

MAKING THE DREAM A REALITY

A Proposed Civil Rights Agenda for the Bush Administration

prepared by the

Leadership Conference on Civil Rights

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The Leadership Conference on Civil Rights (LCCR) is the nation's oldest and most diverse coalition of civil rights organizations. The 180 member organizations of the LCCR represent 50 million Americans who are persons of color, children, women, older persons, labor union members, individuals with disabilities, gays and lesbians, and members of major religious, civil liberties and human rights groups. Their unified cause is to ensure that America is true to its promise of equal justice, equal opportunity and mutual respect. Our nation's future depends upon finding new ways for the world's most diverse people to live and work together in peace.

This is a sensitive moment in the history of American civil rights. Despite decades of advances in eradicating discrimination in employment, housing and public accommodations, disillusionment and distrust is rampant among persons committed to equal opportunity. LCCR has a responsibility to help rebuild the trust of these Americans in the government as protector and enforcer of fairness and equality. The LCCR's agenda is more urgent than ever: fighting discrimination in all its forms, improving relations among the varied communities that comprise our country and promoting the full participation of every American in every facet of our nation's life.

Civil rights must become a concern of the highest priority for the Bush Administration and in particular the Department of Justice. Although LCCR opposed the nomination and confirmation of John Ashcroft as Attorney General of the United States, we welcome the commitment he voiced at his confirmation hearings to vigorously enforce the civil rights laws because, as he recently stated, "[E]very American has a right to expect that the implementation and enforcement of the laws be fair and be equal and that the protections of the law be accorded to all." (February 12, 2001).

It is often said that civil rights is the unfinished business of America. In this report, we set forth a series of challenges that represent the unfinished business of civil rights. To be sure, these are not the only issues of concern to LCCR members; efforts to combat poverty, expand access to health care and promote economic development, for example, are vitally important to many of the groups that comprise LCCR. And, while not every member organization has a

position on every issue discussed in this document, the members of the LCCR are united in their work for a more just society.

The issues discussed below are at the core of the fight for equal justice under law. If President Bush wishes to engage the civil rights community in a concrete constructive dialogue, these issues are the subject matter of that conversation.

To that end, LCCR respectfully presents to the new Administration a civil rights agenda.

I. Building an America Where Every Person Counts

The overarching goals of the civil rights movement are inclusion and equity. LCCR advocates laws guaranteeing women and minorities, including people with disabilities, full and fair participation in every aspect of American life. But, inclusion is possible only if every American is recognized by the government. The fundamental proposition that every American counts is at the heart of two policy challenges facing the new Administration: voting rights and the census.

A. Voting Rights

The first civil rights imperative facing President Bush is to restore confidence in the fairness of the system by which the President and other officials are elected. The problems experienced in the recent Presidential election – not just in Florida but also in other states – have undermined national confidence in the current electoral process. This must not be allowed to occur again in any state, in any election. If, according to *Bush v. Gore*, (531 U.S._(2000)), it is unconstitutional for a state to employ varying standards in conducting a manual recount of votes, surely it is unconstitutional for the state to employ differing technologies with widely varying reliability when it comes to administering other aspects of the electoral process.

The new Administration should immediately turn its attention to the electoral reforms needed to assure Americans that every vote counts. We urge the Bush Administration to work with Congress to develop legislation that:

- **Addresses the problems uncovered in the recent election and provides adequate funding to carry out necessary remedies.** Too many voters, including first time minority voters, were improperly turned away at the polls when they attempted to cast their ballots in the last election. The faults lie with outdated and improperly purged voting lists; inadequate support systems at local voting boards; and inadequate and mistaken information provided to voters, poll workers and others.

An immediate reform to address this issue, that will prevent the unjustified disenfranchisement of voters subsequently determined to be appropriately registered, is to provide for **provisional ballots** that are cast pending the outcome of any dispute with regard to a voter's eligibility to vote.

- **Conditions any related federal funding upon satisfying specific procedural standards (“best practices”) for the administration of elections and the eradication of practices that suppress voting.** Such standards would include: (1) uniform, non-discriminatory election administration; (2) ease of access for the voter, including voters with disabilities; (3) safeguards against purging legally registered voters; and (4) non-discrimination, including full participation for language, racial, and ethnic minorities and equal access to independent voting for people with disabilities.
- **Requires all polling places to have the most accurate voting equipment available.** Much of the confusion and delay in finalizing the vote in the last election can be traced directly to the use of disparate voting technologies with widely varying accuracy.
- **Protects the Voting Rights Act, the National Voter Registration Act and the Americans with Disabilities Act** while ensuring that any activities under the new legislation are consistent with these laws.

1. Enforcing the Nation’s Voting Rights Laws

The Voting Rights Act of 1965, 42 U.S.C. §1973, as amended, (“VRA”), the National Voter Registration Act, 42 U.S.C. §1973gg (“NVRA”), and the Americans with Disabilities Act (“ADA”), 42 U.S.C. §12100, provide content to the constitutional guarantee that all U.S. citizens have an equal opportunity to participate in the electoral process. The Voting Rights Act, in particular, is designed to remedy any racial discrimination in voting procedures. The Department of Justice is the key enforcer of these statutes. Vigilant and aggressive enforcement ensures that voters’ rights are protected and that the political process is fair and open. Unfortunately, as demonstrated in the 2000 election, there is substantial evidence that many jurisdictions have failed to fully comply with these important civil rights laws.

The Department of Justice must reinvigorate its implementation and enforcement of the VRA and the NVRA, especially during the post-2000 Census redistricting cycle. Redistricting plans must not be drawn so as to exclude racial and ethnic minorities from the electoral process. Specifically:

- The Voting Section should employ its substantial personnel and other resources to enforce Section 2 of the VRA by investigating and filing cases under the Act and by ensuring that jurisdictions do not create redistricting plans that dilute the voting strength of minority voters.
- DOJ’s Administrative review authority under Section 5 of the VRA must be used to prevent adoption and/or implementation of electoral practices that are intended to, or have the effect of, discriminating against minority voters. *See, e.g., Reno v. Bossier Parish School Bd.*, 528 U.S. 320, 327-29 (2000).

- The Voting Section should have as a priority the investigation and remedying of violations of the NVRA in jurisdictions that have failed to fully implement the law by, *e.g.*, refusing to designate a broad spectrum of agencies to maximize voter registration opportunities, particularly for disabled voters and voters on public assistance.

2. Language Assistance

Enforcement of Section 203 of the Voting Rights Act must be a priority for the Administration.

