

Lyndon's Campus Legacy

By Steven Menashi

In his 1978 work, *Crisis and Legitimacy: The Administrative Process and American Government*, then-University of Pennsylvania Law Professor James O. Freedman wrote "Title VII of the Civil Rights Act of 1964 represents the nation's primary commitment to equal employment opportunity for all its citizens." The act outlaws discrimination in hiring against any individual "because of such individual's race, color, religion, sex, or national origin."

Senator Hubert Humphrey, who was the Democratic floor manager for the act, assured the Senate that "nothing in the bill would permit any official or court to require any employer or labor union to give preferential treatment to any minority group."

Even more dramatic was Humphrey's challenge to a doubtful colleague. "If the Senator can find in title VII...any language which provides that an employer will have to hire on the basis of percentage or quota related to color...I will start eating the pages one after another, because it is not in there."

Whatever the original concepts of civil rights entailed, Title VII has evolved, through an elaborate distortion of the law, into a tool for imposing equality of results rather than equal opportunity.

While federal law ostensibly prohibits discrimination against members of any ethnic group or either gender, those in disfavored groups can now be denied a job due to skin color or sex without being victims of "discrimination"

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in its new legal understanding.

The system of racial preferences that grew from Title VII are justified as either compensation for "historic prejudice" and its legacy or as a necessary step in achieving the goal of "diversity," a cherished objective of the academic world.

A 1990 memo from the Chancellor of California's Community College System demands that 30 percent of all new employees be Affirmative Action recruits. "Our goal," wrote Chancellor David Martes, "is to achieve proportional adult population representation by the year 2005."

In 1988, Duke University mandated that every department and program hire at least one new black person by 1993 or face administrative penalties. At the same time, Williams College promised to fill 20 percent

quotas for minority faculty by the early 1990s.

Glenn Ricketts of the National Association of Scholars (NAS) explains that race- and gender-based preferences proliferate, but that universities are now more careful about publicizing such efforts. "Dartmouth," he

added, "has been especially tight-lipped about its hiring practices." Dartmouth's reluctance to publicize its hiring methods is strange given the College's zeal for affirmative action.

As acting President of the College, Provost Jim Wright wrote in March 1995, "Dartmouth has undertaken affirmative steps to increase the number of minorities and women on our campus not because it must, but because it remains

firmly convinced that it can accomplish its educational and academic purposes most effectively when it is strengthened by the diversity of its faculty, administration, and staff."

Despite Wright's assertions, though, racial preferences in hiring do not strengthen educational institutions, nor do they support the noble goal of integration. As the NAS reports, two-track hiring tends to create a two-tiered faculty, not a genuinely integrated one.

A 1993 study by Alexander Astin of the UCLA School of Education found a correlation between an institution's "diversity emphasis" and the perception that the institution suffered from racial conflict.

Indeed, by creating role models through affirmative action, the College promotes the belief that it is through the assertion of group power rather than the pursuit of individual achievement that one succeeds, enforcing the perception that, as Shelby Steele put it, "somehow color, not our hard work, can bring us advancements." Surely, such a policy is inimical to the educational enterprise.

In light of the evidence, it is not surprising that a 1996 survey conducted by the Roper Center found overwhelming opposition to racial preferences in faculty hiring. Sixty percent of professors nationwide said that their institutions "should not grant preference to one candidate over another

in faculty employment decisions on the basis of race, sex, or ethnicity."

"There may, in fact, be a receptive audience for the defense of affirmative action," insisted President Freedman in an

October 30, 1995 speech to the Dartmouth faculty, "if we in higher education can do a better job of explaining how the procedures and standards we use in admissions and faculty hiring are not only eminently reasonable but also morally right and absolutely critical to fostering equal opportunity."

To that end, Dartmouth participates in the Doctoral and Dissertation Scholars program. The program was inaugurated in 1994 by the New England Board of Higher Education (NEBHE) under its Equity and Pluralism Action Program.

According to NEBHE Vice-President JoAnne Moody, ten departments at Dartmouth participate in the program, which "aims to increase the number of Black, Hispanic, and Native American graduate students who complete doctorates and become professors."

Through the program, NEBHE engages in "community building with students and faculty mentors," brings researchers to meet with the students, and provides "professional development seminars" for minority students.

"Different perspectives ought to be brought into academia and we're doing our part," says Moody. She further explained that the program is open only to African-Americans, Hispanics, and Native Americans because those groups are the "most under-represented in academia."

The implication of the program, and President Freedman's commitment to affirmative action, stems from the premise No one can possibly quantify the amount of discrimination that is prevalent within the academic community. Certainly, we know that some degree of discrimination against all groups does occur.

Dartmouth College policy has the modest goal of eliminating that discrimination. Certainly, Dartmouth cannot create a color-blind society. It can, however, maintain a color-blind hiring policy.

The values of equality and individual achievement that liberal education requires prompt a renewed attachment to the message of the original civil rights movement: that race and gender should not confer any benefit or disadvantage on individuals in a free society.

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