

## **Amendment 608– Provides funding for the enactment of the Emmett Till Unsolved Civil Rights Act program**

Decades ago, an untold number of African Americans were murdered simply because they were black. These crimes were never solved or fully investigated. Time may have passed, but solving these crimes is imperative if past injustices are to be remedied and the integrity of guaranteed justice in America is to be ensured.

To help expedite the prosecution of these crimes, last year Congress passed and the President signed the Emmett Till Unsolved Civil Rights Act, which is now Public Law 110-334.

The bill authorized \$13.5 million annually from 2008 until 2017. But while members of Congress were quick to congratulate themselves and take credit for the passage of this bill, they have failed to fulfill the promises made by its passage. There was no funding provided for its enactment in 2008 and the omnibus spending bill before Congress now that would fund the government for 2009—while providing billions of dollars for lawmakers' own pet projects—once again leaves the Emmett Till bill unfunded.

This amendment would provide \$10 million to enact the Emmett Till bill and re-ignite the efforts to bring long overdue justice.

### **Despite Its Promises, Congress Funds Its Own Pet Projects Rather Than Efforts to Investigate Unsolved Civil Rights Crimes**

In February 2006, the Federal Bureau of Investigation (FBI) enacted an initiative to investigate unsolved racially-motivated homicides. To support this effort, an amendment was offered to provide an additional \$1.68 million for the Department of Justice (DOJ), paid for by eliminating a handful of congressional earmarks. The Senate rejected that amendment by a vote of 31-61, with Senators choosing to protect their own parochial pet projects rather than ensuring justice for the victims of these ghastly crimes.

Last July, the Senate Leadership introduced S. 3297, which they called "The Advancing America's Priorities Act." Included in this package of priorities was the Emmett Till bill. While S. 3297 failed to be approved by

the Senate, the Emmett Till Unsolved Civil Rights Act was passed as a standalone bill. The bill authorized \$63 million to assist the efforts to resolve unsolved decades old civil rights crimes once and for all.

At that time Senate leaders rejected a proposal to ensure funding for this program that would have redirected lower priority spending within DOJ to pay for the investigations to begin, claiming that funding would be provided in the Fiscal Year 2009 appropriations bill.

While Congress did not provide any funding for the Till bill in 2009, it did appropriate \$753 million for 1,540 earmarks within the Commerce/Justice/Science title of the omnibus.

Once again this year, Congress has failed to fulfill its promises and has prioritized funding of politicians' pet projects over providing the resources needed to enact the Emmett Till bill. There is funding for fairgrounds, swine odor management, biking trails, and other dubious activities listed in this bill, but there is no mention or listing of funds for this bill that the Senate leadership touted as one of America's priorities just last year.

### **The FBI Has Identified 100 Unsolved Civil Rights Cases That Merit Further Investigation**

In February 2006, the FBI enacted an initiative to identify hate crimes that occurred prior to December 1969, and resulted in death.<sup>[1]</sup> Since the initiative began, the FBI has received nearly 100 referrals.

The FBI is continuing to assess each referral for its investigative and legal viability and, given the updated investigative and forensic tools, move forward in investigating these cases.<sup>[2]</sup> The FBI can also now use forensic analysis and technology that did not exist 40 years ago to solve cases that once looked unsolvable.<sup>[3]</sup>

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<sup>[1]</sup> "PARTNERSHIPS ESTABLISHED WITH NAACP, THE NATIONAL URBAN LEAGUE, AND THE SOUTHERN POVERTY LAW CENTER," FBI release, February 27, 2007,

<http://www.fbi.gov/pressrel/pressrel07/coldcase022707.htm>

<sup>[2]</sup> "FBI Announces Partnership in Reviewing Cold Cases," FBI release, February 27, 2007;

<http://www.fbi.gov/page2/feb07/coldcase022707.htm>

<sup>[3]</sup> "FBI Announces Partnership in Reviewing Cold Cases," FBI release, February 27, 2007;

<http://www.fbi.gov/page2/feb07/coldcase022707.htm>

There have been several recent successful prosecutions of old civil rights cases: the 2001 conviction of Thomas Blanton and Bobby Frank Cherry for a 1963 church bombing in Birmingham, Alabama; the 2003 conviction of Ernest Avants for the 1966 murder of Ben Chester White; the 2005 conviction of Edgar Ray Killen for his role in the deaths of three civil rights workers in Mississippi in 1964; and the recent indictment of former Klansman James Ford Seale.<sup>[4]</sup>

But there have been fewer than two dozen convictions for an untold numbers of murders of blacks and their allies during the civil rights era. For the victims of these civil rights crimes, justice delayed is justice denied.