The United States is a melting pot and its citizens speak a multitude of languages. The Constitution nowhere requires a U.S. citizen to pass an English proficiency test before being able to exercise his or her constitutional rights - including the right to vote. The failure of election officials to provide adequate assistance at polling places to Hispanic-Americans, Asian-Americans, Native Americans, Haitian-Americans and other registered voters with limited English-language proficiency effectively denied these citizens their rights to vote. It also may have violated Section 203 of the VRA, which mandates such assistance. The Administration must aggressively investigate and remedy violations of Section 203 to ensure that jurisdictions do not deny language minorities their right to participate fully in the political process guaranteed by law.

3. Repeal Felony Disenfranchisement Laws

We urge the Administration to support efforts to repeal or modify felony disenfranchisement laws so as to restore rights of the millions of Americans, especially those who have paid their debt to society and wish to resume their civic rights and responsibilities.

Laws disenfranchising felons and ex-felons have a racially disproportionate effect. They deny millions of African-American citizens the right to vote. Fourteen states disenfranchise *for life* ex-felons who have fully served their prison terms; 32 states disenfranchise felons on parole; 29 states disenfranchise felons on probation. In 46 states and the District of Columbia, convicted adults in prison are denied the right to vote. The racial disparities prevalent in the justice system (a subject that will be addressed later in this document) means that 1.4 million African-American men – 13 percent of the entire adult African-American male population – are denied the right to vote. In five states, including Florida, over one quarter of the adult black men is disenfranchised.

Efforts to ameliorate the effects of felony disenfranchisement laws are underway at the state and federal levels and would be bolstered by support from the Administration.

B. The Census

The Director of the Census must fully explore, in a nonpartisan and scientific fashion, the feasibility and accuracy of releasing sampling-based census numbers for purposes of determining redistricting within states, allocating federal funds, and other permitted purposes.

The Constitution requires a national census every ten years. The paramount goal is an accurate and complete population count. Unfortunately, the Nation has regularly failed to achieve this goal. Our increasing population means that although the “undercount” has declined as a *percentage* of the total U.S. population, *the number* of Americans not counted has grown. In 1990, approximately four million Americans – the majority of whom were African-Americans and other minorities – were not counted. Census bureau officials report that in Texas alone the 1990 census missed approximately 220,000 Hispanics and 83,000 African Americans. The raw census tally resulted in the exclusion of 63,000 Asian-Americans in California and over 23,000 in New York.

The federal government uses census figures to allocate over \$180 billion in federal grants to states for, among other things, education, highway construction, health programs, and crime prevention. States also use census figures to allot money within their borders, including monies for direct government services. To the extent that the census undercounts minority populations, it reduces the federal funds available to those States in which the undercounted minorities live and perpetuates the chronic shortage of government services available to populations that are disproportionately low-income.

A census undercount also affects minority voting rights, because census figures are used in the redistricting process. The Voting Rights Act prohibits efforts by state or local governments to draw electoral boundaries with the intention of diluting the concentration of minority voters, yet census undercounting has that very effect. For example, it is estimated that the 1990 census undercounted 300,000 residents of New York City; nearly half of the undercounted were African-American, Hispanic and Asian-American. This failure to recognize local concentrations of minority groups hampers redistricting authorities seeking to comply with the VRA.

The National Academy of Sciences has found statistical sampling to be a valid means of reducing the census undercount to an acceptable level. Although the Supreme Court has foreclosed the use of statistical sampling for purposes of apportioning congressional seats *between* states, it has not precluded its use for purpose of congressional redistricting *within* states for *e.g.*, allocation of federal funds or for myriad other purposes for which census figures are used. *U.S. Dept. of Commerce v. U.S. House of Representatives*, 525 U.S. 316 (1999).

The Department of Commerce has decided to release unadjusted census data to the states for redistricting purposes. In making this decision, the Department acted on the recommendation of a committee of Census Bureau officials. While this panel concluded that it could not recommend the release of adjusted data until it had conducted further research and evaluation of

the data, it also noted that there is evidence of the accuracy of adjusted census data and of the continued existence of a differential undercount of the population. We urge the Census Bureau to complete its analysis of the census results and to release the adjusted census data. We also urge the President to support these efforts.

II. Ensuring Equal Opportunity

The United States styles itself the land of opportunity. If all Americans are to share in this promise, the federal government must vigorously enforce civil rights laws that guarantee non-discrimination in employment, education, public accommodations and other spheres of community life. But, non-discrimination does not ensure equal opportunity. The government must also offer its citizens a superior public education system. The government must defend and support narrowly tailored affirmative action programs aimed at ensuring equal opportunity for all persons in education, employment and federal contracting. And, the government must respond to unprecedented changes in the way Americans receive and share information by providing all Americans – at school, at home, and in the workplace – the tools they need to take advantage of new technologies.

The President should appoint to the Executive Branch agencies charged with the task of interpreting, implementing and enforcing the civil rights laws only those officials with experience and a genuine commitment to this vision of equal justice under the law. The same is true for the federal judiciary. The President's appointees must reflect a continuing effort to promote diversity. The President and the Senate should nominate and confirm judges with a strong intellect, judicial temperament, broad expertise and demonstrated concern for, and commitment to, the people and the rights protected by our Constitution and civil rights laws.

A. Adequate Funding for Civil Rights Enforcement Agencies

Federal agencies responsible for enforcing civil rights laws must receive the significant increases in funding needed for full enforcement of the laws.

The vitality and effectiveness of the civil rights laws depends upon the commitment and strength of the federal agencies responsible for their enforcement. The degree of faith that Americans have in the value of these laws is in large part a reflection of how well these agencies do their jobs. Although appropriations for fiscal year 2001 included some modest increases in funding for civil rights enforcement agencies, additional and continued funding increases are needed to regain lost ground and ensure aggressive enforcement of federal laws that provide fairness and equal opportunity.

The various civil rights agencies investigate and redress instances of discrimination, provide guidance to individuals and businesses as to how best to comply with the laws. Since 1985, the passage of numerous laws either defining civil rights (*e.g.*, Americans with Disabilities Act), amending existing civil rights laws (*e.g.*, Civil Rights Act of 1991) or otherwise affecting the rights of persons in protected classes (*e.g.*, immigration reform), has caused a dramatic increase in the workload of the enforcement agencies. However, funding for civil rights

enforcement in real dollars has declined steadily for several years. A recent study by the United States Commission on Civil Rights, "Funding Federal Civil Rights Enforcement: 2000 and Beyond," found that funding and full-time equivalent staffing at six federal civil rights enforcement agencies had declined 10 percent since 1995. The Commission determined that these shortfalls have resulted in "fewer compliance reviews conducted, abbreviated investigations, less policy development and less defense of civil rights laws in court." It concluded that "[u]ntil the President and Congress remedy this situation, millions of individuals will be deprived of adequate means to seek justice and equal opportunity."

