

# POINT OF VIEW

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## Caucus Budget Plan Cuts Deficit, Raises Taxes

The Congressional Black Caucus has introduced a "Constructive Alternative" to the President's 1985 Budget proposal.

This is the fourth year the 21-member Caucus has produced a comprehensive budget responding to those offered by the President and Congressional leadership.

"Under the Reagan experiment, 1.5 million men and women have been added to the ranks of unemployed and more than 8 million have fallen into poverty. The President's budget continues these unfair policies by cutting social programs to undo a deficit created by an unjust tax cut and wasteful defense spending," said Rep. WILLIAM GRAY (D-PA) the Caucus member on the House Budget Committee.

"Only new priorities can restore balance to the federal budget and bring down the deficits which threaten our entire economy. As our budget shows, by limiting the Reagan tax give-away and defense spending we can really make a dent in the deficit.

"We believe it is an honest package which asks all Americans to share the sacrifices essential if our economy is to recover," the Caucus said.

The CBC Alternative calls for \$938 billion in outlays for 1985, with \$784 billion in revenues for a \$154 billion deficit; \$27 billion below the President's, \$21 billion under the Democratic plan, and \$9 billion less than the Jones freeze.

Over the next three years, the CBC plan would *reduce the deficit by \$323 billion*. The total deficit reduction achieved by the Reagan plan for this period is \$149 billion and \$182 billion for the House Budget Committee proposal.

### Defense Spending & Tax Reform

"The Constructive Alternative halts the rapid escalation in military spending which is riddled with waste and costly weapons systems that do not significantly contribute to our defense," said Rep. Ronald Dellums (D-Calif), Chairman of an Armed Services Subcommittee. Funds are eliminated for the MX, Trident II, Pershing II, and Cruise missile systems.

Outlays for defense will remain virtually constant over the next three years which nets savings of \$207 billion in outlays and \$317 billion in budget authority for 1985, 1986 and 1987.

In the area of revenues, the CBC proposes a package of reforms to restore tax equity including a limit on the final

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## The Promise and Limits of Brown After 30 Years

by Derrick Bell  
Dean, University of Oregon Law School

For institutions, as for individuals, anniversaries are times for celebration, not criticism, festivity rather than fault-finding, and fulsome praise without parsimony. The U.S. Supreme Court's decision in *Brown v. Board of Education* has become a symbolic institution of the highest importance, and its 30th anniversary last month, as expected, warranted nationwide commemorations. It will require more than a few toasts, however, before those drinking to the many accomplishments made by black people under the mandate of *Brown* will be able to recapture the euphoria we all felt back when racial discrimination seemed a far less complex evil than it does today.

A few months ago in *Education Week*, I predicted that this year's celebration of *Brown* would be muted by the dismal statistics that show the demise of hope among those blacks still locked in the grip of racism-influenced poverty. The principles of *Brown* have not, I argued, brought meaningful integration or schooling tailored to the needs of most poor, black children.

In response to that article, a superintendent in a small Alabama school district wrote me to make two points. First, he told me that sprinkled across the South are school systems, like his, which is about 75 percent white and 25 percent black, there are now black teachers, administrators, and students in positions of leadership and dignity. Conceding that the problems are more serious in large cities, he nevertheless wrote with pride of the desegregation in his schools.

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## Homicide As a Black Health Problem

by Mark Mitchell, M.D., M.P.H.  
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Homicide is the leading cause of death in Black males between the ages of 15 and 29. More than one out of every 40 Black people in the U.S. will be murdered, yet very little has been done about preventing this problem.

For decades the burden of homicide prevention has been placed on the shoulders of the criminal justice system. They have characterized the problem fairly well but have contributed little else to preventing our people from being murdered. They have attempted to reform murderers by placing them in "correctional" institutions rather than penal institutions. This experiment has failed miserably. Gun control laws, even if adopted may be ineffective because there is no way of recovering the large number of guns already in the population. Their attempts to deter crime by executing criminals have likewise been ineffective. It has gotten to the point where the justice system has just about given up. The Federal Bureau of Investigation says that "murder is largely a societal problem beyond the scope of the law enforcement community." It's time to take another look at homicide.

