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## **The Facts Behind the Fray**

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For those long-skeptical about affirmative action, the good news is that questioning the subject is no longer taboo. The bad news, of course, is that the mainstream press -- itself involved in its own crusade for diversity -- still demonstrates a profound reluctance to explore affirmative action's harder realities. This has deprived policy elites of the facts and information that might be useful in resolving the debate and has left the public whipsawed between liberal claims that the issue is just a matter of a few jobs for white boys, and conservative warnings about slippery slopes to Balkanization.

Welcome then is Bob Zelnick's "Backfire" (Regnery, 415 pages, \$27.50) and the journalistic rigor behind it. Billed in its subtitle as "A Reporter's Look at Affirmative Action" (Mr. Zelnick is an ABC news correspondent as well as a lawyer), the book explores the real world of racial preferences in a way that ideologues on both sides of the argument rarely do. Although he recognizes that affirmative action has become a way for its supporters to display "social virtue" regardless of the policy's fairness or efficacy, the evidence and anecdotes Mr. Zelnick presents can only bolster a widening sense that racial preferences are inherently discriminatory and have unintended consequences both for society at large and for the very groups they are meant to help.

In police departments, for example, Mr. Zelnick explains that the gaps between blacks and whites on hiring and promotion exams are not small, and that the results of racial preference have not been salutary. In Washington, D.C., for example, the push to increase black representation

has contributed to an erosion of recruiting standards so egregious that courses in remedial reading are now part of the police department's training programs, and sloppy police work tied to the problem of on-the-job illiteracy is a major factor in Washington's scandalously high felony dismissal rate.

Another flashpoint Mr. Zelnick examines involves aptitude testing within the private sector. Answering charges that such testing practices are racist because of disproportionately low black and Hispanic performance, Mr. Zelnick claims that the relevance, applicability and general utility of these ability tests have been demonstrated by leading industrial psychologists. To abandon tests because they highlight ethnic or racial inadequacies, Mr. Zelnick insists, is equivalent to believing that "getting rid of thermometers will warm up cold rooms."

Examining affirmative action in college admissions, Mr. Zelnick explains that the 1978 Bakke decision allows university officials to consider race in their decisions only if all other factors are equal. But in the real world, the spirit and the letter of Bakke is violated routinely as preference-mad administrators hide the sizable disparity between black and white SAT scores by making the process "as complicated as possible," as one admissions officer told him.

Mr. Zelnick's treatment of contractor set-asides is excellent, revealing the dishonesty that lies behind the studies that supposedly justify these programs. Most of the studies are based on political expediency, he asserts, and almost invariably find discrimination whether it is there or not. Mr. Zelnick's scalpel is equally sharp in exposing the sham of Clinton-backed efforts to address "discrimination" in mortgage lending. While civil-rights chief Deval Patrick and the press hector banks for institutional bias against minorities, Mr. Zelnick shows that these accusations are based on patent misrepresentation and the manipulation of data.

Mr. Zelnick's chapter on the California Civil Rights Initiative, the statewide campaign to eradicate racial preferences in public life, is his best, however, tapping into the background and basic facts most reporters have so far missed or ignored. The place where quotas have been sewn most deeply into the fabric of public life, California represents a much more complicated case than the old civil-rights black-white paradigm can account for. At least some of the CCRI's fuel is drawn from unanswered questions involved in racial preferences for Hispanics, whose lack of economic equity with whites may have roots in culture and history, not discrimination. The despicable tactics and ugly rhetoric of CCRI opponents -- which have gone virtually ignored by national-news gatekeepers -- get scrutiny, too. Visiting one

California campus, then State Assembly Speaker Willy Brown urged students to "terrorize" one of the CCRI's co-founders.

"Backfire" is burdened a bit by charts, statistics and the fine points of legal decisions, but Mr. Zelnick's mordant wit keeps it from becoming bloodless. A much deeper flaw though is its total avoidance of the way affirmative action works in the media itself, which might explain why most of this impressive reporting had to go into a book instead of onto the nightly TV news. It is no secret that diversity-crazed news organizations have embraced racial preferences with an unexamined passion, the result often being racial favoritism in both employment and coverage. However bold Mr. Zelnick's book is, his reluctance to tackle this aspect of the issue leaves his otherwise fine exposé incomplete.

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Mr. McGowan is writing a book about identity politics and the press.