Appropriations for fiscal year 2001 included some increases in funding for civil rights enforcement agencies, though not at the level requested in the former President's proposed budget for FY 2001. Additional and continued funding increases are needed to regain lost ground and ensure aggressive enforcement of federal laws that seek to provide fairness and equal opportunity. Specific agencies in need of immediate funding increases include:

- **The Department of Justice's Civil Rights Division (DOJ/CRD)** is the lead federal civil rights enforcement agency, combating discrimination based on race, color, national origin, and gender in employment, public accommodations and other activities. It also has primary responsibility for enforcing the ADA, federal anti-hate crime laws, and aspects of the Violence Against Women Act (VAWA). In the coming year, DOJ/CRD will be called upon to review redistricting and voting changes submitted in the wake of the 2000 census.

Funding for DOJ/CRD in FY 2001 increased 12 percent, but this increase fell below the 19 percent increase requested in the President's proposed for FY2001. Substantial funding increases remain necessary to improve this agency's ability to fulfill its enforcement responsibilities.

- **The Equal Employment Opportunity Commission (EEOC)** has launched a major effort to reduce the backlog of complaints filed against private employers, which require an initial agency review before a claim can be filed in court. This backlog has been a chronic problem that has built up over several administrations – complaints per year during the 1990s exceeded by over 10,000 the complaints per year in the 1980s. Although the EEOC has made strides in reducing the backlog, additional work is necessary to complete these improvements.

The FY 2001 increase for the EEOC was only half the increase proposed by the former Administration. The increase proposed by President Bush for FY 2002 is only 2.3 percent (\$7 million) – an amount that does not even keep pace with inflation. And, this entire amount is directed at increased staff costs. This is simply insufficient to address the backlog of charges and other tasks the EEOC must undertake. Additional funding increases are necessary to make the EEOC the efficient adjudicator of civil rights disputes that both employees and employers deserve.

- **The Department of Health and Human Services' Office of Civil Rights (HHS/OCR)** works to prevent discrimination by recipients of federal funds for the provision of health and social services. Such grantees include hospitals and nursing homes, as well as public and

private social service agencies. For example, the agency acts to prevent discrimination against minorities and the disabled in managed care, to prohibit health care providers from redlining geographic areas in a manner that causes discrimination, and to remove barriers preventing minorities from participating in Medicaid and other federally-supported health care programs. Increased funding for HHS/OCR is especially important in light of the growth and increased complexity of the American health care system in recent decades.

HHS/OCR has an important role in ensuring that states fully comply with the U.S. Supreme Court's decision in *Olmstead v. L. C. ex rel. Zimring* 527 U.S. 581 (1999), which prohibits unjustified institutionalization of people with disabilities in state Medicaid programs. President Bush has supported this effort in his New Freedom Initiative for people with disabilities; however, it will require additional resources.

- **The Department of Education's Office of Civil Rights (ED/OCR)** is responsible for enforcing civil rights compliance by institutions receiving federal education funds. Its jurisdiction extends to virtually every primary school, secondary school, and college in the country. Complaints filed with the ED/OCR over the past decade have doubled (the increase in FY 1999 alone was 35 percent over the prior year), yet staffing at the agency has declined by 10 percent in that period, and the FY 2001 budget contained no meaningful increase. In light of the Bush Administration's stated commitment to education reform, it should recognize that ensuring equal access to all levels of schooling is critical.
- **The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP)** enforces Executive Order 11246 and the regulations implementing it that prohibit employment discrimination by federal contractors and require federal contractors to take affirmative steps to eliminate discrimination in their workforces. Vigorous enforcement of all aspects of the Executive Order program, and adequate funding for OFCCP, are critical to ensuring equal opportunity in federal contractors' workplaces.

There are other federal civil rights agencies also worthy of increased attention. **The Department of Housing and Urban Development's Fair Housing Programs** provides critical funding for private, non-profit fair housing organizations located throughout the United States. **The Legal Services Corporation** is responsible for providing low-income Americans with access to legal services. **The Department of Agriculture's Civil Rights Programs** are designed to reverse the long history of discrimination at that Department, in particular the history of black farmers who were denied financial assistance provided to white farmers. All of these agencies suffer from funding shortfalls that undermine their mission. **The Department of Transportation** plays an important role in enforcing the ADA, the Air Carrier Access Act, and other laws protecting the civil rights of travelers. The **U.S. Commission on Civil Rights** performs a critically important oversight role of the nation's civil rights laws and policies. **LCCR urges the Administration to make increased funding of civil rights enforcement one of its budgetary priorities.**

B. Restoring and Expanding the Right to a Fair and Equitable Workplace

The Administration should support vigorous enforcement of the laws prohibiting employment discrimination and ensure that the agencies enforcing these laws receive adequate funding. It should work with Congress to restore workplace civil rights eroded by recent Supreme Court decisions. Enactment of the Employment Non-Discrimination Act should be a priority.

The right to earn a living – to be a productive and self-sufficient member of the economic community – is critical to the resolution of many other inequities prevalent in low-income and minority communities. Vigorous enforcement of the laws prohibiting discrimination in employment on the bases of race, sex, age, disability, religion and national origin are therefore at the core of the civil rights agenda.

Historically, these laws have been interpreted broadly, so as to maximize the rights of workers to be free of arbitrary and invidious discrimination. Unfortunately, a series of decisions issued by the U.S. Supreme Court and expanded in the lower and state courts have narrowed the scope of these laws and severely hampered the ability of employees to assert their rights and the effective enforcement of these laws. Limiting the scope of these decisions to the extent possible, vigorously defending the constitutionality of the civil rights laws prohibiting workplace discrimination in the courts, and opposing legislative efforts to weaken these laws are critical tasks for this Administration.

President Bush has spoken movingly about the role of his father's administration in passing the Americans with Disabilities Act (ADA), an historic expansion of the civil rights laws. We urge his own Administration to expand upon his family's legacy by fighting for legislation that restores the ADA and its companion civil rights laws to their full force and effect. In particular, we urge him to support the Employment Non-Discrimination Act. The one minority group against whom it is legal to discriminate in employment is gay and lesbian Americans. In 1996 the Senate came within one vote of passing the Employment Non-Discrimination Act, a bipartisan proposal to extend basic workplace protections to gays and lesbians.

We also urge the Administration to ensure that implementation of the initiative that will allow federal funds to flow directly to religious organizations for religious purposes not be used to sanction or facilitate government-funded employment discrimination by such organizations. The use of federal monies creates a bright-line distinction with private sectarian institutions funded with private dollars who enjoy some exemptions from the non-discrimination laws. Government funds must not be used to facilitate activities contrary to the most basic tenets of equality and fairness.