### **This Amendment Would Provide \$10 Million to Enact the Emmett Till Program to Investigate and Prosecute Unsolved Civil Rights Crimes**

With the promising FBI investigative results of this new Civil Rights era initiative over the past couple years, it is highly probable that the prosecuting portion of these efforts at DOJ will see an influx of cases. But without the additional funding and resources for the DOJ Civil Rights Division could be helpful in bringing justice to those who committed ghastly civil rights crimes.

This amendment will provide \$10 million to enact the Emmett Till Unsolved Civil Rights Act so that more leads can be pursued, investigated, pursued, and ultimately closed with justice being brought to the perpetrators who have long eluded the law.

Time may have passed, but prosecuting those who committed these horrific crimes should be a priority of the Department of Justice until justice is rendered.

### **The Emmett Till Initiative Would Be Paid for with the Elimination of Weed & Seed, a Duplicate Program that has Failed to Demonstrate Effectiveness with Questionable Spending**

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<sup>[4]</sup> FBI press release, "PARTNERSHIPS ESTABLISHED WITH NAACP, THE NATIONAL URBAN LEAGUE, AND THE SOUTHERN POVERTY LAW CENTER," February 27, 2007, <http://www.fbi.gov/pressrel/pressrel07/coldcase022707.htm>

The funding provided by this amendment to enact the Emmett Till Unsolved Civil Rights Act would result from the elimination of the Weed and Seed program at the Department of Justice.

Weed & Seed is a DOJ program that aims to prevent, control, and reduce violent crime, drug abuse, and gang activity in neighborhoods across the country. The strategy involves a two-pronged approach: Law enforcement agencies and prosecutors cooperate in “weeding out” criminals and community-based organizations collaborate to “seed” prevention, intervention, and treatment services as well as neighborhood restoration programs.<sup>[5]</sup> The omnibus appropriates \$25,000,000 for the program for Fiscal Year 2009.

### ***Unproven Results, Inadequate Performance Measures, and Inconsistent Oversight***

While Weed & Seed’s goals may be laudable, few studies are available to demonstrate the effectiveness of the program.

The Office of Management and Budget’s (OMB’s) Performance and Management Assessments of the Weed & Seed found that results are not demonstrated and the measures are inadequate for the program. According to OMB’s analysis, “The assessment indicates that many jurisdictions have actively sought DOJ’s assistance in developing local Weed and Seed strategies, but the large number of active projects has led to inconsistent oversight and results.”

OMB’s review also found:

“1. While Weed and Seed had selected good performance objectives, such as lower homicide rates, it lacks the data to specify a ‘baseline’ against which improvements can be measured. Furthermore, DOJ has been averse to setting goals implying that any level of crime is ‘successful.’

“2. Despite the program’s 11-year history, only a limited number of Weed and Seed sites have been independently evaluated. Those results have

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<sup>[5]</sup> “Weed & Seed,” U.S. Department of Justice Office of Justice Programs Community Capacity Development Office website, <http://www.ojp.usdoj.gov/ccdo/ws/welcome.html>, accessed November 24, 2008.

been promising, but difficult to generalize given the wide variation in local strategies and effectiveness.”<sup>[6]</sup>

According to Weed & Seed Data Center’s website, which is funded by DOJ, there are “more than 300 Weed and Seed sites” in the U.S.<sup>[7]</sup> The site notes that “in order to comply with the Government Performance and Results Act (GPRA), all federal agencies must collect program data, which can be used by Congress to evaluate the effectiveness of federal programs.

