

Integration -- A Giant Step

Perhaps no one has understood where "preferential treatment" has really been leading us. The usual image: "The principle of merit will be destroyed by an overall quota system — which will treat people as members of a given group, rather than as individuals." It may be that the principle of merit will be destroyed — but not by the ethnic or racial group quota system at all. It is possible that we have mis-read the signs.

There are some new judicial and administrative decisions which rule out preferential treatment in employment or college admissions on racial grounds. The bureaucrats may take some time to catch up with these decisions, but they are there as marks for the future.



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The federal Equal Employment Opportunity Commission (EEOC), for example, has just ruled in favor of a white college teacher. He was not rehired by a college, which said that it needed to hire a black teacher instead, in order to meet a quota. The EEOC, the top governmental policy-making bureau on this subject, reversed the college and rejected its reasoning. The EEOC opinion said:

"... Affirmative Action Programs must be administered in a manner legally consistent with the nondiscriminatory principles of Title VII (of the Civil Rights Act) and other antidiscriminatory statutes and orders.

...which prohibit preferential treatment."

The Supreme Court has been giving similar signals that it will not tolerate race or ethnicity as a standard criterion for employment or college admission. The Court did not rule on the DeFunis case, since he was about to graduate anyway, but the statement of Justice Douglas was taken as the wind of the future. In effect, he said that the use of race as a basis for selection was intolerable; if there was to be preferential treatment, it would have to be based on an individual's *own* past disadvantage, not on his group identity.

Some who are liberal but opposed to quotas, have eagerly latched onto that idea: "We give preferential treatment to someone, not because he is black or Latino, nor because she is a woman, but because he or she, individually, has not had an equal chance in the past — as a result of family poverty, for example."

Now, there is a real mind-boggler. The basic premise is this: "bad luck" should be removed as a factor in considering a person's qualifications. If that person's family was poor, did not read books, did not inspire ambition in the child, then that person should not be penalized: he or she should be able to qualify for college or a job, with a lower score than someone whose family was rich, etc. Wouldn't that be "real equality?"

But, if we are going to wipe out bad luck, how about wiping out the bad luck of those who are born with less capability than others. One's genetic background is, after all, a matter of luck — and anyway, there is always the matter of prenatal factors. If we are to eliminate luck altogether, then we won't have to apply standards or give tests at all. Perhaps everyone will "equally" participate in a lottery to see who gets into what college and what job. . . But, then, we seem to be back to luck, don't we?

Perhaps we have to retain focus on the "point of employment. *Before* that point, society has to do everything it can to equalize the conditions under which a person prepares for that point. That, incidentally, includes before-the-point preferential treatment and affirmative action which is *race-conscious* — because, despite Justice Douglas, how else are we going to concentrate on the groups which have really been disadvantaged — not just by individual bad luck, but deliberately by the society. *But at the point of employment* we apply a job-related non-discriminatory assessment of what each person can do *at that point*, never mind his past. Otherwise, despite the best intentions, we do some strange violence to the ecology of human endeavor.

So, the logic of the Douglas formulation, so interpreted, may lead us into even more grievous paths than the quota system ever could.