Other critical issues include:

- **Ensure that workers have full access to courts, remedies, and procedural protections in employment disputes.** The recent decision of the U.S. Supreme Court in *Circuit City Stores, Inc. v. Adams*, (___ U.S. ___, 2001), upheld the validity of a mandatory arbitration clause included in an employment application. The case illustrates a disturbing trend: more and more employers require workers to agree, as a condition of

employment or promotion, that any and all future employment disputes be settled through mandatory, binding arbitration.

Forcing workers into arbitration undermines one of the key tenets of federal civil rights law: the right of job discrimination victims to have their federal claims heard in federal court by judges sworn to apply and uphold the law. Mandatory arbitration programs deny workers some of the most important civil rights protections first established in the Civil Rights Act of 1964 and later expanded by the Civil Rights Act of 1991, e.g., access to jury trials and full remedies for discrimination victims. Furthermore, there are few if any standards established for such arguments. We urge the Administration to support Senator Feingold's Civil Rights Procedures Protection Act, which would amend certain Federal civil rights statutes to prevent the involuntary application of arbitration to claims that arise from unlawful employment discrimination.

- **Restoration of the rights of state employees.** In *Kimel v. Florida Board of Regents*, 528 U.S. 62 (2000), the Court held that, although the Age Discrimination in Employment Act (ADEA) applies to state employers, state employees have no private rights to sue their employers for violations of that law. In effect, older state workers have become second-class citizens – no other large employer is permitted to escape liability for age discrimination in this fashion. The Supreme Court made a similar decision with regard to employment claims against state employers under the Americans with Disabilities Act. *Board of Trustees of the University of Alabama v. Garrett*. (531 U.S. ___, 2001).

Last year, Senators Jeffords and Kennedy sponsored the *Older Workers' Rights Restoration Act*, which would condition the receipt of federal funds by a state on a waiver of sovereign immunity with regard to ADEA suits by the state program or activity receiving the funds. LCCR urges the Administration to support this legislation and work for its speedy passage.

- **Restoration of the full scope of ADA protections against employment discrimination.** In *Sutton v. United Air Lines*, 527 U.S. 471 (1999), the Court held that a plaintiff is not “disabled” under the Americans with Disabilities Act if the impairment could be fully corrected using medication or medical devices . . . but an employer may rely upon the uncorrected disability to deny employment to the plaintiff. By creating this enormous loophole in the coverage of the ADA, the Court has dramatically reduced the rights of persons with disabilities to fair treatment in the workplace. Unfortunately, *Sutton* is just one of a number of decisions in this vein.
- **Passage of the Civil Rights Tax Fairness Act.** Through a unintended combination of Supreme Court decisions (*Commissioner of the IRS v. Schleier*, 515 U.S. 323 (1995); *U.S. v. Burke*, 504 U.S. 229 (1992)), Internal Revenue Service rulings, passage of the Small Business Act in 1996, and the alternative minimum tax (AMT), successful plaintiffs in employment discrimination cases are subject to extraordinary tax burdens: they are immediately taxed on the full amount of the back pay award, even though it may represent many years of back pay; they are taxed on the attorney’s fees paid by the defendant to the plaintiff’s attorney (and then the plaintiff’s attorney is taxed on the fees

again); the award may be so disproportionate to their other income that they are subject to the AMT. It is not unheard of for prevailing plaintiffs to *owe taxes in excess of the damages* they actually receive. Settlement of these cases has become much more difficult and expensive.

Last year, Senator Grassley introduced the *Civil Rights Tax Fairness Act* to restructure the system for taxing these damage awards. We urge the Administration to support this legislation.

- **Strengthen Equal Pay requirements.** Senator Harkin's *Fair Pay Act* would modify the standard used to establish equal pay violations; Senator Daschle's *Paycheck Fairness Act* would close loopholes in the Equal Pay Act to ensure that women are paid equally for equal work. LCCR urges the Administration to support these and other efforts to eradicate discriminatory pay practices.
- **Equalize civil rights remedies.** The 1991 Civil Rights Act allows successful plaintiffs in Title VII cases to recover compensatory and punitive damages but sets arbitrary limits on the amount of such damages that may be awarded. This means that some victims of employment discrimination, including women subjected to sexual harassment on the job, do not have a complete remedy for their injuries. The *Equal Remedies Act* would eliminate this anomaly in the civil rights laws. LCCR urges the Administration to support this legislation.
- **Restore the Responsible Contractor Regulations.** These regulations require federal agencies to scrutinize prospective contractors' records of compliance with civil rights statutes and other laws prior to awarding government contracts. In effect, they insure that federal monies are not used by contractors who engage in discrimination or otherwise for a discriminatory purpose. LCCR urges the Administration to reconsider its decision to block these new rules.
- **Protecting Workers' Rights.** All too often workers who attempt to join unions, assert other rights in the workplace, or file complaints with protection or civil rights agencies face employer threats, retaliation and discrimination. LCCR urges the Administration to vigorously enforce worker protection laws and take the steps necessary to protect those who assert their rights under those laws.
- **Make Family and Medical Leave More Affordable and Accessible.** The Family and Medical Leave Act of 1993 (FMLA) provides much-needed protection from job and health insurance loss to workers temporarily unable to work due to birth, adoption, or serious family illness. But, too many people – especially low income workers – are unable to exercise their rights under the FMLA because they don't meet its eligibility requirements or because they can't afford to take unpaid leave. To ensure that family and medical leave is more affordable and accessible, LCCR urges the Administration to: vigorously enforce the FMLA; support its expansion to cover employees in mid-sized businesses and employees who need leave for additional compelling reasons; oppose legislation that would weaken the FMLA's protections through so-called

"clarifications,";and continue the Labor Department's Babies and Adoption Unemployment Insurance program, which, at states' option, allows employees to collect unemployment benefits during parental leaves.

C. Education

LCCR applauds President Bush for placing education at the top of his agenda. Equal educational opportunity is one of the primary goals of the civil rights movement. We urge the Administration to approach education reform in a manner true to the spirit and substance of *Brown v. Board of Education*.

The expected reauthorization of the Elementary and Secondary Education Act (ESEA) by the 107th Congress is a paramount concern. Of particular importance is the continued vitality of Title I of the ESEA, which targets financial assistance to local education agencies to meet the needs of disadvantaged children. In 1994, Congress shifted the focus of Title I from remedial education to achieving high standards and higher achievement for all students – goals President Bush championed in Texas and in his recent presidential campaign.