On this site you will find Weed and Seed communities’ latest GPRA reports” as well as “various reports including evaluations of individual Weed and Seed efforts.”<sup>[8]</sup> Yet, very few recent studies are available. In fact, no nationally initiated studies on the program that have been conducted since August 1999, nearly a decade ago, have been made available<sup>[9]</sup> and only six locally initiated studies of Weed and Seed communities conducted since 2001 are available.<sup>[10]</sup>

### ***Funding Questionable Projects***

A review of recent Weed & Seed initiatives reveals that federal funds have been spent on questionable activities that on the surface appear to have little to do with supporting law enforcement priorities or crime prevention.

- In the current fiscal year, the Weed & Seed program of Española, New Mexico, is eligible for \$200,000 in federal funds. The city has received \$600,000 in Weed & Seed grants since 2005, but has

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<sup>[6]</sup> “Performance And Management Assessments,” Office of Management and Budget, <http://www.whitehouse.gov/omb/budget/fy2004/pma/weedandseed.pdf> .

<sup>[7]</sup> “The Weed & Seed Strategy,” Weed and Seed Data Center website, sponsored by the Community Capacity Development Office, U.S. Department of Justice, accessed October 26, 2008, <http://www.weedandseed.info/docs/strategy.htm> .

<sup>[8]</sup> Weed and Seed Data Center website, sponsored by the Community Capacity Development Office, U.S. Department of Justice, accessed October 26, 2008, <http://www.weedandseed.info/> .

<sup>[9]</sup> “Nationally Initiated Studies,” Weed and Seed Data Center website, sponsored by the Community Capacity Development Office, U.S. Department of Justice, accessed October 26, 2008, <http://www.weedandseeddatacenter.org/docs/studiesnational.htm> .

<sup>[10]</sup> “Locally Initiated Studies,” Weed and Seed Data Center website, sponsored by the Community Capacity Development Office, U.S. Department of Justice, accessed October 26, 2008, <http://www.weedandseed.info/docs/studies-local.htm> .

released no data in the last three years to show whether its initiatives have reduced crime. “The program struggled in its early years to actually spend that money, and what was spent went to program overhead,”<sup>[11]</sup> according to *The Rio Grande Sun* which has concluded that the city’s Weed & Seed has “a blank slate of accomplishments following a \$600,000 spending binge.”<sup>[12]</sup> The paper also reported that “the Española Weed and Seed program spent \$20,000 last year to commission an evaluation that has provided very little new information, analysis or measures of program outcomes. The evaluation is being conducted by the Taos-based I2I Institute, which billed Weed and Seed last fall for a total of 40 days of work, at \$500 per day. The result, so far, has been two slim reports totaling seven pages, which is the equivalent of \$2,857.14 per page. The primary report summarizes Weed and Seed activities through June 2008 and says it is focused on process, not outcomes.”<sup>[13]</sup>

- A shortage of police tickets in Indianapolis, Indiana, left law enforcement officers “scrounging to find enough paper tickets” to write traffic citations. “Marion County’s 32 law enforcement agencies are all counting their paper tickets as the year comes to a close, but Indianapolis police officers are almost completely out of the essential item,” 6 News reported.<sup>[14]</sup> When the city received a \$1 million from the U.S. Department of Justice’s Weed & Seed program in October 2007, the city decided to spend some of the money issuing tickets, not for traffic infractions but for motorists who leave valuables inside their vehicles. Northwest District Major Paul Ciesielski said “we put warning tickets on windshields where our officers noticed that was the case. It’s not a fine. The ticket has a Weed & Seed logo and some advice.”<sup>[15]</sup> The city also spent \$175,000 used the federal funds to pay for two indoor soccer programs. Scott Rosenberger, the local Weed & Seed site coordinator, hopes to continue the soccer programs next year, but he said new ideas are needed for how the

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<sup>[11]</sup> Sarah Welsh. “Weed/Seed Program Spends \$20,000 on Seven Pages,” *Rio Grande Sun*, February 5, 2009.

<sup>[12]</sup> R. Braiden Trapp. “A \$20,000 Survey...Why? Española’s Weed and Seed program thought it a good idea to spend \$20,000 on a seven-page report,” *Rio Grande Sun*, February 6, 2009.

