to suffer from hunger or to worry about going hungry. This in spite of the fact Americans spend a smaller proportion of their income on food than people in any other nation, that America remains the breadbasket to much of the world, and that each year American consumers throw away nearly one quarter of the country's food stock. In his trenchant analysis of the problem, Eisinger suggests that hunger can be overcome by developing stronger partnerships between public and private food programs. It remains to be seen, in this era of tabloid journalism and computer billionaires, whether anyone will pay him any attention.

DISPOSABLE PEOPLE: New Slavery in the Global Economy

by Kevin Bales
(California University Press, 1999. 298 pp.
\$24.95 cloth)

There is nothing inevitable about human progress, as George Orwell rightly insisted. Slavery was countenanced in Europe for centuries by Greek and Roman civilizations before gradually eroding under the feudalism of the late Middle Ages. Of that long era, Orwell wrote, "When I think of antiquity, the detail that frightens me

is that those hundreds of millions of slaves on whose backs civilization rested generation after generation have left behind them no record whatever. We do not even know their names. I can think of one or perhaps two. The rest have vanished into utter silence." Most of us would imagine that with the exception of a few, forsaken places, slavery, too, has largely vanished from the world, yet author and activist Kevin Bales contends that more than 27 million people are trapped in similar or even more dire conditions of servitude today. Although trained as a political scientist, Bales writes with a journalist's clarity and attention to impressionistic detail. He gives vivid portraits of the wretched conditions facing individuals in various Asian, Latin American, and African countries. Unfortunately, he does little to establish the validity of the startling figure he cites at the outset—more than all the people stolen from Africa during the transatlantic slave trade—an omission that mars the credibility of the cause he otherwise nobly represents.

THE MORNING BREAKS: The Trial of Angela Davis

by Bettina Aptheker
(Cornell University Press, 1999. 294 pp.)

A NATION WITHIN A NATION: Amiri Baraka (Leroi Jones) & Black Power Politics

by Komozi Woodard
(The University of North Carolina Press, 1999. 329 pp.)

Bliss it was to be young in the 1960s, but to be black and angry was very heaven—or so one might gather from these two books. They offer glimpses of two of the last of the true believers, Angela Davis and Amiri Baraka, from two of their most devoted admirers. Aptheker's book is a republication of her 1975 account of Davis' trial for murder, kidnapping,

and conspiracy—a story that would seem to have all the ingredients of a first-rate read, regardless of one's political perspective. Yet Aptheker writes so ploddingly one would hardly imagine so much as a traffic ticket was at stake. Here she is, arriving at the jail to tell Davis she'd been bailed out: "The matron took me in tow. Jail routine.... She led me down the corridor. I could hear Angela laughing and talking. I went inside. Kendra, Margaret, and Stephanie were standing about, crowded into the cell. The remains of a spaghetti dinner were on a metal tray on a chair. Everyone was munching on part of an orange. Angela was

**Maya Angelou calls
Amiri Baraka the
world's greatest living
poet**

curled up on the bed. She wanted to know if I was hungry. There was some salad left...." And so it goes, one declarative sentence after another, as unappetizing as cold spaghetti. What the law couldn't accomplish, Aptheker has: she's interred Davis in her prose.

Woodard's book is less clogged and more wide-ranging, placing Amiri Baraka in the context of the 1960s urban uprisings and the rise of the Black Power Movement. Baraka, the author of twenty plays, three jazz operas, seven books of nonfiction and thirteen volumes of poetry, whom Maya Angelou calls the world's greatest living poet, is best remembered for the slogan "It's Nation Time" he contributed to the development of black cultural nationalism. *Nation Within a Nation* aims to be a scholarly work rather than a mere narrative, yet it, too, suffers from too close a regard for its subject. Woodard's uncritical acceptance of Baraka's ideology and

tactics prevents him from asking the revelatory questions that a retrospective needs if it isn't to give off a whiff of formaldehyde. Readers looking for a warm soak in yesterday's verities will enjoy these books; the rest will find their protagonists curiously unreflective, sadly diminished in their inattentiveness to the ironies of history.