The Bush Administration and the 107th Congress must remain true to these objectives by:

- **Continuing the standards-based reforms adopted in 1994, including provisions holding education officials accountable for student progress.**
- **Improving the quality of teaching in low-income schools and ensuring that those teachers have ample opportunities for professional development.**
- **Increasing the resources for improved teaching, lower class size, and curriculum in high poverty schools so that all children have an opportunity to learn.**
- **Improving opportunities for students with Limited English Proficiency.**
- **Including students with disabilities in Title I reforms.**
- **Guaranteeing that children served under the ESEA who are removed from school for disciplinary reasons continue to receive educational services.**
- **Ensuring that block grant programs do not undermine the Title I goals of targeting low-income schools and establishing accountability standards.**
- **Ensuring that school districts are held accountable for misconduct.** In this regard, we note the decision of the Supreme Court in *Gebser v. Lago Vista Independent School District*, 524 U.S. 274 (1998). The Court held that a student who is sexually harassed by a teacher cannot receive damages under Title IX of the Education Amendments of 1972 unless a school district official with authority to institute corrective measures had actual notice of, and was deliberately indifferent to, the teacher's misconduct. In establishing

this high hurdle to recovery, the Court again ignored the broad remedial purposes of the statute it was interpreting.

- **Ensuring that educational institutions are held accountable for discrimination.** Too many students still encounter significant barriers to equal education because of their sex, race, national origin, age or disability. The Department of Education's Office of Civil Rights should commit itself to strong enforcement of Title IX, Title VI, Section 504 of the Rehabilitation Act and the Age Discrimination Act.

Title IX is a case in point. After more than 20 years of inaction, Executive Branch agencies finally issued regulations implementing Title IX in 2000. The Administration must vigorously enforce these regulations and hold federal agencies accountable for eliminating sex discrimination in federally funded education programs and activities.

Similarly, **the education programs run by the federal government must be non-discriminatory.** Such discrimination may prevent otherwise-qualified persons from taking advantage of important opportunities such as National Science Foundation scholarships. The Administration should vigorously enforce Executive Order 13160, which prohibits such programs from discriminating on the bases of race, sex, national origin and other categories.

- **Ensuring that students with disabilities are receiving appropriate education under IDEA and that states are held accountable when they are found out of compliance with IDEA's core civil rights requirements.**
- **Taking enforcement action in several critical areas:**
 - ❖ implementing the testing guidance promulgated by the Clinton Administration to assure that tests are valid, fair and conform with the Civil Rights laws;
 - ❖ holding states and LEAs accountable for complying with Title I; and
 - ❖ continuing support efforts by school boards and others to keep schools racially integrated and diverse by resisting legal attacks on desegregation policies.

In our view, quality education can best be achieved through high-quality public institutions. Most Americans appear to share this view – among other successful public education ballot initiatives around the country, voters in four states (California, Colorado, Arizona, and Washington) approved ballot measures to boost funding for public schools. We share the voters' commitment to maintaining a strong public school system and call on the Administration to join that effort.

D. The “Digital Divide”

The “Information Revolution” is transforming the economic, social, political and cultural life of America. But, not all Americans have shared the benefits of progress. A “Digital Divide” persists between those who have the training and access to technology that enable them to take advantage of the Internet and other new engines of progress, and those who are unable to take full advantage of the jobs and benefits available in the new economy. For those on the right side of the Divide, the information age will bring unprecedented empowerment and opportunity. But, for those on the wrong side, there is evidence that much-vaunted technological advances may aggravate existing patterns of inequality.

A recent Commerce Department study entitled “Falling Through the Net: Toward Digital Inclusion” highlighted the extent, and racial face, of the digital divide.¹ New technological advances have always first reached – will always first reach – wealthy persons. But, our collective futures demand that we breach the Divide and bring the advantages of the new economy to those who may not be able to first afford it.

LCCR urges the Administration to put its full support behind programs and policies that expand access to, and the benefits of, the new technology to all Americans. Among the best of these programs are those that encourage public-private partnerships designed to serve low-income areas. These, and other needed initiatives, include:

- **Community Technology Centers:** Congress has authorized the establishment of these Centers to assist individuals in low-income communities – disproportionately minorities – to utilize new technologies, but funding is insufficient to meet current needs.
- **Support for School and Library Technology Programs** including discounted hardware, software and telecommunications services through full funding for the e-rate discount program; in-classroom computer training; and teacher training in education technology. The reauthorization of the ESEA must address these concerns. Any tax

¹ The Commerce Department itemized some of the most glaring inequities:

- Only 23.5 percent of African-American households enjoy Internet access, compared to 41.5 percent nationally. This gap has widened by four percentage points since December 1998. A similar divide exists for Hispanic households, where the divide has increased by three percentage points since December 1998.
- Although one-third of all Americans use the Internet at home, only 16.1 percent of Hispanics and only 18.9 percent of African-Americans do so.
- Both African-American and Hispanic households own computers in substantially lower numbers than all American households (51 percent for households nationally, 32.6 percent for African-American households, and 33.7 percent for Hispanic households).

People with disabilities are only half as likely to have access to the Internet as non-disabled Americans (21.6 percent versus 42.1 percent).

package supported by the Administration should include incentives for corporations to donate computers and other resources to low income schools.

- **Promote Home Computer Ownership and Internet Access** through discounted rates in underserved communities. This should be incorporated into any tax package supported by the Administration.
- **Technologies for People with Disabilities:** The federal government should work with the disability community to identify barriers to computer and Internet access and develop comprehensive strategies for addressing those barriers. Congress appropriated \$142 million for research and development in this area; the new Administration should sustain this commitment.
- **Promote Training to Develop a Skilled and Diverse Higher Tech Workforce.** The Information Technology Association of America estimates that nearly 1.6 million information technology jobs were created in 2000 alone, yet black and Hispanic Americans each hold only about 3 percent of those jobs. Minorities and women are similarly underrepresented in math and science programs in higher education and are less likely to receive the training necessary to secure employment in the high paying technology sector. For example, Native Americans received less than one half of one percent of bachelors' degrees awarded in these studies; the percentage of women earning degrees in computer science actually decreased from 1984 to 1995.

In addition to education initiatives designed to remedy this problem, the Administration should promote and fund job-training initiatives such as the Job Training Partnership Act and create incentives for the private sector to mentor and train minority high tech workers. Any tax relief package supported by the Administration should include incentives for companies to target minority workers in technology training programs.

- **Diversify Communications and other High Technology Industries** through programs that genuinely promote diverse media ownership and viewpoints, and vigorous enforcement of the anti-discrimination laws.
- **Access to Government Information in Many Languages.** The federal government should work with communities to increase access to government information on the Internet for Americans who speak and read languages other than English.

III. Building Stronger Communities and Families

In the preceding sections we discussed the affirmative steps that the new Administration can take to strengthen civil rights and improve the status of minorities through education and training. In this section, we address current government policies that undermine minority families and communities and urge President Bush to chart a different course.