To illustrate a typical murder, let me relate to you the story of a young Black teenager I talked to in prison in Maryland. He said: "Me and some guys were playing basketball one day and this man said I fouled him but I didn't. Well anyway, we started arguing and arguing. My friend had a gun so I reached over and grabbed it and shot the man, but he didn't act hurt. He just kept arguing. In fact, my friend took his gun back and shot him again. He just walked away. He didn't act hurt. We told him to go to a hospital but he didn't. Two days later I heard he was dead."

When he told me this story I was quite surprised because this inmate was so young and acted so reserved. He was not what I pictured a murderer would be like. But then again, his story was not what I expected of a typical murder. But it is.

### Blacks Most Often kill Blacks

Homicide is 6 times more common in Blacks than Whites. In 1980 the rate of homicide was 66.6 per 100,000 Black males (which is high for healthy young people—the suicide rate, by comparison is 10.3 per 100,000). Blacks most often kill Blacks. About half the victims are between 15 and 29 years old. 77% are male. About 70% of people are murdered by relatives or acquaintances. More than half are murdered during an argument. Firearms are the murder weapons in 67% of homicides.

The circumstances surrounding the homicide which this inmate relayed to me fits in with the majority of homicides as described by each of the categories above. It is, therefore, an all too typical homicide. In the classic study of homicide which was done by Marvin Wolfgang in the 1940's and 50's he states: "Homicide is a dynamic relationship between two or more persons caught up in a life drama where they operate in a direct interaction relationship." Homicide requires the direct participation of two people in an encounter where one becomes a victim and

the other a killer. The real tragedy is that this crime, which no one wanted to happen, would not have happened if things were a little different.

### Conflict Resolution

If the handgun was not so easily available a murder may have been avoided. This may have happened if the gun was too inconvenient to carry (e.g. too large, too heavy, etc.), too inconvenient to use (e.g. was locked, had a time delay, was difficult to aim, load or fire) or if it could not be acquired in the first place. If the handgun did not cause so much injury to the victim he might not have died. If the bullets were designed to deliver a physical blow to the outside of the body rather than penetrating so deeply; or if they were designed to temporarily paralyze or render the victim unconscious with drugs they would be "effective" without causing so much physical injury and again might avoid unwanted homicide. If the perpetrator had used a different weapon or hand-to-hand combat, there may have been no fatalities. If these basketball players had decided to try to resolve the conflict in another manner, murder may have been avoided. They could have kept the conflict on a verbal level. They could have sought an arbitrator. They could have resolved it by voting. They could have given in. They could have declared the conflict a draw and restarted play at a point before the conflict occurred. They could have decided it by a quick test of chance or skill. They could have left it unresolved and discontinued the game. Any of these conflict resolution methods would have been preferable to the chosen one.

### Medical Care

In addition, homicide may have been avoided if the victim had gotten adequate and timely medical treatment. There is an implicit lack of awareness on the part of the victim about when it is appropriate to seek medical care. There is also an apparent lack of awareness by all the participants concerning the destructiveness of guns. In any case, it is clear that homicide was not the intended outcome of this gathering. It is also clear that homicides like this occur all too frequently and can be prevented.

In conclusion, homicide is a major problem in the United States, especially among Black men. We know a lot about circumstances in which homicides occur but have not been successful in preventing homicides from occurring. Two approaches, deterrence and gun control, have dominated current and past thinking about strategies for preventing homicide. It is time to take a fresh look at prevention from a sociological and public health viewpoint in addition to using the law-enforcement and criminal justice skills needed to overcome this problem.

We are at a point when it might be useful to design and test new models of violence prevention attempting to optimize social conditions through education programs focused on a) conflict and stress management; b) basic interpersonal relations; c) methods of self-defense, and d) self-control. We might also look into e) designing less harmful ammunition, f) designing structurally safe buildings, g) setting up domestic crisis-intervention services and h) teaching appropriate use of medical care. Additional basic research is needed to further delineate the causes of homicide to help develop other preventive strategies.