<sup>[13]</sup> Sarah Welsh. “Weed/Seed Program Spends \$20,000 on Seven Pages,” *Rio Grande Sun*, February 5, 2009.

<sup>[14]</sup> Jack Rinehart. “Indianapolis Police Running Low On Paper Tickets Next Shipment Won’t Arrive Until December,” *TheIndyChannel.com* 6 News, November 18, 2008, <http://www.theindychannel.com/news/18011005/detail.html>.

<sup>[15]</sup> John Tuohy. “Northwestside leaders seek input on fighting crime with \$150,000 in federal funds,” *The Indianapolis Star*, November 8, 2008 <http://www.indystar.com/article/20081108/LOCAL1802/811080365/1195/LOCAL18>.

federal money should be spent because “after the excitement of getting the grant last year, interest kind of trailed off.”<sup>[16]</sup>

- In October 2008, the West Asheville District Weed & Seed Grant in North Carolina sponsored a “Shred-a-thon,” where locals were invited to bring up to one box load of outdated personal papers to be transformed into mulch for the Community Peace Garden.<sup>[17]</sup>
- Last month, the Youngstown, Ohio, Northside Weed and Seed sponsored a fair that included a doughnut-eating contest for city police.<sup>[18]</sup>
- Last summer Youngstown’s Northside Weed & Seed also offered lawn mower maintenance sessions for local youths. With this program, Rick George, the local administrator of the grant, hopes to give area youth the knowledge and tools to start cutting grass as a job and as a way to clean up their neighborhood.<sup>[19]</sup> He said only eight to 10 youngsters showed an interest in the mowing program, but the mowers arrived too late in the summer to hold the training before school started. Although the grant year expired in December, all the money wasn’t spent, so an extension was obtained that allows funds to be spent through May with the lawn mower training expected to take place in late Spring.<sup>[20]</sup>
- As part of the Weed & Seed project of Allentown, Pennsylvania, “government grant money has been provided to a hip-hop class to offer lessons to youth,” according to the *Baltimore Sun*. The program was started in 2006 and currently 30 youth meet regularly every week to practice their hip-hop dancing skills.<sup>[21]</sup>

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<sup>[16]</sup> John Tuohy. “Eagledale neighborhood seeks ideas for fighting crime,” Indianapolis Star, October 17, 2008; <http://www.indystar.com/apps/pbcs.dll/article?AID=/20081017/LOCAL1802/810170507/1195/LOCAL18>

<sup>[17]</sup> Leslie Boyd. “Fight identity theft: Shred old documents for free,” Asheville Citizen-Times, October 22, 2008; <http://www.citizen-times.com/apps/pbcs.dll/article?AID=2008810220308> .

<sup>[18]</sup> “Criminal Justice Fair planned for Saturday,” Youngstown Vindicator, February 17, 2009.

<sup>[19]</sup> “Weed and Seed seeks lawnmowers for Youngstown youth,” The Vindicator, June 21, 2008; <http://www.vindy.com/news/2008/jun/21/weed-and-seed-seeks-lawnmowers-for-youngstown/?newswatch> .

<sup>[20]</sup> Patricia Meade. “Raring to Mow,” The Vindicator, January 12, 2009; <http://www.vindy.com/news/2009/jan/12/raring-to-mow/> .

<sup>[21]</sup> Elizabeth Eckley, M.A., et. al. “The City of Allentown Weed and Seed Initiative: Evaluation 2008,” Lehigh Valley Research Consortium, page 13; [http://lehighvalleyresearch.org/files/articles/Allentown\\_Weed&Seed\\_Final\\_Report.pdf](http://lehighvalleyresearch.org/files/articles/Allentown_Weed&Seed_Final_Report.pdf) .