Inflexibly harsh and arbitrary criminal justice and immigration laws have devastated minority communities. Too many minority Americans are separated from their spouses and children due to lengthy mandatory prison terms for non-violent crimes, deportation for minor offenses committed decades ago, or incomprehensible rules and arbitrary determinations regarding immigration matters. Increased incarceration and deportation rates lead to an unacceptable number of one-parent households and the associated economic and social problems; to fragmentation of inner-city neighborhoods; and to the disintegration of family and community support systems.

Current policies on incarceration and deportation punish African-Americans and Hispanic Americans differently, and more harshly, than white Americans who commit identical wrongs. Minority citizens lose faith in a system of justice that, *e.g.*, permits racial profiling by police and immigration officials, imposes harsher sentences on minority non-violent drug offenders, and permits vigilante justice along the U.S. border.

A. *Criminal Justice*

In its May 2000 report entitled, “Justice on Trial: Racial Disparities in the Criminal Justice System,” the LCCR concluded that the treatment of minorities in the criminal justice system is the most profound civil rights crisis facing America. Beginning with the first step in the process – identifying criminal suspects – questions about racially biased treatment are raised. We wholeheartedly agree with Attorney General Ashcroft’s position on this issue: “I believe that racial profiling is an unconstitutional deprivation of equal protection under our Constitution.” (Press Conference following meeting with Congressional Black Caucus, February 28, 2001).

The evidence clearly demonstrates a pervasive pattern of unequal treatment of America’s minorities in the criminal justice system. Unequal treatment at each stage of the process is compounded at each subsequent stage. Driven by the mistaken beliefs that (1) minorities commit more crimes and (2) most minorities commit crimes, law enforcement officials target minority suspects through racial profiling. The inevitable result of such profiling is that far more minorities than white Americans are arrested, even though minorities are no more likely than whites to engage in the conduct that leads to arrest. The subtle biases and stereotypes that cause police officers to engage in racial profiling are compounded by racially skewed decisions of prosecutors, who, in this era of mandatory minimum sentences, play a larger role than ever in determining whether, and for how long, a convicted defendant will be in prison.

Thus, studies show that at each stage of a criminal prosecution, from initial plea negotiations to charging and sentencing decisions, “justice” is systematically dispensed in a way that disadvantages minority defendants. Consequently, the overall prison population, both state and federal, is disproportionately African-American and Hispanic-American. This fact then reinforces biases that gave rise to racial profiling and racially based prosecutorial practices.

The cumulative effect of this circular pattern of unequal treatment is astonishing:

- Although they comprise less than a quarter of the total U.S. population, African-Americans and Hispanic Americans comprise approximately two-thirds of the total U.S. prison population (the largest in the world). The percentage of African-American prisoners is over four times the percentage of blacks in the total population, and the percentage of Hispanic prisoners is twice the percentage of Hispanics in the total population.
- Almost one in three African-American men aged 20-29 is, on any given day, under some form of criminal supervision – either in prison, in jail, on probation or on parole.
- An African-American man born in 1991 has a one in three chance of serving prison time at some point in his life. A Hispanic man born in 1991 has a one in six chance of spending time in prison.
- There are more young African-American men under supervision by the criminal justice system than in college.
- For every African-American man who graduates from college, 100 African-American men are arrested.

Support is growing for the reforms necessary to begin transforming the complex network of laws, policies, and biases that have caused these racial disparities in the first place. In “Justice on Trial,” the LCCR recommended ten concrete improvements. They include:

- **Enhance Police and Prosecutorial Accountability.** Just as racial disparities begin with discretionary decisions by front-line law enforcement personnel, so should remedies begin with those persons. Congress should pass legislation establishing national standards for the accreditation of law enforcement agencies – standards that expressly prohibit racial profiling. Federal legislation should also require police to collect data on traffic stops and other exercises of discretion associated with racial profiling. Data collection and law enforcement accreditation bills were introduced in the 106th Congress, *i.e.*, H.R. 1443 (“The Traffic Stops Statistics Study Act”) and H.R. 3981 (“The Law Enforcement Trust and Integrity Act”), and we urge the new Administration to support such legislation in the 107th Congress. Similarly, Congress should pass legislation requiring prosecutors to collect data on charging decisions, bail and sentencing recommendations, and other exercises of prosecutorial discretion.

LCCR applauds President Bush’s charge to Attorney General Ashcroft (February 28, 2001) to review the use by federal law enforcement authorities of race as a factor in conducting stops, searches and other investigative procedures. (Ashcroft Press Conference, *supra*).

- **Diversify Law Enforcement.** Hostility between minority communities and the police can often be traced to under-representation of minorities and language barriers in law enforcement. In too many neighborhoods the police are seen as an occupying force, not as a community resource. The federal government should condition grants to state and

local law enforcement agencies on efforts by those agencies to implement minority recruitment and hiring practices.

- **Improve the Quality of Indigent Defense Counsel.** A systematic review of indigent defense services in the United States is the first necessary step toward significant improvements in our current system of indigent defense. Many racially disparate outcomes in the criminal justice system are attributable to inadequate lawyering. Some of these attorneys may be incompetent. More often, they are competent attorneys who lack the time and resources to vigorously defend their clients.
- **Suspend Operation of the Death Penalty.** LCCR opposes capital punishment as one of the most glaring manifestations of racial disparity in the criminal justice system. Simply put, whether a defendant eligible for capital punishment lives or dies depends in large part on the skin color of the defendant or victim. But even those who support the death penalty should agree to a nationwide moratorium on the death penalty while flaws in current procedures are studied and reformed. The Bush Administration should also support the Leahy-Smith Innocence Protection Act, which would reform death penalty procedures at the state and federal levels.
- **Repeal Mandatory Minimum Sentencing Laws.** These laws are an engine of racial injustice. They have filled federal and state prisons with tens of thousands of non-violent minority offenders. Particularly egregious are “three strikes” or “two strikes” sentencing laws that impose long and irreducible prison terms for even the most minor criminal conduct. Such laws prevent judges from considering mitigating circumstances about an offense or offender, and therefore prevent a judge from mitigating racial bias encountered at earlier stages of the process. The repeal of mandatory minimum sentencing laws is needed to restore balance and racial fairness to a criminal justice system that has increasingly come to view incarceration as an end in itself.
- **Remedy the “Crack v. Powder” Cocaine Sentencing Divide.** The new Administration should follow the recommendation of the U.S. Sentencing Commission and abolish the crack/powder disparity. Without mandatory minimums, sentencing in the federal system would be governed by the federal sentencing guidelines. But, these guidelines themselves are infected by racial disparities. Most egregious of these disparities is the crack/powder cocaine sentencing divide, in which longer federal sentences are imposed upon persons convicted of dealing crack cocaine than those convicted of dealing the same amount of powder cocaine. Because African-Americans almost exclusively have been targeted for crack dealing by federal authorities, African-Americans and other minorities serve far longer prison sentences for drug dealing than whites convicted of similar crimes involving powder cocaine. Perhaps no policy has contributed more to minority cynicism about our justice system than this one.
- **Reject Efforts to Transfer Juveniles into the Adult System.** No criminal justice policy is more destructive to our children and our future than one that extends punishment-based crime approaches to children. Policies that favor incarceration in adult facilities at the expense of rehabilitation are inconsistent with a century of U.S. juvenile justice policy

and practice, are applied disproportionately to minority youth, and threaten to create a permanent underclass of undereducated, untrained, hardened criminals. The Administration should reject efforts, to extend this into the federal system. It should support current requirements that states collect data bearing on the racial disparities that characterize some state juvenile justice systems.