**COAL TO CREAM:
A Black Man's Journey
Beyond Color to an
Affirmation of Race**

by Eugene Robinson
(Free Press, 1999. 288 pp. \$24)

**OUT OF AMERICA:
A Black Man Confronts Africa**

by Keith Richburg
(Basic Books, 1997. 272 pp. \$24)

Both of these books, by veteran black *Washington Post* reporters, contemplate the meaning of blackness through the prism of the authors' experiences at postings abroad—one in Brazil, the other in Africa. Both authors wish to challenge the prevailing orthodoxy of opinion on race through an honest confrontation with themselves, and both, by the end of their sojourns, confess to a rueful appreciation for the United States. But whereas Robinson initially finds the very invisibility of race in Brazil a pleasant change of pace, Richburg recoils, horrified, at the sheer inhumanity he so frequently encounters in Africa. Robinson ultimately finds the absence of black consciousness an impediment to the affirmation of his identity, and, by extension, to the social awareness he feels is critical to an honest understanding of self and society. Richburg finds himself wholly alienated by his experience abroad, and convinced more than ever that his primary identity is not racial but national: "Thank God that I am an American." In the end, one feels that both authors shortchanged them-

selves by their preoccupation with America's racial dialogue; in using their experiences as a vehicle for exploring their identity as black Americans, neither explores the places in which he finds himself—or his own conscience—with the empathetic depth one might have wished for.

**INTEGRATION OR
SEPARATION?
A Strategy for Racial Equality**

by Roy L. Brooks
(Harvard University Press, 1996. 348 pp.)

A sober, abundantly generous, and fair-minded inquirer, Brooks argues that 50 years of "progress" in American race relations has resulted in "integration in principle, segregation in fact." Brooks suggests that racism is so deeply embedded in American culture that eradicating it is a hopeless task. Instead, blacks should focus on strengthening their own institutions

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and fostering a sense of responsibility within black communities. Rejecting as romantic hyperbole calls for total racial separation, Brooks instead argues for a form of limited separation, which he terms an "alternative path to dignity and empowerment." At times Brooks seems to take what needs to be explained as evidence of his explanation: disparities prove racism, which explains the disparities. But his argument is well worth pondering, and his dissection of the legal and sociological basis behind *Brown* eye-opening. In the end, the fact that so open-minded

Books

a critic should take so pessimistic an attitude is itself deeply sobering.

THE MUHAMMAD ALI READER

Edited by Gerald Early
(William Morrow, 1998. 299 pp.)

He was never really the greatest; Often, after his three year lay-off, he wasn't even particularly good, but he looms larger with each passing year, an efflorescence of talent and passion and life-force unmatched in sports history. Writers flocked to him like bards to Homeric heroes, and this collection assembles some of the best and a few of the most overblown of the countless chronicles, tributes, memoirs, and praise-songs that this sharecropper's son inspired. A.J. Liebling is characteristically decorous, Murray Kempton is canny and effective, and Mark Kram's portrait of Ali in the hospital fighting Parkinson's, surrounded by "the hostile ganglia of medical technology," is alone worth the price of the book. Norman Mailer's prose has aged about as gracefully as he has; puffy-lidded, bombastic, full of wheeling roundhouses and lumbering footwork, it is a style more punched out than punchy. Jose Torres and Floyd Patterson are insightful, unfazed, and respectful in the way of fellow craftsmen. Yet none of the writers quite captures Ali's grandeur. Epic and elusive, glorious and pathetic, Ali embodied all the contradictions, passions, and tragedies of his turbulent era. Perhaps only Sophocles might have done him justice.

OUR KIND OF PEOPLE: Inside America's Black Upper Class

by Lawrence Otis Graham
(Harper Collins, 1999. 418 pp. \$25)

Our Kind presents a refreshing view of blacks in settings other than those featured on the evening news.

Instead of the standard ghetto scenes, it peers into the privileged lives of over three hundred successful members of America's black upper class in cities such as Chicago, Los Angeles, Memphis, New York, Atlanta, and Washington, D.C. Graham not only salutes the many accomplishments of this class, but acknowledges their flaws as well. In the first chapter of the book he describes the "brown paper bag and ruler test" that determined who belonged in the black elite and who did not. Money alone did not guarantee one a spot in this exclusive club. Unfortunately, it is unclear from Graham's tone how he feels about this distinction, perhaps because, as he likes to remind the reader, he himself "passes."