- In Modesto, California, the Paradise South Weed & Seed Project presented a break dance competition<sup>[22]</sup> and offered Hip-Hop/Modern Jazz **dance** classes. “The Hip-Hop and Modern Jazz **dance** class will focus on the fundamentals of contemporary **dance** techniques, including stretching, center floor techniques, movement across the floor, progressions and **dance** routines,” according to the city.<sup>[23]</sup>
- A Weed & Seed grant paid to send 100 sixth-graders from Philadelphia, California, to camp this past summer. “At night, students sang songs around the campfire and slept in tents. During the day they learned about wildlife, explored a creek for living organisms and even caught a glimpse of a sleeping bear,” according to a local press report. Assistant Principal Laura Solis said because the school is working on improving its students’ academic performance, a great deal of time is focused on academics and little time or school resources are available for this type of experience.”<sup>[24]</sup>
- The Weed & Seed program of Las Cruces, New Mexico, hosted a Talent Show in March 2008.<sup>[25]</sup>
- The Weed & Seed program in Huntington, West Virginia, is in discussions to develop a “garden space/beautification effort” along a local boulevard.<sup>[26]</sup>

While many of these events may have been fun or even educational recreational events for children, adolescents and teenagers, it is difficult to demonstrate how these activities may have impacted crime or advanced the mission of the Department of Justice.

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<sup>[22]</sup> The city of Modesto news release. “MIX AT 615’ PRESENTS BREAK **DANCE** COMPETITION,” May 8, 2008; <http://www.modestocalifornia.us/cmo/releases/2008/nr08133.asp> .

<sup>[23]</sup>The city of Modesto news release. “**FREE DANCE CLASSES AT MADDUX YOUTH CENTER,**” May 28, 2008; <http://www.modestorda.net/cmo/releases/2008/nr08158.asp> .

<sup>[24]</sup> Monica Rodriguez. “Camp Trask up to the task; Philadelphia Elementary students study wildlife,” The Inland Valley Daily Bulletin, June 9, 2008; [http://www.dailybulletin.com/ci\\_9535198](http://www.dailybulletin.com/ci_9535198) .

<sup>[25]</sup> “Weed & Seed to Host Talent Show,” City of Las Cruces, March 13, 2008; [http://www.las-cruces.org/police/news/news\\_item.asp?NewsID=566](http://www.las-cruces.org/police/news/news_item.asp?NewsID=566) .

“**Weed & Seed** digging up local talent,” Las Cruces Sun-News, March 14, 2008.

<sup>[26]</sup> C. Richard Cobb, Sr. “Create Huntington - The Community in Action!,” Huntington Herald Dispatch, February 25, 2009; <http://media.herald-dispatch.com/blog/cobb/2009/02/create-huntington-community-in-action.html> .



## ***Duplicative of Other Federal Grant Programs***

Other Weed & Seed activities may serve useful purposes, but all of those initiatives are eligible for funding from other federal grant programs, including:

**Edward Byrne Memorial Justice Assistance Grant and Byrne Discretionary Grant** — The Weed & Seed program duplicates Byrne/JAG's grant purposes: (1) multi-jurisdictional task forces to integrate federal, state and local law enforcement efforts; (2) educational prevention programs; (3) community policing; and (4) drug treatment programs. In addition, the new Byrne Competitive Grant, like Weed & Seed, may also be used for overtime pay to personnel.

**Community Oriented Policing Services** — Like Weed & Seed, COPS grants fund (1) hiring, training, and paying overtime for police officers, (2) community policing, and (3) linking community organizations and residents with local law enforcement.

**Community Development Block Grants (CDBG)** — Like Weed & Seed, the Department of Housing and Urban Development's (HUD) CDBG program funds neighborhood restoration projects.

**Center for Substance Abuse Treatment (CSAT)** – Like Weed & Seed, CSAT provides grants for drug treatment programs. CSAT is part of the Substance Abuse and Mental Health Services Administration at the Department of Health and Human Services.

## ***Misuse of Federal Funds***

A number of Weed & Seed programs have come under investigation for misusing federal funds.