B. Immigration

Immigrants have always been the foundation and the future of our nation. However, the U.S. immigration system is beset by many of the same problems as the criminal justice system, *e.g.*, racial profiling, unduly harsh penalties for minor crimes and, in some circumstances, a basic lack of equal treatment and due process. Asylum and amnesty are readily available to certain victims of foreign oppression of favored nationalities (*e.g.*, Cubans and Nicaraguans) but are often denied to similar victims from other countries. Lost amidst the efforts to toughen the immigration laws and their enforcement is the basic obligation of the INS to reduce the backlog in citizenship applications, facilitate family reunification, protect against exploitation and discrimination based upon national origin and race, and otherwise serve the needs of immigrants. The perception of our immigration system, both within the country and globally, is that it is at best arbitrary and, at worst, racist.

LCCR urges the Administration to break with the policies of the past and pursue a positive immigration agenda during the 107th Congress. This includes, among other measures:

- **Repeal of the most draconian provisions of the 1996 immigration law**, including deportation of otherwise law-abiding legal immigrants convicted of minor crimes decades ago, restoring the right to due process and judicial review of deportation and similar orders and mandatory detention. Legislation that would address a small part of this issue passed the House of Representatives in the 106th Congress (it did not require judicial review of such orders, which is essential to due process). LCCR urges the Administration to support enhancement and enactment of such legislation by the 107th Congress.
- **Amnesty to long-resident immigrants** – including persons from Central America, Haiti and Liberia – **who fled to the U.S. to escape civil unrest in their countries**. Simple justice demands that they, and other similarly situated refugees, be granted the amnesty long given to Cubans and Nicaraguans.
- **A re-evaluation of policies and practices along the Southwest border**. The current policies have not reduced the number of undocumented immigrants entering the country, but they have caused many of them to die or be injured. They have also encouraged vigilante activities by private citizens who live along the border.
- **Racial profiling** is a particularly egregious practice of immigration authorities at the border and northward. The Administration should commit itself to purging the INS of this practice.

- **Reduction of the backlog in citizenship applications** and other measures to make the INS more efficient, responsive and fair.
- **Restoration of safety-net welfare benefits for legal immigrants.** These persons are here legally, work and pay taxes.
- **Full, permanent restoration of Section 245(i) of the Immigration and Nationality Act.** This provision, which allows undocumented immigrants to apply for legal status while remaining in the U.S. (for a fee), was restored last year for only a four-month period. Making this laudable practice permanent would further the goal of family unification that is at the core of the immigration laws.
- **Increase funding for the Office of Special Counsel for Immigration-Related Unfair Employment Practices.** Created in 1986, this Office is responsible for ensuring that the immigration laws do not cause employers to discriminate against foreign looking or sounding applicants.

C. Hate Crimes Legislation

The Administration should strongly support enactment of new federal Hate Crimes Legislation.

Hate crimes remain a festering and horrifying problem in the United States. The killings of James Byrd and Matthew Shepard, among other senseless acts of hatred, remind Americans that violence based on racial or other prejudices still occurs. Such heinous actions require a federal response. In the past, members of Congress have worked in a bipartisan manner to craft legislation, such as the 1990 Hate Crimes Statistics Act and the 1996 Church Arson Prevention Act, addressing prejudice that turns violent.

The current federal criminal laws with regard to hate crimes are inadequate in two important respects. First, they do not protect all victims of hate crimes; they do not cover violence based on sexual orientation, gender or disability. Second, these laws rest on an unnecessarily narrow basis for federal jurisdiction. As a result, they cannot be invoked in many cases where they should be used.

To fill these gaps, Senators Kennedy, Smith, Specter and Representatives Conyers, Morella, and others have introduced the *Local Law Enforcement Enhancement Act* (LLEEA). Because it is limited to crimes directed at persons, not property, this version of the Act is more limited than earlier drafts. In the 106th Congress, the Senate passed a version of the hate crimes legislation as an amendment to the Defense Authorization Bill. The House of Representatives is also on record in support of that legislation, having instructed its conferees to support the Senate amendment in conference. Although hate crimes legislation was not included in the final appropriations bill, the Administration should work with the Congress to ensure enactment of the LLEEA this year.

D. Housing Discrimination and Economic Opportunity

Preventing housing discrimination against minorities and women, and enhancing housing opportunities for low-income persons, must be top priorities for the Department of Justice and the Department of Housing and Urban Development. These agencies and the programs they administer must be provided with adequate resources and funding to vigorously enforce the civil rights laws.

President Bush spoke eloquently, during the campaign, about his belief in the dream of home ownership. We urge him to take the steps necessary to make that dream a reality for all Americans, regardless of income status.

Although home ownership nationwide is at its highest level ever, fewer than half of African American and Hispanic families own their own homes (compared to nearly 75% of white families). Less than ten percent of Americans with disabilities own their own homes. The shortage of affordable rental housing has caused worst-case housing needs to reach an all-time high of 5.4 million families, a disproportionate number of whom are minorities. These gaps are the result of ongoing housing discrimination and the failure of changes in public and subsidized federal housing programs to adequately consider the rights and interests of low income and minority communities.

We agree with Attorney General Ashcroft that the Department of Justice and the Department of Housing and Urban Development (HUD) must focus on preventing housing discrimination against minorities and women. In addition to vigorous enforcement of the civil rights laws, LCCR urges the Administration to take the following specific actions:

- **Increase staff and funding for HUD's Office of Fair Housing and Equal Opportunity (FHEO) and the Fair Housing Initiatives Program (FHIP).** The Fair Housing Act of 1968 (as amended), requires that complainants of housing discrimination first exhaust administrative remedies. Since 1995, FHEO staff has decreased by 22 percent; FHEO appropriations have decreased by 15 percent; but complaint filings have *increased* by 15 percent. Similarly inadequate funding is provided for FHIP, which helps underwrite the work of private, non-profit fair housing organizations. As a result, the detection, investigation and remedying of housing discrimination has been seriously impaired.
- **Continue Efforts to Attack Predatory Lending.** Predatory lending practices are usually aimed at the most financially vulnerable homeowners. HUD has reported that a disproportionately large percentage of subprime loans are made in low-income neighborhoods; they are five times more likely to be made in African American neighborhoods than in white neighborhoods. The devastating effects of predatory lending are illustrated by the corresponding increase in foreclosures in low income and minority communities. LCCR urges the Bush Administration to support ongoing legislative and agency efforts to detect and eliminate such practices, including development of sound and fair underwriting guidelines for credit transactions.