## Victim's Race is Factor in Death Penalty Cases

by Orandra Cotton  
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CBCF Staff

Does society value the lives of whites more than Blacks' lives? In several studies involving the application of the death penalty, the answer is disturbing: in cases where the victim was white, black and white defendants were in greater danger of being executed than if the victim was Black. As Supreme Court Justice Thurgood Marshall said in a recent speech, "a Negro who kills a white man runs a far greater risk of being executed than a white man who kills a Negro."

These issues gain added significance today because the pace of executions is likely to pick up soon. The Supreme Court has signalled its impatience with the "frivolous" appeals of Death Row inmates and, in Justice Marshall's words, "after a hiatus of over a decade, we have begun once again to kill people who kill other people." One scenario painted by a Justice Department official in 1982 was that we would soon "witness executions at a rate approaching the more than three per week that prevailed during the 1930's."

### The *Furman* Hiatus

In the 1972 case of *Furman v. Georgia* the Supreme Court, by a 5-4 majority, struck down all death penalty statutes in the U.S., and put off the executions of over 600 Death Row inmates. The basic reason for the Court's action was that executions seemed capricious and inequitable: as Justice Byron White said, there was "no meaningful basis for distinguishing the few cases in which (death) is imposed from the many in which it is not."

Another Justice, Potter Stewart, even more pointedly added that, "if any basis can be discerned for the selection of these few to be sentenced to die, it is on the constitutionally impermissible basis of race."

Thus, a slim majority of the Court in 1972 invalidated all existing death penalty statutes. But beginning in 1976 the Court approved new state penalty statutes which set out criteria to guide juries and judges. The reasoning was that these criteria will remove the elements of caprice, randomness and discrimination.

That, however, has not happened. If the Supreme Court is serious about eliminating racial bias in death penalty cases, it is time to look closely at what is actually happening in the states. The situation now may be worse than in pre-*Furman* times.

### The Death Lottery

Not all convicted murderers in the U.S. are sentenced to die. The Death Row population is 1,163, though 33,500 have been convicted of murder. So, how does one's number get called? Who is selected to be sentenced to death by the state?

In studying these questions, three different research teams from Stanford University, Northeastern University, and the University of Iowa have reached very similar conclusions. The conclusions are significant because they all show that the defendant's race and the victim's race are crucial factors in explaining why some are executed and others are not.

In the Stanford study, Samuel Gross and Robert Mauro examined 17,000 homicides in eight states which resulted in 340 death sentences. Their findings are dramatic, for example:

	White Victims		Black Victims	
	Total #	Sentenced to Death	Total #	Sentenced to Death
Georgia	773	67 (8.7%)	1345	12 (0.7%)
Florida	1803	114 (6.3%)	1683	40 (0.8%)
Illinois	1214	35 (2.9%)	1866	10 (0.5%)

Source: New York Times 1/5/84

Similar findings were made by two criminologists from Northeastern University in 1980. In Texas, for example, they found that a Black defendant was 84 times more likely to get the death sentence if his victim was white than Black. William Bowers and Glenn Pierce also found that "prosecutors tended to 'upgrade' murders of white victims by alleging they were more legally aggravated than had been apparent to the police who had written up the initial report, while 'downgrading' murders of Black victims in a corresponding manner..." (*New Republic*, December 12, 1983).

The third study, directed by the University of Iowa's law professor, David Baldus, was perhaps the most detailed. As described in the *New Republic*,

With the scientific precision of an epidemiologist seeking to pinpoint the cause of a new disease, Baldus analyzed and reanalyzed his mountain of data on Georgia homicides, controlling for the hundreds of variables in each case, in search of any explanation *other than race* which might account for the stark inequalities in Georgia's capital sentencing system. *He could find none.* (emphasis added).

These studies are making their way through the courts, and even have reached the attention of the Supreme Court. The question now is whether the justices will see that capital punishment, as it was before 1972, has again become tainted by improper racial considerations. This is a sad commentary on states which have spent millions of dollars (e.g. \$1.8 million is the estimated cost for the trial and first appeal stage of New York's proposed death penalty bill) to permit executions in accordance with Supreme Court guidelines.

(Ms. Cotton is completing a Masters Degree at the University of Pittsburgh, and is a CBCF intern for the summer. Mr. Ismail is a policy analyst at CBCF).