- Federal investigators subpoenaed police grant records from Methuen, Massachusetts, when investigators determined the local police lacked supporting payroll documents for three years of a Weed & Seed grant. According to a letter sent to the city, the DOJ's Office of the Inspector General found "numerous instances where there were no supporting records documenting the hours reportedly worked by

some Methuen Police Department employees.”<sup>[27]</sup> After it was discovered that the local police chief authorized an assistant to “triple-dip” by receiving two sets of federal overtime funds on top of her salary, federal officials demanded that Methuen, Massachusetts return \$170,000 of “Weed and Seed” grant money.<sup>[28]</sup> A report found that it is impossible to tell how much the police chief, his secretary, and four superior officers actually worked the hours they were paid for out of a \$1.125 million federal Weed & Seed grant.<sup>[29]</sup>

- In Lawton, Oklahoma, the director of a Weed & Seed program was found guilty for stealing the program’s money by diverting funds through a nonprofit organization and then using the money for personal expenses on the nonprofit’s credit card.<sup>[30]</sup>
- The Weed & Seed program in Pittsburgh, Pennsylvania, “is trying to recover from rampant staff churn, resolve accounting disputes with federal overseers, reconnect with neighborhood leaders and pinpoint dozens of unaccounted for computers and printers,” according to the *Pittsburgh Post-Gazette*. Department of Justice accountants sent a six page letter to Mayor Luke Ravenstahl in November 2006 indicating that Pittsburgh had not kept track of time staff spent on Weed and Seed, failed at “monitoring of equipment and inventory procedures,” and used \$31,145 that was not authorized on TV ads, computers and other expenses.” Among the items purchased were at least 18 laptop computers, 25 desktop computers with flat panel monitors, 17 printers including one costing \$3,071, a \$5,000 network server, 20 DVD movie writers for \$696 each, 11 digital projectors, digital cameras and much more. City officials could not find at least \$55,350 in electronic equipment, including six laptop computers, 10 notebook computers, four handheld computers, 10 digital projectors, 10 digital cameras, 14 printers, and one flatpanel monitor. At one point, the Weed and Seed office was stacked floor-to-ceiling with computers, and no one knew where they were supposed to go and since late 2005, 10 people have held the three mayor’s office posts

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<sup>[27]</sup>Stephanie Chelf. “Feds: How did some cops earn \$170k? More Methuen police payroll records demanded,” Eagle-Tribune, June 4, 2007; [http://www.eagletribune.com/permalink/local\\_story\\_155093830](http://www.eagletribune.com/permalink/local_story_155093830) .

<sup>[28]</sup> Kytja Weir. “Methuen police chief fired; mayor says it’s time to ‘move on,’” The Boston Globe, May 7, 2008; [http://www.boston.com/news/local/breaking\\_news/2008/05/methuen\\_police\\_1.html](http://www.boston.com/news/local/breaking_news/2008/05/methuen_police_1.html) .

<sup>[29]</sup> Jill Harmacinski. “Drugs, weapons, evidence found in Solomon’s locker,” The Eagle-Tribune, May 13, 2008.

<sup>[30]</sup>“Former Justice Department program leader gets prison term,” The Associated Press, June 20, 2008; [http://www.tulsaworld.com/news/article.aspx?articleID=20080620\\_12\\_Thefo68740](http://www.tulsaworld.com/news/article.aspx?articleID=20080620_12_Thefo68740) .

dedicated to the Weed & Seed program. That turnover “has substantially impacted the continuity of our program,” said U.S. Attorney Mary Beth Buchanan, whose office oversees the effort.<sup>[31]</sup>

- The Weed & Seed program in Easton, Pennsylvania, has faced a series of problems. A state audit questioned some of the program’s expenses. The state ruled that the city had double-billed some office expenses and the city eventually returned about \$32,000 to the state. In addition, the Easton Economic Development Corp., the nonprofit agency that had been in charge of Weed & Seed for a time, returned another \$22,000 to the state. The county is seeking to recoup another \$1,200 that auditors identified as being improperly spent on telephone, office supply, copy and postage expenses. A portion of its grant was approved to be spent to improve a neighborhood park and pay for consultants.<sup>[32]</sup>

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<sup>[31]</sup> Rich Lord. “CITY TRYING TO REVIVE CHAOTIC WEED AND SEED EFFORT,” Pittsburgh Post-Gazette, page A1, August 13, 2007.

<sup>[32]</sup> Paul Muschick. “Auditors: Money for Weed, Seed properly spent; Since probe, Easton has used county grant to improve park,” Morning Call, January 31, 2005.