

New Frictions Ahead

The "Quota Issue" was pushed back into prominence by two San Francisco judges in recent weeks. Judge Sweigert ordered the San Francisco Fire Department to hire a minority fireman for every non-minority person it hires until it exhausts the minority list of 118 who have already passed the examinations. Judge Peckham ordered the San Francisco Police Department to hire three minority policemen for every two non-minority policemen it hires until 30 percent of the force is composed of minority officers.

You remember the Quota Issue. It goes like this, in its most enlightened catechism:

—Affirmative Action is good and necessary. It means that special efforts must be made to help minority workers compete for jobs on an equal basis. It makes merit employment a reality. The classic affirmative action steps are these: special efforts to recruit qualified minority workers; special efforts to train qualifiable minority workers; special efforts to make sure that job tests and criteria do not disqualify minority workers on grounds which are not job related.



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—The Quota Principle is bad and unnecessary. It means that each job category will be filled on a mathematical formula corresponding to the proportion of the population each ethnic group comprises. In principle, it moves us back in the direction of this aristocratic and racist idea we once embraced: each person is to be judged not primarily on the basis of individual capacity—but, first of all, on the basis of ancestry. On a practical level, the rigid quota system is often used in place of and runs counter to, affirmative action. The quota system says that minority people are inherently inferior and cannot compete for jobs. The Affirmative Action principle says that minority people have the same innate capacity to compete as everyone else, if they are given and genuine opportunity.

—“Affirmative Action” programs can be fake. Employers can use the term “affirmative action”, without actually taking any effective action. Ironically, the establishment of a quota system is one way in which an affirmative action program can be faked. It usually falls of its own weight, especially in technical job categories. More often, affirmative action programs are fake because they just never get implemented in good faith.

—The establishment of “goals” are probably necessary, but tricky. If suspicion about good faith affirmative action programs is high, often with good reason, the only way to test good faith is by some measurement of progress. So, some “reasonable goal” for a time period is set. If the goal is not reached, it is not in itself a violation—but a reason for re-examining the affirmative action effort to see if it is genuine or intense enough. But if the goal slips into being a mandatory requirement, then it becomes an instrument for quotas and against affirmative action.

—Interim quotas are sometimes necessary, if always abhorrent. Affirmative action is the law of the land. If an employer refuses a court order to engage in affirmative action, or evades it, a number of courts have forced some interim quota on that employer for a defined period of future hiring. At best this is done only as a last resort, and only where there has been specific evasion of affirmative action. Without evaluating his findings of fact, this seemed to be the spirit of Judge Sweigert's ruling, at least: he said that the San Francisco Fire Department had repeatedly failed to make an affirmative action review of its tests at court request. He also said specifically that his order of an interim quota did not legitimate the use of a population quota as a normal employment practice.

A couple of perspectives on this matter: First, quota systems are not sweeping the country—just look at the occupation statistics—although there are a few troublesome areas, mainly created by federal bureaucracy. Second, affirmative action programs work best in periods of economic expansion. We're facing a period of economic contraction, partly precipitated by the energy crisis. The intergroup frictions created by these tangled efforts to remedy past inequities are likely to become more intense. From our different vantage points, we will all need as much perspective as we can muster.