Our Kind serves as a
kind of Baedeker's
guide to the lives and
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Our Kind serves as a kind of Baedeker's guide to the lives and follies of the black elite, listing and describing the schools they attend (Howard, Morehouse, and Spelman, historically, the Ivy-league today), the places they vacation (Martha's Vineyard or Sag Harbour), and the organizations to which they belong (the Boule and/or the Guardsmen for men, the Links and Girlfriends for the women).

Our Kind of People is a lively, generally accurate, and informative account of the black elite. One only wishes Graham had delved a little more into the dissonance between the group's ideals and those of the larger African American community to which it belongs, a community which fought for so long against all forms of invidious exclusion.

—Alicia Bond

WHAT MAMA COULDN'T TELL US ABOUT LOVE

by Brenda Lane Richardson
and Brenda Wade
(HarperCollins, 1999. 241 pp. \$24)

RESPECT: An Exploration

by Sarah Lawrence-Lightfoot
(Perseus, 1999. 256 pp. \$23)

Richardson and Wade explore the continuing effects of slavery on African American women's psyches and the ways in which it has caused them to withhold love from themselves and others. They show the road to forgiveness and emotional freedom and describe case studies and women's groups that help pave the way. Richardson and Wade are not the first to promote healing from within. Talk show host Oprah Winfrey and motivational speaker Iyanla Vanzant speak on the same subject. But Wade and Richardson offer a deeper and more historically informed account, showing how psychic scars were transmitted generation to generation from slavery on.

Lawrence-Lightfoot defines respect as an active force that creates symmetry even in unequal relationships and explores how it plays out in the relationships characterized by contrasts in power: a midwife and her inner city patients, a teacher and his students, an Episcopal priest and his dying patients. Respect was a particular concern in the African American community, where black people gave each other the respect white folks denied them. Often, the author says, black people in the South would name their children "Dean," "Mister," or "President," just so that they would never suffer the disrespect of being called by their first names. Together, these two books remind us that even our most pain-filled experiences offer us opportunities to grow and to learn to live abundantly. —T. Furaha Raufu Bey

CR

The Commission's Library

The Robert S. Rankin Civil Rights Memorial Library, an important part of the U.S. Commission on Civil Rights, contains more than 50,000 reference works, including a comprehensive collection of reports, transcripts, and texts. Also included are copies of some 200 periodicals (notably journals about civil rights and minority issues and the law) and various newspapers. Information on microfilm and microfiche amounts to thousands of reels and files. The library, open to the public from 10 a.m. until 4 p.m. Monday through Friday, is situated in the Commission's headquarters, 624 Ninth Street, N.W., Washington, DC 20425.

The library is the largest collection of materials in the country focused on civil rights. The facilities are used extensively by members of Congress, government agencies, private organizations, and individual citizens.

The library grew out of the Technical Information Curator, which was established within the Commission in the late 1960s to support research, fact-finding, and reporting on civil rights matters. In 1974, under authorization of Congress, the facility was converted into the National Clearinghouse Library, serving as a repository for civil rights information and related topics.

It has all publications that derived from the Commission's activities since the Federal agency was first established in 1957. These include statutory reports, clearinghouse materials briefing papers, transcripts of hearings, and State Advisory Committee reports.

A staff is available to assist library visitors as well as Commission personnel. They are Librarian Barbara Fontana and Library Technician Vanessa Williamson.

Most books and other material can be borrowed, for periods of two or three weeks, depending on the item.

For further information, the library may be telephoned at (202) 376-8110.

Copies of Commission publications may also be obtained free and retained. The voice mail number for requesting a publication or the Catalog of Publications is (202) 376-8128.

The library was named in honor of a Commissioner who served for 16 years beginning in 1960. Dr. Rankin was a faculty member at Duke University from 1927 and chairperson of the Department of Political Science from 1948 until 1964 and afterward professor emeritus.

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