

The End Of Privacy?

Last Spring, the San Francisco School Department sent all its teachers a "racial-ethnic" identification form. It listed the racial and ethnic categories that are used these days: Black, Filipino, Chinese, Spanish Origin, Other, White, and so forth. (There were no religious categories). The teachers were instructed to identify themselves.



The background was this: the federal government requires the school department to maintain statistics showing the racial and ethnic composition of its teacher corps. The purpose, at best, is to give the federal government an idea as to whether any school departments seem to be discriminating against any racial or ethnic groups, or are not trying to find competitively qualified teachers from certain racial or ethnic groups. Following up on such a statistical clue, the school department could be required to make special efforts to recruit or train competitively qualified teachers from these neglected groups. This purpose can be prevented, as we know, but used wisely, these gross statistics can ferret out the discriminating or apathetic school systems.

However, even when the purpose is sound, there is a sharp and important distinction between keeping gross statistics, and keeping personnel records which identify given persons as to ethnicity. The JCRC has a strong position against such personal identification on official records, and last year helped to successfully oppose the use of such identification on all employment applications of the State Personnel Board.

There are good civil rights reasons for opposing such specific identification. It can serve to systematize and normalize the practice of discrimination. However, the San Francisco School District's proposal for mandatory self-identification went even further. It illustrates the essential nature of a kind of cycle of corruption with which our society is flirting.

To put it bluntly, there is a direct connection between the Watergate wiretapping mess and this plan for ethnic self-identification. A common principle of privacy is at stake in both cases. Edward Shils has said: "a free society can exist only when public spirit is balanced by an equal inclination of men to mind their own business." That principle of privacy, especially between government and citizen, is a fundamental cornerstone of liberty.

The government should demand as little information as possible from any given citizen. Whether it's religious belief, genetic background or anything else, the burden should be on the government to prove that the information it requests from an individual is socially necessary to a degree which over-balances the invasion of privacy. The argument of "efficiency," in itself is certainly not enough. As a matter of fact, both these arguments are particularly treacherous. Lionel Trilling has written: "Some paradox of our natures leads us, when once we have made our fellow men the objects of our enlightened interest, to go on to make them the objects of our pity, of our wisdom and ultimately of our coercion."

And so, in this case, the demand that individuals tag themselves ethnically may be an efficient corruption, it may be a corruption committed in the name of a benevolent purpose, but it is still a corruption, and not a necessary one. The San Francisco Human Rights Commission, which runs some of the city's most effective affirmative action programs, shuns the use of self-identification (as it shuns the use of quotas). There are other survey techniques which are accurate enough for the statistical purpose.

Disturbed by the action of the San Francisco School District, the San Francisco JCRC sought some official legal opinions. In response, the Legislative Counsel of the state legislature indicated that the requirement of self-identification seems an improper one. And the City Attorney has just ruled that government guidelines do not provide "that an employee may be compelled to sign the Racial / Ethnic Identification form." The school district has agreed to follow this ruling.

This is just one step towards preventing socially useful statistical information from being turned into individual-related information ... towards preventing a liberal impulse from being turned into a reactionary one.