- **Finalize Regulations for Data Collection under Regulation B of the Equal Credit Opportunity Act (ECOA).** The ECOA is a powerful tool to combat discrimination in the granting of credit. However, its effectiveness in preventing discrimination by non-mortgage lenders and lenders to small business has been hampered by a lack of data on their lending practices. (The Home Mortgage Disclosure Act provides for data collection by mortgage lenders on the race, ethnicity and gender of applicants.) The Federal Reserve Board has proposed regulations providing for similar data collection in all areas of the credit industry. We urge the Administration to finalize these regulations and include strong mechanisms for enforcing the ECOA.
- **Increase Fair Housing Oversight of Low Income Housing Tax Credit Program.** This tax incentive program, begun by the Reagan Administration in 1986, allows states to award federal tax credits to private developers of low-income housing. It is the largest source of federal funding for construction and rehabilitation of housing for low-income families. Last year the Departments of Treasury, Justice and HUD entered into an agreement to enhance fair housing monitoring of this program. LCCR urges the Administration to support this agreement and encourage the development of new methods to promote compliance with the civil rights laws, including data collection, affirmative marketing requirements, siting of new developments and access to suburban programs by Section 8 participants.

Finally, the Bush Administration should expand opportunities for low-income housing residents by vigorously supporting and enhancing the following programs: HOPE VI; Section 8 voucher program; Section 8 project subsidies; Section 3 of the Housing and Urban Development Act; and HUD's new regulations designed to protect the rights of limited English speakers and the rights of women to be free from sexual harassment.

E. Economic Security and Welfare Reauthorization

The upcoming debate about reauthorization of the 1996 federal welfare law, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), will present an important opportunity to examine how well families receiving welfare assistance, particularly those from different communities or those with special needs, have fared under recent welfare changes. Although there has been extensive discussion about the law's effects, little has been done to assess the law's impact from a civil rights perspective. Too little is known about the effect of recent welfare policy changes on different racial and ethnic communities; the role of discrimination in determining access to welfare programs and services, or jobs; and differences in the types of supports needed by different low-income women and families of color. More fundamentally, scant attention has been given to developing targeted strategies for communities with unique needs to ensure that all families receiving welfare assistance have the best opportunity to move from poverty to economic security.

Any discussion about welfare reauthorization must, at a minimum, include steps to:

- **Improve collection and analysis of accurate data about recent welfare changes.** There is not enough information or analysis about how well different communities, particularly different racial and ethnic communities, have fared as states have implemented changes to their welfare programs and services. Many clients and families have left welfare, but there is uneven information about what has happened to them. Even with the limited information that is available, there is evidence in some states of differences in welfare leaver and sanction rates along racial and ethnic lines. These differences cannot be addressed without accurate data about what is really happening to welfare clients.
- **Ensure vigorous enforcement of civil rights and employment laws.** Every state should have in place a clear and effective mechanism for handling complaints involving civil rights and/or employment violations. Further, the Department of Health and Human Services and states should monitor closely how welfare programs are administered and implemented so that specific problems can be detected and remedied. There also must be ongoing, required training of all staff to ensure that laws and rules are well-understood and communicated accurately to welfare clients.
- **Identify targeted strategies for communities with unique needs.** Every state should have in place an effective process for assessing welfare clients and evaluating the needs of the different communities it serves. In some states, for example, eligible clients with language barriers or disabilities have faced a range of obstacles in trying to access much-needed services. Not only must states root out these potentially discriminatory practices, but they also must be able to provide adequate assistance to clients with diverse needs. Enabling clients to participate in English as a Second Language classes that can count towards work requirements, identifying work options where reasonable accommodations can be made for clients with disabilities, adopting strategies to move clients into non-traditional careers that often offer higher wages – states should pursue a variety of these and other strategies to respond to the unique needs of different clients.
- **Include grassroots advocates and welfare clients in evaluating the effectiveness of recent welfare changes.** Rarely are the individuals and families most affected by recent welfare changes included in discussions about welfare implementation or program evaluation. It is essential that these voices are a part of welfare reauthorization discussions to ensure that we have a clear picture of the experiences of current and former welfare clients under new welfare programs.

The Leadership Conference believes that any conversation about welfare reauthorization must be grounded in an accurate, comprehensive understanding of what has been happening to welfare clients in different communities. We urge the Administration to take these and other steps to ensure that welfare programs operate fairly, and to put welfare clients and their families in the best position possible to make a permanent transition from welfare to economic stability.

IV. Bridging International Divides: U.S. participation in the United Nations World Conference Against Racism

The United Nations (UN) Third World Conference Against Racism, Racial Discrimination, Xenophobia, and Related Intolerance (WCAR) will be held in Durban, South Africa in August and September 2001. This meeting represents the global community's recognition of the universal need to address racial discrimination and its destructive effects. The United States not only must participate in WCAR but, as a principle member of the UN body, must be a leader in supporting the process and substance of the Racism Conference. To that end, LCCR urges the U.S. to keep intact and continue to enhance the staff of the White House Interagency Task Force on the WCAR. The talent and expertise of the Task Force staff, which has worked with the U.S. Department of State, have enhanced ability of the US to be a leader in this area and allowed for valuable input from U.S. NGOs whose goals and objectives mirror the WCAR.

Of equal importance is the United States' financial commitment to the WCAR. LCCR urges the Administration to take this obligation seriously and ensure that its contribution to WCAR reflects the seriousness and importance of these issues to our national identity and world at large. At a minimum, the United States' financial commitment to WCAR should be no less than the commitment the U.S. made for the Beijing Women's Conference and similar gatherings.

This is a unique opportunity for the United States to demonstrate its commitment to worldwide equality. LCCR urges the Administration to take advantage of it.

CONCLUSION

In the last fifty years, America has made great progress in healing the lingering wounds of slavery and oppression. There is now a broad national consensus favoring equal opportunity and non-discrimination. The new President has an opportunity to build on that consensus, to help finish the unfinished business of civil rights. The Leadership Conference on Civil Rights welcomes the opportunity to work with him, and with the members of his Administration, to fulfill that mission.